

THE PROMISE OF RESEARCH TO ADVANCE SMART DECARCERATION

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This paper describes the concept of “Smart Decarceration” and introduces the special issue of *Criminal Justice and Behavior* entitled “Research to Advance Smart Decarceration Policies, Programs, and Interventions.” The concept of Smart Decarceration originated nearly a decade ago as the United States reached a tipping point in mass incarceration, and it focuses on three interrelated outcomes: substantially reducing the use of incarceration and other forms of punishment; reversing racial disparities and other inequities in the criminal justice system; and promoting safety and well-being, particularly for communities that have been most impacted by mass incarceration. Ultimately, Smart Decarceration efforts should prioritize reducing the overall footprint of the criminal justice system, while building capacity outside of the system to support safety, health, and well-being. Research plays a critical role in advancing Smart Decarceration, as new forms of knowledge and evidence must be developed to replace ineffective and unjust policies and practices associated with mass incarceration. The paper discusses approaches to research that move beyond typical criminal justice outcomes and focus on the multifaceted goals of Smart Decarceration. The six articles in this special issue are introduced, highlighting their foci across ecological levels and the breadth of the criminal justice continuum, centering populations most impacted by incarceration, and identifying practice and policy innovations.

Keywords: offender; recidivism; criminal justice; justice; incarceration

WHAT IS SMART DECARCERATION?

The phenomenon of mass incarceration in the United States spans over four decades in which incarceration rates have grown exponentially and unequally, including disproportionately high rates for disadvantaged communities and people with marginalized identities. The result of this more than 600% increase in incarceration is that, on any given day, over 2 million people are incarcerated in a jail or prison in the United States, with more than 12 million people experiencing some form of incarceration on a yearly basis (Kaeble et al.,

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2015; Subramanian et al., 2015). When adding the nearly 5 million people on probation or parole, the United States has reached the troubling distinction of 1 in 100 adults incarcerated, and 1 in 31 under some form of correctional control in the early 2000s (PewCenter, 2008; Pew Center on the States, 2009). In addition, an estimated 1 in 9 people incarcerated in prison is serving a life sentence (Nellis, 2017). The reach, breadth, and duration of incarceration and the carceral system are vast.

The scope of mass incarceration is especially egregious given who is most impacted. Racial disparities abound in the criminal justice system, with Black adults incarcerated at a rate more than five times that of White adults (Nellis, 2016). Nationally, Latinx adults are incarcerated at rates of 1.4 times that of White adults, but in some states, the rate is three to four times as high (Nellis, 2016). Gender and sexual identities are also connected to heightened incarceration rates. Lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth and adults, and particularly transgender women of color, are at increased risk of arrest and incarceration (Center for American Progress, 2016). The proportion of incarcerated people with serious mental illnesses is more than double the rate in the general population, and people with substance use disorders make up nearly three fourths of those incarcerated (Fazel & Danesh, 2002; National Center on Addiction and Substance Abuse at Columbia University, 2010). Broadening the lens to community effects, in many cities, high rates of incarceration are concentrated in poorer, predominantly Black and Brown neighborhoods, where millions of dollars of governmental budgets have been spent on incarceration as opposed to neighborhood resources and supports such as accessible affordable housing, education, health care, and employment (Lugalia-Hollon & Cooper, 2018). These inequities in the use of incarceration are perpetuated by a complex entanglement of policies and practices centered on social control and punishment, the criminalization of health conditions and marginalized identities, and structural oppression and racism. Therefore, mass incarceration must be contextualized within a critical understanding of historical and current systems of power, oppression, and control.

The concept of “Smart Decarceration” originated nearly a decade ago in the midst of accumulating indicators that the era of mass incarceration may be reaching a tipping point. Although gradual, there have been steady declines in the overall rate of incarceration in the United States for the past 10 years (Epperson & Pettus-Davis, 2017b). This trend, alongside growing social and political consensus that incarceration is overwhelmingly ineffective in securing “public safety” and is fundamentally unjust, marks an opportunity for decarceration, or actively reducing the number of people incarcerated in jails and prisons. Smart Decarceration goes further than basic reductions in incarceration to identify key outcomes of reduced disparities in the criminal justice system, most notably race/ethnicity, behavioral health, and LGBTQ-related disparities. In addition, Smart Decarceration focuses on promoting overall safety and well-being, particularly for communities that have been most impacted by mass incarceration (Epperson & Pettus-Davis, 2017a). These initial framings of Smart Decarceration have been taken up by national efforts to coalesce the social work profession around a set of “Grand Challenges” (Fong et al., 2018) and similar decarceration-focused efforts have been undertaken by other disciplines (Drucker, 2018) as well as within a range of advocacy, practice, and policy initiatives (Epperson et al., 2018).

Several years into this work, we believe it is important for the initial concepts of Smart Decarceration to evolve and expand to respond to the complex context and dynamics

through which mass incarceration has thrived. Although an initial goal of Smart Decarceration was to reduce disparities, efforts moving forward must unequivocally acknowledge and address the foundational role of racism, white supremacy, and other forms of oppression that undergird the criminal justice system and continue to fuel mass incarceration. In addition, while substantial reduction of prison and jail usage is a meaningful target, efforts to decarcerate should not further expand the carceral system through adding to already overgrown systems such as probation, parole, and electronic monitoring and other forms of surveillance (Kilgore, 2013; Phelps, 2013). Ultimately, implementing effective Smart Decarceration policies and practices should result in reducing the overall reach and footprint of the criminal justice system, while building capacity outside of the criminal justice system to support safety, health, and well-being. As the field of decarceration continues to evolve, multiple perspectives and approaches must be included, and these perspectives should be continually interrogated and solidified. Undoing mass incarceration and its harmful legacy will require a diverse, nuanced, and evidence-driven approach. This special issue recognizes this growing field of work and emphasizes the need for continual growth toward Smart Decarceration.

RESEARCH TO ADVANCE SMART DECARCERATION

While the idea and implementation of Smart Decarceration is gaining momentum, efforts require a balance and blending of evidence-based practices while also generating new and diverse forms of knowledge, which points to the critical role of research. Indeed, while there are long histories of research on many traditional criminal justice policies and interventions, to date there is a relative dearth of decarceration-focused research. A key aspect of building this knowledge base is developing a coordinated, interdisciplinary research agenda that is guided by the broad goals of Smart Decarceration: (a) substantially reduce the use of incarceration and other forms of punishment; (b) center, interrogate, and eliminate racial, behavioral health, sexual and gender minority disparities in the criminal justice system; and (c) maximize safety and well-being, especially in communities most impacted by incarceration, by investing in resources instead of criminal and legal system punitive policies and practices.

How can research help to achieve these interrelated goals of Smart Decarceration? A first step is to acknowledge that multiple levels of intervention must be studied, including individual-level efforts to divert people from incarceration and reduce recidivism, community-level interventions to build social capacity and address local needs, and policy-level interventions to advance decriminalization, racial equity, asset reinvestment, and sentencing reform. Similarly, decarceration-oriented research must engage across levels of criminal justice involvement, including law enforcement and policing, adjudication, sentencing, incarceration settings, and community supervision. In addition, work that engages with communities and individuals most affected by incarceration must be prioritized in order for responsive and meaningful solutions to be implemented. And a core feature of Smart Decarceration is the recognition of formerly incarcerated people as central in guiding policy, practice, and research (Epperson & Pettus-Davis, 2015; Nixon, 2017).

For the first goal of reducing the use of incarceration and other methods of surveillance and punishment, forms of measurement certainly include examining basic outcomes related to jail and prison time. However, this body of research requires multidimensional

measures of criminal justice system involvement and community and individual functioning that will aid in elucidating the ways that policies and practices impact the overall size of the criminal justice system's footprint. The size and complexity of the criminal justice system may make it impossible to develop one single measure of Smart Decarceration outcomes. However, there are reasonable steps that researchers can take to develop measures that capture the scope of complexity of involvement with the criminal justice system in standardized ways. For example, research may find that pretrial diversion programs are effective at diverting participants away from a formal conviction on the initial charge for which they were arrested. But if program participants are subjected to electronic surveillance as part of the pretrial program, it is also important for research to examine how this monitoring may directly prolong participants' time in the program through technical violations that occur as part of the monitoring process. And to understand unintended consequences of the pretrial program that could impact future criminal justice system involvement it is necessary to include an assessment of the impact that this enhanced level of surveillance has on participants' outcomes in a number of critical life domains such as health, employment, and key relationships. When research engages in more detailed and multidimensional analyses of outcomes of criminal justice programs, the field gains data needed to examine whether and how these outcomes relate to one and other in terms of reducing future system involvement.

In regard to the second goal of eliminating disparities across points of contact with the system, the various forms of research must recognize the context and meaning of these disparities. To gain a full understanding of these inequities, we must extend our research to include a focus on the structural level policies and practices that create and perpetuate inequality at all levels of the criminal justice system. Prior research has identified a number of measures that focus on ways to track progress at reducing both the "existence and effect" that criminal justice policies have on racial inequities at the structural level of the criminal justice system. For example, there are a number of metrics that could be measured and included in multidimensional analyses of criminal justice system involvement related to state and federal level policies such as the War on Drugs, mandatory minimum sentences, the use of cash bail, and funding of indigent defense agencies (Schrantz et al., 2018). In addition to racial disparities, other key disparities such as behavioral health conditions (including mental illness and substance use disorders), inequities in the criminal justice involvement of LGBTQ people, and other disparities must be a focus of Smart Decarceration research.

The third goal of Smart Decarceration research is to promote the investment of resources in communities to advance the ability for residents to thrive, support wellness, and center safety for all residents. Prioritizing the allocation of resources to invest in community well-being, as opposed to incarceration and punishment, is a critically important step in undoing mass incarceration. This goal challenges the use of measures that solely focus on criminal justice involvement and requires attention to community-level social, behavioral, and economic indicators to gauge change and the impact of decarceration. Thus, while decarceration may be understood through reductions in the use of incarceration and surveillance, this body of research should grow to emphasize new, desired outcomes. Overall, we recognize that our measures indicate priorities, and we encourage Smart Decarceration researchers to create, advance, critique, and complicate measures associated with decarceration.

As the field of decarceration expands and evolves, so must its approach to research. Smart Decarceration research will be enhanced by including innovative research methodologies and utilizing new forms of data. Data collection methods that center the experiences of criminal justice-affected individuals and communities will help to ensure that decarceration approaches are responsive to individual and community-level needs while also building on the strengths and expertise of those most directly impacted. Qualitative, observational, mixed methods, and large quantitative data analyses each hold vital dimensions to advancing this research, and the articles contained in this special issue represent a broad range of methodology and focus areas.

OVERVIEW OF SPECIAL ISSUE ARTICLES

Within this special edition, researchers highlight several key themes within the field of Smart Decarceration. First, the authors focus on Smart Decarceration efforts across a range of ecological levels, encompassing targets of change from the micro to the macro level. Starting with the micro level, in a study of the use of crisis intervention team model with correctional officers in prison, Canada et al. (this issue) explore how this model might help reduce disparities in sanctioning and improve safety for incarcerated adults with mental illness. Initial findings display changes for correctional officers, including in increasing knowledge and improving attitudes, regarding incarcerated people with mental illness. From a macro-level perspective, Gottlieb et al. (this issue) investigate the incarceration-related outcomes of state-level criminal justice policy reforms in California in comparison to other states. The range of targets of change within these articles displays the need for research that is attuned to these multiple levels of influence on Smart Decarceration.

Second, different points of involvement along the continuum of the criminal justice system are spotlighted throughout this special edition, including pretrial courts (Rengifo et al., this issue), arrest and jail (Hereth et al., this issue), prison (Canada et al., this issue; Gottlieb et al., this issue), and community-based correctional supervision (Sonsteng-Person et al., this issue). One study incorporates the sequential intercept model to capture all major points of criminal justice system involvement for people with mental illnesses (Comartin et al., this issue). The authors speak to the strengths and challenges with various components of research at these stages of criminal justice involvement; these domains encompass issues of quality and rigor with using forms of administrative data to capture meaningful changes, attending to nuances in data collection across location, and discerning pivotal change elements and the impact of decarceration efforts.

Third, these articles highlight the need to examine the experiences of specific populations and to actively and rigorously address disparities in rates of incarceration. For example, Hereth et al. (this issue) center the specific life experiences of young transgender women to expand feminist pathways theory to be inclusive of both transwomen and cisgender women. The article also showcases the need for nuanced within-group analyses, as well as the need to consider structural drivers of incarceration. This type of research within Smart Decarceration asks us to consider gaps in theories that limit our prevention and intervention efforts. Likewise, Rengifo et al. (this issue) used court observations to track prosecutorial decision-making and the constrained processing of cases, particularly for those involving older and/or Latinx defendants. In addition, Comartin et al. (this issue) investigate disparities for adults with serious mental illness across all intercepts in the Sequential

Intercept Model based on data from eight counties. They found disparities for adults with serious mental illness across all intercepts. This research highlights the need to examine cumulative disparities and to tailor Smart Decarceration efforts to specific populations and criminal justice contexts.

This research asks us to consider if innovative developments, such as new case-review protocols (Rengifo et al., this issue) and state-level reforms (Gottlieb et al., this issue), are effective for their intended goals and whom these developments impact. These studies require us to involve and prioritize the perspectives of populations directly experiencing these developments. They underscore how some efforts replicate or exacerbate existing disparities (Comartin et al., this issue; Gottlieb et al., this issue; Rengifo et al., this issue). For example, Sonsteng-Person et al. (this issue) displays how court-ordered community service is experienced by community service workers and how the consequences of the inability to complete this service are particularly detrimental for racial minority and impoverished populations. In addition, these articles push visions of new directions in the area of Smart Decarceration, asking us to apply our knowledge into effective practices and policies.

FUTURE RESEARCH ON SMART DECARCERATION

While these articles represent an impressive breadth of methods and areas of focus, the field of Smart Decarceration research must continue to develop and expand. As new decarceration policies and practices proliferate, they must be evaluated in real time to assess the degree to which they reduce the footprint of the criminal justice system, address multiple disparities, and prioritize community well-being. In particular, research on community efforts to replace the overreach of the criminal justice system must be responsive to the needs of communities most impacted by incarceration. And the evolution of Smart Decarceration concepts and strategies should strive to incorporate a growing breadth of perspectives and approaches, including abolitionist frameworks and various approaches to criminal justice reform. We hope that the articles in this special issue and their findings inspire new questions and modes of inquiry, even as they build on the existing knowledge base. Each article includes guidance for future Smart Decarceration research and we encourage the continued growth and development of this body of research.

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