




# **REINTEGRATING VS. EXCLUDING OFFENDERS FROM SOCIETY: HOW POLICE CAN HELP REDUCE RECIDIVISM RATES**

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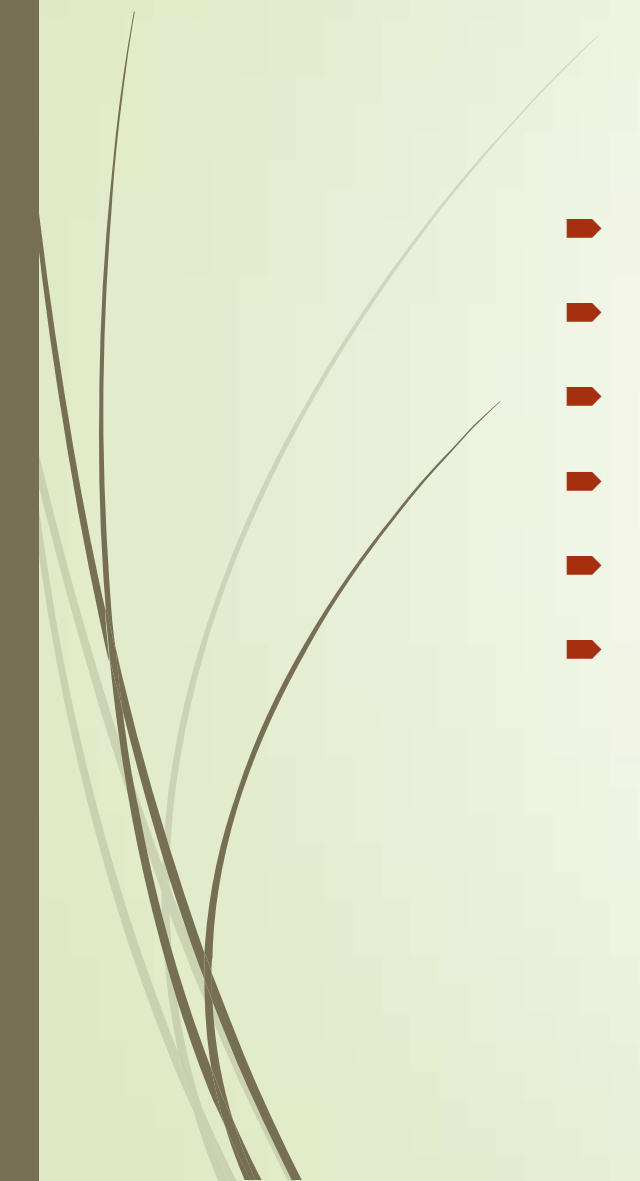


# Abstract

- ▶ The criminal justice system in general, and the police in particular, play many roles. This paper deals with one of these functions: improving the reintegration of offenders into society. Well over 90 percent of current prisoners will be released into the general population at some point. I draw upon three ideas for this discussion: (1) police-community corrections partnerships, (2) philosophical differences between East and West, and (3) the work of John Braithwaite.



# *Functions of the Criminal Justice System*

- (1) maintaining order,
  - (2) preventing crimes,
  - (3) solving crimes,
  - (4) punishing offenders,
  - (5) rehabilitating offenders, and
  - (6) reintegrating offenders into society
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# *Prison and Reentry into Society*

- ▶ USA: 1.5 million people in prisons
- ▶ USA: 700 prisoners per 100,000 population;
- ▶ By comparison, Russia incarcerates about 530, China 120, Germany about 86, and Japan about 58 (each per 100,000 population)
- ▶ Over 90% are released
- ▶ At least 50 percent recidivate



# Police-Community Corrections Partnerships in East and West

- ▶ Common Concerns:
- ▶ The monitoring of offenders provides one example. After an offender has been placed under some form of community supervision he or she may be monitored by an appropriate community corrections officer as well as law enforcement officers. In theory, this requires collaboration and cooperation between community corrections and police agencies. The more the representatives of the two types of agencies are familiar with each other's work, the more efficient and effective they are likely to be in their own. For instance, community corrections officers may assist police officers in their effort to investigate crimes. Parole officers may have intelligence about community activities that police may not have--one parolee may inform a parole officer about the criminal activities of one of his friends, but may be unwilling to share this information with a police officer. Similarly, a police officer who arrests a probationer may assist the probationer and the probation officer with a simple telephone call. Instead of proceeding with the usual criminal justice processes, a collaborative effort between the police and the probation department may lead to more efficient, and better, efforts to protect the community and reintegrating an offender who has transgressed again, albeit in a minor fashion ((Kim et al. 2012, p. 2).




# The Asian Context

- Whereas the centralization of Asian societies has the effect of inhibiting partnerships, it is of course Asian societies such as Japan and China that have given rise to community-oriented policing. In fact, in a review of policing practices in China, Zhong (2009) simply called community oriented policing “old wine in new bottles.” Societies where there is a tradition of having the police officers being an integral part of the community in which they serve, can best respond to local pressures and opportunities. It is this very tradition that can make possible partnerships between law enforcement and community corrections agencies not only in America, but also throughout Asia, and indeed the world (Kim, et al., 2012, p. 13).



# *Crime, Shame and Reintegration (John Braithwaite)*

- ▶ Reintegrative Shaming
  - ▶ Disintegrative Shaming (Stigmatization)
  - ▶ Societies that practice disintegrative shaming have high recidivism rates
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# ***USA Practices Disintegrative Shaming***

- Several Reasons
  - Once a felon, always a felon
  - Sex offenders
  - Long sentences for relatively minor crimes (e.g. War on Drugs)
  - Loss of political rights for felons





# *Hope for Tomorrow*

- (1) specialized courts,
  - (2) partnerships between criminal justice agencies and community organizations,
  - (3) *police* agencies vs. *law enforcement* agencies, and
  - (4) restoration of political rights
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# The Asian Context (again)

- ▶ In general, the empirical reality of many Asian societies is such that there are some conditions that are conducive to the existence of partnerships, but there are others that make them unlikely.
- ▶ Brogden and Nijhar (2005, p. 85) argued that criminal justice in Japan, Singapore, and China is characterized by: “close cooperation between police, state, prosecution, and the penal system,” that “citizens are encouraged to assist in maintaining public order,” that “the police are granted considerable discretion in dealing with offenders,” and that “the community police have wider functions than in the West.” All of these conditions are consistent with the idea of having extensive partnerships.
- ▶ However, a key requirement of community justice is the notion of decentralization of the criminal justice systems. In general, most Asian societies have very centralized criminal justice systems. To the extent that the systems are centralized, extensive partnerships are not likely to evolve (Kim, et al., 2012, p.3)



# The Asian Context (again)—II

- ▶ Braithwaite vs. Confucianism (Yun 2008)
- ▶ Within the past several decades, however, an unrelenting wave of Westernized social control modes has been engulfing the East Asian landscape. Subsequently, following the western model, social control is increasingly being construed and communicated in terms of monopolization of professionalized police force and presumed efficacy of deterrence. The salience of moral education has increasingly been less visible within the discourse of social control. In light of the time-honored efficacy that Confucianism has demonstrated in sustaining harmonious and civil societies in East Asia, it will be only prudent for East Asians to pause a moment and reflect on the value of and practice the old East Asian sage's exhortation: review the old and know the new (Yun, 2008, p. 18)



# *Reasons for Optimism*

- Costs of incarceration are too high even for conservatives
- From a philosophical perspective, focusing on reentry (and reintegrative shaming) is simply the right thing to do.
- The longer I study crime, the more apparent it becomes that the solutions to crime are not found in the criminal justice system. The system and its professionals play a vital role in managing crime and criminals, but solutions are to be found in the broader society.
- Reentry becomes possible when society is willing to readmit criminals, not when the criminal justice systems deems it to be the right time.
- 9/11 and Homeland Security and policing
- Van Maanen (1978)
- Following the admonition by Yun (2008), it is my hope that East Asian police forces do not follow the US in this journey.



# References



- ▶ Braithwaite, J. (1989). *Crime, Shame and Reintegration*. New York: Cambridge University Press.
- ▶ Brogden, M., & P. Nijhar (2005). *Community policing: National and international models and approaches*. Portland, OR: Willan Publishing.
- ▶ Byrne, J. M., & D. Hummer (2004). Examining the role of police in recent partnership initiatives. *Federal Probation*, 68, 62-69.
- ▶ Carson, E. A. (2014). *Prisoners in 2013*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.
- ▶ Center for Law and Global Justice (2012). *Cruel and Unusual: US Sentencing Practices in a Global Context*. San Francisco: San Francisco University, School of Law.
- ▶ Deady, C. W. (2014). *Incarceration and Recidivism: Lessons from Abroad*. Newport, RI: Salve Regina University, Pell Center for International Relations and Public Policy.
- ▶ Federal Bureau of Investigation (no date). *Sex Offender Registry Websites*: <https://www.fbi.gov/scams-safety/registry/registry>. Website accessed September 29, 2015.
- ▶ Gerber, J. (2015). Reintegrating Offenders into Society vs. Excluding Offenders from Society: How to Reduce Recidivism Rates. *Executive Exchange*, Fall, pp. 8-9. Huntsville, TX: National Association of Probation Executives ([www.napehome.org](http://www.napehome.org)).



# References

- ▶ Henrichson, C., and R. Delaney (2012). *The Price of Prison: What Incarceration Costs Tax Payers*. New York: Vera Institute of Justice.
- ▶ Kim, B., A. K. Matz, J. Gerber, D. R. Beto, and E. Lambert (2013). "Facilitating police-probation/parole partnerships: An examination of police chiefs' and sheriffs' perceptions." *Policing: An International Journal of Police Strategies & Management* 36: 752-767.
- ▶ Kim, B., J. Gerber, and D. R. Beto (2012). An Empirical Assessment of Police-Community Corrections Partnerships in Texas: A Model for Asian Societies. *Asia Pacific Journal of Police & Criminal Justice* 9 (1): 1-16.
- ▶ The Sentencing Project (2015). *Felony Disenfranchisement: A Primer*. Washington, D.C.: The Sentencing Project.
- ▶ Terrill, R.J. (2003). *World criminal justice systems: A survey, fifth edition*. Cincinnati, OH: Anderson.
- ▶ Van Maanen, J. (1978). The Asshole. Pp. 221-237 in *Policing: A View from the Street*. P. Manning, and J. Van Maanen (eds.). Los Angeles, CA: Goodyear Publishing Company.
- ▶ Wilson, J. Q. (1968). *Varieties of Police Behavior*. Cambridge, MA: Harvard University Press.
- ▶ Yun, I. (2008). Wengu Zhisxin: Review the Old and Know the New. *Asia Pacific Journal of Police & Criminal Justice* 6 (1): 3-23.
- ▶ Zhong, L.Y. (2009). Community policing in China: Old wine in new bottles. *Police Practice and Research*, 10, 157-169.