

**“Yo Bro, What Imma Do Now?”: Understanding the Impact of Disasters on
Populations Under Community Supervision**

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Abstract

Individuals under community supervision face compounded social vulnerability in times of hazard and/or disaster. This study examines how the strains of community supervision interfere with an individual's experience before, during, and after a hazard and/or disaster using individual, in-depth interviews with 13 professionals who worked with people currently or formerly on community supervision. Three key themes emerged from the interviews: (1) exacerbated social vulnerability; (2) technology challenges and limitations; and 3) burden of supervision. The findings reveal that individuals who are under community supervision face unique challenges during a hazard and/or disaster. Disasters magnify existing challenges, particularly in meeting the basic needs of those under supervision, and the strains of the supervision conditions exacerbate their social vulnerability and increase their risk of negative outcomes.

Keywords: community supervision, disasters, social vulnerability, criminal justice

Introduction

With the continuing widespread impact of climate change (Lohan, 2021) and proliferation of the carceral state across the globe (Martensen, 2020), populations involved in the criminal legal system in the United States will continue to experience exacerbated effects of hazards and disasters. The millions of individuals under some form of carceral control in the U.S. (Sawyer & Wagner, 2019) will experience more frequent and more severe disasters and catastrophes, which will cause more damage and interruptions to their daily lives. Yet, these populations are frequently ignored or forgotten in emergency planning. Populations under carceral control, especially those in the community who are responsible for their own welfare, have little literature dedicated to understanding their experiences before, during, and after hazards and disasters, and how the strains of their supervision conditions interfere with those experiences. This study helps to fill that gap by offering insight into individuals' experiences, examining ways that supervision poses unique challenges within the disaster context.

Literature Review

Social Vulnerability

The concept of social vulnerability in the hazard and disaster field refers to the differential experiences of people in the time of a hazard or disaster. Social vulnerability posits that by way of their social characteristics, such as race, gender, class, economic status, geographical location, physical mobility, etc., some individuals may be more vulnerable before, during, and after a disaster (Aldrich & Meyer, 2015; Bolin & Kurtz, 2018; Bythewey, 2007; Cutter, 2006; Enarson, 2006; Hendricks, 2017; Peacock et al., 1997; Quarantelli, 2006; Reid, 2013; Tierney, 2006; Vance, 2008). Some scholars have

interrogated this concept to examine how social vulnerability arises. These scholars have presented largely structural or systemic arguments of social vulnerability, positing that people are not vulnerable by some inherent characteristic but because of the structures that impact their identity, especially within marginalized populations (Bolin & Kurtz, 2018; Bullard & Wright, 2009; Jacobs, 2019; Melo Zurita et al., 2018; Wisner et al., 2012). Nevertheless, social vulnerability approaches highlight vulnerable populations in the time of a hazard or disaster and extend calls to examine ways that emergency management can incorporate these realities in emergency planning.

Incarceration, Community Supervision, and Disasters

Yet one vulnerable population is often not designated as such in emergency planning: individuals involved in the criminal legal system. From individuals who are incarcerated to those who are on carceral supervision in their communities, members of this population are frequently deprioritized in emergency management because of the notions of punishment that undergird our criminal legal system. The U.S. incarcerates more individuals than any other country in the world, with over 2.3 million behind bars (Sawyer & Wagner 2019). Mass incarceration disproportionately affects those who have faced historical and sustained marginalization within our society, ravishing their communities (Alexander, 2010; Gottschalk, 2006; La Vigne et al., 2008; Rose & Clear, 1998). Those incarcerated are most often poor people of color (Mauer, 2011; Western, 2010) with little economic and educational mobility and inadequate employment, housing, and healthcare (Bronson & Carson, 2019; Mauer, 2011; Sawyer & Wagner, 2019; Vance, 2008).

There is limited literature on the intersection of the criminal legal system and disasters, but some scholars have demonstrated that incarcerated populations, who are deprived of the ability to make decisions for their own welfare, have heightened vulnerability due to their geographic isolation. For example, some of this work documents how these populations have suffered a lack of food and water, overflowing sewage, and disorganized and harmful transportation during a disaster, with violations of their legal rights (Martinez & Flagg, 2017; Omorogieva, 2018; Saviolis, 2013; Vance, 2008). Other scholars have highlighted that many carceral facilities neglect to appropriately plan for disasters, instead focusing on planning for safety protocols like what to do during a riot and other forms of violence, or how to use incarcerated people as labor (Gaillard & Navizet, 2012; Saviolis, 2013; Purdum, 2019). Additionally, others have looked at impacts of the built environment of carceral institutions (Gaillard & Navizet, 2012; Le De & Gaillard, 2017), highlighting that these facilities are frequently built in hazardous locations and with inadequate materials to withstand a range of hazards or disasters, putting incarcerated people at increased risk.

However, community supervision, in the form of probation, parole, electronic monitoring, house arrest, and other means, is the most common form of carceral control in the country. There are currently 4.4 million people under some form of community supervision in the U.S., shedding light on the vast reach of the criminal legal system (Sawyer & Wagner, 2019). These individuals, in “open air prisons” (Davis, 2016), have what is perceived as the benefit of freedom (i.e., being in their community), yet they contend with a level of supervision and scrutiny that parallels that of incarcerated individuals . At the same time, while carceral institutions have the legal obligation to

provide for the welfare of incarcerated individuals under their control, individuals under community supervision experience control without the benefit of having their needs met. In other words, they are responsible for taking care of their needs while juggling the fulfillment of their supervision conditions.

This challenge has been routinely discussed in the literature and scholars have presented arguments that highlight the unique challenges of successfully completing community supervision—so much so that researchers have introduced concepts like “back door sentencing,” referring to the reality that community supervision often serves as a feeder back into incarceration as large populations are reincarcerated during their supervision terms (Council for State Governments (CSG), 2019; Lin et al., 2010; Padfield, 2005; Phelps, 2018; Steen & Opsal, 2007; Taxman, 2015; Orrick & Vieraitis, 2015). A growing body of work has recently begun to explicitly make these connections (Henry & Wachtendorf, 2020), finding that individuals under community supervision face compounded social vulnerability in time of a hazard and/or disaster and are thus at risk for greater negative impacts.

Yet, there remains a gap in understanding the true experiences of those under community supervision in the time of a hazard and/or disaster. This study attempts to fill that gap by examining the relationship between community supervision and disasters. In other words, how do the strains of community supervision interfere with an individual’s experience before, during, and after a hazard and/or disaster?

Data and Methods

Methodology

The present study involved telephone and web-based individual, in-depth interviews with 14 professionals who worked with people currently or formerly under community supervision. The authors grounded their selection of these participants in an analysis conducted by Henry and Wachtendorf (2020), beginning with the states in their study: Texas, Louisiana, and Florida. These states were originally selected because of their robust criminal justice systems and susceptibility to disasters (e.g., hurricanes). The authors researched and identified key advocacy, activist, supervision, research, and policy organizations in the criminal legal system field and reached out to contacts via telephone and email. Initial contact with these organizations began in July 2019 and interviews began in January 2020, lasting until May 2021. Additional participants were selected by way of snowball sampling, as interviewees connected the authors with colleagues, and selective sampling, relying on one of the authors' previous experience working professionally in the criminal legal field. The final pool of study participants were professionals from Texas, Louisiana, Florida, New York, Oregon, and Tennessee. Their roles varied across the criminal legal system as they worked with individuals under community supervision in different capacities, including social worker, research evaluation scientist, program administrator for reentry, and clinical supervisor. It is important to note that the onset of the novel COVID-19 pandemic shifted data collection in that, prior to March 2020, much of the interview content focused on short-term disasters (e.g., hurricanes); after March 2020, most of the interview content shifted its focus to the pandemic. The interviews used in this study were therefore overwhelmingly shaped by experiences during COVID-19. The authors believe that there is benefit to

presenting the findings in total, and thus have made the decision to include all interviews.

In developing the interview instrument, the researchers used prior literature on the criminal legal system and disaster policies; exploratory conversations with disaster and criminal legal experts; and parole and probation conditions to shape the questions that were included. The interview instrument followed a semi-structured format and included questions on the professional's role at their organization; their experiences working with populations on community supervision in both the absence and presence of a hazard and/or disaster, including support they provided; challenges they encountered and feedback they received from their clients; their perception of the impact of the hazard and/or disaster on their clients; the policies and procedures that guide emergency preparedness at their organization; and recommendations for their or other organizations that work with populations under supervision. No identifying variables were collected, and participants were not required to state their name or agency affiliation during the interview. Pseudonyms for interviewees are sometimes used throughout the paper.

Before each interview, the researcher explained the purpose and objectives of the study to the participant. Sufficient time was provided to each participant to ask any clarifying questions about the study before the interview began. The researchers also reviewed the informed consent form and confirmed that the participant was willing to participate in the study. The interviews—some lasting up to two hours—were all audio recorded (with the exception of one because of connection issues) and transcribed. During interviews, the researcher supplemented the audio recording with typed and

handwritten notes. None of the participants were offered compensation for their participation.

The findings are based on a systematic review of interview transcript material and previous document analysis. The authors coded each interview, using an emergent inductive approach (Lofland & Lofland, 1995) by salient themes. Authors then re-coded those findings across all interviews to ensure appropriate reliability, validity, and triangulation, developing both initial and more focused, complex coding (Lofland & Lofland, 1995; Strauss & Corbin, 1998). The study was approved by the University of Delaware's Institutional Review Board (Study Title: 1520969-1 Compounded Social Vulnerability: Community Supervision and Disasters).

Results

Three key themes emerged from the interviews: (1) exacerbated social vulnerability; (2), technology challenges and limitations; and (3) burden of supervision.

Exacerbated Social Vulnerability

The most echoed theme across all interviews was the sentiment that individuals on community supervision experienced multiple facets of social vulnerability before the disaster, which became exacerbated during the disaster, particularly around meeting basic needs. All of the professionals told anecdotes of clients who were already struggling before the disaster and continued to do so during and after the disaster. One program manager from a non-profit in New York working with alternative to incarceration (ATI) populations described populations under community supervision going from "Not having much already, then losing everything on top on that...basically

losing what they don't have" in times of disaster. Professionals talked about populations like those who were experiencing homelessness, those who were caregivers, and those who had chronic physical and behavioral health challenges as especially vulnerable during disaster. In the case of COVID-19, professionals discussed clients who had pre-existing conditions and faced heightened vulnerability to contracting the virus.

Professionals also described their clients' experiences with losing employment, their inability to secure public benefits and other forms of public assistance, and being behind on rent and other housing challenges, as well as how all of those challenges affected their clients' supervision. Perhaps most pointedly, a national and international consultant in reentry in Tennessee articulated that, "...if a person does not have their basic needs met, it is going to be hard for them to comply with mandates." A former assistant director of county community supervision and corrections echoed this sentiment in describing the impact of a hurricane: "Many of the offenders didn't know what to do. Most of them disappeared; a lot of them didn't have a choice. Most homes were destroyed. Most offenders are not wealthy; a lot of them had no means." Many professionals talked about their clients' willingness to fulfill their supervision mandates and the challenge of doing so without their basic needs met. Clients wanted to attend group sessions, check-ins with supervisory officers, and one on one case management, yet they were unsure of where their next meal would come from or how they would pay their rent. In this kind of decision-making, clients felt like it was nearly impossible to fulfill their supervision conditions. A program administrator for reentry in New York talked about the tension behind this decision-making: "It's [participating in programming as a

function to fulfill mandate], not because they don't think it's beneficial, but you don't have it in you to do it three times a week with children, housing, food, and self-care.”

Additionally, professionals talked about a recognition of the communities that their clients were from and lived in. Many of them acknowledged that their clients' communities were among those hit hardest by some of the disasters, making it more difficult for clients to deal with and recover from disasters overall. Some of their clients had their residences damaged or displaced, and they were unable to navigate alternatives. The professionals also discussed this recognition as a way to amplify their clients' vulnerability, in that their clients often faced poor social conditions that both gave way to their criminal legal involvement and sometimes posed barriers for staying away from activity that would extend or exacerbate that involvement.

Technology Challenges and Limitations

Technology limitations resonated across many of the professionals' responses. They discussed barriers of technology for their clients and how those barriers posed challenges to fulfilling their supervision mandates. Some clients had no wifi. Others had never used virtual platforms like Zoom, and still others had no phones or laptops with which to connect to virtual services at all. Professionals discussed setting up special training sessions for their clients in order to teach them how to navigate the platforms through which services would be offered. Professionals also talked about limited capacity to offer technology to their clients, such as providing minutes for a cell phone over extended periods of time because of their own funding limitations. Even when clients were able to use technology to access the services, professionals talked about clients being fatigued by virtual demands, both because of the volume and the reality

that being at home, especially as a caregiver, meant that their attention was pulled in several directions at once. Professionals described witnessing the toll on their clients. A senior managing director for reentry, speaking on behalf of her client, stated that, “You could have the most amazing workshop in the world...the day comes and you’re just like I can’t, I just can’t do it — this would be cool if the world wasn’t falling apart.” Some professionals also discussed clients who ceased communication because the stress of trying to learn technology proved too great. A program manager at a community-based non-profit described a client who had perfect attendance and program compliance, coming into the office for every single session, fully engaged. Shortly after the onset of the COVID-19 pandemic, the client stopped attending sessions once they moved to a virtual platform because he felt overwhelmed by the new technology and wanted to be in the physical space.

Other professionals talked about limited consistent access to technology. A senior quality manager for research and planning shared an anecdote of a client who checked in with their officer by phone, but the officer did not respond. The client left a voicemail, saying, “I have a phone right now but I won’t after I hang up so I’ll try again some other day.” The professional expressed that this action showed effort on the client’s part but there were great limits to what the client was able to do. In this same vein, professionals described how, for some populations experiencing homelessness, their primary contact with officers was physically coming to the organization’s building. Yet, with offices closed, they had no other way to get into contact. Another professional described an experience with a client who was unable to connect to her behavioral health provider upon her release from incarceration to community supervision and

relapsed. When the client finally got into contact with the provider, there was no longer a bed, which, as the professional expressed, caused “a cascade of problems.”

Burden of Supervision

Many professionals talked about the burdensome nature of their client’s supervision conditions overall, mentioning that the requirements of supervision became more difficult for the clients. One professional mentioned that “when you’re on supervision, you’re under a microscope and anything that happens could have much more dire consequences.” Another professional stated that they “have heard and seen the impact of supervision status...[individuals were] juggling many things at once... ‘I’m tired’...[there was] no real appreciation for what it means to be in the world and under supervision.” Still, a program administrator for reentry stated that “Supervision is not the same as being confined to what is a horrible place [carceral facility], but has structure where you don’t have volition. Being in the world, you may advocate for something, stand on line forever, figure out and juggle someone to take care of your kids while you go to this appointment or so you can fill out a job application...It is really onerous to check in with someone [officer].” Professionals felt that their clients faced unique challenges that became exacerbated during disasters and threatened to impact their supervision status negatively.

Many of the professionals discussed the pressure for their clients to go back to lifestyles that led to legal involvement. Professionals expressed that many of their clients experienced loss of employment and were unsure about how they would provide for their needs. Some of their clients felt like turning back because it was overwhelming to keep up with the impact of the disaster and changing messaging. Still others,

particularly those under stay-at-home orders during the COVID-19 pandemic, felt the pull of the communities they spent each day in. One of the program managers stated that “[criminal activity] is part of their world, so staff have to be proactive to engage. How do you withstand the pull to go back to that?” He described a client who said to him, “Yo bro, what imma do now? I might have to go back to some other activities” when securing employment became nearly impossible. Some professionals talked about the ability to keep their clients from going down these negative paths by providing robust, wraparound services, as much as possible equal to—in some cases, surpassing—what they offered before the disaster. Despite that support, though, fulfilling supervision conditions became onerous to clients.

Many professionals also talked about the nature of the disaster as having an impact on clients’ experience. For professionals, a pandemic disaster, or long-term disaster, presented different challenges than a hurricane, or short-term disaster. Professionals described COVID-19 as invisible, burdensome, and presenting challenges at every step. Professionals described hurricanes and storms as devastating, intense, and presenting challenges that most often were overcome. In both cases, professionals described themselves or other facets of the legal system as being unprepared for managing the disaster, with few official policies on the books to guide their responses, using improvisational techniques, and quickly adapting organizational changes to make decisions.

Most professionals did not talk about violations, mentioning that most clients had not experienced violations and/or returned to jail/prison. In the cases where clients did receive violations, they were after hurricane events. These professionals mentioned that

violations were affected by the extent of the impact of the hurricane and the client's supervision type. For example, a former deputy probation officer gave this insight:

Even well-intentioned probationers were struggling...violations included not having a residence, moving from residence without telling us, moving without permission...a lot of them had to move without permission because they couldn't get a hold of us to get permission...could be lenient unless probation was about to terminate, in those cases, had to take it to court... didn't always get arrested for the violations but they would be subpoenaed to appear...

This highlighted the burden and strain of supervision, as sometimes the conditions and policies used to respond to failure to meet those conditions were under the constraint of the larger system of supervision, and out of the hands of individual actors (e.g., probation officers). Other professionals talked about similar restrictions in that certain populations, like those on parole, had different expectations and significantly more stringent conditions, like their ability to travel and change residences.

Discussion

Individuals who are under community supervision face unique challenges during a hazard and/or disaster. Disasters magnify existing challenges, particularly in meeting these individuals' basic needs. The strains of supervision conditions exacerbate their social vulnerability, impact the services and service providers they have access to, and increase their risk of negative outcomes, including further involvement in the criminal legal system. Our findings reveal that supervision conditions produce strain for individuals under community supervision in the time of a hazard and/or disaster, and as

a result, individuals on community supervision experience negative impacts due to the conditions of their supervision.

This study provides several significant contributions. First, the study offers an empirical picture of how hazards and disasters impact people who are involved in the criminal legal system. With scarce literature on the intersection of the criminal legal system and disasters, this study fills in an important gap in the current field. The study lends insight into how involvement in the criminal legal system produces distinctive and genuine challenges for people under community supervision in the presence of and absence of a disaster. Individuals under community supervision contend with providing for their own welfare and fulfilling the conditions of their supervision. In the time of a hazard or disaster, this could prove exceptionally difficult, and in some cases, impossible. This study reinforces the social vulnerability literature that populations indeed do have differential experiences in disasters because of their characteristics. Individuals under community supervision are frequently marginalized, without opportunities for socioeconomic advancement. Yet individuals under community supervision are not solely vulnerable in times of a disaster; their vulnerability exists before a hazard or disaster, rendering them already vulnerable within a hazard or disaster, and then, by nature of their supervision status, their vulnerability is compounded.

This lends itself to a fourth contribution of our study: complicating the notion of vulnerability. The field of hazards and disasters, inclusive of emergency management, needs to consider people involved in the criminal legal system as a distinctive vulnerable population. In considering individuals under community supervision as a

vulnerable population, emergency planners can collaborate with their local criminal justice agencies, as well as nonprofit service providers, to ensure that their emergency preparedness reflects the dynamic nature of their experiences. Prior research has shown that populations involved in the criminal legal system are not often included in state emergency plans, and in the event that they are, they are usually considered only in terms of labor (Purdum, 2019). Incorporating these individuals into plans ensures that there are resources and responses that prioritize their safety and well-being.

Additionally, this study indicates that organizations within the criminal legal system need to undertake appropriate emergency preparedness measures and ensure those measures do not put populations further at risk. This finding provides a direct response to the gap at the intersection of criminal justice and disasters in a practical way. Organizations should be prepared for how to move or adjust operations that allow for people to meet conditions of supervision without extra burdens. For example, individuals under community supervision should have alternatives to checking in with their supervisory officers that do not rely on in-person meetings, in the event that a hazard or disaster makes in person traveling impossible, and adjust individuals' conditions to reflect that. There should be clear communication, even if it means employing creative strategies and taking advantage of technology (websites, texts, news updates, social media) and a robust infrastructure in order to disseminate that information. Organizations should think of contingency plans and mechanisms that refrain from meting out punishment for populations under community supervision, such as putting stays on warrants, so that people are less likely to violate their terms due to responding to a hazard or disaster in ways that relate to their direct survival.

Conclusion

Individuals under community supervision are a vulnerable population in the time of disaster because of their compounded social vulnerability. The conditions of their supervision interfere with their ability to respond to a disaster, and this affects their experience before, during, and after a hazard and/or disasters. Scholars must continue to examine the distinctive intersection of criminal legal involvement and emergency preparedness to ensure they are appropriately incorporated into emergency management plans in a way to underscore and accommodate their unique challenges.

Limitations and Future Research

There are several limitations to this study. This study was based on a small sample size, and though it allowed for an in-depth understanding of supervision experiences, more interviews are needed for greater insight. As mentioned previously, many of the interviews were conducted after the onset of the COVID-19 pandemic; as a result, this study focuses more on COVID-19 and considerations during long-term events than those of short-term events. Future studies should intentionally examine different impacts of hazards and disasters on populations on community supervision. Though this study calls for an intersectional analysis of social vulnerability, it still focuses on individuals' characteristics. Future studies need to investigate and problematize institutions, as the study would benefit from being couched in structural arguments. In that way, the onus and burden are taken off of vulnerable populations and put on the structures that make them vulnerable, and scholars can suggest changes to the overall criminal legal system to mitigate the social vulnerability of those

involved. Future studies should also consider comparing populations at different stages of the supervision process, and those on different types of supervision, to examine whether there are significant differences. Lastly, this study focused on professionals' accounts of the impact of hazards and disasters on populations on community supervision. Future studies should directly interview populations under community supervision as to understand their experiences in their own words.

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