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# Inmate's Right to Rehabilitation during Incarceration: A Critical Analysis of the United States Correctional System

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## Abstract

*Following recent studies into the U.S. Correctional System, it was revealed that more than 2 million men and women are incarcerated in the United States. This significantly high prison population percentage has made the United States the only country with the highest incarceration rate in the world. Studies further show that the incarceration rate continues to rise because many released prisoners would return for violating parole terms or committing new crimes. Therefore, this paper argues that these are the results of the lack of an inmate's absolute right to rehabilitation, which would prepare inmates for release. Granting such right to prisoners would compel the U.S. Correctional System to focus on rehabilitating inmates and ensure that prisoners are ready to overcome the barriers to reentry.*

Keywords: Incarceration, U.S. Correctional System, Inmate Right, Rehabilitation.

## Introduction

For the past several years, the incarceration rate in America has rapidly risen to immeasurable proportions. The latest recording of the overall population of incarcerated men and women, housed in U.S. federal and state correctional facilities, was said to be over 2 million. With such an astronomical population of inmates, America became labeled as the only country with the highest and rapidly rising incarceration rate in the world.

This continuous rise of America's prison population is commonly attributed to the U.S. Correctional system's failure to *correct* inmates. The Correctional system, instead, continues to strictly focus on an extremely punitive approach, which has made inmates into more dangerous criminals. Correspondingly, a study by Durose, Cooper, and Snyder (2014) revealed that majority of America's prison population have little to no educational and/or occupational experiences, suffer from different forms of mental disorders, and have a variety of additional health-related problems (i.e., drug addiction) (Baer, et al., 2006; Durose, Cooper, & Snyder, 2014). Furthermore, as thousands of these inmates are released each year, America's correctional problems continue to intensify because it refuses to incorporate rehabilitation into its prison operations. Thus, these violent and mentally ill

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inmates become more dangerous because of the hostile prison environments they experience during imprisonment (Baer, et al., 2006; Petersilia, 2011; Durose et al., 2014).

For this reason, the lack of rehabilitative efforts within the U.S. Correctional system, as means to *correct* inmates, has led to the high recidivism rates for released offenders. Most importantly, the correctional system's continuous failure to correct inmates, especially when they have experienced the adverse prison environments, increases the possibilities that released inmates will return to prison for violating parole terms or for engaging in new crimes. This unceasing cycle of criminal patterns, as revealed in various studies, not only affects prisoners, but also the safety of their families, communities, and the entire nation (Gideon & Sung, 2011). Identically, an inmate is often faced with barriers to a successful reintegration because the U.S. Correctional system did not prepare the inmate for reentry (Baer, et al., 2006; Palmer, 2010; Durose et al., 2014).

Similarly, as reported by the Bureau of Justice Statistics, over 50 percent of prisoners released each year will return within 6 months to 2 years of release (Durose et al., 2014). Thus, returning prisoners threatens the safety of society and have enormously contributed to the mass incarceration problem facing the American government today (Petersilia, 2011; Palmer, 2010).

In the overall essence of these findings and the overwhelming correctional problems that continue to threaten the safety of the American people, this paper will argue that inmates should have an absolute right to rehabilitation during incarceration. The philosophy behind this inmate right, as this paper will show, is necessary in order to constitutionally compel the U.S. Correctional system to incorporate rehabilitation as the primary focus of its correctional operations. Not only would this inmate right to rehabilitation lower recidivism rates by overcoming barriers to reintegration, but also enhance public safety and end mass incarceration. Nevertheless, there are current oppositions to such proposal, such as that held by the courts. Therefore, this paper will also cover those views and explicate the reasons for the courts to reevaluate such views (Baer, et al., 2006; Palmer, 2010; Gideon & Sung, 2011).

### **The Problem with the Increasing Recidivism Rate**

According to the *Data on Recidivism* report by the U.S. Bureau of Justice Statistics (BIJ), the recidivism rate in America has rapidly increased over the past several years (Durose et al., 2014). From its 5-year follow up report, BJS discovered that out of 404,638 prisoners released from U.S. prisons in 2005, 67.8 percent were re-arrested after 3 years of release. Furthermore, within 5 years of release, 76.6 percent of released state prisoners were re-arrested. BJS further revealed that 49.7 percent of arrests made within 3 years of release resulted in imprisonment for new crimes or violation of parole terms, and that percentage rose to 55.1 percent within 5 years of release (Durose et al., 2014). Additionally, the National Institute of Justice reported that re-arrested prisoners continue to form a large percentage of the overall arrest rate made each year in America (Petersilia, 2011). Thus, criminologists have concluded that the U.S. Correctional system's failure to *correct* prisoners has increased the number of innocent people becoming victims to released inmates (Petersilia, 2011; Durose et al., 2014).

Despite these preceding correctional problems, America's *Tough on Crime* approach continue to prevent the U.S. Correctional system from focusing on rehabilitating prisoners. This continuous punitive practice has led to the imprisonment of over two

million men and women housed in prisons and jails across America (Durose et al., 2014). Therefore, with these increasing confinement rates, the United States was deemed the only developed country with an incarceration rate that transcends the growing rate of its general population (Palmer, 2010; Gideon & Sung, 2011).

Consequently, when a correctional system's failure to correct its prisoners threatens the safety and welfare of society, changes should be made. Is there a solution to this growing incarceration problem? Can it be fixed? Yes. Granting inmates an absolute right to rehabilitation during incarceration is the most viable solution to America's correctional problems (Baer, et al., 2006; Palmer, 2010).

### **Opposing Views to an Inmate's Right to Rehabilitation**

Despondently, the push for an absolute right to rehabilitation for inmates is not without obstacles. Despite the various studies linking rehabilitation to increased public safety and lower recidivism, the U.S. Correctional system has not adopted rehabilitation as the core of correctional operations. Furthermore, courts have continued to refrain from recognizing and granting inmates an absolute right to rehabilitation programs during incarceration (Palmer, 2010). For example, in the *Padgett v. Stein* case, the court concluded that inmates do not have a right to rehabilitation and government entities are not constitutionally compelled to rehabilitate inmates (Palmer, 2010). As further explicated by Palmer (2011), the court held that:

...Whether penal institutions should undertake to rehabilitate prisoners at all – in view of the serious questions which exist with respect in the effectiveness of rehabilitation programs – a social policy question which should be resolved by the representative branches of government—i.e., the legislative and executive branches – and not by the courts (p. 222).

From the court's *Padgett* decision, one can conclude that the court certainly disagrees that inmates should have an absolute right to rehabilitation programs. The courts, nevertheless, believes this decision should be left to the other branches of government (Palmer, 2010). Furthermore, even after the passage of subsequent court cases arguing that inmates should have a right to rehabilitation, the courts have never fully recognized such right. However, the courts have made rulings that lean towards rehabilitation in prisons without entirely granting it as an inmate right. For example, in the *James v. Wallace* case, the courts held that a prison facility's operations should not hinder on rehabilitative opportunities for prisoners. Uniformly, it is unconstitutional for prison facilities to prevent prisoners from pursuing self-rehabilitation (Palmer, 2010).

Conversely, from the *Albert v. Sherriff of Harris County Texas* case, the court's ruling was more precise than its *James* decision. The court instructed the administrators of the Harris County Jail in Texas to promote rehabilitation for prisoners by providing inmates with rehabilitation programs focusing of occupational-related trainings (Palmer, 2010). Interestingly, although the courts have made similar rulings in subsequent court cases where correctional facilities were ordered to provide rehabilitative programs for prisoners, the courts continue to assert that prisoners do not have an absolute right to rehabilitation during incarceration (Palmer, 2010).

Regrettably, despite the link between rehabilitation and lower recidivism rates, these court rulings show that the courts will not grant inmates an absolute right to rehabilitation programs. Nonetheless, from a different side of the spectrum, advocates of the inmates' right to rehabilitation suggested that the courts should reconsider because it is the most

effective way to reform a correctional system. Advocates further argued that granting inmates an absolute right to rehabilitation compels the U.S. Correctional system to concentrate more on rehabilitative efforts. As a matter of fact, the philosophy behind the rehabilitative approach in corrections focuses on the ideology of *correcting* inmates before they are released from prisons (Baer, et al., 2006; Palmer, 2010; Gideon & Sung, 2011).

### **Why a Right to Rehabilitation Programs?**

Rehabilitation, as a correctional focus, is noteworthy because studies have discovered that rehabilitating inmates is significantly linked to lower recidivism rates (Milkman & Wanberg, 2007). Inmates that have been rehabilitated during incarceration were reported to reintegrate and adopt crime free lives upon release. This successful reintegration is possible because the entire process of rehabilitation encompasses a variety of methods to correct, reeducate, and restore an inmate's defective thought processes and behaviors (Gideon & Sung, 2011). When coupled with the promising Cognitive-Behavioral Therapy, which will later be discussed below, rehabilitation programs for incarcerated inmates can effectively lower the likelihood that inmates would re-offend and return to prisons (Milkman & Wanberg, 2007; Palmer, 2010; Gideon & Sung, 2011).

In fact, rehabilitated inmates that have undergone cognitive-behavioral programs were known to be law-abiding citizens upon their release from correctional facilities (Gideon & Sung, 2011). Furthermore, as indicated by Palmer (2010), the American Correctional Association has declared that a prison system's resilient focus on rehabilitation of inmates is the only way to efficiently honor its duty to shielding society from crimes (Milkman & Wanberg, 2007; Palmer, 2010; Gideon & Sung, 2011).

Most importantly, a rehabilitative approach should be implemented in corrections with a strong focus on the point of an inmate's entry and exit from rehabilitation programs (Gideon & Sung, 2011). As noted in a juvenile inmates study by Altschuler and Bilchik (2014), there are three overlapping stages to a successful reintegration and reentry: 1) The immediate point of admission into the facility; 2) the transitioning from prison settings and reintegration into community; 3) Remaining in the community. These 3 overlapping phases represents the most effective rehabilitative plan for all inmates in that rehabilitation should begin once the inmate enters prisons and should continue until the inmate is successfully reintegrated within the community (Altschuler & Bilchik, 2014). This ensures that rehabilitative services are available outside of prisons to prevent relapses due to stress factors (Gideon & Sung, 2011; Altschuler & Bilchik, 2014).

Working along these same margins, Altschuler & Bilchik (2014) proclaims that it is vital to the success of an inmate's reintegration that rehabilitative programs are integrated into their daily prison routines and extended beyond incarceration. This allows cognitive-behavioral program administrators to support and assist released inmates with overcoming barriers to reentry (Altschuler & Bilchik, 2014). This concept can be further understood by examining the correctional system of Nordic countries (i.e., Norway, Denmark, Finland). As documented by Ward et al.(2013), Nordic prisons were successful in deterring future crimes through the implementation of rehabilitation programs in inmates' daily routines. As a result, Nordic countries have extremely lower recidivism rates when compared to the United States (Gideon & Sung, 2011; Ward et al., 2013; Altschuler & Bilchik, 2014).

## **Cognitive-Behavioral Therapy (CBT) in Rehabilitation Programs**

In a study by Milkman and Wanberg (2007), it was identified that rehabilitation in correctional facilities should center on the Cognitive-Behavioral Therapy (CBT) approach because it derives from two different, yet highly effective, focuses—Cognitive Theory and Behavioral Theory. The Behavioral Theory targets the “external behaviors” of inmates by teaching positive behaviorism to replace negative conducts. However, because the behavioral theory fails to target the “mental processes” of inmates, the cognitive theory is needed to target this area (Milkman & Wanberg, 2007). Thus, the transfusion of these promising theories was done to create a more powerful tool for prison rehabilitative programs (Milkman & Wanberg, 2007; Gideon & Sung, 2011).

Further studies revealed that cognitive-behavioral prison programs are effective in that inmates are taught to cultivate positive thinking processes as means to correct criminal behaviors (Gideon & Sung, 2011). Comparatively, scholars argue that this is a necessary rehabilitative approach because criminal activities all “begin with a thought”. Similarly, this process of correcting the mind in order to correct the behavior ensures that inmates are taught to adhere to laws of society to ensure harmonious living (Milkman & Wanberg, 2007; Gideon & Sung, 2011).

In conjunction to these findings, Milkman and Wanberg (2007) stated that the effectiveness of CBT programs in a prison setting is revealed in numerous inmate studies. These studies revealed that states implementing cognitive-behavioral programs have shown a rapid decline in recidivism rates (Gideon & Sung, 2011). Furthermore, Pearson, Lipton, Cleland, and Yee (2002) declared that a meta-analysis that was conducted on 69 cognitive-behavioral studies revealed that cognitive-behavioral prison programs were extremely successful in lowering recidivism rates. Other meta-analyses done on similar studies uncovered the same results—CBT programs can effectively lower recidivism rates by changing an inmate’s negative thoughts that often leads to criminal activities (Pearson, Lipton, Cleland, & Yee, 2002; Milkman & Wanberg, 2007).

Conclusively, although America’s correctional system has not fully embraced the shift towards rehabilitation through the implementation of cognitive-behavioral programs, some state correctional systems have extensively used the following CBT programs to rehabilitate their prisoners: (Milkman & Wanberg, 2007; Gideon & Sung, 2011).

*Aggression Replacement Training (ART):* ART was initially developed to help juvenile delinquents control their violent and aggressive behaviors. It was stated in one study that juveniles participating in ART were reported to have a 46 percent drop in re-offense rate when compared to their re-offense rate before participating in ART. Another study revealed lower recidivism rates for ART participants within months of release (Milkman & Wanberg, 2007). With the effectiveness of ART in lowering recidivism within the juvenile justice system, the program was implemented in some adult correctional facilities and was proven successful (Milkman & Wanberg, 2007).

*Criminal Conduct and Substance Abuse Treatment: Strategies for Self-Improvement and Change (SSC):* The SSC program was developed to provide thorough cognitive-behavioral treatments for substance abusers. With treatments over a period of 9 months to a year, studies have shown lower recidivism rates with treated offenders. Additionally, about 80 percent of SSC clients reported being able to control their drug addictions and have refrained from criminal misconducts (Milkman & Wanberg, 2007).

*Thinking for a Change (T4C):* As the most widely used CBT program, T4C implements a series of approaches that aims to target cognitive processes in order to help offenders

develop problem solving and collective skills (cognitive restructuring)(Milkman & Wanberg, 2007). Similarly, as revealed in a quasi-experimental evaluation by Lowenkamp, Hubbard, Makarios, and Latessa (2009), inmates that were exposed to T4C had a tremendously lower recidivism rate, by 25%, when compared to inmates that were not part of the program. Another study showed that offenders that completed T4C had a 33 percent lower recidivism rate when compared to the untreated group of inmates (Milkman & Wanberg, 2007; Lowenkamp, Hubbard, Makarios, & Latessa, 2009).

Consequently, the studies on these already-implemented CBT programs support the argument that rehabilitative programs, that incorporate CBT, are effective in ensuring that inmates remain crime-free. It is undeniably the most viable solution that can also counter the following barriers to a successful reintegration (Milkman & Wanberg, 2007; Lowenkamp, Hubbard, Makarios, & Latessa, 2009).

### **Common Barriers to Reintegration— Rehabilitation as a Solution:**

Inmates released from federal and state correctional facilities return to prisons because the correctional system has failed in rehabilitating and preparing them to deal with barriers to reintegration and reentry. Baer, et al., (2006) and Gideon & Sung (2011) have analyzed these impediments and have identified the three major barriers to reintegration: 1) Challenges for released mentally ill inmates; 2) Challenges of reconnecting with children/families; and 3) Challenges of acquiring & maintaining stable employment. Most essentially, these barriers would remain unless the U.S. Correctional system reforms its punitive policies governing prisons and jails.

With that rehabilitative principle in mind, Milkman and Wanberg (2007) emphasized that rehabilitation programs can effectively counter these common barriers if the following CBT elements are embraced: *Mental Health Treatments*, *Family Engagement*; *Education and Vocational training*; *Reentry and Reintegration Planning*; and *Employment and Opportunity Placements*, to name a few (Milkman & Wanberg, 2007; Gideon & Sung 2011).

### ***Mentally ill inmates and Rehabilitation***

According to a report released by the Bureau of Justice Statistics, majority of the overall prison population in America suffers from mental disorders that have landed them into the prison system (James & Glaze, 2006). These mental disorders include schizophrenia, post-traumatic stress disorder, depression, and drug addictions, to name a few (James & Glaze, 2006; "Mental Illness in Prison", 2009).

As they enter prison settings with their mental disorders, the hostile prison environment exacerbates their health conditions and they become prone to violent and aggressive behaviors that would violate prison rules ("Mental Illness in Prison", 2009). Thus, mentally ill inmates are often subjected to disciplinary hearings that would result in longer sentences or placement in "solitary confinement" ("Mental Illness in Prison", 2009). This deterioration of inmates' mental disorders continues to occur because the correctional system offers no mental health treatments for rehabilitative purposes, especially during isolation in segregation cells. More shockingly, this lack of rehabilitative treatments would make suicide horrifyingly predominant among mentally ill inmates ("Mental Illness in Prison", 2009; Baer, et al., 2006; Gideon & Sung, 2011).

Therefore, from an objective position, it is clear that mentally ill inmates react destructively in harsh prison environments because of the lack of rehabilitative programs

and adequate mental health treatments (Gideon & Sung, 2011). For this reason, they continue to remain in prison and are often released being more dangerous than before, which predisposes them to re-offending ("Mental Illness in Prison", 2009). They are also prone to victimizing innocent citizens of society (Baer, et al., 2006; Gideon & Sung, 2011).

In contrast, although some jurisdictions offer treatments for inmates in their correctional facilities, these treated inmates only account for a small percentage of over a million untreated inmates suffering from different mental disorders. For example, according to Malik-Kane (2005), a study of prisoners in Illinois revealed that from a total of 30 percent of inmates with mental health issues, only 12 percent received treatment during incarceration. In one prison in Ohio, more than half of its prison population suffered from depression. Nevertheless, only 38 percent were reported to receive treatments during incarceration. Subsequently, only 14 percent of asthmatic inmates, out of 27 percent, received treatments during incarceration in the same Ohio correctional facility (Malik-Kane, 2005; Baer, et al., 2006; Palmer, 2010).

Unfortunately, Hammett, Robert & Kennedy (2001) stated that the few inmates that receive medications or treatments for their mental disorders in prisons would face challenges acquiring these similar treatments upon release. This is due to the lack of rehabilitative programs that could offer treatments in prison and, later, transition inmates into treatment facilities out in the community (Hammet, Roberts, & Kennedy, 2001; Palmer, 2010).

In light of these studies on mentally ill inmates, the claim that inmates should have an absolute right to rehabilitation programs is solidified because it is the most effective approach when dealing with this specific group of inmates. Rehabilitating mentally ill inmates in prisons through cognitive-behavioral treatment programs will lower their probabilities of re-offending or violating parole terms of release. Without these cognitive-behavioral programs and an inmate's right of access to these programs, the correctional system would not have a *constitutional duty* to rehabilitate mentally ill inmates that are negatively affected by incarceration. Thus, mentally ill inmates exit prisons becoming more dangerous individuals, which would threaten public safety. As further studies have shown, the lack of rehabilitative treatments in prisons would increase the probability that mentally ill inmates will have a difficult reintegration and reentry, which would ultimately lead them back into prison for new crimes. Correspondingly, the United Nation's International standards emphasize the importance of comprehensive rehabilitative strategies because studies show that it is effective in treating mentally ill inmates. Thus, would ultimately develop more successful reintegration, reentry, and reduce recidivism rates for these prisoners (Hammet, Roberts, & Kennedy, 2001; Daniel, 2007; Milkman & Wanberg, 2007; "Mental Illness in Prison", 2009; "Handbook for prison leaders", 2010; Gideon & Sung, 2011).

### ***Challenges of Reconnecting with Children & Families***

In a recidivism study by Naser & Visser (2007), it was revealed that a prisoner's reconnection with loved ones or with an intimate partner was one of the major challenges to a successful reintegration. This phase of reintegrating back into their families is important because a healthy relationship with loved ones is linked to lower recidivism. However, due to incarceration and the lack of interaction between inmates and their families, released prisoners often experience high stress levels that would lead them to re-

offend. For example, sociologists have found that an adjustment of roles within the family is one problem inmates face when they return home. This adjustment is necessary because family members have been attuned to a life without the incarcerated loved one. Nevertheless, this adjustment often instills a feeling of being unimportant or unwanted for an inmate during reintegration. It has also driven many inmates towards re-offending and returning to prison for new crimes. For example, they would commonly victimize a family member for feeling un-welcomed by that member of the family (Baer, et al., 2006; Naser & Visser, 2007; Gideon & Sung, 2011).

For this reason, it is justifiable to conclude that there is an immediate need for prison rehabilitative programs that foster *Family Engagement* and *Healthy Interaction with inmates and their loved ones* (Milkman & Wanberg, 2007). This rehabilitative program is essential in prison settings in that it encourages family visitations and involvement in an incarcerated loved one's life. This engagement would also foster a strong support system for the inmate, which studies have shown to significantly influence an inmate to be a law-abiding citizen. As many studies on inmates and families have indicated, family involvement in a prisoner's life during incarceration can determine the success, or failure, of that prisoner's reintegration (Flavin & Rosenthal, 2002). This is possible because the support from an inmate's family is the strongest support system in his/her journey to become crime-free. Moreover, it instills a sense of hope in prisoners that they are still loved and worth helping, which motivates them to change for the better (Milkman & Wanberg, 2007; Naser & Visser, 2007; Gideon & Sung, 2011).

Similarly, Flavin & Rosenthal (2002) have declared that rehabilitative programs that foster strong relationships between incarcerated individuals and their families can ensure that inmates have the support needed to successful reintegration. These rehabilitative programs can accomplish this by incorporating family-related activities, like "Family Picnic Days" or "Family Field Days", into inmates' rehabilitation plans during incarceration (Baer, et al., 2006). This would develop strong and healthy family bonds that Baer et al., (2006) emphasized to be linked to lower recidivism. Alternatively, drug abusers that have interacted with their families during incarceration have been able to abstain from relapses and from committing new crimes upon release. Therefore, these findings evidently prove that rehabilitative family engagement prison programs are effective in rehabilitating a wide spectrum of inmate cases. Conversely, since the U.S. Correctional system refuses to incorporate rehabilitation, an inmate's absolute right to rehabilitation is the only way to motivate that change in corrections (Flavin & Rosenthal, 2002; Baer, et al., 2006; Gideon & Sung, 2011).

### ***Challenges of Securing Stable Employment for Financial Stability***

According to the *Returning Home* project, funded by the Urban Institute Prisoner Reentry Research Program, seeking and maintaining stable employment is another major challenge facing inmates today (Baer, et al., 2006). In fact, it is one of the most critical aspects of the entire reintegration process because studies show that stable employment can significantly lower recidivism (Gideon & Sung, 2011). Inmates that have participated in the *Returning Home* project recounted that stable employment enabled them to be financially secure and prevented them from criminal activities, such as distribution of drugs for income. However, because majority of inmates exit the prison system with no educational or vocational experiences, the unemployment rate of former inmates has



quickly increased and so has the recidivism rate (Baer et al., 2006). This challenge becomes extremely difficult to overcome because the U.S. correctional system is not constitutionally compelled to provide these needed programs. As supported by Gideon and Sung (2011), the acquiring and maintaining of stable employment is significantly linked to lower recidivism (Rossman & Roman, 2003; Baer et al., 2006; Gideon & Sung, 2011).

Similarly, a study by Koo (2016) has revealed that correctional education is one of the major contributors to lower recidivism rates among released offenders today. This is possible because inmates participating in prison education programs are taught a variety of educational skills in order to earn high school diplomas (or equivalent certificates). Upon exiting prison, an inmate's educational skills and achievements can enhance the likelihood that he or she would secure employment (Koo, 2016). Identically, these findings are evident in a research funded by the U.S. Department of Justice, which concluded that correctional education reduces the possibility of recidivism for released offenders (Koo, 2016).

Correspondingly, a study on correctional education in eight states showed that the recidivism rate for inmates in correctional education programs was dropped from "49 percent to 20 percent" (Koo, 2016). Similarly, Esperian (2010) reported a 6.7 percent recidivism rate for incarcerated mothers that have earned a GED, which was lower than the 26 percent rate of those that were not exposed to the programs. Comparatively, Esperian (2010) further noted that female prisoners that have undergone vocational trainings observed a low recidivism rate of 8.7 percent (Esperian, 2010; Koo, 2016).

For these reasons, granting inmates the right to rehabilitation programs ensures that the correctional system establishes *Correctional Education, Employment Trainings & Placement* programs, which would offer educational and vocational trainings for inmates during incarceration (Baer, et al., 2006). These programs would also offer employment placement services that assist inmates with seeking and maintaining employment during incarceration as well as upon release (Rossman & Roman, 2003; Gideon & Sung, 2011)

As equally important, part of the core functions of these prison employment programs would be to assign case managers to inmates in order to provide better assistance, such as: 1) recommending effective in-prison educational and vocational training based on an inmate's field of interest; 2) develop a comprehensive reentry plan for an inmate that includes participation in reentry rehabilitation programs; and 3) securing employment during reentry (Gideon & Sung, 2011). This use of case managers was supported in a research by Baer et al., (2006), which stated that inmates have reported higher levels of securing "full-time and long-time" employments when compared to inmates that have not received the help and assistance of case managers (Rossman & Roman, 2003; Baer et al., 2006).

In summation of these facts, one can conclude that the link between rehabilitative programs, which focuses on employment-related emphases and lower recidivism, demonstrates the essentiality of this approach. Nevertheless, criminologists believe that the true significance of such rehabilitative programs derives from the many barriers that vocational rehabilitation and job-training programs can overcome (Milkman & Wanberg, 2007). These include, but not limited to, financial stability, acquiring stable housing, basic necessities, and adequate healthcare services. For a released prisoner, being able secure employment and make a stable income is the most important determinant of lower re-

offending rates and higher levels of successful reentries (Baer, et al., 2006; Gideon & Sung, 2011).

### **Inmate Right to Rehabilitation in Today's Courts**

Despite the common belief that an inmate's right to rehabilitation is not protected under the U.S. Constitution, proponents suggested that the courts could draw from certain constitutional amendments to establish this right. More precisely, the courts can cite the Eighth Amendment and the Fourteenth Amendment to create an implicit Right to Rehabilitation during incarceration (Rotman, 1987; Quigley & Godchaux, 2015; Gardner, 2016).

From the Eighth Amendment, the *Cruel and Unusual Punishment* clause enables the development of the right to rehabilitation because of the deteriorating effects of the hostile prison environments (Rotman, 1987; Gardner, 2016). Advocates of the right believe that the legal punishment of prisoners is equated to the deprivation of their freedom. All additional negative consequences imposed by deprivation are excessive and cruel (Rotman, 1987; Ford, 2006; Quigley & Godchaux, 2015; Gardner, 2016).

As a matter of fact, a study by Henderson (2015) has uncovered a variety of these negative consequences, which includes dejection, self-mutilation, declining physical development, and hallucinations, to name a few. Therefore, the Eighth Amendment becomes the primary constitutional right that could establish the Right to Rehabilitation, which can counter the cruel consequences that are inflicted by incarceration (Rotman, 1987; Gardner, 2016). Further, the foundation created by the Eighth Amendment for the Right to Rehabilitation enhances public safety by assuring that inmates are reeducated before release (Henderson, 2015; Quigley & Godchaux, 2015).

Equally, coupling the Eighth Amendment with the *Equal Protection* clause of the Fourteenth Amendment would ensure that all prisoners receive adequate rehabilitative services (Ford, 2006; Gardner, 2016). Proponents believe that the Fourteenth Amendment solidifies this inmate right by restructuring prison operations. This reformed correctional path would make certain that correctional policies do not impinge on this important inmate right (Ford, 2006). As criminal justice experts noted, the Equal Protection clause for this right would focus on the protection of inmates and the treatments they receive from governments (Ford, 2006; Gardner, 2016). Experts further asserted that the clause places the burden of proof upon governments to demonstrate that governmental interests that impinge on this inmate right are legitimate (Rotman, 1987; Ford, 2006; Quigley & Godchaux, 2015; Gardner, 2016).

Given these points, it is apparent that an inmate's Right to Rehabilitation is grounded in the Eighth and Fourteenth Amendment. For this reason, the courts can cite both constitutional rights to create a zone that can implicitly establish an inmate's Right to Rehabilitation (Ford, 2006; Gardner, 2016). In addition, criminal justice experts believe that this right, when established, will be one of the most fundamental rights for inmates because it will change the course of all correctional operations in America's future (Rotman, 1987; Ford, 2006; Quigley & Godchaux, 2015; Gardner, 2016).

### Conclusion: So What?

Ultimately, implementing Rehabilitation in America's correctional system is the most effective method of *correcting* inmates. This is an essential reformation step because majority of the two million prisoners incarcerated in America enter prisons without any educational or vocational skills and suffer from different mental disorders. Interestingly, these prisoners are incarcerated by a correctional system that has no intention of rehabilitating and correcting their criminal behaviors. Instead, prisoners are caged in hostile prison environments that have made them into more dangerous criminals and exacerbated their mental disorders. As a result, thousands of these extremely dangerous prisoners are released each year and more than half will return to prisons for either a parole violation or for committing new crimes. Thus, numerous studies have concluded that the U.S. Correctional system's failure to *correct* released inmates has endangered the lives of many innocent Americans and increased the overall recidivism rate (Palmer, 2010; Gideon & Sung, 2011; Durose et al., 2014).

For this reason, as the organization of the above-mentioned scientific evidences have proven, integrating rehabilitation programs into correctional operations would solve these problems. However, because the U.S. Correctional system refuses to rehabilitate inmates because it is not constitutionally compelled to do so, the U.S. Supreme Court's involvement is necessary. The U.S. Supreme Court should make a definitive ruling to establish an inmate's fundamental right to rehabilitation during incarceration. This is undeniably the most efficient way to influence a rehabilitative shift within the U.S. Correctional system. This would also ensure that offenders, entering the U.S. Correctional system, would receive an absolute promise that the correctional system would do all that it can to guarantee that these inmates are rehabilitated and corrected before release. Equally, Justice Warren Burger had this same rehabilitative philosophy in his mind when he powerfully stated, "*We must accept the reality that to confine offenders behind walls without trying to change them is an expensive folly with short-term benefits - winning the battles while losing the war. It is wrong. It is expensive. It is stupid*" (Palmer, 2010; Gideon & Sung, 2011).

Consequently, in the overall essence of these findings, the development and implementation of an effective rehabilitation system within U.S. correctional facilities would have positive impressions on the future of America. Not only would it be beneficial to the current prison population, but also to future generations that have not yet been infected by crime. Correspondingly, the American society would have more confidence knowing that if the unborn generations of Americans ever commit crimes that would lead them to prisons, they would have greater chances of being rehabilitated before release. Most importantly, with a lower overall recidivism rate, less people in prisons, and enhanced public safety, the future state governments can ultimately divert funds into developing programs that focus on preventing crimes—targeting crime at the source (Palmer, 2010; Gideon & Sung, 2011).

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