

The System Is Not Broken, It Is Intentional: The Prisoner Reentry Industry as Deliberate Structural Violence

The Prison Journal
2019, Vol. 99(4) 484–503
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DOI: 10.1177/0032885519852090
journals.sagepub.com/home/tpj



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Abstract

The prisoner reentry industry (PRI) emerged as a by-product of mass incarceration, with the stated purpose of helping the formerly incarcerated reenter society and achieve a new “law-abiding” status. Traditional criminological studies point to high recidivism rates in the United States as proof that U.S. reentry fails to rehabilitate offenders. Utilizing data from 57 in-depth semistructured interviews with formerly incarcerated individuals and 10 interviews with reentry service providers across five states, we posit that although the PRI purports to rehabilitate offenders, it operates using mechanisms including parole conditions and fee-based reentry services that ensure the formerly incarcerated remain trapped in a cycle of failure. Hence, the PRI is not a broken system. Rather, it is an intentional form of structural violence perpetuated by the state to ensure the continued oppression of the most marginalized groups in our society.

Keywords

critical race theory, prisoner reentry industry, reentry, structural violence

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Introduction

Beginning in the 1970s, the United States waged a war on drugs which led to mass incarceration. Significantly, mass incarceration shifted the prison demographic profile—from over 70% White in 1950 to nearly 70% Black and Latino by 1989 (Wacquant, 2001). The “Blackening” of prisons (Miller, 2014) coincided with a shift away from rehabilitation and toward a warehousing model of incarceration (Simon, 2010). Prompted by the 1970s tough-on-crime American ideology, correctional systems abandoned the use of rehabilitative prison programming. The tough-on-crime ideology was coupled with a shift away from the welfare state (Miller, 2014). Furthermore, the United States abandoned attempts to address the root causes of crime, opting instead to use incarceration as a means of regulating or punishing poverty (Wacquant, 2009). The prison system became a mechanism for erasing those individuals deemed social problems (Davis, 1998). Abandoning rehabilitation and root causes of crime created a revolving door that ensured our prisons remained at or above capacity levels. The expansion of mass incarceration in this neoliberal era allowed the government to justify the construction of more prisons (Ross, 2010).

In the midst of mass incarceration and the shift away from the welfare state, the United States ushered in the corporatization of punishment (Davis, 1998). Unable to continue funding their ballooning correctional budgets, states “auctioned” off criminal justice functions to the highest corporate bidder. Subsequently, the presence of privatized prisons increased exponentially, a trend that continues today (The Sentencing Project, 2018a). In many states, politicians came to view privatization as the solution to swelling state budgets and, by extension, the best means for continuing to manage “disreputable” people.

Today, there are 2.3 million people incarcerated in the United States (Wagner & Sawyer, 2018). More than 95% of these individuals are eventually released, thereby ensuring a steady flow of people exiting correctional facilities. According to the U.S. Department of Justice, more than 10,000 individuals are released from U.S. prisons or jails weekly, with an estimated 626,000 individuals released annually (Carson, 2018). This ongoing influx of “returning citizens” makes reintegrating the formerly incarcerated “one of the most profound challenges facing American society” (Petersilia, 2003, p. 1). In response to these large numbers of “returning citizens,” the penal apparatus has extended its reach through the development of reentry institutions, non-profits, and criminal justice agencies that have become known as the “Prisoner Reentry Industry” (PRI) (Thompkins, 2010).

In 2007, Congress passed the Second Chance Act (SCA), a bill aimed at improving prisoner reentry programming by issuing federal reentry grants.

Scholars note, however, that the SCA was symbolic because it did not receive substantive funding and merely helped the state extend its presence in urban and poor communities (Miller, 2014). Because law enforcement and other criminal justice interventions are focused on poor communities, most incarcerated individuals come from disadvantaged backgrounds (Wacquant, 2010). Consequently, reentry services are concentrated in disadvantaged neighborhoods, allowing the state to monitor and control marginalized populations (Miller, 2014; Wacquant, 2009). Although the PRI purports to focus on rehabilitation and helping individuals reintegrate into society, it operates using mechanisms that perpetuate concentrated poverty and disadvantage. The evolution of our criminal justice system—including the emergence of the PRI as a form of intentional state violence—can best be understood using a critical race theory lens.

Theoretical Framework

Critical race theory “challenges the ways in which race and racial power are constructed and represented in American legal culture, and more generally in society as a whole” (Crenshaw, Gotanda, Peller, & Thomas, 1995, p. xiiv). The theory asserts that racism is the natural order of life in the United States (Asch, 2001). Although the United States’ Constitution claims to provide equal protection under the law for all citizens, that is not the lived reality for people of color, especially the Black population. Historically, politicians and criminal justice officials used the justice system to marginalize and oppress the Black population. Wacquant (2001) argues that throughout history, the United States developed various peculiar institutions to manage and control Black populations. These institutions included slavery, Jim Crow laws, the ghetto, and prisons. People of color, particularly Black men, have historically been the targets of these institutions (Alexander, 2011). Each time one peculiar institution failed to control the Black population, the United States developed a new institution to replace the previous one (Wacquant, 2000). Shifts in our justice system result from the failure of these peculiar institutions to control people of color. The abolition of slavery and brief Reconstruction Era lead to the enactment of Jim Crow laws. When various Supreme Court cases deemed Jim Crow laws unconstitutional, redlining created Black Belts, which would become our modern day ghettos. The Fair Housing Act of 1968 banned housing discrimination based on race and unintentionally gave rise to the War on Crime, War on Drugs, and mass incarceration (Wacquant, 2000). These wars consigned Blacks to a “new” underclass in society: the formerly incarcerated. Because the system promotes White supremacy via the subordination of people of color, we should view the criminal justice system as an

“instrument for preserving the status quo” (Bell, 1995, p. 302). This article situates the role of race in reentry within Wacquant’s (2001) historical assessment of social institutions in the United States.

Forever branded as criminals (Foucault, 1979), the formerly incarcerated are subjected to the countless collateral consequences of a criminal record that ensure they are relegated to a second-class citizenry (Lerman & Weaver, 2014). Racist laws and policies, particularly drug laws, concentrate law enforcement in poor communities of color, ensuring racial disparities in incarceration (Clear, 2009). Black men today are six to eight times more likely to be in prison when compared with their White counterparts (The Sentencing Project, 2018b). Black boys born in the United States have a 33% chance of entering a correctional facility in their lifetime, nearly four times the probability for a White boy (The Sentencing Project, 2018b). These racial disparities in incarceration ensure that Blacks are disproportionately impacted by collateral consequences. Pager (2003) found that White men with criminal records were three times more likely to receive employment offers than their Black counterparts. Research also indicates that formerly incarcerated Black men earn lower hourly wages (Johnson & Johnson, 2012) and have lower lifetime earnings (Taylor, 2016) than White and Latino men. Collateral consequences serve to perpetuate the economic subjugation of an already marginalized Black population.

In the wake of expanded correctional budgets today, there is a deincarceration movement in the United States. In 2016, the U.S. prison population reached its lowest level since 1997 (Carson, 2018). Miller (2014) argues that the United States is currently in a “carceral devolution,” a process of shifting carceral authority to the local level. This is evident in the creation of community-level treatment programs, increases in probation sentences, and the shifting focus toward realignment of criminal justice resources. The power of the fourth peculiar institution (Wacquant, 2000) appears to be diminishing. It is plausible then that the PRI is emerging as a mechanism to reinforce prison’s power to economically, socially, and psychologically penalize the formerly incarcerated long after they leave its walls. In 2018, there were 4.5 million adults in the United States under some form of community supervision, double the number of incarcerated adults (Jones, 2018). Interestingly, declines in prison rehabilitation programs were accompanied by increases in reentry programs (Phelps, 2011). Between 1995 and 2010, there was a 300% increase in the number of reentry organizations in the United States; the overwhelming number of these organizations are located in disadvantaged communities (Miller, 2014): “Developing and facilitating programs and services for the formerly incarcerated has become a huge ‘cash-cow’, producing profits for the PRI . . . while doing little to link the formerly incarcerated person to the

social capital and human skills necessary to become a citizen” (Thompkins, 2010, p. 589). These organizations do little to address the root causes of crime and instead “offer meager and temporary support on condition that recipients submit to disciplinary monitoring” (Wacquant, 2010, p. 616). The PRI gives the illusion of assistance but merely operates to control “disreputable” populations with a specific focus on people of color.

This article expounds on the illusory characteristics of the PRI by highlighting how reentry in the United States is a system designed to fail. The sole function of reentry is control and management of the most marginalized groups in our society. Seven out of every 10 former inmates will reenter the criminal justice system in their lifetime (Alper, Durose, & Markman, 2018); that is not a matter of chance. Reentry is a farce designed to keep the revolving door of prisons functioning while simultaneously giving society a new opportunity to pretend to be committed to rehabilitation. The formerly incarcerated are set up to fail by an unjust system determined to control them from birth to grave.

Method

This research utilizes data from two exploratory, qualitative data studies involving semistructured interviews with formerly incarcerated individuals and reentry service providers. The first data collection period occurred in New York, New Jersey, and Pennsylvania between 2014 and 2015 and consisted of 30 in-depth, semistructured interviews with formerly incarcerated gang members. We recruited respondents utilizing a purposeful respondent-driven sampling strategy, one ideal for hard to reach populations (Faugier & Sargeant, 1997). The sample consisted of all males, with an average age of 29.48 years. The average interview duration was 61 min. Although interview questions focused predominately on the impact of gang membership on incarceration experiences, one section of the interview assessed life experiences post incarceration.

The second data collection occurred between 2016 and 2018 and consisted of 27 in-depth, semistructured interviews with formerly incarcerated persons and 10 in-depth, semistructured interviews with reentry service providers in Indiana and Kentucky. We recruited formerly incarcerated participants by posting flyers in reentry organizations and parole offices. Respondents received a US\$20 VISA gift card for their time. The sample consisted of 20 men and 7 women, with an average age of 39.32 years. Interviews varied in length, with an average of 68 min. Although we did not aim for generalizability of findings, the two samples of formerly incarcerated individuals provide data from two regions of the country, the East Coast and the Midwest.

Respondents resided in urban, suburban, and rural areas in both liberal and conservative states. The wide variety of perspectives presented in these interviews allow us to formulate larger arguments regarding the state of reentry in the United States.

To recruit service providers, we developed a reentry service-provider database for the Kentuckiana region. Kentuckiana is a local colloquialism that refers to eight counties in Northern Kentucky and five counties in Southern Indiana. We gathered information from existing websites, resources packets provided to the formerly incarcerated, and from our existing networks. Because there are so few reentry service providers in the region, we expanded the scope of our database to include all organizations that allow the formerly incarcerated access to services. Our database contained 104 organizations or agencies. We emailed the organizations in our database and interviewed those that responded. The service provider sample included two defense attorneys, two faith-based organizations, a former parole officer, two drug treatment counselors, and three nonprofit reentry organizations.

We utilized the same data analysis processes for all 67 interviews. Interviews were transcribed verbatim and analyzed using Atlas.ti, a qualitative data analysis software. Atlas.ti allowed the researchers to link files related to each interview and to quickly search for similar codes and themes across interviews. Initial analyses utilized the listening guide strategy (Maxwell & Miller, 2007), which entails reading interview transcriptions multiple times and discerning different information during each reading. Subsequent analyses utilized coding and thematic analysis, two of the most common forms of qualitative data analysis (Guest, 2012). Coding is a method of data reduction that involves the development of words or phrases “that symbolically assign a summative . . . attribute for a portion of language-based or visual data” (Saldana, 2012, p. 2). Thematic analysis involves locating similar codes or trends in the data and collapsing these codes into large themes or findings (Bernard & Ryan, 2010). Finally, we maintained a strict audit trail by developing and maintaining memos, which allowed for reflexivity (Eriksson, Henttonen, & Merilainen, 2012).

Results

Our interviews revealed structural issues within the PRI that hinder the formerly incarcerated population’s ability to establish themselves as contributing members of society. These structural issues begin within correctional facilities where there is a lack of meaningful programming to prepare individuals for release. Once released from correctional facilities, the formerly

incarcerated are subjected to restrictive supervision conditions that hinder their ability to maintain gainful employment. Unprepared for life on the outside and confronted by structural hurdles to obtaining employment, the formerly incarcerated person's marginalized position in society is further reinforced by a punitive fee-based reentry system that places the financial burden of reentry services on the offender. Collectively, these structural issues encourage future criminality, reinforce social subjugation, and perpetuate inequality, thereby ensuring that the system maintains control and continues to marginalize the formerly incarcerated.

Prison Reentry Programming

Reentry fails even before incarcerated persons leave prison. Although the 2000s ushered in new reentry programming such as cognitive behavioral therapy, many correctional institutions offer no reentry programming or provide only minimal programming at the end of one's sentence. Service providers we spoke with overwhelmingly agreed that the lack of programming inside of correctional facilities hinders reintegration. As one service provider stated,

There are many probation and parole conditions. I get it, but I think this whole process needs to start a little bit more while they're in corrections and that people like us need to work with DOC. I am doing the best I can and I'm trying to do things when [offenders] get out. I think we're helping people, but for it to be successful, I think it needs to start while they're still locked up.

Departments of Corrections have shifted the responsibility of providing rehabilitative and reentry programming onto small, local agencies and nonprofit organizations. Many agencies are ill equipped to assist individuals released from correctional institutions, hindering the objectives of carceral devolution. The service providers we interviewed unanimously agreed that funding was the largest impediment to providing services. Exacerbating the lack of funding is a dependence on government grants. Rather than developing a network of reentry service providers that could provide meaningful assistance to the formerly incarcerated, service providers are required to compete with each other for the minimal state and federal grants allocated to reentry (Thompkins, 2010). One respondent explained the following:

There's only so much grant money that is given and only to certain projects and certain people. So, [providers] want to hold it to their chest. They don't want to talk about what they do so they don't lose grant money to someone else.

Lack of funding forced providers to shift the financial burden onto the formerly incarcerated. If the PRI desired to successfully reintegrate offenders, the system would allocate funds and develop strong bonds with the agencies engaged in the difficult process of reintegrating formerly incarcerated individuals. Lack of funding for reentry programming suggests that the PRI is not truly committed to assisting the formerly incarcerated.

Several interviewees acknowledged that reentry programming existed in some correctional facilities. However, gaining access to programs proved difficult. Correctional institutions establish substantial barriers to program eligibility. Some respondents discussed programming being limited to certain facilities or certain offenders. As one man stated,

The first two years I didn't get any programming because I was in the county facility. Then I moved to a level one prison. In level ones, you ain't really got [access] to any programs. All the programs are for level two prisons.

Institutions also did not advertise available programs. Inmates were dependent on informal social networks to identify effective programs. As one respondent explained,

I was spreading the word to everybody about everything I was doing . . . [The facility] offers services but they are very limited and you have to find out about [programs] and ask for 'em they're not just going to offer 'em.

Compounding the lack of information about programming were restrictions on program eligibility. One respondent described the frustration he felt upon realizing he was ineligible for programming due to his lengthy sentence:

You gotta be twenty-four months or under [left in your sentence] to get in these programs. So, for a person like me with a ten-year sentence that's eight years of [being] stagnant. Meaning like getting in trouble, smoking weed, fighting, going to the hole. Then you get down to twenty-four months and there's a hundred programs to take. Now you got twenty-four months left and every program is six months to complete. So now you're trying to rush through two to three programs at a time. I think that's the biggest break down is just letting people go throughout their whole imprisonment. I mean if you got a 20-year sentence, that's 18 years you can't do nothin'. So here you are now with this dormant mindset and you're trying to change your mind set in twenty-four months. That's crazy.

This narrative explicates how the PRI, as structured today, is designed to fail. Individuals spend years in prison idle only to be mandated into treatment at

the end of their sentence. If the PRI desired to successfully rehabilitate individuals or provide them with meaningful skills that translate into the outside world, reentry would begin on the first day of one's sentence (Thompkins, 2010). It is unreasonable to believe that a 6-month program at the end of a lengthy sentence could adequately begin to address both the root causes of that person's delinquency and the traumas endured during incarceration.

Studies consistently indicate that the incarcerated population is less educated and has less work experience than the general population, factors that can contribute to a cycle of unemployment and reoffending (Austin & Irwin, 2001). Studies also indicate that vocational and educational programming substantially reduces recidivism (Lawrence, Mears, Dubin, & Travis, 2002). Funding for prison programs, however, has not kept pace with increases in the prison population. Ironically, as more individuals entered correctional facilities in the 1980s and 1990s, funding for prison programming declined (Lawrence et al., 2002). Inmates no longer received training and the skills necessary to be successful. Thus, prison reentry programs should be viewed as "extensions of punitive containment" (Wacquant, 2010, p. 616) that ensure offenders will quickly return to a correctional facility. The abysmal recidivism rates in the United States support this argument. Within 3 years of release, nearly 70% of released individuals are rearrested (Durose, Cooper, & Snyder, 2014). Underfunded prison programs exist to mediate the state's culpability for high recidivism rates by providing the illusion that the PRI is dedicated to rehabilitation. If the PRI truly sought to rehabilitate the incarcerated population, we would see an influx of funding and a proliferation of prisoner reentry programming for all offenders across all facilities.

Parole and Postrelease Supervision

In recent decades, the correctional system extended its surveillance arm by increasing the number of individuals on postrelease supervision or parole. Today there are more than 4.5 million adults in the United States under community supervision (Kaeble & Bonczar, 2017). The stated purpose of parole, especially in "pro-reentry" states such as Kentucky, is to provide access to rehabilitative services and to help the formerly incarcerated reintegrate into society. In reality, postincarcerative sentences serve to continue surveillance and increase exposure time, which subsequently increases revocations and returns to prison. The number of people sent back to prison on revocations increased 7-fold between 1980 and 2004 (Travis, 2005). In some jurisdictions, revocations account for more than 50% of prison admissions (Pew Charitable Trusts, 2018). Thus, parole and postrelease supervision are merely

extensions of the carceral apparatus. Their primary focus is surveillance not assistance or reentry. Consequently, supervision often hinders reentry by enforcing unrealistic expectations and conditions. For example, parolees are required to avoid contact with other known felons, a condition that is nearly impossible for urban, inner-city residents because policing strategies ensure that felons are concentrated in inner-city neighborhoods (Clear, 2009). One respondent was returned to prison for violating a no “felon affiliation” condition of his parole. He explained, “I got violated for owning red clothes. My PO straight came in my house and took my clothes and gave me 30 days.” After 6 months of obeying all parole conditions, his parole officer returned him to prison because the officer interpreted the color of his clothing as proof of gang activity. The participant was subsequently fired from his place of employment.

Even without revocations, parole can serve as a barrier to employment. Parole departments often mandate parolees attend programming even if their charges do not justify the programming (Thompkins, 2010). These programs often occur during normal business hours, making gainful employment difficult. One respondent described difficulties she experienced because of mandatory programming:

Every Wednesday at 2:00pm, I have a program. I got a job but I still gotta deal with the program. Every Wednesday I gotta leave work and take a one-hour bus to the halfway house to be at the program. Then I gotta take the one-hour bus back to the job in the middle of my shift. My boss is nice about it but it's really ridiculous. Why can't I have my program at 6:00pm when I get home?

Compounding the program issue is a requirement that parolees meet with their parole officers during normal business hours. As one respondent explained, parole-reporting appointments can cause one to lose their employment:

Imagine getting out of the [parole] building four hours late and coming in to put eight hours of work in a four-hour shift, that makes it a little rough on people. A lot of jobs are like you can't miss no days for the first 30 days or the first 90 days. Then you have a problem like this that arises and you are out of a job all over again.

Although the previous respondent experienced an understanding boss who allowed her to attend programming during work hours, this respondent reveals that many employers do not make special accommodations for parolees. For many formerly incarcerated persons, parole hinders their ability to maintain gainful employment. One service provider, who specialized in job

placement for the formerly incarcerated, further explicated how supervision can serve as a barrier to employment:

If I have a nine to five job, I work Monday through Friday. But every Wednesday I've got to go down at eleven o'clock to see my probation officer. How long is that nine to five job going to be mine if every Wednesday I have to take off because I don't know how long I'm going to be [at the parole office]?

A former parole officer indicated that she left her position with the Department of Corrections because of growing frustration over the treatment of the formerly incarcerated. She explained the impact of the reporting process as follows:

Some parole officers are good at working with [parolees] and helping them out, and some are like "this is your report date, you need to be here on that day, there's no working with that date. If Mondays are my report days, you come in on Mondays. If you can't make it on Mondays, you need to figure it out. You have to be here." Like there's no flexibility or understanding that maybe that person's day off is Friday and they work a twelve-hour shift on Mondays.

The above narratives reveal how parole hinders one's ability to seek and maintain gainful employment. The formerly incarcerated must choose between abiding by the state's supervision requirements and the constraints of employment. Ironically, maintaining gainful employment is a condition of parole. This contradiction creates a legal quagmire because failure to maintain employment and failure to attend parole meetings can both result in parole revocations.

Studies consistently indicate that employment reduces recidivism (Thompson, 2008; Travis, 2005) and that individuals with criminal records face substantial barriers to locating employment (Pager, 2003). If parole and probation officers were determined to rehabilitate the formerly incarcerated and assist them in maintaining gainful employment, officers would set reporting appointments around the parolee's work schedule. Parole officers would also dedicate ample time to meeting with each parolee to determine treatments or programs that meet the individual's needs and schedule. The former parole officer echoes this sentiment in the following excerpt:

On top of that, they give each parolee a 15-minute visit. Those fifteen minutes was not going to cut it. You have to take time and listen to them and talk to them like human beings. I mean so many [officers] don't do that. So many of them are "get in, check the list, do the drug test." If your probation officer isn't taking the time to talk to you then that's one frustration you've got to deal with right

there. The system tells you your officer is there to help you but then they don't [help]. That just adds to everything else that [the formerly incarcerated] have to deal with. If they have a chance to be heard and talk about whatever's going on in their lives, that would make a world of difference.

This former officer grew so frustrated with the lack of meaningful help provided to parolees and probationers that she quit and established her own non-profit reentry organization. Every provider and formerly incarcerated person we interviewed expressed frustration with the supervision system. They overwhelmingly viewed parole as a surveillance system that provides little to no meaningful assistance. As one respondent stated, “[My parole officer] doesn't care about me. She's just waiting to catch me slipping so she can send me back [to prison].” Although the stated purpose of parole and postrelease supervision is rehabilitation and reintegration, the system is rooted in surveilling the most marginalized in our society while simultaneously charging individuals for their “services.”

Fees

Similar to for-profit prisons, the PRI adheres to neoliberalist ideologies. The privatization of many reentry services, including halfway homes, results in a for-profit ideology that places an emphasis on profit over rehabilitation. In the wake of the United States' push for austerity, the PRI has overwhelmingly shifted costs associated with supervision and programming onto the offender. In many jurisdictions, someone can only receive reentry services if they can afford to pay for the services. The institutions and individuals who comprise the PRI developed a fee structure that ensures failure. Respondents discussed exorbitant financial burdens placed on them immediately upon release. These burdens included restitution, supervision fees, halfway home fees, drug testing costs, child support arrears, and programming fees. Failure to pay fees can result in a return to a correctional institution. One service provider explicated the overwhelming financial burden placed on the formerly incarcerated:

[The formerly incarcerated] have all that stuff—drug testing fees, supervision fees, court costs and all that stuff on a monthly basis. Then child support that's accrued while they're in jail that they've got to start paying back and then just normal bills too. Then you've got living expenses when you get out that you need to start over and the halfway house is asking you for two weeks of rent up front. It gets overwhelming really quickly.

Respondents discussed being in debt within the first two weeks of release. These debts, which begin to accumulate the day a person exits a correctional

facility, serve as a barrier to reentry by encouraging future criminality. One respondent described his frustration:

Some half way houses or transitional programs you get out and you don't pay your rent it adds up so then you are in a hole. You get out of prison not owing any money to owing 500, 600 dollars and you're thinking "if I don't get this money I get kicked out." I'll just go back to what I know best.

Private halfway homeowners use the threat of reporting individuals to their parole officers as a mechanism for collecting debts. Owners also refuse to sign court documentation indicating that residents completed programming. By refusing to sign documentation until the resident paid their fees, the owners ensnare residents in a cycle of debt. As one respondent explained, "I am trapped [in the halfway home] because I owe this woman [the owner] \$300. After this week, it'll be \$400. What am I supposed to do? I'm never going to get out of here." Privatized halfway homes do not ease one's transition out of prison but rather operate as a source of income for private entities that care little for the well-being of their residents. The PRI supports these injustices by allowing these institutions to determine the criteria for rehabilitation.

The justice system measures successful reentry using recidivism data while placing little concern on the quality of life experienced by formerly incarcerated persons (Thompkins, 2010). Hence, the PRI justifies charging monetary fees for reentry services as part of "just desserts." However, requiring the formerly incarcerated to make payments on multiple debts while simultaneously providing for themselves creates a dilemma. Respondents described having to choose between basic needs and making payments on their fees. One respondent had not eaten in three days because she used her meager paycheck to pay parole fees. Another respondent described the overwhelming anxiety caused by his fees:

We get really wound up. The last thing we think about is we need an inhaler, or asthma, or we haven't been keeping up with our diabetes or whatever the case may be. We are concerned with "if I don't do this I'm going to go back to prison" or "if I don't do that I'm going to go back to prison." It gets so overwhelming and it piles up that eventually we are just like screw it. It's easier for you to sell drugs or commit crimes or whatever it is than to get up and go to work.

The initial deviant act that resulted in this respondent's incarceration occurred during a manic episode. Prison officials diagnosed him with bipolar disorder and placed him on psychotropic medication. When confronted with reentry debt, this respondent went off his medication, which

had a US\$5 co-payment because he wanted to put those funds toward fees. Forcing this man to choose between his mental health and his reentry fees is counterproductive to his rehabilitation and practically ensures he will reenter a correctional facility.

Service providers are keenly aware of the burden fees place on the formerly incarcerated. One service provider explained how he developed a new training program with proven results however, because most of his clients were saddled with large debts, he had no choice but to funnel these men and women into entry-level, service jobs they were ill prepared to undertake:

Then you see the problem right? They have to have a job immediately but they're not ready to go to work. So, we have this issue. I can send them out to work immediately knowing they're not ready and I can burn through all my employer contacts because these individuals are not prepared to be employees yet. Or I can try to keep [clients in the program] for a little while longer and make them just scrape by [financially] until they are more ready to go to work. It's just hard sometimes to convince somebody to buy into that when they're afraid of going back to prison because of the fees.

The threat of reincarceration forced this service provider to place his clients' criminal justice debts before providing meaningful training that could result in long-term employment and stability. This narrative reveals that even the most well-intentioned service providers must operate within the confines of this oppressive fee system.

Fees coupled with reentry obstacles such as housing discrimination (Thacer, 2008) create a self-fulfilling prophecy for the formerly incarcerated. Even the most motivated offender, one who may have aged out of criminality, experiences a quandary. Daily, they must make a choice between failing to pay supervision fees and using illegal means to pay these fees. This choice creates a dilemma because incarceration is a likely outcome in both situations; failure to pay fees and engaging in new criminal activity are both violations of parole conditions. The fee system does not achieve rehabilitation and reveals the true purpose of the PRI: the continued marginalization of a subgroup of citizens. Because the fear of revocation and a return to prison is palpable in these narratives, it is clear that these fees are a hindrance to reentry. The financial obstacles do not create individual responsibility as some conservatives might contend. Criminal justice fees result in insurmountable cycles of debt (Bannon, Nagrecha, & Diller, 2010). Fees create a motive for either absconding from parole or reoffending, thereby ensuring that we maintain a permanent underclass of citizens incapable of developing the financial and social capital necessary to rise out of poverty.

Discussion

The PRI operates using mechanisms that ensure the formerly incarcerated remain ensnared in a cycle of failure. Traditional criminological studies point to high recidivism rates as proof that reentry in the United States is failing to rehabilitate offenders (Travis, 2005). We disagree. The PRI is not a broken system but, rather, it is an intentional form of structural violence—employment exclusion, housing discrimination, reentry service fees, and parole-reporting requirements that interfere with gainful employment or in which clients' needs are not sufficiently addressed—that perpetuate the oppression of the most marginalized groups in our society. One need only look at the current state of reentry to understand this argument. Although federal and state governments have enacted reentry legislation such as the Second Chance Act and Kentucky's Senate Bill 120, which established a reentry division of the Kentucky Department of Corrections, these bills are ceremonial and do not translate to meaningful change at the ground level.

Our data indicate that formerly incarcerated individuals enter prisoner reentry programs hoping for a better future, only to discover that the PRI is an illusion. Reentry programming in prison is either nonexistent or requires one to meet strict eligibility standards. The incarcerated are denied access to services based on meaningless standards such as sentence length instead of receiving services based on their immediate needs. Existing programs are severely underfunded and dependent on volunteers. Once released from prison, the formerly incarcerated must contend with burdensome supervision requirements and exorbitant reentry fees that hinder employment and create motives for absconding.

Thus, recidivism rates do not indicate that the PRI is failing but rather that it is working *as designed* to ensure the continued marginalization of “undesirable populations”. “Reentering prisoners are treated especially severely in part because of their association with an oppressed group in a historical and social context of racial hierarchy” (Martin, 2013, p. 502). As the United States experiences carceral devolution (Miller, 2014), a new peculiar institution (Wacquant, 2000) is emerging to maintain an oppressed class of poor persons of color. The PRI system is structured to give the illusion of rehabilitation but operates using mechanisms that ensure the formerly incarcerated are unable to succeed. Ironically, an overarching rugged individualism narrative dominates our societal views of the formerly incarcerated. If the formerly incarcerated recidivate or relapse, many argue it is because they made bad individual choices. “By activating the individualistic logic of personal responsibility, post-custodial bureaucracies put the onus of failed reintegration on former convicts” (Wacquant, 2010, p. 617) while ignoring the myriad

of structural barriers to reentry. The reality remains that the reentry industry has made reentry nearly impossible. Individuals cannot focus on the underlying causes of their initial deviance because their focus is on oppressive supervision conditions, fees, and debt. The system does not rehabilitate offenders; it replicates and perpetuates inequality and poverty.

Perhaps even more troubling is that many criminologists support this system by promoting and lauding meaningless legislation, “evidence-based” programming, and positivist research while simultaneously ignoring the plight and suffering at the ground level. The desire of orthodox scholars to remain “objective” and “neutral” when conducting research contributes to the production of nominal reentry research. Criminologists are infatuated with developing experimental and program evaluation research that is devoid of critical analyses of structural violence (Hallett, 2012) and which largely ignores the role of race (Olusanya & Cancino, 2012). Because we are obliged to the justice system for grant funding and because we are indoctrinated into the “publish or perish” mind-set, many academics develop and promote reentry research that reinforces and replicates the system instead of assessing its inherent structural violence. Given the racist and oppressive history of our country, good reentry scholarship “can never be written from a distance of detachment or with an attitude of objectivity” (Crenshaw et al., 1995, p. xiiv). We must enter the trenches and reveal the human suffering caused by the PRI. “The sudden policy and scholarly infatuation with reentry . . . must not hide the fact that such [reentry] programs are an integral component of *prison fare*” (Wacquant, 2010, p. 616).

Reentry has become but a mere extension of a racist justice system that utilizes law enforcement, the courts, and other state actors to control the most “undesirable” among us. In true capitalist form, countless institutions and corporations profit from the PRI while creating a system that ensures a steady supply of clientele. The PRI manufactures the “raw materials” necessary to perpetuate the reentry system (Clear, 2010). Consequently, “most released convicts experience not reentry but ongoing circulation between the prison and their dispossessed neighborhoods” (Wacquant, 2010, p. 605). Thus, we should not conceptualize reentry as a binary but as a carceral mesh reminiscent of the prison-ghetto symbiosis (Wacquant, 2001). PRI is a system structured to reinforce the prison’s control over marginalized group much the same way that mass incarceration reinforced the oppressive conditions in the ghetto (Wacquant, 2001).

On its surface, the efforts of PRI actors appear well-intentioned. However, in practice—and as illustrated in our respondents’ interviews—the PRI saddles the formerly incarcerated with obligations and debts that guarantee they are incapable of reintegrating into society. Hence, the true cost of freedom for

the formerly incarcerated is a never-ending cycle of debts, threats, and increased likelihood of reincarceration. If the PRI were determined to rehabilitate individuals, it would shift its focus to improving the quality of life experienced by the formerly incarcerated. “The mission of those working for the PRI should be to work themselves out of a job by reducing the number of people returning to prison . . . and linking the formerly incarcerated to legitimate resources” (Thompkins, 2010, p. 603). In practice, however, the PRI uses surveillance and financial debts to ensure the formerly incarcerated remain a permanent underclass in our society. The reality remains that although the formerly incarcerated are living beyond the prison walls, they are not truly free.

Declaration of Conflicting Interests

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.

Funding

The author(s) received no financial support for the research, authorship, and/or publication of this article.

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