

2020

## Recidivism in the U.S. Criminal and Military Justice Systems

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# Walden University

College of Social and Behavioral Sciences

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Dameian J. Cooper

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Walden University  
2020

Abstract

Recidivism in the U.S. Criminal and Military Justice Systems

by

Dameian J. Cooper

MA, American Military University, 2015

BS, Columbia Southern University, 2012

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Criminal Justice

Walden University

August 2020

## Abstract

The purpose of the U.S. criminal and military justice systems is to deliver justice for all and protect public safety. However, “tough on crime” legislation has contributed to mass incarceration and high rates of recidivism. The purpose of this qualitative study was to understand which justice system (criminal or military) is more effective in reducing recidivism. This research study was conducted under the theoretical lens of the deterrence theory, which is based on the idea that the threat of punishment will deter people from committing crimes and being rearrested. The research design was qualitative; several data sources were used such as interviews, questionnaires, focus groups, and archival data. Common themes and characteristics were identified in the NVivo software program and provided a foundation for the analysis of the data. The findings of the study were that incarceration and tough on crime legislation do not deter crime or reduce recidivism in the civilian justice system and disparities exist in adjudication and punishment in the military justice system. Additionally, gender, ethnic, and racial disparities were identified in both the military and criminal justice systems. The military justice system was more effective in reducing recidivism due to procedures outlined in the Uniform Code of Military Justice and punishment based on the recommendations of the commanding officer. More transparency regarding crimes committed and the maintenance of comprehensive data for all branches are recommended. These changes along with a holistic approach to rehabilitation may be used by criminal justice administrations to deter crime and prevent recidivism.

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## Dedication

I would like to dedicate my family and close friends who supported me during my doctoral journey. I would like to thank my amazing partner in crime for her support and countless encouragement. I would like to thank my children for their patience and support when my time and attention were focused on completing my doctoral coursework and dissertation. I am thankful to many people who encouraged me to stay focused and never give up on my dreams.

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## Chapter 1: Introduction to the Study

In this qualitative study, I considered the impact of deterrence on recidivism in the U.S. criminal justice system compared to the U.S. military justice system. Secondary data were collected on ex-offenders. Justice officers in the military and criminal justice system provided insight on their experiences working with ex-offenders in the justice system. Incarceration has been seen as an effective way to deter crime and reduce the likelihood of recidivism (Bronson, 2015). Stemen (2017) argued that an increase in incarceration rates has a small impact on crime rates. Deterrence and “tough on crime” legislation were supposed to decrease the recidivism rates; however, it had the opposite effect. Deterrence is the idea that crime effects the threat of punishment (NIJ, 2016). Recidivism refers to criminal acts that result in rearrest, reconviction or return to prison (NIJ, n.d.). The U.S. Sentencing Commission’s (2016) reported that over an eight-year follow-up period that about 49.3% of federal offenders were rearrested for a new crime or violated their probation. Justice involved veterans are a vulnerable population in the criminal justice system because of their extensive medical, mental health and substance abuse treatment needs (Finlay et al., 2019). The aim of this study is to add to a gap in literature on the deterrent effects of incarceration and “tough on crime” on ex-offenders and justice involved veterans. This study will contribute to positive social change because the data could provide insight on how to effectively address the challenges of veterans in the criminal or military justice systems. In Chapter 1, I will provide the background of the study, the problem statement, the purpose of the study, the research questions, the theoretical foundation, and the nature of the study, along with definitions of key terms

used in the study. Discussion of the assumptions, scope and delimitations, limitations, and significance of the study follow. The chapter concludes with a summary of key points.

### **Background**

Since the mid-1970s, the U.S. criminal justice system has shifted from a system based on rehabilitating prisoners to one based on using incarceration as a deterrent of criminal activity (Kirkpatrick, 2016). The most common form of punishment recommended by deterrence proponents has been incarceration. Traditionally, incarceration and sentencing systems have had a variety of goals including discouraging potential offenders from committing a crime, taking offenders off the street so they do not commit new crimes, rehabilitating offenders, and punishing offenders (Kirkpatrick, 2016). In recent years, the reliance on incarceration as the primary tool for the incapacitation of criminals and deterrence has increased (Kirkpatrick, 2016). In the United States, Congress and U.S. Department of Justice have implemented sentencing initiatives to enhance the deterrent effect of the criminal justice system. The effect of incarceration on recidivism has also become an important issue for those interested in public safety. Stiffer sentences have been called upon to combat criminal behavior especially for crimes committed by habitual offenders (Sentencing Project, 2019). As a result, tougher sentences for violent offenders have been enacted, which has led to high incarceration rates.

Recidivism information is key to the primary purpose of punishment, be it rehabilitation, incapacitation, or specific deterrence, which focuses on the prevention of

future crimes through correctional intervention (Tucker, 2017). In addition, information on recidivism is relevant in the formulation of sentencing policies. The “War on Drugs” led to increased imprisonment from felony drug offenders and increased tough on crime legislation (Tucker, 2017). Advocates of this legislation assumed that prison was more effective than rehabilitation efforts in deterring crimes (Mitchell, Cochran, Mears, & Bales, 2017). Mitchell et al. (2017) posited that tough on crime policy changes dramatically affected the criminal justice system and continue to influence how the United States punishes offenders.

The U.S. Sentencing Commission (2019) reported that recidivism rates differ according to the type of sentence imposed. For example, offenders who have shorter lengths of imprisonment have lower recidivism rates (U.S. Sentencing Commission, 2019). High recidivism rates are found among offenders with longer sentences. Over an 8-year period, almost half of federal offenders recidivated (U.S. Sentencing Commission, 2019). Tough on crime legislation and sentence length are therefore not effective in deterring crimes. According to the Sentencing Project, over 2.2 million individuals are in prisons and jails, and the U.S. prison population has increased by 500% over the past 40 years (Sentencing Project, 2019).

The effect of the high incarceration rate on recidivism has been a key question for policy makers. Specifically, the effect of time served on recidivism has been of great concern. Tough on crime legislation was supposed to deter crime and enhance public safety. However, the implementation of these policies has social and economic implications. The Sentencing Project (2019) examined recidivism and deterrence and



found that long sentences are counterproductive to public safety. Although the criminal justice system provides some deterrent effect, an essential question is whether incarceration and length of sentences have any effect on recidivism. In this study, I attempted to answer the question of whether tougher sentences have a deterrent effect and decrease the probability of recidivism in the military compared to the civilian justice system. I focused on male nonviolent and violent offenders in the military and criminal justice systems.

Over the past few decades, there has been a high prevalence of U.S. veterans incarcerated for criminal behavior (Finlay et al., 2019). Veterans are equally likely as civilians to enter jails and prison due to service-related mental health issues (Finlay et al., 2019). Richman (2018) stated that about half of justice-involved veterans have mental health or substance abuse issues. According to a study conducted by the U.S. Department of Veteran Affairs, veterans face challenges such as homelessness and reintegration into society. Additionally, justice-involved veterans are at higher risk for suicide. About 8% of people incarcerated in county and city jails and state and federal prisons in the United States are veterans of the U.S. military (Bronson et al., 2015). In 2015, the U.S. military sentenced 1,092 offenders to their correctional facilities, which is a 14% increase from 2013-2014 (Bronson et al., 2015). According to Bronson et al. (2015), the incarceration rate for veterans (855 per 100,000 veterans) is lower than the incarceration rate for nonveterans (968 per 100,000). The number of prior arrests for the majority of veterans is two or three times higher than that for civilians, the majority of whom have four or more prior arrests (Bronson, 2015). As a result, reducing recidivism among both civilians and

veterans has become a top priority for organizations such as the Bureau of Justice Statistics, the Substance Abuse and Mental Health Services Administration, and the Department of Veteran Affairs (Blonigen et al., 2016). A study of deterrence and recidivism will add to the existing literature on the effectiveness of incarceration and confinement in deterring crime and may show that existing criminal justice laws and policies need to be evaluated and improved.

### **Problem Statement**

Incarceration and confinement have not been effective in deterring crimes and reducing recidivism in the U.S. justice system. Over the past 40 years, federal and state incarceration rates have dramatically increased, and the U.S. prison population is five times greater than in the 1970s (Cunningham & Kang, 2018). In addition, the United States has the highest rate of incarceration in the world despite, or perhaps because of, harsher sentencing policies and punitive laws (Cunningham & Kang, 2018). These policies and laws have not reduced recidivism rates. A study conducted by the U.S. Sentencing Commission (2016) showed, for instance, that 68% of offenders are rearrested within three years and 77% within five years of release.

At different times, the primary goal of incarceration in the United States has been to discourage potential offenders from committing crimes, to punish offenders, to rehabilitate offenders, or to take dangerous offenders off the streets (Kirkpatrick, 2016). However, in recent years the focus of the U.S. criminal justice system has been on punishment and deterrence. The high incarceration and recidivism rates have been the focus of research on how the length of sentences affects recidivism. The empirical

literature on punishment and crime has largely focused on the deterrent effects of incarceration and sentence lengths (Roodman, 2017). Specifically, researchers have examined to what extent the threat of prison deters individuals from crimes. According to the National Institute of Justice (2016), increasing the severity of punishment does little to deter crime, and prisons may exacerbate recidivism. Additionally, the National Institute of Justice posited that prisons might be schools for learning to commit crimes. Although Roodman (2017) stated that prisons are *criminogenic* and may alienate people from society and cause psychological damage, most researchers assert that long prison sentences are more efficient in deterring future crimes (Doob, Webster, & Gartner, 2014). Scholars such as Saltmarsh (2015) have asserted that long prison terms set a high price for criminal behavior. Other researchers and policy makers, however, argue that long prison terms increase the rate of recidivism as prison breaks the supportive bonds in the community and exposes the offender to criminal networks and skills (Alper & Durose, 2019; U.S. Sentencing Commission, 2019). Given the contradicting empirical evidence, I sought to determine whether the time served by civilians and veterans impact recidivism differently.

### **Purpose of the Study**

The purpose of this qualitative study was to understand how tough sentences influence recidivism rates within the U.S. military versus the civilian justice systems. In this study, the civilian justice system is defined as the set of government processes and agencies established to control crime as well as impose penalties to those who break the law, while the military justice system is defined as the body of laws and procedures that

govern the Armed Forces. The civilian justice system is based on the U.S. Code whereas the military justice system is based on the Uniform Code of Military Justice (UCMJ). The primary purpose of the military justice system is to apply discipline for violations of the UCMJ. The military commander is tasked with enforcing good discipline and order. For this study, I assessed the length of sentences to determine the difference, if any, in the probability of recidivism of veterans versus civilian offenders and if the threat of confinement acted as a deterrent for committing crimes. This qualitative study was conducted to explore the experience, behavior, and attitudes of ex-offenders through the lens of correctional officers and military police. I wanted to determine the difference, if any, between the two justice systems as well as develop an understanding of the impact of deterrence and time served on recidivism.

### **Research Questions**

To explore the relationship between deterrence and recidivism in the military and civilian justice systems, I posed one central research question (RQ1) and two subquestions (RQs 2 and 3). The questions were as follows:

- RQ1. How does deterrence affect recidivism in the criminal justice system versus the military justice system?
- RQ2. What is the effect of time served in prison on recidivism rates of veterans?
- RQ3. What is the effect of time served in prison on recidivism rates of civilians?

I wanted to determine whether time served deterred recidivism for civilians and veterans and, if yes, which justice system is more effective in terms of decreasing the recidivism rate.

## Theoretical Framework

Deterrence theory, which is based on the work of Cesar Beccaria (Tomlinson, 2016), was the theoretical lens for this research study. According to Beccaria (1819), “it is not only the common interest of mankind that crimes should not be committed, but that crimes of every kind should be less frequent in proportion as they are destructive of public safety and happiness” (p. 15). The modern deterrence theory is based on the idea that individuals who commit crimes and are caught and punished will be deterred from future crime (Tomlinson, 2016). There is abundant empirical evidence that tough sentences deter crime. Friehe and Miceli (2018) explained that higher sanctions for crimes have been effective in lowering the crime rate. However, tough on crime sentencing has contributed to mass incarceration. The United States has the highest incarceration rate compared to other developed countries (Friehe & Miceli, 2018).

Saltmarsh (2015) posited that harsh prison terms deter former inmates from committing additional offenses in the future while holding offenders until they are or are likely to “age out” of the criminal life. Other scholars and policy makers argue that long prison sentences increase the rate of recidivism as prison breaks the supportive bonds of the community, as well as expose the offender to criminal networks and skills (Saltmarsh, 2015). Given contradicting empirical evidence, I sought to determine whether the time served by civilians and veterans impact recidivism differently. The deterrence theory will be explained in detail in Chapter 2. The deterrence theory was appropriate for this study because deterrence has been considered an effective way to prevent crime.

### **Nature of the Study**

I conducted a qualitative case study. According to Yin, “a case study should be used to explore the ‘essence’ of the phenomenon, promote collaboration between researchers and participants and enable participants to tell their stories” (as cited in Yazan, 2015, p. 138). The purpose of a case study is to answer how and why a phenomenon occurred in its real-life context (Yazan, 2015). The phenomenon that was investigated in this research study was whether time served and lengthy prison sentences deter crime and recidivism in the civilian and military U.S. justice systems. The setting of the study was military prisons and criminal justice facilities in the Southeastern United States. The focus of this study was a comparison of the effectiveness of deterrence in the U.S. criminal justice system versus the military justice system. In addition, the study focused on recidivism rates among ex-offenders using archival data from reports from the Bureau of Justice Statistics and National Criminal Justice Reference Service. Data were also collected from the Government Accountability Office (GAO) Report of Military Justice.

The sampling strategy was a purposive random sampling of correctional officers and military police. The selected sample included men and women with experience working with inmates in a civilian or military facility to ascertain if tough on crime legislation, sentence length, and incarceration were successful in deterring crime and reducing recidivism rates in the civilian justice system in contrast to the military justice system. Data sources included focus group interviews, one-on-one interviews, and questionnaires. I maintained collected data in the qualitative software program NVivo.

Transcripts, archival data, field notes, and observations were analyzed through word frequency to determine common themes and codes. I will provide an analysis of transcribed responses in Chapter 4.

### **Definitions**

*Criminal justice system:* In this study, the justice system of the U.S. federal government. The Constitution of the United States guarantees that every citizen has a right to a fair trial before a judge and a jury of one's peers (Whitehouse.gov, n.d.).

*Correctional officers:* People who oversee those who have been arrested and are awaiting trial or who have been sentenced to serve time (Bureau of Labor Statistics, n.d.).

*Deterrence:* The provision of swift, certain, and proportionate punishments to appropriately deter individuals from violating the law (Tomlinson, 2016).

*Felony:* An offense of graver character (e.g., a murder or burglary) than an offense called a misdemeanor (Bureau of Justice Statistics, n.d.).

*Incarceration:* A population of inmates confined in a prison, jail, or other facility due to punishment for a crime (Bureau of Justice Statistics, n.d.).

*Mass incarceration:* A disparate system of confinement, which adversely affects people of color (Prison Policy Institute, 2018).

*Military police officer:* A member of the U.S. Armed Forces who is responsible for protecting lives and property on military institutions (U.S. Army, n.d.).

*Military justice system:* The primary legal enforcement tool of the U.S. Armed Forces (Justia, n.d.).

*Offender:* A perpetrator of a crime (Bureau of Justice Statistics, n.d.).

*Recidivism*: A person's relapse into criminal behavior after a person receives sanctions for a previous crime (National Institute of Justice, n.d.).

*Rehabilitation*: The encouragement of prisoners to develop occupational skills and resolve psychological problems that might interfere with reintegration into society (American Psychological Association, n.d.).

*Sentencing*: Time served in confinement due to punishment for committing crimes (Bureau of Justice Statistics, n.d.).

*Tough on crime*: Harsh sentencing laws like mandatory minimums, combined with cutbacks in parole release, that are designed to keep people in prison for longer periods of time (Sentencing Project, 2019).

*The Uniform Code of Military Justice (UCMJ)*: The foundation of the U.S. military justice system, which outlines the penalties for crimes as well as procedural rights (Justia, n.d.).

*Veteran*: A person who participated in active military, naval, or air service and who was honorably discharged (Szymendera, 2016).

### **Assumptions**

Several assumptions were identified as part of this qualitative research study. The first and most important is that the researcher assumes that the data that will be collected from the participants will be truthful. The researcher used measures such as an audit trail, reflective journal, field notes, and member checking to verify the accuracy and integrity of the result. The second assumption is that the research will adhere to the ethical standards outlined in the *Belmont Report* and by Walden University's IRB. The *Belmont*



*Report* sets standards for research involving human subjects. According to the *Belmont Report*, researchers must follow the principles of respect of persons, beneficence, and justice (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979).

### **Scope and Delimitations**

This research study will contrast the effect of deterrence on recidivism in the criminal versus the military justice systems through the lens of the deterrence theory. The research will focus on non-veteran vs veteran ex-offenders because of prior research by the Department of Veterans Affairs identifying veterans as having a high risk for recidivism (Department of Veteran Affairs, 2018). The research study will also seek to determine if a difference exists in recidivism rates in the military versus the civilian justice systems.

From a theoretical perspective, other theories were considered for this research project such as rational choice theory. Wallace (2017) stated that rational choice theory is used in research to explain how an "actor" weighs the costs and benefits of their actions before engaging in deviant behavior. An offender chooses whether to commit a crime. However, external factors such as the inability to find a job and successfully reintegrate into society also contribute to recidivism (Wallace, 2017). The current research study analyzed how tough on crime policies and the length of sentencing affect felons in both the civilian and military justice systems and recommended policy changes, which would deter crime and reduce recidivism. The deterrence theory provided a foundation for criminology research from a sociological perspective.

The research was limited to correctional officers and military police in the Southeastern United States. All of the states in the Southeastern United States except for Alabama, Mississippi and Tennessee were part of this study on recidivism. According to the Bureau of Justice Statistics (2018), about 412,000 prisoners were released in 2005-2014 and a significant number were from the Southeastern part of the United States. An analysis of the prison population in these states provided a unique insight into prisoners' experiences with the justice system. Future research could be conducted on female offenders because females now represent the largest growing population in confinement (Sentencing Project, 2019).

### **Limitations**

There are possible limitations to this study. The researcher will ensure that they are reduced or minimized. The first limitation is that the qualitative approach is prone to biases originating from the researcher (Noble & Smith, 2015). Researcher bias could reduce by adherence to professional and ethical considerations and working within a research framework. This limitation also touches on the sampling technique (purposive sampling) and qualitative tools the researcher will use. The reliability and validity of the findings will be achieved by using multiple sources (focus group, one-to-one interviews, and questionnaires). Qualitative research trustworthiness can be achieved by triangulation. Noble and Heale (2019) stated that triangulation can enrich research because it offers multiple datasets to explain a phenomenon of interest.

### **Significance**

The research explored and compared how the civilian and military justice systems addressed recidivism and if harsh sentences were successful in deterring crime. This research filled a gap in knowledge about whether incarceration with lengthy sentences or rehabilitation more successfully deters violent offenders in the military versus the civilian justice system. The research also filled a gap in understanding the unique needs of justice-involved veterans, and how policies must be implemented which focus on treating mental health and substance abuse as part of their reintegration into society.

### **Summary**

The purpose of Chapter 1 was to introduce the research problem and focus. The first chapter contained the background, problem statement, the purpose of study, research questions, theoretical framework, nature of study, assumption, and limitations, scope and delimitations and significance. Chapter 2 will introduce existing research on deterrence and recidivism in the civilian and military justice systems, which identified a literature gap. The literature gap was addressed with the current research project.

## Chapter 2: Literature Review

In this qualitative research study, I examined the impact of deterrence on recidivism in the military versus justice systems of the United States. The populations of interest were ex-offenders and justice-involved veterans. Recidivism in the civilian system is primarily caused by an inability to secure employment and the stigma of serving time in prison (Bhuller, Dahl, Loken, & Mogstad, 2016). The military system has not been thoroughly analyzed by scholars due to confidentiality (GAO, 2019). However, GAO staff have authored many reports about the military justice system and how each branch of service approaches disciplinary and legal proceedings. A GAO (2019) report on military justice revealed that gender and racial disparities exist in the military justice system. According to the GAO, Blacks, Hispanics, and men were more likely than other groups to be tried in general and special courts-martial in all branches of service.

Recidivism among Post-9/11 veterans has increased over the past 5 years. The Department of Veterans Affairs (2018) explained that 9% of veterans who served in Iraq or Afghanistan have been arrested since returning to the United States. Veterans are at risk for committing crimes due to traumatic brain injuries, PTSD, mental illness, and substance abuse because of deployment in Iraq and Afghanistan (The Department of Veteran Affairs, 2018). In the current study, I sought to add to the existing body of literature on deterrence and recidivism by examining how the civilian and military justice systems administer justice for crimes. In Chapter 2, I address prior research on deterrence and recidivism, the literature gap, and why research on the military justice system is necessary.

### **Literature Search Strategy**

I searched for relevant literature from ProQuest and EBSCOhost databases such as SAGE Premier, Political Science Complete, ERIC, and ProQuest Criminal Justice. The search was limited to peer-reviewed scholarly journals using *deterrence, recidivism, military justice, incarceration, violent offenders, tough on crime, sentencing, and justice-involved veterans* as keywords. In addition, I used archival data from GAO, Bureau of Justice Statistics, and Veteran Affairs Administration. I examined additional articles after reviewing the reference sections from articles and dissertations I found in my searches. GAO reports and the UCMJ were used to analyze the military system. I stopped reviewing the literature when I found a sufficient number of articles to support my research topic and answer the research questions.

### **Theoretical Foundation**

To analyze the relationship between deterrence and recidivism, I used the deterrence theory. I discuss the theoretic propositions of the theory and have it has been previously applied in ways similar to this study.

### **Overview of Deterrence Theory**

The deterrence theory is based on Cesar Beccaria's work called *On Crimes and Punishments*. Beccaria (1819) explained that although it is in the common interest of humankind that crimes should not be committed, laws should be enacted to prevent crimes that are destructive to public safety and happiness. Jeremy Bentham added to Beccaria's views on crime and punishment. Bentham is credited with applying utilitarianism to understand criminal behavior (Tomlinson, 2016). Bentham is also

associated with the rational choice theory. Bentham argued that individuals make decisions based on what will please them. According to Bentham (as cited in Tomlinson, 2016), people will ultimately pursue their desires even by committing crimes. The deterrence theory is effective in analyzing criminal behavior because deterrence influences whether a person chooses to commit a crime.

### **Justification for Use of Deterrence Theory**

U.S. incarceration rates have increased by 500% in the past four decades. More punitive justice policies, particularly those related to drug offenses, have increased the U.S. prison population to 2.3 million (Cunningham & Kang, 2018). According to the Sentencing Project (2019), the United States incarcerates more people than any country in the world. Deterrence was seen by policy makers as an answer to decreasing the number of drugs on the streets. Policy makers contended that tough on crime legislation and the War on Drugs would deter crime. Cunningham and Kang (2018) found that the prison population increased more than 200% even though crime and arrest rates were constant or falling for over a decade. Bentham (as cited in Goffrier, 2014) stated that there are three principle ways to prevent crime. The three principles are to take away the physical power to violate the law, take away the desire to offend, or make the individual afraid of offending (Bentham, as cited in Goffrier, 2014).

The National Institute of Justice (2016) published a report about deterrence. According to the National Institute of Justice, report incarceration could be ineffective in deterring crime because criminals learn effective crime strategies from one another and become desensitized to the threat of future punishment. Goffrier (2014) posited that

specific deterrence is based on the assumption that the experience of punishment influences a person's decision to commit a crime in the future. However, recidivism rates tell a different story. According to the Bureau of Justice Statistics (2018), about five out of six prisoners in state facilities reoffend within 9 years of their release. The Bureau of Justice Statistics reported that 44% of prisoners reoffend during the first year. Tomlinson (2016) posited that the severity of punishment was expected to deter crime although tough on crime legislation and sentencing has produced the opposite effect. Tough on crime legislation has contributed to mass incarceration, racial and gender disparities in prison, and a rising prison population in the United States.

Many scholars have not studied deterrence in the military justice system. The UCMJ sets clear guidelines for punishment. There is no gray area. The commanding officer must determine if a service member committed the alleged offense and then punishment is imposed based on the rank of the accused and rank of the commanding officer. The punishment could include a reprimand, confinement on bread and water, correctional custody for 30 days, forfeiture of half of 1 month's pay for 2 months, reduction of one grade depending on rank, extra duties, or restriction to the base for no more than 60 days (Military, n.d.). Weber (2017) stated that "the purpose of the Uniform Code of Military Justice is to prohibit any conduct that is prejudicial to good order and discipline" (p. 126). The military justice system is supposed to deter crime and misconduct and administer justice fairly. However, Blacks, Hispanics, and men are more likely to face courts-martial than Whites and women. A GAO report on military justice showed racial and gender disparities to be consistent in all branches of service (GAO,

2018). GAO recommends that the Secretary of Defense and Joint Chiefs of Staff should consider how to apply discipline more effectively (GAO, 2018). Congress modified the UCMJ in 2015. Article 134 about the criminalization of conduct that is prejudicial to good order discipline has been amended. According to Weber (2017), “a disorderly undisciplined approach to good order and discipline will not suffice” (p. 179). Weber encouraged military commanders to consider what good order and discipline look like in the modern military. The deterrence theory was applicable to this study because of the importance of studying why criminals commit crimes and identifying effective ways to prevent them from offending and recidivating.

### **Other Theories Related to Criminal Justice and Public Policy**

The social justice and rational choice theories were possible theoretical lenses for this study. John Rawls created the social justice theory in 1971; in his book *The Theory of Justice*, he emphasized that justice could be realized through a well-ordered society. Rawls stated, “A society is well-ordered when it is not only designed to advance the good of its members but when it is effectively regulated by a public conception of justice” (p. 4). Rawls's theory could be applied to this study because a well-ordered society means that all members of society follow rules to protect public safety. Laws are created to maintain law and order. Deterrence is related to creating policies to ensure that crimes are not committed. The rational choice theory is about how people weigh the cost and benefits before making a decision. According to Hirschi (2017), “delinquent behavior, like conforming behavior, presupposes a pattern of social prelationships through, which motives; rationalizations, techniques, and rewards can be learned and maintained.” The



rational choice theory applies to this research project because it could increase understanding of why offenders recidivate.

### **Literature Review Related to Key Variables and/or Concepts**

The literature review will provide the rationale for this study. Previous and current literature was reviewed to determine a gap in the literature. A gap in the literature was found on the military justice system and justice-involved veterans in the civilian justice system. Prior literature revealed that there is a positive relationship between the length of sentencing and recidivism. A considerable amount of literature has investigated whether incarceration and sentence length affect recidivism. Scholars who conducted studies on the relationship between literature and time served have differing opinions. Some studies show a positive relationship between incarceration and recidivism. According to the National Institute of Justice (2016), incarceration does little to deter crime. The National Institute of Justice posited that incarceration could negatively influence recidivism rates because criminals gain knowledge about how to commit crimes. Kirkpatrick (2017) supported the idea that incarceration does deter crime. However, a negative impact is the increasing prison population due to tough on crime and harsh sentencing.

### **Incarceration**

The Bureau of Justice Statistics reported that the U.S. prison population has increased by 10% from 2007 to 2017. The current U.S. prison population is 2.3 million. Disparities exist in sentencing due to tough on crime legislation such as mandatory minimums due to the War on Drugs. African American males are imprisoned at a rate

twice the rate of Hispanic males and six times more than White males. Data collected from the U.S. Sentencing Commission and GAO Military Justice Report show similar trends in terms of racial disparities. The U.S. Sentencing Commission (2017) reported that there is a gap between sentence lengths of White and Black offenders. Black offenders receive longer sentences than White offenders who commit similar crimes. GAO's analysis of available data on the military justice system found racial and gender disparities exist in the military justice system. According to the GAO, report, Black, Hispanic and male service members were more likely to receive court-martials.

The U.S. tough on crime legislation has created mass incarceration. Mass incarceration refers to historically extreme rates of imprisonment among marginalized members of society such as Blacks and Hispanics. (Tucker, 2017). According to Wagner and Rabuy (2018), the American justice system holds more than 2.3 million people in 1,719 state prisons, 102 federal prison, 901 juvenile facilities, 3,163 local jails, and 76 Indian Country jails. Additionally, inmates are also held in military prisons, immigration detention facilities, civil commitment centers and prisons in U.S. territories. Most of the crimes committed are nonviolent. There are 1 million drug possession arrests each year. According to Tucker (2017), people of color are disproportionately represented those who are incarcerated, policed, and sentenced. The U.S. Sentencing Commission stated that Black offenders recidivate at the highest rates eight years after release. Travis, Western, and Redburn (2014) posited that incarceration has been successful in deterring crime, but has continued to marginalize people of color. As a result, people from the most disadvantaged segments of society continue to be imprisoned at higher rates.

Veterans are also an at-risk population. Many veterans offend because they have not received treatment for unresolved issues due to deployment in war zones. Justice involved veterans who have extensive medical, mental health and substance abuse problems. According to Finlay, Owens, Taylor, Nash, Carparest-Arest, Rosenthal, Blue-Howells, Clark and Timko (2019), the mortality risk of veterans who exit prison is 12 times higher than the general population. Finlay et al stated that veterans are a special population that comprises 8% of the prison population. An estimated 181,500 veterans are incarcerated in prison and jails. Traumatic experiences and PTSD contribute to criminal justice involvement.

Many jurisdictions are using veteran courts as alternatives to incarceration due to an increase in the number of justice-involved veterans returning from the Middle East. Veteran treatment courts (VTC) focus on rehabilitation and improving the quality of life for veterans. Veteran treatment courts have been effective and reducing recidivism. Tsai, Finlay, Flatley, Kaspro, and Clark (2018) noted that 20% of VTC received jail sanctions during the program. However, only 14% experienced new incarceration, which is lower than the 23-46% 1-year recidivism rate among U.S. prisoners (Tsai et al., 2018).

### **Recidivism**

Recidivism refers to the likelihood that an offender will re-offend over a period of years. Most data on recidivism is measured over a period of 3, 5 or 10 years. The U.S. Sentencing Commission (2018) measured the recidivism of federal offenders. The U.S. Sentencing Commission report revealed that a correlation exists between sentence length and recidivism. Offenders with shorter lengths of imprisonment had lower recidivism.

Conversely, offenders with longer sentences tended to have higher recidivism rates. The Bureau of Justice Statistics (2018) reported that an estimated 68% of released prisoners were arrested within 3 years, 79% in 6 years and 83% within 9 years. The GAO report on the Military Justice System did not include any data about recidivism. Empirical data on recidivism among justice-involved veterans is also limited. A paucity in the literature exists on recidivism in the military justice system and recidivism among justice-involved veterans. This study will address a gap in understanding the factors that contribute to recidivism among veterans.

### **Effects of Incarceration on Recidivism**

Incarceration is not the only option when punishing people for committing crimes. Some offenders are assigned to halfway houses, probation and other options within the community such as home arrest. Electronic monitoring is one alternative. The primary purpose of electronic monitoring was to offer sanctions that reincorporate offenders into the community, treat offenders, and, to some extent, punish and deter offenders from future criminal behavior. Electronic monitoring can be viewed as a deterrent for prospective criminals. Eisenberg (2017) stated that for electronic monitoring to be a deterrent that criminals must view it as a punishment that they want to avoid. According to Braithwaite's (1989) theory of reintegrative shaming, offenders should be reintegrated into society rather than stigmatized and removed from society. Braithwaite's study concluded electronic monitoring and incarceration both punished offenders while providing them with the opportunity of becoming part of the community. Williams and Weatherburn (2019) stated that electronic monitoring is effective because it diverts

offenders from prisons and focuses on rehabilitation under intense supervision. The offender is also living and working in the community, which makes reintegration more successful. Williams and Weatherburn view electronic monitoring as a viable alternative to incarceration.

Offenders while in prison suffer from guilt, fear, and anxiety, which drive them to avoid punishment after release. In addition, inmates may feel that new offenses will deprive them of the benefits linked with freedom (Travis, Western, & Redburn, 2014). As a result, incarceration reduces recidivism by discouraging re-offending. Bushway and Owen (2013) provided a literature review that showed that some scholars are against incarceration because jail terms are associated with learning of antisocial subculture. While in prison, offenders meet inmates jailed for different crimes. This interaction enables prisoners to reinforce criminal norms from each other. As a result, convicts have a greater chance of reoffending after being released to the community. Early scholars such as Bentham and Beccaria (1986) who considered prisons to be schools of crime support this view. According to Bentham and Beccaria, convicts who serve longer jail terms have their propensity toward criminal behavior strengthened. As a result, they have a higher chance of engaging in criminal acts compared to inmates who serve shorter sentences.

**Positive outcomes of incarceration on recidivism (reduction of recidivism).**

Incarceration can lead to positive outcomes. Many offenders have needs that are not addressed outside of jail such as substance abuse and mental health disorders. Programs, which focus on rehabilitation, have a positive effect on recidivism. According to Bhuller,

Dahl, Loken, and Mogstad (2016) reduction in crime is driven by individuals who were not working before incarceration. Bhuller et al (2016) posited that imprisonment increases participation in programs directed at improving employability and reducing recidivism. Many offenders recidivate because they cannot find steady employment due to their criminal records. Neal and Rick (2016) assessed the effect of incarceration and non-incarceration on recidivism by researching how prisons enhance criminal behavior. Neal and Rick's study found that some convicts such as severe and drug offenders are affected and experience psychological change while in detention. As a result, such inmates adopt and practice antisocial behaviors. The behavioral traits hinder their adjustment into the community after completing their sentences. Neal and Rick suggested that incarceration only has a positive effect on recidivism if problems such as social and psychological are diagnosed and treated. Hall and Chong (2018) suggested that should focus on social climate and programming instead of deterrence. According to Hall and Chong, the goal of imprisonment should be rehabilitation and reintegration into society.

**Argument that incarceration does not reduce recidivism.** Some researchers argue that incarceration is not an effective tool for reducing recidivism. According to Mitchell, Cochran, Mears, and Bales (2016), the effect of prison on reoffending is unclear and contributes to more than less recidivism. Washington (2018) explained that people who are released from prison face many obstacles, which can make it hard for them to reintegrate into society. These issues include homelessness, unemployment, and substance abuse. Justice-involved veterans face similar challenges. Recidivism rates are high amongst veterans because many prisons do not address issues such as substance

abuse, antisocial tendencies and mental illness. Blonigen et al. (2017) veterans need access to empirically based treatments to reduce the risk for recidivism. Policy changes and the implementation of best practices could reduce recidivism among justice-involved veterans.

Many scholars question whether time served has an impact on recidivism. Criminologists argue that prisons are “schools” for a crime where prisoners become more knowledgeable offenders. Blonigen et al posited that longer prison sentences modestly reduce rates of recidivism beyond what is attributable to incapacitation. According to the Bureau of Justice Statistics (2018), five in six state prisoners who were released in 2005 across 30 states were arrested at least once in a 9-year period following release. The U.S. Sentencing Commission reported about half of the federal offenders were rearrested over an eight-year period. The offenders that reoffended did so in the first two years of release. A 2015 report from the Sentencing Project explained that long sentences are counterproductive to public safety and mass incarceration diverts resources from programs and policy initiatives. The Sentencing Project suggests alternatives such as investing in community policing, substance abuse programs and other initiatives.

### **Alternatives to Imprisonment**

Di Tella and Schargrodsy (2013) assessed the effect of incarceration and non-incarceration on recidivism by researching the benefits of alternatives to imprisonment. Di Tella and Schargrodsy argued that prisons do not focus on programs aimed at reforming and redirecting offenders towards living better lives after serving jail terms. According to Di Tella and Schargrodsy (2013), alternatives to imprisonment such as

drug courts are more successful in deterring criminal acts committed by drug and substance abuse offenders compared to imprisonment. The reason is that such alternatives are specifically created to reform and improve criminals' behavior. In addition, the programs focus on changing offenders' mindset. As a result, offenders can think and behave more positively manner after completing the program.

A study by Rand (2014) on the impact of incarceration shows prison sentences do not help to reduce recidivism rates. The study indicates that not all offenders need imprisonment to change. According to Rand (2014), some inmates benefit more from personalized counseling and treatment than prison sentences. Such convicts include those with drug and substance abuse problems and the mentally ill. However, the severity of crime must first be considered. In cases involving violent crimes and serious criminal acts such as robbery with violence and rape, counseling and treatment can be administered when the offender is incarcerated. The primary reason for confinement is to closely monitor inmates to ensure they undergo treatment and protect the victims and the public. Rand (2014) supports his findings by documenting a study by Bales & Mears (2008) which shows that alternatives to jail sentences would better serve about 25% of offenders in the United States.

Clark, Dolan, and Farabee (2017) suggested that alternatives should exist for nonviolent drug offenders. Many people are incarcerated for drug offenses. Clark, Dolan, and Farabee stated that treatment and social reintegration reduce both drug use and drug-related crimes. Tabar, Miravelle, Ronco, and Torrente (2016) encouraged countries to focus on the use of community sanctions, which includes supervision and reserve



incarceration for violent crimes. The Virginia Department of Justice has implemented a risk assessment for offenders. Low-risk property offenders and drug offenders are often provided with alternative non-prison sentences. The Virginia General Assembly allows judges to decide, which punishment is appropriate. Many judges in Virginia favor non-prison sanctions such as jail, probation, community service, outpatient substance abuse or mental health treatment or electronic monitoring. Substance abuse seemed to be a problem for most offenders including justice-involved veterans. Policymakers should focus on rehabilitation programs, which address this problem.

### **Deterrence**

Incarceration is supposed to deter people from committing crimes. However, recidivism rates indicate a different story. One issue is the effects of sentencing on deterrence. According to the National Institute of Justice, (2016), several issues are associated with the effects of sentencing on deterrence. A major issue is that convicting an individual of crime to prison is not an effective way to deter the crime and increasing the punishment severity does not have significant deterrence on crime. However, the National Institute of Justice acknowledged that prison is necessary for punishing and incapacitating criminals. The data from the National Justice Institute also showed that lengthy prison sentences do not significantly deter criminals from committing crimes in the future. The National Justice Institute reported that short sentences can be deterrent and lengthy sentences produce a modest deterrent effect.

The National Institute of Justice, (2016) suggested that locking up the people who commit a crime when they are young and in their initial stages of committing a

crime can be an effective strategy of preventing the occurrence of a crime if they can be identified. However, the problem is that it is challenging to identify them early enough. Increasing the severity of punishment such as sentencing prisoners to death is also reported to cause little impact on crime deterrence. To clarify the relationships between the severity of punishment and deterrence of future crimes, it is necessary to understand that prison sentences might exacerbate recidivism and that individuals may out-grow criminal activities as they age. According to Nagin (2013), some policymakers tend to believe that increasing the severity of criminal punishment decreases the probability of recidivism, making convicted individuals less likely to commit crimes in the future.

Chaflin and Mccrary (2017) suggested that targeted policing could help with deterrence. Hot spot policing is recommended because it targets an area where violent crime is prevalent. Chaflin and Mccrary (2017) argued that hot spot policing is effective because policing is focused on crime prevention in one area and resources can be used effectively. Bun, Kelaher, Sarafidis, and Weatherburn (2019) agree that effective policing may act as a deterrent for crime. Bun et al suggested that increasing the risk of apprehension and conviction is more influential in reducing crime than increasing the severity of punishment.

### **Purpose of Criminal Law**

Criminal law has three main objectives protection of an offender, the punishment of an offender, and to protect the community. The infliction of harm can cause apprehension about the injured individuals and the witnesses of the injuries. The most affected victims tend to favor severe punishment. In the past, actions taken to avenge the wrong or deter

recurrence of the harm were often left to the injured individual, family or the actions would be directed to the more people who owed the victim a sense of protection (Schmalleger, 2017). However, in the advanced contemporary society, there are more complex options that may be considered (Schmalleger, 2017). The second purpose of criminal law is to punish the offender. According to retributivists, punishment is an important aspect of criminal law. However, the utilitarian's hold that punishment is a means to an intended end. The conflicts between the two perspectives explain why punishment involves exaction of a fair consequence for wrongdoing and rehabilitation and harm-reductive approaches such as deterrence. Long imprisonment period may serve the purpose of punishment (Schmalleger, 2017). Lastly, the purpose of criminal law is to protect the community. The community should have the power to protect itself against individuals who inflict harm on others and are dangerous. Society should also protect itself from criminals by using deterrent sentences. Retributive sentences serve to protect the community by deterring potential offenders. The community can even attempt to protect itself against prospective offenders by trying to rehabilitate or reform the identified individuals (Schmalleger, 2017). According to Robinson and Darley (2019), criminal law is based on determining what crime is being committed, who committed the crime and applying the appropriate punishment. Robinson and Darley stated that the primary focus of law should be public safety and maintaining community standards.

### **Understanding Justice**

According to the National Centre for Victims of Crime, (2018), Justice can be categorized as either military justice or criminal justice. Military justice is a legal system

that applies to the members of the armed forces and in some instances, civilians. Military justice mainly aims at preserving discipline and maintaining order within the armed forces. Military justice is different from that of civilian counterparts in that military justice operates in a court system that is characterized by stricter procedures and rules that are designed to promote operational effectiveness within the military. The criminal justice system involves processes and agencies that are established by the government to control crime as well as impose policies on individuals who violate the law.

The criminal justice system operates depending on the requirements of the area jurisdiction in charge such as state, county, city, federal, military installation or Indian country courts. The U.S. court system also operates in U.S. territories. The jurisdictions have different laws and approaches to handling the criminal justice process. However, the main criminal systems of justice are state and federal justice systems. The state criminal justice systems are responsible for handling crimes that are committed with state boundaries while the federal criminal justice system treats the crimes that are committed in several states or on federal property. The criminal justice process takes place in the following steps, entry into the system, prosecution and pre-trial, adjudication, and post-trial, which includes sentencing and parole or probation (National Centre for Victims of Crime, 2018). The justice system is supposed to apply the law equally according to the U.S. Constitution. However, racial disparities in the criminal justice system. According to Vogt (2018), "equality is neither just nor unjust." Vogt criticized the justice system for treating people unfairly and calling it justice.

## **Judicial Independence**

Judicial independence is not mentioned in the U.S. Constitution. Judicial independence is, “a means to an end not an end in itself” (Burbank, 2019). Were (2017) reported that creating and maintaining a firm judicial independence culture is essential in a democratic society. Scholars and researchers of judicial independence hold that it is a core value in justice administration and that it is useful in the creation of reliable and efficient judiciary. Judicial independence is also considered a crucial aspect of a fair trial. When judges are independent, it means that they are not vulnerable to external influences from potential society agents who may determine their impartiality. Therefore, the judges are more likely to uphold and respect the rule of law, facilitate the due process of law and give fair adjudication.

Despite an attempt to have an independent judiciary, there are factors such as economic and socio-political factors that prevent the achievement of an independent judiciary. It is important to understand legal systems and understand the challenges that face the judicial systems within a democratic society. Sometimes, the motivations and intentions of magistrates and judges tend to be influenced significantly by social realities. The judicial independence concept may be associated with aspects such as; judicial selection, judicial reforms, fight against corruption and constitutional safeguards (Were, 2017). Burbank (2019) explained that judicial independence and judicial accountability present challenges because laws are supposed to be “wise constraints that make use free.”

## **Military Justice Jurisdiction**

Article I section 8 of the U.S. Constitution gives Congress the power to “make rules for making rules for the government and regulation of the land and naval Forces” (Federal Judicial Center, n.d.). The Uniform Code of Military Justice was signed into law on May 5, 1950. The Uniform Code of Military Justice is the basis for military justice. The UCMJ contains provisions, which must be followed in the military justice system. Article 2 of the UCMJ states that “members of a regular component of the armed forces including those awaiting discharge after expiration of their terms of enlistment.” According to the GAO Report on Military Justice, Congress established three types of military courts called courts-martial: summary, special and general. Each court is set up to deal with progressively severe offenses. Each court-martial type can adjudicate more severe punishments under the UCMJ. Article 15 of the UCMJ allows military commanders to punish service members without going through the court-martial process.

Summary court-martials allow a commissioned officer to determine nonjudicial punishment. The maximum sentence imposed is confinement for no more than 30 days, forfeiture of two-thirds of pay for one month and reduction to the lowest pay grade. Special court-martials are for offenses of medium severity. Special court-martials are presided over by a military judge. Prosecuting and defense attorneys and a panel of at least three military members are also present at a special court-martial. The maximum punishment for a special court-martial includes a combination of confinement for 12 months, forfeiture of two-thirds of pay for 12 months, reduction to the lowest pay grade and a bad conduct discharge. General court-martials are reserved for the most severe

crimes. A general court-martial includes a military judge, the accused, prosecuting and defense attorneys, and a panel of five military members. The accused can be represented by a civilian attorney at their expense.

General court-martials are for rape, murder, and robbery. The Department of Defense recently added new provisions to the UCMJ to address an increase in sexual assault cases. According to the Department of Defense (2019), its retaliation prevention and response strategy (RPRS) addresses retaliation against Active Duty, Reserve or National Guard service members who allege they were sexually assaulted while performing active service. The Department of Defense Sexual Assault Prevention and Response Office (2017) stated, "Ending retaliation is crucial to effectively address sexual assault and harassment in the military. A general court-martial may impose any sentence including death as authorized by the Manual of Courts-Martial. The purpose of military law is "to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and effectiveness in the military establishment, and thereby to strengthen the national security of the United States." The military justice system is responsible for maintaining order and discipline for all service members.

### **Summary and Conclusions**

The literature review (Chapter 2) explored the following themes incarceration, deterrence, alternatives to punishment, recidivism, judicial independence, military justice and the purpose of law. The literature review provided a foundation for this study on determining the impact of deterrence measures (tough on crime, incarceration, time served and confinement) on recidivism in the civilian and military justice systems. The

literature review revealed a gap in literature on the effectiveness of the civilian vs military justice systems measures to address recidivism. Chapter 3 will include a discussion of methodology, data collection, and data analysis.



## Chapter 3: Research Method

### **Introduction**

The purpose of this study was to understand and compare how harsh sentences affect recidivism rates within the military system versus the civilian system. To explore the relationship between deterrence and recidivism in the U.S. military and civilian justice systems, I sought to answer the following RQs:

RQ1. How does deterrence affect recidivism in the criminal justice system versus the military justice system?

RQ2. What is the effect of time served in prison on recidivism rates of veterans?

RQ3. What is the effect of time served in prison on recidivism rates of civilians?

In this chapter, I explain how the research objectives were attained through data collection and analysis, and I present the study results. The validity and reliability of the data instruments are also discussed.

### **Research Design and Rationale**

I used the qualitative research method to determine whether there were differences between recidivism rates in the criminal versus the military justice systems. I conducted a focus group discussion with correctional officers. The unit of study was ex-offenders who have served more than one sentence at different times. I assessed the impact of tough on crime legislation on recidivism based on the perspectives of justice officers and analysis of archival data on ex-offenders and recidivism rates. According to Wincup (2017), the qualitative research method is suitable for criminal justice research because it can be helpful in understanding the socially constructed nature of crime and

deviance. A case study was the form of inquiry used in the research. Creswell stated, “The case study method explores a real-life contemporary bounded system (a case) over time through detailed and in-depth data analysis involving multiple sources” (as cited in Alpi & Evans, 2019, p.2). The case study design was appropriate for this research study because it involved the exploration of multiple perspectives on a specific phenomenon (the impact of recidivism).

### **Role of the Researcher**

I interviewed key personnel in the U.S. military and criminal justice systems. I moderated the focus group discussion and facilitated the participants’ answering of the questions. I sought to establish a cordial relationship with participants that reflected my interest in topics of criminal justice. The participants have specific knowledge about prisoners and sensitive information within the prison. Some ethical issues included the extent to which I probe or press correctional officers to share some crucial information. The military officers were expected to share information that does not compromise the officers’ job and that of others. Researcher bias is possible when conducting qualitative research and could influence respondents’ answers. There were no expected conflicts of interest, and I did not use an incentive to motivate the respondents to answer or participate. I kept a reflective journal to recognize explicit and personal biases.

### **Methodology**

I conducted a qualitative case study. The sampling strategy was purposive random sampling of correctional officers in selected criminal and military justice facilities. The

chosen sample represented both men and women who are correctional officers in the civilian justice system or military officers in the military justice system.

### **Study Setting**

The setting of the study was in the Southeastern United States for the criminal justice systems and military prisons in the states of Kansas and California. Most of the Southern states except for South Carolina are ranked in the top 20 for state incarceration rates (Sentencing Project, 2019). In addition, the study focused on ex-offenders who have been incarcerated more than once. According to the 2018 Bureau of Justice Statistics report on prisoner recidivism, 401,288 state prisoners released in 2005 had an estimated 1.9 million arrests in a 9-year period (Alper & Markman 2018). The target population for the study was ex-offenders who have been rearrested several times over a 5-year period. I obtained this information from an analysis of data from the Bureau of Justice Statistics, the Department of Justice, and the National Criminal Justice Reference Service. Face-to-face interviews were conducted with correctional officers and military police. Correctional officers were also interviewed using a focus group discussion. Both criminal and military justice systems were selected for the study.

### **Participant Selection Logic**

**Study population.** The target population for the study was correctional officers, military police, and key informants who work for the Department of Justice. The sample population was officers in both the criminal and military justice systems. I used archival data to determine the impact of recidivism on ex-offenders in the criminal and military justice systems. The data were collected from reports on military justice (GAO) and

criminal justice (Department of Justice, Bureau of Justice Statistics, and National Criminal Justice Reference Service).

**Sampling technique.** Creswell and Creswell (2017) argued that an adequate sampling method involves selecting sample members from the targeted population. The targeted population included correctional officers and military police. I selected a random selection of 10 state facilities and five federal prisons based on their geographical convenience. I sought at least 10-15 participants with knowledge of the military and criminal justice systems. I continued to add participants to reach data saturation. According to Faulkner and Trotter (2017), data saturation is reached when no new information is discovered in data analysis. Focus group discussion participants included officers from both justice systems, a group of key informants from the criminal and military justice system (correctional officers) .

**Inclusion criteria.** All respondents were expected to be key stakeholders in the U.S. criminal or military justice system. Inclusion criteria for state correctional officer or military police officer included the following:

- at least five years' experience,
- veterans who have worked in the military justice system, and
- experience working with male offenders and/or ex-offenders.

I used semistructured questionnaires with both open and closed-ended questions. The questionnaires were administered to correctional officers and other selected officials in the Department of Justice at the federal and state levels.

The questionnaire contained information on the correctional officers' experiences with repeat offenders in a state or federal facility. A clear distinction will be made between the criminal and military justice systems. Correctional officers' insights into prison culture and which type of prisoners are more likely to re-offend. Military police officers will provide insight into their observations of veterans in the military justice system. The intent is to find out which prisoners are more likely to re-offend based on the type of offense committed with options including public order, drugs, property (burglary, fraud, theft, and car theft), and violent crimes. The form of punishment given was also analyzed to determine if any difference existed between the severities of punishment in the military versus the criminal justice systems.

### **Instrumentation**

The selected instrumentation for the qualitative data included focus group discussion, which will take an average of 10-15 persons. In addition to the focus group discussion, key informant interviews will also be included to strengthen the study. The interviews took place across the six facilities (four selected in each state and two for the military state) involving a key informant. An interview guide was designed to assist in key informant interviews and the focus group discussion. Focus group discussion questions were followed up with questions from the semi-structured interviews. The focus group interviews and semi-structured interviews will be based on the objectives of the study.

The basis for the setting of the instrument is the fact that information required for the study was unique and the researcher must set the questions in such a way that the

responses address the research questions. The open-ended questions and the interview guide offer an opportunity for probing further to gain insight into the participants' experience with repeat offenders.

### **Procedures for Pilot Study**

A pilot study was used to test the validity of the instruments before the actual data collection process starts. The pilot study was conducted in a correctional facility in one of the selected states but not included in the study. The reason for choosing, in this case, the state of Louisiana as the pilot study relates to the high crime and incarceration rates. A sample of three interviews was conducted to ascertain the suitability of the questionnaire. The IRB approval number was received and included during the piloting process.

**Validity and reliability of data.** There are validity and reliability issues that should be solved before the data collection procedure starts. Since there might arise concerns of bias from the researcher or the respondents, the researcher explained in detail to each respondent how validity and reliability issues were enhanced. Validity and reliability are further explained here and how the researcher addressed it.

**Validity.** Pre-testing of the questionnaire was completed to ensure questionnaires are viable and relevant to the study. The researcher took field notes and wrote in a reflective journal to ensure that he accurately captured participant responses. A short pilot study using the set questionnaire was conducted to test the validity of the instrument. Member checking was also used to ensure the validity of data. According to Birt, Scott, Cavers, Campbell and Walter (2016), member checking is a tool used to enhance trustworthiness. Connelly (2016) stated, "Trustworthiness or truth value of qualitative

research and transparency of the conduct of a study is crucial to the usefulness and integrity of findings.” (p. 435).

**Reliability.** Capturing and coding of data was done accurately while ensuring all instructions are presented clearly to the respondents. Reliability in this study was improved by standardizing the conditions under which the measurements were taken to ensure external forces are minimized. The higher the degree of consistency and stability in an instrument, the greater is its reliability. Reliability of the instrument and the overall research is determined by whether the study can be repeated in another set-up with similar variables and almost similar results would be achieved.

### **Procedures for Recruitment, Participation, and Data Collection**

Recruitment procedures for the participants in the study followed the inclusion criteria. Correctional officers and military officers were recruited for the pilot and main study. The selection of the participants is based on their experience of working with inmates in a correctional facility and the willingness to participate in the study. Data collection took place after the pilot and after permission was received from IRB and the school. The data collection process also was planned to take two weeks before the other steps of analysis and interpretation will follow. Data were collected from semistructured interviews, a focus group discussion, and archival data from Bureau of Justice Statistics, National Criminal Justice Research Service, and GAO Report on Military Justice.

**Data collection.** Participants were provided with an informed consent form, which outlines the data collection steps. I will complete focus group interviews. I used a recruitment flyer to recruit participants using the inclusion criteria discussed in this

chapter. I sent an introductory letter, which explained my study, inclusion criteria, and interview protocol. Each participant filled out a short demographic questionnaire. I sent each participant an email with the informed consent and sample questions. I followed up with an email once potential participants agreed to participate in interviews. I advised participants about the time commitment and expectations for the study. I also advised participants that I would audio record the interviews and take field notes to ensure that I captured the essence of the participants' thoughts.

The focus group took place in a study room in a public library. Each room is private and includes shade that you can pull down to ensure more privacy. I did not share the names of the participants. I acknowledged them only by pseudonyms. I advised participants of the voluntary nature of participation and explained that participants could leave the study at any time. I also advised participants not to share what was discussed in the focus group to maintain confidentiality. Participants in the focus group signed informed consent, which included a list of potential risks and the importance of keeping the information confidential.

Transcripts were analyzed after the focus group interviews. I held a debriefing with each participant and asked follow-up questions. I conducted member checking to verify that the transcripts were accurate. According to Lincoln and Guba (1985) as cited in Birt, Scott, Cavers, Campbell and Walter (2016), "member checking is a means of enhancing rigor in qualitative research and is inherent in the accurate descriptions or interpretations of phenomenon" (p. 5). Data analysis took place after data from the interviews were collected, transcripts were verified, and debriefings took place.



Data was also collected from public records from Bureau of Justice Statistics, Veterans Affairs, National Criminal Justice Research Service, GAO Military Justice Report, UCMJ, and State of Georgia Department of Corrections. The purpose of gathering this data was to gain insight into incarceration and confinement among veterans and civilians. The data also provided insight into the military justice system and the consequences of committing crimes. The researcher also used recidivism data at the state and federal levels.

### **Data Analysis Plan**

Data was conducted by following Saldana's steps outlined in his coding manual for qualitative researchers. A code is a word or short phrase that assigns a summative "essence-capturing" to data (Saldana, 2015, p. 3). The first step is to precode. According to Saldana, codes emerge as you collect data from notes, transcripts or documents. Saldana recommends writing down preliminary codes in a notebook. Some emerging codes were relationships, recidivism, deterrence, obstacles/challenges, discrimination, racism, and bias. The second step is to discover the relationships between codes. According to Saldana, a researcher is coding for patterns. Axial coding is about making connection based on participant responses. For example, an axial code was recidivism and deterrence. The next step is coding and thematic analysis. The transcripts were imported into NVivo. The researcher used word query to identify common characteristics and themes. A detailed analysis will be included in Chapter 4.

## **Issues of Trustworthiness**

Trustworthiness refers to the degree of confidence in data, interpretation, and methods in a research study (Connelly, 2016). Trustworthiness in qualitative research is defined by credibility, transferability, dependability, and confirmability. Credibility is related to confidence in data collected in the study. Credibility can be established by member checking, peer-briefing, and reflective journals. (Connelly, 2016).

Transferability refers to the degree to which, the study findings can be applied to a new study with other people in a new setting. Transferability can be achieved through providing rich detailed descriptions of the phenomenon (Connelly, 2016). Dependability refers to the stability of data over time (Connelly, 2016). An audit trail can be used to show dependability. Confirmability is the degree to, which findings can be replicated (Connelly, 2016). Member-checking can also be used to demonstrate confirmability.

### **Credibility**

Credibility is similar to internal validity in quantitative research (Korstjens & Mosher, 2018). According to Korstjens and Mosher, credibility is achieved when the research findings are plausible and reflect an accurate representation of participant responses (Korstjens & Mosher, 2018). I established credibility through triangulation. Triangulation is when a researcher uses multiple data sources to increase credibility. Birt et al. (2016) explained that using multiple methods could enhance the understanding of the phenomenon and lead to more valuable interpretations.

**Transferability**

Transferability is about applicability. Korstjens and Mosher defined explained that a researcher is responsible for providing thick and rich descriptions of their research study. I will be explicit and provide rich descriptions of my study setting, target participation, setting, data collection and data analysis to ensure that another researcher can replicate this study with a different population or in a different setting.

**Dependability**

Dependability means that research is grounded in data and reflect the views of participants. (Korstjens and Mosher, 2018). Dependability involves the participants' evaluation of the findings. An audit trail and reflective journal were used to ensure that the researcher conducted research without bias and the research findings accurately captured participant responses. Triangulation can also be used to demonstrate dependability. I used multiple data sources to ensure that I answered the research questions and provided rich data to support my research study.

**Confirmability**

Confirmability means that the findings are consistent and could be repeated (Connelly, 2016). Connelly (2016) suggested that qualitative researchers must keep detailed notes of their decisions and analysis. I kept a reflective journal and took field notes while I was conducting my researcher. According to Korstjens and Mosher (2018), using a reflective journal is useful when examining one's own "conceptual lens" (p. 121).

## **Ethical Procedures**

Ethical research is conducted in accordance with the ethical principles outlined in the *Belmont Report* (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979). The *Belmont Report* requires researchers to follow the following principles: respect for persons, beneficence, and justice (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979). A researcher shows respect by not engaging in any activities that may harm them. The researcher explained the voluntary nature of participating in the study and that there is no risk involved and provided each participant with an informed consent form. All participants signed the informed consent form to indicate their voluntary participation in the study. Beneficence in research means that people are treated ethically by respecting decisions and protecting them from harm ( National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979). The researcher protected the identities of the participants by assigning participant identification numbers. A risk/benefit assessment to identify possible risks to participants. The informed consent form explained that there was no risk to participants. The research study will benefit policymakers and stakeholders in the criminal and military justice systems. Justice is another ethical principle outlined in the Belmont Report. Justice in research refers to “who ought to receive the benefits research and bear its burdens (National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, 1979, p. 5). The participants in this study were not part of a vulnerable population. Secondary data was used to obtain data on ex-offenders and

recidivism. The research was not conducted in correctional facilities or on military bases, which protected the anonymity of the participants in the study.

### **Summary**

The purpose of this qualitative case study was to examine the differences in the ways that the criminal and military justice systems address the deterrence of crimes. This study also explored patterns of recidivism and whether or not tough on crime legislation was effective in deterring crime in one system versus the other. The researcher used the following data collection methods: interviews (one on one and focus group), questionnaires, and archival data. Data were stored and maintained in NVivo. The researcher used NVivo to identify common characteristics and themes; the study was conducted in accordance with Walden University IRB ethical standards. Purposive sampling was used to select 22 participants. Ten interviews were conducted and 15 questionnaires were completed.

In chapter 3, I included research design and rationale, methodology, data collection, data analysis plan, threats to validity and reliability, informed consent, ethical consideration, ethical procedures, and summary. Chapter 4 includes an introduction, data collection, results, and summary. In Chapter 5, I include the introduction, interpretation of findings, limitations of the study, recommendations, implications, and a conclusion.

## Chapter 4: Results

### **Introduction**

The purpose of this study was to understand whether harsh sentences affected recidivism rates within the military versus civilian justice systems. Chapter 4 includes an explanation of the data collection and analysis procedures used in the study and a presentation of the results. The RQs were as follows:

- RQ1. How does deterrence affect recidivism in the criminal justice system versus the military justice system?
- RQ2. What is the effect of time served in prison on recidivism rates of veterans?
- RQ3. What is the effect of time served in prison on recidivism rates of veterans?

### **Pilot Study**

I conducted a pilot study to determine if the questionnaire was suitable for the research study. The pilot study was not conducted in a correctional facility as referenced in Chapter 3. The pilot study was conducted via phone, Skype, and in person. I conducted three interviews to determine if the answers to the questions would provide rich detailed data. The results of the pilot study varied. The participants shared that the questions did not solicit enough information and could be easily answered with a *yes* or *no* or that the questions were too lengthy. I made adjustments to the questions as a result.

### **Setting**

The setting of the study was the Southeastern United States for the criminal justice systems and military facilities in Kansas and California. I chose the Southeastern United States because most Southern states have high incarceration rates and are ranked

in the top 20 for incarceration for the United States as a whole (Sentencing Project, 2019). I focused on civilian and veterans who were ex-offenders and whether deterrence (tough on crime, sentence lengths, incarceration, and confinement) contributed to recidivism within 3, 5, or 9 years. I also considered which system (civilian or military) was more effective in deterring crime and reducing recidivism. Correctional officers and military police provided insight into their experiences working with ex-offenders and repeat offenders in the respective justice systems.

### **Demographics**

I included participants in the study if they met the inclusion criteria. All participants were expected to be key stakeholders in the U.S. criminal or military justice systems. All participants had to be correctional officers or military police officers. The inclusion criteria also included at least five years' experience working in the justice system, veterans who have worked in the military justice system, and experience working with male offenders and/or ex-offenders.

### **Data Collection**

I used purposive sampling to select 22 participants. Ten interviews were conducted, and 15 questionnaires were completed. I added participants until I reached data saturation. Three questionnaires were incomplete, so I added three participants to secure more data. Data were collected from questionnaires, a focus group discussion, and document analysis. The focus group discussion took place at a library. I reserved a study room, which provided privacy. The focus group met one time for 60 minutes. I also conducted one-on-one interviews with individuals who participated in the focus group

discussion. Data analysis took place after data from the interviews were collected, transcripts were verified, and debriefings took place. I also collected data from public records from the Bureau of Justice Statistics, Veterans Affairs, National Criminal Justice Research Service, GAO Military Justice Report, UCMJ, and State Department of Corrections to gain insight into incarceration and confinement as a deterrent and recidivism rates at the state and federal levels.

### **Data Analysis**

Data analysis followed Saldana's (2015) steps for qualitative researchers. Saldana explained that researchers should take multiple steps when conducting data analysis. The first step was precoding. According to Saldana, codes emerge as the researcher collects data from data sources such as notes, transcripts, and documents. Saldana recommended writing down preliminary codes in a notebook after each interview is concluded. The codes will emerge as more data are collected. Some of the emerging codes were relationships, recidivism, deterrence, obstacles/challenges, discrimination, racism, and bias. The next step was to discover the relationships between codes. According to Saldana, researchers should explore relationships between codes based on participant responses. Axial coding revealed several codes such as tough on crime and incarceration, racial and gender bias in the justice system, and mass incarceration. The next step was thematic analysis. Themes emerged as I continued to collect data. I imported transcripts into NVivo. A word query and word clouds were used to identify common themes and characteristics. Tables 1-3 show the codes and themes that emerged from data analysis.



Table 1 describes the themes, axial codes, and participant comments that emerged from the data analysis.

Table 1

*Codes, Themes, and Participant Comments Related to Time Served and Recidivism*

Open coding	Axial coding	Themes
FFI (P2) – “Getting tougher on crime usually accompanies stiffer penalties for small offenses, which would increase the likelihood of recidivism.”	Recidivism	Tough on Crime
FFI (P4) – “There is no relationship between time served and recidivism because when you get out, forcing you to repeat because your record and no skills.”	Recidivism	Patterns of recidivism
FFI (P2) – “Why people commit crimes a lot of the times is stanchued in disenfranchisement, poverty and a lack of access to good educational opportunities. When these factors exist, there is a strong possibility of going into a life of crime.”	Challenges	Deterrence
FFI (P3) – “Service members have more obstacles to overcome to earn enough to earn a comfortable living. The military has a relatively high standard of living which makes it difficult for them to earn comparative wages after a dishonorable discharge on their record.”	Obstacles	Veterans

*(table continues)*

Open coding	Axial coding	Themes
FFI (P8) –“No. oftentimes innocent Individuals are charged and convicted for crimes they didn’t commit.”	Equity	Equity
FFI (P10) –“I don’t really believe one impacts the other. If someone wants to be a criminal and do illegal activity they will no matter what.”	Recidivism	Time Served
FFI (P8) –“It depends on the individual. If they take advantage of the programs while incarcerated then rehabilitation is possible.	Rehabilitation	Tough on Crime

*Note.* FFI = face-to-face interviews.

Tables 2 and 3 show the relationship between the follow-up questions, themes, and codes. The follow-up questions were as follows: Does the time served deter recidivism for the civilians and veterans? and Which among the two justice systems is effective as far as deterrence of recidivism is concerned?

Table 2

*Does the time served deter recidivism for the civilian and veterans?*

Open coding	Axial coding	Themes
FF1 (P3) – “I believe that the punishments received through the civilian system. My reasoning is primarily based upon the lack of plea bargains and a preponderance of jury trials.”	Recidivism	Differences
FFI (P4) – “One of the biggest is the opportunity to advance after you have done your time for a minor crime. If you get a dishonorable discharge then you can get it changed to honorable after 6 months.”	Military	Difference
FFI (P2) – “The civilian justice system is in need of major overhauls. Too often individuals entering the system are poor and unable to receive appropriate legal representation as those financial means.	Civilian	Reforms
FG (P12) – “Full of corruption and racism and does not deter crime.”	Policies	Equity
FG (P9) -- “Correctional officers have the ability to help determine an incarcerated individuals’ life.”	Challenges	Officers

*(table continues)*

Open coding	Axial coding	Themes
FG (P8)- “Many institutions offer counseling, education, and the opportunity to learn a trade. The issue is that their ability to utilize those skills once they are released from prison.”	Skills	Solutions

*Note.* Table Key: Face-to-Face Interviews (FFI), Focus Group (FG)

Table 3

*Which among the two justice systems is effective as far as deterrence of recidivism is concerned?"*

Open coding	Axial coding	Themes
FF1 (P10) – “Make incarceration extremely uncomfortable so people do not want to return. Bring back chain gangs and hard labor.”	Interventions	Solutions
FFI (P3) – “Skills and certifications that rely less on networking such as the trades. Fewer parole officers and more mentors. Fewer crimes punished with loss of liberty that decreases marketability and increases exposure to career criminals.”	Skills	Reform
FG (P12) – “No, because it heavily targets and police communities mostly/complete compromising of minorities by using broad policies that only affect communities.”	Equity	Equity
FF1 (P1) – “One difference is that the public is not privy to the crimes of military personnel. It seems that information is confidential as well as the entire court proceedings.”	Differences	

*Note.* Table Key: Face-to-Face Interviews (FFI), Focus Group (FG)

### **Evidence of Trustworthiness**

Trustworthiness in qualitative research is based on credibility, transferability, dependability and confirmability (Connelly, 2016). Credibility is related to internal validity. Transferability refers to external validity and generalizability. Dependability is

similar to reliability in quantitative research. Confirmability ensures that the research is free of bias and the researcher recognizes his/her “predispositions (Shenton, 2016, p. 72).

### **Credibility**

The research project was conducted according to Walden IRB ethical standards. I used purposive sampling to identify research participants. Questionnaires were distributed to a random sample of correctional officers and military police officers. According to Shenton (2016), “random sampling helps to ensure that, “any unknown influences are distributed evenly within the sample” (p. 65). Purposive sampling was used to recruit participants for the focus group interviews and discussion. The inclusion criteria included correctional or military police officers who had at least five years experience and worked with a specific population. I used multiple sources to increase understanding of the phenomenon of the effectiveness of deterrence on reducing recidivism. According to Guba as cited in Shenton (2016), “the use of different methods in concert compensates for their individual limitations and exploits their respective benefits” (p. 65).

### **Transferability**

Transferability is concerned with whether the findings of one study can be applied in other situations (Shenton, 2016). The purpose of this research study was to explore which justice system was more effective in using deterrence to prevent crime and reduce recidivism. A similar study could be conducted on female offenders. Data from the Sentencing Project (2019) revealed that women are largest growing population in confinement. Data from the GAO Justice Report (2018), explained that racial and gender

disparities exist in court-martials and other disciplinary actions in the military justice system.

### **Dependability**

Dependability is about reliability. Dependability involves the participants' evaluation of findings (Korstjens and Mosher, 2018). According to Korbluh (2015) member checking is an effective way to combat challenges in establishing trustworthiness. Member checks offer a chance for researchers to detect personal biases and provide the researcher with an opportunity to gather additional details (Korbluh, 2015). Member checking was used in this study to ensure that participants' insights were accurately reflected.

### **Confirmability**

Confirmability means that the findings are consistent, and the study can be replicated (Connelly, 2016). Korbluh (2015) suggested that researchers should engage in "critical reflexivity" and identify their own positions of power in relation to the participants (p. 403). A reflective journal and field notes were used to reduce researcher bias. An audit trail was maintained, and field notes were reviewed regularly.

## **Results**

The research study answered several research questions. The central question was how does deterrence affect recidivism in the criminal justice system versus the military justice system? Secondary questions were what is the effect of time served on recidivism rates of veterans? What is the effect of time served in prison on recidivism of veterans?

Several themes emerged during data analysis. Each theme will be presented with supporting data, which answers the research questions. The themes are the relationship, between time served and recidivism, differences in the criminal and military justice systems, race and the criminal justice system, deterrence, role of correctional officers, equity and criminal justice, criminal justice policies and recidivism, gender and the justice system, veterans, patterns of recidivism, effectiveness of the criminal justice system, and interventions/solutions.

### **Theme 1: Relationship Between Time Served and Recidivism**

A negative relationship exists between time served and recidivism. According to the Department of Justice (2018), males and younger inmates were more likely to be arrested each year than female and older prisoners. A Bureau of Justice Statistics (2018) report on prisoner recidivism revealed that 82% of prisoners arrested over a 9-year period were arrested within the first three years. Additionally, five percent of prisoners were arrested during the first year after release and not arrested within the first 3 years (Bureau of Justice Statistics, 2018). However, Mears, Cochran, Bales, and Bhati (2016) posited that no relationship exists between time served and recidivism. Mears et al suggested that tough on crime legislation deterred crime. Mears et al stated, “Such sentences may be justified as helping to achieve retributive goals or to create deterrent benefits that offset the harm that arises through potential increased recidivism.”

Participants had varying opinions on the impact of time served on recidivism. Most participants agreed that tough on crime legislation such as the Three Strikes law and mandatory minimums have contributed to mass incarceration and the likelihood that



offenders will be rearrested. Participant 2 said, “I believe that the longer an individual is incarcerated, the more likely they are to become repeat offenders.” Participant 1 shared that programs are needed in prison which is focused on mental health evaluation and treatment, education and job skills training.” Participant 2 concurred and credited mental illness such as PTSD as a possible challenge for veterans. As a result, they will require more individualized care to meet their needs. Participant 8 shared, “If they spend 20 years causing havoc inside the institution then they will likely commit crimes upon their release. The exception is sex crimes.

### **Theme 2: Differences in the Criminal and Military Justice Systems**

The criminal and military justice systems have the same purpose. The justice system is meant to deter people from committing crimes. Both systems cite similar data on crimes. Nonviolent crimes such as property theft and drug offenses feature prominently in both justice systems. However, sexual assault is also prevalent in the military justice system. According to the GAO (2018), males made up 85% of the population in the Army and represent about 92% of drug offense arrests, 97% of sexual assault offenses and 92% of other offenses. Males in the Marine Corps and Army were the subjects of recorded investigations for a drug offense and sexual assault at a higher rate than other male service members in all branches. According to the Bureau of Justice Statistics (2018), one in four state prisoners were in prison for a violent crime.

The participants in this study were a mixture of military police and correctional officers. Participant 3 is a military policeman. Participant 3 shared, “the civilian criminal justice system has a greater mix of the severity of crime vs. the all confined service

members are severe crimes.” Participant 10 is a correctional officer. Participant 10 explained

The main difference between the justice systems is the target audience or span of control. Although ordinary civilians are not usually held accountable by the military justice system, there are service members who are held accountable by the civilian justice system.

Participant 5 is a military officer. He explained that the military system has been effective in addressing recidivism. Participant 5 said

The military doesn’t really leave the option there for people to re-offend. Either the individual learns from their first mistake and makes a career out of it or they give up and get kicked out. If the offense is serious enough then they just get kicked out and do not have the opportunity to re-offend.

Most participants agreed that the criminal justice system is broken and that racial bias is prevalent in both the military and civilian systems. Participant 7 is a correctional officer. Participant 7 stated, “I feel that the criminal justice system is broken and needs to be fixed. It is not broken beyond repair; it can still be fixed. It needs to be completely overhauled.” Participant 2 explained that the criminal justice system is not an effective way to deter crime. Participant 2 said, “I have absolutely no faith in the criminal justice system. I believe that ‘justice’ is determined based on how much money you have to afford the best person to argue for you. Innocence or guilt isn’t of much consequence.”

### **Theme 3: Race and the Criminal Justice System**

The Sentencing Project (2019) report to the United Nations explained the racial disparities found in the criminal justice system. According to The Sentencing Project, the U.S. prison population has risen 500% in the past 40 years. Most of the people who are incarcerated in U.S. prisons are people of color. African Americans are 5.9% more likely to be incarcerated than Whites are. Most African American inmates are being incarcerated for drug offenses and nonviolent crimes. The NAACP fact sheet stated that in 2014, African Americans made up 2.3 million of the U.S. prison population.

Participants in the study agreed that racism existed in both the criminal justice and military justice systems. According to Rehavi and Starr (2014), African American males make up 6% of the population and 35% of the prison population in the United States. Rehavi and Starr cited research from the Congressional Research Service (2013), which revealed that African American males were more likely to receive much longer prison sentences in federal court. Participant 4 cited racial discrimination as a potential problem with the criminal justice system.

Participant 4 said, “I think the justice system is unfair due to the punishment given across racial lines for the same crime. Is it an effective way to deter crime? It doesn’t deter crime; I don’t think it ever will.” Participant 12 said, “the criminal justice system is filled with racial and gender bias and prejudice.” Participant 11 also had a strong opinion about racism in the criminal justice system.

Participant 12 said:

I believe that our criminal justice system is extremely messed up. Some

People who work in the system like African American officers who get treated differently for being Black. The majority of the time White officers tend to have favoritism. More African Americans seem to have more jail time than Whites depending on the crime.

#### **Theme 4: Deterrence**

The purpose of jails and prison is to punish people for crimes. The criminal justice system has not focused on rehabilitation as a means of deterring crime. Harsh punishment and tough on crime legislation has failed to decrease the recidivism rate. The consequence of mandatory minimums is mass incarceration. Mandatory minimums force judges to give a minimum amount of jail time for a specific crime. Three Strikes laws are used to punish repeat offenders for crimes they have committed. The possibility is life in prison.

Kirkpatrick (2016) argued:

Disenfranchisement of prisoners, the effects of sentencing legislation on social life and the limited scope of the effect that increased prison population has had on crime rates have led some to speculate that the sentencing reforms of the tough on crime era made the US less safe.

The U.S. Sentencing Commission (2019) report on recidivism in federal prisons found that violent offenders recidivated more quickly than nonviolent offenders. According to this report, violent offenders recidivated within 18 months of being released from jail. A significant number of violent offenders were rearrested for robbery, rape, and

homicide. The Georgia Department of Corrections published a 2018 recidivism report, which explained recidivism over a period of years by age, gender, race type of offense, type of facility. The Georgia Department of Corrections found that a 3-year recidivism rate was 28.4% over a 3-year period. The report detailed the recidivism rates for several counties in Georgia. The report showed that of 3,698 prisoners that 2,696 (73%) were considered a low or moderate risk of reoffending. The recidivism rate for the state of Georgia is 60-81% for moderate to high-risk prisoners. Tables 4 and 5 will include recidivism statistics for the federal and state justice systems

Table 4 explains the recidivism rate in the federal court system based on offenses. The highest recidivism rate is robbery. Violent offenders have a 7.2% recidivism rate. The lowest recidivism rate is for homicide for nonviolent offenders at 0.9%. The data revealed that violent offenders are more likely to recidivate than nonviolent offenders are.

Table 4  
*Recidivism in the Federal Court System*

Type of Offender	Type of Offense	Recidivism
Violent	Robbery	7.2%
Violent	Rape	2.2%
Violent	Homicide	1.9%
Nonviolent	Robbery	1.9%
Nonviolent	Rape	1.5%

*(table continues)*

Type of Offender	Type of Offense	Recidivism
Nonviolent	Homicide	0.9%

Table 5 contains data from Georgia State Corrections. Recidivism rates in Georgia vary on risk for reoffending, urban or rural environment, race, gender, and facility. The recidivism rate in private prisons is more than the state, county, and transitional centers.

Table 5  
*Recidivism in the Georgia Court System*

Facility	Year 1	Year 3
Private Prisons	29.1%	30.1%
State Prisons	27.4%	29.4%
County CI	30.1%	28.9%
Transitional Centers	20.6%	19.5%

The participants had varied opinions on tough on crime legislation as a deterrent for crime. Some participants explained that prison should be used for rehabilitation, not punishment. Prisoners need the skills and tools to be successful when upon reentry to society. Other participants shared that tough on crime legislation is necessary to keep

people safe. Participant 1 believes that the criminal justice system disproportionately discriminates against people of color.

Participant 1 said:

While we do not need some measure to deter crime, the way the criminal justice system operates in this country has roots in American slavery and has become a part of a systematic racialized institutions that target people of color.

Participant 4 agreed with Participant and shared that the justice system is also unfair and institutional racism exists. Participant 4 said, “It doesn’t deter crime, I don’t think it ever will.” Participant 5 believes that the criminal justice system is flawed and does not do enough to correct individual behaviors/choices. A participant said that criminal justice is not effective in preventing criminal activities and provides some criminals with opportunities that are not provided to law-abiding citizens cannot afford. Participant 7 said, “I feel that the criminal justice system and needs to be fixed; it is not broken beyond repair, it still can be fixed. It needs to be completely overhauled.”

Participant 7 does not believe the criminal justice system deters crime.

Participant 7 said, “The criminal justice system is just but it does not equate to receiving or vetting out justice. I think it just depends on who you are, your socioeconomic status and your race.”

### **Theme 5: Role of Correctional Officers**

A correctional officer’s primary purpose is to maintain order in a correctional facility. Stern (2018) posited that correctional officers keep order while completing other

tasks. Stern stated correctional officers are responsible for regulating security, guiding prisoner conduct, and ensuring inmates are given proper physical and mental health assessments.” Stern believes that rehabilitation is a key element in prison society and that correctional officers play a key role in rehabilitating prisoners. Some participants agreed that rehabilitation was possible and viewed the role of a correctional officer positively. Other participants explained that the correctional officer has total control over a prisoner’s life. Participant 3 explained that correctional officers do not play a role in rehabilitating incarcerated individuals. Participant 5 believes that correctional officers play an active role in rehabilitating inmates. Participant 3 said, “They are more of an enforcement tool than a rehabilitation tool. They cause more recidivism when someone violates their parole and are sent back to prison.”

Participant 5 said:

I think how they treat people while they are locked up plays a huge role in how they act while locked up and when they get out. Even if you are a piece of crap criminal you still want to be treated like a person. It would be hard to treat some of them with respect and kindness but it would make a massive difference for the inmate.

### **Theme 6: Equity and Criminal Justice**

The Sentencing Project report on incorporating racial equity and criminal justice cited racial equity as a goal in criminal justice reform. According to the Sentencing Project (2014), although the criminal justice system has made substantial progress toward



achieving racial justice those disparities still exist. Blacks and Latinos makeup 30% of the general population but represent 58% of the prison population. People of color are more likely than whites to experience economic disadvantage. Typically, African Americans are more likely to be an arrest for violent crimes. According to Mauer and Ghandnoosh (2014), “There are few areas of American society where racial disparities are as profound and as troubling as the criminal justice system.” Most participants in the study agreed that racial discrimination is featured prominently in the criminal and military justice system. Criminal justice reforms and tough on crime policies have contributed to mass incarceration.

Participant 7 does not believe that the criminal justice system is fair and equitable because “it isn’t for people of color.” Participant 7 believes that reforms are needed in the criminal justice system.

Participant 7 stated:

I feel that the reforms in the criminal justice system are much needed in that there has always been a disparity of sentencing and handling of cases. For example, marijuana, crack, and cocaine. Minority individuals were sentenced to longer sentences for crack than their non-white counterparts.

Participant 7’s perception of the criminal justice system is consistent with other research emphasized the need for criminal justice reform to address racial inequalities. Participant 10 also agreed that the American criminal justice system was not fair or equitable due to racial discrimination. Participant 10 said, “The American criminal justice institution in America has its shortcomings just like any other institution. There are cases where race,

socioeconomic status, and other forms of privilege are used to acquire different punishments or dispositions.

Participant 1 agreed that tough on crime reform has contributed to racial disparities in the criminal justice system. A participant stated that the American justice system is not fair inequitable because biases that lead to sentencing disparities.

Participant 1 said:

Tough on crime reform is the reason why we have mass incarceration. Those reforms have generally targeted communities where the majority are poor and people of color. The people living in those areas are targeted by reforms and with no real way of escaping poverty and violence in their homes and communities, there is a high probability of it leading to recidivism.

Participants 1 and 7 shared similar views on why the criminal justice system is not fair or equitable. However, participant 8 did not cite racial disparities as a reason for why the criminal justice system is not equitable. According to Participant 8, “Oftentimes innocent individuals are charged and convicted for crimes they did not commit. Again this typically happens to poor people.”

### **Military Justice System**

The military justice system should be fair and equitable because people are held accountable to the same standards. However, racial disparities exist in sentencing.

According to Christensen and Tsilker (2017), Black service members were substantially more likely than white service members to face military justice were or courts-martial were. The GAO report explained that Black and Hispanic service members were more

likely to be the subject of recorded investigation and general and special courts-martial. (GAO, 2019). However, GAO states that race was not a statistically significant factor in the likelihood of conviction. GAO also shared that the branches of service do not record information on race and ethnicity the same way. Therefore, it is difficult to identify racial disparities.

Christensen and Tsilkers' report on racial disparities in military justice explained, "Black service members were at least 1.29 times and as much as 2.61 times more likely than white service members to have action taken against them in an average year" (p. 1). Christensen and Tsilkers explained that racial disparities existed in higher rates in the Army. Black soldiers are more than 1.6 times (61%) likely to face general or special court-martial compared to White service members. Christensen and Tsilkers said, "racial disparities are troubling in the military, which by its nature and structure an imperfect "control" for several factors associated with criminal justice"(p. 2). Participants 4, 5 and 8 have experience in the military justice system. Participant 4 believes that the military justice system is fair and equitable because "you have the opportunity to advance after you have done your crime." Participant 4 said the military justice stops recidivism because, "it offers training, counseling and the opportunity for you to grow without holding your crime over your head for the rest of your life.

Participant 5 explained the impact that the military justice system has on your life. Participant 5 said:

The military justice system takes your time, money and rank. If you get in trouble in the military, you lose a lot and not just some freedom. You have the possibility

of working for half a paycheck for up to 60 days and then also the amount of money that you lose from being demoted.

Participant 8 shared the positive and negative effects of the military justice system. One negative effect is that individuals can be tried for the same crime (double jeopardy). However, military personnel are given legal representation paid for by the military. Participant 8 explained that criminal justice is not fair or just unless you have the means to hire a good lawyer.

### **Theme 7: Criminal Justice Policies and Effects on Recidivism**

Criminal justice policies such as Three Strikes, mandatory minimums, and truth in sentencing laws have a negative impact on recidivism. Many offenders are in jail due to drug offenses or property crimes according to data from the Bureau of Justice Statistics (2018). According to Bryant (2018), “unemployment is the largest contributing factor in the high rate of recidivism, as unemployed offenders are more than twice as likely to recidivate as those employed.” Tough on crime policies impede ex-offenders from gaining employment. As a result, the ex-offender returns to prison. Bryant posited that a lack of work experience and relevant skills present a barrier to former inmates.

Participant 2 criticized tough on crime policies because “getting tougher on crime usually accompanies stiffer penalties for small offenses.” Participant believes that a negative relationship exists between time served and recidivism.

Participant 2 said:

I believe that the longer an individual is incarcerated, the more likely they are to become repeat offenders. I've never been inside but based on the stories that I've heard, you operate at a heightened state of awareness.

Participant 1 believes that tough on crime reforms have adversely affected recidivism. Participant 1 believes that tough on crime reform is the reason why we have mass incarceration in the United States. Participant 1 also explained how incarceration continues the cycle of poverty.

Participant 1 said:

Those reforms have generally targeted communities where the majority are poor and people of color. The people living in those areas are targeted by the reforms and no real way of escaping poverty and violence in their homes and communities, there is a high probability of it leading to recidivism.

Participant 8 agreed that a negative relationship exists between time served and recidivism.

Participant 8 said:

The longer an individual is incarcerated the more likely they will re-offend. Incarcerated individuals become institutionalized. Without receiving the appropriate resources and skills to function in mainstream society, they will return to the pattern of behavior that led to recidivism.

Participant 8 posited that an inability to find stable employment increase the likelihood of recidivism. Participant 8 said, “Once an individual is labeled as a felon, the greater chance they will re-offend. Convicted felons are unable to maintain stable employment. Eventually, they will return to what they know to survive.”

### **Theme 8: Gender and the Justice System**

Race and gender disparities are common in the criminal and military justice systems. According to the Sentencing Project (2019), between 1980 and 2017, the number of incarcerated women increased by more than 750%. This is a result of more expansive law enforcement efforts and stiffer drug sentencing laws and post-conviction barriers to reentry. The Sentencing Project reported that in 2017, the imprisonment of African American women was twice the rate of white women. Sawyer (2018) posited that women are the fastest-growing segment of the incarcerated population. According to the Prison Policy Initiative (2018), “although women represent a small fraction of all incarcerated people, women’s prison populations have seen much higher relative growth than men’s growth since 1978.” Sawyer (2018) recommends that states take a gender-responsive approach to meet the needs of justice-involved women to decrease the recidivism rate. Most women in prison have experience with trauma, substance abuse, and mental health problems and need services to support their recovery.

#### **Women and the Military Justice System**

GAO acknowledged that racial and gender disparities exist in the military justice system. GAO explained that the military services collect and maintain gender information, but do not collect racial and ethnic information consistently, which limits its ability to compare or assess data based on race. A challenge is that each military service uses different databases to collect and maintain information on investigations and court-martials. According to GAO (2018), Black, Hispanic and male service members were more likely than White and female service members to be the subject of investigations. GAO stated that in the Marine Corps that male service members were more likely to be convicted compared to female service members. GAO recommended that the Secretary of Defense, Secretaries of military services and Secretary of Homeland Security should create a database that includes gender, racial and ethnic disparities in the military.

Responses from participants ranged from men being incarcerated more than women to the factors that contribute to incarceration are. Participant 2 said that the male population is more likely to recidivate. Participant 4 said that males are more likely to recidivate. Participant 4 responded that African American males are most likely to recidivate, which has been proven by the Bureau of Justice Statistics data. Participant 8 believes that women receive more services while incarcerated, which affects the rate of recidivism. However, the data from the Prison Policy Institute and Sentencing Project concluded that women were less likely to receive services for problems like mental health, substance abuse, and trauma. Participant 1 cited the need for rehabilitation in prison and how rehabilitation would affect women when they reentered society. Participant 1 said, "I'm not aware of the differences. My best guess would be that

depending on the type of crime and subsequent environment the individuals reside, recidivism is possible there is no real rehabilitation.

### **Theme 9: Veterans**

The U.S. Department of Veteran Affairs released a report on veterans and the criminal justice system. According to the U.S. Department of Veteran Affairs (2018), “a justice-involved veteran is a former service member who has been detained by or is under the supervision of the criminal justice system. The VA does not maintain data on the crimes that veterans commit. However, a 2015 U.S. justice report indicated that the most committed crimes by veterans are violent sex offenses, other violent crimes, drug crimes, and property crimes. Violent sexual assault was the most committed crime among veterans. The VA reported that most incarcerated veterans suffered from mental illness and substance abuse disorders.

An alternative to incarceration is Veterans Court. Veterans Treatment Courts focus on the needs of veterans such as health issues, mental health, PTSD and substance abuse. According to Ruff (2018), “Veterans exposed to the physical and mental devastation of combat warfare, attempt to return to a society that once understood and accepted them. However, their internal scars still exist.” Ruff posited that combat veterans often turn to self-medication and dismiss their mental health issues, which affects their ability to be reintegrated into society. Veterans Treatment Courts have been effective in reducing recidivism and substance abuse rates (Ruff, 2018).

All participants were asked about veterans and the justice systems. Participant 1 said that there are no differences in the needs of veterans in the justice system except in



cases of mental health. Participant 4 said that there is no difference in the needs of veterans in military justice and criminal justice systems. Participant 4 stated, "I don't think their needs are different. The military system is based on the civilian counterpart and provides the same basic human needs." However, prior research has proven that veterans' needs are essentially the same. Veterans need support for mental illness and substance abuse issues. Participant 7 believes there is no difference in the needs of incarcerated veterans in military or civilian facilities.

Participant 7 said:

No, I believe that they are individuals who have issues/problems that need to be handled accordingly. I mean everyone has issues with trauma, but not everyone handles/deals with the same. Both sets (veterans & incarcerated individuals) need to be treated with decency and respect.

Participant 10 agreed that there is no difference in the needs of veterans and incarcerated individuals.

Participant 10 said:

I do not believe the needs of veterans incarcerated in the military justice facilities are different than those incarcerated in civilian justice facilities. The only immediate difference between the incarcerated veteran and the civilian is their armed service status. I am sure that substance abuse and mental illness play a role in the incarceration of veterans just as it does in the incarceration of civilians.

Participants 2 and 5 shared a different opinion about the needs of veterans in justice facilities. Participant 5 explained that all criminals should be treated equally. Participant 2 explained that the needs of veterans in a military facility should be different. Participant 5 said:

Whether they are or aren't is irrelevant. I think all criminals should be treated the same and should not have hardly any form of privilege to include commissary.

They are criminals. I think that once you break the law to the extent that you get incarcerated you are surrendering your freedom literally and choosing not to have any luxuries. You should not have anything that the poorest law-abiding citizen doesn't have.

Participant 2 said, "There is a possibility of needs of veterans in military justice facilities to be different especially if they're dealing with PTSD or any other military-related experience. They may need individualized treatment to meet their needs."

Participants were asked what the differences were in the needs of veterans and incarcerated civilians. Participant 2 described his observations of soldiers who returned from deployment.

Participant 2 said:

Having deployed and witnessed events in combat, I understand how profound an effect this can have on a soldier. Given these circumstances, the experience of the military offender can differ from that of a civilian offender.

**Theme 10: Patterns of Recidivism**

According to data from the Bureau of Justice Statistics, GAO report and state departments of corrections, violent offenders are more likely to recidivate within the first 18 months. The Bureau of Justice Statistics reported that 68% of prisoners had been arrested for a crime within 3 years. 79% of prisoners were arrested at 6 years following release. 83% of prisoners were arrested after 9 years. The recidivism data based on gender revealed that there was no statistical difference in the recidivism for the first year. However, the recidivism rate increased by the end of the 9 year period. 84% of male prisoners were arrested and 77% of female prisoners were arrested. Male and younger prisoners were more likely to be arrested each year for minor offenses. The U.S. Sentencing Commission (2019) explained that the lowest recidivism rate was among people above age 60. The recidivism rate for youth under age 21 was 67%. According to the U.S. Sentencing Commission's study on recidivism, about 50% of federal offenders were rearrested. The GAO report on military justice found that the military justice system needs to improve its capabilities to assess racial and gender disparities.

Participants were asked what can be done to reduce the rate of recidivism and what problems should be addressed by the military and criminal justice systems. Participant 4 said that job skills, rehabilitation, and social skills would help to prevent recidivism. Participant 8 suggested that counseling, education, and vocational education should be offered to make it easier to gain and maintain stable employment. Participant 7 said that job fairs, job training, education, and skills would help to prevent recidivism. Participant 10 added

Participant 8 said:

Many institutions offer counseling, education and the opportunity to learn a trade. The issue is that their ability to utilize those skills once they are released from prison, however, many stipulations are in place that prevents them from utilizing the degree after use.

Participant 7 said:

They need to know how to keep a job but most importantly, they need to have skills to get a job. Releasing them without skills and training would allow them the opportunity to get back into committing crimes. But having a skill set and training will allow them an opportunity to obtain a job and become a stable citizen.

### **Theme 11: Effectiveness of the Criminal Justice System**

The criminal and military justice systems share a similar purpose. The purpose is to deter crime and prevent recidivism. Changes in society such as the War on drugs have dramatically increased the U.S. prison population. According to the Sentencing Project (2019), 2.3 million people reside in 1,719 state prisons, 109 federal prisons, 1,772 juvenile facilities, 3,163 local jails, and 80 Indian County jails as well other detention centers such as military prisons, immigration detention facilities, state psychiatric hospitals and prisons in U.S. territories. According to the Sentencing Project report on incarceration, people incarcerated on a drug offense make up half of the prison population. However, most people are locked up for violent or property crimes. The

number of women in prison is also increasing. Women in prison have significant histories with emotional, sexual, physical and substance abuse. Sixty percent of the people in prison are people of color. The Sentencing Project (2019) stated, “sentencing policies, implicit racial bias, and socioeconomic inequity contribute to racial disparities at every entry of the criminal justice system.

Participants were asked about their perceptions of criminal justice and if it was effective in deterring crime. All participants shared that the criminal justice system was ineffective for many reasons including racial bias. Participant 1 equated the criminal justice system to American slavery.

Participant 1 said:

While we do need some measure to deter crime, the way the criminal justice system operates in this country has roots in American slavery and has become part of the systemic racialized institutions that target people of color.

Participant 9 also agreed that the criminal justice system was corrupt. According to Participant 9, “I feel as though the criminal justice system is corrupt but people can make a difference by getting involved in law enforcement, courts or corrections.”

Participant 2 does not have faith in the criminal justice system or its ability to deter crime.

Participant 2 said:

I have no faith in the criminal justice system. I believe that “justice” is determined based on how much money you have to afford the best person to argue for you. Innocence or guilt isn’t of much consequence if your money is right. The system

itself is set up for the failure of the disenfranchised. Any system that makes a profit based on the number of incarcerated individuals, is a system that needs a pipeline to continue its profits. The current system is not an effective way to deter crime and it encourages repeat offenses when individuals are released and their records follow them.”

Participants 3, 7, 10 and 12 agreed that criminal justice is necessary. Participant 12 said, “I feel that the criminal justice system has a lot of flaws but we need it.”

Participant 3 said:

I feel our criminal justice system is broken. First, we have far too many laws. This means that the laws that are enforced are not uniformly enforced across all populations. Second, very few cases are actually adjudicated by a jury of one’s peers. Rather, they are plea bargains that are not just or equitable. Lastly, our prison system is broken. It is an odd mix of restrictions of liberty and rights that are not equal across all districts.

Participant 7 said:

The only thing that I know about the military justice system is that it appears that they are biased when it comes to the individuals that serve in the military. It doesn’t seem fair at all. Hiding and making things nearly impossible to find is not fair.

Participant 10 said:

I don’t know about the military justice system besides the fact that it is a sovereign system with exclusive authority over members of the U.S.

Armed Services. I would think the military justice system has been more effective than the criminal justice system in addressing recidivism because of the resources at their disposal for many who remain in the Armed Services during and after punishment.

### **Theme 12: Interventions/Solutions**

Many solutions have been proposed to reduce recidivism after release. The interventions have included substance abuse counseling, mental health counseling, education, and job skills training to ensure stable employment after being released from prison. Malouf, Youman, and Tangey (2017) proposed a values-based mindfulness group intervention could reduce post-release risk behavior. According to Malouf et al., “mindfulness may also have implications for offenders’ moral emotions, particularly shame and guilt over the moral transgression of the crime.” Malouf et al. posited that mindfulness group intervention led to improvements in mood, self-regulation and problem behavior.

### **Reforms**

Participants were asked about their thoughts on criminal and military justice reform. Participant 3 said that fewer crimes with mandatory minimum sentences could improve recidivism rates.

Participant 3 said:

I believe that Trump has made some good steps but African American lawmakers pushed for strong sentences in the 1990s that have negative impacts on judges’ ability to provide sentences appropriate to an individual’s situation. Minimum

sentences mean longer exposure to career criminals. Any reform can be used by the opposing party as being weak on crime or negatively impact minority communities even though our current policies have demonstrated harmful effects.

Participant 7 recommended that policymakers get rid of the three-strike rule.

Participant 7 said:

I feel that the reforms in the criminal justice system are much needed in that there has always been a disparity in sentencing and handling cases. For example, marijuana, crack, and cocaine. Minority individuals were sentenced to longer sentences than whites for their non-white counterparts served for cocaine.

Participant 10 said:

I am unaware of any military justice system reform. However, I believe that there are several measures being taken in the criminal justice system to ensure limited resources used best. For example, many jurisdictions are legalizing recreational marijuana use, incorporating restorative justice practices and making changes to how juveniles are dealt with during contact and adjudication.

Participants were asked if criminal justice reform was necessary. Participant 2 said, “it was necessary and overdue.” Participant 2 recommended that after being released from prison that individuals should no longer have to wear the “scarlet letter.”



Participant 2 said:

I believe reform is necessary and overdue. There are too many people incarcerated solely based on their inability to pay the cost of bail. There are also an abundance of people who have taken plea deals, despite being innocent, because they are afraid of going to trial and having the potential of facing more time. They are oftentimes coaxed into taking these plea deals.

Participant 1 believes that rehabilitation could improve recidivism rates.

Participant 1 said:

One is to ensure rehabilitation. A second includes a more defined way to help inmates prepare for reentry into society. A final would be to ensure once released, they are positively influenced through workshops and meetings that help them focus on life goals and opportunities.

## **Solutions**

All participants expressed concerns about lengthy sentences, the need for more services, job skills, and equity in the criminal justice system. The elimination of cash bail was another issue of concern. Participants were asked to respond to questions about interventions, solutions, and skills necessary for re-entry into society. Participant 3 feels that some policies need to be reviewed and revised. Participant 3 explained that skills and certifications would be helpful when an inmate is released from prison.

Participant 3 said:

Our social policies have to stop incentivizing single-family households ran by women. First, children from single-parent households are less likely to encounter adult conversations, thus stunting their vocabulary and education for life. Second, the lack of male role figures results in the child finding male role models.

Participant 5 believes that making incarceration unpleasant will deter crime and decrease the recidivism rate.

Participant 5 said:

Make incarceration extremely unpleasant so people do not want to return. Bring back the chain gangs and hard labor. Don't give them any luxuries. If something is miserable then you would be a lot less likely to put yourself in the same situation.

Participant 1 believes that mental health counseling could reduce the recidivism rate.

Participant 1 said, "A few interventions that may prevent recidivism include mental health evaluations and treatment, sustainable education, job skills, training ensuring a viable skill is learned to secure a job, and life skills, training in finance, investing, home buying, etc." Participant 8 believes that several issues should be addressed by both justice systems to improve recidivism rates and deter crimes. Participant 8 said, "The issues have to be addressed prior to entering the criminal justice system. Identifying mental health

early on, proper education and resources for the poor and disenfranchised are some examples. Participant 2 proposed meditation and yoga as possible interventions.

Participant 2 said, “I think that having group sessions where people are allowed to express themselves freely could help. Also, offering meditation and yoga could be useful. These individuals should be able to learn a trade that would help them find employment or become self-employed upon release.”

Participant 7 recommended skills and training as a possible intervention.

Participant 7 explained that job fairs, job training, education and providing a skill set would help to prevent recidivism.

Participant 7 said:

They need to know how to keep a job but most importantly, they need to have skills to get a job. Releasing them without skills and training would allow them the opportunity to get back to committing crimes. But having a skill set and training will allow them the opportunity to obtain a job and become a stable citizen.

### **Military Justice System**

GAO made several recommendations for improvement in the military justice system. GAO found that the Department of Defense needs to improve its capability to assess racial and gender disparities. The first recommendation is that GAO will conduct further research to identify the causes of racial and gender disparities for each branch of service. Recommendation 2 is that the Secretary of the Army should update their

database to be consistent with other military justice databases that identify the service members' race and ethnicity. Recommendation 3 is that the Secretary of the Air Force should also update their databases to be consistent with other military justice databases. Recommendation 4 is that the Secretary of the Navy should develop the capability to present service members' race and ethnicity data in its investigations and personnel database.

Recommendation 6 is that the Secretary of Defense should ensure that the Joint Service Committee on Military Justice considers an amendment requiring all branches of service to update their databases to include demographic information. Recommendation 7-11 recommends that the Secretary of Defense, Army, Navy and Coast Guard adopt some diversity and inclusion training and establish criteria that should be used when considering racial, ethnic and gender disparities. According to the Department of Homeland Security, "The Department acknowledges GAO's findings that the ability to readily assess military justice data to identify disparities is limited by how the armed services collect and maintain data on race, ethnicity, and gender of service members."

### **Summary**

The purpose of Chapter 4 was to answer the research questions presented at the beginning of the research study. The central research question was: What will be what is the relationship between time served in prison and recidivism? Two sub-questions were also answered. Sub-question 1: Does the time served deter recidivism for the civilian and veterans? and sub-question 2: Which among the two justice systems is effective as far as deterrence of recidivism is concerned? The relationship between time served and

recidivism was answered by the questionnaire, one on one interviews and focus group discussion. The consensus was the time served and recidivism hurt incarcerated individuals. Participants shared that prisoners spend so much time in prison that they become institutionalized and cannot function outside of prison. They need tools such as mental health counseling, substance abuse treatment, education, and job training to lead successful lives outside of prison.

The study found that veterans have unique needs. Veterans are often in jail due to mental health issues, PTSD or substance abuse. Substance abuse is considered a coping mechanism. The research showed that veteran courts, which focus on rehabilitation instead of incarceration. Time served is not a deterrent and will not reduce recidivism. Criminal and military justice should focus on rehabilitation. The answer to the sub-question 2 varied depending on the participant answering the question. Some participants believed the military justice system did a better job with reducing recidivism because service members can lose their rank, pay, and face other consequences for committing crimes. Other participants believed both systems could benefit from reform because of racial and gender disparities in sentencing.

Chapter 4 discussed the pilot study, data collection, data analysis, trustworthiness, and results. The results were presented by themes with supporting data from participants and the GAO report on Military Justice. Chapter 5 will discuss interpretations of findings, implications, limitations, and conclusion.

## Chapter 5: Discussion, Conclusions, and Recommendations

### **Introduction**

The purpose of this research study was to examine if time served deterred recidivism for civilians and veterans. A secondary purpose was to discover which justice system (criminal or military) was the most effective in addressing recidivism. I conducted this research study to understand the systemic problem of recidivism in the justice system. At the time of writing, 2.3 million people were serving time in U.S. prisons (Carson, 2020). Each of the branches of service maintains the military justice system. In reviewing the literature, I found a paucity of literature on the military justice system and recidivism. A report released by GAO revealed that gender, ethnic, and racial disparities exist in recorded investigations, court-martials, and confinement (GAO, 2019). The data vary by branch of service. Veterans have been the topic of many research studies conducted by Veteran Affairs and the National Institutes of Health (2018). Butler (2017) asserted that veterans face a unique set of obstacles when reintegrating into society, which include mental disorders and substance abuse. PTSD and substance abuse contribute to limited employment opportunities and the potential for crime in homeless veterans (Butler, 2017). However, the justice system and VA are not investing resources into treating mental illness, PTSD, and substance abuse. VA is not providing job skills. As a result, veterans are becoming homeless at high rates and committing crimes. The U.S. Department of Veterans Affairs (2020) reported that in 2019, 37,085 veterans experienced homelessness. Finlay et al.'s (2017) study on justice-involved veterans

explained that the challenges of finding healthcare and community-based treatment have contributed to an inability to find employment and secure housing.

Recent research on recidivism shows that many factors cause offenders to recidivate. Tough on crime legislation like Three Strikes and mandatory minimums have contributed to long sentences for nonviolent crimes (Kilpatrick, 2016). Violent offenders recidivate after 3 years of being released from prison (U.S. Sentencing Commission, 2016). Racial disparities in sentencing and tough on crime have contributed to mass incarceration (Friehe & Miceli, 2018). Prisoners are not being given the tools to be successful when leaving prison. Interventions such as mental health counseling, substance abuse treatment, job skills, mindfulness, and rehabilitation could help prevent recidivism (Bhuller et al., 2016; Hall & Chong, 2018; Malouf et al., 2017). Tough on crime and long sentences have not effective in deterring crime and reducing recidivism, according to experts. Therefore, reforms in the criminal justice system should focus on rehabilitation. GAO (2019) recommended that the Department of Defense explore ways to record race, ethnicity, and gender in their justice database and preserve soldiers' privacy. The data from the Department of Defense about racial, ethnicity, and gender disparities are known; however, the Department reported that gender and racial disparities are not statistically significant (GAO, 2019). A recommendation arising from this study is that the Departments of Defense and Veteran Affairs should work together to solve this problem and to help veterans as they reenter society after combat or time served in a military facility.

The central question was, Does time served deter recidivism for civilians and veterans? A secondary question was, Which between two justice systems (military and civilian) is successful in addressing recidivism? I sought to determine the difference between the two justice systems as well as develop an understanding of whether the two systems deter recidivism.

The research study revealed that time served did not deter recidivism. Policies and legislation have been implemented over the past 40 years to deter crime and reduce recidivism. These policies were successful at one point. However, many nonviolent drug offenders are serving lengthy prison sentences due to tough on crime legislation like mandatory minimums, which does not allow judges flexibility in determining the punishment for crimes (Clark et al., 2017). Judges have to give a minimum amount of years before an offender can be released. Time served can be successful if correctional facilities equip prisoners with tools to lead effective lives once they are released from prison. Many prisoners re-offend because of an inability to find stable employment and the stigma attached to being incarcerated. Implicit bias is another reason for recidivism. Typically, African Americans are arrested for nonviolent offenses and serve longer sentences in state and federal facilities. According to the Carson (2020), African Americans make up over half of the prison population in the United States. One of the findings of this study was that the military and criminal justice system have racial disparities in convictions and sentencing. (GAO, 2019; U.S. Sentencing Commission, 2019). Both systems could benefit from further investigation on why these disparities exist and how to combat them. Diversionary programs, which include mentorship, job



training, mental health, and substance abuse treatment outside of confinement, could be effective in deterring recidivism.

### **Interpretation of the Findings**

I explored the following topics in the literature review: positive outcomes of incarceration on recidivism, whether incarceration reduces recidivism, deterrence, understandings of justice, judicial independence, military justice jurisdiction, and the purpose of criminal law. Prior research has revealed that recidivism is a systematic problem and should be addressed. The U.S. prison population totaled 2.3 million in 2019 (Sentencing Project, 2019). The U.S. Sentencing Commission (2019) reported that 64% of prisoners who had been convicted of violent offenses were arrested within eight years compared with about 40% of those convicted of nonviolent offenses. There is not much research on the military justice system due to sensitive information about specific service members. The military justice system only publishes general information about the number of service members who have recorded investigations and special court-martials. Justice in the military justice system is focused on time served for committing an egregious offense (GAO, 2019). Service members lose their rank and pay and could be dishonorably discharged (GAO, 2019). The military justice system is based on the Uniform Code of Military Justice. Most civilians do not know anything about the military justice system because complaints under the military justice system are treated with confidentiality. The results of the study were that both the military and criminal justice systems have failed veterans, and their staff should work in Congress to ensure that veterans' needs are met before reentry to society. As a result, Veterans should receive

treatment for PTSD if they have served in combat and be provided with the skills to gain and maintain successful employment. I will address each of the topics from Chapter 2's literature review and how it relates to my research findings on recidivism.

### **Positive Outcomes of Incarceration on Recidivism**

Prior research on recidivism has revealed that incarceration has a negative on recidivism. Additionally, incarceration can only have positive outcomes if prison officials address the problems that brought the prisoner to prison initially and give them the tools to be successful out of prison (Abram et al., 2017). A study conducted on the positive outcomes on incarceration on youth suggested the delinquent youth are of greater risk of poor outcomes in adulthood and that the experience of incarceration may impair psychosocial development. Abram et al. (2017) explained that to improve positive outcomes, education attainment, job training, mental health, substance abuse treatment, and investment in psychosocial services in confinement and community must be offered. Most participants agreed that criminal justice reform that includes providing job skills and counseling could be helpful for inmates as they reenter society (Abram et al., 2017). Two participants shared that the criminal justice system is necessary, but the system as a whole should investigate ways to prevent racial and gender bias (Abram et al., 2017). Authors of the GAO report on military justice also concluded that diversity and inclusion training could be beneficial in deterring crime and preventing recidivism (GAO, 2019). Authors of the Veterans Affairs report on incarcerated veterans shared that veterans often committed crimes based on mental health and substance abuse problems (GAO, 2019).

The need for public-private partnerships to address mental health and substance abuse issues is offered as a possible solution for addressing recidivism in the justice system.

### **Lack of Impact of Incarceration on Recidivism**

The recidivism rate is about 64% in the United States (Alper & Durose, 2018). The U.S. Sentencing Commission (2019) reported that 77% of drug offenders were arrested for a nondrug crime within a nine-year period. The first-year arrest rate for men is higher than that for women at 45% for men and 35% for women (U.S. Sentencing Commission, 2019). Fifty percent of former prisoners who were convicted of property crimes were rearrested within the first year with a violent crime (U.S. Sentencing Commission, 2019). This statistic is similar to the Bureau of Justice Statistics data on the recidivism rate in federal prisons. According to the Bureau of Justice Statistics, violent offenders are often arrested within the first three years. The Bureau of Justice Statistics found that the Department of Justice and the U.S. Sentencing Commission only examine arrest rates and not all arrests that resulted in a conviction. Therefore, it is difficult to address the factors that contributed to reoffending within the first year. The Sentencing Project suggested that some nonviolent offenses should be decriminalized to decrease the prison population and deter recidivism.

The participants in the study agreed that the justice system is broken and does not deter recidivism. However, they believe that it is necessary. One participant equated the criminal justice system to American slavery. Another participant stated the criminal justice system targets the disenfranchised. A third participant shared that racial disparities and tough on crime laws are responsible for incarceration and recidivism. The data from

the U.S. Sentencing Commission, Bureau of Justice Statistics, and Sentencing Project all revealed that criminal justice and military justice reforms are necessary to ensure equity in the justice system.

**Mixed outcomes of incarceration and recidivism.** Incarceration has a negative impact on recidivism. Data on recidivism does not explain why offenders continue to re-offend. The data only includes how many people were arrested over a period of years and what kind of crime they were charged with (violent or nonviolent.) Some positive impacts of incarceration are that criminals are off the street. Therefore, they are not a danger to themselves or others. However, the criminal justice system does not maintain data on why people are committing crimes. It is important to understand why criminals commit crimes and why they offend. Confinement should be a time when criminals are getting support from prison officials to address trauma, mental health, and substance abuse issues. Participant 2 shared that the military justice system is ineffective in deterring crime because veterans and military personnel often re-offend when they are reintegrated into civilian society. Participant 2 said, “For the most part, once a crime is committed, the military pretty much washes its hand of the individual.” Participant 10 stated that the criminal justice system is a necessary institution. Participant 10 said, “As far as efficacy I do believe the criminal justice system does deter some crime using both general and specific deterrence.

Participants agreed that rehabilitation should be the focus of incarceration. Andrade, Ritchie, Rowlands, Mann, and Hides (2018) shared that substance abuse treatment could influence recidivism rates. According to Ritchie, Rowlands, Mann, and

Hides, drug and dependence in the offending population present a significant challenge for the justice system. Ritchie et al. suggested that cognitive behavior theory should be used to treat mental health and substance abuse issues. Participants in the study also identified substance abuse and mental health issues as important to the rehabilitation process. Cognitive behavior therapy, mindfulness training, education, and vocational education should be implemented in state and federal facilities to address challenges to recidivism.

### **Deterrence and Recidivism**

Incarceration does not deter crime. Data on recidivism showed that often-incarcerated individuals often re-offend within the first three years. According to the Sentencing Project, more severe punishments fail to enhance public safety. The Sentencing Project's recommended that policymakers institute evidence-based practices. According to Wright (2017), "Such an approach would also free up resources devoted to incarceration for increased initiatives of prevention and treatment." The Sentencing Project's research is consistent with other research on recidivism, which advises policymakers to consider restorative justice and recidivism. According to the U.S. Department of Justice (2016), "increasing the severity of punishment does little to deter crime." The Department of Justice determined that laws and policies that deter crime by focusing on increasing the severity of punishment are ineffective.

Participant responses on deterrence and recidivism were varied. Most participants shared that the criminal justice system is flawed and does not do much to correct the individual's behavior. Participant 5 stated that long sentences do not deter crime or

reduce recidivism because people will continue to recidivate by choice. Participant 3 does not believe that long prison sentences deter crime. Instead, participant 3 posited that longer prison sentences encourage more severe crimes. The Georgia State Corrections report on recidivism shared that more people are arrested for violent crimes. No evidence was given to show that incarceration deterred crime. Recidivism rates over a nine-year period showed little changes. State corrections officials and the Department of Justice must investigate the causes behind the recidivism rate and determine what measures will decrease the likelihood of reoffending after being released from prison.

### **The Effectiveness of the Justice System**

The justice system is used to punish people for committing crimes. Although the justice system is effective in punishing people; there is a failure in rehabilitating inmates. Over the past 40 years, the U.S. prison population increased by 400%. According to the Prison Policy Institute, 70% of convictions resulting in confinement. The population of women in prison is growing rapidly. Racial disparities continue to rise in prison. More than 60% of the people in prison. Black men are six times more likely than White men are. Another area of concern is felony disenfranchisement. Felony convictions have disenfranchised 6.1 million Americans. According to the Sentencing Project, one in nine people in prison is now serving a life sentence and nearly a third of lifers have been sentenced to life without parole. Many prisoners are waiting in jails because they cannot afford cash bail. Critics of the criminal justice system suggest that cash bail should be eliminated because people are remaining in jails for years while waiting for trial because

families cannot afford to pay bail. Reforms are needed to ensure fairness and equity in the justice system.

Participants shared multiple perspectives on the effectiveness of the justice system. Participant 6 explained, “The difference between recidivism vs rehabilitation is not to commit the crime again. They are to be taught how to behave parse’ in society.” Participant 6 shared that the military justice system often uses double jeopardy. A person can be charged with the same charge after they have been released. Participant 7 said that criminal justice reform is necessary because, “in order for justice to be equal and fair, it needs to be reformed.” Most participants agreed that recidivism is a systemic problem and requires research and collaboration between multiple stakeholders.

### **Equity and Judicial Independence**

Many factors present challenges to judicial independence. Tough on crime laws and policies to deter crime adversely affect the criminal justice system. Judges do not have autonomy in the courtroom to enforce the law. In many cases, judges must follow sentencing requirements, which sometimes lead to lengthy sentences for nonviolent or minor crimes. Justice is essentially putting policies in place, which protect the greater good. Berggren and Jerg stated, “As for the role of the judiciary, the constitution must enable judges to safeguard the constitutionally protected personnel freedom by invalidating legislation that runs counter to it.” According to Berggren and Jerg, sometimes personal freedoms are sacrificed by the good of the majority. The Constitution protects civil liberties, but legislation like tough on crime laws have created a large prison population and stripped prisoners of their personal freedom.

Participants shared differing views on equity and the criminal justice system. Participant 10 said, “There are many cases where the disposition of the case is not relative to the severity of the charge. For example, individuals sometimes acquire harsher sentences for property crimes as opposed to crimes against people.” This statement is consistent with current literature and statistical data on tough on crime legislation such as mandatory minimums and three strikes. According to the Criminal Justice Policy Foundation (n.d.). Mandatory minimum sentencing laws require judges to hand down a minimum prison sentence based on charges, which result in a conviction. Some incarcerated individuals take plea bargains to receive a lighter sentence rather than facing a judge and facing a long sentence. This situation also affects judicial independence because the judge does not measure guilt or innocence. Policies should be put in place to ensure equity in the justice system. Data should be collected and analyzed about the effectiveness of the justice system and policies should address any disparities in the administration of justice.

### **Military Justice Jurisdiction**

Military courts were authorized by Article 1 of the U.S. Constitution and have jurisdiction over cases involving military service members and some retired service members. The military justice system has the power to convict service members for crimes defined in the Uniform Code of Military Justice (UCMJ). The military court system includes court-martial, a criminal court of appeals for each branch and the U.S. Court of Appeals for the Armed services. The U.S. Supreme Court has appellate jurisdiction and could be responsible for final review in military courts. According to the



Congressional Research Service (2019), legislation is being considered to give defendants in military court more opportunities to appeal to the Supreme Court. The Congressional Research Service said that there is a disparity in access to appeal to the Supreme Court. Another suggestion is that the military should discipline service members by their rank. Service members with higher ranks would be disciplined differently than their subordinates.

Participants in the study were asked about military jurisdiction. Some of the participants questioned by veterans were not tried in the military justice system. Prior research on this topic revealed that veterans' courts are being established to reduce recidivism. Veterans' courts provide intervention and rehabilitation instead of confinement. The criminal justice system should only be informed when a veteran commits a heinous crime, not a nonviolent offense. The participants in this study said that recidivism should not be an issue in the military because a service member is tried based on the Uniform Code of Military Justice. According to the U.S. Department of Defense (2019), "The purpose of military law is to promote justice, to assist in maintaining good order and discipline in the armed forces, to promote efficiency and efficiency and effectiveness in the military establishment and thereby to strengthen the national security of the United States." A recommendation for the military justice system is transparency and accountability to ensure that justice is served for all service members.

### **The Purpose of the Criminal Justice System**

The purpose of the criminal justice system is to hold people accountable for committing crimes. The U.S. is the world's leader in incarceration. The prison population

has grown 500% over 40 years. The prison population has increased due to changes in law and policy. The War on Drugs in the 1980s and tough on crime legislation dramatically increased the U.S. prison population. The criminal justice system is supposed to keep citizens safe and deter crime. However, the rights and civil liberties of prisoners are leading to calls for change. Sentencing policies, racial bias, and socioeconomic inequity contribute to racial disparities. According to the Sentencing Project, tough on crime legislation has not decreased the recidivism rate. The Sentencing Project stated, “Because recidivism rates decline markedly with age, lengthy prison sentences unless they specifically target very high rate or extremely dangerous offenders, are an inefficient approach to preventing crime by incapacitation.”

All participants agreed that the criminal justice system is not always effective in deterring crime. Participant 3 said that there are too many laws that are not enforced across all populations. Participant 2 shared that the justice system is not an effective way to deter crime and encourages recidivism because ex-offenders' records follow them. Participant 7 believes that criminal justice is not just, because it depends on who you are, your socioeconomic status and race. Participant 5 had a strong opinion about the justice system. Participant 5 said, “Absolutely not. I think some people choose to go to jail/prison because it offers them a decent and structured life.” The goal of the criminal justice system is to deter crime. However, some people become “institutionalized” and cannot manage outside a prison. One participant said make prison uncomfortable so people will not return. Prior research and the data from this study concluded that interventions are needed to equip prisoners with skills as they reenter society.

### **Limitations of the Study**

Several limitations of this study were cited in Chapter 1. The limitations were based on researcher bias and the qualitative research methodology. I was effective in reducing researcher bias. All participants were assigned numbers to replace their names. I kept an audit trail and journal to ensure that the data were accurately reflected and to limit researcher bias. A limitation identified during the study was the sample size. A larger sample would have yielded more robust data. The inclusion of ex-offenders could have an increased understanding of experiences as an inmate in the criminal justice system. Ex-offenders were not used because of the challenges of receiving approval to recruit at a halfway house or through an organization with ties to ex-offenders. Another limitation was finding information about the military justice system. I gained some insight from the military policeman. However, I could not speak to adjudicated individuals because of their affiliation with the armed services.

### **Recommendations**

Future research should examine gender and racial disparities in the justice system and how to successfully implement diversionary programs, which address the needs of incarcerated individuals. Another recommendation is to conduct a quantitative study, which provides insight into how incarceration affects people of color. The study should include an analysis of how likely African Americans, Hispanics and other minorities will recidivate compared to the White peers. Another recommendation is to conduct a study on veterans in the justice system and present policy recommendations to help criminal justice officials and the VA to create programs to address veterans' needs. Accountability

and transparency are recommended for the military justice system to ensure racial and gender disparities are addressed.

### **Implications**

This research project sought to gain an understanding of the differences in the criminal and military justice systems. The study revealed that laws and policies based on the War on Drugs are ineffective, should be reviewed, and revised based on data concerning the effectiveness of tough on crime legislation. This research study gave new insight into the challenges that people face when they commit crimes and how programming and skills acquisition is needed to help prisoners to reenter society. Policymakers should look at current programs to consider their effectiveness in deterring crime and preventing recidivism. Public-private partnerships will give incarcerated individuals more support when returning home after incarceration. This study promotes positive social change because it could influence policymakers to consider interventions and rehabilitation as a way to deter crime and promote recidivism.

### **Conclusion**

The criminal justice system was created to ensure public safety and deter crime. Laws were put in place to protect citizens' civil rights and civil liberties. However, laws and policies have been created, which do not protect personal freedoms guaranteed in the Constitution. The criminal justice system is plagued with corruption and racial disparities in sentencing. Tough on crime legislation failed to deter crime and increase recidivism as prisoners were released with no skills, coping mechanisms and the ability to gain and maintain stable employment. Policymakers should consider getting rid of mandatory

minimums and three strikes and decriminalize some drug offenses. The military justice system should consider revising current policies, which do not disclose race or gender when service members are facing disciplinary action. Finally, veterans should receive support for mental health, substance abuse, and PTSD to ensure that they will not face challenges when reentering society.

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