

Brokering Freedom: An Organizational Case Study of a Reentry Organization

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ABSTRACT

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This dissertation employs an organizational approach to examine how reentry organizations seek to provide social value as public-private partnerships with the mission statement of aiding the reintegration of the formerly incarcerated. With the help of a case study of a reentry organization in Cleveland, Ohio, I examine the sociological significance of the discursive “brokerage metaphor” of reentry organizations as brokers of the social and cultural capital the formerly incarcerated require as catalysts for their reintegration back into society.

Based on ethnographic data and in-depth field interviews collected over a period of 16 months in Cleveland, Ohio, my research finds that the “brokerage metaphor” for reentry elides important factors which play an integral role in the organizational behavior of reentry organizations and the sociological experience of reentry for the formerly incarcerated. These other factors notably include the competitive and regulatory organizational environment of the reentry organization, and the intersectional identities of formerly incarcerated women. These external factors reveal the paradox of the public-private partnership represented by the reentry organization wherein some obstacles that stymie the objectives of the reentry organization might be attributed to its public partner, the government. Furthermore, my research finds that besides the brokerage of social and cultural capital, reentry organizations as public-private partnerships provide other tangible benefits for achieving the reentry of the formerly incarcerated, such as a remove from the carceral continuum that invites participation and creates the space for community-building.

This dissertation research advances a new direction for the study of public-private partnerships wherein the lens of inquiry is not merely on the private partner, rather, the spotlight is also trained on the external impediments that prevent the organization from achieving full social value. This direction for research bodes well for determining appropriate and effective ethical policy interventions to addressing pressing social problems through public-private partnerships and social enterprise.

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DEDICATION

To Lucy Ngwanma Ajunwa, my grandmother, who never got the opportunity for higher education. And to my grandfather, Harcourt Wafor Ajunwa, who believed in the Christian value of second chances.

Also, for Anya and Ari, everything is for you.

INTRODUCTION: MASS INCARCERATION AND ITS DISCONTENTS

Her name was Julia¹ and she walked with a limp. The day I met her, she wore reading glasses that were half-broken—one handle was missing. She had received the glasses for free and she could not afford another pair. When I interviewed her, I learned that she needed knee surgery and was trying to find a hospital that would perform the surgery *gratis*, as she did not have health insurance. I also learned that she was a drug addict, she had been the victim of sexual abuse and a prostitute, and one of her children was in the foster care system. Since leaving prison, she had been essentially homeless; her brother let her sleep in his garage, but he frowned on her presence there during the daytime when he was away at work. During the day, especially during the brutal Ohio winter, she went to the public library. There, she could stay warm and have access to a computer to study for her General Education Degree (GED).

His name was John and he worked as a welder at a factory making between \$60,000-70,000 per year with overtime, a high standard of living for the Midwest of the United States. The day I met him during his lunch break at work, his right eye was badly infected. It was inflamed an angry red and dripped pus, but he had come to work anyway. He did not want to miss work, as he was determined to keep earning enough money to pay child support for his two children so he could continue to see them. He had made it to college, but had dropped out when he got involved with selling illicit drugs. In interviewing John, I found out he considered himself lucky; he had trained as a welder

¹ This is a pseudonym. Pursuant to the Institutional Review Board (IRB) protocol for this human subject research, the formerly incarcerated subjects have been guaranteed anonymity.

² Even low-wage employers are legally entitled to discriminate against felons. This is true for example in the case of well known low-wage employer McDonald's, whose franchise owners are at liberty to institute

before his most recent time in prison, and that training meant he could expect a job that paid more than minimum wage, a job that would be the envy of any formerly incarcerated felon, especially as being designated a “felon” meant disqualification from many jobs.²

In the 16 months that I got to know Julia and the other men and women that frequented the reentry organization, Julia acquired new glasses and had surgery scheduled for her knee. She also started a course to prepare her to take the test for the General Education Degree (GED), an equivalent to the high school diploma she had never received. I watched her discover the information for how to access these resources at the weekly meeting she attended at the reentry organization with a group of women. I never saw John again; he was too busy working overtime to have time to attend meetings at the reentry organization, although he kept in contact with his caseworker that called him weekly.

Reentry organizations purport to help individuals returning from prison ‘reenter’ or rejoin society. Reentry organizations can be government-run, located within or connected directly to jail or prison, with a mission to prepare prisoners for their return to society before their release. They can also be private organizations (designated as a nonprofit or charitable organization) located outside prison, which purport to provide services that former prisoners require as they reenter society and rejoin the workforce after their incarceration has ended. It was this second type that I studied for this dissertation. Many reentry organizations, such as the one I studied, are also considered “faith-based,” meaning that they are connected to a religious organization. Participation

² Even low-wage employers are legally entitled to discriminate against felons. This is true for example in the case of well known low-wage employer McDonald’s, whose franchise owners are at liberty to institute policies against hiring applicants who have been convicted of a felony. See <http://www.helpforfelons.org/mcdonalds-hire-felons/>.

in such a reentry organization is usually voluntary, but the reentry organization is considered a public-private partnership, as it receives public funding in addition to charitable donations.

As the popular adage goes, “What goes up must come down.” In the case of prison, the more appropriate aphorism is perhaps “those that go in, usually come out.” There is no dispute that the United States has experienced an era of mass incarceration. Mass incarceration necessarily creates the problem of how to reintegrate a large number of former prisoners, many of who have served lengthy sentences, back into society and back into the workforce. Reports show that over 630,000 individuals will return from prison and other correctional institutions each year (Mears, Wang, Hay, & Bales, 2008; Pew Center, 2008). Up to approximately 93% of the prison population eventually leaves prison, and a significant amount of the prison population, about 40%, is released within 12 months of their incarceration (Beck, 2000; Petersilia, 2003; Travis et al., 2001). Significant portions of those attempting to rejoin society as formerly incarcerated people are racial minorities, notably African Americans and Latinos.³ Reentry or reintegration back into society after incarceration is a challenge for individuals who are exiting prison. In the last decade, many reentry organizations have been established with the mission statement of enabling formerly incarcerated individuals to reintegrate into society.

³ Some scholars argue that the term “hyper-incarceration” is a more appropriate descriptor for the high rates of imprisonment in the United States, as those rates are highest for certain populations—Black and Latino males—rather than throughout the mass population of the United States. See, for example, Loïc Wacquant’s (2008) chapter in *Race, Incarceration, And American Values*, pgs. 57-59, arguing for the use of “hyper-incarceration” rather than “mass incarceration.”

A major dialectic of the organizational ethos of private reentry organizations is what I term, “the brokerage metaphor,” that is, the idea that the brokerage⁴ of cultural and social capital is the essential aid that the formerly incarcerated require in their bid to reentry society. This “brokerage metaphor” is observed in a survey of mission statements of randomly selected reentry organizations spanning ten large American states (see references to brokerage claims highlighted in italics below):

Arizona: Family Service Agency: “The Community Re-Integration Program provides an array of services all dedicated to assisting individuals with barriers to employment in preparing for, securing and maintaining long-term employment. The program is designed to meet the specific needs of highly skilled individuals with some past limitations of life’s circumstances that have the knowledge, skills, and abilities that can contribute to the workforce to ensure a successful transition back into society. Since it’s inception in 2003 the CRI Program’s success stems from a multi-targeted approach in addressing successful reintegration of highly skilled individuals with barriers to employment within the Phoenix Metro community. The approach includes *provision of effective job readiness training and support services, best practices in job placement, collaborations with community organizations, community colleges and local chambers of commerce to increase resources and employment opportunities* for these highly skilled individuals.” (Excerpted from: <http://fsaphoenix.org/service/cri/>)

California: Prisoner Reentry Network: “Prisoner Reentry Network supports successful transitions from incarceration to the community. All our resources were developed in response to conversations with incarcerated and formerly incarcerated people, and address the practical issues facing people leaving prison. Prior to release, *we provide information detailing how to get home, get food, find shelter, and get a job.* This information is distributed directly to prisoners in print, orally in our programs, and online to the families of incarcerated people.” (Excerpted from: <http://www.prisonerreentrynetwork.org/about-us/reentry-the-issue/>)

Florida: Project 180 Reentry: “Project 180, a 501(c)(3) nonprofit organization, is a reentry program for male prisoners in Florida. Our goal is to reduce the impact of repeat offenders upon public safety, public spending, Florida families and individual lives. We are modeled after a Congressionally-endorsed program which has successfully assisted thousands of former offenders reenter the community for 40 years. Upon opening our Residential Program, we will feature a two year, highly structured, 24/7 clean and sober residential environment, *marketable job skill training, paid apprenticeships,*

⁴ I use brokerage here in the same sense used by Mario Small in “Unanticipated Gains,” it is when “ an organization attracts, collects, and provides through its social network the social and cultural capital that is of use to the members of the organization.”

academic education, rehabilitation and safe, slow reintegration into the community.”
(Excerpted from: <http://www.project180reentry.org>)

Illinois: Safer Foundation: “Safer Foundation is one of the nation’s largest not-for-profit providers of services designed exclusively for people with criminal records. We focus on *helping our clients secure and maintain jobs* because we understand that employment offers the best chance at successful re-entry.

Safer Foundation’s evidence-based programs are geared toward addressing barriers to employment and providing services that support our clients’ re-entry efforts. Safer has pioneered innovative programs designed specifically for youth and adults with criminal records based on their learning styles, current education levels and past education experiences. Safer also offers intensive case management and prevention education. That includes *help recognizing abusive behavior; problem-solving assistance; supportive services;* and other ancillary services.” (Excerpted from: <http://www.saferfoundation.org>)

New Jersey: The New Jersey Reentry Corporation: “The NJRC is premised on the ambition to create an environment which promotes pro-social norms, encouraging the establishment of attachments to positive rehabilitative cultures, strengthening bonds among peers who promote positive norms and values, and promoting family reunification. Participants receive *individualized assessments and treatment plans that first address essential needs, including housing, treatment, mental health care, medical care, and access to health insurance and other public benefits to secure these essential needs.*” (Excerpted from: <http://njreentry.org>)

New York: Bronx Community Reentry: “The Bronx Community Reentry Center houses 110 pre-release and community re-entry residents. The pre-release component *provides residents with the skills and resources necessary to make the transition* from an institutional setting to independent and responsible living in the community. The community re-entry component *provides the same skill and resource training...*” (Excerpted from: <http://www.geogroup.com/maps/locationdetails/90>)

Ohio: Northstar Reentry: “North Star Neighborhood Reentry Resource Center (NRRC) is designed to *provide information, a range of direct services, and convenient access* to other community resources in a welcoming, supportive setting.” (Excerpted from: <http://northstarreentry.org>)

Texas: Texas Offenders Reentry Initiative: “T.O.R.I.’s vision is to provide the reentry population with *holistic wraparound services, which build upon resources that are tailored specifically* for formerly incarcerated individuals. The mission of TORI is to *guide and empower ex-offenders* to maximize their potential, increasing their opportunities for successful reintegration into society...” (Excerpted from: <http://medc-tori.org>.)

Wisconsin: TEAM Reentry Program: “TEAM (Teamwork for Employment Access through Mentoring) offers a range of reentry services to offenders in Portage

County, WI in an effort to reduce the high rate of local recidivism. Its primary service is to provide offenders with individualized, relationship-based support in the form of one-on-one mentoring. The program encourages long-lasting personal changes in perspective and lifestyle through *the guidance of pro-social community networks and resources*...With its emphasis on employability, TEAM program coordinators and community volunteers *work with local businesses to provide instruction in professional skills such as business writing, public speaking, interviewing, personal financial responsibility and work ethics*. The TEAM Reentry Program also streamlines existing community services for offenders, providing them with easier access to mental health, relationship management and substance abuse treatment.” (Excerpted from: <http://www.justiceworksltd.org/team-reentry-program/>)

Virginia: Adult Reentry Alternative: “Adult Alternative Program identifies a candidate base, facilitates classroom training, *supervises and oversees hands-on training, and expedites certification testing and licensing*. At the same time, we provide coaching for faith-based decision-making skills.

Using our sound program, you’re able to *train and be equipped* to find gainful employment after release from prison, a halfway house, or a rehab facility. We also *educate you on establishing credible skill sets* in the construction trade that present opportunity for self-sufficiency. Lastly, you’re encouraged to develop strong character traits through incorporation of moral standards inherent to faith-based teachings.” (Excerpted from: <http://www.adultalternativeprogram.com>)

Given, that the brokerage metaphor is proffered as the Bourdellian *raison d’etre* of reentry organizations, and in facts, serves as justification for their positioning as third party brokers or intermediaries tasked with guiding the formerly incarcerated in reentry, it is important to understand what impact this discursive framing has on the organizational processes of reentry organizations and also on how reentry organizations are presented by the State and perceived by the general public. Thus, this dissertation project is an organizational case study of one such reentry organization performed to examine how the brokerage metaphor informs the organizational behavior of the reentry organization and, in turn, the sociological experience of reentry for the organization’s clientele. This interdisciplinary dissertation calls upon organizational theory, critical legal theory, and sociological theory to describe the brokerage processes of a reentry

organization, as well as, to situate the reentry organization within an organizational ecology as a public-private partnership.

Broadly speaking, this research contributes to a sociological understanding of the dialectic behind organizations employed to help ease the transition of the marginalized or stigmatized back into society. More specifically, the research illuminates the processes of a new type of organization, the reentry organization, and provides an understanding of how the reentry organization as a public-private partnership might, seek not to serve as a para-carceral arm of the state (in the manner of halfway houses, as I describe in chapter 2), but as benevolent brokers of capital and as boundary-spanning intermediaries for stigmatized formerly incarcerated individuals.

First, it is important to understand that incarceration carries a stigma that endures long after the end of the prison sentence. In sociological terms, a stigma may be defined as an “attribute that is deeply discrediting” which reduces the bearer “from a whole and usual person to a tainted, discounted one” (Goffman, 1963, p. 3). Thus, stigmatized groups of people experience negative discrimination, and typically do not enjoy the same access to opportunities as the rest of society, especially in education and employment. The brokerage metaphor takes for granted the societal stigmatization of the formerly incarcerated and posits reentry organizations as the “bridge” the formerly incarcerated require to surmount the stigma that divides them from the rest of society and resources contained therein.

While this stigma is explicitly expressed in some legally sanctioned ways, such as by the collateral legal consequences of conviction that prohibit former prisoners from

receiving public assistance or joining certain professions,⁵ this stigma also finds more subtle expression in diminished job and educational prospects for the formerly incarcerated. There has been much literature (Pager 2003, 2005, 2007; Pettit & Western, 2010; O'Brien, 2001; Richie, 2001) documenting the reentry attempts of the formerly incarcerated and the enduring negative effects of incarceration on their life outcomes, but few sociological or organizational studies of the burgeoning trend towards reentry organizations, which purport to aid formerly incarcerated people as they seek passport to civil society.

Furthermore, the literature on the formerly incarcerated has focused almost exclusively on men, my dissertation research explicitly evaluates the interaction of gender with the brokerage metaphor; both in terms of understanding how the experience of the stigma of incarceration might differ for formerly incarcerated women versus formerly incarcerated men, and also for understanding whether brokered services might either affirmatively favor men or tacitly ignore gendered aspects of reentry; as men are traditionally the majority population among the formerly incarcerated.

Theoretical Overview

Several sociologists have researched the experience of reentry for formerly incarcerated men (see the work of Bruce Western, Devah Pager, and Glen Loury, for example). Devah Pager's audit study of employment practices was among the first to bring the stigma of incarceration into sharp relief (Pager, 2007). The study design consisted of two teams of paired testers (one white team, one Black team) assigned

⁵ A comprehensive list of the collateral legal consequences of conviction that impact many aspects of a convicted person's life, including employment may be found at: http://www.abacollateralconsequences.org/map_text/

fictitious resumes that reflected equivalent levels of education and work experience. Within each team, one auditor was randomly assigned a criminal record for the first week, then the pair rotated, with the other member of the team assuming the criminal record. That study demonstrated that the “mark” (or stigma) of incarceration serves as a “negative credential” and drastically reduces the chances of interview callbacks for job applicants. Furthermore, the study found that the stigma of incarceration in relation to employment is intensified by race. Pager found that the chances of a callback to a Black applicant were reduced by more than 60 percent when they had a criminal record. She also found that the ratio of callbacks for non-offenders relative to offenders is 2 to 1 for white applicants, while the same callback ratio between non-offenders and offenders is 3 to 1 for Black applicants. As Pager notes, this race-crime association as it relates to Blacks in America has been confirmed by social psychologists (Pager, 2007, p. 69). One concern, therefore, is that the “mark” of incarceration may activate a “confirmation bias” that further serves to promote the “discounting” of Black applicants (Pager, 2007).

As eye opening as that study proved to be in regards to examining the extent of employment discrimination experienced by the formerly incarcerated, its conclusions are limited by gender, as all the subjects in the study were male. Given that imprisonment is a gendered experience (Haney, 2010; McCorkel, 2003), it stands to reason that the stigma of incarceration might also be gendered, i.e., women might experience stigma resulting from their incarceration differently. With this in mind, my research project takes into account how the brokerage metaphor influences the organizational behavior of reentry organizations and whether the chosen strategies for brokerage, as well as, the nature of

the services brokered take into account the gendered needs of formerly incarcerated women.

*Earlier Theoretical Approaches To Reintegration*⁶

Although most scholars accept that achieving societal reintegration is difficult for the formerly incarcerated, there is no one governmentally standardized model for aiding the formerly incarcerated reintegrate into society. Rather, given that scholars have reached different conclusions as to what causes the formerly incarcerated to recidivate, scholars have advocated for divergent approaches as to how best to achieve the reentry of the formerly incarcerated.

If the existing criminal laws in the United States may be taken as evidence, then there is a strong argument that criminologist's John Braithwaite's approach to reentry has gained a strong foothold in American jurisprudence. Braithwaite put forth a theory of reintegration in his book, *Crime, Shame and Reintegration* (Braithwaite, 1989), which now serves as the template for punishment in America (Johnstone & Van Ness, 2007). Borrowing from sociological theories like labeling and control, Braithwaite asserts that high rates of violent crime within a society indicate society's failure to adequately shame the perpetrators of crime (Braithwaite, 1989, p. 156). Thus, his theory would call for an increased stigmatization (the assigning of shame) of the individuals who have been convicted of a crime (p. 101).

According to Braithwaite, making individuals feel guilty for crimes they have committed deters them from committing further crime (p. 75). His proposal harkens back

⁶ Parts of this section appear in different form in a prior publication by the author, the "Modern Day Scarlet Letter", published in the *Fordham Law Review*.

to a traditional view of crime as an opportunity to reinforce societal norms. This is similar to Durkheim's (1897) view of crime as put forth in his book, *Suicide*. Now viewed as a major influence on the later developed sociological theory of "control," Durkheim argued in *Suicide* that stronger social control among individuals of the Catholic faith was what resulted in their lower rates of suicide in comparison to those of the Protestant faith (p. 89).

An aspect of Braithwaite's theory of reintegration that is more difficult to grasp is "reintegrative shaming" (Braithwaite, 1989, p. 105). He defines long prison sentences as "disintegrative shaming" (p. 100), meaning that they are a type of shaming that serves no constitutive function for society, and instead advocates for community-based alternatives to imprisonment such as the "alternative to imprisonment" programs now being espoused by many U.S. jurisdictions in an effort to practice what is termed "restorative justice" (Johnstone & Van Ness, 2007, p. 517). The theory that shaming could be redemptive seems to run counter to human experience; shaming is, by its nature, isolating and alienating. To shame a person is to create distance between the shamer and the shamed because there is no empathy in shame. Shaming does not allow for the shamer to express to the shamed that there is a communal human frailty; rather the shamed is considered abnormal or deviant. The story of the condemned woman in Nathaniel Hawthorne's *The Scarlet Letter* is archetypical of the human experience of stigmatization arising from a crime. That fictionalized accounting of punishment in American colonial society illustrates that continued shaming and societal reintegration are mutually exclusive.

Despite the proven negative effects of shame, Braithwaite's theory does contain some merit. At the core of his theory is the belief that ties to family and community deter

crime, since, as Braithwaite posits, would-be criminals may anticipate that their tight-knit family or community would have an adverse reaction to their criminal action and choose to forgo their crime. The question is whether shaming is the best way to enforce this loyalty to family and community, and, ultimately, whether shaming is the best way to reduce recidivism. Major critiques of Braithwaite's theory of reintegration are that it fails to take into account environmental factors such as structural inequality (Massaro, 1997; Maxwell & Morris, 2002) and systemic injustice (Lofton, 2004). A fundamental assumption of his theory is that lack of shame causes crime, but as other sociologists and psychologists have argued, crime can be a rational act driven by societal factors (Hart, 2013). For example, an individual who is shut out from societally approved methods of earning capital due to lack of social mobility or discrimination may feel compelled to resort to criminal activities to attain the same standard of living that she glimpses others enjoying (Venkatesh, 2008).

More recently, criminologists, while hewing to the belief that family and community ties deter crime, have proposed better methods for reducing recidivism than what Braithwaite proposes. For example, in a modern iteration of social disorganization theory, the criminologists Dina Rose and Todd Clear found in their research that robust ties to the community, which included supportive networks providing many resources, can deter crime (Rose & Clear, 1998). They also discovered that the act of "shaming" the perpetrators of crime with long prison sentences tended to destroy the very networks and ties to community that would deter future crime, thus resulting in high recidivism rates (Rose & Clear, 1998). Similarly, rather than serving to reintegrate the formerly incarcerated, the modern "shaming" of those individuals by enforcing collateral legal

consequences, many of which are for life, can drive them to the margins of society. A study on prisoner reentry (Petersilia, 2003) discovered that people who are incarcerated at a young age have a high likelihood of returning to prison in their adult years. Furthermore, the study tied this high recidivism rate to the persisting stigma of incarceration (Petersilia, 2003, p. 11). As that study reveals, many formerly incarcerated individuals find themselves limited in their ability to enter professional fields or to obtain the funds to pursue higher education, which is one way that collateral legal consequences can serve to restrict social mobility and to foster social marginalization (Petersilia, 2003, p. 223). The brokerage metaphor then, positions reentry organizations, as interventions that help to ameliorate the effects of the stigma of incarceration by serving as brokers to the social and cultural capital the formerly incarcerated may be unable to access because of the stigma divide. In chapter 2, I evaluate in detail the four different extant approaches espoused by reentry organizations. Here, I examine sociological and organizational theories of the role of cultural and social capital in the reintegration of the reentry individual.

Construction of the Problem of Reentry as Social and Cultural Capital Deficits

The brokerage metaphor is fundamentally defined by deficit. The research of Pager (2004, 2007) and Pettit and Western (2010) have demonstrated that formerly incarcerated people are perceived as lacking the necessary social and cultural capital that signal fitness for work. In the work of Pettit and Western (2010), this “unfitness” is found in the lack of higher education, as they note that most of the individuals who recommit crime are high school dropouts. There is no argument that there is a general societal value

accorded to the pursuit of higher education as both social capital and cultural capital. Not only does higher education afford access to higher earnings, it also confers status and access to the higher social strata of society. If a record of incarceration serves as a “negative credential” that renders an applicant unfit for employment, then perhaps the acquisition of the positive credentials of higher education, a form of cultural capital, may help assuage the stigma of incarceration. Furthermore, membership and belonging in institutions of higher education also signals the acquisition of other assets, such as an expanded social network and greater *savoir faire*, that would aid in the social mobility of the formerly incarcerated.

Pierre Bourdieu was one of the first sociologists to identify the role of education in reproducing inequality. In his book *Distinction*, Bourdieu seeks to answer the questions of how dominant groups create “distinctions” that set them apart from other groups. How are these distinctions made artificially scarce? How are these rare distinctions institutionalized as the only way to obtain certain economic resources? How do dominant groups transfer their dominance intergenerationally?

In the preface to *Distinction*, Bourdieu notes that “the preferences of a class or class faction constitute coherent systems” (Bourdieu, 1984, xiii). Thus, for Bourdieu, “the preferences” of individuals or their “judgments in taste” are the “distinctions,” the constructed differences that demarcate social boundaries. Furthermore, according to Bourdieu, the primary vehicle through which dominant groups ensure the intergenerational reproduction of their dominance is education. Bourdieu believes that certain cultural capital is validated or taught within an educational setting, and that this

cultural capital can be translated into other types of capital such as symbolical, social, and economic capital through “symbolic violence.”

In *The Forms of Capital*, Bourdieu defines cultural capital as forms of knowledge, skills, education, and advantages that a person has which give them a higher status in society. Parents provide their children with cultural capital by transmitting the attitudes and knowledge needed to succeed in the current educational system. This cultural capital can then be translated into other types of capital such as social and symbolic capital. Also, the legitimacy of each type of cultural capital depends on the field in which it is proffered. Thus, for Bourdieu (1986), cultural capital has no inherent value; it can be rejected, legitimized, or even reified by gatekeepers within different fields who have the symbolic capital/power to make such decisions. In the case of formerly incarcerated people, the theory is that intergenerational cycles of incarceration and poverty can lead to the absence of parental figures to impart the appropriate socially sanctioned cultural capital.

Bourdieu presents cultural capital in three forms: embodied, objectified, and institutionalized (Bourdieu, 1986, p. 47). Embodied cultural capital is comprised of both the consciously acquired and the passively “inherited properties” that are received from the family through socialization, culture, and traditions. Familial socialization impresses itself upon one's “habitus” i.e., ways of thinking and interpreting information and this in turn leads to homophily: being receptive and attuned to similar values, experiences, and people who share the same “habitus” or desired cultural capital. Habitus and homily work in tandem, as the resulting cultural capital has a further chance of being validated at school. Subsequent studies have confirmed that “cultural capital” can serve as the basis for the creation of an elite class (see, for example, Eyal, Szelenyi, & Townsley, 1997).

The work of Bruce Western and Becky Pettit seem to indicate that the converse is also true; a deficit of cultural capital (in their research findings, this deficit was a lack of higher education), can also serve to create an underclass, one that collectively serves as fodder for the Prison Industrial Complex.

Institutionalized cultural capital consists of institutional recognition, most often in the form of academic credentials or qualifications, of the cultural capital held by an individual. This concept of “credentialism” plays its most prominent role in the labor market, where a wide array of cultural capital can be expressed in a single qualitative and quantitative measurement (and compared to others’ cultural capital). The institutional recognition also facilitates the conversion of cultural capital to economic capital by serving as a heuristic that prospective employers can use to recognize “fit.” For 21st century society, this form of institutionalized cultural capital is most sharply represented by educational pedigree. In the United States in particular, a school’s ranking plays a major role in constructing the perception of what “qualifications” or “skillsets” a graduate possesses. Furthermore, this means of acquiring cultural capital has become so reified and fetishized that mere admittance to a prestigious university, regardless of actual subsequent demonstrated competence, is accepted as evidence of “qualification.”

Institutionalized cultural capital, particularly that acquired through education, also presents a unique opportunity for a “closed loop” of economic dominance. As Bourdieu notes: “the reconversion of economic capital into educational capital is one of the strategies which enable the business bourgeoisie to maintain the position of some or all of its heirs, enabling them to extract some of the profits of industrial and commercial firms in the form of salaries” (Bourdieu, 1984, p. 137). Given Bourdieu’s description of the

function of cultural capital in demarcating social boundaries, his theories may be extended to reach the conclusion that higher education and its accompanying cultural capital serve to maintain the boundary lines that exclude “out-groups” (such as the formerly incarcerated) from the higher occupational (or economic) classes.

Randall Collins (1979) presents an insightful account of how “credentialist” contemporary society has become in his monograph, *The Credential Society*. The credential, as granted by institutions of higher learning, has become a stand-in for “skill” and a qualification for most middle-class jobs, granting access to higher earnings and greater social opportunities. It is no surprise then that studies have shown that incarceration, which in effect excludes the incarcerated from educational opportunities, has the intergenerational effect of social exclusion (Foster, Hagan, & Vik, 2004).

It is facile to declare that, if cultural capital is about what you know, then, social capital is about whom you know. This is a rather crude way of defining social capital, and such imprecision may serve to obscure the function, as well as the processes, of acquiring social capital. It also fails to take into account the multilayered and fungible nature of social capital.

Several sociologists and other scholars from other fields have engendered slightly differing definitions of social capital. The term first appears in academic literature in Lyda Hanifan’s 1916 article on rural schools. On the concept of social capital, Hanifan writes:

I do not refer to real estate, or to personal property or to cold cash, but rather to that in life which tends to make these tangible substances count for most in the daily lives of people, namely, goodwill, fellowship, mutual sympathy and social

intercourse among a group of individuals and families who make up a social unit... If he may come into contact with his neighbor, and they with other neighbors, there will be an accumulation of social capital, which may immediately satisfy his social needs and which may bear a social potentiality sufficient to the substantial improvement of living conditions in the whole community. The community as a whole will benefit by the cooperation of all its parts, while the individual will find in his associations the advantages of the help, the sympathy, and the fellowship of his neighbors (Hanifan, 1916, pp. 130-131).

However, Bourdieu was perhaps the first sociologist to articulate a systematic understanding of the concept of social capital as related to other types of capital such as cultural and symbolic capital. He defines social capital as “the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition” (Bourdieu, 1986, p. 248). Hewing close to that definition, Coleman disassembles it to conclude that social capital is constituted of the obligations, norms, and information available to a person from a social network (Coleman, 1988, pp. 98-104).

Central to Coleman’s definition of social capital are both trust and obligation, which are perhaps stronger emotions than the “mutual acquaintance and recognition” described by Bourdieu. For Coleman, social capital is not merely the information that flows within a social network; rather, it is also the obligation to help others make use of that information. Coleman states that it is a “prescriptive norm within a collectivity that one...should act in the interests of the collectivity” (Coleman, 1988, p. 104). Coleman also notes that social capital “consist[s] of some aspect of social structure

and...facilitate[s] certain actions of individuals who are within the structure” (Coleman, 1990, p. 302). Thus, Coleman stresses the facilitative or instrumental nature of social capital and its embeddedness within a social network, as well as implicitly acknowledging its potential for exclusivity.

The economist Glen Loury (1977) first put forth a notion of social capital as both facilitative of individual action and as conferring an exclusive advantage to a group. He defined social capital as “naturally occurring social relationships among persons which promote or assist the acquisition of skills and traits valued in the marketplace, an asset which may be as significant as financial bequests in accounting for the maintenance of inequality of our society” (p. 100). This definition serves the same function as Bourdieu’s; it attempts to pinpoint how social inequality is maintained or reproduced. Loury’s definition, however, moves away from the fungibility of capital (social, cultural, or otherwise) that is central to Bourdieu’s thesis. Yet, by defining social capital as “naturally occurring,” Loury’s definition neglects to take into account the “investments” that both Bourdieu, and later Lin, recognize as essential to gaining and maintaining social capital. While some people are born with more social capital than others, the privileged must still work to maintain their social capital. This is amply demonstrated by the research of Annette Lareau (2003) in *Unequal Childhoods*. Parents who have been born into or who have acquired social capital must still make large investments of time, energy, and money to secure cultural capital for their children (for example, piano lessons, tennis, SAT prep courses) that will later translate into the symbolic and social capital (such as an education at an Ivy League or other elite university, and the subsequent networks those institutions confer).

Other sociologists, while not directly seeking to define social capital, have also touched upon the role of social connections in enabling social mobility. For Granovetter (1974), it is not close ties to family or friends that matter most for discovering economic opportunity. Rather it is those far flung and perhaps more tenuous ties, the so-called “weak ties,” which counterintuitively demonstrate themselves as being the strongest or most fruitful when it comes to obtaining useful economic information such as job referrals. Burt’s (1992) concept of “structural holes” is also related to this idea of social connections that enable economic efficiency.

While Burt’s theory explains that the structure of a social network can confer more advantage to certain individuals depending on where they are located in that network (a concept that explains unequal outcomes for both individuals and entrepreneurial entities), perhaps the most important concept of his work, and one which is also highly relevant to the study of social mobility of the formerly incarcerated, is the idea of “brokerage” (Burt, 1992; 1995). “Structural holes” in networks indicate a need for brokering individuals or entities to connect those on opposite sides of the information hole (Burt, 1995). I will elaborate on the concept of brokerage when I come to the discussion of the brokering role of reentry organizations in chapter 3.

Nan Lin was perhaps the first sociologist to extend the concept of social capital to the field of formal social network analysis. He defined it as “resources embedded in a social structure that are accessed and/or mobilized in purposive actions” (Lin, 2001, p. 29). Like Coleman, he further dissected the concept into disparate parts, and defined four types of resources that come together to form social capital. Also like Coleman, he found that both the information found within social networks, as well as the influence the

network has over its members—in other words, its norms—are one of the strands of the rope of social capital. Unlike Coleman, he also highlighted the social credentials that networks can confer (such as when the name of an organization matters more than its actual activities) and the mental reinforcements such networks provide (Lin, 1999; Lin, Vaughan, & McEnsel, 1981). These latter contributions to the understanding of social capital are highly relevant to how the social mobility of the formerly incarcerated can increase through higher education, particularly considering that the pursuit of higher education in and of itself confers status on the individual, and that this status might provide valuable mental reinforcement to manage the stigma of incarceration.

The sociologist Alejandro Portes (1998) executed the most trenchant treatise on the study of social capital by analyzing differentiations in the definition of social capital and the application of the concept to new areas. Portes' highly critical article details some of the shortcomings of the trend towards an overly positivist definition of social capital, and criticizes scholars who fail to disentangle the different forms of social capital and their different functions, as well as those that conflate the social network with the actual social capital contained within them.

For example, Robert Putnam, a political scientist, also roots his definition of social capital in Coleman's and Loury's "instrumentalist" take of social capital, but rather than describing individual action, Putnam applies the concept to society as a whole. He asserts that social capital "refers to features of social organization, such as trust, norms and networks that can improve the efficiency of society by facilitating coordinated actions" (Putnam, Leonardi, & Nanetti, 1993, p. 167). Portes decries the trend towards this definition of social capital as a feature of communities and nations, and argues that

some conclusions that have been reached from such research appear to be tautological. He argues that the concept of social capital is best reserved for describing “potential benefit accruing to actors because of their insertion into networks or broader social structures” (Portes, 1998, p. 18). I would also caution against this collectivized definition of social capital. Firstly, because as Portes also notes, it equates “social capital” with “civicness” and, as such, it is overly positivistic while ignoring any negative realities. Secondly, as Portes also notes, it would be extremely difficult to measure or even to begin to devise a measure to demonstrate the social capital of an entire city or entire nation (Portes, 1998). Thirdly, and perhaps most importantly, I would argue that such use obscures the explanation for social inequality, and also the reproduction of social inequality that is at the heart of the original definition of social capital as set forth by both Bourdieu (looking at class inequality) and Loury (looking at racial inequality).

As important as it is to be precise in the definition of social capital, it is clear that there is no one definition that adequately describes the myriad contexts and mechanisms through which social capital operates. Rather, different definitions of social capital may serve to highlight different arenas in which that concept holds valence. In the context of the social mobility of the formerly incarcerated, Loury’s definition of social capital, as well as Bourdieu’s first sociological promulgation of the concept, retains the most relevance. As previously discussed, Bourdieu defines social capital within the context of other types of capital. Thus, arguably for Bourdieu, social capital is not to be divorced from the other types of capital from which it might be derived or to which it is transformed. The focus is on the fungibility of capital and how that fungibility allows the dominant class to reproduce their dominance through different arenas such as education.

For this case study of reentry organizations, the focus is on how a lack of cultural and social capital disallows the attainment of societal inclusion and its reproduction. Thus, for Bourdieu, social capital must be considered within the context of cultural capital (notably in the form of education).

Because Loury defines social capital within the context of racial income inequality, his focus is on the maintenance of racial inequality through social connections and the social capital embedded therein. This is relevant to comprehending Loury's stance against policies aimed at countering economic inequality, which he deems simplistically individualistic (the so-called "boot-straps" approach) and also heavily dependent on statutory prohibitions and fiat. Loury argues that equal opportunity programs alone would not reduce racial income inequality, as they do not address the inherited lack of cultural capital (for example, the lack of higher education) and also the inherited lack of social capital, especially the lack of social connections in the economic market that lead to employment opportunities. Loury stresses the importance of social connections and the social capital they carry when he notes:

The merit notion that, in a free society, each individual will rise to the level justified by his or her competence conflicts with the observation that no one travels that road entirely alone. The social context within which individual maturation occurs strongly conditions what otherwise equally competent individuals can achieve. (Loury, 1977, p. 176).

Given that uneducated people and racial minorities (which are overlapping populations in the U.S.) are overwhelmingly represented among the formerly incarcerated (Pettit & Western, 2010), Bourdieu's definition of social capital as deriving from cultural

capital (especially in the form of education) and Loury's definition of social capital as deriving from social connections that are lacking or closed to racial minorities are the most relevant in theorizing about the social mobility of the formerly incarcerated and the mechanisms and processes for acquiring the social capital that would allow such mobility.

One very important note from Portes' critique of the study of social capital, however, is that in extolling the positive effects of social capital, its potential for deleterious effects, what Portes terms "negative social capital," should not be overlooked. Of particular relevance to the study of social capital as it relates to the formerly incarcerated population is Portes' discussion of a type of negative social capital that might arise in groups whose members share a "common experience of adversity and opposition to mainstream society" (1998, p. 17). As Coleman first noted, one function of social capital is also social control. While "closure" (tight-knit relations) of a group may facilitate positive social capital (for example, the flow of useful information), it also facilitates social control. The members of the group find themselves subject to the norms of the group (and therefore subject to extensive policing, given their many connections within the group) and this constrains their actions (Coleman, 1988, pp. 104-105). Portes elaborates upon this idea, particularly as it applies to marginalized groups. He notes that in these types of groups, "individual success stories undermine group cohesion because the latter is precisely grounded on the alleged impossibility of such occurrences" and, as a result, there might arise "downward leveling norms that operate to keep members of a down-trodden group in place and force the more ambitious to escape from it" (Portes, 1998, p. 17). Portes lists as examples Bourgois' (1991, 1995) ethnographic research on Puerto Rican crack dealers and the social control exerted on those attempting to propel

themselves into the middle class (Portes, 1998, p. 17), as well as Stepick's (1992) study of Haitian-American youth in Miami and Suarez-Orozco (1987) and Matute-Bianchi's (1986, 1991) study of Mexican-American teenagers in Southern California. (Portes, 1998).

Brokerage of Social and Cultural Capital

Taken together with the idea of "brokerage" as articulated by Burt (1992), Portes' concept of "negative social capital" is relevant in the examination of the role of reentry organizations as brokering sites for the acquisition of social and cultural capital by the formerly incarcerated. A critical study of reintegration must also interrogate whether the reentry organizations expose the formerly incarcerated to "negative social capital" in the form of "downward leveling norms" as described by Portes.

Mario Small asserts that, in regards to the social networks they create, colleges are "effective brokers; organizations, that, through multiple mechanisms, tie people to other people, to other organizations, and to the resources of both" (2009, p. 5). This statement indicates that colleges are uniquely situated to promote the attainment of social capital. One need only reflect on alumni associations, many of which encourage mentoring and referrals, or even the career centers present on most, if not all, college and university campuses, to comprehend the centrality of institutions of higher education in the chain of capital conversion as described by Bourdieu. Given that formerly incarcerated people experience diminished job prospects both as a result of their stigmatized status and as a result of the lack of credentials that would signal competence

to a prospective employer, access to college, an effective brokering organization, takes on heightened importance.

Studies have demonstrated the importance of education for the formerly incarcerated (Gaes, 2008; Sampson & Groves, 1989; Steurer, 2003; Western, 2007). However, the federal government makes eligibility for student grants (such as the Pell Grant, which benefits students from low income families) and student loans contingent on a clean criminal record (Tewksbury, 2000). As a result of lack of federal funding, opportunities for correctional education, i.e., education while in prison, have become more limited.

And while men are at greater risk for incarceration, women are disproportionately impacted by the lack of educational programs in prison. Although correctional institutions have increased the number of general education programs (i.e. adult basic education, GED, high school) available to prisoners since the 1970s, as of 1996 only 52% of correctional facilities for women offered post-secondary education (Lahm, 2000). In 1995, only 7% of all felony probationers participated in such programs (Lahm, 2000). The reentry prospects of the formerly incarcerated are further limited by the 1998 amendment to the Higher Education Act, 20 U.S.C. 1091(r)(1). Under this Act, individuals with drug convictions are prohibited from receiving federal financial aid to enroll in a post-secondary institution. During the 2000-2001 school year, more than 43,000 college students were affected by the amendment (Levinson, 2001).

Other studies have demonstrated that employment (which education helps to procure) serves to reduce recidivism among the formerly incarcerated (Harer, 1994; Sampson & Laub, 1997; Uggen, 2000). Furthermore, levels of compensation (a variable

that is dependent on level of education) also influence reentry outcomes, as those making higher wages are less likely to recidivate (Visher et al., 2008). In addition to lowering recidivism rates, employment helps the formerly incarcerated reintegrate into society, as they are now able to support their families financially (Brazzell, Crayton, Mukamal, Solomon, & Lindahl, 2009). Recent studies estimate the unemployment rate for formerly incarcerated adults at 60% and 89% for those who violate the terms of their parole or probation (Bushway, Stoll, & Weiman, 2007). An estimated 37% of State prison inmates, 26% of Federal inmates, 44% of inmates in local jails, and 42% of those serving probation sentences have not completed high school or its equivalent, as compared with 19% of the general population (Brazzell, et al., 2009; Harlow, 2003). Among those incarcerated in state prisons nationwide as of 2004, only 17% have completed any postsecondary education, as compared to 51 percent of the general population; about 2% have a college degree (Brazzell et al., 2009; Harlow, 2003). Many released inmates are also returning to neighborhoods that are themselves among the most impoverished in the nation, and which lack sufficient resources, and social networks to facilitate successful reintegration. (Brazzell et al., 2009; Sampson & Groves, 1989).

Postsecondary education of the formerly incarcerated could be posited to enable reentry as it provides greater access to supportive social networks and positive norms, which social capital theorists assert would increase positive social behavior through social control (D. R. Rose & Clear, 1998; Sampson & Groves, 1989). On an individual level, a college degree would also offer a means of managing the stigma that is associated with bearing a criminal record (Gaes, 2008; Pager, Western, & Sugie, 2009; The Pew Charitable Trusts, 2008, 2010).

However, the relationship between education and social capital is not linear; rather, it is a circular one. While education can “broker” access to social capital, some of the latter is also necessary to access education. Coleman and Hoffer’s longitudinal study illuminated the role social capital plays in the acquisition of education. From 1980-1987, the two sociologists collected quantitative data on 28,000 students enrolled in 1,015 public, Catholic, and other private high schools in the United States. That study found that social capital, in the form of family and community involvement, contributed to a much lower dropout rate for the students in Catholic schools as compared to the dropout rates of students in public schools (Coleman, Hoffer, & Kilgore, 1982; Coleman & Hoffer, 1987).

A subsequent study by Morgan and Sorensen (1999) further clarified the role of social capital in education. While Coleman and Hoffer had neglected to offer an explicit explanation of how social capital contributed to the success of Catholic students, Morgan and Sorensen’s study was able to show (again comparing Catholic schools and public schools) that it is specifically the kind of social capital to be found in Catholic schools that is the explanation. That study found that Catholic schools are norm-enforcing schools (offering social capital in the form of social control), whereas public schools are horizon-expanding schools (offering social capital in the form of linkages to outside information). Thus, while Catholic schools might lend themselves well to the rote learning that is required for standardized tests, creativity would be stifled. Thus, Morgan and Sorensen's (1999) study would indicate that social capital, like cultural capital (Bourdieu, 1984), should be considered within a context. One kind of social capital may be valuable in one setting, but not in another.

Education as a means of acquiring social capital must not be reified. While subsequent studies have confirmed that in general belonging to a social network or family which espouses high educational aspirations as an ideal is a predictor of educational achievement (Feinstein, Duckworth, & Sabates, 2004), other studies have also shown that the effect of educational qualifications on social mobility may be declining and that occupational success seems to be becoming increasingly dependent on social capital (Ianelli & Patterson, 2005). For a full review of the studies incorporating social capital in the study of educational outcomes, see the work of Sandra Dika and Kusum Singh (2002).

Given the sociological understanding of the value of higher education for acquiring social and cultural capital, it is perhaps bitter irony that while the discussion above would indicate that access to higher education and the corresponding access to cultural and social capital it affords is of paramount importance to the formerly incarcerated, parole and probation tends to privilege work over education, and that indeed this is the case for most government programs aimed at ameliorating poverty.⁷ Furthermore, the parole and probation approach to “gainful employment” is indiscriminate; any type of work will meet the requirement. Many reentry education programs make GED attainment and low-wage job placement their paramount focus, and research also shows that major reentry initiatives recently undertaken by policymakers and advocates do not include postsecondary education as part of their reintegration agenda (Delaware Center for Justice, 2006; Urban Institute, 2011). For example, a formerly incarcerated person might be encouraged to work at a fast food restaurant

⁷ See details of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996.

earning minimum wage, a “yob”⁸ with little or no prospect of advancing up the economic ladder, rather than undertake higher education that would lead to a career and increased lifelong earnings. With a puritan-like emphasis on “keeping busy”, the mainstream reentry approach may be faulted for its stance that, upon release from prison, an ex-drug kingpin who was accustomed to living an upper middle-class lifestyle before incarceration (Venkatesh, 2008), for example, is expected to welcome employment at a minimum wage salary and to accept the perpetual loss of economic and social mobility through education.

While many scholars have grappled with the definition of social capital, perhaps a somewhat overlooked but equally important question is how an individual might acquire social capital. If higher education is denied to the formerly incarcerated, are there other means through which those individuals might obtain social and cultural capital? For the few scholars that have attempted to answer the question of how exactly social capital may be procured, the answer lies in organizations. Within the context of social capital, organizations may be described as either providing “bonding” or “bridging” social capital (Gittell & Vidal, 1998, p. 10). “Bonding” social capital is the type of social capital derived from social networks between homogeneous groups of people, while “bridging” social capital refers to that found within social networks that connect socially heterogeneous groups (Woolcock, 1998).

To illustrate, criminal gangs would provide bonding social capital, especially as their members are almost always of the same socioeconomic demographic (Portes, 1998), whereas the example that Putnam (1995) provides of bowling groups with a diversity of

⁸ A “yob” is a colloquial expression for work you perform with no chances of climbing the corporate ladder, in contrast to a career. See www.urbandictionary.com.

members would allow for the attainment of bridging social capital. “Bonding” and “bridging” types of social capital are conceptually related to Burt’s concept of “structural holes.” While “bonding” social capital is necessary for the cohesion of any group, scholars would caution that “overbonding” might lead to insularity and isolation (Burt, 1999), and that while bonding might promote solidarity and participation in an organization, the empowerment of both the organization and its members depends on the ability to “bridge” to other organizations and power structures (Perkins, Hughey, & Speer, 2002, p. 47).

A Note on Terminology

Formerly Incarcerated

Although I may at times use the phrase “former prisoners” for the sake of clarity as I introduce the reader to the topic or quote from a text that uses that language, in the rest of the dissertation I strive to use the term “formerly incarcerated people.” Albeit that this might sound euphemistic to some, the term “formerly incarcerated people” is how the people who have exited prison choose to refer to themselves. The relevant text of a letter for the Center for Nu Leadership reads:

*In an effort to assist our transition from prison to our communities as responsible citizens and to create a more positive human image of ourselves, we are asking everyone to stop using these negative terms [inmates, convicts, prisoners, and felons] and to **simply refer to us as PEOPLE**. People currently or formerly incarcerated, PEOPLE on parole, PEOPLE recently released from prison, PEOPLE in prison, PEOPLE with criminal convictions, but PEOPLE*

(Emphasis, bolding, and capital letters are from the source).

As a scholar of sociology who understands labeling theory, and who is cognizant of the social and political power embedded within labels, I am choosing to accept the right of disadvantaged identity groups, such as people who are exiting prison, to claim an appropriate name for themselves.

Mass Incarceration

Furthermore, I am choosing to use the term “mass incarceration” to refer to the high rates of convictions and incarceration in the United States. Criminologists Jeffrey Morenoff and David Harding have documented, based on Google Scholar Searches, that mass incarceration entered into the American lexicon in the 1980s and has steadily gained prominence in the academic conversation (Morenoff & Harding, 2014).

Some scholars, however, strenuously disagree with the use of the term, “mass incarceration.” The sociologist Loic Wacquant, in particular, has advocated for the use of the term “hyper-incarceration” rather than “mass incarceration.” His argument is that the increased rates of incarceration do not impact all populations *en masse* in the United States. Rather, Wacquant argues, increased incarceration rates are most felt among the Black and Latino populations.⁹ Other legal scholars have concurred that “hyper-incarceration” is a more precise descriptor.¹⁰ However, I chose to continue using the term “mass incarceration” for several reasons. Firstly, I use it for the sake of clarity and

⁹ See Loïc Wacquant (2008), Racial Stigma in the Making of America’s Punitive State, in *Race, Incarceration, and American Values* for the argument on the use of term “hyper-incarceration” rather than “mass incarceration.” See also Frank Cooper Rudy (2011), Hyper-Incarceration as a Multidimensional Attack: Replying to Angela Harris Through the Wire, *Washington University Journal of Law and Policy*, 37-67).

¹⁰ See also Frank Cooper Rudy (2011), Hyper-Incarceration as a Multidimensional Attack: Replying to Angela Harris Through the Wire, *Washington University Journal of Law and Policy*, 37 (37-67).

accessibility. The term mass incarceration has gained purchase in the national conversation, as evidenced by the fact that policy organizations dedicated to work in the area prefer to use the term “mass incarceration.”¹¹

Secondly, while I would concede that “hyper-incarceration” might have been a more accurate description in the early ‘90s when the War on Drugs and its harsh sentencing policies targeted crack cocaine users and dealers, I believe that this is no longer the case. Given the decline of crack cocaine (which was associated with Black and Latino populations and urban areas) and the rise in the use and sale of heroin and methamphetamines (which are associated with white populations, both suburban and rural), the War on Drugs now impacts all communities within the United States and has indeed led to the mass incarceration of many individuals from all the different communities. This is evidenced by the rise of heroin addiction, and the crimes that accompany it.¹²

Brokerage

When I use the term brokerage, it is similar to, but not equivalent to what Bourdieu intended to convey in *Distinction*, i.e., the notion of an institution or organization concentrating the social and cultural capital its members will require to be successful. I use brokerage similarly to how Mario Small employs it in his book, *Unanticipated Gains*. Beyond merely concentrating social and cultural capital, in Small’s study, brokerage occurs when an organization attracts, collects, and provides through its

¹¹ See <http://www.prisonpolicy.org/>.

¹² See the *Combat Methamphetamine Epidemic Act of 2005* (CMEA), Pub. L. No. 109-177, 120 Stat. 256 (2006). See also, Zusha Elinson & Arian Campo-Flores (2013, August 8), Heroin Makes a Comeback: This Time, Small Towns Are Increasingly Beset by Addiction, Drug-Related Crimes, *The Wall Street Journal*, <http://online.wsj.com/article/SB10001424127887323997004578640531575133750.html>

social network the social and cultural capital that is of use to the members of the organization.

Racial Descriptors

First, it is important to acknowledge that race was not a variable of study for this dissertation; while race is certainly a significant factor impacting reentry, the subject reentry organization did not allow for a comparison point between races, as the overwhelming majority of the clientele was Black, and there were few Whites and other racial groups. Therefore, this dissertation project did not focus on race as a factor in reentry. I choose this approach, not because I think race does not impact reentry; judging by the results of Pager's audit study, it certainly does, rather, it was a matter of logistics related to a case study — with my focus on one organization, I did not have adequate comparative points to examine any effects deriving from race. Furthermore, I use the descriptors "Black," "White," and "Latino" to discuss race in this dissertation research. Whereas many social scientists contend that race is a biological fiction, race remains a social construct with real consequences as measured by disparities in earning (Oliver & Shapiro, 1995, 2006), educational achievement (Jencks & Phillips, 1998, 2011), and also incarceration rate (Petit & Western, 2004). Like critical race scholars such as Kimberle Crenshaw who popularized the concept of intersectionality, I capitalize the word "Black" to denote that it refers to a racial designation rather than to color. I also use the terms "African-American" and "Black" interchangeably, although I recognize that African-American is a narrower descriptor for descendants of African slaves brought to the United States, while "Black" represents more of an umbrella term including descendants

of slaves in the larger African diaspora as well as newer African immigrants to the United States. This usage is presaged on the reality of law enforcement, wherein racial profiling is a matter of skin color rather than cultural/ethnic affiliation.

Roadmap for the Dissertation

In chapter one, I detail the problem of reentry, focusing on the social aspects, and also provide the research design for the dissertation. In chapter two, I discuss the history behind the different discursive paradigms of reentry that have been put in practice for formerly incarcerated individuals in the United States. This historical background starts from the “Rehabilitation Ideal,” touches upon Robert Martinson’s controversial work that led many to conclude that “nothing works,” and continues to the present, in which the pendulum has swung back to rehabilitation and reentry as a societal goal.

In chapters three and four, I delve into my ethnographic findings illuminating the organization functions and organizational processes that are derived from how the organization conceptualizes itself in relation to the “brokerage metaphor.” In chapter three in particular, I look at what social and cultural capital is considered valuable and whether/how the organization attempts to broker the requisite types of capital. Using my interviews, I also examine how the clients themselves view and respond to the brokerage. I start to complicate the idea that all that is necessary for an out-group to achieve mobility is the straightforward brokerage of social and cultural capital. Building on this, in chapter 4, I examine other exigent factors that are obscured by the brokerage metaphor, including structural impediments that stymie social mobility for the formerly incarcerated, such as the organizational environment in which the organization must survive. Most importantl,

I observe that structural impediments imposed by the government itself cannot be ameliorated by merely brokering social and cultural capital.

In chapter five, I examine any differences in the brokerage of cultural and social capital for men versus women, and analyze the implications of those differences, situating them within the organizational environment of the organization, with attention to other concurrent systems (like the government benefits system, the labor market, and the legal system) that might help explain them. Finally, in my conclusion, I discuss recent initiatives undertaken by the federal government in regards to reintegrating the formerly incarcerated. I highlight successful international reentry programs as comparative examples for future organizational design and policy interventions.

I. PART ONE: THE PROBLEM OF REENTRY

In this section I analyze the problem of reentry, tracing the recent intractable iteration of the social problem as having its genesis in the mass incarceration crisis in the U.S. and reviewing the historical arc of reentry in the U.S.

Chapter 1: The Need for A Reentry Intermediary

“This year, some 600,000 inmates will be released from prison back into society. We know from long experience that if they can’t find work, or a home, or help, they are much more likely to commit more crimes and return to prison.... America is the land of the second chance, and when the gates of the prison open, the path ahead should lead to a better life.”

– President George W. Bush, State of the Union Address, 2004

As I drove to the research site on a blustery January afternoon, it was stereotypical Ohio winter weather, overcast with a slate gray sky. Thankfully, there was no snow on the ground, and the roads were relatively empty compared to the bottlenecks I was used to in New York City. In my fifteen to twenty minutes of driving, I passed through two of the strikingly different neighborhoods that make up Cleveland, Ohio. From my neighborhood of University Circle near Case Western University, with its college town ambience of quaint coffee shops, specialty grocery stores, and the stately Severance Hall, I suddenly came upon the quiet shock of blighted neighborhood blocks with rust-colored abandoned buildings, many wearing their shattered windows like a black eye. Some of the dilapidated buildings still bore the words “factory” printed on their outer walls. Graffiti was now also scrawled on some of the buildings.

In the American imagination, Cleveland is a stand-in for the dullest place in the country. A farcical Cleveland tourism video¹³ pokes fun at the lack of tourist attractions in Cleveland, and when a character on a television show contemplates moving to Cleveland, it is treated like a cry for help tantamount to a social suicide attempt.¹⁴ In its

¹³ See <https://www.youtube.com/watch?v=ysmLA5TqbIY>

¹⁴ In the “Cleveland” episode of *30 Rock*, the protagonist, Liz Lemon, contemplates moving to Cleveland, and is talked out of doing so by her boss.

heyday, however, Cleveland was a manufacturing juggernaut. Founded in 1796 by Connecticut surveyor Moses Cleaveland, by 1860 Cleveland's population had already mushroomed to 43,000 people. At first there wasn't much manufacturing; the city was mostly considered a center for wholesale trading. However, with the beginning of the American Civil War, the demand for railroads and iron goods thrust Cleveland into a prominent role in manufacturing. The city's population continued to grow, as many came to Cleveland to work in the manufacturing industry. By the 20th century, one in six millionaires in the world resided in Cleveland, and in 1950 the population was flourishing at 915,000 people.¹⁵ These days, the story has changed dramatically. The population has dwindled to 431,000 people,¹⁶ and many of the manufacturing businesses that bolstered the community have gone out of business or have succumbed to the siren call of globalization in the form of offshore cheap labor. The unemployment rate in the city of Cleveland is now 4.8%,¹⁷ and the poverty rate is 39.2%.¹⁸

These figures are important to consider because several researchers have found that both unemployment and poverty are criminogenic factors; that is, being poor and being unemployed are conditions that increase the likelihood that an individual will commit a crime (Rose & Clear, 1998). In her compelling monograph, *The New Jim Crow* (2004), Michelle Alexander notes the similarities between the Jim Crow era when freed Black people were *de jure* excluded from the full participation in the market economy following the end of slavery, and the current mass incarceration crisis in the United States

¹⁵ See <http://www.newsnet5.com/news/local-news/cleveland-metro/cleveland-population-is-at-431000-where-once-it-peaked-at-915000>

¹⁶ As of 2011. See the U.S. Census.

¹⁷ U.S. Bureau of Statistics, http://www.bls.gov/regions/midwest/summary/blssummary_cleveland_oh.pdf

¹⁸ Cleveland Plain Dealer, http://www.cleveland.com/datacentral/index.ssf/2015/09/ohio_income_up_but_state_ranki_1.html

which *de facto* ensures the same in effect. Alexander argues that Jim Crow laws were a response to a surplus workforce, much like the current mass incarceration of primarily young Black and Latino males is the “warehousing” of those for whom there is no work due to globalization and the outsourcing of labor (Alexander, 2004).

As I continued on my drive to the reentry organization, I passed more shuttered factories; I then came upon another neighborhood that was undergoing a renaissance. I saw a sign for a farmer’s market; I saw eateries that served brunch and that boasted plush leather seats in their outdoor seating areas; I saw a yoga studio. Right on the periphery of this bustling neighborhood were with two large looming towers – comprising the low-income housing complex. And about two blocks past this complex, was the nondescript building that housed the reentry organization I was searching for. I walked into the building and found myself in a sort of vestibule, where I came face to face with a woman behind a glass window. I felt a carceral presence as she interrogated me as to my purpose for visiting, and I showed her my identification and signed the visitor sheet. She then pressed the buzzer that opened the door. As I walked in, I saw several individuals, mostly female, and all Black, sitting in a waiting area. To the left of the waiting area was the bathroom, which I needed to use. It occurred to me that the positioning of the bathroom made it possible for the receptionist to monitor who went in and out of the bathroom and how long they stayed.

The conviction rates in Cleveland, Ohio mirror those in the rest of the country, with Black men and women disproportionately represented. I chose Cleveland both for this reason, and also because it purported to have the answer to the issue of reentry. Recidivism, the rate at which ex-prisoners re-commit crime, is lower in Ohio than in the

rest of the country. Ohio’s recidivism rate is on a steady decline; in 2013, it was at 28.7 percent, and in 2014 it was at 27.1 percent. That rate is both a four-point dip from the rate of three years ago and is also well below the national rate of 44 percent.¹⁹ What was Ohio doing differently than the rest of the country?

Recidivism declines in Ohio

A new study shows Ohio has had one of the nation’s largest declines the number of parole violators who return to prison. State prison officials say they’ve been slower to revoke parole, allowing ex-convicts to remain in jobs and rehabilitative programs while safeguarding the public. Ohio’s recidivism rate is at an 11-year low.

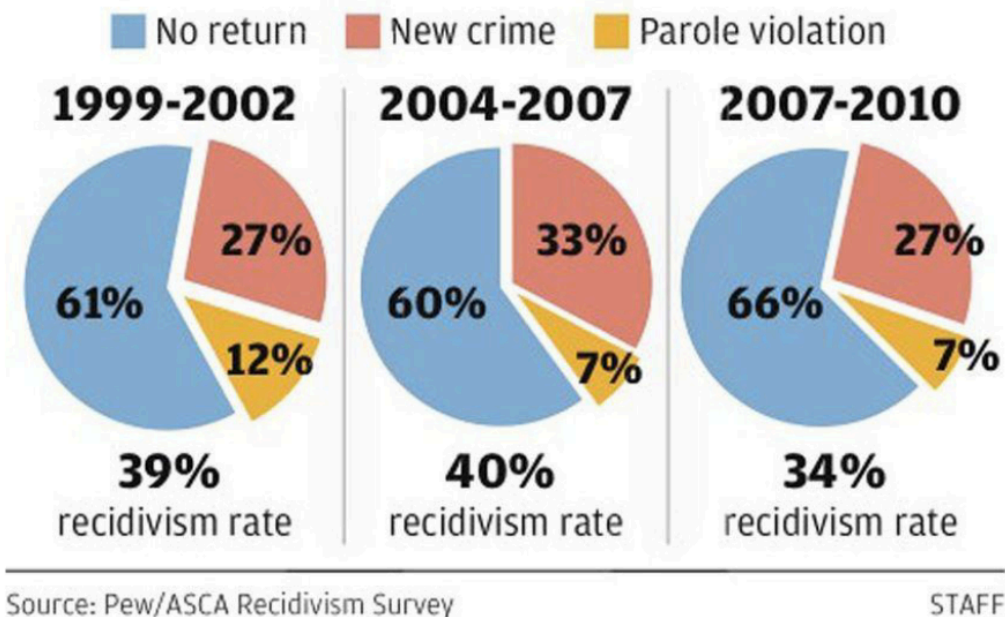


Figure 1. Recidivism Rates in Ohio From 1999-2002, 2004-2007, and 2007-2010

While some question whether Ohio’s recidivism has more to do with a lenient policy towards the revocation of parole than it has to do with actual rehabilitation, some

¹⁹ See <http://www.ideastream.org/news/feature/ohio-recidivism-rate-hits-all-time-low>

researchers have ascribed Ohio's reduction of recidivism to its strong emphasis on rehabilitation in prison and its attention to reentry services as provided by reentry organizations. As a sociologist, I was there in Cleveland to capture through ethnographic research and interviews exactly how a private Ohio reentry organization operated. Also, given the increase in female convictions, and therefore the influx of women into the areas of reentry — that has been traditionally considered male-oriented — I was also interested in discovering if there were differences in how reentry organizations offered services to women in comparison to their male clients.

The organization²⁰ I had chosen in Cleveland, Ohio caters to both men and women who have been incarcerated. It derives its funding from both public and private sources. The reentry organization's greatest private source of funds stemmed from its existence as part of the charitable arm of a Christian church and also from donations from private foundations. The organization's public source of funding comes from the federally-funded Second Chance Act fund, which, per the Act's rules, the organization does not receive directly; rather, those funds are disbursed by the Cuyahoga county local reentry office, which serves as an intermediary distributor of funding for reentry.

As the organization receives public funds, it is assiduously secular, while the architecture of the reentry organization bears subtle reminders of its religious origins; the building in which the reentry organization is situated also houses a chapel,²¹ and there is an emphasis on second chances and forgiveness -- there is, however, no requirement that

²⁰ As part of guaranteeing the anonymity of the formerly incarcerated subjects, the name of the organization will be kept confidential.

²¹ This was not the case when I started my ethnography. At first, the organization was in a much smaller building in which it was the sole inhabitant, but after a few months of my arrival the reentry organization moved to a new building that had been specifically constructed for the parent organization (the church) and which housed other subsidiaries of the parent organization.

the participants of the program attend church or profess the Christian faith. As there is no restriction on participation, the population also represents the typical range of socioeconomic backgrounds, educational histories, and racial background of the clientele of reentry organizations. It is also important to highlight that, regardless of the fact that a portion of funds are derived from public sources, the reentry organization is private, and each individual's participation is voluntary; therefore, this organization can not be thought of an extension of the state carceral apparatus. This removes any concern of subjects being coerced to participate in the research and serves to bolster the veracity of the responses to the interview questions.

Reentry organizations, while not being carceral institutions themselves, are however, responding to a carceral crisis. In recent years, there has been a proliferation of organizations aimed at assisting the formerly incarcerated in their bid to reintegrate into society. The Council of State Governments lists at least two nonprofit private reentry organizations in each state (making for a total of at least 150 such organizations) aimed at aiding the formerly incarcerated in their transition.²² In NYC alone, there exist at least 11 such reentry organizations.²³ Reentry organizations may be thought of as boundary-spanning organizations, as they serve to bridge the divide between the “marked” ex-prisoner and society. Reentry organizations may also be thought of as “brokering” organizations. According to Small, “brokerage is the general process by which an organization connects an individual to another individual, to another organization, or to the resources they contain” (2009, p. 19). Thus, reentry organizations serve to “broker”

²² See www.reentrypolicy.org

²³ See www.reentrypolicy.org

both the cultural and social capital that the formerly incarcerated require to reconnect with the rest of society.

The role of reentry organizations to span boundaries and broker social capital attains greater saliency given the nature of imprisonment. A prison is a total institution (Goffman, 1961), and, like all total institutions, it exacts social costs on the individuals that pass through it. In *Asylum*, Goffman details admission procedures such as “self-mortification” and “trimming” that socialize the inmate of a total institution to the encompassing nature of the institution, and make large groups of individuals easier to manage. Goffman notes that “the recruit comes into the establishment with a conception of himself” and that this self is “systematically...mortified” (Goffman, 1961, p. 14). Goffman notes further that “admission procedures may be called ‘trimming’ or ‘programming’ because...the new arrival allows himself to be shaped and coded into an object that can be fed into the administrative machinery of the establishment...” (Goffman, 1961, p. 16). This therefore implies that the graduate of a total institution (in this case, prison) who has been “stripped of self” must be “rebuilt” before she can mount a successful campaign to regain a place in society.

Several studies have examined the functions of organizations that attempt to “bridge” boundaries or that expose their members to social capital. Coleman was, perhaps the first sociologist to articulate the concept of such organizations. Giving a diverse range of examples, from printers in New York to student radicals in South Korea, he writes about voluntary organizations which are brought into being to aid some social crisis and “later after the crisis has been resolved, the organization remained as available social capital that improved the quality of life for residents” (Coleman, 1988, p.108). This genre

of transition is illustrative of the “appropriability” of social organizations. As Coleman notes, “organizations, once brought into existence for one set of purposes, can also aid others, thus constituting social capital [that is appropriable] for use” (1998, S108).

Mario Small’s *Unanticipated Gains* provides an in-depth examination of one such “appropriable social organization,” and is a great illustration of how organizations might serve as sites for the brokering of social capital. The subjects of his study are mothers who utilize childcare centers. The mixed methods quantitative and qualitative study collected data both at the individual and organizational level. The quantitative data was derived from an interview questionnaire given to both the directors of the childcare centers and individual mothers. The qualitative data was derived from interviews of both sets of subjects. What the study reveals is how “unanticipated gains” of social capital fall to women who use childcare centers. It showed how participation in a childcare center built trust even among the women who did not know each other and also established ties between those women and other organizations. Arguably, the book’s most significant contribution is the idea that “organizational embeddedness” matters in the study of personal networks. That is, how connected an organization is to other organizations within its organizational environment informs the ties that members of that organization will form and therefore, the social and cultural capital that will be brokered to them as a result (Small, 2009, p. 26).

However, an important qualification to make about Small’s seminal research is that it is primarily devoted to an examination of “nonpurposeful brokerage” by an organization. As Small explains, the distinction between purposeful versus nonpurposeful brokerage is that of intention. Purposeful brokerage is intentional, while nonpurposeful

brokerage is not (1990, p. 21). For example, an organization that intentionally asks its members to introduce themselves to each other is engaging in purposeful brokerage, while one whose members are unintendedly brought together by accident (for example, due to the architecture of the building which houses the organization) has achieved nonpurposeful brokerage (Small, 2009). In contrast to Small's study of childcare centers, reentry organizations, which have a mission to promote the reintegration of their participants, are engaging in the purposeful brokering of social capital, that is they have taken on the brokerage metaphor as an imperative for their organizational ethos. Thus, this study could both lead to new insights in the field of reentry and also answer questions about how organizations engage in the purposive brokerage of social goods and the effects of an assumption of brokerage as the central mission of a private organization.

Research Design

The dissertation project was an organizational case study of a private reentry organization to examine the relationship of the organization to the discursive metaphor of brokerage and also to understand how such an organization might attempt to broker the social and cultural capital it considers necessary for its clientele. This interdisciplinary dissertation called upon organizational theory, critical legal theory, and sociological theory to describe the brokerage processes of a reentry organization, while situating the reentry organization within a law and organizational environment ecology. Broadly speaking, this research contributes to a sociological understanding of how stigmatized peoples might call upon organizations to ease their transition back into society. It is true that several groups of people experience varying degrees of stigma and marginalization in

modern society. However, given the worldwide trend towards mass incarceration, the plight of formerly incarcerated people represents a compelling case study through which to consider the sociological question of how organizations might conceptualize their role in the management of stigma and marginality. This case study holds wider applications, as the prison population is a commonly perceived “out-group” in any country, and there is an enduring stigma attached to incarcerated and formerly incarcerated individuals (Hughes, 1962).

While this particular study does have limitations (as I will detail below), the utility of findings from a case study of a reentry organization is not limited to the reentry field alone. A broader impact of findings from this case study is that the processes of the purposeful brokerage of social and cultural capital is applicable to other similarly stigmatized and marginalized groups; for example, disabled veterans and adults within the autism spectrum. Another area of research that this study will illuminate is any implications for gender in relation to social and cultural capital brokerage for the purposes of reentry. The fact that the subject organization caters to both male and female clientele allowed for a natural comparative study.

The primary aim of this research is to complete a case study that describes the structure and organizational environment of a reentry organization; to investigate how such an organization engages with the brokerage metaphor, including whether and how said reentry organization brokers social and cultural capital for its members; and, if so, to illuminate the processes through which such brokerage occurs. A secondary role is to discover whether the gender of the reentry individual bears an influence on how the brokerage of social and cultural capital occurs, whether negatively or positively.

Research Questions

As this is a case study, this research is not beholden to a particular hypothesis; rather, it seeks to answer several interrelated and correlated research questions that demand to be addressed together: What impact does the discursive brokerage metaphor of reentry have on the organizational behavior of reentry organizations? How are those behaviors impacted or mediated by the gender of the clientele? Finally, given ethnographic evidence of the lived experience of the formerly incarcerated, does the brokerage metaphor accurately reflect socio-legal barriers to reentry?

This research project is most concerned with illuminating and understanding processes or sets of processes for an organization. Thus, my methods were ethnographic, including participant observation, in-depth interviews with both clients and staff, archival research, and historical research. The qualitative aspect of the research consisted of audio-recorded interviews (of both the clientele and staff of the organization) and of participant observation, during which I recorded field notes on interactions between myself and the clientele, among the clientele, and between the clientele and the staff. Self-reported relevant outside interactions (whether by staff or by clientele) were also noted. I also conducted archival and textual research to understand the history of the organization and learn what its relationship was to government agencies and funding streams.

While the first two methods allow me to capture the processes through which the organization brokers cultural and social capital via organizational actors, the latter two methods help me to situate the organization within an “institutional environment”

comprising both competitive and regulatory environments. As organizational literature tells us, an organization does not exist in a vacuum. Rather, an organization exists as a microcosm in which the organization must negotiate its aims within an environment that imposes constraints upon the organization, and in which said organization must compete for resources with other organizations (Daft, 1997; Duncan, 1972).

Thus, with a recognition of the types of data that would best fulfill those objectives, I conducted a 16 month (from January 2013 to May 2014) immersive ethnographic study of a reentry organization that caters to both men and women, employing participant-observation by attending weekly meetings at the research site, and riding along with a case worker as he went about his daily duties. I also conducted in-depth interviews of 18 formerly incarcerated women and 23 formerly incarcerated men who made use of the reentry organization, and I interviewed 6 out of the 8 case workers that work for the organization.

There are challenges to conducting research that involves a marginalized population; for one, much of the population that the reentry organization serves is itinerant or working poor. Many of these individuals have no fixed address and sometimes lacked access to a mobile phone (as a result of non-payment), which made reaching them and setting up interviews an arduous process. Some of the clientele of the reentry organization also worked long hours that made it impossible to find a time to interview them, particularly given that some of them did not want me to show up at their workplace and thereby highlight their status as formerly incarcerated people. Furthermore, participation in the reentry organization was voluntary, which meant that the population was always shifting, and the rules of confidentiality also prohibited the organization from

giving out the phone numbers of their clientele. Thus, I had to rely on meeting my potential interview subjects in person at the reentry organization to convince them to grant me an interview.

A case study of a reentry organization in Cleveland, Ohio could perhaps start to answer the question of whether the brokerage of social and cultural capital by reentry organizations has an impact on recidivism. That answer would have broader impact for other manufacturing towns confronting a surplus workforce and high crime rates.

Operationalization of Key Concepts

The key relevant concepts for the study were: 1) Stigma, 2) Social Capital, 4) Cultural Capital, 5) Brokerage, and 6) Reentry/Reintegration.

Stigma was operationalized as negative discrimination based on group identity, whether licit or illicit, in any perceivable institutionalized form. This is in keeping with the concept of a “discounted” identity posited by Goffman in *Asylum* (1986) and the idea offered by Pager (2007) of a “mark” (or “taint”) of incarceration which lends itself to negative discrimination received by the bearer, whether the discrimination is in licit or illicit form. Thus, for example, self-reported denials of employment or of housing based on incarceration record were coded as an experience of stigma. This operationalization is also in following with how stigma has been operationalized in past research (Pager, 2005, 2007; Pettit & Western, 2010).

In regards to operationalizing social capital, I kept in mind that the definition of social capital remains highly contested within the academic world. For the purposes of this research, the definitions of social capital provided by the sociologist Pierre Bourdieu

and the economist Glen Loury were given highest credence. Bourdieu was, perhaps, the first sociologist to articulate a systematic understanding of the concept, defining social capital as “the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition” (Bourdieu, 1986, p. 248). The economist Glen Loury, however, first put forth the notion of social capital as both facilitative of individual action, and as conferring an exclusive advantage. He defined social capital as “naturally occurring social relationships among persons which promote or assist the acquisition of skills and traits valued in the marketplace, an asset which may be as significant as financial bequests in accounting for the maintenance of inequality of our society” (Loury, 1977, p. 100). Thus, social capital was measured through useful social connections that obtained actionable information and that led to economic opportunity.

In operationalizing cultural capital, I recognized that the concept is sometimes collapsed into the definition of social capital, and is then treated as merely the information contained within social networks. However, this research hewed to Bourdieu’s definition of cultural capital. He defines cultural capital as forms of knowledge, skills, education, and advantages that a person has which give them a higher status in society. Furthermore, each type of cultural capital can be either legitimate or not depending on the field in which it is proffered; it can be rejected, legitimized, or even reified by gatekeepers within different fields who have the symbolic capital/power to make such decisions (Bourdieu, 1986). Therefore, for this research, it was important to acknowledge that the variable being tested is cultural capital that is acceptable to mainstream society.

In operationalizing “brokerage,” I subscribed to its definition in organizational theory as when a third party entity is involved in transmitting valuable information (social and cultural capital) and serving as a linkage or intermediary between two disparate groups. Thus, brokerage here is the act of cutting across the boundaries that separate these groups (in this case, formerly incarcerated people from other organizations, employers, government entities, etc.) and relaying information from those groups to the formerly incarcerated. Thus, for example, if an organization is teaching its clientele how to dress “professionally” (in a suit) for a job interview or how to speak “properly” (in standard English) then that organization is brokering cultural capital. Also, an organization that provides opportunities and means for its clientele to obtain a GED or other educational credentials is brokering institutionalized cultural capital.

In operationalizing reentry/reintegration, it was important to acknowledge that social integration means different things to different people. Here, reentry or reintegration is operationalized as synonymous with inclusion in the workplace and/or social mobility. This research defines reentry as, not merely denoting a return to society; rather, it is defined here as the ability to regain the opportunity for social mobility that is taken for granted in a liberal political economy. Thus, social mobility might be represented by the attainment of employment that pay a living wage or the pursuit of higher education that would ultimately culminate in such career achievements.

Data Analysis

I employed a modified grounded theory approach, in which I conducted a preliminary literature review and drafted guiding research questions that I used to analyze the

preliminary data. Through coding the responses from the formerly incarcerated and staff, I discovered recurring patterns and themes that helped to answer the research questions I already had drafted, and the response data also helped to develop new questions.

Finally, it is important to note that the research produced data analyses on several levels: micro (the interpersonal: if and how the men and women experience stigma), meso (the organization's actions: if and how the organization acts on behalf of the women and men by brokering social and cultural capital), and macro (the organizational environment: including laws and policies that constrain the actions of both the individuals and the organization). A modified grounded theory approach (Martin & Turner, 1986; Corbin & Strauss, 1990), including a literature review and guiding research questions was employed to analyze the qualitative and textual data.

Limitations of the Study

This dissertation project consists of a case study for which the primary objective was observing and describing the organizational and sociological processes of brokering social and cultural capital at a particular reentry organization. Establishing statistical significance in regards to findings was not a goal of this study, neither was the goal to generalize the findings to the reentry field as a whole. Rather, this case study aimed at uncovering recurring themes and patterns that could provide direction for a larger scale longitudinal study tracking formerly incarcerated individuals at multiple reentry organizations. A larger scale project, though fraught with logistical difficulties due to the itinerant lifestyle of many formerly incarcerated people, could reveal statistically significant findings as to the impact of reentry organizations.

As with any ethnographic project, there is always the concern that the presence of the ethnographer may influence observed behavior and also interview responses. This concern may be particularly strong for such a stigmatized population as formerly incarcerated people, who must necessarily become adept at managing the presentation of self in social interactions. Thus, the formerly incarcerated person might gloss over unpleasant facts and exaggerate desirable facts, if only to counteract the negative stereotypes associated with incarceration. With penal populations there is the added concern of coercion; that is, whether the participants of the study would feel coerced to provide answers that depicted the reentry organization in a good light. After all, the continued funding of the organization also benefits its clientele.

To ameliorate these limitations, I tried to interview as many of the respondents as I could outside of the office space of the reentry organization. I interviewed some in their homes where they felt the most comfortable, and others at fast food places, where they could confide in me over a shared meal. Most importantly, however, I strove to include a wide range of voices and opinions, and I did not only interview the respondents the reentry organizations had cherry-picked for me. My interviews always started with the statement that I was not an employee and the responses shared would not be attributed to the respondent. Given the wide range of responses I have captured, I am confident in the veracity of the responses I received.

As the subject reentry organization is part of the charitable arm of a religious organization, some might argue that the religiosity of the organization makes it unique and that any observations would not be representative of reentry organizations in general. The truth, however, is that faith-based organizations are the norm among reentry

organizations. With the Christian message of forgiveness and unlimited second chances, religious organizations have been offering reentry services to the formerly incarcerated since before the government started to contemplate those services as desirable or necessary. Furthermore, the organization I studied did not require its clientele to profess to be Christians. Rather, I spoke with at least two respondents who indicated that they were of the Muslim faith. Thus, I do not believe that the religious origins of the organization overshadowed its secular goal of societal reintegration, and I have little concern that the data I obtained has been skewed due to the influence of religion.

Finally, following insights derived from labeling theory and the study of stigma in sociology, some might argue that my study was inappropriate or harmful, because by studying the formerly incarcerated, I was participating in further labeling them and relegating them to a marginalized status. I do not take this concern lightly. I carefully followed the direction of the Institutional Review Board (IRB) at Columbia University while designing this study; our shared goal was to eliminate or reduce the potential for any of the subjects of this study to experience re-traumatization or re-stigmatization because of participation in the study. To achieve this goal, the interview respondents were guaranteed anonymity; I use pseudonyms to refer to respondents and to other formerly incarcerated individuals that I observed as part of my participant-observation at the organization. Following the directives of the IRB, my interview protocol also did not include any questions as to past or present criminal activity. Some respondents volunteered this information, but I only utilized the information within the context of my dissertation when I felt it was important to describe an issue. While I did not shy away

from presenting any relevant pathology, I also tried to provide a complete description of the formerly incarcerated individuals as full human beings.

Chapter 2: From “Nothing Works” to “What Works?”: A History of Reentry

“When a man, before innocent, commits crime, he passes, by a sudden transition, into a new world. The significance of all objects around him is changed; the laws of association in his own mind are changed; a viper is born in his breast which stings and goads him.”
—Horace Mann

Before Marsha* agreed to meet me at the McDonald’s fast food restaurant where we would conduct her interview, she told me that the McDonald’s, which was in her neighborhood, was a good venue because there was no play area and therefore not too many children. *Why did that matter?* I asked. Her reply: She could not be seen at any place children were known to congregate, she had been convicted²⁴ of a sexual offence against a minor, and this was one of the conditions of her parole. Even being in a McDonald’s with a play area could cause problems if any of her enemies saw her and decided to report her.

When Sam and I met with John in the parking lot during his lunch break – he talked happily about making “good money” and of now being in a position to provide for his two children and to make sure they had “all they need.” *What about you?* Sam asked. *What are you doing for fun? You are working so much, what are you doing when your kids are not visiting? Are you going out to the bars?* No, John said, shaking his head empathically, *I’m being good. Well, I want you to get a T.V., make sure you get cable too.* Sam counseled. Later, after John had returned to work, Sam and I were starting the drive back to the reentry organization office in his car when I turned to him and asked, “why do you think it’s important for him to get a television?” *Because he needs something to do when he’s by himself to keep him out of trouble, I don’t want him to be bored and get the*

* This is a pseudonym.

²⁴ She contended that she was wrongfully accused and convicted.

temptation to go to bars, then get a DUI or “drunk and disorderly” and his parole gets revoked and he’s back in.

This made me acknowledge an important truth about formerly incarcerated people. Although they were “out,” many of them were still not “free.” According to the Bureau of Justice Statistics, about 870,000 individuals were on parole in 2015. Parole comes with restrictions and proscriptions peculiar to the crime committed. Nevertheless, this much is true for all parolees: they must walk a tightrope of model behavior as any infraction could result in the revocation of parole and a return back to prison. Yet, there has never existed any societal consensus as to whether, and how, a formerly incarcerated individual should be rehabilitated.

To commit a crime is to cross the proverbial line in the sand, and according to some opinions, a criminal act serves to separate those who belong in civil society from those who do not. For some, still, this line is immutable – rooted in the belief that a criminal act speaks to the very nature of an individual and that there is no going back once an individual has “chosen” a life of crime. For others, however, a criminal act is not the sum of the individual; rather, it is merely an artifact of circumstances, arising from such social facts as learned behaviors, poverty, and the dearth of socially sanctioned opportunities to earn a living. For the latter group, the conclusion is not that “nothing works” to help the formerly incarcerated reenter society; rather, the question is “What *will* work?” This reframing of the question recognizes that the defeatist conclusion “nothing works” does not benefit society. For society to collectively throw up its hands when it comes to reintegration is to concede that a section of society, the formerly incarcerated, will remain forever cut off, and become a permanent underclass. If history

holds any lessons, it is that an unequal society is a dangerous one. Successful reentry is paramount to reducing recidivism and to creating a safer society. In this chapter, I chronicle the history of evolving attitudes towards reentry. What emerges is that the brokerage metaphor is yet another iteration of the “rehabilitation ideal” – with one crucial missing link, the return and full acceptance of the formerly incarcerated in the workplace.

What much previous scholarly research on reentry overlooks is that unsuccessful reentry poses larger societal problems beyond controlling crime; for example, the mass incarceration of minority men and women has the effect of decreasing diversity in the white collar workplace and of limiting access to the labor market at all levels. Diversity has become a sought after value in the corporate workspace. Several scientific studies have confirmed that diversity plays a key role in, for example, deflating price bubbles in the stock market (Sheen et al., 2014). Diversity also drives innovation and creativity (Forbes, 2011), diverse groups are better at problem solving (Hong & Page, 2004), and companies with diverse executive boards enjoy significantly higher earnings and returns on equity (Barta et al., 2012).²⁵ A criticism is that such studies on diversity focus on white-collar jobs and not the blue-collar jobs that are more commonly within reach for the formerly incarcerated; the truth, however, is that the concomitant effect of mass incarceration is to exclude large numbers of Black and Latino individuals from the workforce at all levels.

Mass incarceration as an American phenomenon stands to retard the growth of diversity in the American workplace. If more minorities (overwhelmingly Black and Latino men) are going to prison, than many more minority job applicants will find that

²⁵ See http://www.mckinsey.com/insights/organization/is_there_a_payoff_from_top-team_diversity.

their criminal conviction is a “negative credential” that stymies their efforts to rejoin the workforce after imprisonment (Pager, 2003). This is largely due to “check the box” practices that require an individual to indicate whether she has been convicted of a crime when completing a job application. This requirement, which has the effect of disproportionately excluding minority applicants, has dire implications for ongoing efforts to improve diversity at corporate and other institutions, as its effects are to cull minority applicants with criminal records from the workplace.

In recognition of the detrimental effect of the conviction question on the employment prospects of the formerly incarcerated, many states have adopted campaigns to “ban the box,” and several states have enacted legislation to curtail the employer’s power to ask questions about a criminal record at the initial application stage.²⁶ On a federal level, the Equal Employment Opportunity Commission (the EEOC) has issued an advisory which counsels employers that the use of the conviction question in applications which garner racially disparate hiring results will incur legal liability for racial discrimination.²⁷ Indeed, in 2013 the EEOC did bring suit against two employers that it felt were using conviction questions as a pretext for racial discrimination in employment.²⁸ And on November 03, 2015, President Obama announced that he would sign an executive order to “ban the box” on applications for federal jobs. This

²⁶ The campaign primarily targets public employers. As of 2015, 45 cities and counties, including New York City, Boston, Philadelphia, Atlanta, Chicago, Detroit, Seattle, and San Francisco have removed the conviction history question from employment applications. Seven states, Hawaii, California, Colorado, New Mexico, Minnesota, Massachusetts, and Connecticut, have changed their hiring practices in public employment to reduce discrimination based on arrest or conviction records. Some cities and counties and the state of Massachusetts have also required their vendors and private employers to adopt these fair hiring policies. In some areas, private employers are also voluntarily adopting ban the box hiring policies. More information is available at: <http://bantheboxcampaign.org/?p=20>

²⁷ The EEOC Guidance Regarding Use of Conviction in Job Applications. See http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

²⁸ The EEOC sued BMW Manufacturing and Dollar General for what it perceived as discriminatory hiring practices. See <http://www.eeoc.gov/eeoc/newsroom/release/6-11-13.cfm>

underscores an easily understood truism: for there to be successful reentry, former prisoners should not be shut out of the liberal economy lest they resort to crime to make ends meet.

But merely “banning the box” does not translate to instant reentry into the workplace for the formerly incarcerated. Rather, for the formerly incarcerated there remains an overly high perception of the risks they pose as employees, a perception that tends to stigmatize those individuals and reduce their chances at becoming employed. Recidivism, or when a released prisoner recommitting a crime, is the opposite of successful reentry. Thus, theories of reentry revolve around what, if any, are effective ways to keep released prisoners from recommitting crimes. The stigma of incarceration has an impact on not only the mechanisms necessary for successful reentry—such as the attainment of education or the acquisition of a job—but also on the different paradigms of reentry espoused by lawmakers. The history of reentry in the United States reveals an ongoing ambivalence to the central question of whether people who have committed crime have been irredeemably changed or whether such individuals can be rehabilitated to become law-abiding citizens who never commit another crime. In this chapter, I trace the historical arc of American attitudes and beliefs regarding punishment and reentry.

Mass Incarceration and the Trend Towards Deinstitutionalization

Statistics show that the U.S. is at the tail end of a period of mass incarceration. In 2008, which was close to the height of the mass incarceration phenomenon in the United States, one in every 100 adults in the United States had been incarcerated at least once (Pew Center, 2008). Furthermore, in 2009, there were 1.4 million individuals under state

correctional authority, a figure that is three times as much as the amount twenty years before (West, Sabol, & Greenman, 2010). These figures earned the United States the dubious honor of being the world's leading jailer. It also evinced a steep increase in the rate of incarceration since the 1980s.



Figure 2. Incarceration Rate in the United States 1985, 1990-2008

Policing approaches embraced as part of the War on Drugs drove these steep increases in incarceration.²⁹ As part of a series of laws meant to curb the trade of illicit

²⁹ See Ryan J. Reilly (2013, September 19) DOJ to Nix Mandatory Minimum Sentences in Some Pending Drug Cases: Eric Holder, *Huffington Post*, http://www.huffingtonpost.com/2013/09/19/mandatory-minimum-sentences-doj-eric-holder_n_3956409.html

drugs, the 1984 Sentencing Reform Act created federal sentencing guidelines that in essence mandated increased prison sentences for drug offenders by disallowing discretion on the part of judges. A controversial aspect of the act was the creation of a sentencing disparity of 100:1 for crack versus powder cocaine. This aspect of the act has been shown to disproportionately impact racial minorities and the poor. Although the guidelines were initially intended to be mandatory, subsequent litigation such as *United States v. Booker* (2005) called into question their constitutionality, making them more advisory in effect. It is also worth noting that the Fair Sentencing Act of 2010 signed into law by Barack Obama's administration has reduced the crack versus powder cocaine sentencing disparity to 18:1.

The Violent Crime Control and Law Enforcement Act of 1994 increased prison sentences for violent offenders. In a similar vein, the Anti-Drug Abuse Act of 1986 was enacted to institute mandatory minimum sentences for drug crimes on the mere basis of the quantity of drugs recovered. It is also important to note that in August of 2013, Attorney General Eric Holder announced that the Department of Justice will help certain drug offenders, those who have no ties to large scale organizations, gangs, or cartels, avoid harsh mandatory minimum sentences. Several suits have embraced this anti-incarceration approach as reflected in the decriminalization or deprioritization of the possession and use of marijuana by several states.

Given the recent changes in policing and punishment, the era of mass incarceration might be approaching its end.³⁰ However, an end to mass incarceration does

³⁰ The year 2012 represented the third consecutive year that prison rates had shown slight decreases. Some criminologists have heralded this change as "the beginning of the end of mass

not mean an end to the problem of reentry. An accounting in 2008 found that over 630,000 individuals will be released from correctional institutions each year (Mears et al., 2008); with the current de-escalation of mass incarceration and the attendant reduction of what were previously long or life sentences, society will have to deal with many more returning former prisoners. Effective reentry programs and policies will be crucial to the reintegration of those former prisoners given the documented high recidivism rates of those who have been formerly incarcerated.

Even as changes in sentencing guidelines start to limit the number of individuals sent to prison, the prisons themselves have already started to disgorge those swallowed up during the heyday of the “get tough on crime” era, which brought prison sentences or jail stays for offenses like drug use or jay-walking that previously might have incurred a fine or community service. America’s trend towards deinstitutionalization was precipitated not by moral convictions or policy considerations, but by sheer logistics. Incarcerating more people than there were state or federal prisons to hold them led to the rise of costly private prisons. But even that was not enough. Soon, states like California, with its “Three Strikes” policy that mandated that individuals serve twenty-five years or more for a third infraction, irrespective of the nature of the infraction, had to confront the consequence of overcrowded prison conditions that led to unsanitary and medically unsafe conditions.

The case of *Plata v. Brown* was a watershed moment in prison litigation, as it highlighted the experiences of prisoners living in the overcrowded, unsanitary, and indeed inhumane, conditions of the California prison system, otherwise known as the

incarceration.” See <http://www.nytimes.com/2013/07/26/us/us-prison-populations-decline-reflecting-new-approach-to-crime.html?pagewanted=all&r=0>

California Department of Corrections and Rehabilitation (CDCR). Among charges of overcrowding, the plaintiffs alleged that the lack of sufficient numbers of medical personnel for the over capacity prison resulted in inadequate medical screening of incoming prisoners; delays in or failure to provide access to medical care, including specialist care; untimely responses to medical emergencies; the interference of custodial staff with the provision of medical care; the failure to recruit and retain sufficient numbers of competent medical staff; disorganized and incomplete medical records; a “lack of quality control procedures, including lack of physician peer review, quality assurance and death reviews”; a lack of protocols to deal with chronic illnesses, including diabetes, heart disease, hepatitis, and HIV; and the failure of the administrative grievance system to provide timely or adequate responses to complaints concerning medical care. The claims also alleged that patients being treated by the CDCR received inadequate medical care that resulted in the deaths of 34 inmate-patients.³¹

Although a California Appeals Court found that the California prison system was dangerously overcrowded and called for prison population reduction through the release of some prisoners—specifically, a reduction to 137.5% of design capacity within two years—the state appealed this decision. Thus, the case culminated in the Supreme Court case *Brown v. Plata*, in which the Supreme Court’s opinion affirmed the lower court’s holding, finding that a court-mandated population limit was necessary to remedy a violation of prisoners’ Eighth Amendment constitutional rights. As a result of this ruling, California has released thousands of prisoners, including 1,400 “lifers”, between 2011

³¹ The initial complaint for the case may be read here: <http://cdn.ca9.uscourts.gov/datastore/general/2009/08/04/Opinion%20&%20Order%20FINAL.pdf>

and 2014.³² Many more prisoners will be released, as there are plans to make nonviolent offenders eligible for parole once they have served half of their sentence.³³ Other states facing the fiscal crunch resulting from the Great Recession of 2008 started releasing mostly nonviolent prisoners beginning in 2009.³⁴ Some states have even gone as far as to close down prisons, turning the existing buildings into homeless shelters or reentry centers.³⁵

Trouble Reintegrating Former Prisoners

Although releasing prisoners solves the problem of overcrowding, it creates yet another problem: How to reintegrate those released prisoners into society. According to one of the first comprehensive studies of reentry, 39% of individuals released from state correctional institutions in 1983 were re-arrested within the first year of their release from prison (Beck & Shipley, 1989). A distressing 63% were rearrested within 3 years, and over 4 in 10 were incarcerated once again within those three years. In a more recent study of recidivism by Langan and Levin (2002), out of a sample of individuals released in 1994, 44% were rearrested within the first year of release, 68% were rearrested within three years, and within the same amount of time, 52% of the sample were back in prison. The current recidivism rate for those on parole is around 40% (Glaze & Palla, 2005). It is, however, important to note that violations of parole terms represent a large portion of cases of re-incarceration (Taxman, 2008). In fact, many have touted draconian parole prohibitions and standards as a major driver of recidivism, with many individuals

³² See <http://www.cbsnews.com/news/1400-lifers-released-from-california-prisons-in-last-3-years/>

³³ See <http://www.latimes.com/local/political/la-me-ff-federal-judges-order-state-to-release-more-prisoners-20141114-story.html>

³⁴ See <http://www.cnn.com/2009/CRIME/12/17/prisoner.early.release/>

³⁵ See http://www.huffingtonpost.com/2015/02/05/closing-state-prisons_n_6614220.html

returning to prison due to minor infractions like breaking curfew (Petersilia, 2003). Scholars have recognized that mass incarceration and re-incarceration holds negative implications for familial and peer relationships (Braman & Wood, 2003; Eddy & Reid, 2003; Hairston, 2003; Parke & Clark-Stewart, 2003; Rose & Clear, 2003; Rossman, 2003; Uggen et al., 2004), as well as for neighborhoods and communities (Clear, 2007; Rose & Clear, 2003; Rossman, 2003).

Previous attempts have been made to determine the major factors that lead to recidivism (Petersilia et al., 1985; Petersilia & Turner, 1993; Langan, 1994). The factors present in almost all of those studies can be distilled as such: 1) the kind of conviction and existence of prior convictions (offenders whose crimes were economic or related to a drug habit are more likely to recidivate because they have become accustomed to a more lavish lifestyle); 2) income at arrest – higher unemployment and lower income; 3) family ties (people living with spouses or children are less likely to recidivate); 4) age (older individuals are less likely to recidivate); and 5) drug use (drug users are more likely to recidivate) (Morgan, 1993). However, these factors were seen as being correlative as opposed to predictive; no studies to date have demonstrated an effective method to predict recidivism (Morgan, 1993). Furthermore, one study (Petersilia & Turner, 1986), found that other factors, such as the environment the offenders returned to, the offenders' employment opportunities, familial support, and the correctional programming the offender undertook played a part in recidivism. This last study seems to point to the need for effective reentry organizations that would support and provide necessary skills and resources that the formerly incarcerated individual would require in her bid to reenter society. The fact that private reentry organizations represent a new social phenomenon

underscores that supporting the reintegration of prisoners is gaining ground. To trace the nascence of reentry organizations as a necessary part of reintegration, we must first understand the arc of American beliefs about punishment and also the evolving role and nature of parole in American society.

American Beliefs About Punishment

When Alexis De Tocqueville and Gustave de Beaumont were sent to America to examine American penitentiaries, the duo made the following observation:

“But if it be true that the radical reformation of a depraved person is only an accidental instead of being a natural consequence of the penitentiary system, it is nevertheless true that there is another kind of reformation, less thorough than the former, but yet useful for society, and which the system we treat of seems to produce in a natural way. We have no doubt that the habits of order to which the prisoner is subjected for several years, influence very considerably his moral conduct after his return to society” (Beaumont & de Tocqueville, 1833, p. 58). To know about the behavior of the formerly incarcerated, one must look to their experience as prisoners.

Even a brief look at the history of reentry in America would be incomplete without at least an understanding of how America, as a society, contemplates and approaches punishment. As Michelle Brown notes in the *Culture of Punishment*: “Many years ago Durkheim claimed that society could not only understand but also reconstitute itself through its collective representations. If he is correct...then coming to terms with the symbolic logics of culture should be the first and not the last step in any analysis and reform of criminal justice” (2009, p. 190).

A look at American punishment reveals some cultural trends and themes that may not jibe well with a commitment to the reentry back into society of the formerly incarcerated. The criminologist Michelle Brown (2009) identifies those cultural factors in *The Culture of Punishment*: 1) “distinct social distance from punishment”; 2) “the convergence of punishment with an emotive response to the insecurity and uncertainty of late modernity, defined by a passive fear, anger, and blame”; 3) “the normalization of penal excess and the failure of penal restraint”; and 4) “a majoritarian sense of legitimacy and authority derived from cultural play with penal judgment” (p. 192).

This social distance from punishment manifests itself both as the stigma of incarceration, so aptly identified by Goffman (1986), and the lingering effects of such stigma even after incarceration (Pager, 2003). There is a social distance created between the individual who has been “marked” by a prison record and whose worth has been “discounted.” This distance is measured in their diminished job prospects. To acquire a job is in many ways to join a social club; indeed, a social club in which we spend most of our adult lives. Thus to be denied a job is to be denied belonging; to be denied institutional citizenship.

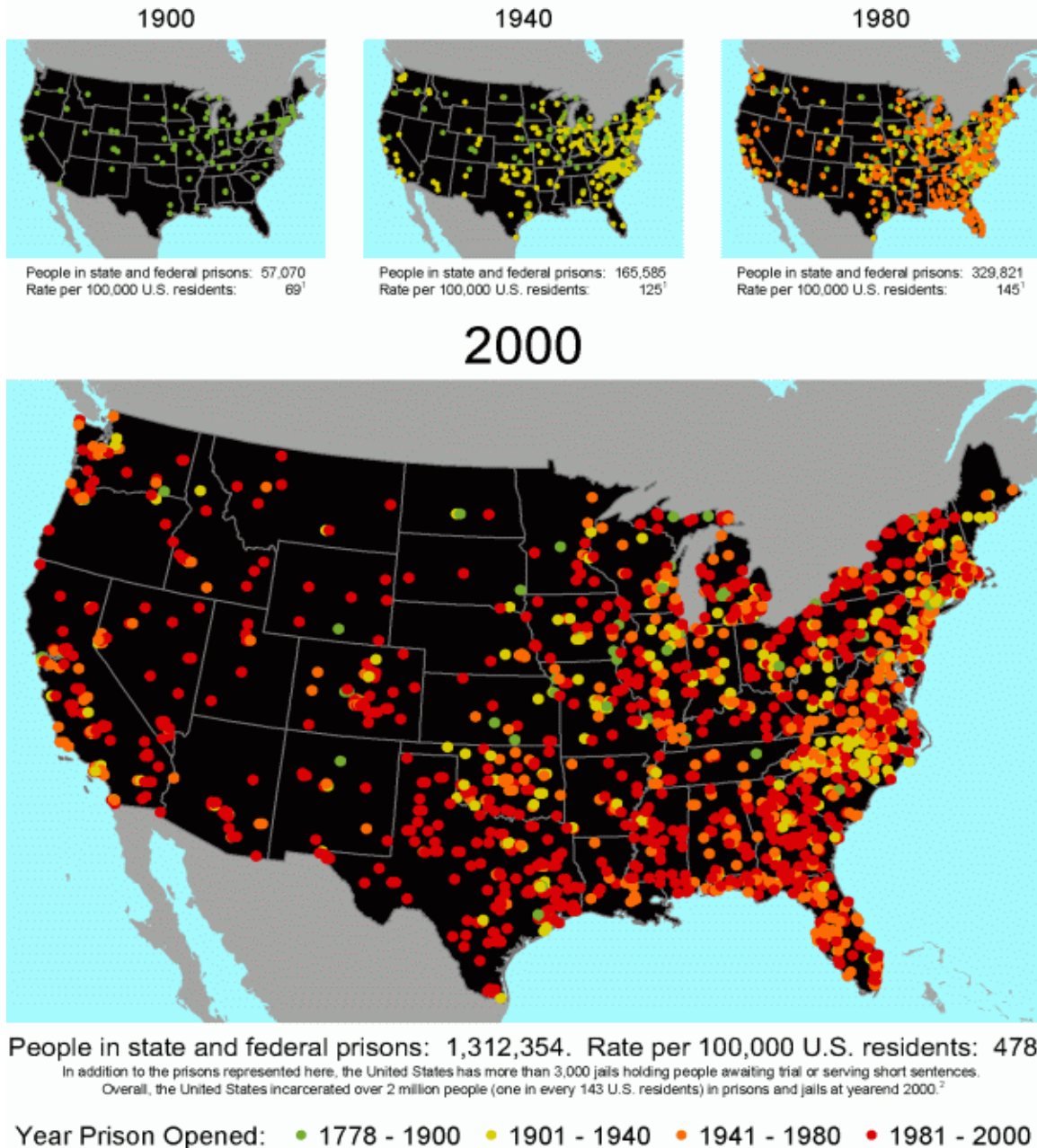
As individuals who are not marked by incarceration, we can remain confident that even though we might experience some social distance—not all clubs will want us—we will find at least one club that *fits* us. Yet, formerly incarcerated people might find that the social distance they experience is all encompassing; they are unwelcome everywhere. In this section, I focus on the physical aspects of the imposed social distance; I expound on the legalized stigma in chapters 3 and 4.

The social distance accorded prisoners most recognizably manifests itself in physical space. We can trace this arc throughout American history, starting from the fictionalized account of punishment in puritanical America in Nathaniel Hawthorne's *The Scarlet Letter*, where the condemned is obliged to live on the outskirts of town, and culminating in the modern day isolation of prisons; an isolation which in many cases (the case of Abu Ghraib is a prime example) has fostered human rights abuses. Although there are more jails and prison than there are colleges or universities in America,³⁶ most people remain unaware of this fact, and indeed the physical isolation of America's prisons renders them invisible to the social consciousness. As Pete Brook (2015) writes in *Wired*: "[Ma]ny of these facilities are located in small towns, deserts, and remote corners of states with lots of space. They're out of sight, and out of mind."³⁷

³⁶ See <http://www.washingtonpost.com/blogs/wonkblog/wp/2015/01/06/the-u-s-has-more-jails-than-colleges-heres-a-map-of-where-those-prisoners-live/>

³⁷ See <http://www.wired.com/2015/01/josh-begley-prison-map/> Josh Begley has an art project entitled "Prison Maps," in which he seeks to raise social awareness of where prisons are located in America. His project was part of the group exhibition 'Prison Obscura,' curated by contributor Pete Brook, which opened at [Parsons](#) in February 2015.

U.S. Prison Proliferation, 1900-2000



Designed by Rose Heyer for PrisonersoftheCensus.org

Created March 28, 2005. Data Source: U.S. Dept. of Justice, Bureau of Justice Statistics. *Census Of State And Federal Adult Correctional Facilities, 2000*. Conducted by U.S. Dept. of Commerce, Bureau of the Census. ICPSR ed. Ann Arbor, MI, 2004. Cartography Source: Environmental Systems Research Inst.

¹ U.S. Dept. of Justice, Bureau of Justice Statistics. *Historical Corrections Statistics in the United States, 1850 - 1984*, Dec. 1986.

² U.S. Dept. of Justice, Bureau of Justice Statistics. *Prisoners in 2000*, Aug. 2001.

Figure 3. United States Prison Proliferation From 1900-2000

Regarding the second cultural trend identified by Brown as the convergence of punishment to the emotions of fear and blame, it is no guarded secret that American prisons have switched their focus from rehabilitation to retribution.³⁸ Rehabilitation as a penal goal suggests a rational response to crime and a methodical application of punishment to achieve the desired end result of an individual fit to be reintegrated back into society. Retribution, however, is the sibling of vengeance; it suggests an emotional response, one calculated not so much to accomplish a positive end, than as to indiscriminately inflict pain.

“Tough on Crime” policies commenced with the martial tenor of Nixon’s “War on Drugs” in the 1970s, and enjoyed great popularity in the 1990s. The Clinton administration withheld Pell Grants for inmates hoping to obtain an education, denied food stamps to those who had been convicted of a drug felony, and created “Truth in Sentencing” policies, which advocated that prisoners serve their full prison sentences without considering any evidence of rehabilitation. Finally, the rise of “Three Strikes” policies for states like California which mandated a life sentence for a third offense, regardless of the nature of the offense, if the first two offenses had been serious felonies.

The normalization of the penal process, as well as, a resigned perusal of the excesses of the penal system, is readily evident in the packaged entertainment that capitalizes on America’s fascination with penal culture. The American enthrallment with the carceral is evinced by the popularity of movies and television shows set in prison. From the 1994 critically acclaimed film *The Shawshank Redemption*; to the highly successful (and highly violent) television show *OZ*, which is set in a men’s prison; and, finally, to the popular *Orange is the New Black*, a Netflix series based on the memoir of a

³⁸ I discuss the change in more detail later in this chapter.

former female prisoner, American audiences have shown an appetite for consuming penal cinema. Indeed, the brutality of the carceral system is often on full display in all three aforementioned pieces of media; from emotional coercion to rape to beatings and stabbings, violence and degradation is accepted by American audiences as a normalized part of prison life — inevitable and accepted occurrences within the American carceral system. Consider the farcical concept of prison consulting, a booming business, in which former prisoners market themselves as consultants to advise the newly sentenced how to manage life behind bars and leave prison relatively unscathed.³⁹

The criminologist Michelle Brown also identifies a fourth cultural trend, one in which politicians enjoy “a majoritarian sense of legitimacy and authority derived from cultural play with penal judgment” (2009, p. 192). There is no better evidence of this than “tough on crime” policies espoused by both Democrat and Republican politicians alike. “Tough on crime” policies suggest a righteous stance against crime, where crime is seen as a moral enemy to be battled rather than a social condition to be investigated and ameliorated. Thus, a rehabilitation model of incarceration, where prisoners might be treated humanely, and even allowed some comforts or avenues for social mobility is recast as decadence. Research into the societal drivers for crime is eschewed in favor of an action-oriented, individual-focused approach wherein the blame for the crime is borne solely by the individual, because to do otherwise would be perceived as morally lax.

³⁹ See http://www.nytimes.com/2012/04/08/fashion/prison-consulting-draws-new-crop-of-ex-cons.html?_r=0

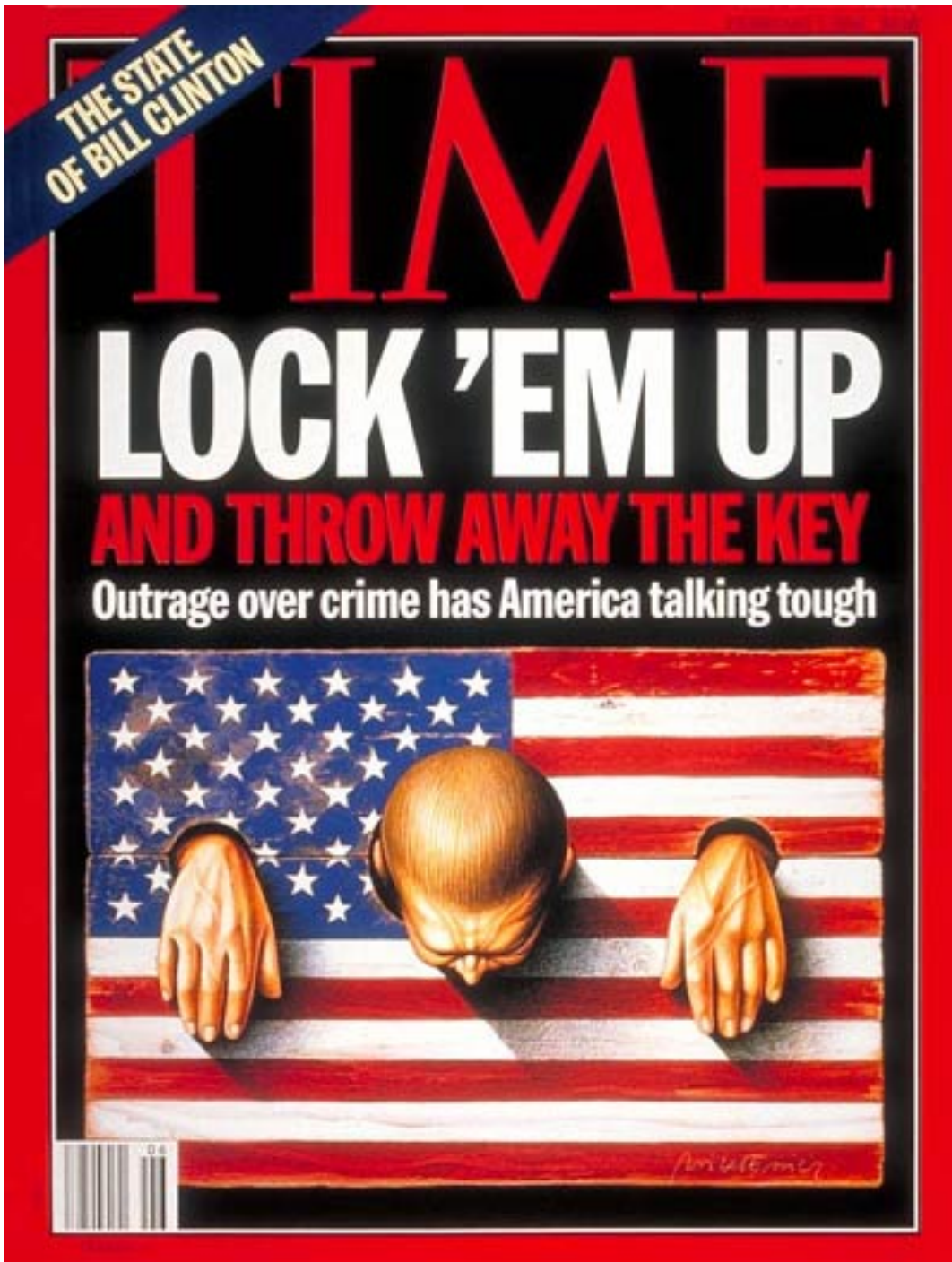


Figure 4. Time Magazine Cover February 7, 1994.

*Parole*⁴⁰

American cultural attitudes towards crime and punishment filter down to attitudes towards parole and what is demanded of individuals who are on parole. Although most prisoners will eventually be released—about 95%—most of those released individuals do not enjoy unfettered freedom, as they are released on parole (Petersilia, 2003). Between 1980 and 1999, the percentage of individuals who had left prison as parolees had more than doubled, from 16% to 33.8% (Petersilia, 2002, p. 171). Although I now identify, what I term, a “brokerage metaphor” when it comes to reentry — such as to suggest that the emphasis is no longer social control, but rather, the “rebuilding” of the individual — the brokerage metaphor of reentry was not present at the initial conceptualization of parole.

Although the word “parole” has its origins in the French word, *parol*, suggesting that the prisoner is released on her “word,” that is, her promise to abide by the law (Petersilia, 2002, p. 129), the manner in which parole is currently practiced in the U.S. belies the origins of parole in which a belief in self-responsibility and trust was implied. Parole in the U.S. carries with it the continued surveillance of paroled individuals in the form of drug tests and check-ins, as well as restrictions on behavior and civil liberties in the form of curfews and travel bans (Travis et al., 2001). Failure to abide by these rules could result in the revocation of the individual’s parole and a return to prison. With the myriad rules that a parolee must follow, it is no surprise that parole revocation is one of the major factors linked to the growing U.S. prison population. Researchers have found that from 1984 to 1999, the percentage of offenders successfully completing parole

⁴⁰ As the focus of my dissertation is on sociological processes after a period of incarceration, I focus primarily on parole, and I do not discuss the history of probation as probation is generally granted in lieu of incarceration.

declined from 70% to 42% (Hughes, Wilson, & Beck, 2001). Additionally, a study by the Bureau of Justice Statistics found that 42 percent of all state prisoners in 1991 had committed their latest crimes while out on probation or parole (Beck, 1991; Reaves & Smith, 1995). The recidivism of those on parole had served to contribute to the notion that “nothing works” as many concluded from the work of Robert Martinson.

American parole borrows heavily from the English system of parole, which had its roots in rehabilitation. The English parole system is widely attributed to the ideas of Alexander Maconochie, who supervised the Norfolk Island Penal Colony off the coast of Australia, and to Sir Walter Crofton, who directed Ireland’s prisons (Cromwell & del Carmen, 1999). Maconochie’s main contributions were to develop a system of rewards in which prisoners were rewarded for their labor, study, and good behavior. This system of rewards was practiced in conjunction with the “mark system,” in which prisoners could advance through multiple stages of increasing responsibility, and eventually gain their freedom on parole. This system operated irrespective of the length of a prisoner’s sentence. Prisoners progressed on the basis of how well they performed; and they could be released as soon as they evinced a commitment to following societal rules, even if their sentence was not yet over. Maconochie faced some criticism for his ideas and he was unable to implement them in England, as they were deemed too lenient (Clear & Cole, 1997).

Walter Crofton built on Maconochie’s ideas. Like Maconochie, he believed that the penal system’s main goal should be rehabilitation and proposed that “tickets-of-leave” should be allowed for prisoners who had shown personal growth and improvement. As administrator of the Irish prison system, Crofton began allowing some prisoners to be

moved to “intermediate prisons” where the prisoners received marks based on a “mark system” that privileged improvements in work performance, education, and behavior. Ultimately, they could accumulate enough marks to be given tickets-of-leave and be released from prison (Clear & Cole, 1997).

It is worth noting that under Crofton’s system the released prisoners did not enjoy complete freedom. Rather, the parolees were subject to continued surveillance and to strict rules of behavior. For example, the parolees had to provide monthly reports to the police. They were also obligated to seek out the guidance of a police inspector who would help them find jobs, and who generally supervised their activities. The American parole system, with its features of intermediate prisons (halfway houses), continued assistance and guidance, and documented supervision, has more in common with Crofton’s iteration of the mark system than it does Maconochie’s original idea (Clear & Cole, 1997).

Crofton’s ideas eventually infiltrated the American penal system. The National Prison Association conference in Cincinnati in 1870 featured the reading of a paper by Crofton, after which some of his ideas, known as “the Irish System,” were included in the “Declaration of Principles,” including such changes as indefinite sentencing and the use of the mark system to determine the suitability of early release (Walker, 1998). Following these principles, Zebulon Brockway became the first to implement Crofton’s system of parole in the United States.

Brockway’s parole system, first implemented at the Elmira Reformatory in New York, embraced an approach that later became known as the “rehabilitative ideal” (Allen, 1981). This approach operated on the belief that criminals could be reformed and furthermore,

that it was in the interest of society to rehabilitate the character of the prisoner. Each inmate at the reformatory (all males aged 16-30 years old) was placed in a neutral classification grade. After six months of good behavior, the reformatory would promote an individual; conversely, an inmate's misbehavior was cause for being downgraded. The reformatory required continued good behavior in the promoted grade before an inmate could be released on parole. Individuals submitted monthly behavior and conduct accounts to volunteer guardians (the precursor to the parole officer), which the guardians submitted to the reformatory to assess progress (Abadinsky, 1997).

This model of release and parole quickly spread, with New York being the first state, in 1907, to formally put a system of parole into place. By 1927, all states except Florida, Mississippi, and Virginia had established parole systems. By 1942, all states and the federal government penal system had established such parole programs (Clear & Cole, 1997). Once the systems were in place, the popularity of discretionary release grew to such an extent that the number of U.S. prisoners released on parole ascended from 44 percent in 1942 to a high of 72 percent in 1977 (Bottomly, 1990). For many, the parole system was an effective way to achieve rehabilitation and to fulfill the financial imperatives of the penal system. Parole could “contribute to prisoner reform by encouraging programs aimed at rehabilitation” and “the power to grant parole was thought to provide officials with a tool for maintaining institutional control and discipline” (Petersilia, 2002, p. 60). Additionally, parole also helped keep the penal system working by offering a solution to overcrowding (Petersilia, 2002, p. 132).

Early Problems with Parole

From the beginning, there were problems associated with parole. Some viewed the idea of parole as leniency towards crime: “a Gallup poll conducted in 1934 revealed that 82 percent of U.S. adults believed that parole was not strict enough and should not be granted as frequently” (The Gallup Organization, 1998; Petersilia, 2002, p. 133). Some criminologists also argue that the “rehabilitative ideal” began to overshadow the punitive aspect of prison, and that this brought with it a host of problems. Petersilia finds that “over time, the positivistic approach to crime which viewed the offender as ‘sick’ and in need of help – began to influence parole release and supervision” (2002, p. 133). This meant that “indeterminate sentencing in tandem with parole acquired newfound legitimacy” and that parole boards acquired greater power, ultimately becoming the final arbiter of “when the offender was rehabilitated and thus suitable for release” (Petersilia, 2002, p. 133). These last two developments would come to create problems for the parole systems both in terms of perceived leniency towards crime and in a lack of oversight and real or perceived arbitrariness when it came to the release of prisoners.

First, the composition of parole boards encouraged bias. Parole boards are composed of political appointees who are given broad discretion to determine when an offender is ready for release. The parole board’s discretion is only checked by the maximum sentence imposed by the judge at sentencing (Petersilia, 2002). Scholars have found that in early years of the parole system, there were “few standards governing the decision to grant or deny parole, and decision-making rules were not made public” (Petersilia, 2002, p. 134). Members of parole boards were also often appointed based on

“party loyalty and political patronage, rather than professional qualifications and experience” (Morse, 1939; Petersilia 2002, p. 134).

Second, the wide-ranging discretion afforded parole boards did result in racial and gender disparities (Tonry, 1995). David Rothman writes that in the early days, the parole boards’ primary evaluative factor was the seriousness of the crime the offender had committed. The issue was that there was no metric for measuring the seriousness of the crime. Rather, Rothman writes: “each member made his own decisions. The judgments were personal and therefore not subject to debate or reconsideration” (Rothman, 1980, p. 173).

However, despite these early problems, parole became entrenched as part of the American penal system. Parole became the standard model for release from prison and something to be taken into serious consideration once a prisoner had completed her minimum sentence. By the 1950s, indeterminate sentencing subject to parole release was the dominant sentencing form in the United States, and by the late 1970s more than 70 percent of all inmates were released pursuant to the discretionary ruling of a parole board (Petersilia, 2002, p. 134). In the 1960s, the percentage of prisoners released through parole was as high as 95 percent in California, New Hampshire, and Washington. (O’Leary, 1974).

The Demise of the Rehabilitation Model

In the 1970s, the pendulum began to swing back on the popularity of parole and the rehabilitation ideal. Robert Martinson and his fellow researchers fired the first effective volley of criticism of the American parole system. In 1975, the group published

a review of studies that purported to discover the effectiveness of the American penal system. In the studies, Martinson and his group of researchers declaimed: “with few and isolated exceptions, the rehabilitative efforts that have been reported so far have no appreciable effect on recidivism” (Lipton, Martinson, & Wilks, 1975).

It is important to note that, of the 289 studies that Martinson et al. reviewed, only 25 (8.6 percent) evaluated parole programs (Petersilia, 2002, p. 135), yet their research served as powerful ammunition in the delegitimization of system of parole. Martinson’s work was interpreted as having effectively demonstrated that “nothing works” when it came to the rehabilitating prisoners. The National Research Council further reified the Martinson review by concurring with its conclusion (Sechrest, White, & Brown, 1979).

Interestingly, Martinson later repudiated the “nothing works” conclusion suggested by interpretations of his work:

“And, contrary to my previous position, some treatment programs do have an appreciable effect on recidivism. Some programs are indeed beneficial; of equal or greater significance, some programs are harmful... My original conclusion concerning the importance of treatment programs in criminal justice was derived from a survey accomplished for the State of New York covering the period 1945-1967. This survey led to a book, *The Effectiveness of Correctional Treatment* (ECT), which summarized research from 231 studies. I coauthored ECT. The conclusion I derived from ECT is supplied in an article which has been widely quoted and reprinted. However, new evidence from our current study leads me to reject my original conclusion and suggest an alternative more adequate to the facts at hand. I have hesitated up to now, but the evidence in our survey is simply too overwhelming to ignore.... In brief, *ECT* focused on summarizing evaluation research which purported to uncover *causality*; in our current study we reject this perspective as premature and focus on uncovering *patterns* which can be of use to policymakers in choosing among available treatment programs. These patterns are sufficiently consistent to oblige me to modify my previous conclusion. The authors of *ECT* laboriously summarized hundreds of evaluation studies, but astonishingly the book itself contains no general conclusion. It is a compendium of findings displayed in hundreds of subparagraphs, and, in my opinion, it defies summary as a whole. I undertook, on my own responsibility, to supply what the authors of this work could not or would not supply—a conclusion. I limited my

summary to recidivism, and included with the summary brief discussion and analyses of the research on which the summary was based. My conclusion was: “With few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism.” This conclusion takes the usual form of rejecting a hypothesis, *i.e.*, the hypothesis that treatment *added to* the networks of criminal justice does in fact have an *appreciable* effect. The very evidence presented in the article indicates that it would have been incorrect to say that treatment had *no* effect. Some studies showed an effect, others did not. But, all together, looking at this entire body of research, I drew this conclusion, and thought it important that the conclusion be made public and debated. It surely was debated. On the basis of the evidence in our current study, I withdraw this conclusion. I have often said that treatment added to the networks of criminal justice is “impotent,” and I withdraw this characterization as well. I protested at the slogan used by the media to sum up what I said—“nothing works.” The press has no time for scientific quibbling and got to the heart of the matter better than I did. But for all of that, the conclusion is not correct. More precisely, treatments will be found to be “impotent” under certain conditions, beneficial under others, and detrimental under still others. The current study, by enabling us to uncover a major category of *harmful treatment*, is an advance on *ECT*. It enables us to indicate, at least roughly, the conditions under which a treatment program will fall into one of three categories: (1) beneficial (the program *reduces* reprocessing rates); (2) neutral (*no impact*, positive or negative, can be determined); and (3) detrimental (the program *increases* reprocessing rates).⁴¹

However, other critiques also added nails to secure the coffin for the rehabilitative ideal. Some activists challenged parole and indeterminate sentencing on moral grounds as unjust and inhumane, particularly since prisoners had no say in the matter. Some prisoners argued that not knowing their release dates held them in “suspended animation,” and was therefore a secondary punishment (Petersilia, 2002, p. 136). A third criticism was the unchecked discretion awarded to parole boards. The unchecked discretion in making release decisions resulted in decisions that were often inconsistent and, at times, discriminatory. As there was no oversight of the parole board’s decisions, and also no clear guidelines and standards for the decisions to be reached, critics argued that release

⁴¹ Martinson, Robert (1979), “New Findings, New Views: A Note of Caution Regarding Sentencing Reform,” *Hofstra Law Review*: Vol. 7: Iss. 2, Article 1. Available at: <http://scholarlycommons.law.hofstra.edu/hlr/vol7/iss2/1>

decisions evinced race and class bias (Citizens' Inquiry on Parole and Criminal Justice, 1974).

These conclusions as to the lack of effectiveness of the rehabilitation ideal put the very idea of the parole system in question. If "nothing works," then no prisoner could ever be expected to be successfully rehabilitated, and no prisoner could be expected to be ready for release prior to concluding her maximum sentence. Taken further, perhaps it was necessary to shift the penal focus from rehabilitating prisoners to punishing them, and, perhaps, to indefinitely incapacitating them from rejoining society.

Rise of Punitive and Incapacitation Models of Imprisonment:

With the demise of the rehabilitative ideal, several criminologists began advocating for alternative sentencing models. James Q. Wilson argues that since there was no scientific evidence that rehabilitation could be effectuated, the state should abandon rehabilitation as the paramount goal for incarceration. Rather, he urged that deterrence and incapacitation should take precedence as the privileged objectives of the correctional system. Wilson proposes that "we could view the correctional system as having a very different function – to isolate and to punish. That statement may strike many readers as cruel, even barbaric. It is not. It is merely recognition that society must be able to protect itself from dangerous offenders...it is also a frank admission that society really does not know how to do much else" (Wilson, 1985, p. 193).

Similarly, Andrew von Hirsch advocated for the abolishment of the rehabilitative prison and parole program. He advocated for a social harm calculation model in which sentencing would reflect the level of social harm the offender had committed. Thus,

indeterminate sentencing and parole would be replaced with determinate penalties created for specific offenses. Individual characteristics such as circumstances surrounding the crime and the potential for rehabilitation or recidivism would be immaterial to the sentencing decision. Therefore, parole would be abolished entirely (von Hirsch, 1976).

David Fogel proposed a middle ground: a “justice model” for prisons and the parole system where inmates would be given opportunities to volunteer for rehabilitation programs, but in which participation would be voluntary. Fogel decried the unchecked discretion allowed to correctional officials and parole boards. Thus, he advocated for the elimination of parole boards and a return to determinate sentencing. He also proposed returning parole’s surveillance function back to law enforcement (Fogel, 1975).

These criticisms took root. Maine became the first state to abolish parole in 1976. The following year, California and Indiana followed suit and eliminated discretionary parole. By 2000, fifteen states had abolished discretionary parole release for all inmates. In another 21 states, parole boards were operating with reduced capacity and discretion. As of 2001, only 15 states had given their parole boards full discretionary authority to release inmates (Petersilia, 2002, pp. 137-139). At the federal level, the Comprehensive Crime Control Act of 1984 promulgated the U.S. Sentencing Commission and abolished the U.S. Parole Commission; parole was phased out from the federal criminal justice system in 1997. Thus, prisoners in the federal system are no longer eligible for parole, but rather are mandated to fulfill a defined term known as “supervised release” (Adams & Roth, 1998).

Other changes such as the “three strikes” and “truth-in-sentencing” reform laws reflected the new focus on punitive and incapacitation objectives. Even the states that

have not eliminated parole have embraced these other programs. Most states now have mandatory minimum sentencing guidelines, and the federal government and twenty-five states have established “three strikes” laws that require lengthy minimum terms for repeat offenders, thus fulfilling the incapacitating ideal (Lyons, 2000). Also, twenty-nine states and the District of Columbia have “truth-in-sentencing” laws in place, under which people convicted of violent crimes must serve at least 85 percent of their prison sentence (Petersilia, 2002, p. 140). In practice, this means that parole boards now have limited powers to set release dates and that prison wardens can no longer award time off for good behavior or for the inmate’s participation in work or rehabilitation programs behind bars (Petersilia, 2002; Ditton & Wilson, 1999).

Later Problems with Parole

With the demise of the original rehabilitation ideal, several scholars noted new problems for the parole system. Scholars have found that parole then started to privilege safety and security concerns over the rehabilitation of prisoners (Lynch, 1998), as evidenced by that fact that parole officers are legally permitted to carry weapons in most states (Camp & Camp, 1999). Studies also show that parole officers started to serve a more law enforcement oriented role than a rehabilitative one (Travis, Solomon, & Waul, 2001). This is evinced by studies showing that, especially in large urban areas, parole officers perform more surveillance-type tasks like drug-testing, electronic monitoring, and verifying curfews, as opposed to more service-oriented tasks (Petersilia, 1998b). Researchers found that these punitive attitudes resulted in fewer services available to parolees (Petersilia, 1998b).

A greater surveillance orientation towards parole meant the detection of more parole violations and more prisoners being sent back to prison, thus feeding the carceral continuum. For example, greater drug testing (which, in some states, even includes marijuana use), resulted in the flagging of more drug use parole violations. The same could be said of curfew and other technical violations. Revocation based on parole violations then becomes a major driver of “recidivism” creating a “prison-to-parole and back-to-prison revolving door cycle” (Petersilia, 2002, p. 117).

The reorientation of parole away from rehabilitation meant also the abandonment of the idea of providing services to the formerly incarcerated. Public perception of the inutility of those services resulted in funding cuts to prison programming, community social services, and community correctional supervision services (Grommon, 2013, p. 7). Any available services were further marginalized by the fact that the returning prisoners are perceived as “less than the average citizen” (Uggen et al., 2004, p. 261). This lack of services further increased the recidivism risk of the formerly incarcerated, as they confront fewer transitional services once they are out (Gibbons & Katzenback, 2006).

What Works?: Going beyond Parole To a Summary of Existing Approaches to Reentry

However, given that the punitive attitudes driving incarceration do not seem to reduce recidivism but, in fact, has resulted in higher recidivism, the pendulum has now swung back to Martinson’s original question of what works. This time, however, that question is not merely a rhetorical one, rather than the state throwing up its hands in defeat, the current trend is to ask: what works? Criminologists and sociologists alike who

evaluate programs and approaches to reentry pose this question as they seek to determine which programs could represent the model for success.

There is no consensus on the answer to that question. The lack of consensus stems from the relatively low levels of empirical research activity in the area of reentry studies. Recently, researchers have noted that while “the prison reentry movement is growing...it is as yet not a particularly well-informed movement” (Grommon, 2013, p. 7). Several researchers have found that “much of the available research on reentry is atheoretical and relies upon post hoc interpretations of reentry events and processes that may or may not involve correctional programming” (Grommon, 2013; Lattimore et al., 2005; Lynch, 2006; Maruna et al., 2004a). The lack of a coherent theoretical emphasis that guides the policies and practices of reentry organizations means that it is difficult to interpret results and identify causes and effects for reentry programming (Harrison & Beck, 2005; Lattmore et al., 2005; Taxman, 2004).

The lack of a coherent and identifiable theoretical grounding for reentry policies is bolstered by the widespread belief that any reentry programming will positively benefit participants regardless of program design and content. However, without careful planning, divergent processes in a reentry program stemming from a hodgepodge of reentry theories could actually negate any anticipated benefits and produce little effect. Also, haphazardly implementing programs without a solid grasp of proven best practices based on reentry theory may result in participants encountering more harm than good (McCord, 2003).

Based on a review of the literature on reentry, I have found that there is no one standard model of reentry; rather what I have identified are four competing approaches or

emphases to reentry with different fundamental assumptions and goals. Lynch (2006) has noted that the evaluation and deconstruction of individual studies of specific reentry organizations are necessary to synthesize and identify the driving theories and praxis of reentry events, processes, and programs. Lynch suggested that those four approaches are: 1) social control emphasis, 2) social development emphasis, 3) supervision emphasis, and 4) transitional emphasis (Grommon, 2013, pp. 25-43).

Social Control Emphasis:

The reentry approach that emphasizes social control is the progenitor of John Braithwaite's theories. The social control theory to reentry stems from the belief that individuals who engage in criminal behavior do so because they experience weak social control. As those individuals have weak, broken, or non-existent social bonds (Hirschi, 1969; Reiss, 1951), the theory is that a lack of strong social bonds also foster a lack of restraint (or guardianship) that encourages criminal behavior. Implicit in this theory is the idea that all human beings already share an innate desire for criminal activity, a desire that can only be checked by strong social bonds. These social bonds are created by social ties, networks, and institutions created from one's social environment. It is through these bonds that the individuals then internalize the normative values and ambitions of mainstream society (Hirschi, 1969; Reiss, 1951). The availability of these types of bonds vary from individual to individual; however, the bonds are dependent on an individual's current social situation and stage in life, as well as the individual's past behaviors (Laub & Sampson, 1993; Matza, 1964).

Theorists have argued that social bonds provide structure, accountability, and stability (Maruna et al., 2004a). Further, these bonds can foster lifestyle changes (Shover & Thompson, 1992). The most effective bonds to accomplish the above results are those that foster an individualized belief in the norms and values of conventional society, a commitment to society, and involvement in conventional activities (Hirschi, 1969). This theory borrows from Coleman's (1988) conceptualization of social capital. The more an individual commits to conventional behavior, the more likely the individual will gain more social networks that provide the social capital necessary for upward social mobility (Giordano et al., 2002). Such social networks discourage criminal behavior, as members react negatively to it (through shaming, scolding, and distancing) (Horney et al., 1995; Shover & Thompson, 1992), thus making an individual who is committed to building such a network less likely to continue such criminal behavior (Sampson & Laub, 1993).

Researchers have found that the bonds most likely to accomplish the above are those that result from marriage and employment; that is, evidence suggests that those types of bonds significantly reduce levels of criminal behavior, and can thus reduce recidivism (Giordano et al., 2002; Horney et al., 1995; Huebner, 2005; Laub & Sampson, 1993; Sampson & Laub, 1993; Shover & Thompson, 1992; Warr, 1998). As a result of these theories, family members are often called upon to provide the necessary social bonds for formerly incarcerated people who are transitioning back into society (Berg & Heubner, 2011; LaVigne et al., 2004; Mallik-Kane & Visser, 2008; National Research Council, 2008; Nelson et al., 1999; Petersilia, 2003). It is important to note, however, that the theory of marriage and employment being the most vital social bonds for social control in regards to reentry has been called into question by studies (particularly

involving female respondents) showing that some single and unemployed individuals do not recidivate (Giordano et al., 2002).

In putting a social control emphasis into practice, reentry organizations attempt to include programming that will assist in building new social bonds or repairing old broken ones (Lattimore & Visher, 2010; National Institute of Corrections, 2008; National Research Council, 2008; Taxman et al., 2002). The experience of being incarcerated and thus removed from society serves to sever any existing social bonds (Petersilia, 2003; Western et al., 2004). The returning individuals are likely to be poor, to have suffered domestic or sexual abuse, to suffer from substance abuse or dependency, and to lack education and the social networks that would provide job opportunities (Maruna, 2001; Maruna et al., 2004a; Nelson et al., 1999; Petersilia, 2003; Travis et al., 2001). And, to exacerbate the situation, the communities to which these individuals are returning usually have easy access to drugs, high levels of crime and a significant law enforcement presence, unforgiving community members, and a lack of employment opportunities (Maruna, 2001; Maruna et al., 2001, Nelson et al., 1999; Petersilia, 2003; Travis et al., 2001). The presence of a criminal record can also hamper access to civic activities through which the individual could have forged social networks (Nelson et al., 1999, Petersilia, 2003; Uggen et al., 2004; Uggen & Manza, 2004).

Since the aim of the social control emphasis approach is to build social networks, rather than focusing solely on the individual, programming at organizations espousing this theory tends to focus on the individual's surrounding environment. The extension of programming to the community provides the bulk of the criticisms of this approach. For example, when it comes to repairing old bonds, the evidence is mixed that family

reunification efforts can help the process of reentry (Braman & Wood, 2003; LaVigne et al., 2004; Naser & Visser, 2006; National Research Council, 2008; Nelson et al., 1999; Parke & Clarke-Stewart, 2003; Petersilia, 2003; Western et al.; 2004). This is because some families might be supportive and others might not; some individuals may also be unwilling to expose their families to programming that details their criminal past (Bahr et al., 2010; Braman & Wood, 2003; La Vigne et al., 2004). Criminologists have also argued that such efforts to involve family and community members unethically involves the those who have not been convicted of any crime in the penal continuum (Foucault, 1977; Simon, 1993; Wacquant, 2001; Wacquant, 2000). I contend that a major flaw of this approach is that it promotes a “carceral culture,” that extends into the formerly incarcerated individual’s family and community life. This “carceral culture” runs the risk of coming to define the individual and also “normalizing” her past criminal experience in a way that comes to define her future interactions with his family and community.

Social Development Emphasis:

Although there is some overlap between social control and social development emphasis, (Bottoms et al., 2004; Burnett & Maruna, 2004), social development analysis is primarily concerned with behavioral change within the individual, including her own self-narrative, cognitive belief system, or identity. Thus, criminal behavior is conceptualized as a lifestyle choice; such that an individual will only cease criminal behavior once the individual determines that she no longer personally values that lifestyle (Maruna, 2001; Maruna et al., 2004a; Giordano, Cernkovich, & Rudolph, 2002).

This theoretical emphasis borrows from symbolic-interactionism theory (Grommon, 2013; Blumer, 1969; Morris, 1962), and its basic assumption is that individuals manage their perceptions of self and create their own identities. Thus, this approach places the emphasis on the individual's ability to change rather than that of the external community. While external social factors are still recognized as influential (Maruna, 2001), the individuals who have made the choice to move away from a criminal lifestyle will chose to identify with a particular community, group, and behaviors that promote their new lifestyle goals. According to Grommon, "this process of selective social identification then reinforces new self and influences future behavior" (Grommon, 2013).

Giordano et al. (2002), expounded on the work of Maruna (2001) and detailed the steps towards social development from a reentry perspective. Giordano et al. identify four factors necessary for cognitive change: 1) an individual must be willing and ready to discard their old criminal identity and behaviors; 2) the individual must perceive the opportunity for change as being worthwhile; 3) the individual must have the ability to conceptualize her new identity in order to allow for the old one to be discarded; and 4) the individual must come to view criminal activity as meaningless, negative, and not worth her time. The combination of these factors, argue Giordano et al. (2002), produces cognitive changes that affect current behavior and deter future criminal activity.

In practice, the social development approach means that reentry organizations are tasked with providing interventions and programming that will help modify the returning individual's thinking by encouraging conventional, law-abiding self-narratives. Such programming should also include the provision of role models within the community that

may be thought of as catalysts for change. These cognitive behavioral change programs have gained a foothold in corrections and are used in various correctional interventions (Landenberger & Lipsey, 2006; Lipsey et al., 2001).

While these cognitive behavioral programs have proven successful in some aspects, particularly in reducing relapse and recidivism (Landenberger & Lipsey, 2006; Lipsey et al., 2001), the emphasis on the individual and the “unpredictability of human agency,” means that such programming can have variable results (Giordano et al., 2002). Such programming also seems to break down along gender lines; researchers discovered that female offenders were more likely to change their behavior via cognitive transformations, while a comparable male group was more likely change their behavior as a result of formal control mechanisms (Giordano et al., 2002). A large part of the issue with determining the efficacy of this theory is the need for longitudinal studies, and the logistical issues associated with those studies. Furthermore, as this approach requires self-narrative and life histories, it is unclear whether the results produced will be truly empirical or bibliographic; with the latter, there are concerns of *ad hoc* rationalizations of behavior (Maruna et al., 2004a).

The social development emphasis to reentry is the approach most consistent with the brokerage metaphor of reentry as it reinforces the idea that onus is ultimately on the individual to successfully reintegrate back into society. The reentry organization I studied espoused this approach, and while I make no claims as to the eventual effectiveness of this approach for the formerly incarcerated, my critique based on witnessing the implementation of this philosophy of reentry, is that it does not adequately factor in societal or structural factors. While the subject reentry organization offered classes like

“Think for a Change,” a popular cognitive behavioral program aimed at addressing negative thoughts and developing positive decision-making, the organization also seemed to willfully ignore the societal barriers that no amount of positive thinking could overcome. Perhaps this was a strategy born from pragmatism about the improbability of changing “the system.” Alternatively, this strategy could be rooted in the stoic Christian ideals of the organization — a relevant Christian ideal being one that is encoded in the mantra, “God grant me the serenity to accept the things I cannot change.”

Supervision Emphasis:

The supervision emphasis stems from the belief that supervision can deter unlawful activities, as well as identify problematic behaviors that may lead to recidivism. Such a supervision-oriented reentry program would function as a “source of formal social control that constrains everyday liberties, structures daily activities, [and] holds an individual to a specific standard of conduct that is assumed to shape future behavior” (Grommon, 2013; Taxman, 2008). This approach is similar to routine activities theory (Cohen & Felson, 1979), which posits that involvement in crime can be impacted by conditions that change daily roles and behaviors and constrain opportunities to participate in crime. When daily activities are structured in a positive manner, opportunities to participate in crime are greatly reduced.

In practice, supervision is usually combined with the provision of services. Thus, the service provider (for example, those providing drug treatment) can become agents of supervision within the community (Foucault, 1977; Mobley, 2005; Simon, 1993). However, while some argue that there are benefits to programming that employs

surveillance methods embedded in the provision of social services (Hawken & Kleiman, 2009; National Research Council, 2008; Petersilia & Turner, 1991; Taxman, 2008; Useem & Piehl, 2008), others argue that personal responsibility is at odds with the imposed accountability achieved through surveillance (Corbett, 2008). Others find that increased attention to surveillance could have the unintended result of limiting the effectiveness of treatment and other services (Lipton et al., 1975; National Research Council, 2008; Petersilia & Turner, 1991). Furthermore, other researchers have noted that hyper-surveillance could actually be a driver of recidivism among the formerly incarcerated, as it might lead to an increase in technical violations of parole, particularly when such hyper-supervision does not also privilege treatment options (Petersilia & Turner, 1991; Turner et al., 1992). However, one study (Petersilia & Turner, 1991) found that supervision paired with treatment did reduce recidivism rates.

An emphasis on supervision within a reentry program also has an impact on both the philosophy and behavior of the reentry officials and service providers (Clear & Latessa, 1993; Glaser, 1969; McCleary, 1978). Researchers have found that parole agents who identified themselves as punishment-orientated, meaning that they considered the surveillance of the formerly incarcerated as an integral part of their jobs, were more likely to issue more technical violations in comparison to those who considered themselves more service-orientated (Paparozzi & Gendreau, 2005). Finally, the overall utility of an emphasis of supervision as a reentry mechanism remains in question. A supervision emphasis for reentry reflects the notion that returning prisoners will be deterred from crime by the rational calculations of the risk and punishments of their criminal behavior being intercepted. However, this does not take into account structural

and environmental issues that result in a bounded rationality (Hechter & Kanazawa, 1997), wherein criminal behavior might seem rational (Hart, 2014). Thus, reentry programs that have an overly supervisory emphasis may have the unintended consequence of increasing recidivism because more technical violations will be caught, and may also take away from the resources and time needed to provide treatment and other services to formerly incarcerated people.

Transitional Emphasis:

The transitional emphasis can be thought of as the offspring of Goffman's theories of the "total institution" and the "mortification" of the individual that necessarily occurs within such an institution (Goffman, 1986). This genre of reentry emphasizes the first 6-12 months of reentry, when the risk of recidivism is highest (Zamble & Quinsey, 1997). This initial period is high risk because it represents "a transition from structured and confined daily life within an institution to the unstructured life in the local community that involves a period of stressful adjustment" for the formerly incarcerated individual (Grommon, 2013). The fundamental assumption behind the transitional emphasis is that stress during a transitional period such as reentry can lead to a reversion to familiar criminal behavior.

Much of the strain experienced during transition from prison to society stems from the chasm between social goals and the means for achieving those goals (Agnew, 1992; Bernard, 1984; Cloward & Ohlin, 1960; Cohen, 1955; Kornhauser, 1978; Merton, 1968). Thus, when the formerly incarcerated fail to easily find legitimate methods to achieve upward social mobility, their feelings of frustration, anxiety, worry, depression,

and anger may lead to criminal activity (Cullen, 1988). Individuals will react differently when faced with the strain of reaching societal goals. According to Merton (1968), these reactions are adaptations that fall into five categories: 1) conformity, 2) innovation, 3) ritualism, 4) retreatism, and 5) rebellion. According to Merton, more crime is a result of innovation, where individuals accept societal goals, but “innovate” their own illegal means of achieving them. Other criminalized behavior, such as drug use, is attributed to retreatism, where individuals use drugs to retreat from participation in societal goals, and/or rebellion, where individuals create their own subculture with its own goals and means of achieving those goals that could also include what larger society deems a criminal element (Merton, 1968).

In practice, reentry organizations with a transitional emphasis understand that for individuals who are facing the stressful process of reentry, there is a danger of reversion to learned behavioral shortcuts involving criminal activity (Bucklen & Zajac, 2009; Nelson et al., 1999). In addition to recognizing that Maslow’s (1943) hierarchy of needs (food, water; safety: shelter, clothing, employment; mental/emotional well-being) must be met for the reentering individual, the management of interpersonal and social relationships is also of importance. According to Grommon (2013), the array of relationships that the formerly incarcerated must manage include those with family members (Braman & Wood, 2003; Petersilia, 2003; Travis et al., 2001; Western et al., 2004), peers (Irwin, 1970; Taxman et al., 2002), treatment or service providers (Nelson et al., 1999; Palmer, 1994; Petersilia 2003), correctional officers/agents (Clear & Latessa, 1993; Pager, 2007), roommates and landlords (Brooks et al., 2006), community institutions (Brooks et al., 2006; Nelson et al., 1999; Travis et al., 2001; Uggen, 2000;

Visher & Farrell, 2005), and members of the community at large (Brooks et al., 2006; Nelson et al., 1999; Travis et al., 2001; Visher & Farrell, 2005).

As the focus of the transitional emphasis of reentry is on the first 6-12 months, a major critique is that it can be too short lived to be effective. While such an emphasis might be useful for meeting pressing initial needs, such as the obtainment of food, shelter, and necessary identification documents, such programming may not provide the cognitive skills and continued treatment, supervision, and social control necessary for long-term survival and success in society.

After a review of the various approaches to reentry, I have concluded that it would be too simplistic to declare that one approach is most effective or should be accorded precedence over all others. Rather, what I find is that some approaches might work better at different stages of reentry, and also for different types of reentry populations. It is important to keep in mind that not all stages of reentry are the same. For example, the first stage of reentry is perhaps the hardest, as it is a time of confusion and stress for individuals returning to society and has been discovered to be the riskiest period for recidivism. Therefore, it might be that this initial period really should be thought of as transitional, and that a combined transitional and supervision emphasis might best work during that time. Rather than supervision during this period being thought of as an extension of the carceral arm, the practice merely recognizes that those returning from prison have acclimated to high levels of supervision, and thus might feel adrift in the sudden complete absence of supervision. The transitional emphasis would focus on addressing the pressing hierarchy of both the physical and mental needs of the returning prisoners.

After the first 6-12 months, I believe that a combined social control and social development program would work best for the individual, who may be having her basic physical and social needs met, but who is now ready for a more aggressive attempt toward upward social mobility by rejoining the workforce or completing her education. Social development programming will help such an individual manage negative thoughts or self-confidence issues, as well as the societal stigma she may encounter as she seeks to fully rejoin society. The social control programming will help provide the individual with the family and community support she needs, and will discourage her from reversion to criminal activity arising from potential feelings of stress, frustration, and anger when she encounters difficulties on her path to upward mobility.

It is important to note that what all these approaches share in common with the brokerage ideal is a focus on the individual and no real discussion of structural and environmental obstacles to reentry. The success of any reentry program, regardless of its philosophical emphasis, will still be constrained by structural societal factors.

Halfway Houses versus Reentry Programs

Beyond the debate over approaches to reentry, there is the question of *where* reentry should start. Currently, halfway houses and their later iteration, Alternative to Incarceration Programs (ATI), play a central role in the reentry of the formerly incarcerated. These organizations embody a combination of supervision and social development emphases. In para-carceral or extra-carceral organizations that espouse the social development model, since blame for crime is placed squarely on psychological or cognitive deficiencies that the individual harbors, the focus of the organization becomes

programming designed to rid the former prisoner of the individual deficiencies in character or thinking that lead to crime. One prime example of such programming is Thinking for a Change, colloquially referred to as “T4C.”

The National Institute of Corrections (NIC) defines T4C as “an integrated, cognitive behavioral change program for offenders that includes cognitive restructuring, social skills development, and development of problem solving skills.”⁴² The implication is that “offenders” lack the cognitive, social development, and problem-solving skills that would help them avoid recommitting a crime. The solution, then, is to teach the individuals these missing skills. Criticisms of such programs are similar to the criticism of Braithwaite’s approach to reentry: the fact that there is no consideration of the structural or environmental factors that lead to the crime. The program assumes that cognitive restructuring alone is enough to overcome the criminogenic effects of deep poverty, or even structural racism. There is no consideration or attempt to surmount cultural or social capital deficits; the focus is on changing the individual’s negative thinking and “false beliefs.”

It is important to make the distinction between private reentry programs and halfway houses, or what is now more commonly termed Alternative to Incarceration (ATI). Goffman finds that there are roughly five types of total institutions: 1) those dedicated to look after “persons felt to be both incapable and harmless,” such as homes for the blind, the aged, the orphaned and the indigent”; 2) places dedicated to “persons felt to be both incapable of looking after themselves and a threat to the community,” such as mental hospitals and sanitarium for fatal communicable diseases; 3) “institutions

⁴² See <http://nicic.gov/t4c>

organized to protect the community against what are felt to be intentional dangers to it, with the welfare of the persons thus sequestered not the immediate issue;” such as jails and POW camps; 4) institutions established to “pursue some work-like task and justifying themselves only on these instrumental grounds,” such as army barracks or work camps; and 5) religious retreats such as abbeys, monasteries, convents, etc. (Goffman, 1961, pp. 4-5).

Thus, a “halfway house” may be thought of as a hybrid total institution. Under Goffman’s schema it is both a category 2 total institution, that is, reserved for “persons felt to be both incapable of looking after themselves and a threat to the community” (people convicted of crimes related to drug addictions come to mind), and it is also a category 4 total institution, one established to “pursue some work-like task,” as the residents are generally either allowed to work outside the halfway house or put to work within it. In some instances, halfway houses can also embody the functions of a category 5 total institution—religious retreats such as abbeys, monasteries, convents, etc.—because some of the halfway houses are run by religious organizations that view the residents’ stay at the halfway house as a time best spent reflecting on their sins with the goal of a spiritual reawakening.

It is important not to forget, however, that despite any religious or social justice aura surrounding a halfway house or an ATI, it is more properly situated within the carceral continuum. Indeed, halfway houses must be thought of as a para-carceral apparatus: an extension of the penal arm of the government. Even if a halfway house operates under discourses of empowerment, most of the clients are there involuntarily, either court-mandated to be there for drug rehabilitation, sent there as an alternative to

going to prison, or allowed to reside there during their parole terms because of the absence of family or others who will take responsibility for them.

Halfway houses with their parolees, or the Alternative to Incarceration Programs that house individuals who might otherwise be in prison, may be viewed as an iteration of the Panopticon. As Michel Foucault notes, disciplinary power is most powerful when it is nowhere and everywhere, and “a major effect of the Panopticon is to induce in the inmate, a state of conscious and permanent visibility that assures the automatic functioning of power” (Foucault, 1995, p. 201). Thus, parolees who otherwise would only be required to keep their word that they will not commit future crimes find themselves still under the gaze of the Panopticon in the form of the surveillance by staff and restrictive protocols present at halfway houses and Alternative to Incarceration programs.

What makes halfway houses hybrid organizations are the diverse functions that they simultaneously serve. In addition to serving the penal functions of isolating and incapacitating those deemed dangerous to society, halfway houses also function as therapeutic spaces, offering support for drug addiction or mental health problems. Sociologists such as Lynne Haney and Jill McCorkel have studied the rising hybridity of functions of “community organizations,” such as halfway houses within the context of female prisoners.

The gendered experience of halfway houses is important to explore because it is there that we see the extremes of the total institution. In Haney’s ethnography of two Alternative to Incarceration (ATI) programs in California, *Offending Women*, she finds that these programs present themselves as alternatives to prison primarily because of their location. Unlike prisons, which are traditionally associated with far-flung and forlorn

spaces, these programs are located in the city, usually within a residential neighborhood. The programs also attempt to distinguish themselves from prison because their measures of physical incapacitation and social isolation are relaxed—the women are allowed to go out, and some of the women live there with their children (Haney, 2010).

Haney finds, however, that these programs represent a different form of coercion and could perhaps be deemed to be more coercive than traditional prisons because their methods of coercion are mainly psychological. The programs do not seek to merely change the behavior of their charges; they seek to change their nature, to rid them of their “dangerous desires” (Haney, 2010, p. 4). Furthermore, Haney concludes that Alternative to Incarceration programs, which grew out of efforts to empower their inmates and help them unlearn learned behaviors such as women’s “dependencies” on the state (Haney, 4, 2010), have now grown into coercive programs designed to reshape the very psyche of the inmates through the public recantation of mistakes and enhanced control over how the inmates spend their time (Haney, 2010).

Jill McCorkel (2003) finds a similar narrative in the halfway house she studied, and terms this carceral process “habilitation.” It is not *rehabilitation*, because the goal is not to return the inmates to the selves they were before incarceration and before their crime. Rather the main impetus of the drive towards “habilitation” (as opposed to rehabilitation) is the notion that women’s selves (unlike men’s) are particularly deficient due to feminine tendencies towards emotionality and dependency (McCorkel, 2003). Yet another ethnographer observed that at a halfway house “treatment took a slightly different form that did not emphasize women’s economic dependence on the state or gendered moral perversity, but the dependency of their self-concept on others” (McKim, 2008, p.

309). Thus, a halfway house may still contain some carceral elements, even if what is being sought to be confined, is something as intangible as the inmates very concept of self.

Unlike a halfway house, a reentry program is not a total institution. Although the reentry program has contacts with the carceral community (for example, its workers might visit the prison to solicit prisoners who will be soon released or liaison with prison officials who then direct exiting prisoners to them), a reentry organization is only marginally part of the carceral continuum, as participation in a reentry organization is voluntary.⁴³ Halfway houses carry out some penal functions for the state, thus acting as a para-carceral arm, whereas a reentry program (particularly a private one) is more properly situated within the liberal political economy, more removed from governmentality, and more in step with the sort of service and brokerage that is prevalent in a neo-liberal capitalist economy.

The Imperative of Finding Funding

Although there are important differences between halfway houses/ATIs and reentry programs, as organizations existing as part of a capitalist economy the two share an ever-present need to raise funding. Haney notes that “public institutions often find themselves increasingly disconnected from a central political apparatus” with no guarantee of funding (Haney, 2010, p. 99). Because the programs to which the carceral functions of the state have been outsourced are constantly being evaluated for efficiency, institutions now exist in an era of competitive funding, what Haney terms the “tyranny of

⁴³ It is important to acknowledge that some of the formerly incarcerated may feel obligated to participate in private reentry programs because it counts as a positive activity that they can report back to the parole officer

the RFP” (request for funding proposal) that pits them against each other (Haney, 2010, p. 101). This creates an environment where the institutions must “market” themselves to attract private funding, and provides an incentive to “diversify, that is, combine different population of clients to tap into different funding streams” (Haney, 2010, pp. 102-103). As I note later, one of the reentry officers I spoke with confirmed these “diversification” strategies on the part of rival reentry organizations.

In her ethnography of two different institutions, Haney finds that one, Alliance, which had merely a carceral/penal focus soon ceased to exist, while another, Visions, which combined a penal focus with a therapeutic one, i.e., a focus on addiction recovery, thrived due to the diversity of clients it could attract and the new funding opportunities that came with the different populations of clients (Haney, 2010, pp. 106-130). Haney notes: “by defining itself as a therapeutic community...Visions could develop a distinctive ‘line’ giving itself a competitive edge. It could then tap into new funding sources. The tentacles of addiction could spread out in all sorts of directions, drawing in funds earmarked for public health, mental illness, and substance abuse” (Haney, 2010, p. 131).

This same competitive environment for funding holds true for reentry organizations. Many reentry organizations are dependent on several streams of money, coming from both the public and the private sector. Although some reentry organizations can count on charitable or, more increasingly, entrepreneurial funds from the private sector, the most significant source of public funding for the reentry organization is the Second Chance Act.

The Second Chance Act of 2007, enacted in 2008, was designed to facilitate the societal reentry of formerly incarcerated individuals. It is the first type of legislation to confer federal grants to government agencies and nonprofit organizations which are engaged in providing support strategies for the formerly incarcerated and services designed to reduce recidivism (Second Chance Act Reentry Initiative, 2014). The availability of this funding source has resulted in a proliferation of nonprofit organizations with the mission statement of aiding formerly incarcerated people in their quest to reintegrate into society vying to receive grant money. Some of these organizations derive their sole financial support from grants made available through the Second Chance Act, while others also depend on private donors. The reentry organization I studied received combined funding from both the Second Chance Act (as disbursed through the local government) and private philanthropic sources.

The statistics indicate that the Second Chance Act has contributed to reduced recidivism rates (*Cleveland Plain Dealer*, 2013). However, there is the question of whether the Act demands enough specific guidelines and standards from the public and private organizations that receive the grant. There is only an annual audit, which applies solely to non-federal entities who use more than \$500,000 per year of the federal award; entities whose expenditures amount to less are exempt from audits (Second Chance Act Reentry Initiative, 2014).

The organization I studied, which was under the shelter of the charitable arm of a religious organization (Christian), competed for public funds. In addition to the funds it received from the religious organization, which also provided it with office space, the organization also responded to RFPs—focusing on those supported by the Second

Chance Act in particular. In chapter 4, I discuss how both the characteristics of the organization and its organizational environment (both competitive and regulatory) influenced the type of reentry emphas(es) it adopted, and what this meant for its reentry clientele.

II. PART TWO: INTERROGATING THE VALUE CREATION OF A REENTRY ORGANIZATION

In this section, I employ my ethnographic observations with interviews of the formerly incarcerated men and women who are members of the reentry organization, as well as case workers and government personnel, to examine how the brokerage metaphor influences the organizational processes of the organization and how this impacted or was received by the clientele.

Chapter 3: Introducing the Brokerage Metaphor

“The prison system has become a revolving door... Upon serving their sentence, [prisoners] are released back into the same environment which they came, without any skills or education to change their situation.”

— Charon Schwartz, 2004⁴⁴

On July 16, 2015, the *New York Times* published an article⁴⁵ about two formerly incarcerated individuals who have made it their mission to guide newly released prisoners. The pair work for a nonprofit called Anti-Recidivism Coalition, and they serve as part of its Ride Home Program, which picks up men outside prison gates and acclimate them to the outside world by taking them shopping for toiletries and depositing them at a transitional/rehabilitation house. As the same article notes, the criminologist Jeremy Travis has asserted an “iron law of imprisonment” that applies to most prisoners: excluding those who die in prison, most prisoners will one day leave prison to attempt to return to society. The *New York Times* article notes that the “prison reentry crisis” has spurred a “reentry movement,” which has prompted the growth of an industry of reentry organizations whose missions are “solving structural problems, like providing housing, job training or drug treatment” (Mooallem, 2015). It is important to note what “structural problems” the reentry organizations focus on resolving and to understand that they do not include political action to change laws or address what some might see as systemic racism within the criminal justice system. Rather, the *New York Times* article confirms the brokerage metaphor adopted by reentry organizations wherein the focus is on brokering social goods, like housing, etc.

⁴⁴ Schwartz, C. (2004). Rehabilitation vs. Incarceration: Non-violent women drug offenders. *Prisoner Life*. Retrieved from www.prisonerlife.com.

⁴⁵ Mooallem, J. (2015, July 16). You Just Got Out of Prison. Now What? *The New York Times*. Retrieved from http://www.nytimes.com/2015/07/19/magazine/you-just-got-out-of-prison-now-what.html?_r=0

Although the reentry movement has created a burgeoning industry of organizations purporting to serve the needs of the formerly incarcerated, few sociology ethnographers have peered behind the curtain. Few researchers have looked beyond the front stage of the workings of any reentry organization to discover how the organization anticipates and fulfills the needs of its clientele—and even further still, how the organization adapts to its environment. My dissertation project was an attempt to do just that—to step into a reentry organization and to describe its inner workings and organizational ethos. Albeit that my dissertation project is limited to describing one reentry organization, its value is that it does so in granular detail, such that one can apprehend the organizational processes of this particular reentry organization and start to discover trends and patterns relevant to all reentry organizations in general.

Reentry organizations represent public-private partnerships, as they are private organizations serving the goals of government. Public-private partnerships, which represent the phenomenon of state functions being delegated to the private sector (Osborne & Gaebler, 1992), have become ubiquitous as a means of delivering social goods to the public. These partnerships have mostly been implemented in the realm of infrastructure, with examples in energy (Dinica, 2008), health (Rangan et al., 2006), defense (Baum & McGahan, 2009), transportation (Estache, Juan, & Trujillo-Castellan, 2007), water distribution (Chong et al., 2006), and prisons (Cabral, Lazzarini, & de Azevedo, 2010). In the U.S, private government-funded reentry organizations,⁴⁶ whose stated main objectives are to enable formerly incarcerated individuals to reintegrate into

⁴⁶ It is worth noting that while reentry organizations funded by the government are nonprofits, some are also “faith-based,” meaning that those reentry organizations are part of a charitable arm of a religious organization. Although I recognize that “faith-based” organizations operate with an extra layer of complexity and tensions in their organizational structures and objectives, the analysis in this paper reflects generally on public-private reentry partnerships.

society by brokering social and cultural capital, are a novel form of the hybrid public-private organization.

Reentry organizations are recognizable as public-private collaborations under the broad definition set forth by Kilveniece and Quelin (2012), which defines those types of collaborations as “relationships between one or more private actors and public bodies that combine public sector management or oversight with a private partner’s resources and competencies for a direct provision of a public good or service” (p. 273). Reentry organizations in the United States are nonprofit private organizations that derive their funding both from private charitable sources and from government sources. The government funding is accompanied by regulatory oversight (Ring, Bigley, D’Aunno, & Khanna, 2005).

Reentry organizations are also recognizable as community-based organizations (CBOs); that is, reentry organizations invariably serve within the boundaries of particular counties or cities and they are “uniquely oriented to the external economic and political world, yet closely tied to specific geographic locations” and embedded in a bureaucracy of resource allocation and distribution (Marwell, 2007, p. 232). Although many CBOs emerged as social movements to improve social integration, this has changed, as “the more generous U.S. welfare state of the 1960s and 1970s shifted toward privatization after 1980...CBOs began to absorb many of the state’s responsibilities” (Marwell, 2007, p. 232). As CBOs took on government contracts to provide the sort of social and human services previously handled by the state, most assumed a hybrid identity, and all had to negotiate the conflicting demands concomitant with their relationships with both the state and local residents.

There is a growing trend towards public-private partnerships (Klein, Mahoney, McGahan, & Pitelis, 2010b; Ring, Bigley, D'Aunno & Khanna, 2005) as the state increasingly delegates hitherto declared state functions to private partners in a push for “less government” (Osborne & Gaebler, 1992, p. 32; quoted in Rhodes, 2001, p.56) and more “community-based” service delivery (Marwell, 2007). Past literature on public-private organizations has focused on the economic and non-economic gains acquired by the private actor (Kivleniece & Quelin, 2012). Such benefits have been identified as greater legitimacy, increased chances of organizational survival, and a larger business field (Baum & Oliver, 1991; Dacin, Oliver, & Roy, 2007; Peng Seun-Hyun & Wang, 2005). Other scholars in public policy and economics have been concerned with the problem of private actor opportunism and lowered standards, which they argue are the natural result of the contractual incompleteness, asset specificity, and limited competition that characterize public-private collaborations (Bennett & Iossa, 2006b; Chong, Huet, Saussier, & Steiner, 2006; Hart, 2003).

Increasingly, however, organizational scholars have become preoccupied with the determination of what value is provided in the context of a public-private partnership as a central question for the study of such partnerships (Mahoney et al., 2009). The question of value is one that is prompted by the unique features of the public-private partnership, which include a distinct bureaucracy (Williamson, 1999) and governance attributes (Henisz, 2006) that are neither wholly private nor public. With this question in mind, others have noted that the diverse interests (Mahoney et al., 2009) and often times “contradictory agendas” (Utting & Zammit, 2009) found in private-public partnerships could result in tensions, such as those between the profit-driven objectives of the private

partner and the greater public good agenda of the partner (Margolis & Walsh, 2003) and that these tensions ultimately influence the resulting divergent calculations and claims of the value created from such relationships (Kivleniece & Quelin, 2012).

The reentry organization occupies a paradoxical position in regards to its triadic relationship with the state and external shareholders, i.e., taxpayers (see Table 1). Although all three parties share the mutual goal of reintegrating former prisoners, their other goals are not as harmonious. While an ostensible governmental goal for the reentry organization is to achieve cost-efficiency, the government also employs the reentry organization to decouple reentry obstacles from government action (see further discussion below). While the reentry organization wishes to extract value from its relationship with the government, it must also demonstrate cost effectiveness for continued partnership. While the public is preoccupied with the cost and public safety repercussions of recidivism, and ostensibly wishes for the reintegration of former prisoners, society also continues to imbue formerly incarcerated individuals with stigma. Private reentry organizations also face the tension between organizational survival and complete success; if the organizations set out to achieve maximum success in the reintegration of all formerly incarcerated individuals, they are also guaranteeing their own obsolescence.

Table 1

Overview of Paradoxical Position of Reentry Organizations & Tripartite Tensions

<u>Parties to the Relationship</u>	<u>Value Objectives</u>	<u>Value Creation Approaches</u>
Government	<ul style="list-style-type: none"> - Reintegration - <i>Achieve Cost-efficiency</i> - Present accounting of effectiveness of reintegration spending to taxpayers - Increase public safety - Reduce Inequality 	<ul style="list-style-type: none"> - Recruit and delegate to private reentry organizations - Require accounting of effectiveness of reentry efforts - <i>Decouple reentry obstacles from government action</i>
Reentry Organization	<ul style="list-style-type: none"> - Reintegration - Achieve Best Practices - <i>Extract value from government</i> 	<ul style="list-style-type: none"> - <i>Maintain cost competitiveness to win government funding</i> - Research best practices and demonstrate implementation - <i>Ameliorate stigma that impedes reentry</i>
External Shareholders - Taxpayers	<ul style="list-style-type: none"> - Reintegration - <i>Safety Preoccupations</i> - Business Contribution Calculations 	<ul style="list-style-type: none"> - Demand demonstration of cost-effective spending on reentry - <i>Decouple reentry obstacles from societal stigma</i>

Generally, the value created by a public-private partnership has been defined as “the sum or entirety of benefits obtainable from the exchange,” (Kivleniece & Quelin, 2012), “regardless of whether it is the firm (i.e., the private actor), the customer, or any other participant in the transaction who appropriates that value” (Amitt & Zott, 2001, p. 503). In this chapter, by adopting the perspective of the public partner, I constrain my investigation of the value created by the public-private reentry relationship to that which

is accorded to the public good or society at large (Brinkerhoff & Brinkerhoff, 2011; Rangan et al., 2006), particularly given the brokerage metaphor espoused by the government and the larger public as a ideal model for reentry.

Thus, I make the clear distinction that the focus of my scholarly inquiry here is on value creation rather than appropriation. As discussed by others (Lepark et al., 2007), value creation focuses on the value obtained by target users. In contrast, value appropriation or value capture does not require value creation; rather, it focuses on the unilateral pursuit of outcomes predetermined by a singular partner's interests and the varying degrees of power held by the parties to the relationship (Bowman & Ambrosini, 2000; Priem, 2007).

Other scholarly research has focused on value capture mechanisms for the private actor (Bennett & Iossa, 2006b; Chong, Huet, Saussier, & Steiner, 2006; Hart, 2003), or to indirect benefits also reaped by the private actor (Peng Seung-Hyun & Wang, 2005), and some has shifted the focus to describing the source of value creation (Kivleniece & Quelin, 2012). From my research findings, I describe the value-creating mechanisms of reentry organizations (see Table 2) as they strive to conform to the imperatives of the brokerage metaphor reentry. I also introduce the hitherto overlooked concept that the constraints of the reentry organization's organizational environment, as well as other externalities, will impact the value creation that the organization can provide (See Figure 5 and Figure 6).

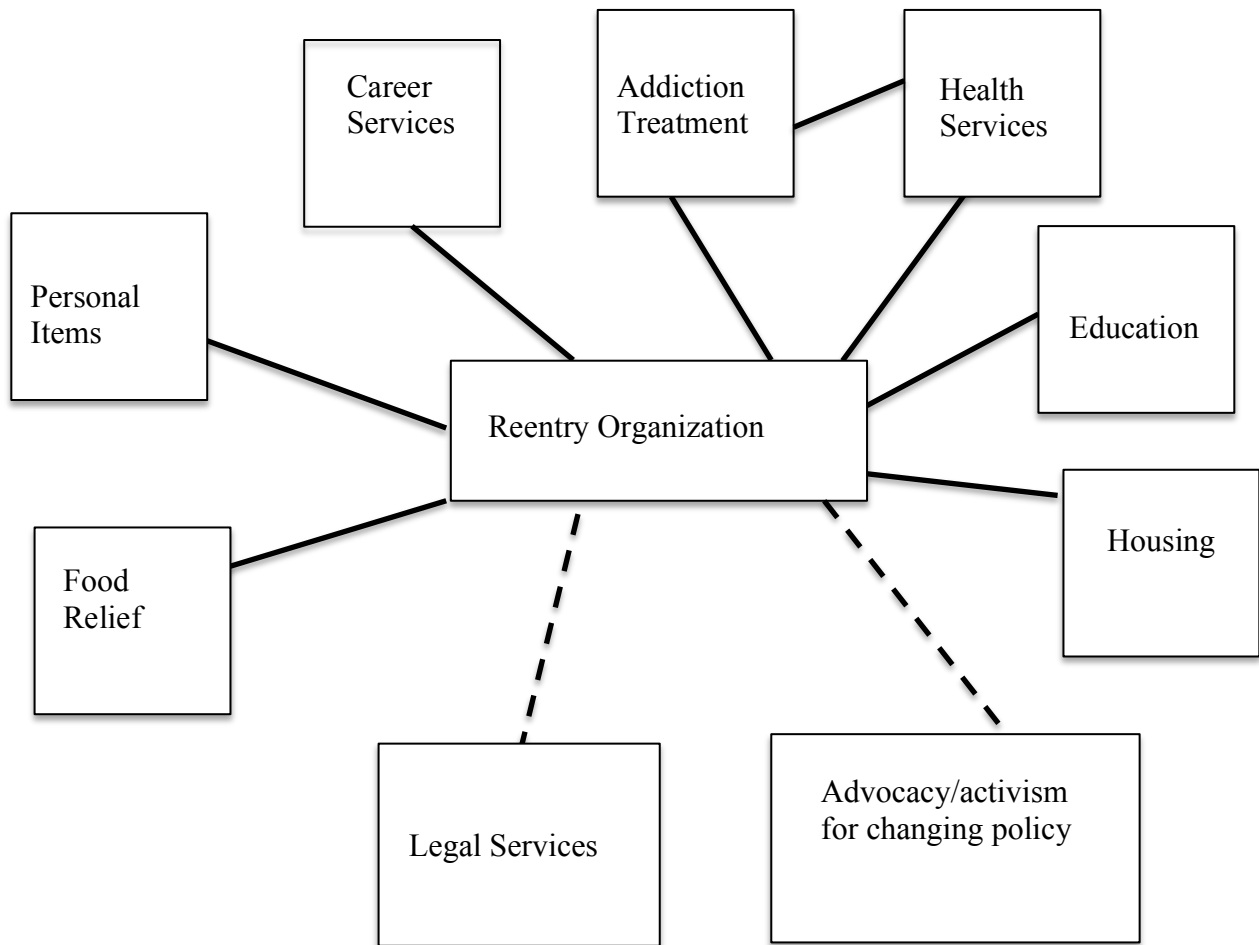


Figure 5. Organizational Embeddedness of the Reentry Organization

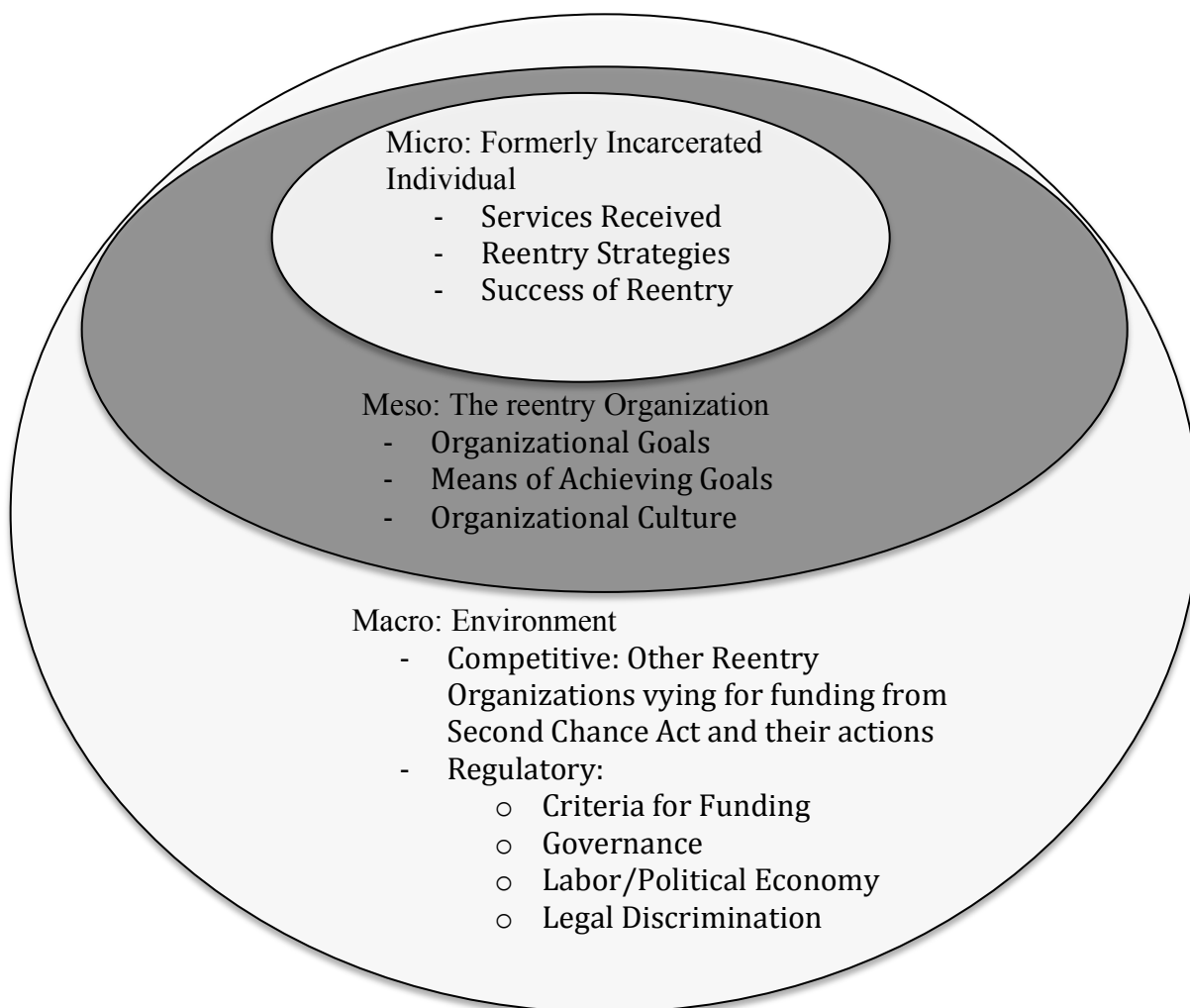


Figure 6. Impact of Organizational Environment of Reentry Organization”

Research Findings from Ethnographic Study

I conducted a 16-month immersive participant-observant ethnography of a reentry organization in Cleveland, Ohio. In addition to attending weekly meetings for the formerly incarcerated, and shadowing a caseworker as he went about his daily business of recruiting clients and follow-up meetings, I also interviewed 41 formerly incarcerated clients of the organization, six case workers, a caseworker at a shelter utilized by the

subject reentry organization, and an official at the Cuyahoga County Reentry office (which funds the reentry organization). At the reentry organization I studied in Ohio, I witnessed firsthand the mechanisms of reentry brokerage. I took in-depth field notes as part of participant-observation during meetings, and during the times that I shadowed a caseworker who was interviewing clients for intake or as a follow-up.

As Ragan and others (2006) have established, the source of value derived from public-private partnerships lie in the ability to address externalities, to resolve issues of resource idiosyncrasies, and to maximize efficiency/reduce cost. Furthermore, Kivelieniece and Quelin (2012) have detailed the public good objectives that are served through these value sources found in public-private partnerships. What I contribute with my research is a description of the value-creation mechanisms that a reentry organization would employ to hew to a brokerage metaphor of reentry (see Table 2).

Thus with externalities as a source of value-creation, and with the goal of addressing pending social concerns and the public goods or commons dilemma (Brinkerhoff & Brinkerhoff, 2011; Mahoney, McGahan, & Pitelis, 2009; Rangan, Samii, & Van Wassenhove, 2006), I posit that reentry organizations may employ the following mechanisms to create value: 1) Broker social and cultural capital, 2) Serve as a nexus for network connections, 3) Serve as reputation builder/boundary spanning intermediary, 4) ameliorate stigma through organizational citizenship. Also, with resource complementarity and resource combination as a source of value creation, reentry organizations can accomplish their public partner's goal of leveraging private sector resources by 1) providing space for experimentation to discover best practices, and 2) providing a remove from the carceral continuum that invites trust and participation. With

cost minimization as a source of value creation, reentry organizations can enable public sector efficiency through calls for requests for proposals, which promote competition and value-maximization and eliminate institutional deadweight.

Table 2		
<i>Value Creating Mechanisms of Reentry Organizations</i>		
<u>Source of Value Creation</u>	<u>Value Objectives</u>	<u>Value Creation Mechanisms</u>
Externalities	Addressing pending social concerns and the public goods or commons dilemma (Brinkerhoff & Brinkerhoff, 2011; Mahoney, McGahan, & Pitelis, 2009; Rangan, Samii, & Van Wassenhove, 2006)	<ul style="list-style-type: none"> - Broker cultural capital - Serve as nexus for network connections - Reputation - Builder/Boundary Spanning Intermediary - Ameliorate stigma through organizational citizenship
Resource Complementarity/Resource Recombination	Accessing and leveraging private sector resources, managerial and entrepreneurial skills, know-how for public resource creation, and allocation decisions (Klein, Mahoney, McGahan, & Pitelis, 2010a,b; Rangan et al., 2006)	<ul style="list-style-type: none"> - Space for experimentation and discovery of best practices - Remove from carceral continuum allows trust and participation
Cost Minimization/efficiency enhancement	<p>Bundling investment and operations to reduce life-cycle costs and deliver quality and social benefit-enhancing, cost-reducing innovations (Bennett & Iossa, 2006a,b; Hart, 2003; Hart, Shleifer, & Vishny, 1997)</p> <p>Enhancing public sector efficiency through introduction of competition and higher-powered incentives (Brinkerhoff & Brinkerhoff, 2011; Shleifer, 1998)</p> <p>Reducing fiscal pressures and public debt (Engel, Fischer, & Galetovic, 2008; Hodge & Greve, 2007)</p>	<ul style="list-style-type: none"> - Request for proposals promotes competition and value-maximization - Natural death of reentry organizations which are ineffective maximizes bureaucratic efficiency

Adapted from Kivleniece, I. and Quelin, B.V. (2012). *Creating and Capturing Value in Public-Private Ties: A Private Actor's Perspective*, Academy of Management Review 2012, Vol. 37, No. 2, 272-299.

Brokerage of Social and Cultural Capital

As discussed earlier, reentry organizations may be thought of as “brokering” organizations. Thus, reentry organizations could be seen as “broker[ing]” both the cultural and social capital that the formerly incarcerated require to reconnect with the rest of society given that, as Goffman posits, the inmate’s self has been “systematically...mortified” (Goffman, 1961,14) and the graduate of the total institution that is prison, who has been ‘stripped of self’ must be ‘rebuilt’ before she can successfully join society. Private reentry organizations as a public-private partnership represent the market response to providing the niche services that newly released former prisoners, some of whom have concluded lengthy prison sentences, require to “rebuild” themselves for their return to society. All prisoners experience some form of disorientation upon their release, and many former prisoners who come from low socioeconomic and low educational backgrounds do not have the necessary skills or resources to navigate a successful reintegration on their own.

Although some legal scholars have identified “a carceral burden” (Dolovich, 2009, p. 891) wherein the state is obligated to provide for the welfare of those it incarcerates—after all a prisoner is legally deemed “a ward of the state”—this burden is presumed to disappear once an individual leaves prison. The impression is that an individual that has been “set free” is at liberty to obtain housing, find a job, reconnect with family members, etc. The picture previously presented is essentially a return to enjoying all the freedoms the individual had enjoyed before her incarceration. But the reality is that there is nothing “free” about freedom; most formerly incarcerated people must earn their freedom or they become a recidivism statistic, returning to prison within three years.

Former prisoners must earn their continued freedom by finding housing, employment, education, etc., all of which the statistics show that they are highly unlikely to have possessed prior to prison, and all of which a conviction now makes more difficult to achieve. With the recognition that a person returning from prison does not effortlessly rejoin society, the government has taken the initiative to provide some support for the reintegration of prisoners. The Second Chance Act, which was signed into law by President George W. Bush in 2008, represents part of this initiative. Through the Second Chance Act, the federal government funds local reentry efforts. Reentry programs administered through state counties receive monies from the Second Chance Act; these county programs then form public-private partnerships with private reentry organizations. As such the local government reentry agency doles out the money it receives from the federal government to the private reentry organizations it has deputized to broker the resources that formerly incarcerated men and women need to reacclimatize to society.

One of the tasks for which a formerly incarcerated individual might require help is finding employment. For Granovetter (1974), it is not close ties, such as to family and close friends that matter most for discovering economic opportunity. Rather, it is those far-flung and, perhaps, more tenuous ties, the so-called “weak ties,” which counter-intuitively demonstrate themselves as being the strongest or most fruitful when it comes to obtaining useful economic information such as job referrals. The problem for the formerly incarcerated is that they are highly likely to have lost all their “weak ties” while in prison. Thus, a necessary function of reentry organizations is helping formerly incarcerated people re-establish those social networks that would aid in the job search.

Burt (1992) introduced the idea of “structural holes” in social networks as holes in a social web that must be bridged by brokerage of social and cultural capital. While Burt’s theory explains that the structure of a social network can confer more advantage to certain individuals depending on where they are located in that network (a concept that explains unequal outcomes for both individuals and entrepreneurial entities). Perhaps the most important concept of Burt’s work, and one which is also highly relevant to the study of social mobility of the formerly incarcerated, is the idea of “brokerage” (Burt, 1992, 2005) “Structural holes” in networks indicate a need for brokering individuals or entities to connect those on opposite sides of the information hole (Burt, 2005). Brokerage becomes important in the field of reentry because formerly incarcerated individuals who have had the formation of their social networks disrupted by their time in prison necessarily have structural holes in their network for which they require brokerage.

However, for the brokerage of social and cultural capital to work, there must be precise knowledge about what types of cultural and social capital the formerly incarcerated require, as well as, the best ways to broker such information. For example, reentry organizations must take into account “credentialism” in order to carefully design programs that can deliver social and cultural programs in a quantifiable or measurable manner. Reentry organizations could serve a credentialing function by issuing certificates for training or workshops completed within the organization and serving as a source for job references.

It is important to examine the granular organizational processes of a reentry organization because that is how one can start to examine the assumptions behind those processes. An “in the field” or “on the ground” analysis enables also the opportunity to

interrogate the organizational imperatives that guide practice and to seek also to understand the reasoning behind the calcified organizational imperatives. Particularly, in regards to the brokerage metaphor for reentry that I have identified, one can then start to see what such a metaphor elides, ignores, or willfully obscures when it comes to the social problem it purports to address.

Brokerage of Immediate Needs

In my time as an ethnographer at the reentry organization, I shadowed a case manager at the organization. The objective of working with the caseworker was to gain another vantage that would provide an insider view of the working processes of the organization. Beyond merely answering the question of whether the workings of the organization contribute social value, some questions that this new perspective could provide included: 1) How to explain the impetus or reasoning for the micro-processes of the organization as carried out by staff? 2) Were the micro-processes carried out by staff responsive to the organizational environment? If so, in what way? 3) How did the micro-processes address organizational constraints and other externalities?

The caseworker I shadowed, Sam,⁴⁷ was also a formerly incarcerated citizen. As part of his job description, Sam recruited individuals recently released from prison for the reentry organization. I was introduced to Sam in March of 2013. Sam was a genial, neatly dressed Black man, of average height, with the type of stocky build that confirmed his weight-lifting hobby and his part-time work as a bouncer. He spoke precisely and slowly, like someone who did not want to risk being misunderstood or someone who thought

⁴⁷ In keeping with the IRB agreement, all subjects are identified by a pseudonym to protect the anonymity of the organization and its clients.

deeply about the impact of his words. I later learned that he had been adjudicated as an adult at the age of 15 and sent to prison for second-degree murder. As he recited more than once as I rode along in his large dark blue SUV on our way to meet his clients, Sam had spent 25 years, 2 months, and 17 days in an adult prison starting at the age of 15. He recalls that one of the things he most wanted to do when he was released at the age of 40 was to learn how to drive. He had also wanted to attain graduate education to fulfill his goal of being a social worker, because he wanted to work to help guide the sort of rebellious juvenile he had been away from incarceration. These two wishes represent the wide gulf between the immediate and long-term needs of the formerly incarcerated.

In speaking with Sam, he impressed upon me that most returning prisoners have many ideas of what goals they want to achieve once they are released. Of those wishes, however, some are an immediate priority, while, as the former prisoner must come to understand and accept, others are less immediate and will take patience and hard work to attain. The formerly incarcerated individual must also come to accept that some wishes will go unfulfilled because of the collateral consequences of incarceration that serve as legalized discrimination against the incarcerated (Ajunwa, 2014).

While shadowing Sam, I saw that his own status as a formerly incarcerated person imbued him with an admirable zeal in carrying out his job duties. I rode along as Sam visited his clients at their place of business, and even at home. When he visited clients at work, he never went into the place of business. He knew when they had a work break, and we would arrive at the appointed break time. Once we were at the location, he would call them on his mobile phone, and we would typically meet in the parking lot. There, Sam would assume the role of therapeutic counselor, financial advisor, job guru, and non-

judgmental confidant for concerns, insecurities, and fears. His actions were not that of an employee who saw himself as a cog in the machine of an organization. Rather, he talked repeatedly of his vision of his job as a “lifeline.”

To me, this metaphor was apropos, as it was one that adroitly described Sam’s relationship with the men whose cases he handled. For a “lifeline” to be effective, parties on both sides have to put in work. While Sam has to extend the lifeline, the formerly incarcerated clientele (who are under no legal obligation to do so), must also reach out and clutch the lifeline. However, the work doesn’t end there. A lifeline demands continuous action for the device to accomplish its work of saving a life. Sam must continue to hold out that lifeline and hold it steady as a constant source of support. The formerly incarcerated person, on the other hand, must still “pull themselves up” with this lifeline with all their might, without stalling, hesitating, or relenting, in order to make progress to security. While Sam can provide counseling and guidance to resources, the onus ultimately rests on the formerly incarcerated individual to heed the counseling and to pursue the resources on offer.

Sam described to me how, as part of his duties as a caseworker, he would wait patiently at the prison gates for his client. Family members or friends meet some exiting prisoners at the prison gates, but not all are so fortunate. Many prisoners who serve long sentences find that their family relationships and friendships have withered by the time they are released. For those recently-released former prisoners, the presence of someone like Sam can make a world of difference. Sam described to me how he would arrive at the prison gates with a change of clothes and some toiletries (toothbrush, toothpaste, soap, deodorant, and sometimes clothes). Depending on how long the individual had been “on

the inside,” Sam might have to describe recent technological developments or neighborhood changes. For the returning prisoners who have no place to call home, Sam drives them to a local shelter, thus saving them, even if temporarily, from homelessness. The very same day, Sam might drive some of the returning prisoners he picks up to the Department of Motor Vehicles. There, the formerly incarcerated can start to reclaim part of their identity as ordinary citizens by obtaining the necessary identification required to access social services, to apply for employment, or to resume studies (Ajunwa, field notes, 2013).

In Sam’s own words:

“Usually for me the first thing that I tell guys is...identification is important. So for you to enter any buildings that are state buildings within the city, you must have proper identification, which also leads me to talk to guys about the fact that identification also goes along with character...some people will feel the need to Google or question the fact that, gee, you look like you’re about 35 and you have a voucher here for an ID from a reentry program? Oh, you must’ve just got out of prison. Which leads them to also question why you were in prison. So while you’re dealing with people conducting the business to acquire your identification, you may see the look that goes on someone’s face where they say, “Hm, I wonder what the deal is really with this person.” And you may feel that. But what you don’t allow yourself to do is to get caught up in that because what you need is you need your birth certificate, you need your social security card, you need your state identification. So for me, that first week is all about getting those identifications together. I want that birth certificate, I want that social security card, I want that ID. So I’m gonna take you to the DMV. I’m gonna take you to the Bureau of Motor Vehicles and get your ID for it... We’ll get that ID.”

(Male Caseworker, “Sam,” Personal Interview, 09-15-2013)

By guiding the formerly incarcerated to acquire identification papers, Sam is brokering cultural capital. This is perhaps the most elementary form of cultural capital, as identification papers serve to signal that a person belongs to civil society. Note, however, that Sam does more than provide information as to how to procure the relevant identification papers. Sam also provides strategies for stigma management – that is, he

understands that the formerly incarcerated will have to manage the stigmatization that comes from attempting to acquire identification from a bureaucrat who might have a bias against the formerly incarcerated. Thus, by informing the formerly incarcerated individual about the bias ahead of time, Sam prepares the individual for what to expect and how to manage any negative emotions. This preparation enables the individual to stay on task and accomplish the important goal of acquiring the identification papers.

During my interview of the director of the women's program, she seemed to take a different tack from Sam's approach when first approaching a potential client. What I found most remarkable about her style was that it centered on the external constraint of limited funding for her program. The fact that the women's program had limited funding had precipitated a process of "triage" that is applied to potential applicants to the program. She said:

"Well, we do a thorough assessment with every woman that becomes a client...the word triage comes from the medical system but we use that term because when a person comes in off the street or calls us we look at ask questions and do a mini assessment on their needs. And some of those needs we can't address here...I had a call the other day from a woman who had significant, you know, education and had been employed at the federal, at the IRS, federal level. And lost her job because of a bad decision while she was employed there. And you know, that would not normally be somebody that we would take on as a client because she has some means and support, and we would see her as a better fit into— into another program in the community that has a funding source that might be able to meet her needs." (Director of the Women's Program, Personal Interview, 06-12-2013).

The most common triage scenario is that of a morally and ethically fraught medical task one must accomplish after a major disaster or accident. The heroic figure, a doctor, nurse, or firefighter, is burdened with making choices and decisions that will have lasting impact. *Who is alive and requiring help? Who is dead and beyond help? Who needs help first? Whom do we have the resources to help? Whom should we use our*

resources to help? These are all questions that those charged with conducting triage must quickly answer. The program director's adopted guidelines for triage reveal what she believes to be the priority of care adopted by the organization: men first. Thereafter, only the neediest of women. The question is whether this choice is legally or morally wrong, or rather pragmatic given the organizational constraints on the limited funding and to whom federal funding for reentry is generally targeted. Societally has generally regarded reentry as a social problem that relevant to men. As historically, more men than women have been convicted of crimes and thus, more men than women, have been incarcerated, also historically, more men than women have been in need of reentry services.⁴⁸

Another salient fact is that, since the enactment of welfare reform by the Clinton Administration, and the adoption of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) — which carries work obligations — government social welfare services are more likely to benefit women with children more than men. This means that formerly incarcerated women who are on the poverty line (particularly if they have children) may have far more recourse to obtain needed social services if turned away from the reentry organization than their male counterpart would.

Yet, from the information I gathered, women with extreme needs usually passed triage. The organization is able to help the women who need it the most. For example, similar to Sam's work with the men, in my interviews with the formerly incarcerated women, several mentioned that obtaining government-issued identification was a benefit that was brokered for them by the reentry organization. One woman noted how the organization helped to address her urgent need for identification:

⁴⁸ As I discuss in Chapter 5, the War on Drugs has changed the gender balance of incarceration and reentry.

Interviewer: So what were the things that you needed? What were your most pressing needs?

Respondent: Clothing, bus tickets, you know my ID made, my birth certificate, my social security card, my SSI, stuff like that.

Interviewer: And who helped you with all of that?

Respondent: They helped me with my birth certificate and...

Interviewer: The re-entry?

Respondent: Yeah, they paid for that, my ID.

(Formerly incarcerated woman, 34 years old, Personal Interview, 09-11-2011).

One formerly incarcerated man also noted that the initial help he received from his case manager was to obtain identification:

Interviewer: Ok, what sort of things do you work on with the case manager? What does he help you with?

Respondent: She helped me with, you know, she helped me with like when I need bus passes and stuff to get around. She helped me with getting my birth certificate and my state ID.

(Formerly Incarcerated Man, 53 years old, Personal Interview, 07-17-2013).

Acquiring identification papers requires brokerage of both social and cultural capital. Formerly incarcerated people exist in Schrödinger cat suspense before obtaining identification as those papers determine their eligibility for social benefits and accord them legal eligibility for employment. However, previous researchers have documented

the Kafkaesque nature of remedying a lack of proper identification.⁴⁹ Thus, what Sam is demonstrating here is the specialized knowledge, that is, the social capital that he must broker to the returning prisoners to allow them to obtain the identification papers that are crucial documents for navigating mainstream society. But Sam does not merely relay exhaustive information about how to obtain the required identification, he also empathizes with the stigma arising from being a formerly incarcerated person attempting to re-establish a civil presence. As a formerly incarcerated person, Sam understands the feelings of stigma that might arise when the individuals are questioned as they attempt to cross the hurdle of acquiring proper identification, and he gives them the techniques to manage that stigma.

Besides proper identification, a former prisoner must address other imperative needs. For most returning prisoners, one of those imperatives is their continued acquiescence to correctional control outside of prison, which they accomplish through attending the scheduled in-person reporting to the parole officer (PO). Ironically, an individual must have proper identification documents to be acknowledged as having participated in this correctional control, which includes a Department of Motor Vehicles identification card and a Social Security card. Here, Sam describes the next steps for his clients once they have acquired their identification papers.

“Then I’ll talk to you about once we’ve gotten that ID, more than likely you have to go see your PO [parole officer]. Because it is required the second day that you’re out, you must report to your parole officer, which means that in some cases, due to the high risk nature of the criminal history of the individual, you may have to report the same day you’re out. So you will be given a pass that day to go see your PO in the state building without having proper identification. So I will make sure that you then get to the DMV to get that proper identification. And

⁴⁹ “Application procedures for each major form of government identification require at least one major form of identification to authenticate the applicant’s identity.” (Wilson, A. (March 2009). “It Takes ID to get ID: The New Identity Politics in Services.” *Social Science Review*, 83(1), 111-132.)

the voucher is usually for 8 dollars and 50 cents, and so an individual acquires that ID. Then I talk to the individual about let's go to the Social Security office...And so usually what it is, if you don't have an address to mail it to, I will have it mailed to me and you will receive it. In regards to your birth certificate, I usually take guys over to City Hall, the department of vital statistics, complete the application, have a voucher for 25 dollars, give them that voucher, receive that birth certificate right at that point. So an individual has their identification together." (Male Caseworker, "Sam," Personal Interview, 09-15-2013).

Here, Sam details the myriad steps the formerly incarcerated must take to acquire identification papers. For any adult, these steps seem daunting and fraught with many opportunities for missteps. Imagine then the befuddlement of the recently released prisoner attempting to accomplish this task without guidance. Thus, Sam's actions, as part of his organization's processes, conforms to the brokerage metaphor as he must "broker" these necessary services for the organization's clients.

Depending on the state of mind of the returning prisoner (some long-timers experience a period of disorientation, and need time to acclimatize to being on the outside), Sam might then drive the returning prisoner to fast food places to fill out job applications. This is the "low-hanging fruit" for satisfying the immediate need to attain a measure of financial independence. While many of the former prisoners I interviewed identified the lofty goal of owning their own business — a goal that is less ambitious than it is pragmatic given that the stigma of incarceration curtails employment prospects — the truth is that most end up working (if at all) in fast food chains, other types of low-level retail, or as semi-skilled laborers in construction, manufacturing, a factory, etc. (Ajunwa, field notes, 2013).

One formerly incarcerated man I interviewed soberly summed up his meager job prospects: "After graduation, I'm hoping to start my own business. But as far as employment, right now I'm working to find job either in light industry, warehouse.

Because I'm coming out of prison, labor is more than likely the opportunities that I'll face. But it was also recommended that I look to a couple of nonprofit organizations and these were some referrals I got from the North Star program." (Formerly Incarcerated Man, age 35, Personal Interview, 08-21-2013).

Although this formerly incarcerated man has higher ambitions, he realizes that first: 1) he must acquire social and cultural capital through education to accomplish that goal, and that, 2) in the interim, his best chance of maximizing his income is through semi-skilled labor work.

As Sam relayed to me, the most important time for the formerly incarcerated individual is the first two or three days after getting out of prison. As part of Ohio's reentry initiatives, reentry organizations are allowed access to state prisons where they can recruit clients for their reentry programs up to 9 months before release. Sam had established relationships with the wardens at the prison such that, as allowed by the county reentry program (which funds the reentry organization Sam worked for), he could start "recruiting" prisoners who were a few months out from coming home. I went with him on one such visit and observed as he filled out the intake for the prisoners.

Housing is an immediate need for most formerly incarcerated individuals. As Sam interviewed the men (this was a men's prison and all the candidates were men) to complete their intake form, his first question to the men invariably was: *Do you have a place to stay?* Most of the men affirmed that they were staying with their mother, a girlfriend, a sister, a niece, a wife, the mother of their children. These answers did not necessarily satisfy Sam. *How is the place?* he would ask. And the men knew that what he meant was, *Was it a criminogenic environment? Was it an active addiction household?*

Was it a neighborhood with active gangs? Would the men have to observe illegal drug sales on their daily walks to and from the home? Were the men returning to environments where all the temptations and stressors that had resulted in their imprisonment would be present? Some would answer: It's a good neighborhood. She has a good job. It's legal. Others might give a slight headshake: It's not so good, but... And here Sam would tell them that they had options. He could get them temporarily housing; there were even some places that took those convicted of drug crimes, as long as the individual was in recovery and would regularly attend meetings (Ajunwa, field notes, 2014).

Through my ethnographic observations and interviews with the formerly incarcerated, I came to understand that housing was a high priority. In fact, several of the people in the reentry organization identified housing as an impetus for joining the organization:

Interviewer: And what made you decide to join this organization?

Respondent: Initially I signed up just because of the housing opportunity. This was something that I needed coming out. But I also found out that it was a good networking opportunity as well because they offer stuff like employment readiness and referrals. (Formerly Incarcerated Man, age 35, Personal Interview, 08-21-2013).

Interviewer: Ok. What kind of support were you looking for?

Respondent: Really living, really, and anything that they can have to offer, I was really looking for it.

Interviewer: But what would you say were the main ones you

needed right away?

Respondent: Job, place to live.

Interviewer: Ok, housing.

Respondent: Yes.

(Formerly Incarcerated Man, Age 49, Personal Interview, 9/15/13).

However, not just any housing would do. Invariably, in speaking with potential clients, Sam might ask, *What program are you working?* Meaning, *Do you have a substance abuse issue? Do you have domestic violence issues? Are you in Alcoholics Anonymous? Are you in Narcotics Anonymous? Are you court-mandated to take anger management courses?* If the individual had been mandated by the court to participate in such programs, Sam would assure them that he had contacts within the community and would endeavor to place them in transition housing that offered the programs they needed or that had such programs nearby.

When I interviewed Sam, I wanted to discover why he thought finding appropriate housing was imperative for the formerly incarcerated. For Sam, the housing environment was a major factor in the behavior of the formerly incarcerated individual (Ajunwa, Field notes, 2014).

“Usually what I find that seems to be most of top priority is when you talk about housing, you talk about additional education, you talk about an issue of aftercare in a sense where it is that because individuals become conditioned to certain environments and what you will find if an individual has spent 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, some 20, 30 years, there’s a part of that prison environment that an individual has become conditioned to. So it’s like going through a deprogramming process. So many people need to be deprogrammed from having been conditioned to exist or survive in an environment. And one thing that I always do is I always try to show people the difference between having free will and having someone dictate to you about what should be done at a certain point in

time...”

(Male Caseworker, “Sam,” Personal Interview, 9-15-2013).

While Sam is identifying that brokering housing is a necessity for the formerly incarcerated person who seeks to rejoin society, he is also articulating that not just any kind of housing will lead to reentry success. The environment in which the housing is situated greatly matters for reintegration and non-recidivism. As social disorganization theorists Clear and Rose (1999) have found, the environment in which an individual resides can compel criminal behavior, thus impacting recidivism. But Sam’s statement on housing seems laden with contradictions.

When Sam mentions “free will,” this might seem to contradict the notion that environment matters, yet within the same paragraph he also mentions “deprogramming.” What Sam is attempting to convey is that the formerly incarcerated person is “programmed” to react in certain ways to outside stimuli based on the criminogenic environments that the individual was raised in and, indeed, to the environment of prison. Sam is acknowledging that, although formerly incarcerated individuals have free will, they must be deconditioned from reacting the way they have learned from their home environments and from prison. Returning those individuals to the same criminogenic environment that led to their incarceration does little to aid this necessary deprogramming and deconditioning.

It is also important to consider that the physical environment will impact the programming that the formerly incarcerated person receives from the reentry organization. This notion came into full relief when I asked Sam how he determined what type of services or programming to offer the formerly incarcerated individuals he was helping to reintegrate back into society:

“Usually what I do is I look around the community in which an individual is going back to, because many guys go through a process where they don't have the economic support. Not only do they not have the economic support, they usually don't have the support of the family. So at that point in time when I'm making the determining factor of what it is that an individual will need to actually become functional in society in a basic sense, I usually look at the environment in which it is that they seek to return to, whether it's the west side, east side of Cleveland, north, south side, so forth. What I'll do is I'll look and see the type of programming that is offered there. Because what I want to make is a sense of convenience for guys to be able to invest rather than to say, “This is too complicated. I can't go 5 miles to attempt to acquire an employment or participate in a training program when it is I don't have the economic support to be able to do that.” I already know that those reentry plans have to be tailored to an individual's ability to actually participate.”

(Male Caseworker, “Sam,” Personal Interview, 9-15-2013).

Thus, in describing the importance of environment, Sam is focused on ensuring the formerly incarcerated individual does not encounter criminogenic situations and that said individual is also spatially located to access the social services they require. This last concern is related to the poverty of most of the formerly incarcerated; many do not have access to personal transportation and must rely on the public transportation, which for American communities, notoriously underserves low-income neighborhoods. Several formerly incarcerated individuals echoed Sam's sentiments as to the importance of housing:

“And they guided me to there because I told them... after opening to these people at reentry, I let them know my situation. **I did not want to go back to family members' house.** It's abuse of alcohol and drugs there. I didn't want to go through that at the age that I'm at now. And I was looking for to, you know, to live my life right, to be able to get a career, to be able to make a family like my mother and father made their family.”

(Formerly Incarcerated Man, age 44, Personal Interview, 08-17-2013, emphasis added).

“One thing that you come out, the first thing that somebody wants to do, they want you to, hey, get drunk, get high, or, hey, let's have a party, but that's not constructive. I mean, I'm looking for a job or something steady that everybody...

if you hung in an environment where everybody was partying or lax, which a lot of people do before they go to prison. I mean, it depends on the crime, but if you're in that type of environment and you return, that environment is still there. People might change, but the environment itself is still there. So if you want to stay out, if you genuinely want to stay out, just keep your head focused forward. (Formerly Incarcerated Man, age 35, Personal Interview, 08-21-2013).

Sam's deliberate and thoughtful approach to choosing programming for his clients underscores the purposeful approach to the brokerage of social and cultural capital as assumed by reentry organizations. In *Unanticipated Gains*, Mario Small studies the "nonpurposeful" brokerage that happens at childcare centers. Small finds that although an organization may have "no intention of forming ties among patrons and participants, nonetheless, when people participate in organizations, they encounter a set of actors and institutions that, through varying mechanisms, may alter their social capital in ways that could be beneficial to their well-being" (Small, 2009).

In the case of reentry organizations, the inverse is true. Reentry organizations purport to deliberately broker required social and cultural capital. As Sam describes, there is careful deliberation that goes into how such brokerage occurs. Also, as Sam rightly notes, it is ineffective to offer an individual services that they cannot access. For formerly incarcerated individuals, the inability to access service can stem from several factors, not the least of which is lack of transportation (many neither have valid driver's licenses nor are able to afford a car); such deficiencies dictate that brokerage be individually tailored to the formerly incarcerated individual based on the environment she must confront.

Another of the formerly incarcerated individuals I interviewed illuminated for me exactly how having shelter has prevented him from returning to a life of crime.

Respondent: We need more housing, though.

Interviewer: Housing? So you feel that's the main issue here?

Respondent: Main issue is housing. Because see, I'll be real with you, if it wasn't for the Open Door, I'd be just walking down the street so I've got to rob and steal again. And then I'd be back where I just come from and I don't wanna go back. I'm tired of that. So right now, like I said, hopefully in my 6 or 7 months or 3 months I'm doing in Open Door they blessed me with a home, help me pay my rent, and see that I wanna live. I wanna live. But it's hard on everybody.

Interviewer: Ok. So you feel the housing is the number one priority.

Respondent: Yes, yes. Bad.

Interviewer: Ok, have you known people who got out and were homeless?

Respondent: Yes. Yes.

Interviewer: And what happened to them?

Respondent: Back [to prison]. Before I got out they was back. 6 months, 90 days. (Formerly Incarcerated Man, age 45, Personal Interview, 08-07-2013).

The same respondent vividly described his belief that homelessness feeds recidivism by prompting crimes of desperation. He notes:

“Like now, it's fitting to start snowing a couple of months from here. You know what they [the homeless] are gonna do, right? They gonna just knock somebody's window out and wait on the police to come to get locked up for food and for shelter, to sleep. Right now they out there sleeping on the vents. And I have to be real with you, sometimes I have to walk by and look at that guy and say, you know, that was just me a couple 24 hours ago. That was me. They looking like, “No.” I say yes. I'm just right now sleeping a little better right now. But really, that was just me. Ain't no different from you. They ask for them 50 cents and them dollars, I give it to them. Everybody ain't messed up, they need help. People need help.”

(Formerly Incarcerated Man, age 45, Personal Interview, 08-07-2013).

One woman I interviewed poignantly described how being formerly incarcerated meant she kept finding herself homeless and how this obligated her to return to a criminogenic environment which derailed her recovery from addiction: “The first time it happened...I had to go move back with Pops and a whole really drug fulfilled environment, active addiction household. Yeah that was just all crazy. It was just relapse then straight. Relapse, straight. Was in the treatment, went to transitional housing right over here across the street. Relapsed. Boom, straight back... (Formerly Incarcerated Woman, age 44, Personal Interview, 04-10-2013).

The fact that this formerly incarcerated individual kept trying to go “straight” demonstrates a desire to rejoin society as a productive member. However, as she describes, her lack of housing and the consequence of being forced to inhabit a household where drug use was pervasive were factors that thwarted her will to overcome her addiction.

Besides housing, the physical comfort needs of the formerly incarcerated must also be met. For many of them, but especially the women, access to personal items is a big issue. As Sam described, some of the first items he helps the newly released prisoner buy are personal hygiene items, such as deodorant.

In addition to personal hygiene items, the formerly incarcerated must also access programs they need to maintain their health and sobriety and to control their addictions:

Interviewer: Ok. What kind of help have you gotten from women’s re-entry? What have they helped you with?

Respondent: Housing. I can say housing, because if it wasn’t for Them, I never would have ended up over at transition.

Interviewer: Ok. That’s true. What else?

Respondent: Clothing. Personal items

Interviewer: Great, so basically day to day help. What other organizations do you participate in apart from transition? Are there some other ones that you participate in?

Respondent: I go, I participate in NA [Narcotics Anonymous].
(Formerly Incarcerated Woman, age 52, Personal Interview, 04-25-2013)

“Well, when I started going to college I didn’t have no, basically I was homeless, first of all, cuz my mother had died, I lost my house they tore it down, cuz I didn’t have the funds to keep it up. So I was on skid row on the bottom. But I came here they got me in with my mental health. They said helped me get my mental health, my pills, and get me into a doctor’s, get me to go to my psychiatrist. And from there they got me into eating. Then I got my housing. They got me clothes. When I started school they bought my books, bought my materials. They have been so good they even helped me pay bills when my money they was there for me. They sent flowers to the funeral... I was an only child and it was just me, my mother, and my son.”

(Formerly Incarcerated Woman, Age 54, Personal Interview, 06-19-2013)

In fulfilling the day to day needs of the formerly incarcerated, the reentry organization can come to serve as fictive kin to the formerly incarcerated, who often come from fractured family networks or who lack extended family to provide social and financial support in the event of death or absence of a parent.

Brokering Long-Term Needs

After immediate needs are met, the former prisoner must then tackle long-term needs, such as the need for gainful employment. Sam serves as a broker for information to attain those needs, and as a bridge to the world of employment from which his clients have been far removed for quite some time. But even before the former prisoner can access that world, she must acquire the skills to necessary to compete in the workforce. The problem is that many of the incarcerated are high school dropouts, thus making the acquisition of a GED or other vocational training an imperative. As Sam notes, the acquisition of identification is merely the first step to accessing the worlds of education and employment, but even then he must facilitate or serve as an information or communications bridge to that world:

“Because now you have your proper identifications, you can fill out applications for employment. You have an e-mail? I allow them to use mine. You have a phone? I allow them to use mine. So, what do you wanna do? We’ll talk about the level of academics and where an individual is. Ok, you don’t have a high school diploma? Let’s go over to Tri C and check out that GED program so we can get you in, get you in school. And prior to leaving the Department of Corrections usually what I require guys to do, if they’ve already taken pre-tests for a GED, what I allow them to do is to provide me with the documentation that shows the pre-test scores, and I’ll take those pre-test scores, and I will take them personally to whoever it is that’s operating that department for the GED program, and if an individual’s already tested once but failed the test, it will be in the system. So I will provide them with the information that lets them know that they can already go into the Department of Education system and pull up the former test that was

taken where the individual failed or pre-test scores. So placement, there's no problem. If an individual is prepared for college or vocational trade program, I take them to the same process. Right to the university." (Male Caseworker, "Sam," Personal Interview, 09-15-2013).

Besides Sam, other caseworkers broker the flow of information by bringing in knowledgeable intermediaries who can convey access to educational resources. Several of the women who were pursuing their General Education Degrees (GED) learned about the opportunity to do so through informational sessions at the reentry organization:

Interviewer: So you mentioned you're doing a GED program?

Respondent: Yes.

Interviewer: How did you hear about that?

Respondent: Here. Yeah that lady that came that one day.

Interviewer: So the re-entry network?

Respondent: Yeah...The tri-C lady that came that one day, remember? Yeah, that lady came over from the college and gave us all the ...I got good information that day. Called 'em...

Interviewer: So you started?

Respondent: Yeah. I took my test. I got my test scores. And [they] already gave me homework and gave me a practice essay to start writing the essay already.

(Formerly Incarcerated Woman, age 44, Personal Interview, 04-10-2013).

Interviewer: Where did you get the idea to study for your GED?

Respondent: You know...

Interviewer: Who did you talk to?

Respondent: You know, women's re-entry used to have a teacher over there. And she was so encouraging. And she, I promised her that I was going to keep going and you know, I'm not saying I am on the level of LD, you know, I learn how to read again. I learn how to do math, you know. And I enjoy, you know, going to school to learn things that I didn't know. Because I had been out of school like thirty-five years. So getting back into that field was a positive thing for me to know, so...

(Formerly Incarcerated Woman, age 52, Personal Interview, 04-25-2013).

Sam also brokers cultural capital in the form of information needed to access education; for example, by conveying the insider information about pre tests. He also creates necessary social networks by taking the formerly incarcerated person "right to the university." While accompanying the formerly incarcerated individual to the university or community college might seem like a mundane act, it holds deeper meaning. Many of the individuals who are Sam's clients may never have been to an institution of higher learning before, as they come from low socioeconomic backgrounds where such education might have been considered out of reach. Sam provides social capital in the form of concrete information about the name of schools that offer the GED programs, thus linking the formerly incarcerated individual to the world of higher learning:

And then usually I talk to guys about that academic part because most guys that I've found do not have a high school diploma. So usually I'll talk to them about satellite program and many of the churches now and universities, Tri C University, Cleveland State University, they have GED programs that allow individuals to participate in the GED programs, test out, and basically go through

a process where it is that once it is that you achieve the level to acquire your GED, then you will automatically afford at a faster paced opportunity to participate in college programming because you will already be within the system. So someone will be there to do your financial aid, counsel you on the classes or courses that you should take, the direction you should go in if you want to be in a degree program, or a vocational type trade program. (Male Caseworker, “Sam,” Personal Interview, 09-15-2013).

As many of the formerly incarcerated individuals come from low socioeconomic backgrounds, even many of those who are pursuing higher education must also work.

Several of the individuals expressed the immediacy of their need for gainful employment:

If you look at the reincarceration as far as saying why inmates return back to prison, 9 out of 10 is because they don't have a job. Believe you me, a lot of inmates— I haven't met an inmate yet that has not come out of prison and say they wanna do better. But when you get out here it's a whole different story. It's like when I come home, I had a plan to find a job, go to school. Ok, well, the job part didn't fall through, but the schooling part did. But I'd rather have a job than go to school because the bills still need to be paid. (Formerly Incarcerated Man, age 49, Personal Interview, 09-15-2015).

Respondent: Well, another thing by being affiliated with these guys in reentry, they put me into another place called Open Door, which is where ex offenders go and so forth.

Interviewer: Ok.

Respondent: This place consists of 6 to 18 months before you... you do 6 to 18 months, you can get housing. See, I mentioned I just got my apartment. Everything is like a domino effect. I just got my apartment yesterday.

Interviewer: Oh, wow.

Respondent: So from that point, I stay there, I took a janitorial class. I'm certified for technician to do buff clean, floors, and to clean carpets too.

Interviewer: Wow, ok. And that was all through Open Door.

Respondent: Yes. This is what they provide. Training for a trade.

Interviewer: Yes.

Respondent: And they [the reentry organization] guided me to there because I told them... (Formerly Incarcerated Man, age 44, Personal Interview, 08-17-2013).

Sam brokers both the social capital (in the form of connections to employment agencies) and the cultural capital (the *savoir faire*, the *habitus*) needed to attain employment. When I asked Sam about what programming he offers his clients in regards to employment, he named several job training agencies, as well as the specific steps he undertakes to prepare his clients for the job market.

“Employment-wise is usually Adecco, Triad, Towards Employment. Temp agencies. And in some cases now, because they require it, most companies want you to go online. So what I talk to guys about is to go that extra mile. That means that what I want you to do is I want you to dress up real nice... We’re gonna go to the Goodwill. And what we’re gonna do is we’re gonna get you some nice suit pants, nice dress shirt, a tie, and what you’re gonna do is we’re gonna suit you up and you’re gonna walk into this company because what we’re gonna do, we’re gonna look prior and see who’s heading up the Human Resource department. And you’re gonna go there and you’re gonna ask for them. And you’re gonna have that nice feel to give to them about how it is you think that you would be an asset to the company. And they’re gonna tell you that what you need to do is you need to fill out an application online. And you’re gonna say, “Is it possible that I may have your information?” And ask them for a business card. And you won’t go back then, but you will also remember this here. They met you. They saw you. And you’ve already sold yourself for the first part. Now what we have to do is we have to put that application together to the point where it is that when they look at that application, they already know they saw you.
(Male Case Worker, “Sam,” Personal Interview, 9-15-2013).

Sam is describing how he brokers both the social capital – in the form of network information necessary to connect the formerly incarcerated to job training and temp agencies, as well as, the cultural capital directly necessary to acquiring the job. Part of the cultural capital that Sam brokers is both imparting knowledge of the significance of professional networking, as well as the appropriate and effective mechanisms and processes through which to accomplish such networking. This cultural capital that Sam illuminates would have hitherto been opaque to the formerly incarcerated, many of who hail from low socioeconomic backgrounds or who are without the familial background or higher educational experience, like college, during which other individuals learn such

knowledge. Thus, for example, the act of dressing professionally, the act of establishing contact with the potential employer even before the prospective employee submits his application, the importance of making a favorable first impression, and the ways to reignite the memory of that first favorable through the application materials, these are all cultural capital that Sam brokers for his clients.

While Sam's brokering actions here are in accordance with the brokerage metaphor — the fundamental assumption of which being that the brokerage of social and cultural capital will result in success for the formerly incarcerated — this instance of brokerage provides an important example of the limits of the brokerage metaphor. While conventional wisdom would aver that social and cultural capital — particularly in the manner that Sam brokers it through professional clothes, social networking etc. — is key to attaining employment, this understanding does not take into account technological developments in the workplace such as online job applications.

Online job applications are the bane of the formerly incarcerated job seeker as they are unimpressable computer programs that are increasingly designed to weed out those with criminal convictions – without the reserve of discretion available to human managers. What this means for the formerly incarcerated job applicant is that truthfully completing an online job application and “checking the conviction box” will invariably result in the summary dismissal of the job application – such that those marked applications may never reach the desk of the manager. This reality of the disqualifying stigma of incarceration as magnified by the use of technology would seem to negate any benefits of social and cultural capital brokerage by reentry organizations. That the reentry

organization did not address the unavoidable problem of online job applications reflects the limitations of espousing a brokerage metaphor of reentry.

This is not to say that the reentry organization ignored all external constraints. One of Sam's responsibilities in brokering employment is also to create realistic expectations of what the formerly incarcerated individual can expect to earn. Many of the formerly incarcerated, who were swept up as part of the War on Drugs, have experienced (albeit fleetingly) a life with high cash return for their illicit labors, and a lucrative income unhampered by the payment of income tax. Thus, the licit jobs the formerly incarcerated qualify for, most of which do not bring a high income, and the accompanying tax deductions can come as an unpleasant shock to many. Sam holds the responsibility of teaching the returning prisoners the cultural capital of accepting incremental gains, and the middle class values of regular employment, even with modest pay.

"I may send them to Ammo Tech... I may even send them to Lincoln Electric. Because they do hire ex-felons. But the key to it is that you have to be willing to work the hours normally that don't fit in with that sense of comfort. That means someone may be asking you to work 10, 11, 12 hours of the day and pay you \$9.50 as a starting wage. But because you're accustomed with the street life and the fast dollar, your mindset doesn't tell you that you want to work 10 hours or 12 hours out of a day 3, 4 days out of the week to receive an income. But what I'll always explain to guys, you have to look at how you've limited yourself, but how it is that you can enrich your life to the point where if you invest just a little bit of time, the success can come about will be so great you won't even believe it."
(Male Case Worker, "Sam," Personal Interview, 9-15-2013).

Thus, part of Sam's job is brokering the social capital needed to acquire legitimate employment by making connections to job training and temp agencies, as well as brokering the sort of cultural capital needed to maintain employment that is low-wage and demanding of long hours. He is charged with teaching the cultural belief that "the

fast dollar” is not the best way to earn a livelihood, but rather that “the slow dollar,” that is, wealth built up over time through legitimate sources, offer the best path to a life of genuine success.

As appropriate as it might seem for Sam to impart this cultural capital to his clients— after all, the reality of low-wage work with long hours is one they must confront and accept given their low education credentials and their stigmatized identities—it is important to understand that the sort of cultural capital being imparted here is one that serves at worst to reify the status quo of inequality, and at best to acquiesce to it. But it is my impression that Sam sees the acquisition of low-wage, long hours work as an ascension up the labor ladder for the formerly incarcerated rather than exploitation, particularly when considered within the context of prison labor wages.⁵⁰

“So, I always give guys the comparison of this: in the Department of Corrections you’re paid 18 dollars a month. For your whole year’s work, you will make 244 dollars. In society, you can go to work for 8 hours out the day for \$9.50 and at the end of the month collect, more than likely, 12 hundred dollars worth of income. Now, of course, we know you’re not gonna be rich, but what you will begin to do is to draw upon a sense of self sufficiency economically.”
(Male Case Worker, “Sam”, Personal Interview, 9-15-2013)

Reentry Organizations as Nexus for Network Formation

What can be surmised from the description of brokerage activities undertaken by the case workers of the reentry organization — particularly in the brokerage of social capital — is that reentry organization represent sites for network formation. Within the context of social capital, organizations are described as either providing “bonding” or “bridging” social capital (Gittell & Vidal, 1998, p. 10). “Bonding” social capital is the

⁵⁰ When employed by private firms, prisoners receive as low as 50 cents per hour in state prisons and as high as \$1.25/hour in federal prisons. See <http://www.globalresearch.ca/the-prison-industry-in-the-united-states-big-business-or-a-new-form-of-slavery/8289>

type of social capital derived from social networks between homogeneous groups of people, whereas “bridging” social capital refers to that found within social networks that connect socially heterogeneous groups (Woolcock, 1998). To illustrate, criminal gangs would provide bonding social capital (their members are almost always of the same socioeconomic demographic) (Portes, 1998), whereas bowling groups (with a diversity of members), the example that Putnam (1995) provides, would allow for the attainment of bridging social capital. “Bonding” and “bridging” social capital are conceptually related to Burt’s concept of “structural holes.” While “bonding” social capital is necessary for the cohesion of any group, scholars would caution that “overbonding” might lead to insularity and isolation (Burt, 1999), and that, while bonding might promote solidarity and participation in an organization, the empowerment of both the organization and its members depends on the ability to “bridge” to other organizations and power structures (Perkins et al., p. 47). The most significant contribution of *Unanticipated Gains* is the idea that “organizational embeddedness” matters in the study of personal networks. That is, how embedded an organization is within its environment informs the ties that members of that organization will form (Small, 2009, p. 26).

From my ethnography of the reentry organization, I observed that the organization was deeply embedded within its organizational environment. The organization had purposefully formed relationships with other government and charitable organizations providing food, shelter, and clothing. This way, the members of its organization had access to the benefits from all these other organizations all within their reach merely by attending or belonging to the reentry organization. Thus, while the reentry organization itself did not have the funding to holistically provide all the services any one individual

might need, there was the institutional knowledge and the initiative to enable clients to obtain those resources for themselves.

I questioned one of the caseworkers about the material resources within the reentry organization. She noted:

“We’ve got a few items of clothing. The churches, various Lutheran churches and Catholic churches and other groups, are very good about giving us toiletries. They’re very good about giving us specifically travel-sized toiletries to take from people’s trips. So the fact that we have some toothpaste, and we have some shampoo, and we have some soap, and we might have some deodorant, and we have some lotion is a big deal for many of our clients...particularly when they’re getting out of prison, they don’t have anything. And if they’re not allowed to come back home or don’t have a home to go to, they’re going to be in a shelter, so they’re going to need everything. They’re starting from scratch.”
(Female Caseworker, Personal Interview, 06-12-2013).

I also observed that membership within the reentry organization enabled the clientele to form memberships with other organizations within the network of the reentry organization and beyond. One man recounted how being placed in a housing organization within the network of the reentry organization led him to a network of other services that he needed:

Interviewer: And since you’ve been out, granted you’ve been out for a short period of time, what programs are you connected with? It seems like you’re here. Open Door [housing program]?

Respondent: Yes.

Interviewer: And that was through [the reentry organization]?

Respondent: Yes.

Interviewer: What other ones?

Respondent: Well, they got programs... they got different types of meetings you go to like drug meetings and things of that nature. Different job sites and a lot of different things they’ve got going on. Different housing... They help you pretty much get started on your road to recovery. Back into society.

(Formerly Incarcerated Man, age 46, Personal Interview, 08-21-2013).

The Reentry Organization as Reputation Builder and Boundary-Spanning Intermediary

Beyond connecting the formerly incarcerated to resources and means of acquiring social and cultural capital, reentry organizations, in of themselves, imbue the formerly incarcerated with greater facility to attain social goods by providing the space for the formerly incarcerated to rebuild their reputations and begin to span the boundary between themselves and civil society. Prisoners are identified as outgroups in every society (Hughes, 1962). Reentry organizations may be thought of as “boundary-spanning” organizations, as they serve to bridge the divide between the “mortified” or “marked” ex-prisoner and mainstream society. Boundary-spanning as a concept derives from organizational theory literature wherein “boundary-spanning” roles within organizations are defined as the link between the environment (both competitive and regulatory) and the organization (Aldrich & Herker, 1977). Furthermore, there are two classes of boundary-spanning roles: information processing and external representation (Aldrich & Herker, 1977). Reentry organizations perform boundary-spanning roles, as they may process information for the formerly incarcerated (job listings, information on how to deal with the collateral consequences of incarceration, information about housing, etc.) and could also serve as external representation for their formerly incarcerated clients by applying for government funding, lobbying against or for policy changes, etc.

The reentry organization is well situated to serve as a reputation builder for the formerly incarcerated individual. For the formerly incarcerated individual who has spent many years in prison, there is a paucity of individuals or organizations to call upon to attest to job fitness. Even if the said individual had been a model employee in prison, she would be loath to call upon prison references because of the undeniable attached stigma of the mention of prison. Reentry organizations, however, are “on the outside.” Thus,

those organizations may serve to signal to the prospective employee, both by serving as a reference and by any accolades they provide, that the formerly incarcerated person has acclimated to “the outside” and is indeed “working the program” and showing a willingness to earn a lawful living. It must also be noted that the effectiveness of a reentry organization to serve as a reputation builder depends on the reputation of the reentry organization itself. A reentry organization that takes on a more external representation role, rather than merely an information processing one, will be better known to the community and may be able to achieve a higher reputation which it can then pass on to its members. During an interview, one of the formerly incarcerated respondents demonstrated his understanding of the reputational advantages of belonging to a reentry organization.

Interviewer: Ok. Great. So what did you expect to get out of the reentry program?

Respondent: Help. That’s all I really needed was help. My only motivation is to get a job and it seemed like everywhere I put in an application that they see that I was a felon and they say screw you. We’ll get somebody else. **I just needed somebody’s name behind me.**

(Formerly Incarcerated man, Personal Interview, 10-08-2013, emphasis in bold added).

Reentry organizations are public-private partnerships precisely because the government recognizes their utility to serve as bridges to the community for the formerly incarcerated, and is unabashed about employing reentry organizations for this purpose. And a large part of the impetus is the cost saving advantage that reentry organizations as boundary-spanning intermediaries are able to offer. I interviewed a government official

about this idea and she confirmed that the financial consideration of spanning the boundary between prisoners/former prisoners and the community were part of the calculation in pursuing partnerships with private reentry organizations.

“So the ODRC [Ohio Department of Rehabilitation and Corrections] is trying to bring more community people and they’re trying to strengthen visitation, they’ve relaxed their visitation requirements. There’s a big push to get faith-based people to kind of come in and serve as mentors and visitors to prisoners. They would love to have more community groups come in and do more programs there. The issue, though, is money. So ODRC, while they’re trying to strengthen their focus on reentry, they find that they don’t have the resources and they’re looking to the community to come in and bridge that gap between prison and the community. From what I understand, Cuyahoga County was the first county in Ohio to have a government office dedicated to reentry. The city of Cleveland doesn’t have one...Cuyahoga County was first in having a whole office dedicated to nothing but the issue of reentry.”

(Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

This ability to serve as a bridge is especially evident when it comes to housing. As formerly incarcerated people are not a protected group under the jurisdiction of the Fair Housing Act, former prisoners find that the stigma of incarceration may result in their labeling as undesirable tenants and in housing discrimination for which they have no legal recourse. Sam is cognizant of this problem and positions the reentry organization to serve as intermediary to vouch for the reputation of formerly incarcerated would-be tenants.

“In regards to being a renter, I talk to guys about the reality that where many people who rent now apartment complexes have applications where they require that you describe why it was you were convicted of a felony, and if you were convicted of a felony to what degree, what’s the felony. And I talked to guys about being able to know that I’m your resource to represent you when you go through that process because what we will do, once it is that you get your job in order, you’re in school, your health is in order, you’re involved in other social welfare programs where it is you may want to be a community advocate for kids or the elderly or just assist what you will begin to do is, you will begin to build a new reputation. So a new state of character. And what we will do is we will pull those resources together and we will document those resources...and all you’re

doing is asking for them is to consider everything that you're doing and give you an opportunity.

(Male Case Worker, "Sam," Personal Interview, 9-15-2013).

Beyond merely being a bridge, here, Sam is describing the precise ways that the reentry organization helps rebuild the reputation of its member, with the goal of bridging the chasm that separates the marked former prisoner from society. A good reputation is a prerequisite to acquiring a safe place to live and to achieving social mobility through career jobs. Sam details the reality of the stigma of incarceration that *a priori* attaches a bad reputation to the formerly incarcerated prospective renter. He also details the ways that the reentry organization serves to document the changed behaviors and actions of the formerly incarcerated individual, thus creating a new reputation that the individual can now rely on to ameliorate the stigma resulting from their past crimes. In this way, the reentry organizations serve as boundary-spanner by connecting the stigmatized individual, the formerly incarcerated client, to the resources available in mainstream society.

As the formerly incarcerated has acquired a disadvantaged identity, one that is "discounted" in terms of reputation, the formerly incarcerated cannot rebuild their reputation on their own; they must call upon a legitimate third party entity to do so. The public-private reentry organization, by virtue of its partnership with the government and with charitable foundations, is legitimized in the eyes of society. This means that the formerly incarcerated may now call upon it to vouch for them in order to rebuild their reputation as law-abiding citizens, ones that should be allowed to enjoy the same privileges as the rest of society.

Amelioration of Stigma Through Organizational Citizenship

Nan Lin was perhaps the first sociologist to extend the concept of social capital to the field of formal social network analysis. He defined it as “resources embedded in a social structure that are accessed and/or mobilized in purposive actions” (2001, p. 29). Like Coleman, he found that both the information to be found within social networks, as well as the influence the network has over its members— in other words, its norms— are one of the strands of the rope of social capital. Unlike Coleman, he also highlighted the social credentials that networks can confer (when the name of an organization matters more than its actual activities), and the mental reinforcements such networks provide (Lin, 1999; Lin et al., 1981). These latter contributions to the understanding of social capital are also highly relevant to the social mobility of the formerly incarcerated through higher education, particularly considering that the pursuit of higher education, in of itself, confers status on the individual, and that this status, in of itself, might provide valuable mental reinforcement to manage the stigma of incarceration. Thus, I theorize that even without connecting its clients to traditional centers of social and cultural capital such as higher education or career jobs, reentry organizations can offer the institutional citizenship and belonging that bolsters the self-esteem of the formerly incarcerated individual.

There is no denying the stigma of criminality or incarceration. Whether due to formal sanctions, or the collateral consequences of conviction, the stigma of incarceration deeply marked the formerly incarcerated individuals I spoke with – and this impact was

greatest while seeking employment. Some voiced complaints that suggested that the stigma they continued to experience was unfair, since it amounted to perpetual punishment. Some saw the stigma as an indiscriminate life sentence, one that applied irrespective of the nature and circumstances of the crime, and which lingered despite the prison sentence the individual had already served.

“Not all felons are bad guys. They need to see that. I just got caught up in the... at the time I had substance abuse issues. I no longer have those. So I shouldn’t be made to pay for the mistakes I made in the past. I already served my debts to society. I think that should be... no... a plus. I did my time. I knew I was wrong, I did my time, ready to get on with my life.”

(Formerly Incarcerated Man, 44 years old, Personal Interview, 10-08-2013).

For several clients of the reentry organization, belonging to the reentry organization afforded organizational citizenship and stigma-free unconditional support that drew her back from the depths of addiction and motivated her to keep fighting for sobriety and striving to rejoin society.

Interviewer: So all the staff, you feel they care about you?

Respondent: Um hum. They don’t care that you’ve ever been incarcerated. They don’t care what you’ve been incarcerated for.

Interviewer: And why do you think that is? Why do you think the staff is like that?

Respondent: Cuz they’re like me, they don’t care about what you’ve done in your life, they want to help you to where you’ll be a good person in the future. It’s

where you'll be there for your family and if you know your kids. And want to re... what's that word... reunify you or whatever you know, they want you to do, they want you to do good.

(Formerly Incarcerated Woman, age 34, Personal Interview, 06-07-2013).

The stigma-free support afforded by the organizational citizenship within the group also serves the larger purpose of enabling persistence within the program and ultimately reducing recidivism. One formerly incarcerated woman notes how the reentry organization served as a lifeline during her recovery process:

“I am a drug addict so there was also treatment involved and other things. And I just kept relapsing and then get back on track and relapse and back on track. And at the very end of it all I been with women's re-entry since then, but I've had lapses in time where I haven't been here. But I've always came back. I've always, while the lapse was going on thought about group, missed group. You know might call randomly on the phone, you know things like that, just to check in.”

(Formerly Incarcerated Woman, age 44, Personal Interview, 04-10-2013).

For this woman, her belonging to the organization served as an anchor that kept her swell of her addiction from completely sweeping her up. Thinking about the group, even in the midst of active addiction, feeling comfortable even to call them on the phone during the low point of her addiction, provided a lifeline with which she could drag herself out of the quicksand of her addiction rather than be completely subsumed.

For others, belonging to the organization has lead them closer to a goal that the stigma of incarceration might otherwise had rendered Sisyphean; that is, acquiring employment. The organization provides support for mentally managing the stigma, but

more importantly, it may provide avenues to help circumvent the stigma entirely. One formerly incarcerated man mentioned how demoralizing the stigma of having a felony record was in his job search, but how much more hopeful he has become since joining a job program through the reentry organization that may now be able to help him circumvent that stigma.

Respondent: I know we've got to pay the price as being felons, but I have to believe that a lot of things... it wasn't that really bad where I got to suffer the way I'm suffering. It's nerve-wracking not having a job. I've always worked. I don't mind working. Once they see that felony on your record, that changes a whole lot. No matter how I'm good at what I do, I don't... I go to the library. I don't have a computer, I go to the library, get on the computer, fill out applications. I'm in a program right now called Choice Employment. They got me the interview where I got to go... where I went last week. It's a program, it lasts for a month. Teach you how to fill out resumes and fill out applications and all that. **And they work with you to get a job, so that's cool.**

Interviewer: That's great. So how are you feeling about your future?

Respondent: Better than 6 months ago.

(Formerly Incarcerated Man, age 44, Personal Interview, 10-08-2013, emphasis in bold added).

It is important to note that the received services the formerly incarcerated individual is referencing here goes beyond brokerage of social and cultural capital. While the program the reentry organization has connected him with (Choice employment) provide cultural capital in the form of teaching how to write a resume and fill out applications, they also actively find jobs for the formerly incarcerated.

Remove from the Carceral System

It is also important to understand the other mechanisms through which the reentry organization as a public-private partnership serves other useful functions beyond mere brokerage of social and cultural capital. One of those useful functions is that private reentry organizations provide a remove from the carceral system that invites the

participation of the individuals who most need the services and whose distrust of the government might have dissuaded their participation. The idea of reentry services was first conceptualized as part of the carceral continuum. Thus, reentry was wholly public; and, in its early iterations, embedded within the penal function and structure, in the manner of halfway houses or the alternative to incarceration structures that still exist today. This initial conception of reentry was tied to the idea that reentry's focus ought to be supervision. The supervision emphasis operates from the belief that supervision can both deter unlawful activities, as well as, identify problematic behaviors that may lead to recidivism. Such a supervision-oriented reentry program would function as a "source of formal social control that constrains everyday liberties, structures daily activities, holds an individual to a specific standard of conduct that is assumed to shape future behavior" (Grommon, 2013; Taxman, 2008). This approach is similar to routine activities theory (Cohen & Felson, 1979), which posits that involvement in crime can be impacted by conditions that change the daily roles and behaviors and constrain opportunities to participate in crime. Thus, when daily activities are structured in a positive manner, opportunities to participate in crime are greatly reduced.

Thus, for the initial conception of reentry, supervision was usually combined with the provision of services. This meant that those occupied in the reentry profession served dual roles, one as service providers—for example, those providing drug treatment—and two as agents of the carceral continuum (Foucault, 1977; Mobley, 2005; Simon, 1993). However, while some argue that there are benefits to programming that employs surveillance methods embedded in the provision of social services (Hawken & Kleiman, 2009; National Research Council, 2008; Petersilia & Turner, 1991, Taxman, 2008;

Useem & Piehl, 2008), others found that such an approach could have chilling effect in terms of participation, thus limiting the effectiveness of reentry services (Lipton et al., 1975; National Research Council, 2008; Petersilia & Turner, 1991). Furthermore, an emphasis on a carceral or penal element to reentry has the potential to highlight greater numbers of technical violations of parole and to drive higher recidivism rates (Petersilia & Turner, 1991; Turner et al., 1992). One advantage of a private reentry program is its remove from the carceral continuum; as participation in a reentry organization is voluntary, the formerly incarcerated clients are better able to view the organization as benevolent and view it with trust. This in turn means that they are more likely to declare their actual needs to the organization, and to participate more fully in it, since the element of coercion is absent.

For the government, the most important advantage of the remove from the carceral system that I found articulated in my research, however, was the cost-saving benefits. In my interview with Mary Kelley, who works with the Reentry Department at the Cuyahoga County (in which Cleveland is located) and who oversees how monies from the Second Chance Act are allocated to public-private reentry organizations, she noted how the costs of mass incarceration created the market niche for reentry organizations. She noted:

“Recently in the last few years, as you know, reentry has become much more of a focal point for government. And I think really what’s driving it really is just the cost of it all. It costs so much money to incarcerate people. The jail population in Ohio continues to increase, despite House Bill 86, and all the efforts to kind of lower it.” We have the highest incarceration rate of the whole entire world...In Cuyahoga County, the rate of incarceration per 100 thousand is something like 689. So that means for every 100 thousand people who live in Cuyahoga County, 689 of them are incarcerated. So it’s really, really high. So reentry has become a focus because there’s so many people in the community.”
(Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

The program officer also highlighted how the collateral consequences of conviction exacerbate the problem of reentry:

“And then when they get out, as you know I’m sure through your studies, people with felony backgrounds a lot of times are precluded from certain types of work; they’re precluded from living in certain places based on what their crime is. So now you’ve got a whole bunch of people who are stigmatized, and they can’t find work, and they have all these issues and problems. And if you don’t deal with these people, they’re just gonna go back to committing crime or living really marginalized lives because they don’t have any other thing to do.”

(Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

The formerly incarcerated often lack the resources to re-establish lives that do not place them at substantial risk of recidivism. Re-entry organizations as public-private enterprises are tasked with brokering the social and cultural capital needed by the formerly incarcerated who have previously been cut off from society. My sociological investigation at one reentry organization seems to suggest that the particular organization does subscribe to a brokerage metaphor for reentry and seeks to carry out the objective of brokering the social and cultural capital the formerly incarcerated require to reintegrate back into society, and that this brokerage has positive effects as reported by the clientele.

The question that remains is whether the brokerage of social and cultural capital is the sole necessary criterion for accomplishing the reentry of the formerly incarcerated, or whether there might be other externalities that complicate this metaphor for conceptualizing reentry. In the next chapters, chapters 4 and 5 specifically, I seek out the complications for the brokerage metaphor by looking at externalities, such as the organizational environment and the gender of the formerly incarcerated individual which might also impact the ability of the reentry organization to effectuate successful reentry for its clientele.

Chapter 4: Complicating the Brokerage Metaphor: The Impact of the Organizational Environment and Other Externalities

“Social organizations are flagrantly open systems in that the input of energies and the conversion of output into further energetic input consist of transactions between the organization and its environment.”

—Daniel Katz and Robert L. Kahn in *The Social Psychology of Organizations* (1966)

As seen from the examination of the organizational processes of the subject reentry organization, embracing a brokerage metaphor of reentry does result in the reentry organization imparting social value by brokering social and cultural capital it deems requisite for its clientele. However, as also seen from the organizational processes of the reentry organization, the brokerage metaphor elides certain other functions of a reentry organization and obscures structural obstacles that impede the formerly incarcerated individual’s full reintegration into society. Notably, as I discuss in Chapter 3, the brokerage metaphor ignores some positive functions of the reentry organization as a reputation builder, as a site offering organizational citizenship and camaraderie in the face of stigmatization, and also as a seat of soft power for the state without the menace represented by the carceral continuum. In this chapter and the next, I illuminate a more negative consequence of the brokerage metaphor for reentry, which is that it obfuscates the government’s role in maintaining systemic and structural impediments to reentry.

First, it is important to start with the understanding that reentry organizations are community-based organizations. In her ethnography of Community-based Organizations (CBOs) in New York City, *Bargaining for Brooklyn*, Nicole Marwell makes the argument that a field-level context of CBOs allows for a more complete perspective on the structural dimensions of poverty (Marwell, 2007, p. 4). Similarly, I argue that

analyzing the organizational environment (both competitive and regulatory) of the reentry organization enables a fuller picture of any impediments to value-creation by reentry organizations; that is, such a study will illuminate obstacles to achieving the goal of successfully brokering social and cultural capital for the formerly incarcerated and effectuating their full reintegration into society.

What past organizational scholars have found is that unanticipated consequences are a predictable feature of the social organization of a system of action (Merton, 1936). Merton found that any system of action would predictably produce outcomes that do not conform to the system's professed aims. These outcomes will have consequences for social actors in that system of action and to social actors outside of it. The question is: what drives those unintended outcomes? What past theorizing on the social value of public-private partnerships (Ragan, 2006; Kivlieniece & Quelin, 2012) do not comprehensively detail is an analysis of how the organizational environment of the public-private partnership can impact value-creation, thus producing unintended consequences. Organizational scholars (Vaughan, 1983; Ajunwa, 2014) have provided insight into how the organizational environment (both regulatory and competitive) of an organization will impact the organization's objectives and the means of accomplishing said objectives, often times resulting in "practical drift," organizational deviance and

misconduct.

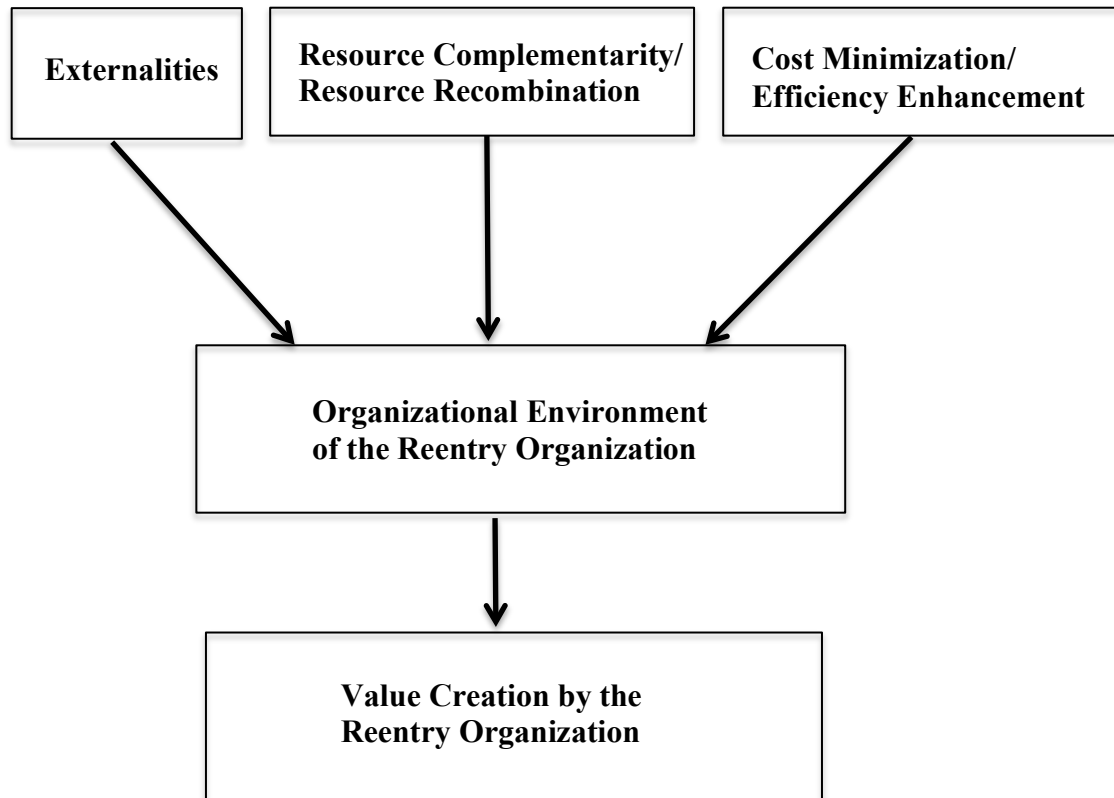


Figure 7. Moderating the Effect of Organizational Environment on Value-Creation

Thus, an examination of the value-creation potential of a reentry organization would be incomplete without an examination of how the organizational environment of the reentry organization moderates the value-creation sources to be found in the public-private partnership. For one, I posit that the organizational environment of a reentry organization (both its competitive and regulatory environment) would have a moderating effect on the value-creation of such an organization (see Figure 7); that is, even as an organization engages in resources recombination and strategic resource complementarity; even as said organization seeks to maximize efficiency and minimize costs; even as the organization encounters and must deal with other externalities, the organizational environment serves as a constraint for all the actions of said organization.

Organizational Embeddedness

The organizational embeddedness of an organization refers to an organization's centrality within an existing broader organizational network or institutional system. In regards to the reentry organization I studied, I found that the organization had formed links to other organizations that had some of the resources that its clientele needed, and which the reentry organization did not itself provide, such that the reentry organization could, to some extent, be a central hub for transmitting information about resources and places to find them; that is, the organization could effectuate brokerage of social and cultural capital from other organizations. I also found that links to certain services, which I saw as essential or necessary, were more tenuous. Sociologists have developed a model of network failure in which the "nonappearance of potentially profitable or productive networks" is referred to as "network stillbirth" (Schrank & Whitford, 2011). For the reentry organization, I attribute the non-appearance of certain types of networks to the embrace of the brokerage metaphor of reentry – such that the creation of networks that are not more directly related to the brokerage of social and cultural capital are not pursued.

From my interviews with the formerly incarcerated men and women, I gleaned that the organization had formed relationships with other social services organizations to which it referred its clients. These organizations fell into the following categories: 1) Career Services, 2) Food Relief, 3) Education, 4) Housing, 5) Addiction Treatment, and 6) Health Services.

Furthermore, I saw that the administration of the organization had formed the links to other organizations in a deliberate and considered way such as to purposefully and successfully broker the social and cultural capital needed for their clientele.

“Well, you know, there’s no one stop shop...you know, we develop relationships with other community organizations and also our feedback from our clients from where we refer them and you know like there have been some organizations that we have referred in the past, but all the feedback from them is been real negative, or there’s been what we find is a missing need or a piece that has not fit generally this population. You know, we’ll stop using them. Or we’ll say you know somebody may not have this specific need and we could use ‘em as this other person might fit in here. So we don’t say one organization is going to be a catch all.”

(Director, Women’s Programing, Reentry Organization, Personal Interview, 06-12-2013).

Based on my ethnography and interviews, I did also see some missing links where certain crucial services were not available in-house, or there were a lack of relationships to organizations that could have provided certain necessary services for the formerly incarcerated clientele. For example, the reentry organization did not directly provide job training for most of its clientele,⁵¹ and also did not directly place clientele in job training or work programs where they could start earning income right away or be eligible to earn income after a short period of time, although the organization did provide referrals and introduction to other organizations that purported to offer those services. Here, one formerly incarcerated individual notes what he feels is the primary missing element at the reentry organization:

“Ok, so... but I was more looking at... more so like on job training skills because, the reason why I say that is because even though you come back into society and society say they forgive you, but do they actually get you once you apply for that job and you put that, “Have you ever been convicted of a felon?” then you already know the answer to that. I feel as though for me, if the program... the program is a

⁵¹ The reentry organization did run a training kitchen for a very limited portion of its clientele and the criteria for selection was unclear to me – some of the women I interviewed alleged unfairness as the selection criteria and accused the reentry organization of sexism in regards to job training and placement.

good program, but I feel as though it need to help inmates as far as them coming out the door with a steady job, some kind of work program for them or some kind of job training ready program for them. But other than that...”
(Formerly Incarcerated Man, age 49, Personal Interview, 09-15-2011).

What this formerly incarcerated individual is highlighting is the seemingly insurmountable stigma of incarceration that serves as an impermeable barrier to employment for the formerly incarcerated. In the face of such stigma, the brokerage metaphor for reentry seems wholly ineffectual. To what end is the brokerage of social and cultural capital if the formerly incarcerated is still denied entry into the labor market on the basis of stigma? If the desired outcome is gainful employment, why adopt a private intermediary broker rather than government intervention in the form of job programs or steep tax cuts that would overshadow the stigma of incarceration for corporations? Would government involvement that mimics the reverse of the deinstitutionalization movement be a better answer to the problem of reentry? By this I mean what is the impact of the individual piecing together the aid and resources he needs from different organizations? How does a state system offering wrap-around, holistic, centralized reentry services compare to the private-public partnership of multiple reentry organizations? I attempt to answer this question by first examining how both the competitive and regulatory environments of the reentry organization constrain its ability to fulfill its organizational aims and achieve full social value.

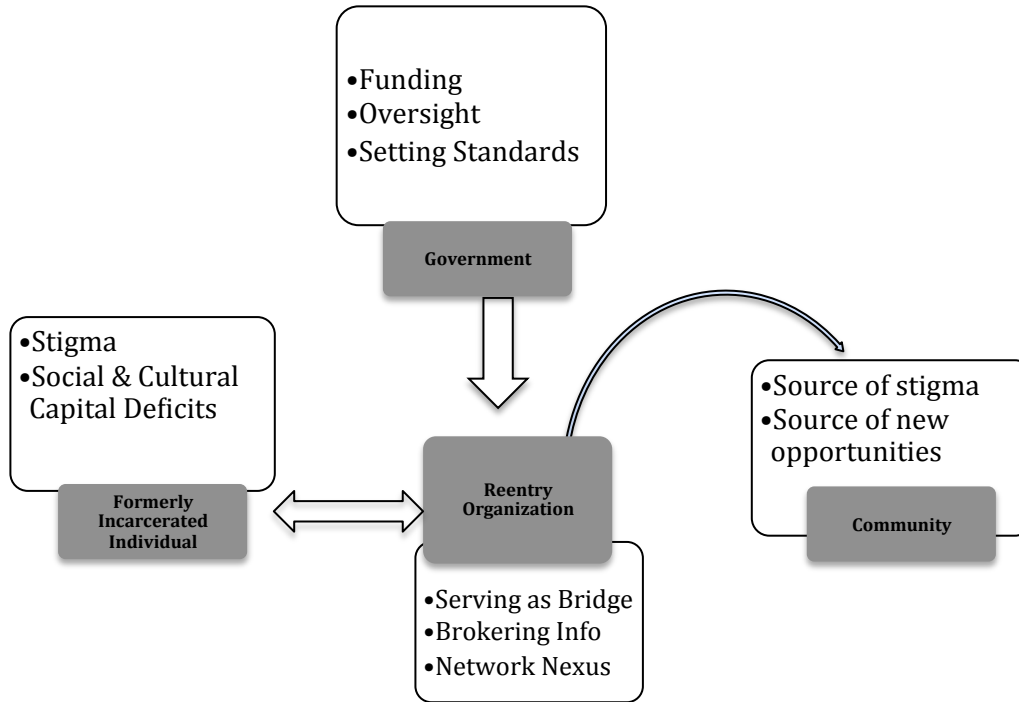


Figure 8. Reentry Organization as a Bridge and Broker

The Competitive Environment of Reentry Organizations

A well-established organizational theory is that organizations must compete for resources, and private reentry organizations are not exempt from this rule. Private reentry organizations as public-private partnerships may derive funds from both the public and private sectors. The public funds are accessed through RFPs (Request for Proposals) put forward by the government agency that manages the funds, and the private funds are obtained from charitable organizations and philanthropic foundations.

Scholars of organizational sociology have scrutinized the competitive environment of organizations within the context of organizational deviance or misconduct. Although organizational actors are generally “intendedly rational,” meaning that they generally act in a manner that they believe will further the goals of the

organization (Perrow, 1986, p. 121), environmental stress on the organization could lead to deviance or unintended negative consequences. An acknowledgement of how (and why) rules are broken helps organizational theorists situate the organizations they study within their larger organization environment ecology (Hirsch & Pozner, 2005). Robert Merton's ideas of competition and resource scarcity as an explanation for criminal deviance could also apply to reentry organizations (Merton, 1968). Individuals have to compete for scarce resources, and when said individuals encounter blocked access to those resources by legitimate means, many of them will resort to illegitimate means to attain them (Merton, 1968). In the case of reentry organizations, greater competition could have the unintended consequence of creating downward trending norms, as greater competition means lowered funding, which produces incentives for reentry organizations to seek cost-cutting, low-benefit measures rather than to experiment for best outcomes.

This phenomenon is also captured by the concept of "practical drift." According to the organizational theorist Charles Lindblom, no decision is made in a vacuum; each decision is made in comparison to other decisions that preceded it (Lindblom, 1959). Furthermore, there are few decisions made with any real belief that a single decision will be the panacea that the organization requires for all its ills. Rather, as Lindblom rightfully notes, most executives are "muddling through"; they are making incremental changes, with each new change being influenced or derived from the one that preceded it (Lindblom, 1959). However, in addition to "narrowing," wherein one decision leads down one path and eliminates other possible paths, such an approach also presents a problem with "practical drift," wherein local efficiency becomes paramount over globally accepted behavior (Lindblom, 1959). For reentry organizations, a larger competitive

organizational environment brings with it the imperative to drive down costs in order to insure organizational survival. Thus, reentry organizations that face a robust competitive environment may become more likely to conform to norms that produce the lowest costs rather than the highest standards of service, thereby defeating the value-creation that was presupposed for the public-private partnership.

The reentry organization I studied initially received funds based on RFPs from the Cuyahoga County jail, but eventually lost that funding when they were underbid by another reentry organization. The director of the women's programming for the reentry organization seems to express some doubts about the efficacy of the other reentry organization that won the bid:

“Recovery Resources [the organization that won the bid against them] is a large mental health facility. They serve severe mentally ill and those that have addictions. Substance abuse disorders. Now they've always provided services in the jail, but those with specific disorders that might have been in the mental health pod. Our concern came in that they would not be able to serve the general population and continue to work with them once they are released because most of their funding comes from Medicaid. The majority of our women do not have Medicaid...And you know their ability to continue to use services once they're released is limited. It's a concern.”

(Director, Women's Programming, Reentry Organization, Personal Interview, 06-12-2013).

The interesting issue here is that the reentry organization was outbid by a more specialized organization, and the idea that specialization made that organization more attractive to the government funding bodies. But specialization also reduces the variety of funding streams from which an organization might pull from in regards to its competitive environment. Another concern is whether narrow specialization is the most effective approach to reentry in an era in which there has been the decentralization of government welfare services.

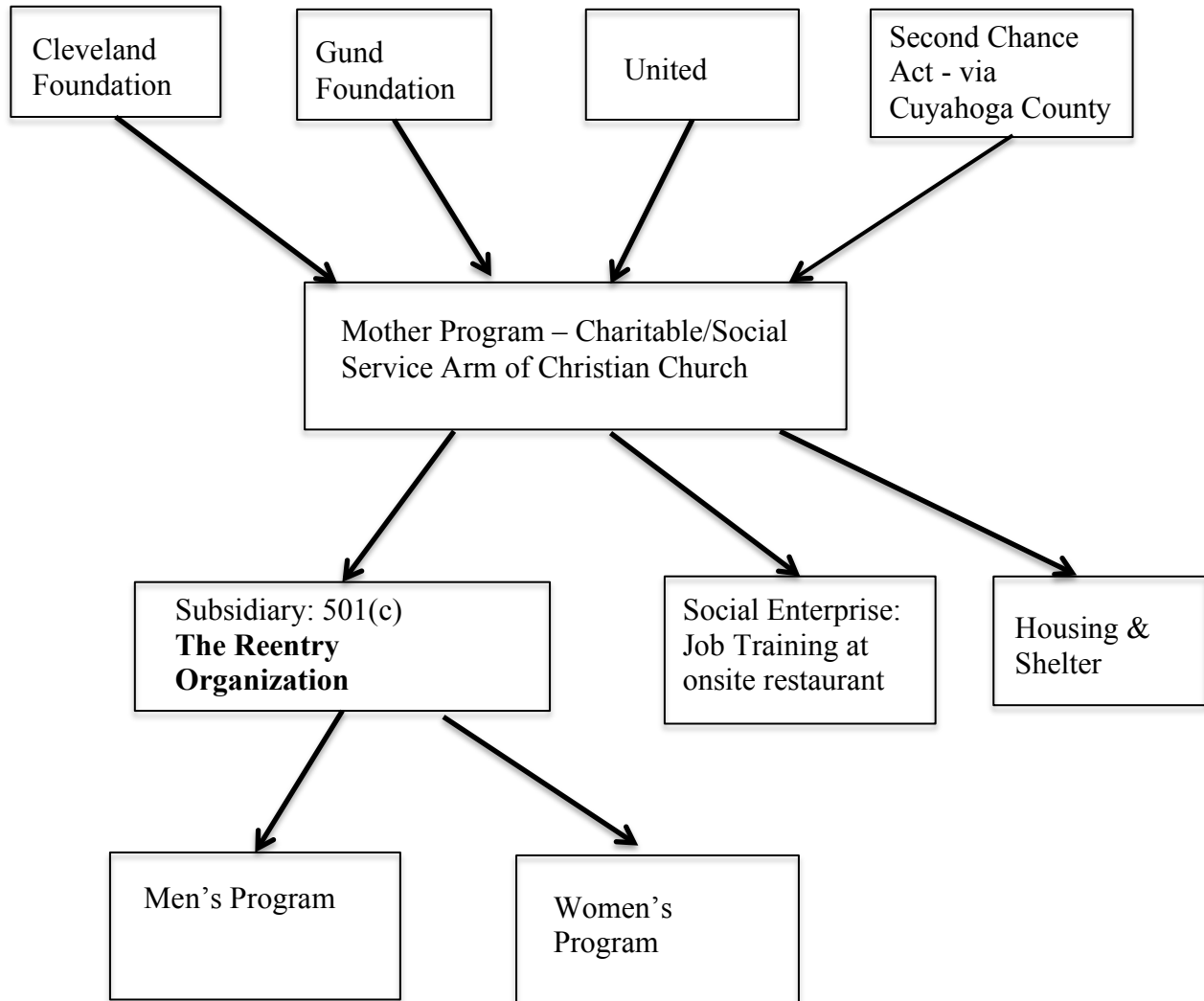


Figure 9. Funding Streams and Money Flow

The Regulatory Environment of Reentry Organizations

Generally, the regulatory environment is thought to play a key part in discouraging deviance within an organization, as an organization that faces strong

regulatory accountability will be discouraged from deviance, whereas an unfettered one would invite deviance. Jeffrey Pfeffer and Gerald Salancik (2003) observe that deviance can stem from the interdependence of organizations, where organizations rely on each other to the extent that neither one can have regulatory power over the other. The case of the reentry organization is much more complicated when it comes to regulation. Firstly, there is interdependence between the regulatory power (the government) and the organization that is being regulated (the reentry organization). While the reentry organization depends on the government for funding, the government depends on the reentry organization for its performance of reentry. Secondly, the government is invested in the independence of the reentry organization; too much oversight undermines the major gains of a public-private partnership, which are the delegation of duties and bureaucratic efficiency.

For reentry organizations, while state regulation may help curtail deviance, such regulation could also have the unintended consequence of impeding innovation and of transferring state bureaucratic trappings to the private reentry organizations. Too strong a government hand in how reentry is performed could stand to hinder novel and innovative approaches to reentry which, though they may be effective, are shunned because they deviate too much from the status quo. This in turn means that reentry organizations would be limited in the permanence of the social change they are able to effect.

For one, as other organizational scholars have found, a nonprofit that appropriates power, that is, one that attains episodic power, can initiate superficial change, while one that is granted systemic power and is accorded independence is able to institutionalize radical change. (Dover & Lawrence, 2012; Lawrence et al., 2012). Thus, reentry

organizations that are granted greater independence would be able to experiment with reentry programming and find more innovative solutions to reentry. On the opposite side of this lies organizational failure—without adequate oversight, reentry organizations may also lack direction, start to misuse/underuse resources, or drift into organizational misconduct.

In an interview, the program officer at the country reentry office who oversees funding (through the Second Chance Act) for private reentry organizations details the most important parts of governance:

“Well, what I like to try and do, is I like evidence-based practices. I like to go and find the research on what works and try and incorporate that as much into the programs as we can. I think what we’ve found from just the different research we’ve done through different projects is what works is keeping people engaged in programs, keeping them to stick with it. The quality of the case managers and the people that you have working. I think what works is consistency, not to have a whole bunch of different people working with the same group. Inmates have told me that they wanna have people that they feel that they trust and they wanna work with people that they feel actually care about them. So I think that the quality of the workforce that you have working your programs is very important. So I guess to boil it down I would say building good relationships, quality, consistency, and having people who aren’t just government bureaucrats, having people who really, really are interested in doing this kind of work.”

(Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

What an examination of the competitive and regulatory environments of a reentry organization reveals is the impact those two factors have on the functions of the reentry organization. Stiff competition from other reentry organizations vying for funding streams will influence the organizational identity of any said reentry organization, either forcing said organization to specialize (and thus narrow its focus) or to present itself as “holistic”, with the danger of being unable to fully deliver on this promise for clients. In both cases, the brokerage of social and cultural capital will be affected. Reentry

organizations will not merely broker the social and cultural capital that they think is necessary, they will broker (or at least purport to) broker that which they think will be well perceived by funding partners.

The regulatory environment of a reentry organization also wields much influence over the organizational behavior of a reentry organization. The CFP (Calls for Proposals) and accompanying reporting mechanisms and standards signals to the reentry organization what organizational behavior will be regulated. The length of rope given by regulation will also determine how innovative a reentry organization can be; that is, whether a reentry organization might experiment to find the best methods, or whether it must hew close to established methods.

Complicating the Brokerage Metaphor

While the organizational environment of reentry is an overlooked externality that complicates the brokerage metaphor of reentry, the conceptualization of the brokerage exchange in of itself or what exactly is exchanged in the brokerage adds further complexity to the brokerage metaphor of reentry. The notion of brokerage in organizational theory has been regarded as representing a hierarchical relationship in the form of an upside down pyramid, wherein an organization at the top, with all the insider knowledge, brokers information (representing valuable social and cultural capital) for its clientele at the bottom, who ostensibly have less brokered social and cultural capital. However, in the context of reentry, this brokerage metaphor may be complicated in two ways. Firstly, from my ethnographic observations, I have found that it was not only the organization's members that had the agency to broker. And secondly, what is brokered

may not solely be cultural or social cultural capital required for social mobility; it may be other intangibles that are nonetheless of value to the clientele of the organization.

Who Is The Broker?

My observations at the reentry organization complicate the idea of a hierarchical top-down brokerage; rather, I found that brokerage could also be multi-dimensional, defying hierarchy. I observed that there were also occasions in which the formerly incarcerated brokered information for themselves and for their fellow clients. The discovery of this genre of brokerage should not be surprising, since it stems from the basic fact that the formerly incarcerated individual is “in the field” more so than the caseworker. For one, the formerly incarcerated individual has firsthand knowledge of the needs of other formerly incarcerated individuals—particularly since she shares those needs. The formerly incarcerated individual also has knowledge of tried and true efficient means for meeting those needs.

For example, one respondent described sharing information about employment opportunities, essentially serving as the fabled “weak tie” for her fellow clientele. She said, “Like some people have like job fairs. Like I shared a job fair when we had one at Cleveland State, that one. It was open. Places that are hiring. It was like, I can’t remember the one lady, she would always share this church on the West Side was giving out clothes or food. Just stuff like that. Just anything that’ll help make our lives not as hard.” (Formerly Incarcerated Woman, age 34, Personal Interview, 06-07-2013).

Another formerly incarcerated woman who was living in her brother’s garage describes how another client with *savoir faire* as to the workings of the system helped her

get food stamps by helping her establish via a letter that she was homeless and referring her to an organization that provides food for the homeless. The respondent noted, “Kelly gave me information about the Catholic Center, gave me the homeless letter, which helped me get my food stamps, like within you know ten hours. Instead of you know, ten weeks waiting on here take this, you know it was easier being homeless...” (Formerly Incarcerated Woman, age 44, Personal Interview, 04-10-2013).

What the particular brokerage described above also illustrates is the liminal gaps that exist within any bureaucracy. Bureaucracies tend to create rigid categories of the people they serve, which means that constituents that might otherwise require assistance might go without because they do not fall squarely into the prescribed category. What the case of this particular formerly incarcerated woman illuminates is that her temporary and precarious living situation, wherein she could stay in her brother’s garage at his whim, actually placed her at a disadvantage vis-à-vis individuals “sleeping rough” on the streets or who were in homeless shelters. As a result of the woman’s access to shelter, no matter how nominal or impermanent, she did not fall squarely in the category of being considered “homeless,” and thus could not access the social benefits reserved for the homeless. Therefore, the brokerage of information from another client that this formerly incarcerated woman received as to how to create the status of “homelessness” (via letter) was instrumental in closing this liminal bureaucratic gap, and in gaining the formerly incarcerated woman access to the resources she desperately needed.

The notion that formerly incarcerated people could broker social and cultural capital for and amongst themselves flies in the face of conventional wisdom regarding the effects of formerly incarcerated people interacting with one another. Earlier theories about

criminality and recidivism espoused the belief that formerly incarcerated people (or “ex-cons” as they would be referred to by those theories) were dangerous in groups. (Sutherland and Cressey, 1992). To frame it within the sociological scope of the discussion of social and cultural capital, the *idée reçue* was that the interactions of formerly incarcerated people in groups would lead to a greater ease of dissemination of negative cultural (information about more sophisticated or effective ways to commit crime) and negative social capital (for example, the forming of social networks to carry out crime) among the members of such a group, resulting in greater recidivism (Sutherland and Cressey, 1992). These theories were so embraced by the American penal system that a common parole condition was that the parolee must avoid all contact with “known criminal associates” or risk earning an infraction that would be cause for re-incarceration.

Yet, in my interviews with the formerly incarcerated, I found the inverse of these theories to be true. Several of the formerly incarcerated individuals I interviewed spoke of the group interaction as an anti-recidivism measure:

Interviewer: So what did you expect to get out of this program?

Respondent: Support with my feelings and the troubles I go through on a day-to-day basis, dealing with life.

Interviewer: What kind of struggles do you go through?

Respondent: Like, when I go in the wrong area, get around the wrong people, I don't want to get back on drugs. I don't want to sell drugs and I don't want to go back to boosting, stealing. And I know I can call up some of the ladies; if not, I can't contact some of the ladies I can always call [caseworker]. I suggest the program to

keep you strong. (Formerly Incarcerated Women, Age 47, Personal Interview, 10-20-2013)

One individual even mentioned that he was inspired by the fact that his caseworker was a formerly incarcerated individual. Such a caseworker could provide a nonjudgmental client-caseworker relationship, while serving as a positive example of what the newly released prisoner could achieve.

Interviewer: What made you ultimately decide this is the organization that I'm going to go with or want to be with?

Respondent: Well, first of all, [my caseworker] is a highly intelligent individual. Strong minded and, you know, he also once upon a time was incarcerated. He did a long stretch like myself and I seen the struggle and the drive that he had. He went through a struggle, and then after that I seen the drive that he had to get involved in different types of programs to help and benefit him. Let him get ahead in life. So that pretty much, he inspired me to do my thing. (Formerly Incarcerated Man, Age 46, Personal Interview, 08-21-2013).

What Is Being Brokered?

What the brokerage metaphor also elides are the other intangible gains, besides the vaunted social and cultural capital, that may be accessed from membership within a reentry organization. In joining an institution, the clientele is interested in gaining more than just the information being brokered by the organization. In my observations, I saw that a driving impetus for joining the organization was attaining a sense of belonging,

camaraderie, and emotional support that combat the stigmatization that formerly incarcerated people experience from society.

For formerly incarcerated individuals, a major advantage of being part of the organization is the sense that they are fostering a community, creating mutual belonging and concern. Several of the women detailed the communality they enjoy from being part of the organization, the sharing of important information regarding access to resources, the gift-giving, and the emotional support, acceptance, and camaraderie:

“So yeah, good information. I get out of the women and just other things. You know the women help out. Monique brings the pens, I shared today and tried to give everybody a little pair of earrings except for the ones I wanted...I try and meet up with Kelly at the Catholic Center on Wednesdays you know and have lunch there with her and then come here...I feel for all the women..and I feel genuinely feel that they feel the same for me. They’re concerned about my legs, they know, they seen me when I first came here, Walking, dancing, straight line and now you know. So it just feels good.” (Formerly Incarcerated Woman, Age 44, Personal Interview, 04-10-2013).

The only reason I really stay connected with them, because if it weren’t for them, I would have never got connected with society. You know, if it weren’t for them I never would have got introduced to transition. And for coming to the group. I like coming to the group because I have to got to know the ladies, you know what I’m saying, and I know, I know what they have and what they do, how they feel and whatever. And I learned the best to let them be, if that’s what they want to do. I ain’t got nothing to say about it. But I just like seeing them every Wednesday. You know? (Formerly Incarcerated Woman, age 52, Personal Interview, 04-25-2013).

Interviewer: So what made you decide to join this organization?

Respondent: It gives me joy and it gives me hope for myself as well as others. A lot of ladies just had a rougher time than me, but then the majority of the ladies, we all equal, we on the same level. We may have a drug addiction, about a different way. But everything else is equal. And we all get along, we have a beautiful time. And when you doing right, you will always love to go to a group and let someone know how your life’s going once a week, when you’ve been on drugs or doing crime-related things for years, you’ll be proud of yourself and you’ll want to share it with somebody. (Formerly Incarcerated Woman, Age 47, Personal Interview, 02-20-2013).

Beyond reciprocity of information exchange, what the formerly incarcerated women are expressing is the feeling of camaraderie that they share with fellow members within the reentry organization. Beyond grasping the social and cultural capital that she requires to pull herself up the economic ladder, the formerly incarcerated individual is seeking belonging—a sense of mutual concern that allows her to experience the self-worth that the stigma of incarceration might have otherwise denied her.

Many of the formerly incarcerated individuals also mention that the shared history amongst them provides comfort and a refuge away from societal stigma. Formerly incarcerated people are drawn back to the reentry organization because of the feeling of belonging they experience, and this feeling is rooted in the lack of judgment with which they are greeted. The caseworkers all know their criminal histories, their addiction lifestyles—social facts about themselves that they might seek to hide from others. Yet, the caseworkers welcome them and help them. And furthermore, they encounter a group of people who are in similar straits, whose histories are akin to theirs, and who have had to endure similar stigma. These shared histories of concern, caring, and inclusion counteracting societal stigma and ostracization are the other intangibles, besides cultural and social capital that the reentry organization can provide for their clientele.

One woman detailed how the weekly meetings at the reentry organization can serve as a source of emotional support:

Interviewer: Yeah. I guess how has the re-entry organization helped you? What do you get out of it?

Respondent: I get out of it the satisfaction, when you know I go there that I'm able to...With the ladies. I get out a stability that I can't find with any other people. I can connect with these ladies at re-entry at a way that I can't with anybody else. Cuz not everybody else has been a drug addict, not everybody else has been incarcerated for whatever. You know, and it's just like we're a bunch of

ladies trying to pull our lives together and we just we rely on each other for different things.

Interviewer: What kinds of things?

Respondent: Emotional support. I'd have to say emotional support would be the big one.

Interviewer: In what ways have they provided emotional support?

Respondent: Like having support group and meeting people that I haven't seen in like forever. The one lady that I have been seeing the last two weeks, three weeks, she's like "Hi, I haven't seen you..." (Formerly Incarcerated Woman, Age 34, Personal Interview, 06-07-2013).

Another woman mentioned how the organization comes to serve as surrogate family, particularly for an individual who might have lost all family ties while incarcerated:

"Cuz my biggest fear is me getting old and having nothing and nobody to take care of me. But, I just want to be there. I just want, you know, pick up where we left off and you know it's crazy and women's re-entry knows my whole history. They were there when I was fighting to keep the kids, they've been there for every relapse in...it just feels good that I know somebody's there. They been here through it all and I'm welcomed back with open arms. That's what feels good, I don't have to start all over and tell someone my whole history. Even the women, they all know my whole history, they all know, you know, they know what's going on with my legs and they remember..."

(Formerly Incarcerated Woman, age 44, Personal Interview, 04-10-2013).

Does Focus on Brokerage Obscure Structural Impediments to Reentry?

Another sociological and policy concern regarding the brokerage metaphor is whether it obscures the structural impediments to reentry; some of which have been created by the government itself. Given the existence of the collateral consequences of conviction (as discussed in chapter one), which not only excludes the formerly incarcerated from certain professions and jobs, but also precludes them from receiving certain government benefits, some scholars have expressed skepticism as to the efficacy of the entire reentry industry. Specifically, some researchers have concluded that to charge private organizations with tackling the problem of reentry is to shift to them the

responsibility for the consequences of mass incarceration (Miller, 2014), and that this move masks the state action that feeds the prison industrial complex, thus rendering reentry as merely “myth and ceremony” rather than a genuine attempt on the part of the government to effectuate reintegration (Wacquant, 2010). Although my ethnographic observations and interviews of the formerly incarcerated would belie the notion of the reentry field as merely “myth and ceremony,” it is true that much of the discourse on reentry ignores the extant state-sanctioned legalized discrimination, in the form of the collateral legal consequences of conviction, which, when wielded against the formerly incarcerated, deny them professional licenses, eligibility for certain jobs, and eligibility for educational loans, the very resources that would best effectuate their reentry (Ajunwa, 2015).

The aphoristic “elephant in the room” when it comes to reentry organizations as public-private partnerships is that they are called upon to serve the purpose of driving societal change to reduce the marginalization of the formerly incarcerated, yet their public-partner, the government, might be viewed as being complicit in hindering that societal change by pursuing punitive laws that effectively demote the formerly incarcerated to the status of second class citizens, without equal access to employment opportunities and education, thus working at cross purposes with the aims of reentry organizations. As some scholars have noted, institutional reform, while touted as social progress, could in actuality serve as a smokescreen to shield other “darker” institutional ills from criticism (Khan et al., 2007; Miller, 2014). Like public reentry organizations, private reentry organizations face competing pressures. Private reentry organizations must demonstrate their social value; that is, show both their efficacy and continued

necessity, while also juggling the perception by some that their true function is to serve as a shield for the public partner, providing cover from governmental responsibility for some of the very obstacles the organization's clientele must surmount. It is also important to understand that governmental stigma in the form of collateral consequences bleeds over into social stigma, allowing for the stigmatization of the formerly incarcerated by private entities.

In speaking with the formerly incarcerated, I observed mostly resignation, and sometimes flashes of frustration against the iron bars of stigma that still hindered full participation in the workforce even after the return from incarceration. For example, one woman decided not to pursue educational advancement because she felt it was futile — entire job industries had been closed off to her as a consequence of her conviction. In fact, she could not even return to a low-wage, low-skill industry that she had worked in prior to her incarceration. During her interview, she resignedly shared this with me:

“Really to tell you the truth I haven't been interested in anything in school. Anything that I am interested in I can't participate...I can go to school and get the education, but I can't never find a job in it, cuz I'm a felon...I could have my felonies expunged, but I got one that would never go nowhere, and that's attempted murder. I'm saying...that some things I want to go to school for they're gonna look at that attempted murder, like medical. I like a lot of medical fields now [referring to medical assistant jobs]... It's so bad, they[even] do a background check now at McDonald's.”

(Formerly Incarcerated Woman, 47 years old, Personal Interview, 02-20-2013).

As I spoke with reentry experts, I noticed this tension between pragmatically and instrumentally brokering necessary capital for social and economic advancement, while also recognizing that the impediments in the way of formerly incarcerated people rejoining the workforce go beyond their perceived social and cultural capital deficits.

One of the reentry organization's administrators acknowledged the primacy of structural impediments to mobility, such as legalized stigma, yet remained focused on providing her clientele with strategies to circumvent it rather than directly seek to vanquish it. She complained to me, "You know I really struggle with [the] job placement because there hasn't been an organization that has done well with this population in placement. And part of that is, you know, an overall societal issue with not forgiving those who have a criminal history and trusting those." (Director, Women's Programing, Reentry Organization, Personal Interview, 06-12-2013).

Yet, even while acknowledging this societal stigma that acts as a steadfast barrier, the director noted the strategies she teaches the women to employ as they attempt to circumvent this stigma:

"Towards Employment is one of those organizations that we have traditionally referred. And you know these, most of these women that you know really are struggling with being able to talk with you know need some resume skills need some you know they've been out of the workforce for some time or haven't been in the workforce ever. You know, developing some of those really basic skills and the key component that they do is helping women be confident enough to talk to human resources so when they are applying to a job that they would explain, have the opportunity to talk with somebody personally about their felony because often you know you mark the box and we know it's easier to throw away an application that has been marked as a felony. So we talk with them about you know before you hand in the application just to talk directly with a manager. Or a human resources person. And that's something that Towards Employment really emphasizes." (Director, Women's Programing, Reentry Organization, Personal Interview, 06-12-2013).

Here, although the director is acknowledging a structural impediment, which is the legalized stigma of incarceration as a barrier to employment for the formerly incarcerated, she is also choosing not to pursue a structural solution to the problem. Rather, even with the knowledge that the societal stigma attached to formerly

incarcerated job applicants is a major obstacle to employment, she places the onus on her clientele to employ strategies designed to attempt to circumvent the stigma of incarceration that they will encounter in their job search. And she is not alone in choosing this approach. The employment agency to which she refers her clientele also emphasizes the same non-activist, pragmatic, and some might conclude, acquiescent manner of dealing with the structural impediment to the employment that the stigma of incarceration represents.

A program officer I interviewed details what she perceives as the somewhat short-sighted approaches to the societal issues of crime and recidivism, as evidenced by the government choosing piecemeal solutions that focus on certain symptoms of the problem, to the exclusion of other facets of the problem, rather than attempting a more holistic approach that addresses other, perhaps far more thornier, issues like intergenerational poverty and structural racism.

“Alright, we’re just gonna do corrections. All the money is going to corrections.” Well, they did that for a number of years and they forgot about reentry. Now we’re putting a ton of money, “Reentry, reentry, reentry. It’s all about reentry.” But I think you have to look at the systems holistically. And I also think the government instead of just treating the symptoms of the problem, get the root cause of the problems. A lot of the problems are poverty, child abuse, trauma, neglect, a lot of the inmates we work with, they’ve had terrible, terrible family histories. Terrible cycles of poverty, cycles of abuse, cycles of terrible schools. I think racism plays a lot into it. I really do.”
(Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

The stigma of incarceration is a social fact that reentry organizations seem to take for granted as unchangeable or as merely an obstacle to be surmounted rather than eliminated altogether. However, while none of the staff of the reentry organization seemed willing to place the responsibility on the government for removing this

impediment, one government worker I interviewed expressed the sentiment that the government could play a direct part in ameliorating this stigma:

“And I think the government could, I don't know, I don't know if there'd be something like a public awareness campaign. But if one out of every 30 people has had an experience with the criminal justice system, then who are the criminals? You know what I'm saying? It's like if we continue to treat people who have these kinds of problems and people who commit crimes as these other monster enemies and we don't see what made this person this way? Now, maybe some people are just predisposed to just be bad, antisocial people. That could be. But I don't think that's everybody. I think it's generational, I think it's poverty, I think it's no resources. I think it's a whole lot of things...”
(Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

The fact that the formerly incarcerated experience social stigma is an indirect part of the problem of reentry. The more direct part of the issue is that many formerly incarcerated people who have been convicted of drug crimes experience legal stigma in the form of formal exclusion from public housing, certain professions, government aid, etc. due to the War on Drugs; that is, government policies that call for harsh treatment of individuals involved in drug usage or trade. Some of the people I interviewed addressed these policies as part of the structural issues that could hamper the reentry process, though that the reentry organization I studied did not focus on advocacy or lobbying in regards to these issues.

“Yeah, they need to completely overhaul these ridiculous drug laws. And the federal government could do that. And I believe that they're starting to do that, but all this nonsense from Nixon and Reagan and all those guys, they were locking everybody up hand over fist. It was crazy. They wrecked a whole generation, in my opinion. They really did. Stupid drug laws. Non violent offenders in prison. Those goofy boot camps that they had, scared straight, taking little kids in there and yelling at them and... and those programs have been debunked now. Scared straight doesn't work, boot camps don't work. Why would you think that yelling at people who've already been yelled at their whole life is gonna make them...”
(Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

Beyond reentry programs, others identified more holistic approaches, ones that start before incarceration, or that offer alternatives to incarceration, as perhaps a more effective way of dealing with the issue of crime:

Well, I think that at least they're trying to stop... I mean, I think that the Second Chance act is a way they're trying to break those generational cycles. But, again, I think early childhood intervention, poverty programs, job training programs, better education, not saddling college students with terrible debt such that a higher education is inaccessible to people. Why would we do that? You know? And then, you know, stopping the... lessening up on these drug laws. Having more alternative and community programs for people in lieu of incarceration, I think is what the government could be doing.

(Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

Addressing the Issue of Faith-Based Reentry Programing

The reentry organization I studied was a faith-based program attached to the charitable arm of a large Protestant church. At the beginning of my ethnography, the program was located in a nondescript building that did nothing to reveal the Christian leanings of the program. About a quarter of the way through the period of my immersive ethnography, the program moved into a different building that was specifically built by the church. In contrast to the former building, the second building was much more explicit about advertising the Christian faith. Signage in the front of the building included the word “ministries” and the building housed a small chapel with stained glass windows and a large crucifix.

Observing these changes, I remained alert to any evidence that the program was compelling its clientele to profess Christianity, or was exclusively limiting its services to those who avowed they were Christians. I saw no evidence of this. I also explicitly brought up the issue of faith-based programming with the people I interviewed in order to discover what impact, whether positive or negative, such programming made on the

reentry process. The response to my inquiries were mixed. Administrators at the reentry organization assured me that they did not proselytize or require their clientele to be Christians, yet at the same time, those administrators echoed reentry philosophies that they acknowledged were rooted in Christian teachings.

Interviewer: Ok, and the question is, what impact if any does, you know, a Christian way of thinking or Christian service play into having how, I guess, how you provide your services?

Respondent: Well, we don't, again, we are non-denominational and don't practice, or we don't provide any kind of spiritual training or theological so we don't, we don't preach to our women. What we do however in our assessment is recognize that they may have a spiritual or value goal. And that is important to build up you know if that is a goal for them or we find that we may be able to be very lacking in spirituality doesn't mean they have to attend a Christian church. That may be an AA meeting where they find their higher power in order to you know move forward in their sobriety.

(Director, Women's Programing, Reentry Organization, Personal Interview, 06-12-2013)

While acknowledging that they were open to all walks of faith, the administrator, however, did note the ways in which Christian philosophies influenced their approach to reentry. She noted, "but the only thing I would say that is Christian-based, I mean we do practice, we believe in what is called servant leadership and that we have that upside down pyramid of structure where our clients are at the top and we're here or driven to help them and to do what we can...and I think that comes from a biblical or you know our statement is based on Mica, the book of Mica in the bible — which is to promote peace and justice and [care] to the oppressed forgotten and hurting...(Director, Women's Programing, Reentry Organization, Personal Interview, 06-12-2013)

She noted also that these Christian philosophies extends to whom they hire and to their policies of engagement with the clientele:

"[W]e hire those that have made mistakes. We don't hold criminal history in as a barrier to employment or providing or giving back. You know we're more likely to those individuals that make mistakes, or work with those partners that make

mistakes, we're more willing to work with them to figure out what had happened, what's wrong with, you know what's going on with them, and give them the services they need to come back here. So, a lot of practice of forgiveness and second chances. So I think, again, that it is based on the Christian faith. But again we don't proselytize, we don't say you know, in order to come here you have to be Christian. And those that want to pray, pray. Those that want to express their faith can express their faith.

(Director, Women's Programing, Reentry Organization, Personal Interview, 06-12-2013)

The government reentry officials I interviewed viewed faith-based reentry organizations as bringing mixed blessings. While acknowledging their efficacy, one program officer also expressed some concerns. She notes, "and also a lot of times you see people, this happens sometimes in the faith-based community, they say that they're going in there to work, to help reentrants meet their needs, but really what they're going in there to try and do is try to get more people to join their church. You know? Stuff like that." Yet, the official also noted the utility of faith-based initiatives, particularly observed that genre of organization were the first to engage with the reentry population. "To give the faith community their due, faith people were working with reentry before anyone wanted to touch it. They were the pioneers, they started a lot of these programs. It came out of their ministries....(Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

She also notes that the Christian aspect of charity, that is, caring for your neighbor, imbues faith-based work with a level of care that might be missing from other types of organizations, " I mean, if you can have all the evidence-based programs you want, but if you have people in there who really don't care what happens to the people, I don't think that that's gonna work. You really have to be committed to wanting to help

people, in my opinion.” (Program Officer, Cuyahoga Office of Reentry, Personal Interview, 05/12/2014).

Criticism of the Idea of a Public-Private Reentry Partnership

A major criticism of the reentry organization stems from one of its organizational imperatives, which is survival. For example, one of the women I interviewed spoke at length about her perception that the reentry organization did not hold *her* success as a paramount goal; rather, she felt, the organization’s main objective was sustaining itself. As evidence of this, the respondent pointed to what she perceived as lax discipline for members of the organization who succumbed to their addictions:

“Then I talked to the director...about why do they let other girls come into the group that been drinking and this and all that. They tell me, the group ain’t for, like a program for alcohol or drugs. The group is for to come there to get personal, ticket and somewhere to come when they ain’t got somewhere to go. But they all ain’t having [to do nothing], you know what I’m saying. If we stay stuck where we at, then you all always gonna have a job. If we straighten up, what you all going do? So I feel like they’re keeping us right there... They’re not doing nothing to help. You know what I’m saying. Cuz if they keep allowing them to do what they do, they’re never going to straighten up....”
(Formerly Incarcerated Woman, age 52, Personal Interview, 04-25-2013).

The respondent further highlighted what she felt was superficial level but not life-changing help offered by the organization. “We need like someone to pay for light and gas, they’ll get some information to help us or whatever, but for trying to connect us back with society, they’re not trying to help in that area. Them ladies, get together and straighten up and get connected back with society, they’re not coming over there no more. Then they [the organization staff] gonna be out of a job.” (Formerly Incarcerated Woman, age 52, Personal Interview, 04-25-2013).

This criticism that the self-preservation imperative for a social enterprise organization is necessarily at odds with its stated goal of eliminating a social problem is one that can be found in some sociological writings. Past sociologists have written about the self-sustaining nature of the welfare system (Edin & Lein, 1996) and other sociologists have raised the same concerns within the context of the reentry field (Miller, 2014; Wacquant, 2010).

I find that these criticisms go too far. If crime (or more accurately deviance) is a necessary part of society, then there will exist punishment, or to put it more precisely, a correction towards the norm. And for this to correction to endure, there must also be reconciliation thereafter. As the ethnographic work of Erving Goffman has established in fine detail, incarceration—whether in a mental health institution or at a prison—represents a removal, an estrangement that is deliberately accomplished with precisely calibrated steps and continuous actions. The end result of any incarceration is a social chasm between the incarcerated and the rest of society. To reconcile the two entities necessarily takes work, there must be a bridge or brokering intermediary to serve the function of guiding the formerly incarcerated on her quest to rejoin society. Thus, reentry organizations could serve an indispensable societal function for a society that practices criminal punishment. While there might be imperfections in how they are run, the alternative of doing away with them altogether does not seem like a viable solution, given the nature of the existing system of criminal punishment.

My dissertation project did not undertake the ambitious goal of evaluating the entire field of reentry, thus I make no claim that my findings affirm or disaffirm the

social value of the reentry field. Rather my focus, was on how exactly one reentry organization could claim to be offering social value through its organizational processes. Thus, my main goals as partially carried out in chapters 3 and 4 were to parse the processes of this one reentry organization as a case study, focusing on the purported brokerage of social and cultural capital and acknowledging the impact of other externalities on value-creation by the organization. In the next chapter, I continue to analyze other pertinent factors that the brokerage metaphor overlooks, specifically, the unique challenges women must confront as they attempt reentry.

*Chapter 5: The Special Case of Women in Need of Reentry*⁵²

“The scarlet letter was her passport into regions where other women dared not tread. Shame, Despair, Solitude! These had been her teachers—stern and wild ones—and they had made her strong, but taught her much amiss.”
— Nathaniel Hawthorne, *The Scarlet Letter*

Taken at face value, the brokerage metaphor for reentry is a gender-neutral one. The idea being that reentry organizations would equally broker the social and cultural capital that formerly incarcerated individuals require, irrespective of their gender. Yet, the recent popularity of such televisions shows as *Orange is the New Black*⁵³ notwithstanding, criminality has long been construed as contradictory to femininity. To be of the “fair sex” is to be soft in will and gentle in action, presumed secondary sex characteristics that were once deemed to preclude crime. Conversely, to be criminal was to be manly, formidable in action (and of will), such that individuals who embody the intersection of the female gender and crime have largely been treated as aberrant, as outliers, and ultimately as inconsequential to the discourse on reentry after imprisonment. Yet, some have argued that the collateral legal consequences of incarceration so disproportionately impact women that they represent a modern day scarlet letter.⁵⁴

In this chapter, I explore what the intersectionality of femininity and criminality means for formerly incarcerated women, particularly when it comes to the impact of the collateral legal consequences of incarceration on reentry, consequences that attach to an individual at conviction and that linger long after the individual has served her prison

⁵² This chapter was published, in substantially different form, as a law review article, *The Modern Day Scarlet Letter*, 83 Fordham L. Rev. 299, 2015.

⁵³ *Orange is the New Black* is a highly popular and acclaimed television show based on the bestselling memoir of Piper Kerman regarding her period of incarceration in a federal women’s prison.

⁵⁴ I make this argument, with supporting evidence in the form of both interviews and reviews of laws regarding the collateral consequences of incarceration as they apply to women in a law review article, *The Modern Day Scarlet Letter*, 83 Fordham L. Rev. 299 (2015).

sentence. Based on ethnographic observations, as well as interviews of formerly incarcerated women, I also parse, whether, and in what manner, gender influences the brokerage of social and cultural capital, as well as, other externalities that are germane to the process of reentry.

The Role of Gender in Reentry Research

Much of the social science research on the challenges the formerly incarcerated confront have focused exclusively on men. The sociologist Devah Pager conducted an audit study using male job applicants with criminal records and a control group and found that those with criminal records were least likely to get call-backs, an effect that was exacerbated by the race of the applicant; Black males with criminal records were the least likely to get a call-back⁵⁵ (Pager, 2003; 2005). The work of sociologists Bruce Western & Becky Pettit has also exclusively focused on male populations, as they deployed quantitative studies to show the cycle of inequality created by the inter-generational incarceration of Black and Latino males, especially those in their twenties with low education credentials (Pager D. , 2003, p. 937; Western & Pettit, 2010). The struggles of formerly incarcerated women to reintegrate back into society have, in contrast, remained relatively understudied.

I must confess that I first arrived at this dissertation project from a feminist viewpoint. In my first year as a doctoral student, I attended an engaging lecture in which I first learned of the pervasive nature of mass incarceration and the unending cycle of intergenerational incarceration and poverty it breeds. In my previous career, I had been a

⁵⁵ It is worth noting that the Black men without criminal records received less call-backs than the white men who had criminal records.

lawyer, but my practice was in business and intellectual property law; thus, I had little exposure to the criminal law concepts discussed in that eye-opening lecture, focusing in particular, on how the American carceral system has become a revolving door for Black and Latino men. I was inundated with troubling statistics regarding failures of the education system, which then serves as a pipeline to the prison system for minority youth, and the collateral legal consequences of conviction that the formerly incarcerated must contend with after their release, which help to foster a criminogenic environment that leads them back to a life of crime. Yet, after that lecture, in which I furiously took copious notes, I found one question highlighted and underlined in my notebook: *What about the women?* Absent from that brilliant and highly informative lecture was any reference to the rise in the incarceration rates for women and no mention of how women fared at reentry after imprisonment.

Albeit that the majority of the incarcerated population are men, women represent the fastest growing segment of the incarcerated in the U.S.—to illustrate, from 1995 to 2008, the female prison population increased by 203% (Cooper, Sabol, & West, 2009; Beck & Gilliard, 1996). As of 2003, nearly one million women were in some way “under the control of the criminal justice system,” including 100,000 women who were in prison, 100,000 in jail, and 800,000 on parole and probation (Sokoloff, 2003). More than half (Sokoloff, 2003, p. 31) of those women were African-American. As a result of the War on Drugs, drug felony convictions (coupled with nonviolent property offenses) account for nearly 80 percent of the female inmate population (Women in Prison Project, 2006). An important precedent to considering what role gender plays or should play in reentry is the examination of the differential in barriers to reentry for formerly incarcerated women

versus formerly incarcerated men, and the socio-legal phenomena that shape those barriers.

The Enduring Legalized Stigma of Incarceration for Women

The collateral legal consequences of criminal conviction, because of their stigmatizing effects, have come to represent a modern day scarlet letter for formerly incarcerated women (Ajunwa, 2015). A collateral legal consequence of criminal conviction is defined as “a legal penalty, disability or disadvantage, however denominated, that is imposed on a person automatically upon that person’s conviction for a felony, misdemeanor or other offense, even if it is not included in the sentence” (National Conference of Commissioners on Uniform State Laws, 2010). The collateral legal consequences of criminal conviction have also been referred to as: “punishment that is accomplished through the diminution of the rights and privileges of citizenship and legal residency in the United States...Through judicial interpretation, legislative fiat, and legal classification, these forms of punishment have been defined as ‘civil’ rather than criminal in nature, as ‘disabilities’ rather than punishments, as the collateral consequences of criminal convictions rather than the direct results” (Travis, 2000).

With some variation across the different states in America, the collateral legal consequences of criminal conviction include: restrictions on employment and occupational licenses, denials of public and private housing, ineligibility for public benefits, blocked access to legal immigration, limited access to federal educational grants and both federal and private loans, greater potential loss of parental rights, etc. (The Sentencing Project, 2013). As statutes that determine collateral legal consequences differ from state to state (Love & Chin, 2003, pp. 19-21; ABA, 2009), this chapter constrains its

focus to federally-sanctioned collateral consequences such as the ones that apply to federal public housing, employment, federal loans for education, and the Adoption and Safe Families Act (ASFA) (Federal Law, 2013). Prior to the discussion of how the stigmatization effects of collateral legal consequences represent a modern day version of affixing a scarlet letter to a convicted woman, it is important to underscore the historical roots, as well as the accepted theories that undergird this practice.

The roots of collateral legal consequences lie both in the puritanical history of the United States and in the more recent theories regarding the reintegration of formerly incarcerated people. Consider Nathaniel Hawthorne's novel, *The Scarlet Letter* (1850), a novel based on historical records of colonial America. A young presumed widow, Hester Prynne, is punished for her crime of adultery by being forced to wear a scarlet letter "A," at all times; an act designed to shame her (p. 82). This shaming does not serve to reintegrate her back into society; rather, she is shunned by her fellow villagers and is forced to live on the margins of their town (p. 82). Prynne manages to eke out a meager living for herself and her illegitimate daughter, Pearl, but she must soon steel herself to fight the overtures of the villagers to take away her daughter because of Prynne's perceived pernicious influence (p. 389).

Similarly, rather than serving to reintegrate formerly incarcerated women, the modern "shaming" of those individuals by the assigning of collateral legal consequences, many of which endure for life, operate to drive those individuals to the margins of society. A study on prisoner reentry (Petersilia, 2003) discovered that people who are incarcerated at a young age have a high likelihood of returning to prison in their adult years. Furthermore, the study tied this high recidivism rate to the persisting stigma of

incarceration (Petersilia, 2003, p. 11). As that study reveals, many formerly incarcerated individuals find themselves limited in their ability to enter professional fields or to obtain the funds to pursue higher education, which is one way that collateral legal consequences can serve to restrict social mobility and to foster social marginalization (Petersilia, 2003, p. 223). Despite this and other empirical evidence of the ineffectiveness of shaming as a method of reducing recidivism, shaming practices, in the form of collateral legal consequences that negatively discriminate against formerly incarcerated individuals continue to enjoy legal support, as affirmed by the 1848 Ohio Supreme Court case, *Sutton v. McIlhany* (1848), which held that the collateral legal consequences were an important part of criminal punishment, and subsequent cases, such as *Turner v. Glickman*, which have upheld the constitutionality of such legal penalties (Flaum, 2000).

The Collateral Damage of the War on Drugs

Although statutes imposing collateral legal consequences have long been a part of the history of American punishment (*Sutton v. McIlhany*, 1848) and have withstood several legal challenges (Flaum, 2000), many more of those statutes have been enacted since the promulgation of the War on Drugs in the 1980s (Archer & Williams, 2006; Pinard, 2010), and their effects have been exacerbated by the harsher charges and longer sentences (Public Law, 1984) that characterize the War on Drugs. New developments in the laws against drug possession and sale are important factors in the population increase of incarcerated women and have also given rise to new collateral legal consequences. These developments include the mandatory imposition of longer minimum sentences for drug offenses (Reilly, 2013), even when those offenses are related to addiction, and to

harsher and longer lasting collateral legal consequences, such as the legalized lifetime exclusion of felons from certain professional jobs and the denial of federal loans for education (Guerino, Harrison, & Sabol, 2012).

Women are especially affected by the collateral legal consequences stemming from a drug crime conviction, as incarcerated women are more likely to have been convicted of a drug offense than their male counterparts (Travis, 2000). In fact, convictions for drug felonies and nonviolent property offenses—for example, the writing of fraudulent checks—account for nearly 80 percent of the female inmate population (Coalition for Women Prisoners: Proposals for Reform, 2006). Gender disparities in sentencing for drug crimes also play a factor in how women experience the collateral legal consequences of conviction. Studies have shown that there are gender disparities when it comes to sentencing for drug offenses, with convicted women receiving harsher sentences than their similarly-situated male counterparts (Hattery & Smith, 2010). These statistics, particularly as related to drug offenses, are significant because of the developments in the drug laws that impose harsh collateral legal consequences on individuals convicted of drug felonies (Chin, 2002).

Thus, a significant percentage of formerly incarcerated women, because they have been convicted of a drug crime, face government-imposed restrictions on affordable housing and welfare (Travis, 2000), employment (Love & Kuzma, *Civil Disabilities of Convicted Felons: A State-by-State Survey*, 2006; Petersilia, 2003) and also the pursuit of higher education (Levinson, 2001). These restrictions on social mobility exacerbate the problem of reentry for women, particularly given the trend towards mass incarceration for the past 30 years. Even if the trend towards mass incarceration were suddenly to be

reversed, there still remains a large population of women exiting jails and prison who must now attempt to reintegrate into society. Collateral legal consequences, representing restrictive laws and policies that apply to many classes of formerly incarcerated people, represent a herculean hurdle that formerly incarcerated women must surmount in their bid to reintegrate into society. In the following section, I detail how the intersectional identities of women make clearing the hurdle of the collateral legal consequences of criminal conviction a particularly difficult task.

The Adverse Impacts of the Intersectionality of Criminality and Gender

The laws that allow for collateral legal consequences are facially neutral; that is, they make no notice of gender, but it should not be overlooked that the intersectional identities of formerly incarcerated women serve to intensify the negative impact of those consequences. Legal activists and scholars have long recognized and remained sensitive to circumstances in which a law of general applicability, while seemingly non-discriminatory in its writing, is nonetheless shown to have a discriminatory effect or indeed is revealed to purposefully target a subset of the population that share a disadvantaged identity (*Yick Wo V. Hopkins*, 1886).

An early canonical case in which a facially neutral law was found to be discriminatory in effect is that of *Yick Wo v. Hopkins* (1886, p. 356). In that case, the court struck down a San Francisco ordinance that sought to curtail the operation of laundries in wooden buildings, and which disproportionately negatively affected people of Chinese descent, as 95% of the city's 320 laundries were operated in wooden buildings and two-thirds of those wooden laundry buildings were owned by Chinese immigrants

(1886, p. 356). Of course, it must be noted that the reach of *Yick Wo*'s precedent was limited. Even after *Yick Wo* in 1886, the Court in *Plessy v. Ferguson* (1896) upheld laws that discriminated against African Americans by asserting a "separate but equal" standard that allowed for legal segregation until that standard was overturned by the *Brown v. Board of Education* (1954) case. What the cases mentioned above share is that they involved instances when racial animus or the intent to discriminate on racial grounds could be shown. The plaintiff who alleges not discriminatory intent, but rather "disproportionate impact" (*Arlington Heights v. Metropolitan Housing Corp*, 1977; 1987, pp. 481-279; *Washington v. Davis* (No. 74-1492, 1976) and/or disproportionate impact based on grounds other than race (*Personeel Adm'r of Massachusetts v. Feeney*, 442 U.S. 256, 1979; *Griggs v. Duke Power Co.*, 401 U.S. 424, 1971), faces a much more arduous path to effectuating redress (*Ricci v. DeStafano*, 557 U.S. 557, 2009).

Intersectionality as a feminist sociological theory was first highlighted by Deborah King, who referred to a "double jeopardy" arising from a woman question and a race problem (1988); Kimberlé Crenshaw (1991) and Patricia Hill Collins (Collins P. H., 1986; 1998; 2000), then articulated the legal and social realities of intersectionality. Although Crenshaw popularized the legal concept in an attempt to contextualize the double and intersecting discrimination that black women in particular endure as a result of their dual identities as women and as racial minorities (Crenshaw, 1991; 1995), the concept has evolved into a methodology employed in both critical legal studies (Devon & Gulati, 2003; Cooper F. R., 2006; Houh, 2006; Ramachandran, 2005) and empirical social science research to aid the examination of how social and cultural categories such as gender, race, class, disability, sexual orientation and other facets of identity interact on

multiple and often simultaneous levels, to contribute to systematic social inequality (Onwauchi-Willig & Willig-Onwuachi, 2009; McCall, 2005). Even in the matter of legal redress, the negative effect of intersectionality is documented by a study showing that legal plaintiffs who bring discrimination claims are disadvantaged when they reveal their intersectional identities (Best et al., 2011).

Formerly incarcerated women embody various intersectional identities, but the most predominant of these identities is that of a woman who has been convicted of a crime. Criminal women suffer from the double vulnerability of discrimination that comes from being both “criminal” and “female,” meaning that they experience negative differential treatment as a result of the convergence of gender bias and the stigma of having been in prison (Mann, 2001). As a result of the stigma surrounding femininity and crime, there are fewer reentry resources for formerly incarcerated women. One of the few extant studies regarding formerly incarcerated women, *Challenges Incarcerated Women Face as They Return to Their Communities* (Richie, 2001), has identified seven major unmet needs of formerly incarcerated women:

- 1) lack of treatment for substance abuse;
- 2) lack of health care for serious medical problems;
- 3) lack of treatment for serious mental health issues;
- 4) lack of protection from abusive environments, and treatment for past, violent trauma;
- 5) lack of educational and employment services;
- 6) lack of safe and affordable housing; and
- 7) lack of services to address family reunification needs (Richie, 2001).

Further, the study found three broad social and institutional contexts within which reentry barriers exist for women. These contexts include: 1) the combined impact of the competing demands of the barriers to reentry (for example, a female parolee is expected to find employment as soon as possible, even while she is trying to reconcile with her children), 2) the ill-equipped and deteriorating communities that women return to, and 3) the additional gender, racial, and economic challenges specific to women of color (Richie, 2001).

This lack of resources would seem to stem from the greater stigma attached to women who commit crime. One of the caseworkers I spoke with detailed how the stigma of incarceration is particularly sharper for women, resulting in a lack of family support network, both while the women are in prison and after their return:

Interviewer: Yeah. And you've been in reentry for so many years, so you've seen sort of the evolution. And I guess my question is, do you notice whether women are treated differently than men when it comes to reentry? And if so, is that still the same or has it changed?

Respondent: I think what I noticed first was that women are treated differently by society and their families first and foremost. If you were to go to a prison and see who was being visited, the lines for the men are longer, the lines for the men have women, whether it's grandma, sister, aunt, girlfriend holding children. **You go and you see the lines for women, you see very few children, you see less, way less, visitors. It is as if the family and society count them out. A woman can't make that mistake.** A woman can get released and wind up in a shelter. Sure, there are a lot of men in shelters. But a lot of men get released, they've got grandma, auntie, mother, sister, girlfriend, girlfriend, waiting to give them somewhere to live. Well, yes, there are some in shelters. But women are coming out, their families have... and for whatever reason, their families are not there for them and they weren't there for them to bring their kids. And in some circumstances, their families, if they had children, they didn't want to take the children. The children winded up in foster care. But somebody's got that guy's kids. You know what I'm saying? His kids aren't in foster care and they're bringing them to the prison to see him. They're putting money on his books. A lot of women don't have any support system.
(Female Caseworker, Personal Interview, 06-12-2013, emphasis in bold added.).

The intersectional identity of a formerly incarcerated woman; that is, criminality meets femininity, means that the formerly incarcerated woman is even more alienated from society than her male counterparts, and this estrangement starts within her own family. This societal disdain for the incarcerated women impacts several areas of her life, not the least of which include the financial and emotional support she receives from her family while in prison, whether her children will end up in foster care, if her reentry will be marred by her legal battle to reunite with her children, and finally, what resources are available to aid her in her reentry.

My interview with the director of the women's program revealed a divide in what resources are available to men versus women:

“And you know the majority of the women that are incarcerated are because of drugs and behaviors related to addiction. So that might be theft or prostitution or and particularly around having a drug on them, or a substance on them, or drug paraphernalia they're gonna go away for a period of time instead of treatment and we really want to look at you know the court is trying to do alternative sentencing and look at other avenues and we want to continue to do that and look at what we can but again most of those resources are geared towards men. There's been alternative placing and early release for men but there has not been for women. So you know, I know the money goes and follows where the greatest need is and somebody has said that it's men.”

(Director of Women's Program, Personal Interview, 06-12-2013).

This divide reflects the traditional view of crime as pertaining to men and masculinity. Traditionally, more men than women commit violent crimes and more men than women serve prison sentences. On the other hand, as more women than men are mired in addiction and the criminal behavior associated with it, more women are now serving the punitively long prison sentences that were associated with the draconian war on drugs. While the gender of the average formerly incarcerated person is no longer distinctly male, government policies are slow to reflect this change. And this lag is

evinced by the paucity of programs specifically geared towards addressing the concerns of women. This oversight also impacts how women are treated in programs that have been traditionally established as male-oriented spaces.

For example, in comparing the men versus the women, I noticed that none of the men shared personal experiences of interpersonal stigma from institutional forces based on their incarceration. One explanation could be the dynamics of the interview—as a woman, the male respondent might not have felt comfortable sharing stories of personal discomfort with me. Societally, men are conditioned not to complain and furthermore, there is stigma attached to a man appearing “weak” in front of women. Thus, there is a plausible explanation that the men held back their stories of shaming from me. On the other hand, another explanation is that the men did not experience as much interpersonal stigma of incarceration as the women did.

One woman recounts the intense stigma of incarceration she has experienced even from unlikely sources such as social welfare services and low-wage employment places:

Interviewer: So in terms of like obstacles in the real world what kind of obstacles have you encountered, trying to re-enter and be like a working [adult]?

Respondent: A lot of people don't, is not too friendly when you've been to prison. You know some people...

Interviewer: What do you mean they're not too friendly?

Respondent: Like you know, their thoughts, people have these thoughts that when you been to prison maybe that what'd she do, what'd she steal, or who died? You know. Or people that automatically oh you have a felony oh what did you do. Jobs. Shelters. I mean the shelter people, the people that work there they look down at you real bad, yeah it's not good.

Interviewer: And what about jobs, what do you mean?

Respondent: Well, jobs is pretty hard now a days. I was just talking to somebody about McDonald's, and they go through, send you through an extensive background. And just to work there. And I worked at McDonald's years ago and it wasn't nothing like it is now. They put you through, if you're gonna sell some insurance somewhere or...it's ridiculous. (Formerly Incarcerated Woman, Personal Interview, 07-10-2013)

The historian Alice Kessler-Harris has used the term “economic citizenship” to refer to the opportunity to work at an occupation of one’s choosing and to the “customary and legal acknowledgement of personhood” that accompanies such work (Kessler-Harris, 2001). As seen here, the collateral consequences of conviction and the social stigma of incarceration conspire to deny economic citizenship to formerly incarcerated — and especially to those who are women — even at its most basic form of low-wage work in the fast food industry.

Histories of Trauma

Studies have shown that most incarcerated women, about 78 percent, were victims of domestic violence (Islaml-Zwart & Vik, 2004). Several studies have confirmed a correlation between domestic violence and incarceration for women (Hattery & Smith, 2010; Coalition for Women Prisoners: Proposals for Reform, 2006), and, in some cases, the women were incarcerated because they were convicted of killing their abusive domestic partners (Browne, 1987). Other illicit behavior can also derive from abuse, including drug and alcohol abuse as a coping mechanism, or crimes related to a desperate bid to escape an abusive partner; for example, property and financial crimes (Hattery & Smith, 2010; Coalition for Women Prisoners: Proposals for Reform, 2006).

The intersectional identity of abuse victim is a particularly significant one for formerly incarcerated women, given that legal scholars have found that the criminal justice system does not respond adequately to female victims of domestic violence because the criminal justice system is a limited tool that fails to take into account the social, political, and economic factors involved in domestic violence cases (Bailey, 2010). Therefore, for example, formerly incarcerated women who confront a lack of

housing opportunities upon their release from prison may have no recourse other than to return to their abuser, thus leading to their recurrent victimization. Formerly incarcerated women are also more likely than men to have been victims of sexual victimization (Acoca & Dedel, 1998). Forty-four percent of female offenders report having been either sexually or physically assaulted, and sixty-nine percent of them report that the abuse took place before the age of eighteen (Greenfeld & Snell, 1999). Thus, formerly incarcerated women, because of their intersectional identities as victims of sexual violence, are more likely than their male counterparts to require mental health services.

My interview with the director of the women's program at the organization confirmed that these statistical findings jibe with field observations. She told me that programmatically, the women's program is focusing on the issue of trauma: "And you know the new catchphrase is 'trauma-informed care,' and looking at how we treat women specifically in the social service system to what's wrong with you to what happened to you. And recognizing that their behaviors and their path that they're choosing is because of something that happened to them. Whether as a child, as an adult, you know somewhere along their development, something happened."

She further noted that trauma is sometimes a precursor to other issues, "trauma is very tightly entwined with substance abuse. Because we self-medicate, I mean, they self-medicate, because of not being about to cope, deal with those feelings and what happened to them. It's better to be numb than to address those things. And they, you know again, because of their environment that they grew up in they didn't have effective coping skills. They didn't have support to deal effectively so there we go. And so it's a cycle, and usually those that keep cycling, those women that keep cycling in and out of the

institutions is because of, or you know we call them, ineffective for treatment or you know we see those cases as most likely they had never addressed the trauma.” She also notes that the interactions of the women with criminal institutions may also leave a traumatizing effect; “the institutions themselves can cause, can re-traumatize individuals. Strip search if you’ve been raped. You know you don’t have privacy to go to the bathroom. You know, there is [being] constantly under that looking glass which causes significant stress, you know there is sexual abuse that happens and continues to happen in the institutions. You know women are raped, sexually abused in the institutions. And so those things need to be addressed and to be dealt with.” (Director of the Women’s Program, Personal Interview, 06-12-2013).

One of the caseworkers I interviewed echoed the same concern about the need for a holistic approach unlike what the extant governmental approach offers:

Interviewer: So I guess my question is, you know, in all your years working, what do you see as the most pressing need? Or the biggest obstacle for women as they try to reenter society?

Respondent: The biggest obstacle. Employment and housing. Yes. They have to go hand in hand. How do you go to work if you have nowhere to live? How do you get a place to live if you can't find a job? And after that, how do you work toward getting your children back if you don't have a stable home and a job so that you can take care of them if they are in foster care? But even... and really, addressing the abuse or the substance abuse or physical abuse that they had. I think all three of those go together. Whether it was substance, physical, or mental health. Whatever it is that has... that got them to the door. That has to be addressed too. And a lot of the agencies that are doing reentry are not addressing that piece. It’s like ok. And certainly the parole plan is not addressing it. Parole plan is get out here, get your GED, get a job, get a place to stay. They’re not interested in what is causing you, you know, the dilemma that you’re in. So I guess you’d have to put those, to me, all three of those go together. Addressing the emotional needs, as well as the housing and employment.
(Female Caseworker, Personal Interview, 06-12-2013).

What the caseworker is highlighting is a governmental short-sightedness when it comes to reentry. In effectuating reentry, the government focuses on the easily remedied economic symptoms, or, more precisely, issues of social and cultural capital (access to education and to employment), while neglecting other intractable issues like trauma, mental health, and other issues associated with long-term poverty.

One formerly incarcerated woman recounts her childhood experiences to me and her conviction that she was a sexual abuse victim:

“My mother was a workaholic. She didn’t have time for me. She had the people that were renting the house that she owned babysit me and it was a messed-up environment. Alcoholic environment. You know, I believe I was sexually abused in that house, I was so young. It was like kinda I could remember up to a certain point and then it was like and nothing. And when I’m older now and I can look back and try to put the pieces, it all kinda makes sense. Can’t prove it, but I’m pretty sure.” (Formerly Incarcerated White Woman, 42 years old, April 10, 2013).

While this formerly incarcerated woman characterizes her mother as a workaholic, interpreting the events of this woman’s childhood through the lens of working class poverty adds another layer of complexity. Her mother was working poor, she was perhaps renting out the house as a last resort to avoid foreclosure, and lacking in adequate childcare resources, she had no choice but to leave her child in the care of her tenants, even if she recognized it as a potentially toxic environment.

Another formerly incarcerated woman discusses the trauma of intergenerational incarceration that separated her from her biological mother:

Interviewer: So in terms of your family background, what did your parents do? Were you raised by both of your parents?

Respondent: No. I was raised by my dad and my stepmom. My real mom was in prison; she had to do about fifteen years in prison.

Interviewer: Oh wow. But you had lived with her prior to her going to prison?

Respondent: I think the last time I remember living with her I was a baby. Yeah, my dad and my stepmom raised me, cuz my mom was in prison.
(Formerly Incarcerated Woman, Personal Interview, 07-10-2013)

Another woman tentatively shared with me a traumatic event for which she has received help from the reentry organization. “Good people here, she said. I got raped and they took me to the hospital.” When I asked for details of her story, she ended that line of questioning, firmly stating: “I don’t want to talk about that.” (Formerly Incarcerated Woman, 59 years old, Personal Interview, 03-19-2014).

These and other histories of trauma call into question the ability of these women to perform in a mentally demanding workplace, and whether the mere brokerage of social and cultural capital would bridge the gap. Many of these women need psychiatric help or psychological counseling. In addition to, or in the absence of being able to readily access these mental health services, the reentry organization serves as surrogate for the intangibles beyond social and cultural capital that are required by formerly incarcerated women. It is true that formerly incarcerated men may also need these intangibles of emotional support, guidance, and encouragement, but more of the women were able to articulate this need.

Respondent: You know, but you know some people have been stuck, have been in bondage you know from, from their childhood and they need to get free, you know. So, and it’s just you know, the government need to give a lot of support to women and men that’s been incarcerated or not been incarcerated, you know. So.

Interviewer: And what kind of support specifically? What did you have in mind?

Respondent: Like, you know like, cuz some people like they need love. You know, they haven’t had love, you know that kind of affection. You know, they need attention they need to be encouraged. You know, because it’s a good thing when somebody, it’s a good feeling when somebody encourages you to do something or somebody praise you because you did something good. I mean and that makes a person feel good because you know when I was young, I wasn’t never praised for the good things that I did do. I was always hollered at or getting cussed out and it was like why, you know, or... danged if I do or danged if I don’t. (Formerly Incarcerated Black Woman, 34 years old, Personal Interview, 09-11 - 2013).

Another woman recounts the benefits from membership as going beyond material resources:

Interviewer: And what kind of resources have you gotten from this program since...

Respondent: Oh wow, I've gotten counseling, psychiatry, clothing, groups, oh wow, so many things, retreats, friends, somebody to listen to me and my poetry, be able to listen to some other women and some issues and stuff and be able to be sit around women and it's positive. Just so many more things, just so many, I'm trying to think, it's just a lot.

(Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

Racial Minorities

In addition to the intersection of the stigma of incarceration and sexism stemming from their gender, women of color have the added perceived stigma of being a person of color and the accompanying stereotypes (Nanda, 2012), and therefore are subject to the racial biases that have been found to permeate the legal system (Mann, 2001). Black females are incarcerated at approximately three times the rate for white females and twice that of Hispanic females (Human Right Watch, 2008).

These racial discrepancies persist after incarceration. Although all individuals face barriers to reentry after incarceration, some barriers are uniquely “gendered and raced” (O'Brien, 2001; O'Brien & Bates, 2006; O'brien & Leem, 2006; Roberts, 2002). For example, social scientists have found that Black children of incarcerated mothers are more likely to be in foster care than their counterparts, making regaining custody of their children much harder for formerly incarcerated Black women (Roberts, *Shattered Bonds: The Color of Child Welfare*, 2002). Some legal scholars have identified an intersectionality centered on race, gender and reentry, and have made the argument that African-American women, because of their gender and race, are disproportionately

impacted by the collateral legal consequences of criminal conviction (Brown, 2010; Hattery & Smith, 2010). Indeed, while the women at the reentry organization shied away from discussing race, I could not help noting that the overwhelming majority of the women participating in the program were Black women.

It is worth noting that my dissertation project did not focus on race as a factor in reentry. This omission was not because I think race does not impact reentry; judging by the results of Pager's audit study, it certainly does. Rather, as the organization I chose for my case study did not have a significant population of white clientele, I did not have adequate comparative points to examine any effects deriving from race the way that the presence of a program within the organization dedicated to women allowed me a natural comparative sample to ascertain the effects of gender.

The Role of Government: Obstacles to Reentry as Formalized Stigma

The collateral legal consequences of incarceration may be seen as the distillation of the moral stigma of incarceration codified as law, and imbued with the power of the state. Consider that the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) passed by the Clinton Administration denies government aid, including federally-subsidized housing and food stamps, to individuals convicted of drug offenses (Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 1996). While states may opt out of the provisions of the Act, currently, 15 states comply with the ban.

Ironically, lack of housing has been shown to lead to crime and as previously discussed, because of the heightened stigma of incarceration for women, they are less

likely to be taken in by a family member upon release from prison like their male counterparts. For example, the legal scholar George Lipsitz argues that barriers to housing create the criminogenic⁵⁶ conditions that put women on the path to prison (Lipsitz, 2012). It is also important to note that women of color, particularly Black women, are most impacted by discriminatory practices in subsidized housing. The legal scholar Priscilla Ocen argues that, in an era of mass incarceration, the recent phenomenon of police officers and public officials enforcing private citizens' discriminatory complaints, which ultimately excludes Black women and their children from publicly subsidized housing in traditionally white neighborhoods, could be constructed as a "concerted effort of welfare and criminal policing institutions, together with private actors," to restrict the housing choices of poor Black women in ways that are analogous to the formally repudiated racially restrictive covenant (Ocen, 2012). As a possible solution, Lipsitz has proposed that fair housing be viewed as a human right, and advocates for litigation, legislation, and social mobilization to address the connection between housing discrimination and mass incarceration (Lipsitz, 2012).

One woman also recounted to me her ordeal attempting to use shelters, particularly those that were advertised as faith-based: "I went to one shelter that was supposed to be a faith-based shelter and they weren't that helpful. Their concentration was on that you do their program, which meant that, since it was faith-based, that we spent a lot of time at church. And not only that, they didn't allow you to leave the building unless they agreed to why you were leaving the building. So again, I felt like I was back in prison." (Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

⁵⁶ "Criminogenic" is an adjective which denotes "producing, or tending to produce, crime or criminals." See *Random House Dictionary*, 2013, available at [www. dictionary.reference.com](http://www.dictionary.reference.com), last visited November 4th, 2013.

She also recounted how the faith-based shelter actively sought to keep her out of school, an action that was in keeping with the overall control the organization exerted over its members. “I told them that I had a need that I wanted to fulfill that was school. That I wanted to continue my education, cuz I was very excited to have my GED. And you were not allowed to go to school or have a job in that shelter. Yeah. And so they were angry when I signed up for food stamps because they didn’t think that I needed them, but there were times that I had important meetings where you were going to miss meals. And if you are going to miss meals then how would you eat? They were very strict; they didn’t let you bring in water. They searched your bag; Let me see your pocketbook, your clothes, coats, jackets. It was just too much.” (Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

According to the respondent, the shelter’s control tactics were relentless and no allowance was given even to women who had emergencies arising from their childcare duties. “And I’ve watched them put people out with children at night because they were ten or fifteen minutes late. There was an incident where my son was sick and I had to take him to the emergency room. I called them and told them I was going to the emergency room and that I had my son, and that when I was done I could bring them the paperwork and everything, and when I was done, I came back and I brought the paperwork and they told me that next time they weren’t going to be that nice about it. And that I needed to make sure that my son doesn’t get sick again.” (Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

The same woman noted that the prison recommended this particular faith-based program and as a result many of the women exiting prison went there. Yet, she observed

that the same program had no success stories. “And I was very upset because in prison they pushed for that particular program and most all the women that leave there they go there. And none of the women that I knew in my whole five years that I knew were still there in that program. And I was just wondering, like, wow. I can tell you maybe three success stories in the four years, and that’s pretty sad...they wanted you to be in need cuz when you need something or somebody you have to do what they say, because you don’t have any other place to go. So I was glad that I left...” (Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

Unfortunately, after the respondent left the first shelter, she found herself at another shelter that had many other problems.

“[T]hen I went to other shelter...before I went there, they already told me it was going to be filthy; I was not going to be happy there, cuz it was terrible dirty.... But I tried to stick it out. The place was filled with a lot of people with mental health issues, with all sorts of issues, and it’s like they stuck everybody in... You know, like a city hospital, and everybody just goes there and it’s like whatever’s going on. And I couldn’t deal with it. I couldn’t deal with it, the case managers there are terrible. You know, you have like one person who wants to help you and there are other people that don’t. And they could care less, you know staff was taking stuff that was delivered there from organization and people that worked there were going through it and stealing stuff and it’s just crazy. A lot of fighting. Police every day, three times a day. Ambulance and fire department. And it was nasty. They had women pooping on the floor and in the shower...I went to use the bathroom and there was pads, used pads, stopped up the toilets. There was feces on the handle and around the toilet. It was terrible.”

(Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

Maslow’s hierarchy of needs places the need for sleep and security as very high on the list of needs individuals must fulfill before they can reach their full potential (Maslow, 1943). Reentry after being removed from civil society necessitates mental fortitude to counteract the stigma the formerly incarcerated individual will confront while attempting social and economic reinstitution. One can imagine that such mental fortitude

would be difficult to come by if the formerly incarcerated individual is preoccupied with achieving basic needs like safe, clean shelter, and the restful sleep such shelter affords, and is instead confronted with squalor and deprivation.

Employment

Formerly incarcerated women are less likely than their male counterparts to have been employed prior to their period of incarceration (Acoca & Dedel, 1998). Forty percent of women offenders were employed prior to their incarceration, compared to sixty-six percent of their male counterparts (Greenfeld & Snell, 1999). This can be a challenge to successful reentry, as other studies have demonstrated that employment serves to reduce recidivism among the formerly incarcerated (Harer, 1994; Sampson R. J., 1997; Uggen, 2000). Furthermore, levels of compensation (a variable that is dependent on level of education) also influences reentry outcomes, as those making higher wages are less likely to recidivate (Visher, Debus, & Yahner, 2008; Grogger, 1998; Bernstein & Houston, 2000).

In addition to lowering recidivism rates, employment helps the formerly incarcerated reintegrate into society, as they are now able to support their families financially (Brazzell et al., 2009). Recent studies estimate the unemployment rate for formerly incarcerated adults at 60% and 89% for those who violate the terms of their parole or probation (Bushway, Stoll, & Wieman, 2007).

Formerly incarcerated women are even more impacted by employment issues for various reasons. For one, most formerly incarcerated women cannot fall back on many of the different kinds of unskilled jobs (primarily located in male-dominated industries such as construction) that their male counterparts can. Many other trade jobs or vocational jobs,

such as being an electrician or welding, require an apprenticeship and are socially closed off to women. Additionally, most “pink-collar” jobs that attract women, such as nursing or teaching, are subject to professional licenses and background checks that weigh negatively against people who have been convicted of a crime. This discrepancy in employment opportunities was confirmed in the field. Of the members of the reentry organization I interviewed, 48 percent of the men currently had employment compared to 33 percent of the women. Of that same population, 78 percent of the men had worked prior to incarceration compared to 33 percent of the women.

In a recent policy holding, the Equal Employment Opportunity Commission (EEOC) advised that the practice of criminal background checks for employment purposes would violate the law if it is used to intentionally discriminate against minorities, or if it is shown to have an adverse discriminatory impact on minorities (EEOC Enforcement Guidance, 2012). As such, employers are advised against using blanket criminal record checks in their hiring decisions; the checks should relate to “business necessity” (EEOC Enforcement Guidance, 2012).

*Education*⁵⁷

Much research has revealed that education plays a crucial role in the reentry of the formerly incarcerated (Gaes, 2008; Sampson & Groves, 1989; Steurer & Smith, 2003; Western, 2007). However, higher education is not easily within reach for formerly incarcerated women. The federal government makes eligibility for student grants (such as the Pell Grant, which benefits students from low-income families) and student loans

⁵⁷ Portions of this section were adapted from a Ford Foundation Grant Application that I wrote with Professor Susan Sturm of Columbia Law School.

contingent on a clean criminal record (Tewksbury, Erickson, & Taylor, 2000). Access to college education was further limited in 1994, when prisoners were declared ineligible for college Pell grants, leading to the inability of an increased number of the incarcerated, who are very likely to be uneducated, to overcome their socioeconomic disadvantages through education subsequent to release from prison (Koons, et al., 1997).

As a result of the lack of federal funding, opportunities for correctional education, i.e., education while in prison, have become more limited. And while men are at greater risk for incarceration, women are disproportionately impacted by the lack of educational programs in prison. Although correctional institutions have increased the number of general education programs (e.g., adult basic education, GED, high school) available to prisoners since the 1970s, as of 1996, only 52% of correctional facilities for women offered post-secondary education (Lahm, 2000). Further, women on probation for a felony offense are even less likely to be referred to general education programs. In 1995, only 7% of all felony probationers participated in such programs (p. 41). The educational prospects of the formerly incarcerated are further limited by the 1998 amendment to the Higher Education Act, 20 U.S.C. 1091(r)(1). Under this Act, individuals with drug convictions are prohibited from receiving federal financial aid to enroll in a post-secondary institution. During the 2000-2001 school year, more than 43,000 college students were affected by the amendment (Levinson, 2001).

This denial of access to education is particularly troubling, given that studies have found that education offers a path to increased employment, reduced recidivism, and an improved quality of life. In addition, education has a signaling effect to employers, serving as a formal indicator of an individual's abilities and achievement (Gaes, 2008).

Further, formal educational attainment can help to combat and reduce the stigma attached to incarceration (as demonstrated by Devah Pager's field experiments), whereby conviction and incarceration send a negative message to employers about an individual's character and abilities (Western, 2007). Thus, the obtainment of a college degree, as well as the life skills and learning ability developed during such schooling is valuable, both for the certification it affords and for the personal growth it could prompt within the individual.

Since college education has an impact on employment, the obtainment of education can then have a positive domino effect. An estimated 37% of State prison inmates, 26% of Federal inmates, 44% of inmates in local jails, and 42% of those serving probation sentences have not completed high school or its equivalent, as compared with 19% of the general population. Among those incarcerated in state prisons nationwide as of 2004, only 17% have completed any postsecondary education, as compared to 51% of the general population; about 2% have a college degree. Many are also returning to neighborhoods that are themselves among the most impoverished in the nation, and that lack sufficient resources, networks and institutional support to facilitate successful reintegration into their communities (Brazzell et al., 2009; Harlow, 2003).

Postsecondary education is beneficial to the formerly incarcerated, as it provides greater access to supportive social networks and positive norms, which social capital theory predicts would increase positive social behavior (Rose & Clear, 1998; Sampson & Groves, 1989). Attending college also offers a platform to overcome the stigma and negative stereotypes that attach to the individual with a criminal record (Gaes, 2008; Pager, Western, & Sugie, 2009; Pew Report, 2008). There is, however, a paucity of

effective programs that enable formerly incarcerated women to gain access to postsecondary education (Gaes, 2008). Perhaps as a result of the denial of federal funding for the higher education of many ex-offenders, many reentry education programs make GED attainment and low-wage job placement their paramount focus; research shows that major reentry initiatives recently undertaken by policymakers and advocates do not even include postsecondary education as part of their reintegration agenda (Reentry Mapping Network, 2014).

Several of the women I discussed shared their desire to acquire an education. It was sociologically interesting to observe how strong a role structural impediments played in regards to whether the women were able to achieve their educational goals. For example, one woman related how a teenage pregnancy served to disqualify her from pursuing a high school degree:

Interviewer: What was the highest level of education you had?

Respondent: Seven, the seventh grade.

Interviewer: Seventh grade? Wow. And what happened, why did you stop at the seventh grade?

Respondent: I got pregnant. And back in them days, by me being in Georgia. I was not allowed to go to school with the other girls. So I turned to the streets and I never thought about going back until I came to Cleveland and got affiliated with women's re-entry. (Formerly Incarcerated woman, 52 years old, Personal Interview, 04-25-2013)

Another relayed how what import the nature of her crime had on her ability to receive financial aid for higher education:

“Thankfully, I didn’t have a drug felony. Maybe, I guess, I don’t know how that works, my crime was a violent crime, but it didn’t have nothing to do with drugs. It was domestic violence, so I was very excited to know that I was able to get that Pell Grant, because that’s \$5650. I need that. I need to be able to pay for my books, or, well, now-a-days they say people use the computers and those notebooks and pads and all the stuff. You know I need to make sure I can do my homework, and I don’t want to just make it through or do the minimum. I want to be able to learn, and I would like to be able to experience college and the

information so I can get a job that will ultimately make me happy. You know, I wanted to pick a job that is also a career that I would love to go to in the morning.” (Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

Pregnancy and drug crimes are phenomena specific to the women. In regards to crimes involving drug trafficking, it is important to reiterate that as a result of the War on Drugs, such crimes carry harsh punishment and even harsher collateral consequences, some of which, such as those that impact job qualification and educational access, have far-reaching ramifications for the life course.

Stigma Against Formerly Incarcerated Mothers

Prior research shows that formerly incarcerated women are more greatly impacted by the demands of parenthood than their male counterparts. For one, formerly incarcerated women must contend with undeniably distinct biological and social demands from men, particularly in regards to pregnancy, childbirth, and parenting (Bloom, Owen, & Covington, 2004). Second, women are more likely to be the primary care givers of their minor children. Approximately, 75-80 percent of incarcerated women are mothers of minor children, with the average incarcerated woman having an average of 2.11 children under the age of eighteen (Enos, 2002; Greenfeld & Snell, 1999).

Furthermore, compared to incarcerated men who are fathers, about 44 percent, the majority of incarcerated mothers, approximately 64 percent, lived with their minor children immediately prior to incarceration (Mumola, 2000). As a result of these differences, there are disparities in outcome for children when a mother is incarcerated versus when it is a father that is sent to prison. About 20 percent of the children of incarcerated women are placed in foster care (Mumola, 2000), which is in stark contrast

to the fewer than 2 percent of the children of incarcerated men who end up in foster care, especially given that over 89 percent of the children of incarcerated men are able to live with their mothers (Mumola, 2000). Thus, formerly incarcerated women are more likely than their male counterparts to face the added challenge of losing legal custody of their children. Formerly incarcerated women are more greatly impacted by laws like the Adoption and Safe Families Act (ASFA), which encourage the adoption of children who have been in the foster care system for more than 15 months (Adoption and Safe Families Act of 1997 P.L. 105-89, 1997).

In 1997, the federal government enacted the Adoption and Safe Families Act. The stated goal of the Act is to facilitate domestic adoptions (Adoption and Safe Families Act of 1997 P.L. 105-89, 1997). However, in practice, the ASFA has become a government-mandated push for the adoption of children who have been in foster care for 15 months out of a 22-month period, thus negatively impacting incarcerated parents. Adoption rates have nearly doubled since the enactment of the ASFA. Since the Act's enactment in 1997, the annual number of children leaving foster care for adoption has risen from roughly 30,000 to more than 50,000. The annual number of adoptions from foster care climbed from less than 30,000 in the mid-1990s, to a peak of some 57,000 in FY2009. Since then (through FY2011) the number has remained at, or above, roughly 50,000 (Stoltzfus, 2013). While this might be good news for children who would otherwise age out of the foster care system without ever having the security net and emotional stability afforded by a family, this also means that fewer children are being reunited with their biological families merely as a result of the length of an imposed prison sentence, rather than a true judgment of the suitability of the individual to parent a child.

Furthermore, since women, more than men, are more likely to be the principal guardians of minor children, many more formerly incarcerated women than men find themselves as parents with no parental rights to their biological children. As the average prison sentence exceeds 22 months (and ASFA allows for termination of parental rights at 15/22 months), incarcerated parents dependent on foster care for their child's care are at risk of losing custody. Therefore, loss of parental rights is of particular concern to mothers in prison, who are five times as likely as men to report having children placed in a foster home (Schimer, Nellis, & Mauer, 2009).

During my ethnographic research with the organization, none of the men I interviewed mentioned any issues in dealing with losing custody of their children; either they claimed not to have children, or several claimed that their children were living with other family members. In contrast, several of the women shared with me that they had either lost their children to adoption or were in the process of reclaiming their children from foster care.

One woman related to me that she had lost one of her children to adoption pursuant to the ASFA guidelines:

Interviewer: Do you have any children?

Respondent: Yeah, I have seven.

Interviewer: Do they currently live with you?

Respondent: No.

Interviewer: Ok, are they, are any of them minor children?

Respondent: Yes, minor and toddlers.

Interviewer: Ok, where do the minor children live?

Respondent: Well, my sixth has been adopted out. And my eight-year-old she's with my best friend.

(Formerly Incarcerated Woman, 34 years old, Personal Interview, 09-11-2013).

One woman notes how the stigma of incarceration translates to diminished job opportunities, and how this in turn operates as a barrier for women who are attempting to

be reconciled with children who are in the foster system. Her diminished employment opportunities mean that she is deemed an unfit parent, unworthy of parenting even though she is willing. In addressing the stigma, she notes: “But, I mean, they have to know that there’s a lot of people that do go to prison and come out, and that doesn’t mean that they’re a waste to society. I mean, people still have to make a living. I still have to pay bills. I still want to see my kid. I have to have a job to do that.” (Formerly Incarcerated Woman, Personal Interview, 07-10-2013)

The loss of parental rights is not without effect on the formerly incarcerated women; they keenly feel the loss of their children. Indeed, the severing of parental ties is a punishment that lasts forever and belies the received wisdom that an incarcerated woman may “pay her debt to society” merely through serving out her sentence. Rather, it seems that with the advent of the ASFA, women pay more than men, even for the same crime. As the ASFA applies irrespective of the type of crime committed; the idea behind it cannot simply be that it is a protective measure—enacted with the aim of protecting children from unfit parents. Rather, the law, which applies indiscriminately regardless of the circumstances of the crime, seems to privilege those with strong family support or social networks who can find a trusted relative or friend to take in the child without involving “the system.”

Yet, if reentry is for the public good, we must then wonder as to the efficacy of the ASFA. While it may very well result in many more children being placed in welcoming nurturing adoptive homes, there is still the question of what effect the loss of a child has on a parent. Does it serve the goals of a reentry and rehabilitation for a woman to have no hope of reuniting with her child when she is serving a mere two-year

sentence? Stated differently, should a two-year sentence equal a lifetime of loss? None of the women I interviewed spoke to me plainly about the emotional impact of the loss of their children; I imagine it must be a subject that is too personal and painful, but one woman described her observation of others who had experienced this rip in their family network:

Interviewer: And what happens to those women that they can't afford to hire an attorney?

Respondent: They lose their kids forever.

Interviewer: And what kind of impact have you seen on those women?

Respondent: Oh, some of them are really depressed, angry, just so much because they've lost their children forever. Their children have been adopted out through the system, which makes it so they never will ever get their children back. Some of them won't even know where their children are living. And so I'm kinda grateful for the fact that I was married and that we never got divorced until three weeks ago, and that the systems wasn't involved at all with the relationship with my son. I never lost my parental rights, I never gave them up, and I never had a child services case at all...although I broke the law, and I had to go to prison, that law that I broke was against my husband and our relationship, but nothing to do with my son's relationship.

(Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

While many women flail helplessly against an impersonal foster system for the return of their children, for others the struggle is closer to home. Some formerly incarcerated women do not face the foster care system as their adversary when attempting to reconcile with their children; rather, those women have to grapple with family members who have gained full legal custody of the child while the women were in prison. The refusal of family members to allow formerly incarcerated women their full parental rights could stem from animosity or a patriarchal view that women have committed crimes are not suitable mothers. One woman recounts how her ex-husband who had legal custody of her seven year old child moved the child to another state because of the fractured relationship between the former couple. "I'm having a lot of issues, because I

was married for eighteen years, and we're getting a divorce, and we're fighting over [our child]. He [my ex-husband] doesn't feel like that I should be able to have him and be a mom because I went to prison, and because he was my victim. So he is not too happy about me wanting my son back." (Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

She told me, "on my way out the door we discussed divorce, and after I got out we talked about it...He just thought I should have Christmas, one week in Christmas, and some summertime, you know, bonding, and I didn't think that was too fair that I actually had to agree to what makes him happy and not my son. And I fought and I felt like the best interest of the child would be to have two parents. That we didn't have to live in the same place, but that we both split the time equally...He picked up, took my son and my ex-best friend and moved to Florida." (Formerly Incarcerated Woman, Personal Interview, 07-10-2013).

The denial of parental privileges to formerly incarcerated women by family members could also stem from a form of paternalism, wherein the family members, who have been taking care of the children, appoint themselves as arbiters of whether the formerly incarcerated woman is fit to parent the child. Here, one woman details her plan to regain control of her eight-year-old son from his grandmother who had been his guardian while his mother was incarcerated.

Interviewer: So where was he, while you were incarcerated, where did he stay?

Respondent: He stayed with my mom.

Interviewer: With your mom? Ok. So he didn't, there was no involvement with the foster system?

Respondent: No... my mother intervened, and she said, no, he won't go to the state as long as I'm living. She intervened, and then she took, you know, custody of him. She fought for custody of him and they award it to her, they gave it to her, custody of my son...

Interviewer: Ok. So what is your plan to get legal custody?

Respondent: A public defender, yeah. To see what's the process of getting custody of my son back. You know my mother's not going to fight me to get my custody back, cuz she sees I'm doing good. You know what I'm saying, as long as I have a proper housing for him and all that, she don't mind giving me custody back to me. She always said I'm not trying to keep custody from you. It's just that you wasn't able to take custody of your son at that time. And I wasn't. You know, as long as I keep staying sober, I still got to continue to show her that I'm worthy and I'm capable of now. But once I get a place, I don't even have a place right now so, it's defeating the purpose... (Formerly Incarcerated Woman, 38 years old, Personal Interview, 07-24-2013).

A received wisdom is that it is (formerly incarcerated) men who must suffer the burden of child support, and who many times do so at the whims of vindictive ex-wives or gold-digging ex-girlfriends. However, from interviews with the formerly incarcerated women, I found that several women were haunted by the daunting prospect of having to pay child support that had accrued over the many years of their incarceration and which now served as a barrier to any visitation rights with their children.

Interviewer: So, you have a pending child support case?

Respondent: Case, yeah.

Interviewer: So, they're saying that you owe child support?

Respondent: Not that I owe. The father got mad at me, or he did thirteen years ago and called child support on me.

Interviewer: So, he had never asked you before?

Respondent: Never until he got mad.

Interviewer: Until now. Ok, so now he's asking you to pay for all those thirteen years?

Respondent: Um-hum.

(Formerly Incarcerated Woman, age 42, Personal Interview, 01-02-2014).

Differences in Brokerage for Men Versus Brokerage for Women

While only one of the women would directly allude to this in an interview, I did notice differences in how and what cultural and social capital was brokered to the men versus the women.

At the first meeting I attended for the women's section of the reentry program, I was caught off guard that the meeting started with the caseworker handing out toiletries such as sanitary pads and tampons. In addition, the case worker handed out makeup, such as lipstick and eye shadow. While items like sanitary pads and tampons are taken for granted by the average citizen who can afford them, the fact remains that the factors of unemployment and the peripatetic lifestyles of some of the women means that they do not always have access to these necessary items. The makeup carries its own story. As prison is "gendered" male, prison regulations generally do not allow women to wear makeup, and previous ethnographers have documented the emotional and psychological impact of this deprivation on women (Haney, 2010; McCorkel 2003).

For the newly-released formerly incarcerated women then, these gifts of personal care items, including the makeup, are both gifts of cultural and social capital. They are cultural capital because they are signals of femininity which re-affirm the belonging of the formerly incarcerated woman to mainstream society, with its binary conceptions of masculine versus feminine. They are also donative social capital because they aid in the formerly incarcerated women's presentation of self in her every day life—with these items she is able to maintain acceptable societal hygiene and personhood. She is also able to withstand public scrutiny and avoid the social shunning that could arise if she neglected her appearance and aroused suspicions as to her often unavoidable true straits—homelessness. Thus, the organization, in acquiescence to middle class societal ideals, felt it important to broker the cultural capital of taking care of one's appearance to the women.

In terms of programming, the one key difference I observed echoed patriarchal notions of family. While the men were encouraged to take skill-based classes (with an eye to making themselves more viable in the labor market), or cognitive behavioral classes, like “Thinking for a Change,” which addressed personality issues like impulsive decision-making, the women were offered classes that emphasized their role as caretakers. While I was not able to sit in for a “Thinking for a Change” class (the sensitive nature of past negative decisions resulting in criminal activity taken by the class attendees prohibited it), I did sit in on a 6-week nutrition course offered to the women.

While the nutrition course had admirable goals of teaching proper nutrition, portion-control and food budget skills, I could not help but wonder if 6 weeks for a cooking class (meeting once a week) was the appropriate way for the women to spend their time. Granted, since attendance was voluntary, not all the women came. And I noticed that the women who came were thankful for the food that was always served as part of the class. However, having gained some knowledge of the background, goals, and aspirations of these women, the cooking courses felt like a jarring incongruity, as they presented a middle class ideal that was far-removed from the reality of the women compelled to take it. While some of the women worked full-time jobs, most did not. Rather, most relied on SSI and TANF for their food budget (meaning their food purchases had to comply with the guidelines set forth by TANF). Others received food aid from soup kitchens and food pantries. Others who lived in homeless shelters did not have access to a kitchen to cook the type of meals the nutrition course would prescribe.

Most importantly, from a feminist perspective, I wondered why there was not a focus on classes geared towards career improvement, like the men were being steered

towards. Why were there no resume writing classes? GED prep courses? Or even, aspirationally, SAT prep courses? Was it an organizational decision to exclude the women from those kinds of activities and rather foster a conservative Christian middle-class ideal of the mother at home tending to her family through proper nutrition?

In speaking with the caseworkers I started to think that perhaps this was less a case of organizational strategy than it was “practical drift.” In offering these types of classes to the women, the organization was adapting to its competitive environment. There was no government funding available to offer career improvement courses to formerly incarcerated women; rather, because of welfare reform, there was funding and staffing available to teach low-income women how to select and cook nutritious foods on the food stamp budgets doled out by the government.

But then again, perhaps this was not merely an ordinary organizational “practical drift,” but rather a pragmatic course correction in response to the state of the political economy since the advent of welfare reform in 1996; a situation that has created higher precarity for women within the low-wage labor economy. As Jane Collins and Victoria Mayer write in *Both Hands Tied*, the federal welfare reforms of 1996 were presaged on the idea of work opportunity; there would no longer be an entitlement to welfare, but rather welfare would be granted only to those who worked, actively sought work, or were occupied in training jobs, referred to as community service jobs. The fact that these reforms applied equally to both men and women, however, overlooked the intersectional identities of women as mothers and caregivers; there was no provision for childcare while the women were working (Collins & Mayer, 2010).

The genre of work the women could expect to find and were expected to accept further complicated the problem. Collins and Mayer note that since 1980, the labor markets have seen the growth of low-wage service sector jobs, with fast food chains, big box retailers, daycare centers, cleaning franchises, and other service business (replacing the traditional labor of women within the home) especially represented in that growth. (2010). This growth, coupled with a “market orthodox” mentality that embraces deregulation, has resulted in the dampening of many of the labor protections built up over the 20th century. This means that the women could not expect to be paid a “living wage” that could provide for adequate childcare, and they could not expect to be allowed time off to take care of a sick child. Thus, a woman with children who worked, in reality, placed herself in a precarious situation, where a child’s illnesses could result in the loss of her job and a return to a liminal status from which she must reapply for government aid.

Policy Changes that Could Ameliorate Reentry for Women

The legal scholar Sharon Dolovich has identified what she terms “the carceral burden” of the State (Dolovich, 2009). Within the context of human rights for domestic prisoners, Dolovich proposes that once the State takes on a carceral function, it also takes on an obligation to protect incarcerated individuals from harm. I argue that this “carceral burden” goes beyond an individual’s tenure as a ward of the state while in prison. I propose that the State’s carceral burden extends to when the former inmate is released, and that this burden necessitates that the State affirmatively ensures that the individual is free to reintegrate back into society without legally imposed fetters that would continue to hinder the individual’s economic and social progress.

As the seminal research of Martha Fineman has revealed, although liberal political theory is founded on the belief that all individuals are unfettered in their capacity to achieve progress, social experience and statistics belie this fundamental assumption (Fineman, 2012; 2010; 2008; 2005). Rather, what Fineman demonstrates through her research is that some state subjects enjoy much privilege, while others are “caught in systems of disadvantage that are almost impossible to transcend” (Fineman, 2010). Thus, Fineman argues for a “vulnerability approach” which requires the state to assume a positive obligation to effectuate equality among its citizens (Fineman, 2010). Fineman argues: “equality should not be seen merely in a narrow sense—as a nondiscriminatory mandate—rather, it should be seen in a broader, substantive sense—as establishing a positive right to access the social goods or resources necessary to sustain equally valued individuals” (Fineman, 2012).

As should be gleaned from the discussion above, formerly incarcerated women represent particularly “vulnerable subjects” because of the manner in which their intersectional identities work to exacerbate the effects of the collateral legal consequences of criminal conviction. Thus, the State has a positive obligation, first, to reconsider the collateral legal consequences that serve to anchor formerly incarcerated women to a marginalized status, and, second, to enact new laws and policies that would enable their social mobility.

To remove the “scarlet letter” from formerly incarcerated women, the government should ensure that institutional policies, particularly when it comes to housing, employment, and education, are not being used to “mark” and sort those individuals for negative discrimination. As mentioned earlier, the EEOC has instituted guidelines for the

use of “conviction questions” on job application forms, essentially curtailing their use to when it is a matter of “business necessity” (EEOC Enforcement Guidance, 2012). Similarly, advocates in several states have followed suit and instituted “Ban the Box” initiatives, which call for conviction questions to be removed from all initial application forms (Ban The Box, 2014).

The National Employment Law Project reports that as of 2012, six states (Colorado, Connecticut, Hawaii, Massachusetts, Minnesota, and New Mexico) have passed “ban the box” bills and one state (California) has passed an administrative directive that accomplishes the same goal (Rodriguez, 2014). As of April 2016, the Obama Administration has endorsed a mandate to “ban the box” on job applications for federal jobs. I argue for a federal law or congressional act that effectively bans the use of conviction questions on applications in all states. The federal government should not stand by and watch piecemeal social reform when it has the power (as it has exercised, for example, in the case of segregation) to enact country-wide reform on its own. While the federal government does not have the power to legislate state rules, it can enact tax incentives available to both state agencies and private corporations alike that would induce them to follow the same “ban the box” mandate.

In addition to eliminating conviction questions from initial employment applications, I would advocate for the reinstatement of federal funding (both federal loans and the Pell Grant) for low-income students regardless of past criminal background. As discussed above, lack of higher education (and the resulting limited access to social mobility) has been shown to be a factor leading to crime; thus, it does not serve the

purpose of recidivism reduction for ex-offenders to be denied the means of attaining higher education.

In a similar vein, I would advocate for a “ban the box” initiative for college applications. As college education has now become the baseline for education that a high school diploma once was, and its achievement has become a prerequisite for social mobility, the government has a duty to ensure that all its citizens, including the formerly incarcerated, enjoy equal access to higher education. As discussed earlier, the achievement of higher education is particularly important for the formerly incarcerated woman, as it serves to combat the stigma of incarceration which might render her unemployable, and is seen as a formal signal of job preparation and willingness to engage in the mainstream workforce. As it stands, however, the former prisoners returning home will be met with the cold fact that, according to the *Chronicle of Higher Education*, over 60 percent of colleges consider an applicant’s criminal history when making admission decisions (Lipka, 2010). To make matters worse, most of those schools have no formal protocols in place as to how criminal backgrounds should factor into the admission decision—thus creating a situation that is ripe for covert racial, sex, or economic discrimination (Lipka, 2010).

As the statistics show that many formerly incarcerated women lack higher education (Brazzell et al., 2009; Harlow, 2003), allowing criminal backgrounds to factor into the admission decision creates an unnecessary hurdle for the formerly incarcerated woman on her path to social inclusion and upward mobility. Undoubtedly, the conviction question on the college application has a chilling effect on formerly incarcerated women who would otherwise be eager to continue their education after imprisonment.

In addition to removing impediments to education and employment, the government should also consider the psychological havoc that barriers to family reunification such as the ASFA wreak on a woman's state of mind and motivation to reintegrate back into society. It is understandably a psychological blow for a woman to understand that it is the length of her sentence alone, rather than her suitability for parenting, that makes her vulnerable to losing all parental rights to her children. Rather, allowing the women the opportunity to regain custody of their children based on their good behavior in prison and other demonstrated fitness such as pursuit of higher education, employment, etc. will serve as a motivation for the woman to turn a way from a life of crime, secure in the knowledge that reunification with her children awaits her if she chooses to rehabilitate herself.

Besides eliminating institutional policies that hinder the economic progress of formerly incarcerated women, the government also holds a positive obligation to enact policies that would enable and facilitate their reintegration back into society. The first of those policies would be bringing back higher education in prison; that is, making it possible for women to earn higher education degrees while they are incarcerated. As noted earlier, only about 52% of women's prisons offer higher education behind bars (Lahm, 2000). It is unfair that, for the women, the continuation of their education comes to rest on fickle fortune determining where they are incarcerated rather than their willingness, personal ability, and initiative. Making Pell Grants once again available to all low-income women, regardless of their incarceration status (Tewksbury et al., 2000), will also serve to make education more accessible to more formerly incarcerated people, many of whom are likely to come from low-income families and to be first-generation

students, and will enable them to start their higher education behind bars, thus increasing the likelihood that they will continue on with a degree once they are released.

Women as a Special Case that Challenges the Brokerage Metaphor

The special case of formerly incarcerated women reveals externalities that stretch beyond the brokerage metaphor. The notion that brokerage of social and cultural capital will be effective derives from the presumption that social and cultural capital deficits are the primary impediments to successful reentry. However, as the special case of women reveal, legalized social stigma, in the form of collateral consequences, can serve as a much more insurmountable bar to reentry. And it is important to note that collateral legal consequences as barriers are not at all impacted by social and cultural capital brokerage of a reentry organization. This raises the question, as to whether, in addition to brokerage, an important objective of a reentry organization should be lobbying for the structural changes that could impact the ease of reentry.

CONCLUSION: THE DISSERVICE OF A BROKERAGE METAPHOR

Sociological work on organizations have shown that organizational understandings of the social value the organization can provide to society shapes goal-setting and, ultimately, influences organizational behavior. For public-private partnerships or social enterprise organizations, such as private reentry organizations, a significant part of developing a mission statement lies in the discursive framing of the societal problem that organization purports to address. Thus, to understand the behavior of reentry organizations, it is important to first understand how the problem of reentry is conceptualized and, subsequently, the organization's dialectical relationship with the framing and response to the social issue. The scholarly contributions of this dissertation project are, therefore, multifold. One, the project contributes to the understanding of the organizational processes of reentry organizations, second, the project examines the tacit underpinnings for such practices, and third, the project illuminates the effects of the continued legalized stigmatization of the formerly incarcerated, albeit that such stigma has been largely ignored by governmental interventions and is greatly obscured by the discourse on reentry.

A major scholarly contribution of this dissertation project is the excavation of what I term, the "brokerage metaphor" for reentry, wherein the brokerage of social and cultural capital is held paramount as the catalyst for reentry. This term is inspired by the work of Mario Small, who found that an unanticipated gain of voluntary private organizations was the concentration of social and cultural capital to be found within those organizations that allowed them to serve as brokerage sites for their clientele. In contrast to Small's work, which focused on the non-purposeful brokerage of social and cultural

capital, I found that the brokerage aspect of reentry organizations is not incidental; rather, brokerage is privileged as the ideal function of such organizations.

In scholarly writing on reentry, brokerage is used to focus attention on social and cultural capital deficits of the incarcerated and formerly incarcerated. Many of those writings centralize the low educational achievement of the incarcerated, with Black male high school dropouts singled out as a high-risk group for unsuccessful reentry and recidivism. The brokerage metaphor is, however, not only employed in scholarly work. I found it often reflected in the mission statements of reentry organizations. From a review of the digital representations of organizational identity by several reentry organizations, I found an overwhelming use of “brokerage” language, wherein the organizations posit themselves as institutional intermediaries, adept at brokering the necessary social and cultural capital that the formerly incarcerated have been deemed to be lacking. With the societal issue of reentry posed as a paucity of social and cultural capital on the part of individuals, private reentry organizations, which claim to broker the needed capital, fill a market niche in a neo-liberal economy of privatized reentry services.

The brokerage metaphor for reentry holds consequences, not just for our received understanding of the societal problem of reentry, but also for the governmental and organizational approach to tackling the problem of reentry. First, I focused in particular on the impact of a Bourdieusian metaphor of brokerage on the organizational processes of a reentry organization. Previously, sociologists, such as Loïc Wacquant, have dismissed the entire field of reentry as merely “myth and ceremony,” and thus without substance or direction, yet my ethnographic observations and interviews at one reentry organization demonstrate that the organization embraced the brokerage metaphor for

reentry and that this conceptualization of reentry informed both the organizational ethos and the organizational routine, influencing the reentry organization to focus almost entirely on activities concerning the acquisition and concentration of social and cultural capital for its clientele.

My findings also underscore, however, that the brokerage metaphor can subsume too much of a reentry organization's functions under a single narrative. Brokerage is, in fact, multiplex with reentry organizations imparting social value by serving as a nexus for network connections, but doing so in a variety of ways. The organization I studied was deeply embedded within its organizational environment, with connections to several other organizations. As such, the organization was situated within a network of government, charitable, and other reentry organizations, which served as sites for providing necessary resources, including those the organization itself did not provide, such as food, shelter, and clothing. The members of the reentry organization could, in turn, form their own individual networks through the organization and thus also access the benefits from all these other organizations. As a result, merely by becoming a client of the reentry organization the benefits to be gained from those other organizations were all within their reach. Thus, while the reentry organization itself did not have the funding to holistically provide all the services any one individual might need, there was the institutional knowledge and the initiative to enable clients to form their own networks that would allow them access to the requisite resources for reentry. Membership within the reentry organization could therefore serve as a launch pad for clientele to form memberships within other organizations situated in the network of the reentry organization and beyond.

However, while there is something to be gained from their idea of brokerage—albeit understood to consist of a variety of forms—to focus solely on the network building functions of reentry organizations obscures the continued salience of post-carceral stigma. The formerly incarcerated must grapple with stigmatization, both social and legal, as they attempt to reenter society. Thus, while embracing the brokerage metaphor, the reentry organization also serves as an attempt to ameliorate social stigma. For example, the reentry organization functioned as a reputation builder/boundary-spanning intermediary by vouching for clients in the pursuit of necessary goods. Beyond connecting the formerly incarcerated to resources and means of acquiring social and cultural capital, reentry organizations through the organizational citizenship they afford, imbue the formerly incarcerated with greater facility to attain social goods by providing the space for the formerly incarcerated to rebuild their reputations and begin to span the boundary between themselves and civil society.

The reentry organization is well situated to serve as a reputation builder for the formerly incarcerated individual. For the formerly incarcerated individual who has spent many years in prison, there is a dearth of individuals or organizations to call upon to attest to job fitness. Even if the said individual had been a model employee in prison, she would be loath to call upon prison references because of the undeniable stigma attached to the mention of prison. Reentry organizations, however, are “on the outside.” Thus, those organizations may serve to signal to the prospective employer, both by serving as a reference and by any accolades they provide, that the formerly incarcerated person has acclimated to “the outside” and is indeed “working the program” and showing a willingness to earn a lawful living.

It must also be noted that the effectiveness of a reentry organization to serve as a reputation builder depends on the reputation of the reentry organization itself. A reentry organization that takes on a more external representation role, rather than merely an information processing one, will be better known to the community and may be able to achieve a higher reputation which it can then pass on to its members. The organization also ameliorates stigma through organizational citizenship, as mere belonging to such an organization signaled to the larger society that a formerly incarcerated person is actively attempting to reintegrate back into society. The reentry organization also serves as a seat of soft state power — with its remove from the carceral continuum — the organization is able to invite participation and thus reach and provide services for populations that are distrustful or fearful of government.

While the brokerage metaphor for reentry represents, at least in some part, a return to the Rehabilitative Ideal, it is not, however, without its limitations. The brokerage metaphor of reentry is part of the neoliberal impulse to governance that dictates that reentry after carceral punishment is a state task that should be delegated to the private sector in the interest of efficiency gains and cost savings. Although the public-private partnership of reentry organizations in the U.S. could be seen as a necessary one that helps bridge the divide between the “marked” formerly incarcerated individual and the rest of society by brokering lacking social and cultural capital, the problem remains that the punitive model of criminal justice that has mostly displaced the rehabilitation ideal works at crossroads with the reintegration goals of reentry organizations. While the reentry organization is charged with reintegrating the formerly incarcerated, its public partner, the government, at the worst, actively stymies its progress, and, at best, passively

allows impediments to its goals.

Most importantly, the government has crystallized the social stigma of incarceration into formal form. The collateral consequences of conviction that the government exacts on the formerly incarcerated serve as a legalized form of stigma, preventing access to jobs, public housing, educational funding, etc. This unequivocal form of state stigma calls into question whether reentry organizations, as public-private partnerships, are enabled to achieve maximum efficiency in achieving their task of reintegrating the formerly incarcerated. This also suggests a re-thinking of a brokerage metaphor of reentry as that understanding of reentry places the onus on reentry organization and their clientele, while ignoring state impedimentary action. The limits of a brokerage metaphor of reentry would indicate the need for direct state action in regards to reentry; first, in reconsidering the barriers that the state itself has placed to reentry, and second, in advocating for more direct state interventions to circumvent the intractable issue of stigma that no mere acquisition of social and cultural capital could ameliorate.

Healthcare as a Structural Barrier to Reentry

It is worth mentioning that the stigma of incarceration is not the only intractable social problem largely overlooked by the brokerage metaphor. My dissertation project enabled me to illuminate others. While the brokerage metaphor ignores institutionalized stigma as a structural impediment for the economic mobility of the formerly incarcerated, it also overlooks other structural barriers that stand between the formerly incarcerated and a firm foothold in the labor market. When I interviewed Megan* at the reentry organization, she spoke so softly that I had to lean in to hear her and I was worried that

* This is a pseudonym. Pursuant to the IRB standards, I have anonymized the formerly incarcerated individuals I interviewed for the dissertation project.

the audio-recorder could not capture her speech. At first, Megan, who is an African-American woman in her early twenties, seemed very withdrawn; she responded to my questions in monosyllables, with little emotional affect. Finally, towards the end of the interview, Megan felt comfortable enough to divulge an unfortunate twist in her reentry journey with me. At the time of her incarceration, Megan had recently been diagnosed with bipolar disorder. And while she was incarcerated, she had received treatment for the mental disease.

After she was released from prison, she could not return to her former job as a nursing assistant because of her felony record, so she found another job working in hotel services—which is no small feat for a formerly incarcerated woman. The only problem was that this new job did not come with health insurance, which meant that Megan could not afford to pay for medication that she knew she needed to treat her mental disease. Therefore, for nine months, she went without her medication. When I asked her if anything bad happened while she was off her medication, her somber reply was “just that I lost my job.” She had been fired for poor performance on the job, as her illness took hold again and work attendance declined.

The brokerage metaphor for reentry, with its focus on social and cultural capital, fails to take into account that access to healthcare is a structural barrier that impacts the reentry effort. Megan’s story is not representative of the caricatured story when a mentally ill person is no longer taking necessary medication. The sensationalized headline is that of a mentally ill, formerly incarcerated person running amok, and committing heinous acts because they had refused to take the proper medication to control their symptoms. Megan’s predicament of losing her job because she could not

manage her mental illness is not one that makes headlines. However, while more mundane, her story is a common one that holds dire consequences for the reentry of formerly incarcerated people. Many formerly incarcerated people suffer from mental illnesses, and the proper treatment of those illnesses is necessary in order to enable them to successfully reintegrate back into society as productive members.

Reports estimate that 1 in 6 prisoners suffers from some sort of mental illness. (Golembeski & Fullilove, 2008). The prison population is also 2 to 4 times more likely to suffer from serious mental illnesses such as schizophrenia, major depression, bipolar disorder, and post-traumatic stress disorder. For the formerly incarcerated, the lack of employment opportunities (an avenue that most people use to subsidize healthcare) means that health benefits are rarely afforded to returning criminals; these disadvantages are also compounded by race and ethnicity (Golembeski & Fullilove, 2008). When mentally ill prisoners are released into society with no continuity of care for their mental health issues, it is not only a public health issue that may affect the security of our society, but is also a public health issue that affects those prisoners' lives, including their ability to perform at work, and which ultimately keeps them dependent on government assistance for their livelihood or forces them back on a conveyor belt to prison.

In addition to mental illnesses, many formerly incarcerated people also suffer from debilitating chronic physical ailments that impact their ability to sustain gainful employment. Julia* was an upbeat, jovial woman in her late 40s who I met at the reentry organization. I observed that she winced with pain every time she got up or sat down, and that she walked with a pronounced limp. After she was released from prison, Julia had

* This is also a pseudonym pursuant to IRB agreement.

gotten a job working for the Salvation Army. She worked in one of their thrift stores, sorting donations of clothes and other household items, and arranging the displays of merchandise. She was not allowed to sit down much at the job, as she had to walk around the store tidying the displays after customers disturbed them. After a few weeks, the pain in her knees got so bad that she had to quit.

In addition to chronic illness, the prevalence of infectious disease is on average 4 to 10 times greater among prisoners than among the rest of the U.S. population (Golembeski & Fullilove, 2008). In 1996, 1.3 million inmates who were released from prison had hepatitis C, 155,000 had hepatitis B, 12,000 had tuberculosis, 98,000 had HIV, and 39,000 had AIDS. (Golembeski & Fullilove, 2008). The rapid spread of tuberculosis and HIV infection among inmates during the 1990s coincided with patterns of mass incarceration in the United States. In 1989, New York City jails and prisons were the source of 80% of all cases of a multidrug-resistant form of tuberculosis reported in the United States. By 1991, New York City's Rikers Island facility had one of the highest rates of tuberculosis in the nation, which was largely caused by a noxious combination of prison overcrowding, lack of ventilation, and inadequate medical care (Golembeski & Fullilove, 2008).

There also has been an increase in HIV prevalence among prisoners during the past decade, with the rate of infection peaking at a rate that was nearly 13 times that of the non-prison population. Women are disproportionately affected: at the end of 2002, 3% of the nation's female state-level prison inmates were HIV-positive, compared with 1.9% of incarcerated males. Also in 2002, the overall rate of confirmed AIDS cases among the prison population (0.48%) was nearly 3.5 times the rate among the U.S.

general population (0.14%). (Golembeski & Fullilove, 2008). Each year, many people are released from jails and prisons back into communities without knowing their HIV serostatus. Because prisons and jails often house significant concentrations of persons who have HIV/AIDS, and individuals who are at great risk for acquiring HIV and/or hepatitis C via injection drug use and sexual activity, these institutions also may be venues for the transmission of infectious diseases to other prisoners, and to the residents of the communities where they will return upon their release (Golembeski & Fullilove, 2008).

Abandoning the Brokerage Metaphor for Direct Interventions

In the groundbreaking report, “Umbrellas Don’t Make It Rain,” the economists Darrick Hamilton, William Darity and their co-authors concluded based on empirical evidence that a “bootstrap” approach to economic mobility for African-Americans – that is one that ignores structural racism and focused on individual effort – was not an effective solution. (Hamilton et al, 2015). Similarly, a brokerage-centered approach to reentry that overlooks entrenched post-carceral stigma is ineffective for reentry. Reentry organizations will not make jobs rain down for the formerly incarcerated. Ultimately, my dissertation project left me with the conclusion that a wholehearted approach to reentry must include not only removing the structural barriers to reentry such as legalized discrimination and access to healthcare, but also, direct interventions that put the formerly incarcerated on the path to career jobs or self-employment. These direct interventions must come from both the public and private sector.

There are early signs that the U.S. government is taking steps to remedy its part in sustaining barriers to reentry for the formerly incarcerated. I recently had the privilege of attending the kick-off of an event at the White House entitled “National Reentry Week.” At the event, the Obama Administration, as represented by the Attorney General, Loretta Lynch, and the Special Advisor to the president, Valerie Jarett, rolled out initiatives it was adopting for the better reintegration of formerly incarcerated citizens.⁵⁸ In a press release, the White House noted that these initiatives are geared towards “reforming the federal approach to reentry by addressing barriers to reentry, supporting state and local efforts to do the same, and engaging the private sector to provide individuals who have earned a second chance the opportunity to participate in the American economy” (White House Press Release, <https://www.whitehouse.gov/the-press-office/2016/04/29/fact-sheet-during-national-reentry-week-reducing-barriers-reentry-and>). On April 29, 2016, President Obama signed a Presidential Memorandum establishing the Federal Interagency Reentry Council to lead the government’s work on the rehabilitation and reintegration of individuals returning to their communities from prisons and jails.

Private Sector Efforts

The private sector has also shown some initiative to aid reentry. On April 11th, 2016 the White House hosted 19 companies to launch the Fair Chance Business Pledge, including American Airlines, Busboys and Poets, The Coca-Cola Company, Facebook, Georgia Pacific, Google, Greyston Bakery, The Hershey Company, The Johns Hopkins

⁵⁸ “Formerly Incarcerated Citizens” is the term employed by the White House.

Hospital and Health System, Koch Industries, Libra Group, PepsiCo, Prudential, Starbucks, Uber, Under Armour/Plank Industries, Unilever and Xerox.

The Fair Chance pledge reads as follows:

We applaud the growing number of public and private sector organizations nationwide who are taking action to ensure that all Americans have the opportunity to succeed, including individuals who have had contact with the criminal justice system. When almost 70 million Americans — nearly one in three adults — have a criminal record, it is important to remove unnecessary barriers that may prevent these individuals from gaining access to employment, training, education and other basic tools required for success in life. We are committed to providing individuals with criminal records, including formerly incarcerated individuals, a fair chance to participate in the American economy. (Fair Chance Business Pledge, available at <https://www.whitehouse.gov/issues/criminal-justice/business-pledge>, last accessed May 19, 2016).

An additional 93 companies and organizations have expressed their commitment to the pledge, including Microsoft, Best Buy, Lyft, Kellogg Company, Staples, TrueBlue, the Oklahoma City Thunder, Catholic Charities USA, NAACP, Manufacturing Alliance of Philadelphia, American Civil Liberties Union, the American Sustainable Business Council, and dozens of small and medium-sized companies from across the country.

These early steps, involving both the public and private sector, bode well for the eradication of the stigma of incarceration and the easing of state-sanctioned barriers to reentry. While the effects of these government actions are yet untested, it also remains to be seen whether these administrative actions will outlive the end of the Obama

Administration in 2016, or whether a regime change will bring retrenchment and a return to more punitive approaches to reducing recidivism.

Going farther than these early steps, the U.S. government has much to learn from comparative international approaches to reentry that have been proven to drive down recidivism rates. For example, some other countries, notably the United Kingdom and Canada, also feature collateral consequences of conviction similar to that found in the United States, although theirs are far less harsh than those found in the United States (Pinard, 2010). The legal scholar Michael Pinard has noted, for example, that Canada and South Africa have articulated broad protections for the dignity interests of incarcerated and formerly incarcerated individuals that are influenced by human rights notions of rights and privileges. Canada, in particular, has employed mechanisms to ease racial disparities in incarceration. Drawing lessons from these countries, Pinard argues that the United States should take to ease the legal burdens placed on individuals with criminal records, as well as to lessen the disproportionate impact these post-sentence consequences have on individual and communities of color (Pinard, 2010).

But going beyond post-incarceration effects and taking aim at the incarceration experience, the U.S. could learn from other countries with better recidivism rates in regards to both prison and reentry practices. Take for instance the case of Norway; that Scandinavian nation's recidivism rates are among the lowest in the world at 30 percent, about half that of the U.S. (Ahmed, 2015). Norway's prisons are entirely based around getting the inmate ready for a life outside someday—the maximum sentence in Norway is 21 years, though terms can be extended if the court deems the inmate a danger—and the aim is to rehabilitate the incarcerated through therapy, education, and job training, as

well as working with other government agencies to help inmates find a job and housing before they are released (Benko, 2015).

Sweden's approach to punishment is also drastically different from that of the United States. As the director-general of Sweden's prison system, Nils Öberg, related to *The Guardian*: "Our role is not to punish. The punishment is the prison sentence: they have been deprived of their freedom. The punishment is that they are with us" (James, 2014). Recidivism rates are around 40 percent, and prisoner numbers have fallen 22 percent in the past decade (James, 2014). Inmates in the Nordic system often stay in "open" prisons, which are more like college dorms than the U.S.'s maximum security prisons, allowing them to have access to communal spaces and recreational devices like televisions, as well as the ability to leave the prison to hold a job or visit families (Aleem, 2015).

Unlike Norway and Sweden, Finland is a country that started with a criminal justice system akin to the one in the U.S. However, Finland's criminal justice policies underwent a radical change in the 1960s, when the goal of prison systems shifted from merely controlling prisoners to rehabilitating them, a decision driven partially by the wish to be more humane to prisoners, and partially because of rising incarceration costs (Ekunwe & Jones, 2012). Open prisons, which have no locks or gates and allow prisoners to earn money and have a great deal of mobility, are the last step in helping the inmates transition back to the outside (Bichell, 2015). Those who adjust to open prisons before getting out are 20 percent less likely to return to prison (Bichell, 2015). Finland also has Supervised Probationary Freedom, a program which releases inmates 6 months before their actual parole date if they meet certain standards, and requires them to work or study

under the supervision of a correctional officer (Ekunwe & Janes, 2012).

An argument could be made that the political economies of Norway, Sweden and Finland are so dissimilar to that of the United States that a system of punishment that works in those countries may be incongruent for the U.S. population. However, as the systems of punishment in those countries seem to better accomplish the reintegration of prisoners, it is perhaps worth investigating, at the very least, whether those strategies might also achieve the same goal within the U.S. criminal justice system.

New Directions for Research: Entrepreneurship as a Path to Reentry

The government should also investigate innovative pathways for reentry for the formerly incarcerated. Entrepreneurship as the path to economic success for the formerly incarcerated is a concept that is rooted in sociological theory. According to Robert Merton's strain theory, an individual may choose deviance when there is a discrepancy between the societally accepted goals presented to that individual and the means available to the individual for achieving those goals. From Merton's typology, three (innovators, rebels, and retreatists) of five types of individuals could become criminals. I argue that one of those three types, the innovator, has all the makings of an entrepreneur. A defining trait of the entrepreneur is innovation. The successful entrepreneur is one who finds a novel way to better solve an existing problem. The visionary entrepreneur "disrupts" the status quo of business operation by introducing a new element or concept.

While "disruption" has become a near meaningless buzzword since the inception of Silicon Valley venture capitalism in the 21st century, much earlier, Joseph Schumpeter (1950) recognized that the force behind entrepreneurship could be termed "creative

destruction.” This is the idea that a successful entrepreneurial idea necessarily upends the social order of “doing business.” Likewise, criminals of the innovator subset are individuals who operate outside of the social order of achieving societally legitimate goals. This idea of the innovation that accompanies entrepreneurship as disruptive or transgressive is supported by the work of Thomas Kuhn (1962), who argues that innovation is a paradigm shift resulting from discontinuity in the “normal” progress within a social group. Entrepreneurship has also been theorized to interact with the labor market to drive crime. For Baumol (1990), it is when an entrepreneurial personality meets a limited labor market that such a personality turns to criminal ventures. An extension of this argument, then, is that, given the impact of globalization and off-shoring of jobs on the liberal economy of the U.S., a high percentage of individuals caught in the dragnet of mass incarceration may be entrepreneurial personalities.

Five of the men⁵⁹ I interviewed indicated a desire to start their own business. While seemingly an ambitious goal for these men to share, their entrepreneurial aspirations may merely reflect their resignation to their limited job opportunities due to persistent post-carceral stigma. Studies show that the formerly incarcerated may not be misguided to rely on entrepreneurship as their ticket to participation in the labor economy. One research study identified a “prisoner entrepreneurship program” (PEP) in Texas that had achieved a recidivism rate as low as 8% and an employment rate of more than 80% within 30 days of release (Sauers, 2009).

⁵⁹ Interestingly, none of the women shared this same wish with me. I do not take this omission as evidence of a lack of entrepreneurship spirit among formerly incarcerated women. Consider that micro finance is a field in which entrepreneurial impoverished women are well represented, a population with significant overlap with women returning from prison.

However, despite factors that would denote higher motivation and much lower risk associated with entrepreneurship—the formerly incarcerated already occupy a marginalized position in the labor market compared to other populations (Jansyn et al, 1969)—the formerly incarcerated face higher barriers than your average citizen when it comes to implementing their entrepreneurial ambitions. These impediments include: lack of suitable contacts/role models; lack of financial support/credit history; difficulty in self-presentation/self-advocacy; poor educational and literacy abilities; stigma attached to having a record; lack of follow-through, persistence, and dedication (lacking the will to overcome setbacks); problems relating to the mentally dulling effects that the total institution that is prison wreaks on some individuals; and lack of self-confidence that derails ambitions once the individual is out of prison (Rieple,1998).

Even without these structural barriers, an entrepreneurial approach to reentry is not without its shortcomings. A fundamental assumption of the entrepreneurship model of reentry is that crime is driven by economic factors; that is, that blocked access to achieving economic goals through societally acceptable means leads the entrepreneurial individual to seek alternative extra-legal vehicles to accomplish those goals. The flaw in this conceit is that not all crime is economically motivated; there are also crimes of passion, as well as crimes of mental illness. An entrepreneurial model of reentry would only successfully serve those for whom crime was prompted by economic striving.

With these limitations in mind, however, an entrepreneurship model provides new research directions for the study of the stigma of incarceration and its amelioration. Of particular interest would be a longitudinal study that follows several participants of one program for some years to determine, what, if any, are the enduring effects of having

participated in such a program. Research questions for this new area of study could also contemplate the effects of race, gender, and other factors in moderating the benefits that accrue to the participants of such a program. Further study could also reveal best practices for structuring such entrepreneurial education programs, as well as, the profiles of prisoners or formerly incarcerated individuals for whom they would have the highest positive effect.

In conclusion, the public-private partnership of reentry organizations in the U.S. is a necessary one that helps bridge the divide between the “marked” formerly incarcerated individual and the rest of society by brokering lacking social and cultural capital. But to insist on merely a brokerage metaphor of reentry limits our understanding of the structural barriers to the reentry of the formerly incarcerated and obscures the role of governmental actions in keeping those barriers in place. An enduring problem is that the punitive model of criminal justice that has replaced the rehabilitation ideal means that penal arm of the government now works at crossroads with the reintegration goals of reentry organizations.

In the neoliberal political economy of the U.S., reentry after carceral punishment is a state task that has been delegated to the private sector in the interest of efficiency gains and cost savings. However, while the reentry organization is charged with reintegrating the formerly incarcerated, its public partner, the government, at the worst, actively stymies the accomplishment of this goal by allowing for formalized stigma that keep the formerly incarcerated from certain professions. At best, the government can also be accused of neglecting to directly intervening to remove structural barriers that impede the reentry into the labor market of the formerly incarcerated. The “carceral burden” does

not immediately dissipate after release from prison; rather, the government has an ongoing obligation to ensure that those who have served their debt to society will now enjoy the same equal opportunity to employment as their fellow citizens.

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APPENDICES

Appendix 1- Interview Protocol

Interview Protocol – Investigation of Social and Cultural Capital Brokerage at a Reentry Organization

*Note: In compliance with IRB approval for this study, the focus of the interview of the clientele is NOT on any past or present criminal behavior. The clientele are not expected or solicited to reveal information that might expose them to criminal liability. Rather, the focus is on the client's interactions with the organization, particularly focusing on the organization's programming, and social and cultural capital (in the form of information, resources, connections, jobs) gained as a result of joining the organization. The following represent open-ended initial questions and the answers to them might prompt follow-up questions.

Interview of the formerly incarcerated clientele

1. How did you hear about the reentry network?
2. How long have you been involved with this organization?
3. Were you working when you first heard of this organization? If so, where?
4. Have you started any new jobs since you joined the organization? If so, what?
5. What made you decide to get involved with the organization?
6. What program(s) in the organization do you participate in?
7. What job training, if any, have you gotten from the organization?
8. What help with school, if any, from the organization?
9. Have you made any friends within the organization?
10. What do you expect to get from this program?
11. Has any of the staff here helped you? If so, how did they help you?
12. What information have you gotten from this organization?
13. What other organizations do you participate in apart from this one?
14. Have you joined any new organizations since you started working with this one?
How did you hear of the new organizations?
15. Did it matter that this was a religious organization?
16. Did you participate in any programs that were specifically/only for men/women?
17. What kinds of programs do you think the organization should have for men/women?
18. Do you feel that reentry is different or the same for men than for women?
19. If so, how do you think the organization deals with that?
20. Are you getting everything you need from the organization, if not, what do you feel you are not getting from the organization that you need?

Demographic questions for clientele: this might be presented in survey form.

21. How old are you?
22. What is your gender?
23. What is your race/ethnic background?
24. What is your current job? Previous jobs?

25. Are you married? Living with someone?
26. What are you making at your current job? What were you making at the job before that?
27. What were/are your parents' jobs? Level of education?
28. What is your level of education before incarceration? After?
29. Do you have any children? Child support issues?
30. At what age did you have your first involvement with legal system?
31. Have you ever been the victim of a crime?
32. Are you looking for a job right now? If so, how?
33. Are you planning to pursue higher education? If so, how did you get the information to do it? Is there anyone helping you?

Interview of caseworkers and other reentry experts:

- What is your professional background? What kind of work did you do before?
- Why did you decide to work in this field? Do you see yourself continuing?
- What do you feel are your qualifications for this job?
- What, if any, are the organizations that your organization works with?
- How/where do you find clients?
- What are the most important things that you feel formerly incarcerated people should know and do when they return to their communities?
- What would you say is the greatest reentry need?
- Are there reentry needs that you feel are specific to women? Or men?
- What kind of programming do you offer that is for only the men?
- What kind of programming do you offer that is for only the women?
- How would you describe the typical reentry experience? Please walk me through the experience: I'm a formerly incarcerated person and I just walked into your office. What do you say to me? What kinds of information do you give me?
- Is this typical experience the same for both men and women?
- If not, how does the typical experience differ on the basis of gender?
- What are the biggest obstacles/challenges your organization faces?
- What other organizations/government institutions have been the biggest help to your organization's success?
- What other organizations/government institutions have been the biggest obstacles to your organization's success?
- What, if any, are the policy/law changes that you think has most hurt or hindered the reentry of the formerly incarcerated?
- What, if any, are the policy/law changes that would most benefit or help with the reentry of the formerly incarcerated?

Appendix 2 - Recruitment

Recruitment Script and Script for oral consent

Hi, I'm a graduate student in sociology and I would like to ask you to participate in an interview that would be used in my academic research. You can choose to say yes or no. I don't work for the reentry organization and it will not affect your status with them if you say no. The purpose of the research is to understand how people who have had some involvement with the legal system use reentry organizations and what they get out of it. The results might be published in an academic paper, but your name will not be mentioned. In fact, I will never use your name for anything unless I first get your permission. Do you have any questions about this research study? Do I have your permission to interview you? Also, I would like to tape-record the interview so that I can make sure I get everything you say accurately. Do I have your permission to tape-record this interview?