Parole and Beyond

International Experiences of Life After Prison

Edited By
Ruth Armstrong
and Ioan Durnescu

Palgrave Studies in Prisons and Penology

"Finding oneself released from imprisonment is akin to an animal escaping a trap only to discover it had left a piece of itself behind. In this framework I found Parole and Beyond: International Experiences of Life After Prison a compelling and humanistic portrayal of how prison affects those confined and how those released struggle to readjust in a vast and impersonal world. To read this book is to read the story of how each of us has made mistakes, accumulated regrets and attempted to piece together the remains of the day in order to mend, heal and ultimately recover."

—*Dempsey Hawkins*, served 38 years in prison in America
before being deported to England, his country of birth

"Transition from custody to the community is a critical, risk-filled and life-determining process for every individual. It is a complex process with many inter-related variables, still under-researched and not fully understood or addressed. Supervision can help or hinder successful transition.

This timely collection of papers provides a most welcome and invaluable review of where we are now and an insightful pointer to the challenges ahead in making that transition work better for everyone. **Parole and Beyond: International Experiences of Life After Prison** is a must-read for criminal justice researchers, policy-makers, practitioners and the wider community to understand our present and plan for our futures together."

—*Gerry McNally*, Assistant Director, The Probation Service, Ireland

This is a unique and innovative series, the first of its kind dedicated entirely to prison scholarship. At a historical point in which the prison population has reached an all-time high, the series seeks to analyse the form, nature and consequences of incarceration and related forms of punishment. Palgrave Studies in Prisons and Penology provides an important forum for burgeoning prison research across the world. Series Advisory Board: Anna Eriksson (Monash University), Andrew M. Jefferson (DIGNITY – Danish Institute Against Torture), Shadd Maruna (Rutgers University), Jonathon Simon (Berkeley Law, University of California) and Michael Welch (Rutgers University).

"Every transition in human lives encourages the development of carefully orchestrated rituals to manage the inherent trauma. Few transitions in contemporary human experience are as extreme and fraught as the one from prison to the community. As such, it is surprising (and rather dismaying) how little social science has contributed to our understanding of this remarkable experience.

This outstanding collection of original research from a new generation of voices from around the world could not be more welcome. There is genuine wisdom and insight about the human condition to be found in the accumulation of these international experiences of institutionalisation and redemption."

—*Shadd Maruna*, Professor of Criminal Justice, University of Manchester, UK

"This book deals with the difficulties and challenges ex-prisoners face in desisting from crime. An impressive feature is that that it portrays the desistance process from the point of view of those who are struggling to change. With more than two million people in post-release supervision in Europe alone, managing the supervisory process is a major challenge. In that regard, this book also provides helpful insights into how can parole agencies enhance this process. In all, it makes a major contribution to understanding an aspect the penal process that is overlooked too often."

—*Elena Larrauri*. Professor of Criminology and Criminal Law,
University Pompeu Fabra

Ruth Armstrong • Ioan Durnescu
Editors

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palgrave
macmillan

Editors
Ruth Armstrong
Institute of Criminology
University of Cambridge
Cambridge, United Kingdom

Ioan Durnescu
Faculty of Sociology
University of Bucharest
Bucharest, Romania

Cover illustration: Mint Images Limited / Alamy Stock Photo

Printed on acid-free paper

Ioan and Ruth dedicate this book to the millions of people who leave the prisons of the world every year. Without their generosity in sharing their stories with us, this book would not be possible.

We would also like to dedicate it to Jill Corcoran and Claire O'Sullivan, two brilliant probation officers who represent the many criminal justice professionals working hard to do good in this arena.

We express our gratitude to our families for their incredible support in life and work.

Contents

List of Figures

ix

List of Tables

1

Parole and Beyond: International Experiences of Life After Prison

Ruth Armstrong and Ioan Durnescu

A Note From the Editors

Ever since we have had prisons, most people held in them have been released back into society. For over 100 years people leaving prison have been supervised by probation services or other organizations, but little has been written about how those who are supervised experience this process, or how supervision interacts with experiences post-release. The term 'parole' derives from the French meaning 'spoken word'—the idea being one of promise and trust—of taking someone at their word, and allowing them to complete part of their custodial sentence beyond the confines of the prison,

R. Armstrong (✉)
Institute of Criminology, University of Cambridge, Cambridge,
United Kingdom
e-mail: ra299@cam.ac.uk

I. Durnescu
Faculty of Sociology, University of Bucharest, Bucharest, Romania
e-mail: idurnescu@gmail.com

dependent upon them keeping this promise to do well. The practice of supervising people after release from prison has grown out of this gesture of hope. As this collection shows, practices of supervision in the community vary widely in different economic and cultural realities of different countries, while the realities of life after prison have some striking similarities. Where post-release supervision is more established (in Western European countries and North America) its practices have steadily moved away from an orientation to support people as they try to rebuild their lives after prison, towards a more law enforcement (USA) and risk management (England) emphasis. These changes in practice have led scholars to suggest "current parole practice scarcely resembles the classic model of parole developed a century ago" (Travis and Lawrence 2002:24).

Despite operational prevalence in many countries, and growing moves towards its implementation in others, post-release supervision is a relatively under-researched area of criminal justice jurisdiction. Some of the existing research takes a rather descriptive approach to the legislation or the arrangements around parole (Petersilia 2009; Padfield et al. 2010; Hucklesby and Hagley-Dickinson 2007). Another part of the literature focuses on resettlement theory and practice (see for example Maruna and Immarigeon 2004). Research on compliance and co-production (see McCulloch 2005; Weaver 2011) suggests that the success or failure of supervision in terms of reoffending may be related to how it is experienced. Limited research focusses on the experiences of general criminal justice supervision (Davies 1979; Kyvsgaard 1998; Healy 2012; Kawamura-Reindl and Stancu 2010); the subjective experience of offenders under drug treatment (Colman et al. 2011; De Wree et al. 2008); the difficulties experienced by probationers under electronic monitoring (Hammerschick and Neuman 2008; Stassart et al. 2000; Jorgensen 2011); and experiences of community service (McIvor 1992; Bramberger 2009; Dantinne et al. 2009; van den Dorpel et al. 2010).

More outcome-oriented scholarship on parole tends to sideline how parole practices interact with the realities of life after prison. This is arguably foolhardy, because if parole is irrelevant to these realities, or makes them more difficult to overcome, it risks being tainted with the traits of illegitimate power. Theoretical and empirical studies link perceptions of procedural relevance and fairness with attributions of legitimacy,

and attributions of legitimacy with compliance and decreased re-offending (Digard 2010; Tyler 2003; Paternoster et al. 1997). It follows, therefore, that the processes of parole and the perceptions of parolees may play an important part in understanding parole outcomes. The lack of attention to the parolee's voice in the last 40 years of scholarship on parole has permitted a gap in analysis of the orientation and perceived legitimacy of parole supervision. In his ethnography of parolees' experiences Werth (2011, see further chapter 5 in this collection) addressed this point and argued that the interesting question on legitimacy arising from his data was not the more researched analysis of why people may comply with systems and institutions they consider lack legitimacy, but rather why, when parolees demonstrate a commitment to reform and self-betterment, they still resist compliance with the rules imposed by an agency with these aims.

However, studies that directly scrutinize experiences of parole or conditional release are quite scarce (see for instance Werth 2011; Halsey and Deegan 2015) or quite dated (Irwin 1970 and Erwin 1987). From more recent research (see Gunnison and Helgott 2013) we know that ex-prisoners tend to face many difficulties in dealing with the new responsibilities of the 'free' society. Transportation, finding a job or accommodation, coping with new technology and so on are often mentioned as challenges for those released. Meeting parole supervision conditions is almost always mentioned as a pain of life after prison. Exceptions to this include when the parole officer is trusting, listens, understands, motivates and gives parolees 'a break'. Where parole officers have a humane orientation to supervision this pays dividends. 'Intelligent flexibility' (128) was often mentioned by parolees when describing an effective way to deal with parole violations. In contrast, being unnecessarily punitive or suspicious contribute significantly to a negative experience of supervision and as Petersilia (2009) puts it, usually backfires on success in reentry.

The last forty years has also seen the growth of research on the processes through which people rebuild their lives after being convicted of a criminal offence, and move away from crime. Desistance research establishes that several factors interact to help people move into more positive futures. Individual factors matter: age and maturation play a role, as do a sense of individual agency and the establishment of a non-criminal identity. But social and situational factors are also important: employment and living

arrangements can support pro-social aims and identities, just as having friends and family one wants to please can help to bolster the necessary resilience (for an excellent overview see Bottoms 2014).

This research establishes that over time most people desist from crime, and that many of them do so on their own initiative. The kind of change that underpins the 'promise' of parole suggests that the 'trust' shown to parolees should be a good bet. However, research on the early stages of desistance shows that while the majority of people convicted of criminal offences desire to leave a life of crime behind, despite their conformist views, many people commit offences along the way (Shapland and Bottoms 2011, 2006). Desistance is difficult. A wish to try to change one's life is a common first step (Farrall et al. 2010), but is not, in itself, sufficient. Moving from 'contemplating change' to 'achieving change' is a problem (Shapland and Bottoms 2011:272). As with any journey, both the landscape and the voyager change as they travel, so that at its inception the desistance process, and any non-criminal identity, may be far more tentative than that projected on reflection in years to come (Weaver and McNeill 2010, Maruna and Farrall 2004; Bottoms et al. 2004). Our understandings of the process can therefore be influenced by whether we study desistance contemporaneously or retrospectively. Studied as it happens desistance is a slow, faltering, precarious struggle, involving episodes of relapse and recovery (Burnett 1992, 2004; Bottoms and Shapland 2011).

For recidivist young men in the UK, Shapland and Bottoms (2011) found desistance involved "significant changes in routine activities and different patterns of socialization and friendship" (272, see also Bottoms and Shapland 2011, and Farrall et al. 2010). Most had opportunities or invitations to reoffend, but those who had decided to desist said they had declined this temptation not because of the risk of detection or sanction, but for 'moral' reasons: because they no longer wanted to commit crime. Offending went against their sense of self, what they wanted to achieve in life and would upset people they cared about. Those committed to desistance then organised their lives to avoid situations where such temptations arose. Shapland and Bottoms call this "diachronic self-control" (2011:274). This involves subjective agency in actively trying to change the course of one's life through what Emirbayer and Mische (1998) call the 'projective and practical evaluative dimensions of agency'. Projective dimensions of

agency involve imagining possible future trajectories of action and reconfiguring ones actions to correspond with one's hopes, fears or desires for the future. Practical-evaluative dimensions of agency involve appreciating possible alternative trajectories of action and making practical and normative judgements in response to present and emerging situations.

Desistance, then, is not just about wanting to change. It involves opportunity to change, what Giordano and colleagues (2002) called 'hooks for change'. There is an interplay between 'internal' (personal/cognitive) elements of desistance and 'external' (structural/environmental) aspects (Farrall and Bowling 1999, for an overview see Kazemian and Farrington 2010). Where an optimistic outlook and self-belief are important (Maruna 2001), these elements are sustained through positive associations with non-deviant others through which change can be supported. Desistance involves an interrelational dynamic. Research shows that marriage (Laub and Sampson 2003; Sampson and Laub 1993; Laub et al. 1998; Farrington and West 1995), employment (Laub and Sampson 2003; Uggen 2000; Wright and Cullen 2004) and religion and spirituality (Giordano et al. 2007) can all benefit desistance through bolstering self-belief, providing meaning and pro-social identities as well as through changing routine activities and restructuring social networks (Warr 1993, 1998; Wright and Cullen 2004; Shapland and Bottoms 2011). Porporino (2010) neatly summarises how the changing self-perception involved in this process is both cause and consequence of the process:

> . . . as cause it leads to the taking on of new pro-social roles (of responsible partner at home, productive citizen at work and active participant in the community) and as consequence the experience of new pro-social roles (when experienced satisfactorily) might lead to even stronger and lasting redefinitions of self. (2010:71)

However, Weaver and McNeill (2010:45) argue "it is not enough to locate the offender in the change process; it is also necessary to locate the process in its social and cultural context", and they note that in desistance research limited attention has been paid to questions of class, culture and ethnicity, gender, and religion and spirituality (but on ethnicity see Sharp et al. 2006; Deane et al. 2007; Calverley 2009; Savolainen 2009 and chapter 10 of this collection; on gender see McIvor et al. 2000; Giordano et al. 2002;

Rumgay 2004; Gadd and Farrall 2004; Barry 2007; Gelsthorpe and McIvor 2007; Wright 2015 and Halsey et al. 2016; and on spirituality and religion see Maruna and Mann 2006; Sharp et al. 2006; Giordano et al. 2007; Marranci 2009 and Armstrong 2014). Where these issues have been addressed, different social structures and cultural contexts were found to influence how, when and where desistance mechanisms operated (Calverley 2009; Savolainen 2009).

Situational factors in desistance should not, therefore be overlooked (Farrall et al. 2010), and if parole practices were designed to support routes out of crime, desistance research would suggest they may need to be socially and culturally relevant. Desistance "is not undertaken in a social vacuum" (Shapland and Bottoms 2011:276). While research has shown that a positive mindset pre-release, supported by social networks post-release, can have an indirect positive effect on the approach to difficulties in reentry, desistance for ex-prisoners is unlikely when the difficulties faced post-release are insurmountable (LeBel et al. 2008). With all the desire and self-belief in the world, desistance is more difficult for those who have fewer *perceived* and *practical* alternative trajectories. Put simply—unsupported agency will only get you so far. The 'obstacle strewn' path of reentry is harder where individual and social capital are weaker (Shapland and Bottoms 2011) and where social structures inhibit reintegration (Farrall et al. 2010). While desistance is individually a movement from criminal action to inaction, socially it is a movement from exclusion to inclusion (Farrall et al. 2010). Shapland and Bottoms (2011) found that individuals in their sample of prolific offenders moved towards desistance because they wanted to be included in mainstream society. How likely this is depends upon what counts as 'inclusion', which in turn depends upon what counts as 'mainstream society'. Drawing on Burchardt and colleagues' (2002) definition of social exclusion, Farrall et al. (2010) address the first of these, outlining how would be desisters emphasised three key social dimensions important to inclusion:

Consumption: the capacity to purchase goods and services;
Production: participation in economically or socially valuable activities
Social Interaction: integration with family, friends and community
                                    (adapted from Burchardt et al. 2002: 31)

They argued that social exclusion is not being capable of participating in these key activities in the society in which one lives for reasons that are beyond one's individual control. Thus the "reduced *rights* and *capacities* of ex-offenders to attain full citizenship" (Uggen et al. 2004: 260 emphasis in original) can present obstacles to social inclusion and thereby undermine commitments to conformity. Therefore, in order to understand the potential for structural impediments to desistance (Farrall et al. 2010), how these operate and how they may be overcome, it is vital to understand 'the mainstream' - the landscape over which would be desisters are embarking, how far they can determine the terms upon which they travel, and the terrain they will traverse.

What social and penal structures are ex-prisoners returning to? What 'projected trajectories' might be 'practical trajectories', available routes of action and aspiration for people leaving prison? And what role could parole agents play in making it more, rather than less, likely that people leaving prison can act on their desires to leave crime behind and not return to prison? This collection examines the realities of life after prison and some of the routes of aspiration and action available to ex-prisoners across the world. In so doing, where parole supervision is part of the state's criminal justice machinery, it considers how experiences of parole processes and personnel interact with these post-prison realities.

While other collections have considered a more limited international range of reentry experiences (Ekunwe and Jones 2011), there is no other book that compiles research on post-prison experiences from different jurisdictions across the world in order to learn lessons from experiences. Despite this lack of grounded knowledge, post-prison supervision continues to grow, with more than 2 million people currently under supervision only in Europe and a forecasted yearly growth rate of between 1–2 percent (SPACE II Statistics [1]). However, this trend is more visible in some countries than in others (for example Switzerland where the community service orders increased between 1996 to 2007 by 400%, and England and Wales where supervision for 12 months post-release has just been extended to all prisoners serving more than two days in prison). As we shall see later in this collection, these trends are not isolated to jurisdictions

in Europe. Realities in other countries such as Sierra Leone and Chile seem to conform these trends.

This book is timely because of the current expansion and adaptation of post-prison supervision but also because recent years have seen a shift in the focus of this supervision. Indeed, it seems that supervision nowadays goes far beyond the traditional rehabilitative aims. We now have medical, psychological or substance misuse treatment, electronic monitoring and GPS monitoring. Therefore supervision is not only expanding but also adapting to new social and political demands. Garland (2001) has described the late twentieth century probation service as one in which "the management of risks and resources has displaced rehabilitation as the organisation's central aim" (177). It has been argued that supervision after prison has moved from a more tripartite structure of support, surveillance and sanction (Simon 1993; Lynch 2000) towards one of law enforcement (McCulloch 2013). The resulting rises in the prison population over the late 1990's and early 2000's have been attributed in large part to the increased number of recalls and resentences as a result of these tougher enforcement strategies (Robinson and Ugwudike 2012). However, the high costs of imprisonment and reoffending have led to renewed interest in rehabilitation in some jurisdictions and have been 'key drivers' in the diversification and proliferation of supervision in the UK and Europe (Grant and McNeil 2014). Despite its expansion, research on post-release supervision is still largely dependent upon accounts from practitioners, rather than those subject to supervision. This book will address this gap, providing a description of contemporary life on parole in the social and economic climate based on the experiences of those who are the subjects of this growing and changing form of penal power.

More specifically, this book is an attempt to contribute to existing knowledge methodologically, theoretically and practically through: examining life after prison from the standpoint of those living it; through illuminating the complex realities of every day life and highlighting the place of supervision in this; and refocusing our practical and theoretical vision of post-release supervision through the lens of these grounded realities. Individually and together the chapters in this book cover what life after prison feels like emotionally and socially, situationally,

economically and legally. In Chapter 2, Joanna Shapland and collea-gues look at service users on licence and those on community sen-tences and conclude that there is no significant difference between these groups in terms of how supervision is conducted and lived. According to them, training can really make a difference in the way service users experience supervision especially in terms of what they consider to be 'good supervision'. It seems that for service users 'good supervision' means good relationships, modeling good behaviour, building motivation and structuring supervision. Probationers only appreciated times when supervisors challenged anti-social behaviour and engaged them in cognitive work when this was done construc-tively. Service users were very appreciative when their supervisors tried to solve their problems. This observation is very useful for practice as many supervisors around the world are not always able to deal directly with practical problems. Instead, they refer or sign-post the problems to other agencies in the community. In light of the desistance literature, Shapland and colleagues stress some areas where more effort is needed: togetherness in terms of setting up goals; planning for life after the supervision period; and focusing on one problem at one time and so on. Overall, the chapter provides data that supports desistance based training and practice for supervision in the community.

Chapter 3 describes the subjective experiences of parolees in one welfare country that implements the generous concept of 'good release'. In spite of the general assumptions, Olesen and Stogaard demonstrate that in Denmark there is still a huge gap between 'law in books' (the concept) and 'law in practice' (the reality). Although the concept of 'good release' expects the reentry process to be a well-organized, coordinated and resourced process, parolees, accounts describe a different reality where bureaucratic chaos and a lack of vision are common. Informal super-vision provided by police or tax authorities makes the supervision experi-ence even more irritating and irrelevant, often frustrating desistance. The authors conclude that the debt stemming from conviction and incarceration can contribute to augmenting the difficulties of reentry.

Maaike Beckmann, in Chapter 4, reminds us that release is part of the re-entry process. In her chapter, she explores the way 33 prisoners in the Netherlands understand and experience the decision making process around

conditional release. One of the main findings in this chapter is that although discretion was introduced in the parole decision-making process to individualize decisions based on merit (Gelsthorpe and Padfield 2014), prisoners tend to perceive it as something threatening that is used against them. Due to the vagueness of the criteria to determine 'considerable misbehavior' prisoners feel that the 'expectations are unclear, unattainable, unrealistic and unreasonable'.

Chapter 5, draws on an ethnography of life post release for 48 men in a southern bible-belt state of the USA. Ruth Armstrong describes in detail the ways in which, and the extent to which, different aspects of the men's lives post-release were shaped by their experiences with parole agents and procedures. It discusses the nature of these actions and interactions and their consequences. Through dividing the men according to reoffending outcomes, it examines the different means of engagement with and resistance to the aims and operations of post-release supervision. Finally, it looks at different strategies used by these men to cope with the demands of life on parole. Armstrong considers to what extent attributing legitimacy to an agency aiming to control one's criminality involves accepting a self-identity that might induce temporary instrumental compliance but undermine longer-term normative compliance.

Based on ethnographic fieldwork with individuals on parole in California, USA, Chapter 6, explores how individuals navigate parole regulation and how this reflects the ways in which they understand, contest and rework the subject position of 'parolee' as lacking. Describing the process of parole as involving both responsibilizing and de-responsibilizing techniques of discipline, Robert Werth argues that those who consider themselves to be reformed or pro-social and competent individuals tend to resist and contest parole authority. The contradictory logics of parole which treats individuals as less capable in order to encourage them to become competent by providing control and supervision is questioned throughout the chapter.

Chapter 7, is based on three case studies with broadly similar antecedents and demonstrates how particular community correctional officer 'styles' (as well as attitudes of police and like) can contribute positively toward desistance among 'clients', as well as how particular

approaches can undermine that process. Based on these case studies, Mark Halsey argues that the key to good supervision is learning how to recognise and support the genuine efforts of those trying to desist in order that fragile situations are not made interminably worse.

Parole legislation, practice and experience is under scrutiny in Chapter 8, where Carolina Villagra and Catalina Droppelmann look at the beginnings of a system of parole in Chile through the experiences of practitioners and parolees. As in Chapter 4, the authors argue that parole starts with the release procedure, which is often opaque, unfair, and has almost no role for the individuals directly impacted. The authors discuss how parole in Chile is constructed around a 'control narrative' and in practice it risks hindering desistance rather than supporting it. The chapter finishes with some very useful recommendations towards desistance-focused parole practices which foster participation, assist identity-building, encourage agency and support social reintegration.

In Chapter 9, Marguerite Schinkel compares and contrasts the experiences of nine men on parole with 37 men and women who experience different forms of community supervision. An important difference between these experiences is timing: most of the accounts seem to suggest that community supervision came at the wrong time when people were not ready to reflect on desistance (early in the criminal career) while parole comes at the right time but the obstacles faced and barriers to employment are overwhelming. Due to the Rehabilitation of Offenders Act, parolees in Scotland see themselves rejected from the labour market and therefore have limited access to new identities. Other pains of parole identified by Schinkel are isolation, frustration and loss of hope. As parole supervision does not take place in a vacuum but in the full complexity of the personal and social life, participants in her study also mentioned trauma and drug addiction as other important obstacles to desistance. Due to these obstacles, some parolees start to feel nostalgic after prison life where 'all things were simple'. Due to selection bias, Schinkel interviewed mainly those with positive supervision experiences, therefore, it comes as no surprise that most of them described good and helpful relationships with their supervisors. However, as supportive as these relationships seemed to be, they were not able to help ex-prisoners create and sustain new identities.

Andrew Jefferson, in Chapter 10, looks at the experience of life after prison in Sierra Leone by comparing it with experiences of imprisonment. It seems that poverty and the lack of opportunities after release characterize the Sierra Leone post war society and bring experiences of life in and after prison into close proximity, confirming Halsey's claim that 'incarceration is the medium for the exacerbation of deprivation rather than the means of deprivation per se' (2007: 361). However, as most participants acknowledge, release means freedom and control over their own lives and this still makes an important difference from life in prison. Although there is no supportive or controlling post-release supervision, ex-prisoners experience many pains of release comparable to those in other accounts in this book, such as stigma, lack of employment, and temptation. A distinct lack of state power, rather than complaints of too much or the wrong kind of state involvement, marks out this chapter. As illustrated in the experience of those released from Scottish prisons, these pains are similar to those experienced inside the prison. Again, due to severe poverty, prisoners and ex-prisoners find themselves in impossible situations where they have to offer their bodies in exchange for food. The severe economic deprivation in Sierra Leone illustrates again, if it was necessary, that if not supported, experiences post-release could be only 'a move from one site of confinement to another'.

In Chapter 11, Ioan Durnescu and colleagues reflect on the findings of their ethnographic research conducted in Bucharest with 60 ex-prisoners. After describing different stages of the release process, they focus on the differences between Roma and non-Roma prisoners. Their conclusion is that reentry is an ethnically diverse process. Their findings indicate that Roma ex-prisoners are more entrepreneurial in relation to employment and enjoy more family and community solidarity. They argue that these features should be integrated in to ethnically informed resettlement policies and practices.

The editors afterword provides a more analytic reading of these chapters together. We critically reflect on the practices of parole in light of some of the shared realities of reentry across the countries represented in this collection. We consider what kinds of supervision might be forged if the systems of supervision were designed by and for those they serve, and oriented towards supporting and sustaining elements that are key to the desistance process.

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Ruth Armstrong is a British Academy Post-Doctoral Research Fellow at the Institute of Criminology and St John's College, University of Cambridge. She has published on the role of trust in desistance from crime and on the role of faith communities working alongside people released from prison. Her current research involves the implementation and evaluation of 'Learning Together' and explores the individual and social consequences of curating spaces of connection through learning within secure environments and beyond.

Ioan Durnescu is professor at the University of Bucharest, Faculty of Sociology and Social Work. He teaches and conducts research in the area of probation and prison fields. His special interest is comparative probation. He is one of the editors of the Probation in Europe (WOLF) and the Understanding penal practice (Routledge). Ioan Durnescu is also co-editor of the European Journal of Probation, a journal published by the University of Bucharest in partnership with SAGE Publishing.

2

Experiencing Supervision in England—On Licence and on Community Sentences

Joanna Shapland, Angela Sorsby,
Stephen Farrall and Camilla Priede

The importance of understanding service users' views on the service they are receiving has varied as the purpose of supervision has changed. Under a purely rehabilitational model of criminal justice, the key purpose is whether and to what extent offenders will reoffend or be deterred from reoffending. This top-down model, in which interventions, including supervision, are imposed on service users, has in the past predominated in relation to release under supervision on licence (i.e. early release from prison under conditions). Under such a model service user views have rarely been sought, because the key measures of success or failure were reconviction, recall to prison, and any risk-related problems (i.e. mostly outcomes).

More recently, however, supervision has become based on ideas regarding desistance from crime (stopping committing crime). Here, service user views become far more important. A desistance framework

J. Shapland (✉) · A. Sorsby · S. Farrall · C. Priede
University of Sheffield, Sheffield, United Kingdom
e-mail: j.m.shapland@sheffield.ac.uk

for supervision on licence (or on community sentences) implies working *with*, not purely *on* someone convicted of a criminal offence (Shapland et al. 2012b; McNeill and Weaver 2010; Farrall et al. 2014). The task of supervision becomes one not solely of mitigating risk, but of encouraging that person on his or her journey to stopping crime (desistance). We know that desistance is often a fitful and slow process, with motivation to be maintained and practical obstacles to be overcome (Shapland et al. 2016). On release from prison, people desisting from crime have to learn to lead non-offending, or at least less offending lives, and create new habits, so that they do not fall back into earlier, offending ways. The role of the supervisor under a desistance paradigm hence also becomes much more complex than purely trying to reduce risk and reoffending.

Paralleling changes towards less rigidly prescribed National Standards in England and Wales, and hence the need for probation staff, particularly supervisors[1], to be enabled to use more discretion in how service users and supervision were managed, the National Offender Management Service (NOMS) developed a new programme of training for probation staff: SEED. SEED was intended to be based on a desistance model of supervision, and was for staff supervising both those released on licence from prison and those supervising service users on community sentences.[2] The SEED training programme for probation staff concentrated on one-to-one supervision and how it was being delivered. It was for experienced staff, so did not aim to teach many new skills or methods, but instead aimed to enable staff to put together different elements into a coherent package, as appropriate to that particular person and case. SEED training took place over a full year, in which staff were trained in teams, including their managers. It incorporated material on Cognitive Behavioural Techniques (CBT), Risk, Need and Responsivity (RNR), Pro-social

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[1] In this article, we shall use the term 'supervisors' to include all probation staff who took on the role of supervising service users, whether probation officers or probation service officers, or managers with a service user caseload. An equivalent term in England and Wales would be 'offender manager'.

[2] Some probation areas (then Probation Trusts) separated caseloads so that some staff primarily supervised people released on licence, particularly life licence, but most used relatively generic caseloads, such that staff supervised both those released from prison on licence and those serving their whole sentence in the community (community sentences).

Modelling, and Structuring Sessions. We undertook the evaluation of the SEED programme in three Probation Trusts in England in 2011–12. In each Trust one or two training areas and comparison areas were established. The evaluation included surveys of staff after each of the four training sessions throughout the year (Sorsby et al. 2013), analysis of compliance measures, and also both in-depth interviews and questionnaires with service users, to gain their views about their supervision. It is these service user views which form the focus of this chapter. We shall look at what service users saw as 'good' supervision and how this might vary during the course of the supervision period.

Previous research on service users' views has emphasized the importance to users of the relationship developed with their probation supervisor (Shapland et al. 2012a). Longitudinal desistance research with former probationers has found that, though users' views on probation supervision were neutral or negative at the time, many years afterwards users who had desisted recalled what their probation supervisor was saying, and said that it had been a spur to them keeping on the desistance path (Farrall et al. 2014). In this evaluation, we wanted to look at service users' views not only on their relationship with their probation supervisor, but also all the other elements highlighted in the SEED training, to see whether users had appreciated those elements, and also to see whether the SEED-trained groups of supervisors seemed to be doing things differently from the comparison groups. As a result, we decided both to survey all service users in the SEED trained and comparison groups using a questionnaire, and also to interview in depth a smaller sample of users, whom we would try to interview both near the start of their supervision period and some six months afterwards.

As we shall see, the results mirror the favourable view of supervisors found in the small amount of previous research on service user views of their routine supervision (see, for example, Jersey Probation and After-Care Service 2016; Chui 2003). However, supervisors were less likely to be seen as helping with practical difficulties (cf. Trotter and Evans 2012 with young offenders), though these practical matters are often obstacles to maintaining or initiating desistance. Given the chronic problems of disadvantage affecting many service users, however, it is not clear what any supervision, however good, could do to overcome some of these problems. Where supervisors did try, it was very much appreciated. 'Good supervision',

from a service user perspective, seemed to involve a whole package of building a relationship, pro-social modelling, building motivation, structuring the supervision, and rewarding positive change—rather than these elements being seen as distinct, as has tended to occur in some training and the theoretical literature. SEED training aimed to enable supervisors to put together a coherent, individualized package of measures for that service user. SEED-trained supervisors, as rated by their service users, seemed to be using more of the skills emphasized by the training than did supervisors who had not received SEED training.

Gathering the Views of Service Users

The overall evaluation of SEED training comprised questionnaires to supervisors about their training, observation of training sessions, interviews with trainers and senior staff, videos of some supervision sessions[3], and both questionnaires and interviews with service users. In this chapter, we concentrate upon the views of service users.

The Questionnaire

The questionnaire was self-completed and constructed by the evaluation team. It began with questions about the sentence/licence the service user was serving, and how often they met their supervisor. It moved on to questions about the content and frequency of supervision, finishing with a series of questions to assess the supervisor's use of relationship building, structuring sessions, pro-social modelling, motivational interviewing, risk-need-responsivity and cognitive behavioural

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[3] Part of SEED training involved managers observing individual supervision sessions for their own team of staff. As part of the evaluation, a number of supervision sessions were video'd using automatic recording, initiated by the supervisor with the service user's agreement, and subsequently sent to the evaluation team. A small number were recorded during the early, middle and late parts of the SEED training year for each SEED-trained team. Technical difficulties meant a significant proportion of these sessions were only successfully recorded in part, but 73 whole or part recordings are available. These are currently being analysed.

techniques. The questionnaire was piloted on service users from out-side the research project window, using cognitive interviews.

Questionnaires were given to the service user by receptionists, administrators, volunteers or any member of the probation staff who was not the service user's own supervisor. Completing the questionnaire was voluntary. Questionnaires were provided in sealable envelopes and collected by the evaluation team. Any service user *commencing* a community order or a licence with a trained supervisor, within a one year period of the supervisor completing their initial SEED training, was offered the opportunity to compete a questionnaire, with the questionnaires being administered when the service user had completed around three months supervision. Within the comparison offices, the service user sample was gathered over the same time period as their trained counterpart, with questionnaires also being administered at the three month stage.

Questionnaires were completed by 482 service users (327 supervised by SEED trained supervisors, and 155 by non-SEED trained supervisors), between July 2011 and September 2012. The mean age of those in the trained group was 32 years while those in the comparison group had a mean age of 35 years. Ninety-three percent of those in the trained group were male compared with 81% in the comparison group. Both of these are statistically significant differences. As age and gender were found to be related to questionnaire responses, we statistically controlled for age and gender in analysing differences between trained and comparison groups. Just over eighty percent of people were on community orders (80% in the SEED trained group, 86% in the comparison group), with the rest on licence. Supervisors in the Trusts had mixed caseloads of those on licence and those serving community sentences (though it was rare for those on life licence to be included—they were often dealt with by specialist staff). Just under half had previously experienced probation supervision.

Just under seventy percent had had one probation supervisor on their current order or licence, with most of the remainder having had two but a few three or more. Just over half were seeing their supervisor weekly, around twenty percent were seeing them fortnightly and around twenty percent were seeing them monthly. Sixty percent of respondents indicated that a normal supervision session lasted 15 to 30 mins,

whilst just under twenty percent indicated it lasted for 30 to 45 mins and thirteen percent indicated it lasted for less than 15 mins.

The In-Depth Interviews

We aimed to undertake two separate in-depth interviews with 20 to 30 service users who were being supervised by SEED trained supervisors. They were to be interviewed towards the beginning of their period of supervision and again six months or so later. The interviews focused on the experience of being supervised, including the structuring of meetings, dealing with obstacles to desistance, pro-social modelling and the extent to which service users found the supervision they had received beneficial. It was also possible to make inferences (albeit indirectly) about the extent to which probation staff had delivered the SEED model as planned.

In all, 27 people were interviewed during the first round of interviews in Autumn 2011, with 17 (63%) of these followed up in the second round in Spring 2012. Of the 27 men and women interviewed, 17 had been on probation or licence before, whilst 10 had no prior experience of probation supervision of any form. Fourteen were being seen weekly (or in some cases more frequently), whilst four were being seen fortnightly. The remainder were being seen monthly. In terms of the reported lengths of the sessions, these ranged from under 20 mins for five sample members up to 60 mins for another five, with the rest falling between these limits. Those we spoke to reported that they had a number of requirements as part of their current order, including, for example, not approaching specific people, living at specific addresses or attending specific courses.

By the time of the follow-up interview, only six of the 17 people we interviewed still had the same supervisor. Eight had had two, one had three and another four.[4] Of these 17, three were still on weekly reporting, and one was on fortnightly reporting. The rest were on monthly reporting. The lengths of the sessions were now shorter (20–30 mins being the norm).

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[4] For one case the data on this were missing.

What Happens in a Supervision Session?

We first want to consider what happens in a supervision session, and service user views on this, before turning to consider supervisory skills and how service users rated their supervisors overall (and whether SEED training made a difference). The very first element has to be how sessions start. If supervisors are trying to model appropriate behaviour to service users, then it starts with whether they are on time for sessions, or keep the service user waiting. Around two thirds of respondents to the questionnaire indicated that their offender manager was always on time for supervision sessions, with around a further twenty percent indicating that they were almost always on time.

A key part of the SEED model is that supervisors should review progress since the previous meeting. We asked the interview sample 'What happens at the start of a supervision meeting?' During the first round of interviews there was good evidence that this review was occurring:

Case 17: How have you been this week, she'll ask me how I'm feeling. And if we have issues to bring up, or has anything changed from the last time she saw me. She always double checks it from . . . she always relates back to the last session, so not missing anything out.

This also appeared to be the case amongst those we saw for a second time:

Case 24: I'll come in, she'll ask me how I am. And I'll say like 'okay'. And then we just start talking about . . . well she always asks if I've stayed away from drink. Asks me if I've sorted my things out, like my college or my court fines, and all that. Ask me how my mum is, am I coping at home, things like that really.

Around half the questionnaire respondents indicated that sessions generally began with their offender manager asking questions about what had happened since they had last met and around a third indicated sessions started with them relating what had happened.

We asked respondents to the questionnaire to indicate on a series of scales the extent to which various topics were discussed in supervision sessions. The list of possible topics included items which figure as important

in desistance as obstacles for persistent offenders to overcome in order to stop offending (Bottoms and Shapland 2011). Responses were scored from 1 to 5, where 1 = 'Never' and 5 = 'Almost every session'.

Almost all the areas we asked about in the questionnaire scored very similarly, so there seemed to be little concentration on particular areas or problems/obstacles. This might of course be because service users have different practical problems, which average out across all the questionnaires. However, Bourgon et al. (2008) in their evaluation of STICS in Canada[5], found that supervisors, who tended to take the lead in moving from topic to topic, were, at least before training, likely to try to cover almost all issues each session. After training similar to SEED, they were better at concentrating on a few issues per session and trying to make an impact on these. Ugwudike et al. (2014) also found in Jersey that training enhanced the skills of supervisors, which was reflected in their supervision sessions, as shown by observation of video'd sessions—though neither of these studies looked at service user views directly.

In terms of the topics most likely to be raised, according to service users from our questionnaire, the most common was 'How I'm getting on generally' (mean 4.3 in the trained group, 4.2 in the comparison group), followed by 'What I want in the future' (means 4.0 and 3.7), and then 'The support I am getting', 'Achieving goals', 'My family', 'Maintaining change', 'Practical problems like money/debt/employment/ housing', 'Getting work or training', 'Attitudes to offending', 'What should happen next in the order', 'Temptations/circumstances in which offending occurs', 'Use of drugs or alcohol', all of which had means between 3.7 and 3.5 in the trained group. Less common was 'Any emergencies I've had', perhaps thankfully—though even here the mean was 3.1 for the trained group. It seems as though supervisors were trying to deal with many issues in each session, as we can see from Fig. 2.1. The tendency to race through everything seemed to be persisting, despite SEED training.

Supervisors will not be able themselves to solve all problems or obstacles the service user reports. Supervision in England and Wales today is very much about partnership working with other agencies. What then is key is

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[5] STICS included several similar elements to SEED.
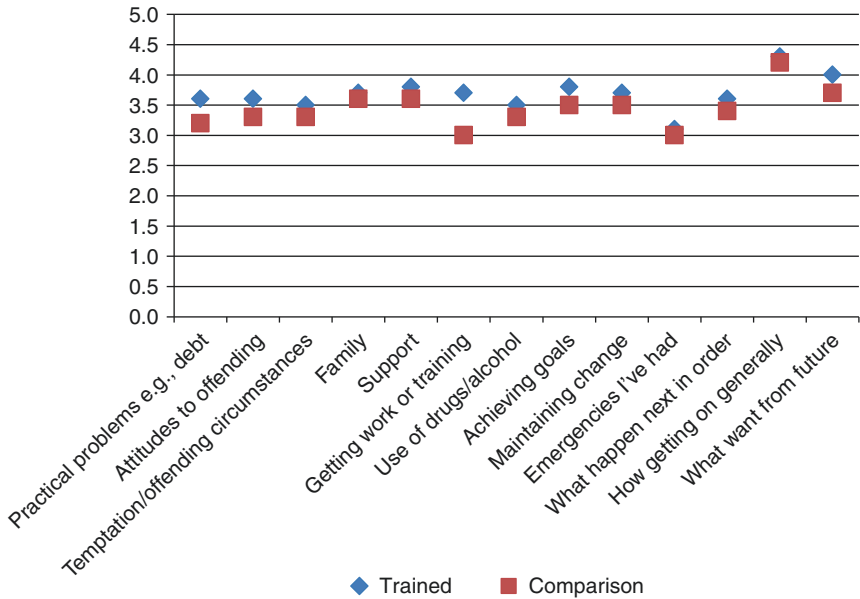
Fig. 2.1 'What is talked about in supervision sessions (means) – 1 = Never, 5 = Almost every session'

how service users are referred to other agencies, such as those dealing with accommodation or substance misuse. This might be that the service user is told to get in touch with the other agency ('signposting') or that an appointment is made for the service user with the other agency by the supervisor ('referral') or that the supervisor encourages the service user to contact the other agency using a telephone in the probation office, so that the supervisor can prompt the service user if there are difficulties (what might be called 'assisted signposting'). Each of these involves a different amount of agency and effort on the part of the service user (and the supervisor). Helping the service user to contact the agency himself or herself clearly will hone the service user's skills in dealing with other bodies, so it is not just the supervisor providing social capital, but also linking the service user to that social capital. A desistance model of supervision would emphasise elements of assisted signposting where service users found greater difficulty in contacting relevant agencies, and this was part of SEED training.

Where it was suggested that the service user should go to another agency about something, the most frequent way in which this happened, according to the questionnaire responses, was for the supervisor to make the appointment for them, though in fact around a quarter of service users said that so far, their supervisor had not referred them to any other agency. However, if we compare getting offenders to phone the agency themselves with other responses, logistic regression analysis indicated that significantly more in the group with SEED trained supervisors responded that their supervisor got them to phone the agency themselves (assisted signposting: $p = 0.006$).

Another key aspect of supervision sessions and whether this is work *with* the service user (as opposed to work decided by the supervisor and essentially done *to* the service user) is whether the service user is involved in plans for what would happen between supervision sessions. We asked whether at the end of a supervision session it was agreed who exactly would be doing what next, i.e. tasks for the supervisor and service user to accomplish before the next session. Answers on the questionnaire were given on a scale, with responses given a score from one to five, according to their position along the scale, where one is 'Never' and five is 'Almost every session'. Mean responses were somewhat towards the 'Almost every session' end of the scale. So, in terms of individual sessions, there was a plan for the next session.

The in-depth interviews confirmed that there was usually a plan at the end of each supervision session—though this tended to be a plan proposed by the supervisor:

Case 2: I think he's quite interested about my alcohol use. So he always asks if I've got any plans to go out at the weekend. And tries to, if I am, tries to give me some tips on not drinking too much.

Case 4: Yes, we'll always cover what we've done, as a little summary, keep it fresh in your brain, so you can remember it better as you've left, obviously. Just like a little summary of what you've done, what you've covered, what you've taken out of it. Which avenue, or which direction you're going to go down next. And what you're going to do. And obviously arrange the next appointment.

Case 13: Yeah she sort of gives me homework.

However, some of the service users we interviewed were less engaged in the process:

Case 21 Researcher: So what happens at the end of a session?

Service user: Nothing, I go.

Researcher: You go, I know. Sorry, I guess what I mean is, coming towards the end of a session, does she go over what you might be doing next week or?

Service user: No, she just says see you next week.

Researcher: Okay. So she doesn't, will she say these are things we've talked about today?

Service user: No, no.

This picture, of some of those being supervised 'getting it' and others not realising what was happening at the end of the meeting and not being directly involved was found again during the follow up interviews. If anything, whilst the setting tasks work was done in initial phases of supervision, it appeared either to have fallen by the wayside by the time of the follow up interviews, or become a less easily identifiable aspect of the closing sequences of a supervisory session:

Case 20: Yes, just when we're going to meet up next. Stuff like that, that's about it though. Nothing gets solved.

Case 26: Sometimes she gives me a few things to do. Not that I ever really do them. So that's on my part.

This may be because supervision during the order itself may have been seen by supervisors as the main task in itself, rather than being seen as a stepping stone towards what the service user was then going to do in the community, without the benefit of the supervision.

What also became apparent in our observations of those supervision sessions that were video'd was that it was not always clear how an individual supervision session fitted into the overall plan for the order. In England and Wales, there is supposed to be a sentence plan for the supervision or licence period, which sets out what elements will be addressed in the supervision and how any courses or group work fit into this. This is supposed to be regularly

reviewed—but were service users aware of the plan, or what was happening? From the questionnaire, 67% of those with SEED trained supervisors, compared with 56% of those in the comparison group indicated that there was a plan for what should be achieved by the end of the order (most of the rest said they did not know if there was a plan). Ordinal regression indicated that this was a significant difference.[6] Theories of desistance would suggest that supervisor and service user should be creating such a plan together, with the service user being given some responsibility for working out what needed to be addressed. Our findings suggest that the plan was being seen as primarily something for the supervisor to determine, without necessarily any participation by the service user—though SEED training was starting to change this.

The SEED model places a large emphasis on supervisors and service users setting goals together. We probed this at both the first interviews and the follow up interviews. There was again evidence that this was happening in practice, although in the follow up interviews there was some evidence that the goals had been too ambitious or had been completed (and hence there was no need to discuss them in supervision any more). It seemed to be very rare that goals were being set for beyond the supervisory period (though, as a result of this evaluation, this has now been added to SEED training).

For some we saw right at the very start of their orders or licence periods that discussions over goal setting were on-going but sounded as if they fitted the SEED model of working up to larger goals over time:

Case 17. Researcher:	Good. And so do the two of you, do you agree goals together?
Service user:	If there is something out of my depth, she will actually say 'well actually I think you might find it easier doing this bit first and then doing that'. So she's always advising, to make it easier for me.

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[6] Wald = 6.088, $p = 0.014$. No other variables were included in the model as none showed a significant relationship. Pseudo $R^2 = 0.016$ (Nagelkerke). Model $x^2 = 6.012(1)$, $p < 0.014$. The parallel lines assumption was not violated.

Researcher:	Okay, so she'd try and keep things…
Service user:	Within a balance, so then I don't keep my goals up too high. But at least keep them within arm's reach.
Researcher:	Okay. So make sure that is a series of achievable steps, rather than just the big goal of you being a counsellor.
Service user:	Yes, she breaks it down like, 'well if you want to do that you have to do the foundation bit first, and work from there'. So at least it makes me more aware, that I have to go through all different steps before I reach my ultimate goal. But with my record being on my record for 5 years, at least it gives me that sort of bubble to do it all in. And it gives me the experience, the methods and then hopefully… little hints and tips about certain ways of dealing with situations.

During the follow up interviews some of the practicalities of being supervised and how this limited goals started to emerge:

Case 1. Researcher:	Do you and [supervisor] agree goals together? Things that need to happen?
Service user:	Not really. We don't need to. He knows that I'm trying to find work. He knows I'm limited on what I can do at the moment, because of licence conditions. And with my conditions of licence if I got a job I'd have to inform the employer that I'm on probation and stuff like that.

Generally, however we found far fewer instances of goals being discussed and set together in the subsequent follow-up interviews. It seemed as though supervisors were seeing their role as confined within the supervision period, rather than setting up service users for the time after supervision.

What is Perceived as Good Supervision?

In the questionnaire, the majority of items (35) were designed to assess service users' perceptions of their supervisors' use of each one of the skills incorporated in the SEED model. The intention was to produce separate

scales for each skill. However, responses to the questionnaire indicated considerable correlations between items that were intended to tap different skills. When we ran a 'principal components analysis', a type of factor analysis which shows how the different items cluster together into factors, we found just three factors, one major factor and two smaller factors (see Table 2.1).[7] The first, which explained 54% of the variance, seemed to be about service users conflating many items into one general view about their supervisor, which included relationship building, pro-social modelling, structuring the session and motivational interviewing. This factor seemed to comprise what they felt was most helpful about their supervision. It is interesting this included not only having a good relationship with one's offender manager, which has emerged as important in much of the previous literature on service user perceptions of supervision (see review in Shapland et al. 2012a), but also the supervisor behaving as a role model and the supervisor motivating the service user towards desistance (see McNeill and Weaver 2010).

Items which were intended to assess provision of problem solving skills and supervisors challenging inappropriate statements or behaviour (which together formed the second factor comprising 5% of the variance) seemed to be independent of this general 'good supervision' factor, as were the use of cognitive behavioural techniques (the third factor comprising 4% of the variance).

Part of building a relationship, key to the first factor, is building rapport with the service user by taking an interest in the individual (see Rex 1999, Shapland et al. 2011), and to do so fairly speedily and in conditions which may not ordinarily facilitate this (the sessions are formal, there is a power imbalance and so on). We asked interviewees 'Is your supervisor interested in what you have to say about your situation?', and did this at both the first interview and the follow up, so that the initial 'speed' with which these relationships were developed and their enduring basis as a bedrock for good work could be assessed. During the

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[7] The principal components analysis used oblimin rotation, because we were not able to assume that the factors were independent of each other.

first interviews, the picture was very clear: those being supervised felt that their supervisor did take an interest in them:

Case 3: Yes. And he always asked after my mother. And he knows that my mum's been bad for quite some time. I mean it's quite a strain.

Case 5: Yes, very much so. She's a good listener as well. If I've had a bad week and I come in and she'll say 'how you been doing?' and that, and I'll tell her, that's happened, that's happened. And she's a good listener.

Case 17: She actually pays attention, which is nice, that someone actually listens to how I feel.

This picture continued into the follow up interviews (although these were only conducted with those who attended supervision meetings, and so biases may have entered the data) (Table 2.1):

Case 9: Yes, she is. She's always been interested. [. . .] Because she has a point of view. She has a different point of view than to what I . . . so, 'could you not think you'd be better looking at it this way?'

Another key element in the first factor was pro-social modelling. How far did service users notice whether their supervisors used pro-social modelling (doing what you said you'd do)? During the first interviews, those we spoke to were quite clear about their supervisor's reliability:

Case 4: Yes. She isn't lazy or . . . she does pull her finger out. Like I said earlier, if she says she's going to do something to help you she'll do it. She will do what she can to help you.

Case 13: Yes, 100%. That's what I like about her, she does do what she says she's going to do.

This appeared to be the case during the follow up too:

Case 17: Yes. She actually would sit there and ring them in front of me, whilst I'm there. She rang up X. And then X said that he can't do this, you have to go through HR, which is fair enough. She always kept to her word, when she's going to do something.

Table 2.1 Factor loadings for each item from the factor analysis

Items in the questionnaire	Factor 1	2	3
22. My probation officer has tried to build a good relationship with me	0.94		
21. My probation officer and I get on well	0.92		
14. I feel that my probation officer and I work well together	0.89		
27. My probation officer is interested in what I have to say	0.85		
36. My probation officer is interested in my life	0.80		
20. I think that probation staff are fair to me	0.78		
16. Overall I have been treated better than I expected on probation	0.76		
38. My probation officer appears to understand my circumstances	0.75		
19. My probation officer tries to inspire me to do well in my life	0.73		
28. I feel that we have enough time in our supervision sessions to cover everything I would like to	0.71		
24. I feel that my supervision sessions are well organised	0.69		
42. My probation officer sometimes annoys me so much I feel like ignoring what he/ she says	-0.68	0.50	
30. My probation officer provides me with positive feedback when I do well	0.68		
39. My probation officer always sets a good example	0.67		
43. I feel my probation officer listens to what I have to say	0.67		
29. My probation officer follows through with things that they say they are going to do in between sessions	0.65		
18. Probation staff are usually able to answer all my questions about my time on probation	0.62		

Table 2.1 (continued)

Items in the questionnaire	Factor		
	1	2	3
26. My probation officer gives me achievable tasks to work towards	0.62		
15. My probation officer generally tells me of the reasons behind his/ her decisions	0.61		
23. My time on probation is well organized	0.60		
25. We review our previous sessions at the start of each meeting	0.60		
33. My probation officer motivates me to change	0.54		
17. My probation officer is not very professional	-0.52		
32. Probation staff are good role models for people like me	0.49		
44. My probation officer and I agree goals together	0.49		
34. My probation officer has set out clearly what I am expected to achieve	0.48		
37. My probation officer and I have worked over time on an area of my life related to offending			
31. My probation officer challenges some of the things I say		0.62	
35. Working with my probation officer is giving me more skills to solve problems	0.42	0.42	
48. My probation officer has made me realise more the harm I've done through offending			0.86
46. Since working with my probation officer I think more about how what I do or say affects those around me			0.83
45. I now know what kinds of things are making me more likely to offend			0.81
47. I now try to think more before I act			0.78
41. My probation officer has made me realise that how I have behaved is not the best way			0.67
49. My probation officer has taught me how to approach problems differently			0.66
40. My probation officer has made me realise that change is possible			0.51

So, the supervisors mainly appeared to those they were supervising to be reliable and able to deliver on most of the things they had said they would do. Similar findings resulted from the small sample of service users sampled by the Jersey Probation and After-Care Service (2016).

It is perhaps more surprising that items designed to assess structuring of supervision and motivational interviewing also load onto factor 1. Motivational interviewing involves encouraging service users to think through ways they can approach their goals and to keep them engaged in the process of change, which is very much related to desistance (Farrall 2002). We asked those interviewed if their supervisor tried to inspire them to do well, and if so, in what ways? The data from both rounds of interviews suggested that the supervisors had been successful in maintaining motivation.

> Case 5: She gives you that push. I can't explain, like, I don't know, she's just got that about her.

In some cases, however, the inspiration to do well, whilst acknowledged to have been delivered, did not lead to results:

> Case 22. Researcher: How does she inspire you to do...
> Service user: She'll tell me about programmes and work courses going on, she says I should go and investigate, see what they are all about. I never do, I get the leaflet or the information she gives me and err sort of just put it to one side and that's it, it's forgot about like you know, goes in the bonfire pile.

Factor 2 seemed to relate to the supervisor challenging inappropriate comments or behaviour but also, somewhat unexpectedly, included giving people more skills to solve problems, although this loaded equally onto factor 1. In relation to challenging, as well as encouraging, and praising positive change, supervisors, of course, must challenge behaviours, attitudes or utterances which may be read as reinforcing anti-social or criminal beliefs. However, it was clear from the interviews that this needs to be done in such a way as to be non-confrontational and pro-social. We asked our respondents (at each

round of interviewing) 'Has your supervisor ever challenged some of the things you said? What happened? What was the effect on you? Was this done in a confrontational manner, or in a constructive manner?'. There were in fact very few instances of this (three from 27 interviews during the first round, and four from those 17 seen during the follow up):

> Case 13: I had drunk a load of vodka the night before, and she challenged me and said 'you been drinking today haven't you?', 'err I haven't actually it was last night', I was under the illusion when I started drinking vodka that you cannot smell it on your breath, that's a fallacy. If you drink vodka, if you drink a load of vodka at night, people will be able to smell it at work the next day.

When asked how this made him feel, Case 13 said:

> I felt I let her down, you know what I mean, because, you know, at the end of the day I know I have to come here, right, but while I am here, she is, she is trying to help, you know.

Evidence emerged of supervisors challenging those we spoke to about pro-criminal attitudes too. So, from what we can tell, some of the supervisors did challenge their service users along the lines suggested by the SEED model, and this did appear to have the desired effects (relationships enhanced, bonds reinforced and behaviours successfully changed). In other instances there may have been no need to challenge service users, though we suspect, from the SEED staff interviews, that this is an aspect of the SEED model that probation staff can find difficult.

Factor 3 includes all the items we included to assess use of CBT and one of the two items we included to assess developing problem solving skills. It also includes the item 'My probation officer has made me realise that change is possible' which we included to assess motivational interviewing skills. CBT includes helping service users to appreciate how their actions affect others. In the interviews, we asked respondents: 'Has working with your supervisor made you more aware of how what you say and do affects those around you? In what ways?'. Again, from both the first and the follow up interviews, it seemed that supervisors were routinely engaged in such work.

Case 16. Researcher: And working with [supervisor], has it made you
                      more aware of how the things you say and the
                      things you do affect people around you?

Service user: Yes, I suppose, yes. Because other times when I've been
                      on probation, I don't really sit and have a conversation
                      in there, I'll just, yes and no answers. But with [super-
                      visor], if I have got a problem now I will sit there and
                      ask her 'what do you think I should do about it?' And
                      'how do you think I should go about it instead of just
                      going out and doing it how I normally would?'

We are seeing, therefore, from the questionnaire results, that the ways in which service users distinguished what their supervisors were doing (the three factors) do not entirely fit into the same categories as those devised to describe good practice in supervision from a theoretical or probation practice perspective (motivational interviewing, pro-social modelling, challenging, CBT etc.). For the service users, 'good supervision' involved a whole package of building a relationship, pro-social modelling, building motivation, structuring the supervision, and rewarding positive change. Challenging anti-social behaviour, though also appreciated when done constructively, seemed to be rarer, and was separate from this package of 'the good supervisor'. Cognitive behavioural work also seemed to be separate. This may be because it seemed to be done as exercises and 'homework', involving worksheets, rather than in general conversation. Supervisors were using already prepared materials which had been evaluated, rather than creating their own one-on-one tools.

Did SEED Training Help in Producing Good Supervision, From the Service User's Perspective?

If SEED training benefits desistance and particularly if it encourages service users to move themselves along a desisting path and make it their own path, then one might expect that service users would differentiate between supervisors who were trained using the SEED package and those who were not. The questionnaire responses allow us to try to answer the question whether service users noticed any difference—but

there are some methodological difficulties which limit our findings. One is that the numbers of questionnaires completed in some areas were relatively low, so that we can only look over all three Trusts taken together, not at each Trust separately. Another is that service users, as we have seen, could experience several different supervisors in a relatively short time span. There were also staff losses and changes in teams.

Overall, and perhaps surprisingly, service users in *both* SEED trained and comparison groups were pretty positive about their supervisors (which makes it a little difficult to find additional effects of SEED training). So, on our scales in the questionnaires, responses were towards the positive end of the scale on all items, for example 84% of service users in the trained group and 82% of those in the comparison group 'agreed' or 'strongly agreed' with the statement 'My probation officer has tried to build a good relationship with me'. The image which came across from the interviews was that those being supervised appreciated the care and attention given to them (especially in terms of practical assistance), and that this made them more receptive to ideas about change.

So, in order to gain an overall composite measure of the extent to which service users were perceiving their supervisors were using all the different skills which form part of the SEED approach, we divided the scores on each of the three factors into two categories (high and low) using a median split.[8] Given that quality supervision, as seen by service users, includes these three factors, it would be hoped that supervisors who were SEED trained would score more highly on all of these. We produced a variable that divided respondents into those for whom the score was in the top half for all three factors and those for whom it was not. Logistic regression revealed that those in the trained group were significantly more likely to be in the top half of all three factors compared to the comparison group ($p = 0.019$). This suggests that the trained supervisors were more likely to be using all the SEED skills than the comparison group—and that this was apparent to their service users.

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[8] Hence the sample was divided into those who scored above the median (the point on the scale at which half the respondents were above that point and half below) and those which scored below the median.

Additionally, in terms of the areas covered in each supervision session, there were significant differences shown in the service user questionnaire between the SEED trained and comparison service users in the extent to which they indicated that 'Attitudes to offending' (p = 0.029), 'Getting work or training' (p < 0.001) and 'Achieving goals' (p = 0.038) were discussed.[9] Each was reported to be talked about more regularly in the trained than the comparison group. Each of these is relevant to desistance, in terms of the service user feeling that they are creating a non-offending life which is possible. This linked in to interview responses, in particular when the supervision session started.

One of the elements of SEED training that was most appreciated by the practitioners themselves was the input on structuring (Sorsby et al. 2013). Practitioners did feel that the training had improved their structuring skills. The questionnaires indicated a statistically significant difference in the experiences of service users between those who had SEED-trained supervisors and those who did not in the extent to which they felt there was a plan for what should be achieved by the end of the order with 67% in the trained group indicating that there was compared to 56% in the comparison group (p = 0.014).

Overall, from the interviews, elements of supervision which were in accordance with the SEED model were reported fairly consistently. The interviews suggested that the service users felt that their supervisors had built rapport with them, had 'checked-in' at the beginning of each session, were on time, were reliable, and gave positive feedback (when it was deserved). Supervisors were also frequently reported to have made service users aware of how their actions had affected others. Supervisors appeared to challenge pro-criminal attitudes and comments in ways which were consistent with the SEED model and which appeared to reinforce good relationships and behaviour. They also appeared to have employed aspects of motivational interviewing and talked with service users about how change was possible for them. In terms of cognitive

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[9] These were analysed using three –way ANOVA tests, controlling for gender, as the content of sessions was linked to the gender of the service user, and there were differences between trained and comparison groups.

work, SEED-trained supervisors seemed to be following the SEED (and thereby desistance) model. These positive impressions from the interviews provide validation for the results of the questionnaires. We were concerned that service users may not have been convinced by the anonymity of the questionnaire, and that they may therefore have been tempted to answer in a way that was more positive than they actually felt. However, the finding that equally positive feelings were expressed to independent researchers in the interviews, in a context where the interviewer could probe the reasons behind people's responses, allows us to be more confident that the positive responses in the questionnaire also represent people's true feelings.

What About the Practical Aspects of Desistance?

So far, we have been primarily concentrating, as has much work on probation in Western countries, on cognitive and emotional aspects of desistance, rather than the practical problems of learning to live a non-offending lifestyle. However, we know from the literature that probation staff may value these practical aspects of supervision less than service users do (Shapland et al. 2012a). SEED training did not seem to affect the ways in which supervisors dealt with these practical aspects. The only individual item which showed a significant overall difference with the supervisor being SEED trained was 'My probation officer appears to understand my circumstances'.[10] It is interesting that, in Trotter and Evans' (2012) study of supervision of young offenders, which observed supervision sessions, supervisors were strong on relationship and pro-social modelling skills (which we found that service users valued) but made much lesser use of problem solving skills relating to practical problems. In our own study, we are finding that service user perceptions of problem solving skills were no different between SEED trained and non-SEED trained supervisors, indicating that either SEED was not

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[10] Wald = 4.479, p = 0.034. Other significant variables in the model were age Wald = 9.320, p = 0.002, and gender Wald = 7.924, p = 0.005. Pseudo R^2 = 0.053 (Nagelkerke). Model x^2 = 18.402(3), p < 0.001. The parallel lines assumption was not violated.

prioritizing dealing with practical problems or that this aspect was not seen as central by supervisors.

The SEED model aims to help supervisors equip those who they supervise with the skills to solve problems and avoid trouble in the future. In the interviews, we asked the service users: 'Have you and your supervisor worked on particular skills which will help you solve problems that you come across in your life? Their answers revealed a mixed picture. For some there was clear evidence that the supervision was working to help them avoid trouble, but not for all:

> Case 5: Yes: Well I don't . . . like this now, I'm totally a different person. I'm not violent, I'm not argumentative. It's just when I've had beer, I'm off my head, I turn into a monster. That's what we've talked about. We'll jot down all the things that I do when I'm hammered and then write down the things like . . . like a chart, like all the good things and all the bad things. Why would I choose to be like that when you're a much better person like that.

A related issue concerns the extent to which supervisors and service users had worked on particular areas in the latter's lives which were related to their offending. In many cases, service users said that this had not happened when we first spoke to them. In other cases, supervisors appeared to have identified quite obvious 'triggers' and worked with service users on these (alcohol being an obvious one, but relationships and how one approached problems being another). In a few instances, those we spoke to suggested that no work had been needed to be undertaken post-release as prison-based programmes had been completed pre-release.

We also asked if service users had been given helpful advice by their supervisor. There were several instances where this clearly had happened:

> Case 15: Well work, how to handle the hostel. How to handle making friends. [. . .] The lads go out drinking and stuff like that, how to avoid those situations. Same as with the housing, it's a sheltered housing accommodation, it's about 28 properties.

In other cases it became again apparent that the impact of the supervisor's work had been hindered in part by wider social and economic factors. In this respect, even the best planned and executed work would struggle to gain much traction in the lives of those people living in some of the country's most run-down and impoverished estates at a time of further austerity.

In particular, in the follow-up interviews, we found the service users much less enthusiastic about probation generally. This loss of enthusiasm appeared to be a function of problems when interviewees were referred to other agencies, i.e. that either the other agency could not assist them (i.e. employment schemes which did not yield work, or housing providers who refused to deal with those being supervised), or the service users' goals taking longer to realise than they had hoped.

Some aspects of the SEED model, particularly goal setting and setting tasks at the end of supervision, appeared to diminish over the supervision period. It may be that service users were now able to do this for themselves and supervisors were starting to encourage this as part of the preparation for the end of their orders—though clearly new goal setting for service users for the post-supervision period was not being undertaken afresh. It may also be that some supervisors had given up with service users they perceived to be uncooperative. Though there was clearly a plan at the start of orders it was not clear there was a plan for service users themselves at the end of orders.

How do Service Users Perceive their Supervision?

Previous literature on how service users perceive their supervision has emphasised the importance of building a relationship, and obviating a mainly controlling, tick-box approach. This recent study of service users in England has reinforced those findings. Theoretical approaches to supervision—and supervision training for probation staff—have emphasised a number of supervisory skills and tools, following the currently dominant RNR (risk-need-responsivity) approach to supervision. The study has indicated that service users do notice, and appreciate, those

elements—but that, in their judgements of supervisors, they tend to conflate most of these specific elements into one general view of their supervisor and supervision. A good supervisor listens, has a good relationship, models positive behaviour, steers and so on. The only independent factors were challenging antisocial attitudes/behaviour (which few supervisors seemed to do, though we cannot judge the occurrence of these elements) and cognitive behavioural work (we think because it 'looked' different, because much was on worksheets). In this regard, there were some significant effects of SEED training on supervision practice and service users had noticed these effects.

We have set out service users' views above melding perceptions from those on licence and those on community orders. This is because there was very little difference. Licence periods might be slightly shorter (though at the time of the research licence was only for those serving 12 months or above in prison); immediate needs and crises might be slightly different; but supervisors had mixed caseloads and did not seem to differentiate. Nor did service users have different perspectives. Licence can be seen as an opportunity to try out intentions to desist which may have been formulated in prison, but which can never be tried out in practice in prison.

The SEED training programme was based on theories of desistance, and certainly aimed to encourage desistance attitudes in service users, as did supervision practice. However, desistance is learning to lead a non-offending life in the community (for both those on licence and those on community sentences) and this often is really difficult for service users. There are many practical problems around money, accommodation, employment and temptations offered by previous 'friends' (particularly in a time of austerity). Addressing these problems, and concentrating on one at a time, did not seem to be a prominent feature of supervision at the time of the research (nor of the SEED model). Supervision was also geared to the supervision period—it did not reach out to address what service users were going to do once the supervision period had ended, or leave them with goals and tools to reach out for those goals.

So, although SEED training assisted supervision practice that was in line with some parts of theories of desistance and was appreciated by service users, some of these aspects seemed to tail off towards the end of the period. It may be that service users were proving less co-operative (certainly not

everyone wants to desist)—or it may be that supervision was not yet seen as part of the desistance journey of the service user, in which the supervisor works alongside the desister to help for a time, but then launches the desister on their own. Certainly the extent to which probation practice is concentrated on one-to-one (supervisor to service user), rather than one to many (the desister, his/her supporters and potential social capital) suggests a more personal rather than desistance approach was being taken.

There are of course limitations in terms of what it is possible to achieve through supervision, whether on licence or in the community. In common with other studies, we found that whilst supervisors engaged in work to help service users solve problems, those being supervised faced the sorts of chronic problems (long term unemployment, fractured social relationships and a loss of hope) which any supervisor would be extremely hard-pushed to solve, or to provide ready solutions to. Service users, though, were very appreciative in general of supervisors for trying.

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Joanna Shapland is the Edward Bramley Professor of Criminal Justice and Director of the Centre for Criminological Research at the University of Sheffield, UK. She has researched widely on desistance, restorative justice, probation and victimology, and is the main editor of *Global Perspectives on Desistance: Reviewing what we know and looking to the future* (with Stephen Farrall and Anthony Bottoms, Routledge, 2016). She directed the evaluation of the SEED training programme in England & Wales and in Romania.

Angela Sorsby is a Lecturer in Criminology in the School of Law at the University of Sheffield, UK. She has researched across a number of areas of criminology, including probation, desistance and restorative justice; with a focus on developing evidence-based criminal justice practices and policies.

Stephen Farrall works in the Centre for Criminological Research at the University of Sheffield, where he studies why people stop offending, the fear of crime and the relationship between politics and crime. One of his most recent publications is "Criminal Careers in Transition" published by Oxford Univ Press and co-authored with Ban Hunter, Gilly Sharpe and Adam Calverley in 2014.

Camilla Priede is a Programme Director for Sciences and Social Science at the University of Sheffield's Department for Lifelong Learning. Prior to this she was employed as a Research Associate in the School of Law, investigating Quality in Probation Practice.

3

Released from Prison in Denmark: Experiences vs. Ambitions

Annette Olesen and Anette Storgaard

> *. . . the most severe punishment we get is probably the one we face*
> *when we get out of prison. Landon, newly released on parole*
>
> (Olesen 2013: 211).

Background

Denmark[1] is part of Scandinavia which also comprises Finland, Iceland, Norway and Sweden. These countries all build on the well-known

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[1] Greenland and the Faroe Islands have their own parliaments but are still part of the Danish Realm with two members each in the Danish parliament. Greenland and the Faroe Islands are not included in the following analysis.

A. Olesen (✉)
Department of Law, University of Southern, Odense, Denmark
e-mail: aol@socsci.aau.dk

A. Storgaard
Department of Law, University of Aarhus, Aarhus, Denmark
e-mail: as@law.au.dk

'Nordic Welfare Model' that originated from a century-long tradition of political dialogue, parallel decision making and corresponding political approaches to policies regarding for example: crime and punishment, education, housing and social welfare. However, in recent decades the Nordic Welfare Model has been challenged due to financial downswings and political changes. Whether one today describes the crime policy in Denmark as based on the welfare model or not depends very much on the standard of comparison. Until the beginning of the 1990s Danish crime policy was based on political consensus, scientific experience and evidence. But in recent decades the formation of crime policy has been moved from the experts into the hands of the politicians (Lappi-Seppälä and Storgaard 2014).

Denmark has a national population of around 5.6 million and a total capacity of 4,000 prison places. These are divided in two main categories: the custodies (pre-trial prisons) housing prisoners waiting for their trial as well as convicted prisoners either serving a sentence of six months or less or waiting to be placed in a prison and the prisons which house convicted prisoners. Roughly, the prisons can be divided into high security (closed) prisons and low security (open) prisons. The vast majority of prisoners serve their sentence in low security prisons and are also released from this open regime. In 2014 there were 3,592 prisoners released on parole and 4,571[2] prisoners released after serving their full sentences. Of those paroled, 2,626 were released from open prisons, half-way houses or with electronic tagging while 966 were released from closed prisons (The DPPS 2014: 16, 45–46).

Parole was introduced as a 'regular' element of the sentence in the Danish Criminal Law in 1933 and expected to take place after two thirds of the sentence had been served, but not before a minimum nine months of imprisonment. In 1965 release after one half of the sentence

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[2] Of the 4,571 prisoners 587 had their parole application rejected. The others could not be paroled either due to the sentence being below two months or the type of sentence (partly conditional/unconditional).

was introduced but the two thirds rule was still considered to be the main rule. However, the minimum of time served in prison before being eligible for parole was amended to two months and it was furthermore decided that parole could not occur unless 30 days were still left to be served. Consequently, sentences of less than three months could not lead to parole but had to be served in full. Since parole is both supportive and controlling it was considered unreasonable to impose two years on parole in exchange for release a few days before prisoners had served their full sentence. This 'fairness' rule was nevertheless abolished in 2013. In 2004, yet another rule paved the way for prisoners to be paroled after serving one half of a sentence in more specific cases[3] (Storgaard 2014).

In 1987 it was officially stated that 'only a small group of prisoners were expected not to be released on parole' (White Paper no. 1099/1987). The statement was given at a time when the rejection rate for parole applications amounted to 5–8 percent which was considered a generally acceptable level. However, in the 1990s the rejection rate increased markedly to around 14–18 per cent and this development continued in the 2000s peaking in 2008 with a rejection rate of 25 per cent. From 2012 the trend has, however, changed slightly resulting in a rejection rate of 15 per cent in 2014 (The DPPS 2002, 2014).[4] In the years between 2008 and 2012 the Danish Prison and Probation Service (DPPS) realised that the development needed to be analysed and internal initiatives lead to a decrease in the rejection rate.

In 2010 a cross-sectorial reentry framework was launched as the 'Schedule of the Good Release'. The ambition was to implement the actions outlined in the Schedule to all prisons and municipalities in Denmark to strengthen the cross-sectorial collaboration concerning parole and to support the parolees (The National Board of Social Services 2010). The primary purpose of the Schedule was to

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[3] This rule does not play an individual role in this analysis.

[4] Due to minor differences in the statistical method the numbers may not be directly compared for the whole period from the 1980s forward.

prevent crime and secure parolees' rights to social security and support. The Schedule referred to applicable laws and supported the parolees' statutory rights to receive support in job seeking, search for rental housing, etc. without promising the parolee a job, housing, and so on (Storgaard et al. 2013). This chapter focuses on parolees in Denmark; their experiences of transitioning from prison back into society and life after prison; and whether the Danish state's reentry ambitions can be mirrored in the parolees' first-hand experiences. The chapter is organised into three main sections. The first section offers a brief introduction to the materials and methods used to analyse the qualitative data this chapter is based on. Our findings are presented in the second section and are discussed using three themes: chaotic prison release; supervision without a vision; and 'informal' supervision and punishment. A discussion based on our findings and concluding remarks on some of the lessons to be drawn from this study are given in the third and last section.

Materials and Methods

The aim of this study was to examine how parolees experience their reentry process and life post-prison in Denmark—a country with ambitions to create a cohesive system of effective reentry. The study applies a novel theoretical and methodological argument combining perceptions from Bourdieusian reflexive sociology (Bourdieu 1977, 1996; Bourdieu and Wacquant 1992) and law *in* society research (Engel and Yngvesson 1984; Silbey 1992). Parolees' experiences of their reentry process and life post-prison in Denmark were studied by approaching legal consciousness as a theoretical concept and as a topic of empirical research (Sarat 1990; Trubek 1984; McCann 1994). Legal consciousness refers to how people think and do not think about the law. Within this tradition law is studied as a cultural phenomenon constructing understanding categories, affecting (re)actions, and shaping various aspects of social life (Ewick and Silbey 1998; Nielsen 2004). Legal consciousness is interpreted through the qualitative data (described below) as cultural

practice that integrates human action and structural constraint (see also Bourdieu 1990).

Our understandings of the complexities of parolees' experiences of their reentry into society has emerged through qualitative methods including interviews and observations. Our findings presented in this chapter are based on 77 face-to-face, open-ended qualitative interviews and follow-up interviews with 41 men (40 reoffenders and one first-time offender) with present and/or retrospective experiences of parole. The data collection was furthermore supplemented by several informal observations, conversations, email correspondences, text messages and phone calls with the interviewees and some of their friends, partners and family members. The data collection took place over 2.5 years from June 2010 to November 2012[5] and was conducted and analysed by Olesen (see Olesen 2013). First-round interviews (n = 41) were mainly performed in prison apart from three exceptions of reoffenders who initially were interviewed after their release. The first interviews were to establish a baseline of the reoffenders' experiences and living conditions pre-prison, in-prison and post-prison. The interviewees who had their parole eligibility date within a two year time period were asked to do one or more follow-up interviews in the process of their reintegration back into society. Second-round interviews (n = 21) were conducted during the first two months after release. The purpose of the immediate follow-up-interviews were to examine the released prisoners' first-hand experiences of their 'regulated freedom' while they faced the social and financial challenges of their (re)establishment of a home and income. Third-round interviews (n = 10), fourth-round interviews (n = 4) and a fifth-round interview (n = 1) were conducted between approximately two months to two years post-release and gave an impression of everday life post-prison. The multiple interviews were furthermore conducted to attain credibility with the interviewees who after a longer acquaintance were more willing to share their experiences

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[5] The data later formed the discussions regarding the 'Schedule of the Good Release' policy launched in 2010, but we must underline that some positive changes have taken place since the data collection ended in November 2012.

and answer additional questions which strengthened the data (see also Reinharz 1992).

In cooperation with an open and a closed prison in Denmark, 38 of the 41 people who reoffended were recruited for the study, while the remaining three were interviewed at a drop-in centre after release. As the study progressed the follow-up-interviews were conducted in different locations such as coffee bars, pubs, and the interviewees' cars, homes and so on. The recruitment strategy produced a diverse sample of interviewees. The age of the 41 interviewees varied from 20 to 60 years (median = 34), 25 of the interviewees were in a permanent relationship or married, 18 had children, seven had an ethnic minority background, 14 had not completed secondary schooling, 15 had never held reported employment, and 16 were connected to (semi)organised criminal groups or outlaw motorcycle gangs.

The interviews were digitally recorded and transcribed and the interviewees were granted anonymity so their names were replaced by pseudonyms. At the beginning of the data collection the data was kept uncoded to make sure that . . . *various analytic possibilities* could unfold (Lofland et al. 2006: 218). During the coding process a line-by-line approach was used where common patterns and analytic themes characterising the data were identified. Themes that appeared when the interviewees gave words to their experiences of parole and the living conditions framing their reentry process were: chaotic prison release; supervision without a vision; and 'informal' supervision and punishment. These themes will be presented below.

Reentry from Prison into the Danish Society

A general characterisation of the Danish parolee can hardly be made, because the knowledge of who enters Danish society on parole is very limited. The few existing studies have, however, showed that released prisoners in general are: financially vulnerable, heavily indebted, suffering from a lack of connection to the labour

market and compared to the average population, the released prisoner depends more often and for a longer period on social security benefits[6] (Tranæs et al. 2008; Olesen 2013). The parolees, therefore, often need professional support to overcome complex problems faced post-prison.

The following section presents our findings of how the DPPS, Social Services and governmental authorities' support and control were experienced by the interviewed parolees. The first focus is the parolees' experiences of formal supervision performed by the Probation Service that aims to rehabilitate the parolee and protect society from any future criminal occurrences; the second focus is the parolees' experiences of the police, bailiffs and the Tax Authority's informal supervision and punishment.

Chaotic Prison Release

Transition from prison into society is known to be a very turbulent and problematic experience (see e.g., Petersilia 2003; Bushway et al. 2007; Olesen 2013) and the first year after release is considered to be a very vulnerable period with heightened risks of recidivism (Roxell 2009; Graunbøl et al. 2010). To ensure that the parolees' multifaceted needs and challenges are met and pro-social behaviour supported upon release,

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[6] One of the fundamental principles of the 'Nordic Welfare Model' is that all citizens have access to basic social services regardless of their social background and independent of insurance contributions, user charges, co-payments, etc. The Danish welfare regime and social policies are nevertheless challenged by workfare policies (Vis, 2007; Kananen, 2012). Cut-downs as well as politically initiated reforms of social services have over the years been launched to foster obligation to labour and limit eligibility for social services. Social services are adjusted for inflation according to the cost of Danish living standards. In 2016 citizens aged 30+ being parents or guardians of (a) child(ren) are eligible to receive max. DKK 14,575 [EUR 1,958] per month in social security benefit. Citizens aged 30+ without children are eligible to receive max. DKK 10,968 [EUR 1473] per month in social security benefit. Citizens under 30years with a qualifying education are eligible to receive social security benefit at the same level as the State education grant (amounting to DKK 5,941 [EUR 798] per month for citizens living away from their parental home) with possibilities to add benefit supplements. Citizens under 30 years without a qualifying education are eligible to receive education support amounting from DKK 2,590 [EUR 348] to DKK 14,575 [EUR 1,958] per month depending on their legal status, mental health and housing situation (http://bm.dk/da/Satser/Satser%20for%202016/Kontanthjaelp.aspx).

the DPPS and Social Services should enter into a close collaboration taking the parolee's general living conditions as their starting point. This subsection will briefly introduce the intentions of the 'Schedule of the Good Release' followed by findings of the parolees' experiences of their parole and implicitly their experiences of the cross-sectorial collaboration organising release.

The Schedule of the Good Release

In 2006 the Danish Ministry of Justice and the Ministry for Social Services initiated a common project to improve parole.[7] This project was based on a thorough study of the DPPS and Social Services' practices, the professionals' cooperativeness/non-cooperativeness, and their attitudes to parolees. The findings showed that long existing collaboration guidelines between the DPPS and Social Services directed at their shared clients were practically unknown and definitely not applied (Ramsbøl 2003). Based on these findings a new set of guidelines (Schedule of the Good Release) was introduced as a collaborative method. The Schedule consists of guidelines and a contract between the DPPS and Social Services with the aim to prevent recidivism, guarantee citizens' rights and secure cross-sectorial efforts regarding

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[7] Denmark and Norway have over a decade intensified and implemented methods and programmes to improve and structure the reentry processes for released prisoners. Norway invites local authorities to get involved in prisoners' needs, rights and complex problems in prison, while Denmark is more focused on smoothing and optimising the released prisoners' transitioning back into society. In both countries a systematic improvement of cross-sectorial collaboration has been in focus due to a growing realisation that released prisoners do not always manage to achieve their fundamental rights. However, neither Denmark nor Norway have stressed specific rights to ex-prisoners. Norway introduced a reintegration guarantee in 2008/2009 that originally placed the responsibility for reintegration on the Norwegian Prison and Probation Service as well as the Government. Yet, the reintegration guarantee did not induce legally binding outcomes. Hence, the Danish and Norwegian reentry frameworks should encourage prisoner involvement in organising and structuring time in prison, pre-release and post-release but the execution of the Norwegian reintegration guarantee and the Danish Schedule of the Good Release will take place regardless of prisoners' involvement. Still, little is known about the prisoners' and ex-prisoners' experiences of the reentry frameworks as well as their ability to meet the ex-prisoners' needs (Storgaard et al., 2013; see also Olesen, forthcoming).

release. The most noteworthy phrase in the collaboration is that 'no one lets go before another has taken over' (The National Board of Social Services 2010). The contracts obligate the Social Services to appoint each parolee to a reentry coordinator who works as a gatekeeper to different services, for example job centres, allocation of housing, ambulant drug treatment. Another innovation in the Schedule is the 'release meetings'. Three months before the expected date of parole the prison is expected to invite Social Services to a meeting in order to plan the parole. The release meetings are concerned with identifying prisoners' needs concerning housing, health, and so on. Furthermore, the Probation Service must be sufficiently informed in order to take over the responsibility for coordinating the plans of action no later than eight weeks before the date of expected parole (The National Board of Social Services 2010). This invention has not been based on changes of the parolee's legal rights nor has any new mandatory legal based obligations for any authority been included. The basis for the implementation was (and still is) shared information, improving attitudes among professionals and the abovementioned guidelines. The Schedule was launched in 2010 to be implemented nationwide.[8] Contracts between the municipalities and prisons have gradually been signed with an expansion of the number of prisoners included in this collaboration. This Schedule provides the legal context for the data in this chapter.

Parolees' Experiences of their Release

The interviews with the parolees included questions concerning interaction with their keyperson and social workers in prison and their probation officer, landlords, social workers from job centres, benefit offices, and so on. Spontaneously, however, some of the interviewees were asked directly how they experienced the collaboration regarding release between the prisons and Social Services. The general response

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[8] Prisoners with sentences of four months or shorter and prisoners under the age of 18.

sounded very much like the following presented by a young parolee called Jake:

> Interviewer: *Are you familiar with the Good Release Project?*
> Interviewee: *What does it do? Does it do anything?*
> Interviewer: *It is a project aiming to make the prisons and the Social Services co-operate to make sure that somebody will help you with . . . for example your income and housing issues so you're not all on you own when you get released. It's mainly about securing communication and sharing information between authorities . . .*
> Interviewee: *I've never heard about it.*
> Interviewer: *Well, I guess it's just staff policy to ensure a smooth collaboration to the outside authorities and services.*
> Interviewee: *I don't think there's any collaboration. They [prison staff] don't care shit about what we'll face after release . . . they don't give a fuck about us.*

Pre-parolees who had a crime-free agenda were often very concerned about their release process which they mostly referred to as poorly organised by prison staff and the Social Services. Also, they had a general feeling of the prison staff being indifferent when it came to supporting them upon their release just like previous experiences had given several of them the impression that Social Services wished for them to return to prison rather than counting as bottom line figures in their accounts. Anxieties about going through the release process unsupported permeated the interviews. The interviewees' previous experiences with release had provided them with first-hand knowledge about what to expect and what to be concerned about in these processes; on the basis of which income and housing composed the two major concerns of the pre-parolees.

Prisoners have to fulfil the requirement of having an address or temporary housing to be considered eligible for parole. This requirement meant that many potential parolees had to rely on friends and family members for a release address even though the parolee's registration at their address would reduce or cut off housing benefits. Findings suggested that most of the prisoners considered the financial disadvantage they would cause friends or family members by registering at their

address and therefore often felt they either had to apply and accept housing offers that were irreconcilable with their estimated income level, needs or expectations (see also Olesen, 2016); or make their stay at friends or family members short-term to limit any problems they might cause. The vulnerable housing situation entailed temporary solutions and distress upon release. The pre-parolees' future prospects concerning their income situation also looked uncertain and instable. Several did not know how they were going to provide for themselves (and some for their families) after release and they were concerned about feeling 'forced' to commit new crimes to make ends meet. Hence, the vast majority of the parolees spent their first days on the outside visiting Social Services trying to secure different welfare benefits and applying for stable housing.

Even though the interviewees knew little or nothing about the Schedule of the Good Release the broached issues from the interviews showed that the most socioeconomically advantaged prisoners understood the cross-sectional communication challenges and made a great effort to contribute collaboratively with the prison staff and Social Services aiming to stabilise their situation post-release. One of these relatively privileged prisoners, a middle-aged reoffender called Connor nevertheless described how the challenges faced post-prison, regardless of endeavours to attain a foreseeable release, seemed unavoidable:

> I used to live in Copenhagen but after my parole I wanted to move to Aarhus but oh God . . . I would've liked to arrange everything in advance with my social security benefit and have my address listed in the national register but before I was actually present at the job centre I couldn't appear in their computer system. So, it gave me lots of problems. I had to copy the papers from the job centre, the benefit office and the municipality service and make sure they all got the right information because nobody knew what the other part was doing. And all this happened even though I had been to a meeting at the job centre before my release. But anyway the job centre still closed my case because I physically wasn't there.

Connor pointed out some major concerns for the pre-released. First of all he underlined the significance of securing an address listed in the

Danish National Register (DNR-address) while moving from one city to another in connection with his release. Connor's 'originating authority' in Copenhagen (where he lived before being incarcerated) still had the coordinating and payment obligations towards Connor until he, after release, could move his DNR-address to his new 'receiving authority' in Aarhus.[9] Because a DNR-address is required to receive social security benefits Connor could not prepare his release nor could he apply for a medical practitioner, health insurance card, housing benefits and so on before his address had been changed post-release. On some occasions released prisoners who unlike Connor did not have a pre-arranged accommodation plan experienced disagreements between the originating and receiving authority about undertaking the coordinating- and payment obligations. The main rule that holds the originating authority responsible for the cooperating and payment obligations becomes effective during the clarification-period which leaves the released prisoner in a limbo where they have to comply with requirements to attend meetings and activation programmes in their originating borough (which can be far away from their new borough). Moreover, Connor highlighted the problem that his social security benefit case could not be processed without him being physically there.

The jobcentre is the unemployed (pre-) released prisoners' entrance to the Social Services and common practice requires the unemployed to show up in person documenting that they are available for the labour market. Since the prisoners are incarcerated they do not comply with the employment policies' requirements for social security benefits. However, an amendment in 2013 ruled that 14 days before a prisoner is paroled the benefit office must decide whether or not the pre-parolee can receive a one-off payment upon release (amounting to max. DKK 5,862 [EUR 787] monthly to citizens living without providers/DKK 2,914 [EUR

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[9] The originating authority is the authority where the citizen lives or usually stays. According to the Danish Consolidation Act on Legal Protection and Administration in Social Matters the originating authority has as a starting point the obligations to coordinate and pay for the social services the citizens within its area qualify to receive (for example social security benefit, childcare fee subsidy, kindergarten fee subsidy, rent subsidy, budgeting loans, etc.). The aim of the originating authority's obligations is to make sure that every citizen receives the help they need and qualify for.

391] to citizens living with a provider (2016 rate)). However, the benefit office's discretion of the pre-parolee's eligibility status depends on information from the DPPS; but the required collaborative information sharing has been criticised and referred to as poor (Deloitte 2015; see also Ramsbøl and Rasmussen 2009). The prison system and the prisoners' key persons were mainly referred to as sluggish and one participant, Matthew, emphasised that . . . *those who's like employed, who's getting paid to do the job they can't even figure it out . . . all the paper work. So how the fuck am I supposed . . . why would they think a guy like me's able to figure out all their papers, rules and shit? It's such a waste of time you know.* The parolees argued that they regardless of any legal, political and institutional initiatives they felt unaccompanied transitioning from prison back into society. The parolees' case work was seldom (re)started pre-release which cost the parolees a lot of waiting time, financial insecurity and housing problems. The success rate for the release, therefore, more often depended on whether the parolees' had an informal pro-social network able to offer financial assistance, housing, etc. so they did not need to rely on the authorities' collaboration.

Supervision Without a Vision

One of the case work tools in the Schedule is the 'coordinated plans of action'. In connection to release meetings, caseworkers from the DPPS and Social Services should coordinate plans of action for the parolee. This plan includes information about the parolee's health, civil status, employment, housing, drug, alcohol addiction, and so on, and the plan follows the parolee from prison to supervision where it is intended to be adjusted at a regular basis. The following subsection presents findings of the parolees' experiences with and co-determination in the coordinated plans of action during supervision (which is only present in the case of parole).

Parolees' Experience of their Supervision and Plans Without Action

Generally, the parolees seemed to have a distinct preference for a clear organisational structure and overview of parole. However, the parolees' experiences of the work of the supervision authority were mostly disparaging and referred to as 'headless' and 'a waste of time'. During the interviews the parolees repeatedly underlined that their living situation had changed from an isolated but well-organised life in prison to a chaotic situation without any vital reference point. The need for well-structured daily living was significant for them but nevertheless they felt that the supervision authority undermined or simply ignored this need by frequently rescheduling their meetings, working without a clear agenda as well as mutually exchanging their professional responsibility towards their clients as they pleased. Kent who had been released on parole three months before our interview took place described a rather common parole-scenario where two different probation officers had been involved in Kent's supervision during his first month on parole. The second probation officer had according to Kent proclaimed:

> 'Now we're going to make an action plan', she says. 'And now you've had supervision for three months so now we'll change [procedure] and instead of meeting every second week you'll get it [supervision] once a month'. 'Oh but I haven't been out for a month yet?' 'Oh, well we'll just do it once a month anyway.' They just lose track of everything. Now she'll drop by tomorrow which makes it more than 1.5 months since I saw her the last time.'

Kent's experience of being slighted by different probation officers minimised his opportunities for creating a positive relationship between him and the officer(s) aiming to prevent criminal behaviour development. In a qualitative study of the supervision authority, carried out by the DPPS, focus group interviews with probation officers illustrated how they saw prioritisation and resource allocation as common and as necessary tools in their work. A probation officer described their working conditions and the consequences of these conditions: *I think we've a lack of resources*

because working to create social relations is time-consuming . . . and I must admit that when you have 60 clients and deadlines I tend to skip those where I can tell I just can't handle it (Rönneling et al. 2011: 20). The probation officers explained that they prioritised and allocated resources to those clients with the greatest potential to flourish and live crime-free and further mentioned that their prioritisation was a way of maintaining work motivation. The supervision authority's unofficial prioritisation strategy, however, did not seem to benefit their target audience who in general considered the supervision as pointless. A parolee called Grayson briefly underlined this experience by stating that . . . *Once every month I just have to drop by [his probation officer] and say that I haven't committed any crime. It's ridiculous, but that's the rules, fair enough.*

Our findings suggested that several of the parolees worried about voicing their problems, needs and goals and had difficulties in establishing a professional and confidential relationship with the probation officers. They characterised their probation officers as unreliable and described their relationships as flighty but at the same time pictured the probation officers as relatively powerful. In the supervision meetings with different probation officers the parolees had got an impression of the probation officers as having a high degree of self-determination and effort to exercise discretion in their supervising work (see also e.g., Rönneling et al. 2011; The Directorate of the DPPS 2011). Self-determination and discretion related to the parolees' common experience of frequently shifting probation officers and left them feeling unconfident about the randomness and dependency of the probation officers' perception and attitude that inflamed the insecure situation. The parolees' experiences of their supervision were problematic but it is even more alarming when we take into account that the cornerstone of the supervision authority's crime preventive work is said to be establishing and developing the social relationship between the parolee and the probation officer (Kyvsgaard 1998).

The vulnerable relationship between the parolee and the probation officer could furthermore explain the poor integration of the parolee in the collaborating task of developing coordinated plans of action. Benjamin for example stated: *I got a plan forwarded but it didn't contain anything. 'He is getting an education.' That's it. It was so horrible. All*

action plans are the same. It's a waste of people's time. And Carter also explained that, *I've got no experiences with my plans of action. And there's no reason for making one because I got my own plan of action inside me. What do they need...I mean...it's a waste of time.* Benjamin represented the group of parolees who had seen their plans of action but found them to be inadequate and useless because of the probation officers' superficial approach and the sketchy details and considerations contained in the plans (see also Rönneling et al. 2011). Carter, on the other hand, belonged to the group of parolees who indicated that they had neither collaborated with nor seen their plans of actions. Their ignorance of these plans may have affected their need to underline independence and abilities to plan and fulfil their own milestones in life. The plans of action were however supposed to contribute to more uniform supervision meetings. But the parolees' experience of unstructured supervision where probation officers' contact with them happened randomly without assigning them a keyperson eroded the possibilities of collaboratively developing any plans of action. Instead the parolees sometimes faced conflicting agendas and decisions depending on which probation officer they communicated with. Nathan explained this:

Interviewee: *'I've also talked with the Probation Service about being a social educator. Actually, I've had four meetings with them with four different officers. So every time I've been to a meeting I had to start all over again with my story and I found that to be very annoying.*

Interviewer: *But how did the Probation Service meet your education plan?*

Interviewee: *Well, two of them adopted a positive attitude towards my plans...and two of them were very negative and said that it was absolutely out of the question. So, now I'm not really sure what to do.'*

Such conflicting opinions made several of the parolees lower their expectations of a constructive outcome of the supervision period. And, when the interviewees were asked whether they had experienced the supervision as a supporting facility in developing a law-abiding lifestyle they mostly disagreed loudly. Much more often they characterised it as supervision for supervision's

sake. The vision of the supervision was never drawn up at all or was easily blurred with the many different probation officers involved. The parolees associated parole supervision with indifference and time wasting. Our findings furthermore suggested that the parolees had no direct experience of being included in the development of the coordinated plans of action neither had they any idea about the function of these plans. In addition, these client-perspective-findings were supported by several evaluations (The DPPS 2011; Rönneling and Lund-Sørensen 2014; Lindstad 2015).

Informal Supervision and Punishment

Supervision seldom evoked more than the parolees' irritation and reluctance. When our conversations broached the issues of supervision and legal regulation, the parolees' attention immediately turned to their encounters with the police, bailiffs and the Tax Authority. In Denmark, criminally convicted persons are personally liable for the (necessary) cost of their criminal case (legal costs). Therefore, most parolees are heavily indebted to the state (Recommendation no. 1547/2014). These circumstances left the governmental authorities with two unresolved issues regarding the parolee; firstly he had to successfully complete his parole which automatically attracted police attention (see also Holmberg 1999; Finstad 2000); secondly he had to repay his debt stemming from a punishable matter which not only drew the police's attention but also attracted the Tax Authority and their bailiffs (see also Olesen 2014; Harris et al. 2010; Diller et al. 2010). The following findings show how a double registration as 'early released prisoner with residual penalty ' and 'public debtor (stemming from a punishable matter)' meant that a great part of the parolee's everyday life was organised by rules and officials; causing regulated living conditions that the parolees experienced as 'informal' supervision and punishment.[10]

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[10] Informal supervision and informal punishment are alternative terms used to describe the hidden supervision and punishment experienced by the parolees which are not supervision or punishment in a legal sense (see also Travis, 2005).

Dogged by the Police, Bailiffs and the Tax Authority

A young parolee called Dylan said about the police...*they know you...they know what car you're driving and they'll always do whatever they can to catch us again.* This short comment expressed the parolees' general experiences with the police who recognised them and were familiar with details about their living conditions, social network and (previous) criminal activities, and so on. But most important might be the parolees' hunch that the police would chase and pursue them to arrest them regardless of their uprightness.

Several of the interviewees had experienced personal searches post-release. Alex, who lived a crime-free lifestyle, pointed out that:...*they [the police] charge you preliminarily with possessing drugs. If they don't find any drugs they'll just drop the charges against you. They do that all the time, no matter what they'll always just charge you [to justify a search].* The police have access to the criminal register and therefore also have knowledge about the parolee's criminal history. According to the parolees they could easily identify the police's awareness regarding their (former) criminal career when they were put under suspicion. William who previously had been convicted for drug offences and recently for illegal weapon possession exemplified:...*after this conviction they [the police] always search for weapons. Earlier they always charged me for drug possession but now it's always weapons.* Several parolees mentioned how the police's criminal record background checks were regularly used as the basis for new searches. The objectives of the police searches were, however, not only to seize evidence for criminal cases. The parolees were often charged for a criminal offence by the police who then seized money in the parolee's possession to repay debt to legal costs and/or fines.[11] The parolees described how their everyday life in several ways was affected by the police's power to seize money to repay debt.[12] Daniel exemplified a general challenge faced by the parolees:

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[11] The police's seizure of the parolees' money happened regardless of any instalment agreements between the parolee and the Tax Authority.

[12] The police's seizure of money must not contravene the Danish Administration of Justice Act, section 805(3).

Interviewee: *...the other day...he [a friend] came by and gave me 5,000 DKK [EUR ~670] and just, the fact that I had to walk with it in my pocket to town was like...what if they [the police] spotted me? Then they'll just take all my money.*

Interviewer: *I actually thought about that risk when you told me earlier that you withdrew the total amount of your social security benefit from an ATM. Are you still doing that?*

Interviewee: *Yes...*

Interviewer: *...well then you're carrying a lot of money from the ATM to your home?*

Interviewee: *Exactly, and if they find it they'll just take it all. So, of course you're thinking about that risk all the time.*

This police procedure was problematic for several of the parolees because they, on the one hand risked the police's seizure of their cash if they carried it around or stored it at home. On the other hand they depended on cash trades in their day-to-day activities because they otherwise risked the Tax Authority's recovery enforcement actions targeted at their bank account. Debt recovery strategies were upheld by the authorities even though the parolees maintained their payments to the Tax Authority (The Danish Guidance and Directions for Recovery 2010). Thus, the parolees mentioned how they felt the police invaded the Tax Authority's turf and used their criminal record and debt burden as an opportunity to indirectly keep them under supervision.

Regardless of the parolees' uncomfortable body/car-search-experiences they pointed out that the consequences of home searches were more wide-ranging because they also involved the parolees' kin and their assets. They mentioned several examples of aggressive home search procedures approached by the police that had left their family shocked and nervous of future searches. The kind of trouble a partner to an indebted parolee could face during a home search was exemplified by Rene who underlined that... *it's insulting...the door gets kicked in at 5 am and four policemen are putting their dirty hands on your woman and are asking her how much money she's hiding. And what she's doing with a guy like me? And how much money do I owe?* The parolees' romantic relationships sometimes took a blow when a police search invaded their private lives and personal integrities.

Bailiffs, alike the police, also showed a great interest in visiting the parolees' home to search for valuable assets and money to repay debt. The indebted parolees' living conditions were to a great extent dictated by Debt Recovery Law but the rules of beneficium compensentiae (Act no. 1308/2014, section 509) protected their necessary assets so they could sustain a 'modest home and household' from recovery action. The definitions of a 'modest home and household' were nevertheless unclear which caused uncertainties among the parolees. The undefined balance between necessary and unnecessary belongings meant that the parolees never had a comprehensive overview of assets they were 'allowed' to possess. Thus, they often created fictitious property contracts and ownership letters trying to secure their financial and material position in alternative ways (see also Olesen 2013). What appeared to frustrate the parolees the most about the informal supervision was that even though they were officially entitled to privacy they did not feel entirely free to have their assets at their own disposal; they did not feel entirely free in their home or in their relationships.

Future Perspectives of the Indebted Parolee

The parolees' experiences with legal debt regulation could be considered a temporary barrier post-prison. Our findings, however, suggested that debt recovery not only triggered an experience among the parolees of being under informal supervision but also gave rise to a feeling of informal punishment. The Tax Authority considered the parolees' debt stemming from a punishable matter to be of high priority in their debt recovery strategy. The parolees who obtained official employment described how they experienced ending up with approximately the same disposable amount as the welfare-poor parolees because the Tax Authority reduced their income to repay their debt. Brayden described the parolees' perspective of this legal barrier. He told me how he had:

> . . . calculated whether it would pay to go to work or not. And I would actually make the same money [on welfare] by doing nothing as I would've

working. And that made me think that if I don't go to work I shouldn't spent 40 hours a week on that meaning that I'll have way more time. So, if I just stayed at home I could make money doing something else right . . .

Brayden's considerations of his debt burden, lacking financial incitement to become an active part of the labour market and his opportunities to 'make' unreported money outside the Tax Authority's radar were well-known among the parolees. Most of the parolees did not find official employment financially attractive due to their indebtedness and the Tax Authority's intensive debt recovery strategy therefore had long-lasting effects and consequences on the parolees' living conditions and lifestyles. Samuel who had nearly served 10 years in prison pointed out how many of the parolees felt about the legal regulation faced post-prison: . . . *financially you're punished for life. It's definitely discouraging me from starting all over again as a law-abiding citizen . . .*

During the interviews it became clear that the parolees considered the police, bailiffs and the Tax Authority as a collaborating unit with a rather one-track minded agenda of making their life outside the prison bars miserable through debt recovery. The general way the parolees voiced their experiences of legal institutions and law could be summed up by Isaac's remark stating that . . . *the police have become the Tax Authority's henchman. Don't get me wrong but they are a kind of gang. They're just as unpleasant as the gangs that go around threatening with blackmailing. The only difference is that the Tax Authority has the law on their side.* The statement clearly underlines how the interdisciplinary collaboration between the police and the Tax Authority was considered as a legal 'gang' performing informal supervision and punishment and, furthermore, how these experiences eroded the parolees' categories of understanding towards legality (see also Sarat 1990; Levine and Mellema 2001).

Discussion and Concluding Remarks

Our aim of this study was to examine how parolees experienced their reentry process and life post-prison in Denmark. These experiences

provided us with knowledge about Danish reentry framework from a first-hand perspective and made it possible to reflect on parolees' reentering experiences and cross-sectorial ambitions regarding parole. Overall, our study indicated three main findings regarding the transition from prison into society: Firstly, parole was experienced as a chaotic process where the parolees often felt they had to navigate the different systems on their own in search for income, housing, treatment, and so on. Secondly, supervision during parole was experienced to be futile because the supervision had neither a vision nor continuity. Thirdly, the parolees felt boundless regulation as the reach of state power was experienced as surveillance through criminally policing civil matters that went beyond the supervised life on parole.

The parolees did not experience the same level of cross-sectorial collaboration as indicated in the 'Schedule of the Good Release'. The wording of the Schedule is very clear about information sharing and responsibility between the involved sectors, but it does not mention how to commit the pre- or post-released to the plan. In principle, a plan of action can be developed without involving the person in question. The parolees' experience of having their voice 'muted' or entirely 'switched off' during their release meeting and at supervision interviews raised the question about whom or what the object of the coordinated plans of actions actually was? Was it the individual parolee facing multifaceted needs on parole? Was it the overburdened professional dealing with parolees? Or was it the politicians who mainly practice a tough-on-crime-attitude, but nevertheless also wanted to come across as 'socially responsible'? Whatever the answer may be, the discrepancy between the involvement of professionals and involvement of parolees in the 'coordinated' plans of actions and the reentry process altogether may be part of the explanation why many parolees felt they had to navigate the systems on their own.

Another important consideration is the scope of the cross-sectorial reentry efforts. Without argument, encouraging collaboration between the DPPS and Social Services is an important progress. Regardless of the reentry framework promoting an awareness and encouragement of strengthening cross-sectorial collaboration for parole, two significant barriers were identified. The first concerned a more consistent cross-

sectorial action. The 'Schedule of the Good Release' was launched exclusively as guidelines without any codified obligations binding the authorities to comply to the guidelines nor have the parolees obtained any new legal rights. Because Denmark is part of the continental legal tradition including comprehensive regulation by law the implementation of the 'Schedule', which was not codified, relied on the professionals' goodwill and sense of responsibility. Therefore, the collaboration, structure and perspective of the reentry framework varied from authority to authority; department to department and; coordinator to coordinator (see also Ramsbøl 2003; Ramsbøl and Rasmussen 2009; The DPPS 2011; Rönneling et al. 2013) and the unofficial battle of how the good intentions in reentry work should be implemented are still negotiated.

The second significant barrier identified in the 'Schedule' concerned a more client centred holistic approach. A number of challenges faced by parolees originated from sectors that were not included in the 'Schedule's cross-sectorial reentry framework. Connor was one of the interviewees who described how pre-parole he faced many difficulties trying to access the systems that could contribute to stabilising his living conditions in this high-risk time period of recidivism immediately post-release. The parolees' immediate (multifaceted) needs were often intertwined with the legal structures which in several situations resulted in different legal barriers branching to other legal problems pre- and post-release. Reforming transition from prison into society by strengthening cross-sectorial collaboration therefore calls for a multiagency approach that includes an client centred approach (see e.g., Wood et al. 2009). Ensuring that the reentry coordinators have the best opportunities to refer the parolees to the appropriate legal or non-legal system for support requires an expansion of collaborators from the public and the private sector but it appears that the 'Schedule' is still in the initial stage having yet to take advantage of exposed legal and multiagency development potential. Thus, parolees are still left in an insecure and unpredictable situation. Also, the 'Schedule' ambitiously aims to uphold parolees' legal rights but experiences suggest that parole practice within this framework falls short of this. The supporting tasks of the probation officers include assisting and empowering the parolees' personal, vocational, educational and pro-social development. Through probation officer-parolee-

interaction the officer should gain insight of the parolee's personal circumstances to best understand criminogenic risks and needs. However, our findings showed that the parolees experienced inconsistent supervision as they were passed between probation officers and instead would have appreciated a keyperson being in charge of their meetings. The lack of structure and a clear agenda made it difficult for the parolees to rely on the probation officers and speak openly about their needs, goals and struggles. Another consideration of the poor relationship between the probation officers and parolees could be that many of the highly challenging circumstances encountered post-prison were caused by legal barriers the probation officers (regardless of their work effort) were unable to change.

One of the main findings was that the parolees did not pay much attention to the (time wasting) supervision function performed by the Probation Service but rather experienced the informal supervision and punishment from the police, bailiffs and the Tax Authority as severe. Nevertheless, the parolees expected and to some extent accepted the Probation Service's (unimportant) supervision but found the overreach of state power performed by the police, bailiffs and the Tax Authority illegitimate and unfair. This entailed an unwillingness to cooperate with the police and evaded their obligation to repay debt (see also Tankebe 2013). Hence, our findings suggested that the parolees lacked financial incitement to work and they experienced police searches, bailiff visits and the Tax Authority's debt recovery from their gross income, bank account, and so on, as pervasive, overreaching, illegitimate and therefore unwelcome intrusions on their everyday life on parole. The magnitude of legal barriers faced post-prison and their impact on motivation to change is an important consideration of the development of future parole initiatives.

The study argues that ambitions regarding life on parole and post-release are challenged on two levels: the state's ambitions of a smooth transition into society and an effective crime preventing reentry framework are not achieved because the parolees are not included or consulted in defining and living out these ambitions but also because the structures of supervision, indebtedness and legal barriers create obstacles for the reentry framework's capacity to realise ambitions. Parolees' ambitions

are likewise challenged because they are not included in framing the reentry processes that instead are imposed on the parolees hindering tailored support meeting their specific needs. Feeling side-lined and disempowered in their own reentering into society while struggling with a lack of acknowledged resources and wherewithal makes it difficult to desist from crime. Thus, legal obstacles and a lack of responsiveness on an individual level thwart both personal and official parole ambitions. To sum up, Denmark has not yet managed to develop a reentry framework including the parolee-perspective nor found a way to deal with the legal challenges the parolees face. However, elucidating cross-sectorial collaborative problems and counteracting attitudes among the professionals involved in parole as well as outlining a clear schedule of the 'Good Release' must be considered as an advantageous starting point to change the experience of the parolees. But until then we cannot pretend not to hear the words of Landon: . . . *the most severe punishment we get is probably the one we face when we get out of prison.*

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Annette Olesen is an assistant professor in sociology of law at the Department of Law, University of Southern Denmark. She is interested in prisoner reentry, mentoring, legal regulation, legal consciousness and indebtedness. More specifically, her work examines ex-prisoners' legal and financial barriers to reentry and voluntary legal debt counselling offered to ex-prisoners.

Anette Storgaard has a licentiate degree in Law and works as an Associate Professor in criminal law and criminology at the Department of Law, University of Aarhus, Denmark. Her main research fields are prisons, alternatives to imprisonment and Alternative Dispute Resolution with a focus on Restorative Justice. Regarding prison research her focal points is release processes, conditions for release on parole and supervision of parolees in the society.

4

Walk the Line: Assessing Prison Conduct for Parole in the Netherlands

Maaike M. Beckmann

Introduction

Many authors have stressed the importance of examining offenders' perspectives on the fairness, purpose and efficacy of their sentence and the need to investigate the lived (subjective) experience of punishment (Rex 2005;

The term 'walk the line' refers to exercise yards in American prisons during the nineteenth century where prisoners had to walk around in a wide circle on a yellow or white line painted on the ground for as long as exercise time permitted. If a prisoner went to far astray from the line he was punished. The expression also refers to behaving in an authorized or socially accepted manner, especially as prescribed by law or morality. According to the urban dictionary, the expression not only refers to simply behaving or abiding by the law or moral standards, but to a more complex exercise of maintaining a fragile balance between one extreme and another, such as good and evil, sanity and insanity, decency and decadence. 'i walk the line' is also a song written and recorded by country singer Johnny Cash in 1956. Cash regularly sang about and performed for prisoners.

M.M. Beckmann (✉)
Free University Brussels, Brussels, Belgium

University of Groningen, Groningen, The Netherlands
e-mail: m.m.beckman@rug.nl, maaike.beckmann@vub.ac.be

Kolber 2009; Schinkel 2014, 2015; van Ginneken & Hayes 2016). The experience of release from prison is fundamental to the experience of incarceration. As Ambrož and Šugman Stubbs (2011: 481) note; prisoners' sense of justice depends not only on "going in" but also on "getting out". This book compiles empirical knowledge of the lived experiences of parolees. However, the experience of parole is not restricted to the actual parole phase; rather it starts long before parole is even granted. In many jurisdictions, prisoners have to pass through an extensive assessment and decision-making process in the preparatory phase of parole. In some release systems, prison behaviour is taken into account in parole decision-making, either as a legal eligibility criterion or via "good time" policies[1] (Dünkel et al. 2010). In the Netherlands, prisoners are granted parole insofar that no grounds for postponement or dismissal are present. One of these grounds regards prisoners' behaviour during incarceration; severe misbehaviour may obstruct the decision to grant parole. To determine whether this is the case, prisoners' behaviour is observed and recorded through the whole course of their sentence and assessed when the time for release draws near. Considering that hardly any decision seems of greater importance to prisoners than that which determines the date of their release (Ambrož and Šugman Stubbs 2011), the focus on prison behaviour shapes the experience of incarceration for a great part.

Research Aim and Methodology

This chapter presents the findings of a study on prisoners' experiences of being subjected to behavioural assessment with a view to their parole decision. The Dutch Parole Act stipulates that severe misconduct during incarceration constitutes a ground for postponement or dismissal of parole. In a strict legal sense, 'considerable misbehaviour' is defined as *"a criminal offence committed during the execution of the sentence or behaviour that has led to disciplinary sanctioning repeatedly"*[2]. The

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[1] 'Good time' approaches refer to a guaranteed reduction of the time spent in prison for prisoners who work, participate in resocialization programs or in some cases simply behave well.

[2] Criminal Code article 15d section 1, subsection b 1° and 2°.

implementing order[3] of the Parole Act mentions aggression towards staff or destruction of facility goods as examples of severe disciplinary infractions. However, the law provides no precise definition, instructions or guidelines as to what constitutes considerable misbehaviour or how to assess it for the purpose of parole decision-making. Departing from this absence, this chapter considers how prisoners experience being subjected to behavioural assessment when something as valuable as their release is at stake. To outline the context of these experiences, the chapter first provides an overview of behaviour assessments by the prison authorities. In doing so, the chapter addresses a secondary question: How do the prison authorities make sense of the discretionary leeway in their task of evaluating prison behaviour?[4]

The study is part of a doctoral research project on conditional release in Belgium and the Netherlands. The findings are based on: 1). The investigation of behaviour assessments in 33 parole advice reports[5] by the prison governor for prisoners[6] who were eligible for parole in 2013–2015 and 2). Participant observations on the landings and of a cognitive skills course in a Dutch midsize prison for male inmates in March–September 2015[7].

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[3] Implementing Order Parole Act, stcrt. 2012/5379, 21 March 2012. This phrase was removed from the new implementing order that came into force on 1 January 2017 (Implementing Order Parole Act, stcrt. 2016/68521, 1 January 2017).

[4] The prison authorities do not have decisional power over parole. However, the Public Prosecutor's decision whether to submit an order to the court to postpone or dismiss parole is predominantly based on the prison governor's assessment and advice. In their capacity as an advisory party, the prison authorities thus play an important role in the eventual decision.

[5] Of the 33 parole advice reports that were examined, the prison governor advised the Public Prosecutor to grant parole in 26 cases. Six prisoners received an advice to postpone or dismiss parole of which two were solely based on the ground of misbehaviour in prison and two were based on both the grounds of misbehaviour in prison and the risk of re-offense. One prisoner received a positive advice despite having committed a new criminal offence during the execution of his sentence.

[6] All names used are pseudonyms. The prisoners in the sample of parole advices and the prisoners I met during the participant observation only partly overlap. This means I spoke with some of the men whose advice reports I investigated, though most of them had been released of transferred by the time the empirical research phase started.

[7] As this chapter focuses on the prisoner's perspective, additional interviews with several decision-makers on the level of the prison authorities are not explicitly described in this chapter, though the findings from the interview were kept in mind in the analysis.

The chapter first elaborates on the idea of taking prison behaviour into account in parole decision-making. Next, it outlines the legal context of the Dutch parole system and the procedure in practice. It then provides an analysis of behaviour assessments in parole advice reports. Lastly, it designates prisoners' accounts of being subjected to behavioural assessment and subsequent consequences for their parole decisions in light of which I reflect on the merits of the discretionary approach to behaviour assessments in parole advice reports.

Putting Parole and Prison Conduct in Perspective

Two factors underpin parole decisions dependence on prison behaviour. The first lies in the fact parole is conceived of as a favour that offers prisoners the opportunity to earn early release through performance rather than a legal right (Assy and Menashe 2014). From this perspective, the assessment of behaviour is considered as a ritual designed to recognize a prisoner's efforts to "make good" as a part of the "rite of passage" of re-entry (Maruna 2011). Likewise, "accountability policies" are based on the principle that prison authorities need only to provide opportunities to prisoners to change their ways (Gendreau et al. 2012) and that prisoners themselves, not the system, must take on the responsibility to improve their future and bear the consequences of their behaviour (Sampson et al. 2007). This "favour" mentality is also based on the perception that parole impairs the initial judicial verdict rather than being a decision on the execution of the sentence. From this perspective, parole is regarded as a "sentence reduction" that curtails judicial independence as it is granted by the executive powers. It is based on the perception that there is no entitlement to such a discount when a punishment is prescribed by a court of law as appropriate in the first place (Assy and Menashe 2014). Taking prison conduct into account in parole decisions thus highlights the idea that the burden is on the prisoner to prove that he deserves the "favour" or "discount".

A second underpinning echoes the idea of putting parole at stake as an incentive to enhance the behaviour of prisoners. The moral endeavour

involved is the idea of "educating" prisoners (Molleman and van den Hurk 2012) by instilling good behaviour and good manners. The utilitarian argument is that the incentive serves to maintain order and safety in correctional facilities (Kelk 2004). It also aims to make more sense of imprisonment by inducing behavioural change after release (Knigge 1985). The idea of parole as an incentive thus presumes –or at least aspires– a certain transferability from prison to life outside and attributes a predictive value for parole success to behaviour in prison. Some studies have found that pro-social attitudes and motivation to change are positively correlated with parole success (Gendreau et al. 1996; Giordano et al. 2002; Bucklen and Zajac 2009). The substantial weight that is accorded to a positive attitude towards reintegration in parole decisions is explained by the fact that it is considered an indicator of "rehabilitative potential" (Hannah-Moffat and Yule 2011). However, there is little empirical evidence to support this presumption. The slippery criterion of good custodial behaviour bears a tenuous link with recidivism (Cheliotis 2010). Granting release based on good prison behaviour has no demonstrable value in the sense that a good prisoner necessarily makes a good citizen (McConville 2000, see also Hood 1974; Williams 1997).

Legal Context

Prison conduct has historically been connected with the granting of parole through the course of legislative history (Witmer 1972). In Dutch jurisdiction, its meaning, weight and legal design have varied over time. At the onset of Dutch legislation, the decision to grant parole had the character of a favour granted by the prison administration (Kelk 2004). With its juridification in 1987, parole became a legal right and the decision to grant became subject to judicial review by a court[8] composed of both legal and behavioural experts in order to assess behaviour during imprisonment. In the course of time, parole was in practice granted virtually automatically to all prisoners regardless of their

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[8] The penitentiary chamber of the court of Arnhem.

behaviour, primarily with a view to the mounting pressure on the capacity of the prison system. Parole was only dismissed in (exceptional) cases of severe misbehaviour (Vegter 2005). Criticism of this generous policy was raised soon after the law came into force, and led to an amendment in 2008. After a twenty-year period of unconditional and irrevocable early release, conditional release was reintroduced into the Dutch penal code in 2008[9]. The committee that had been installed to advise on the new Act explicitly intended the new system to be more future-oriented and wholeheartedly rejected rewarding good behaviour as an objective of parole[10]. Notwithstanding the committee's standpoint, prison behaviour was not only preserved in the form of a legal ground for postponement or dismissal but was –contrary to the previous law– also subjected to a thorough evaluation in the new legislation. Since one of the primary reasons to amend the law was the critique that parole was in practice granted "as a right" to practically all prisoners regardless of their behaviour in prison (Vegter 2005), this choice was seemingly dictated by the populist belief that prisoners who did not behave properly in prison do not deserve to be released early (Moerings 2010).

The starting point of the Dutch release system is expressed in the "Yes, unless" policy and holds that a prisoner is granted parole insofar that no counter-indications are present. The law mentions five legal counter-indications (grounds for postponement or dismissal of parole)[11] that relate to legal obstructions, the risk of re-offence, (attempted) escape and behaviour in prison. Decisional power is assigned to a collaboration of both executive and judicial powers: the Public Prosecutor[12] is the competent authority to grant parole, while judicial involvement is required to dismiss parole. The prison governor of the facility where the prisoner is located is mandated to advise the Public Prosecutor by

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[9] Conditional Release Act of 1 July 2008.

[10] Report committee Revison early release (committee Vegter), 2002, p. 25.

[11] Criminal Code article 15d section 1, subsection a-e.

[12] Centrale Voorziening VI (CVvi) is a special section of the Public Prosecution Service that has traditionally been in charge of and specialized in early release decision-making.

providing a reasoned opinion on the question whether and under what conditions to grant parole[13] The Public Prosecutor may grant parole or decide to submit an order to postpone or dismiss parole to the court. The judge may either allow the order and postpone or dismiss parole or reject the order and grant parole after all.

The Assessment of Prison Behaviour in Practice

To make an adequate judgment on whether to submit an order to postpone or dismiss parole to the court, the prison governor informs the Public Prosecutor about the prisoner's behaviour in prison. More specifically, the prison authorities provide a detailed description of the course of the detention. The report is prepared by case managers and based on daily reports by prison officers of all correctional facilities and through all phases of the sentence and includes observations of all dimensions of prison life. The law provides no specific instructions or guidelines for case managers to prepare the assessment or for the prison governor to give advice thereon. However, besides the question whether to grant parole, several other decisions regarding the execution of the sentence –favours granted by the prison authorities– are dependent on behaviour. Prisoners' behaviour is taken into account for the granting of furlough[14], phased detention[15] (a scheme by which prisoners gradually obtain access to more open facilities as their term of imprisonment

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[13] In most but not all cases, the Probation Service is asked to provide advice on the risk of re-offence. In cases where an 'execution-indicator' is attached to the case, the local Public Prosecutor serves as a third advisory party. An execution indicator is an annotation made by the Public Prosecutor in case of so-called 'speak worthy offences' (offences that attract sentences of a minimum of eight years imprisonment and specific offences in which victims are involved in such as certain sexual offenses, stalking, threatening or traffic offences resulting in death or serious injury (implementing order Parole Act and implementing order execution indicator).

[14] Art. 4 Temporary Leave Regulation, 24 December 1998.

[15] The system of phased detention ('*detentiefasering*'). A brief overview of the course of a prison sentence in a typical case is as follows: During the first phase of their sentence, prisoners are placed in a regularly secured institution. As their sentence progresses, they are placed in an institution with a lower security level and eventually to an institution with a highly reduced security level (De Jonge & Cremers, 2008).

progresses) and the promotion/relegation system[16] (a system designed to reward good behaviour with an extended regime). This system uses a symbolic traffic light to identify, assess and respond appropriately to green (desired), orange (can-do-better) and red (undesired) behaviours. According to this system, maintaining good hygiene and politeness are green behaviours. Possession of drugs, weapons or cell phones, refusing a body search or a transfer to a two-person cell, anti-social behaviour and destruction of facility goods are inter alia labelled red. Orange covers both behaviours that impact the safety and order in the institution (threatening or intimidating, conflict or altercation and mild aggression towards co-prisoners or staff) and social functioning (having a short fuse, avoiding contact, cursing or swearing, dishonesty or unreliability, venting frustrations by exhibiting disruptive behaviour, refusing to participate in common activities and not being accountable for behaviour). The promotion/relegation system also provides some instructions for reporting officers: *"Describe observed behaviour and the cause of behaviour and describe where the behaviour deviates from the norm (no opinions, and not in an offensive way but). Avoid general description; be specific."* The manual also explicitly instructs officers to report not only red, but also green behaviour, arguing that *"every prisoner has strengths or talents; these are clues for change in a positive way."*[17] In reading through parole advice reports, it quickly becomes clear that in practice, the traffic light system functions as a benchmark for the purpose of parole advice too.

Parole advice reports standardly contain an inventory of behaviours that have led to disciplinary action and criminal offences committed during incarceration, including mere suspicion of either[18]. In assessing prisoners' behaviour though, the prison authorities employ a broader definition that

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[16] Prisoners who obtain a positive (green) score for all parts of a list of behaviour prescriptions for a period of six weeks qualify for promotion to a 'plus programme' of 48 hours of activities per week. Red behaviour results in relegation to the basic programme of 43 hours and may additionally be followed by disciplinary measures. In case of orange behaviour, the prison director has a wider margin of discretion to assess the context of the situation (these regulations are contained in the 'day program security and surveillance').

[17] Manual Assessment Framework, Ministry of Security and Justice, 20 December 2013.

[18] With regard to the latter, no conviction is required to invoke this ground for postponement or dismissal (Criminal Code article 15d section 1 subsection b 1°)

allows a wide range of behaviours to fall within the scope of negative behaviour. Consequentially, behaviours that did not lead to disciplinary action but are considered "negative" or "undesirable" according to the appraisal of officers, are also included in assessment reports too. Formally prohibited and otherwise considered negative behaviours largely overlap as virtually all behaviours that are labelled "negative" –hygiene violations, insufficient productivity in penal labour, incivilities towards officers– may be subject to disciplinary action.

Prisoners' Performances "as prisoners": An Overview of Behaviour Assessments in Parole Advice Reports

Leisure, Labour and Social Life

Reports typically start with an appreciation of prisoners' overall performance or behaviour in a general sense, mostly in brief terms or phrases. To illustrate: Amin, Aldo, Remco, Jayden, Fred and Ard respectively display *good, positive, undesirable, mediocre, volatile* and *normal* behaviour. Adesh *"does well on the living sections"*, Ivo *"cooperates well with the regime"*, Mehmed *"functions stably"* and Orlando *"performs mediocre"*. The report then proceeds by describing prisoners' functioning in several areas of prison life, illustrated by observations of their daily movements and habits during leisure time. Peter usually stays in his cell to read or watch television. Giovanni likes to prepare sumptuous meals in the common kitchen. Bryton joins a cooking club with fellow prisoners and enjoys playing ping-pong. Remco only joins the airing yard when it's not too cold outside. Reports also comment on prisoners' sports preferences, exercise frequency, whether they demonstrate good sportsmanship and in some cases specific achievements or skills. Aldo is *"in good physical shape, and fanatic but sportsmanlike."* Remco is *"a gifted soccer player"*.

The next section elaborates on work ethics. It mentions whether prisoners work or refuse penal labour and contains observations on their efforts, commitment and behaviour in the workshops. Favourable

comments emphasize virtues such as diligence, punctually, proactivity or helpfulness. Aldo is *"tidy and always willing to lend a hand"*, Orlando has "a *positive work attitude and an above average pace"*, Giovanni "*picks up instructions quickly"*, Fariq "*works independently and assiduously"* and Ard is *"good with tools"*. Conversely, Amin is *"disengaged, unfocused and under-performing"*. Mason is *"slow and needs to be invigorated to keep up his pace"*. Danillo *"tries to avoid heavy duty and lacks a mature and independent work attitude"*. Mehmed "*does not adopt an accommodating attitude and is difficult to work with"*. Marcel displays *"minimal commitment"* and Raymond and Adesh called in sick many times. Other reports highlight both negative and positive elements. Bob *"performs satisfactorily and is eager to help but shows little initiative"*. Klaas *"does what he is being asked but is easily distracted and somewhat lazy"* and Peter *"is always willing to do something extra but talks too much during work"*.

Participation and performance rehabilitation activities are of particular importance. An important issue in this context is prisoners' "*attitude"* or "*motivation"*[19] towards their reintegration. Positive evaluations refer to prisoners who avail themselves of rehabilitative opportunities and seem to be determined to correct their ways. The explicitly expressed intention to desist from crime and objectives that support desistance are considered significant indicators of motivation. Berat declared his deliberate choice for a crime-free future and willingness to accept support to achieve this. According to Randy's report, he has become more future-focused over the course of his detention and wants to work and lead an adult life after release and Giovanni is *"motivated to return to society stronger and better"*. Motivation cannot be demonstrated by verbally expressed intentions alone, but must be proved through concrete action in the form of reintegration efforts, such as developing a rehabilitation plan, filling out a digital questionnaire[20] and attending a cognitive skills course named "*Choose For Change"*. The course is recommended by the

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[19] For the purpose of this chapter, motivation and attitude are used interchangeably. Both refer to a prisoner's standpoint as communicated explicitly and verbally or implicitly by their actions or the lack thereof.

[20] The Reflector: a digital questionnaire that aims to map prisoners' consciousness of criminogenic factors.

prison authorities as part of the standard reintegration trajectory. As its name suggests, participation presumes willingness to change. Though participation is not formally obliged, not attending the course is considered as a sign of disinterest and lack of motivation. Reports standardly mention whether a prisoner attended the course, sometimes accompanied by remarks on their performance during course. Peter "*arrived in time, did his homework, participated actively in discussions and demonstrated being able to give and receive feedback to and from fellow group members.*" Likewise, verbally expressed indifference towards reintegration, omission to make efforts in this vein or refusing penal labour are considered to indicate poor motivation (see also Dünkel et al. 2010; Hannah-Moffat and Yule 2011; Assy and Menashe 2014). Berat "*doesn't seem to care about his future much" as he* did not attend the course and did not take any initiative with regard to his reintegration. Mason is *"hard to motivate"*, refuses penal labour and fails to arrange the paperwork that is required to prepare his release. Patrick shows little interest in his reintegration; he did not establish a rehabilitation plan and staff observe him lying in bed all day.

This section also maps prisoners' social activity on the wings illustrated by observations of their interactions with fellow prisoners. Berat knows every man on the wing. Mason is very passive and socially inactive; he associates with some fellow prisoners of Arab origin but generally stands aloof. Bryton carries out most activities alone and does not seek any contact with other inmates. Adesh barely seeked contact upon arrival but has made some friends within the Turkish community since. Raymond is shunned because of his tough talk and propensity for getting into debt. Oscar's encounters with Surinamese or Antillean prisoners often result in arguments over phone cards or noise nuisance. Some reports also comment on prisoners' relative social status, popularity, mutual influence and their potential for leadership. While Orlando is rather popular, Ard's popularity is variable as he is invited to eat with other prisoners some days, but ignored on other days. Randy is easily swayed by co-prisoners with a bad influence. Mehmed is *"very influenceable"* and Aldo is *"influential in a positive way"*. Fariq is *"an indirect leader who exerts a positive influence on younger muslims."* Remco is *"a master manipulator"* who puts weaker

fellow inmates under pressure. Klaas attempts to predominate but is *"no real leader"*. Ard is no leader but neither a guy who lets people walk all over him. Danillo pretends to be a leader but according to officers, he is actually a "*yes–man*".

Hygiene routines are examined too. Reports describe whether prisoners maintain personal hygiene and cleanliness in their cell and common areas and whether they need to be invigorated to follow hygiene procedures. Comments articulate value on hygiene scores succinctly captured in normative qualifications: *"good"*, *"neat"*, *"fair"*, *"mediocre"*, *"poor"*, *"meeting the necessary requirements"* or *"leaving something to be desired"*. Observations of cleaning frequencies and routines substantiate such performance appraisals. Most prisoners attain satisfactory hygiene standards, confirming that they shower daily and most cells look neat, tidy or even *"spotless"*. Ard is often the first to take the initiative to clean up the kitchen and Richard even calls fellow prisoners to account to clean up after themselves. Though, Oscar's personal hygiene is "*questionable*" as he does shower, but seems to wear the same dirty clothes all the time. Some reports include additional information about personal circumstances or mental wellbeing. Yasin's report mentions his mother's suicide attempt, Berat's brother who was recently released from prison died from a violent incident soon after. Bryton has been seeing a psychologist after his best friend was shot to death. The exact added value of some observations included in parole advices remains ambiguous. Aldo *"has a normal circadian rhythm"*. Steve "*experiences trouble sleeping due to minor aliments*".

Additionally, reports provide a brief character sketch. The most favourable accounts depict the least troublesome prisoners –prisoners who are easy-going, agreeable, accommodating, cause no nuisance, and don't require too much attention–. Bryton is *"an easy guy who never asks for anything"*. Aldo is *"independent and does his own thing"*. Raymond is *"a quiet young man, who takes care of himself and requires little guidance"*. Jair is *"a trustworthy, auxiliary, timid guy who doesn't ask many questions"*. Ivo is "*quiet, friendly and sociable*" and Jamairo is *"unobtrusively present"*. Conversely, prisoners who assert themselves or draw attention are described in rather negatively terms. Ard is "*a loudmouth*", Danillo is *"boisterous"* and Richard is "*a show-off*" and "*a clown*". Some reports portray prisoners with a versatile sense of reality.

Berat is *"a man with two faces"*. He is *"a jolly guy with a good sense of humour but can get verbally aggressive when things don't go his way"*. Some reports further elucidate behaviour that can give rise to mis-interpretation. Berat got entangled in a conflict with officers over a strip search after returning from the visiting area while his visitors never showed up. *"He has a strong sense of justice. When he is done presumed injustice, he just wants to express his moral principles and gets frustrated when he is not understood"*, his report illuminates. Likewise, Ard's report explains that he may come across intimidating but this is mostly due to his physical appearance; *"in a one-on-one conversation he actually turns out to be gentle and kind"*.

"Approachability" and "correctability": Expanding Compliance to a Broader Notion

The particular importance of compliance in correctional settings is reflected in extensive reporting on how prisoners cope with the restrictions imposed by the regime. Predominantly positive evaluations briefly confirm that prisoners abide by the rules, follow instructions and do not require additional direction, correction or reprimand. Orlando is *"accommodating, knows his responsibilities, never failed to follow a command and is always ready in time"*. Aldo *"has no problems complying with the rules"*. Amin *"conforms to regulations"*, Bob *"acts in accordance with behavioural prescriptions"* and Klaas *"complies well"*. Rather negative accounts are substantiated by illustrations or refer to the enclosed disciplinary record. Mason is slow to act at lock-up time and regularly violates the facility rules. Randy *"struggles with the rules, tends to interpret them in his own favour and needs structure and clear boundaries"*. Jayden gets angry when the regime imposes restrictions on him. Berat's behaviour is *"on the edge"*. Remco needs to be urged to return to his cell constantly and walks into the staff room without permission. Patrick *"pushes the confines of rules and boundaries and always tries to stretch time"*.

The notion of compliance is expanded to a broader conception that not only encompasses *formal compliance* –meeting the requirements in a technical sense– but also reflects on prisoners' responsiveness to

disciplinary action in comments that rather denote *substantive compliance* –active, committed cooperation– (Robinson and McNeill 2008). The assessment thus not solely revolves around the extent to which prisoners abide by the rules and follow instructions, but also addresses their responses to correctional power. It reflects, in a general sense, on how they function in their capacity "as prisoner" and cope with life in a correctional facility. This broader notion is reflected in two themes: *approachability* and *correctability,* that recur in both their presence as well as in the lack thereof. *Approachability* is stressed in extensive reporting on how prisoners receive and endure reprimand and how they respond when they are called to account. Prisoners who are able to receive reprimand without further debate are deemed "approachable". Aldo "*generally does not require correction and when he does he responds maturely".* Steve's behaviour is *"discussable".* Aldo *"responds to criticism maturely".* Fred responds defensive and may get seditious when he is called to account, though he usually comes to his senses quickly and apologizes afterwards. Conversely, prisoners who tend to protest, instigate debate or reject censure are deemed *"poorly approachable".* Mason reacts childishly when reprimanded. Berat "*has difficulty with [hearing the words] 'no', 'maybe' and 'later'"* and constantly disputes *"over little things".* Danillo starts nagging, tries to play on emotions or gets rude when he gets no for an answer. Patrick always wants to have the final say.

In a similar vein, and in line with the focus on behavioural change in correctional settings, the issue of *"correctability"* is stressed to address the question whether reprimand induces behavioural change. Prisoners are considered "correctable" when they express willingness to reflect on their behaviour, comprehend and acknowledge violations and act accordingly upon reprimand. Patrick is *"trainable".* Bryton is *"correctable when necessary".* Berat gets into conflict with staff regularly, though he is willing to talk about his frustrations and *"open to reflecting on his behaviour".* Gino is *"open to behavioural interventions"*. Conversely, Randy is *"a man who tends put the blame for coming into conflict on others and* claims *he is being jeopardized by the system.* He often promises improvement to soon lapse into the same mistakes again. Remco is *"bad at taking criticism".* Jayden *"trivializes and externalizes his*

violations". In some reports, prisoners' various ways of expressing resistance or dissent is further differentiated. Peter engages in discussions with prison staff all the time, but does so *"in a healthy way".* And when Ard vents his strong opinion on "the system" this frequently leads to vigorous dialogue with officers but he never directs his resentment and frustration towards them.

Lastly, reports describe prisoners' relationship with officers. Some reports merely value the relationship in brief terms. Oscar's contact with staff is *"reasonable".* Amin *"maintains good contact with officers".* Scarce communication with Bryton *"proceeds calmly".* Other reports elaborate on social interactions more extensively. Negative evaluations mention uncivil or anti-social behaviour. Mason scarcely seeks contact and acts distrustful towards officers. Adesh's relationship with female officers is problematic due to his misogynistic attitude. Fred acts obnoxiously towards stern officers but gets along well with more lenient officers. Conversely, Aldo's contacts with staff are sparse but he is friendly and polite. Mehmed is always up for a chat. Randy is correct, friendly and open about personal issues. Additionally, prisoner's manner of phrasing questions is scrutinized. Gino asks questions *"the right way",* Klaas even does so *"in a humorous way".* Contrary, Remco addresses staff with a *"commanding tone"* and reacts aggressively when his requests are not heeded immediately. Jayden is impatient and poses a new question before listening to the answer to his previous and *Amin phrases questions "as a demand".*

Prisoners' Perceptions of Behaviour Assessment

The Dutch Parole Act stipulates that considerable misbehaviour may obstruct the decision to grant parole. The law does not provide further operationalization other than "multiple disciplinary sanctions", nor specific instructions or criteria for the assessment of prison behaviour for the purpose of parole decision-making. The combination of this absence and the relative weight for prisoners as their parole is at stake, entails a number of consequences that relate to the assessment practice

itself and its impact for individual prisoners and on the prison climate. The next section describes prisoners' accounts of being subjected to behavioural assessment and subsequent consequences for their parole decision based on data obtained through participant observation and informal conversations with prisoners.

The Experience of Panoptic Scrutiny

A first consequence relates to the continuous monitoring that is required for the assessment of behaviour. As surveilling institutions par excellence, prisons keep detailed records of prisoners' behaviour that are critical to carrying out the institution's functions and, in most instances, are required to be kept by law (Braynea 2014). Literature on the social impact of surveillance has focused on both its intended functions and unanticipated consequences (Merton 1936). The issue of "totalizing panoptic power" has been addressed in penological literature during the nineteenth century, but the experience of surveillance in the contemporary prison setting has not yet been documented in-depth (McCahill and Finn 2012). In Dutch prisons, prisoners' behaviour is monitored, interpreted and recorded through the whole course of their sentence and through all dimensions of prison life. In reading through parole advice reports, one is quickly struck by their level of detail and extensiveness. Comments on shower frequency, tidiness or good manners highlight one of the psychological pains of confinement. Such ongoing normative or moral censure thorough the sentence has been said to be a fundamental feature of the experience of punishment (Drake 2012). Although some prisoners mentioned some degree of habituation, most of them explicitly stated or implied by their explanations to experience the continuous and all-encompassing assessment as needlessly degrading and morally condemning. Some prisoners regard the authorities' power to scrutinize their behaviour as a means to highlight their supposed superiority or "normative imperialism" (Crewe 2011a) and reflected on its impact with cynicism. "*It's like back in kindergarten. They'll check if you wipe your ass the right way. So to speak. They would know.*" *(Barry).* Others phrased their perceptions jokingly. Ivo referred

to the compiled observation reports as *"the book of Santa Claus"* denoting to the idea of accurately keeping track of their daily movements all year long and categorizing them into good and naughty. Andy stated *"his mother would probably be very happy that someone has taken over her task of taking a good eye on him"*. Referring to childhood, the comments resonate the idea of degrading prisoners to the status of an infant as stressed by Goffman (1961). Some prisoners suggested having internalized the awareness of omnipresent surveillance and scrutiny. *I'm not bothered [by being observed continuously]. I'm used to it. I'm drilled. I don't stand too near by the window. I just do that automatically. (Gino).* Such internalization echoes Foucault's (1977, 201) point of view that constant observation and scrutiny acts as a control mechanism *"to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power"*.

The Slippery Notion of Good Custodial Behaviour

Another issue frequently mentioned was the ambiguousness of assessment criteria. Several authors have stressed the uncertainty borne by prisoners whose futures depend on obtaining good reports (Crewe 2011a; McDermott and King 1988; Sparks et al. 1996; Dünkel et al. 2010) and the increasing pressure on "performance" as prisoners who fail to demonstrate an ongoing commitment through "good" behaviour are less likely to secure release (Hannah-Moffat and Yule 2011). Dutch prisoners are informed that their behaviour in prison may affect their parole decision[21] but the authorities cannot stipulate exact expectations other then to avoid red behaviour. For the remainder, they are expected to govern themselves appropriately (Crewe 2011a: 519) and make sure they "walk the line". All prisoners universally stated quite clear understanding of behaviours that may be considered red, but most only vaguely understood orange (can do-better) and green (desired) behaviours or even had

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[21] A written notification that prisoners receive upon disciplinary punishment solely states that *"decisions to take disciplinary action during your stay in this correctional facility affect your release date"*.

no idea of the existence of such a distinction. The precise demarcation between negative behaviour and behaviour that may endanger their parole decision thus remains opaque. *I thought that conduct was like.. penalties or when you flout the rules all the time (. . .) But it's also little things, like..how you act I a bad mood or.. just things they notice (Andy). It's a good thing you're doing research on that because . . . with this new [parole] system, they look at behaviour now. But.. what does that <u>mean</u> exactly? A lot of guys here wonder about that (Gino).* Prisoners almost universally denounced the ambiguous expectations. To them, "*to be of good behaviour*" or "*to stay on green and engage with the regime*" seems a "catch-all" rule that holds the potential to be invoked at any time for a minor transgression (Digard 2010).

Such ambiguously defined rules have been criticised as they demonstrate the prioritising of "the prison authorities" ability to punish what it defines as "misbehaviour" over "the right of a prisoner to know in advance what this definition may be" (Loucks 1995, 12). As Quinn (1995, 355) notes; it appears axiomatic that if prisoners are to comply with the rules and bear the consequences for breaking them, "they should know what they are". The uncertainty directly relates to the terminology used to value prison behaviour. Prior research has demonstrated the use of subjective, intangible cues in parole decision-making (Meyer 2001). Terms like *insight*, *remorse*, *motivation* or *attitude* have been stressed as decisive arguments in parole decision-making in their capacity as benchmarks of "parole readiness" or "determinants of parole success" (Duguid 2000; Weisman 1999; Hannah-Moffat and Yule 2011; Bucklen and Zajac 2009). They are "magic variables" (Meyer 2001) that can literally open doors.[22] Setting aside their subjective nature, these notions are difficult to grasp due to their problematic operationalization and multiple meanings as deployed by different corrections professionals (Duguid 2000). For decision-makers it appears an impossible task to distinguish genuine remorse from "crocodile tears" or authentic form feigned motivation (Weisman 1999; Ten-Brinke et al.

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[22] Its relevance in Dutch parole decision-making can be illustrated by Aldo who received positive advice from the prison governor in spite of fulfilling the formal criteria of 'considerable misconduct' as his positive behaviour and attitude during imprisonment apparently counterbalanced the fact that he committed a new offence while on furlough.

2012). Nuancing its promising value, prisoners' expressed motivation may rather be dictated by deterrence –the threat of having to serve the full sentence– than by a genuine desire for change. As such, the requirement of having a positive attitude may encourage prisoners to "feign it" or "play the system" rather than to engage in a profound and constructive process of social and psychological change (Durnescu 2011, Schinkel 2014) and rather denotes *formal compliance* than *substantive compliance* (Robinson and McNeill 2008). *Of course you sit there. I mean, why not, I 'm here anyway. I guess [I do learn something] (. . .). But that's really an additional benefit, you know? (. . .) Most [prisoners] just sit there because of the consequences if they don't. (Alan).*

For prisoners, "a positive attitude" is either a "*slippery notion*" with prisoners lacking, gaining, losing, feigning or not having the vaguest idea what it is the authorities are looking for (Duguid 2000; Cheliotis 2010) or an "elusive target" that may slip away any time (Crewe 2011a). *"It is not just about attaining the course, they also expect you to be enthusiastic. (. . .) They want to see that you actually learned something"' (Tom).* Prisoners are thus supposed to monitor the way that they comport themselves (Crewe 2011a). *"It's always about 'the tone or 'your attitude' or 'the manner in which you say things'"* (Olivier). Prisoners' complained that the expectations were unclear, unattainable, unrealistic or unreasonable, highlighting the ambiguous quality of penal power and insecurities that result from discretionary decision-making (Crewe 2011a). The uncertainty is illustrated by many comments about "*not knowing where they stand*" or "*how far you could go*". For the majority of prisoners, a flawless track record is not feasible as most of them do receive a number of disciplinary sanctions at some point during their sentence. For them, knowing the difference between "good" or "good enough" is crucial as it might enable them to consciously consider about the potential consequences of their behaviour and to "pick their battles". *If you know where you stand, you might even think about it for a second to consider if it is worth it before you open your mouth" (Melvin).* Many prisoners stated that they adjust their behaviour as the time for release draws near assuming that the assessment gives more prominence to their behaviour during the latter part of the sentence than to earlier stages. *If I would have known [that the assessment covers the whole course of the sentence] I would have ensured things would not have looked this bad for me* (Bryan).

Some prisoners also referred to the unpredictability of discretionary decision-making (van der Woude 2016) and the perceived capriciousness of parole advice from the prison governor. From their accounts, assessments and subsequent decisions may seem inconsistent, illogical and capricious as they may result in dissimilar outcomes for –at least on the surface– seemingly equal cases (see also Crewe 2011a). The prison governor may for example advise to grant parole for one prisoner (Randy), but to postpone or dismiss parole for another prisoner (Jayden) with a similar or less extensive disciplinary record.[23] Likewise, a prisoner with 19 disciplinary sanctions may receive positive advice (Mehmed), whilst a prisoner with nine disciplinary sanctions may get negative advice (Remco). Such disparities lead prisoners to conclude that the decision-making is highly inconsistent and this contributes to the perception of procedural injustice (Digard 2010). Dissimilar assessments and subsequent parole decisions soon reach the landings creating indignation, sparking the discourse on arbitrariness and fostering the sense of illegitimate decision-making. *I've had no [disciplinary] penalties at all the past year, not the tiniest incident. But my neighbour here got caught smoking [marihuana] in his cell a month before his parole. And it wasn't the only time; he had stuff going on all the time, but he just got his [parole]. Now explain that to me."*

The Perception of Behaviour Assessments as a "one-sided encounter"

A confrontation with the eventual assessment may also be a confronting experience. Drawing on the assessment reports outlined above, some reports tend to "profile" prisoners' characters rather than describing observed behaviour in a descriptive sense. Such an approach entails a number of limitations related to the value attributed to observed behaviour. First, behaviours exhibited by a person in a specific setting cannot be considered representative in a general sense (Erford 2005). While

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[23] Both Randy and Jayden's disciplinary records involve 14 disciplinary sanctions.

conduct enacted at a certain time and in a very particular setting is generalized into character traits, their behaviour in prison thus in fact depicts a very edited, tiny sliver of prisoners' persona. Moreover, some reports seem to easily blur the line between behaviour and personality based on the tacit but false assumption that conduct equates or demonstrates character (Hampson 1984; Weiner et al. 2003). Some observations show little nuance. Stigmatizing labels – *"loud mouth"*, *"show-off"*, *"clown", "master manipulator"*– formalize and institutionalize prisoners' personalities by reducing them to typologies of "difficult prisoner" or "compliant prisoner" that do not do justice to the heterogeneous and complex nature of identity (Crewe 2011a). The risk herein is that reports are treated as a source of "truth" that overrides personal testimonies (McCahill and Finn 2012). Likewise, stereotypical expectations may produce bias in reporting in the sense that behaviours that are perceived congruent with stereotypes tend to be described in abstract terms whereas stereotype-incongruent behaviours are described in concrete or descriptive terms (Maass 1999). Hence, comments on prisoners who have been labelled in a positive sense are rather descriptive while abstract formulations are used to describe prisoners who have been given an "enduring master label" (Crewe 2011a, 515) somewhere along the course of their sentence. Indeed it seems, in the predominantly negative accounts of their performance in the work houses, Klaas and Steve are described as *"lazy"* and *"a real couch potato",* while an overall positive report mentions that Mason *"performs tasks slowly"'* and that Amin *"does not respect work hours and break times".* Likewise, Remco, Adesh and Berat are deemed "aggressive" whilst Fred *"talks loudly and makes a lot of hand gestures".*

In the months prior to their parole date, prisoners are informed of the decision by the prisoner governor and are given an opportunity to inspect the advice report. Some prisoners were disenchanted about the assessment as it was odds with their self-perception. "*It's like.. they always make something else of it, something negative. (…) I'm always walking around, chatting to anyone, joking around (…) I have a lot of energy, you know? But then they write down I'm "noisy". I mean, I though it was a positive thing to be a social person? (Barry).* Prisoners also frequently referred to the subjective nature of the assessment as something

threatening. The subjectivity inherent to discretionary assessment implies that observations are by no means purely descriptive or factional; reports reflect officer's accounts rather than objective accounts of reality (Liebling and Price 2001; Padfield 2007; Attrill and Liell 2007). The subjective task interpretation also applies to the case manager's choice whether to include certain information such as "annoying" behaviour, minor incidents without subsequent disciplinary action or mere suspicions in the report. Some prisoners complained that incidents were displayed out of context, often without any background information provided. Others credited the fact that they were asked about their take on incidents by the authorities: "*It may not even be important, but they write everything down either way. (. . .) Though, they do usually ask you about it. Like they ask you: what happened? That's standard policy I guess. I'm not sure whether they do something with that info (Gino).* The considerable amount of discretionary power that officers hold by contributing to the reports that feed into parole decisions may further complicate the perceived legitimacy of assessment (Crewe 2011b). Some prisoners felt that the subjective assessment style meant that getting a negative evaluation was as much about the personality or working style of the reporting officer as it was about their own behaviour (see also Digard 2010) or referred to it as a "one-sided encounter" (Crewe 2011a, 514). As Patrick states: "*all the negative shit in my report is written by my mentor, It's just one guy's opinion; unfortunately one who doesn't like me*". Indeed, Patrick's report suggests a rather disturbed relationship with his mentor.[24] Although many prisoners stated their faith in officers' objective reporting at least to some extent, they were well aware of the prison's coercive potential that is always coiled in the background (Crewe 2011a, 513) as everything they do is open to interpretation: "*It's not that I think they write real negative things about me. But they <u>can</u>. (Bart).* "*I have no illusions regarding their intentions. (. . .) In the end, they'll just do as they please."(Harry).*

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[24] Each prisoner is assigned to a mentor who supervises them during detention and writes reports on them on a frequent base.

Concluding Reflections

Discretionary decision-making inevitably implies some methodological limitations: unpredictability, intransparency and the risk of arbitrariness are obviously present. At the same time though, discretion also engenders some essential advantages and added value. Mandatory parole decision-making avoids possible arbitrariness and unjustified disparities in decision-making and is considered to be more egalitarian (Ambrož and Šugman Stubbs 2011) but it is inflexible and difficult to apply to practical situations. Discretionary decision-making conversely, provides the possibility to judge individualized cases on their merit (Gelsthorpe & Padfield, 2014; van der Woude 2016). In a discretionary release system, prisoners are released after a competent body deems them "suitable" or "ready". In assessing their suitability in terms of prison behaviour, the Dutch prison authorities deploy a discretionary style of assessment. Instead of a quantifiable approach in the sense of a mere enumeration of disciplinary infractions, the discretionary assessment of prison conduct allows the authorities to employ a broad definition of "good" or "negative" behaviour and to counterbalance various factors against each other. As such, it allows more nuanced accounts of prisoners' behaviour in which positive features can, to a certain extent, compensate for negative elements. A positive attitude for example, can counterbalance a considerable list of disciplinary sanctions (Aldo). It also allows taking nuances into account by further elucidating that a prisoner who expresses dissent does so in a (socially) accepted manner instead of merely noting defiant behaviour.

The discretionary assessment of prison behaviour has a number of consequences that feed into the experience of parole. Given its relative weight as it is taken into account for several important decisions regarding the execution of their sentence, prisoners' past behaviour defines both their future and their experience of incarceration. The combination of the uncertainty inherent in discretionary assessment and the considerable weight attached to it makes prison behaviour a paramount concern for Dutch prisoners. Whereas discretion inevitably implies some intrinsic restrictions, it is often too easy to forget that discretion also contributes to

justice in its capacity to judge individualized cases on their merits (van der Woude 2016). Limiting the requirements of fundamental justice to mandatory decision-making would fail to address individual differences and nuances. Somewhat ironically thus, while the prison authorities strive to do justice to the multifaceted nature of individual cases by individualized decision-making, prisoners perceive their discretionary power as something threatening, as something to their own detriment. As Crewe (2011a) suggests, it may be precisely those practices that are considered positive investments that generate frustrations for prisoners.

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Maaike M. Beckmann MSc. is a criminologist and doctoral candidate. After graduating she conducted empirical research on prison masculinities. In 2013 she started a PhD research jointly awarded by partner universities Free University Brussels and University of Groningen. Her dissertation comparatively studies conditional release from prison in Belgium and the Netherlands. Her current research interests include decision-making in sentence implementation, comparative criminal justice, the subjective experience of punishment and communicative theories.

5

Living in Faith on Parole in Bible Belt USA

Ruth Armstrong

Being on parole is a gamble every day. Every day you wake up, you roll the dice. Doesn't matter if you're doing everything right or not. Your chances are better if you're doing everything right, but you never know. Never know. You live day by day. That's typical anyway. Tomorrow's not promised. You live for the day and enjoy it while you can.

(Casey)

This chapter describes life on parole for 42 men released from a faith-based pre-release programme[1] (FBP) that runs in a prison in a 'bible-belt'

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[1] This was an 18 month programme run in a low security prison open to people of any faith but which involved Christian teaching and was run by a body of volunteers drawn from local churches. Part of the programme involved establishing links with these churches, and working with volunteer mentors from faith communities to support people post-release.

R. Armstrong (✉)
Institute of Criminology, University of Cambridge, Cambridge,
United Kingdom
e-mail: ra299@cam.ac.uk

state of the USA.[2] During this period more than half a million prisoners were paroled in the USA and joined nearly three quarters of a million Americans already serving time on parole (Glaze and Bonzcar 2008).[3] Addressing the task facing parole departments, the National Research Council's publication on Parole, Desistance from Crime and Community Integration poses a series of questions about the challenges parolees face, and the choices these challenges involve:

> "Will the releasees see parole as an opportunity to be reintegrated into society, with jobs and homes and supportive families and friends? Or will they commit new crimes or violate the terms of their parole contracts? If so, will they be returned to prison or placed under more stringent community supervision? Will the communities to which they return see them as people to be reintegrated or people to be avoided?" (National Research Council 2008:1)

These questions, and their juxtaposition, suggest a logical—if simplistic—view of parole: its subjects either reintegrate or reoffend, view parole as an opportunity, or violate their parole conditions, are either embraced by society or excluded. They suggest the need for the parolee to be active and engage with the 'opportunity'. They allude to the role of jobs and support networks in staying straight, the importance of the broader community in facilitating ex-prisoner reentry and they question how parole agencies deal with violations and new offences. As such, they neatly encapsulate the tasks of post-release parole supervision as supporting parolees in reentry, surveying for re-offending and sanctioning for recidivism. However, there was nothing 'neat' about life on parole for the participants of this study.

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[2] The 'bible belt' is the south eastern and south central part of the United States, so called because of the prevalence of socially conservative evangelical Protestantism in this region. It is generally considered to stretch from Florida to Texas.

[3] Parolees were released to two cities. Their average age was 40, slightly older, but not incomparable to that of other re-entry studies in southern States of the USA (La Vigne et al, 2003, 2009). Most were black (n = 23), a third were white (n = 16) and three were Hispanic. Most had previous convictions (90%), had previously served time in prison (79.2 percent), and were first incarcerated before the age of 18 (64.6%), again comparable to the demographics of other re-entry studies in the USA (La Vigne et al., 2003, 2009; Baer et al., 2006).

Parole was not experienced as an opportunity but a very precarious and potentially devastating inconvenience—much like a decrepit rope bridge linking captivity to freedom, stretching ominously over a deep gorge with far too many people standing on the bridge. Uncertainty pervaded life on parole.

This chapter outlines the changing nature of parole power, and how experiences on parole are shaped by interactions with parole agents. I discuss how, where parolees' faith is more 'internal', it helps them to cope with the demands of life on parole, and can provide a medium for simultaneous compliance and resistance. However, I suggest that where faith is externalised, and participants think of themselves as worthy of control and management, this adoption of the contemporary logics of parole can feed into the kind of fatalism that is associated with reoffending (Matza 1990/1964; Halsey et al. 2016).

The Changing Nature of Parole Power

The term 'parole' derives from the French meaning 'spoken word', the idea being one of promise and trust—of taking someone at their word. Parole has existed in the USA since the late 19th century, and by 1942 all states and the federal government had parole systems (Petersilia 2003: 58). Despite operational prevalence it is a relatively under-researched area, which has led to calls for "renewed attention to this critical function of the criminal justice system" (Travis and Lawrence 2002: 1). Within its regional specifications, parole in the USA enjoyed a functional image as a central component of the American criminal justice system for a 50 year period from the early 1920s to the early 1970s (Travis and Lawrence 2002: 2). The decline of the rehabilitative ideal in the 1970s and the increase in emphasis on just deserts and retribution challenged parole's role in supporting ex-prisoner reintegration. The result has been a move away from a rehabilitative ideal, towards a more law enforcement emphasis within an increasing 'culture of control' (Garland 2001) where parolees represent a risk to be managed. These changes toward elements of the 'new penology' (Feeley and Simon 1992) have led scholars to suggest "current parole practice

scarcely resembles the classic model of parole developed a century ago"
(Travis and Lawrence 2002: 24).

How Parole Power is Exercised

The differences in parole policies and populations and precarious enfor-
cement both among and within different states make studying parole
in the USA especially difficult.[4] As a result, research tends to focus on
the roles and functions of parole agencies and agents (McCleary 1978;
Simon 1993; Travis and Lawrence 2002; Wilson 2005; Petersilia 2003;
Lynch 2000; Lynch 1998), to the exclusion of the parolee. Research on
the exercise of parole power suggests that it is implemented in an arbitrary
and inconsistent fashion (Wilson 2005), that it is used increasingly
often, on an ever-growing percentage of the population, and is rela-
tively unregulated, lacking even established definitions of success (Simon
1993; Travis 2003). These qualities make it difficult to define what it
means to succeed or fail on parole. Travis and Lawrence suggest it could
be simply not returning to jail or prison or absconding from supervision
(Travis and Lawrence 2002: 18).

The voice of the parolee in describing how parole power is exercised
and in defining success and failure is largely absent. One recent excep-
tion is Werth's (2011) ethnographic study of 24 Californian parolees.[5]
He analysed the 'under theroized' area of parolees' responses to parole's
governance, and reflected on the nature of contemporary parole power,
confirming Turnbull and Hannah-Moffat's (2009) argument that it is
both "productive and repressive; responsibilizing and de-responsibiliz-
ing" (2011: 1). Werth's research suggests that it is not merely the
multifarious parole jurisdictions, enforcement policies, diverse popula-
tions and potential for arbitrary implementation that makes 'success' on
parole difficult to define. Rather, it is the conflicts at the heart of parole's
mission that means 'success' in terms of personal transformation may
involve failure in terms of rule compliance. Despite moves to re-define

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[4] For a more detailed description of parole practices across the USA see Petersilia (2003).

[5] Werth's analysis from 2011 is further developed in chapter six of this collection.

'success' on parole to include assisting re-entry and facilitating desistance (Travis and Lawrence 2002; National Research Council 2008), whether parole is 'effective' for these ends (or even what 'effective' means in the context of parole) remains undecided and therefore under researched.

How Parole Power is Experienced

In his 1970s study, Irwin aimed to present the 'felon's' own view of parole. He attempted to understand the 'obstacle course' nature of the felon's life following arrest. He wrote that felons in his study often had a weak and confused commitment to a criminal career and that, at many stages in their career, they grappled for alternate life styles. He claimed their failure to succeed in this:

> . . . often represents a failure on the part of the official agents whose policies and acts usher the felons along the criminal or deviant path rather than opening up acceptable alternatives for them. Usually, this is due to the official's failure to understand the felon's viewpoint, their misinterpretation of the felon's acts and responses, and the continuation of their own misguided policies (1970:2)

The fragility of freedom on parole, and the fact parolees often felt the system was "rigged against them" (Irwin, 1970:173), was also reflected in Erickson et al's (1973) ethnography of parolees, which addressed "the paradoxical pressures of post-release experiences which often appear calculated to encourage recidivism" (Erickson et al., 1973:71). Parole practice may have changed since the 1970s, but there are some continuities with current literature: the conflicting aims of parole, the lack of concrete success criteria, the futility of surveillance alone, the arbitrary enforcement of conditions and the impossibility of complying with the multiplicity of conditions. More recently Roberts (2004) has argued that parole, especially monitored parole, can be so intense and difficult to complete that subjects would prefer a prison sentence.[6]

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[6] A sentiment shared by some parolees in this study.

Irwin argued one result of the precariousness of parole was that it produced, or increased, parolees' "sense of injustice and a further loss of commitment to conventional society" (1970: 173). This analysis reflects links between perceived procedural unfairness, legitimacy deficits, and non-compliance (Tyler 2003; see also Digard 2010). These pressures are not new. Erickson et al's ethnography of parolees from the 1970's also described "the paradoxical pressures of post-release experiences which often appear calculated to encourage recidivism" (1973: 71). Through describing the experiences of parolees, this chapter considers how parole power is exercised and how it is experienced. It considers some of the strategies parolees employed to cope with contemporary life on parole, and suggests how understanding these processes could help us to reconsider what legitimate parole power might look like in practice.

Methods

Participants were selected as part of a broader ethnographic study on experiences of life post-release in the USA (Armstrong 2012). The study followed 48 men released from prison having completed a faith-based prison programme in a southern 'Bible-Belt' state, 42 of whom were on parole. I spent three months getting to know the prisoners within the prison prior to release, and up to 18 months with them post-release. Participants were interviewed on three occasions, once immediately pre-release (T1—n = 48), once within 2 weeks post-release (T2—n = 45) and once an average of 7.5 months post release (T3—n = 36). I regularly spoke with and met with participants, their families and friends, attended parole appointments, visited faith communities, saw where people worked and hung out. I stayed in touch with 42 participants over the course of the study. I reviewed official reoffending data available on the State Department of Corrections (DoC) website two years after the last person was released (n = 48). When analysing field-notes, interview transcripts and questionnaires, participants were divided into three outcome groups on the basis of both self-report and official reoffending data (for reliability of self-report data on

reoffending see Farrington et al. 2014): those who did not reoffend (outcome one), those whose reoffending was undetected (outcome two), those who were re-incarcerated (outcome three).

Findings

Irwin recounts that before release, inmates would enquire around the prison about their prospective parole officer—were they a "dog" or were they "all right" (1970: 149). The prison lingo may have changed since then—a good officer might now be 'square biz'ness', a bad one 'trippin'—but the underlying fear is the same: parole officers hold the keys to freedom; who they are and how they do their job impacts parolees' reentry. The Urban Institute's 'Returning Home Study' (2008) found that post-release the majority of parolees felt that their agent had treated them with respect, acted professionally, provided them with correct information, was trustworthy and assisted them in their transition. A minority said their agent was too busy to help them or did not listen to them. However, this seemingly positive review rested on low expectations rather than outstanding performance. When asked for tangible ways in which their parole officer had helped them, the responses were less concrete. Just over a quarter of parolees cited encouragement, 21 per cent said communication and understanding, and only 13 per cent said they had provided help with a job search. A minimal 3 per cent cited help with drug rehabilitation, only 2 per cent with living situation, and the largest percentage, nearly a third of the sample, said parole agents had done nothing helpful (Yahner et al. 2008: 3). Werth's study also cites a lack of "meaningful assistance" from parole officers (2011: 10).

A similar story of low expectations emerged in this study. Parolees felt their parole officers had treated them with respect (n = 26), had assisted them in their reentry process (n = 20) and had not done anything to make their transition more difficult (n = 23). Fewer parolees felt that their parole officer treated them disrespectfully (n = 6), did not assist them in their reentry process (n = 12) and actually made their transition more difficult (n = 10). I was surprised by the number of

parolees who said their officers treated them respectfully and assisted them. My ethnographic observations and interactions throughout the study included many complaints of inappropriate parole officer comportment including unwanted advances, unwarranted aggression, being "just plain mean", threatening imprisonment for slight indiscretions, being rude to family members, being unresponsive to reasonable requests and generally re-enforcing the underclass status of 'offender' through not respecting parolees' time or personhood in the parole interaction. This apparent conflict in the data might be explained by the fact that most parolees had several different parole officers during the course of the fieldwork.[7] For example, although 23 parolees (just over 50 per cent) made positive remarks in interview about their parole officer's attitude, this reduces to only 14 (just over 25 per cent) if one removes those who also made negative comments either about the same or a different officer.

However, the issue here is not whether parolees felt that their officers treated them respectfully or assisted them, but, rather, what parolees understand 'respect' and 'assistance' to mean in the contemporary parole context. This can be understood in terms of where parolees might place their experiences of interactions with parole officers along the two continuums depicted in Fig. 5.1. The vertical continuum depicts parole officer attitude in interactions, the horizontal continuum depicts parole officer actions in 'managing' the parolee.[8] The terms 'restrictive' and 'permissive' reflect what Werth (2011) refers to as management 'up-close' and 'at-a-distance'. Permissive has been joined to 'indifferent' to reflect how this style of management felt to parolees. Rather than a positive permission, 'permissive' in this diagram indicates a lack of restriction.

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[7] Of the 32 parolees who responded to this question in their third interview, only 13 had the same officer by T3. A further 13 parolees had two officers, while the remaining six parolees had three or more officers during that period. Reasons for this varied from moving house, and therefore parole district, to changing parole 'status' (for example from electronically monitored supervision to regular supervision) to internal parole department changes.

[8] The term 'managing' is deliberately chosen to reflect how the parole officer engages with the parolee in terms of monitoring compliance with parole conditions.
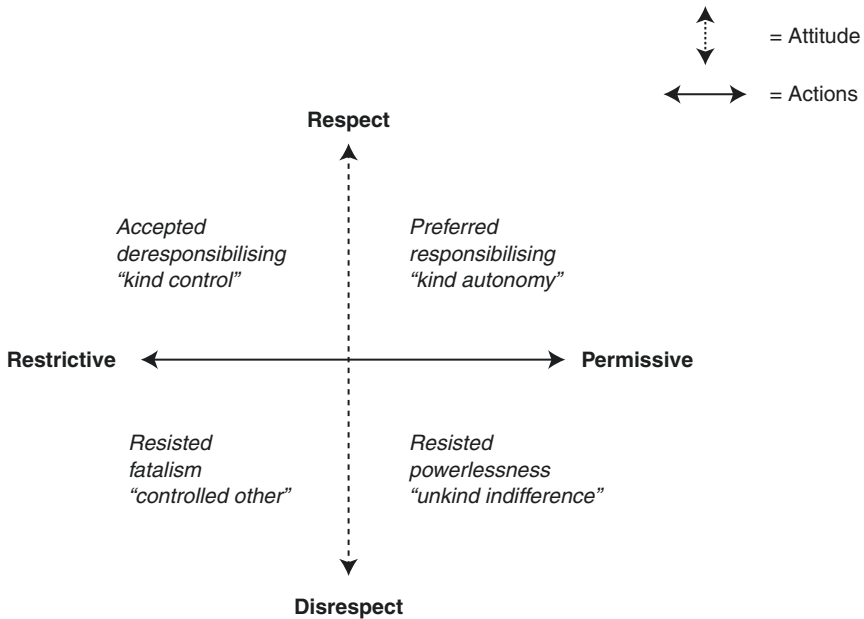
Fig. 5.1 Parolees' experiences of parole interactions

Low Expectations of Parole Officer Attitude

It is practically impossible for parolees to comply fully with all potential interpretations of parole conditions (Irwin 1970; Werth 2011). However, where a restrictive parole officer treats a parolee with respect, this burden is made easier. On the more respectful end of the attitude continuum parole officers demonstrated 'care' through showing 'understanding', 'concern', 'belief in me', being 'real', 'normal', 'courteous', 'positive' and giving the parolee the impression that their officer 'trusts me' and 'likes me'. Despite this, respect was a shallow concept, more akin to courtesy. It was not readily distinguishable from "being nice" or "kind regard" (Liebling assisted by Arnold 2004:210). It reflected what Butler and Drake (2007) call 'respect-as-consideration' – "being considerate and polite and avoiding insulting and degrading treatment" (p120). It did not include what Hulley et al. (2012) have called "organizational respect" or "getting things done". Rather than parole officer

respect including both courteous interrelations and assistance (what Hulley et al. (2012) call 'respect plus') the findings in this study were the inverse: respect was so shallow, and meaningful assistance so rare, that mere courtesy was re-defined as assistance.

For example, Leroy said his parole officer was always respectful and had assisted him in his reentry "just in the way that she handles me because . . . the experience I've had with most parole officers has been bad. They talk to you crazy off the top." Leroy negatively defined respect as a lack of disrespect, rather than containing specifically defined positive qualities, and he reduced 'assistance' to mean the inter-relational aspects of positive (or non-negative) parole encounters.

Shallow or not, respect was appreciated by parolees, especially those whose officers closely monitored compliance:

> She's OK, you know, she's serious, she's no nonsense, and she expects for you to do what you're supposed to do, but at the same time her humanity comes through. She's not at all disrespectful, abusive or anything, she's very courteous, and I like to think, you know, we got a good relationship, yeah. (George)

George's experience shows how even an officer who manages restrictively can provide a positive parole experience when the limited interactions available are conducted in an atmosphere that is "courteous" and humane ("her humanity comes through"), simply because the officer is "not at all disrespectful, abusive or anything". These interactions were cast in light of his experiences with his previous officer:

> He was disrespectful, he was always agitated, he was always uncooperative, he would always put such restrictions on your movement that you couldn't do anything. . . . so I had to deal with him and man, I celebrated when I no longer had to report to this guy.

George's objection to his first parole officer was not just that he was strict. It was that he was simultaneously unreasonable in his interpretation of restrictions. He prevented George from looking for a job and from going to visit his ailing mother because he would not allow him sufficient hours out of the house to accomplish these tasks on public

transport. However, most problematic was the attitude with which he monitored George's activities:

My impression of him was that, you know, "You're a criminal, you've been to prison, you're crap, I'm not going to treat you like a human being, don't expect it". And there's people like that.

This parole officer's treatment of George diminished his humanity. It sent him the message that he was 'other': criminal, not normal, 'crap'. He was assumed to be irresponsible and in need of intensive monitoring in order to secure his compliance with parole. In George's experience, this directly conflicted with his ability to take responsibility for his future through securing work or re-establishing important familiar relationships.

Low Expectations of Parole Officer Actions

Research has suggested that good relationships are pivotal in underpinning other aspects of the supervision process (McNeill and Weaver 2010; Burnett and McNeill 2005) and supporting desistance (Rex 1999). The respect and encouragement shown to the parolees was important to them. It helped them to absorb some of the frustrations of life on parole under a restrictive officer. However, any positive inferences concerning the parole officer/parolee 'relationship', and the benefits that may derive therefrom, should be interpreted in light of the constraints of the "coercive tilt" (Gelsthorpe 2007: 487) of post-release supervision and should not be confused with tangible assistance in reentry.

George's interview continued:

Q: *So do you think that your parole officers have assisted you in your reentry process?*
A: *Assisted me? No. No, I wouldn't say that. No. I can't think of anything. You know, I go see my PO once a month and it's for 10 minutes at a time, maybe 15 if there's something she wants to discuss—but as far as my reintegration into society, no.*

Consistent with prior research, references to tangible support were notably lacking from comments on parole experiences (see Petersilia 2003 for a discussion of parole bias towards surveillance and neglect of service, see also, Yahner et al. 2008; Werth 2011).[9] Furthermore, parolees did not appear to expect tangible assistance from their parole officer. They sensed that officers were "overloaded" (Gerard), "just want to get it [supervision meetings] over with" (Jerry), or realised that "they have so many clients they ain't trying to help nobody...all they want to know is have I paid my fees?" (Garth).

More prevalent than parolees' negative experiences of disrespectful and unprofessional parole officer interactions and their more positive experiences of parole officer care, were their underwhelming experiences of general parole officer indifference. Jerry chided my innocence when I asked him if parole had assisted him in reentry:

> Q: *Has your parole officer assisted you in your reentry process?*
> A: *No! Come On!*
> Q: *Why do you say it like that?*
> A: *Come on, get real, what do you mean? You know my parole officer wants to do one thing, she wants me to get in there and get out so she can get the next one in and get him out.*

But Jeremiah said his parole officers had assisted him:

> Q: *What have they done to help you?*
> A: *Just being there when I go and report.*
> Q: *But have they done anything that specifically helped? What do you think they've done that's assisted you?*

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[9] Among 42 parolees only three events of actual 'assistance' came to my attention during the study: one parole officer put his parolee in touch with his estranged daughter through contacting her mother, also on parole; one parolee said his parole officer was instrumental in encouraging him to lead Bible studies with young men his age; one parolee felt his parole officer trusted him because the officer invited the parolee to his private residence to help move furniture. Strictly, perhaps only in the first example was the parole officer actually providing tangible assistance.

> A: *Well like I say, just being there when I got there and seeing me and didn't hold me a long period of time. Sometimes guys go there and they have to sit two or three hours before their parole officer comes out and sees them.*[10]

Just as respect was re-defined through low expectations as a lack of disrespect, assistance was re-defined as a lack of deliberate obstruction, delivered respectfully. Because tangible 'support' was largely missing from parole, parolees conflated aspects of parole officer action with those of parole officer attitude. Instead of 'respect plus', parole provided 'support lite'.

The 'active' officer, in the contemporary parole context, is engaged in risk management and compliance monitoring, in ensuring that parolees attend substance abuse courses, submit to regular urine analysis, turn up for their appointments, live at their designated parole address, work at their designated work place and do not journey beyond the confines of their liberation without express permission. As a result, parolees preferred a parole officer who treated them with respect but was further towards the 'permissive' end of the action continuum.

Casey's description of his interactions with his first and second parole officers illustrates this point. Imprisoned since his teens, Casey faced the longest parole term of all participants. His initial meeting with his first parole officer immediately post-release did not go well:

> Oh he was telling me off, "I catch you doing anything, you can't go to this place, you can't go to a bar or a strip club or any of that stuff, and if I catch you there or if I even hear about you going there, you're going back to prison, and you never know where I'm going to be, I could pop up at your house or your place [of work] any time unannounced, I don't have to announce or tell you when I'm coming, I can pop up any time and if I know any of your friends and I don't like who your friends are, I can tell you you can't be around them. And if you don't like it you can

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[10] In this study when Javier first reported to parole he was told to return the next day. When he did so he was kept waiting for five hours to see his parole officer. Simon faced similar frustrations when he reported to parole (as requested) for three consecutive days before he was able to see his parole officer, incurring transport costs each time.

go back to prison." And this dude—I thought I didn't have a chance. I mean I thought, you know, that's it, I'll never make it with this dude.

With this sense that his parole officer had complete control over his freedom, Casey recounted how the officer made him strip naked and photographed him. This is a policy violation.[11] With the help of intervention from the FBP, Casey was allocated a new parole officer within a week of release. In contrast to his initial disrespectful-restrictive experience, his second parole officer exemplified the benefits of a respectful-permissive approach:

The guy I got now, it's not that he don't care or don't do his job, he's just a straight up, down to earth, for real person. All that extra curricular crap, you know, it's not about that . . . he knows that's just a bunch of smoke and mirrors and a bunch of crap, so he don't bother with it. I mean the dude's good . . . just like a regular person. It's not like a parole officer parolee interview, it's like going in and sitting down with a friend almost, a buddy, you know, even though you're not like buddy buddies. But he don't talk to you like that, "I'm the boss, I'm in control", the typical prison mentality type, you know, high and mighty over you. . . . and he told me straight out I'm not trying to put you back in prison. He said, "you know, I'm not going to sit here and try to tell you don't do this and don't do that, or don't go here or don't go there" he said, "you know what's right and you know what's wrong, I mean you got the paperwork, you know what you're supposed to do and what you're not. I know you're going to sit here and tell me that you're going to do right, and you're going to do good . . . the only way you can prove that to me is do it, and I'm not going to sit here and say oh that's great, you're going to do right, you're going to do . . . " because, he goes, "I can't make a decision for you, you know, I don't know what you're going to do or what you're doing or

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[11] DoC policy on photographs permits officers to request removal of outer clothing, such as jackets, and to request that primary clothing such as shorts and shirts be pulled back in order to take photographs of tattoos where the releasee is suspected of gang affiliation. Strip searches, where a parolee is required to remove primary clothing worn over underwear, cannot be authorised or conducted by parole department personnel. A parolee cannot be told to remove his underwear for photographs by a parole officer. Casey did not make an official complaint because he was afraid of reprisals.

not doing", he said, "all I know is if you screw up it's only you, you're the one that's going to pay the consequence", you know, so how much more real can you be there?

Casey's new parole officer did not meticulously follow parole procedure on monitoring compliance ("all that extra curricular crap"), and did not insist he continue with the substance abuse course his first parole officer had mandated, because Casey had no history of drug or alcohol abuse. He did not treat Casey as a criminal 'other' ("the typical prison mentality type") but as an equal ("a friend almost, a buddy . . . but not buddy buddies"). He did not resort to all the available mechanisms to control Casey's criminality, but rather metaphorically handed him the keys to his own humanity and said "it's only you". This respectful interaction communicated a belief in the essential humanity of the parolee, a sameness, and the more permissive approach suggested he could use this implicitly acknowledged humanity to take responsibility for himself.

Parolees preferred this approach. They emphasised the benefits of a parole officer whose approach "let me be responsible for myself", who "doesn't mess with me, lets me work and take care of everything", can recognise "you know what's right and what's wrong" and who "doesn't harass us or give us a hard time, he'll give you enough rope to hang yourself". It communicated a degree of control over the future, whether that be for good or bad. In Werth's (2011) analysis, parolees resisted compliance with parole conditions despite a commitment to transforming their lives, partly because of the need for this transformation to feel autonomous. Werth found it was important for parolees to experience their commitment to going straight "on their own terms, away from the parole agency" (2011: 11), a point also made by desistance scholars (Farrall 1995; Ward and Maruna 2007). This reflects the argument that the fatalism arising from stringent risk management can lead its subjects to prefer failure in a manner in which they can control (Craissati 2007; Halsey et al. 2016). Paradoxically, a more permissive parole officer might inspire greater compliance through providing the potential for such action to be experienced as taking control of ones own transformation, rather

than being subject to restriction or observation. But in the managerial 'new-penological' context (Feeley and Simon 1992) a permissive approach should not be confused with assistance, rather it is about reminding people that they must help themselves (responsibilising). Parole officer action is then presented as either reward or punishment for appropriate behaviour, such as Casey's parole officer's admonishment "it's only you". While parolees preferred 'permissive responsibilisation' (kind autonomy) to 'respectful restriction' (kind control), it is arguably less ideal than active and targeted 'kind assistance'.

The benefits of a less restrictive parole officer were acknowledged in terms of their "flexibility", "not being by the book", being "laid back" and even "lax" about parole requirements or "not making me attend those stupid classes". However, the down sides of these qualities did not go unnoticed. When a parole officer was permissive, life as a parolee could feel more manageable on a day-to-day basis, but it was still precarious. More permissive officers were criticised by parolees for being unprofessional, promising things but failing to do them, being unpredictable and unreliable. Failing to complete the necessary paperwork for matters such as a change of address or a change in monitor requirements could impinge on parolees' lives in very tangible ways. Chris was initially relieved that his parole officer explicitly told him "what I don't see, I don't see", but was less pleased when this included the paper work he needed to lift pending arrest warrants for traffic tickets.

Any benefits of permissive management also disappeared when delivered with disrespect—experienced as 'unkind indifference'. In disrespectful/permissive interactions parolee individuality was subsumed by membership of the criminal class—the concept of personhood trumped by the label 'parolee'. Morris faced multiple difficulties in his accommodation and wanted to move, but his parole officer flatly refused to permit this move. He attributed this refusal to her reluctance to do the necessary paperwork. Fearing that the situation was so bad he would end up committing another offence if he stayed in the transitional house, Morris chose to risk a violation by moving without authorisation and against his parole officer's wishes. He immediately informed parole of this change and reflected on his parole officer's response:

> She dislikes me, you know, so like she's rude . . . and I can see that she
> don't really want to do the job. So it seems like just dealing with us
> irritates her and it comes out. I mean from the very first day me and my
> mentor went there she went bad on us, me and my mentor. He's a federal
> lawyer and he was shocked the way this woman talked to us, and she's
> been like that with me ever since, never friendly, always just snapping. But
> now that I live in a different place they have to change me to a different
> parole office and I've been here a while and she's the type, well, you know,
> I don't mention it because she's the type that would be like, "don't tell me
> how to do my job", so I just don't say nothing.

Parolees who experienced disrespectful/permissive management felt
powerless. When this powerlessness manifested in an inability to chal-
lenge the denial of reasonable requests, it could encourage resistance
through violations, such as Morris' decision to change his address with-
out consent and his subsequent struggles to report on time due to the
three hour round trip while he waited for his parole officer to transfer
him to a new district.

Simon and Feeley identified that the new penology "has trouble with
the concept of humanity" (1996: 173). My findings suggest that this
'trouble' is that the managerial model of parole affords few opportunities
for parole officers to recognise and reinforce the humanity of parolees in
the execution of their professional tasks. Perhaps the real 'risk' of risk
management is that it provides a framework of operation for parole
officers that encourages gravitation towards an interactional style that is
more likely to feel restrictive and disrespectful to parolees. To operate
outside the disrespectful/restrictive sphere, depicted in Fig. 5.1, either
requires parole officers to move towards permissive management, thus
under-performing their risk management role, or requires that they
navigate the contradictory logics that frame parolees as simultaneously
'self' and 'other' through operating as 'moral dualists', integrating con-
trol and care (Crewe and Liebling 2012). Participants' experiences of
parole officer interactions support Gelsthorpe's argument, that "exces-
sive managerialism . . . may well inhibit sound professional judgement
and professional intuition" (2007: 510). Managing compliance arguably
circumscribes 'support-lite' because its framework limits opportunities
for parole officers to engage in 'respect plus'.

The interaction between the parolee and parole officer was no longer the crux of the parole experience as it was in Irwin's (1970) analysis. The parole officers' role has moved towards risk management and monitoring, towards hindering criminality rather than helping transition. When analysing data on parole accross the three outcome categories an interesting difference emerged: it was the parolees who were not reoffending, who were trying their hardest to comply with parole, to show officials that they had changed, to live a new and different lifestyle and to 'succeed' on parole, that found life on parole most difficult. In contrast, for undetected reoffenders and those who were re-incarcerated, management 'at-a-distance' could be both functional and liberating. The risk management framework of parole provides a structure for parole officers to 'enforce compliance' but not to 'facilitate compliance' (see further Gelsthorpe 2007). It therefore struggles to engage and encourage parolees who are doing the right thing.

Javier left prison with a determination to do things differently this time. To comply with parole and work legally he was required to get an official ID and a driver's license, but when he attempted to do so he discovered there were warrants out for his arrest. To expunge these warrants necessitated a trip to another city, to appear in court and plead guilty for time served—but he needed the authorisation of his parole officer to cross county lines. With time ticking by and his money and patience running out, Javier risked a violation. Discouraged with the disorganisation of the parole department, and interactions with a parole officer he felt did not care, Javier said he wanted to get a job, and to do what was right, but felt that parole just held him back. "That's why people stop reporting" he said, "because parole just brings them more and more problems."

The experience of life on parole in the contemporary penal climate made reentry a more challenging transition. It enforced compliance with conditions that restricted parolees' engagement with known correlates of successful re-entry but failed to provide meaningful assistance. Unfortunately, as the 'experts' responsible for 'controlling' criminality, parole officers have few resources available, and little evidence to suggest that those resources are adequate to achieve the intended outcomes (Solomon 2006; Ellis and Marshall 2000; Solomon et al. 2006;

Schlager and Robbins 2008; National et al. 2008; Petersilia 2003). The result is that parole officers are actually operating within a relative power vacuum, where they are hindered from helping by a parole system designed to 'manage' offenders without the necessary resources. One stark example of this is the fact that during the fieldwork period the DoC spent less than 7 per cent of its total operating budget on parole services, less than it spent on administration and incomparable to the 80 per cent it spent on incarceration.

This analysis of parolee experiences of parole interactions shows that the way in which parole power was implemented, either respectfully or disrespectfully, impacted how it was received. It suggests that parolees have very low expectations of parole supervision, but within this, a respectful attitude in interactions is perhaps more important to parolees than whether an officer is closer towards the restrictive or permissive end of the action continuum. It describes a lack of support for parolees through tangible assistance and a movement towards surveillance, conducted under threat of sanction. The parole officer's role is one of limited discretion that is operationally constrained to restrictive practices designed to enforce formal rather than substantive compliance. Parole curtails freedoms rather than supporting desistance. In this environment, when parolees ran into problems, as they inevitably did, they had little reason to seek help from parole. As David concluded following his re-incarceration:

> It's up to them. I didn't even report when I was supposed to. They didn't care if I didn't come. Revoke.

Autonomous Compliance

Werth (2011, and also in this collection) found that parolees in his study were committed to going straight, but that they did so, as much as possible, through engaging with parole conditions on their own terms. This 'reformed subjectivity' involved both reflecting and resisting elements of parole governance. Most were committed to going straight, and moving away from crime and illegality, but this did not necessarily involve rejecting all criminal activities or complete compliance with parole

conditions. Werth (2011) explained this resistance as the need for parolees to retain a sense of autonomy, and embody their reformed subjectivity.

For some parolees in my study, faith provided a mechanism through which they could embody compliance with parole conditions and none-the-less feel like they were 'choosing' ethical self-reform as "both natural and desirable" (Werth 2011: 7; see further Foucault 1988; and Foucault 1991). They chose to comply with parole conditions not because they recognised the legitimacy of parole power in and of itself, but because they believed parole was an 'authority', and that God wanted them to submit themselves to figures of authority:

> It's paramount that I submit myself to authority. Before, I didn't want to—not that I didn't understand it. I just didn't want to. I had my way of doing things as far as authority was concerned. So now with my faith, I understand that I have to submit to authority, even the smallest amount of authority, police officers, what ever. All authority, whoever I'm under. Without that knowledge, without that faith of knowing that I have to submit myself to authority, I'd be establishing a tearing down, rather than submitting to authority that has been set up for me. (Charlie)

> It's good for me that I follow the rules. Whether the rules are good or not, it's good that I follow rules. I've always had a problem with authority . . . then I started accepting authority. They say that God puts everyone over you. (Simon)

The choice of these parolees was to submit themselves to the God of their religion, and it was out of a sense of obedience to this God that they complied with parole. Their compliance was facilitated by a higher spiritual meaning of their actions and the spiritual reward they could anticipate.

Submitting to parole authorities, despite the suffering involved, was understood as one way of living with God. In the context of faith like this, the pains of parole lost some potentially dehumanising significance because meaning in life was located beyond the essence of these immediate interactions. 'Doing right' for parolees with this kind of faith was not about being compliant with parole; rather, being compliant with parole was a consequence of being consistent with themselves:

> Seems like now, it's not just that I want to do right because I'd violate my parole, I try to do right in all things just because it's right. (Jon)

Faith that helped parolees to comply was grounded in an understanding of self in God (an 'internal' faith) and reflected the positive religious coping mechanisms outlined by Pargament et al. (1998). This faith was demonstrated through its outplaying in interactions with others:

> Love now, it's more inner, it's more of a spiritual love, it's more of a . . . it's hard to explain. It's more of a love that—I don't care what anybody does to me, I don't care whether someone doesn't like me or someone do something bad to me, I still love them. (Kenneth)

Accepting the 'authority' of a difficult parole officer, and responding to that parole officer respectfully and lovingly demonstrated the sense of self that parolees felt to be true. As Simon put it: "I really believe you can't hate somebody unless it's in you, or love someone unless it's in you." In this sense, compliance could be reinterpreted by parolees as resistance. Pops explained it thus:

> I read my Bible every day. I pray every day. Those are the things that has gotten me through—that has made me the man God put me on this earth to be. To serve Him and be a man with integrity, be humble and love my fellow brothers and sisters and do what is pleasing to Him, not what is pleasing to me. That's how I live my life today. That's how I deal with my parole officer. I see a lot of things I don't agree with, but a lot of things are not meant for me to agree with. That's why I trust in God.

Parolees holding such faith had a determination to act in accordance with who they felt they were within, rather than in response to how they were treated. In this way, compliance could be refashioned as an act of wilful submission. Compliance was not about agreeing with parole, about accepting its legitimacy and by implication the messages its restrictions communicated to parolees about their diminished social status; compliance was about acting out of an inner authenticity and resisting the temptation to respond to situations that might elicit baser elements of one's character.

Participants' use of their faith to adapt to parole is a type of normative compliance—the conscious belief in the need to submit to authority as part of accepting religious doctrine, and an emotive attachment to God, and through God, to others (see further Bottoms 2001). However, the normative compliance facilitated by understanding one's faith as 'internal' did not involve attributing legitimacy to parole personnel and procedures. Participants who experienced their faith as intrinsic used it as a type of 'motivational posture' (Braithwaite 2003) towards life on parole that meant they could recognise and respond to the legal legitimacy of parole power, while not attributing psychological legitimacy.

An understanding of God as both within and beyond the self, seemed to provide a sense of ontological security for some parolees that helped them to accept the difficulties inherent within re-entry. Rather than the pains of parole defining their understanding and experience of life, they defined their experiences through the prism of their faith:

Q: So what is the difference between you getting out this time and all the other times that you got out?

A: The main difference I would say was just having a relationship with Christ and just knowing and trusting and leaning on Him for guidance and understanding and just knowing that sometimes you're gonna come against some things that it's gonna make it hard for you to smile sometimes, but then you've got to just press on and everything. It ain't a perfect world, it ain't gonna be perfect and you've just got to press on. (Ned)

For others, difficulties were reframed as tests providing opportunities for spiritual growth. George, a Muslim, described how he understood this process:

Q: What about when you had moments like when you couldn't take that job you were offered because the parole officer wouldn't let you?

A: OK—in my faith we understand, you know, that you go through trials and tribulations and God says I'm going to test your faith, and the test is not to prove to God that I'm a certain way, the test

> is for me to find out about myself in my faith . . . it's like me
> knowing that God doesn't intend me harm. He doesn't intend
> that I'll be disappointed, you know, it's like, and then we're
> human, we know we're going to be disappointed, but when it
> happens, you know, what do you do with it? How do you react?

Not only did faith provide a meaningful structure within which to assimilate difficulties and disappointments, it could also provide psychological and spiritual respite from preoccupation with these difficulties through pausing for prayer and refocussing on God, rather than on the preoccupying difficulty. As Bill said, "I stopped worrying about parole and started concentrating on God." Bill spoke of specific difficulties of the fragility of freedom when he was concerned that his new partner's ex-husband might make problems for him with parole. He recounted how he and his girlfriend sat down and prayed. He said "my faith has held me big time—just in the moments of my biggest worries, you know, I always get peace fairly fast." Prayer, he said, helped him not to react, or to overreact. James also reflected on his use of prayer when he had been tempted to cut off his GPS monitor and flee: "I was praying for a minute, letting God know I need to be humble. It was one of those moments when I need to be humble."

Part of this peace was a sense that 'come what may' God was in control. However, this sense of ontological security existing beyond the vicissitudes of life on parole was not always grounds for compliance. Topalli et al. (2012) have argued that among 'hardcore street offenders' religious beliefs can be distorted to counteract the deterrent effect of the existential and transcendental consequences of deviance—the fear of negative consequences in this or another life—and can thereby both permit and foster participation in criminality. When I asked parolees if they thought they would ever reoffend or go back to prison, a common response was that they would never re-offend, but that while they were on parole it would be very easy for them to end up back in prison. Zachary put it like this:

> I don't have no intention of getting up another case, but I can't say about
> the [parole] violations. I don't know what God's got in store further on
> down the road for me. I might be late one day and they might violate me
> because they do violate you like that. But other than that, no.

Within this environment, non-compliance, and re-imprisonment as a result, was something that Zachary could contemplate as something God might have "in store further on down the road". Similarly, Bill reflected on the worries about his girlfriend's ex, and the insecurities of life on parole, saying:

> I'd say the most difficult moments are like being overly paranoid about going back to jail for something like that . . . I get so nervous about that, but then I know like everything's going to turn out fine because God is in control of everything and, you know, if I do go back, it might not be his will because I messed up, but you know, he's going to see me through it and a blessing will come out of that somewhere.

In terms of compliance, Topalli et al. (2012) argue that ontological security through faith could be a double-edged sword. Their concern is that being able to incorporate going to prison on a parole violation within God's plan for your life (Zachary) or God bringing good out of such a situation even if it was due to individual wrong-doing (Bill) could both permit and foster criminality. However, it could actually be beneficial in reentry for two reasons: first, it seemed to liberate parolees from over preoccupation with debilitating legalistic compliance through a sense that God would not abandon them whatever the outcome; second, it provided a basis for turning away from wrong doing and returning to 'right' thinking and 'right' action, even in the face of failure. Allowing a degree of latitude in terms of a less nervous, non-legalistic approach to life on parole could facilitate positive aspects of reentry that promote desistance. For example, Zachary struggled to pass the computer based theoretical driving test, but he continued in legal employment because he drove to work without a license and insurance; Bill determined to continue his relationship with his girlfriend despite threats from her ex. and their first child was born in his second year of release. These behaviours are more akin to the type of 'reformed subjectivities' Werth (2011) found permitted 'performance compliance' with parole conditions while facilitating

'strategic non-compliance' than they are to the 'religious distortions' of Topalli et al's (2012) 'hardcore street offenders'.

Belief that bad consequences and bad actions cannot separate an individual from God, and that good can come from such things, could also potentiate a reengagement with the process of desistance when it had been derailed. Morris' credited his internal dialogue with God for helping him to regain composure and giving him the courage to continue to report when he returned to drug use:

> I still, I pray and ask for guidance and I ask for help and even when I do wrong it pulls me back, it pulls me back. It's like you know what you supposed to be doing, and you know what you doing is wrong, so it pulls me back . . . and I'm not scared to go to my parole office no more.

The above analysis suggests that where faith incorporates a sense of God within, and adopts more positive religious coping mechanisms it can facilitate the kind of explanatory style that Maruna (2004) associated with desistance. He found that desisters are more likely to interpret negative events as external, unstable and specific and good events in their lives as internal, stable and global. Through internalising a faith identity, even negative events perpetrated by the offenders themselves could be externalised as behaviours that were "not me" (external), the cause of which was a momentary lapse (unstable) and the consequences of which, although they could be severe (re-imprisonment) were not considered to be unbearable. As Ned put it—"it ain't gonna be perfect, *you* just gotta press on." (emphasis mine).

Faith and Fatalism

However, not everyone's faith helped them to cope. Some parolees struggled to reflect on how their faith helped them with life on parole. Their faith was based on the idea of God as an external benefactor, providing blessings for good behaviour and punishment for bad behaviour. Their beliefs resembled the negative religious coping patterns

outlined by Pargament et al. (1998). They expressed their 'relationship' with God as less 'intimate' – it did not form part of their sense of self:

> I was born in sin, so I'm a sinner . . .
>   I'm nobody. Nobody. It's all about Christ, it's not about me. (Gerard)

> I just want to be real. I'm a sinner. I've been doing bad stuff all my life. (Geoff)

Living in faith (and in the quote below, in compliance) was not an expression of the true self, but a constraint of the 'real me':

> I feel good. I don't feel scared. I don't feel lonely. I don't feel proud. I feel content. Not proud though, 'cause it ain't me, it's God. God is doing good through me. I'm not proud because I'm doing it, 'cause I'm not. If it was left up to me, I'd be doing something else . . . the only way I'm gonna do good is if I stick with God, if I continue to do my thing with God. That's what I'm gonna do. (Geoff)

Parolees with these views internalised responsibility for wrong-doing, and the consequences that flowed therefrom: "My lifestyle that I lived caused me to be where I am today" (Arthur). This reflected a belief in the ominous nature of their existence, as Elijah put it "We bring things on ourselves. We have to accept the consequences."

This internalisation of responsibility for wrongdoing and the bad consequences that flowed therefrom reflects "a religious struggle in the search for significance"—a sense of not deserving good things from God (Pargament et al. 1998). Ray, who battled with drug use, exemplified this attitude when we talked about his new job. He said he could not understand why God was so good to him when he just messed up all the time (field notes). Ricky was clear that "you can't earn your way to heaven, but you can earn you way to hell", and believed that "we don't deserve good things to happen to us here on earth because we're sinners, and whatever happens to us, is what we have, what we earn."

Faith that externalised responsibility for good things to a distant God also masked uncertainty with a belief that God was in control and would make all things good:

I believe that if I keep Him in my heart, everything will come out right. Definitely. (Norman)

I have someone [God] who is with me and He is going to help me move forward despite rejection, despite the monitor that is making me so nervous. This isn't going to make me fall down. No! I know that God is going to complete that which he began in my life. (Ricardo)

As a result of these beliefs, when the difficulties of life after prison set in, when moving forward seemed impossible, there were only two conclusions available: either God was not good, or the individual concerned had brought these difficulties on himself. Participants struggled to express the former, and were thereby confronted with their own inadequacies as the only available explanation.

This kind of faith resembles a Durkheimian form of fatalism (Durkheim 1951).[12] It invites acceptance of the necessity of parole regulations as logical (if unwelcome) consequences of imperfect compliance.[13] Such a 'deferent posture' of 'capitulation' to regulation (Braithwaite 2003) resonates with what Bottoms (2001) called 'constraint-based' compliance, exclusive reliance on which, he argued is an "ultimately self-defeating futility" (2001: 112). Capitulation to compliance based on a shared understanding of the necessity of constraint is only ever likely to be successful in the short term. Acevedo argues that in the concept of fatalism Durkheim "offers an illustration of a collective cognitive pathology that emerges as a consequence of excessive regulation" (2005: 81) — in other words social conditions of over regulation give rise to such a fatalistic mindset. If this is true, then the nature of contemporary parole could arguably make such fatalistic beliefs more likely.

Fatalistic faith was most prevalent in participants who were re-incarcerated. As mentioned earlier, parolees who reoffended, especially those who were re-incarcerated, found the experience of life on parole less difficult

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[12] Durkheim found 'fatalism' in situations of "excessive regulation" whereby "futures [are] pitilessly blocked and passions choked by oppressive discipline" (Durkheim, 1951:223).

[13] Most parolees self-reported parole violations during the course of the study (n = 24): 5 were in outcome one, not reoffending (n = 19), 9 were in outcome two, undetected reoffenders (n = 9), and 10 were in outcome three, re-incarcerated reoffenders (n = 12). Missing data, n = 2.

than those who were not reoffending. Fatalistic faith could, therefore, play a role in making the restrictions of parole feel less painful because they are perceived as justified. However, this might be poor compensation for the more negative outcomes that Pargament et al. (1998) found were associated with such fatalistic beliefs, including depression, a poorer quality of life, psychological symptoms and a callousness towards others. Fatalistic faith reflects elements of the explanatory styles Maruna (2004) found among active offenders; externalising responsibility for good events, and internalising responsibility for negative events. As such it is possible that beliefs of this nature are more compatible with reoffending than beliefs that help parolees to externalise the bad and internalise the good. Ironically, while a more fatalistic faith might make parole feel less painful initially, it could also, ultimately, make survival on parole less likely.

Conclusions

The main purpose of this chapter was to describe life on parole for ex-prisoners released from a FBP in the USA. The findings are limited to the experiences of parolees, studied prospectively. They do not address the multiple pressures on, and positions of, either individual parole officers or parole as an institution. Furthermore, research suggests that studied retrospectively, participants may be more inclined to reflect positively on their experiences of post-release supervision (Farrall 2011; Farrall and Calverley 2006). None-the-less, the findings provide insight into how contemporary parole power felt to participants immediately post-release, and how its 'coercive constraints' (Bourgois and Schonberg 2009) formed part of the 'Grey Zone' they navigated through the 'obstacle strewn' landscape of life post-release (Shapland and Bottoms 2011).

I began this chapter by outlining the tasks of post-release supervision as supporting parolees in reentry, surveying for re-offending and sanctioning for recidivism. The experiences of parolees suggest that the tensions inherent in the theoretical aims of parole were resolved in practice in favour of surveillance, with the threat of sanction. The lack of tangible assistance for parolees indicates that as the pendulum has swung closer towards a 'new penology' ethos of operations (Feeley and Simon 1992) it has swung away

from practices that support parolees. As a result, being on parole added to the pains of life after prison. Parole conditions that focussed on management and control established a structure for parole interactions that communicated mixed messages to parolees both about their place in society, and about how far they could and should take responsibility for their future.

Of course, as Crewe (2009: 454) suggests, there is nothing 'intrinsically reactionary' about expecting offenders to take responsibility for their lives, nor about taking steps to challenge offending. He notes, however, that:

[B]oth carry dangers...It is one thing to help someone take control of their life, make informed choices and fulfil their potential, and another thing to remove much of their genuine autonomy, narrow down their options, and force them to conform to a predefined regime.

The findings of this study suggest the lack of individuality in parole supervision risks demotivating the motivated in its hope of restricting the unmotivated. This frustrates desistance through limiting both the perceived and practical alternative trajectories to a life of crime, or, as Casey described, making life so uncertain that the only apparent option is to "live for the day and enjoy it while you can".

There appeared to be little scope for positive interventions through parole, and the emphasis on control and risk management negatively impacted on parolee/officer interactions. The relational context of community supervision is important to the desistance process (Rex 1999; Leibrich 1993; 1994), to perceptions of the legitimacy of parole practice (Digard 2010) and potentially, therefore, to compliance. However, the findings of this study show that parolees had very low expectations of good relationships with their parole officers.

An increasingly managerial approach to parole could inhibit parolees and their officers from forming trusting working relationships because of its reliance on what Lynch (2000) calls the 'dispositional' theory of behaviour. Lynch (2000) argues that this dispositional approach, which casts the parolee as dispositionally criminal, is functional in the managerial era because it justifies the need for surveillance and control, and the lack of tangible support for structural and situational elements of criminality. However, it appeared to create a relational distance between parolees and their officers, whereby

respect had become a rather hollow concept, defined as mere courtesy, and support was 'lite', defined as less restrictive governance, delivered courteously. The managerial focus on controlling criminality obscured the parolees' humanity and thereby constrained the potential for relationality. This confirms Crewe's (2009: 474) analysis of modern managerial approaches to penal power, which he argues are neither relationally negotiated, nor relationally bound, and are perceived to have the ability to bite from the side-lines. In this environment, parolees felt that positive changes in their lives were not made because of parole, but in spite of it.

Some parolees used their faith to help them navigate the difficulties of life on parole. An 'internal' faith provided a rationale for compliance that retained a sense of autonomy. It offered a sense that despite 'restricted autonomy', 'narrow options' and being 'forced to conform to a predefined regime', one could still fulfil one's 'God given' potential. For parolees with 'internal' faith, trusting in God provided the humility necessary to comply with the degradations of parole where trusting in parole was perceived as both unpalatable and impossible. In contrast parolees who were re-incarcerated found life on parole less painful than other participants, and described a faith that was more 'external'. This 'external' faith was characterised by fatalistic beliefs that construed the parolee as responsible for difficulties and deserving of negative consequences. As a result, parolees with a more fatalistic faith did not draw on their faith for support in the face of difficulties. Reflecting on his findings that parolees need to retain a sense of autonomy in reformation which involved them resisting compliance with some parole requirements, Werth (2011) suggested that this raised an interesting question for legitimacy: why do parolees committed to reformation resist compliance with the rules imposed by an agency with these aims? The ways in which parolees used their faith to adapt to life under managerial parole raise a further perplexing question: Why do parolees committed to reformation, who are complying with parole, resist attributing their compliance to an agency with these aims? It might indicate a breakdown in the dialogical nature of legitimacy between the power-holders (parole departments) and part of their audience (parolees) which Bottoms and Tankebe (2012) suggest could have negative implications on perceptions of legitimacy and, ultimately, compliance.

I began this chapter by locating the origins of the term 'parole' in the concepts of promise and trust, but have described how parole practice no longer reflects these origins. Bauman describes how in the 'managerial revolution' power has moved away from an "engagement-and-commitment" model and argues "the times of great disengagement have arrived" (2001: 41). Managerial approaches to parole, with an underlying ethos of dispositional criminality, have led to relational distance and a lack of relational depth between parolees and parole officers. By defining parolees as 'other', as different, and implicitly, as less human, the dispositional ethos casts parolees as risks to be managed and controlled. It has accompanied a move towards surveillance and sanction and away from support—transferring responsibility for rehabilitation onto the parolees themselves. Providing support to parolees sits uncomfortably with this dispositional ethos, because support assumes parolees have the potential for 'sameness'. If support might play a role in reducing future criminality, it also implies that a lack of support could play a role in offending. It appears that bringing 'support' back into the practice of parole could be important for two reasons: first, reducing the difficulties ex-prisoners face post release could help them in their efforts to desist, because desistance is less likely where difficulties are greater (LeBel et al. 2008); second, it could provide opportunities for parole officers to engage relationally with parolees on the basis of their common humanity, rather than their dispositional criminality. Liebling argues that it is our humanity that makes our sociability possible, and that where "[p]roximity nourishes humanity . . . [d]istance makes it easier to forget" (2004: 218). If parole aims to make society safer, through making parolees more sociable, an important part of this could be to design parole interventions that not only control criminality, but also nurture humanity through fostering relationality.

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Ruth Armstrong is a British Academy Post-Doctoral Research Fellow at the Institute of Criminology and St John's College, University of Cambridge. She has published on the role of trust in desistance from crime and on the role of faith communities working alongside people released from prison. Her current research, involves the implementation and evaluation of 'Learning Together' and explores the individual and social consequences of curating spaces of connection through learning within secure environments and beyond.

6

Breaking the Rules the Right Way: Resisting Parole Logics and Asserting Autonomy in the USA

Robert Werth

Introduction

Individuals on parole occupy a liminal[1] position; they reside in the community yet legally they remain subject to penal custody. They can be seen as conditionally free individuals who must submit to parole regulation *and* as non-free individuals in the community expected to (self) manage their everyday affairs. Based on ethnographic fieldwork in California (U.S.A.), this chapter explores how individuals navigate parole governance and respond to this diverse, liminal, and fractured socio-legal position. It traces a seeming paradox wherein individuals frequently violated formal rules and sometimes committed 'minor'

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[1] See Turner (1967) for a discussion of liminal positions that are on a threshold, where one's social positionality is unclear or transitioning. Such states, for Turner, often entail a state of ambiguity and/or disorientation.

R. Werth (✉)
Rice University, Houston, TX, USA
e-mail: rwerth@rice.edu

crimes, yet perceived this as 'doing parole the right way' and as embodying virtuous citizenship. I contend this is reflective of individuals' resistance to parole logics (that assume they are incapable of ethical self-management), their perceptions that parole entails punitive over-regulation of their lives, and a claim to the right to exercise greater self-governance—even if this runs counter to formal rules and regulations. At the same time, I argue that such resistance is, in part, engendered by the ways in which individuals have already been shaped by penal and social power.

Parole, like other penal interventions, operates as a technique of regulation and governance. As Foucault (1977) observes, penal interventions— as well as other disciplinary techniques—operate through both constraining and inciting conduct. They entail efforts to regulate conduct and, also, shape personhood and desire (see, e.g., Bosworth 2007; Haney 2010; Opsal 2015; Rose 2000; Turnbull and Hannah-Moffat 2009; Werth 2012). A wide body of work documents the ways in which both prison and community-based punishments require penal subjects to be governable, while simultaneously promoting autonomy and enterprising self management (e.g., Bosworth 2007; Garland 2001; Hörnqvist 2007; O'Malley 1998; Rose 2000; Werth 2013)

Turnbull and Hannah-Moffatt (2009) have documented how parole governance seeks to work through and animate individuals' autonomy, while at the same time assuming that paroled subjects are incapable of exercising such freedom on their own. Individuals are supervised by the parole agency and are required to comply with parole conditions. As techniques for governing free subjects in the community, these conditions stimulate both productive and repressive forms of power (Hörnqvist 2007; Turnbull and Hannah-Moffat 2009; Werth 2012). As Turnbull and Hannah-Moffat note (2009: 537):

> the paroled subject is recognized and expected to be independent, self-regulating and willing to change, but is also constituted as requiring close monitoring and direction on how to make the necessary changes and choices. Thus, parole conditions are a technique of discipline and self-governance . . . that is simultaneously responsibilizing and deresponsibilizing.

Thus, parole entails the production of a particular kind of subject: one who should aspire to responsible, autonomous self-management, but who is conceived of as currently incapable of adequately exercising such self-governance. And individuals must comply with parole regulation to demonstrate they are—or soon may be—capable of self-steering; parolees need to obey to become "free".

In this way, individuals on parole are governed through what Nikolas Rose (2000) has termed *circuits of exclusion*, as opposed to *circuits of inclusion*. Circuits of inclusion are oriented towards governing individuals at-a-distance; they seek to leverage and promote "choice, personal responsibility, control over one's fate...and self governance." (329). Exclusionary circuits, by contrast, assume that individuals are incapable or unwilling to responsibly self-govern. Here, subjects are excluded from full self-management and are obligated to re-earn this right through compliance (with regulation) and ethical reconstruction. As Rose highlights, despite observations of a decline in rehabilitative intent and services within corrections (e.g., Garland 2001; Petersilia 2003), the logics of normalization and reformation remain present within the operation of much penal power (see also Hutchinson 2006; O'Malley 2000; Robinson 2008). In particular, work on responsibilization highlights the ways in which penal subjects are expected to be prudent individuals who will accept the need to remake the self; to change, reform and become a better—or new—self in order to (re)earn full, autonomous citizenship (Bosworth 2007; O'Malley 1998; Rose 2000). And the responsibility for ethical reformation rests with penal subjects; they are expected to change themselves (Bosworth 2007; Garland 1997, 2001; O'Malley 1998; Robinson 2008; Rose 2000). Within the California parole agency, parole personnel tend to conceive of paroled subjects as responsible for bringing about their own reformation; the parole agency and state can be a partner and resource, but ultimately responsibility for change rests with individuals on parole (Werth 2013).

Work in this vein highlights the ways in which the paroled subject is constituted, imagined and situated. Yet considerably less is known about how individuals experience and negotiate this complex, fractured subject position and the parole agency's efforts to regulate conduct and personhood (c.f., Brown 2003; Irwin 1970; Opsal 2011, 2012, 2015;

Richards et al. 2004; Werth 2012; Leverentz 2014). This chapter seeks to address these issues by exploring how individuals understand and respond to the requirements and logics of parole and to the liminal, fractured socio-legal position of the paroled subject—the subject expected to be autonomous and obedient, the responsibilized but ethically flawed subject who must reform herself to reclaim self-governing citizenship.

In what follows, I document that, at the level of rules, individuals frequently engaged in many acts of both compliance and non-compliance. At the same time, the vast majority were committed to 'straightening themselves out'; that is, they were seeking to successfully discharge parole, avoid future reincarceration, and to 'get their lives back on track.'[2] I further show that it was exceedingly common for individuals to violate rules, often frequently, while seeing themselves as not only committed to successful parole but as largely achieving this goal and 'doing parole correctly'. The remainder of this chapter explores this seeming paradox, as I contend it is central to how individuals understand and navigate parole governance. I argue that this reflects the ways in which individuals challenged the logics of parole, in particular, the construction of the paroled subject as a dangerous and flawed person who is incapable of ethical self-governance. Rather than accept or reproduce this logic, most participants viewed themselves as already reformed or as inherently ethically capable actors. In both cases, individuals conceived of themselves as capable of—and entitled to exercise –responsible self-management. Because of this, parole governance came to be seen as over-regulation, as unnecessary or even counter-productive punitiveness. And individuals' engagement with parole governance reflected a claim to the right to autonomy—to circuits of inclusion (Rose 2000)—even if this runs afoul of parole requirements. In tracing these dynamics, this chapter shows how individuals' subjectivity (conceiving of oneself as an ethically capable actor) and perceptions of parole (as unnecessary over-regulation)

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[2] As will be expanded upon, although for some this entailed the goal of "going straight" – of desisting from all criminal activity – this was not the case for everyone. Rather, straightening oneself out is oriented towards bettering one's life by avoiding 'legal trouble', not necessarily by avoiding all offending.

allow interlocutors[3] to circumvent rules while at the same time seeing themselves as virtuous citizens. I also suggest that although this reflects resistance to the logics and practices of parole, this resistance is undergirded by, and serves to reproduce, penal—and social—power more generally. I conclude by reflecting on some of the ramifications of these findings for understandings of compliance and for penal policy.

Experiencing Penality

A well developed body of work examines the experiences of imprisoned individuals, documenting the myriad ways in which they exercise agency, engage in acts of resistance, and challenge, in direct and indirect ways, prison authority (Bosworth 1999; Bosworth and Carrabine 2001; Cohen and Taylor 1972; Crewe 2007; Irwin 1970; Mathiesen 1965; Sparks et al. 1996; Sykes 1958). While a large body of work examines the experiences of formerly incarcerated individuals (e.g., Malik-Kane and Visher 2008; Pager 2001; Petersilia 2003; Richie 2001; Western et al. 2015), much of this work focuses on the material, social and physical challenges—such as housing, employment, education, and health care— that individuals face, and sheds less light on how they experience parole governance. Further, while it is important to call attention to the challenges facing formerly incarcerated individuals, such scholarship runs the risk of reproducing the logics of parole that view penal subjects as incapable, even deficient, subjects.

A considerable body of scholarship examines how individuals experience community-based punishments, including work that focuses on issues of consent, compliance and legitimacy (e.g., Bottoms 2001; Durnescu 2011; Robinson and McNeill 2008; Bottoms and Tankebe 2012; Cox 2013; Sparks et al. 1996). Much of this scholarship shows that penal subjects in the community frequently question, challenge and subvert rules and penal power (see also Digard 2010; Weaver and

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[3] I use the terms interlocutor and participant to refer to the individuals subject to parole supervision with whom I conducted interviews and fieldwork.

Barry 2014). For instance, among adults enmeshed in community-based settings, Fox (1999, 2000) documents how individuals display resistance to programmatic interventions and Opsal (2011, 2012) shows how women on parole challenge criminal stigmatization and attempt to construct "pro-social" identities. And a number of authors in the realm of desistance studies have examined the ways in which community-based penal interventions impact individuals, and are sometimes seen as extraneous or counter-productive to successful reintegration (see Bottoms 2014b; Farrall 2002; Farrall et al. 2014; Maruna 2001; McNeill 2006).

Using this scholarship as a jumping off point, this chapter examines how individuals experience, perceive and respond to parole governance. As such, it explores conduct (how individuals engage with formal rules, instructions and expectations) as well as subjectivity (how individuals understand their social position and their capacity to act as agents).

Methods

This article is based on ethnographic fieldwork conducted with 24 individuals who were, at the time, on parole in the State of California. Fieldwork took place over the course of nine months: an initial period of five months in late 2006 and a second period of four months in early 2008. Data collection consisted of interviews and participant observation. Research participants were interviewed multiple times. The initial interview was semi-structured and follow-up interviews were unstructured. Everyone participated in at least two interviews; most participated in four or more. Observations were conducted throughout the period of fieldwork in various settings: in people's homes or as they went about daily activities, such as traveling to and from parole offices and attending self-help or assistance programs (e.g., Alcoholics Anonymous meetings).

Purposive and snowball sampling were utilized, with the goal of obtaining a diverse sample in relation to past experience with parole, age, gender, race and ethnicity, and socio-economic status. This goal

was largely met. Participants included 17 men and 7 women, their race and ethnicity was generally reflective of the larger California prison population, and they ranged in age from 22 to 64. Individuals varied in relation to whether or not they had been sentenced to parole previously (just over half had been on parole before), to how much time remained on their parole sentence (the mean was twenty months), and to their supervision level.[4] Research participants resided in various locations across Southern California, cutting across urban, suburban and one rural location. No one shared the same parole agent.

There was less divergence socio-economically. Nearly half were searching for work and often depended on family members, friends, or, in some cases, governmental assistance for temporary financial support and housing. Even among those with employment, most lived 'paycheck to paycheck'. Many lived "below" the official poverty line. A central concern for virtually everyone was obtaining secure employment and becoming financially self-sufficient. There were exceptions, as several participants had obtained seemingly stable employment, and two were earning what could be considered a "middle-class" income. Approximately half lived alone or with a partner, the other half lived with family members or friends. Twelve had children, although only five were living with their children.

While such a small group means one must be especially cautious about viewing the experiences of these individuals as representative of individuals on parole throughout the State, or elsewhere, ethnographic methods—encompassing interviews, informal conversations and observation—allow entrée into the everyday, and often overlooked, practices of individuals on parole, as well as space for exploring their perspectives and subjectivities. In this way, the methods are well suited for exploring how individuals perceive, experience, and respond to parole governance.

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[4] The parole agency assigns a supervision level that mandates a minimum number of contacts that must occur between parolees and agents each quarter. During fieldwork, the supervision levels were "High Risk Sex Offender", "Second Striker", "High Control", "High Service", "Low Control", and "Minimum". Although it varies across individuals, on average participants had to meet with their agent twice a month.

Compliance, Noncompliance and 'doing things the right way'

The California Division of Adult Parole Operations (DAPO) supervises individuals on parole and establishes their conditions, the formal rules individuals must comply with, of which there are two types. General conditions apply to everyone on parole; they mandate, for instance, that individuals must follow all instructions from agents, cannot leave the State without written permission, and must submit to search of person and home without the requirement of a warrant. Special conditions are additional rules imposed on an individualized basis by DAPO; they are ostensibly related to an individuals' commitment offense (the conviction for which they are on parole) or past criminal history. Among participants, everyone was subject to at least one special condition and most were subject to multiple ones, including, for instance, drug testing, participation in treatment programs (e.g., substance abuse programs), prohibitions against 'association' with specified others (e.g., 'known gang members' or 'victims'), and the requirement that individuals inform those they associate with of their past criminal conviction(s).

These conditions were invested with considerable importance, for individuals on parole as well as parole agents (see Werth 2013). For participants, there was a pervasive sense of being monitored by parole agents for compliance; of being 'in the spotlight' and 'closely watched.' And individuals were concerned, and in some cases quite anxious, about the rules: violating conditions was seen as likely to garner negative attention, damage the relationship with one's agent and, potentially, lead to parole revocation and reimprisonment.[5] Given this, it is unsurprising that participants frequently complied with these rules. Such compliance was intentional and strategic; it represents what Bottoms (2001) terms instrumental or prudential compliance. Many noted that following the rules is 'just easier'; it represented the path of least

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[5] Currently, as a result of 'correctional realignment', individuals whose parole is revoked are incarcerated in county jails, for a maximum period of 180 days. During the period of fieldwork, however, individuals who were revoked were returned to State prison facilities for up to one year.

resistance. Individuals regularly referenced their desire to avoid 'problems', 'hassles' and 'getting into trouble'. Such instrumental compliance can be seen as reflecting what Carrabine (2005) terms dull compulsion, where individuals recognize and acquiesce to the material realities of punishment. Compliance was instrumental in another, albeit related, way. It reflected an attempt to signal agents: to present an image of a compliant and cooperative individual. Rule conformity sought to avoid trouble, but also to perform and have recognized someone who is willing to do what is expected.

At the same time, there was considerable noncompliance. I witnessed numerous acts of nonconformity and was told of many others. Such rule violations varied considerably and included, for instance, using drugs, associating with prohibited individuals, violating curfews, traveling beyond set limits without permission, and possessing prohibited objects or 'paraphernalia' (e.g., a knife, a bong, a 'white power' t-shirt). Documenting that penal subjects violate rules is, of course, neither surprising nor novel (see, e.g., Bosworth 1999; Bosworth and Carrabine 2001; Irwin 1970; Opsal 2015). In moving beyond merely documenting transgressions, it could be argued that individuals were engaging in a strategic balancing act: they conformed to rules when they believed they were being watched—when nonconformity was likely to be discovered—and only violated rules when they felt detection was unlikely. There is certainly some validity to this. Violating rules most often took place in careful, even surreptitious ways, when individuals believed the violation was less likely to be discovered. Yet, engagement with the rules was more complicated than a strategic, instrumental account would suggest. First, individuals frequently complied with rules when no one was watching and such compliance was unlikely to be observed; participants frequently conformed to formal expectations far from the eyes of parole personnel. Second, while infrequent, there were instances when individuals engaged in rule violation even when detection was likely or certain (e.g., using drugs when subject to drug testing or not attending scheduled meetings with agents).

Another way to make sense of rule following would be to presume that those who prioritize discharging parole or who are deeply invested in "going straight" will comply more often, and those who are not will

be less likely to follow the rules. To be sure, there were several cases that fit such a view. One person, committed to 'turning her life around', consistently abided by all parole rules, while two individuals who were unconcerned with parole success or reform regularly flouted rules. Yet most individuals did not fit neatly into this categorization. In fact, most individuals were ostensibly committed to parole success yet regularly violated rules. Further, among these individuals, almost all claimed they were 'taking care of business', 'on the right track', or 'doing everything right.' They repeatedly expressed the idea that, although they were violating rules, they were doing what they were 'supposed' to be doing. I am particularly interested in this seeming paradox, which occurred among the majority of participants. While it is hardly surprising that individuals violated rules, how they understood, minimized and often justified such rule violation is, I contend, particularly important for understanding how participants experienced and navigated parole governance.

Variation in rule following and justifying violations can be understood as reflecting that individuals are actively involved in interpreting and giving meaning to rules. As Charles Taylor (1995) notes, interpreting and responding to a rule is not a predetermined activity, rather it is a dynamic and emergent process that involves contingent factors. For instance, this dynamism was on display in how Brenda and Johnnie, two interlocutors, understood and enacted a special condition they were both subject to: a prohibition against associating with any 'gang members.' For Brenda this meant she should avoid any contact with gang members in public, including waving or saying hello on the street, but it did not preclude occasionally socializing with them in her home. Johnnie's interpretation of this condition represented the inverse of this. To comply, he felt he should not host individuals in his home, but saying hello or 'just chatting for a few minutes on the corner' was fine. In addition to interpreting the rule in divergent ways, both of their enactments of the rule could be classified as noncompliant, as they entailed settings in which they would interact with prohibited others. Yet both contended that their interpretations could, and should, be seen as adhering to the rule. According to Brenda, even though she sometimes socialized with gang members in her home, she

did not participate in formal gang activities. And Johnnie explained that by limiting conversations to brief interactions on the street, he was not engaging in meaningful 'association'.

This provides an example of how individuals render rules meaningful. Yet it also raises the question of how individuals construct what could be construed as rule violations as conformity to parole regulation. As noted, there were many instances where individuals knowingly violated rules, yet contended that such behavior fit with or was necessary to doing parole 'the right way'. That is, seemingly counter-intuitively, individuals often perceived violating rules as a necessary way of embodying a responsible, compliant, and ethical person on parole.

Challenging Parole Logics: Straightening Oneself Out and Reclaiming Autonomy

Recasting rule violation as conduct that accords with parole—and, in fact, as ethically appropriate—rests on the subjectivity of participants: on their conceptions of themselves as individuals capable of ethical conduct and self-regulation. The vast majority viewed themselves as committed to straightening themselves out. This term is taken from participants, although some used other phrases, such as 'turning things around' or 'keeping my nose clean'. These various phrases reflected a commitment to bettering one's life conditions by successfully discharging parole (without revocation and reincarceration), becoming economically self-sufficient (by obtaining and maintaining legitimate employment), and avoiding a return to prison in the future. There were, to be sure, variations in what a "straightened out" life would look like. For some, it was envisioned as avoiding drugs, remaining 'clean and sober', and perhaps immersing oneself in Narcotics or Alcoholics Anonymous. For others, it entailed reconnecting with family and supporting children. And several talked about returning to school (in one case to obtain a GED, in another a college degree) in order to expand employment opportunities. For some participants, this entailed a commitment to complying with all parole conditions and avoiding all criminal activity; they sought to fully go

straight. For others, however, straightening oneself out did not necessarily entail this goal. Rather, it was oriented towards bettering one's life by completing parole and avoiding future 'legal trouble', not necessarily by avoiding all offending. As already noted, most participants violated parole conditions and some engaged in criminal activity. Several, for example, regularly smoked marijuana. But such rule and legal subversion occurred alongside a commitment to straightening oneself out and completing parole successfully.

It must be noted that while most participants saw themselves as in the process of straightening themselves out, there were two individuals who eschewed this commitment. For example, Lenny told me that he was unconcerned with parole revocation: 'If my agent sends me back, he sends me back. I ain't worried about it. I'm gonna do my thing, and he's gonna do his.' While neither of these two individuals hoped to have their parole revoked, they explained they were more focused on 'just living life' than on discharging parole.

Among the others, who were expressly committed to parole success, individuals repeatedly explained that they were capable and in the process of being responsible citizens who straighten their lives out. They talked about how they were fulfilling parole obligations, avoiding revocation, and supporting themselves; that is, they were 'taking care of business'. It should be noted that many were struggling materially and concerned about finding secure employment and long-term financial viability. Over half supported themselves through a mixture of occasional work, governmental support (e.g., Social Security benefits, housing subsidies provided by DAPO) and assistance from family and friends (e.g., living at a family member's home). Yet, despite this economic instability and worry for the future, individuals noted that they were finding ways to meet their material needs, however precariously, and fulfill the obligations of parole.[6]

That is, in their eyes, they were properly and responsibly managing their affairs. Further, they contended that it was both possible

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[6] Opsal (2012) observes that for individuals on parole employment represents a way to address financial needs and, also, an avenue for conceiving of oneself as pro-social.

and necessary to do this on one's own, with little or no support from the parole agency. Most viewed parole, and their agents, as unwilling or unlikely to render meaningful support.[7] And resonating with some desistance scholarhsip (Bottoms 2014b; Farrall 1995; Farrall et al. 2014; Maruna 2001; McNeill 2012; see also Leverentz 2014), most believed that success rested primarily on their desire and effort; it was achieved through their own actions.[8] For example, rather than requesting assistance from the parole agency, individuals commonly searched for employment by contacting acquaintances and sought to stay clean by attending Alcoholics or Narcotics Anonymous. As Nicole noted, 'I gotta get myself back on my feet. I can't wait for my agent, or someone else, to do it.' Not only do penal interventions attempt to responsibilize penal subjects (Bosworth 2007; Garland 2001; Hannah-Moffat 2005; O'Malley 1998; Rose 2000), it would appear that, in this setting, they are quite successful in fostering the development of autonomous, entrepreneurial subjects who expect little support from the parole agency. Yet it must be noted that although individuals were embracing the need for autonomy (from the parole agency), they were at the same time seeking to be relational subjects who connect with and receive support from non-state networks, such as families, friends and community organizations.

Reflective of this and akin to John Irwin's (2013) observation that practices of confinement entail a 'thinly disguised element of intentional meanness' (45), individuals perceived parole as oriented towards punishment, authority and control rather than towards assistance

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[7] Notably, fieldwork for this project took place following the California Department of Corrections and Rehabilitation's "recommitment" to rehabilitation in 2005, which entailed the goal of increasing rehabilitative assistance to offenders. The data here do not allow for an empirical examination of the impact of this recommitment, or for a detailed examination of the reentry and rehabilitative support that was available to individuals on parole. For our purposes, however, it is important that individuals perceived that parole failed to provide meaningful or adequate support.

[8] While this finding resonates with existing scholarship, it is analytically, as well as politically, problematic to view individuals on parole as self-sufficient entities. As Leverentz (2014: 182) notes, 'as long as we maintain the illusion of returning prisoners' unilateral control over their own fate, we can continue to absolve ourselves of responsibility.'

and reintegration.[9] Conditions were seen as mechanisms of control that allowed authorities power over one's freedom. As Johnnie noted, 'the rules just give 'em something to hang over us. Something to threaten us with. They don't serve no other purpose.' Further, in some cases, the rules were seen as counter-productive; they made reintegration and successful parole more difficult. Travel restrictions and prohibitions against specified others, some argued, made it more difficult to (re)establish social networks. And some noted that mandatory meetings in the parole office sometimes conflicted with work schedules and they worried that they might put their employment at risk.[10]

As a result, participants tended to view parole governance as over-regulation, as the micro-management of what many considered to be quotidian and private areas of their lives. It was common for individuals to complain about the conditions of parole as unimportant, 'trivial', 'stupid' or 'making no sense'. This reflected the view that parole does not, by and large, aid them in the process of straightening out their lives. At the same time, it reflected a challenge to what participants view as the faulty assumptions built into parole regulation. Individuals perceived that parole treats them—and so must perceive them—as dangerous, dishonorable citizens who require supervision, moral regulation and the micro-management of everyday conduct. That is, participants sense that they are construed by parole as individuals who are either incapable of—or at least, unlikely to exercise—law-abiding and ethical citizenship.

Highlighting this, many talked about how they felt they had been unfairly judged or 'put in a box' by parole. Some believed they were seen as highly dangerous. For instance, while talking about the special conditions that he was subject to, Ted, after a brief chuckle, said, 'You'd think I'm some arch-criminal, no? Some blood thirsty desperado.'

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[9] See Farrall et al. (2014) for a similar finding among individuals on probation. However, these authors also found that in retrospect some former probationers did attribute some credit to probation authorities in aiding them change their lives. It is worth noting that some of the participants in the current study likewise acknowledged that penal authorities or the experience of punishment had a positive effect on them. Yet, regardless of this, they felt that parole as a system did not provide adequate support and that meaningful changes were achieved primarily through their own efforts.

[10] See Pollack (2008), Werth (2012) and Opsal (2015) for further discussion of how parole conditions can complicate or even counter reentry efforts.

Others felt that they were viewed as unlikely to straighten their lives out, be responsible, and avoid a life of criminality. For instance, Rita expressed her feeling that her agent 'must think I'm a real fuckup . . . that I just don't know anything about how to live life outside [prison].' And William talked about how parole did not recognize or treat him like an adult—'like someone who's been alive for over 40 years.'[11]

This sense of punitive paternalism was sometimes discussed in relation to interactions with particular parole authorities, yet it also was seen as representing the inherent logic of parole as "a system". For participants, parole represented an institution made up of specific individuals with worldviews *and* a set of standard, preexisting assumptions and practices. That is, most blurred any potential distinction between particular parole personnel and parole as penal force. To be sure, being 'lucky enough' to have an agent who was helpful, sympathetic or 'willing to sometimes look the other way' at rule violations was seen as consequential to the experience of parole. Yet, regardless of one's particular agent, parole was seen as an institution that engaged in over-governance as a result problematic and paternalistic assumptions.

It was participants' conceptions of parole (as paternalistic and punitive over-governance) and of self (as actors capable of straightening out their own lives) that undergirded their resistance to the penal logics of the paroled subject as unprepared for virtuous self-governance and therefore in need of remaking the self. They challenged, or even rejected, a conception of "the parolee" as someone who is inherently dangerous and flawed, incapable of ethical self-management, and therefore in need of ethical transformation. The basis for this contestation varied across individuals. Some rejected a conception of self as defective and in need of fundamental reformation; these individuals viewed themselves as having always been ethically capable actors. Many of these individuals felt that there was no, or very little, difference between themselves and persons who had not been to prison (see also Opsal 2011). For instance, some talked about how they had fallen in with the 'wrong crowd' or got caught up with drugs, and

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[11] This resonates with scholarship on desistance noting the ways in which individuals' sense of autonomy can be imperiled by penal governance.

noted that their lives may have turned out very differently if not for this.[12] In the eyes of these individuals, they did not need to rehabilitate or fundamentally change the self; rather they talked about the need to be cautious, self-vigilant, and to make good choices. For instance, Tom, whose criminal history included several arrests for drugs, had declined an offer from his parole agent to place him in a substance abuse program while on parole. He explained that he didn't need assistance from parole to avoid drug use or reoffending, he just needed to 'be cool and make smart choices.' And he claimed he was capable of 'chilling out on drugs' (reducing or eliminating their use) if and when this was necessary.

Others, however, accepted the idea of penal subjects as in need of ethical reformation, but, importantly, contended that they had already changed, reformed or rehabilitated prior to release from prison. Among this group, individuals' sense of self had changed, sometimes in dramatic ways. Natalie, for instance, explained that she was 'not the same person' anymore. Some pointed to the importance of particular experiences while in prison that changed them or led them to change themselves. Carlos, for example, explained that active involvement in Alcoholics Anonymous within prison had been transformational. Others spoke of how the overall experience of prison—and being separated from family, friends and 'freedom'—had led them to change themselves. Importantly, among these individuals, these perceived changes in self were seen as having been already achieved prior to being released onto parole.

Importantly, for both groups, the way in which parole governs, with its perceived micro-management, was seen as unnecessary because individuals perceived that they were already straightening themselves out. For the first group, the injunction to remake the self entailed an inaccurate understanding of their personhood, a failure to recognize their ethical capacities, and hence was rejected. For the second group, remaking the self was needed but they believed it had already been

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[12] While these accounts occurred in both men and women, it is noteworthy how they were more common among women, raising the potential of gendered differences in how individuals understand and make sense of their past and, possibly, future. For a good account of how parole governance is gendered, see Turnbull and Hannah-Moffatt (2009). And see Opsal (2015) on ways in which women experience parole governance.

accomplished. In either case, individuals believed that parole should be oriented toward fostering more self-regulation; being successful on parole requires managing one's own affairs.

This subjectivity—this sense of oneself as always ethical or as already reformed—animated the contestation of the paroled subject as unprepared for self-managing and virtuous citizenship. For participants, the nature of parole regulation failed to recognize them as individuals capable of responsible, ethical conduct. The following quote from William, who had been on parole for approximately three months, highlights this perception:

> Okay, I understand that technically I'm state property for the next three years but...on the other hand too, I'm still a private individual in the United States of America. I don't think that you're entitled to be in the middle of all my affairs. I mean, come on...So, it's like, okay do all these things to keep yourself out of prison and change your life, but do them under this structure. It's like, wait a minute. It just doesn't really make much sense to me. In the sense that I know me better than anybody. They say, 'I don't care what you think you have to do to save your ass. You have to save your ass the way I tell you.'

His claim of being 'technically state property' reflects recognition that being on parole means being subject to state governance, being a subject who is governable to some level. Yet, he perceived parole regulation as over-governance that failed to recognize his rights as a 'private individual'. Further, he perceived an expectation that he should change, yet found the injunction to comply with rules in order to display his willingness and capacity to change as limiting, counter-productive and nonsensical. In his eyes, parole rules not only failed to aid his reintegration, such governance failed to see that he was capable of ethical self-regulation; parole did not recognize that he was capable of exercising his rights competently. These sentiments were repeated in various ways by participants:

> I don't understand. I'm doing good. Got a job, don't do drugs. I've changed a lot of things...so why do they focus on all this stupid shit. Why do they care where I go or who I hang out with?
>
> —Lisa

> Most of what they tell us to do is a complete waste of time. My time, their time, everybody's time. I know what I need to do. I don't need my agent telling me to get a job, don't use drugs, don't commit no crimes. I know this shit.
>
> –Raymond

In seeing themselves as capable of managing their affairs and doing parole successfully, individuals were challenging or resisting the injunction to remake the self and the assumption they were incapable of responsible, ethical self-management. In doing so, individuals were asserting a right to reclaim autonomy, assert "personal power" (Rose 2000: 335), and be self-governing. They were attempting to claim and regain authorship over their choices, actions and life (see Kindred 1999). Resistance in this situation operated as a claim that participants were capable of ethical self-governance *and* as a call for parole to recognize this ability.

Thus, for these individuals, parole can be seen as suffering from a "legitimacy deficit." And while this applies to how specific parole actors govern, it applies more so to parole as a penal intervention and institution. That is, the perception of flawed assumptions and micromanagement represented a critique of the way in which parole operates *in toto*, more than a criticism of specific parole agents.[13] Yet, it is not that parole lacked or lost all legitimacy as an institution. Participants rarely challenged the legitimacy of parole to exist and to govern them to some degree. But it was precisely the question of to what degree that animated challenges to the legitimacy of parole. Participants' critiques of parole centered on the specific ways in which it governed: how it entailed faulty assumptions and micro-management that failed to recognize their abilities to self govern. In this way, parole's legitimacy deficit relates to how it governs and what it has a 'right to rule' (Holmes 1993; see also, Bottoms and Tankebe 2012) over.

As already noted, a commitment to parole success did not necessarily represent a commitment to desistance or even to full compliance with

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[13] See Farrall et al. (2014) for a similar finding in probation.

parole conditions. Rather than representing an intentional strategy regarding rule and legal conformity, straightening oneself out represented a more generalized orientation or approach towards responsible, ethical citizenship that entailed embracing economic self-sufficiency, refraining from overt rebelliousness to parole authorities, and avoiding future incarceration. There are certainly overlaps between straightening oneself out and desistance. Participants' commitment to parole success could be framed as a movement in the direction of desistance (see Farrall et al. 2014), given that this commitment entailed eschewing 'a life of crime' as the way to avoid future penal entanglements. Yet, conceptions of how to avoid a life of crime were dynamic and varied somewhat across individuals. They operated at an intersection of the seriousness and frequency of offending, and for some included strategic concerns about detection and arrest. For instance, Raymond noted that he had recently been in a 'real fist-fight', but felt this was unimportant because he was not assaulting people on a regular basis. And while many felt that avoiding drugs was necessary, several others noted that 'serious dealing' should be avoided, but using and even sometimes selling 'small' amounts of drugs was acceptable. For most participants, being a "good" parolee and citizen was rooted in an ethical sense of care (for self and others) and respect for a spirit of lawfulness (evinced through avoiding a life of crime), rather than in complete legal conformity. It should be noted that this conception of being a good citizen resonates with conceptualizations of desistance as an uneven movement towards law-abiding citizenship (Shapland and Bottoms 2011; Halsey et al. 2016). Yet, this is clearly not isomorphic with the common conceptualization of desistance as a cessation, albeit gradual or uneven, of offending (e.g., see Farrall 1995; Maruna 2001; McNeill et al. 2013). Importantly, while they were committed to avoiding a life of crime, many participants stressed that being a good citizen—and living a life of ethical sociality—does not depend upon a complete absence of offending.

In fact, participants' sense that they were instantiating ethical citizenship, alongside the perception that parole unproductively over-governs their daily lives, rendered parole regulations less ethically charged. Compliance with formal rules was not perceived as directly related to

being a good parolee and ethical citizen. Hence, for participants, enga-
ging with rules creatively and selectively became acceptable, even neces-
sary. Kate, for instance, explained: 'I don't follow most of the rules.
I don't need to. They're bullshit . . . They don't help you.' Participants
talked about 'ignoring', 'playing with' or 'manipulating' rules. That is,
individuals felt empowered to restructure or violate rules as they went
about straightening themselves out. At the same time, individuals were
still regulated and worried subjects: they were concerned about being
perceived as uncooperative or rebellious and about the potential for
parole revocation. Thus, during interactions with parole authorities,
participants sought to signal their willingness to comply. Yet when
beyond the gaze of parole, rule conformity was not seen as an important
way to enact successful parole. Rather, altering, ignoring and violating
rules became a viable path for ethical self-care. While most viewed
virtuous citizenship as entailing general respect for the law and avoid-
ance of a life of crime, it did not depend upon strict compliance with
parole or other legal injunctions.[14]

This highlights a conflict within the temporality of the logics of
parole. The formal parole system assumes that the responsible, ethical
citizen—who can appropriately self-manage—is *becoming but not yet*.
Parolees need to work towards this ability, and this work is to be
displayed through compliance with rules. And while individuals should
be attempting to move towards prudent self-governance, legally and
institutionally, the subject capable of this arrives only upon completion
of the parole sentence.[15] However, in the temporal rationality of parti-
cipants, the good parolee must actively and responsibly manifest herself
presently and continuously. That is, successfully completing parole
requires that individuals activate moral judgment and self-management

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[14] This is akin to McBarnett's (2003: 229) concept of 'creative compliance' among tax payers,
wherein actors were more oriented towards the spirit than the letter of the law.

[15] Upon completion of the parole sentence, individuals are no longer subject to penal custody and
regulation. Thus, in the institutional logic of parole, individuals on parole are *becoming but not yet*
capable of ethical self-management. Yet, it should be noted that given the rise of punitive,
incapacitative and retributivist logics within punishment (e.g., Beckett & Sasson, 2004; Cohen,
1985; Garland, 2001), it is possible that penal subjects are often construed as *not yet and probably
not ever* capable of ethical, law-abiding citizenship.

throughout the period of parole, which includes the ethical competency to determine how, when, and whether to comply with formal rules. This makes it possible for individual to violate conditions while, at the same time, viewing themselves as committed to successful parole and straightening their lives out. Here, resistance to the subject position of the parolee as incapable of self-governance makes rule subversion possible and in some cases necessary. Further, it leads to a belief that such rule subversion can be, and often is, the 'right way' to engage with parole governance.

Undergirding Resistance: Challenging *and* Reproducing Power

Thus far, I have traced how individuals critiqued, resisted and even rejected the ways in which parole constructs and governs them. Yet I am not claiming that they carved out a space where penal power was negated or escaped. As already noted, individuals were concerned about the rules and the potential for revocation, and their interactions with parole personnel reflected this. Further, at the same time that participants resisted parole regulation, their actions and subjectivities reflected and reproduced penal—and larger social—power. First, some acts of subversion in this setting led to the reapplication and hence reproduction of penal power.[16] On various occasions, participants' rule violations were discovered by parole authorities, which resulted in formal sanctions, including verbal warnings, the imposition of additional conditions and, in one case, parole revocation. In this way, resistance can lead to reproducing power relations (Foucault 1977) and individuals' subordinate position within them (Willis 1977).

Second, participants' resistance to the subject position of parolee, and subsequent subversion of the rules, was predicated on their sense of self as always ethical or already reformed. That is, the rules were rendered less important or even optional because individuals saw themselves as already

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[16] See Armstrong (this volume) on how violating parole rules can trigger responsive treatment.

committed to straightening themselves out. This commitment, however, highlights the productivity of power and its ability to govern at-a-distance (Foucault 1977 1991; Rose 2000). The expectation that individuals should desire to be[come] responsible, virtuous parolees who choose to improve their lives works on—and through—penal subjects. That is, participants can be seen as engaging in a process of subjectivization (Foucault 1988), wherein they were actively turning themselves into the good, responsible citizen who works toward parole success and ethical citizenship. And paradoxically, it could be argued that this production of the responsible, self-governing subject of parole interferes with, or even precludes, the production of an always compliant, obedient individual.

As Judith Butler (1997) observes, the act of calling for—of attempting to produce—a particular subject always runs the risk of misfiring; individuals may "insist on not being addressed that way" (23). In this setting, I contend that parole's exclusionary governance—assuming that individuals are unprepared for citizenship, are in need of reform, and require regulation of quotidian conduct—did indeed misfire. Participants instead insisted on being recognized, and treated, differently. They were laying a claim to the ability—and the right—to exercise responsible self-governance in the here-and-now. Returning to Rose (2000), participants were keenly aware that they were being governed through circuits of exclusion, they resisted the necessity and value of this, and they called for governance through circuits of inclusion. That is, they challenged the right of parole to so closely regulate their personhood and everyday conduct, and were focused on deploying their sense of ethics rather than on strictly conforming to parole and legal regulations.

Conclusion

Individuals on parole are simultaneously free (in the community) and intensively regulated (by parole). This fractured position—and individuals' sense of themselves as actors capable of self-governance—was at the center of how people understood and responded to parole governance. Such governance entails being subject to regulation but also, as participants perceive, it means being seen as in need of this regulation because one is

unprepared for virtuous citizenship and in need of ethical reconstruction. It is precisely this assumption—this conception of the paroled subject—that the majority of individuals I worked with criticized, resisted and ultimately rejected. Participants viewed themselves as ethically capable actors, as individuals who were always moral or who had already reformed. They saw themselves as in the process of straightening their lives out and according themselves to a spirit of moral, responsible citizenship. This conception of self, and the perception that parole engages in over-governance that does not aid reintegration, led them to call for—and exercise—autonomy and self-governance. This not only allowed space for noncompliance, it created a sense that such nonconformity was necessary, proper and even virtuous.

Yet, while they were often resistant subjects, participants were still regulated subjects exposed to ongoing supervision and the threat of reincarceration. This was evinced through concern and anxiety about the rules and through practices of compliance and signaling a cooperative attitude to parole personnel. My argument is not that these individuals extricated themselves from penal power, rather I focus attention on the ways in which they navigated this power and, in the process, resisted parole logics, rendered rules meaningful in particular ways, and found space to exercise (a somewhat conditional and structured) autonomy.

Further, I contend that this resistance to the logics and practices of parole was undergirded by the productivity of penal and social power writ large. It is not that individuals rejected striving for ethical citizenship; they were striving to complete parole successfully, avoid a return to prison, and support themselves (and others) through legitimate employment. Rather, individuals resented and rejected the idea that they were not capable of achieving this without intensive regulation of their conduct and personhood. Given that this chapter focuses on engagement with parole regulation, it is possible to interpret these observed dynamics primarily (or even solely) in relation to parole and penality. Yet, I want to caution against this and against overdetermining individuals through the lens of penal power. To be sure, participants' subjectivities and actions reflected—even while resisting—the force of parole. But they also reflected non-penal social conditions and power. Participants were embedded in multiple social fields and expectations;

they were balancing a range of concerns, such as obtaining secure employment, furthering education, reconnecting with friends, and caring for children. In this way, their practices and subjectivities were over-determined in the Althusserian (Althusser 1962) sense: they were the result of multiple, even contradictory, forces. The commitment to parole success and ethical citizenship reproduced not just penal logics, but larger social and neoliberal logics. It reflected a desire to negotiate parole, but also to mitigate socio-economic marginalization and (re)claim social participation. In this way, it could be said that these individuals on parole have already been highly responsibilized; they see themselves and desire to be recognized as responsible, autonomous subjects of neoliberalism (see Greenhouse 2012) who are capable of navigating their interests, shaping their personhood, and regulating their conduct.

Yet, at the same time that individuals were calling for and asserting autonomy—through critiquing parole logics, viewing strict rule compliance as unnecessary, and frequently violating rules—they regularly called for parole to be more oriented towards assisting them. This chapter echoes their call, which has also emanated from authors calling for penal interventions to focus greater attention on the stated needs of individuals subject to them (e.g., Bottoms 2014a; Farrall 2002; Maruna et al. 2004; McNeill 2006; McNeill et al. 2013). Further, I would advocate that we—policy makers, parole personnel, academics who study penality—need to critically interrogate our conceptions of compliance. Parole authorities frequently equate rule conformity with a commitment to parole success (Werth 2013) and a number of scholars have also proposed a positive connection between the two (e.g., Bottoms 2001; Robinson and McNeill 2008). Data from the current study lend some support to this perspective. As previously noted, there were several individuals who enacted their commitment to parole success through consistently complying with all rules. Yet, the data suggest that for the majority of participants, rule compliance may be an unreliable, and in some cases misleading, marker of a desire to do well while on parole and beyond. For participants in this setting, the rules were invested with little ethical import. In fact, creative engagement with the rules—including intentional violation—was perceived as an ethically valid, and sometimes necessary, way of engaging with parole governance and exercising self-management.

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Robert Werth is a Lecturer in the Department of Sociology at Rice University. His research focuses on punishment, the governance of risk and dangerousness, and the ways in which penal subjects are constituted, imagined and represented. His current work explores how state actors understand and instantiate the mission of parole and how individuals subject to parole navigate this regime of governance.

7

Prisoner (Dis)Integration in Australia: Three Stories of Parole and Community Supervision

Mark Halsey

In this chapter I examine the experiences of parole through the eyes of three people who have been subject at one time or another to supervision by the Department for Correctional Services in South Australia. Though small in terms of sample size, these cases permit discussion of an array of critical issues concerning the setbacks and successes entailed whilst under supervision. Specifically, I examine three broad points: 1) how (would-be) parolees try to take charge of their post-custodial circumstances in order to avoid being "set up to fail" (the case of Tony), 2) how over-policing (and outright police harassment) can inhibit successful integration into the community (the case of Shane), and 3) how the right "type" of parole officer can make a positive difference even in the most difficult situations (the case of Penny). In concluding I suggest—as one participant put it—that parole officers have become akin to compliance

M. Halsey (✉)
Centre for Crime Policy & Research, Flinders University, Adelaide, Australia
e-mail: mark.halsey@flinders.edu.au

officers. In such roles, and in political climates governed by a heightened emphasis on risk management, the capacity to build therapeutic and productive relationships with clients is largely pushed out of the frame. Implications for successful reintegration are briefly discussed.

Data/Background

Data for this chapter is drawn from the study *Generations Through Prison: A Critical Exploration of the Causes, Experiences and Consequences of Intergenerational Incarceration* (funded by the Australian Research Council). To date, in excess of 60 in-depth interviews at eight prisons have been conducted with second, third and fourth generation prisoners regarding their own life course, the extent to which this was shaped by the incarceration of a parent or grandparent (or aunt or uncle), as well as how interviewees' incarceration has impacted their own children (or other family members in the next generation). Interviewees were selected in accordance with their responses to a self-administered 26-item survey (n = 280 respondents) distributed in mid 2013 to all South Australian prisons and youth training centres. The survey sought basic information about familial incarceration and brief indications of key biographical details of each respondent (age, level of education, first time incarcerated, longest sentence, experience of homelessness, foster care, and so forth). Roughly half of all survey respondents nominated for interview with preference given to those reporting greatest generational depth. The youngest interviewee was aged 21[1] and the eldest aged 65, with the total amount of prison time ranging from a few years to well in excess of 30 years across participants. Two thirds of interviewees identified as Aboriginal with such persons among the most acutely incarcerated group per capita in the western world (see Halsey 2010). In the context of these interviews, struggles with post-release life and the system of community corrections to which people are subjected, inevitably emerged.

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[1] Due to perceptions of "high risk" by government personnel, permission to interview juveniles about the impact of parental imprisonment was not obtained.

The relative size of the parolee population is as follows. As at the September quarter 2015 (1 July through 30 September), there was an average of 59,992 persons serving a community correctional order in Australia (or 325 persons per 100,000 adult population) and a daily prison population of 36,070 (or 197 persons per 100,000 adult population) (ABS 2015a, 2016). Nationally, around one fifth of those on community orders were on parole while nearly two thirds had been sentenced to a period of probation (good behavior bonds, suspended custodial sentences, etc.). At 30 June 2015 there were 925 parolees under supervision in South Australia. This accounted for roughly 15% of all individuals (n = 6012) under a community based supervision order on that date (DCS 2015 148). In the period 2014/15, 73% of supervised community corrections orders in South Australia were successfully completed. At the time of writing, there were no available statistics regarding successful parole completions for this jurisdiction (RGS 2016, Table 8A.19). However, nearly half of all prisoners serving time in South Australia in 2015 had served at least one prior period of imprisonment (ABS 2015b, Table 14). With this brief background in mind, I turn now to outlining three distinct journeys through the world of community-based supervision.

"Taking Charge": Tony

Tony is 32 years of age and at the time of interview was in the final stages of an eight and half year sentence. He grew up in regional New South Wales and moved to South Australia when he was very young. His parents split up before he was five years of age and by age six he was made a ward of the state due to the physical abuse perpetrated against him by his step-father. His mother was unwilling and unable to care for him. As Tony put it, 'My mother's a scumbag. She chose a paedophile over her own kids. And believe it or not it wasn't just one. She had a habit of picking them. I've got a half-brother [who] before he was 12 he had a broken pelvis, broken collar-bone and [broken] ribs'. Moving through a succession of foster homes and foster families, Tony also suffered extensive sexual abuse in these places. This had a devastating

and life-long effect on him. His schooling ended at age 14 when he was expelled 'for belting the principal'. He started using "soft" illicit drugs in his early teens and by age 20 was addicted to amphetamines. Tony became deeply ensconced in the criminal milieu and was known as one of the more fearsome "debt collectors" for OMCGs and other drug syndicates. He was, by his own admission, a violent man who harbored a 'constant fury . . . against the world'. Since age 18, he has spent no longer than 6 months out of prison at any time and has been incarcerated for such offences as assaults on police, grievous bodily harm, hindering witnesses, theft, and so on.

Tony met his partner and her six children when he was paroled after serving six years of his eight and half year sentence. It was this situation that influenced how he eventually "took charge" of his parole plan. The first time he was released he was given a combination of a once only emergency benefit payment as well as a social security allowance. As Tony recalled, 'When I got out I got $440. . . . I had to pay $236 rent and then buy food, and try and get some clothes'. In other words, from day one he was forced into scrounging and doing "dodgy" deals to supplement this meager amount. He was also smoking marijuana to ease the pains of reentry. It was this dimension—not the more "serious" criminal activity he was engaged in—that saw his ride on the parole-reincarceration-reentry merry-go-round begin. After being released for a second attempt at parole he met a girl. As Tony put it, 'I've got a beautiful partner. . . . She's got six kids . . . [but] the two oldest boys are in gaol. . . . I've been with her about two and a half years. I've done about 18 months of that in custody and she's stuck by me. All of her kids adore me and love me'.

As much as Tony's resolve was to stay out of prison and be with his newly-formed family, he found himself constantly tripping up on the conditions of his parole. The strain of trying to "finish" his sentence in the community was proving too much and he realized this was unfair to his partner and to the children. They would just start to get close only to have their reunion repeatedly interrupted by Tony having to do another term inside. So Tony did something that would put him more firmly and positively in control of his life—or at least his immediate future. He told of this in the following way:

I've explained the situation to all of the kids—the youngest kid's a teen-ager. So when I hooked up with [my partner] she knew I was fresh out of gaol. I explained to her that I was on parole, [and] that they [correctional services] could take me at any time and for any reason. She goes, "Alright, how long is your parole?" Two and a half years. She goes "Alright, we'll deal with it as it comes". And I did six months out with her, then I got locked-up for a dirty urine on parole, for pot [marijuana]. Went back in for four months [and] she stuck by me. I got out for another five months. She stuck by me and we were together. But then I got locked-up again and got out for another four months, and she stuck by me. When I got out that time I said, "If I go back in, I'm doing the rest of my time. I've had enough of this [scenario of] being taken away from you and all that". She's agreed with me and so [we] put it to all of the kids. I said, "Do you want me to do a longer time in gaol so as I can be out permanently with you, or would you like me to get out again with the chance of being taken away again?" All of them said do the time in gaol and then get out so you can be at home for good.

It is an indictment on the parole system that someone should get to the stage where they actively choose incarceration over being in the general community. But for some (and, anecdotally, increasing numbers of prisoners), this is the path they are corralled into (Halsey et al. 2016). The number of conditions associated with even the most basic parole plan is extensive and leaves people very little room to make even the smallest mistakes. Tony was adamant that parole makes reintegration more difficult. Getting a job—something central to rebuilding life post-release—was of major concern. Being on parole required report-ing in at regular intervals to the relevant community corrections agency. This often conflicted with job hours and many employers, to Tony's mind, were unlikely to tolerate successive absences over extended periods.

The issue of disclosure was also an issue prone to complicate the path to employment (see Cherney and Fitzgerald 2016). *Falling under the category "parolee" is as likely to invite questions about one's criminality as questions concerning desistance from crime and new beginnings.* In short, for people in Tony's situation, parole was more trouble than it was worth and therefore something to avoid at all costs. He did indeed serve

the remainder of his time in prison and was released end of sentence—a "free" man. He recounted during his interview how he envisaged that moment:

> I'm free—I don't have any sort of attachments to Corrections, the Courts or anything. . . . For the last 17 years . . . I've had some attachment to Corrections. But when I'm out this time, I'm free. I've got no leash around my neck.

He also felt his chances of finding and *keeping* a job would be enhanced: 'I just want to be working. . . . And I'm not going to be on parole so I'll be able to work seven days a week. . . . That's a big thing with being on parole—you can't get a job'. Tony's "strategy" saw him stay out of prison for nearly a year. He was recently remanded on new charges.

"Total Harassment": Shane

Shane is in his late 40s and was born and raised in what is generally acknowledged as one of the poorest and most crime ridden parts of northern Adelaide. At interview (while on bail) he was on the cusp of being sentenced to prison for criminal trespass and theft. As a young child, he recalls his mother taking in people off the streets to give them shelter and a helping hand. But this also resulted in Shane seeing 'a lot of bad shit' in his early years. He left school at age 14 and ended up doing contract work with his father (mainly painting houses). His mother and father split when Shane was 15 but it was an amicable separation. For nearly 30 years Shane worked legitimately driving trucks, and trained others to get their truck license. He admitted to smoking marijuana during those years, to racking up a host of driving offences, and to spending a night in prison when aged 18. Shane also said he drank a lot during that stage of his life. But things were generally okay, and he had had no major run-ins with the law to speak of. One day, though, things took a turn for the worse when his ex-partner fled to Sydney with his first-born. Her behaviour had been problematic for some time. Shane would receive calls from the local publican to say she was heavily

inebriated and that his child was left scared and alone wondering the premises: 'I ended up walking out on my work . . . 'cause I couldn't trust her'. At that point Shane started selling drugs from home to make money. As it happened, the methamphetamine scene was just taking off and he was turning over 'thousands [of dollars]' a week in deals. Shane also started injecting meth and he would struggle with that addiction for nearly two decades. Soon, Shane started going in and out prison on drug related charges. He commented, 'Once they [the police] knew I was into the meth scene . . . they started harassing me more and more. . . . 'Cause the police back then, they didn't know how to cope with meth. It was new to them too'.

Since the late 1990s, Shane has only been out of prison about three years in total. He would sometimes cycle in and out of custody 'five [or] six times a year . . . 'cause I can't get bail anymore'. The problem with bail—and prolonged police harassment—started some years previously when he asked his lawyer to adjourn his court proceedings due to being interstate on a truck driving job. Shane thought he was being granted leave to appear at a subsequent date, but in fact he ended up with a string of first instance warrants for successive non-appearances at court. He was then deemed an unreliable defendant and a flight risk. '[E]very time I never appeared, they put that down as a fucking process warrant, as a nonappearance. . . . I didn't know [that was occurring]. It's all going on my file as nonappearances'. When he was eventually arrested 'the [police sergeant's] turned around and said, "No fucking way am I giving you bail." I said, "What do you mean?" He said, "Look at this." He turned the computer around [and] there's . . . about ten [to] 20 fucking nonappearance first instance warrants. . . . I said, "Hang on, . . . I never had to go to court then." But he said, "No, well, you didn't appear here, here, here." He says, "I'm not giving you bail," and ever since then I've never been able to get bail'.

Shane's experience of prison and release was quite different to Tony's and Penny's (see further below). His periods of incarceration never exceeded two or three years. He therefore typically served out his sentences in prison and got out end of order or "only" had several months to complete on parole when released. He also endured many occasions where he spent several months on remand awaiting resolution

of his matters only to be given "time served"—again getting out of prison without some of the benefits that parole can bring:

> Every time I go in, I come out with nothing. . . . I'd just get myself established then I've got nothing again, . . . I haven't even got clothes. People steal my clothes and I got to . . . start everything again. . . . A lot of people can . . . have stuff held for them or people watch their houses or something. But . . . every time I go in I lose everything.

Whether he was on parole or not, one thing remained the same for Shane: has was never "free". He felt himself to be a marked man:

> Like . . . if I'm just walking down the street and there's 20 other people walking down the street, if a copper spots me, I guarantee you nine out of ten times, . . . they turn around and come back. . . . Like I've had mates being pulled over [when] I was in the car with them, and the [police have] pulled them over only to find out what I'm doing.

This police attention only lessened Shane's capacity to break free from drugs and petty crime:

> *So what does that kind of action do in terms of you trying to make a go of things?*
> I'm totally . . . harassed. . . . I get treated completely different to any other person. . . . [T]hey think that I'm some sort of major fucking criminal, like, a real bad person. I fucking wouldn't have [my current girl-friend] with me . . . if I was that bad. I mean, at one stage . . . [the police] were going around saying that I was sending my kids out to do crime to support my habit and all this shit. . . . That's pathetic, you know.

For Shane, the pain, confusion and humiliation experienced by his children weighed heavily on his mind. The following excerpt graphically illustrates the way suspicion of, and hatred for, authorities is so often cultivated among (ex)prisoners' children.

> One time a couple of years ago now I was with my younger daughter. We had a "just me and her day out" sort of thing. And we spent a bit of time

together and I was having a few bets on the races. . . . So we stayed at the TAB [the venue where bets are placed] for a while and then we left. . . . But as we've left . . . a fucking cop car . . . pulls around the corner. And [the cop] knows me, so he's just gone out of his way to come back [and] pull me over. . . . [And my daughter] she goes, "Oh, dad, dad." I said, "Don't worry." So I've got out of the car and he persisted, and, yeah, you know, the cunt strip-searched me on the side of the corner of the road. And I'm talking about *strip-searched me till naked . . . in front of my fucking kid, my daughter*. . . . My daughter went ballistic. She started going, "Fuck," started going nuts, and [the cop is] telling me to calm her down. I said, "How the fuck do you want me to calm her [down]? Look what you're doing to me in front of my kid, mate, you fucking rats".

The result of this type of incident is that his children have become embittered toward law enforcement. Survival in the community becomes, on that count, concomitant with outsmarting the system rather than working with it. Even—indeed especially—when Shane was on parole the police would induce a state of heightened nervousness and agitation in him: 'The coppers won't let me get out of the cycle, you know what I mean? They won't let me'. Recently, while the subject of a home curfew, Shane pursued on foot someone who had tried to break into his house. He lost them after a short distance and was walking back home. He was within 100 metres of his front door when the police spotted him: '[T]hey breached me. . . . Didn't give me a second [chance]. No benefit of the doubt, nothing. . . . Just locked me up'. According to Shane, this kind of heavy handedness has been going on for many years. Some would call it efficient policing and eliminating risk of further offending. But if the long-term pattern is anything to go by, the combination of over-zealous policing coupled with community correctional officials looking for the "slip up" rather than small successes, has yielded breach upon breach, and more custodial time. In all of this, the children of parolees / prisoners tend to be forgotten (Arditti 2012).

Your girls, are they worried about what's going to happen next week?
    Yeah, of course they are. . . . They hate it. They know that I'm going to probably go back [to prison]. I've told them that's what's going to probably happen. . . . I can't lie to them. . . . I'm always straight up with kids.

> And especially my eldest, she's devastated. She's always devastated by it. She's always been old enough to see what's happened. She's always seen the coppers. Every time cops are involved I'm getting dragged away, every time, constantly just getting taken away from her.

'Constantly getting taken away from her . . .'. Of course, people such as Shane must take some responsibility for how their lives play out. After all, he gets 'taken away' for a reason. The bigger question, though, is whether that reason always makes good social sense or whether, on many occasions, the rationale for breaching and reincarceration is in fact a kind of self-perpetuating madness.

"Luck of the Draw": Penny

Aged 34 at interview, Penny was born to Anglo parents. Her mother was just 18 when she gave birth. Her father is a convicted murderer and she has little memory of him. Other family members have told her that he was particularly violent toward Penny's mother. From age two, Penny lived with her aunt. Her mother had become a violent alcoholic who would routinely 'kick the shit out of' Penny in one of her drunken rages. She would take Penny to the pub where she would witness her mother also 'get the shit kicked out of her'. With her childhood in ruins, Penny finally ran away to the streets at age 11. She completed just nine years of schooling, living in squats (unoccupied premises) with people of like backgrounds and circumstances. At age 13, Penny had her first child to a man ten years her senior ('he went to gaol for carnal knowledge', serving 18 months). She started using heroin at age 13 and received her first detention order at 15. In total, she served six or seven detention orders in her teenage years mainly for burglary and break and enter. All the while her child lived with her mother. At age 18, she was transferred from a juvenile to adult prison with 18 months left to serve. At the time of interview she was on parole having served most of a five and a half year sentence in prison. Her eldest daughter, now aged 20, is also a mother, but is addicted to amphetamines and has served time in juvenile facilities for motor vehicle theft and other offences. Penny also has a

four-year-old daughter. She remarked that her boyfriend has tried to commit suicide due to the stress of trying to bring up their child on his own. Penny named 13 other family members as having served time in prison and says this has impacted her life opportunities in severe fashion.

In her adult years Penny struggled while on parole. She received little support from her various parole officers and had the added burden of being singled out for "special treatment" by a police officer that took a particular disliking to her. As she remarked:

> [This particular officer] doesn't care where his area is. He goes wherever he wants to go. And he actually talks like, "This is my patch, [this] is my city, so you better stay off my patch". . . . I *used* to have parole conditions where I wasn't allowed [within the square mile of the central business district]. And when I got out, I got pulled over. . . . Then some sort of message had been given to one of the guys that had pulled us over to hold onto me until [this other officer] got there. Even though I had no warrants or anything . . . they actually blocked the car . . . until [he] rocked up. And he was like, "What are you doing, this is my town, I don't want to see you in [this city] anymore". Well I was like, "I'll go wherever the fuck I want [because my current] parole conditions don't limit me. He said he's not talking about parole conditions, [that] these are his rules.

At 18 years of age Penny served six months in prison and was released to home detention. But her addiction to heroin (and lack of support while in prison to get clean) led to her breaching her conditions and absconding interstate. In Penny's words, 'I screwed it up'. She was eventually arrested and sentenced to five years with a minimum of 18 months to serve. Penny paroled but breached again due to inordinate pressures on the family front and her ongoing battle with heroin. Serving three more years, she was again paroled at age 24. Then something changed. As Penny put it, 'I [got] out on parole and I had a really good officer. So I completed it [successfully]. I finished it'. I asked her to elaborate on what was different on that occasion:

> *Tell me what that [parole] officer did for you that other officers . . . did [not do]? What was it about that officer?*

[S]he actually tries to help you. . . . [F]or a lot of them, it seems like they're just waiting to pounce and fuck you up and send you back, that's what it seems like. They don't offer any help or solutions when something is going wrong. Whereas with Julie [my last parole officer], if you start screwing up and you tell her, she will try to help you. . . . Her first step isn't to breach you and send you back. She actually wants to help you.

Is that the difference between her and a lot of other officers? . . .

They don't give a shit, they don't. Like now, even with Home-D—I was talking to one of the guys [community corrections officers] that came out to look at the machine [the electronic bracelet] the other day, and he said it's not our job any more [to help you], it's all been changed, it's all been cut back. . . . You don't have a case worker any more, you just have a compliance officer and that's it. We're not here to help you do this and that, or whatever. So, yeah there's no point even asking for help with anything except passes out [permission slips to temporarily leave one's designated address], basically.

So basically, this current officer that you have is a compliance officer?

Yep.

They're just a pass-out manager in a sense?

Yep.

So if you needed help or you're in strife and you need accommodation, you've got mental health issues or you need a job, you need some training or whatever—she's the wrong person, she's not there to help?

No.

So the days of a parole officer being a broker for some services or some help, or even just some listening, are long gone?

Yep. And that's where Julie was really good, because she's got a lot of contacts in different agencies and stuff, and she could always match you up with something. Or, she wouldn't stop until she got you something.

From the outset, I was confident I knew the identity of the parole officer Penny was speaking of (and sought clarification of this). As it happened, the officer in question had been lauded by many (ex)prisoners in conversations and formal interviews with me over the years. Julie, they attested, was someone who treated clients as people in need of help instead of "just another file" to be managed. However, there was also an unfortunate and somewhat disturbing dimension to this situation. The good work of this community corrections officer was only possible

because she was prepared to go beyond (and for all intents and purposes, ignore) her official remit as someone who should be compliance oriented. I was interested to gain Penny's perspective on this situation:

> *Would it surprise you to learn that Julie... got in... trouble with Corrections [for approaching things a bit differently]?*
> Not at all. I think that they [the Department] think she is dirty or something, because so many people like her, and so many people [(ex) prisoners] are always talking about her and asking for her. But it's only because she goes out of her way to help rather than just [behaving in the manner of], "I'm just here to bring you in.... If you breach or if you do something wrong then I'll send you back to gaol".
> *Would Julie ever come out to your home to come and see you, or would you have to go and see her?*
> No, a couple of times she came out to see me.... When I got arrested, years ago now, so I didn't lose all my stuff,... she kept it for like 18 months, all clothes and stuff.... She [also] helped me when I got out. She helped me get my birth certificate and all my ID and everything, paid for and whatever.... So she did all that with me.
> *Is that way above and beyond what other officers have done for you?*
> Yep.... You wouldn't even bother asking anyone else.

The really important aspect of this kind of support is how it affected Penny in personal and emotional ways. Most importantly, it gave her the courage to speak up when she felt overwhelmed by circumstances. She felt—for the first time in her life—that someone actually cared about her welfare and wasn't going to "sell her out" or "do her over":

> *Tell me about how that [kind of help] made you feel, or how it made you approach the whole process of parole—what did it do?*
> It was good to know that if you do screw up or make a mistake or something, like, you can actually go to her. Like if you do actually want some help that you could actually go to her and tell her and be honest with her because you know that she's not going to try to fuck you over as soon as you are honest with her.... But at the same time she's not an idiot. She's not going to let you keep screwing up and not do anything. Whereas

with other officers you can't be honest with them, . . . because you know that if you are then they're just going to [breach you].

Penny stayed out of prison for six years following her completion of parole. That, by far, was the longest period she'd spent in the community since her 11th birthday. She fell in love with an ex-prisoner who treated her well. Life was good, until, that is, Penny found out that his term of imprisonment was for killing his first wife (and was sentenced for manslaughter). From that time on, he turned, in Penny's words, 'into a complete arsehole'. Things very quickly unraveled:

> He was more cruel than violent. . . . I'd taken off from him and he was ringing my mum to say that he was going to kill me and put me in the ground next to his ex and all this shit. So she reported me missing and the cops have gone around there looking and they've gone in there and found . . . the kitchen and dining room splattered in blood and obviously thought that he'd knocked me and they couldn't find me. So anyway, I got pulled over and taken in. They showed me photos of the house and . . . it turned out that he fucking killed all of our cats, we had six kittens and two cats, and he killed them all inside [the house]. . . . He [then] hunted me . . . for months and months.

Penny was left with having to pay for the damage to the house caused by her ex-partner (it was public housing). Somehow she managed to get herself and her 8-month-old son into another house. But fate again dealt her a devastating hand:

> I got home-invaded. . . . Some guy with a machete . . . I actually opened the door—it was three in the morning—because I thought it was my [eldest] daughter [coming home]. And he came in with a hoodie and a bandana over his face and a tomahawk. And that . . . sort of, you know, [shook me and] I started using a bit. And I hadn't been using in a couple of years [but] then I got done for a breach for a dirty urine and I got sent [back to prison] for six weeks. So [my son] went to his father's sister's [place] because his father was [also] in [prison] then. And when I got out, my daughter had cleaned out my entire house. [She'd] stolen everything. . . . And that crushed me. . . . And that's when I went to pieces.

Penny turned again to using heroin to cope with the turmoil in her life. Crime—chiefly breaking into business premises and converting merchandise to cash, clothes and food—was her only means of getting by. Eventually, Penny was apprehended and sentenced to yet another five-year term of imprisonment. She was paroled after three and half years and released with 'no house, no clothes, no nothing' and 'had to ask one of the officers at the desk to get me a bus ticket'. Her primary concern was to make contact with her three and half year-old son. Penny had been told that the child's father was living on the streets with him and had been reported for 'verbally abusing his child' in various emergency shelters and like. She eventually tracked them both down and re-established a relationship with both of them. At the time of interview, Penny said her son was missing—that her ex- had taken him out for the day and had not returned: '[H]e knows I can't go anywhere because I'm on Home-D, so I can't just go around and get him. . . . I think that he's trying to intentionally push me to the point where I'm going to just snap [so he'll get custody of our son]'. With this kind of inordinate pressure, it would be reasonable to think that Penny's parole officer might be able to assist in some fashion:

> *I want to know whether the people that are meant to be involved in your life, like your compliance officer, has any sense of what you're going through or what you're trying to manage?*
>
> How can she know from talking to me for only five minutes? And I doubt very much whether she's read anything that's going on, that would be on my file. And she's told me that I'm not allowed to speak to her about some things.

This is an extra-ordinary situation—the idea that one human being (a professional) is prohibited from extending a helping hand to someone deep in crisis. The system will throw this or that course at someone while in prison, and it will supply an electronic bracelet to monitor their movements when they're released, but it won't deal seriously and sensitively with the layers of complex personal, economic and social issues facing many prisoners in the post-release context. Perhaps the most worrying thing here is that Penny felt as though she could not express

to anyone her sense of being overwhelmed by circumstances—that she had to play the role of the dutiful parolee and hide all semblance of vulnerability. *The parole machine doesn't cope with people who can't cope.* And yet this machine—this system—is one ultimately composed of human relationships (between professionals and clients) and theories about relationships (about what makes people comply with or deviate from particular sets of rules). Perhaps the missing element in Penny's story is empathy and responsiveness from professionals who, in a concrete sense, have significant "control" over her life script, and, therefore, its possible "endings". As Penny remarked,

> If I had Julie at the moment, I feel like I could go to her and say, "I fucked up the other day. I had a shot [of heroin]. Can you help me get into a rehab place or something?" But with [my current parole officer], . . . there's no way.

It seems highly inequitable that the probability of successfully completing parole should come down to the "luck of the draw". Things shouldn't turn on whether one is fortunate enough to be assigned an officer who will go the extra mile or who knows how to balance the compliance dimensions of the job with the human aspects. It should instead be an even playing field with each and every officer understanding that *the processes of compliance and reintegration do not necessarily overlap*, and that problems on parole can and should be met in the first instance by more useful measures than the breach (or blunt warnings unaccompanied by practical assistance). What stands out in Penny's case—and in countless others—is the emphasis on keeping criminogenic needs in check (clamping down on drug and alcohol use, or associating with the "wrong" people, or being on the wrong "type" of premises) at the expense of engaging with parolees' basic needs. On that basis, one can't expect someone to stop thieving when they are hungry or unemployed, or to refrain from using drugs when they are in prolonged psychological pain, or to understand alternatives to crime and violence when they are presented with precious few if any opportunities to build a different life. On these elements alone, there would appear to be a much larger (and important) role for community corrections officers to play.

Concluding Remarks

What do these stories tell us about the nature of community supervision, and more particularly, of parole? The cynical view would be that each of these parolees repeatedly fails to learn from their mistakes, and that community correctional officers (and police) only ever do their best under pressured circumstances. The cynical view would be that parole officers cannot help people who are not prepared to help themselves. In short, the system of community supervision may at times seem unforgiving and inflexible, but it is supposed to be. After all, parolees have done wrong and community safety demands that they be closely monitored and returned to prison when necessary. Such views would rightly apply except for the fact that they do not fit the multifarious and generally problematic experiences of so many parolees. Yes, ex-prisoners can be difficult to manage and they may seem to attract a disproportionate amount of trouble and chaos. But a closer inspection of the milieus into which each was born or later descended, gives some clue as to why such people squander what "outsiders" typically perceive as "golden opportunities" for starting anew.

Tony, Shane and Penny did not view parole as concomitant with the opportunity to build a better life. Each held very low levels of legitimate social and economic capital. Excepting Shane, they have suffered interminable amounts of trauma. More than this, they all lacked the bridging capital necessary to turn opportunity for change into permanently positive scenarios (McNeill 2009). Penny struck it lucky being assigned to Julie. She received understanding and support blended with a no-nonsense attitude. Julie provided Penny with, literally, a bridge into housing and into work. She helped her cope in practical ways with the pains of re-entry. She understood the pressures of motherhood, of addiction, of being labelled an offender (and worse, a *female* offender). Julie made sure that Penny had clothes and somewhere to stay on release, and with that she made sure that Penny had dignity. But perhaps most importantly of all, *she enabled Penny to express her fears and failures without conflating this with failing parole* (or having to be breached). Tony was never so fortunate as to encounter a community corrections officer of this calibre. Instead, he developed his own strategy for coping with the vagaries of parole by

refusing, in the end, to play the community supervision game. He self-selected out of that option and the gamble paid off, at least temporarily. Shane, on the other hand, can't seem to get out from under. I recall during interview the palpable sense of him being suffocated by police attention and reporting protocols. The space within which Shane could be "free" had to be threaded through the eye of a needle. And for near on two decades it had proved too difficult a task.

Foucault (1977, 1982) showed beyond all doubt that freedom is really a matter of occupying (or being subjected to) a particular configuration and intensity of constraints. As he put it, 'Rather than speaking of an essential freedom, it would be better to speak of an "agonism"—of a relationship which is at the same time reciprocal incitation and struggle, less of a face-to-face confrontation which paralyzes both sides than a permanent provocation' (Foucault 1982: 790). On this count, the idea of unadulterated freedom is a myth. No matter who you know, or what you know, or how much money you have, there will be limits to what one can and cannot do. Parole, therefore, is not contiguous with freedom but with a type of constraint. It is, to use Foucualt's term, *a provocation to falter* as much as an invitation to live well. In the South Australian context (and as this edited collection attests, also in many other jurisdictions), parole's primary task is to monitor lives not change them. As Feeley and Simon (1992: 452) observe, '[T]he new penology is markedly less concerned with responsibility, fault, moral sensibility, diagnosis, or intervention and treatment of the individual offender. Rather, it is concerned with techniques to identify, classify, and manage groupings sorted by dangerousness. *The task is managerial, not transformative*' (Feeley and Simon 1992: 452, emphasis added). Rarely has a phrase so accurately captured its object: 'the task is managerial, not transformative'. This is precisely the function of parole. It's raison d'être is to be vigilant to deviations from rules rather than buffer progress toward full citizenship.

Parole exists at the interface of modernity and late-modernity. On the one hand, its power resides in the litany of rules (more than 50 such conditions attach to each parole plan in South Australia) and monitoring mechanisms (reporting in, being prepared for random urine tests, random phone calls, random home visits) extant in particular jurisdictions. Here, parole poses as a pseudo-science that aims to shape the choices and movements of parolees

and, thereby, reduce the risk of reoffending. But on the other hand, parole (from the French meaning promise or to give one's word) (Petersilia 2003: 55) is by its very nature a risky venture. As the stories above clearly show, it is a device that tests subjects' patience, their stocks of pride and dignity, and their capacity to find wriggle room within the constraints imposed on them (hence, again, the idea of parole as provocation).

As an administrative apparatus, parole is fundamentally risky because it is unknown how someone's journey beyond the prison gates will play out. But what seems certain is that prisoners who emerge from custodial environments without stable accommodation, some kind of educational or job prospects, and/or connection to people who can support and validate progress in the struggle to desist from crime, will likely turn risky situations into real damage to self or other (see Halsey and Deegan 2015; Halsey 2007). Beck (1992: 21) contends that, '*Risk* may be defined as a *systematic way of dealing with hazards and insecurities induced and introduced by modernization itself*'. In this sense, a system of parole and community supervision that confines itself almost exclusively to monitoring compliance is its own hazard and produces its own type of insecurity. "Ticking and flicking" clients is unlikely to achieve compliance among people who in fact need a deeper level of support in order to feel part of the social order with which it is hoped they will comply. This is not say that parole *per se* is a defunct idea, but perhaps just like those it purports to assist, it is in need of fundamental reform.

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Mark Halsey is Professor of Criminology in the Centre for Crime Policy and Research, Flinders University, Australia. His recent books include *Young Offenders: Crime, Prison and Struggles for Desistance* (with Simone Deegan, published by Palgrave), and *Tackling Correctional Corruption: An Integrity Promoting Approach* (with Andrew Goldsmith and Andrew Groves, published by Palgrave). His latest research examines the relationship between intergenerational incarceration and intergenerational trauma with a particular focus on Aboriginal (ex)prisoners.

8

The Law, Practice and Experience of 'Conditional Freedom' in Chile: No Man's Land

Carolina Villagra and Catalina Droppelmann

A parole scheme was created in Chile in 1925, with the aim of modernising the prison system by introducing a mechanism of progressive release that promoted inmates' social reintegration. Almost a century later, parole is being marginally used and its function of reintegration is questioned. This chapter expects to shed light on the legal framework, practice and experience of parole that make it a controversial tool for desistance and reintegration. The chapter is informed by interviews with two magistrates that have participated in Parole Commissions, four practitioners that have been involved in diverse stages of parole application and granting, and ten parolees. First, we outline the legal scheme of Chilean parole, starting with a brief description of the Criminal Justice System for readers not

C. Villagra (✉)
Department of Psychology, University of Chile, Santiago, Chile
e-mail: cavillagra@u.uchile.cl

C. Droppelmann
Centre for Social Studies on Crime, Catholic University of Chile,
Santiago, Chile

familiarised with it. In the second part, the experiences of practitioners and parolees are analysed in the light of the desistance framework, showing that the current parole practices do not support and even hinder the process of crime abandonment. Finally, the discussion reflects on the findings and recommends areas of improvement that can contribute to the understanding of parole and to improve its application in Chile.

Chilean Criminal Justice System

Since 2005, followed by the full implementation of the Criminal Procedure Reform, Chile has been ruled by an adversarial system of justice that replaced the inquisitorial system that was in force since 1906 (Ministerio de Justicia 2005).

It has been claimed that this reform substantially improved the efficiency of the Criminal Justice System, access to justice, the criteria for criminal prosecution in a democratic state, and the protection of victims and witnesses (Consejo de Reforma 2009; Ministerio Público 2009; Ministry of Justice and Vera Institute of Justice 2004). However, while the courts effectively hand down sentences, the implementation thereafter, both in prison and post release, is underdeveloped and lacks and institutional framework. The fact that more crimes were being prosecuted and ended in a criminal conviction and the overuse of custodial sentences after the reform, resulted in an exponential increase in the number of people convicted to prison that led Chile to hold the highest imprisonment rate in South America at 323 inmates per 100,000 inhabitants in 2010 (Alvarez et al. 2007; Consejo de Reforma 2009; Salinero 2012; Walmsley 2011).

In terms of prison release, there are two main mechanisms: a normative mechanism of release on temporary licence that is described in the Prison Regulations, and the legal mechanism of parole[1], described in the Law Decree Nº 321 of the year 1925. There are four types of release on temporary licence: sporadic, Sunday, weekend, and daily[2] (Gendarmería 2015), the

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[1] Parole would be more precisely described as 'conditional freedom', because it is mainly a type of administrative supervision.

[2] These are described in the Art. 96 of the Prison Regulations.

granting of which has decreased dramatically during the last two decades, going from 51% of the prison population in 1995 to 1.24% in 2011 (Gendarmería 2011). Similarly, parole has been historically granted to a reduced percentage of the prison population, on an average of less than 5% during the last decade (Gendarmería 2015).

It is estimated that over 25,000 people were released from Chilean prisons in 2014 (Gendarmería 2015), the majority only after full completion of their prison sentence. Upon release, the Centre of Social Integration[3] (CAIS, hereinafter referred to by its acronym in Spanish), dependent upon the Prison Service[4], is the official institution in charge of providing support to parolees and former inmates who voluntarily request it (Gendarmería 2015). Nonetheless, the Chilean system provides scarce conditions for supporting prisoners while in prison or once they return to their communities (Espinoza et al. 2011). In this context, parole presents a particularly complex scenario.

Methods

The analysis presented in this chapter was based on a literature review and empirical work. First, the entire penal legislation and regulations related to parole were reviewed, to follow with the analysis of the specialised literature and reports of studies. It was found that while only a very limited number of studies have explored the Chilean parole system, all of them agree on the presence of several controversial aspects throughout the assessment procedure that might hinder the chances of applying to and granting parole, which in turn affects the resettlement prospects of inmates. Furthermore, studies conclude that there is a need to update the entire penal legislation in order to integrate the diversity or rules and regulations within a unique legal body in which the Decree

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[3] Created by the Law Decree N 542 of the year 1943.

[4] Gendarmeria de Chile, created by the Organic Law, Decree Law 2,859 of the year 1979, is the public service dependent on the Ministry of Justice, in charge of managing the penal institutions, ensuring the effective compliance with custody and community sentences determined by the courts, and providing effective rehabilitation and resettlement programmes (Gendarmería, 2015).

Law N° 321 of Parole could be applied as it was originally intended, that is, as a mechanism of social integration (FPC-CESC 2012; Morales 2012; Sepúlveda and Sepúlveda 2008). Second, in order to make this an empirically based discussion, a number of interviews were conducted with two magistrates that have participated in Parole Commissions, four practitioners—two social workers, one psychologist and one lawyer—that have been involved in diverse stages of parole application and granting, and ten parolees.

Chilean Parole: Legal Framework

Sepúlveda and Sepúlveda (2008) argue that the consolidation of parole within Chilean legislation in 1925 was the outcome of discussions that started in late XIX century related to the need to modernise the prison system by introducing mechanisms of progressive exit. The Parole Act provides that parole can be granted to offenders convicted to imprisonment, under certain conditions, and once a given number of requirements have been fulfilled. The Act describes parole as a reward for offenders sentenced to deprivation of freedom for more than one year, who for their irreproachable conduct[5] in the penal establishment, their interest in learning and commitment to acquire a trade or the means to earn a living, have shown that they are corrected and rehabilitated for social life.

Inmates who have been sentenced to at least one year of prison are eligible for parole if they: i) have completed half or two thirds of the prison sentence[6]; ii) have observed irreproachable conduct while serving the prison sentence; iii) have learned an occupation, in cases when prisons have available training programmes; and 4) have regularly and satisfactorily attended the prison school, being literate.

Since parole is described as a reward in the Chilean legislation, inmates who fulfil the requirements are not automatically released

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[5] This is the literal translation of the concept used within the prison system.

[6] This depends on the type of crime committed, although most crimes are included.

from prison; they have to undergo a process of discretional decision in which two judicial instances are involved: the Tribunal of Conduct that operates in each prison, and the Parole Commission at the Court of Appeals. The decision-making procedure runs twice a year, following two steps:

1. The Tribunal of Conduct of every prison prepares two lists of applicants to be presented to the Parole Commission. Applicants who fulfil the four legal requirements are included in list one, while those who only comply with the first two legal requirements go to list two.
2. The Parole Commission meets twice a year at the Court of Appeals. They adopt agreements by simple majority for the cases of list one, and unanimously for those in list two.

Once resolutions are issued, prison staff notifies successful applicants; however, those who were denied parole are not informed of the reasons why their applications were rejected. Under parole, individuals have to comply with several conditions. They must (i) set an address of residence from which they cannot move without authorisation; ii) attend school or work; iii) report weekly to a given criminal institution for administrative control; and iv) obey all orders issued by the Tribunal of Conduct. Parole can be revoked through a Supreme Decree if the parolee breaches any of the conditions or receives a new conviction, which will force him to return to prison to complete the remaining time of sentence. Upon release, the Centres of Support for Social Integration are in charge of monitoring the monthly signature of parolees and recording the statistics (Gendarmería 2015a). There is no legal regulation ensuring that parolees receive a specialised or differentiated support from any other released inmate; therefore, their control is only administrative and there is not a special budget allocated for additional post-prison support.

The analysis of the legal framework of parole from a desistance perspective, opens the question as to whether this structure promotes or hinders crime abandonment processes. This issue is discussed in the following section by analysing: 1) the process of selection; 2) the supervision; and 3) the experiences of parolees.

The Selection Process for Parole: The Invisible Individual Behind his Crimes

While some consider parole as one of the most relevant prison laws in Chile due to its aim of social reintegration (Sepúlveda and Sepúlveda 2008), in practice parole has been granted to a very limited number of applicants each year. Figure 8.1 shows the proportion of the prison population that has applied, that has been proposed by the Tribunal of Conduct, and that has been granted parole in the last eight years.

As Fig. 8.1 shows, over the last eight years parole has been granted to an average of 12.3% of those proposed by the Tribunal of Conduct and 7% of all applicants. These statistics reveal a highly problematic situation in Chilean parole, as while this mechanism was created to facilitate the prison exit of inmates and to promote their social reintegration, it has been granted to less than 4% of the prison population during the last
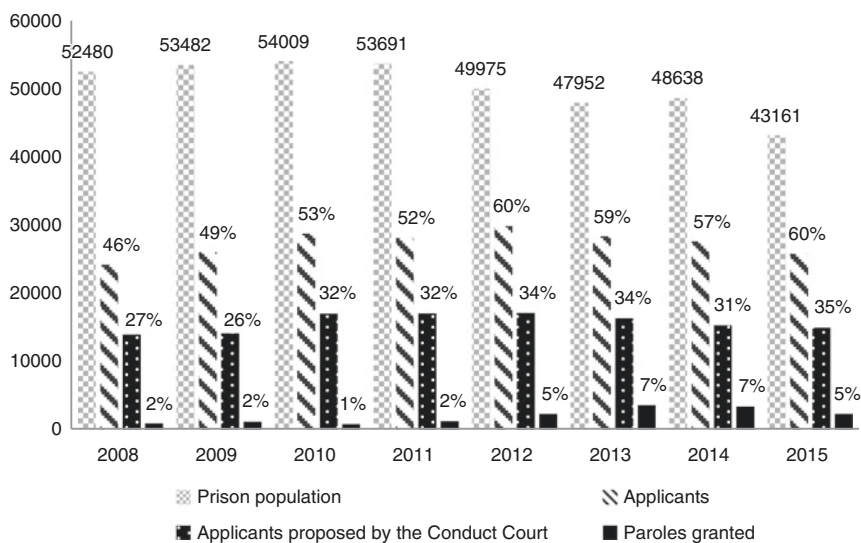
Fig. 8.1 Percentage of total applicants, applicants proposed by the Tribunal of Conduct, and applicants granted with parole out of total prison population (2008–2015)
Source: Own elaboration based on data provided by Gendarmería 2015

decade. In the following section, some aspects of the legal scheme of parole that hinder the chances of applying for and granting this reward are discussed. This is analysed in light of the desistance paradigm, arguing that the strongly standardised selection process for parole in Chile leaves inmates in a passive position that makes invisible their attempts and intentions to change.

Requirements for Eligibility and Application

The fact that parole can be granted to those convicted of prison sentences longer than a year, plus the fact that there has been a growth in short sentencing, leaves a significant proportion of the prison population not eligible for parole. This is especially true in the case of females, as around half of the female prison population are serving short sentences (Gendarmería 2015b). In addition, those convicted for drug-related crimes are required to have served at least two-thirds of the prison sentence, which also affects the eligibility prospects of females, as over half of the incarcerated women have been convicted for drug offences (Gendarmería 2015a). Short sentences have been shown to be highly disruptive in a person's life, having a strong detrimental effect on desistance efforts (Villagra 2015), as their nature is counterproductive with any aim of social reintegration (Armstrong and Weaver 2010). Nowadays, a significant portion of the prison population is serving sentences shorter than a year; therefore, increasingly fewer inmates are eligible for parole. This undermines the progressive nature of prison regime that parole was supposed to consolidate.

The requirements related to education, training and work are considered indicators that the inmate is 'corrected and rehabilitated for social life'[7]. Besides the fact that these types of activities are not available in all prisons, wherever present, places available for working are extremely limited. For example, in 2014 only 1% of the prison population was working in the Centres of Education and Training of the Prison

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[7] Art. 1 of the Decree Nº 2442.

Service (Gendarmería 2015). It seems discriminatory to assess candidates on the base of participation of activities that the prison system cannot provide equally, arbitrarily reducing the field of eligibility. Moreover, inmates' agentic movements towards desistance are not considered, such as intentions and projects available post release. The requirements criteria only take into account activities that take place during confinement, which might only evidence strategies to cope with prison conditions and do not necessarily evidence the kind of conduct that inmates would perform in the community (Jamienson and Grounds 2004).

Irreproachable Conduct and the Psychosocial Report

A crucial requirement in the process of parole application is for the inmate to have observed 'irreproachable conduct' while serving the prison sentence, a requirement that is used as a criteria for eligibility in most prison programmes and release permissions in recent years. Despite its relevance and wide use within prison administration, the conceptualisation, operationalisation and assessment of 'irreproachable conduct' is absent in all prison regulations. This has resulted in the adoption of diverse understandings of the concept among prison officers and practitioners, differences that play a great role when assessing applicants' backgrounds by the Tribunals of Conduct (Eurosocial 2015).

The *Tribunal de Conduct*, a group of staff members in charge of the parole selection process, is composed of the prison governor, the chief of the criminology section at each prison, the head of education, the chief of the work section, the chief of the internal guard who qualifies the conduct, the doctor, the social worker, and a lawyer or psychologist designated by the head of the prison service[8]. While prison officers tend to assess inmates' conduct from a prison culture perspective, considering elements such as personal appearance, misconducts, involvement in violent activities, and obedience, among others; practitioners tend to privilege the use of criteria that include the prospects of reintegration

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[8] Art. 5 of the Decree Nº 2442 of the year 1926.

and compliance with the law (FPC-CESC 2012). However, practitioners who prepare the psychosocial reports (psychologists and social workers) are not trained for conducting parole evaluations, and they do not have assessment tools that can back up their statements. Therefore, their reports contain subjective statements that are controversial when proposing potentially eligible candidates to the Tribunal of Conduct.

Once cases are presented to the Tribunal, all members have the right to vote, regardless of whether they have met the candidate or not. This means that decisions are not based on technical criteria, which include the assessment of those factors associated to prosocial change. Although the law establishes that the tribunal of conduct has to have a heterogeneous conformation (so diverse views are represented); in practice, the final decision is strongly influenced by the governor's opinion (FPC-CESC 2012). The conformation of the Tribunal of Conduct is highlighted as one of the most controversial issues of the first stage of parole decision processes, as a social worker mentioned:

'The process of applying and granting parole implies taking people out of prison and putting them on the streets, it's a technical issue; therefore, those who decide who will go outside have to be technicians. If the main aim of parole is reintegration, then specialists in reintegration should be in charge of that, but the Tribunal of Conduct is composed of members who are not technicians, so nowadays the nature of parole is distorted'.

The social workers and psychologist interviewed indicated that the role of psychosocial reports in the final decision of the Tribunal of Conduct could not be anticipated, as sometimes reports with negative assessments were voted as eligible, and vice versa, depending on the influence of the prison authorities. Furthermore, the periods of preparation of parole applicants' lists put tremendous pressure on their everyday work, as one of them expressed:

'During the month of the parole preparation, prison is paralysed as all practitioners are dedicated to interview inmates, review antecedents, and prepare the lists... There is little time left for anything else, inmates are almost left on their own'.

It is interesting that psychosocial reports, which demand much time and effort to prepare, are not established by the law but emerged from the practices of psychologists and social workers over the decades. The lack of a legal basis for preparing reports, along with the scarcity of technical guidelines for assessing inmates' situation, the work overload, and the fear that the candidates they assessed as eligible breached the legal conditions for release, are among the main reasons why practitioners were cautious about the number and type of inmates they recommended to the Tribunal of Conduct (FPC—CESC 2012). Indeed, as seen in Fig. 8.1, between 2008 and 2015, less than 60% of eligible applicants have been finally presented to the Tribunal of Conduct.

Parole Commission

There are two aspects of the functioning of the Parole Commission that seem to restrict the granting of parole, namely, the work overload and the lack of technical guidelines that support decisions.

The Commission is composed of up to ten judges who are appointed to meet twice a year for three days each time. These judges are not trained for performing this task, and they do not receive technical assistance for understanding the contents of the psychosocial reports that accompany the list of candidates. Previous to the meeting, each judge receives a set of approximately 250 case folders to be reviewed and presented in a plenary session of the Commission in which decisions for granting or denying parole are taken.

It is apparent that reviewing such a large amount of information in an extremely short period of time, along with the lack of technical criteria for assessing the prospects of parolees, can result in biased decisions. Indeed, the judges interviewed indicated that there was a tendency to review applications mainly on the grounds of type of crime and remaining time to sentence completion. Furthermore, they mentioned that psychosocial reports were not useful for decision-making, as they include extensive use of jargon and psychological concepts without further explanation, which they would review only to search for signs of guilt

and remorse; issues that judges consider indicators of internal transformation. As a practitioner pointed out:

> 'Many of the judges that I've talked to tell me they just don't understand the psychosocial reports, they think they are 'cut and paste' reports . . . But some judges ask guidance from psychologists or social workers, not officially, just because they're interested in taking the best possible decisions. If judges were trained in psychological terminology, if they could understand the contents and meaning of the reports, they would feel more confident about their decisions'.

While the law indicates that all types of crimes are eligible for parole, the judges and practitioners interviewed suggested there was a strong reticence to granting parole to individuals who committed sexual or violent crimes, especially recidivists. Violence was interpreted as an indication of a personality trait that invalidated individuals from living in the conventional society, and recidivism as evidence that offenders cannot desist from crime. As one of the judges pointed out:

> 'As a judge you generally see very few violent cases, perhaps one or two in a month. Nevertheless, when you participate in the Parole Commission and review the files to present at the Commission meeting, you see hundreds of violent cases in one week and you get saturated with violence. When you read the details of the sentences, you realise that there is so much evil in the world'.

The reluctance to grant parole to violent offenders is apparent in parole data. In 2014 over half of the parolees had been convicted for property crimes (55%), followed by drug-related crimes (27%), and to a much lesser extent (7% each) by homicides and sexual offences (Gendarmería 2015). In terms of remaining time of sentence completion, while the law establishes the requirement of having completed half of the prison sentence (as a general rule), data from 2014 shows that parolees had served an average of 74% of the total sentence length when parole was granted (Gendarmería 2015).

These aspects of the Parole Commission's decision-making rationale suggests a 'control narrative' in correctional practice (Maruna and LeBel 2003: 95), in which it is assumed that probation and parole are alternatives suitable only for individuals who do not need further control or punishment, either because they do not represent a risk for society, or because they have already served a significant amount of their punishment time in prison. The fact that parole has the lowest recidivism rate of all the prison system (13.8% versus 39.5 for general inmates) (Gendarmería 2013), despite of not having any form of preparation or support, suggests that it has been granted to the inmates who are less likely to reoffend with or without parole.

'Making sense of freedom': The Practice of Parole Supervision

In 2013, over 1,200 men and 275 women were under the parole scheme (Gendarmería 2013). As mentioned earlier, parole is set by the law only as an administrative form of control, which involves obligations, restrictions and monitoring for parolees. A consequence of this is that parole does not have a budget for any form of specialised support, staff, infrastructure, or any of the other aspects considered in law enforcement mechanisms. An experienced social worker reflected on the time when he started working at the CAIS, over six years ago:

'When I started working here, they asked me to be responsible for over 300 parolees, and I realised that there were no guidelines for working with them, only administrative control. Parolees started asking for information, but also for emotional support, someone to talk to . . . So I started setting a strategy for supporting parolees, informally, because it was not, well, it still isn't in the law. As I had worked in prison, I followed similar steps: creating a folder with the person's background information, some criminal history data, relevant information about their family, if they were at risk of revocation, and so on. The method was useful, so when a new parolee came for the first time to sign, I proceeded to do the administrative control, and later I would interview him'.

As the quote above reflects, parole, different to other Chilean correctional practices, lacks a 'correctional narrative' (Maruna and LeBel 2003: 93) that sets clear orientations and guidelines for practice, which has resulted in methods built out of improvisation and good will. Most of the interviewees agree that parole is one the weakest aspects of the penal system:

'Parole is the most precarious of all the release mechanisms. Once inmates are granted release permissions, they have support from the post-prison service; they offer job placements, psychological support and so. But parolees are released overnight and the only thing guaranteed is that they have a place to sign weekly'.

Practitioners interviewed argued that parole is a very distinct experience from those who were progressively released within the scheme of release permissions. Parolees return to the community with intense effects of prisonisation, conditioned to the custodial regime and behaving as if they were still in prison, but with no structured support. This aspect of the parole experience challenges practitioners who receive them once they are released, as a social worker described:

'In the first interviews with parolees, you have to welcome them, create a setting, but most of all, make sense of parole in their lives... Now they're outside, not in prison, the world outside kept on running, their kids grew up, some neighbours are not there. Parolees go out and think everything remains the same; they want to arrive home and impose their rules; I tell them it's not their family who has to adapt to them, they have to adapt to their families. We have to work the reality criterion, make sense of freedom'.

Institutional contexts such as imprisonment can hinder desistance efforts in several ways (Emirbayer and Mische 1998; King 2014), for example, by suppressing the exercise of agency through institutional regimes that encourage obedience, passivity, and deny individuals their identities and autonomy (Bosworth 1999; Jewkes 2012; Sykes 1958). Indeed, the fact that most parolees served a significant portion of their time in prison before getting parole has relevant consequences for agency and self-efficacy, two of the most crucial factors for desisting from crime

(Bottoms and Shapland 2011; Laub and Sampson 2003; Giordano et al. 2002; Uggen and Kruttschnitt 1998), as a practitioner highlighted:

> 'People have to trust first, in others, but most of all in themselves. In the case of parolees this is stronger as they don't trust themselves. So I tell them that it was so hard to achieve this aim, nobody gave them parole as a gift, they earned it. If they were strong enough to get parole, they can be strong enough to achieve some other aims'.

Another aspect in which imprisonment deeply affects parolees' experience is in prosocial identity building. Imprisonment disposes individuals from social roles and curtails the self through powerlessness, fear and a civil death (Goffman 1961). With parole, inmates' aspirations and social roles as parents, partners, sons or daughters that were suspended throughout imprisonment are suddenly reactivated. Individuals have to make choices, to develop a future orientation and to plan and forge a life out of crime; however, after long periods of imprisonment individuals are not fully aware of the social context, the roles that are available for them, they do not have the skills to perform these roles and frequently do not recognise the social expectations associated with them (Uggen et al. 2003). One of the main challenges for practitioners is to work in prosocial identity building, as parolees' identities are usually fragmented and they do not have a narrative that makes sense and orients their desires and conducts (Jewkes 2005; Goffman 1961). Jewkes (2012: 373) argued that inmates leave their identity at the prison gate to pick it up after release, as the following practitioner's narrative evidences:

> 'Parolees' main preoccupation is how to make a living. They come from prison with the idea of working and helping their families, but then they realise the income is low and it doesn't help as they thought. Work is relevant for them, but it is not only about the job, it is also how they adjust to the new roles'.

Overall, it seems that the practice of parole supervision and its importance promoting the desistance process has been largely neglected within the criminal policy, as one of the interviewees claimed:

'As there's no guidelines for parole, some parolees go to sign to prisons, where a prison officer tells them "ok, sign here" and that's it. It's a matter of criminal policy; nobody wants to take responsibility. From the prison system they say that parolees are former inmates, the community system say they come from prison so they don't belong there, and the post prison service see them as foreigners. Parole has no place in the criminal justice policy . . . it's no man's land'.

Experiencing Parole

The Struggle for Agency

The rigid structure of the procedures for applying and granting of parole excludes inmates' participation at any stage of the process. Sepúlveda and Sepúlveda (2008) found that inmates usually lack information regarding their legal options to apply for parole, they are not always informed about application deadlines and whether they meet the requirements, they do no have access to the information recorded in their files that is relevant for applications, and they do not have the right to impugn the information recorded in their files, all of which has led to people to argue that the process lacks transparency and accountability (FPC-CESC 2012).

Candidates do not have the right to appear in front of a parole commission, as is common in discretional parole schemes (Rhine 2010). While Chilean practitioners support the idea that candidates should have a more active participation in the process, they also claim that candidates' participation would involve a great delay in the process (FPC-CESC 2012). Furthermore, one of the judges interviewed argued that the presence of candidates in front of the parole commission might even be prejudicial for them:

'Imagine a guy covered in tattoos, speaking in jargon, how could you believe he wants to change?'

According to some practitioners, and somehow opposite to the data of applications, the fact that the granting of parole has been so limited in

the last decade, that the requirements for being eligible are so stringent, and that there is an extended lack of information, has led inmates to prefer applying for other forms of early release, such as temporarily licences. Furthermore, some practitioners claim that *'Inmates do not believe in parole, it is a kind of myth'.*

The fact that places available for any form of early release are extremely limited has resulted in a highly competitive atmosphere among inmates, in which their efforts are oriented to show 'good conduct', earn credits and avoid disciplinary infractions. One of the parolees interviewed recalled the time when he was trying to meet the requirements to apply for parole, and other inmates boycotted his efforts in several ways, for example, by throwing a mobile into his cell, which resulted in a disciplinary sanction and a setback in his record of good conduct: ' *In big prisons it is really difficult to behave well and to distinguish yourself from the rest'.* The lack of legitimacy in the parole system together with the competitive nature of the process might hinder an authentic commitment to transformation, encouraging individuals to engage in instrumental forms of compliance (Bottoms 2002; Healy 2013).

The Crucial Role of Interpersonal Support to Tackle Vulnerability

As mentioned above, parole in Chile is mainly oriented towards obligations, restrictions and monitoring, and no further support is provided. Post-release support is important in reducing the effects of prisonisation and to improve the vulnerable conditions in which parolees leave prison (Espinoza et al. 2011). Data from the Chilean Prison Service for 2014 shows that parolees were aged 38 on average, most of them were single (77%) and less than 40% had completed secondary education. It is worrisome that while around half of parolees were head of their households, only a third (32%) had a formal job, and the majority (75%) earned less than the minimum wage. Desistance research has shown that employment is one of the major correlates in desistance from crime (Farrall and Calverley 2006), as it

acts as 'an investment in the conventional world' (Meisenhelder 1977: 327). Having a good quality job that is meaningful and satisfactory (Uggen and Staff 2001) can represent a source of legal income for individuals who were accustomed to obtaining an income from crime (Shapland and Bottoms 2011). Employment can assist identity change and strengthen self-confidence (Giordano et al. 2002; Maruna 2001) and has been shown to improve the quality of peer affiliations (Warr 1998; Wright and Cullen 2004), and serves as a function of social and community belonging (Visher et al. 2005). While comparative evidence suggests that most parolees find their jobs through personal connections such as family, friends or former employers (Irwin 1970; Nelson et al. 1999; Solomon et al. 2001; Visher et al. 2004), the high social vulnerability of Chilean parolees indicates that additional support in finding a job is crucial.

In research aimed at exploring the processes of desistance from crime among a sample of former Chilean persistent offenders, Villagra (2015) found that the key aspects for parole to promote desistance efforts were timely and relevant information, and diverse support from significant others. For many parolees, the support of their partners was fundamental, both during the application stage and also upon release, as can be observed in the following quote:

'My wife was the one who took me out of prison, because she searched for information, she talked to social workers, she asked questions. She found out about parole and managed the paperwork. I had no idea of any of that and if she hadn't done what she did, I would have left prison two years later'.

Another parolee highlighted the role of his girlfriend in adjusting and complying with parole conditions:

'I think going out on parole is too abrupt, if you don't have anyone outside to support you, you go crazy. Imagine I'm young and I'd lost years of partying and having fun, I could have easily gone crazy if I was single... But with a girlfriend it is different, I had to control myself and think of the two of us, not only about myself'.

Another parolee elaborated on the relevance of receiving material support to fund projects that would help parole compliance:

'I've been on parole for five months, but I prepared for it for at least a year. The teacher and the social worker helped me to get a place on the training courses, then I worked for one year and I saved some money. So when I was released, I already had a project and I got some funding to create my garage . . . It's a great relief that you've got something, even if it's not so much money for the moment, you know that you have support and your project will work'.

From a different angle, former parolees who failed to comply with the conditions of parole did so mainly because of lack of information:

'They granted me with parole because of my good conduct, but after four weeks I broke the conditions . . . I don't know what happened, I got bored of signing so I quit going, but I was working, so I thought everything was fine, until one day while I was working in the truck the police asked my ID and they checked and realised I had remaining time in prison. They sent me back to prison'.

The excerpts above suggest that while desistance processes are usually led by the individual, it is during the transition from prison to the community when assistance for change is needed more (Maguire and Reynor 2006; McNeill 2004). It is suggested that current parole practices are oriented towards surveillance and control, which is problematic since evidence suggests that supervision that is mainly based on coercion can even be counterproductive and can also affect the legitimacy of the parole system as a whole (Maruna and LeBel 2003). Several studies have shown that some offenders might even prefer imprisonment than intensive supervision in the community, because in prison they feel safer from the risks, temptations and demands of life outside confinement (Crouch 1993; Howerton et al. 2009). As Howerton et al. (2009: 458) found in their interviews with prisoners, 'some had a support network in prison that they lacked elsewhere . . . others took comfort in the mere routine of prison life

and were often intimidated at the prospect of the normlessness of reintegrating into a community that has nothing to offer them'.

Discussion

Parole, contrary to other correctional practices, is located in the liminal space between imprisonment and the conventional world, lacking a 'correctional narrative' (Maruna and LeBel 2003: 93). The highly bureaucratic nature of the process of applying for and granting parole excludes parolee's involvement at any stage of the process; furthermore, once that parole is granted, there is no specific support to be offered and the monitoring of compliance with the conditions of parole is restricted to administrative control. This approach suggests that the reintegration and desistance outcomes expected to be promoted by the Chilean Correctional System nowadays relies exclusively on parolees' individual responsibility.

In this chapter we have suggested that parole hinders the desistance process in several ways. First, the nature of the selection process, through the lack of applicants' active participation coupled with overly prescriptive practices that can result in arbitrary outcomes, leaves inmates in a position in which they have to learn to re-exercise agency within an institutional framework that does not consider their prospective intentions to change and is rather based on static and retrospective accounts of their previous conduct during imprisonment. Agency has been found to be a key factor in the desistance process (Giordano et al. 2002; King 2013; Laub and Sampson 2003; Laub et al. 2006; LeBel et al. 2008), as individuals' capacities to shape and re-orient their own lives towards the future are crucial for successful transitions after release and leaving crime behind (Carlson 2016; Farrall 2002; Shapland and Bottoms 2011; Visher and Travis 2003)

Second, there are no evident practices and guidelines to support parolees' prosocial identity building. Being a parolee comprises being in a liminal status where they are neither inmates, nor yet fully conventional citizens. Parolees have to develop a new way of living,

breaking with the habits of the past and learning how to cope with a new life under the constant threat of going back to prison if they fail in their attempts to change (Bottoms and Shapland 2011). Desistance evidence indicates that the transitional stage between being an offender and developing a new, more conventional way of life is key to successful desistance. At this stage, the promotion of strategies of diachronic self-control (Bottoms 2001) is crucial; indeed, Chilean research on desistance suggests that the lack of support in these transitional stages makes the identity change process lengthy and difficult (Villagra 2015).

When opportunities and alternative identities are not available, offenders are at risk of reverting to habitual or previous conducts and social contexts that are meaningful for them (Halsey et al. 2016; King 2013; Maguire and Raynor 2006). Furthermore, the lack of post-release support denies the fact that desistance is strongly fostered by expressive social support, which operates through the provision of emotional care, companionship and reinforcement (Cullen 1994; Vaux 1988). Social support is relational in nature as well; as LeBel and Maruna (2012: 666) pointed out '... all humans need others and may also have a need to be needed in life as well'. Support exchanges may trigger desistance by providing former offenders an alternative identity, placing the individual in a certain status of a person who has *something to give* (Martinez 2009). Indeed, it has been widely demonstrated that identification with conventional roles such as a *family man, a good provider* and *a good parent,* positively contributes to the process of reintegration and crime abandonment (Bucklen and Zajac 2009; LeBel et al. 2008; Maruna 2001; Sampson and Laub 1993; Visher and Courtney 2006).

Recommendations: Towards a Desistance-Focused Parole

The data in this paper suggests that the current parole scheme in Chile does not support and can even hinder desistance processes. This evidences what some scholars familiarised with the therapeutic

jurisprudence[9] approach have been arguing for more than two decades; the fact that the law (legal rules, procedures and roles) can sometimes obstruct the wellbeing and reintegration of individuals who have offended. Unfortunately, most criminological discussions of parole have been mainly focused on how to develop effective practices, rather than on the analysis of the legal framework that regulates it and the way in which it facilitates or hinders therapeutic outcomes.

Wexler (2014) uses the metaphor of "new wine in new bottles" to describe legal rules and procedures (bottles) that can accommodate therapeutic jurisprudence "friendly" practices (wine). Following this approach, our recommendations are focused towards reforms and changes in the legal rules and procedures of parole that will allow the introduction of a better kind of practices that promote therapeutic outcomes by triggering desistance from crime.

The legal framework of parole, which was created almost a century ago, should be fully reviewed in order to update obsolete concepts such as irreproachable conduct around which the entire scheme of parole is organised. The selection process must be examined to transcend the retrospective and static criteria on which it is based, opening the way to consider inmates' agentic moves and intentions towards desistance. Revised versions of tools that assist the decision-making process, such as the psychosocial reports, must be introduced in order to make them more consistent with the current criminological evidence in this matter and to transform them into useful tools for all the actors involved in the parole scheme. A post-prison support structure must be created (including budget, staff, and guidelines), which nowadays is being run out of good will and without any evidence-based guideline. Finally, the regulation of parole should include the specialisation of the actors involved throughout the decision-making processes, in order to promote

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[9] Therapeutic jurisprudence is the study of the role of the law as a social force that can trigger therapeutic or non-therapeutic outcomes, in other words, that can promote or hinder the psychological and emotional well being of the individuals who are affected by the law (Wexler, 1999).

resolutions that are based on technical criteria shared among judges and practitioners driven by the current evidence developed from research on desistance research and based on an ethic of care (Wexler 2015).

In terms of the practice, a parole narrative must be developed that sets clear guidelines, promotes the participation of candidates during all the different stages of the process, assists conventional identity-building, encourages agency and supports social reintegration. This could be achieved by the introduction of therapeutic jurisprudence practices such as the ones used in problem-solving courts, where judicial supervision is strategically used to foster inmates' voices, provide post-release support and reinforce compliance through follow-up hearings (Wexler 2015). In the Chilean system, the introduction of the *judge of the execution of sentence*[10] could be a great tool to provide inmates support through judicial supervision right after incarceration during the whole process, granting parole under conditions that are not arbitrarily defined, but co-constructed with the inmate itself.

The parole scheme must be built on practices that foster not only instrumental support, oriented towards obtaining a specific goal, such as employment, housing or drug treatment, but also relational support and expressive support, which operates through the provision of emotional care, companionship and reinforcement (Lin 1986). The introduction of elements of a strengths-based approach and restorative justice could orient practices towards the promotion of social support exchanges between parolees, their families, communities and society as a whole (Maruna and LeBel 2003).

These implications have relevance beyond the Chilean parole system and could be discussed within continental or common law legal systems. A comparative therapeutic jurisprudence analysis of the parole systems in different countries could open the way to the development of better systems that accurately support parolees' attempts to leave crime behind.

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[10] "Juez de ejecución de penas" in the Spanish version, which refers to a judge that supervises the incarceration and post-incarceration stages.

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Carolina Villagra is the Coordinator of the Unit of Programmes of Social Reintegration at the Chilean Ministry of Justice and Human Rights and is an academic at the University of Chile specialising in legal psychology. She has led a number of projects on the design and evaluation of specialized programmes for the prison population in Chile and Latin America. Carolina holds a Psychology degree from the University of Chile, and an MSc and PhD in Criminology from the University of Leicester. Her main interests are related to penal reform, desistance from crime, design and evaluation of criminal justice policies.

Catalina Droppelmann is currently the Executive Director of the Centre for Social Studies on Crime at the Pontificia Universidad Católica de Chile. She has worked for more than ten years researching matters of justice and crime from within academia, think-tanks and leading consultancies to international organisations. Catalina holds a B.A. in Psychology from the University of Valparaíso and an MPhil and a PhD(c) in Criminology at the University of Cambridge.

9

Experiences of Parole in Scotland: Stalled Lives

Marguerite Schinkel

Introduction

Scottish criminal justice is often compared to the justice system in England and Wales, with most commentators agreeing that generally, and at most times, the criminal justice system north of the border has a more welfarist approach (McAra 2008; Mooney et al. 2015). In comparison to other jurisdictions however, notably the Nordic ones, Scotland's criminal justice system is more punitive, with longer sentences imposed and more people in prison (Mooney et al. 2015). For example, the imprisonment rate is 143 per 100,000 at the time of writing, which is a decrease from 155 per 100,000 in 2012, but still high compared to almost all other countries in Western Europe.[1] Until recently, Scottish long-term prisoners (that is, all

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M. Schinkel (✉)
University of Glasgow, Glasgow, United Kingdom
e-mail: marguerite.schinkel@glasgow.ac.uk

those serving over 4 years in prison) were automatically released under supervision after serving two thirds of their sentence. However, commentators have argued that this and other early release procedures are motivated more by the need to bring down the prison population, than by any concern with rehabilitation or resettlement (Weaver et al. 2012). After the passing of the Prisoners (Control of Release) (Scotland) Act 2015, prisoners will now be released at the latest 6 months before the end of their sentence. The earliest possible time of release remains the halfway point of the sentence, at the discretion of the Parole Board. Although legislation was passed in 2007 making provision for the post-release supervision of *all* prisoners, this has never been implemented and supervision after imprisonment remains restricted to long-term prisoners (Tata and Thomson 2011). After release long-term prisoners are 'on licence'—they serve the remainder of their sentence in the community, under the supervision of a Criminal Justice Social Worker (CJSWer). CJSWers work for the local government, and are trained and employed as social workers, instead of working for an agency focusing on 'offender management' like in England and Wales (Weaver et al. 2012). Confusingly, prisoners who were released automatically after two thirds of their sentence were on what was called 'a non-parole licence'. However, for the purposes of this chapter, all supervision after imprisonment will be called parole.

As in other jurisdictions, recent Scottish research on the lived experience of parole is limited. McIvor and Barry interviewed thirteen men on parole and, while nine initially thought their lives had improved because of parole supervision (McIvor and Barry 1998), few thought that it had made a difference to their offending long-term (McIvor and Barry 2000). They did perceive the risks of being on parole keenly, with the experience described as walking on ice—one misstep and all would be lost (McIvor and Barry 2000). In research on other forms of supervision, the relationship with the CJSWer was found to be very important, with CJSWers who talked and listened to those they supervised in a non-judgemental way found to be the most helpful (Barry 2007), especially for women (Malloch and McIvor 2011). This chapter examines the lived experience of being on parole through analysis of the narrative accounts of nine men on parole and the reflections on past and thoughts of future periods of parole of eighteen men who were imprisoned when interviewed. It also contrasts

experiences of parole with experiences of other forms of supervision in the community, drawing on a first analysis of 37 interviews with men and women who were (or had been) caught in the revolving door of offending and short-term imprisonment.

The Research

The men on licence and serving long-term prison sentences were interviewed in 2009 and 2010 as part of a doctoral research project investigating the meaning of long-term imprisonment. The interviews were narrative, in that the men were invited to first tell the story of their imprisonment in their own words before being asked more direct questions about their views of their sentence. In reality, most struggled to tell extended stories. The method of recruitment will have had important effects on the findings reported in this chapter. In the prison I spoke to twelve men who were past the halfway point of their sentence[2], so that they had had enough time to experience and reflect on their imprisonment. However, this also meant that at the time of the interview many were past the point where they would usually have moved to an open prison and could have been released on parole. Most of these men were to be released straight from the prison in which they were interviewed, after serving two thirds of their sentence. This meant that they were those with whom the rehabilitation work in the prison had been least successful. The men on licence were those who had been on licence for a significant period of time (so that their experiences were sufficiently different from those interviewed in prison) and were invited to take part by their CJSWer. This means two things: they had been relatively successful on licence because they had not, thus far, been recalled to prison and they were seen by their CJSWer as able and likely to be willing to take part in the research[3].

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[2] As well as six men who were early on in their sentence.

[3] Although one prospective participant did turn up for the interview very obviously under the influence of drugs, was therefore not interviewed and subsequently breached, showing that it was not only the 'most successful' parolees who took part.

Towards its end, this chapter turns to the experiences of supervision in the community of 22 men and 15 women who served numerous short-term prison sentences. They were interviewed in prison and in the community in 2014 and 2015. Given that they went on to serve many prison sentences, often after initial community sentences involving supervision, they will have had more complex needs than most others who are given community disposals and, by definition, earlier periods of supervision had not succeeded in helping them to turn away from crime.

Future and Past Paroles

Research by Farrall et al. (2014) has shown that the impact of advice given by a probation officer (which in Scotland is a role also carried out by CJSWers) changes over time; input that was initially discounted can be an important driver for change later on. This means it is worthwhile to briefly explore how men interviewed in prison saw their past and imagined their future periods of parole.

In reflecting on the future period of parole that would follow their current imprisonment, the men's focus was very much on the deterrent effect of being under close surveillance and the certainty of a return to prison upon any further offending:

> So, it's made me, obviously, to choose my friends wiser this time, when I get out. For the simple fact that, I've got a recall today, if I even get caught with a breach of the peace, then I'm back in for three year. (Gordon[4])

As in earlier Scottish research (McIvor and Barry 2000) and more recent research in Romania (Durnescu 2011), being on parole was felt to be precarious, with one misstep potentially having grave consequences. The men disagreed about the utility of these high levels of surveillance and likelihood of punishment. Some felt that being on parole meant that they would be

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[4] The names of the participants and their CJSWers have been changed to maintain anonymity.

very vulnerable to the accusations of others and being falsely suspected, which might jeopardise any progress they made outside:

> I could be out on license and talking to someone and somebody that doesn't like me can go to that phone 'he's threatening me'. I don't get any answer, I'm arrested and taken back to prison. Just because someone does that. (Robert)

However, others felt that parole conditions would be helpful in providing an enhanced incentive to stay away from offending. Some noted that they needed this incentive to force a change in their lives, because rehabilitative input was lacking in the prison:

> But, in terms of rehabilitation, I don't think there's, phew there's nothing, know what I mean, all that happens when you get outside, how you'll change. I mean, when I'm out there now, I know I've got a lot of things hanging over me, my extended sentence, so I WILL change for that. (Doug)

Future periods of parole were especially seen as useful by those who had experienced parole in the past and managed to stay away from crime for the length of their parole. They saw this as a positive period in their lives, even though they had subsequently returned to offending and prison. For example, previous to his current imprisonment, Ian had managed to remain in the community for a significant period, which he attributed to his parole.

> A two year licence I was on. That finished in the February and in March I got the jail. I went to every social work appointment, done everything they wanted, never missed nothing. I didn't offend 'til March. I didn't do nothing, I couldn't. The mentality I always had, I don't want to do nothing, I can't do nothing. (Ian)

It is interesting that the incentive to stay away from offending these men ascribed to being on parole ended with the period of parole. In their retrospective accounts, there was little mention of support while on parole, with the focus firmly on 'not being able to do anything', which suggests that the return to offending was not due to support being withdrawn.

Equally, it is widely known, at least among prisoners, that once you have served a long-term sentence, any further sentences are also likely to be long. While offending after a period of parole, then, might not lead to *immediate* re-imprisonment, the consequences are still likely to be serious. In addition, most of the men said they did not fear further periods of imprisonment anyway, as they had become used to the prison environment and often found it easier to cope with than life outside (Schinkel 2014a). This might be a great illustration of effective deterrence relying more on the perceived certainty and immediacy of punishment than on its severity (Nagin 2013). While on parole, the men felt like any offending was likely to be detected, given their sense of being under surveillance, and if offending was detected, they thought they would return to prison immediately (but see below). Even if they might not have greatly feared re-imprisonment, they feared it enough to want to avoid it, when their return was fairly certain and immediate. Another possible explanation of the limited length of the protective effect of parole for these men might be that they discounted the support they were given during their parole, given that they ended up returning to prison. If this is the case, they might have managed to avoid offending because they were helped by their CJSWer in various ways (and perhaps because they did not want to disappoint their CJSWer), but when this supportive relationship was withdrawn, they returned to offending. This is less well supported by the accounts discussed above, but there is evidence for this in the experiences of the men who were still on parole, to which we now turn.

Positive Aspects of Parole

Most of the men who were on parole at the time of the interviews described having a positive relationship with their CJSWer. They felt treated with respect, and that they could call on their CJSWer whenever they needed to.

> it's good to know in the back of your head that it's there, you know, if something arose. Donna is good, she tells me to come in if there's anything bothering me. (Tony)

Several of the men explicitly mentioned that the support they received from their CJSWer was of 'high calibre' or 'second to none'. What most of the men found in their CJSWer was perhaps identified (in its absence) most clearly by Stephen, who had had positive support in the past, but felt that this was missing in his relationship with his current social worker:

> I come in and try and talk to him, even the way I'm talking to you just now. Try and explain a problem to him. He just butts in, shuts me up, shoves me out the door and makes another appointment for next week. That's no good to me, I need somebody I can talk to. I'm a lifer out on licence and if they think that I'm as dangerous as they say I am, they should be putting SOMEBODY in the room that can talk to me and try and find out what's wrong. But they aren't doing that and I don't have anybody I can be totally open and honest with.

This quote illustrates the importance of having the time and space to talk to a CJSWer who is non-judgemental and not merely task-oriented. In the main, however, the CJSWers supervising these men were getting this right. Lino summed this up when he contrasted his current CJSWer with those who had supervised him in the past.

> I have told them that. I says 'look I'm not going to beat about the bush, I hate social workers, I've always hated social workers, just with the things that have happened to me in my life'. But none of them's ever acted the way Mary's acted, she WANTS to try and help. She's not trying to get me in the jail and I've always thought that they were trying to get me in the jail, because it was always negative, everything was negative. (Lino)

All in all, the putative move in Scottish Criminal Justice Social Work towards a law enforcement focus at the expense of support (McNeill and Whyte 2007) did not find expression in these parolees' lived experience. That most did not perceive their CJSWer (mainly) as an agent of control was clear: the men described talking through even the most thorny issues with their CJSWer, including drug use and violence.

> I had one bit of trouble. I told John about that, I had one big fight, but it was just random, it wasn't my fault, I mean I got attacked by a big group of guys and [laughing] sorta fought back. But it was just a fair fight, and I was glad to tell John about it because it sorta released some tension you know. (Andy)

These high levels of trust in their CJSWer were borne out by occasions when the men were caught committing further offences. While CJSWers are obligated to bring any further offending to the attention of the courts, and they did so, the immediate return to prison imagined by those in prison, and implied by the literature (Weaver et al. 2012) often did not come to pass.

> I did get charged with something else, but Sharon was brand new[5] with me about it and I got a warning for it and it was quite a serious charge (Smitty)

This apparent resistance of the move towards a focus on public protection and offender management in parole supervision will be skewed, though, by the research method. I only interviewed men who managed to remain on parole for a significant amount of time, and who were invited by their CJSWers to take part in the research, because they were likely to be interested. This means I not only excluded those who were recalled to prison, but also those who were seen as less reliable. For the men I interviewed, parole 'worked' and the positivity of the relationship with their CJSWer and their compliance will have supported each other in a virtuous cycle (Ugwudike 2011). For the general population of ex-prisoners on parole, the immediacy and certainty of a return to prison following offending is likely greater than suggested by the quotes above and more in line with the expectations of those interviewed in prison and research findings on recall to prison (Weaver et al. 2012). Similarly, their relationships with CJSWers might be more characterised by surveillance and control.

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[5] 'Brand new' is Scottish slang for (very) good.

Pains of Parole

Neither did the high levels of trust in their CJSWer mean that the experiences of those currently on parole belied the expectations of high levels of surveillance held by those in prison. While the CJSWer was usually not seen as an agent of control, the threat of reimprisonment was nevertheless felt keenly, exacerbated for some by adversarial relationships with local police officers.

> I saw Harry Dent, he was just a young policeman years ago . . . and it's been a long term plan with him. . . . and he got to know everybody and what, 'he's a car thief, he's a house breaker' and now he's a Detective Sergeant or something. But I saw him when I was no long out 'ah' right Tony' . . . and I looked around, it was him. I says 'oh right Harry how's it going?' and we spoke away for a couple of minutes, that's him just letting me know he knows, he's still looking (Tony)

As I have discussed in more detail elsewhere (Schinkel 2014a), the perceived high likelihood of being returned to prison for any misstep was compounded by the impact of having become institutionalised in prison and led to the men withdrawing from the world. They recreated some of the conditions of their imprisonment by sticking to strict routines and/or confining themselves to their own house or flat.

> I could never turn around and say 'I'm never going to be back in prison again', because what if I'm in a pub or if I'm somewhere and I'm with somebody, somebody says something tae somebody and you get hit an/ it's so easy, so easy. That's how I get/ I just like to keep away [laughing] out the road and if anything's going happen it's not where I'm at. (Jack)

This combination of being under surveillance and the effect of institutionalisation meant that a major pain of parole for these men was the isolation they felt (see Nugent & Schinkel in press). The confined life these men led also fell short of the aspirations most of them had for their lives post-imprisonment. Some felt they were on the right path, because they recognised their difficulties with mental health or addiction, so that

managing in the community was a step in the right direction towards more distant goals of working and a more engaged life.

> To come outside and actually test myself in my own wee[6] flat, get up in the morning and actually face a day without a drink, you know what I mean, myself it's great, and nobody else to depend on (Mark)

However, most felt they were falling behind their own expectations. Having been out for a number of years, they felt that they should be independent or actively contributing to their families by now, for which they needed a job. Being employed would alleviate their isolation, provide them with a way to fill their time in a constructive way and give them more money, which would lessen their dependence on others or the state. Importantly, it would provide them with a new identity, that of the employed worker (Bereswill 2011; Watson 1996) to replace that of the ex-offender. However, securing employment was difficult, if not impossible, for these men in times of recession. Having served a sentence of over 30 months, they would have to disclose their conviction to *any* employer who asked for information about their criminal record for the rest of their lives (Rehabilitation of Offenders Act 1974)[7]. In the experience of these men, most employers did ask:

> Obviously I'm just looking at the lowest of the low jobs know what I mean, so I'm hoping one of these jobs I go to, I'll not need tae tell them about my convictions or something for a while. (Andy)

The need to disclose their convictions was such an obstacle for these men that it dominated some of the interviews. Consider the very start of my interview with Tim, for example:

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[6] Scottish for small or little.

[7] This Act is currently under review, with the Scottish Government proposing, amongst other things, to change the lower limit of sentences that need to be disclosed for life to four years. Such a change would not make a difference to these men, who all served sentences of over four years, and at present any implementation of the proposed changes is being held up by motor insurance companies, who object to fines becoming 'spent' after a year, instead of five years (Sanderson, 2015).

> *MS*:   How long have you been on licence and how do you feel about
>   being on licence?
>
> *Tim*: Well, up to now it's (.) five and a half years I've been out, out of
>   prison so. I spent eight years in prison, since I was 15.
>
> *MS*:   Okay, and like how do you feel about being on licence?
>
> *Tim*: It's a drag coming to try and get work and stuff when you're/ it's
>   hard to . . .
>
> *MS*:   Mm, do you have to do appointments?
>
> *Tim*: You've got the disclosure, it's/ as soon as people know that you've
>   been in so long and they don't want to give you a chance, so that's
>   the hardest bit, for me anyway, I feel, getting employment, full
>   time employment anyway.

While I asked about the global experience of being on licence (the term
used more commonly for parole in Scotland), Tim immediately focused
on his inability to secure a job because of the need to disclose. This was
not just another obstacle, but the defining feature of his experience, far
outweighing any support from or positive relationship with his social
worker. He was happy to attend appointments, seeing them as 'part and
parcel' of being on parole:

> In a sense it keeps me on the straight and narrow, you've got appoint-
> ments and targets and you've got something to aim for every time so, keep
> your nose clean until then and that's / instead of setting too far ahead it's
> keeping me grounded.

In contrast, he was frustrated with the need to disclose, and did *not* see
this as an inherent part of being on parole. Instead of helping him along,
this restriction blocked his path and made it difficult to see a future.

Jack similarly felt that the need for disclosure meant that activities
undertaken in prison to secure a job became meaningless once outside,
but he still had hope that eventually things would come good:

> See, whatever you do in prison, if you (.) I don't know if you end up a
> computer genius or whatever, it's not going to do anything for you
> outside, because you have a Disclosure Act an all that and that/ and
> you're blown right out of the water. So all these things you've got going

in prison, aye, alright they're good for doing somebody/ for teaching people, to occupy their time or whatever, oh they're good for that, aye. But they're no good for outside prospects of jobs or whatever, they're no good for that whatsoever. Cause as soon as people are kinda, like with the Disclosure Act they're like 'oh he's been in prison, oh this and that'. (Jack)

In these two accounts, the need to disclose previous offences undermined both the help offered by the CJSWer and any rehabilitative activities undertaken in prison. In addition, many felt that the impossibility of finding work meant that they had to reconsider their future.

Do you know, I haven't even managed to get to the interview stage since I got out of prison . . . To be honest I don't think I'm, not for a while anyway, I don't think I'm going to get any legitimate work, it will only be casual work and just bits and bobs here and there for a while. (Mohammed)

The major impact of their failure to find employment was frustration and a loss of hope, of which more below. However, it is worthwhile to also reflect on the pain of unsuccessfully applying for jobs for these men. This process was experienced as very stigmatising. Being 'discreditable' by their offending history at all times, applying for a job meant they were actually 'discredited' (Goffman 1990: 143). For all of us, being rejected for a position hurts, because we are not seen as 'the best of the bunch'. However, these men often applied for jobs with multiple vacancies, and always were rejected:

The Job Centre are saying to me 'right this place are looking for x amount of people' and then when you phone up they'll say 'we've already got 30 people coming for in for interviews in the next week so..'. I mean, with my criminal record, I mean 30 people, there's no chance. (Mohammed)

As Mohammed notes, the combination of the oversupply of unskilled labour in times of recession, especially in the relatively deprived areas in Scotland in which these men lived, combined with their criminal record

to effectively disqualify them from employment. Accordingly, the men felt that, rather than not being good enough, they were 'beyond the pale' because of their history, with their strengths and capabilities not considered. Not being seen beyond their convictions led to frustration and feelings of hopelessness:

> I was just away for another job interview there, two weeks ago, with my wee brother, he got the job, I got knocked back because of my conviction. That's what I found for the whole two years, two and a half years, I don't really know if I'm ever going to get the chance to move on. (Andy)

What is obvious from many of the quotes above is that, despite the often positive relationships with their CJSWer and the focus in these relationships on support rather than control, for most the overall experience of being on parole was still punitive. Because of the need to disclose past crimes, the men felt that their punishment continued beyond the prison, and more importantly, would continue beyond their parole, because they were seen as unchanged and as defined by their offence.

Not being given the chance to move on, or the inability to reach their goals, was the main pain of the post-prison period of their lives for these men (Nugent & Schinkel in press). The complex impact of their CJSWers' inability to help them secure employment on their views of their supervision was best illustrated by Andy. Despite his good relationship with his CJSWer, who had helped him with many other issues, he ended up concluding that his parole was a kind of 'nothing', because there was no possibility of progression.

> I don't really even know about [being on parole], I don't even notice. . . . I mean it's just something that's sort of there in the background, you need to come and see John and that, but it just feels more like a routine thing, I mean it's nothing *constructive* (emphasis added). Well, it's a case of come, let's see you're alright, ask you if you're alright. Obviously, sometimes you'll try to say to them, hoping that they'll help, that's what I did before. That time when I was feeling pure bad before I came down and says to John 'I'm in a bad way, my head's just going mad again, I need some help' know what I mean, and he did help us, so that was good that way. I feel

> like I know John's there, so that's good, I know he's there. Whenever I needed to talk to somebody I know I could phone him. So that's good that way, but I think it just feels like it's more a routine sorta thing. They just do it just to do it, know what I mean, it's just a sort 'we need to check you in', so check in.

In this quote there is an obvious tension between Andy describing the relationship as helpful ('that was good', 'I feel like I know John's there') and his CJSWer as being genuinely supportive, and his assertion that probation is just a routine of 'we need to check you in', which supports a more managerial and controlling reading of parole. As Fitzgibbon et al. (in press) have found, aspects of supervision can be experienced ambivalently; as both positive and negative at the same time. Andy's descriptions of how his CJSWer has helped him are grounded in examples from his life ('when I was feeling pure bad'), whereas his more negative view seems to come from his frustration with the way his life has stalled.

> The thing that's really frustrating me the now is not being able to get a job and it's so, so annoying, so frustrating honestly it's just (.) it feels like everything's just wasted, every bit of my sentence, every effort I've made after it just, pffff, been a waste o' time that's what it's starting tae feel like. Pretty scary.

Here he focuses on the efforts made by himself to better his life, and how they were wasted, but his view of his future as scary is also clearly reflecting back on the efforts of his CJSWer, which have equally turned out to be useless in his eyes. In this way, the experience of these men on parole are surprisingly similar to those reported by Jefferson's respondents in Sierra Leone (this volume), whose experiences were characterised by 'lack laced with stigma' (243). For them, too, employment was necessary, both to provide an income and to avoid getting into further trouble, but seemed like an impossible goal. Despite the significant input from CJSWers, which was not on offer for the men in Sierra Leone, my respondents, too, felt the stigma of being an ex-prisoner keenly (although mostly in relation to employment, rather than in their

communities), and lacked the opportunities they needed to move towards a better life. Furthermore, they were moving towards a future in which the support of their CJSWers would also be lacking, leaving them to face the stigma alone.

Besides the inability to secure a job, the men's experiences of parole were also influenced by other events and ongoing pressures in their lives. Sanctions and supervision are never experienced in a vacuum, but as part of a life story that is impacted by the supervision and impacts on it in turn (Bereswill 2011; Farrall 2002; Schmidt 2016). Trauma and ongoing problems with drugs formed a backdrop of struggle for many of the men's experiences of parole.

> Well, within three months of me coming out the girl I was with died so. . . . [regretful laugh] I came home in the September and she died in the Christmas, so I felt as if I'm still getting punished by the big man upstairs but . . . it took me a wee while to bounce back, that way. But a lot of people would have crumbled and went back an easy route, but I just muddled through and I'm still here, that's the main thing at the end of the day I'm still here, I'm still doing it, I'm still free. (Tim)

It is notable that Tim, in this quote, describes the alternative of returning to crime as 'an easy route', whereas continuing to desist and abide by his licence conditions is obviously onerous, something that needs 'doing'—an active commitment, albeit one that he 'muddles through'. This perhaps best sums up the experience of these men on parole: a hard road to travel with precipices on all sides and a lack of clear way-markers to show them the way forward. Jack also commented on the difficulty of continuing down this road:

> As I says, it's not easy and.. . . . a scale of one to ten, it's only maybe two that manage tae get over that barrier of not going back to prison. Because like the last year I've been out and I've maybe been sitting in the house and I'm pissed off and I'm fed up with everything, can't get a job, you feel as if nothing's going right for you. I've had me sitting saying to myself 'I feel like being back in the jail the now'. (Jack)

Like Jack, many of the men spoke of prison with some nostalgia, because life there had been simple: progress was limited by the environment, meals were arranged, there were no bills, everyone who wanted a job had one and they were to some extent sheltered from events outside (see Schinkel 2014a). While the element of support that came with probation was usually appreciated, this also meant that the withdrawal of that support made the men look towards the future with trepidation. If they had not managed to fare well *with* support, how would they do without it? For example, Andy, whose contradictory views of parole were explored above, nevertheless said he was 'absolutely gutted' about it coming to an end soon because he had 'not even moved forward, really'.

Positives Revisited

It is worthwhile to compare experiences of parole to those of other forms of supervision in the community in Scotland to highlight the importance of some of the elements that were in place. The comparison here is based on life story interviews with 37 men and women who had served multiple short-term prison sentences (many of whom were interviewed in prison). One very striking difference between their descriptions of community sentences and the experiences of parole described above was their timing. Often, these people had received many community-based sentences, including probation, community service and Drug Treatment and Testing Orders (DTTOs). However, with the exception of DTTOs, these sentences had usually been imposed very early in their criminal careers. This tended to be the point when they were still enjoying offending, or were unconcerned with any consequences:

Connie: I got probation and that, but, I had probation and breached that. Erm . . . I got chances like . . . they gave us chances before I got jailed. Mm-hmm. Chance after chance, I just blew it.

MS: You just breached everything?

Connie: Uh-huh.

MS: And why was that?

Connie: Don't know. Because like, I was young and I didn't really care.

Later on in life, these men and women often *wanted* help, but were sent to prison for any further offending, as they had already exhausted community options in the eyes of sentencers.

> When they come to do your reports, they just say "Well, you won't be suitable for this, because you've missed appointments in the past . . . " and you're just sitting like . . . "Oh right. Just 'cos of ma previous, with missing appointments, I'm not allowed it." (Eilidh)

This meant that community disposals came at the wrong time in their lives. For others they might have worked, but for these people, who went on to become what is often called 'persistent offenders', early periods of parole or community service had not worked. After having exhausted their initial 'chances', courts seemed to become unresponsive to the changes in people's lives, including changes in their needs and motivation to desist. For example, I spoke to several women who stopped taking drugs and offending when they found themselves pregnant and managed to sustain a crime- and drug-free lifestyle for several years while their child was young (see also Sharpe 2015). Having social work contact from birth (due to their initial drug habit), though, meant that when they relapsed their child was taken away from them, with little or no hope of them being returned. To cope with their sense of failure and missing their child these women turned back to drugs and offending and were given further prison sentences because, like Eilidh above, they had already 'shown' that they would not comply with community disposals. The courts did not take into account that they had been much younger and in a different situation when they had failed to attend in the past. Meaningful support and supervision at this time in their lives might well have avoided a second phase of repeated imprisonment (on the difficulties of reintegration particular to women see also Dodge and Pogrebin 2001; McIvor et al. 2009; Uggen and Kruttschnitt 1998).

In contrast, being on licence after a long prison sentence meant that support in the community coincided with a period of change and motivation to desist. Despite the adverse effects of long-term imprisonment, including institutionalisation (although on this see

Hulley et al. in press), it carried enough significance in people's lives to make them want to change (see Schinkel 2015). As we saw from Ian's quote earlier, even those who were not committed to desistance as a goal while in prison recounted having done well on parole in the past. This meant that for almost all the men on parole, the support inherent in being on licence came *at the right time*. For those experiencing other forms of supervision, it almost never did. The exception to this, as noted above, were DTTOs. These tended to be given later on in people's criminal career and sometimes meant that they were able take a step towards desistance.

> MS: So it actually worked for you, the DTTO, to get you off the drugs.
> Sally: Yeah.
> MS: Why do you think that worked?
> Sally: In Aberdeen there was a lot of support, you done a lot of groups and one to one and just knowing that you were getting breathalysed, even with drink at the time, or you were getting a urine test to see if you were clean, it was just something that I thought "Right, I have to do this" and there was enough help there.

The other obvious difference between experiences of parole and other forms of community supervision, one that did affect DTTOs, was the quality of the relationship with the CJSWer. Notably, in contrast to the men on license, these interviewees never referred to any CJSWer by name. Except for a few exceptions, such as Sally, they were scathing about the support they received while on probation, community payback orders or DTTOs. Generally, appointments were described as follows:

> You're seeing somebody once a week, "Are you OK?" "Yeah, I'm fine." "Anything I can do for you?" "No." D'you know what I mean? How's that helping? Because you're just going to go out and do something else 'cos they're not helping you [sighs] it's crazy. It's crazy. (Michaela)

Unlike the men on parole, these men and women emphatically did *not* feel like their CJSWer 'was there' for them. Instead, they felt judged and

that their own views and needs were discounted, overshadowed by the professionals' conceptions of who they were and what they needed.

> I got DTTO once but I had never been on Methadone and as far as I was concerned, Methadone was, like, a bad thing, ken. . . . So I got 2 year order, right? DTTO. So I had done like maybe 16 month out of the 2 year and like I was going in and giving them clean samples and that, and they says to us about going on Methadone and I said I didn't want to go on Methadone, I wanted to go on like a blocker, Naltrexone and they says "oh, we don't do that, it costs too much, blah blah." and I said "Well I'm not going on Methadone." and they says "If you don't go on Methadone, we're going to breach you." So I had done all that work, right? Sixteen months I had been going in handing in cleans [urine samples], for them to hand me a habit . . . I got 2 year DTTO, done 16 month of it and then they breached us, and I went to the court and they gave us a 2 year sentence. (Alex)

Alex also described in the interview how a methadone prescription is an integral part of a DTTO, one of the hoops to jump though, and that she felt that the workers would consider a life-long methadone prescription a success, where she felt it was 'a habit', just like any other drug addiction. Her view was not taken into account (see also Malloch and McIvor 2011) and, as she said, she was breached and returned to prison for the same length of time as her original order, making her feel keenly that all her good work was discounted. These quotes are much more indicative of a managerial approach to supervision than those of the men on parole. This is likely to be because of different case management decisions for those on licence after committing an offence serious enough to warrant long-term imprisonment, and those given probation or another community disposal after much less serious offending. CJSWers will spend much more time with the former than the latter, because they will be assessed to pose a greater risk of serious offending (Scottish Government 2010). Greater support in the community might only be given *if* their offending escalates further, after a long-term prison sentence. Several of the men I interviewed on parole had also been 'persistent offenders' in the past, and not been greatly helped by the community sanctions before their most recent sentence. If their experience is anything to go on, by then they might

well receive meaningful help with drug and health issues, but struggle to leave behind the label of 'serious offender'.

That these experiences of community sanctions are so negative compared to those reported in other research (Durnescu et al. 2013; Farrall et al. 2014; King 2013; Malloch and McIvor 2011) might be due to the characteristics of this group of people and the timing of the interviews. By their own admission not good at attending appointments, offending frequently, with very chaotic lives and many breaches, they might be seen as 'troublesome' (Malloch and McIvor 2011, 330) and demanding of CJSWers time, which might mean that CJSWers are less likely to make a real effort in the little time they have available. Research focusing on experiences of community supervision would generally not include participants like these men and women, because only those who engage well with supervision are likely to participate in the extra contact that research participation involves. In addition, seeing past periods of supervision through the lens of further or later repeated imprisonment is likely to highlight the negative aspects of these 'failed' interventions.

Conclusion

This chapter has explored how nine men experienced parole in Scotland after long-term imprisonment. There were several reasons for optimism: they tended to have excellent relationships with their CJSWer, characterised by a feeling of being supported, a lack of judgement and mutual respect. In short, the men felt that their CJSWer was on their side. This combined with high levels of expressed commitment to desistance by these men, following their long-term imprisonment. Despite these positives, there were significant obstacles in their journeys away from offending, which caused their time on parole to be marked by struggle and a lack of progress. While institutionalisation and the perception of being under surveillance made the men isolated, their lack of progress towards finding employment meant that they saw this isolated state stretching out before them with no end in sight. Despite the men's desire to continue to travel the hard road of desistance and valuable support on offer from CJSWers, they were unable to secure new identities and

lives through work. Society-wide forces, including surplus unskilled labour, restrictive legislation on the need to disclose serious offences and a risk-averse attitude to employing those with convictions meant that motivation and support to change were not enough. This reflected back on the way they saw their parole: because their CJSWer had been unable to help them their efforts were discounted to some extent, but at the same time the men approached the end of their parole (and the cessation of support) with trepidation.

As has been noted, some of the findings reported here will have been influenced by selection effects. Some of the differences found between parole and community sanctions will be down to the fact that the parolees I interviewed were all male and had managed to remain on licence for some time, and were willing to take part in research, whereas the views of community sanctions came from male and female 'prolific offenders' for whom these orders had not worked. This is likely to have highlighted some of the most positive experiences of parole, and some of the most negative of probation and DTTOs. However, this makes the negative findings about the experiences of parole even more worrying. If 'successful' parolees who have a good relationship with their CJSWer are unable to move forward and establish new identities for themselves, then who manages to secure any measure of desistance beyond merely non-offending (for a fuller discussion see Nugent & Schinkel in press)? It is interesting that all the participants in both research projects tended to describe supervision in the community as support, and to evaluate it in those terms, rather than as punishment. Even though the men on parole felt their punishment was continuing beyond the prison, this was not because they were under supervision, but because they were being judged on their past offending by those in society at large, notably by prospective employers. Similarly, periods of probation or DTTOs were seen as unsuccessful when they did not lead to long-term positive changes; any pain inherent in these sanctions, such as the pain of being judged, or not having your own wishes and views taken into account, was seen as unhelpful. This is likely because all these participants had also experienced prison—a much more obviously punitive sanction, albeit one that many said they had enjoyed or, in the case of short-term imprisonment, actively chosen because it was preferable to life outside at times. This shows how

penal purposes can overlap or become obscured by the lives of those who undergo criminal punishment (see also Schinkel 2014b).

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Marguerite Schinkel is an ESRC Future Leaders Research Fellow at the University of Glasgow. Her research examines how the punished make sense of their sentence, in the context of their wider lives.

10

Exacerbating Deprivation: Trajectories of Confinement in Sierra Leone

Andrew M. Jefferson

> *Some people say they'll take their sons to prison for disciplinary*
> *action. Don't take your sons to prison…The cell is like a grave.*
> *When you are behind the door you are always behind the door. The*
> *slab is the door; there is no entrance, there is no exit.*
>
>   Interview with ex-prisoner, Freetown, Sierra Leone, May 2015

Introduction

'Don't take your sons to prison…' This is the advice of a former
prisoner that I choose as the opening to this chapter. He qualifies his
advice: 'When you are behind the door you are always behind the
door…there is no entrance, there is no exit.' At first glance the advice is
unequivocal: 'The cell is like a grave,' stay away, don't go there and
don't send your sons there. This is the clear message. But a more

A.M. Jefferson (✉)
Danish Institute Against Torture, Copenhagen, Denmark
e-mail: amj@dignityinstitute.dk

careful analysis opens up an interesting line of enquiry which helps to frame the themes of this chapter. The door of the cell which 'you are always behind' is actually not a door for 'there is no entrance, there is no exit'. He speaks, of course, metaphorically but with the advantage of having been there, of actually having literally entered and exited the cell and the prison. So, what we might ask, does he mean when he says there is no entrance and no exit? One plausible interpretation is that he alludes to the way that the experience of prison stays with the ex-prisoner. A period of incarceration may well come to an end but ultimately the prison is inescapable; it leaves its marks. And, we might add, especially so when lives are already constrained and opportunities to 'forge a future' are limited as this chapter shows.

This chapter illustrates the alarming truth of Halsey's claim that '*Incarceration is the medium for the exacerbation of deprivation rather than the means of deprivation per se'* (2007: 361). Drawing on material gathered through fieldwork among, and interviews with, ex-prisoners in the West African country Sierra Leone the chapter explores articulations of deprivation and the meanings attached to experiences of imprisonment and post-imprisonment. Analysis focuses on first-person perspectives on precarious lives lived under conditions where poverty is exorbitant, the state largely absent, and where suffering is best conceived of as a quality of life rather than a discrete, time-bound event. Attention is paid to continuities and discontinuities across life trajectories where prison can be understood as less an interruption or disruption of life than an imminent foreboding of life's fragility and death's inevitability.

The chapter explores how release from prison and post-prison life is experienced by people whose default life conditions are confining, whose possibilities to sustain a livelihood, to 'exercise existence' (Mbembe 2001), even to simply survive from one day to the next are already heavily curtailed, whose experience may best be characterized as 'stuck' or, when mobility is possible or forced, as simply 'traversing sites of confinement' (Jefferson 2010).

The interviews illuminate the pains of imprisonment and the pains of release in an understudied part of the world. The analysis suggests that prison and post-prison experience, in the context of Sierra Leone, can only be accurately understood if it is considered as part of a dystopian

process where deprivation is an inherent part of life in general. Prison is a difficult experience for most that compounds pre-existent difficulties and creates new ones. The struggle to survive from day to day in Sierra Leone through risk-fraught transactions and dependencies is magnified by, but not as distinct from prison experiences as one might imagine.

This explorative chapter is the first to consider the relationship between the pains of imprisonment and the pains of release in an African context. There is no shortage of literature on these topics in other jurisdictions (see for example Durnescu 2011; Durnescu and McNeil 2014; Haney 2003, 2006, 2012; Liebling and Maruna 2005; Liebling 2011). Indeed, since the pioneering work of Sykes (1958) and Goffman (1961), these have become classic themes of prison scholarship. But few studies have paid attention to the experiences of prisoners and ex-prisoners in Africa. What little literature there is on African prisons has focused mostly on prison staff, everyday governance and the translation of international norms and standards into local practice (Akoensi 2014; Ayete-Nyampong 2014; Jefferson and Martin 2014, 2016; Marcis 2014; Martin 2014a, 2014b; Morelle 2014). Work by Egelund (2014) on sex in prisons in Zambia and Gear (2005, 2009) on the same topic in South Africa resonates with the focus in this chapter on transactions and dependencies but with a focus on the prison, rather than post-prison experience. In contrast to some of the literature I chose not to categorise the pains of imprisonment and release as either psychological effects or social consequences (Haney 2003; Schnittker 2014; Schnittker and Massoglia in press) preferring a more integrative approach that addresses the exercise of existence as it unfolds in everyday practice where enduring struggles intersect constitutively with intimate identities. This is what Holland and Lave (2001) have called an orientation to 'history in person.'[1] In the account presented here this involves a particular focus on confining dynamics that seem to structure conditions of possibility for people in conflict with the law in Sierra Leone.

Part of the social scientific project is to develop new ways of thinking about old problems often through the creation of new vocabularies.

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[1] For a more thorough introduction to this orientation see Jefferson (2014) and for a lucid account of critical ethnographic practice and its related assumptions see Lave (2011).

The recent work of Crewe and others (Crewe 2011; Crew et al. 2014), taking point of departure in earlier work by Downes (1988) and King and McDermott (1995) has sought to rethink the 'weight' of imprisonment by proposing lightness and tightness as alternative metaphors through which to capture the sometimes subtle differences between prion regimes and prisoner experiences. In this chapter the argument is that the weight and tightness of the prison experience is associated with the temperature or heat of pre-existing and enduring deprivation.

The chapter is divided into six sections. I begin by introducing the country context and the carceral context at some length. Then I discuss the lack of post-prison provision—there is no supervision or aftercare provided by the state. Then I describe the methodology of the study on which the empirical part of the chapter is based before turning to a presentation of the ex-prisoners' perspectives. Three topics are covered: experiences of release and rejection; similarities and differences between life inside and outside prison; and perspectives on transactions and dependencies. The chapter closes with some cross-cutting discussion highlighting the refractive power of imprisonment to increase the heat of deprivation and the relative lack of distinction, in Sierra Leone, between life inside and outside prison. The point is not that life in prison is without pain, but that neither is life outside.

Introducing Sierra Leone and the Carceral Context

Sierra Leone is most renowned for the so-called rebel war throughout the nineties and the Ebola outbreak of 2014–2016. The interviews on which this chapter draws were conducted in Freetown, Sierra Leone at a time when the worst of the Ebola outbreak seemed to have been contained and I was back after a respite of over a year for meetings and activities with the human rights organisation *Prison Watch*[2].

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[2] The activities included visits to prisons, discussions of human rights and the politics of punishment with Parliamentarians, and interviews with ex-prisoners.

Sierra Leone is a country of around 7 million inhabitants (according to the newly-released preliminary results of the 2015 census, a growth of over 2 million since 2004). It is located in the Mano River region of West Africa and shares borders with Guinea to the north, Liberia to the south-east and the Atlantic Ocean to the west. According to the World Factbook[3] sixty percent of the population are under 24 years old; 70.2% are estimated to live below the poverty line (2004 estimate). Unemployment rates are not available but figures do reveal that almost half the work-age population are engaged in subsistence agriculture. Sierra Leone has the fifth highest maternal mortality rate and the eleventh highest infant mortality rate in the world. Independence from Britain was achieved in 1961. In political theory and policy discourse it is often labeled a 'fragile state' in an attempt to indicate the weakness of the state institutions, the exorbitant poverty, and the ongoing instability and struggle the country faces to move beyond the destruction of the eleven-year civil war (1991–2002). UN peacekeepers handed over responsibility for security to the Sierra Leonean military in 2005 but maintained a relatively strong presence in the country until March 2014 when the UN Integrated Peacebuilding Office in Sierra Leone (UNIPSIL) finally drew down.

Two national elections have been held since the end of the war, one in 2007, the other in 2012. In the 2007 elections the incumbent party and president were defeated and the Sierra Leone People's party (SLPP) handed over power to the All People's Congress (APC) who retained power in 2012. The next national elections are scheduled for 2017.

At the time of writing the correctional system includes seventeen Correctional Centres[4] incarcerating around 3000 people. The incarceration rate is 55/100,000 (World Prison Brief 2016). Detainees are

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[3] https://www.cia.gov/library/publications/the-world-factbook/geos/sl.html accessed 8th April 2016

[4] These are as follows: Western Area - Freetown Male and Freetown Female. Northern Province - Makeni, Port Loko, Magburaka, Mafanta, Kabala and Kambia. Southern Province - Bo, Pujehun, Moyamba, Mattru Jong and Bonthe. Eastern Province - Kenema Male, Kenema Female, Sefadu and Kailahun. In addition, in 2015 following the Ebola outbreak, the Correctional Services management established observation centres in Freetown to hold new inmates - remanded or convicted - for a period of twenty-one days quarantine before they were transferred to the Central Prison.

accused of crimes ranging from treason through homicide to larceny and loitering. Less than one third of detainees are convicted; the vast majority are male, though within the last few years two prisons for women have been established, one in Kenema in eastern Sierra Leone, the other in the former prison of the Special Court in Freetown. The largest prison is in the capital Freetown, colloquially known as Pademba Road Prison. When built capacity was 324. Today it typically houses over 1500 prisoners. There is a highly congested remand section but principles of classification are not strictly adhered to. The prisons are centrally administered by the Sierra Leone Correctional Service through a national HQ which falls under the Ministry of Internal Affairs.

The Correctional Service represents one part of a justice sector operating under severe infrastructural constraints, where the division between the executive and the judiciary is difficult to pinpoint, sentencing practices are haphazard[5] and trials subject to (political) interference. Given the limits of the Sierra Leone state generally it is not surprising that the justice sector is limited in its scope, efficiency and effectiveness. There are a number of civil society organisations who endeavor to hold the state accountable to its obligations, some of whom both criticize the regime and engage in humanitarian service delivery. A delegation (representing 15 civil society organizations) to the UN Human Rights Committee reviewing Sierra Leone in March 2014 raised three main concerns about the human rights situation in general and the prison sector in particular: the need for genuine (rather than cosmetic) justice sector reforms; the need to address the brutality of state security forces; and the strengthening of the funding base for the constitutional review process. In a press release (published on facebook), following this appearance before the UN, the Centre for Accountability and Rule of Law (CARL) wrote of the 'appalling prison conditions'. In their oral statement, submitted by CARL's executive director, they highlighted the weakness of the judiciary, its inability to 'deliver justice in a fair and expeditious manner' and 'a widening implementation gap in our laws'.

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[5] Sentencing and bail guidelines are under development with support from the international community / UNDP

The new Correctional Services Act passed by parliament on 7th June 2014 changed the name of Sierra Leone Prisons to Sierra Leone Correctional Services. The name change implies a discursive shift that is mirrored in the declarations of senior staff[6] that the service has begun a shift from a punitive to a correctional orientation. This shift will arguably remain more symbolic than substantive until a serious commitment of energy and resources is invested in the Correctional Services sector but even with resources outcomes are unpredictable. The new Act could have represented a much needed updating of the legislation governing 'correctional centres' but in fact it is more accurate to speak, so far, of a missed opportunity.

In recent years there have been signs of development and strengthening of vital infrastructures in the country. Freetown, the capital, has seen a huge building boom and expansion. But democratic gains and infrastructural progress are slow and the prisons sector has not been the government's first priority. Despite intensive, internationally supported and relatively well-funded interventions targeting the justice sector (though often in sharp competition with reforms targeting security actors i.e. the police and the military) the justice sector, including the corrections system, can still be characterized as weak, relatively neglected and underperforming.

The prison population is relatively small but growing. Its relative smallness is due in part to the limited scope and reach of the state in terms of law enforcement. Resources are concentrated in urban areas and much of the country's population solves its conflicts, both civil and criminal, through other means[7].

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[6] These comments were made at a workshop on the proposed new prison rules, facilitated by the author/DIGNITY (Danish Institute Against Torture) through PWSL and with support from UNDP and expert input from the Raoul Wallenberg Institute, Kenya Prisons Service and Ilvija Puce (DIGNITY; Committee for the Prevention of Torture).

[7] Community conflict resolution and sanctions are highly significant for the maintenance of order but they exist outside the formal criminal justice system and are beyond my area of expertise. They deserve more attention. International agencies seeking to reform the criminal justice sector as part of a state-strengthening exercise would do well to bear in mind that increasing prison capacity (space) can sometimes be counter-productive to the protection of rights. Investment in diversionary schemes and the alleviation and decriminalisation of poverty are potentially more sustainable and more just ways of strengthening the state than increasing capacity and expanding an already poorly resourced and undermanned correctional service. Having said that, some measures are necessary to alleviate overcrowding and ameliorate the exacerbation of deprivation that incarceration in Sierra Leone surely is.

A large proportion of the Sierra Leonean prison population are pre-trial prisoners. This is a common pattern across much of sub-Saharan Africa. As documented elsewhere (Jefferson 2012) the experiences of both pretrials and convicted prisoners are best characterised as plagued by prolonged uncertainty as they occupy a space of judicial limbo. Time on remand can be extensive even for minor infractions of the law. Court appearances are sporadic and progress in cases contingent on the presence (or quite often absence) of magistrates, judges, legal representation or witnesses. As in so many jurisdictions, the most poor and the most marginalized are overrepresented in the prison population. The prisons are arguably populated to a large degree by people who don't really need to be there, that is people accused of relatively minor crimes, such as frequenting (a local term for loitering, or being in the wrong place at the wrong time and subject to the predation of corrupt police officers). This is to say that ending up in prison in Sierra Leone can be an arbitrary process. If you dwell in a poor urban neighbourhood, and rely from day to day on hand to mouth hustling for your livelihood on the fringes of the informal economy there is always a risk of running into conflict that could end up with the local police being called and your incarceration. Apart from fines, prisons are the primary sentencing option available to the courts. While most conflicts, as mentioned, are dealt with via other means than the formal justice system at the same time, a trivial neighbourhood dispute can quickly escalate and once someone with few resources and limited network is caught up in the criminal justice apparatus it can be difficult to escape.

The vagaries and general dysfunctionality of the judicial infrastructure have many features: cases can be bumped or dropped if the right amount of cash is inserted in the 'brown envelope' basically at any stage in the process from the moment of arrest to the moment of sentencing; lack of fuel for court transport vehicles can mean endless delays in judicial processing; record keeping is poor and mostly manual resulting in doubts about court dates and release dates and sometimes prisoners 'overstaying'. Indeed, while judicial limbo is strongest for the awaiting trial population who can be left hanging for months or years, even convicted prisoners can live their lives in prison ignorant about when they will be released, or because of the general culture of arbitrariness not able to trust the information they are

given. If there is a contingent and arbitrary feature to prison entry and prison experience, there is a similar dynamic around release.

Post-Prison Provision

Prisoners in Sierra Leone are not always aware they are to be released so release can come as a (welcome) surprise. What they can be sure of is that they will receive little—read nothing—from the state, usually not even the travel allowance to which they are entitled. If travel allowances are provided it is often at the discretion of the Officer in Charge and, if they are to be believed, often out of their own pockets rather than from official coffers.

In general in sub-Saharan Africa there is relatively little by way of alternative to custody programmes, or after-care services for ex-prisoners[8]. In some African countries the notion of probation or after-care exists in legislation, for example in modernized Acts, but practice lags behind. This is the case in Sierra Leone. As mentioned, in 2014 a new Correctional Services Act was passed. This Act refers to parole and supervision orders but there are no such provisions in place. At the time of writing revisions of the correctional service rules are underway and a draft revision also refers to such provisions but little thought has been given to what this might entail in practice. Not unlike many institutional apparatus (in the North and the South) there are large gaps between legislation and practice. In the words of a senior officer from Sierra Leone, responding to a question about supervision orders 'it's in our books but not in our practice'. Policy is one thing,

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[8] In 2002 during ethnographic fieldwork in Nigerian prisons and staff training schools I attended a training course on after-care where my most dramatic observation was of the disparity between aspirations and the possibility of putting it into practice. I utilised the term 'imaginary reform' to describe the implementation of training for staff in principles and skills that it looked unlikely they would ever be able to implement. The 'cosmetic' aspects of this training resembled other cosmetic training exercises I analysed for example in human rights. Basically, the sponsors of training, whether it was western donors and local reform NGOs or the prison authorities themselves, failed to take local context and genuine constraints seriously. They assumed the problems they tried to rectify through training were problems of knowledge whereas a closer look revealed them to be problems of embedded historical practices, societal attitudes, resource constraints and political prioritization.

practice quite another. This should perhaps not surprise us. But for those interested in providing services that ameliorate the afflictive nature of imprisonment and make the transition from prison to life beyond prison survivable the gaps will be frustrating. At the same time there are some islets of innovation: the premises of the former Special Court for Sierra Leone (SCSL), for example, have recently begun to be used as accommodation for prisoners within 9 months of release in an attempt at establishing some form of pre-release provision.

So, in contrast to the majority of the contributions to this volume this chapter is not about community supervision services but about what it is like to traverse the prison boundary in the absence of such services be these oriented to control or support.

Having set the scene in some detail I turn now to introduce the methodology of our exploratory interviews.

Methodology

The empirical part of the chapter is based primarily on eight interviews conducted with former prisoners. These were conducted in May 2015 at the office of Prison Watch—Sierra Leone (PWSL) in central Freetown[9]. Interviewees were recruited through the personal connections and knowledge of neighbourhoods where ex-prisoners might be easily located of PWSL chief detention monitor Berthan Lamin Bangura. Not only did Berthan scout and scope in advance in search of possible interview subjects, he also followed up and facilitated the transport of most of the interviewees to the office.

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[9] PWSL are an indigenous, grass-roots NGO working to promote human rights and prevent torture and degrading treatment in places of detention. The style of their encounters with the prison authorities and their innovative approach to human rights promotion in prisons is documented in the comparative study *Human Rights in Prisons* (Jefferson and Gaborit 2015). Within the context of the research project on which that book is based a number of PWSL staff were trained in data collection techniques. PWSL's willingness to help recruit and interview former prisoners for the purposes of this chapter can be seen in the light of their commitment to knowledge generation and the positive relationship we developed over the years.

Our interview guide comprised a basic introduction including guarantees of anonymity and voluntariness, a section about the basic demographics of the interviewees and a section of more explorative open questions about life circumstances, trajectories and experiences following and during incarceration, beginning with discussions of their immediate feelings on release. The interviews were conducted by teams of two and were recorded. Some interviewees spoke English, some Krio. The interviewing teams comprised the author together with Thomas Kallay of PWSL and Liv Gaborit (research assistant at the Danish Institute Against Torture) together with Ahmed Jalloh (one interview) and Berthan Lamin Bangura (three interviews), both of PWSL.

Basic Demographics

The former prisoners—all men—had subtly different profiles each contributing to further understanding of the pains of imprisonment and the pains of release and the relationship between these.

The average age of the sample was twenty-nine years (range 21–50). Given that age in Sierra Leone is a social rather than chronological category (Christiansen et al. 2006) all except the 50 year old would be classified as youth in Sierra Leone and in some sense embodiments of the so-called 'crisis of youth'[10]. Only two out of the eight were born in the provinces. Most lived in Freetown when they were arrested and still live in Freetown today. All were incarcerated in Freetown's Central Prison. All four main cell blocks within the prison (Clarkson, Howard, Wilberforce and Blyden) are represented in the sample. Prison stays range from five months to three years four months (three over 2.5 years; the rest around one year or less). It is worth noting that these are not ex-prisoners who have served long sentences. Nevertheless, the interviews

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[10] The marginality of youth in political processes and social life in general has been cited as one of the original drivers of the rebel war in Sierra Leone (Richards, 1996; Truth and Reconciliation Commission, 2004). Despite economic progress and the appearance of democratic consolidation at the level of institutions and political processes the so-called crisis of youth is yet to be solved and grounds for disenchantment with the established order remain.

show that the prison left its mark. While five of the interviewees had been in prison only once, three of them had been incarcerated twice or three times.

The interviewees are reflecting on experiences that were more or less recent. Two of the interviewees were released just one month before the interview; three of them nine to eighteen months before; three of them around three years before. I have not considered what role length of time out of prison might play with regard to their memories and narratives. What is striking however, in this respect, is that while one might expect this to make a difference, the narratives are surprisingly similar.

The average age of our sample on first entry to prison was twenty-five (range 14–43). Six of the interviewees were unmarried when they were first imprisoned. One of those had a child. Two out of eight were married with children. At the time of the interview the two who were married were still married and four out of six were still unmarried; one of those had lost his wife, (whom he had met post-release) during child birth. Two out of six have children but are unmarried. In relation to occupational status three out of eight interviewees were engaged in irregular work, meaning they were hustling hand to mouth to scrape a living. One of them had two irregular sources of income—he dealt *djamba* (local term for marijuana) and served as security for his girlfriend who was a commercial sex worker. Another characterised the form of his hustling as basically a search for handouts. Another interviewee went back to dealing in scrap metal, his pre-prison occupation. Two others sought to survive through more or less regular casual manual labour as and when possible, for example hand-cart pulling, construction or street cleaning. And two had what we might conceive of as steady employment, one doing embroidering with support from the church and the oldest man in our sample having a job in the finance/banking sector.

It is no accident that the single older interviewee (age 50) who came from a different socioeconomic and professional background to the others was not collected and personally escorted to the interview but dutifully showed up at 2 o'clock on the basis of an appointment arranged that fitted with his work schedule.

Themes of Struggle

A number of common themes emerged from the accounts of the eight men confirming that life for those who circulate in the margins of society in prison and out in Sierra Leone is characterized by struggle and a more or less hand to mouth existence. Forging a life in what Berlant (2006) has termed 'zones of compromised ordinariness' can be a matter of life and death.

In what follows the presentation and analysis of the material is structured around three central topics. Firstly, release and the experience of post-prison stigmatization. Secondly, trajectories through deprivation comparing life inside and outside prison. And thirdly, perspectives on transactions and dependencies as key features of life inside and outside prison.

From Relief to Rejection: Perspectives on Release and Stigma

This section explores how initial relief gave way relatively quickly to the harsh realities of rejection and lack of opportunity. Perhaps not surprisingly, all the interviewees were glad to exit the prison and used terms like 'joy', 'happiness', and 'remarkable' to express their feelings as well as some quite graphic metaphors. In the words of one it was 'just like getting a visa to America'. Another said that walking out of the gates on release was like being subject to a 'breath of fresh air from civilised society.'

Another spoke of the pleasure he felt at once more having the chance to maintain himself; he had regained his independence, his autonomy. He did not celebrate, but he did feel joy. But he was sorry and discomforted that his former school mates had moved ahead while he languished in the prison. He was now behind. His trajectory had been disrupted. It is a truism that time matters to prisoners, but nevertheless a truism also backed up by this data from Sierra Leone. One of the interviewees described, for example, how on release he 'celebrated by sleeping *at my own time*, waking *at my own time*, eating *at my own time*, everything *at my own time*'. His joy at being once more in control of his time is unmistakable.

As already mentioned, according to the prison rules prisoners are eligible for a transport allowance on release. None of the interviewees reported receiving one. One reported being given no allowance and having all the things he brought into the prison withheld. He left 'with only the shirt on his back'. Another mentioned ironically that rather than giving him a travel allowance the prison officers asked him for money as he was being released and kept many of his purchased items and possessions.

There was some variation in perceived possibilities after prison but the majority expressed the view that life would be an ongoing struggle. Only the banker and a man who 'fell in love with God' in prison saw release as an opportunity 'to forge ahead with my future', as the latter repeatedly put it. Others were more likely to express small hopes that 'being free I can fend for myself and make a life'. While the banker and the convert could see a future towards which to aspire either because they had discovered some meaning in life (God) and a frame within which to orient himself (the church), or a job, the more prevalent orientation was towards a life of perpetual and uphill struggle where life would be 'just suffering, suffering, suffering'. And even the convert recognized that he was starting afresh, beginning over, having 'lost everything'.

What about after release? What was life like once the initial relief and joy of exiting the gate had passed? In one word, the answer is lack, but for the ex-prisoners in this study this was a lack laced with stigma. Five of the interviewees referred directly to the stigma attached to their status as either ex-prisoners or presumed criminals. While all of them were welcomed back by family (if they had such) they faced intimidation, abuse and ostracisation within their local neighbourhoods. They felt branded as thieves or bad elements. One interviewee spoke of how people sought 'to take advantage' of him. Another told how in school he experienced resentment and a sense that he was expected to go back to prison. Another reported how people shouted after him that he's a 'jail bird' who's 'been screwed in the ass'. Another explained how, because of dominant perceptions of him and his friends as thieves and rogues, that if good things came to the community they were not encouraged or involved; they were seen as undeserving of community

benefits. The vicious cycle of deprivation was perpetuated (see again Haney 2003; Schnittker and Massoglia in press).

Turning to the topic of post-prison supervision the overwhelmingly dominant sentiment within the interviews when it comes to what government could do to address some of the problems ex-prisoners experience was that vocational training, skills training, jobs, an occupation would be the most useful provision. Being occupied with steady employment would minimize time available to act 'subversively' while also providing an income thus discouraging crimes related to hustling for basic necessities. Only one interviewee suggested that perhaps government could specifically assist in helping prisoners on release to find a place to live or establish themselves after prison bemoaning the indifference of the government: 'There is no government support; they don't care, they don't care at all. That's the most terrible part…that's why some of them get involved in crimes again because there is no support, no support from government.' No-one mentioned the idea of community supervision after release. It is not a familiar concept or practice. When asked explicitly whether it might be a good idea for government to keep an eye on people after release one interviewee replied that it is 'not necessary to keep an eye on people who have no business against government'.

Having considered the joy of release and the pain of rejection and lack of opportunity I turn now to consider further some of the similarities and differences between life inside and outside prison.

Trajectories Through Deprivation—Comparing Life Inside and Outside Prison

While deprivation featured in both the prisons and the poor urban neighbourhoods it varied in degree. In this section I propose the term 'heat' as a way of thinking about varying degrees of deprivation in and outside prison. Despite the rejection experienced in local neighbourhoods ex-prisoners were unequivocal about the fact that to be free was better than to be incarcerated. Prison life was described as monotonous—as time spent 'sleeping, getting up, sleeping.' Interviewees emphasised the

difference of life after prison by referring to the control they had got back over their own lives, especially their own movement:

> Life is different outside, far better…Whatever I do now I move whenever I want to. In prison (you are) confined and determined by others. Outside I determine movement. It's liberty that matters most.
>
> In prison I'm not free to do what I want to do, everything is by time, (if I) want to eat it is by time…you can't wash the way you want, eat the way you want, can't sleep the way you want…they lock and unlock you, they restrict you, you are not free…you are restricted in everything…but outside I am free to do what I want to do.
>
> Outside the walls you are sure of your freedom, association, movement from this point to this point; inside you are dependent on people.
>
> (3 different interviews)

They were also fairly adamant about their desire not to go back. One exhibited an almost visceral disgust at the idea of going back inside, even to visit his brother—'I don't want to go near that prison again'. Instead he would go to the court when his brother appeared there to meet with him. 'Why would anyone choose to go back to that place where there is lack of freedom, food, water?', he asked. He echoed the point made by another interviewee that outside at least 'there are some small things to do. When tied up nobody cares for you.' Another interviewee who spoke about how before he used to fight, be vulgar and disrespectful and how his experience in prison had taught him a lesson, said 'I wouldn't wish my own enemy to go into that place'. In contrast, however, one somewhat exceptional interviewee told how finding God in prison had changed his life and left him feeling grateful for the prison experience:

> 'In prison I fell in love with God.…I was very grateful of going to prison because I learned a lot…Life has really changed after prison; my experience helped me to change for the better.…Difficult times made me stronger. I was in prison for a purpose. The good and bad part makes me stronger outside.'

On release he had been embraced by and embraced in turn a new social support network in the form of a local church. A more somber set of

circumstances faced one of the other interviewees who expressed his distaste for the prison alongside a confession that his life of hustling and his struggle to survive meant he was at constant risk of returning despite his overwhelming desire not to and his shift from one circle of friends to another. He had changed 'camp' but he still could not escape being perceived of as one of the 'bad boys'. He did not want to go back to prison but the temptation was great because he needed to satisfy basic needs. Like many young and marginal people he was part of the lumpen youth who are available for a price to solve richer people's problems. The issue that landed him in prison was such an issue. Along with ten others he was hired to deal with a land dispute, by demolishing a building. He described how for the sum of 350000 Le (around 60 GBP) to be divided between ten of them he happily did the job. Three were arrested. He did it for money to meet basic needs and he anticipated that his current circumstances could lead to similar actions with potentially similar outcomes. A job, he said, would make all the difference. Without a job he could not take care of his daughter. This young man was both dependent and had a dependent, and added to the tragedy of his circumstances, the mother of the child had died in childbirth while he was in prison and he was convinced she would not have died if he had not been in prison. Compared to before prison, 'life is much worse cos I have a kid who calls me Papa for whom I have to provide.' He saw life in prison and life outside as more or less the same. There were few opportunities and few sources of support.

Offering a slightly different perspective, the elder man we interviewed described the world of inside and outside as 'different worlds' and talked of how he witnessed that some people were not able to cope with prison life. He spoke of 'high caliber people with good mental faculties… snapping…thinking thinking thinking…not being able to come to terms with the sentence and experience of imprisonment'. He told how he resisted this way of thinking preferring to see it as simply a matter of time: '40 months as like 40 days'. But he keenly felt his time in prison as wasted time, an experience of life put on hold.

In one interview we persisted with questions about whether life outside was really better than life inside, pursuing the idea that under conditions of immense poverty and deprivation life inside and outside bear a stark resemblance to one another. The response was quite

revealing: 'all the bad things outside are inside too'. Thus prison *is* an additional burden. Release may well be a shift from one site of confinement to another and this may well be a way of thinking that draws important attention to the existential aspects of confinement and the less than sharp boundaries between before, during and after prison. But the fences and walls, the control, the discretionary power of staff (and some prisoners) did make the prison experience stand out as qualitatively worse. Just because one is confined inside and out does not mean that inside and out are equivalent. This is an important point suggesting as it does the value of fine-grained, nuanced accounts of different confining sites (ghettos, prisons, re-education camps, migrant detention centres and so on) and cautioning against any easy claims to homology based on similar surface characteristics.

Considering the above perspectives has led me to speculate about whether thinking of the variation in levels of deprivation in play inside and outside the prison might be usefully thought of using the metaphor of heat. Some sites of confinement are hotter than others and burn more severely.

Transactions and Dependencies

So far we have considered interviewees' perspectives on release, rejection and the comparative experience of living a deprived life—characterized by relative scarcity of opportunity—outside and inside the prison. In this third section we explore how risk-fraught dependencies and transactions are integral to such circumstances.

Dependency is an important theme linking the worlds of inside and outside the prison. The demand for employment presented earlier can be understood with reference to the very tenuous sources of income and resultant dependencies of the ex-prisoners in their communities and neighbourhoods. On the outside people on the margins are dependent on family, or senior people; if they have children or spouses they felt very heavily the burden of having dependents. The rather desperate young man who supported his girlfriend by providing security for her sex work that likely helped sustain both their existences said he did 'not have the

upper hand'. The theme of 'no alternatives' was dominant in his narrative. As we talked I noted his reserved stance and the scars on his arms, shoulders and face. He looked like he had been in the wars.

Another described how he was dependent on handouts (5, 10, 20000 Leones) from members of the community in order to provide for his wife and child. He did not understand why work was not available and did not really think the difficulty finding work had anything to do with his imprisonment. It was simply a condition of his compromised life circumstances. In the absence of work he and his friends 'just hang out at the hideout, we don't do anything, just hang out, smoke, and drink just to forget'.

While some talked about the dependencies of life before and after prison most talk of dependencies was related to experiences in prison. Even given the interviews' focus on post-prison life it was as if experiences inside were the most vivid and the most in need of sharing. In prison, they were dependent and coerced into transactions in a more highly charged and more threatening fashion. In the following section, as well as illustrating risky dependencies some insights are provided about the relational dynamics of prisons in Sierra Leone where dormitory accommodation is the norm and congestion is not exceptional.

One interviewee described how he was the 'smallest boy in the block, very junior' and was therefore set to cleaning the toilets. Life became even more difficult when his senior guy left. He sold his 'decent bedspace and blanket' and occupied the bare floor instead. He described, somewhat ambiguously, how he 'made himself available'. He went on to tell how he received no visits and no outside supplement to his diet and then stated that juniors were used sexually by seniors, both anally and orally, in exchange for food. Having positioned himself, by his narrative, as vulnerable to such advances he told how despite advances being made he resisted.

The pains of imprisonment were enhanced by congested cells containing up to ten people forced to sleep sideways, top to toe. An interviewee described how

'you can be supplied with a blanket but even if you are it will likely be almost worn out. So you spread your shirt on the bare floor…Prisoners really suffer inside. Redbands, house captain etc. are killers…They take part of the other prisoners' entitlement. Seniors eat well. Inside it's everyman for himself'.

His girlfriend would visit weekly and then he could share his prison diet with someone else. He emphasised the abuse by the prisoner leaders who he claimed were responsible for some of the problems of the prison. 'Sodomy', he told, is also responsible for deaths in prison: 'those who fall victim are those who cannot resist hunger'[11].

Another interviewee spoke further of the exploitative hierarchy between prisoners. He was paid a small amount (500 Leones) by a senior prisoner for cleaning the toilet. He had no position in the hierarchy implying he was near the bottom and he spoke of a 'dependent friendship' based on food. Our older interviewee again distinguished himself from the others saying that 'for me prison was not as difficult as for others. For others it was more hazardous'. This was, in his view, especially so for those with no outside support. Unlike others, he had no 'senior man'. He told how he did his best to help others, even assisting officers with their pastoral studies. We can only speculate about what such assistance might 'earn'.

Relationships in prisons can be hazardous in different ways. For example, he was looked up to by a prisoner who broke out of prison and he reflected about the trouble he might have gotten in if he had got wind of the escape plan and reported it: he would have 'put himself in a big mess, where lives would have been at stake'. At the same time, he explained how one must 'be cautious not to be accused of concealing to avoid getting into trouble with officers…I smelled a rat…but it was not my concern.' Surviving prisons involves balancing one's relationships with both prisoners and prison staff in a sometimes highly charged and unpredictable environment. He explained that you can never know who to trust in prison.

Another interviewee who was supported in prison only by his father described how working in the kitchen had certain benefits. For example, the rice that sticks at the bottom of the cauldrons/vats could be scraped and sold for a very small price (max 500Le)—not even the price of an orange but in prison enough to buy cigarettes, or water to bathe in during the dry season. He formed a kind of cooperative with four friends. They shared their allocated portions of bread and tea in turn. Someone else described how he had lost trust in his friends and had no

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[11] For more on sexual transactions in African prisons see Egelund (2014) and Gear (2005, 2009).

confidence in them and, having been let down, did not seek to make friends in prison. But he was able to access a phone with which he could talk to his sister. The phone doubled as an income generating device when he rented it out to other prisoners. Such transactions are a means of survival. For many the survival stakes were high. Conditions were such that this was not just about coping but about sustaining life. One ex-prisoner who was supported by his parents and friends while in prison described how high the survival stakes could be: 'the food that should sustain you will help you to die; if no one can visit you will die because the provision is not good…if you are not helped by people outside you will die, seriously.' He was also sustained by his relationships with the prison church and his Christian brothers.

Discussion: The Refractive Power of Prison

The purpose of the interviews presented above was to consider post-prison life in the light of prison life and the constrained circumstances of life in general in Sierra Leone for those on the margins of society. The term post-prison life implies an integral connection between temporality and experience. Such a connection is also implied by the material presented in this chapter. Prison marks its occupants in different but similar ways. It acts on space (opportunities for movement), time and relationships. It compounds problems that are already endemic to life. For most occupants of marginal positions in society the prison represents a continuation and aggravation of already existing deprivations that leaves them worse off afterwards. Deprivation is exacerbated in prison and by prison.

Those interviewed for this explorative study were not wracked by ontological insecurity like those ex-political prisoners I followed and got to know ethnographically in Sierra Leone in 2006 (Jefferson 2010). They faced different problems. In the earlier case, release was not experienced as freedom but as merely a move from one site of confinement to another[12].

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[12] I have heard this mantra repeated multiple times in a range of contexts across the global south since I wrote that article.

This difference may be explained by the fact that the subjects of the current study are a less politicised and more atomized group of ex-prisoners. To my knowledge none of them are nationally renowned or notorious, though their cases may have featured in passing in national newspapers. Or it may be due to the fact they all served relatively short sentences compared with the 6 years served by the ex-combatants. In addition, the world they were entering after prison was not as radically different as for the ex-combatants who had been arrested before peace was declared and released into a post-war world where political fault lines and their position in relation to them were unclear. In many respects, for most of those contributing to the current study, the post-prison world was only too familiar.

The fragmentary narratives presented above resonate with many of the well-known themes expressed in studies of the pains of imprisonment and the pains of release. What is perhaps surprising to the reader of studies that feature mainly western contexts is the relatively matter of fact manner in which quite extreme circumstances and dire needs are articulated. Deprivation is taken for granted. In Sierra Leone it is a default condition. The interviewees do not tell spectacular stories but simple accounts of lives that are ordinary though compromised.

The interviews demonstrate the ways in which the heat of deprivation is regulated through often risky transactions and burdensome dependencies. Deprivation, dependencies and potentially exploitative transactions are inter-related aspects of social life in Sierra Leone that the prison magnifies. This is to say the experience of carceral confinement exaggerates—and perhaps consolidates—already existing dynamics decreasing social status and reducing possibilities even further. Prison is not a unique experience but an enhanced experience. It is as if the prison walls somehow refract and thus increase the 'heat' of deprivation. The exact mechanisms of this magnification could be the subject of further research.

Conclusion

This chapter has explored how the weight and depth of the prison experience is associated with the temperature or heat of pre-existing and enduring deprivation. What is clear is that the prison is not the first point

of contact with deprivation for those who find themselves incarcerated in Sierra Leone. Neither is it the last. Neither do the deprivations of prison appear particularly novel. Rather than being a radically different experience, imprisonment features an intensification of pre-existing deprivations. The 'heat', as it were, is turned up. Granted it disrupts trajectories and it features a curtailment of the opportunity to move and govern time autonomously but this is in line with the minimalist claim that prison is a place where the prisoner is deprived of their liberty. The fact that it implies the need for dubious transactions and often exploitative dependencies is something it shares with life outside, albeit to a lesser degree.

In the introduction to this chapter I wrote of how prisoners in Sierra Leone languish in a state of judicial limbo. This term captures an in-between state, a suspension in time borne out of never quite knowing where they stand or what might happen next, a deprivation of an imagined future. This sense of uncertainty about the future is a central element of being incarcerated in Sierra Leone. Surviving prison can be a matter of life and death. But this sense of uncertainty and potentially fatal consequence also infuse everyday existence outside prison. What is implied here is that any sharp distinction that might be posited between prison and society in Sierra Leone would be a misconception. The distinctions between experiential life inside and outside are a matter of degree. This is not to downplay in any way the very real pains of imprisonment. It is rather to play up the levels of deprivation that those potentially facing imprisonment in Sierra Leone face on a daily basis. As I have argued elsewhere confinement can be usefully conceptualized as site, practice and state of mind and the confining experiences of prisons and poverty are comparable (Jefferson 2013). The implication of this for prisons research and in particular for research concerned with transitions between prison and society is that a longitudinal, life trajectories approach that takes seriously life circumstances and experiences both before, during and after incarceration would be valuable (as advocated by Grounds and Jamieson 2003). Further, Bandyopadhyay (2010) has suggested that pre-prison experience mediates the prison experience in important ways. A life trajectories approach would involve paying attention to such experiences and to their significance for the constitution of intimate identities always already involved in enduring struggles.

Finally, this chapter has emphasized the lack of state provision for people exiting prison. But this must be understood against the backdrop of little to no state provision for anybody for anything. Sierra Leone is not a welfare state and reformers hoping to ameliorate the strains of prisoner transition must keep this reality in mind. Decarceration and the pursuit of genuine alternatives to imprisonment for people in conflict with the law are likely the smartest places to prioritise advocacy initiatives. The pains of imprisonment and the pains of release can best be ameliorated by inhibiting entry in the first place. In a setting where it is clear that the criminalization of poverty and marginal existence is a key driver of overpopulated prisons this would seem obvious. Nevertheless, little attention is paid politically or in policy circles to this theme.

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Andrew M. Jefferson is senior researcher at DIGNITY—Danish Institute Against Torture. He specializes in the ethnographic study of prisons and prison reform practices in Africa and Asia and is currently engaged in a long-term research project on legacies of detention in Myanmar that promises to shed light on contested processes of state formation and relations between confine-ment and subjectivity.

11

Routes to Freedom: Romanian and Roma Prisoners Finding their Way Back into the Romanian Society

Ioan Durnescu, Andrada Istrate, Cristina Teoroc, Elena Pitiu and Lucian Rotariu

Introduction

This chapter has a specific focus, namely to trace the differences between the ways Romanian and Roma inmates experience and recount the first three months after prison release. Although there are points of convergence between how these two groups mobilize resources and strategies in the reentry project, we argue that there are significant differences in their trajectories. As we were able to observe and document, reentry is a collective project that starts (or should start) prior to release. The broader families' role is essential, differing for the two groups in terms of structure and engagement. Since Roma participants usually return to large families and reference denser

I. Durnescu (✉)
Faculty of Sociology, University of Bucharest, Bucharest, Romania
e-mail: idurnescu@gmail.com

A. Istrate · C. Teoroc · E. Pitiu · L. Rotariu
University of Bucharest, Bucharest, Romania

networks of support, their families appear to be more invested in the reentry project, sometimes acting as a source of *moral pressure* for the newly released. For Romanian participants reentry is a lonelier journey: they seem more affected by courtesy stigma (Goffman 1963), thus making release a *private affair*, celebrated, transited, and overcome behind closed doors. This analysis takes into account several important dimensions such as the attitude to crime and offenders, forms of support, sources of solidarity, relevant structures, available opportunities, places of residence and occupational strategies, as well as how their importance and visibility fluctuates in different moments of former inmates' reentry paths. Some of these dimensions are based on previous literature (see Calverley 2013), while others are created based on our own observations and analysis. Throughout this chapter, we show that successful reentry is not only the result of ambition and personal motivation, but also involves the interplay of a complex web of institutions and structural arrangements such as the family, the existence of a strong network of support, as well as more visible state institutions.

This chapter is divided into five sections. In the first part of this chapter, we take into account various authors who deal with the complex issue of ethnicity and reentry. The second and third parts deal with the context and methodology used to collect and interpret data, and are followed by findings and data analysis. The main themes analyzed here center around how inmates talk about imprisonment, imagine and interpret release before it happens, how they define themselves, as well as how they evaluate their expectations, plans, and optimism for successful reentry, before release and three months after. At the same time, we emphasize how former inmates deal (or do not deal) with the state, their routines, the problems they encounter during the first three months after release as well as how they find solutions for their problems. The last part of this chapter is dedicated to a discussion of the policy implications of these findings.

Literature Review

Literature is rich in demonstrating that different groups of prisoners experience reentry in a different way. Rand (1987) in the US showed that the so-called 'marriage effect' was not so important as a desistance

factor among non-Whites as for Whites. For instance, 84% of Whites committed no offence after marriage while 42% of non-Whites undertook the same route. The same kind of differences between Whites and non-Whites were noted in the impact of gang affiliation and the level of education. Although it was not clear how the non-Whites group was defined and no explanations were advanced as to the underlining mechanisms that generate different responses from these two groups, Rand's study is very important in stressing that different ethnic groups may react differently to different stimuli.

The same conclusion was also emphasised by Nielsen (1999) who measured the differences between ethnic groups in alcohol consumption. She discovered that although Whites drank more, this declines with age, while African and Hispanic people did not age out. As unemployment increased drunkenness, African-American people who were usually more affected by unemployment, were more likely to have alcohol-related problems. The same goes with marriage: marriage reduced drunkenness among Whites and Hispanics, but had no impact on African-Americans.

More recently, Calverley (2013) demonstrated how ethnicity is an essential interactive factor that generates differences. When comparing Indians, Bangladeshis, Blacks and those with dual heritage, he observed significant differences in terms of attitude towards crime and criminals and also in terms of pathways to desistance. Indians, for instance, benefit from the love and support of their families. These families use their financial and social resources to encourage reform and social success for their members. Managing reputation seems to be an important concern for these communities. This supporting attitude is prevalent more or less also among the Bangladeshis. Bangladeshis families also display an attitude of forgiveness towards their desisting kin and send the message that regardless of their criminal past, they will still be involved in their lives, fostering hope and agency in the desisters to be. Although their families in formation experience a weak position due to the lack of social resources, once offenders decide to desist, they feel a sense of obligation not to fail again towards their families.

The desistance process for the Black and the dual heritage respondents was a much lonelier journey. Their families were either absent or lacking

the social capital needed to provide support to employment or other opportunities. Therefore, the process was dominated by individual efforts to improve themselves: voluntary work, vocational training, 'pumping iron' in the gym and so on. Blacks and dual heritage participants were more likely than other groups to experience roles such as 'professional Ex' as exit strategies.

Other authors departed from the life course approach and took a more ecological approach in order to demonstrate that some of these differences might be explained by differential access to legitimate opportunities or 'turning points'. Indeed, Black and sometimes Asian minorities tend to live in socially deprived areas where access to employment and good social services is problematic. For example, Mann et al. (2013) compared blacks, whites, Hispanics and 'others' and found that black ex-inmates needed more support than others in terms of education, family counselling and vocational training. Therefore, desistance process needs to be placed in the complex ecological, personal and cultural context (McNulty and Bellair 2003; Piquero et al. 2002). An interesting example in this direction is provided by Stepteau-Watson et al. (2014) who call for an 'Afrocentric cultural approach' that treats individuals from this group as part of their larger family and community contexts. They argue that one size fits all approach should not be recommended in the correctional services.

Most of these studies were conducted in Western Europe or the US. Moreover, they were focused on Black, dual heritage, Hispanic, Indians or Bangladeshis. There is no study available regarding how Roma or Gypsy groups experience reentry or desistance. Little is known about these groups although their involvement with criminal justice was recognized. Durnescu et al. (2002), for instance, discovered that although Roma represent less than 10% of the Romanian population they count for about 17% in the adult prison population and about 40% in the reeducation centres for juveniles.

This chapter tries to fill this gap in knowledge regarding how these groups experience reentry. By reentry we mean the transition of offenders from prison to the community. As the new provisions regarding conditional release are not yet applicable in Romania, all prisoners,

including those conditionally released, are not subject to any form of criminal justice supervision. That does not mean that the society or those close to them do not informally oversee them. As we shall demonstrate, especially in some Roma families, this community supervision is an important feature of return process.[1]

Context

Romania hosts a variety of minority groups, out of which, according to the 2011 Census results, the most numerous are Hungarians (6.5%), Roma (3.3%), Ukrainians (0.2%), and Germans (0.2%). However, assessing an accurate proportion of Roma people in the national population is a more complex issue, as Roma people are more reluctant to self-identify as belonging to this minority group (Rughiniş 2010). At the same time, the number of Roma in Romania varies depending on who counts. The 2011 Census counted 621.573 (1.27%) Roma people while various NGOs dealing with Roma issues approximate numbers reaching upwards 3.5 million.

In February 2014 a new Penal Code entered into force that made some significant changes to the sentencing options and also in the conditional release. According to this Penal Code, those inmates who are conditionally released and have at least two years remaining of their sentence, will automatically come under the supervision of the probation service. As this provision is not yet applicable, the only obligation of our participants on conditional release is not to commit further crimes during the release time. Therefore, although they are technically under conditional release there is no formal state control on our participants.

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[1] The reason we use the plural for the Roma or Gypsy group is because in this research we use the definition of the Council of Europe[1] that covers Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and a wide diversity of the groups concerned, including persons who identify themselves as Gypsies. Therefore, we acknowledge that even within the Roma or Gypsy ethnic group there is a wide variety of families or cultural traditions. We will develop this topic more in the next section.

Methodology

Departing from the findings of "The Ethnography of Prisoner Transitions" study, this chapter focuses on comparing the subjective understandings of Romanian and Roma participants recruited in Bucuresti-Jilava Prison, Romania.[2] The research aims at developing an advanced understanding of the reentry process from the subjective perspective of the prisoners themselves. The processes, interactions, meanings and conflicts involved in re-entry are examined from the ex-prisoner's point of view. The methodology is based on an ethnographic design where researchers 'immersed' themselves into the life spaces of the prisoners. The main research methods used are observation, in-depth interviews, scales, and photography. In order to obtain a variety of profiles, the researchers used a purposive sampling method, more precisely, the maximum variation method as described in Patton (1990), following variables such as: ethnicity, length of the sentence, age, recidivism, residence, level of education, marital status, and support received in prison from the outside world (visited, not visited, frequency of the visits). In the end, we recruited 60 participants out of whom 30 are Romanians, 26 are Roma and 4 foreign national prisoners.

The ethnic origin of the participants was determined through self-identification assisted by a questionnaire that focused on different cultural features for the last three generations. At the end of the questionnaire, participants were asked about their ethnicity. In most cases, those who described cultural features typical for Roma (e.g. speaking Romani language, undertaking some traditional occupations etc.) stated Roma as their ethnicity. During the first stage of the recruitment process, we informed inmates regarding the study. After presenting the study and answering all the questions addressed by the inmates (role, implications,

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[2] Bucharest-Jilava Prison is one of the oldest prisons in Romania. Established in 1907, the prison is situated 5 km from Bucharest and hosts on average 1400 prisoners. Most of the prisoners are sentenced for theft (373 inmates in 2015), robbery (221 inmates in 2015), drug related crimes (204 inmates in 2015) and so on. The structure of crimes follows in general the structure of crimes at the national level, except maybe the high proportion of drug related crimes, which are more prevalent around Bucharest city.

confidentiality, what`s in it for us, purpose) they completed a questionnaire that assessed family background and ethnicity.

Each member of the research team conducted interviews with inmates before and after release. After release, we followed and documented participants' lives from their first day out, and periodically, one week, one month, three months, six months, and one year after release. After each visit, we wrote field notes in a common research diary. All interviews and picture-based discussions were recorded and transcribed verbatim.

Data analysis was based on the grounded theory methodology as described in Strauss and Corbin (1990) and Gobo (2008). In the deconstruction stage, each researcher was asked to code using the interview protocol as a 'check list'. A theme was considered as a code if it was found in at least two interviews with two different informants.

Findings

This section will describe in detail how Roma and Romanians experience and understand reentry. Although there are points of convergence between how these two groups mobilize resources and strategies in the reentry project, we argue that there are significant differences in Roma and Romanians' reentry trajectories. Following Rogers Brubaker (2004: 8), we acknowledge that ethnic groups are "not internally homogenous, externally bounded groups, unitary collective actors with common purposes." Therefore, we admit that there is a great diversity of individuals and situations in both groups. However, without over-generalizing, we focus on what seems to be very different or similar between these two groups.

Before Release

Our interrogation into the social worlds of reentry started with recruiting and interviewing inmates in prison. The main themes of these conversations centred around how prison experience is understood and recounted, how inmates imagine and interpret release before it happens,

how they define themselves, and how they evaluate their expectations, plans, and optimism for successful reentry.

As observed so far, the consequences of imprisonment go beyond the boundaries circumscribed by ethnicity, as both Romanians and Roma participants speak in similar terms about their experiences. Many of them characterized incarceration as a loss, either of time, health, status, job, but most importantly (or experienced as the most painful) of a partner, generically termed as losing the family. Incarceration, especially for younger inmates, may lead to the disintegration of the nuclear family, as some of them had already gone through divorce or separation, or were fighting battles for child custody. Nevertheless, prisoners talk highly (to the point of idealization) about their families, which are represented as probably the most important source of support during their sentences[3]. This is not surprising since much of the weight of incarceration is placed on the family, as good family ties can make life easier in prison. Having a family to support the inmate throughout incarceration is a criterion of differentiation in the prison order, as those with weak to no family bonds are situated towards the bottom of the hierarchy. Receiving packages, foodstuffs, money, telephone calls, increasing the chances of conditional release, and being visited all help to embed prisoners in the prison hierarchy[4].

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[3] While serving the sentence the inmates are entitled to receive up to five visits a month, according to the regime of incarceration. Therefore, inmates in maximum security are allowed two visits a month, in the closed regime three visits a month, in semi-open four visits a month, and in open regime five visits a month.

[4] Being visited together with access to goods are not the only criteria to escalating prison hierarchy. Nevertheless, they can represent a fair advantage; we give as an example the case of ZG21, a Roma inmate in his sixties, with very little family support, interviewed the day of the release: *ZG21 says he's happy he's not a heavy smoker, because that would have cost him the humiliation of addiction. Other inmates in his situation (no money, no support) perform all sorts of demeaning tasks in exchange for smokes, from laundering the socks of the more well off prisoners to accepting debasement as a statement of power. It's this very inequality that seems to disturb ZG21 most as he recalls doing time in 1995. The situation was different 20 years ago, though escalating to the point where it is now –* "it's the rich who run the prisons and there are people who have a more decent lifestyle in prison than some have outside." *He says he was respected because of his old age, but this observation from the side along with recollecting the minutia of the everyday meals (*"some eat expensive salami while others have no other possibility but to watch"; "some have coffee everyday, and only drink expensive coffee"*) made me think that he felt deeply deprived.* (Fieldnotes, 24th February 2015)

While the importance of the family is likewise articulated in the discourse of the two groups, a difference is evident the prison files of our participants. The average number of visits is similar for both Romanians (n = 20) and Roma inmates (n = 18), whereas the median places the number of visits for Romanians at 12 and 8 for Roma participants. In other words, Romanian inmates are more likely to be visited at least once a month, while Roma inmates get a visit every six weeks. Even if the Roma inmates in our study are unlikely to be inscribed in the traditional Roma image (for example, they do not practice specific crafts such as fiddling or tinkering, nor do they affiliate to particular ethnic subgroups, and only rarely speak Romani), some characteristics such as family structure and dynamics can still be articulated. Gender hierarchy in Roma families attaches symbolic value to men as family providers as men are supposed to bring money into the household; once these men are incarcerated, their absence tends to impact severely on the family's economic status. As one of them stated: *For me, being deprived of my liberty wasn't as painful as leaving them [wife and young son] without me, without moral and financial support. Maybe I had days when I didn't even think of them, but they thought about me every single day* (CA27). This can be one the reasons why many Roma participants would rather their families not pay the high costs of visitation, transportation and foodstuff.

At the same time, minority ethnic groups, Roma included, are more likely to be disadvantaged by social exclusion, poverty, unemployment, and low levels of educational and aspirational achievement, as well as residence in more deprived communities, placing them in a structurally marginal position[5]. Taking these sociological variables into account, one could argue that Roma are visited less frequently because their families do not have the means to visit them more. However, this is as much a social and financial distinction as it is an ethnic one.

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[5] Our main references in supporting these claims are represented by literature published outside the traditional academic community, as NGOs and policy organizations have been more inclined to analyze social exclusion (see, for example, Zamfir and Preda, 2002; Bădescu *et al*, 2007, Fleck and Rughiniş, 2008; Zamfir, 2014).

When talking about release, freedom, and the free life, prisoners construct moral narratives, importing into their discourse religious tropes, as release is compared to rebirth, heaven, or new beginnings. These "redemption narratives" (Maruna and Ramsden 2004) can be coupled with the high levels of optimism for successful reentry that prisoners assert. When asked if they think they will return to prison, inmates are unequivocal, most of them declaring that they are positive they will never go back to prison. At the same time, these stories show their individual commitment to personal reform as well as typify, at the same time, their struggles to save face and "maintain a sense of self-worth in the face of moral, social, and personal failings." (131)

At this point in their trajectories, the identities prisoners assume are fragmented and contextual to the prison setting as they either assume a non-identity (*I do not know who I am*) or import into their self-definition the moral consequences of their crimes (*I am an ex-con*), especially in relation to their status as family providers (*I am nobody*). Perhaps the most common self-presentation is an aspirational one, when inmates describe themselves as normal people, average Johns, with the intent of living a decent life: *I'm a simple man, I don't want to make trouble for anyone, not anyone to get me into trouble. I'm a normal guy* (DD10).

Nevertheless, when comparing the two groups, we could see a difference between how inmates assess their optimism. Roma participants are more inclined than Romanians to express lower levels of optimism regarding successful reentry. They mobilize into conversations destiny talk to account for potential cases of reoffending by mistake (as in a car accident that may lead to unintended casualties) or reoffending when forced by outside circumstances: *it can happen to anyone. You hit someone, he falls and he's dead. Or [if] somebody attacks my mother I will hit him. I'd kill for my mother. And I wouldn't be sorry to go to prison for her* (GN15).

We have never encountered convicts that would project themselves as future offenders. Rather, their plans for the future envisage a conventional way of living that includes finding a job either in Romania or abroad, spending time with the family and compensating for time lost, starting a family if they are single, arranging better housing conditions, and regaining respect. Many former prisoners voice the importance of living a crime-free life, away from what they now perceive as being toxic

friends and environment: *[I want to] stay at home for one, two weeks to recover, see for myself how freedom looks, sleep on my own pillow and then look for a job, and make a living without stealing any longer* (BV2).

However, these dissociated identities are subject to change once inmates are released and get some distance from the deleterious effects of incarceration. Once released, inmates develop a more complete sense of self, and their plans, once vague and inexplicit, are better articulated.

Release Day

Since many of our participants agreed to us following them home on the day of the release, we had the rare occasion of witnessing how family and friends reacted to the home coming of the former inmates. Once the prison gates are opened and inmates are given their documentation as well as money for transportation, inmates are officially free. Different experiences in terms of ethnicity were observed from this point forward in terms of attitude to crime and offenders, forms of support, relevant structures and neighbourhoods.

Although some Roma participants' family members did not meet them at the prison gate, most, if not all, had a party of at least ten people waiting for them at home with barbecues and music. A few of them had as many as 50 or more people waiting for them and, as we later discovered, this is taken as a status symbol that asserts their place in the community:

They live in [name of the neighbourhood], and when we arrive at their house we are a little dumbfounded. On their street, their house is easily the tallest and best looking, overshadowing all those nearby. As we arrive, they see us and welcome us in. They are in the middle of a party, with more than 25 people sitting at the tables in the patio. The women and men sit at different tables; all women are traditionally dressed, with beautiful long skirts and opulent jewellery. Mr. VS28 welcomes us in, invites us to sit down, and in a matter of minutes, a marble table materializes in front of us, together with plates of food and some bottles of soda and water. We find out that the people who welcome Mr. VS28 home are members of his extended family and kin. (Fieldnotes 26th of June, 2015)

As we were able to observe and document, it is not only their family welcoming them, but a community of friends and neighbours. It is not the same for Romanians who are usually received by a few members of the family, and the joy of release in experienced behind closed doors. Romanian participants in this study saw release as a private affair that involved the nuclear family, whereas the families of our Roma interviewees were more invested in the release project. Similar to the Indians and Bangladeshis in Calverley's study (2013), for the Roma participants in our study, the extended family played an important role, release being a collective project.

Based on the number of people welcoming the former inmate as well as family dynamics observed, we were able to construct three categories of people: (1) the hero, welcomed by a large number of people and usually represented by Roma participants; (2) the semi-family man, welcomed by someone from the family but with distant relationship; and (3) the family man, welcomed by members of the nuclear family. As one of the heroes relates: *My entire kin welcomed me, my family, they picked me up, took me home, you also came and saw how we are, all the food. For me it was, let me put it this way, it was a second birth; it was beautiful. You can realize how it is to get out after one year and half and come back to my children and family. It was beautiful, like a dream. Friends and relatives, they all came that day, and the second, and the third, and kept on coming.* (VS28)

At this point, participants expressed high levels of optimism as well as certainty that they will not reoffend. As we show later, successful reentry is not only the result of ambition and personal motivation, but also involves the interplay of a complex web of institutions and structural arrangements such as the family, and the existence of a strong network of support, as well as more visible state institutions.

The First Month Journey—Recovery and Activation

The first month of freedom after release is experienced as a twofold process: the first two weeks involve a period of recovery, followed by a period of activation. We argue that the first month after release is a

crucial timeframe within which ex-convicts can reconstruct their identities and better articulate their life plans and aspirations.

One week after release, one participant amusedly recounted how he still woke up for the morning call and waited by the door to receive his tea and biscuits, the usual breakfast in prison, discarded his mobile phone (a much feared illegal good) when somebody entered the room, or had to ask permission to turn off the lights. This is not a singular case, as many participants experienced confusion and disorientation the first few days after release and some even prolonged prison behaviours such as those mentioned above in a sort of 'prison hangover.' During this recovery phase, the main concern participants voiced was spending time with the family, in an effort to rejoin social networks. The family is central and most activities take place around the household. Many felt reluctant to leave their homes and experienced limited mobility: *Mostly, I am happiest when with my family. I'm enjoying my kids, my family, and my house. My house is modest, but I feel like it's the most beautiful villa in the world* (IN31).

The motivation to desist was still strong for many participants, and they put considerable effort into changing their environments, usually represented by avoiding former friends and risky places. These efforts to avoid trouble were coupled in participants' narratives with their fear of failure and knowledge that the first (and sometimes unintended) mistake could lead them back to prison. As one younger respondent who decided to move out of his neighbourhood argued:

> That's where I started using drugs, that's where I started to steal, so directly, that's where I ruined my childhood, to say so. In Ferentari. And now that I'm older, I realized how much harm that place has caused me. And it's precisely why I wanna run away from it, because I'm scared that I'm gonna go down that path again, I'm afraid I'm gonna go back to the same old story. (MCG26)

A comment should be addressed about what trouble means for participants. In an effort to reconstruct their social worlds, former inmates are slowly rediscovering what it means to be part of the so-called free world. The leap from one province of meaning to another (from prison

to the free life) comes with some costs: they start to explore their new social world and some see that it is not the same world they left behind and that their new situations do not support their new identities and daily routines (Schutz 1945). One participant recalled that his friends and neighbours tried to test his limits, advertently knowing that his status as conditionally released could not afford a reaction: *People try, some new enemy tries to offend you because they know you can't react and fight back. Even earlier, before you came, I was in the car with some people and they were making fun of me while another was listening over the phone* (HM23).

The 'recovery phase' can last up to two weeks after release. When asked if they thought it would be difficult to avoid trouble, participants were still very optimist, delegating agency as the main deterrent to trouble: *I can't get into trouble as long as I don't cause trouble. I never got into a fight with anyone, I'd rather make a friend than an enemy* (PCF25). This optimism, we argue, leads many to imagine numerous plans and possibilities for their future life. They come up with a bazaar of ideas that include finding a job or emigrating, moving from the area, renovating the house, and starting a family. These prospects are not all put into motion, as in a few more weeks many of them will have already encountered problems beyond their control, related especially with becoming economically active.

Many develop a more complex sense of identity. Former identities that were put on hold during incarceration such as 'father', 'family guy', or 'man of the house' are actualized and redefined. The impossibility of returning to one's former self is indexed by problems related to their lack of authority when dealing with children, as well as guilt caused by relying on someone else: *I can't help my family, I just can't, I feel like I've wasted this one and a half weeks. [Who am I?] Nobody. That's what I thought this entire week and a half, because in this time I did nothing. I just did nothing* (IM1). Others re-evaluate their experiences and come to think of themselves as better people: *I'm a free man, a member of society with his head on his shoulders and who learnt from his mistakes. Maybe it was good that it [prison] happened. Anyway, what's done is done. I'm a free man who knows what he did wrong, knows what mistakes he did and who worked a lot at making things better* (PG53).

These identity dilemmas do not seem to be ethnic specific, as both groups seem to experience the same questions.

After two weeks, participants' general routines tended to reorient in line with everyday necessities. The main concern was getting a job or becoming economically active and almost all participants pursued this aim. However, this was not easy, as former convicts experienced great difficulties finding and securing employment. Most of them mobilized traditional webs of solidarity, such as social networks represented by extended family, friends and former employers. We were able to observe that the existence of a strong network of support coupled with individual determination represents the way to employment. The main sources of help at this point involved both nuclear and extended family: wives and sisters, sons and brothers, and rarely friends and former acquaintances.

Since Roma participants usually returned to larger families and referenced denser networks of support, their families were more involved in the reentry process. They were usually less preoccupied with finding employment, mostly because they relied on these very traditional webs of solidarity and received a great deal of support from their extended families, with whom they often shared a household. Their financial situations as well as the management of resources was done within the extended family where long-term reciprocity was key. Take, for example, the case of IN31 who explains it better:

I have to work for my kids. I owe it to them. During these past four years, I lied to them about a lot of things. I never lacked anything, I always had cigarettes, food, I never happened to be short of anything. All my family helped, if my wife didn't have money, [name of the nephew] gave me, most of the time it was him who helped me. *And do you feel like you have an obligation?* No, not an obligation, this is normal for us. It's normal [since] we're like brothers. *His sister adds*: We all live here [in the same household], we're not separated, it's all of us together, if one doesn't have something, someone else surely has. His wife further explains: if we're short of something, everybody helps, and the other way around, when we have, we give to them. We stick together, to put it so. (IN31)

However, rarely did respondents, both Roma and Romanians, find jobs with official employment contracts. Usually, when and if they secured employment, it was undocumented work, temporary (as a day-worker or in a particular construction project), with no future prospects. As observed so far, when Roma participants become economically active, it was more likely for them to become entrepreneurs or self-employed. Most of our participants found work in constructions and maintenance services (such as recycling, cleaning). One participant recounted the various improvisations he resorted to in order to become economically active: *Q: And how do you work now? A: It's not entirely illegal employment, my brother has two taxies and I work on one of them, but on my brother's documentation. But if I make a mistake, he's out* (CA27). Usually, participants blamed the state for these types of creative arrangements, as he mentioned: *all the state does is encourage another crime: undocumented work is still a crime.*

The absence of the state was one of the major problems for respondents who were in clear consensus to three questions from the problem inventory scale: *(1) People should not rely on the government; they should take responsibility for themselves. (2) The government does not listen to people like me. (3) The government does not care about what happens to people like me.* As if coordinated, in all moments of their trajectories, all respondents strongly agreed to these statements. These answers are coherent with interview talk, especially when that touches on them dealing with state institutions like the work force or social assistance services. Take, for example, the case of ZG21 who recounts countless missed encounters with the state: *I wanted to request a meeting with the mayor and they told me that's not possible, since he had a lot of work and that I should put my name on a list. I already was a bundle of nerves, I didn't want to fight or cause a scene. I just left.* He later commented on the hopeless situation that former convicts like him face: *If you are released from prison and have no income, no family, you walk out the gate, how will you live? What will you eat? What will you wear? Where will you live? I was conditionally released. Why in the name of God did they release me?* (ZG21). In these circumstances, the only solution available for most is emigration. They rely again on friends and members of family residing abroad for work and living arrangements, and some even go as far as saying that *they'll only return to Romania as tourists.*

Criminal record was the main reason invoked for the lack of success in finding employment. The stigma is keenly perceived, but also explicitly experienced as evidenced by this email received by one participant: *First of all thank you for the time and interest in our company; as promised during our interviews, we will give you a response regarding your application. We want to let you know that we appreciate your strong assets, such as adaptability, communication, and honesty. Rigorously selecting our applicants, we discovered other candidates that fit our profile more, and, at the same time, have a clean criminal record. Unfortunately, talking to my colleagues revealed that we cannot let this aspect go.* This subjective dimension of stigma was also emphasized by Lebel et al. (2008), who argued that the perception and experience of stigma inhibit desistance.

If the first weeks after release participants experienced a limited mobility, this changed after the first month has passed. Former inmates became more accustomed to their surroundings as well as to their place in the social world and became very mobile. We talked to people who, in a matter of days, had already switched between two or three countries. The family was still central, but acted as a source of moral pressure for the former convict to become economically productive. This pressure was not often explicit. Rather, it was internalized by the participant as a set of imperious expectations: the family supported me while in prison and after, it is now my turn to do something in return.

Participants quickly become more and more aware that they had returned and made efforts to restore their sense of self in front of their communities. In a series of practices, which, inspired by Erving Goffman (1955), we term '*face-work*,' former inmates engaged in repairing, painting, or redecorating their houses as well as expressing concern for their physical appearance. They engaged in various activities in order to display a positive reputation in front of their friends and neighbours. They rejoined social networks, paid and received visits or took part in family rituals (such as weddings). These symbolic statements, however, were not only addressed to the outside world, but sought to reaffirm former convicts' own place in the social world, simultaneously acting as an obligation for them to act consistently with what these displayed.

Dealing with bureaucracy—renewing documents such as ID papers, passports, or driver's licenses, or prolonging visa permits—was an important

preoccupation for former inmates, even if, in most instances, it was experienced as a hassle. Some developed new routines and started going to church or taking the bus. Many of them started to forget prison, especially when they became more integrated into the worlds of family and work. It is no wonder that, when asked about problems, more and more respondents claimed that they did not encounter any.

When inquiring into identity issues, some participants tended to see themselves as family men, ascribing positive identities linked to providing help to the loved one. Some re-evaluated their identity, claiming that prison, now a distant memory, did not in fact affect their sense of self, while others projected aspirational identities, thinking of themselves as simple or better men: *I think of myself as a careless person, I have no worries, but before I really had a lot of worries, to say so. I had to steal, to make money, to get high, to be everywhere, but not any longer* (MBD43).

When family represents a source of moral pressure, former convicts are still positive that they will be able to stay out of trouble. At the same time, age, as well as how age is experienced, plays an important role, as people who think of themselves as old are more likely to be determined to desist. When encountering problems beyond their control (especially problems in finding a job), some participants tend to be more pessimistic about their chances of successful reentry: *I don't want to [go back to stealing], but I don't have any other solution. I regret, but I don't see . . . if I were to go somewhere where they'd tell me: come, we'll hire you tomorrow, I'd go. I'm not highbrow, I don't wanna work as a CEO or an engineer, but . . . I'd even work at the Administration of Roads and Parks, cleaning and sweeping the streets, that's still work, isn't it? I'm 60 years old. I'm not young anymore [. . .]. I'd sweep the streets so I could earn my bread and pay my debts. [. . .] You have no options. When you're released from prison and you are a known criminal, with a criminal record, you don't have any options left* (ZG21).

After Three Months

After the first month has passed and the confusion and disorientation release has passed, former convicts usually settle into more predictable routines.

From what we have identified, one of the main concerns and problems our participants voice is becoming economically active. Most of them deal with finding resources and support for surviving and go through a number of jobs, which are, many times, inconsistent, ad-hoc or marginal. Many of our Roma participants aspire to a more independent ways of earning money, and are now working as events performers, flower vendors, or taxi drivers, while some of them have directed their efforts and imagination towards more entrepreneurial activities: *I was thinking to do something, to start a business, open a shop, something that can bring money* (ZM20).

If in the first month after release former participants were reluctant to leave their household or attend parties, but over the next two months this situation changed. Both Romanians and Roma participants became more socially active and overcame the limited mobility experienced in the first few weeks after release. Moreover, in their efforts to find jobs, many former inmates saw emigration, even for shorter intervals, as their only solution. Spain, Great Britain, Germany, and Italy are the main destinations our participants chose.

After the first month, efforts to secure employment were impaired not only by the existence of the criminal record, widely reference by research participants, but also by lack (or unsuitability) of work qualifications or education degrees. Usually, this was mentioned by Roma respondents: *I have a degree in agriculture* [obtained in prison]. *Where would I find a job with that? Nowhere* (IN31). Romanians complained that, when they did find jobs, they had to settle for work that was either underpaid, inconvenient or work that they are overqualified for: *To be honest, I didn't want to work in construction, but you can't find work anywhere else. I wanted to work at a club as a bodyguard or something like that, you know? But you can't find it. So when this gig showed up, I didn't think twice because there wasn't any other solution* (ZICC24).

Although many respondents claimed that they had put prison behind them, there were still many who referenced the prison, comparing the routines and predictability of prison life with the uncertainties of freedom and the free life. One Romanian respondent released after nine years and four months even compares the two settings, arguing that at least in some respects, prison was better: *I get bored because I don't have*

an occupation. When you work, it's different. [Staying at] home is boring. I watch TV; I visit one or another person, because there's nothing else you can do. There [in prison] I had a routine. People came and gave me attention. Like you did, with the interview. Here nobody cares about you. (UI62) If former inmates encounter problems with satisfying everyday needs, are unable to secure a stable income, or experience social isolation, they can begin to romanticize the prison setting, arguing that at least in prison some of these necessities were covered. As one Romanian former inmate recounts: *Nothing can happen because I only go out to buy bread, or to the market to get vegetables. Other than that, I didn't go anywhere and I don't want to, I don't want to deal with . . . I'm mostly locked up, mostly solitary, I don't need it anymore* (OG4).

Adaptation to freedom involves, on one hand adapting to the people and environment, and on the other hand renegotiating your place and new status in the world. As one respondent of Syrian origins recounts: *It's very difficult to get out, because before you lived in an environment, you had everything: a house, a family, a car, money, everything, you could do anything and you are released and have nothing. You don't have anything any longer, and realize that you're all alone in this world, and become jealous that your friends, your cousin, your neighbours with whom you used to hang out are different and you don't have anything, you can't fulfil your wants and desires. And if you surrender to them, you get in trouble* (HM35).

His case is not singular, as many former convicts report that dealing with temptation, entourage, and risks represent major turning points for all respondents, notwithstanding ethnicity. What differs for the two groups is how they manage to deal with these problems. As we observed so far, our Romanian participants believe that individual commitment is key in staying clear of problems, while Roma participants argue for a combination of internal and external forces that interact. In other words, for Roma participants, the path to desistance is paved with personal intentions, but also with the combined moral pressure imposed by their families and significant others: *Q: On a scale from 1 to 5, how certain are you that you'll stay out of trouble? R: 5. My wife is always with me and is she sees me going with somebody she comes immediately after me. Now I have a responsibility—my family. If I were alone, maybe I could do stupid things like drink or stuff, but not any more* (MC8). In some Roma families we

also met wives or partners that play this kind of guardian role towards their men. We even called them guardian-wives because their control is very tight and perceived with legitimacy by the ex-prisoners. As one of them stated: *I would not have committed the crime if my wife were home. She was in the hospital when I did it* (MG02).

Family is important also for Romanian participants, but its influence is sometimes internalized in feelings of guilt and shame. Since some of the interviews we conducted took place at participants' houses in the presence of other family members, we had the chance to talk not only to former inmates, but also gain insight into how their families talk and sometimes refuse to talk about prison affected them. As a consequence, we were able to grasp the multifaceted dimensions of the attitudes Roma and Romanians display towards crime and offenders. The families of our Romanian participants tended to be affected by 'courtesy stigma' (Goffman 1963). Goffman develops the notion of courtesy stigma to talk about a form of stigma by association that affects individuals "related through the social structure to a stigmatized individual," such as the spouse of the mental patient, the daughter of the ex-con, the parent of the cripple and who in the words of Goffman "carry a burden that is not *really* theirs" (idem 30-31): *My dad already says that I embarrassed him and that he hoped more from me. We come from a [good] family, only professors; my cousin is in Constanța, in Focșani, has three tractors, and now has the latest model of BMW. So, we have a reputation and my father's ashamed, saying that when I was 12, I used to play [professional] football in France and I ended up in prison* (PCF25). This form of stigma was not as visible in the case of Roma families, which usually expressed more inclusive attitudes towards their kin who had been imprisoned.

The above-mentioned routines imply routed to solving problems that pertain to life after prison: becoming economically active, resolving bureaucratic problems, staying out of trouble and avoiding temptations as well as recovering a sense of personal worth. All these routines involve dealing with the past and if resolved, can allow for orientation towards the future. Other routines that former inmates acknowledge represent ways of consolidating the present as well as imagining and building the future. Roma participants invest more in repairing,

redecorating or expanding the house, and some even expand their families, either by preparing to welcome a new baby into the house or acquiring a new member through marriage: *Q: What was your biggest achievement? That I managed to marry my boy, I satisfied all of his pleasures and I fulfilled my biggest desire. Everything went perfectly, I'm proud and happy* (VS28).

Once confronted with problems, more and more participants lose optimism declaring themselves as ambivalent towards their chances of staying out of problems. Since many participants did not manage to find jobs or other sources of stable income, both Roma and Romanians envisaged emigration as the only viable alternative, while others even saw imprisonment abroad as the better option: *You know how it is, it's better [to do time] abroad than in Romania. Or even better, to work abroad. Are there better conditions of detention? Not only that, but it's better abroad, even if you work abroad, even if you're imprisoned abroad, so it's better from every point of view* (RB48). Many respondents compared Romania unfavourably with other potential destination countries in terms of shorter sentences, better working conditions, salaries or prison conditions.

The plans former inmates lay out revolved around two inter-related planes: becoming economically active and the family. Becoming economically active did not only mean getting a job or starting a business, but also selling propriety and moving to a smaller house, emigration, or applying for welfare assistance. Usually those efforts were coupled with concerns about the family, either starting one or looking after existing kin: *I want to buy a car, but I don't have a license. I understood that I need about 15 million lei to get it (around 340 Euros). I want to save money and get it. I want to advance, to make progress. I want to be a driver for a courier service, or for a transportation firm, get a van, look after my family, have a child. I'm working on it right now [laughing]* (BV2).

In the first three months after release, participants adopted several forms of talking about the self and ascribing identity: the same self, a changed person, and a simple person. Many participants gave new meanings to the time spent in prison, by integrating detention as a mistake as well as a route to personal reform: *I see myself as someone who got out of prison and wants to do many things* (ZM20). Another participant argues

that he has forgotten prison: *I'm no longer an inmate, nor an ex-inmate, I don't think about it any longer, I forgot. Now I'm a simple man, like everybody else on the street, I try to get used to this life and reintegrate* (CA27). Nevertheless, even if many of them claim that they put prison behind them and make efforts to lead somewhat conventional lives, prison is still very much visible, noticeable in their efforts to secure employment, and in the efforts of their families to manage 'courtesy stigma.'

Discussion

As noted above, ethnicity plays an important role in the reentry journey. The cultural features of ethnicity can sometimes have a direct impact on the expectations and understandings of reentry. In other cases, ethnicity impacts indirectly on the reentry process. Social and economic marginality among many Roma people and the low level of education and vocational training in the Roma communities make the range of legal opportunities available to this group very narrow. This comes in line with Mann et al. (2013) who argued that social structures are as important as agency in producing desistance.

More differences between the two ethnic groups can be also observed in the following table (Table 11.1):

Table 11.1 Roma and Romanians. Main comparative dimensions

Dimensions	Roma	Romanians
Attitude to crime	Fact of life	Strongly reject
Attitude to offenders	Inclusive	Exclusive/ stigmatizing
Forms of support	Mostly practical	Practical and moral
Level of solidarity	High	Moderate
Sources of solidarity	Extended family/ Community	Nuclear family
Relevant structures	Family/Community/State	Family/State
Available legal opportunities	Extremely limited	Limited
Neighbourhoods	Deprived/Isolated	Marginal
Occupational strategies	Entrepreneurial/ Migration	Paid work/ Migration

As discussed above, one of the main differences between Roma and non-Roma communities is the attitude towards crime. In Roma communities, crime seems to be perceived as a 'fact of life', as something that happens among the Roma. Most often, fathers, brothers or relatives of our Roma participants had experienced life in prison before. Therefore, crime and prison are not new concepts for the Roma communities. Crime is not encouraged through positive comments or appraisals but is not seen as alien either. This kind of attitude encourages Roma communities to be more inclusive and closer to the released ones. As many Roma families are disadvantaged economically, the social solidarity includes wider networks: extended family, cousins and so on. By doing so, the Roma communities are more effective in expressing practical help. Of course, this wider solidarity may create expectations among the Roma people to behave in certain ways, sometimes in an anti-social direction. We heard many times stories of how the Roma participants had to fight others out of solidarity for the family or kin. In solidarity networks it seems extremely difficult to escape pressure. Another kind of solidarity that is available for the Roma communities is the state one. In most cases state plays a small role in the Roma communities and when it does so it is were the Roma participants live in a compact Roma community. In this case, social services seem to be more pro-active and information about them travels quicker and more effective. When Roma participants live in isolation, [the] state seems to be more absent.

On the contrary, crime is seen as a shameful act, as something that attracts disrespect from the community among the Romanian participants. Sometimes, crime and the prison sentence are hidden away from the community or the extended family. The most often explanation for being absent from the household is 'he is abroad for work'. In some cases, this is the explanation that children receive for the absence of their fathers. Of course, this attitude weakens the social solidarity and the density of social networks. Romanian ex-prisoners have no one or very few people to count on when released. In most cases, only the nuclear family (wife or parents) is there to support the ex-prisoner. To compensate for this relatively weak safety network, some Romanian participants seek help from the state authorities. As we noted, their knowledge and

social skills in accessing the state resources are quite limited and therefore not very effective in practical terms.

Another observation seems useful here regarding different forms of control in the Roma communities. Although no participant in our research was subject to state supervision after release we were able to note other forms of informal controls that were active especially in the Roma families. In order to prevent their husbands or partners from getting into trouble again and disappearing from the household for a long time, many Roma women undertook an active role in supervising their partners/husbands. In some cases this control was described as very tight. In one case, for instance, any move outside the household had to be announced and any delay of more than 10 minutes was accompanied by a check up telephone call. Interestingly, the subjects of this intensive supervision appreciated this control as a sign of care and love.

If this form of control could be defined as a 'loving control' another form of control that we observed is a toxic one. As we argued above, in many cases access to employment was severely prohibited by the existence of the criminal record. Criminal record was required for almost all jobs that our participants tried to apply for. Once the criminal sentence was disclosed they were immediately rejected or put on hold. Controlling access to employment or restricting access to employment had severe implications on the ex-prisoner's motivation and hopes to start a new life and also prevented them from accessing to new identities.

Differences between Roma and Romanian groups can also be observed also in terms of employment and employability. Due to historical and structural reasons, Roma participants tend to have a lower educational level. This puts Roma prisoners in a difficult position while inside the prison due to the fact that most vocational courses have minimum educational requirements. In order to access these courses (e.g. IT, car repairing etc.), Roma prisoners have first to spend some years in school. As school comes in competition with other opportunities in prison, some prisoners choose to skip school and consequently stay at the bottom of the labour market. This results in limited job opportunities and low income. Maybe this is the reason why many Roma participants become self-employed (as performers for weddings, as constructors etc.) or get engaged in marginal forms of informal employment

(e.g. selling flowers or second hand telephones etc.). It is also possible that their history or cultural roots encourage their entrepreneurial approach. One should not forget that Gypsy people have been involved in many years in crafting and small businesses for many generations.

Although they have a slightly better educational level, Romanian prisoners also have a long way to travel in order to become competitive in the labour market. Having graduated eight or ten classes is not enough to become eligible for jobs that offer a decent standard of living. This is maybe the reason why most Romanian participants, if they get employment, become active in constructions or cleaning services.

However, we have not noticed any significant difference between the employment situation of those living in Bucharest and those living in Giurgiu county. Although the unemployment rate differs between these two geographical areas, our participants were equally successful or unsuccessful in both places. It may be that these differences do not impact on those placed at the margins of the labour market. On the contrary, what mattered very much in getting employment was access to wide and resourceful social networks.

Emigration is an important topic for both groups. If they cannot find employment in Romania, the participants tend to emigrate in countries like Italy, Spain, England and so on. Their narratives show that some of them intend to work, but others plan on committing small crimes, which are "not punished so severely like in Romania" (e.g. pickpocketing, shoplifting etc.).

Compared to Indians, Bangladeshi, Black or dual heritage groups of Calverley (2013), Roma participants seemed to resemble the Indian and Bangladeshi people as their families were very inclusive and forgiving. The profile of Romanian ex-prisoners seems to be closer to the one of the Black people in the Calverley (2013) study mainly because many of them experience the reentry journey as a lonely journey. Of course, these comparisons are not perfect as there are still many differences between these groups in terms of attitude towards crime, structures available and so on.

These differences generated or augmented by ethnicity have many policy and practice implications for the correctional and social inclusions agencies.

As noted, family plays an essential role in reentry, during and after the prison sentence. Penitentiaries, probation services and social services should work together to support families' stay in contact with the prisoners. Priority should be given to Roma families with very low income. Small sums of money should be available for these families to cover the costs of travel to and from the prisons. Other significant ones should be also encouraged to come and visit the prisoners while in prison. As we noted above, in many cases they can play an important role in securing employment after release. Temporary leaves from prison should be encouraged in order for the prisoner and his family to get used to each other. Temporary leaves from prison can be also used for mobilizing social networks to find employment after release. Furthermore, prisoners could find employment and go to work while in the semi-open or open regime. Work and vocational training in prison should be organized in partnership with the prisoners and the vocational companies, based on the real needs of the labour market. We encountered many situations where prisoners were trained to become farmers or agriculture workers while they had no interest in these jobs and there are only limited jobs like that on the market. Partners or wives could be also involved in the post-release planning. In the future, probation services could include partners and wives in working more effectively with ex-prisoners but only in a providing help paradigm.

Another important topic for both Roma and non-Roma is how to be a good parent. Parenthood should be encouraged and supported all the time—during and after imprisonment. Caring for children provided prisoners with identity and strong motivations to desist (see also Hughes 1998; Sampson and Laub 1993). However, we witnessed several times when our participants did not know how to handle being a parent with prison history.[6]

Regarding the practical help it seems from our study that services provided pro-actively in the community are the most effective ones. This

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[6] One way of helping fathers stay in touch with their children is Storybook Dads where prisoners are recorded telling a story. The story is edited and recorded on a disc that is sent to their child. For more information, visit: http://www.storybookdads.org.uk/Initial%20Membership%20Info%20Pack%20CD&DVD.pdf

observation is more important if we consider that ex-prisoners tend to have limited mobility in the first weeks of release. In this case services should be provided at the grass roots, where the people are. More over, social services and employment agencies should ensure access to benefits while people are still in prison. By the time of release, ex-prisoners should have a minimum sum of money to survive one to three months and also a clear job prospect. Usually, the economical resources of the families (where they exist) do not allow ex-prisoners to delay in becoming economically active. This observation is important especially in the Roma communities. It is also important to encourage the entrepreneurial spirit of Roma people while in prison. They can be trained in how to set up a budget, how to plan an event etc. By doing so, they can become better in what they do and stay engaged in the pro-social circuits.

Prison and post-prison interventions could be more adapted to take into account the reentry process that we outlined above or the different types of social solidarity between Roma and Romanian ex-prisoners. As we have seen above, post-release challenges among non-Roma participants seem to be associated with stigma, loneliness and access to social networks. Although they have access to larger social networks than non-Roma, the Roma participants should be enabled to increase the level of education in order to have access to better paid jobs. In the same time they can be further supported to develop entrepreneurial initiatives.

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Ioan Durnescu is professor at the University of Bucharest, Faculty of Sociology and Social Work. He teaches and conducts research in the area of probation and prison fields. His special interest is comparative probation. He is one of the editors of the Probation in Europe (WOLF) and the Understanding penal practice (Routledge). Ioan Durnescu is also co-editor of the European Journal of Probation, a journal published by the University of Bucharest in partnership with SAGE Publishing.

Andrada Istrate studied sociology at the University of Bucharest and sociology and social anthropology at Central European University, Budapest. For the past six years, she has researched the Romanian gambling scene, with a particular interest in forms of professionalization among poker players. She is currently working on her PhD thesis about the Romanian mutual-aid (pyramid) schemes of the 1990s, focusing on how people produce and circulate new notions of time, person, hope, value, money and morality.

Cristina Teoroc is a PhD student at the Faculty of Sociology and Social Work/University of Bucharest. Her main research interests are prison research

and working within therapeutic communities. She is also deputy director of one of the largest Romanian prisons–Bucharest Jilava.

Elena Pitiu graduated from Faculty of Sociology and from Faculty of Law, University of Bucharest and has a Master degree in Social Deviance and Criminality. At this moment she is research assistant in the project "The ethnography of prisoner's transitions." She is interested in research fields as the sociology of deviance, prisons, legal ways in applying penal punishments, changes of individuals while being imprisoned, the re-entry process.

Lucian Rotariu is a sociologist. He defended his PhD thesis *Penitentiary: Roles, Mechanisms and Institutional Sequences* at the Faculty of Sociology and Social Work, University of Bucharest. He is the author of *Jilava: A social radiography of a penitentiary.* His study interests are represented by deviance, delinquency, the operationalization of the concept of freedom, social transposition of the rights and obligations of inmates in the penitentiary space and their reintegration in society.

12

Editors Afterword: Ground Level Listening and Learning

Ruth Armstrong and Ioan Durnescu

This book set out to understand the realities of life after prison for people in different countries across the world. Our hope was to contribute to existing knowledge by refocusing our vision of post-release supervision through the lens of these ground level realities. The content of these chapters has shown that to a large extent experiences of life in prison and life after prison are not as separate as our 'reentry' policies and discourses might suggest (Muth et al. 2016). Conceiving of them as intrinsically linked could be an important first step to responding to realities rather than rhetoric.

In this afterword we try to move beyond rhetoric and think about how the experiences of the people who have contributed to the knowledge in

R. Armstrong (✉)
Institute of Criminology, University of Cambridge, Cambridge, United Kingdom
e-mail: ra299@cam.ac.uk

I. Durnescu
Faculty of Sociology, University of Bucharest, Bucharest, Romania
e-mail: idurnescu@gmail.com

this book could shape the discourse, policy, practice and research in this field. If the state or other social entities are to intervene in people's lives, what do those people say about how this intervention could work for good and not for harm? There are many differences among the experiences of the people whose lives form the chapters of this book, but there are also similarities. Below we draw out some of the themes that recur across the chapters of the book to describe the situational, social and emotional contours of life after prison across many countries. We also consider the processes through which the state responds to these realities, and what this feels like for those who are living in the community with criminal convictions. We consider these themes through the lens of desistance theory to discuss the potential contribution of post-release supervision and imagine what release from prison and supervision in the community might look like it if were designed 'from below'.

The contours of 'freedom'

The chapters of this collection tell a story of a chaotic and faceless existence in the 'community' after release from prison. People leaving prison across the world often re-join society as a member of the criminal underclass. Individuality is subsumed within the label 'convict'. We know that social and economic marginality feed our prison systems and that our prison systems further exacerbate this marginality (Armstrong and Maruna 2016). Living on the fringes can feel very similar in different jurisdictions. This collection has shown how the fact of incarceration, coupled with the realities of life after prison, serves to silence those subjected to this social liminality and results in varying degrees of deprivation. It is difficult to forge a bright future in the face of realities that are bleak and systems that often feel arbitrarily focussed on constraining criminality rather than promoting progress. The contours of 'freedom' across the globe depict economic and social marginality and a diminished social status that is self-perpetuating and identity fracturing. Escaping this negative spiral often requires the support of close family or friends.

This lack of social status and the means to be and become what Bauman (2001) calls an 'individual de jure' (individuals with the social

and economic wherewithal to exercise their individuality) is most obvious in relation to the economic and employment realities. People who leave our prisons are financially vulnerable, indebted, disconnected from the labour market and are often dependent upon either state benefits or the good will of others if they are to avoid returning to crime. In some jurisdictions, this is further exacerbated by state policies that claim back judicial costs from prisoners (Demark) or charge for supervision on parole (USA). Where employment was available it was often low paid, unsociable hours and practically and physically unsustainable. Economic survival post-release depended to a large extent on the ability to 'hustle' at the edges of economic legality without veering into the criminal (on the hustle of informal urban economies see Thieme, 2017). The best most people leaving prison could hope for across jurisdictions represented in this collection was to be part of the 'precariat'—working in legal but casual and precarious employment offering little income, security or stability but, a crucial step above the 'unemployed' and the 'misfits' of the 'dangerous classes' (Standing 2011).

Getting even these 'fringe' employment benefits largely depended upon informal connections through friends and family. Employment could lead to new beneficial and social relationships, but often the routes into non-criminal earning opportunities relied upon having such connections to begin with. Life after prison at is worst is a story of 'lack laced with stigma' (243 Jefferson, Chapter 10, this collection). Stigma underpins social rejection and isolation, and this blocks relational routes into less marginalised social situations and economic opportunities. Across the jurisdictions represented in this collection success post release depended upon an informal pro-social network of friends and family who could offer emergency financial assistance, housing, and avenues into legitimate employment so that people did not need to rely on the collaboration of state authorities, if indeed such assistance existed (see for example Chapter 2 about England and Chapter 11 about Romania). Where this did not exist personally, often due to fractured chaotic lives, prolonged offending histories and repeated periods of incarceration, occasionally it was found through other social networks such as faith communities (see for example Chapter 5 about the USA). These social connections provided not only practical access to the resources and opportunities necessary for success, but also social venues in which to be and to

belong that did not involve criminality or embracing ones' own exclusion. Such relationships are vital to sustaining the kinds of identity and agency that empower desistance.

In Chapter 10 Jefferson writes that 'deprivation is exacerbated in prison and by prison' (p 243) and describes how the 'everyday' deprivations of life after prison and can lead to 'risky transactions' and 'burdensome dependencies'. He argues that experiences of incarceration increase the 'heat' of the structural deprivations and social dependencies that are characteristic of those we incarcerate. Stretching his temperature analysis, the other chapters in this book suggest that positive social relationships are vital to turning down the heat post-release. This 'heat' is not only that of socio-economic deprivation, but also the emotions that accompany experiencing powerlessness to transform one's situation. Research on a nationally representative data set from the USA has shown that while higher levels of emotional support from family members for people returning home from prison significantly reduces reoffending, instrumental support does not have the same predictive power (Taylor 2016). Chapter 11 on Romania helpfully complicates our understanding of family support, showing how the nature of the stigma attached to imprisonment can interact with the practical and emotional support offered to family members after release and that attitudes to crime and offending may influence the nature and extent of the emotional and practical support available from family, friends and the broader community. That is to say, instrumental support could be more or less helpful depending upon the emotional context in which it is offered.

The interactions that are vital to desistance are often embodied possibilities that relationally sustain and permit the kinds of emotions that are associated with desistance (Farrall et al. 2014). While relationality can lead to empowerment and hope, stigma and prejudice can feed into feelings of powerlessness and fatalism (Halsey et al. 2016). As a relational phenomenon, perceiving and experiencing stigma and prejudice inhibits desistance (LeBel, et al. 2008). Where hope, trust and belonging are emotions associated with desistance, feelings of isolation, frustration and a lack of control can bolster the emotional attraction of offending through providing a momentary and fleeting sense of empowerment (Halsey et al. 2016 and see also Bottoms 2013 on the emotional pull of offending). Desistance then is simultaneously individual and

social, it is practical and situational, and it is emotional. Running through each of these elements, is the relational. So how does this theory relate to the realities of living with conviction described in this collection, and how do parole practices either potentiate or frustrate desistance within these realities?

Through pulling the relational and emotional consequences of marginality centre stage, the 'street level' data in this collection helpfully reorients our focus as we consider the structural and individual elements of the desistance process. For the participants whose realities shape this collection, liminality was not only social and structural it was also emotional. This collection combines contributions from jurisdictions with an over presence of state to those with an absence of state. This permits reflection on the emotional contours of life after prison in different cultures and realities and reveals how participants suffered from a fragmented sense of self and needed resistance and resilience to rebuild belief in self efficacy in the face of arbitrary and unpredictable realities. These emotions are common to experiences of release from prison (e.g. Netherlands, Chapter 4, and Chile, Chapter 8) and to the realities of life after prison with and without supervision. Release from prison presents a hopeful mirage of autonomy that disappears in practice, if not in essence, when faced with the inability to individually change ones situation, and the lack of social solidarity to bolster these incapacities. Perhaps, given the emotional realities of 'trajectories of confinement' through prison and beyond, it is no surprise that the early hopes characteristic of desistance are formless and aspirational and arguably therefore more resilient than the more grounded realistic hopes that characterise later phases of desistance (Farrall et al. 2014).

The pains of 'parole'

If these are the realities of life after prison, then how does the presence of the penal state interact with and shape these realities? The chapters in this book suggest that often, the nature of state interventions makes life after prison more, rather than less, painful. The perception of the utility of supervision to support desistance changes over time to become more favourable in retrospect (Farrall et al. 2014), but the

chapters of this collection express common criticisms of the contemporary experience of parole processes and supervision. Werth (Chapter 6) describes this as 'over-governance' which perpetuates circuits of exclusion, rather than inclusion. Earlier we have described the practical, social and emotional contours of life after prison. In light of desistance theory one might imagine that the chief preoccupation of penal agencies aiming to promote pro-social living for those in the criminal justice system might be to relieve some of these practical difficulties, to connect people socially with others who can help them and to support them emotionally as they traverse these sites of confinement. This book does not tell that story. Of course, there are many examples in this book of when parole felt good, and we will discuss the relational aspects of this below. That said, in its orientation from early release to 'offender management'[1] in the community, parole processes were often experienced at best as irrelevant and at worst as obstructive.

We know from research on desistance that most people do desist from crime, and that feeling this process to be autonomous is important (Bottoms, 2014), but the experiences of parolees in this collection suggest parole does not operate in ways that reflect this reality. They describe a process that is backward looking (see for example Chapter 4), lacks future vision beyond the period of supervision (Chapters 2, 3, 6, 9 and 10), is administratively minded (Chapters 8 and 3), removes autonomy and is often over controlling in its cursory imposition of irrelevant conditions (Chapters 2, 5, 6 and 7). Through being driven by self-sustaining processes rather than responding to individual needs, parole supervision often either ignores or obstructs aspects associated with success post release such as employment and social connections. As such, Chapter 4 describes how in the Netherlands getting parole requires 'good behaviour' in prison, which the study shows equates to causing little bother to staff and being compliant, while succeeding post-release requires the capacity to hustle and resist

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[1] The terminology itself encapsulates the warped focus - recently highlighted by a man on day release from prison attending a conference at Cambridge University, keen to point out he has not been an 'offender' for 8 years now, and yet every contact with supervisors entails him being referred to as the very thing they want him not to be.

dominant characters—the exact behaviours that are likely to get you written up for bad behaviour in prison. Even where parole is oriented more towards social support (see for example Chapter 9, Scotland, and Chapter 8, Chile) it forms part of a criminal justice machinery where the increased attention on people leaving prison can make them feel like they are being set up to fail rather than supported to succeed.

Where success post release is inescapably social and practical, the focus of supervision is often on individual deficits rather than practical, social or emotional needs. As such, supervision pervades every area of life through control of the self which makes it feel all-encompassing and inhibiting. This ever present rain cloud of penal power permeates all aspects of life and seeps indiscriminate droplets of moral exclusion throughout. As Werth (Chapter 6, USA) points out, this results in people on parole resisting compliance with the regulations of an agency trying to achieve something they actually desire. The lack of correspondence between what people on parole need, and what parole supervision provides, undermines the legitimacy of parole power and is in danger of feeding the risks it is designed to constrain (see further Weaver 2014). Life after prison feels lonely, fragile, insecure and unpredictable whether supervised or not, but under supervision these feelings are often compounded by the fear, foreboding, anxieties and frustrations of feeling misrecognised and silenced in the face of senseless restrictions. This can be discouraging and demotivate people who were otherwise minded to desist from crime. Where the label 'parolee' becomes indicative of a lack of trust rather than its presence, and the practices of parole supervision further fracture routes into economic and social ties with the community, there is a risk the process will compound stigma and frustrate rather than facilitate desistance.

However, the benefits of this international collection is that it shows clearly that the pains of the over-presence and irrelevance of state supervision is only one side of the story. The absence of state was also painful. For example, in Sierra Leone a lack of process meant that release was often unexpected and unprepared for. An abject lack of support, even to get transport away from the prison, meant that the relief and sense of autonomy on release were short lived and quickly

descended into desperation (Chapter 11) and rejection (Chapter 10). So if an over presence and unresponsive state is harmful, and a lack of state is also painful, then what kind of state presence might people on parole feel is beneficial?

The gains of parole

Across very different cultural, social and economic realities the elements of parole supervision that paroles found to be beneficial are striking both in terms of their similarities and their relative absence. These elements are best understood in three strands; the aims, vision and strategies of 'productive parole'. Parole supervision that was welcomed aimed to give people autonomy, and was respectful, kind and coproduced (on coproduction see further Weaver and Nicholson 2012). At its best, this involved parole agents who really tried to help through going out of their way to be supportive to the expressed needs of their clients. This kind of support was all the more powerful for its systemic absence, which indicated that when present it was motivated by a personal commitment (see Chapter 2, England and Chapter 7, Australia). More common was 'autonomy by absence'—an appreciated lack of interference that let someone get on with their own reformation uninhibited by state intervention (Chapters 5 and 6, USA and pre-release Chapter 4, Netherlands).

Autonomy was especially valued when it formed part of a shared vision of success, rather than being symptomatic of the freedom to fail. Working in a kind and supportive way to co-produce success underpinned experiences of control as supportive and positive, however short-lived (Chapter 9, Scotland). Acknowledging autonomy and envisioning success permitted personal commitment and procedural flexibility. Many parolees in the chapters of this collection preferred to find support for their desistance process outside of official structures, but for some this was not possible. Where greater state presence was needed, it was appreciated when it was person centred and responsive. Parolees were not looking for parole agents to be the answer to every problem they faced, but to listen, to be informed enough to point them in the

right direction, and to interact with them in a way that modelled the kinds of behaviours they would like to see in return (for example Chapter 2, England). As results from some chapters of this book show, the outcome of this effort was not all that mattered—even unsuccessful efforts to provide help and assistance were appreciated by parolees. Such respectful interactions formed the basis of relational confidence that underpinned a reluctant willingness to speak up when they were overwhelmed or even when they had failed and ask for help (Chapter 7, Australia). In this sense, this collection could offer useful insights on what skills and characteristics a good supervisor should display to interact with parolees in ways that can support them through the failures that are common to processes of desistance.

In his book '*What is a Person?*' Smith (2010) argues for an understanding of personhood that is socially and relationally oriented. For Smith individuality, or 'personhood', is an emergent quality; it is the more that emerges from the sum of what two or more people might bring to an interaction. He also argues that this 'more' is future oriented—it moves and grows into its potential. His work beautifully captures some of the contours of desistance research which is rather a misnomer, because for those involved in the process it is less about what one is 'desisting' from, and more about the 'normal' one is moving towards (Shapland and Bottoms 2011). Smith (2010: 474) argues: 'Humans literally cannot develop as persons without other persons with whom they share and sustain their personhood. To be a person is not to be an incommunicable self, distinct from other selves. It is also to be related to, communicating among and in communion with other personal selves.' The process of desistance is similar. More often than not the situational, social and individual elements of the process interact in a way that is inter-personal—it is the family member or friend, the partner, the child, the teacher, the minister or the colleague who believes in the process of change; provides routes into situations where change can flourish; recognises the good in a damaged self; and bolsters flailing self-perceptions through the difficulties of living with criminal convictions. In some exceptional circumstances, it is a parole officer.

The gains parolees associated with positive supervision enjoy theoretical support. Desistance processes are individual, agentic, situational and social. Listening to how and why someone wants to change and thinks they can do so is a good first step but is insufficient. Desistance needs more than a will, it also needs a way. As well as being individually responsive, to support desistance parole practice would also need to be economically enabling, individually empowering and socially connecting. Instead of individual 'offender managers', parole agents might need to become community brokers. Despite over 30 years of research on desistance we are still far from these ideals in penal practice. In Chapter 2 we learned that desistance training for parole personnel increased their understanding of the practical difficulties people face that can derail desistance, but it did not increase their capacity to do anything about these difficulties. As a result, in Chapter 2, Shapland and colleagues report that even the best supervision work struggled to counteract the abject realities facing some parolees.

Despite deep social inequalities and institutional indifference and inertia, an interrelational approach to parole could still provide hope for the kind of state intervention that can bolster a will and forge a way for the willing to rebuild their lives and move away from crime. Instead of people leaving prison being forced to 'save your ass the way I tell you' (Werth, Chapter 6), we think perhaps the most important message of this book is that criminal justice interventions are likely to do more good than harm when they do less telling and more listening, a view shared by Mr. Barnes, who recently wrote to us from prison in England to express his view that:

> Desistance research has the capacity to remodel the relational connections between (ex)offenders and the community, especially the relationship between (ex)offenders and offender managers, to create a more inclusive and supportive working environment/relationship.

Furthermore, this book has emphasised again that desistance is a process with actors appearing at different stages of the play. What was obvious from most chapters was that the script was not always coherent and clear for all the actors involved. This creates false expectations, uncertainties, confusion and frustration at least on the ex-prisoner's part. Maybe this book can also be read as a call for a clearer and more

desistance-focused script for parole. We hope it is one small step in this direction. Although we know a great deal about the experience of release and the desistance process, there are still new areas that need to be addressed through research. Two prevalent areas arising from this collection are the precarious employment and emotional experiences of life after prison. As we have seen, many ex-prisoners are involved in informal or irregular forms of employment but the identity and social implications of such precarious economic forums, and their interactions with desistance are under theorized. The emotional journey that parolees describe again and again in their accounts could also be further explored so that we better understand its elements, how to support them, and the important role emotions play in the construction of self in community.

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Ruth Armstrong is a British Academy Post-Doctoral Research Fellow at the Institute of Criminology and St John's College, University of Cambridge. She has published on the role of trust in desistance from crime and on the role of faith communities working alongside people released from prison. Her current research, involves the implementation and evaluation of 'Learning Together' and explores the individual and social consequences of curating spaces of connection through learning within secure environments and beyond.

Index