

Education Reduces Recidivism

LOYOLA UNIVERSITY CHICAGO SCHOOL OF LAW

Alison Hill
EDUCATION, LAW AND POLICY | SPRING 2015

In this paper I will explore the unique way in which the education system intersects with the criminal justice system through the substantial effects that providing educational services to both adult and juvenile offenders have on recidivism rates. Recent research indicates recidivism rates in the United States are about 60%. The Bureau of Justice Statistics conducted a longitudinal study over a 5 year time span of inmates released in 2005 and found among the prisoners from the thirty states that participated, 67.8% were rearrested for a felony or serious misdemeanor within 3 years and 76.9% were rearrested within 5 years after release. One sixth of offenders, 16.1%, made up nearly half (48.4%) of the almost 1.2 million arrests within that 5 year time period.¹ These statistics suggest that if a person ends up in prison, in general, there is a high risk that they will reoffend. In addition, they show the possibility that if we were to drastically reduce recidivism, we would see almost a 50% decline in committed crimes. With many states reporting overcrowding of jails and prisons and the need for new correctional facilities, there is a discord in the way the American prison system combats criminal behavior. America places a strong emphasis on what to do once a crime has been committed, while simultaneously decreasing the social programs offering rehabilitation services to prevent future crimes from occurring, specifically educational services.

The fundamental purpose of education is developing habits of the mind that will foster well-being.² Education and learning does not end when a person is arrested and imprisoned. The general purpose of the Code of Corrections is to rehabilitate the offender, if possible, and to restore him to useful citizenship.³ One study from the National Institution of Justice found that inmate education is the most effective services to reduce recidivism. The goal of inmate

¹ Cooper, PhD, A., Durose, M., & Snyder, PhD, H. (2014, April 22). Bureau of Justice Statistics (BJS). Retrieved April 22, 2015

² Kaufman, Education Law, Policy and Practice: Cases and Materials (3d Edition Aspen 2013)

³ (Ill.Rev.Stat.1973, ch. 38, par. 1001-1-2.)

education is to prepare the prisoner for success post-release and to enhance rehabilitation efforts of the prison system. However, this does not mean that inmate education is a service offered for all without limits. The general population has opportunities and rights to education, yet these opportunities are limited when a person is incarcerated. The Illinois Appellate court has held that incarceration does not limit completely the rights and privileges of prisoners, however, inmates do not have a protected right to continue vocational training if a state decides to abolish it.⁴ Funds allocated for inmate education are at the discretion of the prison system of the state in which they are located. However, many states have been reducing funding for inmate education and in return are incurring increased expenses for re-incarcerated offenders.⁵⁶ In Illinois, The John Howard Association⁷ reports the state has steadily been cutting funding to educational and vocational services to inmates and detainees⁸. Inmates who participate in educational programs have a lower rate of recidivating than those who do not.

Inmates are statistically an under-educated community compared to the general population. Many inmates come in with lower reading levels for their ages. Inmates tend to also lack basic writing and math skills. Academic education for inmates can include anything from GED and literacy classes to community college courses. These classes are typically free for

⁴ *Williams v. Thompson*, 443 N.E.2d 809 (Ill. App 1982)

⁵ RAND study was conducted for the Federal Bureau of Justice Assistance to determine the costs associated with prison education.

⁶ Davis, Lois M., Jennifer L. Steele, Robert Bozick, Malcolm Williams, Susan Turner, Jeremy N. V. Miles, Jessica Saunders and Paul S. Steinberg, *How Effective Is Correctional Education, and Where Do We Go from Here? The Results of a Comprehensive Evaluation*, Santa Monica, Calif.: RAND Corporation, RR-564-BJA, 2014. As of April 17, 2015: http://www.rand.org/pubs/research_reports/RR564

⁷ The John Howard Association of Illinois is the most frequently quoted source for reliable and independent information regarding Illinois adult and juvenile prison system. Their mission is to achieve a fair, humane, and cost-effective criminal justice system through prison reform and advocating for enhanced community safety. The association researches and analyzes various aspects of Illinois's correctional facilities throughout the year in order to present policy implications to current practices and to suggest changes for the future of DOC. JHA is one of the most widely respected independent organizations in Illinois as they provide a non-political approach to the issues of incarceration.

⁸ *Cuts in Prison Education Put Illinois at Risk*. (2010, May 24). The John Howard Association of Illinois (JHA). Retrieved April 22, 2015, from <http://thejha.org/sites/default/files/Prisoneducation.pdf>

prisoners to learn how to read, write, and achieve basic math skills. Title I, one of the academic services offered in Illinois, comprises instruction in math and reading for neglected and delinquent learners that are less than 21 years of age. The Illinois Correctional Education Contractors Organization represents community college prison educators that provide academic services to inmates. Illinois correctional facilities provide adult basic education, pre-GED classes, GED class, and special education services. The importance of programs such as this is to advance inmates enough for them to obtain their GED and a college degree. The changes to the GED creates new challenges for inmate education. Changing GED tests to match common core standards require inmates to gain more in depth knowledge that they more than likely won't possess in four subject areas. Due to this change, Illinois will be forced to increase its focus on adult basic education and pre-GED classes to prepare inmates for the actual class. These changes will also limit the number of inmates who can receive a GED while incarcerated because it will take them more time to prepare for the actual test. Another change in the national education system involves switching to a computer version of the test. Many inmates do not have the technology skills to be able to take a computer test. Abiding by this standard requires correctional facilities to have the resources to utilize such a test.

For college courses, the ability to obtain staff and funds is a challenge for many state correctional facilities. Community colleges must be willing to pair up with the facilities to offer free college courses. Some prisons have attempted to provide another service when community college course are not offered called Adult Continuing Education where inmates teach other inmates various topics in which they are skilled. College education courses are set to advance the lives of those who are serving short sentences. In Illinois, there are few college courses available to those who are convicted of serious crimes such as rape and murder. The importance of these

programs is two-fold. Not only do they help advance the educational ability of the inmates, but once released many state funded higher education institutions won't admit convicted felons into college programs. Inmates have limited opportunities to obtain degrees post-release. Institutions such as the University of Phoenix do offer second chances to convicted felons but at tuition rates that a recently released offender typically would not be able to afford.

The glaring obstacles that released offenders must face post-release include not only social stigma but bans of licensure and denial of employment. The second prong of inmate education is free vocational services. Hands-on learning and practical skills are educational techniques in non-correctional facility schools also. It is a challenge for anyone without formal education to obtain stable employment. For inmates, the odds of obtaining employment post-release are slight. However, for those who participated in inmate education their chances of receiving post-release employment are greater than for those who did not. Students who engage in vocational training in high school or technical school learn skills that are easily translated into a career. Opportunities for vocational training for inmates create these same benefits. Providing the practical work skills for inmates, to transfer into jobs outside of the prison, will reduce the chances of recidivating. In Illinois correctional facilities, some of these vocational programs include but are not limited to, custodial maintenance, construction, food service, auto mechanics, cosmetology, print making, barbering and welding. Released offenders who cannot find suitable work or a living wage are more likely to re-offend out of necessity.

Inmate education is not only practical, it is also cost-effective. Inmate education includes both academics and vocational training. Illinois has roughly 49,000 inmates, a 10% increase since 2001. The annual budget for the Department of Corrections is roughly \$1.2 billion dollars and providing basic living essentials costs taxpayers more than \$22,000 per inmate each year.

Providing inmates with community college classes costs about \$9.8 million dollars per year and with these classes, inmates can learn how to use electric repair equipment, be trained in food service or start to work on their associate's degrees. Increasing educational spending would reduce recidivism and subsequently reduce the costs of incarceration for taxpayers. The state would save roughly \$97 million annual according to the Illinois department of Corrections. The annual budget, therefore, would receive increased funds for other departments within the state, including the entire public education system.

Nearly half of released offenders will recidivate when not provided with educational services compared to 13% who are offered services. However, these numbers represent mainly adult offenders. The juvenile justice system is a separate entity. While this system face many of the same challenges as adult facilities there are more opportunities to help juvenile offenders than there are for adults. There are 57 million school-aged students in America, most of them attending public school. The juvenile justice system will serve 10% of youth aged 10-17.⁹ As of August 2014, there were 726 youths in juvenile facilities across Illinois.¹⁰ The average age was 17 years old. The Department of Justice reports that 55% of young people who are released from juvenile justice facilities will be rearrested.¹¹ The crimes that juveniles commit resemble the violent versus nonviolent rates as adult offenses. The OJJDP (Office of Juvenile Justice and Delinquency Prevention) reports that violent crimes by juveniles are rare compared to other deviant behaviors such as truancy, running away, vandalism, and larceny.¹² However, most

⁹ Juvenile Justice and the Transition to Adulthood explored the roadmap of crime that stems from juvenile delinquency and the philosophies of juvenile court.

¹⁰ Illinois Department of Juvenile Justice Annual Report. (2014, December 1). Retrieved April 24, 2015, from [https://www.illinois.gov/idjj/Documents/2014_12_01_DJJAnnual_Report_Final\(4\).pdf](https://www.illinois.gov/idjj/Documents/2014_12_01_DJJAnnual_Report_Final(4).pdf)

¹¹ CORRECTIONAL EDUCATION GUIDANCE PACKAGE: Providing High-Quality Education Services for America's Confined Youth. (2015, January 7). Retrieved April 24, 2015, from <http://www2.ed.gov/policy/gen/guid/correctional-education/index.html>

¹² "Illinois Department of Juvenile Justice Annual Report ", 2014

juvenile offenders grow out of their deviant stages once they reach young adulthood.¹³ As stated in the OJJDP Report, “There is no national recidivism rate for juveniles. Such a rate would not have much meaning since juvenile justice systems vary so much across states”.¹⁴ It is common that adult offenders show delinquent behaviors when they are juveniles, and letting these kinds of behaviors go unresolved can lead to a higher risk of incarceration once in adulthood. Without receiving adequate education opportunities, incarcerated youth are more likely to be unemployed and/or on welfare in adulthood.

Democratic education frees the individual in society and allows for a person to have progressive growth towards social aims. The state of Illinois has tremendous power over education of school age children. The state can compel children to attend some form of school by mandating attendance with a penalty for truancy. Truancy is one of the leading offenses that juvenile delinquents commit and results in their entering into detention centers and/or juvenile justice facilities. It is important to curb these behaviors before they escalate into more serious offenses. If juvenile delinquency were a focus in the justice system there would be a sharp decrease in the number of adult offenders in jail and/or prison today.

President Obama recently announced a new initiative entitled “My Brother’s Keeper” that aims to help youth succeed in school. By 2020, he plans to for the United States to have the highest rate of college graduates in the world. In order to reach this goal, youth in juvenile facilities must be included. Therefore, to advance this mission, an initiative to reform the juvenile justice system is being carried out by providing incarcerated youth with quality

¹³ Moffitt, T.E. (2003). Life-course-persistent and adolescent-limited antisocial behavior: A 10-year research review and a research agenda. In B.B. Lahey, T.E. Moffitt, & A. Caspi (eds.), *Causes of conduct disorder and juvenile delinquency* (pp. 49-75). New York: Guilford Press.

¹⁴ Report Summary. *Juvenile Offenders and Victims: 2006 National Report*. Retrieved April 22, 2015, from <http://www.ojjdp.gov/ojstatbb/nr2006>

education. In Illinois, of the youth in juvenile facilities, 557 students were enrolled in school, including 442 students who were enrolled as online students.¹⁵ Almost 200 juveniles were not receiving in person comprehensive educational instruction during their time in a juvenile facility. According to the same study from the Illinois Department of Juvenile Justice, the purpose of the facility is to not only enhance public safety but also help youth succeed in life by providing individualized services in a safe learning and treatment environment so that they can enter back into society successfully. However, to succeed with this mission the Department of Juvenile Justice must make substantive efforts in education services for all juvenile offenders.

While classrooms are small in juvenile facilities, the quality of instruction must be improved in order to facilitate quality education. These students face not only the challenges associated with incarceration but also must adjust to a new school setting, new teachers, new ways of teaching, including the focus of common core standards implemented nationwide. Teachers who teach within juvenile facilities must be trained not only in educational practices but must have a background in the justice system and the behavioral and mental health issues that these students might face.

Furthermore, juvenile justice education, has limited services offered for special education. While federal law mandates that special education and related services are entitled to youth committed to juvenile facilities under the Individuals with Disabilities Education Act (IDEA)¹⁶, nationally, only 46% of youth with a diagnosed learning disability report that they receive special education services while in a juvenile facility. Evidence showed that identifying

¹⁵ "Illinois Department of Juvenile Justice Annual Report ", 2014

¹⁶ The Individuals with Disabilities Education Act (IDEA) was passed as federal law in 2004 that mandates certain qualities of educational services offered to students with disabilities throughout the nation. IDEA regulates how state and public agencies offer early intervention and special education services to for infants, children and youth with disabilities. IDEA protections extend to students with disabilities in a juvenile facility or a youth detention center and require that these students are offered the same services as they would receive outside of the facility.

students with disabilities and the quality of special education services were often inadequate in juvenile facilities.¹⁷ There were issues such as overcrowding, disciplinary practices within educational settings, a lack of qualified teachers, and an inability to adequately address the areas in which students were falling behind.

Youth that enter a juvenile facility with a pre-existing individualized education program (IEP)¹⁸ already in place at their home school the facility must provide the student with free appropriate public education (FAPE)¹⁹ that they are entitled to receive under IDEA standards.²⁰ Illinois must comply with IDEA standards, but many students still face challenges obtaining the services to which they are entitled. These students are entitled to the same amount and quality of the services they received pre-incarceration. A part of ensuring that these students have access to the quality they are authorized to have is to make sure that the transfer of documents is completed with haste. To keep students from their IEPs contradicts the mission of youth inmate education because truancy is one of the most common offenses that youth in juvenile justice commit.

In a 2012 case, *RJ v. Jones*²¹, the ACLU (American Civil Liberties Union) found that there were inadequate conditions and services for youth in juvenile facilities and filed a challenge against the IDJJ to improve the conditions and services in Illinois. A settlement decree

¹⁷ Dear Colleague Letter. (2014, December 5). Retrieved May 2, 2015, from <http://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf>

¹⁸ Individualized Education Programs are . Most students with disabilities that enter a juvenile facility enter with an IEP and they are mandated to be regularly maintained no matter what school setting they are in.

¹⁹ Free Appropriate Public Education under Section 504 of The Rehabilitation Act of 1973 provides qualified students with disabilities with *appropriate* education including but not limited to special designed educational instruction, hearing impairment devices, speech therapy, psychological counseling, etc. This act accordingly prohibits disability discrimination in programs such as public schools and correctional agencies that receive Federal financial assistance. (29 U.S.C. §794, 34 CFR part 104).

²⁰ Although FAPE is available to those in juvenile facilities, students with disabilities who are between the ages of 18-21 in adult correctional facilities are not entitled to the same services they would be if they were in a juvenile facility. (34 CFR §300.102(a)(2)(i))

²¹ Consent Decree, *R.J. v. Jones* (No. 1:12-cv-7289, E.D. ILL., December 6, 2012), available as document #33 at <http://www.aclu-il.org/wp-content/uploads/2013/08/RJ-v-Bishop-consent-decree-signed-12-6-121.pdf>

was entered between the youth the ACLU was representing and the IDJJ. They created a remedial plan to fix the inadequate services in critical areas including mental health and education. Since the settlement decree the IDJJ School District has recently hired a new Superintendent, yet is still working to make the necessary transitions for improvement of educational services. The remedial plan includes mandating DJJ to provide a full-day schedule of school days in each facility with at least 5 hours of instruction per day following a regular school calendar. They must fill all vacant teacher positions to ensure the school days are made available. The student-to-teacher ratio must be 10:1 for general classrooms and 6:1 (or lower) for students with special needs. In accordance with students with disabilities the IDJJ must also make sure that youths' IEPs are obtained in a timely manner and they are implemented within the juvenile facility's classrooms. The remedial plan was finally filed in 2014 and many of the mandates are still in the transitioning phase.²²

When youths enter into a juvenile facility in Illinois they go through a complete intake screening to test for potential areas to address special education needs, mental health, and behavioral issues in order to determine their educational placements.²³ However, many students still go without the special education services they need because the results from child-find mandates are not strongly enforced. Child-find mandates make sure all children who enter into juvenile facilities are screened for special education needs. Many juveniles do get this screening as they enter into the facilities yet many children are still not given enough support when it comes to special education. Students with special needs are still placed in situations where they are in classes with too many students, ineffective teachers, and those who qualify for auditory or

²² Remedial Plan, *R.J. v. Jones* (No. 12-cv-07289, E.D. ILL., April 7, 2014), available as document #73 at <http://www.aclu-il.org/wp-content/uploads/2013/08/RJ-v-Jones-remedial-plan-entered-4-7-14.pdf>

²³ Dear Colleague Letter. (2014, December 5). Retrieved May 2, 2015, from <http://www2.ed.gov/policy/gen/guid/correctional-education/idea-letter.pdf>

English language instruction don't receive their state-required services. Many times these services would aid in putting juvenile offenders on a pro-social trajectory in life. However, if these students' education level and skills decrease while in juvenile facilities, their cycle of recidivism will keep rotating until they become adult offenders and an increased burden on the state.

Adult facilities and juvenile facilities may face different challenges in providing specific services in regards to inmate education, but the most glaring obstacle is funding. Recent education cuts in Illinois have created a fear a decline of schools and education statewide, however the cuts will have a harsh effect on the criminal justice systems. Not providing adequate academic services and vocational training would perpetuate the problems of recidivism that the state already faces. In addition, the state would be contributing to a population of uneducated individuals who have all the skills necessary to be successful in society yet lack the resources. The easy solution to reducing recidivism would be to invest in the education of inmates now and save costs of incarceration and unemployment expenditures later. The national average cost to confine one youth in a juvenile facility is \$88,000.²⁴ The state would save almost \$100 million in incarceration expenses if low risk offenders were to not recidivate. Less recidivism means less incarceration which means less money spent on correctional institutions. These savings can be allocated to other projects in the state - such as education, transportation, infrastructure, etc.

In conclusion, the importance of education in our country is immense. Education leads to a society of individuals with strong minds and morals. While it is easy to understand the benefits of education for the general population, many do not understand the importance of offering

²⁴ CORRECTIONAL EDUCATION GUIDANCE PACKAGE: Providing High-Quality Education Services for America's Confined Youth. (2015, January 7). Retrieved April 24, 2015, from <http://www2.ed.gov/policy/gen/guid/correctional-education/index.html>

quality educational services for inmates. Addressing education reform now will fight future societal problems, later – not only incarceration, but of issues such as unemployment and rates of uneducated adults. Providing educational services to inmates benefit society and is cost-effective for the state. It also aids in the rehabilitative mission of the Illinois Code of Corrections. Inmates who receive academic instruction, or vocational training, are more likely to gain employment upon release. They have a significantly less probability of recidivating. When faced with the decision of either spending money on educating inmates now, or paying for incarceration later, the choice is easy.