

**Matasha L.  
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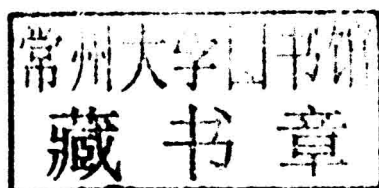
# RETURNING HOME

**Intimate Partner Violence  
and Reentry**

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## Intimate Partner Violence and Reentry

Matasha L. Harris



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# Introduction

## BACKGROUND

Mass incarceration of prisoners has inadvertently affected many of the nation's communities; this phenomenon has especially affected the African American community (Mauer, 2011; Hairston & Oliver, 2006). Prisoner populations in the United States are disproportionately black (Glaze & Herberman, 2013), with an overwhelming majority of person incarcerated being young men. As of 2012, an estimated 2.3 million inmates were incarcerated in state and federal prisons and local jails across the United States. Of that number, 1.6 million were serving time in state and federal prisons; African American men and women had the highest rate of imprisonment of any demographic group. African American males had an imprisonment rate that was nearly 6 times that of white non-Hispanic males (Carson & Golinelli, 2013). In some respects, the female inmate population mirrors the male inmate population. African American women were incarcerated at a rate 2.5 times that of white non-Hispanic females (Carson & Sabol, 2012). According to Richie (2012, 2001), the ethnic profile of women in prison represents one of the most vivid examples of racial disparity in our society. By far, the majority of women who are incarcerated in this country are women of color, mainly black and brown women (Carson & Golinelli, 2013).

These statistics place reentry to the community into sharp focus, especially for African American communities. Here prisoner reentry has a disparate impact because many African American communities struggle with persistent poverty, chronic unemployment, high crime rates, and fragile family relations. Hundreds of thousands of African American men and women are returning to their communities from incarceration, in large part without adequate support. In most cases,

these are the same economically disadvantaged communities where intimate partner violence (IPV) is more severe and occurs most often (Hairston & Oliver, 2006).

Many prisoners report a history of violence against their intimate partners (White, 2002). Despite this well-documented fact only two published studies (Hairston & Oliver, 2006; Bobbitt, Campbell, & Tate, 2006) have addressed the relationship between prisoner reentry and intimate partner violence. Hairston and Oliver's (2006) study examined the experiences of intimate partner conflict between incarcerated and formerly incarcerated African American men and their wives or girlfriends. A series of focus groups were conducted wherein women participants widely agreed that the experience of imprisonment negatively influences men's behavior as husbands and fathers after their release. For example, exposure to the informal social world of prison culture influenced the incarcerated man's attitude and behavior toward women in such a way that men felt their female partners were obligated to remain unquestionably faithful to them to the extreme. Male participants in the focus groups commonly reported that they were aware of incarcerated men who try to control their intimate partners while inside prison and most consider violence to be an appropriate response to infidelity.

Hairston and Oliver's (2006) study also revealed several sources of conflict that focus group participants believed are likely to lead a man to resort to acts of violence against his intimate partner after he returns home from prison. These sources include rumors of infidelity, economic pressure arising from a sense of lack of household authority, displaced anger about being in prison, the recall of unfulfilled promises, and their partners using supervision of parole as a threat. Male participants also believed violence against women was often justified in order to gain control in the relationship.

Bobbitt, Campbell, and Tate (2006) argue that failure to address intimate partner violence during prisoner reentry can place victims of domestic violence in continued danger and increase formerly incarcerated individual's risk of returning to prison. Their research included roundtable discussions with domestic violence advocates, corrections administrators, staff, and input from African American men and women with first-hand experience of domestic violence and reentry. Several key practices and challenges were identified, including institutional resistance to addressing domestic violence, ways to



involve intimate partners, and the value of cultural competence and programming that considers race. Participants also expressed a need for training and ongoing dialogue between criminal justice staff and domestic violence advocates, frequently noting the value of including the perspectives of former victims.

Although intimate partner violence has been identified as an issue for formerly incarcerated individuals during reentry, the majority of attempts to address reentry problems have focused on the other competing challenges that incarcerated men and women commonly encounter. It is well documented that various key resources such as housing, employment, education, and health care are critical factors in post-incarceration success (Taylor-Greene, Polzer, & Lavin-Loucks, 2006; Petersilia, 2004; Richie, 2001; Rose & Clear, 2001; Travis, 2005). Another major challenge that many formerly incarcerated individuals encounter is negotiating social relationships, especially with intimate partners following periods of incarceration. Intimate partner violence can be physical, sexual, emotional, economical, or psychological actions or threats of actions that are detrimental to another person. IPV includes any behavior that intimidates, manipulates, humiliates, isolates, frightens, terrorizes, coerces, threatens, blames, hurts, or physically injures someone (United States Department of Justice, 2012). Little attention, however, has been given to the issue of reentry and IPV by scholars.

For many African American men and women during reentry, IPV frequently becomes a major issue. The majority of men and women released from prison remain under correctional supervision. Engaging in intimate partner violence, especially physical abuse, is a violation of probation conditions and parole supervision. Intimate partner violence during reentry, therefore, has the potential to exacerbate the difficulties and challenges experienced by many African American men and women, further complicating reintegration efforts. Consequently, their inability to adjust and reintegrate successfully into the community can increase their likelihood of recidivating and returning to prison. National recidivism statistics suggests that two-thirds (68%) of released inmates are rearrested within three years, and three-quarters (77%) are rearrested within five years (USDOJ, 2014). Many will return to prison for new crimes or parole violations. Previous literature has examined the correlates of recidivism. These studies document that minority

offenders who are young and male are more likely to recidivate than any other demographic group (USDOJ, 2014; Spohn & Holleran, 2002; Benedict et al., 1998; Hepburn & Albonetti, 1994).

This cycle of incarceration and reentry into society carries potential for profound and adverse consequences for African American men and women and the communities to which they return. Yet, there is little scholarship in this area, particularly concerning the specific causes, effects, and implications of intimate partner violence in the lives of black men and women returning to their communities from prison. A deeper understanding of how race, gender, and class shape men's and women's experiences of IPV during reentry is needed in order to provide plausible solutions to improve their reentry outcome, lessen their risk of recidivating, and reduce their chances of becoming a victim. This research addresses this regrettable gap in our knowledge.

### Theoretical Framework

The theoretical orientations of restorative justice, critical race theory, and critical race feminism inform this research. These theoretical frames seek to address different dimensions of persistent social inequalities within our society. Collectively, these three theories assist with understanding the ways in which race, gender, and class intersect to structure African American men's and women's experiences of IPV during reentry, and help provide plausible recommendations for addressing this issue. Restorative justice strategies that consider the insights of critical race theory and critical race feminism have the potential to give voice to marginalized groups such as formerly incarcerated African American men and women. The intersection of these three theoretical frames is utilized to help explain the meaning, nature, and challenges of formerly incarcerated African American men's and women's experiences during reentry.

### Restorative Justice

Restorative approaches to crime have a long history, dating back thousands of years to the Babylonian Code of Hammurabi (c. 1700 B.C.) which prescribed restitution as a sanction for property offenses. The Sumerian Code of Ur-Nammi (c. 2060 B.C.) also required restitution for offenses of violence (Wilkinson, 1997). Convicted

thieves were ordered to pay double the value of stolen goods, as dictated by the Roman Law of the Twelve Tables (449 B.C.). Germanic tribal laws proclaimed by King Clovis (496 A.D.) called for restitution sanctions for both violent and nonviolent offenses, while the Laws of Ethelbert (c. 600 A.D.) included detailed restitution schedules (Wilkinson, 1997). A decisive move away from restorative justice came with the Norman Conquest of much of Europe at the end of the Dark Ages (Van Ness, 1986; Weitekamp, 1998; Wilkinson, 1997). A shift in paradigm occurred whereby crime was no longer perceived as injurious to persons, but rather viewed as an offense against the state, transferring crime into a felony against the King instead of a wrong caused to another person (Braithwaite, 2002). Restitution, a component of restorative justice, is a monetary payment by the offender to the victim for the harm reasonably resulting from the offense (Galaway & Hudson, 1990). In essence, the shift in paradigm signified that restitution was no longer the prescribed sanction. Thereby, restorative justice, restoring the harm that has been caused as a result of a crime, was no longer considered a personal wrongdoing.

The failure of the punitive justice model, excessive use of incarceration, the alienation of victims, and lack of response to their needs generated widespread support for a renewed interest in restorative justice (Braithwaite, 2002; Bazemore, 1999; Clear, 2006). Interest in restorative justice for individual wrongdoing was rekindled in the West by the establishment of an experimental victim-offender reconciliation program in 1974 in Kitchener, Ontario (Peachey, 1989). Restorative justice has been more clearly integrated into criminological thinking as a result of such works as Braithwaite (1989), Zehr (1985, 1995), Umbreit (1985, 1994), and Van Ness (1986). As a consequence of such work, restorative justice became the emerging social movement for criminal justice reform of the 1990s (Daly & Immarigeon, 1998). The restorative justice movement recognized the existence of many situations in which victims and offenders are connected by their life circumstances.

Restorative justice is a philosophy that holds that it is often possible to align the needs of offenders, victims, and the involved community through appropriate forms of interaction and social structures. It is a response to crime that emphasizes healing the wounds of victims, offenders, and communities revealed by criminal behavior

(Hanser, 2010). Core values of restorative justice focus on healing rather than hurting, moral learning, community participation and community caring, respectful dialogue, and the healing power of forgiveness and earned redemption (Nicholl, 1995). Restorative justice involves a way of thinking about crime and its aftermath that asks: Who has been harmed? What are their needs? Whose obligations are these? (Hanser, 2010) Restorative justice shifts the attention toward offenders, victims, and communities with hopes of “restoring” all parties involved.

Restorative justice seeks to restore the offender, victim, and the community to its state of functioning prior to the criminal act, often involving numerous persons in the community in the social reintegration of the offender. By bringing together victims, offenders, families, and key stakeholders in a variety of settings, restorative justice seeks to help offenders understand the implications of their actions and provides an opportunity for them to become reconnected to the community. Thus, restorative justice considers the victims, communities, and the offender as the key participants in the justice process (Hanser, 2010). Three key ideas support restorative justice: (1) victims and community have both been affected and restoration is necessary; (2) offenders’ obligation is to make amends with both the victim and the community; and, (3) healing needs to occur for victims as well as offenders (Zehr & Mika, 1998). Both parties are equally important in the healing process to avoid recidivism if possible and restore a sense of safety for the victims.

Restorative justice seeks to provide help for the offender in order to avoid further offenses. In doing so, offenders are encouraged to take responsibility for their actions to repair the harm they have done (Braithwaite, 2002). Restorative justice aims to have a positive impact on offenders by confronting them with the adverse consequences of their actions and clarifying their responsibilities, giving them the opportunity to repair the damage caused to the victim and have them work on finding a solution to their problems (Umbriet, 1994; Fattah, 1998). The most influential text of the restorative justice tradition has been that of Nils Christies’ (1977), which defined the problem of criminal justice institutions as “stealing conflicts.” The advocates of restorative justice consider crime and wrongdoings to be an offense against an individual and community rather than the State. Alternatively stated, crime is a violation of people and social

relationships (Zehr, 1998). As a result, restorative justice involves direct participation of victims and offenders, and prioritizes active involvement of the community. Communities are viewed as direct and indirect victims of crime; therefore, communities are viewed as responsible stakeholders in the ongoing maintenance of social norms.

### Critical Race Theory

In developing an understanding of the importance of race in restorative justice, this research draws largely upon the theoretical framework of critical race theory. There are several basic insights associated with critical race theory. One insight instrumental to this study is that "racism is ordinary, not aberrational, normal science, the usual way society does business, the common, everyday experience of most people of color in this country" (Delgado & Stefancic, 2001, p. 7). In other words, structural racial inequalities are not aberrant, but rather the natural order of things. Critical race theory attempts to redress persistent, ongoing social inequalities by studying and transforming the relationship among race, racism, and power (Delgado & Stephanic, 2001) to advance a social justice framework.

Critical race theory draws upon paradigms of intersectionality. Recognizing that race and racism work with and through gender, ethnicity, class, sexuality and/or nation as systems of power, contemporary critical race theory often relies upon and investigates these intersections (Hill-Collins, 2000). Critical race theory examines the many forms of historical and contemporary oppression faced by African Americans. In essence, critical race theory provides a rich foundation for understanding the ways in which race intersects with other forms of social oppression to structure African American men's and women's experiences during the post-incarceration reentry process. The experiential knowledge of African Americans is appropriate, legitimate, and an integral part to analyzing and understanding racial inequality (Delgado & Stefancic, 2001). Critical race theory contends that the perspectives of the oppressed individual or group must be better understood by the larger society. The use of personal narratives contributes to our appreciation of the centrality of African American men's and women's experiences by illuminating their experiences of racial oppression. These stories and the personal narratives associated

with them give a voice to a marginalized group which, in many ways has been silenced.

### Critical Race Feminism

In developing an understanding of the importance of gender in restorative justice, this research draws largely upon the theoretical framework of critical race feminism (CRF). Critical race feminism helps explain the importance of gender during the reentry process. Much of the current reentry literature overgeneralizes men's experiences, which often reflects the virtual invisibility of women in the field of criminology and criminal justice (O'Brien, 2001; Richie, 2001). Mainstream criminology has been criticized for its lack of attention to women and gender (Britton, 2000; Daly & Chesney-Lind, 1988; Smart, 1976). The reentry experience of women remains largely understudied and poorly documented.

Rooted in critical legal studies, critical race feminism began as a movement with the law and society arena and eventually spread to include other disciplines. As with critical race theory, CRF views racism as ordinary, not aberrational, and uses narratives to construct alternative visions of the reality. Critical race feminism focuses on the oppressed status of women within society (Wing, 1997) and acknowledges that women face systemic inequalities under American institutional structures (Wing, 2003; Allen, 1997; Crenshaw, 1989). Critical race feminism provides insight into the relationship between power and the construction of social roles, as well as the unseen, largely invisible collection of patterns and habits that make up patriarchy and other types of social domination (Delgado & Stefancic, 2001).

Critical race feminism places African American women at the center rather than in the margins or footnotes of analysis (Crenshaw, 1989). While attacking the notion of the essential woman, (based on white middle class women's experience), CRF explores the lives of those facing multiple discrimination on the basis of their race, gender, and class position in society. In doing so, the ways in which race, gender, and class manifest as inequality in society are revealed (Harris, 1990). Critical race feminism seeks to explore and celebrate the differences and diversity among women of color (Matusda, 1992). In reference to violence against women, CRF focuses on the gendered and

racialized aspects of such violence, with hopes of developing effective solutions to help women of color.

### Integration of Theories

Restorative justice, critical race theory, and critical race feminism are utilized to facilitate a better understanding of the complexities of reentry and IPV for formerly incarcerated African American men and women. Due to the qualitative nature of this work, the intention is not to position men's and women's experiences within a particular theory, but rather to utilize the aforementioned theories as a backdrop for understanding their experiences. Collectively, these theories give meaning to and contextualize men's and women's experiences of IPV during reentry.

### Outline of the Book

This book is divided into five chapters and features an appendix section. *Chapter One: Setting the Stage*, begins with a comprehensive overview of the issues of reentry and IPV. Next a discussion of prisoner reentry and the challenges formerly incarcerated men and women encounter is discussed. Afterwards, a discussion of intimate partner violence is given. A discussion of the three main restorative justice initiatives follows. Finally, an examination of why restorative justice is essential and must be considered when attempting to understand the complexities of reentry and IPV for African American men and women is provided.

*Chapter Two: The Process*, begins with a discussion of the methodological framework, which includes the core dimensions of intersectionality and comparative analysis. The field research methods and data collection processes employed are then discussed in considerable detail. The chapter concludes with a discussion of grounded theory as a means of structuring the data analysis carried out in this study.

*Chapter Three: Inside Look From the Outside*, begins with an overview of the staff members included in the research. Next, a discussion of the major challenges and issues of reentry as identified by staff members is provided. Also included is a discussion of staff

members' perspectives on how race, gender, and class all combine to shape African American men's and women's frequent experiences of intimate partner violence during reentry. The chapter concludes with a discussion of organizational barriers in addressing the needs of the formerly incarcerated men and women affected by the mass incarceration phenomenon.

*Chapter Four: More Than a Number: Unveiling the Mask*, begins with an analysis of the intake data that provides a general profile of the men and women who sought services through the Fortune Society from January 2008 to September 2011. Afterwards, a profile of participants' demographics, educational attainment, employment, criminal history, and housing arrangements are discussed. A brief biographical sketch of each participant is also given.

*Chapter Five: Violence and Reentry: Their Story*, begins with an overview of the organization of data. Secondly, the major challenges and issues encountered by African American men and women during reentry are discussed. In doing so, themes that emerged from each of the cases are described in considerable detail. Themes are presented and accompanied by rich quotes representing participants' experiences and perspectives. Lastly, a comparative analysis of the men's and women's experiences is given.

*Reflections*, the last chapter, provides a summary overview of the study, the principal findings, theoretical implications, and contribution to the literature. A number of suggestions for future research in this area are set forth as a stimulant to additional study and scholarship in this important area of Criminal Justice research.



# Setting the Stage

## INTRODUCTION

Several scholars have highlighted the challenges of formerly incarcerated African Americans during reentry (Taylor-Greene et al., 2006; Petersilia, 2004; Richie, 2001; Rose & Clear, 2001; Travis, 2005). A major challenge that many encounter is negotiating social relationships, especially with intimate partners following periods of incarceration. Oftentimes during the reentry process the problem of intimate partner violence (IPV) becomes an issue for men and women who seek to restore their lives. Despite the commonplace nature of this problem, there is little scholarship in this area, particularly concerning the specific causes, effects, and implications of intimate partner violence in the lives of black men and women returning to their communities from prison.

Specifically, this research compares African American men's and women's experiences of intimate partner violence during the reentry process. This study explores the ways in which race, gender, and class intersect to structure their experiences during reentry. By comparing the experiences of African American men and women during reentry, this study provides an understanding of gender differences and the role that intimate partner violence plays in shaping those differences.

## PRISONER REENTRY AND IPV

Many prisoners report a history of violence against their intimate partners (White, 2002), however only two studies (Hairston & Oliver, 2006; Bobbitt, Campbell, & Tate, 2006) have addressed the relationship between prisoner reentry and intimate partner violence. Although both of these important studies focused on issues of intimate