

Rethinking Prison Education
in the
Era of Mass Incarceration

Keynote address by

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Professor Cooper, thank you for the kind introduction.

Allow me first to commend the University Faculty Senate for holding this important and timely conference on Higher Education in the Prisons. I offer my congratulations in particular to Professor Sandi Cooper, the Chair of the UFS and Trustee of the University, and Prof. Manfred Philipp, former Chair and Trustee, and Chair of the UFS Committee on Education in the Prisons that sponsored this conference. We have spoken personally about their belief in the importance of this topic and I admire their commitment. At a time when there are too few voices speaking out on behalf of educational opportunities for the millions of our fellow citizens in prisons and jails, it is heartening to see the leadership provided by the faculty of the City University of New York. As a stalwart advocate for public higher education – for the idea of expanding educational opportunities to the least privileged among us – CUNY can play a critical role in putting the issue of education for our incarcerated fellow citizens back on the policy agenda. For the CUNY faculty and staff here today, this conference should make all of us proud to be members of this remarkable University.

I would also like to acknowledge the many other proponents of education for incarcerated people. Our colleagues from Hudson Link, the Bard Prison Initiative, the Bedford Hills College Program, the programs at Vassar College, and Wesleyan University, the College Initiative, the Community and College Fellowship – and others in the audience – I salute you for your work. I offer a particular shout-out to my colleagues from the Prisoner Reentry Institute at John Jay College. Much of the data I present here today has been compiled by the Institute's staff in this monograph, *From The Classroom To The Community: Exploring the Role of Education During Incarceration and Reentry*. Working with the innovative corrections administrators who are also represented here you are paving the way toward a new public understanding of the importance of education for the population behind bars. We are all indebted to you for your passion, tenacity and wisdom.

This afternoon I would like to take a few moments to place this conference in larger historical context, and to offer my reflections on the state of our political discourse on higher education in our nation's prisons. I offer my thanks to Derek Pappas and Cory Punter, both seniors at John Jay College and Presidential Interns; and Bettina Muenster, my research assistant, for their invaluable assistance in preparing background information for this speech. I will conclude with some thoughts on the strategic choices we face in advancing new thinking and new policies that would allow us to connect the educational enterprise represented by the academics in the room, with the life behind bars, what Supreme Court Justice Anthony Kennedy once called "the hidden world of punishment" (Kennedy, 2003).

Let's begin by recognizing an uncomfortable reality: The United States imprisons a larger percentage of its people than any other nation in the world. A few years ago we surpassed

Russia and South Africa to achieve this distinction. Today, there are 2.3 million people held in our country's prisons and jails. Our rate of incarceration – including BOTH prisons and jails – is 750 out of 100,000 residents. We should compare ourselves to European countries, where the rate of incarceration is much lower. For example, in Germany the rate is 93, in Turkey it is 112, and in Italy and Denmark it is a record low of 67 per 100,000 residents (The Pew Charitable Trust Center, 2008). The high level of imprisonment in America has prompted scholars to observe that we live in an “era of mass incarceration” (Garland, 2001, p. 1).

It has not always been so, in our country. For roughly a forty-year period, from 1930 to 1970, the rate of incarceration in America's prisons was stable and low --- about 110 per 100,000 (Blumstein and Cohen, 1973), compared to 502 per 100,000 today, revealing a nearly five-fold increase over four decades. (West, Sabol, and Greenman, 2010). Beginning in 1972, our rate of incarceration started to increase, and has gone up every year since. During times of economic expansion and times of recession; during times of war and times of peace; when the crime rate has been rising and when it has been falling, we have increased our rate of incarceration. Recent data suggest that the level of imprisonment has stabilized in our country, and several states, including New York, have seen modest declines in their prison populations. Perhaps the current fiscal crisis will force states to rethink our punishment policies, but we have a long ways to go to bring our incarceration rates into line with the rest of the world.

Today is not the day to discuss in detail the reasons we have increasingly chosen to use prison as our preferred response to crime. Rather we should focus our attention on the inescapable fact that millions of Americans are cut off from their families and communities, living the regimented lives of this “total institution” (Goffman, 1961), removed from the natural rhythms of life in free society such as working, raising families, building social capital, voting, and experiencing directly the joys and challenges of intimate relationships. In particular, today we are focused on the fact that incarcerated individuals are denied access to the educational opportunities available to their counterparts in free society.

Before addressing this topic directly, I should tell you that I have a particular perspective on the realities of mass incarceration in America. I find it useful to focus on what I have termed “the iron law of corrections” (Travis, p. xxi): With the exception of those who die during incarceration, either of natural causes or by execution, everyone we put into prison comes home. This year, over 700,000 people will leave our country's prisons; another 9 million will leave our jails. This perspective – which I call a “reentry framework” (Travis, p. xxi) – forces us to ask a very pragmatic question: if everyone who is sent to prison comes home, how should these people be prepared for this inevitable journey, and how should our public and private community-based resources be organized to improve the chances of a successful reintegration?

Allow me to use this reentry framework to define the challenge we are discussing at this conference: “If over 700,000 people are leaving our prisons, how should the nation’s educational institutions be organized to help them make a successful transition to free society?” Stated somewhat differently: “If we have reason to believe that educational opportunities, both inside prison and in the community, can improve reentry outcomes – by reducing recidivism, enhancing human capital, improving family functioning, and connecting returning prisoners to career opportunities – how would we make that happen?”

But I get ahead of myself. Let’s first focus on the educational profile of the people in prison, the educational opportunities provided them, and the research on the effectiveness of educational programs in changing the post-prison trajectory. I will not be discussing jails but focus on prisons because jails are characterized by short stays and high turnover and consequently present quite different challenges to the successful implementation of educational programs.

When Justice Kennedy delivered his famous speech about the “hidden world of punishment” in 2003, he said to his audience that once we enter this world, “we should be startled by what we see.” He catalogued the inexorable growth of the prison population, the inhumane conditions, the enormous costs, and reached this conclusion: “Our resources are misspent, our punishments too severe, our sentences too long” (Kennedy). In a very poignant moment, he reminded his audience, in words that resonate at this conference today, “the more than 2 million inmates in the United States are human beings whose minds and spirits we must try to reach” (Kennedy).

How can we describe these individuals in language that speaks of their minds and spirits, in terms of their educational potential? We know that the prison population, as a general matter, has low levels of educational attainment, and a high level of educational challenges. Nearly two in five (39%) fall below the literacy level, compared to one in five in the general population. According to a 2003 National Assessment of Adult Literacy, 17 percent of incarcerated individuals report a learning disability, compared to 6 percent of the general population (Greenberg, Dunleavy, and Kutner, 2007). Interestingly, the achievement gap narrows when considering high school completion. Two-thirds (65%) have high school diplomas or GEDs, compared to 82% of the general population. Yet in terms of higher education, the disparities are striking: only 17 percent have any post-secondary education, compared to 51 percent of the general population (Brazzell et al, p. 9). In a study conducted for the Department of Education in 2004, researchers began their report by stating that “the most educationally disadvantaged population in the United States resides in our nation’s prisons” (Klein et al, 2004, p. 1).

On one level, we should not be surprised by these statistics: in virtually every measure of socio-economic well-being, including work history, health, prior victimization and family functioning, incarcerated individuals fare poorly. But the important question we face is whether, while they

are incarcerated and particularly as they return home, the period of time in prison is spent wisely, and these deficits are addressed. This question brings us to another stark realization about incarceration in America, namely the paucity of services available to those we have sentenced to be behind bars.

Interestingly, most prisons – federal and state – offer educational programs. According to a 2008 survey by James Stephan, virtually all (98%) federal prisons offer adult basic education, adult secondary education, post-secondary education or vocational training. Even most state prisons (84%) offer some sort of correctional education, although the lowest percentage (32%) offer post-secondary education, whereas two-thirds (66%) offer adult basic education and three-quarters (76%) offer adult secondary education (Brazzell et al, p. 11).

But the relevant question is not whether these programs are offered, rather whether incarcerated individuals participate in the programs. For example, although adult basic education is offered in almost all federal prisons, and two-thirds of state prisons, only two percent of the inmates have participated in these programs since their admission to prison. And, as our prisons have expanded, the level of participation in educational programs has decreased, with the largest declines found in vocational training (5 percentage points) and adult secondary education (4 percentage points) (Brazzell et al, p. 11). A final observation: these data tell us nothing about the quality of these programs, the persistence in participation, and the match or mismatch between educational needs and educational offerings. Clearly there is a compelling research agenda here that would shed light on these important issues.

The history of support for post-secondary education in prisons in America is marked by a cataclysmic event. In 1994, as one of the provisions of the 1994 Crime Act, Congress decided to withdraw federal support – through the Pell grant program – for students incarcerated in state and federal prisons. The results were dramatic. In the year following the ban, the number of inmates receiving post-secondary education dropped by 44 percent (Tewksbury et al, 2000, p. 44). In New York State, this sharp shift in federal policy had a devastating effect. Before 1994, there were 70 post-secondary prison programs in New York State, a majority provided by CUNY and SUNY. As of April 2008, only 8 programs remained and all were offered exclusively by private colleges (Dreisinger and Travis, 2010).

It is worth noting that, notwithstanding the withdrawal of federal support for post-secondary education, the federal government continues to make substantial investments in education within our prisons. Through the Workforce Investment Act, the federal government invests in adult basic and secondary education, English literacy classes, and special education. One percent of all funding under the Perkins program for vocational and applied technology education may be spent on correctional programs. Funding is available for youth as old as 21 under the elementary and secondary education grant, and for youth with disabilities under the

Individuals with Disabilities Education Act (Crayton and Neusteter, Tolbert, 2002 as referenced in Brazzell et al, p. 13). So the Congress singled out post-secondary education for the federal ban, while continuing to invest in other forms of education. I will return to this political reality at the end of my talk.

Now that we have documented the extensive need for education, and the mismatch between educational programs and need, particularly for post-secondary education programs, we should next ask whether these programs are effective. The public and our elected officials would likely use a very direct measure of effectiveness: “Is there reliable evidence that investing in education while someone is in prison reduces their risk of re-offending once they return home?” When our Prisoner Reentry Institute at John Jay College convened a meeting of the Reentry Roundtable to discuss the issues of correctional education, we commissioned a paper by Dr. Gerald Gaes, one of the nation’s preeminent corrections researchers. He reviewed four meta-analyses and found that participation in educational programs was associated with reductions in recidivism ranging from 7 percent to 46 percent (Gaes, 2008). Another analysis by Aos, Miller and Drake (2006) answered the obvious follow-up question: are these programs cost-effective? They found that an investment of \$1,182 in vocational training can save \$6,806 in future criminal justice costs. Even more impressive, an investment of \$962 in academic education can save \$5,306 in future criminal justice costs.

I should quickly note the narrowness of this measure of effectiveness. We certainly do not evaluate the effectiveness of college programs outside prisons by determining whether they reduce recidivism. But more importantly, when assessing prison-based educational programs, surely we would have more robust measures, as we do for educational programs outside the walls. Following the guidance of the AAC&U, we would ask: Do they develop skills of critical thinking? Effective oral communication? Clear writing? Moral reasoning? An ability to work in teams? Respect for diversity? Similarly, we would hope that educational programs would directly address the cognitive issues that are associated with criminal and antisocial behavior. Stated differently, if we can observe a reduction in recidivism, we need to develop a much better understanding of the intermediate mechanisms that produce those results, as well as the independent benefits that allow an individual to function at a higher level in our society.

The final building block of our portrait of education in prisons is an understanding of the connection between in-prison and after-prison education. As I mentioned earlier, I find it instructive to view the world through a reentry lens, which here would require that we ask what percentage of individuals leaving prison are connected with educational programs upon their return. Unfortunately, we have no data to answer this question. We do know, from the 2009 RTI-UI (Urban Institute) Multi-Site Evaluation study, that individuals about to leave prison place a high priority on securing an education when they return home. In fact, when asked to

rank their needs, the highest number – 94% of the individuals surveyed – said they wanted an education, placing this need above other life-essential services such as, financial assistance (86%), a driver’s license (83%), job training (82%), and employment (80%) (Lattimore and Visher, p. 50). This is a remarkably strong showing of a demand for education ... as well as personal statement of motivation to seek a better life.

We should ask ourselves whether we make it easy or difficult for people leaving prison to access our educational programs. A number of states around the country have shown the way. In New Mexico, for example, post-secondary education in that state’s prisons follows a standardized curriculum. This means that these programs articulate to an associate’s degree in general studies in the public universities. North Carolina has created a business advisory council to ensure that the vocational programs offered in the prisons prepare returning inmates for the jobs available in local economies. Here in New York State, the College Initiative works with people returning from prison to pave the way to the colleges of CUNY, and now many men and women benefit from this program each year. And the College and Community Fellowship, previously housed at the CUNY Graduate Center, provides support for formerly incarcerated CUNY students, mostly women. They have a stunning record of success: almost 70 percent of the CCF participants receive four-year degrees within four years of joining the program.

In my view, the connection between prison-based and community-based educational programs is one of the most exciting areas for possible innovation in the larger reentry movement. Pursuing an education may not be the top priority for everyone, but for a large percentage of people coming home from prison, a college experience can be a grounding experience, a way to connect with a community of motivated students and dedicated faculty who can provide guidance and support. Granted, there are still some federal restrictions on loans to students with drug convictions, but these students are eligible for other types of aid, so their education can be affordable. The challenge we face is how best to create the bridge between educational programs in prison and those in the community.

I am very proud of the work by my colleagues at John Jay College who have developed the Prison-to-College Pipeline initiative that will test a new way to create this connection. In the next panel, you will hear from Prof. Baz Dreisinger, who designed the program, Ali Knight, the Director of our Prisoner Reentry Institute, who will oversee implementation of the program, and Distinguished Lecturer Martin Horn, who has provided expert guidance based on his years as a correctional administrator. We plan to launch this program this fall and hope that it will provide a national model for linking a major public university with an innovative correctional administration, under the leadership of Commissioner Brian Fischer, to significantly improve educational and public safety outcomes.

Ideally, our community-based programs would be linked to a strong suite of prison-based programs, but we face the congressional ban on funding college-level programs. I think the time is right for a national re-examination of that ban. The enactment of the Second Chance Act of 2007 (signed into law in April of 2008) has demonstrated the strong bi-partisan support for federal leadership on ways that promote successful prisoner reentry. Granted, the effort to restore Pell Grants faces an uphill battle. At a time when funding for public universities is being cut back, and the tuition burden faced by our students is being increased, it will be very, very difficult to persuade Congress to restore Pell funding. But we must make this effort. We have many good arguments on our side. First, the amount of money in question is modest. When the Pell Grants for prisoners were eliminated in 1994, the funding for students in prison represented a small amount, \$34 million representing less than 1/10 of 1 percent of all Pell grants, which totaled \$5.3 billion (Karpowitz and Kenner 2001). Second, as noted above, the reductions in recidivism are significant, and the programs are cost-effective, so this investment of federal dollars would save money for states and localities. Yet we must face the reality that these arguments are not likely to carry the day.

But I think we can make a larger argument, and it is one that is made most persuasively by educators. We should be developing the argument that an education is necessary to prevent the marginalization of the millions of individuals who have spent time in prison and now have returned to society. These men and women have lost important years of their lives, years when many of their counterparts were securing an education, and progressing through the work world. We know that criminal activity is concentrated among young men drawn from the poorest communities of America's cities. In these communities, time spent in prison is now a modal experience. According to the Bureau of Justice Statistics, a young African-American man now has a one-in-three chance of serving at least a year in prison (Bonczar and Beck, 2003, p. 1). In our poorest neighborhoods, upwards of seventy percent of the men have a felony record. Furthermore, we know that many people who leave prison return, after being rearrested or having their parole revoked.

But we know another important fact: at some point, these young men (and women) age out of crime. At some point in their lives, the probability that they will be re-arrested is no greater than the probability of arrest among the general population (Blumstein and Nakamura, 2009). So, as a society, as we live with the consequences of the massive buildup of our prison population, we face the long-term costs of that policy choice. One of the most profound costs is the creation of a marginalized population in our country, one that is cut off from the benefits of the welfare state, forbidden from working in vast sectors of our economy, denied the right to vote (at least for the period of parole in most states, for life in some states), facing the stigma of a felony record, and living with the consequences of their actions in terms of tensions and exclusions within their families and peer networks.

Ironically, one of the last areas of our society where their individual contributions can still be judged on the merits, where their motivations can lead in unimpeded pathways to success, where they can perhaps turn their experiences into positive material for expression and analysis, is the system of public higher education.

Public higher education can play an indispensable role in countering the forces in our society that are leading to the marginalization of millions. Educators, including this audience, believe firmly in the power of a college education to transform lives, unlock human potential, provide a ladder to the middle class, foster notions of citizenship and promote individual responsibility. Do we not hold these very same aspirations for people returning to their communities who need to make a fresh start? If so, it behooves our community of educators who are so resolute in their commitment of promoting public education to advocate for educational opportunities benefitting people in prison.

So, in closing, let me call upon my colleagues who work in higher education and my CUNY colleagues in particular, to think of this conference as an organizing opportunity. There is so much we can do. We should be asking ourselves: What can our institutions do to restore education to our prison systems? We should elevate the notion that an education can serve as a pathway to successful reintegration. We should be challenging our research colleagues to design evaluations of educational programs inside and outside prisons. We should bring our expertise in outcome assessments to the task of understanding the effectiveness of prison-based courses. We should work with our admissions officers to make sure that we do not blindly block access to our colleges merely because someone has a felony record. We should work with our student development officers to help them understand that the jarring experience of leaving prison and returning home may require a distinctive support system for students who have been incarcerated. We should encourage our students to engage with the difficult issues posed by the era of mass incarceration in America, so that we better understand the origins and manifestations of this desire to punish so many people by locking them away, knowing they will all return to live with us again.

We have so much work to do, but today's conference can represent a turning point in our history of imprisonment.

References

Aos, S., Miller, M., Drake, E. 2006. *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*. Olympia: Washington State Institute for Public Policy.

Blumstein, A., Cohen. J. (1973). A theory of the stability of punishment. *The Journal of Criminal Law and Criminology*, 64 (2), 198-207.

Blumstein, A., Nakamura, K. (2009) Redemption in the Presence of Widespread Criminal Background Checks. *Criminology*, 47 (2), 10-17.

Bonczar, T. Beck, A.J. (2003). *Prevalence of Imprisonment in the U.S. Population, 1974-2001*. Washington DC: U.S. Department of Justice; Office of Justice Programs; Bureau of Justice Statistics Special Report.

Brazzell, D., Crayton, A., Mukamal, D.A., Solomon, A.L., and Lindahl, N. (2009). *From the Classroom to the Community: Exploring the Role of Education During Incarceration and Reentry*. Washington, DC: Urban Institute.

Crayton, A., Neusteter, S.R. (2008). *The Current State of Correctional Education*. Paper presented at the Reentry Roundtable on Education, John Jay College of Criminal Justice in New York, March 31.

Dreisinger, B., Travis, J. (2010). *New York State Prison-to-College Pipeline: Proposal for Multi-Year Higher Education Partnership between The City University of New York and the New York State Department of Correctional Services*.

Gaes, G. G. 2008. *The Impact of Prison Education Programs on Post-Release Outcomes*. Paper presented at the Reentry Roundtable on Education, John Jay College of Criminal Justice, New York, March 31.

Garland, D. (2001). *Mass Imprisonment: Social causes and consequences*. London: Thousand Oaks.

Goffman, E. (1961). *Asylums: Essays on the social situation of mental patients and other inmates*. New York: Doubleday Anchor.

Greenberg, E., Dunleavy, E., Kutner, M. (2007). *Literacy behind Bars: Results from the 2003 National Assessment of Adult Literacy Prison Survey*. Washington, DC: National Center for Education Statistics.

Karpowitz, D., Kenner, M. (2001). *Education as Crime Prevention: The Case for Reinstating Pell Grant Eligibility for the Incarcerated*. New York. Retrieved from the World Wide Web on February 3, 2011: http://www.bard.edu/bpi/images/crime_report.pdf.

Kennedy, A. M. (2003). Speech at the American Bar Association Annual Meeting, San Francisco, August 9. Retrieved from the World Wide Web on February 3, 2011: http://www.supremecourt.gov/publicinfo/speeches/view speeches.aspx?Filename=sp_08-09-03.html.

Klein, S., Tolbert, M., Bugarin, R., Cataldi, E.F., Tauschek, G. (2004). *Correctional Education: Assessing the status of prison programs and information needs*. Department of Education, Office of Safe and Drug-Free Schools.

Lattimore, P. K., Visher, C. (2009). *Multi-Site Evaluation of SVORI: Summary and Synthesis*. Raleigh, NC: RTI International.

Tewksbury, R., Erickson, D. J., Taylor, J. M. (2000). Opportunities Lost: The consequences of eliminating Pell Grant eligibility for correctional education students. *Journal of Offender Rehabilitation*, 31 (1/2), 43-56.

The Pew Charitable Trust Center. (2008). *1 in 100: Behind Bars in America 2008*. Available on the world wide web: http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf.

Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry*. Washington DC: The Urban Institute Press.

West, H. C., Sabol, W. J., Greenman, S. J. (2010). *Prisoners in 2009*. Washington DC: U.S. Department of Justice; Office of Justice Programs; Bureau of Justice Statistics Bulletin.