

OUR CRIMINAL JUSTICE SYSTEM
AND THE RESULTS

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ABSTRACT

This study will cover as in depth analysis of previous published literature regarding our penal system, our correctional system, and the affects of our criminal justice system abroad. It will encompass the reentry programs available and there results. Included are different types of programs that are offered to individuals released from incarceration and a description of each program along with statistical showing of the rates of success and failure. I chose to define failure as someone who has violated parole and remanded to incarceration, or has committed a new offence and incarcerated again. It was necessary to find out what the eligibility requirements were to be referred to and take part in each reentry program were. Eligibility factors could include physical and mental health, weather or not being on parole supervision was required, as well as determining who decides whether or not an individual is permitted to or required to participate. I will study past cases and there findings, and analyze the data. I hope to come to a conclusion based on analysis of previous studies and what flaus in the system that may cause an individual to be incarcerated and end up back in jail or prison.

INTRODUCTION

I am choosing criminal justice for my research because of its impact on our society regarding its long term results. The current rehabilitation system in our country applies differently to all of us. It is better for some of us and worse for us. There is a question regarding Fairness among the economical classes. Some people believe it is less fair to the lower economical classes as well as particular minority groups. Some believe education and family values have a role as well. either way we are all affected by the system at large. We all live by the same laws though some interpret our laws differently. Legal defense has a big role in our criminal justice system. Our judicial system undoubtedly the best in the world is often criticized. Our culture is forever changing, in my opinion it is unrecognizable from just thirty years ago. Politics and the media undermine a lot of it.

In my opinion a lot of people today undervalue our countries proud history. The overwhelming good it's done for ourselves as well as the world around us. A lot of past history has been taken for granted. Our own constitution is often questioned by many in both the universities and the media. I have some experience and contacts in law enforcement as well as our judicial system I worked in both the police department and rockland county probation. I will utilize my resources and experience to explore some of these issues. The required textbook the craft of research by Wayne booth, Gregory Colomb, and Joseph Williams will also be of great use to me. I will also be using a vast variety of material for my research. I was heavily involved in the criminal justice system ever since collage. I also took many criminal justice courses in college.

This topic raises a thorough analysis of previously documented literature covering many different types of programs available and how they impact one's reentry into our society. Including the many types of programs and how they affect the rates of recidivism. Many different programs that are offered to people released from jail and precise description of each program along with listed statistics showing their results. Both the results of success and failure are compared side by side. In opinion I consider failure as an individual who fails to reenter society without repeating previous mistakes. Poor choices that result in recarceration do to violating parole and or committing new offenses. Success is a person being able to reenter society successfully after completing a sentence in our correctional system. Therefore the entire purpose of our correctional system is to rehabilitate individuals unfit to function in our society.

LITERATURE REVIEW

there for the commission recognizes the importance of accurately measuring past criminal behavior and future recidivism risk. The commission commitment to empirical documentation

I will conduct in-depth research into the programs available including drug court, family court mandated drug and alcohol treatment, mental health treatment. It is important to know the eligibility requirements for these programs. Requirements could possibly include mental and physical health. I will find out what reentry program offered and what is needed of an

individual compared to what was offered to them. It is also logical to consider one's upbringing, education financial situation, and family history. The elements an individual is exposed to previous to incarceration.

Data presented to the US sentencing commission co authored with Miles Harer, Timothy Drisko, Christine Kitchens, and Sara Meacham in the commission's office of policy analysis Report when sentencing offenders under proper guidelines, Federal judges reference two axes of a sentencing table to determine the sentencing most appropriate for the offense. The punishment is determined by the sentencing table and its guidelines. The vertical axis of the sentencing table has forty three "offence types" designed to quantify the seriousness of the initial offence. Within the horizontal axes are six "categories of criminal history. Criminal history categories" (CHCs) is designed to document and quantify the recency and extent of the offender's criminal past behavior, and history. The table cell in which the offence level and criminal history intersect displays the minimum and maximum amount of months for the individuals recommended sentence.

The horizontal axes in the sentencing table adheres to the philosophy that prior criminal behavior requires incremental sentencing, or punishment: the more extensive and larger the offenders criminal history the harsher the punishment and longer the sentence. Since the guidelines manual was first released, the introduction of chapter four has stated that in order to protect society from recidivist criminals, the criminal history measure should take into account culpability (i.e., harsher punishments for offenders with aggravated prior criminal backgrounds) and recidivism (i.e., the more likely to reoffend). The sentencing commission uses the criminal history score as a tool used to measure the offenders capability, deter ones criminal conduct and protect society from further crimes from the incarcerated.N1

is reflected in its early research agenda, as well as the staffs resources spent on preliminary recidivism projects conducted in the early years of the sentencing commission. n3.

Any delay of testing or validity of criminal history was unavoidable, although an assessment of the guidelines' new criminal history does take time. Time for the judiciary to familiarize itself with the guidelines, as well as time for the stableazation of a system of records gathered from other courts. In other words it takes a considerable amount of time for adequate observation so offenders with extensive prison sentences could be released into the community. It seems that productive rehabilitation is complicated process and depending on the individual can take more time then its worth. This results in overbooked courtrooms and overcrowded jails, and unfortunately releasing, or suspending of the wrong people.

Our criminal justice system practices on the concept that we are all entitled to second chances if necessary, but a limited amount of second chances under guidelines and restrictions do to the delicate nature of the individuals civil rights. The correctional system in place is designed to protect us from ourselves as well as others. It is logical to presume one's behavior by their past. Depending on the severity of the crime or offence, or its frequency determines the consequences of our actions. Our evolving court system seek fairness and have historically don so. Devices like the noose or in other countries the guillotine have been outsourced and disbanded making room for probation, parole and other programs. These more humane options are far more costly in time and money bringing us to be a far more civil society. Data recently collected on guidelines federal offenders sentenced in fiscal year 1992 the current study examines in detail the predictive statistical powers of the (CHM), criminal history measure responds to the commission's initial intentions the synopsis of the

commission's first report presents highlights like a performance review of an employee. The review of the criminal history, or performance review includes a discussion of areas where performance is in need of improvement, satisfactory or succeeding expectations. The analysis assesses the predictive powers of the criminal history measures. Determining whether or not it predicts effectively, or better than random chance. (CHC) criminal history category is a tabular analysis that graphically presents the guidelines' recidivism rates by (CHC) for the primary recidivism definition. The greater detail of numerical data presents recidivism rates under both the primary and the reconviction definition. This suggest that reincarceration risks increase with each criminal history category. Offenders in higher (CHC) are more likely to reoffend within two years of release from prison or entering probation status. Citing the primary recidivism definition results. The first or primary recidivism definition targets the first occurring of any one of the following three types of events during the offenders first two years back in the community following a federal sentence. (A) a new conviction for a new offence; (B) a rearrest with no conviction disposition information available on the post release criminal history record; n6 or © a supervision revocation (probation or post prison supervision). N14 the random model defines the likelihood of re incarceration at about fifty percent, similar to flipping a coin. Research on supervision strategies has developed over the last few decades as well and shows that the more intense supervision does not necessarily lower the risk and sometimes increase the detection of non compliant behavior (Petersilia and turner 1993; Grattet, Lin, and Petersilia;). The implication is that the impact of realignment on recidivism may ultimately turn on how it changes the conditions under which offenders are supervised.

As a trained and experienced police officer I worked with a very diverse population. Trained in crisis management and intervention I was able to help a lot of people in need. I also spent approximately 1 year working for the Rockland county probation department allowing me to meet all types of people. This is where I got my introduction to courtrooms and police administration. I worked with many juveniles as well as newly arrested individuals in rockland county. My job there included responding to the Rockland county jail with a list of prisoners being held in the intake area. I would interview certain prisoners regarding pedigree information, employment, current address and any past criminal history. This would take up most of my morning depending on how many individuals had been arrested. The Mondays that followed Weekends and holidays were always especially busy. I then would report to the (BCI) Bureau of criminal investigation office at the Sheriff's department. There I was given (NYSID) records documenting any prior arrests or convictions. Then I compared the answers given to me at the jail with the (BCI) records to verify. Once I returned to my office in the Probation department I spent the afternoon making phone calls to verify employment and addresses. If someone qualified for (ROR) release on own recognizance I would prepare a report recommending (ROR) and bring it to the arraignment and the attorney usually a public defender would present it to the Judge. There were some cases that automatically disqualified ones release on their own recognizance. When ever they violated their probation, parole Or failed to give a verifiable address they would not qualify for (ROR). (ROW) Return on a bench warrant as well. Even if an individual qualified for release on own recognizance the judge would often deny (ROR) and set bail. While employed at the rockland County Probation Department I would often work with juveniles. Mostly guarding and transporting them, as well as other clerical duties.

METHODS, I enjoyed this line of work and would have stayed there if I hadn't been called by the Police department in the city of New York. In nineteen ninety I was hired by the New York City Housing Police Department. This position payed better and offered more job security. I was well abled to utilize my courtroom experience, and value my time there as a probation assistant. As a probationary police officer I spent my first two years working in the South bronx housing projects. I was assigned to Police service area number seven, (PSA) #7 on one hundred and fifty third street and Morris avenue. This is the housing police station with in the 40 Pct. After completing my initial six months training in the police academy I did three months field training as a housing police officer in the bronx precincts 40, 42, 44, 46, and a little in the 48. During this period I responded mostly to family disputes, drug sales, and persons shot. When we where not responding to nine one one calls we routinely did vertical patrols and checked in with housing tenant patrols. This was the busiest time of my career and a great place to learn the job. I would often work with juveniles, escorting them to Spofford,, or releasing them to the custody of their parents. There was plenty of contact with probation officers as well as JD's (juvenile reports). Domestic violence was the most common call and where I developed my crises management, and early intervention skills. Unfortunately a lot of the people I encountered ended up in the criminal justice system one way or another.

After about two years in the housing police department I lateral transferred to the New York City Police department. I was reassigned to the four six precinct after six additional weeks training in the police academy. For some reason the City of New York made all the transit and housing rollovers go through the Police academy a second time for retraining. We only did six weeks there and went on to our new assignments for additional field training. This was a total waste of time, and most likely do to liability but would be the easiest time in my

career. Working in the 46 Pct was not really any better than PSA #7, in fact it was worse. The only difference was not being confined to the housing projects. I worked four to twelves there and most calls were similar to housing. During the summer months the 46 Pct averaged two or three homicides a week so I considered this the bloodiest period in my career. In fact the year I worked there the 46 pct received a unit citation for the largest drop in homicides from the year before. In nineteen ninety two the one square mile precinct led the city in homicides with seventy four. There were some nights that we would answer as much as thirty 911 jobs a night. The four six is still known as the Alamo in police circles.

In nineteen ninety I transferred to Bronx Task Force, (BXTF) and spent the rest of my police career there. (BXTF) was a Borough wide civil disorder unit the mostly responded to riots, concerts, and large scale sporting events. We dealt with crowd control and assisted any Bronx command that went into backlog. It had a slower pace but did have its moments. One of the most memorable was on September 11, 2001. We had to work mandatory twelve hour tours for the following six weeks. About half of that time we spent at ground zero. During my time at Bronx Task force I received all types of excellent training, and got to see most of New York City.

Since retirement from the Police department I have Joined a few law enforcement fraternal organizations. (FOP), Fraternal Order of Police, Rockland County Shields, and the Hudson Valley 10-13 Association. As a member of the Rockland county shield I have attended the Brinks Memorial Service held every year on October 20th in Nyack New York. It's hard to believe that a terrorist act happened there thirty seven years ago. We all remembered where we were on that day when these killings occurred. We can never forget Sgt Edward J. O'Grady jr, Police officer Waverly "Chopper" Brown and brinks guard Peter

Page. The ceremonies are very moving and the 2018 guest speaker Retired Lt JTTF Kevin Hallinan was excellent. We also hold monthly meetings in Rockland county. While in the Hudson valley 10-13 Association we travel to Albany each year on Advocacy Day and speak with our local politicians in an effort to to promote legislation to enable better access to treatment, reduce barriers that are in place. Insurance coverage and necessary overdose procedure narcan training to emergency service professionals including law enforcement are just some of the things we have addressed. Last year I was chosen as a primary speaker at a meeting with our local Senator and Legislator on Advocacy Day and even invited to join in on and speak with in meetings with politicians not in my district. This year we had a record breaking count of over one hundred attendees in Albany (www.lirany.org). Being in the trenches I am often called upon by individuals and family members looking for answers and options when faced with a loved one suffering from substance abuse disorder, co-occurring disorders and other possible predicaments.

Many of those I come across have at some point in there lives if not currently been involved in the criminal justice system. More than just a few of them have spent many years of their lives in and out of correctional facilities and treatment centers. Unfortunately I see the vicious cycle repeat itself more times than not. The jails in hudson valley and New York are revolving doors for many. As an active member of the rockland County Shields Association I did a field placement under the direction of father Francis Pizzarelli at st Joseph's college reentry task force. This was an effort on my part to better understand how the system can work together. My goal was to expand my knowledge of what is and what is not available for someone in need. I did succeed in that goal.

I came across an individual a lifelong childhood friend exclusive of work and school whose family has reached out to me because he has been in and out of the correctional system despite his own efforts of the latter. This person did many years of prison time , paid his debt to society and exceeded his own, my and his families expectations for his success. He ran several successful large scale businesses and became an advocate promoting education and fundraisers for people with traumatic brain injuries and even a bone marrow drive for a local for a local child with cancer. In 2011 he was involved in a terrible car accident and hit by a driver under the influence. Besides the Physical injuries he suffered a traumatic brain injury. One of the things he had passionately advocated for. This injury propelled him back into the criminal justice system. Since the accident I have watched a successful individual get caught in a downward spiral fueled by a brain injury. Something he was passionately involved in helping others overcome, had now become his life. Every two years he commits the same crime around the same time of the year. How does this happen? Who is to blame? An individual that cannot control his actions when not medicated? A system that does not take serious medical issues into account? Was he given the resources that he needed? Did he ask for what he needed? Was he given what he asked for? Surly, he could not be the only one who ended up back in jail more than once for the same crime what is being done to reduce the rates of recidivism? What is done to address situations like that? How and by whom? I sought to find the answer to the question

When choosing a topic for my research at Purchase college to fulfill the requirements for the bachelor of arts in liberal studies I wanted to way both sides of the system. My original thesis proposal was to do a survey of males currently incarcerated in Rockland county and ask them Questions about what they were in need of , asked for and received when released

to parole supervision. What better place to find someone who has violated parole and remanded to incarceration or reoffended and incarcerated again than the county jail? Then I was going to survey parole officers to find out their roles are regarding individuals on parole such as what they can, do and can not offer someone. My goal was to find out what the rates of recidivism are in Rockland county, what is done to reduce those rates, and what is needed by parolees versus what is offered to them I submitted my research to the institutional review board of St Joseph's college and was immediately shot down. Because it was considered to be a prison survey". I was told that they would have to find someone in prison to sit on the review board to ensure that no harm would be done in any way. This did not surprise me and would have taken way too long if it were to ever happen. A member of the Hudson Valley 10-13 association suggested "that I just contact the probation officers." I found it disturbing that someone holding a position of stature did not know the difference. So I nixed the parolee side of the research. I got permission from the chief of parole to distribute the survey at the next borough meeting. The day I showed up to address the Borough at the meeting I had found out the chief's permission was not sufficient enough. So much for getting my proposed research accomplished. I was able to meet with one of the senior parole officers who did everything they could do to help me as a professional courtesy. Unfortunately the review board would not give me authorization. They said they could not make the decision and it would have to be made by their superior and they had no idea how long this could take. I had to come up with something else. So here I am analyzing previous research done on criminal justice reentry programs and the impact on our society.

The Legal action center published a report in which it graded each of the 50 states. Each state received a grade based on “ whether its law or policies help or hurt those entering the criminal justice system regarding reentry. (lac.org) The areas addressed were criminal records, parenting, employment, public assistance, public housing, and food stamps. If the state did not make one of the proceeding areas accessible to someone to someone who have a criminal record that state was said to have out up a “roadblock” (legal action center 2004) and given ten points. New York State ranked the best with only ten points, while Colorado to the the worst with forty eight points. I found this fact surprising that New York had more accessibility to services then any other state. Restrictions are put in place against people who have been convicted of a felony like I have previously stated. Food stamps public housing and assistance can be denied even if there was no conviction. If someone was charged but never convicted they are still denied benefits. With the internet making literal every bit of information available.to the public almost all arrest records are available online. I could even use Google to find arrest records along with mug shots. It is more difficult to find the outcome of a court case then it is the initial arrest in New York State. Websites such as web crimes “(iapps.courts.state.ny.us,2018) show information such as court dat and charges but after the case is closed there is nothing available. If a potential employer was to look someone up and see that they have open charges and attempt to follow a case. Once the case is closed they can no longer find any information. Assumptions can now play a part and it can be assumed that someone was found guilty since there is no way to readily find out the final decision. What happens when someone is falsely accused? Twenty seven states make decisions for public housing based on just arrest records even if they never led to a conviction (Legal

Action Center). This makes it very difficult for someone to get on their feet when they are released because they have nowhere to go and usually end up in shelters.

The Journal of offender rehabilitation (Severston et al, 1012) studied 357 reentry programs participants as individuals. All had been released for at least one year in an attempt to establish a pattern by reviewing the results of programs in King County, New York, the midwest, Maryland, and Pennsylvania. The study found that results in New York showed positive at the start for employment that were gainfull were “ short lived and disappeared over time” (Severson, et al, 2012). This was attributed to “lack of fidelity in the delivery of intervention” (Severson, et al,2012). The midwest reentry program based their findings using the definition of recidivism as “a return to prison and/or a new conviction”(Severson, et al, 2012) witch is the way I chose to define failure. It explains that since there is no uniform definition of recidivism by the US Department of Justice it is Quite different to compare many of the studies that take place. The common denominator among most of the participants that failed a federally program entitled the “serious and violent offender reentry Initiative” (SVORI), (Severson,et al, 2012) was history of substance abuse and limited education, and vocational achievements. In the real world one often leads to another. It is like the age old argument to decide which came first the chicken or the egg. When someone does not continue their education do to circumstances at home economic disadvantage, or an issue with their ability to learn, it is highly unlikely that they can achieve and succeed gainful employment. Many of the people I have come across claim that idle time was there biggest down fall. Enrollment in the (SVORI) program was voluntary and was one of the small few offered to those who were going to be released to post release supervision (parole) as well as those who were not. This program as stated is only offered to violent offenders. I feel it leaves the non violent offenders

to fall through the cracks. The initial offering of the program was limited to adults under the age thirty five. These offenders had 12- 18 months left on their prison sentences. They were assessed using a scale called the Level Of Service inventory-Revised (LSI-R) (mhs.com,2018) that asked questions regarding criminal history, education/employment finance, family/marital status, accommodations, leisure/recreation, companions, substance abuse, emotional/personal, attitudes/orientation. If a score of 30 or more was achieved a individual would be considered for the program. This program happens in two phases. Stage one begins while they are still in prison, while phase two continues upon release and ends after they are home for six months. What happens after six months? The results in the study described the status of 357 participants who had been released from prison at least once between July 2006 and june 2009.The median age was thirty eight, older then the age to be accepted into the program. Out of 357, it was noted that 232 did complete the program and 125 did not. The highest education level completed showed that the highest percentage was a (GED) General Equivalency Diploma with that number coming in at 149 out of 357 or 41.7%. And coming in second was grade school as the highest level of education completed at 79 out of 357, or 22.1%. Clearly the number shows that many that did not make it past grade school got there GED and most likely achieved that while in prison. Those that reoffended and did not receive a conviction along with those that reoffended and did receive a conviction both showed highest number amongst those who received a (GED). Education seems to be a major contributing factor of failure. The result of the study do not include any specified amounts of jail time, so there is know way of knowing how much time any of the 357 individuals included in the study actually served before they participated in the program. The longer they spent in prison, the more difficult it would be to change their habits. The results of

the second part of the study compare those who completed the program as opposed to those who did not. Results show that re entry rates were higher six months after the release in those that did not complete the program versus those who did. The number showed that 38 returned to prison who did not complete and 0 of those who did. 12 months later the trend was the same, however, the number of those who completed and eventually returned to prison became higher than those who did not complete 18 of 24 after release. Of those 82 individuals who completed returned to prison, almost 24% more than the 64 that did complete the program. What I see is a reentry program that needs to be in place longer and the possibility of programs being a mandatory release condition put into place. The number saw a trend in new convictions in burglary and forgery in those who did complete and theft in those who did not. There is no way of knowing what their original charges were and if they were finally convicted of was there actual crime or what they pled to. If this program was only violent offenders initially, then a new crime of forgery appears to be mild comparatively and is considered a non-violent crime. Another factor that was taken into consideration was the urinalysis results under those on parole supervision. If someone tested positive they might have been tested more often after that than those who consistently tested negative for substances. Results do show that there is "little doubt to the targeting of substance use interventions" (Severson, et al, 2012). There is no evidence as to whether or not a substance abuse or mental health issue came into existence before, during or after incarceration. This is another factor that can be taken into consideration for a future study. Inmates are not drug tested unless there is already suspicion of use. As I summarized, the reported that the reduction in supervision or level of supervision that occurs naturally during one's post release period may be influential. It appears that many parolees are doing exactly what they are

18 supposed to satisfy conditions of parole. After they are released from supervision they go right back to the behavior that got them put in prison to begin with providing that they did not violate.

A study done by the Vera Institute of Justice (Nelson et al, 1999) targeted only 100,000 individuals that were released from New York City jails and the 25,000 that were released by the New York State Department of Corrections (DOCS) who were all being released into New York City. They asked the aforementioned for a list of inmates from 8 different populations that they had chosen because, "they represented a variety of pre release experiences and post release supervision" (Nelson et al, 1999) and they were being released in 1999. They randomly selected 88 individuals from those lists. From these random selected names 49 completed the study. The final sample population included 10 that were released from Willard Drug Treatment Campus which is specifically for "low level offenders drug offenders and parole violators who previously would have been sent to traditional prisons" (oasas.ny.gov) Willard is a 900 bed intensive "boot camp" style drug treatment center for men and women. The 10 had been there because they had violated parole. Another variable that could have been taken into consideration is what an individual did that was considered to be a violation of parole. Was the violation due to a urine test positive for drugs and alcohol? If so, how many positive tests are considered a violation? Does this decision vary by parole officer? The question they tried to answer was "are those leaving prison ready for what they are about to encounter?" (Nelson et al, 1999) They took into consideration whether or not the people had the necessary skills to survive once they got into place, were drugs as available. Whether or not they could find a job, and what kind of support they got from their families, if any. One problem they found was their inability to apply for jobs and public assistance. Simply because

