REENTRY VS RESETTLEMENT

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The latest, hottest and most talked about issue in criminal justice today is re-entry, a misnomer for the series of events and activities that take place, or should take place, to facilitate transition for people coming out of the prison system back into communities. Re-entry has become fashionable and topical because, by U.S. Department of Justice estimates, over 630,000 people annually will be leaving the nation's prison systems. This amounts to approximately 1600 releases daily.

The cost of incarceration is so high at state levels that education, health and housing budget needs are being reduced to accommodate a finite yet shrinking tax base. Prison programs designed to prepare people to return to society have all but been eliminated. Punishment and incapacitation rule the day. The term "criminal justice system" is viewed by many as misleading – an oxymoron even - and, perhaps, is better described as a criminal punishment system, which is the term we will use in this paper. The public is no safer today than it was three decades ago, yet America continues to pour billions of taxpayer dollars, year after year, in this failed, broken, costly system. Why? And how did we get into this mess?

No policy exemplifies the need for critical new thinking, or is as disturbing and misleading, as that concerning the return to the community of people formerly incarcerated, referred to

as "Re-entry." The term is generally used to identify a group of associated public and private sector policies and practices that seek to provide programs, services, direction and funding for this returning population. The Urban Institute defines re-entry as the process of leaving prison and returning to society.1 All people leaving prison experience re-entry irrespective of their method of release or form of supervision, if any.

The conceptual framework upon which the idea of re-entry is built is based upon several flawed assumptions. Re-entry assumes that people in prison were integrated into society in meaningful ways before they went to prison. Thus, when they have completed their sentences and are ready to leave prison they can be re-integrated into society to pick up where they left off, hence the term "re-entry" (i.e., to enter again). The reality is that this population (Black, Latino, youth, poor, generally male) were never a part of the institutional framework of society to begin. This misinformation is disturbing and leads to faulty assumptions and incorrect remedial recommendations. If anything this population was at the margins of society and for the most part was excluded from its basic institutions such as the schools, labor, church, health and family.2 Proof of this lies in a review of their pre-sentences reports and all of the studies done on the characteristics of this population.3 Accurate language, then, would describe this population as "new" entries rather than "re" entries into the community. Understanding the group within this context helps us identify problems and makes solutions easier. For example, to treat a person returning to the

community as a re-entry, as opposed to a nu-entry, supposes certain assumptions, most of which are false.

Equally disturbing are the contradictions between stated public policy regarding so-called "re-entry" and the laws, rules and practices that mitigate against successful transition. These policies logically flow from the original faulty analysis. Criminal punishment policy, in both theory and practice on this issue, is fatally flawed in its basic approach to the way in which people coming out of prisons are thought about and dealt with. There are at least four flaws in reentry thinking:

1. There is no inclusion of the question of race, class or gender in most current analysis or recommendations.
2. There is an inherent assumption that the individual is flawed and therefore in need of punishment, corrections and/or rehabilitation.
3. There is an assumption that punishment/corrections, can make or should make people change.
4. There is little consideration given to the local socio-cultural environment and the dismal economic circumstances from which our population came before prison and to which they return upon completion of their sentences.

An innovative and alternative way of understanding the process by which people are removed from the community and return at some later point would be in the context of "resettling" internally displaced persons

as opposed to "re-entry.4 The concept of "resettlement," evolves from our "war" analogy and the expected consequences of any war. Elsewhere, it has been documented that a major element of the "War on Drugs and Crime" has been the militarized operational response of law enforcement.5 In our analogy, the physical consequences of the War on Drugs and Crime have resulted in the uprooting and displacement of millions of people, mostly poor people of color, from urban communities where the primary battlefields of the war were held. There are 2.5 million people, almost all from urban centers, in rural prisons, who constitute this internally displaced population. Internally Displaced Populations (IDP) refers to the casualties of the War on Drugs. Resettlement refers to the process by which IDP are relocated, in mass numbers, from rural relocation camps called "prisons," back to their homes and communities.6 In traditional criminal punishment research, writing and thought, this process is referred to as "reentry." Such a definition, however, limits the scope of the problem and constrains the development of innovative and fresh ideas.

The internal displacement of people generally occurs as a result of natural disasters (like Hurricane Katrina) or famine, or war, like the "War on Drugs". The "internally displaced people" who populate the prisons and jails are the result and casualties of the "Wars on Drugs." The abject conditions of the families and communities that IDP leave behind are the collateral damages of that "war." In effect these wars, the battlefields of which are inner city communities of color, have produced mass

rates of incarceration over the past 25 years and the movement of millions of people from the urban war zones to rural areas, similar to the movements of internally displaced people in other parts of the world.7

Understanding the issue of resettlement in these terms offers a new lens through which to examine the problem we now call re-entry. It also allows us an opportunity to examine the global experiences of IDP and to learn from them. One of the critical lessons of resettlement is that before resettlement can take place, the physical infra-structure of the community (land) must be redeveloped. In most cases rebuilt. This provides both the infra-structural capacity to receive those being resettled, as well as employment.

Resettlement Theory begins with a comprehensive analysis of the history of institutional racism and discriminatory practices whose socio-economic impacts feed the War on Drugs, almost like "ethnic cleansing." These have resulted in the creation of social, political, economic, health, employment and educational barriers that historically denied and still deny various populations (particularly those who are poor and Black or Latino) access to the full and fair benefits of mainstream society.8 The results of these discriminatory, apartheid-like, public policies and the general public attitude they engender feed the criminal punishment system. This accounts for (or at minimum explains in part) the massive population movement of 2.5 million people from predominately urban areas to relocation camps (prisons) located in rural areas and the need to "resettle"

700,000 people annually coming out of these relocation camps. The process has disrupted, dislocated and destroyed, in many instances, family and community.9

Using the "resettlement" analogy, the theoretical perspective shifts from a micro level analysis of merely correcting "troubled people," to a more balanced macro concern for intentionally guiding and directing change in societal institutions that impact people. Particular concern is given to the social and institutional contexts that comprise the economic, educational and psycho-cultural realities of disenfranchised populations.

Re-thinking the issues in the context of Resettlement is helpful to:

(1) Describe and understand the elements of those institutions that inhibit or contribute to successful integration into mainstream society.

(2) Demonstrate how the arrangements in social institutions such as education, religion, labor, family, the economy and the criminal punishment system effectively or ineffectively impact individuals and communities.

(3) Examine the design and functionality of the operational systems that support institutional change in an effort to provide guidance and direction in the area of planning, development, implementation and evaluation.

Resettlement Theory postulates, among other concerns, that given present conditions even if individuals returning to the community from incarceration were afforded all of the

amenities for success defined in "reentry" terms, the structural barriers that exist would almost always portend failure. Current policies spend billions of dollars annually arresting, re-arresting and incarcerating people, while spending practically nothing on "correcting" the socio-economic recipes, at community levels, that produce and perpetuate this cycle.

Since these recurrent policies and practices are what define institutions, Resettlement Theory proposes that the appropriate response to accommodating the large numbers of people released from jails and prisons each year must begin with community economic development and fundamental institutional change. Resettlement focuses on deciding where limited resources can do the most good for the greatest number: employment and housing, for example, to start. It is a responsive and responsible approach grounded in the understanding that lasting changes in practices require changes in language and thinking about the policies that guide and direct these practices, as well as the overall climate or environment.

Resettlement Theory places emphasis on the elimination of institutional barriers and obstacles, rather than continuing – as does reentry theory -- to focus on the people who confront the barriers, as if "fixing" the people will resolve the problem. As one example of the institutional barriers that limit a person's chances of acquiring meaningful employment, Harold Baer, a federal judge in the Southern District of New York has written:

"a federal felon, just like a state felon, is barred

from holding a position in New York as a security guard, private investigator, insurance broker, notary, firefighter or real estate broker. In fact, to be anything from a horse trainer to a garbage collector, requires a license, the issuance of which is barred by the applicant's felony conviction."

In addition, in New York, people with convictions are barred from holding jobs as barbers, plumbers, electricians, cosmetologists, carpenters, nursing home aides, junk dealers and liquor store salespeople. They cannot work on railroads, airlines or a host of other industries. In most cases, these institutional barriers and prohibitions have absolutely nothing to do with the conviction or with public safety, but rather were enacted in the spirit of "getting tough" on criminals.

Resettlement Theory provides an analysis and prescription that allows us to focus on issues such as employment and other structural barriers that result in significantly high failure (recidivism) rates among internally displaced people returning to the community, with institutional correctives in mind. It requires an examination of the policies and subsequent practices that produce these failures. It notes that these policies have become part of standard operational procedure for "corrections" (more properly called prisons), parole and probation. It reveals that most of these policies are sacrosanct even when proven harmful, ineffective, cost prohibitive and counter-productive. Finally, it illustrates – quite clearly – the need for creating an alternative (perhaps eventually an entirely new) model for doing justice.