

Recidivism, Desistance, and Reentry:
A Brief Review of the Literature¹

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INTRODUCTION

In 2005, 404,638 inmates were released from state prisons in the United States. Within one year of release, 43% had been rearrested. By the end of the second year post-release, another 29% were taken into custody. The third year post-release brought in another 21%. Sixteen and 13% would follow in years four and five, respectively (Durose et al. 2015: 7). Cumulatively, 68% had been rearrested by the end of year three, and 77% had been rearrested by the end of year five, a pattern that has been remarkably stable in the fifteen year period starting in the early 90s. By some measures, rates of recidivism have changed little since the mid-1990s (Pew 2011). To the extent that recidivism rates reflect how well state efforts at rehabilitation and deterrence have reduced ex-offenders' future involvement in crime, these relatively high and stable rates suggest that much work needs to be done.²

What accounts for these relatively high rates of recidivism? What factors and processes distinguish those who continue to reoffend from those who appear either to decelerate engagement in crime or to terminate criminal involvement altogether? In this brief review I address these questions. I define key terms, outline the factors associated with each, and discuss the dominant theoretical frameworks typically deployed to explain these events and processes. I then discuss the implications of this body of work for understanding how and why pretrial detention and diversion programs might shape future involvement in crime.

DEFINING TERMS

Although related, the terms recidivism, desistance, and prisoner reentry are analytically distinct. Recidivism is the act of reoffending following official sanction for a prior criminal act. Although recidivism is most often measured in terms of ex-offenders' return to prison for a conviction related to a new crime or for a technical violation of their terms of release (roughly 50% of state prisoners released in 2005 were returned to prison for one or both of these reasons), it can be measured in a number of other ways, each representing a major stage in criminal case processing--arrest, adjudication, conviction, incarceration, and imprisonment.³

² But, according to the authors of a 2011 Pew Research report on recidivism, "Policy makers should exercise caution, however, before merely accepting low or high recidivism numbers as evidence of successful or failing correctional programs. A low recidivism rate does not always reflect the use of sound release preparation and supervision strategies. By contrast, they also may be the by-product of a wide range of other factors, such as policies that send low-risk offenders to prison instead of granting probation, which is likely to result in a low rate of reoffending but at a higher cost. Moreover, beyond the justice system, recidivism rates can be influenced by larger social and economic forces. Therefore, any evaluation of recidivism data must include an understanding of this broader context and the larger policies and practices that drive the numbers" (Pew 2011: 7).

³ In some studies, offenders are classified as recidivists when their cases are referred to the criminal court for adjudication (50% of state prisoners released in 2005 were arrested in three years and had their cases referred for criminal court adjudication); when the defendant is found guilty of committing a new crime (45% had an arrest within three years of release that lead to a conviction); when a new conviction leads to a prison or jail sentence (36% had an arrest that resulted in a conviction and jail or prison sentence); or when a new conviction leads to a prison sentence (22% had an arrest within three years post-release that lead to conviction and prison sentence; Durose et al., 2015).

Whereas recidivism is the continuation of offending post sanction, desistance is now commonly conceptualized as the causal process by which criminal or deviant behavior stops (Laub and Sampson 2001; Bushway et al. 2001; Visher and Travis 2003). Empirically, however, desistance is typically measured as the failure to engage in criminal behavior, or the state of not offending, usually after a three-year period (Bushway et al. 2001). But because desistance is a process and not a discrete event, it is best measured using longitudinal data that charts a gradual decline in criminal involvement (Bushway et al. 2001).

Reentry is the process by which the formerly incarcerated transition from jail or prison to their communities and become reintegrated into the social, economic, and political domains of life (Travis et al. 2001; Visher and Travis 2003; Morenoff and Harding 2014). Re-entry is determined to be successful to the extent that former prisoners secure stable housing and good, stable jobs, re-establish ties with close friends and family members, and gain the resources necessary to address whatever issues contributed to their criminal involvement and subsequent incarceration, including but not limited to mental and physical health services, substance abuse treatment, and anger management (Visher and Travis 2003). Successful transitioning and desistance are highly correlated, but desistance and re-entry are not one and the same. Reentry can occur with reoffending.

PREDICTORS OF RECIDIVISM, DESISTANCE, AND REENTRY

Researchers have identified a number of factors that predict recidivism and inform processes of desistance and prisoner reentry. Motivating some of this research is the desire to determine whether or not the predictors of recidivism and termination are the reverse of the same factors (Rutter 1988; LeBlanc and Loeber 1993; Laub and Sampson 2001). For instance, if having a poor work history increases the odds of recidivism, does having a strong work history increase the odds of terminating criminal activity? The answer appears to be yes (LeBlanc and Loeber 1993; Laub and Sampson 2003). In what follows I briefly describe these key predictors, and, following Visher and Travis (2003), categorize these in terms of the levels on which they operate--individual, social network, neighborhood/community, and state intervention.

Individual Level Predictors

A number of individual-level attributes are associated with recidivism, desistance, and prisoner reentry. Men are more likely than women to recidivate. Drawing from data of inmates released from state prisons in 2005, Durose and colleagues (2015) show that within five years, a higher percentage of men than women were arrested (78% versus 69%), and they were arrested a greater number of times (1.6 versus 1.0), on average (see also Langan and Levin (2002), who report figures for inmates released from state prisons in 1994).⁴ One year post-release, noteworthy differences by race and ethnicity also begin to appear, with higher rates of recidivism found for non-Hispanic blacks than Hispanics and for Hispanics relative to non-Hispanic whites. By the end of year five post-release, 81% of blacks had been rearrested compared to 75% of Hispanics and 73% of whites (see also Langan and Levin 2002). Age, too, is predictive of recidivism. The younger an ex-offender when released, the more likely he is to reoffend. Langan and Levin (2002) report that whereas 80% of released inmates under 18 years of age were

⁴ These are median figures; reported means are 2.9 versus 2.5, respectively.

rearrested within three years, just 45% of inmates 45 years old or older were rearrested within that time period. Durose and colleagues report similar patterns among inmates released from state prisons 11 years later (Durose et al. 2015). Recidivism is also more likely among those who have low levels of education, skills, and work experience (Sullivan 1989; Adler 1992; Hagan 1993; Sampson and Laub 1993; Ditton 1999; Nelson et al 1999; Western et al 2001)

The length of one's criminal history is also associated with recidivism rates. The earlier one begins committing crime, the longer they engage in criminal activity, the higher their odds of recidivism, and the lower their odds of desistance. Although almost half of adults offenders had no contact with the criminal justice system as juveniles, criminal justice contact as a juvenile is one of the strongest predictors of recidivism (Blumstein et al., 1986). We also find evidence of this by examining the number of prior arrests. The greater the number of prior arrests, the more likely one is to recidivate post-release. Durose and colleagues show that among those released from state prisons in 2005, 85% with 10 or more prior arrests were rearrested within 5 years, 76% of those arrested 5-9 times prior were rearrested within 5 years, and 61% of those with four or fewer prior arrests were rearrested within 5 years. Langan and Levin (2002) report similar patterns.

Finally, practitioners and researchers have come to use terms such as "frequent flyers," "frequent utilizers," or "super utilizers" to describe a set of ex-offenders who continuously cycle in and out of jails and prisons, but also other public services as well, including hospitals, shelters, probation and parole offices, and the like. Identified as those who have been incarcerated in jails or prisons at least three times in a three-year period, frequent utilizers account for a significant minority to a majority of jail and prison inmates and eat up the vast majority of resources devoted to incarceration and other public services (CSH 2000). Three specific groups dominate the frequent utilizer population--the homeless, substance abusers, and those with mental health disorders or symptoms.

Homelessness. Homelessness is a strong predictor of criminal justice contact and sanction.⁵ In one national survey of jail inmates, roughly 15% had been homeless the year before their arrest and incarceration, a figure that is roughly 8-11 times greater than the U.S. adult population (Greenberg and Rosenheck 2008), and 54% of those who had been homeless indicated that they had spent some time in correctional facilities at some point in their lives (National Health Care for the Homeless Council 2012). Inmates with a history of homelessness were more likely than their housed counterparts to be arrested, they spent more time in jail and prison, and they were more likely to be rearrested. Further, those who suffered homelessness were more likely to have other chronic issues as well (Greenberg and Rosenheck 2008; Metraux et al., 2008). When compared to their housed counterparts, higher percentage of homeless inmates had mental health disorders or symptoms (mania, depression, and psychosis), and a higher percentage were substance-involved. A proportionately greater number of homeless inmates had also experienced trauma--sexual and physical abuse--as a minor and an adult (Greenberg and Rosenheck 2008).

⁵ Incarceration also increases the risk of homelessness (Greenberg and Rosenheck 2008).

Substance Abuse and Dependence. In 2002, 68% of jail inmates either abused alcohol or drugs or were dependent on one or both (Karberg and James 2005; also see Mumola 1999).⁶ Substance-involved inmates were more likely than inmates without these issues to have a criminal record (70% versus 46%); they began their criminal careers at an early age (18.6 versus 20.8 years old); and they had a greater number of prior probation and/or incarceration sentences (Karberg and James 2005; CASA 2010). For instance, while 26% of those substance-involved inmates had 3-5 priors, just 15% of those without these dependencies did. And while over 21% of the former had over six priors, just over 7% of the latter did (Karberg and James 2005; see also CASA 2010). A survey of inmates in state and federal prisons revealed that roughly 19% and 16% of state and federal prisoners, respectively, reported that they had committed their offense in an effort to get money to buy drugs (Mumola 1999; see also Chaiken and Chaiken 1990). And those who committed a crime to get money for drugs and alcohol had the highest average number of past arrests when compared to non-substance-involved inmates (CASA 2010).

Mental Health. According to James and Glaze (2006), roughly half of all prison and jail inmates--56% of state prisoners, 45% of federal prisoners, and 64% of jail inmates--had a mental health problem, defined as having a recent history or symptoms of a mental health problem. And mental health problems are highly predictive of recidivism. A higher percentage of federal, state, and local inmates with mental health problems are violent recidivists than those without mental health issues, and inmates with mental health problems have a greater number of prior sentences than do inmates without these issues. Furthermore, their mental health issues co-occur with other chronic issues. Roughly 75% of prison and jail inmates with mental health problems also had substance abuse issues (compared to roughly 55% of inmates without mental health problems). Forty-two percent of state prison inmates, 29% of federal prison inmates, and 49% of jail inmates reported both mental health problems and substance abuse or dependence issues. And while between 13 and 17% of state and jail inmates with mental health problems had also been homeless the year before their arrest, just 6-9% of inmates without mental health problems had been homeless the year before (James and Glaze 2006).

Social Relationships

The strength of ties also matter to the extent that they facilitate the mobilization of personal contacts for emotional and instrumental support. Previous research reveals that processes of desistance and reentry are in part informed by the strength of relationships that prisoners and their family members and close friends are able to maintain during the former's incarceration. Stronger ties, as indicated by the number of visits prisoners receive and the number of letters they get, are associated with lower rates of recidivism, for instance (Holt and Miller 1972; Adams and Fischer 1976; Howser et al. 1983; Bayse et al. 1991).

So, too, is the nature of support that network members offer (Holt and Miller 1972; Nelson et al 1999). Using a mixed-methods analytic approach, for instance, Harding and his collaborators (2015) illustrate that the material assistance, informal social control, and emotional support that families provide enable former prisoners to achieve housing stability, to find work or participate in other types of productive activities, and thus to desist from crime (see also Nelson et al. 1999). By maintaining familial bonds with

⁶ A lower percentage of black and Latino inmates had substance abuse or dependency issues than white inmates.

relatives and close friends, and by providing the material assistance, informal social control, and emotional support that former prisoners need, their personal networks facilitate former prisoners' transition into conventional roles within the family. And previous research has shown that former prisoners who adopt such roles--as fathers, husbands, and workers, for instance--are more likely upon release to successfully transition into their communities without reoffending (Glaser 1964; Burstein 1977; Curtis and Schulman 1984; Clark and Crum 1985; Fishman 1986; Holt 1986; Hairston 1987; Hairston 1988; Harding et al. 2015).

But social capital has its dark side, too (Portes 1998). As Harding and his colleagues recently have also recently noted (2015), to the extent that family members and close friends lack the material resources former prisoners need to transition smoothly, fail to exert enough social control over former prisoners' behavior, or pressure former prisoners to re-engage in criminal and/or deviant behavior, as with peer networks developed during the criminal career (Moore et al., 1978; Moore 1996), they actually increase the odds that former prisoners will reoffend. Also predictive of reoffending is the maintenance of peer networks developed during the criminal career and while incarcerated.

Neighborhood and Community Factors

Neighborhoods affect individuals' odds of recidivism in at least two ways. First, neighborhoods matter because of the resources they can extend to former prisoners to help address chronic problems that create major barriers to desistance and reentry, including unemployment, substance abuse, mental health disorders, and housing (Simcha-Fagan and Schwartz 1986; Elliot et al 1996). Not only are ex-offenders disproportionately poor, uneducated, and of color (Western 2006; Wacquant 2009), they tend to come from neighborhoods characterized by concentrated disadvantage, communities generally lacking in the most basic social services (Lynch and Sabol 2001; Travis et al. 2001; Clear et al. 2003). Previous research suggests, however, that if social services were made available to address many of the chronic problems that recidivists face, such as homelessness, substance abuse, and mental health issues, and in the process provide housing stability, decreased reliance on drugs and alcohol, and improved mental and physical health (Haines 1990; Couturier 1995; Harm and Phillips 2001; Ritchie 2001; Shapiro and Schwartz 2001; Travis et al. 2001; Sullivan et al. 2002), former prisoners' odds of successful reentry would be greatly improved (Kim et al. 1997; Freudenberg et al. 1998). To date, however, there are relatively few studies examining the effect of neighborhood resources on prisoner reentry, desistance, and recidivism, and so more research is needed to examine to what extent and how properties of the neighborhood make a difference.

Second, neighborhoods matter to the extent that they have collective efficacy, which Robert Sampson defines as "a sense of mutual trust and shared willingness to intervene for the common good" (Sampson 2002). Collective efficacy has been shown to have a direct or indirect effect on individual criminal involvement (Sampson et al. 1997; Sampson 2002). Neighborhood-level collective efficacy tends to develop in communities that have relatively high rates of informal and formal participation in community organizations and dense network of relations. Neighborhoods so composed and structured are more likely to put into place informal and formal social controls that keep residents' behavior in check and that facilitate collective mobilization to resolve collective problems when they arise. Because they already have in place mechanisms to monitor and control, communities that receive ex-offenders are

better positioned aid former prisoners in reentry (Sampson and Raudenbush 1997). But, as others have pointed out (Visser and Travis 2003; Harding et al. 2015), by cycling large numbers of men in and out of communities, jails, and prisons, the criminal justice system likely exacerbates the community's social disorganization by constantly destabilizing its population, weakening ties among residents, and creating barriers to effective means of informal social control.

State-Level Factors

Variations in recidivism rates and processes of desistance are at least in part explained by cross-state and locality differences in policies and practices. The Pew Research Center has identified three noteworthy differences in policies and practices (Pew 2011). First, the Pew researchers note that significant differences in recidivism rates can emerge if states vary in terms of the types of offenders they send to jail. States who send relatively low-risk offenders to jail or prison are likely to have lower recidivism rates because low-risk offenders are less likely to reoffend. On the other hand, states that primarily incarcerated high-risk offenders are likely to have higher recidivism rates, because such offenders are more likely to reoffend upon release. They point out that Oklahoma's low recidivism rate of 26.4% in 2004, the third lowest in the country, was in good part a function of their tendency to incarcerate low-risk offenders (likely not a good thing). Second, recidivism rates are informed by the average length of probation and parole terms. The longer one is mandated to remain under community supervision, the greater the opportunity to violate probation or parole terms, and so also the greater the odds of returning to prison because their parole or probation has been revoked. North Carolina, the researchers note, has among the lowest rates of revocation because their probation terms are relatively short--six to nine months. Third, rates of recidivism are contingent on how states respond to parole or probation violations. While some states, like Oregon, turn to reincarceration only after exhausting all other options, other states, like California, regularly punish violators by sending them back to jail or prison (Pew 2011).

States and municipalities also affect recidivism rates and processes of desistance by the extent to which and how they address the major barriers to reentry that offenders face--housing, employment, substance involvement, and mental health issues. Prisons can implement programs that help prisoners to develop job skills and cognitive skills, to achieve higher levels of education, and to address chronic issues, like substance abuse and mental health illnesses (Cullen and Gendreau 2000; Gaes et al. 1999; Wilson and Gallagher 2000; Inciardi et al. 1007; Steurer et al. 2001; Wilson and Gallagher 2000). Programming, however, has not kept pace with higher rates of incarceration. The result is that most prisoners are released without receiving the services they need to smooth their transitions (Travis 2001). For instance, despite the fact that there are many effective treatments for substance abuse and dependence (CASA 2010), relatively few federal, state, and jail inmates receive treatment after admission--between 16 and 21% (Karberg and James 2005); CASA (2010) reports even lower rates of in-prison treatment and suggest that the services received tend to be substandard. And so while federal, state, and local governments have spent over \$74 billion in 2005 on containment and community corrections for adults and juveniles with substance abuse and dependency issues, they spent only \$632 million to provide treatment services to address addiction. Similarly, participation in education and job training programs has declined significantly since 1991; supply has not kept pace with the rising rates of incarceration, and so overall participation rates have declined. And mental health services also lag far behind the need for it (CASA: 39). Of inmates with mental health problems, only 25% of federal inmates, 34% of state

inmates, and 18% of jail inmates received some type of treatment, and for most, the treatment offered was inadequate to address individuals issues (CASA: 50).

And while there is much that the state can do to facilitate former prisoners' reentry post-release, they do a lot to make matters worse. Although housing stability, finding work, and gaining access to much-needed social services is key to former prisoners' successful reintegration, access to stable housing, decent jobs, and evidence-based social services is often blocked. For instance, former prisoners often face restrictions on their ability to reside in public housing (Harrison 2001; CASA 2010). And access to quality programs that treat substance-involved, mentally-ill, and/or homeless ex-offenders is limited. Further, ex-offenders barriers to employment are by now well known. Not only have federal and state governments restricted ex-offenders' access to government employment, they have also enacted numerous provisions against extending licenses to ex-offenders for government-regulated, private occupations (Dale 1976; May 1995; Olivares et al 1996; Petersilia 2003; Bushway and Sweeten 2007). As a result, roughly 800 different occupations are formally off-limits to ex-felons (Bushway and Sweeten 2007). In Florida, 40% of jobs in large employment sectors were revealed to be off-limits (Mills 2008). Even for defendants, legal stigma forecloses access to some jobs while their cases remain open, and thus they are also vulnerable to sanction even before their cases are adjudicated and even if their cases are eventually dismissed (Kohler-Hausmann 2013). Thus, as a result of these penal interventions post-contact job seekers are compelled to expend much more effort to search for and find many fewer available positions of questionable quality.

Federal, state, and local governments can also reduce former prisoners' odds of successful reentry through the assessment of legal financial obligations, or monetary sanctions. The state determines the fines and fees that ex-offenders have to pay, which likely also has an impact of offenders' rates of recidivism, desistance, and reentry. The vast majority of probationers and parolees are required to abide by multiple conditions to remain free from further sanction (Travis and Petersilia 2001; Rainville and Reaves 2003; Siegel and Senna 2007), including the requirement to pay supervision fees, fines, court costs, and/or restitution to victims. According to Bonczar (1997), 84% of offenders were required to do so, and these obligations can be quite daunting. Amounts vary somewhat by state, but, as an example, analysis of data from Washington State revealed court assessments ranging from a minimum of \$500 (mandatory for all felony convictions) to a maximum of \$256,257; the median amount assessed per felon was \$5,254; the mean \$11,471 (Harris et al. 2010). Most simply could not afford to fulfill their obligations in the short term, and given the accumulation of interest on court-imposed sanctions, fulfillment over the long term is unlikely. Even small monthly payments could reduce take-home pay substantially—between 11-15%, according to Harris et al. (2010)—and would make it extremely difficult to meet other needs and obligations, such as buying groceries and paying rent.

And, importantly, these liabilities can lead to multiple exclusions--social, economic, and political. Harris and colleagues report, for instance, that 80% of their respondents found their legal debt obligations to be "unduly burdensome," and their heightened financial stress actually had the unintended consequence of *reducing* commitment to work. Despite the possibility that they might be sanctioned with jail time for nonpayment, some of their respondents chose not to work, relying on state benefits and/or crime instead to make ends meet. And as if this were not enough, legal debt can block individuals' access to a

driver's license, restrict access to the polls, create barriers to obtaining credit, and make child support payments difficult to maintain (Bannon et al. 2010).

Despite the many ways in which federal, state, and local governments have contributed to the recidivism problem, the recent past has seen noteworthy declines in some states' recidivism rates. For instance, between 2007 and 2010, the following states saw significant reductions: Colorado (-5.8%), Connecticut (-8.9%), Georgia (-10%), North Carolina (-19.3%), Pennsylvania (-7.1%), Rhode Island (-9.4%), South Carolina (-17.9%), and Wisconsin (-9.1%). They did so by adopting a combination of approaches, some of which previous research has found very effective at cutting rates of recidivism (CSG 2014). Key among these were the following efforts: 1) Adopting risk assessment tools to distinguish between offenders with low-, medium-, and high-risk of reoffending and need assessment tools to determine the best approaches needed to address individuals' needs; 2) they developed programs that have been shown to cut rates of recidivism; and 3) they implemented community supervision policies that have been shown to facilitate reintegration (Pew 2011; CSG 2014).

DOMINANT THEORIES OF RECIDIVISM, DESISTANCE, AND REENTRY

Various theories have been developed to make sense of recidivism, processes of desistance, and prisoner reentry, with particular attention paid to those who are frequent and serious criminal offenders, since "low-rate offending is normative" and thus not worth studying (Sampson and Laub 1993; Laub and Sampson 2001; Visher and Travis 2003). Many theories, however, can largely be discounted since, given what we now know about predictors of recidivism and desistance, they offer limited insight. For instance, while offering some useful insights, maturation, developmental, and rational choice accounts fail to account for important aspects of recidivism and processes of desistance and reentry. The Glueck's (1974) maturation account explains desistance by highlighting the natural processes of maturation that produce individuals' physical and mental changes that, over time, reduce the odds of recidivism. To the extent that offenders continue to reoffend, it is because they are not yet mature enough to stop. Although there are many versions of the developmental perspective, what unites them is the idea that desistance is the natural and inevitable byproduct of the stages of human development, of their evolution over time. Gove (1985), for instance, points to biological and psychological factors that he argues are central to understanding desistance (1985). And the main idea of the rational choice framework of desistance is that offenders' decision to disengage from criminal activity is the result of ongoing efforts to assess the costs and benefits of their behaviors. While each of these perspectives rightly identifies individual traits, including physical, biological, and psychological attributes, as important factors affecting who recidivates and when recidivism and desistance happen, they neglect the important social and structural factors that inform the onset, continuation, and cessation of crime, in some cases arguing that desistance cannot be attributed to factors external to individual-level attributes, including environmental transformations and institutional involvement. This neglect represents at least one of the major drawbacks of these perspectives.

According to the life-course perspective, however, the onset, continuation, and cessation of crime operate at multiple levels--in individual motivations and actions, in situational contexts, and in the structural influences that are linked to important institutions. Combined, these factors help to explain both continuity and change in individuals' criminal behavior over time. Specifically, from a life course

perspective, the strength of social bonds and mechanisms of informal social control affect whether or to what extent individuals participate in crime. Changes in criminal behavior are due to changes in informal social control or social bonds. Variations in informal social control or social bonds result from salient life events, some predictable--work, marriage, and military, which can strengthen social bonds and reinforce mechanisms of informal social control; others random, which depending on what they are can either strengthen or weaken social bonds and informal mechanisms of social control; and still others resulting from "macro-level exogenous shocks largely beyond the pale of individual choice, including war, depression, natural disasters, revolutions, plant closings," (Laub and Sampson 2001: 44) and the like, which can be highly disruptive of social bonds and mechanisms of informal social control.

These changes, or disruptions, in the strength of individuals' social bonds and the mechanisms by which they are informally socially controlled have a cascading effect, shaping the stages or components of the desistance process in the following ways. According to Laub and Sampson (2001), they lead to turning points, "moments of problematic experience that illuminates personal character" (Laub and Sampson 2001: 49; see also Laub and Sampson 1993). With the beginnings of change in the way they see themselves, offenders begin to withdraw from people and environments linked to their past behavior and identities, often with life scripts for constructing a noncriminal future (Maruna and Roy 2007). They then develop new commitments and establish daily routines, typically related to their roles in the family and at work, that both structure and provide meaning to their lives. By creating or deepening the social bonds related to their new lives, they also embed themselves in systems of informal social control, thus reinforcing their commitment to desistance. In the process, they deepen as well a new sense of self and a new identity, becoming husbands, fathers, workers and the like. Thus, from a life course perspective, while notions of individual development are important and inform each stage of the desistance process, life events rooted in social and structural contexts are critical for explaining stability and change in individuals' criminal behaviors over time. The life course perspective, then, is probably one of the most useful frameworks for explaining the onset, continuation, and cessation of individuals' criminal behaviors. In what follows, I draw from insights of the life course perspective to make sense of the patterns of outcomes resulting from pretrial detention and diversion, the front-end of criminal case processing.

PRETRIAL DETENTION AND DIVERSION

Recent research has produced some interesting, and even paradoxical, findings for which we have little true insight. For instance, a recent study researchers examined the effect of pretrial detention--detention of defendants before their cases have been adjudicated--on the odds of committing a new crime both in the short-term (before case disposition) and the long-term (12 and 24 months after case disposition). They also examined the effect of pretrial detention length on new criminal activity. Using administrative data of all defendants arrested and booked into Kentucky's 84 jails in 2009-2010, a sample of 153,407 records reaching final disposition.

The results were nothing short of astonishing. Detaining low- to moderate-risk defendants for any longer than 24 hours dramatically increased the odds that they would commit a new criminal offense, both while awaiting trial and 12 to 18 months after case disposition (Lowenkamp et al. 2013; LJAF

2013).⁷ For example, low-risk offenders (at least 53% of the records in the sample) who were held in jail for 2-3 days had odds of pre-trial offending that were 40% greater than if they had been released within 24 hours. And the longer defendants remained in jail awaiting trial, the greater the odds of short- and long-term criminal offending. Relative to those released on bail or their own recognizance, those held for 8-14 days had 51% greater odds of committing a new crime two years after case disposition (Lowenkamp et al. 2013; LJAF 2013).

Meanwhile, a growing body of research indicates that pretrial diversion programs can dramatically reduce rates of recidivism among defendants who have a high risk of reoffending in good part because of mental health, substance-involvement, and housing instability. The goal of these voluntary programs, an alternative to other forms of sanction, most notably incarceration, is to reduce rates of recidivism by determining what factors underlie offenders' criminal behavior (substance abuse, for instance) and by addressing these issues with targeted services (treatment) (NAPSA 2008, 2009, 2010; Ulrich 2002). Given their charge, targeted for assistance are those low-level offenders who are most likely to recidivate because of treatable issues. If participants complete these voluntary programs, their charges can be dismissed (NAPSA 2008).

There have been few recent studies of the effects of diversion programs on recidivism (citations?), and most studies now focus on how various elements of diversion programs impact rates of recidivism and other criminal justice outcomes. But those that have been conducted clearly show positive outcomes. Participants of diversion programs are less likely than similar others to be incarcerated one year after their original offense (Broner et al. 2005), possibly because of the effects these programs have on offenders substance use and mental health (Broner et al. 2005; see also Mire et al. 2007). Thus far, however, limited research attention has been focused on why pretrial detention and diversion programs are associated with these outcomes. Drawing from the life course perspective, I suggest ways that the front end of criminal case processing might be related to future criminal involvement. In so doing I make the assumption, as many do, that the factors that shape rates of recidivism are the reverse of factors that inform desistance.

Pretrial Detention. If it is the case that most low-risk offenders would abstain from future criminal involvement if it were not for spending two or more days in jail, incarceration either directly or indirectly triggers a turning point, a problematic experience that sets in motion a series of changes leading to the continuation (or onset) of new crime. What we know of the experience of pretrial detention thus far suggests a number of possibilities. Turning points might be related to perceptions around the fairness of being jailed pretrial at all, perceptions that might affect defendant's overall views about the fairness of a system that has acted unfairly toward them and others like them. Others have written extensively about procedural justice (Tyler and Huo 2002); concerns about perceived injustice in procedures leading to incarceration might bring about a changed or hardened disposition toward the criminal justice system and an unwillingness to abide by the rules or laws of that system.

⁷ Pretrial detention is also one of the strongest predictors of being convicted, receiving a jail or prison sentence, and receiving longer sentences of incarceration (Williams 2003; Lowenkamp et al. 2013; Oleson et al. 2014a; Oleson et al. 2014b)

Turning points might also be related to the effects of being incarcerated pretrial. Recent media reports suggest that pretrial detention can have devastating effects on the lives of those held, especially those who are held because they are too poor to make bail. These reports indicate that because of pretrial detention, defendants have lost their jobs, been evicted from their homes, had their cars repossessed for nonpayment, lost custody of their children, and have had to interrupt efforts to achieve higher levels of education (or had insurmountable barriers erected). In some cases defendants or their loved ones have lost their lives as a direct or indirect result of pretrial detention (Dewan 2015; Pinto 2015). Any and all of these consequences of pretrial detention can weaken social bonds to family as their ability to fulfill conventional family roles diminishes; to work, as their ability to find work or keep the jobs they already hold wither; and to community, as their ability to participate in community life as respectable residents wanes. And these weakening bonds can also weaken the mechanisms of informal social control that otherwise would have reduced the odds of offending or recidivism. They “knife off” from the more law-abiding friends and family members, establishing new networks of relations more consistent with their new perspective, adopting new routines that align with their new goals, and embracing a sense of self, a new identity, that conforms to all of this. Thus, from a life course perspective, we would want to know about the ways in which and how incarceration destabilized social bonds and weakened mechanisms of informal social control, how these turning points informed defendants’ sense of themselves and sense of identity, how it shaped the structure and composition of their network or relations, and how their daily routines were structured to be consistent with their emerging sense of self, one now aligned with criminality.

Pretrial Diversion. I imagine that the process that leads to future criminal involvement after pretrial detention among low-risk offenders/defendants is the reverse of the process that leads to desistance after pretrial diversion among defendants at high risk for recidivism. Some turning point, marked by the negative encounter, leads to participation in diversion programs. Not only do these programs offer new scripts for ways that defendants might begin to think about themselves and their futures, they provide new ways that defendants might structure their lives and create new daily routines in support of the new direction they would like to take. It also provides them with opportunities to meet like-minded others, those who can offer emotional support and encouragement as defendants struggle to address their chronic issues. Some diversion programs also attempt to include family members and close friends in the process of rehabilitation. Thus, whereas pretrial detention perhaps gives defendants the sense that they are on their own and made to defend themselves against a vengeful society, pretrial diversion program participants are made to feel that society is rooting for them to do better, to be better. Instead of exclusion or seclusion, they might experience something more along the lines of inclusion and integration. Whereas pretrial detention destabilizes social bonds, pretrial diversion helps to create stability by offering opportunities to reestablish old bonds and create new ones, each offering emotional and instrumental support. Whereas pretrial detention weakens mechanisms of informal social control, pretrial diversion has the potential to recreate these and strengthen them where possible. Whereas pretrial detention erects barriers to defendants’ efforts to access material resources through legitimate means like work, pretrial diversion provides greater access to these all-important, critical material resources, thus facilitating their transition to communities and efforts at reintegration.

Despite the tremendous growth of research on recidivism and desistance, we have much to learn about the factors that shape recidivism and the processes of desistance and prisoner reentry. Of particular importance and relevance now is the role that front end criminal case processing plays. Given research on the importance of pretrial detention and diversion in shaping these trajectories, far more attention needs to be devoted to better understanding what it is about these experiences that seems to fundamentally alter how offenders criminally behave in the short- and long-term.

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