



**Returning Home: Understanding the Challenges of Prisoner
Reentry and Reintegration**

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I am deeply honored to be asked to share my thoughts on the topic of sentencing, prisoner reentry and community corrections. As you may know, these issues have been at the forefront of my own scholarly inquiries for the past fifteen years, beginning during my tenure as Director of the National Institute of Justice in the administration of President Clinton. My interest in these topics continues to the present time. During my tenure as President of John Jay College of Criminal Justice I have continued to write articles, give lectures and engage with policy-makers on the issues of sentencing and corrections. In my opinions, these issues lie at the heart of a larger debate about the role of the law in a modern society and the relationship between the state and the individual.

I always enjoy opportunities to learn from the experiences and perspectives of scholars from other countries who are studying similar issues. But I am struck by the fact that, in many ways, this topic is both timeless and timely. On the one hand, issues of criminal punishment, and the proper role of the state in imposing criminal sanctions on individuals who have broken the law, have been with us for centuries. But in preparing for my speech today I have been impressed with the fact that these discussions among scholars and government officials are timely in both of our countries. In this lecture, I will describe some of the research and policy dimensions of the issue of sentencing and corrections policy in the United States. It is my hope – indeed, my expectation – that some of our experience in the United States will touch upon issues and debates that are now underway in Taiwan.

Before making more general comments on sentencing and corrections policy, let me set the stage with a brief description of the profound changes in the American approach to punishment over the past forty years. Briefly, as you probably know, beginning in 1972, policy makers in the United States have decided to significantly increase the use of prison as a response to crime. For the fifty year period leading up to 1972, the per capita rate of incarceration was fairly steady – at about 110 per 100,000 were locked up in our nation’s state and federal prisons.¹ If we add those in local jails, the rate was 161 per 100,000. Beginning in 1972, however, the rate started to increase and continued to rise every year until 2007. By that time, there were about 767 individuals per 100,000 in our prisons and jails – nearly a five-fold increase.² Today there are 2.27 million people held in our prisons and jails.³ The American rate of incarceration is the highest in the world. Our country has 5 percent of the world’s population but 25 percent of the

¹ The Pew Charitable Trust Center, *1 in 100: Behind Bars in America 2008*. (Retrieved from the World Wide Web on March 16, 2012: http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf).

² Ibid.

³ Lauren E. Glaze (December 2011). *Correctional Populations in the United States, 2010*. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

world's prison and jail population.⁴ This high rate of incarceration has no precedent in our history as a nation and places the United States far outside the international experience.

I will not take this opportunity to attempt an explanation of why and how the United States has brought about this profound change in our approach to the use of prison as a response to crime. I should note that I have the honor of chairing a committee of our National Academy of Sciences that is examining the research on the causes and consequences of high rates of incarceration in the US and we expect to publish our report early in 2014. This report will shed light on the phenomenon I have described. Suffice it to say, briefly, that the nearly five-fold increase in incarceration rates was largely the result of policy choices and that there is now a significant policy discussion in our country about ways to reverse those choices and bring down our rate of incarceration.

In recent years in the United States, we have noticed that the overall rate of incarceration has leveled off, and actually has declined slightly. In a number of states – including my state, New York – the decline has been quite significant, on the order of 20 percent or so. There is significant debate over the reasons for this new reality of stable – or declining – rates of incarceration. Some claim that this is because crime rates have reached historic low levels in the US and therefore fewer people are being sent to prison. Others claim this is because state policy makers have realized that prisons are very expensive and are looking for ways to cut state budgets. Still others assert that the American attitudes toward punishment generally are changing and there is less public demand for harsh criminal sanctions.

Despite this robust debate in the United States about the current high levels of imprisonment, we have not yet engaged in a fundamental discussion about how we wish to respond to crime. In other words, we have not yet asked the important legal and philosophical questions: What is the proper role of the criminal sanction? How should our society best respond to crime? What is the role of prison in a larger framework of criminal punishment? As the United States comes to the end of a forty-year period of rising prison rates, and the prison population is poised to decline, my hope is that we can use this opportunity for a deep discussion about these jurisprudential issues.

As the next topic of my lecture today, I would like to focus on a specific question that lies at the heart of any sentencing framework, namely the interconnection between a country's policy choices on the use of prison, and a country's policy choices on the use of community corrections.

⁴ The Pew Charitable Trust Center, 2008.

I would suggest that we think about this in two distinct ways – we should view an effective system of community corrections as (1) a way to support those offenders who are leaving prison, and (2) an alternative to prison. The policy challenge is to design systems of community corrections that can perform both functions, while recognizing these are very distinct roles for a community corrections system. Allow me to address each function in turn.

In 2005 I published a book on the topic of prisoner reentry reflecting my years of research on the experience of individuals leaving prison. The title of the book carried an important message – “But They All Come Back.”⁵ The book title was a reminder that all of our discussions about the use of prison must reflect a stubborn reality – all prisoners come back to live in our communities. I coined a phrase that captures this reality – I call this the “Iron Law of Imprisonment”, meaning that, except for those individuals who die in prison, either through capital punishment or through natural causes, everyone we send to prison or jail returns home.

In my view, the reality of the inevitable return home has powerful implications for the way we think about our prisons, and the way we think about the social supports we provide to people when they leave prison. The reality of prisoner reentry requires us to design prisons, and most importantly prison programs, with an overarching goal in mind – to increase the chances that the individual will be successfully reintegrated into society upon his or her return. Secondly, the reality of the inevitable return home requires us, in my opinion, to organize a system of supports, including a system of community corrections, to work together to promote a successful reintegration. The process of coordinating across government agencies is difficult in all countries. In the American context, there is a robust “reentry movement” underway that is bringing together government agencies at the state and local level to work with community based organizations to try to improve outcomes for people coming out of prison. A critical component of this new thinking about the challenges of prisoner reentry is a re-imagining of the role of the government function called “parole supervision,” which is a part of the larger community corrections system. In this country, I expect the coordination between the prison officials and the judicial officials overseeing community corrections will also be difficult. But these challenges must be faced so that the inevitable journey home from prison is successful.

The second role of a community corrections system is that it can serve as an alternative to prison. As experts, policy makers and scholars in America are developing strategies for reducing our prison population, one of the key policy reforms most frequently proposed is the expansion of programs called “alternatives to incarceration.” In the American context, this phrase

⁵ Jeremy Travis, *But They All Come Back*, (Washington DC: Urban Institute Press, 2005).

encompasses a variety of programs including private non-profit organizations and government programs most commonly called probation. As we look at the experience of the American states that have reduced their prison populations over recent years, a number of them have taken steps to strengthen their systems of community corrections so these programs can serve as credible alternatives to a prison sentence.⁶

In the American context – and I suspect in the Taiwanese context as well – it is difficult to secure public support for community-based sentences as alternatives to prison sentences. For many people, sending someone to prison for a crime is the appropriate punishment and allowing someone to stay in his or her community is seen as too lenient. But I would suggest that those responsible for our system of laws have a higher obligation than merely satisfying the public's desire for punishment. We need to think about the long-term viability of communities, families and the individuals sent to prison. We need to remember that “They All Come Back.” According to the “iron law of correction,” except for those inmates who die in prison, everyone comes home. We need also to recall that a modern system of punishment should be guided by principles and values that serve to constrain the power of the state. Two principles are of great importance in these deliberations. The first is the principle of parsimony – the idea that the state should not impose greater punishment than that necessary to achieve clear social goals. The second is the principle of proportionality – the idea that punishment for a crime should be in proportion to the offense that was committed.

In the American context, there is substantial policy debate about our current system of punishment and in particular the high rates of incarceration. It is my hope that this robust discussion will help us develop a more effective and more humane criminal justice system – and that our approach in the future will enhance the respect for the rule of law and the administration of justice among the American public.

The issues we have discussed today are universal issues. Although I have placed them in the context of the current American policy debates, these questions lie at the heart of any system of criminal laws. We know that the American experience with increasing incarceration rates is unique in the world and that our extensive use of prisons sets us apart from most other countries in the world, but I would submit that the American experience contains some useful lessons for observers from other countries. What lessons might be universal? First, that the use

⁶Pew Charitable Trusts (May 2013). *Sentencing and Corrections Reforms in Justice Reinvestment States*. Retrieved from the World Wide Web on August 10, 2013: http://www.pewstates.org/uploadedFiles/PCS_Assets/2013/PSPP%20Sentencing%20and%20Corrections%20Reform%20Matrix_050913_FINAL.pdf.

of the criminal sanction, including the use of prisons, is a policy choice, taken by governments, in the name of the people they represent. Stated differently, those choices can be modified or reversed if there is political will. Second, a sentencing framework is a complex set of inter-related processes of the criminal justice system. For example, the use of jail and prison must be understood in the context of the availability of alternatives to jail or prison, including community corrections. Third, placing someone in jail or prison only represents a temporary removal of that person from society. Because the removal is temporary, society has an obligation to prepare the individual for the inevitable return home. Finally, the impact of the justice system is not experienced solely by those who are convicted of crimes and sanctioned. For everyone in prison, there are family members who suffer a loss. For every person under supervision in the community, there are neighbors, employers, and friends who are affected by this reality. In this sense, the work that we do in enforcing the law and administering our system of criminal justice could not be more important. The justice system touches many lives, every day. Because of this, the way the agencies of justice interact with the public will influence the level of public trust in the rule of law and the concept of justice.

I thank you again for your invitation to speak with you today. I hope that my remarks have prompted some thoughts, ideas and questions on these important topics.