

GLOBAL PERSPECTIVES ON RE-ENTRY

**Ikponwosa O. Ekunwe and
Richard S. Jones (eds.)**

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Global Perspectives on Re-Entry



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INTRODUCTION

The focus of *Global Perspectives on Re-entry* is on the challenges facing ex-prisoners as they attempt to return to society after serving time in prison, as well as the varying ways in which societies throughout Europe and the United States respond to these challenges. This book is the first attempt to explore the problem of re-entry from an international perspective. The primary focus of this book is on strategies utilized in various parts of the Western world that shed light on the struggles facing ex-prisoners upon re-entry, as well as on the way different countries have attempted to solve these problems.

I'm in kind of a strange mood tonight. I think I'm just a little scared. I've been thinking about my future on the outside and I guess I have some doubts about my ability to make something of my future. I really wonder what impact this prison stay will have. I really don't worry too much about the prison stigma—only when applying for jobs and maybe with certain women. The really big fear is that I have been very lazy and lackadaisical. Everything has been planned out for me and all my needs have been provided for in here. How will I be able to handle being responsible for myself?

I just crossed off the last day on my prison calendar. I just want to scream, I'm so damn happy. I had really hoped that I would be more settled on the outside—with a job, that is. But at the present time, I really don't care. At least I have a place to live; I know that I am going to make it. I have no real plans. Well, 15 minutes to go.¹

The interview excerpts above reflect the thoughts of two prison inmates as they are about to make the transition from being a prison inmate to a formerly incarcerated person. This movement from the prison social world to the outside world is what is now commonly referred to as re-entry. Prison inmates are quite happy to be leaving prison but they face a very uncertain future. Most inmates while preparing to re-enter society upon completion of their sentence share the hope to start their life free of criminal intentions. During the preparations for the outside world, discussions are centred on not coming back to prison, as expressed by one inmate:

I was a fool to have got myself into this mess, now I know the shame I have brought on my family by being sent to prison, I hope they will forgive me now that I have served time and learnt my lesson. I have promised myself never to go astray. I will be responsible in future by seeking a real job, keeping my nose clean and taking care of my family.²

Numerous concerns and questions remain unanswered for many men and women leaving prison. Bearing in mind that many inmates came to prison with severe problems and disadvantages, and that not all of their problems will have been addressed during their incarceration, their expectations and worries vary but the majority express their concerns regarding their housing situation, finding employment, and re-establishing family bonds upon release. Some expressed the useful-

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1. The two quotations are from Jones, R.S. and T.J. Schmid. (2000). "Doing Time: Prison Experience and Identity". Stamford, CT: Jai Press.
 2. Quotation from Ekunwe, I. (2007) "Gentle Justice: Analysis of Open Prison Systems in Finland. A Way to the Future?" University of Tampere Press. Finland.

ness of participating in programmes preparing for release from prison, the opportunity of getting a look at and an insight into the “outside world” (the community) and, thus, being able to correct their own perceptions and expectations.

The issue of successful re-entry, which is the reintegration of ex-prisoners into the community, has become an increasingly important one on both sides of the Atlantic. However, until recently this issue has not been well served by the criminological literature, and the new policies and programmes that have been set up to address the problem have not been well grounded in criminological thinking. Petersilia (2003) in *When Prisoners Come Home* offers an excellent analysis of the unintended consequences of imprisonment for inmates, families of inmates, and the community as a whole. She mapped the terrain of prisoner re-entry, creating new insights into a compelling call for new approaches to the reintegration of returning prisoners. She also noted the irony of correctional policies failing to reflect the evidence about what works in rehabilitation and treatment programmes and instead reflected the political posturing designed to appear tough on crime.

The focus of this current book is on contemporary perspectives of re-entry from a comparative perspective. Much can be learned by exploring what works (and does not work) in diverse countries in the Western world. While there are certain limitations in comparative work, especially when we are dealing with countries of vastly different sizes, both in total population as well as prison populations, the process of re-entry is still much the same for the person leaving prison and attempting to re-enter the free world³.

3. For example, the population of the United States is over 300 million people, and Finland's population is about the size of the state of Wisconsin. In addition, the United States is the world's leader in prison population, and Finland has one of the lowest rates in the western world (Tonry, 2001).

Indicators of Successful Re-Entry

The typical measure of parole success and/or failure is recidivism. This is generally understood to mean committing a new offence within three years of release from prison. However, there are significant differences in how this concept is defined and applied in practice. For example, it is well documented that the United States has an extremely high recidivism rate (approximately 67%). However, most ex-convicts who are returned to prison are sent back to prison because of a technical violation of parole rather than by committing a new crime. On the flip side of the equation, Finland has a relatively low rate of recidivism (around 30%), but the return to prison is due to the commission of a serious offence.

Maruna (2001) is critical of the use of the term “recidivism” due to inconsistencies in the way recidivism is defined and measured. For Maruna, the focus should, instead, be on crime desistance. The key to desisting from crime is that ex-offenders need to make sense of their past criminal lives and create a new, coherent, pro-social identity for themselves. To do this, ex-offenders must understand their criminal pasts, and understand why they are now not like that anymore. Past research on successful re-entry has suggested that ex-offenders age out of crime, or they need to find a good woman and a job. Maruna, on the other hand, believes that ex-offenders need a new perspective on life. They need to revise their life aspirations and need to develop a concern for others.

Incarceration creates a number of obstacles that must be overcome when a prisoner is attempting to re-enter the free world. Individuals must cope with strained personal relationships, poor education and job skills, as well as the stigma of a felony conviction, which may bar them from many occupations and make it difficult to obtain employment of any kind. In the chapters of this book, we explore the issue of re-entry from a variety of perspectives, both macro and micro, from the parolee to the programme provider.

The volume is divided into two parts. The chapters in Part 1 consider the societal and institutional issues regarding re-integration policies in different countries.

Part I begins with **Hilborn's** chapter, which presents his SEL SID SON model that was developed at the Centre for Social Rehabilitation in Tallinn, Estonia, as part of an international project in 2004 involving Slovenia, Germany, Estonia and the U.K. The SEL SID SON model argues that chronic incarceration can be seen as a behavioural addiction relationship (similar to pathological gambling), and emphasizes health promotion through individual skills development and ongoing personal reflection. According to Hilborn, successful re-entry and desistance involves three distinct processes: 1) social emotional learning (SEL), 2) social inclusion by design (SID) in the first 6 months to 2 years to handle the culture shock of re-entry, and to achieve some stability, and 3) the development of a pro-social self-organizing narrative (SON) which is slowly integrated into the person's automatic thinking. This SON starts as a conscious and deliberative process which will become automatic and implicit over a long period (5 to 10 years). Re-entry and desistance need to be viewed as a developmental process that occurs over a significant period of the individual life span.

Sannas's chapter is based on case study examples of the Greek prison and rehabilitation system. The data consist of secondary literature, descriptive information and the author's own experience as a trainee in the Greek state prison. The chapter is an analysis of the different NGOs and the importance their services have in the rehabilitation and successful reintegration of prisoners into Greek society. In Greece, prison services and rehabilitation programmes (education, finance, entertainment, employment, and education) are provided by the social services, though the programmes are often inadequate because of the huge number of prisoners. Due to the large numbers of prisoners the social services are overloaded. Because of this, NGOs are now stepping in to fill these needs and also provide shelter, pocket money and basic needs fulfilment. Over the years, *Onisimos*, *Saint Xeni* and *Epanodos* are the most prominent of the NGOs that are making

important contributions to rehabilitating ex-prisoners in Greece. Their efforts are discussed in this chapter.

Kleyman's chapter sheds light on how re-entry impacts on urban development in Russia. Of interest to Kleyman is how a country's moral climate, i.e., the set of ideas that tell people "right" from "wrong", "good" from "bad", and "ours" from "theirs", might be considered as one of those characteristics that influences considerably the process of ex-offenders re-entering their particular community, as well as the development of the community itself. This chapter is an attempt to provide some theoretical groundwork for studying these processes through an on-going case study of the city of Ivanovo in Central Russia.

The chapter by **Konttila** and **Kaivo-oja** provides trend analyses of the prison population in Europe, the U.S.A. and the Russian Federation in 1993–2007. These findings are observed especially in relation to the re-entry and recidivism of prisoners. Special attention is paid to the changes of prison population trends and associated criminal statistics. The authors of this chapter present a detailed trade-off analysis between the national prison populations and classified criminality rates of the nations in 1996–2007.

In the next chapter, **Ross** lays the conceptual groundwork for the possibility of a Prison Industrial Complex (PIC) operating in the United States. Advocates of this idea argue that the PIC increases the number of people incarcerated, not to mention the jails and prisons built. Since this argument was published, a growing literature has developed, which is looking at the privatization of community corrections. More recently, a handful of individuals have noted that, due to a confluence of factors, we may now have a Prisoner Re-entry Industry (PRI). This exploratory chapter argues that while the idea of a PRI is possible, the argument as it currently stands is fraught with problems. In an effort to demonstrate these points, the author briefly reviews the existing research on both the PIC and the PRI, the problems with the PRI concept as it currently stands, and then explains what is necessary for the concept to be taken more seriously.

Part I ends with a chapter by **Richards et al.** which discusses the problems of correctional facilities in the United States, elaborating on the history, organization, activities and orientation of the Convict Criminology Group, and then making a number of suggestions for improving conditions of prison release, specifically dealing with parole. In doing so, they focus on the need for reintegrative strategies to reduce the country's alarming rate of parole failure and recidivism.

The second half of this volume focuses on more micro aspects of the re-entry process and presents various viewpoints of experts with first-hand accounts of the re-entry experiences of ex-convicts. Part II begins with **Zaitzow's** chapter, which discusses the increasing reliance on imprisonment as a perceived solution to a range of social problems, with women comprising one of the fastest growing populations in prisons and jails in the United States. Adding to the multifaceted and interacting challenges that many imprisoned women endure—including the prevalence of childhood and adulthood sexual and violent victimization, family disorganization, addiction, poverty, poor educational and employment attainmen—are the prospects for successful reintegration upon release from the prison setting. Women get out of prison every day, and the hurdles and barriers that present themselves are often cumbersome and challenging. While formidable, these challenges provide an opportunity to think more broadly about prospective partners in navigating the prisoner re-entry landscape. The purpose of this chapter is to add to the growing discussion about “what works” in re-entry efforts for incarcerated women.

In the **Kuhlmann** and **Kury** chapter, they address the specific re-entry problems and opportunities women in German prisons face upon release. The chapter focuses on the hopes, expectations, anticipated problems and resources for the re-entry of incarcerated women based on a survey conducted with women in two German prisons. Their perceptions are then contrasted with the actual opportunities and barriers they are likely to encounter upon release. The backdrop to this discussion is the recent changes in the German legal framework which occurred in response to shifting attitudes towards punishment

in the general population over the last few years. Finally, the chapter argues for innovative, individualized counselling programmes that bridge the time prior to and after prison release and addresses the psychological, social, and economic issues of the convict.

In the following chapter, **Wheelock et al.** call attention to the role of employment restrictions for individuals with felony convictions in contributing to the persistence of the racial gap in unemployment and wages. Given that African Americans are significantly overrepresented in U.S. correctional populations, they are disproportionately affected by employment and occupational restrictions on ex-felons. This in turn contributes to the persistence of racial inequality in the labour market. This research has two stages. The first centres on in-depth interviews with individuals recently released from prison and looking for work. Secondly, analysing state laws and the United States Bureau of Labour Statistics data, the authors assess the degree to which employment restrictions divert individuals with a felony conviction, particularly African American men, out of certain occupations or out of the labour market altogether. Based on the findings, the authors discuss the role of these laws in maintaining and possible worsening racial inequality in the labour market.

Mäkipää's chapter is based on a research project entitled “supervised probationary freedom”, which is a system that has been carried out in the Finnish penal system since October 2006. In this arrangement a prisoner may, under certain conditions, be released from prison up to six months before the time of his or her parole. S/he is required to live at home and to take part in constructive activities such as work, studying, and rehabilitation. Daily life is restricted by case-specific, predetermined limitations and supervision.

In this chapter, general conclusions based on the research project are presented in brief, but the main purpose is to specify the problem of unequal treatment of prisoners in the arrangement. According to the results, the implementation of supervised probationary freedom varied notably between prisons. Unequal treatment takes place due to unclear regulations and vague aims, insufficient resources and certain structures in prison administration.

Farkas and **Miller** explore the impact of re-entry and the reunification of sex offenders with family members. Re-entry obstacles commonly experienced by offenders post-incarceration are compounded and prolonged for convicted sex offenders. A plethora of sex offender specific laws and policies have been enacted in the United States that impede the successful re-entry and reunification of sex offenders with their family members. In most cases, their families are also labelled, stigmatized and ostracized, thus profoundly affecting their relationships. This chapter explores the preliminary findings of the reactions and experiences of family members who have remained in contact with their loved ones throughout the incarceration and re-entry processes. Their everyday struggles, as well as their specific immediate and long-term coping strategies are detailed. Suggestions to mitigate the adverse consequences of sex offender specific law and policies for family members are also explored.

In the **McCuaig** chapter, her aim is to shed light on the challenges that female partners of male prisoners face in the correctional context by using a theoretical framework derived from the work of Goffman. Drawing on interviews with female partners of male prisoners in Canada, the findings revealed that stigma was a significant factor when these women engaged in visitation. Most notably, the research unveiled how the role of search technology adds a new dimension to the experience of visitation for women partners of prisoners which, in effect, reifies their stigma. The implications of the findings suggest that the actualities of the family-oriented initiatives set out by the Correctional Service of Canada bear little resemblance to the stated intentions woven into their policies. She argues that in order to begin to dismantle the iatrogenic costs of incarceration on this exceptionally marginalized population, there is a need for correctional institutions to reconsider their visitation policies directed at the families of prisoners.

Catalin and **Purice** expand on the importance of art activities as a vector of changing public mentality concerning the re-entry of inmates. In the first part of the chapter the authors explore the common goal of prisoners, prison administration and communities in the

re-entry process. In the second part the project “Speak Truth to Power” is described from social, educational and human rights perspectives. In the third part, the Romanian prison administration initiative to put on the public stage Ariel Dorfman’s screenplay based on Kerry Kennedy’s book “Speak Truth to Power: Voices from the Dark” is analyzed from the impact on the prisoners who act as actors, the spectators at the premiere of the play and the social dimension gained by the project. The main method used in this study is the documentation obtained when primary and secondary prisoners, prison staff and public personalities respond to questions about how the educational and social work of the inmates can change public perception on the issue of re-entry.

Desistance and involvement of “social capital” are very important in reducing the risk of recidivism and facilitating the process of social reinsertion for vulnerable persons. The most important prison activities aiming at developing human capital include schooling, vocational training, offending behaviour programmes and so on. The system of legitimate pro-social opportunities may be developed within the prison context by linking the prisoners with society/community resources (e.g. jobs, accommodation).

Ekunwe examines the process of re-entry in Finland by exploring how prisoners prepared for re-entering society. Re-entry planning can be incorporated into advocacy and specific re-entry activities at several different phases of incarceration. Altogether there are six stages or points at which re-entry planning can be effectively used for both advocacy and successful reintegration. The data for his study came from interviews with men and women in KRIS as they were making their transition to the free world. The chapter focuses on the ways in which parolees make sense of the re-entry experiences in coping with strained relationships, dealing with lack of education and poor work histories, finding housing and dealing with a changing world (moving from a routine and controlled world to the complex, fast-moving streets).

Finally in the last chapter, **Jones** and **Ekunwe** examine the ways men and women in Finland and the United States talk about their experiences of successfully re-entering society following a prison sentence.

The data for this chapter was derived from participant observation and interviews with men and women who had participated in various re-entry groups/programmes that provide support throughout the re-entry process in both Finland and the United States. These experiences are analyzed within the particular social contexts in which the re-entry takes place.

Part ONE

The Societal / Institutional perspective

Jim Hilborn

I. SEL SID SON: A NEUROCRIMINOLOGY MODEL OF THE RE-ENTRY AND DESISTANCE PROCESS

Introduction

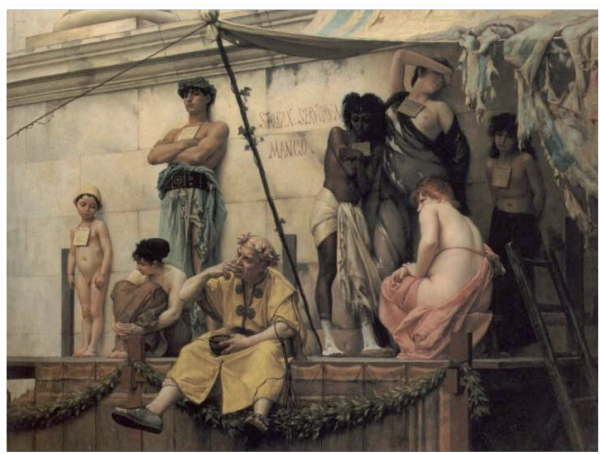
In this chapter I present the SEL SID SON neurocriminology model of the three linked processes 1) social emotional learning, 2) social inclusion by design and 3) self-organizing narratives which are necessary for successful re-entry and desistance from continuing in a pattern of chronic incarceration. This model was developed in 2002-2004 for the Center for Social Rehabilitation in Tallinn, Estonia¹. Supporting evidence will be taken from the advances in social cognitive neurosciences over the past decade. An assumption of this chapter is that criminology must become grounded in the social cognitive neurosciences in the same way as economics has become neuroeconomics. Thus this is a neurocriminology model².

1. There is a literature review, and a four-day training program for the SEL SID SON which is available from jimhilborn@gmail.com.
2. The complete argument for a neurocriminology can be found in *Rehabilitating Rehabilitation: A Neurocriminology Program Model for Prevention and Treatment of Antisocial Behavior (2008)*. Robert R. Ross and Jim Hilborn, co-authors. Available at the Cognitive Centre of Canada (www.cognitivecentre.ca).

The chapter is divided into the following:

- The Rise in Rates of Incarceration from 1975 to 2010
- Finland: The Reduction in the Rate of Mass Incarceration
- Penal Harm Reduction in the EU
- Estonia: Crime in Estonia
- Estonian Penal Policy
- Estonia: High Rates of Incarceration and Failure at Re-entry and Desistance
- The SEL SID SON model

But first I would like the reader to develop a mental picture of a slave market in Roman Britain around 70 C.E. This is shortly after the failed but bloody rebellion by the Iceni and other tribes. The rebellion had been caused by the Romans treating the Iceni badly, and seizing land and farm animals. Rome would remain in Britain for another 400 years. But in 70 C.E. it was a very tense situation. Sid was a poor farmer who couldn't pay the heavy taxes. So the Romans took everything, and since SID was too old, they also seized Sid's son. Now they are SELLING



SID's SON in the local slave market to pay the taxes.

It is a hot summer day. The Roman soldiers are bored but watching the crowd. There is a lot of noise, smells, and people talking. And Sid looks on as his son is sold. **SEL SID SON. Can you see the slave market?** Please repeat to yourself the three words: **SEL SID SON.** With a mental picture of the Roman slave market, most people will remember those three words, and therefore the theory behind them.

But before the presentation of the SEL SID SON model, it is important to look at the wider context.

The Rise in Rates of Incarceration from 1975 to 2010

Starting in the mid 70s there has been an increase in the rate of incarceration in many countries. Between 1980 and 2001 the incarceration rate in state and federal prisons in the United States grew by nearly 240 percent. This growth far exceeded any growth in crime rates and diverged markedly from the trendless and stable pattern of incarceration that prevailed for the previous half-century. This growth in incarceration is attributable first to the 10-fold increase since 1980 in incarceration rates for drug offenses. The American “War on Drugs” has driven the increase. There was no significant increase in the crime rate or increases in police effectiveness as measured by arrests per crime. Rather, the entire growth is attributable to changes in sentencing policy and penal practice. There has been an increase in commitments to prison per arrest (an increase in prosecutorial effectiveness and judicial sanctioning) and increases in time served in prison, including time served for parole violation. Justice in the USA and in most other countries has become far more savage and punitive with the resulting increase in the size of the prison population.

Here are some recent data³:

The United States of America is No.1 in its rate of incarceration. It has been on an incarceration binge for the past 40 years, and now its rate is 753 per 100,000 people. This is a massive investment in people and resources that continues to drive forward the growth in the prison population.

The Russian Federation is the leader in Europe at 609 per 100,000. The three Baltic states of Estonia, Latvia and Lithuania, like other parts of the old Soviet Union, have high rates of incarceration.

Rank	Rate per 100,000 populations
4 Latvia	319
6 Estonia (43 rd in world)	265
8 Lithuania	230

Estonia had a higher rate of incarceration in the past but has now reduced its prison population by the use of electronic bracelets as an alternative to incarceration. The UK continues to have one of the highest rates of incarceration in Western Europe. It is now at the 18th place in the world with a rate of 154. Spain is in 16th place with a rate of 166. However other EU countries have maintained a lower rate of incarceration. Though the Netherlands had a much lower rate a decade ago (in the 60s), due to political decisions, the rate has increased but it is still much less than in the UK.

35 Netherlands	100
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The Nordic countries share a common penal policy that results in much lower rates.

3. This information comes from the World Prison Brief maintained at the International Centre for Prison Studies at Kings College London, Seen at <http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/>

45 Sweden	74
47 Norway	70
48 Finland	67
50 Denmark	66

And unlike many other countries under Soviet occupation, Slovenia avoided the civil war in the former Yugoslavia, and has also maintained a low rate of incarceration.

52 Slovenia	65
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Finland: The Reduction in the Rate of Mass Incarceration

Finland is only a few hours away from Estonia by ferry across the Baltic Sea. It shares a similar language, Russian occupation from 1712, and then a civil war leading to independence from Russia just after WW1. Later Finland fought against the Soviet attempt at occupation in 1939, and Finland was an ally with Germany against the Soviet Union from 1941 to 1944. Finland was able to maintain its independence from the Soviet Union at a great cost in lives and land.

Estonia did not fight against the Soviet occupation in what turned out to be a futile attempt to save lives. The Soviet occupation resulted in mass murder and deportations. When Germany occupied Estonia in 1941, many Estonians fought in Estonian SS units against the Soviet Union. The Soviet Union re-occupied Estonia in 1944. Estonia only regained its independence in 1991 with the last Russian soldier leaving in 1994.

Finland had a high rate of incarceration. In the 1970s, however, Finland made the political decision to reduce its use of incarceration as part of its move to becoming more similar to the other Nordic countries. It is important to emphasize that the rate of incarceration has little to do with the rate of crime. Instead it is a political and cul-

tural decision. In the UK there is a great public debate over the most appropriate rate of incarceration. A recent House of Commons study compared the UK to Finland, and asked “Why can they do it, and we cannot reduce our prison population?” The lower rate of incarceration has given Finland the opportunity to develop a humane and effective prison system in accordance with the basic Nordic penal principles. Finland could have been an example to Estonia. Instead Estonia has maintained a high rate of incarceration similar to that of the other Baltic States. This high rate of incarceration has not become an issue for public debate in Estonia unlike in England.

Penal Harm Reduction in the EU

It is important to be very clear about the fact of penal harm⁴. In classical theory, the prison is an act of deliberate evil by the state against a citizen. It is an evil because the intention is to cause pain and suffering. The threat of penal harm is a deterrent against anti-social and criminal actions within a society in the same way as an army is a deterrent against aggression by another state. In the EU, the only punishment is supposed to be the deprivation of liberty. The prison may be a lesser of evils, or a necessary evil, but penal incarceration should never be seen as a social good any more than the state waging war against other states.

An acceptance of the very real harm that is inherent in incarceration (even in the Finnish open prisons described by Ikponwosa Ekunwe⁵) has led to innovations in penal policy and practice in the Nordic countries. The first innovation was the decision to have as low

4. Todd R. Clear, who is now at Rutgers University, has written about Penal Harm and the Collateral Damage of Mass Incarceration in books such as *Harm in American Penology* (1994) and *Imprisoning communities: how mass incarceration makes disadvantaged communities worse* (2007).
5. *Gentle Justice: Analysis of Open Prison Systems in Finland. A Way to the Future* (2007).

a rate of incarceration as possible. This is critical because without such a political decision, there is a strong tendency for political pressure for increased rates of incarceration. The second innovation was the development of Nordic moderation in its penal practices.⁶ There are three basic principles:

- **Normalization** of the environment.
- **Openness** of the prison to the wider society.
- Inmate **Responsibility** in their daily living.

Unlike the Nordic Countries, the UK has maintained a rate of incarceration which is the highest in Western Europe. Despite this high rate of incarceration, the UK did develop a model of the Healthy Prison. The concept of a healthy prison came out of the Healthy Cities movement with the prison being classified in the UK as a health promotion setting in 1996, and then the concept was taken up by the World Health Organization (Europe) with its health in prison project⁷. *Her Majesty's Inspectorate of Prisons* (HMIP) developed the concept further, and gave details of what ought to be provided in any custodial environment in the UK. There are four key areas:

- **safety:** prisoners, even the most vulnerable, are held safely
- **respect:** prisoners are treated with respect for their human dignity

6. John Pratt has written about the danger of *Penal Populism* (2007) and its challenge to the *Scandinavian Exceptionalism in an Era of Penal Excess* (2008). Penal populism can be seen as a way of ensuring that policy in this sphere is more reflective of the public will than the values of the criminal justice establishment. Politicians are signalling to the general public that their immediate concerns for protection and security are more central than the professional opinion that penal policy should aim at penal reduction since incarceration is usually unnecessary, costly and harmful.

7. The HMIP document *Expectations* (<http://www.justice.gov.uk/inspectores/hmi-prisons/expectations.htm>) is a valuable resource for the evaluation of any prison system. The WHO Health in Prisons Project targets health needs and special populations such as Women in Prison (<http://www.euro.who.int/en/what-we-do/health-topics/health-determinants/prisons-and-health/who-health-in-prisons-project-hipp>).

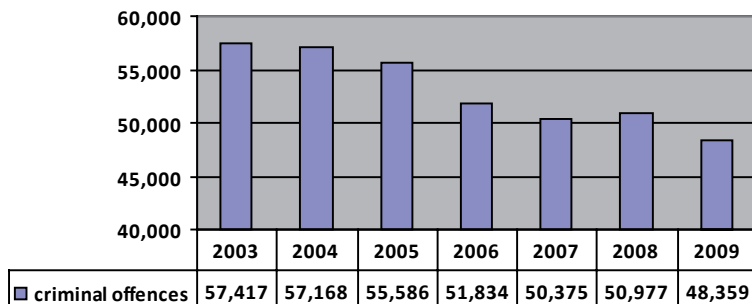
- **purposeful activity:** prisoners are able, and expected, to engage in activity that is likely to benefit them
- **resettlement:** prisoners are prepared for release into the community, and helped to reduce the likelihood of reoffending.

In the UK debate, it is clear that the policy choice⁸ is going to be either to have more prisons or fewer prisoners. The crisis of prison overcrowding is first and foremost a political problem—arising from penal populism—for which political solutions need to be found. The fiscal crisis makes the construction of more prisons almost impossible but the pressure of penal populism could mean the existing prisons will become even more overcrowded. The future for the Healthy Prison model in the UK is very guarded.

Less Crime in Estonia

A conference such as the recent Global Re-entry 2010 in Finland would be unlikely to receive much interest or support from the Estonian government. Estonia had an increase in recorded crime just after the restoration of the Republic of Estonia. The situation improved quickly, and key indicators such as murder stabilized. Estonia joined the EU in 2004. Now the recession is really hurting Estonia with a high rate of unemployment and a weak social welfare system. But recorded crime continues to decline.⁹

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8. *Do Better Do Less: The report of the Commission on English Prisons* (2009) from The Howard League for Penal Reform (www.howardleague.org/), and *Tackling Prison Overcrowding: Build More Prisons? Sentence Fewer Offenders?*, Policy Press (2010) are two recent UK publications advocating for penal reduction.
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Total number of registered criminal offences ¹⁰

	2003	2008	2009
Offences against the person	6.9%	12.8%	11.7%
Offences against property	75.2%	55.5%	61.0%
Offences against public peace	6.0%	9.0%	8.4%
Offences against public trust	1.6%	3.9%	3.7%
Traffic offences	5.0%	8.6%	6.7%
Other criminal offences	5.3%	10.3%	8.4%

Structure of crime in 2003, 2008, 2009¹¹

From 2003 to 2009, registered criminal offences declined from 57,417 in 2003 down to 48,359 in 2009. The decline has been steady. The structure of crime has also been fairly stable with most crime being offences against property. Offences against the person did increase from 6.9% in 2003 to 11.7% in 2009 but this may represent changes in police practice as much as a real increase in offences against the person.

Though there has been a major increase in the number of cars, the number of individuals driving a power-driven vehicle or tram in a state of intoxication has declined by 26% due to public education and law enforcement. Aggravated breach of public order has also declined by 38%.

10. Crime in Estonia in 2009 (Summary). Seen at http://www.just.ee/orb.aw/class=file/action=preview/id=51287/Crime_In_Estonia_In_2009.pdf

11. Crime in Estonia in 2009 (Summary). Seen at http://www.just.ee/orb.aw/class=file/action=preview/id=51287/Crime_In_Estonia_In_2009.pdf

Penal Code Section	Type of Criminal Offence	2008	2009	Change N	Change %
424	Driving power-driven vehicle or tram in state of intoxication	4,179	3,076	-1109	-26%
121	Physical Abuse	5,174	4,518	-656	-13%
263	Aggravated breach of public order	1,688	1,040	-648	-38%
329	Evasion of service of Sentence	978	556	-422	-43%
184	Unlawful handling of large quantities of narcotic drugs or psychotropic substances	1,143	789	-354	-31%
200	Robbery	909	726	-183	-20%
183	Unlawful handling of small quantities of narcotic drugs or psychotropic substances	301	153	-148	-43%
349	Fraudulent use of identity documents	501	353	-148	-30%
331	Consumption by prisoner of narcotic drug prescription	213	67	-146	-69%
209	Fraud	2,222	2,097	-125	-6%
280	Submission of false information	178	91	-87	-49%
215	Unauthorised use of thing	444	370	-74	-14%
120	Threat	512	442	-70	-14%
345	Use of counterfeit documents, seals or blank document forms	534	465	-69	-28%
392	Illicit import and export of prohibited goods or goods requiring a special permit	250	181	-69	-28%
274	Violence against representative of state authority or other person protecting public order	246	188	-58	-24%

Types of criminal offence in which the number of offences decreased the most (at least more than by 50 offences)¹²

Estonia is a very small country with most of its population being urbanized, largely as a result of Soviet urban planning and the movement

12. Crime in Estonia in 2009 (Summary). Seen at http://www.just.ee/orb.aw/class=file/action=preview/id=51287/Crime_In_Estonia_In_2009.pdf

of non-Estonian populations into Tallinn and the North-East. Since there is more criminal opportunity in the bigger cities, more criminal offences are registered in these cities. Crime is concentrated in Tallinn (507 criminal offences per 10,000 inhabitants), the North-East, Tartu and Parnu (staying within the range of 340–390 offences).

County	2008 offences	2009 offences	Change	Change %	Per 10,000
Harju County	25,702	24,313	-1,389	-5.4%	463.2
East-Viru County	6,436	6,449	13	0.2%	380.1
West-Viru County	2,131	1,916	-215	-10.1%	285.3
Tartu County	4,920	4,876	-44	-0.9%	325.9
Parnu County	3,015	2,688	-327	-10.8%	303.8

Estonian Counties with the biggest cities and number of offences¹³

Less Fear of Crime, More Concern about Economy

	2000	2004	2009
Victim of at least one offence	33%	32%	26%
Not a victim	67%	68%	74%

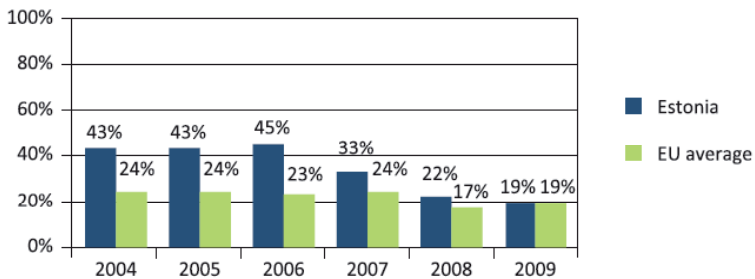
Proportion of inhabitants who fell/did not fall victim to some criminal offence during 12 months preceding the poll ¹⁴

In 2009, according to the Safety Survey of Statistics Estonia, there were considerably fewer inhabitants in Estonia who have fallen victim to a crime within the year when compared with either 2000 or 2004. The reality is that there are fewer victims, and also less fear of being a victim of crime.

13. Crime in Estonia in 2009 (Summary). Seen at http://www.just.ee/orb.aw/class=file/action=preview/id=51287/Crime_In_Estonia_In_2009.pdf

14. Crime in Estonia in 2009 (Summary). Seen at http://www.just.ee/orb.aw/class=file/action=preview/id=51287/Crime_In_Estonia_In_2009.pdf

In 2004–2006, Estonian inhabitants considered crime as the main problem; since 2007, the position of crime has fallen and by autumn 2009, crime was considered as the fourth concern after unemployment, the economic situation and the health care system. By the autumn of 2009, 19% of the population considered crime as the main concern in Estonia which is twice less than in 2004–2006. Concern about crime has considerably decreased as the economic crisis has made people to worry more about unemployment and the general economic situation of the state. Concern about crime is now at the EU average.



Proportion of inhabitants who think that crime is the main concern facing the state (data of the Eurobarometer autumn poll)¹⁵

Estonian Penal Policy

With the restoration of the republic, Estonia was left with ten Soviet labor camps. The old Soviet camps had to be replaced. Instead of deciding on fewer prisoners, or at least smaller and more humane places such as exist in the Nordic countries, Estonia went for a few large prison complexes. These prisons are modern and clean, but the purpose of the design is control. Estonia has put its limited resources into secure containment rather than innovation. Since 1989 the Center for Social

15. Crime in Estonia in 2009 (Summary). Seen at http://www.just.ee/orb.aw/class=file/action=preview/id=51287/Crime_In_Estonia_In_2009.pdf

Rehabilitation has been pushing against this trend with calls for penal reform and the need for support for ex-prisoners. The government has been very clear about its penal policy. Thus it has stated that

The big changes in the Estonian prison system started with the building of Tartu Prison, which was the first chamber-system prison in Estonia. Until then in most prisons prisoners lived in big rooms and could freely communicate with each other. The purpose of chamber-system prisons is to lessen the communication and spreading of criminal knowledge between prisoners.¹⁶

Estonia has moved from the old Soviet labor camps in 2000 toward the goal of a few modern prisons. The new prison in Tartu opened in 2002, and allowed for the closing of the Sea Fortress Patarei (Battery) which dated from 1840, and which had been used as a prison since 1919. Viru Prison opened in 2008. The new prison in Tallinn, scheduled for 2012, will replace the old Tallinn Prison and the Women's Prison in Harku.



The new prisons, such as Tartu and Viru, are modern, clean, safe and secure. But what happens when the new system is evaluated by either the UK's Expectations criteria for a Healthy Prison, or by Nordic penal practices?



16. Seen at <http://www.vangla.ee/6365>

Failure at Re-entry and Desistance

The Estonian government does not see any real problems with its present penal plans. In the *Estonian Prison System and Probation Supervision Yearbook* for 2006¹⁷ there was this revealing comment in the first paragraph of the report.

In general, there is not much public attention paid to the issues related to prisons and probation supervision. Prisons are only brought into focus when opened or closed. On one hand this is entirely normal—in a sustainable and democratic society there are not many reasons why prison-related issues should attract public attention. In that sense we may say that prisons represent a scale on which to assess the development of a society—the less the prisons and probation supervision are talked about, the more secure is a particular society.

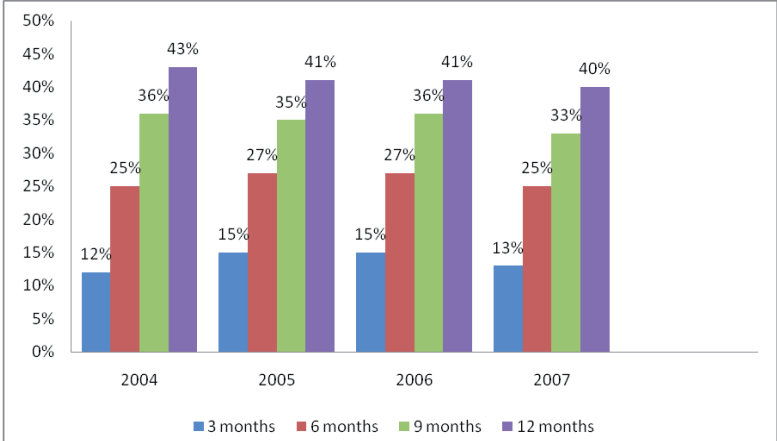
By this criterion, the UK and the USA, and Finland must be much less secure societies since there the state of the prisons is a matter of great public attention. The second paragraph continued:

Although in Estonia prison-related issues still remain subject to general discussion, our prison system has already come a long way from a rigid maximum-security Gulag-type closed institution to an organization that stays abreast of the changes and trends in the society. This process—a transition from a detention institution to a place where imprisoned persons are subject to extensive work—is irreversible.

The BICP-SR has concerns about the high rate of incarceration, and the quality of life for the prisoner, as it uses evaluation criteria based on either Nordic Moderation or the UK's Healthy Prisons. In terms of security and basic safety, the BICP-SR would agree that the Esto-

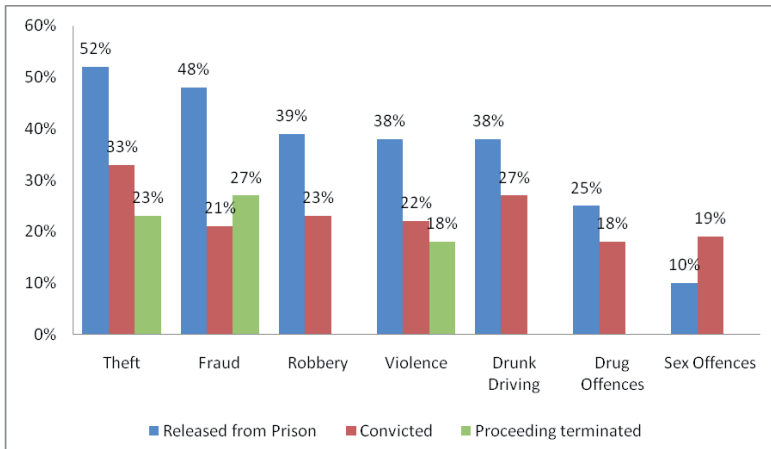
17. Estonian Prison System and Probation Supervision Yearbook for 2006. Seen at <http://www.vangla.ee/orb.aw/class=file/action=preview/id=36157/Estonian+Prison+System+and+Probation+Supervision+Yearbook+2006.pdf>

nian system is fairly good. In terms of respect, purposive activity and resettlement, we would argue that the system is failing. If the prison system is evaluated in terms of the prevention of future crime, then it is not working. Overall, many prisoners fail in the critical period of the first 6 months to 1 year. The system fails at re-entry and in terms of desistance.

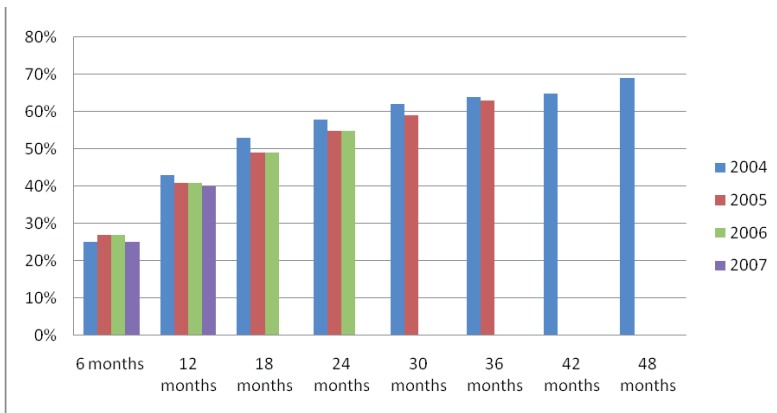


The proportion of people who committed a new criminal offence within 3 to 12 months after release by year of release from prison (%)¹⁸

18. Recidivism in Estonia (2010). Seen at http://www.just.ee/orb.aw/class=file/action=preview/id=50114/Retsidiivsusuuring_veebi.pdf



The one-year recidivism rate based on the 2007 database¹⁹



The proportion of people who committed a new criminal offence within 6 to 48 months after release by year of release from prison (%)²⁰

19. Recidivism in Estonia (2010). Seen at http://www.just.ee/orb.aw/class=file/action=preview/id=50114/Retsidiivsusuuring_veebi.pdf

20. Recidivism in Estonia (2010). Seen at http://www.just.ee/orb.aw/class=file/action=preview/id=50114/Retsidiivsusuuring_veebi.pdf

When the Estonian prison system is evaluated either by the UK's Expectations for a Healthy Prison or by Nordic penal policies, then the system fails. Again and again the government reports talk about how the new chamber system is "necessary in order to put an end to the proliferation of 'Crime College' in camp prisons". Loudspeakers in the old prison in Tallinn and the new prison in Tartu try to make it difficult for the prisoners in different areas to communicate with each other. But communication continues to happen; drugs continue to come into Tartu, etc. To think that these new prisons are going to change things is almost "magical thinking". It is still a very punitive system focusing on the prisoner as an object of control, not as a subject. Two decisions are required to really change the situation:

1. A policy decision to reduce the rate of incarceration. This would require key politicians, police, prison staff, academic staff, and the judges as well as the generation of public support. It can be done, as Finland has demonstrated, but it requires the key stakeholders to see the need for a change in the system.
2. A decision to work to change the prison culture so that it meets the spirit of the UK's Healthy Prison model or the philosophy of the Finnish "Open Prisons".

We do ensure basic

- **safety:** prisoners, even the most vulnerable, are held safely

But it is much less sure that we provide sufficient

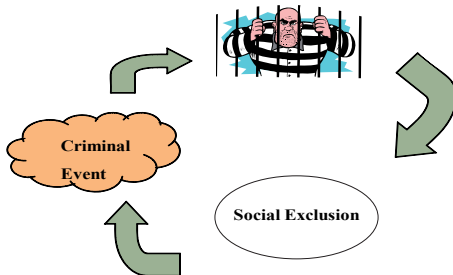
- **respect:** prisoners are treated with respect for their human dignity
- **purposeful activity:** prisoners are able, and expected, to engage in activity that is likely to benefit them

And we don't have an adequate political understanding of the challenges of re-entry, resettlement and the need for long-term support to facilitate desistance. We fail to provide the necessary support for the prisoners.

- **resettlement:** prisoners are prepared for release into the community, and helped to reduce the likelihood of reoffending.

Chronic Incarceration

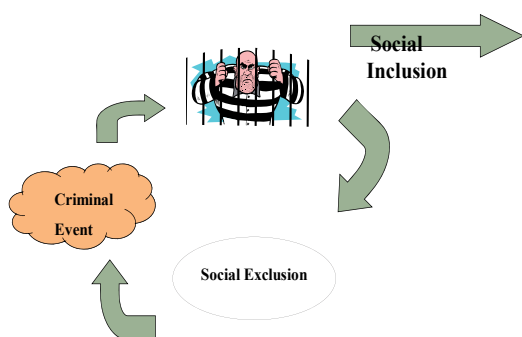
It could be argued that the present system is creating the conditions for a stable prison population through chronic incarceration, an addiction relationship to the prison. *Chronic incarceration* can be seen as an addiction that is similar to other impulse control disorders such as pathological gambling. A person can develop an addiction relationship to a substance, activity or person²¹. The present prison system may not have chronic incarceration as its manifest purpose, but it does seem to be its latent function.



On release from prison, too many prisoners fall back into impulsive “mindless offending” that will lead them right back into the prison. It is quite similar to other addictions such as gambling, and patterns of substance abuse. Many prisoners have a range of

21. The argument that addiction is best understood as a relationship to a person, a substance or an activity has been argued by the social psychologist Stanton Peele since the early 1970s.

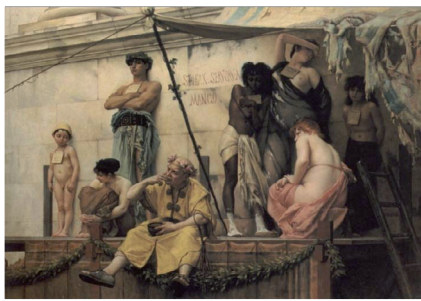
social and health problems, with substance abuse disorders such as alcohol, tobacco and other drugs (ATOD) and/or impulse control disorders involving gambling, sexuality, criminality, etc. Their “mindless offending” is quite similar to the pattern of “mindless eating” that leads to hyper-obesity and a wide range of social and health problems. The overeater does not plan to become obese and suffer health problems any more than the impulsive, “mindless offender” plans to be arrested and then sent back to prison. But the negative outcomes are just as predictable in both cases.



The solution is to leave the addiction relationship of chronic incarceration. And that requires a better understanding of the SEL SID SON model.

SEL SID SON Model

Remember the mental picture of the slave market? What are the three words? Most people can easily remember SEL SID SON because they have a story and a mental picture.



Successful prisoner re-entry and desistance involves three distinct but linked processes. These are:

- 1) *Social emotional learning* (SEL) of the basic skills and values needed for prosocial living,
- 2) *Social inclusion by design* (SID) in the first 6 months to 2 years to handle the culture shock of re-entry, and to achieve some stability, and
- 3) The development of a pro-social *self organizing narrative* (SON) which is slowly integrated into the person's automatic thinking over a longer period (5 to 10 years).

Social Emotional Learning

The focus of the Global Re-entry 2010 conference was on re-entry and desistance so this chapter will only include a few comments on *social emotional learning* and rehabilitation work with the prisoner.

The need for social emotional learning, or the development of social and emotional intelligence, has become a key priority in many educational systems. We need to educate both the learner's head and heart, both reason and emotion.

Robert Ross developed *Reasoning & Rehabilitation*, the first cognitive behavioral therapy program for offenders, back in 1985. After 25 years, there is a solid body of evaluation that shows the R&R program can reduce recidivism by 10 to 15%, which is quite significant. The question that Robert Ross and I have tried to answer in our recent review of the literature is why the original R&R is necessary but not sufficient²² to further reduce recidivism.

22. *Rehabilitating Rehabilitation > Neurocriminology for Treatment of Antisocial Behavior* (Ross & Hilborn, 2008) is available at the Cognitive Centre of Canada (<http://www.cognitivecentre.ca>).

It is clear that we need to engage the prisoner in the conscious development of core competencies such as problem solving, the management of emotions (with the original program emphasizing anger), basic social skills, value clarification, etc. The Reasoning and Rehabilitation has a *positive psychology* perspective that engages in *health promotion through skill development*²³. The new skills have to be practiced until the person is really competent. To practice such skills in a prison context requires both prisoner and staff understanding and support. Remedial and vocational education can also be helpful if it will lead to real and well paid employment. But that requires very skilled teachers with the necessary resources. If there is prison work, then it needs to prepare the individual for employment.

We also need to engage the individual's *emotions*. Bob Miller's *motivational interviewing*²⁴ is basically a process of reflection that leads the individual to develop the motivation to make the change. Such motivation is generated from within: it is not put there by a therapist.

Basically long term desistance is a process of both *action research* as new skills are learned (SEL) and practiced in the prison and in re-entry (SID) and an ongoing process of *reflection* about ultimate questions such as the meaning of one's existence and what would be a meaningful "Good Life" for it is not enough to *just say no*, to desist from crime, or to not use drugs. One needs an alternative meaning, something to say "yes" to²⁵. The use of tools such as meditation is becoming more important in the newer models of cognitive behavioral therapy. There is growing evidence that regular reflection on one's thoughts, feelings and behaviors can change the individual brain. Social emotional learning

23. The development of an explicit positive psychology came later than the original Reasoning & Rehabilitation program but it is clear that the R&R fits within positive psychology. *Positive Psychology in Practice* (2004) and the *Handbook of Positive Psychology* (2002) provide a good introduction.

24. *Motivational Interviewing* (1991) was developed in addictions treatment but is now being used for a wide range of social and health problems including offender rehabilitation.

25. Shadd Maruna's *Making Good* (2001) has become a modern classic on the process of creating a new prosocial narrative. Tony Ward developed the Good Lives model (Ward & Mann, 2004) for sex offender rehabilitation. Recently Ward and Maruna wrote *Rehabilitation: Beyond the Risk-Paradigm* (2007).

(SEL) may be started in the prison but then it needs to be maintained and further developed in the outside context.

Social Inclusion by Design

In many systems we know that 40 to 60% of prisoners fail in the first 6 months to one year after release. What fewer people in corrections seem to know is that culture re-entry shock is quite common. When we go from our *home* culture to another culture then we often experience culture shock.

Culture Shock means

- A sense of uprootedness.
- A feeling of disorientation.
- Not knowing what is going on.
- Behaviors and attitudes which were necessary for obtaining goals in the culture which we learned are no longer useful.
- Familiar behaviors which marked a well-adjusted person in one's own culture are now seen as bad manners.
- So many adjustments to be made that one becomes overwhelmed, frustrated, and angry.

There is a process of *acculturation*²⁶ as we learn the new way of being. Most people entering a total institution such as a prison will experience some culture shock.

26. The term “*culture shock*” (*The Psychology of Cultural Shock*, 2001) is now being replaced by *acculturation stress* in the professional literature (see *The Cambridge Handbook of Acculturation Psychology*, 2006; *Handbook of Multicultural Perspectives on Stress and Coping*, 2006 for the recent literature). I am still using the older term “culture shock” since it is used in the popular press and business articles, and better conveys the emotional impact.

But we don't expect the same problems when we return "home". About the same percentage of people who return home after working in another culture, such as businessmen or women, or a Victorian missionary returning from years in Asia or Africa, or soldiers returning from WW2 or Vietnam or Iraq, report culture re-entry shock. Anyone who has left the home culture and become acculturated to another way of being human can experience culture re-entry shock.

So instead of a simple U of acculturation in another culture, it is a more complex W when the individual returns back to what had been the "home" culture. This is no longer the same, either because it has changed or the individual has changed because of the acculturation to the other culture. There is a second period of acculturation. Prisoners in Estonia who had been sentenced in the Soviet Republic of Estonia found their release in the Republic of Estonia to be a major re-entry shock because everything had been transformed.

The W of Culture Shock and Culture Re-entry Shock

The mass incarceration experiment in the USA, or in Estonia, has 2 problems. The first problem is the fact that almost all prisoners come back²⁷ to the wider society. People tend to think of prison as a solution. It is not a solution; rather it is usually just a containment of the problem that delays the work on a solution. It is like a freezer where the person is stored for a period of time. One convict told me that he had the body of a man in his late 30s but the mind of a person in his 20s when he was released. The real harm of incarceration is the lost

27. *Prisoner Re-entry and Crime in America* (2005), edited by Jeremy Travis and Christy Visser, is an excellent collection of articles on the American experience. One of the few benefits of the American experiment in mass incarceration is the growth in literature about prisoner re-entry. See the US Department of Justice Re-entry page for many excellent resources (<http://www.reentry.gov/whatsnew.html>), and there is also the recent move in many US states and the UK to look at Justice Reinvestment (in the "at risk" communities with high levels of incarceration). Sadly, despite this increased awareness of the collateral damage to families and communities, the tragedy is that America and many EU countries such as the UK and Estonia continue mass incarceration.

opportunity for prosocial learning and the development of a network of prosocial relationships. The second problem is the collateral damage that mass incarceration often causes to the individual's family and community. The Finnish open prison is designed to minimize the penal harm from both problems.

The person returning from prison into society will often go through a series of culture re-entry shocks. We need to ensure that there is a process of Social Inclusion by Design (SID) to help the person deal with the predictable problems of re-entry so that there can be social inclusion. The problem with re-entry is not new, but the scale of re-entry in the USA with 630,000 returning in a year has redefined what was seen as being an *individual problem* but which is now being seen as a *social issue*.



We know that prisoners returning into society tend to have problems with

- Housing (stable & sustainable)
- Family dynamics
- Friends/Peers
- ATOD as well as Behavioral Addictions

- Employment/Work Skills
- Numerous health issues

And also many prisoners experience

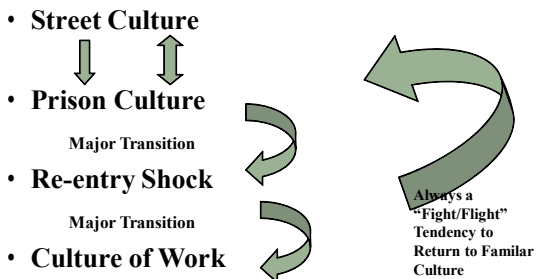
- Social Discrimination/Prejudice/Fear

Plus there is often

- Collateral Damage to Family and Community
- A parole system that has so many conditions that it becomes a threat rather than a resource.

So altogether the prisoner can suffer a series of massive Culture Re-entry Shocks and Setbacks that increase the probability of re-incarceration.

Moving to Different Cultures



In 2004 I had a conversation with a prisoner in HMP Durham. He was an excellent worker inside the prison. He could be trusted to supervise other prisoners to get the job done when the correctional officer was on the phone looking for more work. I asked him what could be done to help him not to return to HMP Durham. He told me that when he was released, he would go back to his old community where there

was no work for him especially given his long criminal record, and all his friends would be using drugs and into crime. He expected that he would get back into his old life, and then be back inside. He had already accepted that he would fail before he was released. He had no hope that change was possible. This is what is meant by an addiction relationship to *chronic incarceration*. He was addicted to the behavioral patterns that would lead back to incarceration.

The Estonian government wants to save money by placing released prisoners into mass social housing units run by the local government and staffed with one social worker. We know what is needed for successful prisoner re-entry and social inclusion. If the resources for Social Inclusion by Design (SID) are not provided than it is almost a certainty that there will be new offences and a return to incarceration. The reality is that the present penal system is promoting chronic incarceration. It is wonder that the recidivism rate is not 100% instead of 70%. The excessive use of incarceration is not a solution to social problems. Until the Estonian politicians accept the fact that mass incarceration is not an answer, Estonia will continue to make the same mistake as America has done for the past three decades. Penal populism may make sense as a short-term political decision, but the result is massive social harm.

Baltic Institute for Crime Prevention and Social Rehabilitation (BICP-SR) Recommendations

The BICP-SR is recommending the following:

- To increase rehabilitation programs in prisons. (SEL)
- To focus programs according to the level and needs of the prisoners.
- To provide accommodation for at least 200 persons in 6 rehabilitation centers to assist in the re-entry process (SID).

- To continue with the programs of effective and humane treatment (SEL) after release, especially for ex-prisoners with special needs.
- To use a network of support groups (using community chaplaincy) to support re-entry over a longer period of time so as to increase the chances of successful social inclusion and to increase the potential for desistance (SON).

As a church-based NGO with many ex-prisoner volunteers who have successfully returned into society, the BICP-SR believes that it can be much cheaper and more effective than what is now being done. It would be hard to do more damage than the present system.

Self-Organizing Narratives (SON)

Once the individual has been successful in the re-entry process (SID), then there is the need to develop a new social identity. The person was identified as a criminal, then as a prisoner, but on release there is the chance to be seen as an ex-prisoner though many people will continue to see the individual as a criminal. The task before the individual is to develop an automatic prosocial self-organizing narrative (SON). This new SON provides individual meaning and a coherent integration of the past crimes and incarceration, the present re-entry, and the desired prosocial future and identity as a citizen. Shadd Maruna has called this “making good”. The question of “Who am I?” needs have a prosocial answer for the long term in order to replace the anti-social narratives. Within positive psychology there is now a discussion on a psychology of ultimate concerns or a *spiritual intelligence*. Here are two Anti-Social narratives that promote hopelessness and helplessness. A person without hope and meaning is dangerous to self and to others.

“I know I’m fucked, and I am going to fuck you first.” (young man to probation officer, 1974).

“When asked to assess his life at age 65, Arthur answered, “What am I? What do you look at? Nothing. A piece of shit.” (Laub & Sampson, 2003)

We all have a unique set of patterns or stories stored within our long term memory which are *implicit cognitions* that guide our decisions and actions. These are the stories that provide meaning and guidance. A few of these stories may be explicit with the individual being aware of them; however, most are implicit, and usually are experienced as an intuition.

One Brain, Two Minds

One of the real advances in the social cognitive neurosciences is an appreciation of the way the human brain operates several distinct systems or “minds“. The brain appears to be designed to solve problems related to surviving in an unstable outdoor environment, and to do so in nearly constant motion²⁸. The “mind” is what the brain does. A mind is the result of a critical pattern of connections within the brain and body. For example, the pattern of the conscious self (“I think therefore I am“) is reborn each morning, and also dies each night as the brain connects or disconnects the critical parts.

As a working model of the brain’s mind-making, it is proposed that there are two distinct cognitive systems underlying reasoning. System 1 or the Automatic Mind is old in evolutionary terms and is shared

28. *Brain Rules* (2009). In this book John Medina reviews the little we now know about the brain. He points out that if one wanted to create an education environment that was directly opposed to what the brain was good at doing, you probably would design something like a classroom. That is probably also true about rehabilitation in the prison.

with other animals: it comprises a set of autonomous subsystems that include both innate input modules and domain-specific knowledge acquired by a domain-general learning mechanism. System 2 or the Rational Mind is evolutionarily more recent and probably distinctively human: it permits abstract reasoning and hypothetical thinking, but is constrained by working memory capacity and correlated with measures of general intelligence. These theories essentially posit two minds in one brain with a range of experimental psychological evidence showing that the two systems compete for control of our inferences and actions.

This idea of “one body, two minds”²⁹ is a useful simplification. The reality is much more complex. All the different theories for dual-processing have in common the distinction between cognitive processes that are fast, automatic and unconscious and those that are slow, deliberative and conscious. It has been suggested that there may be two architecturally (and evolutionarily) distinct cognitive systems underlying these dual-process accounts.

However, recent research suggests that (a) there are multiple kinds of implicit processes being described by different theorists and (b) that not all of the proposed attributes of the two kinds of processing can be sensibly mapped into two systems as currently conceived. It is suggested that while some dual-process theories are concerned with parallel competing processes involving explicit and implicit knowledge systems, others are concerned with the influence of preconscious processes which contextualize and shape deliberative reasoning and decision-making.

What is now clear is that the brain operates several systems, and only a little of this activity is at the level of the conscious self who naively states that “I think, therefore I am”. The truth is that the brain is always processing information from the external environment and from the body, making decisions, and sometimes activating the “I think” system. Our automatic or implicit processes are used by the

29. The classic paper is *In two minds: dual-process accounts of reasoning* (2003). *The Handbook of Implicit Cognition and Addiction* (2006) is a valuable collection with an excellent article on gambling. In *Rehabilitating Rehabilitation: A Neurocriminology Program Model for Prevention and Treatment of Antisocial Behavior* (2008), Chapter 8, Two Minds is still a decent review of the literature.

brain much more often than the more limited conscious and rational system. These automatic systems are the ones that are, usually without our awareness, responsible for our everyday behavior and for our emotions. Neuroscience research has established that most of our daily actions (about 97%) are automatic.

It is also clear that the practice of regular reflection such as insight meditation can help to promote the integration of these different systems. Developing a new prosocial self-organizing narrative (SON) that integrates the “two minds” is a process that takes time. This new synthesis can take from 5 to 10 years.

The automatic systems are usually beyond our self-awareness, nonverbal, fast, require little effort and have a high capacity with access to the long term memory. The rational and self-aware system is verbal, slow, requires effort, and has limited capacity. Deliberate self-control is a valuable resource that is available to this rational and deliberative system. But this conscious self-control is a resource that can easily be used up³⁰.

Leaving Chronic Incarceration

A person in the process of leaving an addiction relationship to a substance, activity or a person is likely to experience conflict between the automatic and rational “minds”. Thus St. Paul wrote in Romans 7:15: “I do not understand what I do. For what I want to do, I do not do. But what I hate, I do. I have the desire to do what is good but I cannot carry it out. For what I do is not the good I want to do but the evil, this I keep on doing.”

It is important that the individual develops a narrative where the self is seen as being separate from the addiction. This is especially true with a person trying to leave an addiction to *chronic incarceration*. It is

30. Most of the work on self-control as a limited resource has been done by Roy F. Baumeister.

Two Minds in One Brain (Evans, 2003)

<i>System 1, X, AT</i>	<i>System 2, C, ST</i>
Unconscious (not aware of self)	Conscious or self-aware
Evolved early	Evolved late
Shared with animals	Uniquely human
Nonverbal	Verbal
Rapid, parallel	Slow, sequential
High capacity	Low capacity
Domain specific	Logical, abstract
Pragmatic	Hypothetical
Independent of working memory and IQ	Related to working memory capacity and IQ

one reason that I don't use the term "addict" or "criminal" in my clinical work. Rather, I talk about a person who has an addiction relationship to a person, substance or activity. The goal is to leave that harmful addiction relationship. Addiction is always a choice even though the person in an addiction relationship may feel that there is no choice. The person can always leave the addiction relationship.

The SEL SID SON model is a provisional attempt to understand the developmental process whereby an individual starts to leave the *chronic incarceration* (with its pattern of *mindless offending*), and then begins to slowly develop a prosocial self-organizing narrative (with its own automatic prosocial pattern that is congruent with the individual's

conscious commitment to desist and to live a “good life”) that will support *mindless desistance*.

Basically over time the anti-social self organizing narrative (SON), with its automatic and implicit anti-social cognitions, starts to fade away as a new and prosocial self organizing narrative emerges out of one’s *actions* and *reflections*. This transition process takes a significant amount of time. I am arguing that it can be several years before the new cognitions become fully integrated into the long term memory. In the SID process of re-entry and in the early desistance and stabilization process, the individual must engage the self-conscious decision to desist (which is a decision that requires the ongoing use of the limited resource of self-control) whenever the individual is in a risk situation where there is a perceived criminal opportunity. Over time this conscious self-control is more and more supported by, and then replaced with, the development of the prosocial automatic mind. Being prosocial has now become “mindless” and automatic (and therefore requires little effort) in much the same way as one’s earlier “mindless offending” had been the easy norm in the past. To support the internal development of this prosocial SON requires paying close attention to the design of the external inclusion situation (SID).

Remember that the environment is part of the individual’s *embodied mind*³¹. The information flow between the individual’s body/brain/minds and the world is so dense and continuous that, for scientists studying the nature of cognitive activity, the isolated individual unit of body/brain/minds alone is not a meaningful unit of analysis. This statement means that the production of cognitive activity does not come just from the individual body/brain/minds alone, but rather is a mixture of the body/brain/minds and the ongoing interaction with the situation. These interactions become part of our cognitive systems. Our thinking, decision-making, and future are all impacted by our environmental situation. The social psychologist Kurt Levin

31. Tony Ward uses the term *Extended Mind Theory* (EMT) to refer to a cluster of theses claiming that mental processes can contain external elements. I usually use *Embodied Mind* or *Embodied Cognition* for the functional unity of the body/mind/environment.

made this critical point back in 1947 when he stated that behavior is a function of the organism in its environmental context ($\text{beh} = f(\text{O}(\text{E}))$). Therefore we need *social inclusion by design* (SID) to ensure that the individual's environment promotes the development of prosocial thinking, feeling and action.

The SID SEL SON process is very similar to Brian Wansink's work with "mindless eating"³². Wansink's goal is to work with the individual to consciously design a situation where the old "mindless eating" that leads to obesity has been replaced with new automatic or "mindless eating" that leads to effortless weight maintenance. Just being "mindful" and making conscious decisions concerning our eating is not enough, since self-control is such a limited resource. Wansink points out that we all make over 200 eating decisions a day. If each eating decision requires a conscious effort then we will fail over time because we will exhaust our self-control, which is a limited resource. The same is true of being prosocial, since we all have limited self-control.

If I have something in my environment (food, alcohol, criminal opportunity) so that I need to use self-control to deal with the temptation, then it is only a matter of time before I have exhausted my self-control, and then I will go with the temptation. Oscar Wilde once said "I can resist everything except temptation." He also said that "A kiss may ruin a human life." In the end a wrong kiss did lead to his self-destruction. We need more than conscious self-control; we need to develop our mind's automatic systems to provide prosocial guidance.

It is possible that one purpose of consciousness is the creation of ever more complex unconscious automatic processes that fit each individual's idiosyncratic environment, needs, and purposes. We are conscious so that we can make the changes in the situation, and to

32. *Mindless Eating: Why We Eat More Than We Think* (2007) by Brian Wansink is a study of how we are controlled by the situation, and how to design a situation that promotes healthy "mindless eating". His web site at <http://mindlesseating.org> has many free resources. There is an excellent discussion of his work in *Switch: how to change things when change is hard* (2010) by Chip Heath and Dan Heath. The model in *Switch* is very close to the SEL SID SON model. The book has a lot of good and very practical ideas for implementation.

develop our automatic “mind” so we don’t need to be rational and self-conscious. Being “mindful” takes too much self-control.

And this is as true for offending as it is true for eating or any other addiction relationship. Just being “mindful” and trying to use rational self-control to not offend is not going to be enough for long-term safety and desistance. For real lasting change, we need all three processes—SEL SID SON—in order to develop “mindless desistance”. We need to design an environment that supports prosocial activity, and also develop and integrate the automatic and rational minds so both work in harmony.

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2. NGOS AND RE-ENTRY: CONTRIBUTIONS TO THE GREEK PENAL SYSTEM

Introduction

Until the 80s Greece had a low criminality rate. In fact in February 1983 Greece was still among the five countries with the lowest rate of inmates in Europe: 35 per 100,000 inhabitants following The Netherlands (28), Malta (29), Cyprus (29.7) and Ireland (37). The criminal system was adjusted back then but it could not and did not adjust to the changes that followed (Spinellis and Spinellis 1999, 3). In the sixth World Prison Population list, Greece has moved up from a low category to that of a moderate user of imprisonment (Walmsley 2005 ref. cit. Jewkes 2007, 98,113).

The aim of the Greek penal system in theory is to “*prevent criminals from committing new crimes and keep others from doing likewise*” (Bean 1981, 30 ref. cit. Banks 2004, 107). The penalties used are imprisonment, deprivation of liberty, probation, pecuniary penalties, and, recently, community services (Spinellis and Spinellis 1999, 36–37). Capital punishment, solitary confinement, or “sensory deprivation”

no longer apply because they are considered widely as forms of torture and thus they are unacceptable (Spierenburg 1991, 281). In theory, the Greek penal system emphasizes the rehabilitation of prisoners through education, vocational training, and productive labour¹. Its role, as Foucault (1977) had emphasized, is to create the “*right thinking citizen*”, which is a trained and disciplined individual (Hudson 1996, 7 ref. cit. Banks 2004, 122). These programmes are being delivered by specialized personnel of the social services (social worker, psychologist, sociologist, and criminologist). The social workers, particularly, assist ex-convicts in securing employment upon release from prison. Particular emphasis is placed on the rehabilitation of juvenile offenders. Special training schools and institutions provide academic and vocational education.

In practice, however, the situation is different. As the secretary of the Ministry of Justice Mr. Katsifaras² (2010) mentioned, “*the conditions and the picture of the prisons today is unacceptable and reaches if not exceeds the limits of rights and values of human life*”. This is linked to overcrowding. The numbers of offenders being sent to prison has risen dramatically over the years and has resulted in a chronic problem. Overcrowding leads to lack of safety for those who live in prisons as well as other numerous problems. Bullying, suicide, self-harm and health problems are common among inmates. Moreover, along with the lack of specialized personnel, it results in fewer opportunities and participation in the education, training and rehabilitative programmes (Jewkes 2007, xxiii-xxiv).

There is currently little social rehabilitation for prisoners when in prison, and the support when they leave prison is inadequate. This causes problems when they try to start a life in the society. An attempt is being made to solve these problems by the NGOs; by “stepping in” they fill the lack of personnel and provide the basic needs (food,

1. In Plato’s work, the “Republic”, (Πολιτεία in Greek) the penal system functioned in a similar way. The purpose of both criminal laws and penalties was to teach offenders to remedy their offences and never commit such acts again. He believed in rehabilitation through the right education (Tetlow 2005, 153).
2. See: <http://www.newstime.gr/?i=nt.el.article&id=20987> and <http://www.in.gr/NEWS/article.asp?lngEntityID=1074150&lngDtrID=244> (in Greek).

lodging, etc.) and the means (education, employment, etc.) for a successful integration.

Prison System

The organization of Greece's prison system is based on the constitution, international conventions, the Correctional Code (amended in 1967, 1989 and 1999, and which is also known as Prison Law), the Penal Code and the Penal Procedure Code, along with numerous ministerial and presidential decrees (Lampropoulou 2005, 213–214). Prisons are categorized (in theory) as general institutions of detention and special institutions. The first are further distinguished by type A, (pre-trial detainees, detention for debts and short-term convicted inmates) and type B (remaining inmates). Unlike other countries like Finland (Freed and Kalina 2003³), women and men are kept separately. The special institutions include the institutions for juveniles and the semi-open prisons. In practice, five different categories of institutions of detention are distinguished: (Spinellis and Spinellis 1999, 44).

- four open⁴ agricultural prisons
- three correctional institutions for minors
- seven closed prisons (one is for women)
- three therapeutic institutions
- thirteen judicial⁵ (temporary) prisons

3. From the documentary: "To Kill or to Cure" Galafilm Production In Montreal, Quebec See: http://www.telefilm.gc.ca/data/production/prod_2626.asp?lang=en&cat=tv&g=doc&y=2003.

4. "*Open prisons are institutions which allow prisoners to interact more with the community in which they are situated*" (Jewkes, 2007: 727). The agricultural prisons are the only institutions belonging to this category. The inmates leave the premises every morning to work in the farms or take care of animal herds (sheep and other) in free pasturing grounds (Spinellis and Spinellis 1999, 48).

5. In principle Judicial prisons are for inmates awaiting trial. *They are either on remand or they are to be tried on appeal or they are convicted for one offence and they are on remand for a second* (Spinellis and Spinellis 1999, 45).

The table below shows all the institutions according to the Greek Ministry of Justice:⁶

Greek Penal Institutions
<i>Agricultural prisons</i>
Rural Prison of Agya (Crete)
Rural Prison of Cassandra
Rural Prison of Tyrintha
Central Prison Supply Storage Centre (KAYF in Greek)
Correctional Institutions for Minors
Special Juveniles Detention Establishment of Avlona (EKKN)
Rural Penitentiary Establishment of Minors in Kassavetia (ASKA)
Special Juveniles Detention Establishment of Volos (EKKN)
Closed Prisons
Closed Prison of Alikarnassos
Closed Prison of Corfu
Closed Prison of Patras
Closed Prison of Trikala
Closed Prison of Chalkida
Central Closed Prison of Korydallos for Females
Detention Establishment of Malandrinos
Therapeutic Institutions
Hospital for prisoners of Korydallos
Psychiatric Establishment for Prisoners of Korydallos
Drug Rehabilitation Centre for Drug-addict prisoners of Eleona of Thiva
Judicial Prisons
Judicial Prison of Thessaloniki
Judicial Prison of Ioannina
Judicial Prison of Komotini
Judicial Prison of Korydallos for Men
Judicial Prison of Kos
Judicial Prison of Larissa
Judicial Prison of Nafplio
Judicial Prison of Neapolis
Judicial Prison of Tripolis
Judicial Prison of Chania
Judicial Prison of Chios
Judicial Prison of Korinthos
Preventorium for Prisoners of Amfissa

6. See: <http://www.ministryofjustice.gr/eu2003/prevention.php>.

Greek prisons have been characterized by various human rights organizations as exceeding capacity, and being overcrowded, and substandard⁷. Despite the measures that have been taken to reduce the use of imprisonment and to expand the use of non-custodial sanctions by substituting imprisonment by financial penalties, the prison population is still increasing (Spinellis and Spinellis 1999, 53,55). In 1979⁸ the total number was only 2,815. As was mentioned at the beginning, in 1983 it was still among the countries with a low criminal rate. At the end of the 90s, specifically in 1999, 7,538 inmates (adults and minors) were detained, whereas there were only 4,543 available places. In 2003 the number reached 8,418 inmates, a rate of 83 per 100,000 of the national population (Roth 2000, 119). One year later in January to April 2004, the amount rose to 8,726 inmates and then higher to 8,798 inmates (Spinellis and Spinellis 1999, 45–46). This is a significant rise considering that the nominal prison capacity was 5,284 that year.

In 2005 the population was already 9,870, which represented 91 per 100,000 of the national population⁹. According to Calliope Bellia¹⁰ (2005), the judicial prison of Korydallos had more than 2,000 that year and all of its six wings had approximately 350 inmates and in the first semester of 2006 the total number had reached 10,627. In those numbers, suspects remanded in custody (detainees) (2,948, almost 30%) and immigrants (4,402) should also be counted. The latter can be imprisoned automatically before trial, by virtue of not being Greek, if suspected of committing a crime, or they are being detained because they cannot be deported (Baldwin-Edwards 2001; Lampropoulou 2005, 224).

7. See: <http://www.unhcr.org/refworld/country,,IRBC,,GRC,,45f1473a2f,0.html>.

8. See: www.epda.gr (In Greek).

9. See: <http://ec.europa.eu/eurostat>.

10. Calliope Bellia was the social service's senior social worker and my supervisor while I was performing my 6 month internship in the Judicial Prison of Korydallos in Athens in 2005. The citation is from my internship diary.

These numbers placed Greek institutions among the most crowded in Europe in 2008. In the 8th prison list¹¹ of the same year, Greece had 12,300 whereas from the aforementioned countries only the Netherlands (16,416) was higher, Malta had (387), Cyprus (671) and Ireland (3,325). Greece does not, in fact, follow the European Union's requirement of seven square meters for each prisoner. Drosou¹² (2008), a spokeswoman for the Initiative for Prisoners' Rights, pointed that 13,000 prisoners were crammed into jails designed for 7,500 with a further 5,000 in police detention cells. In addition, long pre-trial detentions exacerbate the existing problem. According to the Council of Europe, the average period of pre-trial detention in Greece is a full year (365 days), nearly three times that in other European Union states. The latest statistics from Mr Katsifara¹³ (2010), for 2009, showed the population having reached 11,343 with prison capacities for 9,103.

As was mentioned at the beginning, these conditions cause numerous problems (strikes, suicides, deaths) which, in addition, make the work of the social services even more difficult in providing the rehabilitation programmes (education, employment, etc.). In 2008¹⁴ the existing conditions led more than 4,000 inmates to a hunger strike in 21 of the country's penitentiaries. Some 4,800 inmates, including inmates at the top-security Judicial Prison of Korydallos in Athens and Crete's Alikarnassos, had started a strike in November 2008, demanding better conditions in the institutions and restrictions on the amount of time that detainees awaiting trial must spend behind bars. Additionally, research showed that during a 20 year period (1977-97), 20.3% (93) of the total number of deaths (457) were registered as suicides, corresponding to an average 1.1/1000 inmates. The rate of deaths, on the other hand, is always related to overcrowding (Themeli 2002 ref. cit. Lampropoulou 2005, 231).

11. See: www.prisonstudies.org.

12. See: <http://www.mediaisland.org/en/inmates-greek-prisons-refusing-meals-protest-overcrowding>.

13. See: <http://www.in.gr/NEWS/article.asp?lngEntityID=1074150&lngDtrID=244> (in Greek).

14. See: http://www.ekathimerini.com/4dcgi/_w_articles_politics_0_31/10/2008_101738.

Prisoners' Social Rehabilitation Before Release

The Greek penal establishments as a rule follow a regime of three compulsory tasks. Thus, the rehabilitation programme, which as Farabee (2005, 25) has defined, is *"A plan or system under which action may be taken toward a goal or an offender program, a plan that is treatment-designed for the specific goal of reducing recidivism"*, and includes education, recreational activities or vocational training. Sensitization groups for drug dependents and work while inside prison are voluntarily. This is mainly because the Greek Constitution prohibits forced labour (Spinellis and Spinellis 1999, 47). The programmes are entitled for everyone. The social workers, the psychologist and the sociologist provide those services.

Education: in the field of education many prisons run a school of "second opportunity", which is a school for adults. Since illiteracy among prisoners is very common, usually among foreigners who did not have the opportunity to study, providing them with basic education will increase their possibilities of finding employment upon release and, in turn, reduce the possibility of reoffending (Farabee 2005, 29).

Recreational activities: many prisoners express themselves through artistic creation. The resulting craftwork is usually sold in exhibitions or wins prizes in artistic competitions, which in return provide a decent amount of money for the prisoner's account. The social workers are responsible to support the prisoners, and they contact the organisers of the competitions on the prisoners' behalf.

Employment: most inmates enter prison with patchy job histories; moreover, they lack educational skills to compete in the workforce. Providing them with the needed skills and experience will help them find a job upon their release (Farabee 2005, 31). For this reason workshops (for carpentry, metalwork, cooking, etc.) exist inside prisons where inmates can work and hone those skills. The social workers are once again the ones responsible for collecting the prisoners' applications, and distributing them to the workplaces accordingly.

Substance Abuse Treatment: in this field Greece innovated with the establishment of independent detoxification centres for detainee drug-addicts. The first one is in the Eleona area of Thiva and it can hold 250 inmates. The second is under construction on the site of the Rural Prison of Cassandra and has a capacity of 360 inmates. The Detoxification Centre for Prisoners' programme (K.A.T.K. in Greek) is a voluntary multiphase treatment which takes two years. It aims at psycho-physiological recovery from drug dependency, abstaining from breaking the law, training and education and the social rehabilitation of its participants¹⁵.

After Release

In the field of aftercare the Greek penal code does not set guidelines for many services. The ones meant for ex-prisoners include a symbolic grant provided by the Societies for Released Prisoners, various additional services provided by the General Secretariat of Lay Education, the National Organization of Welfare, the Municipalities of Athens and other cities along with certain technical institutions and vocational training and support of the EU's Social Fund which are offered by the law schools of various universities in Athens and Thessaloniki. The most important services, however, are the ones provided by the Organization of Employment of the Labour Force (OAED¹⁶ in Greek), which includes economic assistance for unemployed ex-prisoners, programmes of vocational training, subsidies for employers who employ ex-prisoners, and finally assistance to ex-prisoners who want to become self-employed or start their own small business. The social worker gives the information about those programmes to the prisoners and prepares the necessary certificates for them to receive

15. See: <http://www.ministryofjustice.gr/eu2003/prevention.php>.

16. See: <http://www.oaed.gr> (in Greek).

help. Prisoners are not entitled to housing and long-term counselling services (Spinellis and Spinellis 1999, 51–52).

Two studies from the National Research Centre attempted to evaluate the training programmes provided by examining the opportunities for reintegration for adult men and women offenders on release from prison and from juvenile offenders. The first one examined the difficulties encountered in integrating or reintegrating women offenders into work pending their release. By examining 16 institutions charged with the education and training of released prisoners, using interviews from representatives of each organization, it found that the problems of integration into the world of work had started long before imprisonment, and that deprivation of liberty intensified them and made them more acute. This study emphasized the importance of aftercare treatment and the need for further support programme as well. The second study followed 56 adults and 11 juveniles, after their release from prison, who had taken part in one of four occupational training programmes which were related to the Ministry of Education (Adult Education Division). Of them six of the adults and one of the juveniles were female. The vast majority of both groups worked after release in the same sectors prior to their confinement, usually in unskilled or temporary jobs. This implied that their training while being inside prison had played no role. Thus, the authors emphasized the need for better programme planning and aftercare (Thanopoulou et al. 1997; Thanopoulou et Moshovou 1998 ref. cit. Lampropoulou 2005, 230–231).

During the 90s the number of specialized personnel (social workers, psychologists, sociologists and criminologists) in prisons fell, and education and training programmes did not operate as they were supposed to on a permanent basis. Moreover, the continuous overcrowding affected not only the programmes but also the workshops. The number of participants was reduced. Additionally, as we have seen before, the assistance from the state institutions offering social relief to all the groups of prisoners in the field of aftercare was reduced and therefore inadequate because of the increased number of inmates (Lampropoulou

2005, 231). The creation of a new institution was needed and thus, following a change in the law on aftercare in 2004, (PD 300/2003) **Epanodos** (re-entry)¹⁷ was set up. Operating since 2007, and following the idea “*We stand by them before and after their release*”, it has as a primary objective the resettlement of ex-offenders back into society, enhancing and promoting their working skills and abilities in order to provide them with easier access to the labour market. The organization also offers consulting and it provides psychological support. By doing so, Epanodos tries to create the necessary infrastructure for the ex-prisoners’ safe vocational and educational integration. Two years after its foundation in April 2009, Epanodos joined the network of members of the European Organization for Probation¹⁸ (CEP), by representing Greece, thus adding the country as the 28th country that joined this network of members. It must be noted that Epanodos was set up with the rudimentary amount of 50,000 euros and subsequently secured an additional amount of 25,000 euros. Most of its activities are funded by donations and private sponsors.

Prior to the creation of Epanodos, the state had shown a tendency to transfer the “responsibilities” concerning the aftercare and rehabilitation of prisoners to other organizations. That is why the different NGOs appeared and offered their assistance.

Non-Governmental Organizations

A non-governmental organization (NGO¹⁹) “*is a type of non-profit organization that works to promote human good while operating separately from any national government*”. NGOs are therefore typically independent. This definition of an NGO varies from nation to nation, but most of them fall within this framework. They are usually non-profit

17. See: <http://www.epanodos.org.gr/>

18. See: http://www.cep-probation.org/default.asp?page_id=65&news_item=220.

19. See: <http://www.un.org/dpi/ngosection/criteria.asp>

organizations; they do not belong to the sphere of the market and gain at least a portion of their funding from private sources (donations, sponsors, and international funding programmes)

The NGOs were formed and took the “responsibility” to provide the much-needed aftercare services for ex-prisoners, and were essentially “reinforcers” of non-offending behaviour. More specifically, they offer ex-prisoners (1) material support (e.g. money, goods and shelter); (2) activities (e.g. recreation, education and vocational training); (3) social support (e.g. attention, praise approval and counselling); and (4) support in order to explore and develop their covert issues (thoughts, self-evaluation, and cognitive skills) (Cullen and Gendreau 2000, 146). They are divided into those whose activities target only the group of prisoners (Saint Xenii, Onisimos and EPEA Hellas) and into those who include the group of prisoners in their services (KETHEA, Arsis, Praxis, Klimaka, and OKANA). All of these organizations regard crime as a symptom of a social disease and thus the NGOs’ rehabilitation services provide the treatment that aims at curing this disease²⁰ (Banks 2004, 116). Since the NGOs’ funding comes mainly from private donors, their finance is always an issue when providing their services. As was mentioned by Farrell and Clark (2004), “*on average, richer countries spend more capita on criminal justice than poor countries*” and as was shown with Epanodos, which is under the supervision of the state, the amount given for its setup was rudimentary, the Greek state does not spend enough money on the rehabilitation of prisoners and on criminal justice as a whole (Farrell and Clark 2004, 11).

Following are case study examples from the aforementioned NGOs.

20. Similar to what Aristotle, wrote in *Nicomachean Ethics* (Ἠθικά Νικομάχεια in Greek) about punishment, this is the assertion of goodness, because it is necessary in response to an infraction, and because it is done with the intention of reasserting balance, it is the source of goodness (McBride, 2007:6).

Saint Xeni

Diacony for the Release of Poor Prisoners & Defendants

Saint Xeni²¹ is an Orthodox Missionary Sisterhood founded in 1978 in Thessaloniki. By being affiliated with the church it believes that crime is not an act of choice by the offender but the result of social circumstances. The offender is a “lost sheep” who, with the proper guidance, can return to its “flock” (Banks 2004, 116). It was the first organization to be active in the rehabilitation of prisoners. In that time all rehabilitation services (food, money, education, and employment) were undertaken by the church (Cullen and Gendreau 2000, 114). Up to now it has assisted in the release of 12,360 prisoners at a total cost of 3,250,000 euros. Collaborating with the prison’s social services, Saint Xeni provides the amount of 300 euros for prisoners, who by paying, can convert their sentences into fines. Saint Xeni does not set criteria in providing this financial assistance. Every prisoner who lacks money is entitled to receive it. Because of its missionary character, it is active not only in Greek prisons but also in foreign countries. It has accomplished the payment of fines and the release of prisoners of Greek nationals who are held in South Korea, New Mexico, the USA and Cyprus, where the law for fines is valid. It also dispatches money to prisoners lacking the financial capacity, either Greeks or foreigners, without any discrimination, in order to cover their basic needs inside prison (food and clothing); this occurs for prisoners in Egypt, Albania, Kenya, Congo, Libya, Madagascar, Thailand and Tunisia. Moreover, it provides support, counselling and distributes the religious magazine “Christian Pulses”, which is also the organization’s information instrument.

21. See: www.diakonia-filakon.gr.

Onisimos

Onisimos²² was founded in 1982 as a “Special Charity” corporation in order to morally and materially help prisoners and their families who lack the financial capacity. It was awarded in 2001 for its humanitarian work in the “Year of Volunteers”. It covers the prisoner’s basic needs (such as clothing, footwear, food, furniture, rental and payment of bills); it collaborates with the social services and contributes financially to the release of poor prisoners and provides free legal support and coverage of legal expenses. Unlike Saint Xeni, Onisimos sets criteria for this financial support. The prisoner must not be a repeat offender. It is the only organization that houses released prisoners temporarily in a hotel in the centre of Athens. Moreover, it has helped in the creation and enhancement of many prison libraries, and it also distributes a monthly religious magazine called “Prisoner’s Friends” (Φίλοι Φυλακισμένων in Greek). In addition, it assists in vocational rehabilitation by contacting the proper authorities and directing the prisoners accordingly as well as informing them about employment programmes.

EPEA Hellas

EPEA Hellas²³ was founded in 2007. It is an official branch of the European Prison Education Association (EPEA²⁴); it aims to promote and support the development of education in Greek prisons, along with the professional development of persons involved with it, according to Recommendation No. R (89) 12 of the Committee of Ministers to Member States of the Council of Europe²⁵ (1989). It works with other professional organizations and supports a variety of research in

22. See: www.onisimos.gr (in Greek).

23. See: http://www.epea.org/epeahellas/?page_id=3.

24. See: <http://www.epea.org/index.php>.

25. See: http://www.epea.org/index.php?option=com_wrapper&Itemid=138.

that field. Moreover, by collaborating with the state and the school of “second opportunity” and within the framework of adult learning, it has created a virtual school that provides diplomas equal to those of universities²⁶.

PRAKSIS

“Post Release Centre”

Praksis²⁷ is an independent organization which aims at the creation, application and implementation of humanitarian and medical action programmes. Originally run by the Greek Branch of Médecines Sans Frontières (MSF, Doctors without Borders), until October 2004 it offered its programmes for 12 years via two polyclinics²⁸ based in Athens and Thessaloniki.

Knowing the lack of infrastructure for prison rehabilitation that exists in the Greek state, Praksis created the “Post Release Centre”. The main objective of the programme is: *the provision of services and the development of appropriate networks, in order for the (re)integration of ex-prisoners, irrespective of nationality, to be achieved effectively*. Services are free of charge and they include, (a) medical support, (b) psychological support along with skills development for social integration, (c) legal advice through networking with associate agencies, and (d) promotion into employment.

Networking, research and recording of needs are the tools for the protection of the rights of ex-prisoners as well as for lobbying relevant state agents. Intervention policies, and hence a change in social policy, are the ultimate aim of this programme.

26. See: http://gym-par-avlon.att.sch.gr/public_html/eng_home/newspapers/2001/index_eng.htm.

27. See: <http://www.praksis.gr/default.asp?pid=2&la=2>.

28. See: [http://mighealth.net/el/index.php/Doctors_of_the_World_\(MÉDECINS_DU_MONDE\)-GREECE](http://mighealth.net/el/index.php/Doctors_of_the_World_(MÉDECINS_DU_MONDE)-GREECE)

KLIMAKA

Founded in 2000 Klimaka is an NGO that supports the provision of mental health services and the implementation of social integration of vulnerable groups. Since 2002, Klimaka²⁹ has had juvenile offenders as a target group for its intervention developments. In the same year the organization started, in the juvenile prison of Avlona, a pilot programme concerning their psychosocial support and their preparation for social and professional re-integration.

In addition, the organization created the Reception Office for Juvenile Offenders. The main idea behind this creation is that society is obliged to give the opportunity to juvenile offenders to “grow” outside the borders of crime and to support their adaptation attempts in a smooth family and social environment. The aim of the Reception Office is the psychosocial support and re-integration of juvenile offenders who are under conditional release from the Penal Institution of Avlona and those who have been referred by court decision from the Juvenile Court to attend a sociological-psychological programme instead of a sentence due to law 3189/2003³⁰

Moreover, the Reception Office is active in providing counselling to youths who possibly may be in a critical state of developing mental disorders or who may be forced to offend because of their living conditions.

ARSIS

ARSIS³¹ is a non-governmental organization specializing in social support for young people and the protection of juvenile rights. It was established in October 1992 and operates in Athens, Thessaloniki,

29. See: <http://www.klimaka.org.gr/newsite/index.htm> (in Greek).

30. See: http://www.dsnet.gr/Epikairothta/Nomothesia/n3189_2003.htm (in Greek).

31. See: <http://www.arsis.gr/22.htm> (in Greek).

Volos, Larissa and Karditsa. ARSIS has been actively involved in youth detention facilities since 1994. Its aim is to create communication bridges with the participation of professionals and volunteers. Specifically it aims at:

1. The creative use of leisure time
2. The enhancement of self-esteem of prisoners
3. Practising skills and qualifications
4. Facilitating expression and communication skills and
5. Supporting actively the prisoner's social reintegration.

By creating opportunities for creative activities, education, expression and communication, ARSIS seeks to alleviate the prisoner's stigma and support the youths after their release, through the creation of a stable and lasting bridge between the 'limit' and the freedom to try to remove prejudices and to support the offender's recent release from prison. In order to achieve these goals, the means it uses are:

- Workshops for creative expression
- Vocational guidance and training
- Visits to voluntary groups for communication and entertainment
- Publications for the rights of prisoners and
- Individual support and preparation for the time of release.

KETHEA

Therapy Centre for Dependent Individuals

KETHEA³² has operated since 1983 and targets the rehabilitation of drug addicts, through counselling and therapy programmes. It has

32. See: <http://www.kethea.gr/>

fourteen counselling support programmes, two therapeutic³³ communities (T.C.) and two reception and re-entry centres among its services for prisoners. KETHEA's services are meant for all drug addicts; the services for ex-prisoners, however, are offered in different places. Its programmes include, KETHEA En Drasi in Athens (in action in Greek), counselling for prisoners along with the reception and re-entry centre for released prisoners in Thessaloniki and KETHEA Ariadne in Crete.

KETHEA En Drasi operates in the judicial prison of Korydallos, the Psychiatric Division of Korydallos and the Women's Prison of Korydallos. With self-help groups it aims to inform about the effects of drug abuse and the existing treatment programmes. In early 2000, it launched a pilot programme, a therapeutic community, in the Women's Prison. The inmates/women received support so as to be re-integrated into society after completing the programme and being released. For this purpose, in 2002 it also established the Centre for Released Prisoners in the centre of Athens.

The Counselling Unit for Prisoners in Thessaloniki operates in the Judicial Prison of Diavata, the Military Prison of Thessaloniki, the Rural Prison of Cassandra, the Closed Prison of Trikala and the Closed Prison of Komotini. The aim is to raise awareness and create motivation among substance-dependent detainees, with the aim of referring them to detoxification units.

The Reception and Re-entry Centre for Released Prisoners in Thessaloniki is addressed to people from all the correctional facilities which aim at detoxification and smooth re-integration. Its services include therapy and motivational enhancement therapy groups, rehabilitation groups, support groups for legal matters, "finding employment" information and counselling to persons belonging to the close family circle of the released prisoners.

33. The philosophy of the T.C. is that substance abuse is not the main cause of the offender's problems. Rather, it is a symptom of a larger problem: the disorder of the whole person. Hence, the goal of the T.C. is to "habilitate" clients in a holistic fashion emphasizing personal responsibility (Farabee 2005, 28–29).

KETHEA Ariadne has operated in Heraklion since 1993. In 2003 it started operating with the Judicial Prison of Neapolis and the Closed Prison of New Alikarnasos. It aims at informing detained users about matters concerning dependence and its treatment; it also provides educational, and vocational training. KETHEA collaborates with another NGO called OKANA³⁴, which focuses on drug addicts. Unlike KETHEA, however, the later does not have activities focusing on prisoners. But it has provided both KETHEA and the state with useful information from research that has conducted concerning prisoners' drug abuse.

Conclusion

From a comparative perspective and based on case study examples of the Greek prison system, it seems to be evident that Greeks still trust the idea of punishment and penalty, which leads to the fact that the prisons are crowded and become the most important institution of prison administration. As the head of the Lawyer's Association of Thessaloniki mentioned, "*the judicial system of Greece produces more prisoners than the penal institutions can hold*". Already for the second time in five months, the European Court of Human Rights criticized Greece for the long stay of pre-trial prisoners in prison cells. It was mentioned and emphasized in the previous criticism (04/06/2009) that "detention in areas devoid of an adequate infrastructure is considered a violation of Article 3 of the European Convention" (prohibition of inhuman treatment). If the situation continues Greece will face the grave danger of being fined by the European Court of Human Rights³⁵.

In order to develop a new concept, methods and practices of penalty and prison systems, it is important to consider that each national

34. See: <http://okana.gr/en/>.

35. See: <http://www.in.gr/NEWS/article.asp?lngEntityID=1074150&lngDtrID=244>.

system of justice and penalty follows the social, cultural, political and social systems of that particular society. Therefore, as the Minister of Justice Mr. Kastanidis³⁶ (2010) stated, the process of change of the prison system is a multifaceted process, which takes time and which needs to be seen as a multiple layer of several actors as well as values of the prevailing society. In order to make new innovations in this sector, adequate knowledge of the methods and practices of rehabilitation is needed along with adequate training of the staff of the prison system, NGOs and other relevant actors working in this sector.

36. See: <http://www.newstime.gr/?i=nt.el.article&id=20987> (in Greek language).

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3. URBAN DEVELOPMENT, CRIME AND RE-ENTRY: CASE RUSSIA

Introduction

After completing their sentences, ex-offenders have to start living within a particular community, usually an urban one. But the question is how re-entry affects the neighbourhood. When attempting to answer this question, we need to examine the principal characteristics of the particular community. In Richard Florida's sense, the development of urban communities rests increasingly on non-tangible assets (Florida 2002; 2004; 2005; 2008). Therefore, the moral climate, i.e., a set of cognitive schemata and modes of behaviour that are shared within the particular community and tell people right from wrong, good from bad and "ours" from "theirs", might be considered as one of the principal characteristics of those communities.

The phenomenon of *mores* (singular of *mos*) has been examined for a long time by many scholars and social scientists. William Graham Sumner, for example, emphasized that the ways of doing things in a society are not thought out by systematic planning. "Men begin with

acts, not with thoughts ... Need was the first experience, and it was followed at once by a blundering effort to satisfy it” (Sumner 1971, 82). As these trial-and-error solutions are shared among others, they become folkways, conventionally proper ways to behave. Anyone who deviates from the folkway by trying some new way is suspected of disrespect, or unnatural interest in wasting time. If the folkway becomes entrenched in the traditions surrounding some area of life that the group considers a critical problem, then it becomes one of the *mores*. Folkways are conventions, ways of knowing what to do in most situations. But, if mores are violated, it brings forth outrage and punishment. Mores soon become part of the existing basic truths. As Sumner says, they acquire *the authority of facts*. For the most part, they are not written down. They become unquestioned solutions, and they take a great effort to dislodge. For example, mores are crucial in solving problems within different social groups, including criminal organizations. As a result, mores produce the distinctive *moral climate* within the particular community. This problem is crucial in understanding the impact of re-entry on urban communities. But it seems to be somewhat neglected by many scholars and social scientists. This paper is in this view an attempt to provide some theoretical groundwork for these studies, based on the on-going case study of these processes within the city of Ivanovo in Central Russia. It is hardly possible unless we develop a cross-cultural approach based, in our case, on the perspective of cultural and community psychology, and on that of urban anthropology.

Urban Community, Crime and Re-Entry

In the mid-twentieth century a number of social scientists started to borrow ecological concepts and apply them to the study of communities, especially the urban ones.

In fact, the distribution of a population in space assumes critical significance. The “where” may be an area as large as a continent or as small as a city block. Between these extremes are world regions, states, cities, and rural areas.

One of the most significant developments in human history has been the development of cities. A city is a relatively dense and permanent concentration of people who secure their livelihood chiefly through nonagricultural activities. Although many of us take cities for granted, they are one of the most striking features of our era. The influence of the urban mode of life extends far beyond the immediate confines of a city’s boundaries. Many of the characteristics of modern societies, including rising crime rates and, then, the development of prison-punishment systems, and re-entry derive, in some way, from the urban existence. Yet, Harvey Choldin (1984) concluded that population density is not the primary cause of criminal activities. Instead, these social problems are better predicted by a variety of social structural factors such as cultural diversity or the distribution of wealth and jobs. Thus, cities are not the cause of urban problems such as rising crime rates, but rather it is factors such as population mix, deprivation and job opportunities, that vary from one city to another, which considerably affect the emergence of these problems.

While examining how the social uses of urban land result from an interaction between diverse groups of people and their physical/geographical environment, some social scientists developed the approach called *urban ecology* (Schwirian 1983, 83–102). Recognizing that a city (even a pre-industrial one) is a social context that is very different from peasant communities, Robert Redfield (1950; 1953; 1956) focused on contrasts between rural and urban life, defining rural and urban cultures, based on “little traditions” (local and orally transmitted) and “great traditions” (non-local and literate). He contrasted rural communities, whose social relations are on a face-to-face basis, with cities, where impersonality characterizes many aspects of life. He proposed that urbanization should be studied along a rural-urban continuum. Several studies in Africa (Little 1971) and Asia

were influenced by Redfield's view that cities are the centres through which cultural innovations spread to rural and tribal areas (Kottak 1991, 299–300). Alexander Chayanov developed a theory of peasant economics while dealing with empirical data gathered within Russian peasant communities (*obshchiny*) (Chayanov 1989, 114–143). Stanley Milgram examined the different ways of adaptation of urban and rural populations to various environmental settings in developing the perspective of environmental and community psychology (Milgram 1970, 146–168). Indeed, Richard Florida suggests that nowadays the development of urban communities rests increasingly on non-tangible assets (Florida 2002; 2004; 2005; 2008). We need, then, to take these assets into account when evaluating the effect of re-entry on urban communities.

It could be suggested that *moral climate* is one of the key factors in understanding these processes. In Foucault's (2000, 131) sense, a moral climate is knowledge, meaning that people judge their surrounding world according to a certain regime of truth, which tells them right from wrong, good from bad or ours from theirs. This knowledge appears as a set of cognitive schemata and modes of behaviour, such as, for example, *mental maps*, *identification* (and, then, emerging *identity*), *inclusion*, *exclusion*, *tolerance*, *social pressure*, *conformity*, etc. But the question is whether the moral climate leaves room for individual—and group—security, creativity, and freedom of choice. For example, could it be favourable for the development of the system of aftercare, or does it force ex-offenders to restart criminal activities?

The prevailing moral climate enables us to identify ourselves with stereotypes, founded in ethnicity, race, gender roles, social statuses, age (“social clock”), as well as attitudes, social norms and values. These stereotypes, and the moral climate itself, derive from *traditions*—special segments of culture. Stereotypes develop along with a social group. This segment of culture is perceived by people as a tangible reality which helps them resolve their everyday problems. Tradition is expressed in various verbal and non-verbal means, such as language, rituals, customs, music, dance, architecture, sculpture or painting. The content of these

means might be considered as being defined by mores. These issues have been examined by many scholars, such as Eric Hobsbawm (1983a; b), who pointed out that traditions are social inventions and not some primordial characteristics, or Maurice Halbwachs (1950), who showed how traditions are shaped and stored in collective memory. In this regard also Pierre Nora (1996) showed how memories and traditions rely on the material “sites of memory”, such as monuments or historical sites. All these scholars came to similar conclusions, showing that collective knowledge and personal knowledge are in close interaction, although they are also able to act independently.

The moral climate might be considered as one of the key factors that defines the quality of life within the community. According to Czikszentmihalyi, “[...] the actual quality of life—what to do, and how we feel about it—will be determined by our thoughts and emotions, by the interpretations we give to chemical, biological, and social processes” (1997, 4). But these thoughts and emotions may be regarded as a result of perceptive processes within particular environmental settings.

Regarding the way how people relate to traditions and how in return traditions influence the emergence of a moral climate within the particular community, it is possible to distinguish between two manners—the rigid and the conventional one. The rigid manner is characterised by the strict individual obedience to tradition without any doubt about its legitimacy. As a result, the moral climate is becoming hostile toward any alternative idea about the community environment, as well as to the ways of adaptation in it. In such a case, every individual tries to comply with the homogeneity of one’s social group. Criminal groups are very good example of this because of their closeness and rigid hierarchical structures. If individuals fail to meet that demand, they start to be inevitably treated as if they are endangering the order of society (Foucault 1961).

And vice versa, a conventional manner includes a high degree of individual freedom. People are encouraged to change tradition, to be innovative and open, and to look for new ways of adaptation in the community environment. It is possible to examine both manners as

two oppositional regimes of truth (Foucault 2002, 131), each judging things according to its own rules. In reality these regimes of truth are often connected with each other, especially in case of an identity crisis.

When tradition influences an individual or a group by its rigid manner, people tend to think and behave by following some rigid, collectively shared stereotypes. As a result, conformity toward “in-group” norms and values, as well as intolerance and even aggressiveness toward alternative ways of thinking and lifestyles become the collectively approved personal features. Benedict Anderson’s (1991) idea of imagined communities explains the increasing role of the mass media in these processes. Since they have been introduced, the sense of belonging of people was strengthened because these in-group norms started to be effectively disseminated among larger groups of people, who started to feel related to other members of these groups, although they did not personally know them or even know that they existed. The practices of criminal organizations, especially in the era of globalization, provide good examples of those tendencies.

A rigid manner tends to produce authoritarian personalities. The self-identity of the authoritarian personality emerges as a solidarity bonding factor. A person tends to look upon one’s own group as central to everything. The group fulfils one’s need for security and provides a sense of belonging. A member of a group prefers one’s own way of doing things, and perceives other groups as endangering “strangers”. Instead of understanding alternative ways of life, such a person chooses to struggle against “strangers” rather than trying to live with them. This kind of mechanism is rather typical, for example, of many criminal groups.

While influencing individuals in the conventional manner, tradition encourages people to choose alternative ways of thinking and lifestyles. As a result, a tolerant personality develops. The emergence of the self-identity of these people is based not on the exclusion, but rather on the acceptance and understanding of alternative ways of life, thinking and acting. It tends to be more typical for urban communities

because the level of individualization within an urban population is higher. It could be that people simply care only for themselves but are otherwise fairly isolated, even lonely. In this regard, they differ from village communities, which are much more connected, everybody knows everything about everybody and everybody knows that. This knowledge functions as a strong social control and, then, rural communities are more closed and often more intolerant to the violation of their informal rules and norms.

Consequently, the process of re-entry within closed rural communities is characterized by a high degree of social control. Here the mechanisms of inclusion and exclusion are more tangible. Ex-offenders who are excluded from such a community have no or very little chance to give up criminal activities. But those who are included in these communities often receive much more support than those who start living in the big cities.

Therefore, in any country urban and rural populations function as different social systems. Perhaps the differences between both populations are in some cases greater than the differences between urban populations of two neighbouring countries. Nevertheless, cultural diffusion does occur through product exchange and communication. Migrants bring rural practices and beliefs to towns and cities and take urban patterns back home. The experiences and social forms of the rural area affect the adaptation to city life. City dwellers often establish new kinds of social networks to replace the traditional sense of community found in rural areas. These processes affect criminal activities and re-entry. For example, the practices of the Sicilian Mafia may be regarded as those that apply close-knit, face-to-face social relations founded in the traditions of small rural communities of Southern Italy, in order to develop criminal activities in the big cities. Francis Ianni (1998) found that several types of personal relationships introduce criminals to each other and to crime. Links between adult criminals often grow out of childhood friendships or memberships in a gang. Commonly, however, boys begin their careers in crime as apprentices to older persons. Established criminals, who become role models, recruit

boys for criminal ventures. Links established in prisons also lead to later criminal associations that often affect the processes of re-entry within the community. Women occasionally join criminal organizations through male friends or husbands. Once people are committed to crime, their common activity holds the networks together. Networks link partners, employers and employees, and buyers and sellers of goods and services. Social solidarity—an *esprit de corps*—cements criminal networks. The stronger the spirit is, the more successful the ventures in crime tend to be.

Caught between two or more social groups, people usually experience an identity crisis, or feeling of being marginalized. For example, ex-offenders are not fully a part of either group, and unless insulated by the emotional support system of a cohesive sub-community, they will most likely end up having an emotionally stressful life (Milgram 1970, 160–162).

If the moral climate within the community is favourable for an emerging authoritarian personality, ex-offenders are often excluded from it, and the system of aftercare is not developed. As a result, ex-offenders are forced to struggle for status, power and prestige in an aggressive manner, even by committing crimes again. On the contrary, if the moral climate within the community tends to produce a tolerant personality, the system of aftercare is developed. It helps ex-offenders to choose constructive ways of dealing with their identity crisis. These tendencies are more evident in the countries where the processes of urbanization were impetuous. The case of Russia seems to be a very good example of this.

Urbanization, Gulag system and Re-Entry in Russia

Although the majority (more than 70 percent) of people in Russia now live in cities and towns, the traditions of a closed rural commu-

nity—*obshchina*—are still alive and well. This is a legacy of the rapid urbanization during the Soviet era, when the majority of the rural population moved to cities and towns. This fact can perhaps be crucial in understanding many aspects of the history and current development of Russia, including criminal activities and re-entry.

While the intricate factors that lead to the Bolshevik Revolution in 1917 are beyond the scope of this paper, the fact that the Marxist-Leninist movement was distinctly urban-oriented is relevant to understanding the nature of the subsequent urbanization that occurred within the newly-formed Soviet Union. Its government had a philosophy regarding the 19th century capitalist city that was heavily influenced by the *Communist Manifesto*, written by Marx and Engels in 1848, decrying the degradation of the proletariat in large, industrial cities. The irony of the situation lay in the fact that Russia was an agrarian society at the time of the Revolution, and urban squalor was not nearly at the level of other European metropolises. Yet, the new leaders believed that industrialization was the wave of the future and would legitimize the new communist state in the rest of the world. The aggressive pursuance of economic development via industrialization was largely responsible for an explosion of urban growth.

The moral climate within most of the urban communities in Russia resulted from the principal traits of the Soviet model of urban development. The non-defence single-enterprise town defined as a city with population 100,000 or more, where 30% of the population is employed in one enterprise, became prevalent in the Soviet Union. The economy of scope is a concept that describes the conditions under which one firm will produce two outputs at a lower cost than would two separate firms. Soviet planners employed this concept in the process of planning itself; the agglomerate allocation of publicly owned resources within each city possessed an economy of scope over more discrete allocations. Many towns were placed in areas without regard to the location of factor inputs or potential markets for outputs so that an efficient transportation system was essential for successful economic integration. The extensive development of the centrally planned

economy, in the way of the dawn of the industrial era, required many low-skilled workers from the countryside, who were forced to move to the city because of the collectivization of their lands. A large and sudden invasion of new people inevitably awakens a strong sense of community (Freudenburg 1984, 697–705). To replace the traditional sense of community found in rural areas, these people often restored principal traits of face-to-face social relations. The elements of local traditions were mixed with official ideological patterns (it would be possible to define this phenomenon as “quasi-traditionalism”). The Soviet ideology encouraged the traditional collectivism so typical of the *obshchina*. It was incorporated in the urban environment in numerous modifying forms, such as, for example, forms of communal apartments.

Since the Soviet model of industrialization required, first of all, a low-skilled labour force, the underclass formed the majority of population in Russia. As a result, some traits of the culture of poverty became prevalent within the urban communities. Oscar Lewis (2002) gave some seventy characteristics that indicated the presence of the culture of poverty, which he argued was not shared among all of the lower classes. The people in the culture of poverty have a strong feeling of marginality, of helplessness, of dependency, of not belonging. Despite decades of the criticism of that idea by prominent sociologists, anthropologists and other academics who argue that descriptions of the poor as being culturally unique have little explanatory power (Ember & Ember 2004, 210), the culture of poverty concept persists in popular culture. Some principal traits of this culture (e.g., personal unworthiness, dependency, helplessness) were propagandized as socially desirable by the Soviet ideology.

As a result, the moral climate within the most of the urban community in Soviet Russia was characterized by populist envy, strong belief in state power, directed against private wealth, and intolerance towards “strangers”. These tendencies affected criminal activities considerably.

Comparison of the crime rates of the Soviet Union with those of other nations is considered difficult, because the Soviet Union did not

publish comprehensive crime statistics. However, crime was never able to gain enough strength to compete with the state's law enforcement system. The criminal world had ties with the authorities, but it was all kept deeply hidden. Money had influence, but it was not all-powerful. Laundering the profits from crime was difficult, and spending the profits equally so. There were millionaires, but they were underground. There were gangs—but to get weapons they had to run numerous risks. We had it all, but it was all under the surface.

The criminal activities were often produced by the failure of the centrally planned economy. For example, corruption in the form of bribery was common, primarily due to the paucity of goods and services on the open market. Theft of state property was also common and often was not even considered as a crime.

The superiority of the dogmas of the official ideology over justice affected both the legal and law enforcement systems. For example, the very name of the law enforcement authority *militsiya* distinguished it from the “bourgeois class protecting” police within capitalistic nations (Shelley 1996). Criminal activities were often recognized as not being so dangerous for the social order in comparison not only with the overtly expressed disagreement with the Communist authorities, but even with a hidden doubt about the legitimacy of their ideology and practices. Indeed, some practices of the Communist regime in the Soviet Union (e.g., aggressiveness and intolerance towards “other-minded” people, emphasis on violence, etc.) were similar to those within criminal organizations. Criminals were often regarded by the Communist authorities as “ours”, unlike “politicals”, or “enemies of the people” (*vragi naroda*), who were condemned even for assumed activities against the Communist regime. The prison-punishment system of *Gulag* became the major instrument of political repression in the Soviet Union.

Gulag is the acronym for *The Chief Administration of Corrective Labour Camps and Colonies* (Russian: *Glavnoye Upravlyeniye Ispravityel'no-Trudovih Lagyeryey i koloniy*). Eventually, by metonymy, the usage of “*Gulag*” began generally to denote the entire penal labour system in

the USSR, then any penal system of this kind in the world. There were at least 476 separate camps, some of them comprising hundreds, even thousands of camp units. The most infamous complexes were those in arctic or subarctic regions. Today's major industrial cities of the Russian Arctic such as Norilsk, Vorkuta, Magadan, etc. were camps originally built by prisoners and run by ex-prisoners. More than 14 million people passed through the *Gulag* from 1929 to 1953, with a further 6 to 7 million being deported and exiled to remote areas of the USSR. According to Soviet data, a total of 1,053,829 people died in the *Gulag* from 1934 to 1953, not counting those who died in labour colonies or those who died shortly after their release but which resulted from the harsh treatment in the camps. Anne Applebaum notes that "both archives and memoirs indicate that it was common practice in many camps to release prisoners who were on the point of dying, thereby lowering camp death statistics" (Applebaum 2003, 583). About half of the political prisoners were sent to *Gulag* camps without trial; official data suggest that there were more than 2.6 million imprisonment sentences in cases investigated by the secret police, 1921–1953. Yet, the persons who were condemned for real criminal activities formed the privileged part of the inmates considering their imprisonment sentences, living and labour conditions. They also helped the administration of the camps in persecuting the "politicals".

While the *Gulag* was radically reduced in size following Stalin's death in 1953, the system itself was not changed drastically even in the post-Soviet period, regarding living conditions, for example.

The *Gulag* system implied significant restrictions regarding the processes of re-entry. Persons who served a term in a camp or in a prison were restricted from taking a wide range of jobs. Concealment of a previous imprisonment was a triable offence. Persons who served terms as "politicals" were also nuisances for "First Departments" (*Pervyj Otdel*, outlets of the secret police at all enterprises and institutions), because former "politicals" had to be monitored.

In order to hold the cumulative processes of urban growth and high rates of labour turnover in check, Stalin introduced the *propiska*

system in the 1930s, reminiscent of the internal passport issued during the Czarist era. People released from camps were restricted from settling in larger cities. In the Soviet Union, the rights of an inmate released from prison would typically still be restricted for a long period of time. Instead of regular documents, inmates would receive a temporary substitute, a “wolf ticket” (*volchiy bilet*), confining them to internal exile without the right to settle closer than 100 km to large urban centres. This has resulted in many residential communities established at 101 km away from city borders.

Ex-prisoners, then, were controlled by the authorities, but there was no system of aftercare. These processes impact considerably the development of many urban communities in Russia. Popular culture glorified the life of inmates (*zeks*). For example, in the small town of Vichuga in Central Russia (Ivanovo region), a man who was never been imprisoned cannot still be considered as a *nastoyashchiy muzhik* (a “real man”). Words and phrases which originated in the labour camps have become part of the Soviet/Russian vernacular since the 1960s and 1970s.

The Soviet model of re-entry, then, often produced the marginalization and criminalization of urban communities. After the collapse of Communism, the Russian society changed drastically. The market reforms produced a dramatic gap between affluence and poverty, as well as a growing criminalization within the society. The crime rate in Russia sharply increased during the late 1980s. The collapse of the Soviet Union destroyed many of the systems and infrastructures that provided social security and a minimal standard of living for the population, and law and order across the country broke down, resulting in the outbreak of crime. In the transition to a free market economy, production fell and there was a huge flight of capital coupled with low foreign investment. Due to these factors, economic instability increased and a newly impoverished population emerged, accompanied by unemployment and unpaid wages. Extreme poverty resulted in an increase in theft and counterfeiting. As the market economy began emerging without any distinct rules of the game, it was often informally regulated by

those of the criminal groups (in some way like the “black market” in the Soviet Union). To run a successful business, people often sought the support (*krysha*) of the criminal organizations and the authorities often linked with those organizations. As a result, business activities were often quite similar to criminal ones.

Since the dissolution of the Soviet Union, organized criminal groups in Russia and other former Soviet republics have been involved in different illegal activities, with drug trafficking, arms trafficking, car theft, human trafficking and money laundering being the most common. The internationalization of the Russian Mafia along with the Sicilian Mafia, the Camorra, the Triads and the Yakuza played a vital role in the development of transnational crime involving Russia. From 1991 to 1992, the number of both officially reported crimes and the overall crime rate increased by 27%. By the early 1990s, theft, burglary, and other property crimes accounted for nearly two-thirds of all crime in the country. There was a rapid growth in violent crime, including homicides.

As a result of that development, a lot of Russians, especially young and middle-aged ones, now experience an identity crisis, marked with a paradox: they want to follow the Western standards of consumption, but at the same time many of them want the old USSR back, along with the Iron Curtain (Afanasyev 2001, 168–169). In the 2000s these tendencies gave way to the emergence of Putin’s scenario of authoritarian modernization founded in the Chinese experience of combining the market economy with traditional state paternalism, as well as some traits of the Communist regime.

In Putin’s era much of the political and financial power began to be controlled by *siloviki*, i.e. people with a state security background, coming from the total of 22 governmental security and intelligence agencies, such as the *FSB* secret police, the *Militsiya* and the Army. As a result, in the 2000s crime in Russia has taken a sharp decline. Since some elements of the Soviet ideology and policies have been restored alongside the liberal economic model, criminal activities became somewhat hidden. But they still impact many aspects of urban development, including the effect of re-entry on urban communities.

Re-Entry in the “City of Brides”: Case Ivanovo

The data to be presented are obtained from a study within the city of Ivanovo in Central Russia (population: 406,465). The study aims to evaluate the principal traits of the moral climate within Ivanovo. Although the effect of re-entry on the development of this urban community is not a matter of our particular attention, we analyze some impact of re-entry on its moral climate. Based on the systematic phenomenology, our study of these problems is just beginning. Therefore, we discuss only some procedures, as well as the preliminary results of the analysis of the already-gathered empirical data.

Our respondents were kindly requested to write a few sentences concerning their attitudes and stereotypes as well as their value orientations and life strategies. While our study is still in progress, the report includes only some preliminary results from a sample of 1,060 respondents. With their age between 17 and 73, the sample represents all main social and professional groups of contemporary Russian society. As a result of the content analysis of the reported answers, the data has been organized in accordance with their frequency distribution.

Common sense, authority, power and *esprit de corps* seem to be significant for the majority of the respondents. Their life strategies are connected with rigid stereotypes about their gender roles, social statuses, or age, among other things. These stereotypes are often similar to those widespread within the criminal groups. For example, an individual who does not use the jargon of the criminals (*mat*) in everyday speech is often considered as “strange” and old-fashioned. Unlike the general sample from Ivanovo, the students who live and study in this city (375 respondents) demonstrate much more tolerance and creativity. But the majority of these students (67 percent) expressed that after their graduation they intend to leave Ivanovo for other cities, especially for Moscow.

While supposing that advertising implies manifesting, more or less explicitly, stereotypes, norms, and values to characterize the moral climate within the particular place, we are currently analyzing the

content of commercials presented by local electronic media in Ivanovo. The report includes only some preliminary results of the analysis of 653 commercials in Ivanovo. We have evaluated some personal traits of people performing in commercials.

Most of the local commercials in Ivanovo (about 62 percent) welcome down-to-earth individuals who succeed in business, with the emphasis not on individual achievement, knowledge and creativity, but rather on luck and common sense, while being included in the vast network of informal, close-knit interpersonal relations. People who earn a lot of money without considerable effort are presented as heroes. The cult of easy-earned money (*khalyava*) typical of criminal groups is widely presented in the commercials. Insolence, toughness and simplicity are showed as socially desirable traits to achieve the prestige position of *krutoy*, i.e., a person who owes a luxurious dwelling, drives an expensive automobile, visits famous restaurants, etc. The life strategies which are stated more or less clearly in the commercials are based on rigid stereotypes founded on common sense. These stereotypes are somewhat similar to those of criminal communities. For example, the electronic media mainly present sex-typed images of female and male personality and behaviour to maintain the idea of male (*muzhik*) dominance typical of machismo within many criminal groups.

The history of the city might help us to explain this situation. Having been known since the 16th century as a centre of the Russian weaving industry, Ivanovo was institutionalized as a city in 1871 with the Act of the Emperor Alexander II. But Ivanovo-Voznyesensk (as this city was named until 1932) continued to develop as a closed system, preserving the lifestyle of the Russian rural community *obshchina*. The differences in this regard could be influenced also by geographical factors. Despite its proximity to Moscow (319 kilometres), Ivanovo is situated away from big rivers and the main railroads. Moreover, the city expanded due only to the growth of the textile industry. Because of this mono-structural economy, its social structure was homogenous including mainly former impoverished peasants. In a closed mono-professional and mono-cultural community with rigid

traditional instruments of social influence and social control, a high degree of conformity has been required. Tradition tends to affect the emergence of the moral climate in its rigid manner. As a result, people were motivated to be more authoritarian.

During the Soviet era the Communist authorities tried to turn Ivanovo into a model of a “city of the future”. Today the results seem to be the opposite. On the one hand, Ivanovo has become one of the biggest university centres in Russia. At present there are nine universities and other institutions of higher education in the city, but, on the other hand, the structure of the local economy is still based mainly on the textile industry and has not been considerably changed. Since most of the workers in this industry are women, it has also been known as the “city of brides”. Therefore, Ivanovo was developed as a city with a non-defence, mono-structural economy. As a result, there were no restrictions regarding the procedure of *propiska*. This factor, together with the proximity to Moscow, made Ivanovo open for re-entry. Unfortunately, the authorities did not publish comprehensive re-entry statistics, and now we can only approximately evaluate the effect of this process on urban development. Many male ex-offenders moved to the “city of brides”, hoping to find a female partner here. But, without a system of aftercare, these processes tended to produce criminalization and marginalization within the community. These tendencies became much more obvious in the post-Soviet era, because of the crisis in the local mono-structural economy, which consequently led to high unemployment rates and deteriorating social conditions.

In modern Russia the restrictions regarding the *propiska* have been abolished. Many grassroots initiatives give way to the development of a system of aftercare including shelters for ex-offenders, supporting them in seeking job, etc. These initiatives were successfully introduced, for example, in the neighbouring city of Yaroslavl (population: 605,408), and those might be considered to have resulted from the moral climate of the city (Kleyman 2007). But Ivanovo is separate from these tendencies, because the moral climate within this city is still not favourable for grassroots initiatives.

Conclusions

Discussing the results of the study, we assume that in the more isolated communities with a mono-structural economy and monotonous cultural surrounding, people tend to demonstrate value orientations and life strategies of an authoritarian personality. The moral climate within these communities is not favourable for the development of a system of aftercare. As a result, the processes of re-entry produce marginalization and criminalization within such communities.

Since our study is a work in progress, this assumption may be considered only as a kind of hypothesis. Currently the sample included in the research is being enlarged in order to make it more representative, and to be able to give a more accurate and complete analysis of the statistical data. We are trying to obtain the statistical data about the re-entry processes in Ivanovo. But, first of all, we are testing the conceptual frameworks of this research. Indeed, the development of a cultural community psychology has implications for the traditional distinction between basic and applied psychology, for our understanding of context, partnerships between academicians and practitioners, and for the place of community psychology within the discipline of psychology (O'Donnell 2006: 1–7).

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4. TRADE-OFF ANALYSES OF PRISON POPULATION AND CLASSIFIED CRIMINALITY RATES IN SOME EUROPEAN COUNTRIES, INCLUDING TURKEY, THE U.S.A., SOUTH AFRICA AND RUSSIA: INTEGRATION OR DISINTEGRATION PROCESS IN THE GLOBAL CRIMINAL POLICIES?

Introduction

This paper focuses on the social climate, criminal policy and security policy trends of modern societies. As we know, re-entry happens when incarceration in prison ends. Coming home—if you have one—from prison is an intense personal experience. Re-entry is the process by which a former prisoner rejoins his or her community as a free citizen (see Foucault 1977, Beccaria 1995). The fundamental aspects of justice and security are present in the re-entry process. The preconditions of re-entry are created before re-entry happens. In part, the criminal history of citizens and the prison population dynamics create preconditions for re-entry.

This article elaborates the ways the challenges of re-entry and prison population are addressed and experienced in various parts of the world. The empirical findings of the article have relevance in a broader context of the re-entry process. Our critical point of view is that prison population and criminality trends should be analyzed care-

fully before we plan the social logic of re-entry policy. For example, we must discuss critically whether the principle of gentle justice (Ekunwe 2007) can be adopted universally. We must make sure whether different types of crime should be taken into consideration when the principle of gentle justice is adopted. As we know, international justice principles are not a coherent set of principles. For example, the racial equality principles of justice are not adopted universally (Brown 1998, Modood 1998, Minoque 1998). From these critical perspectives, the analysis of criminality and prison population trends is significant. In this article, we are not analyzing the trends of recidivism although it would surely be a very interesting issue to analyze in the context of re-entry policy. At a general level, we can note that recidivism increases the prison population and amount of criminality (see Keinänen & Saarimaa 2005) and that the more inmates there are in prisons the more challenging the re-entry process becomes.

Re-entry policy is connected to the risk management strategy of a society. Risk discourse is a product of institutions. The prison system is also an institution of society. Each institution strives to freeze risks in time in the hope of creating a sense of infrastructure and coherence about them and making them more understandable and certain. (Ericson & Haggerty 1997, 100). In this paper, we analyze risk discourses by comparing the international trends of criminal and penal policies.

To know a risk is to know how an institution classifies and establishes what the risk means and how it is to be responded to. To know an institution is to know how it selects and defines risks in ways that support and stabilize the institution. Something becomes institutionalized when the risk classifications are taken for granted and when the resultant mentalities and sensibilities of institutional actors allow routine recognition of what has meaning and what actions are possible. (Ericson & Haggerty 1997, 100). Each country has different institutional settings for criminal policy.

The analysis of the article is based on the official demographic and criminal statistics of Eurostat (2010) and the United Nations (2010).

The article provides many international comparisons of criminal justice statistics. As an additional analysis, key statistical indicators are calculated and reported. In the summary of the article, many policy relevant observations and remarks are presented. Some limitations of analysis are also discussed, because absolute comparisons of crime levels are difficult to perform because of different legal and criminal justice systems and the rates at which crimes are reported to the police and recorded by them. Because of these statistical problems, the main attention is paid to crime rate trends and prison population trends.

Key concepts of security, criminology, recidivism and re-entry policy

The role of prison has changed over the last decades. Liebling (2006) has paid attention to the following dramatic changes: the prison population has grown and its composition has altered. The security climate and the environment of criminal policy have also changed. We live in dynamic societies where values and policies are changing. In some societies, severe criminal punishments are favoured and, in others, less severe criminal punishment policies are favoured. There are many factors, which have an impact on the size of prison population. Such factors include (1) the juridical laws, the changes in the penal policies and normative systems of the countries; (2) the employment rate of the countries; (3) the demographic changes of the countries; (4) the social norm structures of the societies; (5) the gender-related norms and values; e.g. the norms concerning the behaviour of women are no longer so tight and the alcohol consumption as well as the crime rates have increased dramatically among women; (6) the political decisions, (7) the technical security innovations, (8) the goals and means of the prison services, (9) the courts and their decisions (Stollmack 1973, Blumstein et al. 1980, Barnett 1987, Louks et al 1998, von Hofer

2003, Lavenex 2004, Blom-Hansen 2005, Lerch & Schwellus 2006, Deams 2008, Fábíán 2010, Ochsén, 2010).

There is no obvious single explanation to be found in crime rates. In addition, the definitions of recidivism vary widely, which of course influences the figures.

In principle, imprisonment can reduce crime in three ways:

1. As long as the offenders are in prison, they cannot commit crimes in the society;
2. The deterrence effect of sanctions can be general or specific—the latter concerns specifically the offenders;
3. Inmates can be rehabilitated while in prison according to RNR principles (Ward & Maruna 2007).

These arguments are not without analytical and scientific problems. Firstly, as far as the third argument is concerned, this argument is problematic especially when the number of people in prison is quite large and when the principles are not fulfilled. Secondly, imprisonment seems to be a poor deterrent in the specific deterrence sense. For example, Keinänen and Saarimaa (2005) found that, during a four-year follow-up period, about 55 per cent of all male convicts (for women the percentage was about 47) were re-sentenced to prison and the number of past prison sentences clearly increased the probability of recidivism. Similarly, Hypén (2004) reports that, in Finland, 60% of those released during a follow-up period of five years were re-sentenced to prison but only 33% of those who were in prison for the first time returned to prison during a follow-up period of three years. The proportion of recidivists increased when the number of prison terms increased. For example, 76% of those offenders who had been in prison over nine times re-entered prison within a five-year period (Hypén 2004). The longer time horizon we analyze, the greater the proportion of recidivists is in the prison population.

New results of a Scandinavian recidivism study indicate that those released offenders who had formerly been incarcerated had much

higher recidivism rates than those who had not been in prison before (Graunbol et al. 2010). In addition, there are many studies indicating that offenders sentenced to community service have lower rates of recidivism than offenders sentenced to prison (Clausen 2007). The Scandinavian recidivism study also indicates that offenders released from prisons have clearly higher recidivism rates than those offenders who completed community sanctions in all Nordic countries except Norway where there were no differences (Graunbol et al. 2010). The recidivism percentages of inmates released from prison—excluding Norway—varied from 27% (Iceland) to 43% (Sweden), whereas the percentages of the offenders in community service were 16–22%. From this novel research perspective, the Nordic criminal policy model leads to considerable variations of recidivism, but also considerable variations in the re-entry policy.

Those who re-offend do it shortly after release: half of those recidivists who were released from prison re-offended within 3–6 months when the follow-up period was two years (Graunbol et al. 2010). Terms related to the **re-entry** concept include prisoner aftercare, through care, reintegration, integration, parole and resettlement (see Maruna and LeBel 2002). The UK Association of Chief Officers of Probation defines the concept of resettlement as follows (see Maruna and LeBel 2002, 160):

A systematic and evidence-based process by which actions are taken to work with the offender in custody and on release, so that communities are better protected from harm and re-offending is significantly reduced. It encompasses the totality of work with prisoners, their families and significant others in partnership with statutory and voluntary organizations.

According to this definition, the rehabilitative work in prison is also included in the re-entry process, and succeeding in re-entry requires pre-release planning. Generally, the more careful we do the pre-release planning and focus on the re-entry, the more improbable it is that the

released inmate will re-offend. In that sense, the term recidivism is closely connected to the re-entry process. There is a lot of empirical support that rehabilitative interventions can reduce recidivism rates when treatment is correctly matched to a client's criminogenic needs (see McGuire 1995).

However, in order to make the reintegration process more efficient, a concept of strength-based re-entry has been introduced—e.g. Ward and Maruna (2007) tell about the Good Lives Model—in addition to need-based models. The *Needs Model* concentrates on a person's deficits whereas the so-called *Strengths Approaches* do not ask what a person's deficits are, but rather what positive contribution the person can make to the society (see Maruna & LeBel 2002). Both philosophical approaches have their merits.

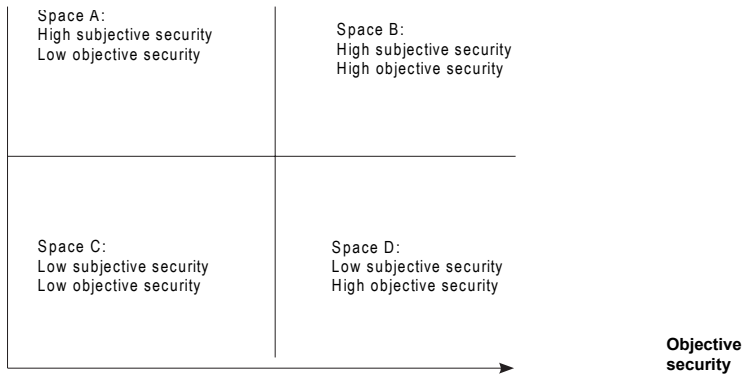
Security is a challenging concept. To clarify the key aspects of security, we must use two associated concepts, objective security and subjective security. Objective security is a real dimension of security without any reality biases. Subjective security is a subjective dimension of security, which is not based on real facts or objective reality where an individual lives and exists.

In Figure 1, the four dimensions of security are identified. An ideal security situation is shown in Space B where people have a high level of objective security and subjective security. The most problematic situation is demonstrated in Space C, where there is a low level of both subjective security and objective security. Space A is a special situation where people have a very high subjective security level but actually they are in danger because their objective security level is low. In the World Trade Center in New York on 11 September 2001, people were in this kind of situation before the airplanes destroyed the Twin Towers. The security situation in Space D is also a special situation where people have a very low subjective security level, but they are not in danger in any way. Security that people feel can be in any box of Figure 1. Criminal policy is closely connected to security policy and security concerns. In Europe contemporary policing and the control of organized crime increasingly involve priority setting and

planning. Criminal policy-makers no longer focus on repressive aspects of organized crime, but want to be better informed about coming challenges and threats in order to take appropriate preventive action. For that reason, there is a growing demand to change the traditional assessments of organized crime into analyses that include more prospective elements about current and potential future organized crime situations to identify specific risks or threats to society (see Verfaillie & Vander Bekena 2007).

One key motivation of criminal policy is the argument that people have higher subjective security and partly higher objective security when criminals are in prison. These aspects of security are very important for policymakers. Sentence lengths in particular vary considerably in different countries. Criminal policy is a sensitive political issue in different EU countries but also inside the EU commission. The study by Loader notes that Europeans have witnessed over recent decades the extension across Europe of an enhanced policing capacity—one comprising a complex, ever-shifting mix of informal professional networks, inter-governmental co-operation, and nascent supranational institutions like Europol. These political and social developments have been accompanied and justified by a set of public narratives that highlight the threat posed by various “criminal” and “alien” Others like migrants, drug traffickers, organized crime syndicates and other threats to Europe, its borders and its citizens (Loader 2002). If all “Others” and especially ex-prisoners are still regarded as dangerous citizens, it is very difficult for them to reintegrate into society. This kind of attitude makes social cohesion policy extremely demanding for policy-makers.

Subjective security



Punishment and control are easily equated with incarceration. However, modern criminal policy in Europe has emphasized the importance of rehabilitation as a goal connected with the execution of sentences. For example, the main goal of the Finnish prison services is to reduce recidivism, i.e. the re-offending of prisoners, by using different rehabilitative methods depending on the risks and needs of the prisoners. Most cognitive-behavioural programmes have been indicated to be effective (Andrews, Zinger et al. 1990; McGuire 2003). According to the preliminary results of a study on Finnish prisoners who were sentenced for violent offences and who participated in a programme called “*Cognitive Self Change*” (CSC), it seems important to take into account the risk level of the offenders when rehabilitating them in order to effectively reduce re-offending (Konttila & Tyni 2010). Suppose that at least 10% of the Finnish prison population were psychopaths, which is the most difficult group to be rehabilitated and reintegrated into society (Konttila & Holmalahti 2009; Weizmann-Henelius 2009), it adds up to about 350 prisoners (N=3 500) leaving still over 3,000 prisoners to be rehabilitated. The recidivism percentage of Finnish prisoners released from prison is 36% (Graunbol et al. 2010). This makes about 1,580 ex-prisoners, and if we exclude the psychopaths

from that, the remaining annual number is 1,140 ex-prisoners whose re-entry process has not succeeded. The number is much higher in such countries where the prison population is bigger and the recidivism rates are higher, e.g. in England and the U.S.A. In the U.S.A., 52% of those prisoners released in 1994 returned to prison (Nink & MacDonald 2009).

However, at the same time, there is a demand for more and longer prison sentences, emphasizing the punitive role of the crime policy. The death penalty as a form of sentence has been abandoned in most countries. Today, it is used, for example, in many states in the U.S.A. and in China but no longer in Russia.

Contemporary Russian criminal legislation and police methods, criminal justice and prisons are very strict, unjust and repressive (Gilinskiy 2006). Russia has had a problem of how to maintain control except through repression. It has never been a democratic state. Considerable social and economic inequality has always characterized Russia, and it has even increased in recent years. Economic inequality is one important criminogenic factor in society. In addition, there are also cultural factors that created a specific Russian mentality that is characterized by intolerance. These are the main factors that explain the high rate of violence in Russia (Gilinskiy 2006).

The criminal policy of the United States has increasingly relied on mass incarceration to reduce crime and it has been called in question whether they should continue to expand prison capacity indefinitely (Mauer 2001). On the other hand, large numbers of inmates in closed prisons are very expensive for society. Nowadays, many states in the U.S.A. are in a difficult situation and, as a result of the economic recession, they try to save money by releasing non-violent prisoners on probation much earlier. A former American minister of justice, Janet Reno (2000), regarded re-entry as one of the most pressing problems the U.S.A. will face as a nation and that the culture of violence cannot be stopped before this problem is solved. So far, no workable solution has been found.

The American culture of individualism and free market liberalism (see Friedman 1962) is one of those factors which contributed to the rise in the use of incarceration in 1980. The American emphasis on individual approaches to social welfare created a receptive climate for harsh prison policies (Mauer 2001). It is not a surprise that a very high percentage of the prison population consists of poor and black males. Secondly, there is the politicization of crime and growing conservative political climate, which supports the attitude of “*Getting tough*” on criminals (Mauer 2001). To a great degree, the prisoner rates are a function of criminal and social policies of a country, but the functional form is complicated.

There are different ways to define the concept of **prison population**. In this article, the concept is based on the definition used by Eurostat: prison population is the “total number of adult and juvenile prisoners (including pre-trial detainees) on 1 September. Including offenders held in Prison Administration facilities, other facilities, juvenile offenders’ institutions, drug addicts’ institutions and psychiatric or other hospitals. Excluding non-criminal prisoners held for administrative purposes (for example, people held pending investigation into their immigration status)”. The advantage of using the Eurostat (2010) classification of prison population is that we can use our scenario and trend analyses as evaluation tools of criminal policies also in later studies. Methodologically, we aim to achieve a greater policy relevance level of our criminal and penal policy analyses.

The criminality of a country means the total recorded offences against the criminal code including homicide, violent crime, robbery, domestic burglary, theft of a motor vehicle and drug trafficking. Most analyses are based on the total crime rates. Total crime statistics consist of offences against the penal code or the criminal code. Less serious crimes, i.e. misdemeanours, are generally excluded. Homicide (country and city) is defined as an intentional killing of a person and includes murder, manslaughter, euthanasia and infanticide. Death caused by dangerous driving is excluded, as are abortion and assisted suicide. Attempted homicide is also excluded. Unlike in other offences, the

counting unit for homicide is normally the victim. Violent crime covers violence against a person (such as physical assault), robbery (stealing by force or by threat of force), and sexual offences (including rape and sexual assault). Robbery is a sub-set of violent crime (see above). It is defined as stealing from a person by force or threat of force, including muggings (e.g. bag-snatching) and theft with violence. Pick-pocketing, extortion and blackmailing are not included generally. Domestic burglary is defined as gaining access to a dwelling by the use of force to steal goods. Theft of a motor vehicle concerns all land vehicles with an engine that run on the road which are used to carry people (including cars, motor cycles, buses, lorries, construction and agricultural vehicles, etc.). Drug trafficking includes illegal possession, cultivation, production, supplying, transportation, importing, exporting, financing, etc. of drug operations, which are not solely in connection with personal use (Eurostat 2010).

In this study, we focus on the traditional forms of criminality: total criminality, homicide, violent crime, and robbery. This approach covers criminality that is typically associated with threat to human life and to ownership.

Trade-offs between Criminality and Prison Population

The purpose of these trade-off analyses is to find out general structures and criminal policy patterns in relation to the prison population in different countries. The variable for prison population is on the vertical axis and the total criminality or the different categories of crime are on the horizontal axis in every statistical benchmarking analysis of this study. Thus, it is possible to make consistent comparative analyses between the countries. The aim is to find out what kind of criminal policies there are in different countries—and perhaps we can have

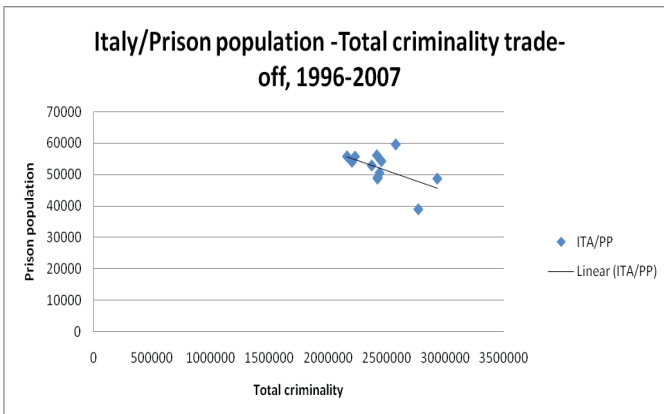
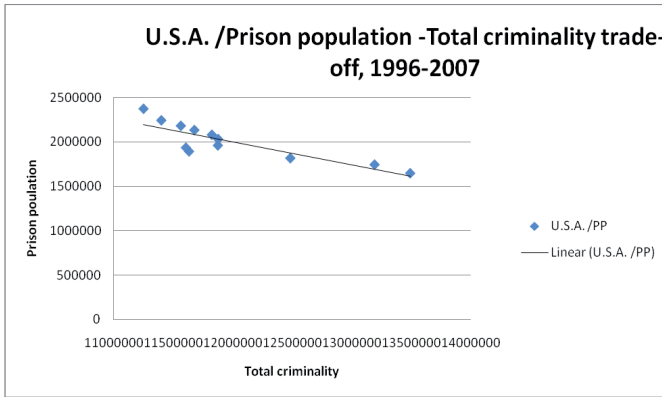
some analytically well-founded tips or even recommendations for good practices in the prison services.

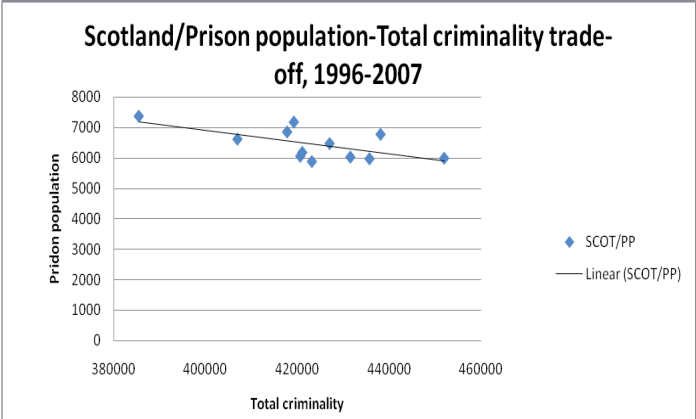
In this article, we utilize a linear trend forecast methodology, which sets a linear trend line with a forecast of two periods for the selected chart time series. The trend forecasting methodology is one of the typical extrapolative methods in statistics. We use this methodology because it helps us to see alternative trend patterns. Here, our goal is not to make predictions of criminality. If that were the case, we would have chosen another methodology. We aim to create a comprehensive analysis of a systematic generation of alternative paths to the future. (See Saaty & Vargas 1991, 3–5)

This kind of simple methodology helps us to recognize the critical linear patterns of penalty and criminal policy outputs. We were able to make analytical comparisons between countries on the basis of this methodology. We were also able to find different patterns of on-going penal and criminal policy models. Later, we shall summarize our scientific results in Table 1, in which we report the found patterns of global criminal policy. It constitutes a main result of this study.

Three basic criminal policy models were recognized between the prison population and the total criminality; the A, B and C models are described below. **Criminal policy model A:** Total criminality decreases-Prison population increases or Total criminality increases-Prison population decreases. This model was found in the U.S.A., the Russian Federation, Italy, Scotland, and Finland (Figures 2–6). In these countries, there is a linear decreasing trend between the prison population and the total criminality. This model seems to work, at least theoretically (general deterrence), and it can be a consequence of the politics of punishment and lengthening of sentences. It may be said that prison sentences are easily used in convicting offenders—especially in the Russian Federation and the U.S.A. On the other hand, when the total criminality increases and the prison population decreases, it can mean that the proportion of serious crimes becomes smaller and other types of sanctions, besides imprisonment, are used more widely.

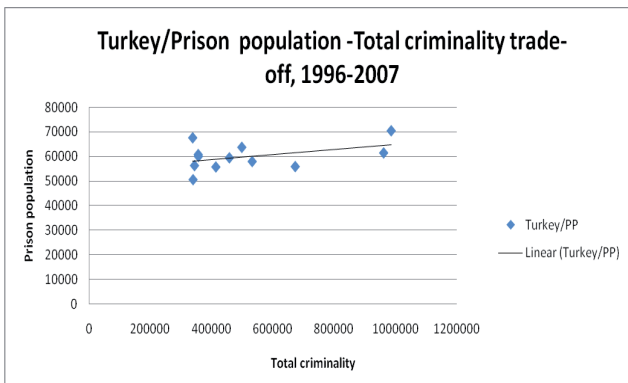
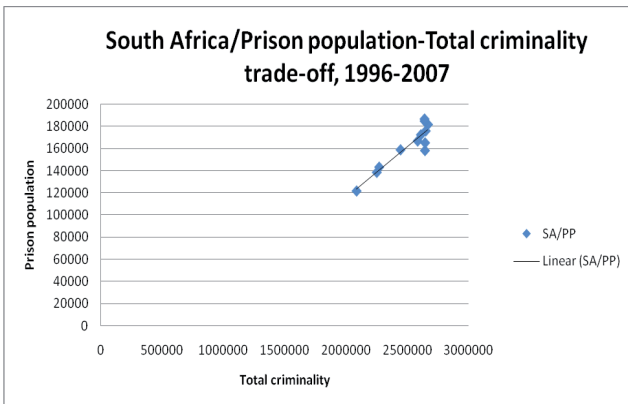
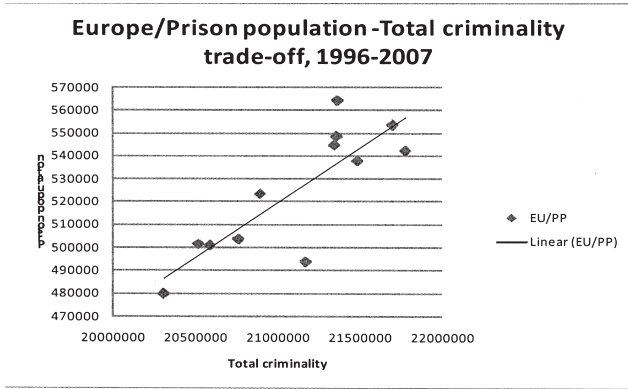
Figures 2, 3, 4, 5 and 6. Prison population and total criminality trade-offs in the U.S.A., the Russian Federation, Italy, Scotland and Finland.

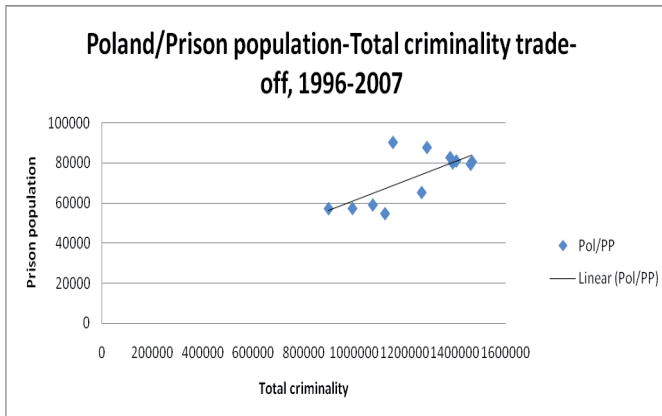
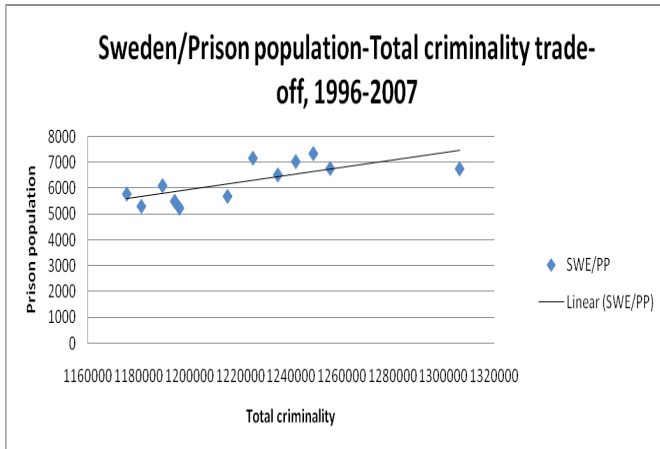




In criminal policy model B, total criminality increases and the prison population increases or total criminality decreases and the prison population decreases. This model, which relies heavily on the use of incarceration in an attempt to address the crime problem, reflects the crime policy of Europe, South Africa, Turkey, Sweden and Poland (Figures 7–11). The correlations are high in South Africa and Poland. This kind of crime policy makes the rehabilitation or the re-entry process of the prisoners hard.

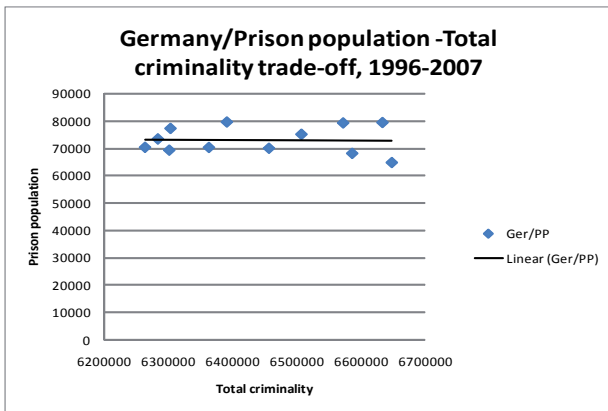
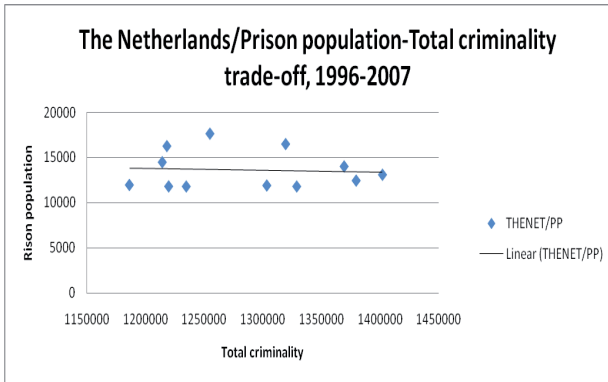
Figures 7, 8, 9, 10 and 11. Prison population and total criminality trade-offs in Europe, South Africa, Turkey, Sweden and Poland.





In criminality policy model C, total criminality increases and the prison population is stable or total criminality decreases and the prison population is stable. From the point of view of planning the future and resources of the prison services, this is a good policy because the number of prisoners is quite stable. This specific model was found in the Netherlands and Germany (Figures 12 and 13). However, the figure of the Netherlands indicates that the connection is mostly nonlinear: the crime policy has changed a lot and so has the number of prisoners.

Figures 12 and 13. Prison population and total criminality trade-offs in the Netherlands and Germany.



Trade-offs between Homicide and Prison Population

The same methodology as above is used in the following analyses, but the variables in relation to the prison population are homicide, violent crime and robbery. The main purpose is to examine the correlation between these categories of crime and the prison population.

Homicide is defined as an intentional killing of a person and it includes murder, manslaughter, euthanasia and infanticide (Eurostat 2010). Causing death by dangerous driving is excluded, as are abortion and assisted suicide. Attempted homicide is also excluded. Unlike in other offences, the counting unit for homicide is normally the victim. One victim means one homicide.

In principle, there are two basic models (Figures 2–11): a decreasing trend (A) and an increasing trend (B). If the trend increases, it means that this category of crime more or less explains the growth of the prison population and, thus, they correlate positively. The decreasing trend means that the variables correlate negatively and it can be noted that there are other crimes which determine the number of prison population, or it may reflect the changes in the penal policy of the country.

Model C means that the prison population is stable irrespective of whether the amount of the crime type increases or decreases.

In addition to the models A, B, and C, three other models were found:

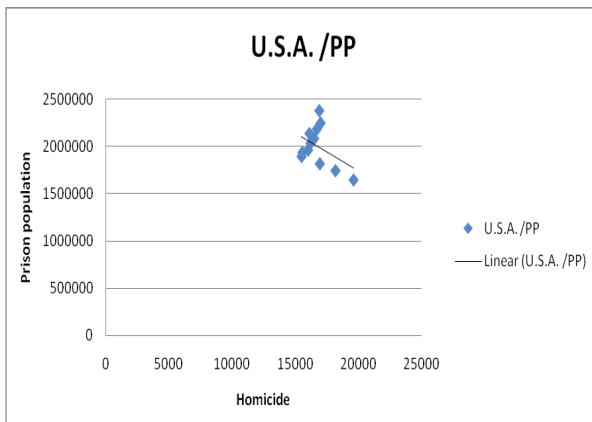
Model A1: The criminality type decreases and the prison population increases moderately or the criminality type increases and the prison population decreases moderately.

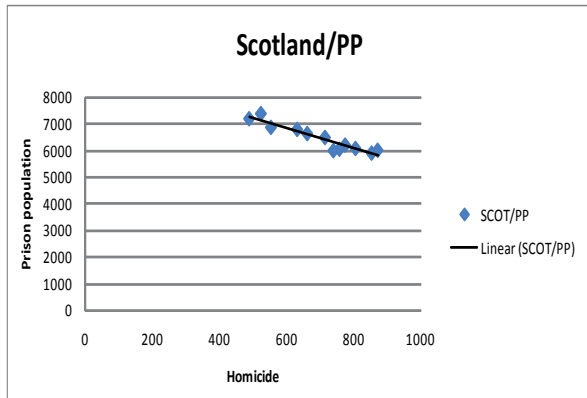
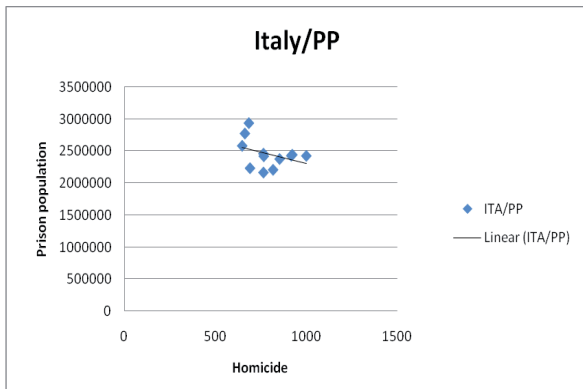
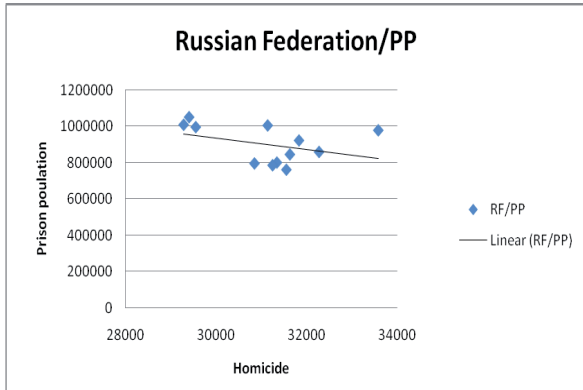
Model B1: the criminality type increases or decreases and the prison population increases or decreases sharply.

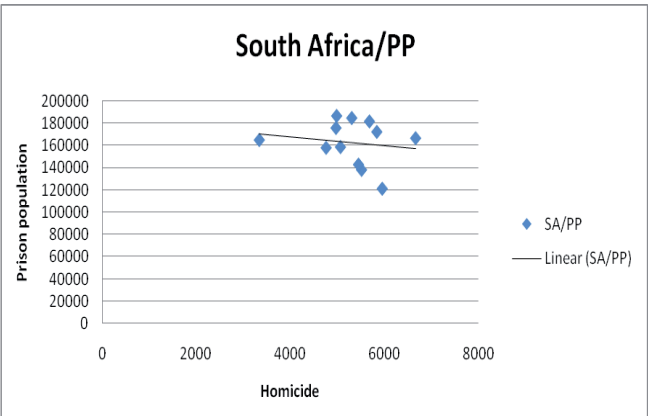
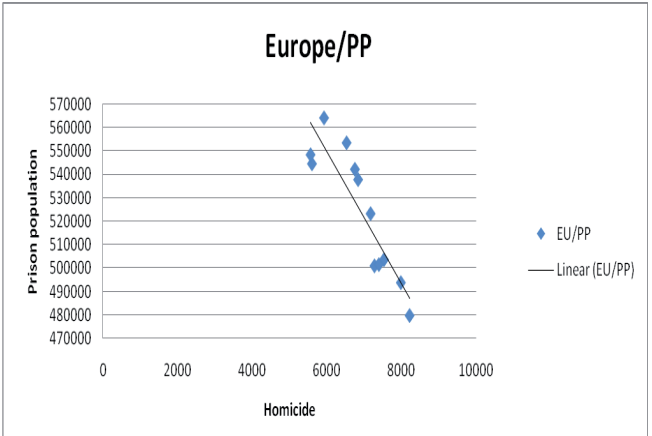
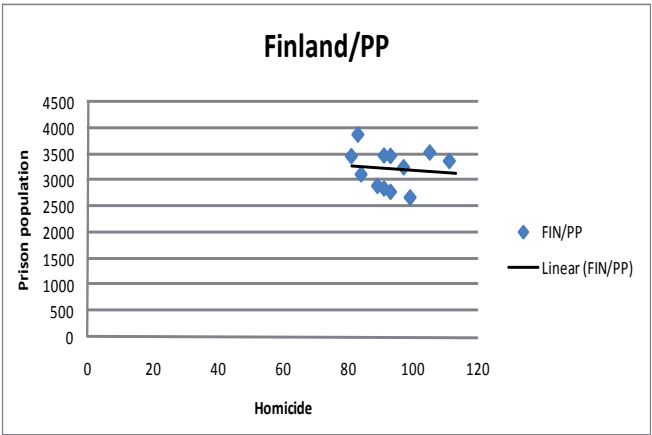
Model D: The trend is nonlinear between the category of crime and prison population. This means that there is no linear correlation or the correlation is weak and the number of the prison population can be explained by other reasons or by other types of crime.

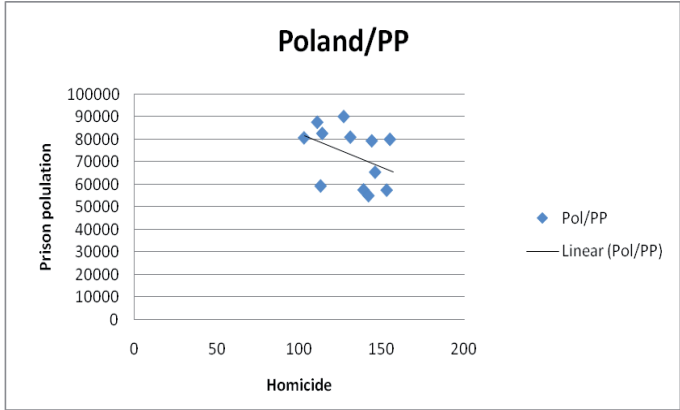
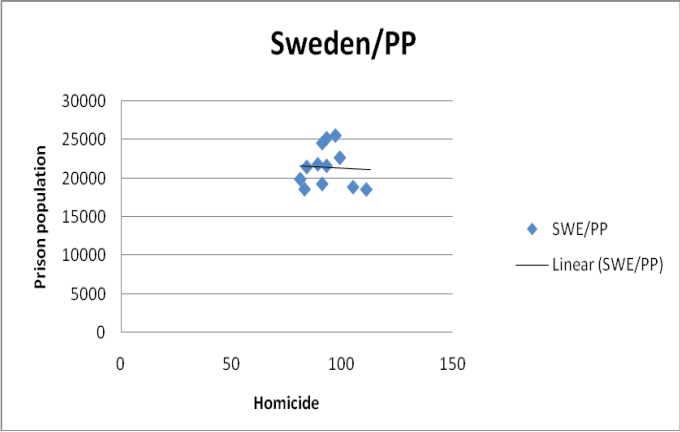
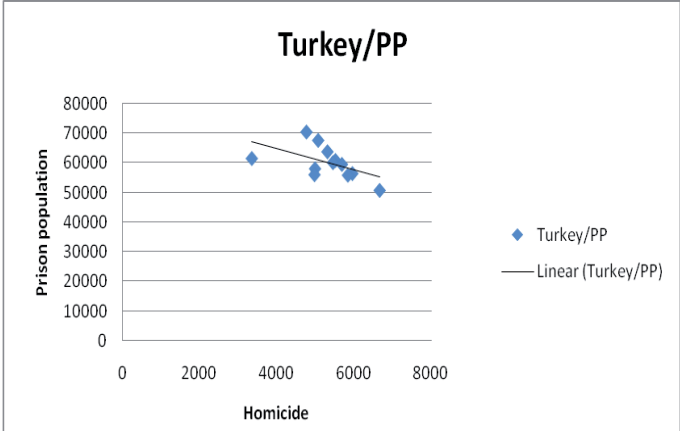
Figures 14–25 indicate that the models A or A1 are suitable for all countries except the Netherlands where model D describes the pattern better. Thus, homicides do not generally explain the changes in the prison population. It can be assumed that, for instance, when the number of homicides decreases and the prison population increases, the prison sentences for other crimes have increased. Furthermore, besides the model A, the U.S.A. has, at some point, also practised quite a different crime policy, which has led to situations where both the rate of homicides and the prison population increased.

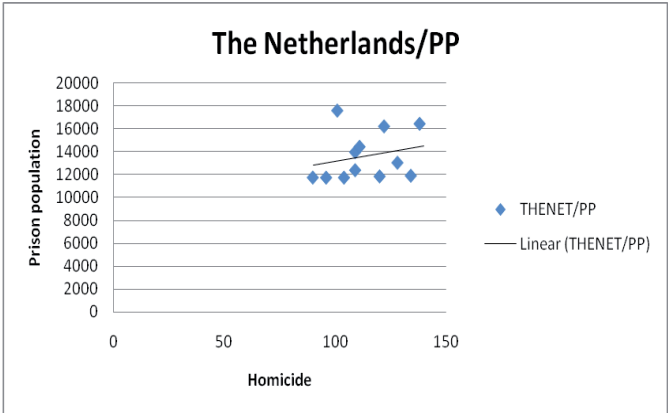
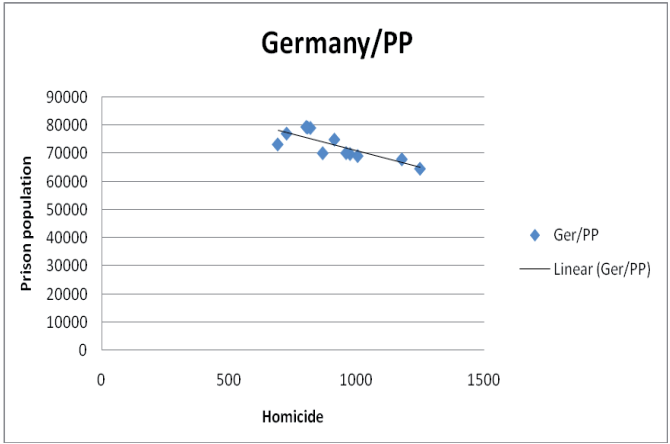
Figure 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25. Prison population and homicide trade-offs in the U.S.A., Russia, Italy, Scotland, Finland, Europe, South Africa, Turkey, Sweden, Poland, the Netherlands and Germany.









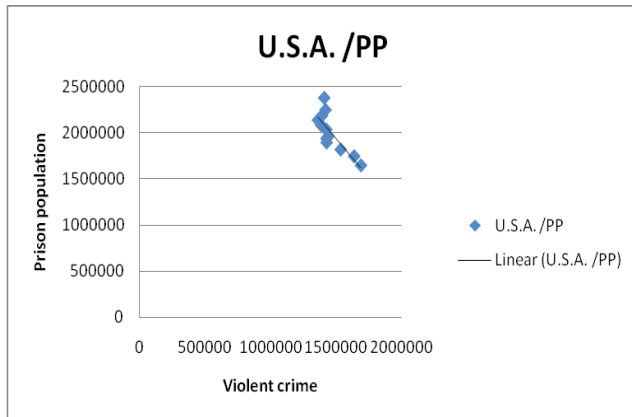


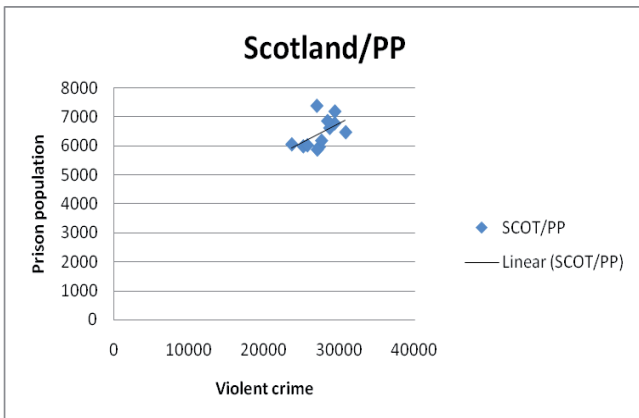
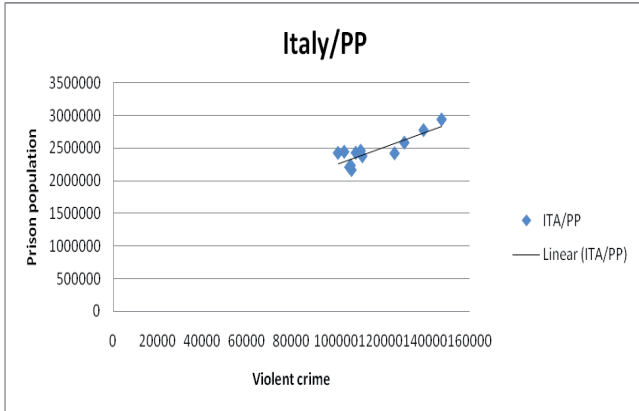
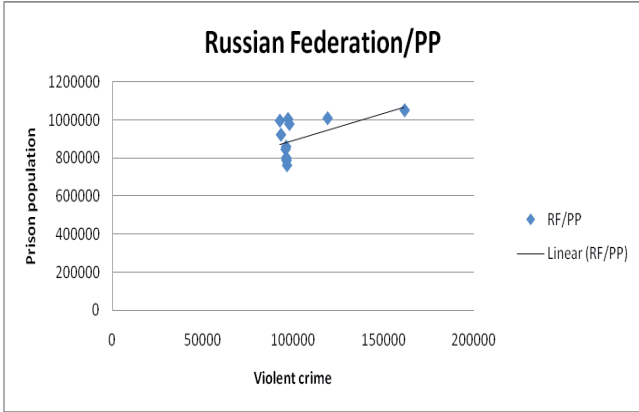
Trade-offs between Violent Crime and Prison Population

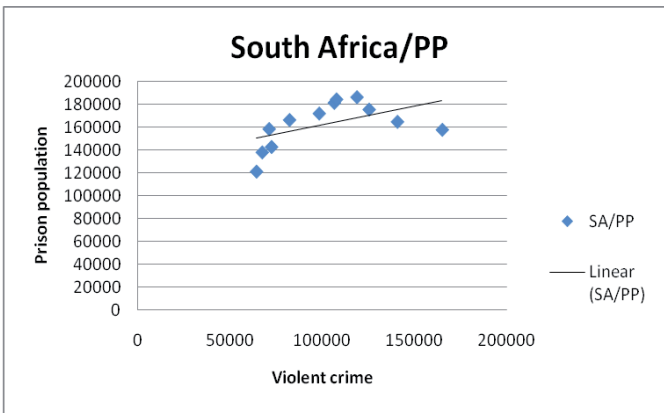
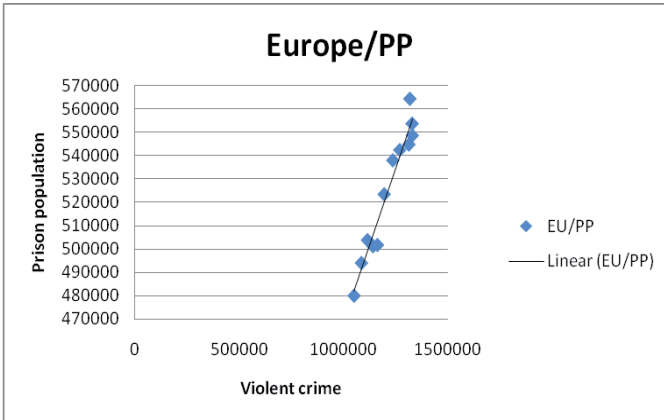
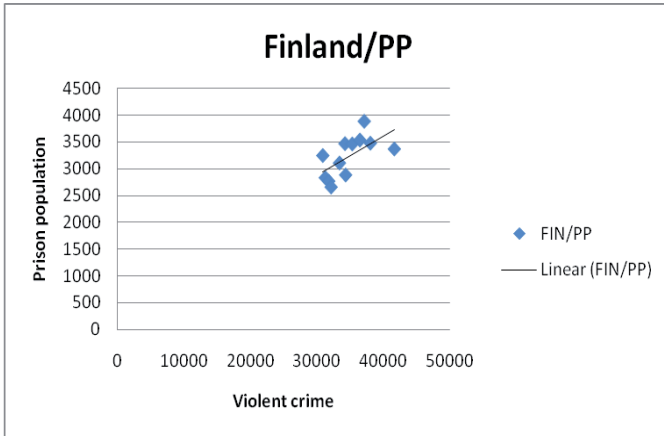
According to the definition of Eurostat (2010), **violent crime** includes violence against the person such as physical assault, robbery, which includes stealing by force or by threat of force, and sexual offences, which as a criminality category include rape and sexual assault.

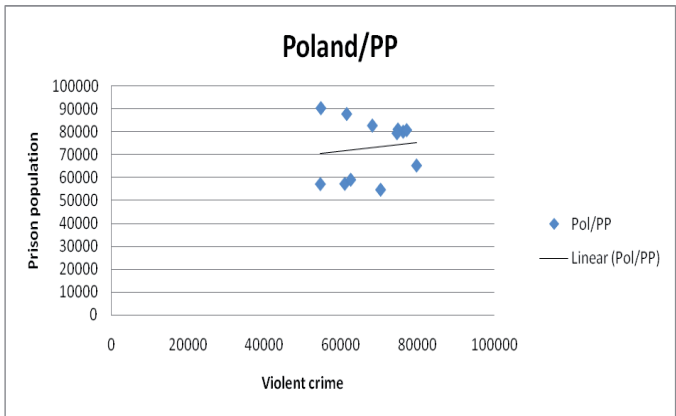
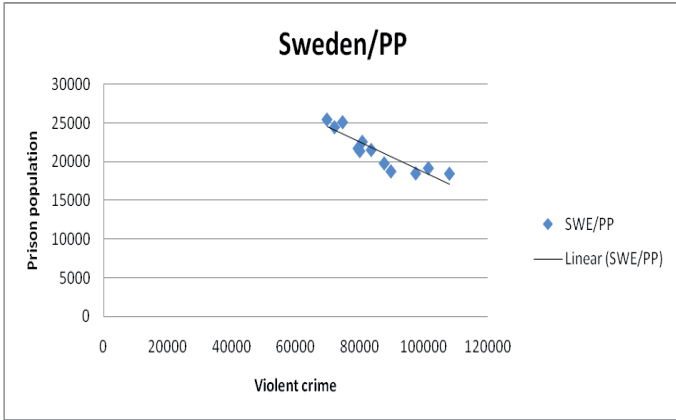
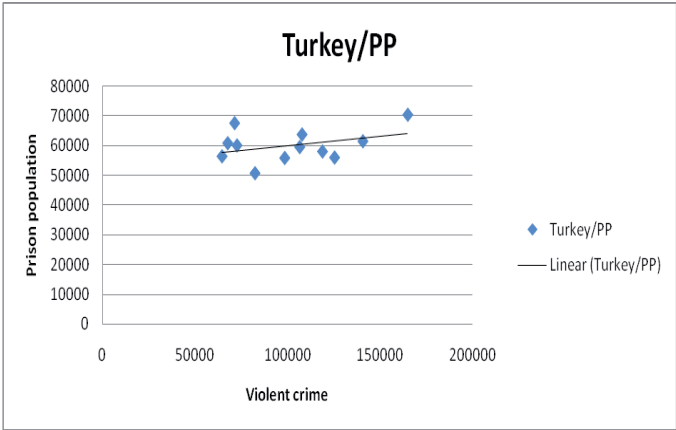
Figures 26–37 indicate the relationships between the prison population and violent crime in the U.S.A., Russia, Italy, Scotland, Finland, Europe, South Africa, Turkey, Sweden, Poland, the Netherlands and Germany. Model B reflects the crime policy of most of these countries. Thus, when the number of violent crimes increases, the number of prisoners also increases. In Europe and partly in Russia, this increase is sharp (model B1). As a consequence, even a small increase generates a rapid increase in the prison population. However, the U.S.A and Sweden represent model A, and accordingly, in these countries, the amount of violent crime does not explain the increases in prison population. In Poland, in particular, the trend is nonlinear (model D).

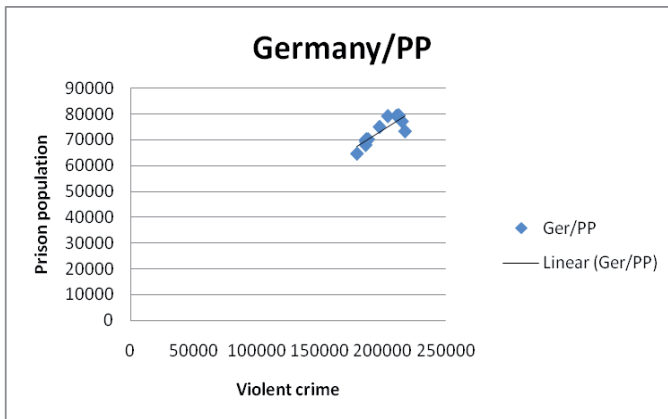
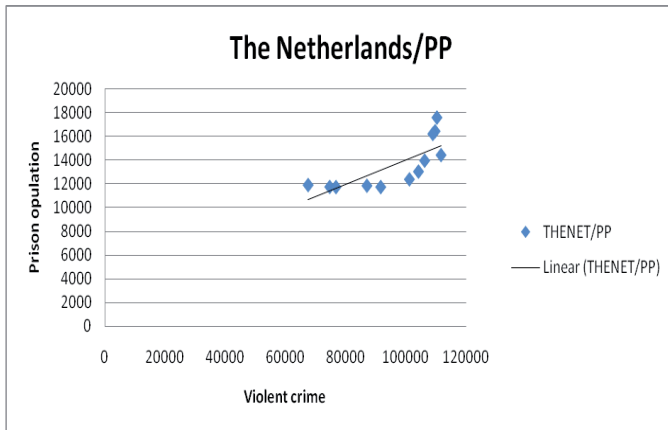
Figures 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37. Prison population and violent crime trade-offs in the U.S.A., Russia, Italy, Scotland, Finland, Europe, South Africa, Turkey, Sweden, Poland, the Netherlands and Germany.









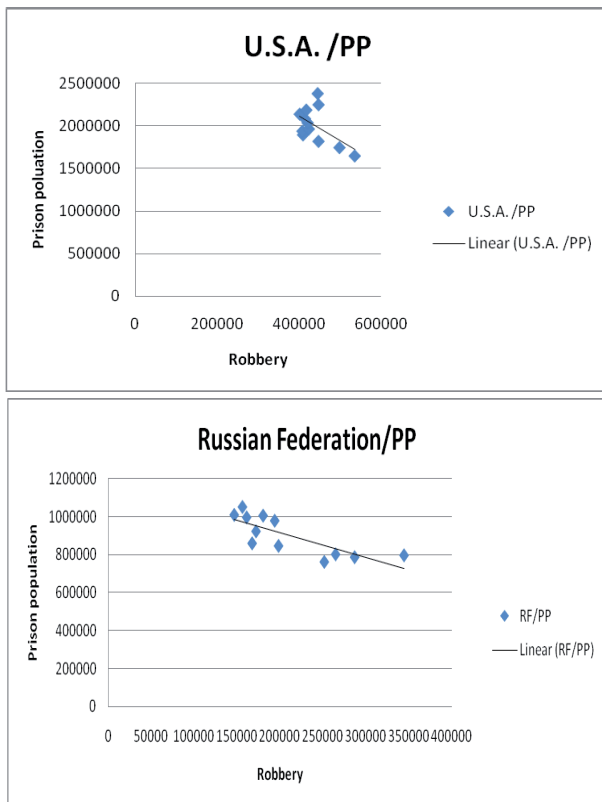


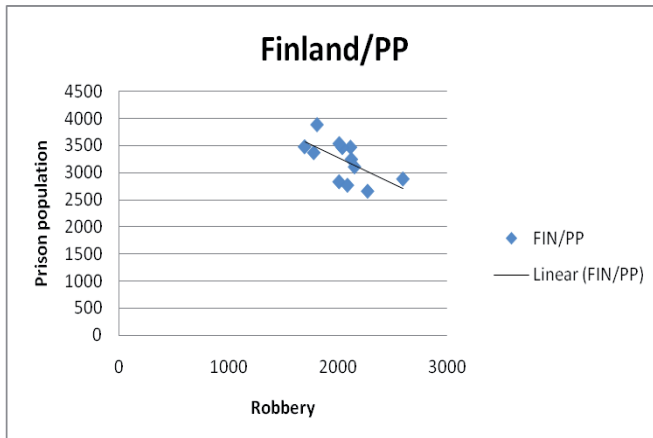
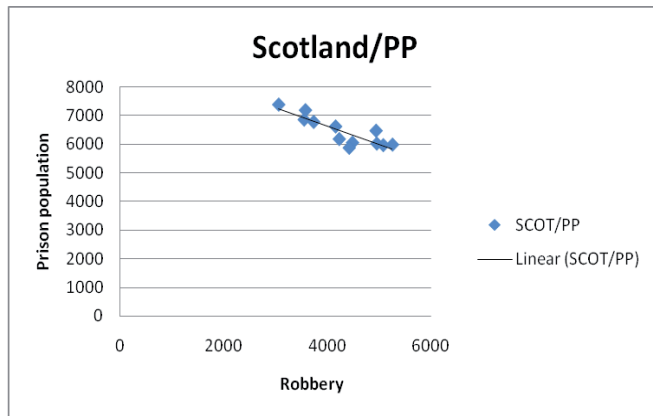
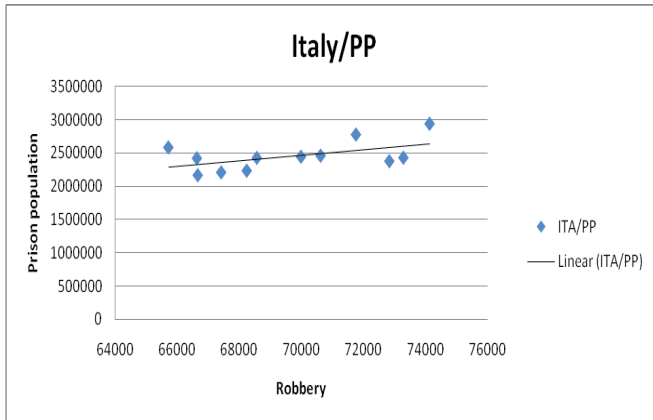
Trade-offs between robbery and prison population

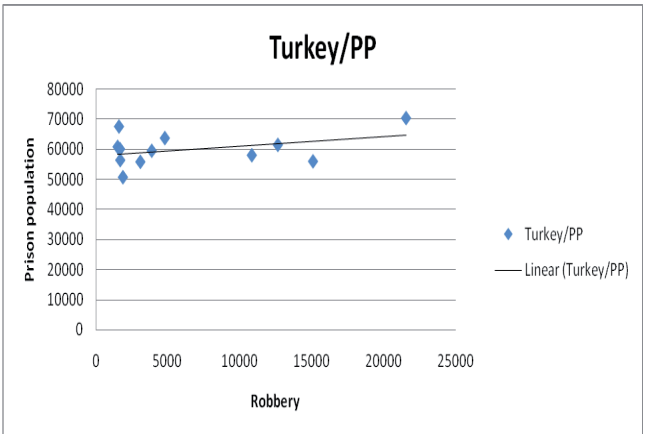
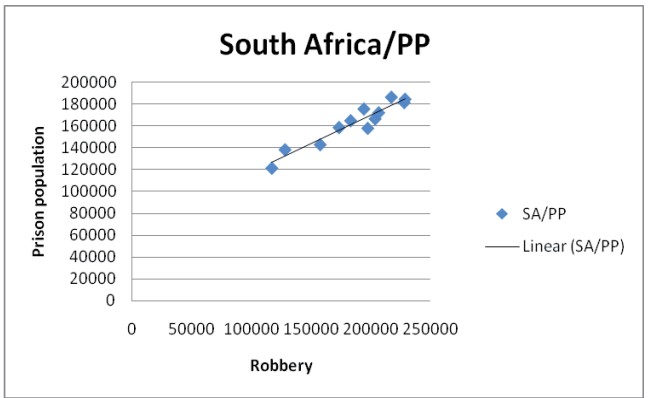
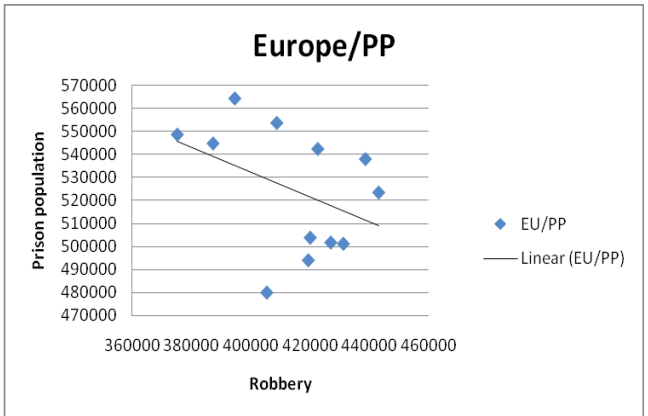
The correlations between the prison population and the rates of robbery in the European countries, the U.S.A., Russia and South Africa are introduced here. The definition of robbery (Eurostat 2010) used in this study is as follows: Robbery is a sub-set of violent crime (see above). It is defined as stealing from a person by force or threat of force, including muggings and bag-snatching and also theft with violence. Pick-pocketing, extortion and blackmailing are not included generally.

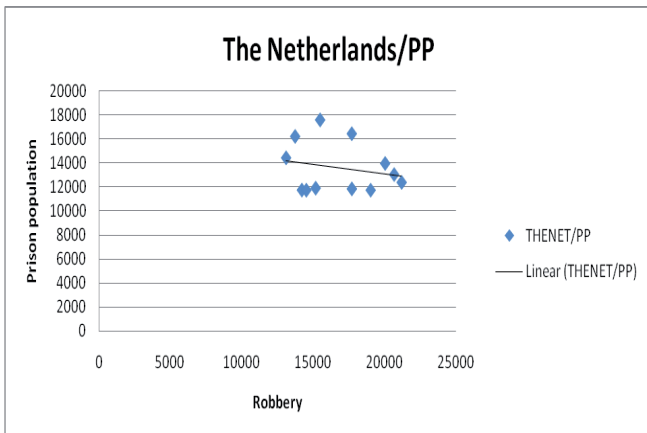
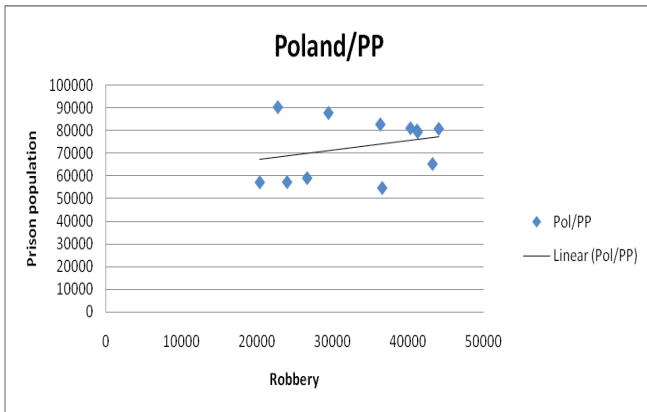
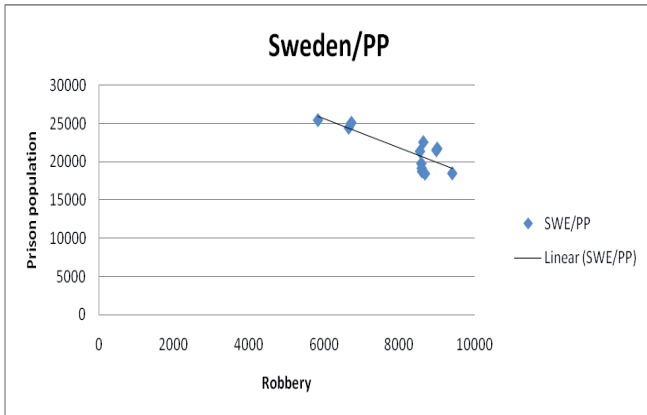
As Figures 38–49 demonstrate, the trends between these countries vary quite a lot although it can be said that, in most countries, the rate of robbery does not affect the number of the prison population because the correlations are negative (models A and A1). In Europe and in Poland, model A is part of their criminal policy in relation to robbery. However, in the figures concerning Europe, Poland and the Netherlands, the trend is clearly nonlinear. When the rate of robbery has reached its peak in Europe and Poland, the crime policy has been changed.

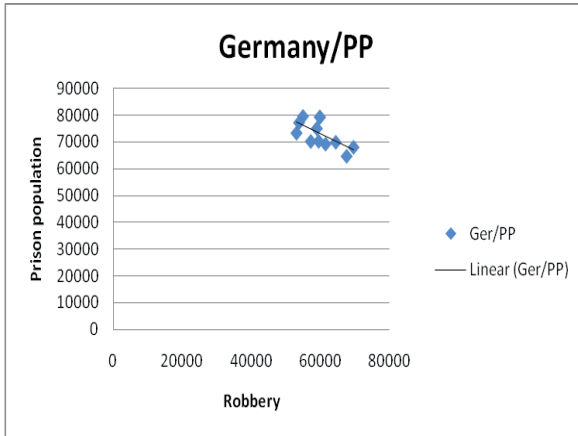
Figures 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49. Prison population and robbery trade-offs in the U.S.A., Russia, Italy, Scotland, Finland, Europe, South Africa, Turkey, Sweden, Poland, the Netherlands and Germany.











The results mentioned before have been summarized in Table 1. It is interesting to note that the U.S.A. uses the same kind of crime policy in relation to the different crime categories: although the crime rates decrease, the prison population increases. Zimring (2001) links the increase in the prison population to the new politics concerning the penal severity according to which any increase in pain of the offenders produces a corresponding benefit to the victims of crime. Russia has a similar policy as the U.S.A. as regards the crime categories, except for violent crimes, the level of which is very high in Russia and the number of prison sentences has increased accordingly. The policy of the European countries in relation to the total criminality differs from that of Russia and the U.S.A., and it also varies based on the category of crime. According to these results, it seems that Russia, Italy, Scotland and Finland have quite similar penal policies in relation to criminality—except that, in Italy, the political views on robbery are different.

We can make some interesting findings on the basis of our empirical investigation and pattern recognition:

1. Almost all analyzed countries have developed their own penal or criminal policy model; only some countries have chosen similar

penalty models. From this perspective, the integration of the penalty levels or the criminality policy systems is not high. Globalization means disintegration—not integration of the penalty and criminality systems. This is one of the key findings of this empirical study. These results also mean that we are not on the way to integrated recidivism or re-entry policies in the global context.

2. When we compared the systems of the U.S.A. and the Russian Federation, we found that their penalty and criminal policy systems were quite similar, which is rather surprising in view of their historical and ideological differences (AABA model).
3. When we compared the European aggregated system with the penalty systems of the U.S.A. and Russia, we found considerable differences in the criminal and penal policies. Surprisingly, the models of Turkey and South Africa were quite similar to the European model (BAB1B+A model).
4. Another interesting scientific finding was that Finland and Scotland have similar penal and criminal policy systems (AA1BA and AABA models).
5. Finally, we found that the penalty systems of the Netherlands and Germany had many similar characters in their penal and criminal policy systems (CBC+B1A and CABA models).
6. Taking all the empirical findings above into consideration, we can note that there is a large variety in the re-entry and recidivism models in the 12 analyzed countries, also inside the European Union.
7. On the basis of our findings, we can claim that the risk discourses are materialized in different ways in different societies when we compare the international patterns of the penal and criminal policy. This is an important empirical finding for global risk society research.
8. One interesting exception in global criminal policy is homicide penalties, where almost all countries except the Netherlands (model B) had a similar pattern of penalties (model A). Here we can observe a strong trend of penal and criminal policy integration.

Table 1. Different patterns between total criminality or criminal type and prison population in the U.S.A., Russia, South Africa, Europe and some specific European countries.¹

	Total criminality	Homicide	Violent crime	Robbery	Criminal policy model
U.S.A.	A	B1 + A	A	A	AA+B1 (homicide)A
Russia	A	A	B	A	(AABA)
Italy	A	A	B	B	AABB
Scotland	A	A	B	A	AABA
Finland	A	A1	B	A	AA1BA
Europe	B	A	B1	B+A	BAB1B+A
South Africa	B	A1	B	B	BABB
Turkey	B	A	B	B	BABB
Sweden	B	A1	A+C	A	BA1AC+A
Poland	B	A	B+A (D)	C+A	BAB+AC+A
Netherlands	C	B	C+B1 (D)	A	CBC+B1A
Germany	C	A	B	A1	CABA1

In the previous section, we made many interesting observations on the penalty models in our case study countries. The key finding was that there is a big variety in sanctions and penalty systems. This is an important qualitative aspect for the re-entry policy. However, there are also large quantitative differences in the recidivism and re-entry potential between the different countries. To demonstrate this aspect of the re-entry and recidivism policy, we have calculated re-entry and recidivism scenarios till the year 2025. The interesting results are plotted in Figures 50–57. A critical assumption of these scenario calculations is that, in the long run, recidivism percentage plus re-entry percentage are together 100%. Hence, we expect the correlation between the recidivism and re-entry rates to be very high. This kind of simple assumption makes scenario analysis straightforward, but logically consistent.

1. **Model A:** Criminal type decreases—prison population increases or criminal type increases—prison population decreases. **Model A1:** Criminal type decreases—prison population increases moderately or the contrary. **Model B:** Criminality type increases—prison population increases or criminality type decreases—prison population decreases. **Model B1:** Criminality type increases (decreases) and prison population increases (decreases) sharply. **Model C:** Criminality type increases—prison population is stable or criminality type decreases and prison population is stable.

Typically, the term recidivism refers to the act of a person repeating an undesirable behaviour after they have either experienced negative consequences of that behaviour or have been treated or trained to extinguish that behaviour. It is also known as the percentage of former prisoners who are rearrested. In this short article, we analyze recidivism in the latter meaning relevant to criminal policy. Criminal recidivism is highly correlated with the psychopathic characters of criminals. A psychopath is defined by an uninhibited gratification in criminal, sexual, or aggressive impulses and the inability to learn from past mistakes (see Konttila & Holmalahti 2009).

There are also other reasons for recidivism than psychopathic behaviour. Those reasons are connected with the socio-economic conditions of prisoners. On the other hand, many psychopathic people are never arrested or jailed. Misuse of alcohol may also lead to recidivism. Reasons for recidivism are complex and closely connected to the re-entry strategy of a society.

There have been some studies, which show that social programmes may decrease the rate of recidivism. One of the best-known programmes has been the Minnesota's Challenge Incarceration Program (CIP), which has actually lengthened the time before getting rearrested again. It has also saved the state of Minnesota millions of dollars every year. There is an increased consciousness of values, costs and alternatives in criminal policies. We could gain the potential economic benefits of target-minded recidivism and re-entry policies. To study this matter, we made some scenario calculations concerning the prison population with different sensitivity assumptions. The main goal of this analysis is to make rough estimates of the potential benefits of recidivism policies. If we want to calculate the potential economic benefits of reduced recidivism, these kinds of scenarios provide a useful method of evaluating the potential of such government savings. With a professional re-entry and recidivism strategy and planning, it is possible to decrease recidivism (Stanz 2000) and save the costs of society. Another important view to recidivism is that if we allow recidivism to increase, it probably also raises the costs of society from the current level. In the

U.S.A., recidivism rates vary between 50-60% (Florida Department of Corrections 2001, Ryan 2008). The bigger the prison population is, the greater is the potential of gaining economic savings due to reduced recidivism. Governments should plan more target-minded recidivism and re-entry strategies and visions. With the help of the scenario calculations, they could motivate policy-makers and decision-makers to build these kinds of dynamic recidivism and re-entry policies. In our scenario analysis, the basic idea is to “push the envelope of uncertainty” and reflect uncertainties to the fullest range of possible futures. We have framed our scenarios of recidivism and re-entry on the basis of background literature. (see Ralston & Wilson 2006, 21).

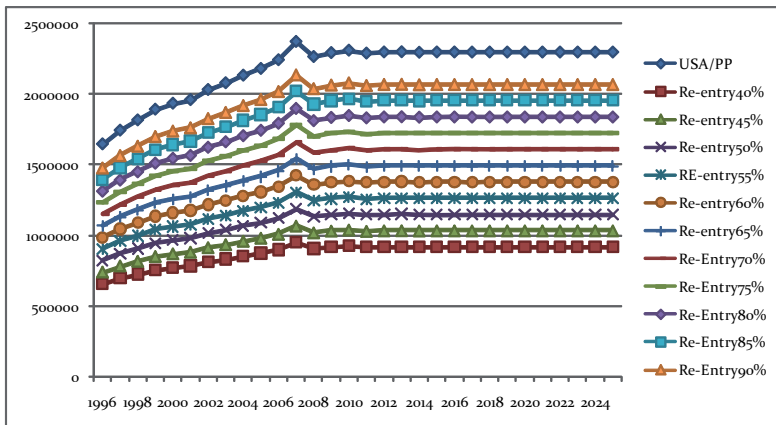


Figure 50. Re-entry scenario calculations of the U.S.A

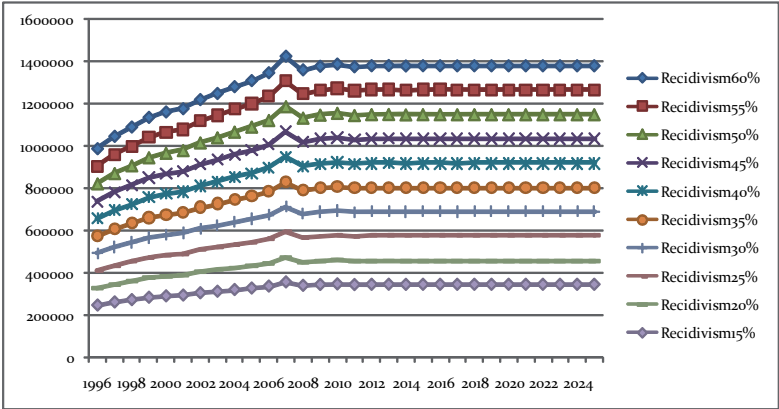


Figure 51. Recidivism scenario calculations of the U.S.A., 1996-2025

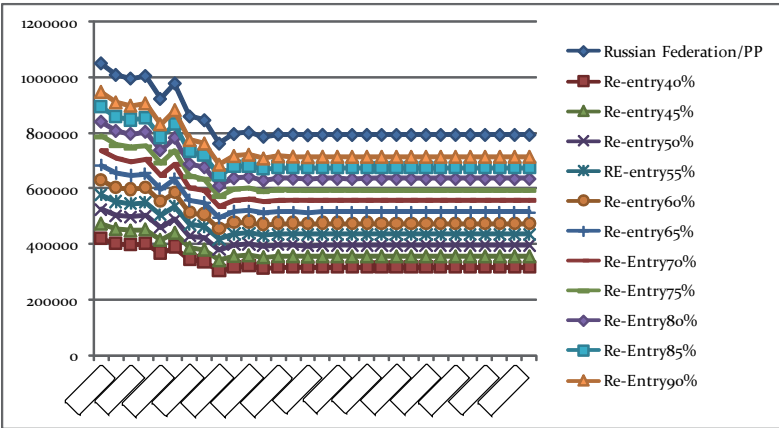


Figure 52. Re-entry scenario calculations of the Russian Federation, 1996-2025

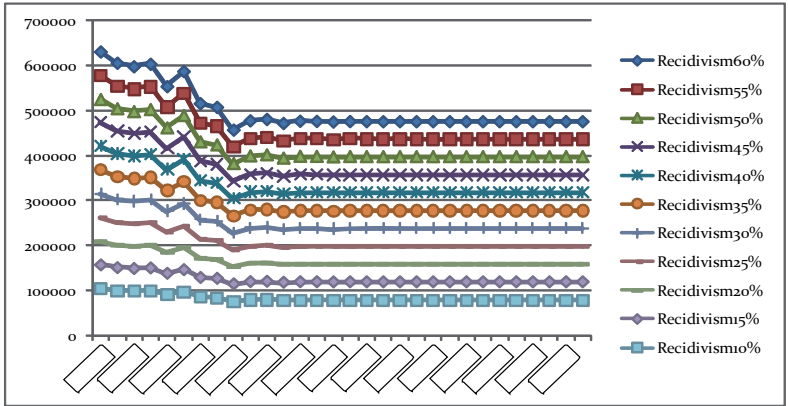


Figure 53. Recidivism scenario calculations of the Russian Federation, 1996-2025

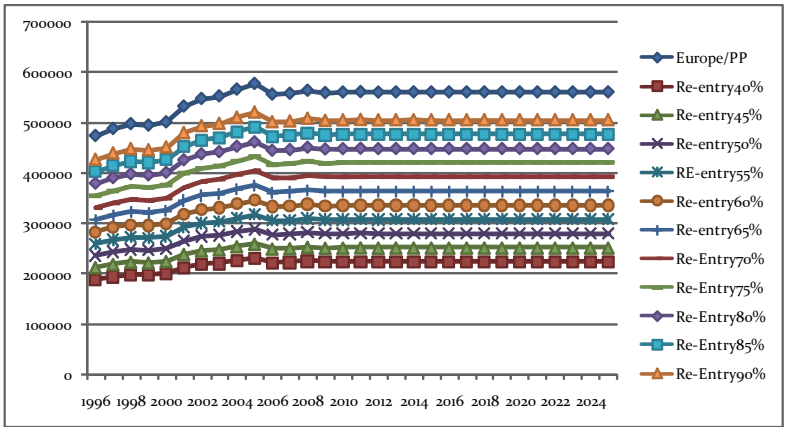


Figure 54. Re-entry scenario calculations of European countries (29 countries), 1996-2025

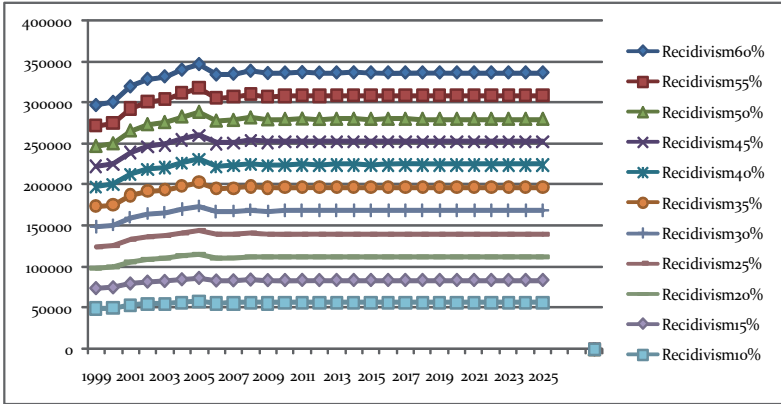


Figure 55. Recidivism scenario calculations of European countries (29 countries), 1996-2025

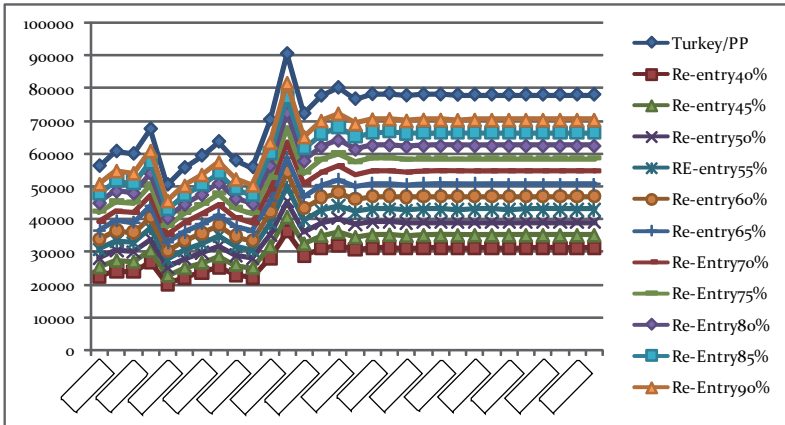


Figure 56. Re-entry scenario calculations of Turkey, 1996-2025

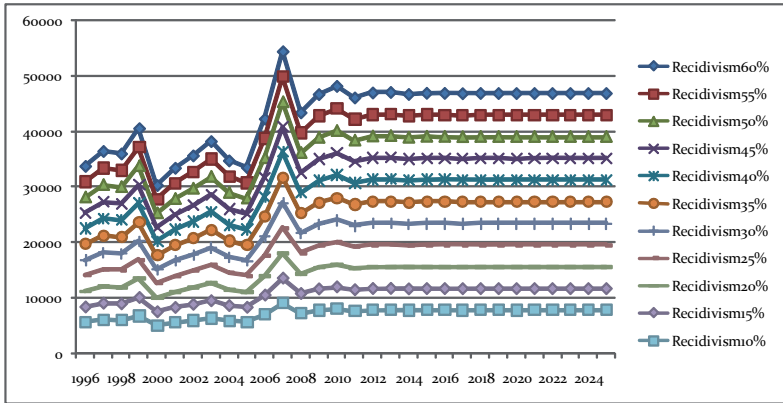


Figure 57. Recidivism scenario calculations of Turkey, 1996-2025

We can present some indicative scenario calculations of the costs of recidivism. With different assumptions, the total cost savings of recidivism are, of course, different. In the U.S.A., reducing recidivism from 60% to 55% would help the government to save about 4,221 million dollars per year, if one imprisonment day in the U.S.A. is expected to cost 100 dollars. This number is about 1.8 percent of the budget of the U.S. Government whereas the President's budget for 2010 totals 3.55 trillion dollars (Wikipedia 2010b). In the Russian Federation, reducing recidivism from 60% to 55% would help the government to save about 959.5 million dollars per year, if one imprisonment day in Russia is expected to cost 50 dollars. In Europe (EU-29), reducing recidivism from 60% to 55% would help the governments to save about 865 million dollars per year, if one imprisonment day in Europe is expected to cost 100 dollars. This sum is about 0.72 percent of the European Union budget (Wikipedia 2010a). In Turkey, reducing recidivism from 60% to 55% would help the government to save about 51 million dollars per year, if one imprisonment day in Turkey is expected to cost 50 dollars. We can conclude that recidivism has a large economic impact on government expenditure.

Recidivism may be reduced remarkably, even by 26–40% when effective rehabilitative programmes are used in prisons (Nink & MacDonald 2009). In the U.S.A., it has been stated that such programmes should focus on the principles of education and drug treatment (ibid.3). It would be useful to benchmark the Finnish recidivism programmes against the best associated programmes used in the U.S.A. and the best European programmes and plan a new dynamic programme based on the international benchmarking results. The social economy of recidivism needs more scientific analyses. In addition, European co-operation could benefit many countries. Better co-operation in Europe could probably lead us to better social inclusion and social cohesion. We also need more socio-economic impact analyses of recidivism to create an efficient social and criminal policy mix to reduce recidivism. Academic cross-disciplinary studies in the field of recidivism should be encouraged to promote the efficiency of criminal policy. The equity aspects of recidivism also need more careful analysis and criminal policy attention.

Summary

This article provides interesting insights to criminal policy experts who are interested in understanding crime in different geographical and socio-economic contexts, and in presenting innovative crime prevention policies and practices. In this summary section we are not commenting on all the details of the study. The concluding key remarks on the criminality and prison population trends are the following:

1. Almost all analyzed countries (12 countries) have developed their own penalty/criminal policy model; only some countries have chosen similar penalty model. From this perspective, the integration of penalty levels or criminality policy systems is not high. Globalization means

disintegration—not integration of penalty and criminality systems. This is one key finding of this empirical study. Those results also mean that we are not on a way to integrated recidivism or re-entry policies in the global context. A universal re-entry model is not a reality in today's global criminality policy.

2. When we compare the U.S.A. and Russian Federation systems, we found quite similar kinds of penalty/criminal policy systems, which is quite surprising, taking the historical and ideological difference into consideration (AABA model).
3. When we compare the European aggregated system with the U.S. and Russian penalty systems, we find a considerable difference in the criminal and penalty policy. Surprisingly, Turkey and South Africa are quite similar to the European model (BAB1B+A model).
4. Another interesting scientific finding is that Finland and Scotland have quite similar penalty and criminal policy systems. (AA1BA and AABA models)
5. Finally, we find many similar characteristics in the penalty and criminal policy systems of the Netherlands and Germany. (CBC+B1A and CABA models)
6. Taking all the findings seriously into consideration, we can note with considerable certainty that there is a big variety in the re-entry and recidivism models in the 12 analyzed countries, also inside the European Union.
7. On the basis of our findings we can claim that risk discourses are materialized in different ways in different societies, when we compare international patterns of penalty and criminal policy. This empirical finding is an important result for global risk society research.
8. One interesting exception in global criminal policy is homicide penalties, where almost all countries (except the Netherlands, Model B) had a similar pattern of penalties (Model A). Here we can observe a strong trend of penalty/criminal policy integration.

These trade-off analyses must be interpreted carefully, because changes in the criminal policy and consequences of policy changes do not ap-

pear right away but come with delay. The existence of criminal policy lags should be studied more carefully. Criminal policy lag means that there is a time tag between the introduction of new criminal laws and observed changes of criminality statistics. In spite of this methodological challenge, we were able to identify many interesting global criminal trends. It can be hypothesized that, if the country prefers a severe punishment policy, at first it reduces criminality but later it probably increases it, because mass incarceration makes rehabilitation in prison and the re-entry process into society difficult, which increases recidivism. The link between mass incarceration and the re-entry/recidivism policies needs more scientific attention.

If we want to calculate the potential economic benefits of reduced recidivism, these kinds of scenarios presented here provide a useful method of evaluating the potential of government savings. The bigger the prison population is, the greater is the potential of gaining savings due to reduced recidivism. In the U.S.A., Europe and the Russian Federation, the savings potential associated with recidivism is very high. In the U.S.A., a 5% decrease in recidivism would save 1.8% of government expenditure. In Europe, a similar percentage change in recidivism expenditure would save 0.72% of the European Union's budget. This is a reason why governments should plan more target-minded recidivism and re-entry strategies and criminal policy visions. With the help of the scenario calculations, they could motivate policy-makers and decision-makers to build these kinds of dynamic recidivism and re-entry policies. Thus, we recommend that the governments should create a target-minded national recidivism vision and a national strategy to reduce recidivism rates. The more ambitious the national recidivism strategy is, the larger the economic expenditure savings can be expected. It would be useful to benchmark the Finnish recidivism programmes against the best-associated programmes used in the U.S.A. and plan a new dynamic programme based on the international benchmarking results. European co-operation in the criminal policy field could bring considerable benefits to Finland too.

We also need more socio-economic impact analyses of recidivism to create an efficient social and criminal policy mix to reduce recidivism. Academic cross-disciplinary studies in the field of recidivism should be encouraged to promote the efficiency of criminal policy. The equity aspects of recidivism also need more careful analysis and criminal policy attention.

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Michael Lenza

5. THE IMPORTANCE OF POSTMODERN AUTOETHNOGRAPHY AND ETHNOGRAPHY IN CRIMINAL JUSTICE RESEARCH AND POLICY DEVELOPMENT

At the current historical moment, there are over seven million Americans currently under US criminal justice supervision, accounting for 1 in 31 citizens; when examined by ethnicity/race, the figures are one in 27 Hispanics and one in 11 Blacks who have been taken into correctional custody (Pew Center, 2009). Young Black males and increasing numbers of young Black females are thrown, shackled and belly chained, into jails and prisons in numbers far exceeding the proportion of crime they commit in society (Tonry, 2004). The War on Drugs creates our most racist artifacts of this onslaught upon minorities. In 2005 African-Americans represented about 14% of unlawful drug users, yet they represent 34% of those arrested for drug offenses and 53% of those sentenced to prison for drug offenses (Mauer, 2009; Sheldon, 2001). Through our vast expansion of the US criminal justice system's capacity and the way it is being utilized, we are engaging in a vast internal colonization of legally stigmatized others from our poorest and most vulnerable minority communities (Hind, 1984; Staples 1975; Tatum, 2002; Alexander, 2009; Goffman, 1963; Goffman, 1961). In essence, we are constructing a new caste system by creating a perma-

nent underclass of Americans legally deprived of access to many areas of employment, professional licensing, housing, education and voting rights (Litwack, 1998; Birnbaum & Taylor, 2000; Soss, Fording, & Schram, 2008; Mauer, 2009; Mauer 2010):

The Bureau of Justice Statistics (BJS, 2003) estimates that 32 percent of black males born in 2001 will spend some time as a state or federal prison inmate; that figure ignores jails, which annually process many more people than prisons do. BJS in 2007 estimated that a third of black men in their 20s were in prison or jail, or on probation or parole (Tonry, 2009, p. 387).

The issues addressed in this article do not constitute a review of the political policies (not crime rates) that developed into the current incapacitation/mass incarceration model of social control in the United States or the growing social inequalities arising from it. Though awareness of these issues underlies the impetus for this chapter (Lenza & Jones, 2010; Tonry, 2009; Gottschalk, 2006; Jacobs & Helms; 1996, Smith, 2004; Tonry, 1999; Soss et al., 2008; Jacobs & Helms, 1999; Jacobs & Kleban, 2003; Clear, 2007; Fording, 2001; Pettit & Western, 2004; Uggen & Manza, 2002; Western & Beckett, 1999; Western & Pettit, 2005; Yates & Fording, 2005; Irwin, 2005; Austin, 2001).

This immediate work melds the New School of Convict Criminology (Richards & Ross, 2001; Ross & Richards, 2003, pp. 1–14; Richards & Jones, 1997, 2004; Richards, et al., 2008; Jones et al, 2009; Ross et al., 2010; Richards et al., 2011) with postmodern insights on interpretation, knowledge production, and power, to view problematics in the construction of knowledge within the criminal justice paradigm. The theoretical/methodological standpoints proposed in this review can create a more contextually situated foundation for knowledge production that has potential to provide a path towards creating a more balanced approach to meet criminal justice's need to:

1. Provide knowledge and training for those pursuing a career in criminal justice.
2. Provide a knowledge base for policy makers, administrators, service providers, enforcement, and the public to better understand the inter-related complexities of social control, political economy, and the range of best choice solutions for micro, meso, and macro issues and policies, contextualized within the needs of our citizenry in a multicultural democratic nation.
3. Develop our abilities to integrate our knowledge production in a way that allows us to utilize insights from the broad continuum of theoretical perspectives and methodologies available to help insure a more informed and valid balancing of our ontological and epistemological foundations.
4. Increase our awareness of the potential / existing issues and problems for a social academic paradigm that tends to aligned with federal and state agencies vested with coercive power over our own citizenry.
5. Criminal justice needs to include / develop knowledge of the negative impacts that excessive coercive repression has on individuals, families, communities, and the democratic functioning of our society.
6. Criminal justice needs to critically assess whether its growth and success is predicated upon unbalanced and unsustainable financial and social costs associated with the vast expansion of coercive social control agencies that criminal justice serves. Is this continual growth (and the costs involved) jeopardizing our ability to fund education, essential social services, and investments for our social economic future without providing reasonable cost-benefit outcomes?

The last point is accentuated by our current ongoing economic crisis and a growing body of research and awareness of the broader financial and social costs that have arisen with broad adoption of the incapacitation / mass incarceration model of social control across the USA (Clear, 2007; Irwin, Schiraldi, & Ziedenberg, 1999; Holmes & Hughes, 2003; Lengyel & Brown, 2009; Lengyel, 2006; Mumola, 2000).

I will review the rise of criminal justice as a new and independent paradigm in the social sciences, along with a view to the underlying problems within the paradigm's social production of knowledge. Then I will discuss how postmodern perspectives on objectivity, interpretation, and knowledge production have been utilized in other paradigms for developing more valid and socially contextualized knowledge production.

However, before I do that I will review the elementary necessary and sufficient conditions for establishing causality as these basic preconditions seem to have been set aside in criminal justice's growing reliance on constructing categorical variables within statistical analysis to identify populations for enhanced punishments, surveillance, and coercive bureaucratic management.

The Elementary Necessary and Sufficient Conditions for Establishing Causality

In the physical sciences, one can take oxygen gas and hydrogen gas, and bring them together under controlled conditions to produce water (H_2O). Through this type of scientific deterministic research, if done correctly, one could then extrapolate from the research the necessary and sufficient conditions for the causal chain to produce water from these two gases. Our social realities are much more complex.

Social scientific research that does not include careful and thorough searches for counterfactuals, particularly counterfactuals situated in the actual lives of the subjects, allows criminal justice to use ideological constructs (often unacknowledged) to participate in closed, reified, self referential knowledge systems with the state in creating official stigmatizing master identities to be placed upon citizens to justify their social repression. Positivist modeling of statistical significance of variables related to crime seldom, if ever, actually establishes valid causality claims.

In the social sciences, proving causality is a difficult task. Many related academic fields are relevant to the definitions of and potential causal elements of a crime and / or their commission. Legal, political scientific, deviant, psychological, economic, racial and ethnical, environmental, communal, physiological, toxicological, brain developmental, geographical, climatic, historical, familial, cultural, or sociological is just a short list of potential factors relevant to understanding crime. All the social sciences to some extent engage in reductionism, exclude relevant data or theories from other paradigms, if for no other reason than in order to publish. There is only so much information that can be crammed into 25–30 pages. Even our best work is often wanting in that regard.

In addition, we need to be aware of and to avoid reliance upon closed, self-serving, ideologically driven knowledge production. The complex realities of the social worlds in which people's lives are actually lived needs to inform our research. If methodologically sound research listening to the voices and examining the lived experiences of subjects creates counterfactuals to a research question, or plausible alternative explanations exists from other paradigms, we cannot claim a particular interpretation has established a valid causality claim. To establish that an action or circumstance (independent variable) causes changes in the outcome (dependant variable), basic standards of proof need to be met. The action or circumstance (independent variable) must occur in time before changes happen in the outcome variable (dependant). We would expect there to be a statistical correlation between them. There should be a theory or hypothesis as to how or why the independent variable creates changes in the outcome. Then a more difficult requirement remains, i.e., establishing that another unmeasured variable acting on them both does not cause this relationship. (Babbie, 1992, pp. 67–84; Maxfield & Babbie, 2008, pp. 85–98)

Unlike in the physical sciences, where $H_2 + O = H_2O$, in criminal justice I know of no distinguishable social economic status, personal history, educational, juvenile, psychological, racial or ethnic, age, or physiology variable that establishes variable 'a' as the necessary and

sufficient element for crime 'b' to occur. In other words, the statement "if variable 'a' is present then crime 'b' will always occur" is not a causal statement criminal justice can advance. I am exempting three strikes laws wherein a person having prior convictions creates the additional extreme sentences that far exceed the maximum penalty for the crime committed. For example, in California Kevin Weber was sentenced to 25 years to life imprisonment for stealing two pocketfuls of chocolate chip cookies (CNN U.S. News, 1995). In addition, prohibitionist laws, where convictions require no proof of the accused having committed harm to them self or someone else, are more ideologically constructed than scientifically verifiable policies.

Yet causality claims are implied through significant probability findings between independent and dependant variables. A multivariate analysis finding that variable 'x' is highly significant (sig. = .0000) does allow one to claim they can be 99.99% certain the finding is not due to chance fluctuation in the data. As impressive as that may sound, anyone with experience in multivariate analysis knows how dramatically that can change by introduction of a different variable into the model, or even by the order in which the researcher enters the variables into the statistical analysis. Computer statistical programs can allocate shared variance between variables to the first variable entered into the model; hence you can change significance by what order the researcher chooses to enter them, dependent upon what statistical technique is used. Further, it does not take a majority of subjects coded into category 'x' to act in a particular way for a variable to be significant in relation to a dependant variable (Tabachnick & Fidell, 1996). Yet the implication is that findings are relevant to everyone placed into the category and that is how findings are often applied in criminal justice policy decisions or in management of inmate populations, such as corrections risk management scales, inmate classification scales, and trial court sentencing matrixes.

Then, of course, there are the limitations of what data was collected, how it was collected, how it was coded, as well as what information was not included in the data. The fact that we do not know

exactly how many crimes are unreported or undiscovered always creates a black hole of the unknown in any analysis of crime. On top of all that, crime is in the eye of the beholder; the type of charge brought is up to the discretion of individual prosecutors, which can vary considerably. Evidence, crime charged, sentencing, probation, parole, diversion programs, and revocation / recidivism are determined by human interpretations of limited information, framed from within individual actor's agendas. None is causation as can be known and understood as we can understand $H_2 + O = H_2O$.

Rarely is there a stern warning of the caution needing be exercised in interpreting or presenting findings as establishing causality, even when researchers discuss the policy implications of their findings. A perfect statistical modeling of significant factors related to a social outcome, that avoids all the potential errors of reasoning and bias within its data and analysis, actually only opens the door to possibly finding or establishing the necessary and sufficient elements of causality (Babbie, 1992, pp. 67–84; Maxfield and Babbie, 2008, pp. 85–98). To add grease to the fire, there are serious problems with claims of objectivity in data analysis or experimental models.

Lynch and Woolgar (1990) trace the recognition that scientific objectivity is in part a literary style of writing that avoids acknowledgement of the interpretive “I” within the act. It is a culturally deterministic model of production logistics and mode of explanation that hides the hand of the researcher, or interests of funding sources or the data itself, in shaping the research design, selecting the variables studied, and the underlying interpretive acts stretching from conception to conclusion. Philosophers and historians Thomas Kuhn, Ludwig Fleck, Michael Polanyi, Imre Lakatos, and Paul Feyerabend all suggested that scientific knowledge is socially produced. Once claims of scientific objective purity fell scientific or positivist methodologies hold no special relationship to truth or understandings of reality. Scientific production is now open to the same types of critiques used for other forms of human production of information or products: what is seen is relative to one's point of view and /or methods used (Lynch & Woolgar, 1990; Gusfield, 1976; Goffman, 1974).

Most social science paradigms have accepted that knowledge production is bound within historical, cultural, and socioeconomic contexts that influence how researchers see and interpret the world. Criminal justice has yet to recognize that social science claims of objectivity are very questionable. Until criminal justice comes to terms with the interpretive, cultural, historical nature of understanding and explains them, what we produce will tend to be more ideology rather than informed knowledge (Crank & Proulx, 2009; Habermas, 1971).

“Postmodern social theory has helped attune us to the fact that no single perspective can possibly grasp the complexity and diversity of the social world” (Ritzer, 1997, p. 205). This broadly understood dilemma within the social sciences is of particular importance for criminal justice, for as a paradigm it is often deeply involved in studying and reifying—uncritically teaching social / legal constructions of social identities that stigmatize human existence, categorize people for punishments, for additional police and / or correctional surveillance, or for legally sanctioned restrictions on their liberty. One would think that a paradigm that is so closely aligned to the repressive power of the state would be held to a higher bar of proof in making or inferring causality claims which may then be used for policy decisions and implementation.

Clear (2007) provides a very clear review of the deep flaws in the politically popular studies that developed the claim that by adopting the incapacitation model we would greatly reduce crime rates and criminal justice costs by aggressively incarcerating selective populations identified as heavily active in crimes. Politics and academic collusion resulted in widespread adoption of the incapacitation model of social control that led to our current mass incarceration policies. For a 600% increase in the use of incarceration over the decades, all we have gained is rather modest reductions in crime at incredible financial and social costs.

The Rise of the Criminal Justice Paradigm

Criminology, a sociological paradigm situated within a larger subfield of social control, began in the USA in 1893 when the University of Chicago began offering courses on the sociological study of crime. The “Chicago School” emphasized the social causes of crime and the types of social environments that could lead to criminal behaviors (there are large number of other theoretical paradigms in criminology besides the Chicago School). Criminal Justice as a paradigm arose much more recently and does tend to have a different emphasis from criminology as it focuses more on how our criminal justice institutions operate, the different functions of the procedural stages of the criminal justice system and how criminal justice practitioners work within the systems (Thistlethwaite and Wooldredge, 2010¹: xv). Academic criminal justice in the USA has directed much of its efforts to creating the technical tools and training for professionalization and efficiency in policing, crime control, and management of our criminal justice system.

The major force behind the rise of criminal justice as a paradigm came with the establishment of the Law Enforcement Assistance Administration (LEAA) in 1968. LEAA then widely distributed grants, paying college tuition for police officers to improve their professional performance, and distributed funds for research for developing better crime control models and administration in our criminal justice system.

The basic model for undergraduate education in criminal justice can be traced to the police training programs developed in California (Morn, 1995). Colleges and universities quickly responded to the large influx of federal money for tuition for police officers and funding for criminal justice research. Criminal justice programs jumped from just 50 in the nation in 1960 to 600 criminal justice programs by 1970, then doubling to 1,200 higher educational programs by 1978. Now

1. By citing this book, I am not endorsing it. One of numerous critiques I found is that they favorably cite the Wisconsin Risk Assessment System (298) when its most salient /decisive risk factor, “assaultive offense in the last 5 years”, was found to have no predictive value, while adding great cost to parole supervision (Eisenberg, Bryl, &Fabelo, 2009, iv).

there are almost 2,000 undergraduate criminal justice programs and 32 universities with doctoral degrees. In this respect criminal justice degree programs exploded across the nation in response to economic incentives as federal funding becoming widely available for colleges and universities to develop academic degrees in criminal justice (Thistlethwaite & Wooldredge, 2010: xvi). This close association between the rise of an academic paradigm to funding by agencies of coercive social control can be problematic.

Historically, it is important to recall the widespread social turbulence in the US as the civil rights movement of the period had brought to light and sought to dismantle the deeply entrenched racist laws and policies that were still in practice across the US (Massey & Denton, 1998). Also there arose in the 1960s widespread protest and acts of civil disobedience against the US war in Indochina. Considering these dual challenges to the existing power structures, as the civil rights marches and riots burned many of our cities and anti-Vietnam-war-related civil disobedience spread across our universities, college campuses, and spilled out into our city streets, it was not surprising that the federal government implemented the LEAA programs in 1968 to strengthen our social control agencies across the US.

I do not argue that our policing and social control agencies were not in need of better training and professionalization. Criminal justice programs arose and grew exponentially as a result of this federal funding and interest in developing more effective social control apparatuses (Morn, 1995; Thistlethwaite and Wooldredge, 2010, interpretation my own). This was not necessarily a bad development. However, we do need to consider the implications of criminal justice arising as an independent paradigm through government interests and funding rather than establishing it through developing its own theoretical paradigms, methodologies, and its own foundational knowledge base. Our other social sciences have had a century or more of academic development within which they have had to face and deal with many issues and problems within their knowledge production. One can examine any of the social sciences and see how their knowledge production has

grown due to these internal critical discourses involving challenges from feminist, minorities, indigenous colonized populations, as well as other critical standpoints, coupled to substantive and theoretical challenges to the claims of scientific objectivity within the social sciences.

The new criminal justice paradigm did not show great interest in questioning what impacts such a close relationship with the states coercive power agencies was having on its knowledge production as it grew and grew; with more faculty staff hired at universities and more students taking courses, criminal justice departments prospered. Nor did criminal justice as a paradigm show much interest in foreseeing impacts of its growth upon the broader features of our society, nor on the role it may have played in the incredible expansion of costs and use of coercive social control (jails and prisons) across our nation or how this growth would impact other vital government functions. Much of the criminal justice research of the last few decades in the US has focused upon on new ways of identifying, rationalizing, differentiating, and categorizing typologies of crime and offenders (Austin et al., 2001). Felons, as well as their children and families are becoming a permanently managed underclass that are being cycled and recycled into our now vast prison industrial complex. (Richards, 1998, 2009a, Richards & Jones, 1997, 2004; Clear, 2007) In California alone, Wacquant (2002, p. 380) informs us “the budget for the state’s corrections administration has sprung from under \$200 million in 1975 to over \$4.3 billion in 1998 (no, that is not a typo: it is a 22-fold increase).”

The managerial emphasis in criminal justice on the identification, categorization and management of subject populations is in many respects reminiscent of anthropology’s central role during colonialism. During colonialism, anthropologists were busy conducting ethnographic studies, constructing categorical cultural identities of subjugated populations. These studies often proved useful to colonial administrators. Construction of categorical identities cleaves differences between the people in a society. These social divisions allow for differentiation for ruling and control even though these identity constructions may

not have been based upon real differences; however, they become very real when utilized in governance (exploitation and control) of the indigenous populations. Smith (1999:1) explains that in post colonial regions of the world, the term 'research' remains 'inextricably linked to European imperialism and colonization ...' and 'is probably one of the dirtiest words in the indigenous world's vocabulary' (See also Brown, 2005; Freire, 1970; Naples, 2003). How identity typologies are constructed and utilized is of particular importance to Convict Criminology (Jones, et al, 2009). A brief examination of the inter-related roles of government and social scientists in the construction of official identities during colonialism is informative.

Similarities between Research during Colonialism and Criminal Justice

Socially produced scientific knowledge is not independent of those engaged in its social production (Michael, 1990; Clough, 2001). Richardson (1991, p. 174) notes, "Writing always involves what Roland Barthes calls 'the ownership of the means of enunciation'. A disclosure of writing practices is thus always a disclosure of forms of power (Derrida, 1982)."

Whenever identity categories are constructed and authenticated, however weakly or even wrongly by science, the state, or both, power is exercised over the identity production of the people placed in these identity constructs. Official categorical identities begin replicating themselves throughout a social system when they are then taken up and applied in the interlocking social institutions of a society; they take on lives of their own. Many of the errors within social science research from colonialism to current research are due to the researcher's neglect of listening to and understanding the self-definitions of their subjects (Jenkins, 2003). Postmodernism provides voice to previously silenced

groups. There has been a growth in our knowledge as previous subjects of study have since developed voices of their own or when their voices are listened to in an unbiased methodology. (A few examples: Dirlik, 1996; Allen & Chung, 2000; Bayly, 1999; Bayly, 1995; Staples 1975; Guhu, 1998; Andersson, 2002)

In Jenken's (2003) discussion and review of anthropology's role in constructing castes in India, she notes that it was not until after the 1857 rebellion against British rule that colonial administrators began systematic studies of caste identities both to tighten administrative control and to identify certain groups as criminal castes, prone to rebellion (Jenkins, 2003, pg 1146). Rather than producing objective knowledge, researchers can reproduce unacknowledged ideological biased constructions of social identity for populations independent of the actuality of their subjects' lives, particularly if it serves the needs of the state. Substitutions of the subjects' voice by that of the researchers have similar problematics, though subjects have occasionally used the tools of their masters to turn the table.

Brown (1993) makes this point in his review of Jomo Kenyatta, leader of Kenya's independence movement. Kenyatta studied anthropology, attending Malinowski's seminars in London in the 1930s and then used the anthropological objective voice to present an Afrocentric record of facts to a British white audience. For an African to speak in an academic voice for Africans in the 1930s was a revolutionary act:

Kenyatta: My chief object is not to enter into controversial discussion. .. but to let the truths speak for itself. I am well aware that I could not do justice to the subject without offending those "professional friends of the African" who are prepared to maintain their friendship for eternity as a sacred duty, provided only that the African will continue to play the part of an ignorant savage so that they can monopolize the office of interpreting his mind and speaking for him. To such people, an African who writes a study of this kind is encroaching on their preserves. He is a rabbit turned poacher (Brown, 1993, p. 672).

This brief review of a few of the significant problems associated with a social science having too close of an association with the power of the state in constructing social identities of subject populations helps us understand why anthropology has taken a Postmodern turn to repair its status as a valid independent paradigm in the social sciences. Voloder (2008, p. 34) explains one of the newer approaches to field studies in anthropology:

Anthropology argued in favor of the objectification of the researcher, whereby the researcher's self and their relationship to the subject of study became an object of exploration (Bourdieu, 2003). This approach to reflexivity required the ethnographer to reflect on their own trajectory and identifications with the aim to disclose how these positions impact on the analysis of the ethnographic material. The focus is on the 'situatedness' (Abu-Lughod, 199, p. 141) of knowledge, the recognition that the ethnographers' personal history plays a significant role in enabling or inhibiting particular kinds of analytic insights or oversights (Hastrup, 1992).

The issue of whether criminal justice is actually an independent social science has been seriously questioned:

. . . competitive pressure in the United States results in academics attempting to increase salaries, social status, and their market value by gaining outside funding from academically governed funding agencies as well as from policy-making institutions. When research is funded by political agencies, which to a large degree is the case in criminology and criminal justice studies, then it is rather likely that academically produced knowledge will follow political knowledge. This underlying resource-dependency theory has been exemplified. . . (Savelsberg, 1994, p. 934; see also Denzin, 2009)

Michel Foucault's (1978) concept of modern social control theorizes that individuals are inscribed with identities. This occurs through

particular dominant standards that permeate one's social world, particularly official identities. These identity constructs coercively applied through a myriad of governmental, institutional, and ideological techniques officially define the meaning, identity, and competence of individuals or social groups to which they are applied. "The soul is the effect and instrument of a political anatomy; the soul is the prison of the body" (Foucault, 1978, p. 30).

Similarly, Schutz's (1967) critique of Weber's ideal type for understanding another's behavior is also relevant in statistical and qualitative studies, as when we construct categories to code people for analysis, we are constructing an ideal type. This constructed category:

"is only a cross section lifted out of its total factual context. What is thus defined in abstraction as the unity of the other person's act will depend upon the point of view of the observer, which will vary in turn with his interests and his problems. Therefore, the personal ideal type is always determined by the interpreter's point of view. It is a function of the very question it seeks to answer. . . . The illusion consists in regarding the ideal type as a real person, whereas actually it is only a shadow person. It "lives" in a never-never temporal dimension that no one could ever experience" (Schutz, 1967, pp.190–191).

These distortions upon our identity production experienced by convicts can awaken within us Dorothy Smith's concept of bifurcation of consciousness, as individuals and as social groups whose material embodied reality has been systematically objectified by systems or structures of power, and we can awaken to the diverse forms of oppression under which we live (Smith 1987, pp. 88, 107, 154). With these bifurcated lenses, we can see ourselves anew and utilize new standpoints from which we view unnecessary repression through reflexive ethnographic and autoethnographic methods to shatter our objectification and regain our biographies.

Criminal justice has not awoken to its need to reflect upon its own historically bound bias and prejudices in the social construc-

tion of knowledge. The predominant research today on felons and convicts is also similar to earlier eras of research on race, gender, and sexual orientation when dominated by heterosexual, male, middle class, white academics. Being other than heterosexual could serve for being diagnosed as mentally ill, or a felon. Under patriarchy, legally endorsed ideologies deprived women of full citizenship: voting rights, educational opportunities, careers, as well as ownership and control of their own bodies. Racial and ethnic studies, when its knowledge production was the exclusive reserve of white academics, often served to rationalize the social and economic subjugation of minorities. As women, minorities, and non-heterosexuals gained public and academic voices, they became more able to challenge the stereotypes and beliefs underlying their legal subjugation to homophobic, patriarchal, and racist beliefs that pervaded our laws, policies, and social practices.

(One way out of this quagmire of political and academic interdependency in the production of social identities justifying the continual placement of tens of millions of Americans into a permanent underclass is to provide prisoners, their families, and their communities with voice. Research that does not ground itself in the actual thinking, understanding and material conditions of life of the subjects is, in John Irwin's (see Richards, 2009b) words, "not only a distortion of the phenomenon but also is very likely a corruption" (Irwin, 1987, p. 42, Jones, 1995, p. 108).

We engage in degradation ceremonies to create master identities of felons as less than human, in part to allow us the luxury of doing unto them things we would never agree to for our own social group (Garfinkel, 1956). Reflexive autoethnographic and ethnographic work that provides voice for the subjects can help dismantle walls of fear and difference. A significant problem with criminal justice research is that a primary component of the system, prisons, are total institutions. Researchers cannot just go in and spend several years living in a prison to gain emersion into the material conditions of life, culture, and individuals studied. Simply visiting a prison and conducting interviews will seldom get more than superficial presentations of self when done

by academics with little participant observation or life experience in prisons. The more complex interactions and meanings of prisoners' lives remain hidden from view. It is easy for researchers who have never experienced having the meaning of their lives categorically objectified by hostile others while living in a total institution that operates through constant threats of violent repression to misinterpret prisoner's lives (Jones, et al., 2009).

Because their experiences with discourse have not consistently placed them in positions in which they needed to speak back to cultural values that defined them in problematic ways, they have difficulty understanding why others must do so. Thus, for many people, the ideologies of culture and discourse appear neutral and their sense of agency as relatively unencumbered. ... a person or group must find language and actions that expose the ideologies of dominant culture and engage those who espouse these ideologies in substantive discourse (Wallace, 2002, p. 53).

This is why a reflexive methodology that includes the view of reality from the standpoint of the subjects, their families, and communities is vital if we wish to move beyond socially constructed stereotypes.

The New School of Convict Criminology's research on prisons and prisoners provides a bridge between prisoners' experiences and academic research as our research is informed by substantive experience within the criminal justice system as well as our traditional academic training. This allows us to view our subjects and issues through more reflexive lenses due to our familiarity with both worlds (Richards & Ross, 2001). The Convict Criminology Theoretical Perspective encourages the development of a new synthesis of critical theory with postmodern theories and methods to restore a measure of balance and social justice within the study of criminal justice and criminology. The ex-convict academic researchers once lived the experience of prisoners when their lives disappeared into the depths of prisons, and in varying degrees they survived to tell the tale. Yet, even having completed our

sentences, and then even gaining Ph.D.s, we know we are not free. We remain tainted by the stigma of fears projected upon us, in many states constraining who and what we can be. Thus, some of us have chosen to learn to stand and speak through a reflexive knowledge of life to structures of power.

By saying unique, I do not mean that Convict Criminologists have some special knowledge of how the oppressive use of power can define, stigmatize, and constrain social production of self and access to resources for specified social groups. That is something we share with other social groups within this nation and around the globe. We all, in some sense, face constraints of class, gender, race, ethnicity, age, and or sexual orientation. Our biographies are constrained within social structures not of our own making. By unique I mean convicts that tend to have experienced a particular context and degree of socially approved and mandated oppression. We have experienced degradation ceremonies stripping us of our personal human identity, and coming out redefined / categorized as a stigmatized less than a normal human. We have experienced life within total institutions, our prisons. Upon release, we continued to face laws and policies that constrict who and what we are allowed to become that tend to perpetuate a return to prison, while we are often stripped of political and social voice. That is both our bane and our greatest source of a unique knowledge base from which to move forward toward our emancipation. By its very nature, reflexive autoethnographic (and ethnographic) research done by academics that embeds the subject's voice within their conditions of life does critical theory. (Ellis & Bochner, 2000; see also Reed-Dannahay, 2000) Further:

. . . the pain of imprisonment is made visible from the viewpoint of the prisoner thereby enabling it to be acknowledged for what it is (522) . . . The crucible of incarceration with its textures of violence, pain and suffering seems universally to demand 'factually insistent' narratives (490) . . . autobiography chiefly served to restore elemental political ground to the prisoner, and can be seen as the most sophisticated

articulation of the oppositional 'power of writing' (493) (Gready, 1993, pp. 522, 490, 493).

America has over one million nonviolent offenders imprisoned. Just our prison population of nonviolent offenders is 3 times the total number of all people incarcerated in the European Union, which has 100 million more people than the USA. Taxpayers in the USA spent about 24 billion to incarcerate these nonviolent offenders in 1998, that is 50% more than what we spent on social welfare expenditures for 8.5 million poor Americans. In addition, funding for higher education declined as correctional budgets grew (Irwin, Schiraldi, & Ziedenberg, 1999).

As a paradigm, criminal justice is long overdue to open its eyes and ears to the incredible costs of our current policies, the unnecessary violence our criminal justice system is doing to our own citizenry, and the ripples of harm it is causing to flow through our most vulnerable families and communities. The criminal justice and criminology paradigms played a role in providing the stigmatized identity constructions, rationalizations, justifications and management tools that help provide the foundations for the 600% increase in the number of our fellow citizens going to prison when our crime rates have been dropping steadily for the last 20 years (Clear, 2007). Too much of the political criminal justice policy and societal fear is based upon media driven stereotypes of young minority youth (Waymer, 2009). We need more autoethnographic publications like Leyva & Bickel (2010) that embodies the voice and life of the subject to deepen our understanding of the interplay between our treatment of children and people in poor minority communities with their adaption to these forces by taking on criminal identities.

Any paradigm that suppresses the voice of its subjects through intent or neglect, particularly one aligned so closely to state social control agencies, can lose its ability to distinguish between the social harms arising from the use of violent repression visited upon our most vulnerable populations from the social harms caused by actions

of those subjected to it. The question our paradigm should be asking is: How much of this is due to the way our research systematically categorizes these human beings into objectified less than human others while denying them voice within our research? Excessive and unnecessary coercive repression of over one million nonviolent offenders is no small matter for a field of study that utilizes the term “justice” on our business cards.

Interestingly, criminal justice as an industry grows through failure and bad policies. Longer prison terms, more parole violations and overcrowding translate into more employees, more prisons, and correctional budgets grow. The question I have been asking myself of late is have we (criminal justice and criminology) become the academic agents of the internal colonialization of our own citizenry?

Conclusion:

Perhaps we are long overdue in learning the lessons of anthropology when it comes to constructing categorical identities from our own perspective. Anthropologists, from the perspective of many post-colonial populations around the globe, were not so much social scientists as they were deceiving informants, gaining the trust of indigenous populations, then replacing the meaning of their lives with objectified abstractions and stealing their souls as they stuffed them into categorical boxes from which they are still trying to escape.

Within criminal justice and criminology in North America, *The Journal of Prisoners on Prisons* (University of Ottawa Press) remains the only peer-reviewed journal that actively brings forth prisoner’s voices on the realities of our criminal justice system. That is not enough. The voice of the subjects needs to be brought into mainstream research methodologies if we are going to move beyond stigmatizing stereotypes and unrecognized bias in studies of crime and our criminal justice system.

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6. DECONSTRUCTING THE PRISONER RE-ENTRY INDUSTRY/COMPLEX: ORIGINS OF THE TERM AND A CRITIQUE OF CURRENT LITERATURE/ANALYSIS¹

Introduction

At the tail end of the Clinton administration, a handful of criminal justice experts noted that America would soon be awash with ex-convicts who had been recently released from our correctional facilities. They argued that our communities and criminal justice agencies are poorly equipped to deal with this challenge and that the federal government needs to step in with suitable funding for programs and research. A federal bill called the *Second Chance Act* was tabled and eventually passed as a result of this pressure. As these forces are upon us, it is wise to take a step back and reflect upon this state of affairs.

Beyond the generally accepted notion that both communities and criminal justice systems are unprepared to deal with prisoner reentry, one of the important questions that observers may ask about re-entry

1. An earlier version of this chapter was presented at the “Global Perspectives on Reentry” conference June 9–12, 2010, Tampere, Finland. Special thanks to Mike Johnson, Rick Jones, and Dawn L. Rothe for comments.

is: What implications does it have beyond simply a mechanism for increased federal funding of local and state government correctional and social service agencies both public and private?²

Indeed, a number of trends in the United States criminal justice system, and corrections in particular have led to a handful of individuals claiming that we are now experiencing a Prisoner Re-entry Industry (PRI) or Prisoner Re-entry Industrial Complex (PRIC). This chapter attempts to understand the origins of this term and comment on the current scholarship using this concept. It then advances a series of recommendations on how we might improve research and scholarship on this term and concept.

Literature Review

Introduction

In order to understand these trends, the following section reviews the inter-related research on the Crime Control Industry, the notion of the Prison Industrial Complex, the issue of privatization of institutional corrections, the privatization of community corrections, the emergence of prisoner re-entry as a new policy concern, the *Second Chance Act*, and the introduction of the Prisoner Re-entry Complex concept.

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2. Many critical observers believe that re-entry is just a new name for parole. The reader should keep in mind that there has been a healthy literature that predates the usage of the term “re-entry” that has looked at factors which contribute to successful community correctional programs such as parole. Likewise, a scholarly literature has been critical of parole, particularly the role of parole officers and the agencies they work for (e.g., McCleary. 1978; 1992).

Crime Control Industry

In 1956, American Sociologist C. Wright Mills, wrote *The Power Elite*, which argued that a vast network of individuals, organizations and American businesses work in concert to support an economy that is dominated by the military.³ He called this relationship the Military Industrial Complex (MIC). During the 1970s, criminologist Richard Quinney, in his book, *Class, State and Crime* (1977/1980), building upon Mills' concept, suggested that not only do we have a MIC, but we have a Social-Industrial Complex (SIC). The SIC, according to Quinney, was "an involvement of industry in the planning, production and operation of state programs. These state-financed programs like education, welfare, and criminal justice are social expenses necessary for maintaining social order and are furnished by monopolistic industries." Subsumed by the SIC is a Criminal Justice Industrial Complex. Quinney argued that large corporations benefit the most from this arrangement.

Christie (1993/1994), in his book *Crime Control as Industry*, outlined how recent trends indicate that we have an unfettered supply of individuals for the criminal justice system to monitor, and that a vast network of public and private enterprises financially benefits from these phenomena. Though his argument was directed at the entire criminal justice systems in advanced industrialized countries, he mainly focused on the United States, particularly its correctional system. He looked at the rationale that led to an increase in the number of jails and prisons being built and operated, the rising numbers of inmates in the United States, and the political, economic and cultural mechanisms that support it. In order to argue that the United States leads the world in incarcerated individuals, Christie reviewed how other countries have dealt with the problem of criminality and sanctioning offenders. He primarily blamed the American obsession with controlling lawbreakers at organizations such as the American Correctional Association and the process of privatization and its proponents.

3. Some trace the origins of this idea to Guerin (1936/1994).

Prison Industrial Complex

Others have built upon Christie's notion and fleshed it out to include the idea of a Prison Industrial Complex (PIC). According to journalist Schlosser (1998, 54), who first popularized the concept, a PIC is "a set of bureaucratic, political, and economic interests that encourage increased spending on imprisonment, regardless of the actual need. The prison-industrial complex is not a conspiracy, guiding the nation's criminal-justice policy behind closed doors. It is a confluence of special interests that has given prison construction in the United States a seemingly unstoppable momentum." If Schlosser is correct, the whole panoply of nonprofit organizations and for-profit businesses is able to capitalize on this insatiable need to incarcerate individuals and build prisons, ultimately to make money from the pain and suffering of others behind bars.

Since Schlosser's article, others have provided additional evidence of a number of businesses and corporations that have benefited from the PIC (e.g., Sheldon and Brown, 2000; Sheldon, 2005), including confronting the PIC (e.g., Platt, 2004; Mahmood, 2004).

History of Privatization

Over the history of corrections, the possibility that selected aspects of jails and prisons should be run by organizations other than the state has frequently been proposed and realized. This practice dates back at least to 1348 when prisoners would be used as galley slaves, and 1598 when ship captains and merchants agreed to take inmates out of state facilities and transport them to America and other British colonies, where they would be forced into indentured servitude (Feeley, 2002).

During the 1980s, renewed interests in having the private sector build and manage jail and prison facilities, and provide correctional services at the state and federal levels, occurred. This includes edu-

cational, food, medical, psychological, security, and transportation services (Austin and Irwin, 2001, 69–70). In 1984, the first private prison opened in Tennessee. Approximately 264 of these kinds of facilities exist in the United States (Schmallegger & Smykla, 2007). About 7 percent of convicts are housed in private prisons and jails. Of that total, about 5 percent are in prisons alone (Austin and Irwin: 65).

There is currently an expansive correctional industry in the United States. Some of these companies have their shares traded on the stock exchanges, including the Corrections Corporation of America (CCA), The Geo Group (formerly Wackenhut Corrections Corporation), Cornell Companies,⁴ and Community Educations Centers, which “account for over three fourths of the entire world wide market” and derive significant incomes from providing local, state, and federal prison services.⁵ Other companies such as Aramark and Canteen have done quite well supplying correctional services with food and meal services.

Since their inception, these corporations’ stock prices have fluctuated considerably, and “there have been a number of highly publicized management problems with several privately operated facilities in Texas, Ohio, and New Mexico” (Austin and Irwin, 65). In the beginning, privatization creates competition that can drive the prices down as companies compete with each other; however, as fewer companies enter the market, the corporations start increasing their costs to purchasers. Private prisons are amenable to Conservatives and correctional planners. In general, they alleviate the stress connected with construction costs, financing, and maintenance. “In 1986, there were just twenty-six hundred privately managed prison beds in the United States. By 1995, there were over sixty-three thousand. States like Tennessee considered privatizing their entire prison system” (Hallinan, 2003, 145).

4. Through their Adult Community-Based Services and The Abraxas Youth & Family Services they provide numerous programs for formerly released juveniles and adults out in the community.

5. Austin and Irwin reported the “The total amount of revenues now allocated to private prisons and jails is estimated at \$1 billion” (Austin and Irwin, 2001, 65).

Privatization calls into question several ethical issues. Given that the government is responsible for arresting and adjudicating individuals, is it right for a corporation to profit from the misery of others? In private corrections, the staff often does not have the appropriate training to do their jobs. Privatization also makes it harder for the government to control what goes on in corporate-run prisons. Another problem concerns the fact that often after receiving a lucrative contract the provider will “sham” by providing fewer services or lower quality items to further enhance their profit margin. On the other hand though, why is it assumed that private is worse than public—and more importantly, that it is a states’ (country’s) innate characteristic for public penalization versus private?

Finally, numerous convicts have suffered under private-run medical care providers. Some (e.g., Prison Health Services [PHS]) have continuously run afoul of state inspectors, regulators, and DOCs. Nevertheless, DOCs have continuously renewed their contracts, and often take the position that something is better than nothing. Moreover, although copious anecdotes exist, no empirical evidence exists to suggest that convicts suffer more under private prison regimes. In short, the reality of correctional facilities these days is that one cannot really talk about a system that is either public or private. We in fact have a hybrid system where selective aspects of the prison are contracted out to the private sector.

The Shift to Privatization of Community Corrections

Despite the rather large amount of scholarship and public debate about the privatization of corrections, little has been written on private entities running community corrections services and programs, despite the fact that “nationwide there are more clients served by private, locally operating, community correctional agencies than there are prisoners in private jails and prisons” (Alarid and Schloss, 2009, 279). There are approximately “300,000 misdemeanor probationers being supervised in

10 states by private agencies” (Schloss and Alarid, 2007). On the federal level, for example, the Bureau of Prisons “contracts with 250 community centers operated by the Salvation Army, Volunteers of America, and other private agencies” (Alarid and Schloss, 2009, 279).

In order for private entities to operate community corrections programs and services, states have passed Community Corrections Acts (CCAs), “which transfer the authority for operating correctional programs from the state to local or private agencies. Local agencies and community boards are responsible for developing a range of community-based correctional options. As of 2008, 28 states have CCAs that have established community corrections partnerships between state, local, and private agencies” (Alarid et al., 2008). However, “state appropriations for full funding of these partnerships have been slow to develop compared to the overall probation growth rate. States that lack CCA legislation or funding mechanisms have contract options for the use of private agencies” (p. 280).

In general, the private agencies providing community corrections “tend to be smaller and to range widely from facilities that manage the payment of fines and track community-service hours to privately owned and operated residential facilities such as work-release and halfway houses (see Alarid, et al. 2008). They also include “[state]-licensed drug treatment programs that partner with drug courts and probation agencies [offering] group counseling to offenders as part of the public health system” (Alarid, 280).

Some of the writing in this area has been done by representatives of state departments of probation and parole (e.g., Bosco, 1998; Pullen, 1998), the head of the American Parole and Probation Association (Paparozzi, 1998); a conservative think tank (e.g., Reynolds, 2000), and a couple of pieces by scholars looking into the provision of probation services by private entities (e.g., Schloss & Alarid, 2007; Alarid & Schloss, 2009). The reports by state representatives are generally descriptive in nature, and despite the use of the word community corrections in the title, most of the discussion refers to probation and/or bail. Some of this research looks at the arguments for and against the

use of the private sector (profit and nonprofit) to provide community corrections services (Meyer & Grant, 1996). It would only seem natural that private entities wishing to expand profits would look to market segments where they could apply their expertise and turn a profit.

The Emergence of Prisoner Re-entry as the New Policy Concern

At the tail end of the Clinton Administration (1990s) a handful of criminal justice experts (e.g., Petersilia, 2003) and well placed USDOJ officials (e.g., Travis, 2005) argued that because of the numerous people who were incarcerated for long sentences under the War on Drugs (from approx. 1971-present), both the federal and state departments of corrections and communities would soon experience a number of prisoners returning to society. More importantly, the United States criminal justice system and communities where these excons will return are ill prepared for this effect. This phenomenon labeled prisoner re-entry is “the use of programs, practices, and strategies targeted at promoting the successful re-entry of prisoners back into the community” (Swanson, Rohrer, & Crow, 2010, 61).

Why is Prisoner Re-entry important? Approximately 7.65 million people are released from jails and prisons each year. And about 97% of all incarcerated will be returned to the streets, most whom are ill equipped to make it (Petersilia, 2003) and about two-thirds of all inmates who leave America’s correctional facilities are rearrested and sent back to prisons. In order to prevent this recycling, it has been argued that we need:

- appropriate and better programs that help prisoners to readjust,
- programs should be run by both the profit and nonprofit sector,
- the public must become more involved in the reintegration of prisoners,
- there also needs to be more coordination,
- more resources need to be allocated to successful programs,

- faith-based communities can have a role in this practice,
- and, these programs need to be evaluated to determine how successful they are.

This new found awareness led to an increase in research and advocacy on re-entry and calls for legislation that would provide resources to organizations, both profit and nonprofit, to help excons' transition back into the community. Although administrative efforts occurred during the George W. Bush Administration to address these efforts, one of the major accomplishments between 2001 and 2009 was the drafting and passage of the *Second Chance Act*.

During the formative years of the Bush administration, the Department of Justice created the Prisoner Re-entry Initiative. "Designed as a cooperative effort among several federal agencies, it funds state re-entry programs. In addition, Bureau of Justice Assistance grants are awarded to state departments of corrections for developing prerelease services for prisoners transitioning back home" (Swanson, Rohrer, & Crow, 2010, 61).

*The Second Chance Act of 2007*⁶

In January 2004, President Bush, in his first State of the Union address, signaled his intent to push for funding a prisoner re-entry initiative. The original bill, the *Second Chance Act of 2007*,⁷ was initially tabled in Congress in the spring of 2005 by Senator Danny Davis. Numerous hearings were held on the Act and several people and organizations testified on its behalf, including state governors who over the past two decades were feeling the pinch of the massive build up of their prison populations. The Act had a rather long and torturous history getting passed and receiving appropriate funding.

6. This section draws on Yates (2009, 111–155).

7. The Second Chance Act of 2007 can be easily confused with the H.R. 1529, The Second Chance for Ex-Offenders Act of 2009, which concerns the expungement of criminal records for criminals.

In general, the *Second Chance Act* (HR 1593) received considerable bipartisan support, including endorsements from over 200 organizations. Both liberal (e.g., the American Bar Association, the Children’s Defense Fund, the National Association for the Advancement of Colored People-NAACP, and the National Council of La Raza) and conservative organizations (e.g., the American Conservative Union, the Christian Coalition, the Family Research Council, and the National Sheriff’s Association) endorsed the bill. Yates (2009, 133–136) said that proponents argued for the bill on economic, crime control and compassionate grounds.

Despite the support, there was some pushback by selected members of Congress. For example, on December 6, 2006, Senator Tom Coburn (R-OK) put a hold on the bill. He argued that “there is no federal role in prisoner re-entry,” and that his state was doing perfectly fine in minimizing recidivism and reintegrating ex-offenders back into society. According to Yates (2009), the criticisms could be boiled down into the following issues: fear of unequal competition between those who currently have both state and federal money with new entities entering into the market; fears that once the federal government starts funding the program that it will lead to increasing government subsidies in this policy sphere, a perception that prisoners were somehow given some privileged status (compared to other needy segments of society). They were distinctive by their ideological position.

In April 2008 President Bush signed the *Second Chance Act of 2007* (H.R. 1593) into law. The bill in its final version is “designed to ensure the safe and successful return of prisoners to the community.” The Act, earmarked at \$65 million, was intended to help state and county re-entry initiatives, fund community and faith-based groups to deliver services to ex-convicts, and encourage drug treatment programs. Finally, it is aimed at ensuring adequate housing, work, substance abuse counseling, mental health treatment and support for families and children.

In December 2009, “the Senate approved an appropriations bill for fiscal year 2010 that provides \$114 million for prisoner re-entry

programs administered by the Department of Justice, including \$100 million for Second Chance Act grant programs and \$14 million for re-entry initiatives in the Federal Bureau of Prisons. The House of Representatives passed the bill (H.R. 3288) on Thursday, December 10, 2009.”

Shortly after the passage of the legislation in 2008, a number of Requests for Proposals (RFPs) made their way to the Office of Justice Programs, more specifically the Bureau of Justice Assistance, which is responsible for administering these programs.

This initial RFP was issued in the spring of 2009. In that year, there were three funding mechanisms:

- FY 2009 Second Chance Act Mentoring Grants to Nonprofit Organizations (worth 10 million dollars);
- FY 2009 Second Chance Act Adult and Juvenile Offender Re-entry Resource Center (worth 2.2 million dollars);
- and FY 2009 Second Chance Act Prisoner Re-entry Initiative Program (demonstration grants) (worth 7.7 million dollars)

In 2009, the bill was up for reauthorization. It was relabeled *The Second Chance for Ex-Offenders Act of 2009 [HR 1529]*

In 2010, three new RFPs were released (with submission dates of June 10, 2010)

- “Second Chance Act technology careers – To provide technology career training to individuals in state prisons, local jails and juvenile residential facilities”
- *Grant: Second Chance Act evaluation and educational improvement
- To evaluate and improve academic and vocational education for incarcerated adults and juveniles, and then recommend to the U.S. Department of Justice (DOJ) the best practices for such educational programs.

The grants were targeted towards “[states], units of local government, territories and federally recognized Indian tribes; and other public and private entities.” Up to \$750,000 per applicant is allowed for the first

grant and \$2.5 million is available for the second. As of this writing, the awarded grants have not yet been subject to scientific evaluations. This will happen in due course and the money for this will be task will in most likelihood be channeled through the National Institute of Justice.

In March 2009, President Barack Obama signed into law an appropriations bill that provides \$25 million for *Second Chance Act* programs, with \$15 million in grants for state and local reentry projects, and \$10 million for nonprofit mentoring and transitional services for the remainder of the fiscal year. For 2010, the President has requested more than \$200 million for re-entry programs, including \$100 million for Second Chance Act programs administered by the U.S. Department of Justice and \$112 million for those overseen by the U.S. Department of Labor” (CCA, 2010).

The Introduction of the concept of Prisoner Re-entry Industry

Predictably, both activists and concerned citizens are worried about not only the problem of prisoner re-entry, but its wider implications. The concept of the PRI was first made public and given scholarly attention in the summer of 2010 volume of *Dialectical Anthropology*.⁸ Called a forum, the issue contained a handful of articles that dealt in whole or in part with this issue. The authors of the piece introducing the special volume, in manifesto-like quality, state that “the next step in the expansion” of the PIC is the PRI. Thompkins, Curtis and Wendle claim that “Beyond the privatization of prisons and prison services, there has been a much broader and less noticeable expansion of the “Prisoner Re-entry Industry (PRI)” (2010). These writers add, “In scope, the PRI now parallels the prison system itself in its political-economic spread. ... these institutions exercise a kind of super-authority, allowing for the continued recommitment of released prisoners to the custody of the prison industry and/or continued post-prison supervision. And

8. As of this writing, all articles in this special issue are only in electronic form, and not in print-bound format.

with the staggering rates of incarceration (and thus release), the PRI has come to control an increasing proportion of the domestic population” (Thompkins, Curtis, & Wendel, 2010). The authors note the economic importance of the PRI, commenting that it “feeds both the profits and the growing influence of the PRI” (Thompkins, Curtis, & Wendel, 2010).

Ducksworth, a contributor to the special issue, commenting on the growth of the PRI states that “what began as a legitimate social need has now developed into a major federal, state, and county initiative that includes both the private and the public sector; with many of the not-for-profit agencies taking on the characteristics of the for-profit entities. And all seem to be making money!” (2010). He suggests that there are many problems with the PRI, but singles out two for discussion. The first is society’s inability to know when re-entry ends. In short, Ducksworth is suggesting that we may be keeping ex-prisoners in re-entry programs too long, and extend punishment and control under the guise of “helping prisoners re-adjust to the outside world.” Essentially the fact is that for years after a person who has re-entered society and who is a fine upstanding member of society, the stigma of being an excon remains with that person for the rest of his/her life. The second area for criticism is “the professionalization of the industry.” He states that much like former drug users and abusers being good drug counselors, the persons who are best suited to help an ex-prisoner make the transition to being “an equipped, skilled, and committed former offender is usually far better able to assist another former offender through the transition phase than someone only intellectually exposed to the experience” (2010).

Vrettos (2010) “explore[s] the moral, political, economic and philosophical reasons for the expansion of the prison re-entry industry in the United States over the last several years.” Unfortunately, this piece rambles from one idea to another. Despite its seven pages, it lacks subheadings making it difficult for the reader to understand the argument. All the research that is cited is from books, and there is little current research reviewed or cited. Although it starts by look-

ing at C.W. Mills' argument, it ignores other important and relevant work including Christie.

Meanwhile, some of the research included in the special issue commented on how well these private entities are performing (Kleis, 2010). Kleis, for example, states that "Parolees, like other populations directly impacted by the PRI, have become targets of exploitation and coercion by those individuals and social institutions of control which has resulted in the development of the PRI, and a para-prison system" (p. 1). Other research (Speck, 2010) looks at how well excons do when they go to work in human services' organizations. Speck, for instance, points to the historical legacy of the war on poverty when, through grants made available during the Johnson administration, people started to work in the human services' sector.

Admittedly, criticizing the re-entry movement is not easy. Many well respected and well meaning individuals work hard not only as parole officers, but as administrators of programs trying to help excons. Also, many of these people and the organizations they work for expended considerable resources in order to pass the *Second Chance Act*. In short, their hearts are in the right place. Those taking up the challenge of criticizing this aspect of re-entry must be careful not to bite the hand that feeds them, and this in part may temper the criticism and analysis of these authors.

Problems with the Current Rendering of the Prisoner Re-entry Complex and the Comparisons with the PIC

Introduction

Although the PRI concept makes intuitive sense, as the current literature and critique stands, it has eight distinct drawbacks including:

- It does not recognize that privatization of re-entry is an old concept.
- It fails to take into consideration the net widening thesis.
- Writers make unsupported claims and there is some conceptual confusion connected to the PRI concept.
- No attempt is made to determine the amount of money that private re-entry-related organizations earn.
- The role of faith-based community organizations is ignored.
- Privately-run halfway houses are omitted.
- The *Second Chance Act* is missing from discussion.
- And, most importantly, they may be overstating the case.

Privatization of re-entry is not new

The authors fail to take into consideration the long history of the privatization of re-entry. There is an implicit assumption that prisoner re-entry is a new concept and somehow developed in the last seven years with the publication of two seminal books (e.g., Petersilia, 2003; Travis, 2005) and the introduction of new federal legislation (e.g., *Second Chance Act*). At the very least, the privatization of re-entry dates back to the period when ship captains were paid a fee to transport prisoners to the British colonies (e.g., United States, Australia, and New Zealand) to work as indentured servants. The history of research on the privatization of re-entry efforts includes scholars (e.g., Lucken, 1997), and the efforts by the National Institute of Corrections to understand the privatization of community-based corrections (e.g., Lenzoff, 1998).

Failure to take into consideration the widening of the net argument

Another difficulty with many of the more recent community corrections programs is a concern with net widening (e.g., Austin and

Krisberg, 1981; Cohen, 1985). Although the numerous diversion and community-based corrections programs may on the surface appear to be benign, they can also have the negative effect of placing more people under the watchful eye of the criminal justice system, leaving them with the lifelong stigma that a criminal sanction (e.g., charge and conviction) produces, which can dissuade employers from hiring them and some educational institutions from allowing them entrance.

Specious claims/conceptual confusion connected to the PRI concept

The two dominant essays make questionable claims. Thompkins et al. (2010) state, “In scope, the PRI now parallels the prison system itself in its political-economic spread.” But these authors do not provide evidence to support this. Duckworth (2010) suggests that many of the not-for-profit agencies are “taking on the characteristics of the for-profit entities. And all seem to be making money.” Unfortunately, he does not provide evidence of this state of affairs. Also missing from the current analysis is an attempt to distinguish between a Prisoner Re-entry Complex, from say a Prisoner Re-entry Industrial Complex, and what that would mean.

No attempt is made to determine the amount of money these organizations make

One of the biggest beneficiaries of the PRI may very well be the numerous private contractors that provide housing, vocational skills training, and psychological counseling to excons in the community, not to mention the numerous hardware and software providers that sell items that allow entities to track and monitor excons. One of the more promising studies is Kubiak, Arfken and Gibson (2009), who administered a survey to determine the purchasing behavior of states with community-based treatment programs. It was sent to state

Departments of Corrections to determine their buying behavior of community-based drug treatment. Unfortunately, beyond this study, data has not been accumulated on this trend. For example, we know that many private companies are benefitting from drug testing, and with a cost of \$15–20 each time a sample is processed, that is a big industry, especially if it doesn't produce any positive benefits (i.e., no deterrent effect).

If the most deleterious effect of the PRI is that these agencies, etc., are mainly established to increase the bottom line of the providers, or companies in search of new markets to exploit, and a secondary if not tertiary concern is helping prisoners, then it is incumbent on the authors to do an analysis of the total amount these organizations have earned. Neglected from this discussion are the numerous sub-industries that benefit from prisoner re-entry. A whole host of tertiary actors profit from re-entry such as instructors, those who write books, and a whole research industry that both professors and research outfits, also known as beltway bandits, participate in.

The role of faith-based community is ignored

Despite the US constitutions' fostering of a separation between Church and State, the *Second Chance Act* had a prominent role for faith-based organizations. There are plenty of critics of this kind of partnership (e.g., Wineburg, 2007). The biggest argument was that the job of the state would now be shifting over to religious organizations, and some believed that the faith-based organizations were ever too happy to take on this extra burden as it meant more resources into their coffers and a chance to proselytize and increase their ranks. Indeed, many churches and other religions organizations have tried to get on the re-entry gravy train. Over the past four years in American prisons, there have been attempts to integrate more religious programming (primarily Christian) and to get faith-based communities involved in prisoner re-entry programs. This may include the promise of housing,

meals, and work once the prisoner is released. Although there is a long history of the religious community's involvement with prisons, this current iteration can be traced back to the time when former president George W. Bush was governor of Texas. He allowed the Prison Fellowship Ministries (led by Charles W. Colson, a former convict, who had done time because of his role in the 1971 Watergate break-in scandal) entrance into the Texas Department of Corrections to run a program called InnerChange Freedom Initiative, which was "a Bible-centered prison-within-a-prison where inmates undergo vigorous evangelizing, prayer sessions, and intensive counseling" (Kleiman, 2003). To date, there have been few evaluations of the success of these programs. One of them, produced by the University of Pennsylvania's Center for Research on Religion and Urban Civil Society, that touted the program as a success was severely criticized for selection bias (Kleiman, 2003). Meanwhile, several of the programs have been under the watchful eye of civil libertarians because of allegations of using state funds for religious purposes (Henriques & Lehren, 2006). As most excons know, not just corporations benefit from re-entry. States and federal correctional departments have allowed faith-based groups to profit (access federal money) for re-entry programs.

Halfway Houses that are run by private entities are omitted

A whole panoply of not-for-profit organizations runs halfway houses and residential treatment centers, such as the Salvation Army, Volunteers of America, the Pennsylvania Society, Good Will Mission, St. Leonards, and Dismas House. "Under this umbrella term come a number of programs and functions, including halfway houses, prerelease centers, community correctional centers, community treatment centers, and restitution centers" (McCarthy & McCarthy, 1997, 236). They "are designed to help ex-offenders [move] from confinement to the community. They may also be used to aid other offenders who are being supervised in the community and who are in need of more structure and

supervision in a community residential setting” (McCarthy & McCarthy, 234). The most up to date research is a survey conducted in 1982 (Latessa & Allen, 1982) which determined that there are 900 halfway houses in the United States and that 90 percent of them were privately owned. Predictably, “halfway houses vary considerably... The two opposing end points of the continuum are the supportive programs [that] tend to have few professional staff members, offer few, if any, counseling services, and [are] geared toward resource identification for offenders” (McCarthy & McCarthy, 240). Few if any program evaluations of halfway houses at a national level have been done.

The Second Chance Act missing from consideration

Nowhere do the authors of the special issue consider the impact of the *Second Chance Act*, which is the primary funding mechanism for re-entry programs. The Act is perceived to be value neutral. Moreover the possibility that the act (especially the monies dispersed) may be fueling a prisoner re-entry industrial complex is ignored..

Perhaps they are making a mountain out of a mole hill?

Currently the dollar value of grants and contracts spent by the federal government on re-entry is not that high, particularly in comparison to other more prominent sectors of the economy (e.g., military). Moreover, if one was to look at budget-related expenses at the Department of Justice, then you would be quick to conclude that prisoner re-entry programs make up a tiny percentage of all programs. The lion's share of the budget goes to homeland security-related and law enforcement initiatives and not into anything that resembles prisoner rehabilitation. Additionally, although large well known multinational corporations such as Maximus and Lockheed Martin derive significant income from supporting the federal government and states in areas

such as welfare management, and although you have one or two who are doing electronic monitoring of inmates (e.g., General Security Service Organization), few large corporations appear to be searching out ways to make large sums of money providing re-entry related services and programs.

Moreover, “[an] “industry” is a major arena of economic activity, one on which societies and communities become significantly dependent. If re-entry, and community corrections in general, offers little more than “niche market” opportunities (i.e., smaller agencies operating on small budgets as opposed to large corporations), it becomes more difficult to argue for the existence of an industrial complex.”⁹

Summary

In short, the opportunities to make money in the re-entry field are almost endless. However, the recent scholarly research to date, that examines the existence and growth of the PRI, suffers from a number of shortcomings in terms of documentation and breadth, and over-generalization. This state of affairs, however, does not mean that the PRI is wrong, but that the scholarship should be interpreted as the start of a conversation, and not an end in itself.

Conclusion

As concerned citizens, we must be on guard for the nexus of both private and public sectors which feed off each other when their original mission becomes secondary to their modus operandi (i.e., staying afloat financially). Everybody seems to be happy with re-entry as long as their organization is getting money, and their bills are being paid. Another

9. Personal Correspondence Mike Johnson (2010).

revenue stream keeps social workers and lay workers employed. Our primary task, however, is to find excons appropriate jobs, education, housing and medical care immediately and not simply line the pockets of corporations and nonprofit organizations.

Introducing concepts that allude to the negative consequences of this arrangement (i.e., PRI) which are poorly or inadequately argued, however, is problematic and only fuels the fires of critics of re-entry. In general, the scholarly literature is quite clear on what the important component parts of successful re-entry are (e.g., appropriate job and housing, shift in orientation to developing a concern for others) (e.g., Maruna, 2001), but we lack the ability to accomplish this. To begin with, we must realize that the Prisoner Re-entry Industry is not simply an unintended consequence of *Second Chance Act* as there was considerable intentionality.

How then can we develop a sophisticated critique of prisoner re-entry? In order to move forward, a responsible critique needs to do the following:

- Recognize that privatization of re-entry is an old concept and process and must be adequately integrated into a critique.
- Understand just how the expansion of re-entry processes can contribute to net widening.
- Insure that claims about the downsides of re-entry are properly argued.
- Rigorously determine the amount of money private re-entry-related organizations earn.
- Examine the role that faith-based organizations and privately run halfway houses have in re-entry.
- Determine just how much the *Second Chance Act* has contributed to expanding re-entry.
- And, make sure that claims are based on empirical and not anecdotal evidence.

I close this chapter with the following provocative idea. It is not meant to solve a problem per se, but to force readers to think about a contextualization of the dilemma we are in. Mass imprisonment, and the economic opportunities it brings with it, appeals to punitive and “free market” oriented conservatives, while “liberals” may be more inclined to subscribe to the military, criminal justice system and correctional “industrial complex” critiques and be more supportive of a seemingly humanitarian push for re-entry and community corrections.

However, those of us who believe that ex-cons can lead successful lives with the right kind and amount of support may be succumbing to the criminal justice industrial complex that so many of us criticize.¹⁰ But in order to make this critique, one must present one’s information in a more coherent fashion, built upon sound scholarly research and empirical evidence and not on opinions and conjecture.

10. Personal Correspondence Mike Johnson (2010).

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7. CONVICT CRIMINOLOGY: PRISONER RE-ENTRY POLICY RECOMMENDATIONS

Introducing Convict Criminology to the Global Community

Prisons in the USA

The USA operates the largest criminal justice system in the world, with over seven million individuals currently under some form of correctional control, including imprisonment, probation and parole (Mays & Winfree, 2005; Wacquant, 2005). This involves some 2.3 million men and women doing time in the nation's prisons: a vast gulag, comprising thousands of state, federal and military facilities. Each of the 50 states has a distinct correctional system, predicated on numerous factors including its own regional history and culture. In the USA, prisoners do time in institutions operated by the federal government, by 50 separate states, and by a growing number of private corporations (Hogan & Richards, 2006). Together, the custodial world comprises an "Other America" (Harrington, 1962); a carceral nation of which the average American has only superficial understanding.

The above figures are well publicized, however, and the general public, influenced by powerful lobby groups, appears willing to ac-

cept them (Gertner, 2008; Wacquant, 2005). In fact, a trend toward greater punitiveness in sentencing seems to be part of an international trend (see, e.g., Freiberg and Gelb, 2008; Pratt et al., 2005). The consequences, of course, are obvious: billions of dollars in direct costs in addition to the millions of people damaged by incarceration, the squalid conditions inside many jails and prisons, and the breakup of families. Some members of the public insist that criminals deserve the misery they get, while others believe that prisoners receive salutary treatment that makes them safe, responsible and law-abiding citizens when released. We know that prisons are less than effective in the USA, since the recall or return to prison rate approaches the 70 percent mark (Quinn, 2003: 137-140). See the growing literature about mass incarceration and its effects (e.g., Ross & Richards, 2009). This chapter briefly reviews Convict Criminology (CC) (see Richards & Ross, 2001; Ross & Richards, 2003; Jones, et al., 2009; Ross et al., 2010), the group to which we, the authors, belong. It then focuses on our prisoner re-entry policy recommendations.

Introducing Convict Criminology

The strategy of attempting to study prisons through participant or direct observation is not new. Historically, a number of academic criminologists have conducted research inside prison walls. Unfortunately, they have rarely been able to penetrate the secrets and mysteries of the prison world itself. Why? Typically, they have entered one or a few prisons, spent a couple of hours touring under escort, interviewed a sample of staff and inmates, and then departed to examine their data and write their reports (Ross & Richards, 2003). Their research protocols have often been accompanied by methodological flaws, such as interviewing prisoners who are handcuffed or chained to chairs, or while being monitored by prison staff, security cameras and microphones. Under

these conditions, the responses of subjects are affected and their reliability is inevitably compromised.

The advantage of the work done by Convict Criminologists is that, being familiar with the social environment and politics of the prison, they are able to design research plans that accommodate the needs of both prison staff and prisoners. Equipped with advanced degrees earned either in prison or after release, returning to prison to do research holds few fears or uncertainties for them. In general, they understand the processes, they know the culture, and they can interpret hidden meanings and innuendos behind responses. Convict Criminologists are comfortable inside cell blocks alone, without escort guards, and refuse to interview prisoners in restraints. In their capacity to empathize with their subjects, they are able to collect better interviews and more reliable data.

Convict Criminology (CC) emerged in the United States in the mid-1990s (Richards & Ross, 2001, 2005, 2007; Ross & Richards, 2003; Richards, et al., 2008; Jones et al., 2009; Ross et al., 2010). CC started out of the frustrations many of us felt when reading the academic literature on crime and criminal justice. In our view, much of the published work on correctional facilities reflected the ideas of prison administrators, and largely ignored what convicts knew about the day-to-day realities of confinement. Many prison studies tended to approach the subject abstractly, or from secondary and often outdated sources, with little detail or differentiation among security levels, state or federal systems, or regional jurisdictions. Some studies were conducted without even entering a prison or interviewing prisoners. In response, former prisoners, along with some allied critical criminologists, began conducting research that reflected a more hands-on (e.g., auto-ethnographic) analysis of prison life and its aftermath.

Today we, the Convict Criminologists, work at universities across the USA and in other countries. Our work is informed by personal experience as former prisoners and/or correctional workers, along with traditional training as academics in sociology, political science, criminology, and related disciplines. The object is to educate the

public, academics, and policy makers about the realities of confinement, and the social and psychological impediments to community re-entry. Additionally, we serve as role models, mentors, and advisors for prisoners, and formerly incarcerated persons who are completing college degrees in the social sciences.

Who are the ‘Convict Criminologists’?

The Convict Criminologists are students or professors who incorporate prisoner perspectives and experience in their research and writing. This includes contributing to or building upon the Convict Criminology literature, and participation in Convict Criminology sessions at national conferences. Convict Criminology group members may be convicts, ex-convicts, or “non-convicts.” While the core members of the group are ex-convict academics, having a prison record is not a precondition for CC membership. Today the group also includes prison reform activists who have decided to join because of their research interests, their publications, or their work in the community.

Convict Criminologists conduct research that incorporates the experiences of prisoners and prison workers, in an attempt to balance the conventional representations of the mass media, academia, and government. Without this countervailing approach, the production of knowledge will disproportionately reflect the views of criminal justice administrators against the perspectives of their clients. Unchallenged and unilateral thinking undermines democratic principles and leads to misinformed policy making. While CC recognizes that criminal justice systems are essential for a healthy society, it also holds that excessively repressive law enforcement can compromise the welfare of individuals, families, communities, and ultimately the state as an independent arbiter of justice. Developing a broad, inclusive and balanced knowledge base is thus vital if we are to have crime control strategies that are humane, fair and effective.

Convict Criminologists in 2010

The CC group today is loosely organized as a voluntary writing and activist collective. There is no formal membership listing or assignment of leadership roles. Different members inspire or take responsibility for assorted functions, for example as leading author on academic articles, research proposals, or program assessments, mentoring students and junior faculty, or taking responsibility for speaking to the media. The group continues to grow as more prisoners exit prison to attend universities, hear about the group, and decide to contribute to activities. Typically, new members “come out” when they are introduced to the academic community at scholarly conferences.

Today, the former prisoners of the CC group can be roughly divided into four categories. The first consists of the more senior members, all full or associate professors, some of whom have distinguished research records. The second group consists of recent PhD recipients who are just beginning their careers. This group is just beginning to contribute to the research field. The third group is ex-convict graduate students on their way to obtaining a PhD. Among this group are men and women behind bars who already hold advanced degrees and publish academic work about crime and corrections. Some have sole or co-authored books, have written articles alone or with ‘free world’ academics, and are better published than many professors. A fourth group includes former prisoners working for community organizations while participating in CC research and publication.

In 2010, the CC group included men and women ex-con academics from Australia, Canada, Finland, New Zealand, Sweden, United Kingdom, and the United States. The US, with the largest prison population in the western world, continues to contribute the most members.

CC Prisoner Re-entry Policy Recommendations

Although Convict Criminology has accomplished a lot, we recognize that there is still much to do. To begin with, in our publications we generally make policy recommendations. Contrary to the opinions of some critics, we do not claim to have a monopoly on knowledge about jails and correctional institutions. Indeed, we borrow selectively from conservative, liberal and radical criminological/criminal justice approaches alike. With this in mind, the following sections briefly outline our CC prisoner re-entry policy recommendations. Many of these suggestions, based on years of formal and observational research, were introduced in previous publications (Richards, 1995, Richards, 1998: 2009a; Richards & Jones, 1997, 2004; Jones & Schmid, 2000; Richards & Ross, 2001; Austin et al, 2003a, 2003b; Ross & Richards, 2003; Richards et al., 2004a, 2004b; Richards, et al., 2008; Jones et al., 2009; Ross et al., 2010). The policy recommendations below are offered as a blueprint for rethinking the way prisoner release to the community is organized in the USA.

Our policy recommendations for re-entry actually start before the individual is convicted and sentenced. The reason is that it is difficult separating out pre-custody, custody, and post release policy recommendations. We know that the present re-entry programs in the USA are largely a failure. Repeatedly, prisoners are granted parole, which is only to be violated soon thereafter, and they are returned to prison for minor infractions (Ross & Richards, 2010). In order to break this cycle we need to rethink the entire incarceration process, as well as procedure for release and recall. We need to make serious and pragmatic recommendations about the changes to be implemented. The following proposals are based on what we have learned from our own personal experiences and from the many interviews we have conducted with prisoners and parolees over the past 15 years and longer.

In this chapter, we propose 12 steps towards a new direction in corrections:

1. Reduce the US prison population
2. Increase the scope and range of restorative justice programs
3. End the ‘War on Drugs’
4. Demilitarize the criminal justice system
5. End punishment packages
6. Restore voting rights to felons and prisoners
7. Close old prisons
8. Restore federally funded higher education to all prisons
9. Prepare inmates properly for release
10. Improve medical services
11. Provide more community resource centers
12. Provide more residential treatment centers

1. Reduce the US Prison Population

Approximately one in 31 American adults is under criminal justice control. Such figures disproportionately impact minority populations resulting in one in 27 Hispanics, and one in eleven Blacks under the supervision of the state. If current trends continue, one in three Black males can expect to be imprisoned in their lifetime (Pew Center, 2009). Every year over 600,000 American men and women leave prison to re-enter society.

Where imprisonment is concerned, the United States incarcerates four to five times as many citizens per head of population as other modern democracies such as Canada, England, Australia and New Zealand (Department of Corrections, 2001; Newbold & Eskridge, 2005). In large part, the prison population in the USA has grown dramatically because prisoners receive long sentences for minor crimes, including simple possession of drugs, or common assault (Miller, 1996, 10–47)—followed by long periods of community supervision after release—with strict conditions, rigorous monitoring and hair-trigger violation components. Parolees may be summarily returned to prison for breaking technical rules of supervision.

The CC group advocates dramatic reductions in the national prison population. We argue for imprisonment only as a last resort for serious crimes, where the convicted person cannot be safely supervised in the community. This can be done by recognizing that imprisonment should be reserved for only the most dangerous criminals. For example, many drug addicts could be offered community based residential drug treatment, instead of imprisonment. Violent offenders could receive shorter sentences, followed by longer terms on parole, depending upon their disposition for future violence (see Irwin, 2009, 6-15). Perhaps some of the longest sentences should be served by persons guilty of serious corporate and white-collar crimes that have resulted in serious injury or loss for many people. Most prisoners, regardless of their crimes, could become eligible for parole review after—say—three years in prison. Recall to prison should only occur after serious or repeated breaches of parole conditions. A reduction in the national prison population could be accomplished by restructuring sentence administration, and substituting many prison sentences with probation, fines, and community service.

2. Increase the Scope and Range of Restorative Justice Programs

The Convict Criminology group recommends extending restorative justice services, particularly to young and naive offenders. Restorative justice (Strang, et al., 2006; Richards, 2009: 114–120) is a process that recognizes and builds upon traditions of solving conflicts through communal communicative processes—common within indigenous populations such as those of North America, New Zealand, Australia and Israel (Zehr, 2002; 2004). Unlike modern state-oriented criminal justice processes, restorative justice focuses on the harm to individuals and the offenders' obligation to repair the damage done. Ideally, restorative justice creates a voluntary, safe, and respectful environment for the victim, the offender, and community representatives to meet, discuss issues surrounding the offending, and reach a mutually accept-

able solution (Zehr, 2002). Because restorative justice requires the willing participation of both the offender and the victim and because meetings can be difficult and expensive to organize, their practical utility is limited. Moreover, restorative justice is less suited to hardened, serious recidivists, to offenders with multiple victims, or to those convicted of ‘victimless’ crimes. They are, however, ideally suited to young first-time offenders who may not fully appreciate the personal pain that their actions have caused. Participation in restorative justice may mitigate, but should not be used to completely void, the punitive consequences of criminal actions (Daly, 2006; 2008; Maxwell, Morris & Hayes, 2006; Ministry of Justice, 1995).

3. *End the War on Drugs*

The US Government has lost the much-vaunted ‘War on Drugs’ (Chambliss, 1995; Miller, 1996, Austin & Irwin, 2001). Rather than ending America’s drug problem, the War on Drugs, which began in 1970, has led to an “imprisonment binge” (Austin & Irwin, 2001), with millions of men and women incarcerated, and an immense burden to taxpayers in the form of police, courts, jails, prisons, and welfare payments to inmates’ dependant families. In 1980, there were 40,000 Americans in prison or jails on drug charges. With the ongoing intensification of the War on Drugs since 1980, by 2009 the number had grown to 500,000 Americans in prison or jail on drug charges alone. In 2005, African Americans represented about 14 percent of unlawful drug users, yet they represent 34 percent of those arrested for drug offenses and 53 percent of those sentenced to prison for drug offenses (Mauer, 2009; Sheldon, 2001). We are long overdue in recognizing that the war on drugs is a flawed policy, causing more social harm through its implementation than the actual harm from the drugs themselves (Miron & Zwiebel, 1995).

Today, there is a growing recognition that a return to medical solutions such as opiate maintenance is a viable and promising al-

ternative to prohibitionist policies. Opiate maintenance programs in Canada and Europe have been shown to reduce crime, improve the health of addicts, and greatly reduce involvement with black markets for opiates (Blanken, et al., 2010; Lindesmith, 1947; Oviedo-Joekes, et al., 2009;; Uchtenhagen, 2010; Van den Brink, 2009). The Swiss program, allowing doctors to prescribe heroin, morphine, or methadone to addicts resulted in a 60 percent reduction in the number of criminal offenders; income from illegal activities of addicts fell from 69 percent to ten percent. At \$30 per patient per day, the net economic benefit to society was established through a cost-benefit analysis because of reduced criminal justice and health care costs (Nadelmann, 1998: 120). The US 'war on drugs' needs to end and be completely replaced by harm reduction and/or medical model of treatments. By decriminalizing personal drug possession and usage, and returning the treatment of drug addiction to our health care system instead of our criminal justice system, we can reduce the harm associated with drug usage and its associated costs (see Drucker, 1995; De Jarlais, 1995, Nadelmann, 1998).

4. Demilitarize the Criminal Justice System

Since the invention of the penitentiary in the 18th century, prisons in the United States and elsewhere in the world have been authoritarian regimes roughly organized on the police or military model. This model has been reflected in the uniforms and ranking of staff, and use of nomenclature such as 'superintendent', 'officer' and 'warden'. Even parole officers, although dressed in civilian clothing, in many states carry badges and firearms like police detectives. The military-type imagery of law enforcement is enhanced by the use of terms such as 'war on crime' and 'war on drugs', with the perpetrators thus depicted as the 'enemy'. The result is an occupational mindset based on fighting wars and vanquishing enemies. In such an atmosphere, containment and control easily take precedence over correction and rehabilitation.

We suggest that a new direction in US corrections might begin with changing the job titles of correctional ‘officer’ to correctional ‘worker’, and parole ‘officer’ to parole ‘worker’. These professional titles (like that of social worker) would ideally be accompanied by a college degree and a license. We see an upgrading of the professional status and competency of staff, together with a shedding of the authoritarian model, to be an important first step in effective prison reform.

5. End Punishment Packages

Some courts are now handing out multiple sentences in what Morris and Tonry (1990) have called “punishment packages,” that include both prison time as well as so-called “alternative” sentences. Initially, probation, restitution, fining and community service were intended as alternatives to incarceration. Community supervision (for example, probation or court ordered treatment for substance abuse) was developed as a means to divert minor or first-time offenders from prison. With the exception of fining and restitution, combining prison sentences with non-custodial sanctions defeats the meaning and purpose of the alternative remedy.

We recommend that apart from financial penalties, imprisonment and community-based alternatives should be mutually exclusive sentencing options meaning they should not be imposed at the same time. There should be an end to stacking or piling-on sanctions. Moreover, we suggest that restitution, fines, and court costs should only be imposed upon those with reasonable means of repayment. For those who cannot pay, some form of community service may be an option. Further, we suggest that court-ordered child support payments be suspended while a person is in jail or prison, unless the court can demonstrate that the prisoner has assets or income to pay the bills.

6. Restore Voting Rights to all Felons and Prisoners

Another matter that concerns Convict Criminologists is voting rights. The USA is one of the few advanced industrial countries that denies voting rights to most prisoners in jail (even before they are convicted of felonies) and to convicted felons in prison, on parole, or in some states for the rest of their life. If the government wishes prisoners to become responsible and contributing members of society, it should endow prisoners with the same democratic rights as other citizens. People do not lose their sense of fairness and justice just because they go to prison. Their life experiences are often unique and varied and their opinions and values are no less valid than those of any other person. Moreover, because law and order is often such a key component of election campaigns, the voice of the criminal is of critical significance. Criminals, generally, have a practical and realistic view of criminal justice issues, nurtured by years of personal experience. The enfranchisement of prisoners is thus a fundamental component of any society which calls itself “democratic”.

7. Close Old and Functionally Obsolete Prisons

Prison conditions have steadily deteriorated over the past 30 years, largely because of growing correctional populations, rising incarceration costs, ageing institutions, and a thinning of resources. Many American jurisdictions, struggling under the weight of heavy correctional population increases, have been forced to keep archaic institutions open in order to contain the burgeoning numbers. Prisoners in old penitentiaries may be forced to sleep two or even three to a cell, or on the floor along a tier. In most medium and minimum-security facilities, prisoners sleep in dormitories. Such conditions create huge management problems, with the result that up to 20 percent of the population of some institutions has to be kept in solitary confinement under administrative or punitive segregation. Here, with almost noth-

ing in the way of vocational or educational resources, they languish until their sentences expire (Austin, et al., 2001; Richards, 2008; Ross, 2008; Irwin, 2005).

Convict Criminologists oppose the warehousing of prisoners in old penitentiaries and reformatories without work or programs. Over many decades, the design and operation of these archaic “big house” prisons has dehumanized inmates and contributed to higher levels of intimidation, serious assault, and sexual predation than in newly constructed facilities. As is the case in many other advanced industrialized countries, a reduced prison population detained in smaller institutions could be accomplished by constructing or redesigning prison units. In small correctional facilities where prisoners are held in single-celled units of no more than 60 people, maintaining control and security is easier and the incidence of sexual predation is close to zero. New Zealand, along with a number of European countries, follows this model (see, e.g., Newbold, 2007).

Accordingly, we recommend that American correctional authorities work towards the replacement of “big house” prisons with smaller, more management-friendly facilities. Modern prisons should be divided into small, discrete, administrative units of about 60. Small-unit management provides staff with an opportunity to get to know the prisoners, their names, their needs and their ability for self-improvement. Having a collection of such units upon a single site allows for the development of a variety of larger industries and work programs for the development of the prisoners’ employment skills.

8. Restore Federally Funded Higher Education to All Prisons

All prisons should offer prisoners serving over one year the opportunity of accessing education programs appropriate to their competence and aptitude. These might involve courses taught inside the prison, or at nearby colleges. The federal government should underwrite tuition costs. Alternatively, states might consider a program that waives the

first year of tuition, or room and board, at state-supported schools and universities, for men and women just released from custody. The state would save money by assisting former prisoners to attend college, rather than having them living on welfare and returning to prison. It now costs, depending on the state and level of security, from \$15,000 to \$100,000 to keep one adult in a correctional facility for a year. For example, it might cost \$15,000 a year to keep a person in a minimum-security camp, while the expense for high-security or super-max solitary confinement might approach \$100,000 per year. If assisting prisoners into education helps them to get jobs, pay taxes, support their families, and avoid further imprisonment, the potential saving can be significant.

Federal funding might also be used to begin innovate college programs inside prisons. The important idea is that the federal government has a responsibility to help return college programming to prisons. For example, in Wisconsin, a program called “Inviting Convicts to College” has been in place since 2004, training pairs of undergraduate student intern instructors to go inside prisons to teach a free college course entitled “Convict Criminology” (Richards et al., 2006, 2008; Richards & Ross, 2007; Rose et al., 2010). The course uses the book *Convict Criminology*, donated by the publisher, to inspire the prisoners. Classes are taught two hours a week, for 14 weeks, and are supervised by ex-convict professors. Inmates exiting prison use the course as a bridge to entering college, with the final weeks including instruction on completing university admission and financial aid forms. The prisoners soon learn that admission to college and financial aid grants and loans can be a viable parole plan. The program has already helped a number of prisoners to enter universities, where they receive ongoing advice and mentoring from members of the CC group.

9. *Properly Prepare Inmates Properly for Release*

Preparation for release should begin the day a person enters prison and should intensify as his/her discharge date approaches. Prisoners should be processed from high to low-security levels as part of a carefully planned “staged release program.” This means a prisoner who enters a maximum-security prison (penitentiary), is always provided an opportunity to earn his or her way down the ladder to medium-security (correctional institution), then minimum-security “in custody” (prison camp), minimum-security “out custody” where he/she qualifies for home furloughs and release to work a job or attend college in the community during the day and return to prison camp at night.

In order to assist prisoner development, institutions need to invest in libraries, vocational and educational programs, social work services, and medical care. This requires increased funding, a commitment to helping prisoners, community co-operation, and a steady flow of information and feedback between the prisons and community corrections concerning conditions on the street. These programs should include liberal visitation privileges, home furloughs for well-behaved prisoners, and family and employment counseling.

All prisoners should have a detailed plan prepared by a dedicated release planner, before discharge. This may be a work-release or parole plan. The release planner should arrange for persons nearing release to obtain drivers’ licenses and social security cards. Prisoners with outstanding consumer or tax debt could receive legal counseling on filing for bankruptcy. The plan should include specific reference to family, place of residence and employment or school. Also, pre-release preparation may include escorted home visits for men to see their children and spouses or ex-spouses, if deemed safe and appropriate.

Another recommendation concerns the need for work-release facilities within or near prisons, operating with low supervision. Few work-release clients require the intensive supervision used in controlled movement facilities. We suggest that work-release centers currently operated by the federal government and non-profit agencies may

provide a model for the guidance of state correctional administrators contemplating such a move.

Irrespective of work-release, however, we urge that released prisoners should have enough “gate money” to provide for up to three months’ living expenses as a guard against financial desperation and relapse. All persons exiting correctional institutions should have clothing suitable for the climate and environment into which they are entering, and access to subsidies for work-related clothing and equipment expenses. Some of the costs involved could be recouped from prison wages, with the balance provided by the state.

Finally, all states should consider funding residential and counseling services administered, operated and staffed by ex-convicts who hold college degrees in social work, social science, or related subjects. Former prisoners know and understand the difficulties of leaving prison and reentering the community. Their expertise is an available resource rarely utilized and desperately needed if we are ever to make a dent in the rate of recidivism.

10. Improve Medical Services

We believe that providing proper medical care for persons in custody is a fundamental duty of the state. As things stand, one of the most terrifying scenarios is to be a prisoner in the USA with a serious illness. The standard of treatment for sickness and pain is generally poor, and there is much unwarranted suffering, sometimes leading to untimely death, within our penal institutions. We recommend that all prison medical care be regulated by independent qualified hospital staff, outside the command structure of corrections departments. We also recommend that prisoners with serious or terminal medical conditions be transferred to community hospitals, where they can receive better medical treatment, at reduced cost.

However, recognizing that prevention is better than cure, and that many entering prisons come from backgrounds of poverty with limited

access to medical services, we also recommend that all prisoners be provided with education in health and nutrition. By giving prisoners proper training in health, prison-related health care expenses could be reduced, and the health status of the prisoner would improve over the course of incarceration. Thus, it would be more likely to be maintained after release. Additionally, the adoption of a healthy lifestyle may lead to a reduction in criminal or drug-related activity and reduce recidivism (see Murphy, 2003; Murphy, 2005).

11. Provide Community Resource Centers (CRCs)

If we really want to help people coming out of prison, we need to provide for the likelihood of their success. When they are released, they should thus be free of petty or punitive parole supervision. This means not only a relief from intrusive scrutiny, but also the provision of appropriate professional services. Through a process of assisted decision-making, prisoners should be enabled to make responsible choices about the kinds of help—vocational, domestic, medical, drug and alcohol treatment—that they may need.

Accordingly, we suggest that probation and parole workers be assigned office space at well-equipped Community Resource Centers (CRC). The Resource Center would provide services to help people find jobs, get training, go to school, secure affordable housing, and readjust to family life. This deployment would serve the needs of both ex-convicts and the local community. These centers could serve a broad spectrum of people with fewer state or federal employees. Some resource workers might specialize in people coming out of jails or prisons, while others would focus on the disabled, homeless, or unemployed. These services would help offenders adjust to the ‘free world’, thus reducing their chances of returning to a life of crime.

12. Provide Residential Treatment Centers (RTCs)

The current punitive system of justice incarcerates offenders without addressing seriously the factors that led to the offending in the first place. The public demands that criminals be punished for their crimes, but for a correctional system to be effective, it must also alter criminal behavior patterns and mindsets. Drug-related crime presents a special challenge, because in this case, addictive precursors to criminal activity also have to be neutralized.

We encourage authorities to try to handle criminal and addictive activity in a new way: through state-run Residential Treatment Centers (RTCs). RTCs may operate as a substitute for imprisonment or as a means of reintegrating offenders serving long sentences toward the end of their terms. There are a number of ways of running RTCs, but the Delancey Street Foundation in San Francisco and its sister organization, the Salisbury Street Foundation in New Zealand, are possible models (see Hough, 2003; Newbold, 2007; Newbold and Hough, 2009). Generally, however, RTCs generally offer residential treatment of 12 months or more for selected offenders, within a system of graduating privilege and freedom. Residents are assisted into jobs and accommodation upon release, and receive ongoing support on an *ad hoc* basis once they are discharged. Organizations of this type are no ‘magic bullet’ for the problem of recidivism, but when properly operated and resourced they can have a significant impact on the post-prison lives of some offenders. Because RTCs are no more expensive to run than prison—in fact the larger centers are cheaper—they are a worthwhile investment for any jurisdiction serious about reducing reoffending.

We suggest different states might begin pilot programs where they convert one or more prisons into RTCs. The RTC would be staffed by more social workers, teachers, and health care workers, and fewer correctional officers. This would give the states large facilities where they could treat thousands of people at one time. They might also explore allowing free citizens to voluntarily request commitment as a

means to receive treatment for alcoholism, drug addiction, or other behavioral problems that may be associated with criminal offenses. People might ask for help because they know their problems will eventually lead to arrest. For example, people who drink and drive, or have become addicted to street drugs or doctor-prescribed medications, or have developed a pattern of losing their temper, would ask for treatment. The RTC would be operated to serve a diverse population of people, including those assigned by court, jail, or prison, as well as those who know they have a problem, and request admission, without any arrest or conviction.

Conclusion

In this chapter, we have proposed a variety of policy recommendations for rethinking incarceration and the re-entry process in the USA. Our proposals have ranged from suggestions relating to sentencing, prison alternatives, changing the job orientations of correctional employees, improvements in the physical conditions of prisons, preparation of inmates for release, and finally to the availability of integrative programs and services for prisoners after readmission to the free world.

Nevertheless, due to time and space constraints, we have left a number of topics unaddressed. For example, we have been unable to discuss the experience of arrest, pre-trial lockup, and court processing in the US (see Ross & Richards, 2002, 1–46). Nor have we touched on the spoiled identity of felons perpetrated by on-line public access to criminal records in the US (Murphy, et al., 2010), the plight of ‘lifers’ in the prisons (Irwin, 2009), and many other topics. We suggest the reader might explore our publications on these subjects and others at the Convict Criminology website (<http://www.convictcriminology.org/>).

As Convict Criminologists we contend that it is a general failure of state agencies to address simple solutions that contribute to high incarceration, re-offending and reincarceration rates in the United States. In effect, state agencies have created a “perpetual incarceration machine” (Richards & Jones, 1997; 2004) that recycles the same people repeatedly through the same processes without improving their life-chances. In failing to adequately prepare prisoners for life after incarceration, the prison sets in motion a self-motivating cycle. Unless the traditional and popular notions about crime and punishment which form the basis of the existing system are questioned, meaningful change will not be possible. In our view, if the taken-for-granted is not contested to the point where state agencies become ready to rise to the challenge of finding pragmatic solutions, recidivism will remain at its currently high levels and the prison system will continue to replicate its record of dismal underachievement and failure.

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Part TWO

From the Perspective of the Ex-Offender

Barbara H. Zaitzow

8. WE'VE COME A LONG WAY, BABY...OR HAVE WE? CHALLENGES AND OPPORTUNITIES FOR INCARCERATED WOMEN TO OVERCOME REENTRY BARRIERS

Introduction

Women constitute the fastest growing segment of the United States' prison population. Today, over one million women are under custody in the criminal justice system, representing 7% of inmates (Sabol & Couture, 2008). The increased use of imprisonment for women offenders has been attributed to changes in legislative responses to the "war on drugs," changing patterns of drug use, and judicial decision making. As a result of this "equal opportunity" imprisonment binge, women are trapped in a system that is designed for and dominated by men. Consequently, the system fails to address the often vastly different concerns of women prisoners. Often these women are incarcerated for low-level, non-violent drug or property offenses and the majority have young children at the time of their conviction. Female prisoners' unique physical, emotional, and psychological needs set them apart as a distinct prison population and, moreover, have profound impacts on the families and communities left behind. Another consequence

of imprisoning non-violent women offenders is consideration about what will be done with those women who return to society after their incarceration is over? The specific problems they face are unique because of the specific gender roles they play. What awaits them upon reentry, and how will society respond?

Both a need and an opportunity exist to bring knowledge from other fields into the criminal justice system to develop effective programs for imprisoned women. Until recently, theory and research on criminality as well as on the prison experience focused on the experiences of men, with male offenders viewed as the norm. However, the policies, services, and programs that focus on the overwhelming number of men in the corrections system often fail to identify gender- and culturally responsive options for women's specific needs. While men and women face some similar challenges upon returning to the community, the intensity, multiplicity, and specificity of their needs, and the most effective ways for addressing those needs, are very different. This chapter will add to the growing discussion about "what works" in reentry efforts for incarcerated women.

Demographic and Crime-Related Characteristics of Female Offenders

In order to design system wide services that match women's specific strengths and needs, it is important to consider the demographics and history of the female offender population, and how various life factors impact women's patterns of offending.

Currently, women represent the fastest growing segment of prison and jail populations in the United States even though their crime rate is not increasing dramatically. Since 1995, the number of women being held in the nation's prisons has increased 50% and at year-end 2007, 115,779 women were imprisoned in state or federal prisons – 6.9%

of the total prison population (Bureau of Justice Statistics, 2008). Yet, the profile of the typical female prisoner has changed little over the years. Incarcerated women are characteristically women of color, poor, unemployed, and single mothers of young children. Moreover, imprisoned women tend to have fragmented families, other family members involved with the criminal justice system, significant substance abuse issues, and multiple physical and mental health problems (Bloom, Owen, & Covington, 2003). Women in prison have typically experienced some form of abuse in their lifetime, including sexual assault, domestic violence, and sexual, physical, and psychological abuse (Little Hoover Commission, 2004).

Despite media portrayals of hyper-violent women offenders, drug-related sanctions have fueled much of the increase in women's incarceration. Nearly half of all women in prison are currently serving a sentence for a non-violent crime (Bureau of Justice Statistics, 2008). It should be noted, however, that women who are charged with violent crimes, including murder and attempted murder, have many times landed in prison after violently fighting back from years of unbearable domestic rape and/or psychological abuse. The increased incarceration of women appears to be the outcome of forces that have shaped U.S. crime policy over the past three decades: government policies prescribing simplistic, punitive enforcement responses for complex social problems; federal and state mandatory sentencing laws; and the public's fear of crime (even though crime in this country has been on the decline for nearly a decade). Not only are more women being imprisoned, but they are also serving longer and harsher prison sentences as well as facing reentry challenges that are often overlooked and under-funded.

What happens in the pre-prison experiences of women will impact not only on their prison experience but also on their reentry success (or lack of); therefore, an examination of the "doing time" experience of women is necessary to gauge the current state of pre-release efforts and to see which programs hold the most promise for the successful reentry of women offenders.

Women “Doing Time”: The Need to Promote Empowerment

The experience of being incarcerated—of having one’s self-esteem stripped away, of being deprived of regular contact with the outside world—plays havoc on one’s physical, mental and emotional well-being and adaptations to such deprivations. The most obvious fact of life in women’s prisons is that women are dependent on the officers for virtually every daily necessity including food, showers, medical care, feminine hygiene products, and for receiving “privileges” such as phone calls, mail, visits, and attending programs. To ask another adult for permission to do things or to obtain items of a personal nature is demeaning and humiliating (Zaitzow, 2006). And, violence against women and transgender people in the form of human rights abuses—including medical neglect, brutality, and sexual abuse—occurs regularly (Zaitzow, 2008).

Because of prior emotional problems or those induced by the stresses of incarceration, especially the separation from their children or loved ones, female inmates adjust to the various types of institutional controls by finding natural ways to adapt to their unnatural surroundings (Clemmer, 1958). The carceral experiences of women prisoners has remained relatively constant in that women’s responses to such captivity are gendered, and women prisoners organize their time and create a social world that is quite different from contemporary men’s prisons (Owen, 1998; Zaitzow, 2004). Personal relationships with other prisoners and prison staff, both emotionally and physically, connections to family and loved ones, and commitments to pre-prison identities continue to shape the core of prison culture among women.

Despite the less threatening appearance of women’s prisons, the conditions for women prisoners are usually worse than those for male prisoners. For example, women prisoners have more restricted access to legal libraries, medical and dental care, and vocational and educational opportunities. What few possessions they have are often confiscated or destroyed, and they are subject to arbitrary body searches at any time

(Cambanis, 2002; personal communications with women inmates housed in maximum and minimum security prisons in the southeast, 1994-present). Women's prisons increase women's dependency, stress women's domestic rather than employment role, aggravate women's emotional and physical isolation, can destroy family and other relationships, engender a sense of injustice (because they are denied many of the opportunities available to male prisoners) and may indirectly intensify the "pains of imprisonment" (Sykes, 1958). Moreover, some women become dependent on the controlled prison environment. Forced dependency can undermine a woman's sense of autonomy and responsibility needed to succeed as an individual on the outside.

What happens inside jails and prisons does not stay inside jails and prisons. It comes home with prisoners after they are released. With the increase in the numbers of imprisoned women, there are a number of consequences to consider since most of these women are currently or will be facing reentry challenges. Among the most pressing consequences of the overcrowding problems resulting from the over-reliance on imprisonment as a sanctioning tool will be: (1) the need to address what will be done with those women who will be returning to society after their incarceration is over (e.g., "where will they live?", "how will they support themselves and/or others?"), (2) the specific problems they will face that are unique because of the specific gender roles they play (e.g., health and well-being, securing custody status of their children in states where such status has been revoked), (3) what awaits them upon reentry (e.g., reconciling broken relationships with family and friends, housing, employment), and (4) how society will respond (e.g., stigma, access to social capital to truly be reabsorbed into society).

Reentry Overview

Over the last decade, prisoner reentry has received much attention from academics, policy advocates, and politicians due largely to the unprecedented growth of the United States prison population (Irwin, 1970; Travis 2005). State legislative leaders, facing bleak fiscal times, have begun applying the brakes to soaring correctional expenditures and are becoming more open to seeing whether reentry programming can slow the proverbial revolving prison door. Local law enforcement and community activists have raised concerns about the deleterious social effects of large numbers of prisoners released from federal, state, and local correctional institutions who often return to poor, urban neighborhoods less prepared for reentry than in the past, with a smaller share of prisoners receiving educational programming and substance abuse treatment (Lynch & Sabol, 2004), and many lack the training and life skills to find and keep a job after their release (Harlow, 2003). This depiction of prisoner reentry in the United States has clear implications for the individual challenges prisoners face in leading productive, law-abiding lives on the outside, yet these challenges also pose a distinct threat to public safety. Prisoners who are not prepared to stay sober or drug-free, find a job, secure housing, and avoid trouble will more than likely re-offend. In fact, more than two-thirds of released prisoners are rearrested for a new crime within three years of release (Langan & Levin, 2002). Communities are thus confronted with a dual challenge: to provide former prisoners with the services and environment necessary to navigate the transition from prison to the community, and to protect the public from potential harm.

In jurisdictions across the country, correctional practitioners, policymakers, and other stakeholders dedicate enormous amounts of energy to understanding the reentry experience, identifying barriers faced by formerly incarcerated people, and discussing the potential for prisoner reentry programs to provide some solutions to these problems. The “what works” literature has been applied to the reentry conversation (Seiter & Kadela, 2003; Petersilia, 2004), and the quest

for reentry programs that reduce recidivism continues. Research on the differences between male and female offenders invites us to consider how our policies and practices either acknowledge or ignore the ways in which women's experiences within and outside the corrections system are different from their male counterparts. It also invites us to consider how our role in supporting their success in transitioning out of corrections might need to be adjusted to maximize the strengths inherent in these differences and minimize the inherent challenges and obstacles. Researchers in this field call this being "gender responsive", which entails taking account of the differences in experience that men and women bring to the criminal justice and corrections systems and adjusting our strategies and practices in ways that are appropriately responsive to those differences (Bloom, Owen, & Covington, 2003).

Reentry Needs of Women

From just "doing time" to planning one's time is often an enormous hurdle for returning or formerly incarcerated women. From the institutional world of daily dependence on authority, reentry becomes a harrowing series of unfamiliar choices and, for many, one set of problems will soon replace another. Where distrust is daily prison fare, the former prisoner may now live in a community where few, if any, citizens will greet her, help her make decisions and commit to finding a place for this individual as a neighbor, co-worker or friend.

While women face many of the same obstacles as men during their period of incarceration and throughout the early stages of their return to the community (e.g., dealing with substance abuse issues or locating jobs and housing), women's transition experience is influenced by the same factors that create their unique pathways into the criminal justice system: specifically, physical, sexual, and substance abuse histories, mental health needs, and economic disadvantages. In addition,

women are uniquely challenged by the expectation (their own and that of others) that they will resume full-time parenting responsibilities along with other challenges related to family reunification, and many are also faced with the challenge of managing chronic physical health problems such as HIV or hepatitis. Perhaps one of the greatest challenges for women returning to their communities, community resource agencies and concerned citizens, as well as correctional professionals is to understand and implement strategies that address this entire complex of issues simultaneously rather than considering them independently or sequentially.

Prerelease is an important time to consider how to develop or support appropriate and therapeutic inmate relationships with treatment and other service providers in the community, as well as with community supervision officers. If community-based treatment providers have not been involved during incarceration, they should be invited to meet with inmates prior to release to establish a connection and set up appointments for the women upon release. Similarly, other service providers should be invited to share whatever resources they have available, since a personal contact will make it more likely that a woman will avail herself of the resources once she is in the community. Parole officers should receive training in establishing positive relationships and addressing the needs of their clients and also be encouraged to make contact with inmates well in advance of release in order to discuss expectations and establish appointments, in addition to receiving whatever information is deemed necessary to ensure successful reintegration and law-abiding behavior.

The reality is that if it isn't already offered, it won't be easy for women released from prison to find affordable housing or employment opportunities. Individuals with criminal histories will learn they have limited access to social services. A critical part of new thinking about reentry requires stopping the wasteful pattern of cyclical imprisonment. Today, many prisoners are released under no form of supervision and have gained little from the limited rehabilitative and prerelease programs. Maybe someone will be there to pick them up,

but for many releasees no one will be at the gate to calm their fears about the dismal prospects ahead of them. Women face a number of challenges that are part of the reentry process whether they are “on paper” (e.g., parole) or “off paper” (e.g., completed their sentence). Some of the most basic needs are noted in the following sections, though the order of importance may vary depending on each woman’s unique circumstances.

Barriers to Reentry

Housing

Finding housing is one of the most pressing challenges that formerly incarcerated women face upon their release as it impacts their ability to successfully transition into the free world. The search for permanent, sustainable housing portends success or failure for the entire reintegration process. Without a stable residence, continuity in substance abuse and mental health treatment is compromised. Employment is often contingent upon a fixed living arrangement. Thus, locating a place to live is one of the immediate needs of women returning to their communities.

Barriers to accessing housing impact most people with criminal convictions but especially individuals who have been convicted of sex crimes. Jurisdictions across the country have adopted policies forbidding individuals convicted of sex crimes to live within a certain distance of schools, parks, or any area in which children congregate. Beyond that grouping of ex-offenders, since 1995, New York City’s Housing Authority has published the monthly tabloid newspaper “Not Wanted List” in which individuals whose names appear on the list – for simply being a nuisance or for having a criminal record – are not only barred from living in Housing Authority buildings, they are not allowed to visit family members or friends who might still live in Housing Authority buildings (Fernandez, 2007).

The truth is, for some women exiting prison, that there is no home to return to. This could be the case for a myriad of reasons, including the lack of immediate family, family conflict, or legal restrictions (Roman & Travis, 2006). Overall, the criminal record that women carry with themselves serves as an impediment to securing safe and affordable housing. A stable home environment provides social and emotional support and structure that is conducive to positive reentry transitions (Sullivan, Mino, Nelson, & Pope, 2002). However, in a recent multi-state study of reentry outcomes, Mallik-Kane & Visser (2008) found that while 56 percent of women lived with family following release from prison and most had received some sort of financial or social support (e.g., food, transportation), one-quarter of the women had not received any tangible support from their family. It is no surprise, then, that finding housing has been considered the “lynchpin that holds the reintegration process together” (Bradley et al, 2001). In other words, the inability to secure housing immediately following imprisonment decreases the likelihood of successful reintegration for those returning from prison.

RECOMMENDATION: Residential goals should include safe, sober, permanent (and permanently affordable) housing that will accommodate a woman and her children, though many women pass through homeless shelters and transitional housing on their way toward the goal of a permanent residence. Prerelease planning is essential. Corrections agencies should work to ensure that there are sufficient halfway house placements for women in the communities that women are most likely to return to and verify that bed space is available. Transitional placements can facilitate a successful return because they allow women time in their communities to seek appropriate housing and employment without resorting to old criminal networks, abusive partners, or living on the street. The need to create a comprehensive housing plan with women while they are incarcerated brings to light the systemic issues that give rise to the challenges associated with finding housing for newly released women and that also need to be addressed. Here, Congress should consider increasing the stock of

subsidized housing so that women returning to the community after their incarceration can have access to subsidized housing for themselves and/or their families to begin rebuilding their lives. And, for women with children, Public Housing Authorities should use flexibility when deciding on evictions and admissions on a case-to-case basis; they should look at mitigating circumstances, rehabilitation efforts, and fully weigh the consequences of a loss of subsidized housing for a family. The need exists to augment existing resources for transitional, residential housing and investing in the development of affordable housing for formerly detained women

Employment

Securing legitimate employment is also vital to successful reintegration. Employment helps ex-offenders to become productive and establish positive roles in the community, to secure income to take care of themselves and their families, to develop important life skills, and to distance themselves from negative influences and opportunities (Travis, 2005; Petersilia, 2004). However, formerly incarcerated women face numerous barriers to employment. Most have very low levels of education and limited work experience, making employment prospects bleak.

Irwin (1970) identified employment as perhaps the “biggest obstacle” faced by parolees, noting that employment was often a condition of release for individuals in California. However, Irwin pointed out that while finding a job was difficult, finding a job that pays a living wage was of great concern. Sadly, the employment outlook for parolees and formerly incarcerated people has not changed for the better since the 1970s. After Martinson’s (1974) declaration that “nothing works” in correctional rehabilitative programming and get tough on crime policies of the 1980s and 1990s, programs designed to provide prisoners with education and employable skills while in prison disappeared. In prisons where programming is available, limited program choices along with waiting lists impacts women’s ability to participate.

Unfortunately, society has done little to facilitate employment opportunities for individuals upon release from prison. Not only has the correctional system moved away from the ideals of reformation and rehabilitation, society has become engulfed with fear of crime and has blindly accepted politicians promoting policies that, arguably, set individuals up for failure upon reentry. With regards to employment, many states allow employers to deny jobs to, and even fire, individuals with criminal records (Legal Action Center, 2004). Furthermore, employers in many states have access to criminal history information due to public access or freedom-to-information statutes (Holzer, Raphael, & Stoll, 2006). In addition to hiring practices, states have statutes barring people with criminal convictions from certain types of occupations. To make matters worse, state and federal laws bar some released individuals from certain jobs they held prior to incarceration. While occupational licensing restrictions are not new, the past thirty years has seen an increase that is beyond “enumerable” (Harris & Keller, 2005:4).

With so many policies and legal barriers surrounding employment of individuals with criminal records, it is not surprising to learn that some former inmates choose not to disclose their criminal history on job applications. The failure to divulge such information to prospective employers, however, has consequences. If the employer discovers that the applicant failed to disclose her criminal background, then she can be fired legally. Consequently, many women find themselves ensnared in a no-win situation when attempting to acquire a job.

RECOMMENDATION: While the ultimate goal is for women to be self-supporting and financially independent, with sufficient education and training opportunities to ensure long-term stability and growth, the immediate concern in the prerelease phase is on short-term survival and becoming stable. Research has shown that offenders who participate in work release programs are more likely to find and retain employment in the three to six months following release than those who participate in either job training or job readiness education or institutional job placements (LaVigne et al, 2003). Here, it is im-

perative to provide women with education and help them to develop skill-enhancing opportunities in conjunction with ensuring that appropriate assessments and referrals have been made so that they will have marketable skills in the employment sector. To increase women's chances of securing a job, correctional facilities should contract with specialized employment agencies and allow them to enter prison to provide inmates with jobs that will result in jobs on the outside (Travis, 2005). In addition, employment counselors should work closely with women to help them find a job long before they are discharged. While education and job placement are a start, it is not enough to help women who are returning to economically distressed communities. Thus, it is critical for community-based organizations to partner with economic development agencies and business organizations in order to provide more employment initiatives that will lead to economic advancement within the neighborhood where women reside (O'Brien, 2006). In addition, community-based transitional programs must be developed. These transitional programs should assist returning females with temporary housing, job placement assistance, childcare, health care, public transportation, referrals for treatment, and case management. Building and staffing community-based transitional programs, especially in disadvantaged neighborhoods where women reside would also be beneficial to women in these settings.

Health and Well-Being

Adequate provision of medical care remains one of the most pressing problems facing women prisoners and formerly incarcerated women. While women suffer many of the same illnesses as do their male counterparts – HIV/AIDS, hepatitis, sexually transmitted diseases, tuberculosis and other communicable diseases and mental illnesses – they have specific health needs, mainly related to reproductive health. Naturally, these needs vary according to a woman's age and situation. For example, the needs of a young girl, a pregnant woman, a woman who has just given birth, a mother accompanied by young children or an elderly woman are all different. A review of existing studies on

health care services for women inmates reveals that (1) access to treatment for both general and drug-related health problems is limited; (2) the health care provided to women prisoners is mediocre; and (3) prison medical professionals are often under-skilled (Maeve, 1999; Lindquist & Linquist, 1999). Such issues have been the subject of litigation and many of these cases led to consent decrees mandating better treatment, but a lack of follow-up on the enforcement of the legal rulings has allowed the unlawful treatment to continue.

Access to continuity of health care treatment and services in the communities to which these women return can be problematic. For example, while some medical services may be provided at neighborhood clinics, obtaining refills of psychotropic medications along with ongoing attention required for such specialized care require access to mental health clinics. Moreover, the high cost of treatment and delays in getting health insurance prevents women from immediately enrolling in drug treatment programs. Not only do returning women encounter challenges in getting into substance abuse treatment but federal laws prohibit anyone convicted of a drug-related felony from receiving federally funded food stamps and cash benefits under the Temporary Assistance for Needy Families (Legal Action Center, 2004). Without the help to manage health conditions, medical problems will inevitably follow women as they return home from prison. All of these impediments place additional burdens on formerly incarcerated women, further decreasing the likelihood of successful reintegration.

The health and well-being of women who are released from the prison setting is crucial to understand to get a better sense of what must be considered by policymakers, social service organizations, and the communities where these women will reside. The mental, physical, and emotional health of women who have been released from prison as well as an understanding of the previous history of substance abuse that many have dealt with in the past are areas that require ongoing attention.

RECOMMENDATION: Prerelease planning for health and sobriety issues involves ensuring that plans are in place for continuity of treat-

ment for physical health, mental health, and substance abuse-related disorders. Here, there is a need to expand the availability of treatment both within and outside the criminal justice system. State and local public health agencies are important partners in this endeavor, since most transitioning offenders will rely heavily on public sector health care services upon release. Applications for public health, welfare, and education benefits may need to be submitted prior to release in order to ensure that services will be in place when offenders leave the institution. Many offenders will need education on how to manage chronic illnesses in order to avoid an over-reliance on emergency services. They will also need to be prepared to manage their reproductive health, and will need counseling on contraceptive options, as well as protecting themselves (and/or their partners) from sexually transmitted diseases. As most corrections officials are probably aware, community-based substance abuse treatment services for the poor are limited, and can be especially so for women, and even more so for women with children who require child care services or residential treatment facilities where children can accompany them. Because the immediate period following release can be so dangerous to sobriety, the fact that so many treatment facilities have long waiting lists can be particularly damaging to this population of women. Thus, it is not enough to simply give returning women a list of outpatient or residential treatment facilities post-release. Instead the correctional and program staff should locate a residential treatment center for women with a history of substance abuse and arrange to place them on a waiting list prior to their release. Ideally, women should leave prison with a pre-arranged placement in an appropriate level of treatment. If not, they will most likely need to rely on self-help groups until an opening becomes available and should be provided with information on the locations and schedules of these meetings. Every effort must be made to ensure that women apply for health care benefits and set up appointments with service providers while they are in prison so that they will have medical coverage and access to services and treatment immediately following their release (Travis, 2005). While public debate continues, we need

to reconsider the use of imprisonment as a sanctioning mechanism for drug-addicted offenders. A more effective long-term individual and social investment would be to create state-financed alternatives to incarceration for women convicted of drug offenses.

Reunification With Family/Social Support

Rafter (1985:179) notes, “unlike men sentenced to prison, women seldom have been able to rely on a spouse to care for their children; therefore, they have suffered more anxiety about the welfare of their families.” This statement gets to the heart of the idea that women’s familial experiences are different from men’s. Women with children may feel a sense of worry above and beyond their male counterparts because of the interactions they have with their children prior to incarceration, and this sense of worry or concern follows them through the imprisonment period up to the day of release and beyond. Especially problematic is the incarceration period itself where criminal justice policies and the rules and regulations within prison make it difficult for mothers and children to have any meaningful interaction with one another, thereby contributing to the anxiety felt by many inside.

Although men and women are equal in reporting the amount of contact they have with their children during prison, women are far more likely to go home and actually live with their children upon release. For women whose families are willing to provide housing assistance and financial support, reunification can still prove to be problematic, especially when former offenders move in with family or relatives whose “house rules” may result in the women not feeling welcome in the environment. Complications can and do arise as women try to reintroduce themselves into their children’s lives and the process varies depending on the age of the children. Legal barriers related to reestablishing custody of their children and resuming parental roles can be daunting. The release and reentry of a woman is difficult and can be complex as women attempt to address the variety of personal, social, and legal barriers necessary to restore harmony among children and other family members.

RECOMMENDATION: Social support has long been identified as a central factor to successful reentry among ex-offenders (Taxman et al., 2003). During the prerelease phase, institutions can facilitate successful family reintegration by creating opportunities for both inmates and family members to learn about what to expect, and by helping them to plan for anticipated challenges. Some corrections agencies have designed programs at prerelease centers that involve family counseling sessions with inmates and their families, and/or group educational sessions for families alone. Because women's prisons are generally located farther from family members and friends, making visitation more difficult, the use of videoconferencing and teleconferencing – allowing two or more people from different sites to communicate through the use of audio and video telecommunication – is a means to promote family ties. While the use of technology should not be used for the purpose of replacing physical contact between people, at least it provides an opportunity for women in prison to stay in touch with their families. In addition to telecommunication, there is a need to develop programs for families of women inmates that foster healthy ties. These programs need to focus on strengthening relationships between incarcerated women and their family, as well as preparing both parties for women's return home. This requires identifying and working through family issues long before women are released from prison. Reentry counselors should also include families in the reentry process, as they need to be informed when incarcerated females will be released, the various parole conditions that must be met, and other details of the release process (Travis, 2005). Families of returning women prisoners face an incredible challenge, and many of whom may not be able to shoulder the additional burden. Thus, an effort must be made to help family members attend to the needs of returning women through the help of social service agencies, as the family is an important institution that can assist in successful reintegration.

Beyond reunification with family and friends, transitioning women will need to consider where they will acquire food, clothing, and other essentials upon release, and where they will be able to receive

mail, make phone calls, and receive messages in order to pursue job, housing, and other opportunities and responsibilities. Institutions can help by ensuring that women apply for any public health or cash benefits for which they may be eligible at the earliest possible opportunity, including prior to release. Women should also leave the institution equipped with proper identification. Support systems are an essential component for successful reintegration. Prior to release, women should receive a handbook that provides the most recent and accurate listings of community resources. For those without family members, community or faith-based organizations should be contacted to provide support at the time of release and in the days immediately following their return to the community.

Social Stigma

Depending on the length of the incarceration, many women when first exiting from prison will say that they believe they have a tattoo on their forehead that proclaims them as “ex-con.” Transforming the “ex-con” label, a deviant identity in mainstream culture, is extremely complex. A former prisoner not only has to construct a new self based on the personal desire to create a non-criminal life, but also has to deal in some way with others’ expectations (Jones, 2002). Such expectations are often derived from ignorance, outdated notions, or judgmental preconceptions. The stigma that felons are faced with affects many parts of their lives including their confidence level when searching for jobs and housing, dealing with family members, and being accepted again by society (Uggen, Manza, & Behrens, 2004). Stigma feeds into the forces of isolation and denial that push women deeper into a self-hating process and farther away from the hope of rehabilitation and reintegration. This is especially true for women who had children prior to incarceration. Perceptions of female offenders with children could be distorted by the public because of the traditional gendered view that women are not fulfilling their motherly duty if they “went and got locked up.” One’s response to these challenges could be the key to being successful in the reentry process. The person who is try-

ing to harmonize self and role, therefore, has the added difficulty of remolding and reformulating others' expectations of herself.

RECOMMENDATION: Although there are some sociological theories for how one transforms the “ex” identity including some that are analogous to people in recovery from alcoholism or substance addiction, it is most crucial to explore how we can help women manage the societal stigma related to being a felon that is both real and perceived. An important aspect of managing stigma is making choices for when and how a woman discloses her ex-inmate status. Here, groups can be one method for women to rehearse how they can deal with questions about their ex-inmate status. The “everyone in the same boat” phenomenon can provide a mutually supportive context for women to effectively address some of the issues they will have to face once they are released. Pre-release classes should provide avenues for articulating and addressing the venues where women will be expected to discuss their ex-inmate status (e.g. job interviews, housing applications, etc.). Reentry programs should make use of women’s ability to be mutually supportive in assisting each other to address some of the issues for managing stigma.

Finally, public education efforts should include social marketing and media strategies to put a human face on rehabilitation programs and women who are successful after release from prison.

Reentry Efforts/Programs That Hold Promise: A Sampling

Missing from the general description of the re-entry process is how women fare in the transition from prison to community. People with criminal records face a daunting array of challenges. Without a job, it is impossible to provide for oneself and one’s family. Without a driver’s license, it is harder to find or keep a job. Without affordable housing or food stamps or federal monies to participate in alcohol or

drug treatment, it is harder to lead a stable, productive life. Without the right to vote, the ability to adopt or raise foster children, or access to a college loan, it is harder to become a fully engaged citizen in the mainstream of society. These roadblocks interfere with the reintegration of people with criminal records, which, in turn, compromises everyone's safety and the well-being of our communities. Thus, as noted by Jacobs (2004), reentry services should be coordinated to address the multiple challenges that women face. Reentry planning must not prioritize one or two dimensions (e.g., substance abuse treatment and/or employment) over other dimensions (e.g., housing needs, family reunification and/or problems of past sexual abuse) that, if left unaddressed, can lead to relapse and recidivism. Comprehensive knowledge of reentry processes and factors that facilitate or hinder successful reintegration into community life are essential if we are to develop more effective policies and intervention strategies to manage reentry so that fewer crimes are committed, and former inmates, their family members, and their communities can heal from the ruptures caused by incarceration.

A variety of reentry programs have been offered in the prison setting as well as in the community that hold promise for the successful transition from prison to the community. Below is a sampling of programs in different locations that have gained nationwide attention and provide gender-responsive attention to/for women:

A. Prison-Based Programs

Alabama Women's Resource Network – AWRN (Montgomery, Alabama) is a coalition of incarcerated women, social justice organizations, community service providers, and advocates working together to change the way the state of Alabama responds to the problems incarcerated women face. AWRN grew out of the organizing efforts of women serving long sentences (the “Long-Timers”) at Tutwiler Prison for Women. The women's significant accomplishments, and the response letters they have received from elected officials and prison administrators, make the women feel their work is worthwhile and,

moreover, the fact that they are affecting change does, in fact, impact the reentry experience.

Chicago Legal Advocacy for Incarcerated Mothers – CLAIM (Chicago, Illinois) provides legal and educational services to maintain the bonds between imprisoned mothers and their children. CLAIM advocates for policies and programs that benefit families of imprisoned mothers and reduce incarceration of women and girls. The central force behind CLAIM’s advocacy work is Visible Voices, which is a peer support and advocacy program run entirely by women with a history of criminal justice involvement. To further the mission of the organization, the group actively recruits women who are preparing for discharge.

Forever Free (California Institution for Women, Corona, CA) is a voluntary, intensive residential treatment program for women inmates with substance abuse problems. The program stresses relapse prevention and some sessions are devoted to issues especially important to women’s recovery, including self-esteem, anger management, assertiveness training, healthy relationships, physical and psychological abuse, post-traumatic stress disorder, co-dependency, parenting, sex, and health. The residential program is followed by voluntary community residential treatment during parole.

KEY/CREST programs (Baylor Women’s Correctional Institute, New Castle Delaware) is a prison-based residential therapeutic community for female inmates with a history of substance abuse. The program uses cognitive behavioral therapy with a “women oriented” focus that is used to deal with issues of self-esteem, sexuality/intimacy, interpersonal skills, relationships with family and significant others, cultural/ethnic identity, parenting, health issues, empowerment, job skills, leisure time, and drug/alcohol use. Based on the feedback provided by the women in the program, a fully operational work release therapeutic community—CREST—was created to provide transitional and aftercare services to graduates of the KEY program.

Power Inside (Baltimore, Maryland) offers support groups and workshops to women in jail, prison and the community. Their work

includes street-based community health outreach; group and individual interventions with incarcerated women; daytime drop-in resources; and research, public education and advocacy to expand community-wide access to health and treatment services. Power Inside uses a strength-based curriculum to enhance the skills of women to make change, cope with crisis, resolve conflicts, and better access community resources. Finally, women who were formerly incarcerated and who are currently incarcerated play a leadership role in facilitating groups inside the detention center.

Leaving The Cocoon (Nashville, TN) is the only re-entry mentoring program used by the Tennessee Prison for Women. While program participants are still incarcerated, LTC offers initial life skills assessments which are made on-site in prison. Once the participant is released from prison, trained LTC mentors help with life skills development, budgeting, parenting skills, self-esteem building, workshops, learning proper hygiene, linking the participant to helping agencies, provide job readiness training and help the participant learn how to make effective and wise life choices. The faith-based mission of the organization is to show compassion to the incarcerated and help rebuild their lives outside prison so that they may reach their potential. The group helps women establish themselves through mentoring, counseling, and a “continuum of care” services.

B. Community-Based Programs

Delancey House (CA, NY, NC, NM) is made up of stores, town houses, a Town Hall, a restaurant, and a park, all of which act as a home and training center to over 500 individuals who were formerly incarcerated. This residential education center assists former offenders and former substance abusers by empowering them to lead independent and successful lives. At the core of the Foundation is the belief that behavior can be changed in a structured, supportive, market-driven environment in which individual responsibility and accountability are emphasized.

Harriet's House (Raleigh, NC) was established to provide transitional housing and reentry services to female ex-offenders and their children. The program provides comprehensive, progressive services including intensive, wraparound case management, parenting classes, vocational and educational training, and mental health and substance abuse counseling for clients who need these services. Permanent housing assistance, including referrals and rental subsidies, is available.

A New Way of Life Reentry Home (Los Angeles, CA) is a sober living residence for women with no place to go after they get out of prison. They provide direct services support in the form of finding financial and social resources for newly released inmates along with finding temporary housing and assistance with job training and treatment for drug addictions.

Our Place (Washington, D.C.) is a group that works to address the needs of women recently released from area prisons. Our Place provides women with clothing and household items, counseling services, an employment center, legal services, HIV/AIDS education, housing referrals, family transportation, and support for children of the incarcerated. They also offer a transitional housing program: Camille's Place.

Sarah Powell Huntington House (New York, NY) was established to provide transitional residential services for homeless, formerly incarcerated women 18 years or older who seek to rebuild their lives in the community and strengthen their families. Women have access to a range of supportive services, including comprehensive case management, substance abuse relapse prevention, HIV/AIDS education and services, independent living skills training, education/vocational referrals, and permanent housing placement. Additional support services are provided to facilitate family reunification.

Women's Re-Entry Network – WREN (Tucson, Arizona) was started in 2006 and is the only organization in the state of Arizona that is run entirely by formerly incarcerated women that addresses the needs of women with criminal justice involvement. The organization's primary activity is teaching a six-week life-skills class at Pima County

Jail and benefits not only the women who are in the jail but also serves as leadership training for the WREN facilitators. The women work together to build the curriculum and going back to the jail to teach is an empowering experience.

Cons Helping Cons is an online support community for anyone who has left prison, jail, penitentiary, correctional facility, halfway house, or anyone dealing with the aftermath of a criminal past or criminal record. Such on-line sources of support can be beneficial for family and friends who can share the obtained information with their imprisoned loved one or for the newly released person who seeks timely and accurate information on a variety of reentry topics.

Time for Change: Sentencing & Goal(s) of Punishment

Faced with overburdening caseloads in both the judicial and correctional systems, a scarcity of available programming, the demand for fiscal accountability, and the fact that an unprecedented number of prisoners are reentering the community, the need to reinvent has become more of a necessity than ever before. Unlike past practices, preparing prisoners for successful reentry into the community has recently encountered the beginnings of a shift in paradigms from the historical notion that preparing a prisoner for release into the community commences toward the end of their incarceration to one that establishes a seamless transition of accountability and resources at the outset of one's entry into the system through the completion of any post-release supervision and beyond. Despite seeming counterintuitive to admission practices and a punitive ideology, reentry planning requires a change in the way corrections is conceptualized. The question that needs to be asked is "What is needed to prepare this prisoner for successful reentry?"

Successful reintegration cannot become a reality without changing our sentencing model in conjunction with establishing partnerships between a variety of agencies working to facilitate the successful reintegration of formerly incarcerated individuals. People return from prison to cities where the infrastructure is worse off than when they started serving their sentences. The community-based supports that are necessary to assist in the reentry effort have been devastated by a budget crisis, driven in large part by a build-up in police, courts, and corrections and wars in other global communities. Judge Nancy Gertner (2004), a United States District Court Judge in Massachusetts, recognized the course we are on and the need to change sentencing practices:

While ever increasing prison terms enable some to vent their spleen about the “crime problem,” they do little or nothing to effect a solution: Lengthy prison terms undermine an offender’s chances for a meaningful life after prison. They destroy communities and decimate families that are already struggling, especially in our inner-cities. And from those decimated communities comes more crime. (Gertner, 2004).

The opportunity to reconsider sentencing philosophy is provided not only by the emergence of reentry as a public policy issue and an awakening to the severity of mandatory sentences, but by the emerging theories of community justice. Making reintegration the primary sentencing goal is consistent with the theories of community justice explored by Karp and Clear (2000). Community justice, as they conceptualize it, has twin foci: restoration and reintegration. Public safety and the quality of community life are promoted by the restoration of the community and the victim and also by the effective reintegration of prisoners. At the same time, community justice places punishment as a sanctioning philosophy in a greatly diminished role (Karp & Clear, 2000).

If reentry is simply implemented as a “program” for those leaving prison, and nothing more, it will provide us with little else than an opportunity to pick up the damaged pieces that our affinity for punishment has created. However, if we carefully attend to the wide range of concerns that effect reentry, we can substantially reduce the prison population, avoid the damage, and promote reintegration. In order to reduce the cost of incarceration in both dollars and human suffering, the most effective way to do so is to begin reentry at the time of arrest. For those who can safely and successfully be reintegrated directly from pretrial detention, the benefits are clear.

For those who still face incarceration at the time of sentencing, sentencing must be imposed with reentry in mind. The unprecedented increase in the prison population over the last thirty years is only partially explained by crime rates. Changes in sentencing policy and practice have also fueled the increase (Blumstein & Beck, 1999). If we can control our penchant to punish, we can again change our sentencing policy and practice, embrace reintegration, reduce the prison population, and increase public safety.

Conclusion

Facilitating the successful re-entry of incarcerated women into “free” society requires the reformation of current policies and programs, both in prison and in the community, which tend to reinforce women offenders’ dependency upon the system (Zaitzow, 2003).

When I was released on parole, I discovered that no matter my outlook or my efforts, the world seemed to be closed. I was denied jobs and housing because of my convicted felon status, and I felt like damaged goods...And I cried because I couldn’t do anything about any of it, no matter how hard I tried. I could not change public opinion...I

realized that all the honest endeavors in the world would not help me gain entry, and I thought I no longer had a place “out here”... We can research and write about how women get to prison and what goes on there. It is fascinating and helps us to develop strategies toward prevention. We can do many things to help inmates prepare for a different and better life on the outside. But if we do not acknowledge and address the “set up to fail” situation that parolees currently face, we are tilting at windmills. (Susan Dearing, former prisoner of the Missouri Department of Corrections)

As Richie (2001: 386) notes, “the nature of the reform centers on both enhanced delivery and systemic change especially in low-income communities of color from which a majority of incarcerated female population in this country come from.” Here, (1) the provision of comprehensive programs that would utilize a case management approach would enable women to deal with multiple gender-specific and culturally-specific needs; (2) community-based programs need to build linkages with other services to prevent incarceration in the first place as well as provide user-friendly networks by which incarcerated women might avail themselves of services; and (3) economic and emotional empowerment is needed to facilitate the attainment of individual self-sufficiency. Because women offenders manifest multiple problems that require the services of many different agencies, corrections “needs to move toward a more system-oriented approach...that emphasizes linkages and coordination among programs and agencies, joint planning, shared resource allocation, and continuity for clients” (Prendergast, Wellisch, & Falkin, 1995:254).

Reentry provides us with a vehicle for change. It is a significant departure point from which to begin the discussion of crime and criminal justice practices. In recent years legislatures have disregarded evidence that crime does not readily respond to severe sentences, or new police powers, or a greater use of imprisonment, and have repeatedly adopted a punitive “law and order” stance (Garland, 2001). The new focus on reentry provides an opportunity for a dialogue about a less

punitive sentencing policy that promises to be smart on crime. We must meet the challenge of reentry by transforming American sentencing and corrections; otherwise reentry will remain just a concept that applies to the churning of people through our penal institutions and lead to disaster for the men and women locked up in our prisons and jails, their families, communities, and this nation (Pinard, 2006; Travis, 2002).

Reentry, when conceptualized as starting at the time of arrest, provides an opportunity for advocacy on two levels. On the micro-level there is the case-by-case advocacy of reentry planning that will make the difference in the lives of defendants as they pass before a judge. On the macro-level there is the opportunity for advocacy as we seek to change public policy. This will require us to address a wide range of policy issues including the collateral consequences of imprisonment, developing a new sentencing model, and re-prioritizing investment of our resources, shifting away from expenditures geared towards punishment, and shifting towards investment in support services and redevelopment of the infrastructure of our inner-cities. The time is right to seize this advocacy opportunity and unlock the potential of reentry and reintegration.

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9. HOPES V. REENTRY REALITIES FOR INCARCERATED WOMEN IN GERMANY

Introduction

Women's incarceration is in many ways a different phenomenon than that of men's throughout the world. The crimes women commit are different as are the contexts that lead up to them; their law violations tend to be the result of lives spun out of control and are predominantly centered around female sexuality and reproduction as well as women's disadvantaged structural position in society. Similarly, incarceration and reentry for women is characterized by different needs and obstacles that impede success. This paper focuses on the situation in Germany.

Our study is based on interviews that one of the authors conducted in two German prisons, Justizvollzugsanstalt (JVA) Vechta and the JVA Schwäbisch-Gmünd, in the fall of 2006. She talked to 15 women, about one third of whom had immigrated. Because of the small number of interviewees, we also draw on other comparable studies.

An analysis of the interviews shows that the expectations these women have for their release focus on a traditional middle-class life style which, given their personal and economic circumstances, are not often realistic. Developing an approach for their successful reentry into society requires an integrated sociological and psychological perspective that can analyze the structural conditions surrounding their lives, the causes of their crime, as well as their future opportunities while, at the same time, identify individual characteristics and needs for intervention.

Crime and Penal Policy in Germany: *An Overview*

Germany is a federation consisting of 16 states with autonomous powers in many areas of political life. The relationship between the states and the federal government is organized in the German Constitution (Grundgesetz), which holds that the powers of the federal government predominantly legislate while the states enforce laws. In regards to the criminal justice system, this means that while Germany has uniform laws, their implementations often vary significantly between states.

It was not until 1977 that the legal regulation of incarceration for adults over 18 years of age was implemented.¹ Prior to that date the penal system was regulated solely on an administrative level. This penal law applied to the whole country until it was replaced by the federalism reform of 2006, which allowed the 16 German states to implement their own regulations. These regulations apply especially to juvenile law, which had previously not been legally organized; indeed, since then several states have passed their own laws regarding the juvenile and adult penal system.

1. Das Gesetz über den Vollzug der Freiheitsstrafe und der freiheitsentziehenden Massregeln der Besserung und Sicherung was passed in March 1976 and implemented January 1, 1977.

Currently, there are slightly over 70,000 (70,817) convicts in 194 German prisons. Of these offenders 3,779 or 5.3% are female (Statistisches Bundesamt 2010). Thus, the overall incarceration rate is at 96 per 100,000 citizens, which is roughly one eighth of the US rate; the rate for Finland is even lower at 71 per 100,000. The criminal convictions of women in Germany are concentrated on a small number of specific crimes, including non-violent theft, fraud, drugs, illegal prostitution, and violence within the family (Statistisches Bundesamt 2009). Also, the rate of recidivism for women differs significantly from that of men. Jehle et al (2003, 47) found that after four years, the recidivism rate for men, regardless of the type of sanction, amounts to 34%, whereas for women the rate is at 24%. Women have consistently lower recidivism rates across the various forms of sanctions and aspects of the penal system, but the extent of the difference varies. Recidivism rates are smallest among juveniles in detention without parole (only 1.3%) and most significant among other non-detention forms of sanction (27%). But the crime rate of women, which would underlie such recidivism rates, is at 17%, a number already significantly lower than that for men.

According to the German crime statistics (*Polizeiliche Kriminalstatistik*)² less than 24.4% of those arrested are women; including young adults (age 18 to 21) youth (age 14–18). Children under 14 years of age cannot be arrested or prosecuted since they are not considered legally accountable for their actions according to the German Criminal Code. Over the last 120 years the significance of incarceration overall has declined dramatically in Germany as well as in other western European countries, including Finland. In 1882, during the early German Empire, 76% of all adults convicted in German courts were sentenced to prison terms. The most widespread sentence today, in contrast, is a monetary fine (83.9%) and probation (11.1% in 1993). The death penalty was eliminated in Germany directly after WWII (Kaiser 1996, 985)

2. Bundeskriminalamt (www.bka.de) Comparable to the Uniform Crime Report in the United States.

Overall, men are sentenced to serve a prison term more often than women. These comparatively low incarceration rates for women occur primarily because they commit and are convicted for fewer violent crimes. While women may receive lesser sentences for criminal behavior related to their traditional gender role, the opposite also holds true; if a woman acts outside these traditional limits, the sentence tends to be harsher. “Occasionally, child-care duties may create a judicial reluctance to give the full length of a possible sentence upon conviction.” (Walter 1999, 194; translated by AK). Comparable practices have been observed throughout Western Europe and have shown to be consistent over time. Lower crime rates among women also apply to the dark figure of crime. Since women, on average, have fewer previous convictions and commit fewer violent crimes, they are more often sentenced to fine penalties, probation, and shorter prison terms.

Consequently, women prisons have a much higher turn-over rate and a lower number of inmates. On one hand, such environments are advantageous because they provide a more intimate, individualized atmosphere, which is also related to the lower level of violence among female convicts. But on the other hand, it leads to difficulties in the implementation of meaningful rehabilitation programs. Also, because of these lower numbers of female convicts, the states operate fewer women prisons. At the most, one female facility exists in any one state in one central location. This, in turn, means that inmates are often incarcerated at a significant distance from the residence of their family and friends, which makes it difficult for them to visit (Kaiser and Schöch 2002, 430).

The most immediate reason for the overall difference in the German incarceration rate compared to the US, independent of gender, is the absence of specific US policies such as mandatory sentences, three-strike laws, “truth in sentencing,” and, especially, the war on drugs. Instead, in Germany, illegal substances are regulated under drug statutes (*Betäubungsmittelgesetze*) and defined by the Ministry of Youth, Family, and Health. Today they emphasize heroin, cocaine, LSD, and amphetamines. Although drug dealing and especially drug

import is prosecuted in Germany, criminal proceedings for possession of small amounts of these illegal substances for personal use are usually terminated. This applies especially to cannabis. Countries such as Portugal have decriminalized the possession of drugs for personal consumption³ since 2001. Instead of criminal persecution, drug addicts are transferred to rehabilitation centers. If they do not cooperate with the treatment, the maximum penalty is limited to a fee. It is generally acknowledged that the “War on Drugs” is futile. Interestingly, since drugs have been decriminalized in Portugal, drug use has declined in that country, not increased as could be expected (Kury u. Quintas 2010). Other noteworthy differences are prostitution, which is legal if the person is registered with the proper authority, in contrast to gun control legislation, which is stricter than in the US.

One of the most complex and controversial issues in German criminology is the crime of foreigners or *Ausländerkriminalität*. Some of the issues involved are reminiscent of the role of minorities in the US criminal justice system, while others are directly related to Germany’s special immigration history. Like most other western countries, ethnic minorities have been creating significant tensions in German society. The characteristics of these groups vary as do the circumstances of their immigration. The German “guest worker” programs from the 1960s may be the most well known, and the Turkish still comprise by far the largest immigrant group, especially when the most recent wave of arrivals from that country are included. During the 1990s many Eastern Europeans with German ancestry repatriated with their families after the end of Soviet rule. Their ancestors had moved east for several generations, often several centuries ago, and they had, to varying degrees, kept their German language and culture alive. Another group consists of mostly illegal immigrants from Latin America, Africa, or Asia. Immigrant women experience migration differently than their male counterparts. They have different reasons to migrate in the first place and their opportunities in the receiving country are more circumscribed; they tend to be limited to the lowest paying and

3. Defined as the amount of drugs needed for a span of 10 days.

most insecure jobs. In addition, they often face different gender role expectations and are at the center of negotiating other family members' tensions that result from this cross-cultural experience.

Another problem is the application of US American criminological theories to the German situation, which can be problematic because some central issues are different. Germany does not have the degree of stratification the US has, nor does it have that country's level of poverty, although the welfare net is diminishing throughout Europe. For instance, the Gini index for income inequality is 40.8 for the US (or rank # 52), 28.3 for Germany and 26.9 for Finland (rank # 113 and 116 respectively). The gap is even greater when family income inequalities are compared. The situation and history of immigrants in Germany is different from that of minorities in the US, although some scholars are concerned that these differences are disappearing. The different national histories in both countries, the role of women in WWII, the women's movements, reproductive rights, welfare and histories of women's employment, ideological differences in regard to individualism and diversity, to name just a few, may put a cautionary note on such immediate application.

A cross-cultural comparison of the length and severity of sentencing is difficult to establish given the varied definitions of crimes and criminal justice systems. Overall, however, German sentences are significantly shorter than, for instance, those in the US. A prisoner is typically released after serving two-thirds of his/her sentence. For drug-related convictions, up to two years of the prison-term can be transmuted to drug rehabilitation. Except for life sentences for certain kinds of murder, the actual maximum prison term, even for multiple crimes, is 15 to 22 years. The death penalty was abolished in Germany in 1945. Today, according to the German criminal code, the maximum sentence is life in prison. A German court can impose such a sentence for severe crimes such as murder. However, in such cases it has to distinguish between a "simple" and "aggravated"⁴ life sentence; the latter would apply in such cases as torture of the victim. However,

4. Literally "with heavy guilt" or "mit besonderer schwerer Schuld".

the German Constitutional Court⁵ decided in 1977⁶ that although a life sentence is constitutional, it should not be an absolute sentence. The rule of law⁷ and human dignity require that the convict retains the possibility to regain his/her freedom at some point. The option of a pardon after three or four decades is not considered sufficient. Therefore, any court which has sentenced a convict to life in prison has to determine, in a separate proceeding, the minimum length of imprisonment based on the individual case. At the end of this period a board has to determine the reintegration prospects of the felon. If the probability of a violent reoffense cannot be established, the convict has to be released.

Prisons

Prisons in Germany are administered by the states. There are no federal prisons, and, since as recently as 2005, only a few privatized prisons. For instance, in 2009 the state of Baden-Württemberg opened a new 440 bed facility for male convicts with a special section for social therapy. This prison is partially privatized, which means some of the staff are employed by a private enterprise. The legal framework for incarceration is laid out in the *Strafvollzugsgesetz* (StVollzG), the procedural law of 1977 and defines the goal of this "withdrawal of freedom" as the resocialization of the prisoner and the protection of the general population. To this end, life in prison is supposed to resemble general living conditions on the outside as much as possible to lower the damaging impact of incarceration, to enable the offender to become reintegrated into society upon release, and to motivate convicts to participate in their rehabilitation. This law addresses the organization of incarceration, the rights and responsibilities of prisoners as well as those of the administration. The procedural law also addresses everyday life in prison

5. Das deutsche Verfassungsgericht.

6. BverfGE 45,187.

7. *Rechtsstaat* is a particular concept of German jurisprudence where the power of the state is limited and citizens are protected from arbitrary exercise of the authority of the government.

in regard to nutrition, freedom of religion, health care, leisure time, and the maintenance of security. Finally, it deals with the protection of personal data and social security, as well as furlough, vacation, and visitation (Schwind et.al 2005, Kaiser and Schöch 2003).

Germany has seven independent prisons for women that house about half of this country's female convict population. The others live in sub-tracts of male prisons. The female prisons are formally divided in open and closed institutions like the prisons for males. In closed facilities, women do not leave the prison for the allocated time but can move relatively freely within it. The individual prison administrations are required by law to provide work places for their convicts—as well as training opportunities for various skills and trades—for which they are compensated with wages comparable to outside wage for similar work and credits towards their retirement fund. Under the current economic conditions these employment opportunities have become increasingly difficult to develop, but one example may illustrate the view of prison work. A well-known German designer created a unique model of shoulder bags made from discarded sails and donated it especially for prison work in one female institution. These bags are quite expensive (ca 150–200 Euros each) but popular throughout Germany. Stores that carry these bags advertise their prison manufacture to increase sales. Through work, education, or training, women can save a significant sum of money for their release.

The prison organization supports the convicts' social networks, connections with family, partners, and friends through prison visits, phone conversations, and furloughs. Women are allowed to maintain a correspondence not only with their social network on the outside, but also with others who are incarcerated, especially men. This way they not only maintain contact with imprisoned family members and boyfriends, but also make new contacts with men in similar situations. According to my interviews, lesbian relationships were at least formally accepted, and women were allowed to share a cell with another woman with whom they were openly romantically involved.

Women with children under the age of three can keep their children with them, provided that the prison administration agrees. The German Criminal Code provides that “If the child of a prisoner is not school age, it may, with the consent of the custodial parent, live in the institution in which the mother resides, as long as it promotes the well-being of the child. Prior to such arrangement, social services have to be consulted” (Strafgesetz § 80). Consequently, all larger women’s prisons include a “mother-child” section with playpens for children. These are light, colorful parts of the prison similar to a kindergarten. The cells are larger and house only one woman and a crib for her child.

The concept of *Vollzugslockerung* is particular to the German penal system and refers to a special furlough. After a significant length of their sentence has been served, most convicts are allowed to leave the institution regularly for increasing time increments in preparation for release. They may go shopping, attend to personal affairs, prepare for release, or visit family. Again, large distances between the facility and the prisoners’ hometowns may prevent them from strengthening family ties in this way.

Open institutions represent another approach to allowing prisoners to gradually re-learn to negotiate the outside world. These facilities are built with no or few measures to prevent escape—the buildings and doors are open and many residents work on the outside during the day or go home to care for their families. Open institutions are organized to maintain a higher level of normalcy of life to facilitate reintegration after release. In practice, the distinction between open and closed institutions is continuous rather than dichotomous because of the individualized application of relief measures (*Vollzugslockerungen*) such as vacation or outside work assignments. However, in this, as in most other implementation measures, there are significant differences between the various states (Kaiser und Schöch 2003, Aronowitz 2003).

The Women

Female crime, especially female violence, has been distorted in the public eye through being sensationalized in the popular media. Television shows and popular magazines present the women as irrational, crazy, and selfish, and the crimes they committed are laid out without context. They blame, even condemn, women for violating gender stereotypical roles and often influence court decisions (Möller 1996, Henschel and Klein 1998, Raab 1993, Soyka 2005).

The women that one of the authors interviewed at the JVA Vechta and the JVA Schwäbisch-Gmünd ranged in age from 21 to 47 years old, but one woman was 66. Their sentences ranged from one to six years. Seven of them were convicted for drug related crimes, four for fraud, four for assault, three for property crimes, and two for manslaughter. Eleven of them had children and six were immigrants. All except for three had completed secondary education and ten had obtained post-secondary trade or university degrees. Ten, or two-thirds, had experienced extended periods of unemployment. The same proportion had histories of previous convictions. Seven of them were unemployed at the time of arrest. Larger studies, such as the one by van den Boogaart et al (Cruells and Igareda 2005) with 32 subjects, found similar results; however, the rate of education was lower (1/3 had dropped out of secondary education in contrast to a national rate of 3%) and three-fourths received social security benefits. Similar to my study, the economic situation of all the women had significantly deteriorated over the previous few years. With one exception, those women with drug related convictions (usually the importation of drugs) had histories of drug addiction; they used primarily heroine, supplemented with other drugs. All the women I interviewed had experienced severe trauma or loss, except for three women who did not want to discuss this question. Those convicted of manslaughter had killed a husband who had abused them severely for many years.

The German research literature on female criminality differs from publications in the USA in that it focuses in particular on socialization

and resocialization (Fischer-Jehle 1991, Thomas 2004). But others emphasize women's structural position and gender-specific experiences and opportunities (Franke 2000, Funken 1989, Karstedt 2000, Michau 1997, Möller 1996). These studies place women's crimes in the context of social history and structural circumstances, thereby retaining these women's humanity instead of objectifying and vilifying them. Again, other studies focus on the women's own perspectives of their lives and the crimes for which they were convicted (Funken 1989, Kuhlman 2007a, 2007b, 2008, Thomas 2004).

Those working with female convicts argue that female crime, especially female violence, is mostly the result of a crisis, a spinning out of control of extreme life circumstances that are shaped by social and structural conditions. From this perspective the distinction between women as perpetrators and as victims is often difficult to draw. This is especially well illustrated in a quote by Döblin from 1924:

One did not find oneself anymore in the territory of “guilty—non-guilty,” but in a different one, one of terrible insecurity, one of contexts, of recognition, of realization (cited in Möller 1996, opening page. Translation by AK)⁸

The spiraling life circumstances the women told me about in their interviews, which in turn led to their respective crimes and convictions, confirmed this perspective. The circumstances were variations of interrelated emotional, economic and structural crises. For some it was the pressure of migration, job loss, the lack of family support, alcohol abuse, and abusive relationships. For others it was a drug addiction, loss of employment or other sources of income, loss of an important person in their lives, and social contacts limited to other users. Others described how a successful business was failing and a comfortable standard of living was suddenly threatening to fall apart. Most of the women, 11 out of the 15, had children, mostly as a result of teenage pregnancies. The responsibility and emotional bond to these children

8. For a similar perspective in the US literature, see Miller 2003.

made women especially vulnerable to said crises. Many of the women told stories of abandonment during their childhood, employment difficulties, emotional dependency on men in their lives, and loss of social network and identity due to migration. During my interviews, the women often commented that their imprisonment gave them a respite from these circumstances and crises.

Every woman I talked to who was incarcerated for drug related crimes referred in some way to a German cult book first published in 1979, *Christiane F.: Wir Kinder vom Bahnhof Zoo*. The book was an extension of a popular documentary story in the German magazine *Der Stern* based on extensive interviews with a then 14-year-old heroin addict and prostitute in Berlin. During the course of the interviews, the drug scene in Berlin at the time was vividly portrayed by its participants. The book was made into a film with the same title two years later⁹ with music by David Bowie. The book and the film are still popular nearly 30 years later. Both are controversial in Germany because of their ambivalence; on one hand they depict the crassness and cruelty of a drug addicted life, and on the other hand they idealize marginality and the kinds of friendships formed under such circumstances. The women I talked to identified with the loneliness and alienation of the main character and her search for love, friends, and an alternative life style as well as her rebellion. The general public attitude towards illegal drugs, however, has changed in recent years. Drug users are not regarded as the rebels they might have been in the 1970s, but as sick persons, as persons with problems. In the current insecure economic climate, the danger to become marginalized has greatly increased and become more similar to that in the United States, although the socio-economic safety net is still significantly more extensive. For instance, Germans were astounded by the recent US healthcare debate – a service taken for granted in that country for a long time.

9. This is also the title of the dubbed English version of the film.

Hopes and Dreams for Release

Persons who have committed a serious crime or those who have become marginalized have to also be understood in the context of their own psycho-social development, and convicts generally have experienced a particularly difficult past. According to several German surveys, nearly 100% of all youth hope to eventually have their own families and thus aspire to a traditional life style. However, more than a third of German marriages end in divorce. Convicted women tend to have particularly traumatic personal biographies characterized by abuse and neglect. Studies have shown repeatedly that women who grew up in families with abuse and/or alcohol and drug abuse have a significantly greater likelihood of finding themselves in similar circumstances in adulthood (Kury 2008).

Consistent with these findings, all the women I interviewed dreamed of a *traditional middle-class family life* with traditional gender roles and submission to a male provider (Funken 1989, Kuhlmann 2007a, 2007b, 2008). These life goals were frustrated for various reasons, and the loss of these life goals played a central role in the emerging crisis that was the background to their respective crimes. These same expectations remained the center of the women's goals for their life after reentry. *Employment* was crucial for each of these women; it implied the ability to take care of themselves and their children and gave them autonomy and self-esteem while also providing some distraction from the home life. All the women I talked to discussed the importance of their *own apartment* in their lives, even without being directly asked about it. The concern about the state of their apartments as a result of their arrest or the prospect of having an apartment upon their release was a central theme in the interviews. *Social relations* with friends or family members on the outside were measured according to the degree to which they helped store the women's possessions therein or secured an apartment for the women's release. The women hoped to have closer relationships with their *children* upon their release. Although visitations are relatively open, many of the prisons are located in rural

areas and difficult to reach for family members. The women worried about the impact of their incarceration on their children's lives and their relationships with them. The women who were incarcerated in connection with histories of domestic abuse focused on establishing an *autonomous life* and talked especially about their children and their own apartment. The other women were more reluctant to talk about their relationships with men. Often their male partner was also imprisoned and their emotional dependency on them was direct. Most of them hoped for intimacy and support from these men upon their release. The women with a history of drug use hoped to live a "*clean*" *life* after their release but were often not very optimistic about being able to actually achieve this goal. The lack of solid, supportive social relationships with non-users paired with a lack of employment opportunities that allowed for self-respect and paid a living wage were seen as primary reasons. Most of the women would also like to continue an education if financial support were available. The importance the women placed on being able to take a *vacation*, preferably in another country, is not only an expression of their desire for a traditional middle-class life-style, but also points to a cultural difference between Germany and the US. Taking an annual vacation for several weeks is common in Germany and supported by a prescribed legal minimum of vacation time.

Van den Boogaart et al. (2005) found similar results in their interviews. In addition, they found a need for increased ability to deal with finances and pay off accumulated debt. Their point of improved general coping abilities was implied in my interviews.

Needs, Resources, and Realities of Successful Reentry

Given that the recurring themes of the women's goals for their lives upon release were centered on achieving economic autonomy, satisfying

social and romantic relationships, developing healthy relationships with their children, and securing a middle-class life style, several implications for reentry emerge. First, the reason for their imprisonment, their experiences of life in prison, their goals for their post-release life, and the barriers they face are different than those for men as amply described in the literature (Broidy & Agnew 2004, Miller 2003, Chesney-Lind 2004, Chesney Lind and Sheldon 2004, Kuhlmann 2007, Fischer-Jehle 1991, Cruells and Igareda 2005, Franze 2001, Franke 2000, Thomas 2004). This includes prevalent histories of emotional, physical, and sexual abuse, the responsibility for children, the need for family bonds, and their disadvantaged structural position. Other problems are more similar to those of men, such as communication problems, low self-esteem, and general coping skills, including management of their finances and debts. These backgrounds necessitate professional intervention. Many of the approaches used in Germany originated in the US; behaviorist and cognitive social learning therapies have proven to be especially successful.

Second, economic disadvantage has been one of the central contributing factors for women's incarceration. As mentioned before, poverty, lack of opportunities, and lack of education and skills, often in concert with drug/alcohol abuse, created crises that led to a crime. Economic independence is the prerequisite for personal autonomy, self-esteem, and the ability to take care of one's children. But a majority of incarcerated women are school drop-outs and/or unskilled workers with little prospects of earning a living wage. They need education and training for skilled employment, but careers that offer well-paying jobs have to be identified. Third, the needs, opportunities, and barriers the women encounter vary significantly depending on their social class, ethnic background, physical ability, and age. So any approach has to be individualized to fit the woman's background. These differences have to be taken into account if any reentry program is to be successful. The realities of a contemporary, post-industrial Germany make it difficult to address these issues systematically.

In a recent article, Andrews and Bonta (2010) discuss, with sweeping evidence, the dismal failure of the punitive policies in the United States governing that country's criminal justice policies for the last 30 years. There is no evidence that these policies have any deterrent effect or reduce recidivism; on the contrary, they potentially increase crime. Retribution has also increasingly influenced German penal practices, though to a much lesser degree than in the US. Prisoners have to serve longer portions of their sentence and more of them are not paroled at all. Andrews and Bonta (2010) argue that this is a development in the wrong direction. Instead, they advocate negative reinforcement in accordance with classic learning theory. For example, punishment has to be immediate, which is usually not possible due to lengthy court proceedings. In addition, the penal response should be applied with maximum intensity, which is difficult to implement in cases of minor violations. Prolonged imprisonment is a gradual form of punishment inconsistent with these requirements. Furthermore, punishment should be consistent, but this is unlikely to occur given the extensive dark figure of crime. Obviously, the parameters of this approach cannot be fully applied in the current system. So instead of continuing to impose increasingly longer sentences, which is the expensive and inefficient trend in Germany, it would be more effective to develop systematic treatment measures. In such cases, offenders might be released as early as the half point of their sentence, based on their level of cooperation. Such practice would be within the realm of German penal policies, but they are rarely practiced.

Theoretically, the background of criminal behavior has been seen in terms of genetic factors, the social development in families, or the structure of society. The debate within German criminology has so far rarely discussed genetic roots of criminality, such as reduced impulse control or aggression. Instead, a central focus has been the impact of socialization within the family. Andrews and Bonta (2010) discuss "procriminal attitudes" or "antisocial personality" in these terms (i.e., as behavior that has developed as a result of encouragement through parents, other significant persons, or peers). However, the development

into peer groups is, in turn, moderated through the family climate. So these concepts address impediments to a person's successful development into adulthood through insufficient or dysfunctional parenting. The person may not have had the role models, attachment, control, and supervision needed; the home environment may have been characterized by alcohol/drug abuse or by physical and—especially for girls—sexual abuse. In addition, studies have repeatedly shown the long-term, destructive impact of inadequate care or trauma during infancy (see Kury 2008). But particularly the concept defined by Andrews and Bonta (2010) as “antisocial personality” may also be genetically based, especially in regard to sensation-seeking and low self-control.

The authors also show, however, that rehabilitation cannot be limited to psychological resocialization. Prisoners have also to be professionally prepared for economic reentry, which is particularly difficult for women. Globalization as well as the opening up of the eastern states of the European Union, and the recent economic crisis have created an unemployment rate of about 8.5%. But this rate differs by gender, with unemployment for men at 9.0% and for women at 7.8% (Statistisches Bundesamt—Destatis 2010). This is a reversal of the past, but the jobs women are able to obtain today are predominantly in the service sector and are low-paying. Employment contracts are now more often short term, and jobs are increasingly referred through temporary employment agencies. These jobs are often so low paying that a person needs to work several jobs to make ends meet. A prison record and lack of skills limits most returning offenders to these economic margins.

Requirements for Successful Reentry

Currently we have an intensification of punitive policies in most western industrial countries, albeit restrained by severe budget shortfalls

due to the recent recession. The media and politicians play a central role in the emergence and intensification of these policies. In their strife to increase viewer ratings and votes, respectively, both institutions present a sensationalized and one-sided picture by focusing on certain categories of felons, such as sex offenders and juvenile delinquents. Consequently, the media convey to the public a severely distorted image of criminality and criminals (Beckett and Sassen 2003). This distortion has become too expensive in financial and in human terms and severely hampers the reentry efforts of returning convicts.

Prisoners have to be prepared concretely, specifically, and systematically for their release. Such preparations have to include increasing furlough to strengthen personal ties, refamiliarizing the offender with the outside world, and developing employment opportunities. Programs need to be developed that bridge the reentry period. Studies have shown that during the first six months after release, recidivism rates are by far the highest. In such a program, the professional develops a relationship with the convict beginning several months, even a year, before the end of the prison term, and the same contact would continue for an extended time after release. This professional relationship would include identification of training programs and preparation for employment *as well as* social and psychological therapies with each individual convict. Early release would be based on the level of cooperation, and continued participation would be part of a parole assignment. One of the authors is a member of such a successful program developed in the state of Baden-Württemberg. Unfortunately, such programs are politically unpopular and remain the exception rather than the rule.

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10. EMPLOYMENT RESTRICTIONS FOR INDIVIDUALS WITH FELON STATUS AND RACIAL INEQUALITY IN THE LABOR MARKET¹

Urban joblessness in the United States has reached historic highs (Levine 2008). For example, recent evidence indicates that in 2007 more than half of all African American men in Milwaukee were jobless (51.1). This is nearly a five percent increase from 2006 (46.8 percent) and a thirty-five percent increase since 1990. While rates of unemployment and joblessness for White and Hispanic/Latino men have also increased, the employment crisis is most severe for African American men. Furthermore, high levels of unemployment and joblessness for Black men is not wholly uncommon. In fact, 25 major U.S. cities had Black male jobless rates that exceeded 33 percent. That is, in 25 cities more than one of three Black men were either unemployed or out of the labor market altogether. Recently, scholars have looked to the possible role of the penal system in contributing to racial inequality in the labor market given its expansion in inner-city communities of color.

1. A draft of this chapter was prepared for presentation at the Annual Society of Criminology meetings in Los Angeles 2006. We thank Kimberly Gardner and Jennifer Cossyleon for their invaluable research assistance.

Researchers in stratification and inequality have increasingly turned their attention toward the potential impact of penal policies on current patterns of labor market inequality (Wakefield and Uggen 2010). It is well documented that U.S. rates of felony convictions have soared in the past 30 years. More people are incarcerated and more non-incarcerated felons are serving sentences now than at any other time in U.S. history. These trends in correctional supervision have led to a large criminal class that recent estimates place at over 15 million individuals. All of these individuals are now susceptible to the deleterious effects of possessing a criminal record in the labor market. Evidence also indicates that African Americans and the poor comprise a disproportionate share of prisoners and ex-felons. Thus, social groups that already have the lowest rates of labor force participation also have the highest risk of receiving a felony conviction.

Most of the extant literature concerning the labor market consequences of criminal punishment highlights the incapacitative effect of reduced human capital relative to peers in the labor market, deteriorating skills due to time spent incarcerated, and stigma and discrimination post-release and in the job search process. To be sure, these factors are crucial in explaining the link between criminal punishment and labor market inequality. That stated, much of this previous work focuses on individuals who have been incarcerated and tends to omit institutional factors as possible pathways through which criminal punishment serves to heighten labor market inequality. In this chapter, we make two related claims. First, we maintain that the population vulnerable to criminal punishment's suppressing effects on employment should be expanded to include the millions of felons on probation and in local jails who never go to prison. Second, we contend that the United States legal system, particularly state laws that restrict individuals with felon status from working in a wide range of occupations, contribute to occupational labor market inequality for African Americans.

This research thus foregrounds occupational licensure restrictions and considers their impact on patterns of racial inequality in the labor market. In many states, a felony conviction is sufficient to activate

barriers to numerous occupations. To date, there have been few efforts to examine these laws and their potential role in maintaining or even worsening unemployment and joblessness. Employing a mixed-methodological approach, this study assesses the degree to which these laws divert individuals with a felony conviction out of specific occupations and quite possibly out of the labor market altogether. Specifically, we analyze state-level occupational data and newly collected interviews with individuals convicted of felonies to explore the impact of employment restrictions. This study's objective is to build on efforts to examine the large-scale collateral consequences of U.S. penal policy during a period of significant expansion in criminal punishment. The following section discusses the expansion of the penal state in the United States over the past thirty years.

Correctional Supervision in the United States

The United States criminal justice system has undergone a dramatic transformation over the past thirty years that has received considerable scholarly attention (Feeley and Simon 1992; Blumstein 1998; Tonry 1995; Mauer 1999; Garland 2001; Greenberg and West 2001; Western 2007). In sum, there has been an increase in the number of felony convictions and more convicted criminal defendants are being sentenced to prison for longer terms. This expansion of the crime control industry in the United States has been a costly and potentially destructive social experiment, driven in large part by a political appetite for harsh criminal punishment (Miller 1997; Beckett and Sasson 2000; Wheelock and Hartmann 2007). With the underlying justification of deterrence theory and incapacitation in serious question (see Clear 2009, specifically chapter 2 for a lengthy discussion on this point), many social scientists have begun examining the consequences of this crime control shift, focusing primarily on the expanded use of

incarceration. However, the broader criminal justice context is equally important in that there was not only an enormous and unprecedented increase in incarceration but in other forms of criminal justice supervision as well. Probationers convicted of a felony but who were never sentenced to prison constitute the largest proportion of the population under correctional supervision (U.S. Department of Justice 2009), and these individuals also have their rights and privileges curtailed.

There are today over 7.3 million adults on probation, parole or in jail or prison (Glaze and Bonczar 2009). Over 2 million of those people are incarcerated in prisons and jails. Although felonies are considered serious crimes and are punishable by imprisonment, not all felons spend time in prison. Many serve short stints in jail or start and finish their sentences on probation in their communities. Probation constitutes the largest proportion of individuals under correctional supervision – (4,270,917). Along with the number of persons on parole (828,169), approximately 1 in 45 Americans are under some form of community corrections (U.S. Department of Justice). In contrast, in 1974, the imprisoned population was approximately 210,000 (U.S. Department of Justice 1999) and in 1980, there were 1.1 million probationers and 220,000 parolees.

Looking at the population of parolees, probationers and jail inmates is important because felony-based employment restrictions could potentially impact the labor market prospects for tens of millions of people who have never served a prison term. Even individuals never sentenced to prison, however, must still negotiate life with a criminal record.

Racial minorities, especially African American men, are disproportionately involved with the criminal justice system and thus represent a disproportionate share of individuals with felon status. African Americans are incarcerated seven times as often as Whites. Nationwide, young African American men have a 28 percent likelihood of incarceration during their lifetime (U. S. Department of Justice 2003); this figure exceeds 50 percent among young African American high school dropouts compared to 11 percent for comparable White men (Western

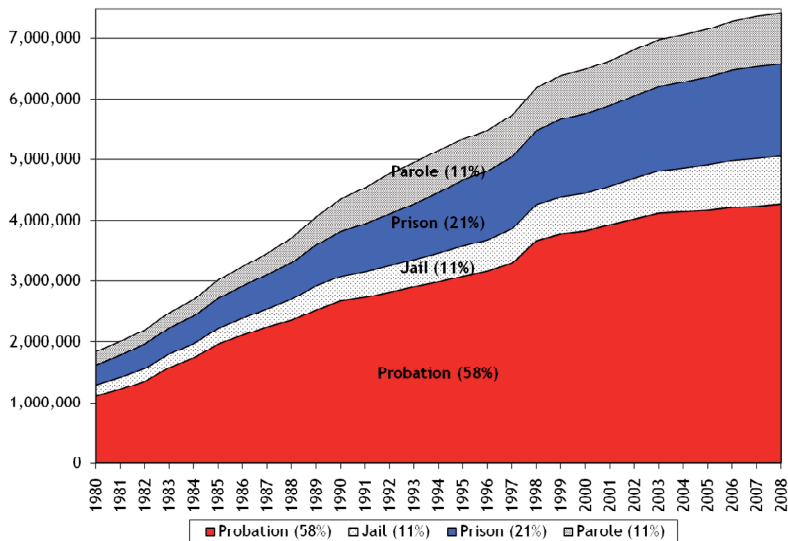


Figure 1: Population under Correctional Supervision 1980 to 2008

2006). As Pettit and Western (2004) point out, more African American men were imprisoned in 2003 than were attending college or serving in the military that year. Based on an analysis of demographic life tables, Uggen, Thompson, and Manza (2006) estimate “a ‘felon class’ of more than 16 million felons and ex-felons, representing 7.5 percent of the adult population, 23.3 percent of the black adult population, and an astounding 33.4 percent of the black adult male population” (p.288). Well-documented racial inequalities are deeply embedded in the criminal justice system, such that African Americans are more likely to have felon status than other groups and thus more likely to be impacted by felon-based employment restrictions.

Employment and Occupational Restrictions

A long list of federal and state-specific restrictions related to work, family, and civic activities are imposed on people who have been convicted of crime, or in some cases, merely arrested or charged. Because they are typically located outside the penal code, implemented by non-criminal justice institutions, and interpreted by the courts as civil regulations rather than criminal penalties, these restrictions are called “collateral consequences” or “collateral sanctions” (see, e.g., Ewald and Uggen 2011). These consequences restrict, and sometimes ban outright, felons and ex-felons from voting, serving as jurors, receiving public assistance, and seeking employment opportunities. The current chapter focuses on employment bans and disqualification for occupational licenses and their impact on recent patterns of racial and ethnic inequality in occupations and income. Examples of outright federal employment bans for ex-felons include, “airport security screeners and other airport jobs with direct access to airplanes or secure airport areas, and armored car crew members” (Dietrich 2002). State employment bans for ex-felons are generally much more extensive, often including any occupations concerning the health and safety of children or vulnerable adults (*ibid.*). This class of restriction also refers to disqualifications ex-felons face when applying for numerous types of occupational licenses. While these are less direct, they have essentially the same outcome—a ban on many occupations—because engaging in certain occupations without a professional license can result in criminal sanctions (May 1995).

Professional licensing restrictions are somewhat complicated because felony conviction is typically a sufficient condition, but not a necessary condition, for revoking or denying a professional license. While there are blanket restrictions that prohibit ex-felons from obtaining a number of different licenses, “character component” or “good moral character” statutes also affect the employment prospects of felons (May 1995). These regulations do not target ex-felons *per se*, but instead disqualify individuals under the assumption that if he or she has been convicted of a felony, then issuing an occupational

Table 1. Occupations Affected by Employment Restrictions in Florida (ACLU)

Statute	Occupation	Statute	Occupation
F.S. 457.101	Acupuncture	F.S. 481.201	Interior Design
F.S. 458.301	Medical Practice	F.S. 481.311	Landscape Architecture
F.S. 458.301	Medical Faculty	F.S. 482.001	Pest Control
F.S. 459.001	Osteopaths	F.S. 483.101	Clinical Laboratories
F.S. 460.401	Chiropractors	F.S. 483.30	Multiphasic Health Testing Centers
F.S. 483.825	Clinical Lab Personnel	F.S. 483.825	Clinical Laboratory Personnel
F.S. 461.001	Podiatrist	F.S. 483.825	Medical Physicists
F.S. 462.01	Naturopathy	F.S. 484.001	Dispensing of Optical Devices
F.S. 463.001	Optometry	F.S. 484.0401	Hearing Aid Specialist
F.S. 464.001	Nursing	F.S. 486.001	Physical Therapy Practice
F.S. 465.001	Pharmacy	F.S. 489.101	Contracting
F.S. 466.001	Dentistry, Hygiene, and Dental Labs	F.S. 489.501	Electrical and Alarm System Contracting
F.S. 467.001	Midwifery	F.S. 489.551	Septic Tank Contracting
F.S. 468.1105	Speech-Language Pathologist, Audiologist	F.S.490.009	Psychological Services and Clinical
F.S. 468.1635	Nursing Home Administration	F.S. 491.006	Counseling and Psychotherapy Services
F.S. 468.201	Occupational Therapy	F.S. 492.105	Professional Geology
F.S. 468.3001	Radiologic Technology	F.S. 493.6105	Private Investigative, Private Security and Repossessive Services
F.S. 468.35	Respiratory Therapy	F.S. 112.001	Public Officers and Employees
F.S. 468.381	Auctioneers	F.S. 112.531	Law Enforcement and Correctional Officers
F.S.468.401	Talent Agencies	F.S. 112.80	Firefighters
F.S. 468.433	Community Association Management	F.S. 494.0031 F.S. 494.0061	Mortgage Brokers Mortgage Lenders
F.S. 468.451	Athletes' Agents	F.S. 469.009	Asbestos Abatement
F.S. 468.501	Dietetics and Nutrition Practice	F.S. 469.409	Professional Fundraising Consultant
F.S. 468.520	Employee Leasing Agency	F.S. 496.410	Professional Solicitors
F.S. 468.601	Building Code Administrators	F.S. 497.433	Funeral and Cemetery Services
F.S. 468.70	Athletic Trainers	F.S. 501.605	Telephone Sellers
F.S.468.80 F.S. 469.001	Orthotics, Prosthetics, Pedorthics	F.S. 516.05	Consumer Finance
F.S. 469.001	Asbestos Abatement	F.S. 517.12	Securities Transactions
F.S. 470.001	Funeral Directing	F.S. 320.27	Motor Vehicle Dealers
F.S. 470.001	Embalming	F.S. 648.27	Bail Bond Agents and Runners
F.S. 470.001	Direct Disposition	F.S. 310.071	(Boat) Pilots
F.S. 471.001	Engineering	F.S. 484.056	Dispensing of Optical Devices and Hearing Aids
F.S. 472.001	Land Surveying and Mapping	F.S. 476.024	Barbering
F.S. 473.301	Public Accountancy	F.S. 477.012	Cosmetology
F.S. 474.201	Veterinary Medical Practice	F.S. 478.41	Electrolysis
F.S. 475.001	Real Estate Broker, Sales- persons, Schools and Appraisers	F.S. 480.031	Massage Practice
		F.S. 481.201	Architecture

license could pose a public safety issue. Many states and municipalities disqualify ex-felons from professional licenses that are unrelated to the offense for which an ex-felon was originally convicted. Occupational restrictions are expansive and cover a multitude of different jobs and positions:

Countless federal, state, and municipal laws single out the ex-felon for possible exclusion from the majority of regulated occupations. In some states virtually the only “profession” open to an ex-felon is that of burglar . . . A definitive study of the prevalence and impact of offender restrictions was performed in the early 1970’s when there was a growing interest in correctional reform. The study disclosed 1,948 separate statutory provisions that affect the licensing of persons with an arrest or conviction record (May 1995: 193).

Despite the potential importance of these laws for understanding criminal punishment and racial inequality in the labor market, the impact of felon employment restrictions has rarely been studied.

The Intersection of Employment, Race, and Criminal Punishment

Despite anecdotal evidence that the United States has made significant headway in addressing problems of racial equality, deep and persistent racial disparities continue to mark the landscape of race relations a decade into the second millennium. Almost every marker of social well-being places racial minorities, especially African Americans, behind Whites. Racial inequalities in the labor market provide a stark illustration of how persistent these trends have been. For example, the unemployment gap between African Americans and Whites has largely stagnated. According to the Bureau of Labor Statistics, rates of unem-

ployment fluctuated considerably for both groups between 1972 and 2008. Despite within-group fluctuations over time, the unemployment rate for African Americans has hovered around twice the unemployment rate for Whites during this period. In 1972, the unemployment rate for White males aged sixteen and over was approximately five percent while the comparable rate for African American males was over ten percent. In 2008, the rates and the differences between the rates were almost identical—the unemployment rate for White males was 5.5 and for African American males 11.4. Furthermore, on average, African American men are unemployed for about five and a half weeks longer than White men. Some argue that the employment situation amongst African Americans in urban areas has actually worsened over the past twenty years.

Joblessness² amongst urban African American men has reached levels never before observed. Wilson argues that in many neighborhoods in south Chicago the majority of adult residents are without work (1996). He also argues that while employment opportunities for the well-educated expanded during the early nineties, work for people at the rear of the labor queue became scarcer. In fact, Wilson (1996) claims that joblessness is the primary factor in the continued deterioration of predominantly Black inner-city neighborhoods. He posits that increasing joblessness is the most significant problem in urban ghetto areas and this change led to numerous other problems such as the expansion of the number of “poor” census tracts. He also states that, “High rates of joblessness trigger other neighborhood problems that undermine social organization, ranging from crime, gang violence and drug trafficking to family breakups and problems in the organization of family life.” (p. 21; 1996). Joblessness is also associated with a host of individual outcomes, such as general well-being and psychological

2. Some posit that unemployment does not capture the true extent of people without work, since it excludes numerous groups of people who are not in the labor force but should be counted among those individuals that are involuntarily unemployed, like individuals that have given up looking for work and individuals that may never have entered the legitimate labor market to begin with. Conversely then, the joblessness measure counts all people of working age that are unemployed (Levine 2008).

health (Cole, Daly, and Anita 2009) as well as social outcomes such as crime (Sampson and Wilson 1995), and violence (Morenoff and Sampson 1997). In sum, Wilson posits that as more individuals in poor urban communities go without work, problems of poverty, crime, and drugs will continue to persist and perhaps even worsen.

More recent work confirms Wilson's argument and shows that joblessness among Black men has reached historic highs (Levine 2008). Levine finds that in 2007, more than half of all African American men in Milwaukee were jobless (51.1). This is nearly a five percent increase from 2006 (46.8 percent) and a thirty-five percent increase since 1990. Furthermore, the jobless rate for Black men in Milwaukee is over three times the jobless rate for White men (18.6 percent) and more than doubles the Hispanic jobless rate (22.9). Such patterns of joblessness amongst urban Black males are not unique to Milwaukee. Levine reports that Milwaukee ranks second on a list of thirty-five metropolitan areas in the United States. In 2007, Buffalo, Milwaukee and Detroit all had Black male jobless rates over fifty percent. Memphis, Philadelphia, Birmingham, Cleveland, Pittsburgh, Kansas City, San Francisco, Cincinnati, Chicago and St. Louis had Black male jobless rates over forty percent. Out of the thirty-five cities examined, only Denver had a Black male jobless rate that was below thirty percent.

Unemployment and joblessness are not the only areas in which large racial disparities continue to persist in the labor market. Even when African American men work, they often receive less pay. Data from the Bureau of Labor statistics show that in 2007 the median weekly income for African American men was \$188 dollars less than White men. In 2008, the earning gap between African American men and White men increased to \$200. Research demonstrates that much of the Black-White earnings gap is attributable to racial inequality within occupations (Kornich 2009), further highlighting the importance of mechanisms such as felon employment restrictions that contribute to the ordering of individuals within occupational labor queues. However, Western and Pettit contend that the penal expansion has actually masked the true scope of the Black-White wage gap and,

by including the incarcerated population in wage estimates, the wage gap increases by as much as 20 percent. In addition, when employed, a greater proportion of African American men (2.8 percent) receive minimum wage than White men (1.8 percent).

Unpacking the sources that contribute to racial gaps in unemployment, joblessness and occupational attainment is challenging because they stem from many sources. The most obvious factor is a difference in human capital. On the whole, racial differences in valuable labor market assets such as training, skills and education explain much of the racial gap in employment. Compounding these problems, however, are deep racial divides in social capital. Whites are more likely to possess social networks that can yield significant labor market rewards, even if it is little more than notifying a friend about a job opening (Hardaway and McLoyd 2009). Furthermore, the impact of criminal punishment can work indirectly by suppressing human capital (individuals are in prison instead of gaining an education or work training and experience), or disrupting the formation of social capital (key social bonds are strained or even severed during time spent imprisoned).³ We take care not to understate the indirect connections between criminal punishment and labor market inequality but it is our contention that there is a unique direct effect of criminal punishment (via employment restrictions) on racial inequality in the labor market.

Related research has examined fundamental shifts in the economic production of goods as a source of sustained levels of inequality in the work force. The deindustrialization of the United States economy has led to a considerable contraction of the labor market. Not all sectors, however, have shed jobs equally and the type of manufacturing jobs that once provided many inner-city residents a livable wage have been replaced by service sector jobs. Not only do these service sector jobs tend to pay less but they are also often part time and offer fewer benefits. Now more than ever, the “good” jobs require more training and more education (even college degrees) – qualifications which are difficult to accrue for individuals who come to employers

3. Clear (2007) summarizes the literature concerning the impact of incarceration on processes of human and social capital formation.

with few marketable skills to being with. Other potential sources of maintained racial inequality in labor include weak labor unions, residential segregation, and disinvestments in communities of color (Wilson 1996). Recently, scholars have looked to the role of the penal system in contributing to racial inequality in the labor market, given its prevalence in inner-city communities of color. To the extent that the labor market penalty for a felony conviction extends beyond serving a prison stint, efforts to estimate the impact of criminal punishment on labor market outcomes have considerably underestimated its impact on labor market inequalities.

It is not always clear whether the deleterious effects of criminal punishment on labor market outcomes is a function of punishment or self-selection. Individuals who spend time in prison are not representative of the population as a whole and many would likely experience some level of economic hardship even if they *had not* been incarcerated; about one-half of all prison inmates reported being in poverty before their imprisonment (Wheelock and Uggen 2007). Related research calls into question assumptions about a negative effect of incarceration length on earnings and finds negligible effects on the length of time spent in prison (Kling 2006). This makes assessing the unique contribution of incarceration in current trends of inequality challenging. Western addresses the selection problem by employing fixed effect models and quasi-experimental techniques in which he finds cases that match on all characteristics except for a history of incarceration (2006). His findings reaffirm suspicions that, even after statistically controlling for selection into prison, incarceration reduces lifetime earnings, hourly wages, and employment. It also depresses the likelihood of marriage; enhances the chances of divorce when married; and elevates the number of children with an absent parent, most often a father. As would be expected, the deleterious effects of incarceration are most pronounced for racial minorities, especially African Americans.

If indeed informal consequences of incarceration and felon status lead to dramatic declines in wages, employment and other labor-related outcomes, it would seem plausible that we would observe similar pat-

terns with respect to formal employment and occupational restrictions. The rationale is that African American men are more likely to be incarcerated and have a felony conviction when re-entering the labor force which, in turn, reduces their earnings and prohibits them from obtaining employment. African American men also have the greatest risk of formal disqualification for certain types of employment and occupational licenses due to their past criminal background.

Method and Data

We employ a mixed-methodological approach to observe the aggregate effects of state laws on racial disparities in the labor market as well as individual-level understanding of the barriers people face when attempting to reenter the labor market after release from prison. Our intent for this chapter is to present results from preliminary analysis to illustrate plausible causal pathways between felon employment restriction laws and racial inequality in labor market outcomes. Our findings do not provide conclusive evidence that felon employment restrictions enhance racial inequality in the labor market, if such evidence exists. However, considering the lack of attention employment restrictions have received, we hope that these preliminary analyses help shed light on a rarely studied mechanism linking punishment to broader patterns of inequality.

The first stage of this chapter is to match state-level data on employment restriction laws with state data on unemployment, wages and occupations. We analyzed the matched data using a simple difference-in-difference (DD) technique to account for state differences in racial disparities that are unrelated to employment restrictions. Directly comparing rates of employment between the two states is problematic because there are likely several unobserved factors fueling these differences that are completely unrelated to felon employment

restriction laws. The challenge is to isolate the impact of felon employment restrictions and to compare racial disparities within occupations within each state. DD is a common tool to analyze policy effects since it circumvents many endogeneity problems when comparing heterogeneous units (Bertrand, Duflo, and Mullainathan 2004). A DD approach certainly does not yield conclusive evidence that felon exclusion bolsters racial inequality in labor market outcomes. Rather it simply brings one piece of evidence to bear on whether racial inequalities worsen in jobs that are restricted. To be sure, additional evidence is required to more conclusively calculate felon employment restriction's impact on labor market outcomes.

The logic of this approach is to compare White and African American rates of employment across select groupings of occupations for two states. We initially chose Minnesota and New Jersey because we have the most complete information on their employment restrictions and they pose an interesting juxtaposition in that one can be classified as a state with low levels of employment restrictions (Minnesota) and the other has comparatively high levels of restrictions (New Jersey). We then group occupations into positions that New Jersey restricts but not Minnesota, positions that neither state restricts and positions that both states restrict. This step grants leverage on which state has a greater racial gap across restricted and non-restricted groupings of occupations.

Specifically, we take the difference of rates of employment across occupational subgroups. In the following equation, $White_{nj}$ and $Black_{nj}$ represent the rate of White and Black employment per 100,000, respectively, across different employment sectors in New Jersey. The $White_{mn}$ and $Black_{mn}$ coefficients indicate the corresponding rates of White and Black employment rates in Minnesota.

$$(White_{nj} - Black_{nj}) - (White_{mn} - Black_{mn})$$

This equation compares the *degree* of racial disparity between New Jersey and Minnesota with the expectation of finding positive DD

values, indicating higher levels of racial disparities in occupations that are restricted in New Jersey but not Minnesota. If there is no impact of felon employment restrictions on persistent patterns of racial inequality, then the White-Black gap should not be discernibly larger for occupations that are restricted in New Jersey but unrestricted in Minnesota. We also examine DD tests for occupations that both states restrict and occupations that both states permit individuals with felon status to hold. Finally, since the male incarceration rate is significantly higher than the female incarceration rate, we also conduct DD tests for gender, with the expectation that racial disparities should be larger for males than for females.

The second stage of this project analyzes recently collected interview data from released prisoners and individuals with felon status. As a pilot study, we conducted thirty interviews with participants residing in the Milwaukee area during the spring of 2010. This pilot study was completed with the assistance of a local non-profit organization working with felons and ex-felons on issues of reentry such as employment, housing, counseling, and family reunification. To provide a more nuanced understanding of felons and ex-felons' understandings of their reentry experiences, interview questions addressed a variety of issues including: criminal activity, laws, employment, housing, relationships with family and friends, issues of physical and mental health, experiences with violence, as well as future aspirations and goals. For this chapter, we present and discuss several common themes raised by participants related to employment, including their perceived employment prospects, barriers to stable jobs, and the perceived role of legal restrictions in the job search process. This stage of analysis sheds light on whether individuals perceive felon employment restriction laws as being barriers to employment and whether these laws have curtailed their occupational prospects and aspirations. It also identifies other barriers that individuals with felony status perceive as impeding their efforts at gaining stable employment.

Released prisoners face numerous obstacles and barriers to gainful employment, and they often funnel into specific types of low-wage

and low-skill positions (Visher and Kachnowski 2007; Sabol 2007). Much of their entrance into different labor market sectors would then be contingent on their views of the sectors that are most viable given their criminal record. Thus, these interview data complement the aggregate state analysis by identifying the labor market sectors that individuals with felon status are most likely to perceive as viable employment opportunities. The interview data also provide information on whether released prisoners even seek positions within occupations that are prohibited—if not, then the impact of employment restrictions could be marginal. The in-depth interviews also explore how felons and ex-felons find leads on employment opportunities, understand their labor market chances more generally, while matching their perceptions of their labor market chances with the types of positions they actually hold.

As with the state-level analysis, we present preliminary analysis of the interview data with the intent of discussing initial themes that have surfaced. Only recently has research begun to link changes in penal policy to persistent labor market inequalities in unemployment, income and occupation. To be sure, these efforts have yielded important insight about the penalties individuals incur after completing their prison sentence. However, much of this work continues to provide incomplete accounts of the reentry process for many released prisoners. This interview data grants sheds light on how individuals with felon status understand the job search process and whether legal employment restrictions represent salient challenges that must be negotiated, background noise in a process already rife with pitfalls and low chances of success, or somewhere in-between.

State-level Analysis

The results of the state-level analysis indicate that large numbers of African Americans are excluded from the labor market in numerous jurisdictions. In the nation as a whole, a 2006 study estimated that approximately 3.9 million former felons in the U.S. population had completed their sentences but remained subject to collateral sanctions, representing 15 percent of the African American voting age population and 23 percent of the African American adult men (Uggen, Manza, and Thompson 2006). Because occupational licensure restrictions are state specific, we turn our attention now to the occupational data from New Jersey and Minnesota.

We analyze racial gaps in a total of 801 U.S. Census occupational categories. According to the best available information for 2000, individuals with felon status were disqualified from 93 different occupations in both states, ranging from aircraft controllers to dental assistants. Felons remained eligible for 680 different occupations in both states but were disqualified from 28 occupations in New Jersey but not Minnesota. Overall, and to the extent that these restrictions were enforced, individuals with felon status would have been disqualified from approximately one out of every 6.5 occupations in New Jersey and one out of every 8.5 positions in Minnesota.

Taken as a whole, preliminary results for this stage of analysis support the key hypothesis that racial disparities are higher in New Jersey than Minnesota. Table 2 shows that for both genders, the DD coefficient is +76, indicating that the racial gap is larger in New Jersey for all occupations restricted in New Jersey but not Minnesota (which comprise 3.5 percent of all occupations).

We reiterate that this finding does not provide conclusive evidence of its impact since there could be factors that would lead the specific occupations that are excluded in New Jersey to have greater racial inequality than the same occupations which are unrestricted in Minnesota. However, to the extent that such factors are not directly associated with whether or not a state disqualifies felons and ex-felons

Table 2. Difference-in-Differences for all Occupations

	w_{nj}	b_{nj}	w_{mn}	b_{mn}	$w-b_{nj}$	$w-b_{mn}$	$\frac{gap}{nj-mn}$	$\frac{gap}{m-f}$
Restricted in NJ but not MN								
Total	348	360	350	438	-13	-88	76	
Male	293	333	256	388	-40	-132	93	34
Female	402	388	443	488	14	-45	59	
Unrestricted in both								
Total	186	194	194	167	-9	27	-35	
Male	210	222	220	191	-13	29	-42	-14
Female	162	166	168	144	-4	24	-29	

from holding an occupation, the finding is consistent with our most basic supposition concerning the role of employment restrictions on racial inequality in labor market outcomes. The results from Table 2 also reveal the expected gender differences. The DD coefficient is positive for both men (+93) and women (+59) in occupations that New Jersey restricts but Minnesota does not and is larger for men. These results suggest that racial gaps are larger in New Jersey among men and for occupations that are restricted in New Jersey but not Minnesota.

Interestingly, the results of DD tests for occupations unrestricted in both states indicate negative DD coefficients for compared occupational groupings. In these occupations (which comprise 85 percent of all occupations examined), the DD coefficient is negative for both genders (-35) and men (-42) and women (-29) separately. These findings suggest that in contrast to occupations that are restricted in New Jersey but unrestricted in Minnesota, there are greater levels of occupational inequality in Minnesota for occupations that are unrestricted in both states. This provides indirect support for our hypotheses concerning the impact of felon employment restrictions,

in that Minnesota tends to have greater levels of racial inequality in occupations that are unrestricted in both states. It is only when we focus on occupations that are restricted in New Jersey but unrestricted in Minnesota that we observe greater levels of racial inequality in occupations in New Jersey.

Looking at specific occupational groupings, Table 3 shows the results of DD tests for three occupations that usually command modest salaries and require low levels of education and training. Two are restricted in New Jersey but unrestricted in Minnesota—bartenders and tellers—and one is unrestricted in both states—customer service reps.

Table 3. Difference-in-Difference for Specific Occupations

Restricted in NJ but not MN		<u>white</u> <u>rate</u> _{nj}	<u>black</u> <u>rate</u> _{nj}	<u>W-B</u> _{nj}	<u>W-B</u> _{mn}	<u>gap</u> <u>nj-mn</u>
Tellers (516) SOC 43-3071	Female	552	710	-158	106	-264
Tellers (516) SOC 43-3071	Male	66	92	-25	-93	67
Bartenders (404) SOC 35-3011	Female	306	306	246	283	-37
Bartenders (404) SOC 35-3011	Male	263	263	180	167	13
Unrestricted in both states						
Customer Service Rep. (524) SOC 43-4051	Female	2201	1312	889	-1724	2613
Customer Service Rep. (524) SOC 43-4051	Male	801	714	88	-305	393

The findings show mixed support for the notion that employment restrictions for felons and ex-felons exacerbates and maintains racial inequality in occupations. Positive DD coefficients indicate greater levels of racial inequality for men amongst tellers (67) and bartenders (3) in New Jersey, yet greater levels of racial inequality for these positions (tellers – 264 and bartenders – 37) for women in Minnesota. It is plausible that gender differences in incarceration rates are so

pronounced that felon employment restrictions worsen racial gaps for tellers and bartenders in New Jersey for men but not women. Further complicating the results for specific occupations, DD coefficients are also positive for customer service representatives, suggesting greater racial gaps in New Jersey for men (393) and women (2,613), even though this occupation is unrestricted in both states. To be sure, additional analysis is required to unpack these mixed findings, starting with DD test for specific types of occupations, especially ones that individuals with felon status are most likely to seek, and DD tests for additional states.

On balance, the results are generally supportive of our contention that felon employment laws have a substantial impact on maintaining current patterns of racial inequality in labor market outcomes. When limiting the analysis to just select occupations, however, the support becomes obfuscated. While we did observe higher levels of racial inequality in New Jersey for tellers and bartenders, New Jersey also had higher levels of inequality for customer service workers, an occupation that is unrestricted in both states. We now turn our attention to whether individuals with felon status perceive these laws as truncating their job search and if so, we examine how they negotiate the job search process keeping these laws in mind.

Milwaukee In-depth Interviews

In this section of the chapter, we present preliminary results from 30 in-depth interviews with individuals at varying points in the reentry process ranging from those released from prison to individuals who have been out of prison for over a decade. One of our respondents was convicted of a felony drug offense but never spent time in prison. The interviews addressed numerous aspects of their lives, but for the purposes of this chapter, we focus on the items concerning employ-

ment. The sample of respondents is in no way representative of all individuals with felon status. We constructed the sample by working in collaboration with a local non-profit agency that seeks to help felons find work and stabilize their lives. Since participation with the program is not mandatory, our sample likely consists of individuals specifically seeking support during their reentry. The sample tended to be older, the average age being nearly 42 (41.7) and mostly African American (22 out of 30), 6 out of the 30 are White and another 2 are Hispanic/Latino. Most of the White respondents were convicted of sex offenses, and thus faced the additional stigma of being a registered sex offender. Offenses for all other participants varied from non-violent drug offenses to manslaughter.

Many of the respondents were currently under correctional supervision in the Milwaukee area and were having extreme difficulty in finding work. The majority of our respondents were unemployed. Of those that worked, several were employed by the non-profit organization that was assisting individuals with felon status find employment. One of the few consistent themes that emerged is that finding stable work proved to be a tremendous challenge. One of the most common challenges they faced when looking for a job was labor market discrimination against individuals with felon status. Many of the respondents reported that many companies and businesses they applied to would not even consider their application because of their criminal background. Dre, a 32 year old African American male who was convicted of multiple offenses including battery, now works for the non-profit organization as a case worker. When asked if he thought it was getting harder to place clients in a stable job, he stated;

I mean, now companies are so stringent and rigid on, you know, your background and, you know what I mean, we call companies now and they just flat out say we don't hire felons, you know, which is crazy. So it's scary to think that that attitude is out there, just because someone's a felony ... a felon means you can't hire them. I mean, do

you know what the labor laws are? If the felony doesn't conflict with the position, you have to consider them.

Jack is a 39 year old unemployed African American male who served in the military during the Iraq War and was convicted of armed robbery. He affirmed Dre's sentiments when asked about the barriers he has faced when looking for work, "Umm, stereotypes. Trying to find a job. You know, they don't look at who you are; they look at who you are. They see you on paper and they say that this is who you are instead of getting a chance to know you and figuring out who you are. You know? Umm, that's been hard. Trying to find a job." Finally, Paul a 55 White male who had been convicted of drug conspiracy and has a MBA from a prestigious university was asked if he was having difficulty finding work since his conviction. He responded;

Terrible, ever since I've been arrested, I haven't been able to get one because in probably 95% of the jobs that I apply for, somewhere in the first ten questions, they ask: "Have you ever been arrested of a felony?" And, per the terms of my probation, I have to answer yes. And, I just know that once I answer yes, that just goes in the garbage and I'll never hear from them again.

These types of comments about facing discrimination were extremely common regardless of the respondent's race, gender or criminal history. Dre's comment is especially poignant because as a case worker, he is familiar with labor laws in the state of Wisconsin, which explicitly prohibits discrimination against individuals convicted of a felony for a job that is not directly related to their offense (Love 2006). However, most of the respondents did not bother filing a complaint or taking legal action against employers and some didn't even view the discrimination to be unlawful.⁴ These results are wholly consistent with Pager's work (2003) that finds discrimination reduces the likelihood of a job

4. One respondent did file a complaint after being turned down for a sales clerk position at a local business that sold tires but the majority of our respondents had neither the will nor resources to take legal action against discriminating businesses. His case was pending but his situation was exceptional in that no other respondents responded to perceived discrimination via legal channels and most just accepted it as part of being an ex-felon or felon looking for work.

callback by as much as 50 percent in the Milwaukee area. Even though we found considerable evidence that discrimination plays an important role in the job search process for individuals with felon status, the primary purpose of this chapter is to explore the role of formal legal restrictions in blocking employment opportunities.

Some respondents reported viewing felon employment restrictions as a significant obstacle to stable employment. The data reveal that most of the respondents had less of an issue with the laws in theory but were resentful of their broad scope. Jack, the 39 year old Iraq War veteran, remarked,

You're limited to what kind of jobs you can have. Which is understandable. I can understand why somebody wouldn't hire me at a bank. You know, I can understand that. But, a lot of other jobs like—you know like—I can't understand like working in childcare. My offense was not—it didn't have anything to do with kids at all. So, me being a felon, why does that stop me from working with kids? You know? And different things that you know, you can or can't do. I think that uh, maybe you know, it should go according to the offense, not the status. You know what I'm saying if you're a misdemeanor you can do things but if you're a felony you know, you're limited. So, my biggest challenge has been you know, finding a job you know, getting people to understand who I am. What I did is what I did. It's not who I am. Prior to that point, I had never had a record you know, never been in trouble with the law. You know, and after that I never had a problem you know, with the law, you know. So, I mean you can look at that and see that this guy you know, he just had a bad situation you know—couldn't find a way out.

Yoyo, a 45 year old African American mother of three kids who had been incarcerated twice for welfare fraud and drug violations, wanted to get her licensure to become a medical assistant. After finding out she was ineligible due to her criminal background she complained about the length of the restrictions and stated,

I was just saying that I was hoping that after you did prove yourself for a certain amount of time, they should overlook [a criminal record]. You should be able to you know what I'm saying? If you don't get no sexual offense, like doing something to kids or elderly people, nothing like that, they should let you still be able to take that up, after you proved yourself and did good for a while. But I don't know.

Thus in most cases, it wasn't the existence of employment restriction laws but rather their scope and length that bothered respondents.

Respondents reacted in a variety of ways to navigate employment laws when looking for work. Damian, a 49 year old African American male who had been in and out of prison since he was 20 for numerous offenses, articulates his way of finding work despite restrictions which prevent him from working with his family.

[I]: Have you considered those laws at all when you're like applying for jobs, thinking, well, I can't work there because of my felony conviction?

[Damian]: Well, two jobs I had to turn down.

[I]: Oh, really?

Damian: Yes. I had a job at a day care. My P.O. says I couldn't work there. It's my family day care, and all's they want me to do is just ... when the kids out for recess, just stand outside and watch them, make sure no strangers don't come up to them. And I couldn't do that. And my... I have family members that have ... friends that have bars and clubs that want me to be a bouncer. I can't even do that.

[I]: So there's actually been jobs out there that you can't take.

Damian: My sister have a furniture store. She just starting off. It doing good. I wanted to do deliveries. My P.O. said because they not writing out a check to show me my hours, I couldn't work there.

[I]: Okay. And how do you feel about those kind of laws that prohibit you from having jobs like that?

Damian: It sucks because I have to sneak and do it. My sister get a job-... I don't hang out at the place. But when she get a job and if her husband's at work and she needs some help to load up a truck, I come down there, help her load up. She look out. But I basically do it because I don't want her struggling. You know what I'm saying? This is my youngest sister. Couple of times, if I do a couple deliveries, it might be a refrigerator or a bedroom set. You know what I'm saying? I can make my money by-... if the customers say could you put that up for me, I'll pay you, then that's how I make my money. I don't really make my money off my sister because she's burning gas in this big truck, and she might burn \$25 in this truck to get an item that's worth only \$75. So she not really making no money on some deliveries, but I'm still there for her, and I have to sneak and do it because I have to help my sister out until she can get better.

Damian's approach is to simply ignore employment restrictions in times when he feels he needs to help his family members despite the risk of violating the rules established by his parole officer. However, the risks of doing so include violating the terms of his parole and possibly even returning to prison. Many other respondents were far more averse to violating the conditions of his or her parole and chose instead to continue looking for another job.

Several respondents reported career aspirations that included nursing but after discovering that occupations in health and medicine are restricted, they had to try and find work elsewhere or even move out of Wisconsin to a state that does not restrict individual with a felony conviction from working as a nurse. Keisha, a 33 year old African

American female who was convicted of reckless endangerment, described the series of life events following her release from prison which included working in a strip club to make money and finally moving to another state to get licensed and find work as a nurse.

Actually, I received my CNA license in North Dakota. So, when I got out of prison [in Wisconsin] it was kind of hard for me to get my license because they said: well oh, you're a felon and you know you can't work in the healthcare field or around other people. But that wasn't true and I had, you know I did give up like hope like oh well you know, it was hard for me because I started dancing and everything because they were always discriminating against my background, my background, my background, so I'm like I have to survive some way. So, I went to North Dakota and they you know they care about your background, but they not so strict about your background. And so that was like one of my biggest things - I always like helping others and stuff like that and they gave me an opportunity. They paid for my training and everything. So, I actually went to North Dakota, got my CNA license and worked there for like two years, came here thought I could transfer because my mom got sick - and they wouldn't let me transfer my license. So, April of last year, I finally got approved to do my nursing license here so now I am certified for the state of Wisconsin now. But it took a whole lot to do and there's still a lot of jobs that discriminate on my background and my background is like eleven years old and I haven't been in no trouble since.

The expansiveness of employment restrictions coupled with parole officer discretion to prohibit employment in certain occupations effectively truncated the number of positions respondents could apply for. Employment restriction laws reduced the chances of securing employment in low-wage low-skill positions, as it did for James, a 24 year old African American male who was convicted of a drug offense, when he lost his current job as a school bus driver:

I was wondering why I was laid off and because I had caught my drug conviction a week after I turned 21 and I was wondering why I was laid off because I thought I could go off to work. But I can't do this or can't do that. Because I had notified them that I got arrested. And then they asked what kind of conviction it was and like they broke it down to me that I can't work around kids.

However, felon employment restrictions also depressed the job prospects for respondents that sought work in high paying white-collar positions. Paul, who has a MBA, is currently unemployed and receiving food stamps to help make ends meet but was attempting to get back into finance.

[Paul]: I had but I recently found out my area of expertise is financial services, being a financial advisor, being a stock broker or working for a bank, things like that. And, I recently found out that there are federal rules which prohibit those kinds of companies from hiring anybody who's a felon. So, even though I had been working my butt off applying for just those kinds of jobs—I probably applied for a couple hundred of them over the last two and a half years since I've been in Milwaukee. I just found out that the reason they were all rejecting me is because there is a federal law that says that banks and financial service firms like that, insurance companies. They can't hire felons.

[I]: Okay, so what types of jobs are you applying for now?

[Paul]: So, now I'm looking at two main categories: one to take advantage of my background in terms of where I used to work and what my educational training is and that's marketing, but those are the types of jobs where they tend to ask if you've been arrested or not and so then there's the other category of jobs which is anything and everything that is out there, that might give me a chance of being hired.

In sum, many respondents viewed an economic climate where qualified individuals without criminal records could not find work. Thus, from their vantage point what chance did they have? That certainly did not deter them from looking for employment as many respondents reported spending several hours a day searching for jobs. Yet their understanding of their own job prospects was often bleak as was their outlook on their chances to make it. The individuals we interviewed resonated clearly with the “ultra-realists” from Maruna’s work (2001) that tended to assess their situation pessimistically. However, despite realistic assessments of their own employment prospects, there was still hope that sooner or later, things would work out and their efforts to reenter the labor force would eventually pay off.

Conclusion

Although based on preliminary results, this study sheds light on the process of reentry for released prisoners focusing specifically on felon employment restrictions and their impact on racial inequality in the labor market. Upon release from prison, individuals with a felony conviction are legally prohibited from holding a wide array of occupations and employment positions. The rationale for felon employment restrictions is that individuals with felony convictions compromise public safety when occupying certain types of positions. While concerns for public safety are legitimate and should not be taken lightly, the range of occupations covered in these laws surpasses pragmatic policy choices. For example, in some states individuals with a felony conviction are potentially restricted from holding positions as a barber, an electrician, or even a taxi driver. Therefore, exploring the impact of employment restrictions can illuminate the far-reaching impact of current penal policies in the United States.

In the summer of 2007 alone, 900 prisoners left the Wisconsin penal system and reentered their lives in Milwaukee. At some point, it is likely these individuals will begin seeking employment in the Milwaukee area. They will face many barriers to employment process ranging from discrimination (Pager 2003) to the lack of employment experience (Visher and Kachnowski 2007), all of which diminish their chances to obtain stable and gainful employment. One barrier that has been almost completely overlooked by the sociological and criminological literature is the impact of employment and occupational restriction laws for individuals with a felony conviction. We contend that these laws contribute to joblessness in the Milwaukee area as well as broader patterns of unemployment and joblessness among African Americans across U.S. urban areas.

This study assesses the degree to which felon employment restrictions contribute to racial gaps in income and employment rates between African Americans and Whites. It identifies collateral consequences as being an important mechanism linking criminal punishment to racial and ethnic inequality. This study supports the contention that informal consequences of felon status such as discrimination and reduced levels of human capital intersect with formal legal restrictions to entrench large proportions of African Americans deep in disadvantage. Individuals with felon status face the difficult task of navigating life with a felony conviction which restricts them from fully participating in the labor force.

Employment restrictions also represent a concrete obstacle for securing stable and gainful employment, which has been shown to consistently accelerate successful reintegration. The issue of reentry and reintegration applies to all individuals who have completed sentences regardless of their race. But Black men with felony convictions, many of whom were already facing considerable disadvantages, face the challenges of reentry and reintegration at much higher levels than any other social group. Thus, the practical implication of this work is to carefully consider the utility and importance of employment and occupational restrictions and ensure that they are crucial for maintain-

ing public safety rather than simply another way to punish offenders after they have completed their sentence. Unpacking the factors that impede pathways to work may thus also shed light on the factors that lead to high reoffending rates.

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II. THE ENFORCEMENT OF SUPERVISED PROBATIONARY FREEDOM IN FINLAND – SPECIAL FOCUS ON EQUALITY

I. Introduction: Supervised Probationary Freedom in the Finnish Penal System and as the Research Topic

Supervised probationary freedom was first implemented in Finland in October 2006. Under the terms of probationary freedom, prisoners are released from prison up to six months prior to the actual parole if certain prerequisites are met. The framework for probationary freedom enables individual methods of implementation according to the needs of the specific prisoner.

The *prerequisites* for probationary freedom are defined in the Penal Code (39/1889). Firstly, probationary freedom must promote the implementation of the individual sentence plan, which describes the terms for serving the sentence, for the release from prison, and for parole. Secondly, prison personnel evaluate whether the prisoner in question will probably follow the terms defined for his/her probationary freedom. This evaluation is based on the information concerning the conduct of the prisoner during his/her sentence, on his/her personality and on his/her criminal background. In addition, the prisoner has to

agree to follow the terms defined for him/her, to be supervised and to let the officials be in contact with each other and with private communities and persons in matters having to do with the probationary freedom of the prisoner.

When granted probationary freedom, the prisoner is required to live at home, at a half-way house or at a rehabilitation institution and is expected to take part in constructive activities such as work, studying and rehabilitation. They are supervised by correctional officers via mobile phone tracking, visits to home and workplace, and by phone conversations. Case-specific restrictions are defined for each person granted probationary freedom. Usually the person is allowed to move in a restricted area (e.g. within city limits) and he/she must remain at home during night-time. In addition, the use of alcohol and other intoxicants is prohibited.

The *background* for introducing probationary freedom into the Finnish penal system lies in certain redefinitions of criminal policy as well as the development of related international laws, such as human rights conventions. The aim of the Finnish criminal policy has been to transform serving a prison sentence into a more predictable and systematic process in which a prisoner is given the chance of gradually gaining licence to greater freedom of movement. The implementation of probationary freedom may also be seen as a manifestation of the shift of focus in correctional services towards so-called “community punishments” (e.g. community service). One of the main objectives is to decrease the use of incarceration by emphasizing sanctions that both cost less and are more effective in preventing recidivism.

The article at hand is based on a research project recently conducted at the National Research Institute of Legal Policy in Finland. The study aimed at evaluating *the enforcement and applicability* of supervised probationary freedom in Finland and also scrutinizing whether the system needed elaborating (Mäkipää 2010).¹ As a result of the study,

1. As the system of probationary freedom is relatively new in Finland, there has not been much academic research on the subject yet. In their theses, Vähäkoski (2008) and Salonen & Silvennoinen (2009) have, however, studied the experiences of prisoners granted probationary freedom.

supervised probationary freedom was considered a functional system of supporting and controlling the prisoner during his/her release. As such, it was regarded as a favourable addition to the Finnish penal system. (Mäkipää 2010, 208.)

However, there clearly appeared to be some room for improvement of the enforcement process and applicability of probationary freedom. The major discrepancies in need of elaboration culminated in various practices and views that the correctional officials had adopted towards the enforcement of probationary freedom. This article scrutinizes the findings in particular, raising questions concerning the equal treatment of prisoners.

The empirical data used in the study was diverse. The legislation and the preparatory *documents* of the legislative process as well as other norms regulating probationary freedom served as the background material and the basis of the analysis. *Quantitative data* consisted of all the prisoners whose probationary freedom ended before January 2009. This data covered personal data of the prisoners as well as information on the conditions of their probationary freedom.² The basic demographics of the persons allowed probationary freedom were compared with those of all the prisoners serving unconditional sentences. This was done in order to get an extensive and reliable picture of the profile of the prisoners allowed probationary freedom. In addition, focused *interviews* (30 in total) of various relevant persons were conducted (e.g. prisoners granted probationary freedom, prison staff, other officials, and representatives of non-governmental organizations). This material was analysed using qualitative content analysis (Tuomi & Sarajärvi 2002, 95–96).³

2. The source of the quantitative data was the data system on prisoners of the Criminal Sanctions Agency, from which the data was directly received as such. The data was used for elementary analysis using SPSS (frequencies, crosstabs, etc.).

3. The qualitative material or the transcripts of the interviews were read several times and then organised by themes (such as the views on supervision, the activities during the period of probationary freedom, the different elements of the preparation, etc.). Each theme was then analysed separately to find out whether there were different perceptions and experiences on each of them. See Moilanen & Riihinen 2001, 53.

2. The Regulation of Supervised Probationary Freedom

2.1. *The Main Provisions Concerning Supervised Probationary Freedom*

The basis for the enforcement of supervised probationary freedom is enacted in the Penal Code (Chapter 2c, Section 8). According to the provision, “a prisoner may, for the promotion of his or her social adjustment, be placed in probationary liberty under special supervision⁴ effected by technical means or otherwise through special means for at most six months before conditional release”.

Even though supervised probationary freedom is designed for all prisoners⁵ released on parole, *the prerequisites* for probationary freedom are rather strict. To begin with, probationary freedom must promote the implementation of the individual sentence plan referred to in the Act on Imprisonment (767/2005, Chapter 4, Section 6). Secondly, on the basis of the information received on the conduct of the prisoner during his or her sentence, his or her personality and his or her criminality, it can be deemed probable that he or she shall follow the conditions of the probationary freedom. The prisoner must also undertake to refrain from using intoxicants and commit himself/herself to intoxicant abstinence control. In addition, the prisoner has to undertake to comply with the duty to maintain contact and the other necessary written conditions connected with moving outside the institution and participating in activities. Also, prison officials have to be able to supervise the prisoner’s compliance with the conditions of conditional release. Lastly, the prisoner must consent to the Prison

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4. In the Penal Code, supervised probationary freedom is referred to as “probationary liberty under supervision”. In this article I mostly use the former definition for the factual content of both terms is the same and the former is more practical in this context. The Criminal Sanctions Agency also uses the former in its official documents. The term “supervised parole” is also occasionally used (see Vähäkoski 2008).
 5. A person serving a prison sentence for refusing civil military service or for a civil military service offence cannot be granted probationary freedom (the Civil Military Service Act [1446/2007], Section 81, Paragraph 3).

Service authorities being, to the necessary extent, in contact with the authorities, private associations and persons in matters related to the investigation of the conditions for probationary freedom or compliance with the conditions.

If, subsequent to taking the decision, the *conditions no longer exist* for probationary freedom, it can be withdrawn. In practice it may be a question of a person having been in a rehabilitative institution which for some reason decides to intermit the rehabilitation during the period of probationary freedom. Unless a substitutive activity is found, the probationary freedom will be withdrawn. There again, if the prisoner *violates* the conditions of the probationary freedom, the prisoner will be issued a warning or the probationary freedom will be withdrawn for a fixed period of one month maximum or in full. Violation of the conditions may involve neglecting the obligations regarding the supervision or restrictions on moving or becoming intoxicated during the period of probationary freedom. (Rikosseuraamusviraston menettelyohje 6/011/2008.)⁶

There are also some provisions on probationary freedom in the Government decree on imprisonment (509/2006). Besides, a significant document laying down guidelines especially on the enforcement of probationary freedom is the Guideline of the Criminal Sanctions Agency N:o 6/011/2008. The document is a recommendation which outlines rather extensively the enforcement of probationary freedom leading up to de facto guiding the enforcement practices of probationary freedom.

2.2. The Judicial Basis for the Enforcement of Probationary Freedom

The *goals* set for the enforcement of a prison sentence are specified in the Act on Imprisonment, and they have a significant effect on the

6. If probationary freedom proceeds as planned, the person's actual prison term ends when the time of probationary freedom runs out. The person is then released on parole. The supervision of parolees is notably lighter than that of persons during their period of probationary freedom. See the Act on the Supervision of Parole 782/2005, Section 5.

enforcement of probationary freedom as well. The provisions on the enforcement of a prison sentence were widely reformed in 2006, and supervised probationary freedom was introduced into the Finnish system in connection with this reform process.

The objective of the enforcement of a prison sentence is to promote *the relocation* of the prisoner into the community (Act on Imprisonment, Chapter 1, Section 2). According to the provision, the aims of the enforcement of the prison sentence include enhancing the prisoner's readiness for a crime-free life style by promoting the prisoner's life management skills and his/her relocation into the community, and preventing the committing of crimes during the prison term.

A significant factor leading up to the reformation of the legislation on the enforcement of prison sentences was the development of the *international human rights law* (HE 263/2004, 1).⁷ The importance of certain human rights treaties had increased, which highlighted the obsolescence of the predecessor of the Act on Imprisonment (i.e. the Act on the Enforcement of Punishment 39A/1889). Prisoners' human rights are protected by the treaties equally as those of other persons. In addition, there are particular articles on the treatment of prisoners. For example, according to Article 10 Paragraph 3 of the International Covenant on Civil and Political Rights (1976) of the United Nations, "the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation".

The growth in importance of the human rights law is evident in the demands for the enforcement of a prison sentence specified in the Act on Imprisonment (Chapter 1, Section 3): the enforcement of a prison sentence shall not inflict other restrictions on the prisoner's rights than those that are enacted in the law or that are unavoidable consequences of the punishment proper. Also, the enforcement of a

7. E.g. the International Covenant on Civil and Political Rights (1976) of the United Nations (UN) as well as the Convention for the Protection of Human Rights and Fundamental Freedoms (1950) of the Council of Europe (CoE) and the treaties for the prevention of torture and inhuman treatment of both the UN and CoE.

prison sentence shall be safe for the society, for prison personnel and for prisoners. Besides, prisoners shall be treated appropriately and respect for their human dignity (the Act on Imprisonment Chapter 1, Section 5).

The treatment of prisoners should also be *equal*. The general ban on discrimination is enacted—according to the design of the human rights treaties—in Section 6 of the Finnish Constitution (731/1999).⁸ The provision on equality comprises both the traditional demand for legal equality and the idea of actual equality (HE 309/1993, 42).⁹ From the viewpoint of the authority applying the law, the principle of equality can be regarded as restricting the discretionary powers of the authority (Scheinin 1999, 234). The essential idea of the principle of equality is that such differences, on which a person cannot have an effect him/herself, should not lead to him/her being treated unequally (Eriksson 1996, 865).

In addition to the general equality provision of the Constitution, there is, in the Act on Imprisonment (Chapter 1, Section 5), a specific ban on discrimination of prisoners on the basis of person-related reasons. Equal treatment of prisoners has also been highlighted in international recommendations on correctional treatment of prisoners. Equality in arrangements regarding release from prison is demanded in

8. There are several fundamental rights which are significant in regard to imprisonment and especially probationary freedom. The right to life, personal liberty and integrity has been enacted in the Constitution (Section 7). According to the provision, the personal integrity of the individual shall not be violated, nor shall anyone be deprived of liberty arbitrarily or without a reason prescribed by an Act. A penalty involving deprivation of liberty may be imposed only by a court of law. The rights of individuals deprived of their liberty shall be guaranteed by an Act. Also, the Constitution states that the principles governing the rights and obligations of private individuals and the other matters that under the Constitution are of a legislative nature shall be governed by Acts (the Constitution, Section 80). In practice the provisions mean that sanctions and other principles having to do with the rights and obligations of individuals ought to be enacted in *the law*, not in lower-level regulation.
9. By *legal* (i.e. formal) equality I mean equal treatment of cases that are similar in some legally relevant relation. *Actual* or material equality, on the other hand, involves paying attention to inequality in the society and considers abolishing inequality as important as concrete actions of equal treatment. (Scheinin 1999, 234.)

the European Prison Rules,¹⁰ which were approved by the Committee of Ministers of the Council of Europe in 2006. According to rule 33.3 of Part II of the European Prison Rules, all prisoners shall have the benefit of arrangements designed to assist them in returning to free society after release. (European Prison Rules, Rec [2006]2.)

In criminal law, the demand for equal treatment has above all been associated with *the criminal process and sentencing*. It is accordingly enacted in the Penal Code (Chapter 6, Section 3): “In sentencing, all grounds according to law affecting the amount and type of punishment, as well as the uniformity of sentencing practice, are taken into account.” Executing the principle of equality may be interpreted as an essential part of the general principle of fairness (Lappi-Seppälä 2000, 312). In practice, equality means treating similar cases equally and dissimilar cases differently (Tapani & Tolvanen 2006, 14).

Nonetheless, equality in *the enforcement* of punishments has been the subject of much less academic or administrative interest. In Finland, some attention has, however, been paid to equal treatment in selecting offenders for community service (Lappi-Seppälä 2009, 116; Rautiainen 2008, 20; Nuotio 1996, 1032). Yet there are many, and various, elements and phases in the enforcement of imprisonment, in which essential decisions are made concerning the legal status of a prisoner and having to do with equal treatment. In addition to matters concerning probationary freedom, such decisions include, for example, access to various activities inside prisons, authorized prison leaves, having permission to wear one’s own clothes in prison, having one’s belongings in one’s possession in prison, disciplinary punishments and whether to place a prisoner in a closed or open prison.¹¹ Demanding

10. The European Prison Rules include common principles and plans of action which should be applied in the treatment of persons who have lost their freedom in the membership states of the Council of Europe. The Committee of Ministers of the Council has also given two other recommendations which are relevant in enforcing probationary freedom: Rec[2003]22 on conditional release (parole) and Rec[2003]23 on the management by prison administrations of life sentence and other long-term prisoners.

11. In Finland, it is, for example, rather different to serve one’s sentence in an open prison instead of a closed one. See Laine 2008, 321. It ought to be noted – especially from the point of view of the prisoners’ fundamental rights – that the

equal treatment on these actions or decisions does not imply that the prisoners should, for example, have equal rights to the same number of prison leaves or to automatically gain access to a certain activity inside prison. Instead it means that the same facts and factors are taken into consideration in the decision-making processes and enforcement actions with equal importance regardless of the prison, the views of the prison staff or other such matters. Even though sentencing is the duty of independent courts, the executive authorities have a large say in what imprisonment actually turns out to be (see Kuusimäki 2006, 173).

3. The Recent Development of Criminal Policy in Finland

The revised regulation on the enforcement of a prison sentence may be seen to embody the trends in criminal policy in Finland and abroad. The Finnish criminal policy has, for a few decades, followed *the neoclassical approach*, which entails the above-mentioned principle of equal treatment as well as the principles of general prevention and relativity, the general humanization of the penal system, and highlighting the rule of law (Lappi-Seppälä 2000, 103; Lappi-Seppälä 2007, 228–233;

prisoners' right of appeal has been limited. Prisoners do not have the right of appeal according to the Act on Imprisonment in many matters that in fact have an effect on their legal status. One of these is the decision of whether a prisoner is granted probationary freedom (see the Act on Imprisonment, Chapter 20, Section 9). Not allowing the right of appeal in the Act on Imprisonment has been justified by treating the matter as an "actual administrative activity", which usually and traditionally lacks the right of appeal in Finland. These decisions are thus not regarded as "administrative decisions" which for one include the right of appeal. For example, the decision of granting a prisoner probationary freedom has been considered as a discretionary decision, with which a prisoner is allowed "an exceptional advantage". See OM 2006:25, 6, 15. Appealing is, however, possible, based on the general legislation on administrative jurisdiction. There again, it should be noted that appealing may in general be burdensome in practice for prisoners whose capacities and knowledge of relevant matters and technicalities may on an average be lower than those of the general public. See Hartoneva 2002, 221.

Laine 2007, 354). One of the fundamentals of neoclassicism has traditionally been to separate (medical) treatment from criminal law and punishments. Accordingly, rehabilitative programmes have not formed a central part of the Finnish penal system. (Lappi-Seppälä 1998, 1293.) Even though neoclassicism has not approved of the compulsory treatment of offenders or of “healing” them with the means of criminal sanctions, it has been considered it possible to include elements of treatment and rehabilitation into the enforcement of prison sentences (Laine 2007, 354).

As the provisions on serving prison sentences were revised, one of the starting points was to renounce the separation of punishment and treatment or compulsion and service. After the reforms of the enforcement of prison sentences, serving a prison sentence has been supposed to involve more rehabilitative actions, that is, various plans of action which aim at affecting prisoners’ criminality and attitudes, as well as more comprehensive drug rehabilitation. (HE 263/2004, 80; Mohell & Pajujoja 2006, 18.)

The reform has also aimed at rendering the serving of a prison sentence *a more predictable and more systematic process* during which the prisoner has the chance of gradually gaining licence to greater freedom (HE 263/2004, 108). In addition, the goal has been to shift the focus of correctional treatment towards community sanctions (The Annual Report of the Criminal Sanctions Field 2008, 2). The introduction of supervised probationary freedom into the Finnish penal system may be perceived as an indication of this trend. Besides, the objective is to decrease the use of incarceration by enhancing the implementation of such sanctions that are both less expensive and more efficient in preventing recidivism than incarceration. Supervised probationary freedom may function as a sort of incentive which motivates prisoners to participate in enforcing their term of punishment systematically and to commit to the goals set for them in their individual sentence plans. (HE 263/2004, 111.)

Probationary freedom was preceded by a system in which a prisoner’s parole could be advanced under certain circumstances (OM:n

vankeinhoito-osaston määräys 9/011/95; see also Mohell & Pajuoja 2006, 287).¹² The system was used rather rarely (HE 262/2004, 10), and the status of probationary freedom is more essential in releasing prisoners from prison. Even though the proportion of those granted probationary freedom of the total amount of prisoners is still a few percent, the use of probationary freedom has steadily increased (Mäkipää 2010, 13). Probationary freedom has been regarded as a means of economizing the costs of correctional treatment, as prison cells become unoccupied when some prisoners are given probationary freedom (OM 2007:1, 32; Rikosseuraamusviraston menettelyohje Nro 6/011/2008; HE 262/2004, 36). The significance of this factor may be estimated to be on the increase, as there are evident plans to multiply the number of prisoners allowed probationary freedom in the near future.¹³

Back-door systems redolent of the Finnish supervised probationary freedom are being used in several countries.¹⁴ The Finnish system resembles the Swedish one,¹⁵ which was implemented in 2001 as the Finnish system was being drafted. The Nordic criminal policy has its special characteristics so it was natural to take an example of a legal system executing a similar ideology in its criminal policy.

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12. The systems of advancing a prisoner's parole and of supervised probationary freedom differ in two ways: 1) Probationary freedom always involves supervision whereas advanced parole was not necessarily supervised and even if it was, the supervision was clearly lighter. 2) Probationary freedom may be withdrawn in certain cases, which was not possible regarding advanced parole. In addition, parole could in some cases be advanced by one year whereas the maximum length of probationary freedom is six months. (HE 262/2004, 33, 44.)
 13. The strategy plan of the Ministry of Justice 2010-2013 states as an aim that the daily number of prisoners granted probationary freedom should be 200 convicts in 2012 and 2013 (OM 2009:1, 37).
 14. Criminal sanctions utilizing (electronic) monitoring may be used in various situations: both in place of a (short) prison sentence (front door) and as the final stage of unconditional sentence of imprisonment (back door) (OM 2007:17, 6).
 15. The Swedish provisions on the local system are found in the Prison Treatment Act (1974:203), Sections 54-65 (Utökad frigång, lag [1974:203] om kriminalvård i anstalt 54-65 §).

4. Supervised Probationary Freedom: Expedient System with Variety in Enforcement Practices

The main results of the research on the enforcement of probationary freedom are discussed in the following chapters. According to the study, the overall view on the system of probationary freedom was mainly positive. Probationary freedom was regarded as a functional form of punishment, even though several needs for elaboration were found. The system was perceived as another step in the system of gradual release (i.e. closed prison, open prison, probationary freedom and parole) and as a system creating a controlled framework for practising a drug-free and crime-free life. (Mäkipää 2010, 185–186.)

The system was considered a helpful tool in returning to the community as it meant controlled release from prison, lacking the euphoria often related to “normal” release straight from prison or the large gap between life inside and outside prison. There were also practical issues differentiating probationary freedom as a system from the usual way of releasing a prisoner on parole. Firstly, it is often more thoroughly prepared for. Accommodation and some crime-free activity are usually organised for the prisoner, whereas on parole, such basics of life are not necessarily readily arranged. Secondly, probationary freedom is set apart from “normal” release by both the supervision and the concrete measures of support often affiliated to probationary freedom. (Mäkipää 2010, 185–186.)¹⁶

16. The same positive perceptions of probationary freedom have been reported in another Finnish study on the system. Vähäkoski (2008, 43–44) also discovered the great significance of the release being controlled: “the intoxication of being released” was minor in being given probationary freedom than in being completely released straight from prison. In addition, probationary freedom “compelled” the prisoners to a regular rhythm of life.

4.1. *Stumbling Blocks: Preparing Probationary Freedom, Information Sharing*

The study showed that *preparation* for probationary freedom is often a lengthy process involving several actors and phases. First, prison officials must assess “in good time” whether the above-mentioned prerequisites are met. If this preliminary assessment is favourable, the prisoner is put forward for probationary freedom. The matter is then taken up by the assessment centre of the Criminal Sanctions Region, which, at its discretion, authorises the commencement of the official preparations conducted by the prison and finally grants the prisoner probationary freedom. (Government decree on imprisonment 21.6.2006/509 Chapter 10, Section 70; Rikosseuraamusviraston menettelyohje 6/011/2008.)

In practice, not all cases proceed to the official decision-making stage at the assessment centre. Prison officials may at some point of the preliminary clarification notice that the prerequisites for probationary freedom will not be met. In such cases, preparation for probationary freedom may come to an end before it has even been officially started. Prison officials thus hold significant discretionary powers regarding the selection of prisoners allowed probationary freedom. (Mäkipää 2010, 97–98.)

During the preparatory process the prisoner must often be active and enterprising. Additionally, practices regarding the initiation and advancement of preparations vary depending on the prison. Officially the process of preparing for probationary freedom begins on the initiative of prison officials. However, in practice a prisoner may start the process by stating his/her willingness. Different practices seemed to prevail on how actively the prison staff “charted” the prison population in order to pick out the ones suitable for probationary freedom. In some prisons the staff were very active, but in others probationary freedom was – due to the lack of time on the part of the staff – more often prepared for those prisoners who were active themselves. This might result in a situation where only the active and those fighting for their case achieve a preferred outcome, while the more timid and

less capable go unnoticed. If the prisoner is not capable of seeing to the basic requirements of probationary freedom (such as arranging accommodation and a job or some other activity), the prison staff has to play a more considerable role in the preparations. Many interviewees demanded more resources for the preparation and enforcement of probationary freedom. (Mäkipää 2010, 61–62, 89.)

Some interviewees had experienced problems with the way the preparations for probationary freedom had proceeded. Many thought that the process had partly or completely stumbled and/or been unnecessarily prolonged. Some prisoners had received incorrect information on their chances of being granted probationary freedom. There had also been instances of a deficient flow of information, and sometimes the relevant parties in the process had felt neglected. If preparing for probationary freedom is slow or unforeseeable, it may be difficult for the prisoner to find housing or a job or other activities for the period of probationary freedom which are, for that matter, practical prerequisites for receiving probationary freedom. (Mäkipää 2010, 61–63, 66, 69.)¹⁷

In some cases, the different authorities and other actors, such as NGO representatives, play a vital role in the realization of probationary freedom. The cooperation has various forms: agencies outside the correctional system may, for example, provide the prisoners with accommodation, jobs, financial assistance or drug rehabilitation or other support services. Prisons also collaborate with each other when there are prisoners whose probationary freedom is to be enforced in an area other than where they are serving their sentence. When commenting on the collaboration between the prison administration and outside officials and NGOs, the interviewees demanded more flexibility and better organization. (Mäkipää 2010, 70, 73–74.)

17. Vähäkoski's research findings on preparing for probationary freedom were similar (Vähäkoski 2008, 36–37). Parallel results were reported on the local system in Sweden (Fängelse i frihet 2003, 41).

4.2. Selecting Prisoners for Probationary Freedom

In addition to the official prerequisites (defined in the Penal Code), the chances of an individual prisoner being granted probationary freedom depend on many practical matters as well as personal perceptions.¹⁸ One of the relevant practical issues was *the length of the prison sentence*. The time served should be long enough for the staff to be able to evaluate how the individual sentence plan of a prisoner has proceeded and how he/she has managed the prison time overall. However, no strict provisions exist, nor do rules. The Criminal Sanctions Agency has recommended that prisoners shall serve at least half of their sentence in prison before being allowed probationary freedom (Rikosseuraamusviraston menettelyohje Nro 6/011/2008), but the principle has not been enacted in the law and may be case-specifically applied.

Also, *the basic elements* in the period of probationary freedom, i.e. housing and the activities during the time of probationary freedom, have to be expedient: they should support the prisoner's crime-free life and there should not be any confusion concerning the employer and his/her legal obligations, for instance, from the point of view of officials. Anything unclear regarding housing or workplace or other place of activity may prevent a prisoner being granted probationary freedom. (Mäkipää 2010, 91.)

One of the factors affecting a prisoner's chances of receiving probationary freedom is *the prison staff's view* on whether probationary freedom actually benefits the prisoner. Many interviewees thought that as far as the post-release time is concerned, probationary freedom should be somehow genuinely advantageous to the prisoner. Those serving long prison sentences and other prisoners whose problems

18. Due to its voluntary nature, convicts cannot be obliged to take up the opportunity of probationary freedom. The only exceptions are convicts who serve their entire sentence in prison (Penal Code 39/1889, Chapter 2c, Section 11) and who are not released on parole. They are placed in supervised probationary freedom three months before their release. According to the interviewed prison officials, some convicts do not want probationary freedom for one reason or another. They might not, for example, want officials to control their life outside prison, or they are afraid of failing and losing their face if the probationary freedom is cancelled. (Mäkipää 2010, 25, 94.)

(e.g. problems with drugs or alcohol, the lack of a social network or everyday life skills) demanded special support activities during the period of freedom were considered the most relevant target group. It may take time and demand other resources for these groups to be prepared for probationary freedom, and this may be experienced as burdensome by the prison staff. As there are tight requirements for prison-specific profitability, the prison staff may prefer probationary freedom for those prisoners whose fundamentals are somewhat in order and whose probationary freedom is hence more easily prepared for. (Mäkipää 2010, 87–90 119.)

In some cases, however, a prisoner was declined probationary freedom due to the fact that his/her basic *capacities and circumstances* outside prison were in such a good order that the current situation was considered favourable enough without probationary freedom (Mäkipää 2010, 88). In this respect the interviewees had different views on the expedient target group: should probationary freedom be targeted at those who actually need supported and controlled release, or also at those who do not have major issues with readiness and circumstances?

On the other hand, a prisoner's probationary freedom may also be declined due to *insufficient resources* of the prisons. Even if the official prerequisites are fulfilled, a prisoner might not be allowed probationary freedom because the staff caseload makes it impossible for the prison staff to start the preparations.

4.3. Flexible Framework Provides Various Methods of Implementation

What probationary freedom means in practice is left almost entirely undefined in Finnish legislation, and prison officials have extensive discretionary powers in defining what a prisoner is allowed to do while on a period of probationary freedom. More than two-thirds of those granted probationary freedom had work or study as their primary activity. Working was the most common form of activity during the

period of probationary freedom (50% of the prisoners on probationary freedom). However, an abundance of other activities had also been approved by the correctional officers. Often “the operational content” of probationary freedom consisted of a combination of activities: drug rehabilitation, attending mental health groups or other support services, volunteer work, caring for a child or other relative, different hobbies, working on personal relationships and/or housework. (Mäkipää 2010, 131–132.)

Supervision constitutes an essential part of probationary freedom. The regulation on probationary freedom allows individuality in choosing the means of supervision and in determining the intensity of supervision. In Finland, supervision is carried out primarily by mobile tracking. The prisoner’s position is determined within the GSM network, and communication through the mobile phone is also frequent. (Mäkipää 2010, 147–148.)¹⁹ The prisoners are also supervised by the prison staff face-to-face, i.e. by control visits to the prisoner’s home or workplace. These visits often involved drug testing as well as visits by the prisoner to the prison, which were also frequently a part of the supervision. Visits by the prison staff were, however, few due to the lack of resources. Many interviewees worried about the credibility of probationary freedom due to the inadequacy of face-to-face supervision. (Mäkipää 2010, 148, 163.)

Probationary freedom is mainly a voluntary system and as such its functionality is greatly based on whether prisoners feel that the limitations and freedoms while on a period of probationary freedom are in a balanced relation with each other. Most of the interviewed prisoners granted probationary freedom had a positive attitude towards the supervision. According to them, the extent of the supervision was quite appropriate. It did not limit their lives excessively, nor was it too strict. Additionally, the restrictions (regarding e.g. free movement

19. Abuse of the mobile phones was estimated to be relatively rare. According to the prison staff, no cases had occurred in which the staff would have suspected or discovered that a wrong person had tried to impersonate the prisoner on the phone while on a period of probationary freedom. It was also rare for the supervised prisoner to intentionally break or lose the mobile phone in order to prevent tracking. (Mäkipää 2010, 158, 168.)

and the use of drugs) were mainly accepted by the prisoners as an understandable part of supervised probationary freedom. (Mäkipää 2010, 168–170.)

In addition to supervision, the daily life of the prisoners given probationary freedom was limited by case-specific *restrictions* on movement and on how to spend one's free time. Typical restrictions included the following: 1) the prisoner was only allowed to move in a specific geographical area, usually inside the limits of a city or a few cities; and 2) the person was obliged to stay at home during night-time (e.g. between 9 p.m. and 6 a.m.). More than half of the prisoners had these two restrictions included in the terms of their probationary freedom. (Mäkipää 2010, 136.)

4.4. Women, First-Offenders and Those Serving Long Sentences Over-Represented

According to the study, *women* were clearly over-represented when comparing those allowed probationary freedom (hereafter SPF prisoners) with all prisoners serving unconditional sentences of imprisonment (16% vs. 6 %). Nearly 1/3 of SPF prisoners were *married*, compared with only 14% of those in the control group. (Mäkipää 2010, 103–105.)

With regard to *criminal background*, those convicted of homicide, narcotics offences or white-collar crimes were over-represented (see Table 1). On the other hand, those convicted of theft or drunken driving were clearly under-represented. The above-mentioned differences in representation are likely to derive, at least partly, from the average length of sentences; homicide and narcotics offences usually result in longer imprisonment than theft or drunken driving. There is, on the other hand, a clear link to the aims set for probationary freedom: the system has often been perceived as especially beneficial to those serving long prison sentences who may have been institutionalised during incarceration. (Mäkipää 2010, 108, 112; The Annual Report of the Criminal Sanctions Field 2008, 6.)

Main offence	Number of those granted probationary freedom	Percentage of those granted probationary freedom	Percentage of those in the control group
Homicide (or attempt)	76	28	3
Other violent offence	47	17	20
Narcotics offence	37	14	8
Crime against property or white-collar crime	29	11	3
Certain other offence criminalized in the Penal Code	25	9	6
Larceny	20	7	19
Sex offence	13	5	2
Robbery	12	4	4
Drunken driving	6	2	34
Other offence (criminalized in other legislation than the Penal Code)	6	2	< 1
Information unavailable	1	< 1	0
Total	272	100	100

Table 1. Criminal background of those granted probationary freedom and those in the control group (all the prisoners serving unconditional imprisonment).

The *prison sentences* of SPF prisoners were on an average notably *longer* than of those in the control group (3 years vs. 5 months and 15 days). The concentration of probationary freedom for those serving long sentences is congruent with the aims set for the system mentioned in the previous paragraph. Similarly, *first-offenders* were over-represented among SPF prisoners. Most of them (88%) were released from open prisons, which is in clear contradiction with the corresponding figure (27%) of the control group. (Mäkipää 2010, 105, 111.)

The above-mentioned factors—the over-representation of women, those married and first-offenders, and the fairly large proportion of those working or studying—suggest that those granted probationary freedom are somewhat more capable of coping outside prison than those in the control group. This is probably partly due to the official

prerequisites for probationary freedom, which in practice exclude the most problematic and/or ill prisoners. According to many interviewees, it is easier to prepare and enforce probationary freedom when the basics of life are at least somewhat in order.

4.5. Violations of the Terms of Probationary Freedom and Sanctioning Of Such Cases

If the conditions of probationary freedom are violated, the prisoner is issued a warning or the probationary freedom is cancelled for a fixed period of one month maximum, or in full (Penal Code 39/1889, Chapter 2c, Section 8). The provisions on procedures in cases of violation and on sanctions in such cases are rather economical and loose, and they also leave plenty of discretionary powers for the prison staff. The Finnish Parliamentary Ombudsman has also spoken out on the inconsistent application procedures of the prisons in matters of disciplinary punishments and regarded the diversity of practices as problematic from the point of view of equal treatment (Ojala 2009, 231).

According to the research, practices for dealing with the violations were inconsistent. For example, violating the “zero tolerance” policy on intoxicants was often followed by full withdrawal of probationary freedom, whereas in some cases the punishment was less severe, i.e. withdrawal for a fixed period or a warning. There was uncertainty among the prison staff about how to proceed in cases of violation. They also needed clarification on decision-making responsibilities in such cases. (Mäkipää 2010, 181.)

Probationary freedom was cancelled in 9% of the cases. The most common reason was violation of the ban on the use of intoxicants. The prisoners granted probationary freedom seem to live rather law-abidingly: withdrawing probationary freedom due to the person being suspected of an offence was fairly rare. (Mäkipää 2010, 176, 179.) Successful completion of probationary freedom may be perceived as an indication of appropriate planning and enforcement. However, it

must be noted that the level and intensity of supervision has its own effect on how well any possible violations are detected.

5. Materialization of Equal Treatment?

The observations cited in the article raise several questions on the materialization of equal treatment in the enforcement of probationary freedom. The first one has to do with probationary freedom being in principle targeted at all the prisoners who are released on parole. Probationary freedom may, however, be evaluated to have—to some extent—concentrated on prisoners who are in better physical and mental shape than prisoners on an average. This argument is backed by the observation mentioned above on women, married persons and first-offenders being over-represented among prisoners given probationary freedom.²⁰ In addition, many prisoners allowed probationary freedom were in such a good physical and mental condition that they were able to work or study during their probationary freedom. Also, the interviewees' views promote the assumption of probationary freedom concentrating on prisoners in relatively good condition. (Mäkipää 2010, 118–119.)²¹

The prerequisites enacted in the Penal Code account for the fact that in order to be granted probationary freedom, a prisoner should have the basic capacities to manage in every-day life, to provide for him/herself and to live law-abidingly. Due to the prerequisites, proba-

20. First-offenders are usually not strongly involved in a criminal life style, and there are more first-offenders among women than among men. Even though marriage does not automatically promote a crime-free life style, social relationships in the civil society may improve the chances of settling back into the society.

21. It should, however, be noted that as a whole the health situation of prisoners is rather bad, and they have many physical and mental conditions. According to a recent research, 80% of the prisoners in Finnish prisons were diagnosed with life-long addiction to alcohol or drugs. Two-thirds of them were addicted to alcohol and two-fifths to amphetamine. Personality disorders were common as well (two-thirds of those tested). Only 50% of the prisoners were capable of working, and almost 25% were totally incapable of working. (Joukamaa 2010, 3.)

tionary freedom is a system meant for those prisoners who have been willing and able to cooperate with the authorities and to serve their sentence as planned. In this regard, probationary freedom functions as a sort of prize for cooperativeness and commitment to the sentence plan. The prerequisites may thus be interpreted as imposing prisoners in somewhat unequal positions, as those incapable of working or other preferred activity, homeless, and those who have severe problems with intoxicants or basic life management skills are in practice defined outside probationary freedom (see Kuusimäki 2006, 171–179; Rautiainen 2008, 14). With extensive and efficient measures of support, probationary freedom could, however, also be beneficial for those prisoners whose capacities are weaker. Accordingly, if the decision makers of criminal policy genuinely want to direct probationary freedom for prisoners with deeper problems, more resources and functional measures of support are needed for the preparative and enforcement processes.

Even in the most challenging cases probationary freedom can be perceived as promoting settling into the society as the person gets a roof over his/her head and “something crime-free to do”. The question therefore arises that shouldn’t *all* prisoners have the right to the fundamentals of life—housing and basic public services—when they are released from prison? There is some sort of an inner conflict between the aims of probationary freedom and its prerequisites and terms: the system is meant for supporting release from prison and settling into the society, but in practice those who would need support the most are often left outside the system (see Rantala 2006, 214, 220). Probationary freedom creates opportunities of supporting the persons selected to its scope but how do we support the persons outside the system?

As mentioned above, the views of the prison administration personnel have an influence on which prisoners are granted probationary freedom. The fact that a prisoner’s status depends on the staff’s attitudes and views is problematic as regards the demands on equal treatment. Various views prevailed, for example, on which the appropriate or principal target group of probationary freedom is, whereas

in the legislation the system is basically targeted at all the prisoners released on parole.

The attitudes of prison personnel may be assumed to have an effect on the cases on which the staff begins to prepare probationary freedom in the first place. One source of confusion was whether probationary freedom should in individual cases be concretely beneficial to the prisoner. Should probationary freedom be aimed principally at those who actually need the support or should the system—in practice—be for every prisoner?

Many interviewed prison workers worried about the financial aspects having “too much” of an influence on who is granted probationary freedom. This might lead to probationary freedom ending up as a system mainly for those prisoners who do not have many problems (with e.g. intoxicants, livelihood, and housing) and whose probationary freedom is thus easy to prepare and enforce. The pressures to “produce” many cases of probationary freedom and to thereby free space in prisons may result in preferring the easy cases which do not take up as many resources. (Mäkipää 2010, 118.)

The enforcement of probationary freedom is also affected by resources. There is a continuous shortage of personnel resources which has the strongest influence on the functions and plans of action aimed at tackling the problems of settling in the society—the greater the shortage, the more prison becomes merely a holding place for prisoners. The foundation of prison administration leads to first managing the tasks which are necessary for the safety of prisons, and other—e.g. more rehabilitative—functions, such as the enforcement of probationary freedom, are attended to if the resource situation allows. (See Wuolijoki 2007, 5.)

The scarcity of resources affects the enforcement of probationary freedom in two ways: First off, in some cases the *preparation* of probationary freedom demands a lot of advising, helping and “pushing” from the prison staff, which naturally takes up resources. If the prison personnel are laden with many cases, they might not have time to pre-

pare probationary freedom for the more challenging prisoners. Thus a person might not get probationary freedom due to the prison staff's lack of time. From the point of view of equality it would be desirable that all prisoners who fulfil the prerequisites could get their matter discussed or at least their chances evaluated together with the prison authorities. The issue is especially significant because the prisoners' right of appeal as regards the decision on probationary freedom has been limited (see the Act of Imprisonment, Chapter 20, Section 9).

Secondly, the resource situation imposes challenges on the *supervision* of prisoners granted probationary freedom. The credibility of supervision may be at stake as the prison staff is unable to conduct efficient face-to-face supervision (e.g. visits to the homes and workplaces of prisoners; drug tests). As there are plans to increase the number of prisoners given probationary freedom in the near future, supervision may become even more difficult to carry out unless more resources are assigned for it.

6. Policy Implications: Equalizing Practices by the Means of Communications, Documenting and Revising Regulation

The objective of the study was also to recognize ways of elaborating the system of probationary freedom, and several suggestions came along. Firstly, in order to smoothen the preparation process it might be appropriate to focus on *the flow of information* inside the prison administration. The goals set for probationary freedom ought to made clear to the personnel in charge of preparing and enforcing probationary freedom as well as for the decision makers. It is also important to *inform* the partners in cooperation of the aims of probationary freedom as well as of the procedures and responsibilities regarding the system.

Some of the prison workers needed more information on how to assist prisoners in finding an apartment or some activity for probationary freedom, such as contacting rehabilitative services. Acquiring, updating and *sharing information and experiences* on services available for prisoners granted probationary freedom would be reasonably easy to document in an organized and structured manner. Even though the possibility for some level of individuality is a key element in enforcing probationary freedom, it would be reasonable and appropriate to equalize the structures and procedures as well as to regulate the process more accurately. The resources of correctional treatment should also be paid attention to: as the number of prisoners granted probationary freedom increases, it is important to attend to the consequential aims set for probationary freedom.

The problems of inequality may be improved by *documenting* the discretion, preparation and decision making stages in a more detailed way than is done nowadays. For example, equal treatment of cases in which the terms of probationary freedom are violated could materialize more appropriately if the cases were documented more thoroughly.

Revising regulation on probationary freedom might also be promoted in terms of equality. The openness of the regulation and individualistic solutions can partly be justified by the need to recognize case-specific traits of every prisoner's situation. For example, it should still be possible to arrange the content and supervision of probationary freedom case by case. Yet the openness of the regulation assigns only too much discretionary powers to the authorities. Some of the fundamentals of the legal status of prisoners allowed probationary freedom ought to be enacted in the law.

The provisions on probationary freedom in the law are narrower in Finland than in some other countries (e.g. Sweden). It might be necessary to deliberate whether some of the fundamental elements, which are now only regulated in a recommendatory manner, should be enacted in the law. One of these is the principle according to which a prisoner must serve at least half of his/her sentence in order to be granted probationary freedom. At the moment the matter is only stated

in the Guideline of the Criminal Sanctions Agency N:o 6/011/2008, and as such it is a recommendation by nature. The principle can be considered justified as preserving the nature of the sanction as well as due to the fact that the consideration on the prerequisites of probationary freedom and the preparation of it usually take time. In addition, legally binding provisions could better assure the equal treatment of prisoners.

The withdrawal of probationary freedom indicates a rather severe sanction on violating the terms—particularly as it may in practice mean having to return from outside prison straight to a closed institution. Even though the prisoners given probationary freedom are by status inmates, they de facto live among other people in the society and are able to lead quite a normal life. Personal freedom is a fundamental right protected by the Finnish Constitution, and it shall not be deprived unless a basis for it has been enacted in the law (the Constitution 731/1999, Chapter 2, Section 7). Even though there is a basis for depriving a prisoner allowed probationary freedom of his/her personal freedom enacted in the Penal Code (Chapter 2c, Section 8, Paragraph 3), the provisions are rather inaccurate and open to interpretation. On that account, the sanctions on violating the terms as well as the procedures in such cases should be enacted in the law.

7. Conclusion

Even though the demand for equal treatment is one of the basic elements of enforcing prison sentences, its realization in practice has largely been left unstudied. The evaluation of the enforcement of supervised probationary freedom demonstrated that the loose regulation and vast discretionary powers of the executive officials may lead to inconsistent practices. Scrutinizing other enforcement practices of prison sentences and of other sanctions on a larger scale from the point

of view of equal treatment and other fundamental rights of prisoners would no doubt be necessary.

There are increasing pressures to pay attention to the equality of the enforcement of sanctions, as new elements are introduced into the Finnish penal system. For example, there are plans to replace incarceration in certain cases with a monitoring sentence which is enforced outside prison or with contract treatment (OM 2007:17; OM 2002:3).²² Essential to these sanctions—as well as to probationary freedom—is a certain level of individuality which may be necessary in order to promote the social adjustment of the convicted (see Laine 2007, 356). Sentencing and enforcing individual sanctions is, however, challenging both to the court system and to the criminal sanctions field, as equal treatment of the convicted has to be attended to, as well.

22. A *monitoring sentence* is supposed to be imposed instead of incarceration when a sentence of community service is counter-indicated due to previous community service sentences or other weighty reasons. According to the proposal of the Ministry of Justice, *contract treatment*, on the other hand, would mean the possibility of an offender with drug problems, for example, to be sanctioned to treatment instead of prison.

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12. PRELIMINARY FINDINGS ON THE IMPACT OF REENTRY AND REUNIFICATION WITH FAMILY MEMBERS

Introduction

In the United States, nearly 600,000 inmates return to their communities each year (Travis, Solomon and Waul, 2001). It is estimated that between 10,000 and 20,000 sex offenders are likely to be released from prison in the United States on an annual basis (Center for Sex Offender Management (CSOM) 2007, 1–2). Inmates returning to society are more likely to have failed parole previously and to have served longer sentences, which attenuates family ties (Lynch and Sabol 2001, 3). The reentry of prisoners is a difficult process; however, the reentry for convicted sex offenders is a much more daunting prospect given the obstacles of sex offender specific laws and policies. The overarching goals of such laws are public protection through decreasing the risk of sexual offending; nevertheless, the unintended consequences of isolating the offenders from familial and community networks and resources may undermine these goals by impeding successful reintegration.

Sex offender registration and community notification and sex offender residency restrictions are examples of these laws. Under the Jacob Wetterling Crimes Against Children and Sexually Violent Offender

Registration Act (1994) (42 U.S.C. § 1 407 1), all fifty states require convicted sex offenders to register with local law enforcement. Sex offenders typically must provide their name, social security number, address, photograph, fingerprints and details of their crime to law enforcement. “Megan’s law” (42 U.S.C. § 13701) was added to the Wetterling Act in 1996, mandating all states to have procedures in place to notify the public about sex offenders in their vicinity (Levingson and Cotter, 2005). Notification may range from informing specific agencies, including daycares and schools, distribution of flyers, and door-to-door visits to public notification meetings. Information about sex offenders is also posted on publicly accessible internet registries. In 2006, passage of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901) of the Adam Walsh Act (P.L. 109–248) lengthened registration periods, mandated more frequent updating of information on registrants, and expanded the number of sex offenders to whom public notification requirements apply (Levenson and Tewsbury 2009, 55). Registration periods vary by state and range from ten years to lifetime registration (Terry and Ackerman, 2009).

Residence restrictions, most commonly with 1,000 ft. distance limits, from schools, daycare, parks and any other place where children may congregate have been passed in some 30 states (Levenson, 2009) and enacted in local ordinances in numerous cities and towns (Mercado, Alvarez and Levenson, 2008). Such restrictions for convicted sex offenders may also be stipulated in probation and parole guidelines. Furthermore, many states exert formal control through specialized probation and parole caseloads with intensive supervision and a myriad of conditions to monitor sex offenders for extended periods (Zevitz and Farkas, 2000; Burchfield and Mingus, 2008) .

These laws and policies have created barriers related to obtaining and maintaining employment and housing for sex offenders, and most importantly, they have disrupted, altered and dissolved families and relationships with significant others. Family members of sex offenders face a host of financial, legal, and practical problems, along with social isolation and stigma. It is family and other loved ones who serve as

natural support systems for sex offenders. Families are important in order to understand the reintegration experience of former prisoners (Naser and Visher, 2006). “More often than not, families make efforts to help former prisoners live crime free lives” (Martinez 2006, 29). They encourage the offender to participate in treatment and to comply with conditions of supervision. Offenders rely very heavily on their families for support, from assistance with housing and employment to financial support and overall encouragement (Naser and La Vigne 2006, 102). Research shows that roughly 75% of former prisoners reside, at least initially, with family members post release (Visher, Kachnowski, La Vigne and Travis, 2004). Studies have consistently found family contact to be associated with more positive post-release outcomes (Klein, Bartholomew, and Hibbert, 2002; Visher et al, 2004; Naser and Visher, 2006). Families are the “anchor during the difficult transition from custody to community” (Shapiro and Schwartz 2001, 54).

Literature Review

Several studies have documented the negative impact of sex offender laws and policies on sex offenders returning to their communities (Zevitz and Farkas, 2000; Tewksbury, 2005; Tewksbury and Lees, 2006; Levenson and Cotter, 2005, Levenson and Hern, 2007; Levenson, D’Amora and Hern, 2007; Burchfield and Mingus, 2008; Mercado, Alavarez, and Levenson, 2008; and Levenson and Tewksbury, 2009). The harsh consequences for sex offenders included depression, anxiety, feelings of isolation, shame, embarrassment and hopelessness (Levenson and Cotter, 2005; Levenson et al., 2007; Burchfield and Mingus, 2008; Robbers, 2009). Sex offenders also reported harassment, labeling, and ostracism based on their status as a convicted sex offender (Zevitz and Farkas, 2000; Levenson and Cotter, 2005; Tewksbury, 2005; Tewksbury and Lees, 2006). A fear of being publicly recognized led

many registered sex offenders to limit their interactions with others and to restrict their activities away from their residence (Tewksbury and Lees, 2006).

Inability to find employment or loss of employment and financial hardships are other consequences (Zevitz and Farkas, 2000; Levenson and Cotter, 2005; Tewksbury, 2005; Levenson et al., 2007; Mercado et al., 2008). Sex offenders relied on their family members for monetary support, and this was a financial burden for their family members. (Naser and Visher, 2006). They were also incapable of living with supportive or dependant family members because their homes or apartments were too close to exclusion zones (Mercado, et al., 2008). Others had to move out of rental apartments because landlords or neighbors found out they were sex offenders (Mercado et al., 2008). In the Burchfield and Mingus study (2008), formal parole policies and restrictions were identified by sex offenders as the worst part of the sex offender experience, followed closely by the stigma of the sex offender label (p. 370). Sex offenders in their study voluntarily withdrew from community life to avoid any potential conflict with their parole agents or the possibility of a violation (p. 365).

Sex offenders also reported disruption and difficulty with their families and familial relations (Zevitz and Farkas, 2000; Burchfield and Mingus, 2008; Robbers, 2009). Some offenders reported being disowned by their significant others (Robbers, 2009) and being unable to reside with their families (Levenson and Cotter, 2005; Levenson, et al., 2007). The label as a sex offender ruined relationships with relatives who had children and feared for their children's safety (Robbers, 2009). In addition, sex offenders worried about damage to their reputations as well as their family's reputations and well-being (Burchfield and Mingus 2008). Other offenders worried about their children's response to their sex offender label and the stigmatization of their children based upon their crimes (Robbers, 2009).

Although studies have explored the effect of sex offender specific policies and laws on convicted sex offenders, the impact on their families has been largely overlooked. There is a serious gap in the knowledge

as to how families react to the return of an incarcerated family member, and, importantly, how families of convicted sex offenders navigate the many obstacles and hindrances to reentry and reintegration. Little research has asked the family members of convicted sex offenders for their reactions and experiences with such laws and policies.

Levenson and Tewksbury (2009) and Tewksbury and Levenson (2009) used survey methodology to ascertain the reactions of family members of registered sex offenders (RSOs). A significant amount of stress was experienced by family members related to the designation of their relatives as RSOs (Tewksbury and Levenson, 2009). The majority of the sample identified employment problems for RSOs resulting in financial hardships for the rest of the family. Most (82%) reported that the RSOs had a very hard time finding a job because employers didn't want to hire sex offenders. About half of the sample (53%) mentioned that the RSO lost a job when their employer or coworker learned of their sex offense. Participants also stated that the RSOs were subject to residence restrictions laws. Almost half reported threats and harassment by neighbors. Many respondents (63%) also indicated that their child had been treated differently by other adults (e.g. teachers, neighbors, parents' friends) and that the child was stigmatized because of their parent's offense. A majority (74%) stated that the parent was unable to participate in their child's activities, such as organized sports.

This paper will also explore the perceptions of family members of convicted sex offenders, including parents, spouses/partners, siblings and children. However, rather than using a survey, in depth interview data was directly collected, and continues to be collected, from such families regarding their experiences throughout the incarceration and reentry processes. This study will consider the social policies that foster or encourage family support, as well as family needs that are not met through current policies. This paper is organized around general themes from the literature review and the findings generated from the interviews.

Sample

The sample was comprised of 72 participants from twenty-eight families in Colorado, Florida, Illinois, Kansas, Missouri, South Dakota, Washington, and Wisconsin. The states were selected based upon the number and accessibility of subjects to be interviewed. The family members (97%) typically had a long-standing relationship with the sex offenders prior to incarceration and the family maintained regular contact with them during incarceration and after their release into the community. Nearly 96% were female and Caucasian. Most of the sample (91%) were spouses/intimate others of the sex offenders, although adult children, siblings, parents and grandparents were included. Ages ranged from 18-76 years. A high percentage (89%) reported that the offender lived with them for some period after prison release, and about 50% of those families still had the offender living with them.

The face-to-face interviews were typically four-six hours or consisted of three separate interviews lasting approximately two hours over the course of three days. The interview was semi-structured using a more conversational approach in order to encourage subjects to elaborate on their responses and to raise relevant issues at their discretion. The participants for this study are considered a “hard to access” population given their great concern for privacy and the stigma attached to a sex offense conviction. Thus we utilized a variety of recruitment resources, support groups for families of incarcerated persons and prisoner advocacy groups, as well as placing ads in prison newsletters and seeking names from contacts within the criminal justice system.

Each interview was audio taped and took place in the location of the respondent’s choice. The respondent’s home, researcher’s hotel room, and a restaurant were the most common sites. Recurrent themes were identified and coding categories were developed to fit these themes. Data was analyzed, and continues to be collected and analyzed, using the computerized qualitative data management program ETHNOGRAPH.

Limitations

The sample may be limited in that most family members belonged to, or had contact with, a formal support organization. Therefore, some families may have participated in order to give voice to their negative experiences with sex offender laws and policies. Families who weren't aware of, or hadn't used such resources, were not involved in the study. The sample was also largely female and Caucasian with few minorities and males. As such, we acknowledge that these families may be only a subgroup of family members of convicted sex offenders and not representative of the population of families.

Findings

The main findings of the study are presented in order of the frequency of their occurrence in the interviews. The consequences felt by family members included emotional and psychological effects, physical, stress-related illnesses, social stigma, effects on intimate relationships, harassment and reaction from neighbors and others, negative feelings about the criminal justice system, financial difficulties, and housing and employment problems, and lack of information and resources..

Our findings resonate with aspects of other research on how families experience and cope with crime and incarceration. Respondents reported similar experiences with, concerns about, and emotional responses to these issues. Our findings differ from other studies in the emotional, practical and moral complexity of their concerns and circumstances. These include the more severe, dramatic and longstanding negative portrayals of sex offenders by the mass media, criminal justice officials and segments of the public. They also include the greater vulnerability of family members to secondary victimization by institutional officials, others in their social worlds, and sometimes

by themselves. Finally, some families of sex offenders live with the possibility that their loved one will be civilly committed after finishing the prison term, that is, the offender may be incarcerated for life.

Emotional and Psychological Effects

During the incarceration, family members identified anger and the stress of managing their everyday lives alone without the assistance of their partners. They spoke of the loneliness along with the sense of loss and separation. Similar to Tewksbury and Levenson's (2009) findings, isolation, shame, despair and alienation were felt by the majority of the family members of sex offenders. One respondent in the current study articulated this loss of companionship:

“I wish that I would have had someone to come over and have coffee once in a while. It is a very lonely place to be because nobody knows what to say.”

Most respondents (85%) mentioned psychological stress as a constant in their lives and of having little resources to deal with that stress. The pervasive problems of coming to grips with one's feelings are also mentioned in a study of prisoner families by Ferraro, Johnson, Jorgenson and Bolton, (1983).

Physical, Stress-related Illness

Many families (85%) described how such psychological stress affected their everyday lives. This stress often manifested itself in physical

illnesses. They talked about how the stress affected their work and home lives. Respondents revealed the consequences of the high stress experienced by families:

“It’s very painful. I started to get depressed, having extremes of panic and flushes. It was almost like having a heart attack.”

“I missed a lot of work. I got sick a lot. When I had my thyroid removed, they (doctors) said it was due to stress and everything, that it (stress) just manifests itself in that way. I couldn’t get out of bed, I didn’t want to.”

“I have a history of panic disorders stress brings on my panic disorders and depression. Anyway, the panic attacks are back, even though I’m on my medication. I had a panic attack when I got up this morning, just knowing that I had to leave the house. I can’t leave the house anymore. I’ve put on probably 20-25 pounds from the stress. I’ve had bouts of depression for different reasons, but not this low and not this long, and not this incapacitating.”

Physical illnesses and disorders interfered with the process of moving on with their lives upon their loved one’s return from prison. The families found that their problems were compounded by new issues surrounding their significant others’ status as convicted sex offenders.

Social Stigma

In Fishman’s study (1988b) of prisoners’ wives, she found that wives of sexual offenders were more likely to suffer feelings of shame, especially when their husband’s criminal behavior was broadcast in the local newspaper and on the local TV news program. Their shame was related to their perception of society’s general stigmatization of the offense

or imprisonment (p. 173). The women also reported assuming some guilt for their husband's offense (p. 174). In the present study, most of the subjects (76%) identified a courtesy stigma (Goffman, 1963) attached to them via the stigmatized offending of the sex offender. Many family members reported feeling as though they had committed the sex offense themselves or that they were tainted in some way by their association with the sex offender.

“You are treated guilty by association....I've never done anything wrong to deserve the treatment other than stay with my husband.”

“The laws are unfair and so severe. There's no hope for anyone charged under these laws. The offender becomes labeled as the most vile creature on this earth and you along with them.”

Some family members avoided the stigma by suspending their identity as spouses/significant others, parents, grandparents or siblings of sex offenders. A few subjects (four) commented that they no longer used the appellation of “Mrs,” because they feared questions concerning their spouse's or child's whereabouts or about their familial relationship. They learnt to avoid topics that could lead to questions about their personal lives.

Fishman (1988a) also mentions this suspension of identity in her study of prisoners' wives. However, the suspension of their roles as “wives” only lasted during the period of incarceration. With the families of sex offenders, their identity suspension may be protracted due to public notification of their loved one's release and placement in the community and the public fear and condemnation associated with sex offending.

Just as some family members avoided conversations about their offending relative, others complained when extended family or friends who knew about the circumstances did not ask or inquire about their loved one in prison or at home.

“I think because it’s been so many years, I think people get sick of hearing the story, so to speak. I mean they stop asking and it’s hurtful to me and they don’t realize it. They don’t even ask, “How’s _____? How is he?”

So the sex offender’s well-being was treated as an “off limits” topic by extended family and acquaintances. To families, their significant others seemed embarrassed or uncomfortable broaching the topic. Nonetheless this avoidance of the issue heightened feelings of shame and alienation for the family members.

Effects on Intimate Relationships

Many spouses coped during their loved one’s incarceration by creating an idealized version of their relationship. Some referred to their significant others as “soul mates” with whom they had been through a unique experience that no one else would understand. They commented that their relationship had progressed to a deeper level where they had no secrets from each other and could share anything. The following responses of two wives in the study are illustrative:

“We’re very, very close.... Every time we think we can’t get any closer, we do. I mean, we just know each other so well.”

“This is the healthiest relationship that I’ve ever had. He’s the sweetest, kindest, most open man first time in my life, my best friend happens to be my husband.”

For those with returning family members, this idealized relationship suffered from the realities of life on the outside. During imprisonment, the family had reorganized and assumed different responsibili-

ties and challenges and so the family structure was different (Farkas and Miller, 2007). Families had to renegotiate their relationships and learn to interact with one another which may exacerbate preexisting tensions and create new sources of conflict (Martinez and Christian, 2009). Forty percent (40%) reported having trouble in their intimate relationships due to misunderstandings related to family roles and responsibilities in the household.

Some children of sex offenders also described damage to their relationships with their parents and their siblings. Although they felt anger, embarrassment and disgust toward the offending parent, they also mourned the disintegration of the family. The responses of several children exemplify this pain and confusion.

“Your father’s gone and your mother’s cracking up. All those support structures are gone.”

“He’s dead to me (father). I don’t want him around my children. That’s the only way I can deal with it. If I see him, I want to vomit.”

“My daughter didn’t believe her brother would do this. She’s a nurse and didn’t tell people about her brother because she didn’t want people to think badly of her.”

These children reacted by minimizing their interactions with the offending parent or severing ties completely. This served as a strategy to avoid the hurt and to escape the condemnation or insinuation of other people. The children did maintain some form of contact, visits, telephone or email, with the non-offending parent. Other children reconciled with the offending parent for the sake of their mother. These children tried to assume their roles in the family while struggling to understand their father’s behavior.

Harassment and Negative Reactions by Neighbors and Others

Harassment from others largely consisted of remarks, whispering or stares. Only a few respondents (three) mentioned serious harassment. They did, however, directly connect the harassment to the public notification of the sex offender's residence. They reported that the crimes of their loved one were broadcast on television.

“Well, the media put my house on television....I thought ‘Gee, thank you guys for exposing me.’ I got letters and I got phone calls...tires were slashed, the window was broken out, the big window in the back was broken – someone threw a rock through it – and that was deliberate. And the house was broken into more than once and it was trashed.”

A second respondent recounted how her husband was transported back to prison after a neighbor saw him smoking on the front porch and called police. Her husband's parole agreement stipulated “house arrest” – that he was not to leave his home, which included walking in the front yard of his home. The wife felt intense grief and anger at the neighbor. She blamed herself because she had ordered her husband to smoke outside and she condemned the “nosy neighbors” for calling police.

Another negative reaction by neighbors, friends, relatives and others was to shun the families. Lowenstein (1984) also found this deterioration in relations with family members and friends and a perception by prisoner's wives that their relatives were avoiding them. For the families of sex offenders, this loss of contact may be more strongly associated with the stigmatization of a sex offense. Several family members described an awkwardness that was present in most interactions with others. As a result, participants in this study described their own aloofness and keeping a distance from their family as a reactive measure.

“I don’t talk to anyone anymore. I don’t have any friends. They don’t know what to say to me and I have nothing to say to them.”

“We were quite active in the community. There’s various excuses, but basically everyone just I just ceased to exist. It didn’t matter that I hadn’t done anything wrong.”

Several interviewees simply withdrew from their community and lived a self-imposed isolation to avoid the disapproval and judgmental attitude of others.

“I don’t trust anybody. There are a couple of people that I have but I’m still pretty antisocial.”

“Putting a front on like everything’s okay when really there is all this turmoil going on, you know. Initially you’re embarrassed and you don’t want to talk to people. You try to act like everything’s okay so people don’t ask.”

Involvement in a support group for families of prisoners, or specifically sex offenders, was another means of withdrawal from others who could not understand or sympathize. The support group members shared common experiences and so it provided a sense of camaraderie for its members.

Negative Feelings about the Criminal Justice System

Virtually every family (90%) harbored negative feelings toward the criminal justice system and blamed their plight and that of their loved one on the draconian laws legislated for sex offending. They felt the

system was unfair and biased toward sex offenders. The following interviewees relayed their loss of faith in the criminal justice system:

“We’re sitting here with a disillusion about the whole process. I’ve lived here all my life. I’m a native and I follow the law. I was in the military for 23 years. I understand authority, and I do understand authority. But what I don’t understand is their abuse and misuse of authority, that’s what really sticks in my throat.”

“The system lies to you. I’ve lost confidence in my government. You can be arrested at anytime based on gossip.”

“You trust that justice will be served. Well, justice is blind to justice. Something else is motivating the system. The whole process is superficial.”

Some of the sex offenders were required to register for a period of years and one was a lifetime registrant. Many family members (57%) feared that coworkers or neighbors would find their significant other’s picture on the internet. They felt that posting the photograph with information about the crime was unfair and hampered the attempts of the sex offender to reintegrate into his family and community. One respondent described problems experienced by her son as a result of the posting of his father’s crime on the sex offender registry:

“My youngest son went to public school and it was horrible. One of his friends went on the sex offender registry and insisted on trying to interrogate my sonkids are vicious at that age (middle school). He tried to interrogate him throughout the school year.”

Many post-release restrictions were also considered too harsh and unreasonable, including electronic monitoring, house arrest and curfews. Respondents also complained about the “blanket restrictions” applicable to all sex offenders.

“They’re just very, very proactive with anything having to do with sex offenders. And everyone that comes in that has sex offender in their file, regardless of whether it is a 12-16 year old or under 12 years (victim), they’re putting them on electronic monitoring. The cost is astronomical. He was having to pay \$310 a month for the monitoring.”

Another worry was that their loved ones might recidivate or violate conditions of supervision. One interviewee spoke of the tension in her relationship with her spouse due to this concern.

“And it’s hard between us (spouses) because, according to the law, I have to know if he’s done what he’s supposed to do and he’s getting to the point where he’s resentful because he’s made comments to me like “you’re not my probation officer.” You know, it’s created this environment where I feel like a parent more than a partner.”

There is some support for their fear about violations on supervision. Of 9,691 sex offenders released from prison in 1994, 38.6% were returned to prison after three years and they were returned either because they received another prison sentence or because of a technical violation of parole (Langan, Schmitt, and Durose, 2003). However, it was more likely that a violation of parole would send the offender back to prison.

Financial Impact

The financial impact on family members of offenders has been mentioned in several studies (Lowenstein, 1984; Fishman, 1988a). The majority of families (94%) in the present sample described the adverse financial consequences. Many spoke of how their financial situation

had changed for the worse during the criminal justice processing and eventual incarceration of their loved one. A large majority of those who provided financial support to their returning family member did so at considerable financial risk. Some spoke of losing their homes and possessions to pay legal bills and to support the household. Many families held the hope that the sex offender would become a contributing member of the household. However, finding and keeping a job were major hurdles confronted by the sex offenders.

Employment and Housing Difficulties

Difficulties finding employment and housing for sex offenders has also been described in the research (e.g. Levenson and Cotter, 2005; Tewksbury, 2005; and Levenson et al, 2007). Similarly, the majority of the interviewees (96%) identified employment problems faced by their loved ones as resulting in financial hardships for the rest of the family. Probation and parole officers typically notify all potential employers of sex offenders under supervision and then conduct random visits to their workplace. Most sex offenders are placed on an internet registry that employers, as well as the general public, can check. Employers may be reluctant to hire a sex offender fearing a negative impact on their business and risking inappropriate sexual behavior from the sex offender toward coworkers or customers. Most family members also reported that their loved ones had great difficulty finding a job that fit their qualifications, and in some cases, the offenders had to settle for jobs beneath their qualifications.

“He can’t even find a job to match his qualifications. He’s working in construction. With all of our debt I had to file for bankruptcy and I ended up divorcing him.”

Families also responded that their loved ones lost their jobs because of the designation as a sex offender. The employer was either notified by their probation officer or the employer identified him as a sex offender on the internet registry. One mother recounted the experience of her son being “outed”:

“He earned a mason’s certificate in prison and so that helped and enabled him to get a job. But then as a mason, the first job he had, he worked adjacent to the University. And his probation officer called the Dean of the University and told him that he was working next to the University. The Dean called the superintendant of the contractor and told him if he didn’t get the sex offender off his workload that he would cancel the contract. So he was asked to leave that position and it was devastating for him.”

Furthermore, finding housing for sex offenders can be quite complex due to residency restrictions in many states or probation and parole conditions restricting their residence. According to mapping research, the vast majority of residential dwellings in metropolitan areas are within close proximity to places where children congregate, leaving little territory available for sex offenders to find compliant housing (Levenson, 2009 21). Housing sex offenders may also involve some form of community notification depending on their risk level. Several family members from smaller towns mentioned bulletins at libraries and post offices and television notification. An acute feeling of shame and anxiety was described by these small town residents since their identity and the identity of their loved one was “big news.” This notoriety made it very difficult to find both housing and employment.

Lack of Information and Resources

Not having enough or even minimal information about various laws and policies is a common concern of families of criminal offenders. Mistrust of the criminal justice system combined with a lack of information exacerbates the uncertainty and fear felt by relatives of sex offenders. Families of prisoners in the Ferraro et al. study (1983) reported the difficulty of accessing sufficient information to reduce ambiguity and uncertainty. The problems are compounded for families in this study because of the many sex offender specific laws and policies. Legal information and information about how the criminal justice system operates seemed to be the most needed information for respondents. Family members articulated their frustration with the lack of information.

“There’s just no information out there—no place you can go to get the answers. So you stumble around trying to get the answers. It adds to the stress of the situation.”

“You know, where are you going to go for help? How are you going to get this person in your family the help they need? And somehow we need to develop that system (information).”

Many families credited support organizations with providing official information about the criminal justice system, as well as informal tips on how to cope with the accompanying stress. However, there was still a significant information gap that could not be filled.

Discussion

Record numbers of offenders are returning to their communities but few with knowledge of the myriad of restrictions and obstacles facing

sex offenders. This paper explored the experience of reentry through the viewpoints of the family members of convicted sex offenders. Incarceration is a stressful experience and reentry can be just as trying. Although almost all states have some form of transition or prerelease program in place, to-date there is no special prelease program for sex offenders, even though they are subject to unique laws and policies post-release. Sex offenders and their families need preparation for reentry into society. Participants mentioned the lack of information and resources for families of sex offenders. Although most of the sample belonged to prisoner support organizations, they found that oftentimes the information they needed was sex offender specific and not available from the organization.

Since family members play such a vital role in the successful reentry of many offenders, they should benefit from services designed for returning prisoners and their families. Many families of sex offenders may lack the capacity to be an effective support system. Some scholars have urged that a division of family services or family relations be established in all correctional systems to advocate for families, to facilitate strong family bonds and to overall ease the transition from prison to the community (Farkas and Miller 2007, 91). Within that division, a unit should be created to manage sex offenders and their families to ensure that family involvement is constructive for both the sex offender and the family. The unit would explain the laws, their provisions, sex offender specific correctional policies and provide information and resources available for family members. The unit could be an inter-agency organization that works with parole and community supervision agents as well. The problems with housing restrictions, sex offender registration and notification and employment for sex offenders could then be handled through this inter-agency cooperation.

Another promising approach is to connect released sex offenders with trained and guided volunteers involved with “circles of support” or “circles of support and accountability (Wilson, Cortoni, and McWhinnie (2009). These circle volunteers can be community residents, as well as professionals who work in the criminal justice and social

service systems. These volunteers assist sex offenders with practical life skills, with emotional needs, with day-to-day challenges and with mediation with the wider community (Cesaroni, 2001). The support may vary depending on the needs of the sex offender and the extent of involvement of the family in their lives. The meetings may be weekly and circle members are “on call” in the event of any personal crisis or relapse (Cesaroni, 2001 89).

The circles of support may assist family members by acting as an additional support system for the offender. The circles may augment the efforts of family members to keep the sex offender participating in treatment and compliant with supervision conditions. The circles may thus serve a reintegration function for the sex offender and may help to reconcile or strengthen family ties.

Whatever the structure and organization of these programs may be, reentry and community programs need to consider family members in order to incorporate this important resource for managing and monitoring sex offenders. Over time the pressures of reentry may affect the amount of support and quality of the family relationship (Naser and La Vigne, 2006). The types of assistance that families are able and willing to provide must be researched. The use of circles of support, alongside or in lieu of family members as a primary support group, also warrants more research. The challenges involved in offering family support and the services needed by families should also be explored for any type of program or services for sex offenders and their families.

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Erin Gayle McCuaig

13. DOING TIME ON THE OUTSIDE: Managing Relationships with Imprisoned Men

Introduction

Historically, criminological literature has tended to overlook the experiences and voices of those most intimately linked to prisoners. Given this, the families and partners of prisoners have often remained in the background of discourses on ‘crime’ and justice. Not surprisingly, they have become known as the ‘hidden victims’ in the criminal justice system (Bakker, Morris, & Janus 1978; Light 1993; Matthews, 1983; Shaw, 1987). Despite the burgeoning prison population in North America and the subsequent growth of literature seeking to explore the collateral consequences (Hagan & Dinovitzer, 1999) of mass imprisonment (Garland, 2001), this population continues to remain at the periphery of academic analyses and public discourses.

This article seeks to capture the challenges of female partners of male prisoners in Canada with specificity given to the carceral context. The data is derived from a qualitative study, using semi-structured interviews with female partners of prisoners, which examined how the lives of women were affected by their male partners’ incarceration¹. A

1. Specifically, the data reflected in this article was derived from an unpublished Master’s thesis (McCuaig, 2008).

close analysis of the findings reveals that the experience of visitation can be particularly harrowing for women and that the policies and procedures to which they are subjected tend to be stigma-based. Yet, the study illuminates how the women forge inventive strategies to resist their subjugation in this environment. The insights into their lives speak to the need for the corrections system to humanize visitation policies directed at those who enter their prisons to visit their loved ones.

Literature on Partners of Prisoners

Hardships and Challenges

The challenges endured by the loved ones of prisoners are dynamic and can be identified through socio-political, physiological and economic variables. In the realm of 'what works' in prisoner rehabilitation, the maintenance of intimate relationships with persons on the outside has been widely acknowledged in criminological literature as a determinant of successful prisoner reintegration (see, for example, Petersilia, 2003). Yet despite this, the 'outside' half of this relationship is often negatively perceived by others and stereotyped as extensions of prisoners' deviancy (Shichor, 1992). Several researchers have established that those who hold intimate ties to prisoners be it through blood or kin relations are a marginalized group vulnerable to stigmatization (see: Fishman, 1990, p.113; Goffman, 1963, p.30; May, 2000, p.217; Morris, 1965, p.108). According to Girshick (1996, p.10), the public's negative perception of criminalized persons makes it difficult for most people not to morally judge. The loss and forced separation of an imprisoned man is different than traditional losses experienced in society such as death and divorce, given that they tend to be absolved by others (ibid, p.10).

A dominant theme emerging from the literature on families and partners of imprisoned men is the strains of incarceration on intimate relationships (see, for example, Carlson & Cervera, 1992, p.73; Fishman, 1990, p.271). These strains can be traced to the multiple challenges that impact the lives of women partners of prisoners (Carlson & Cervera, 1992; Girshick, 1996). Of particular concern is the lack of social support and economic resources to aid them through the difficult period of enforced separation (Carlson & Cervera, 1992; Selber, Johnson, & Lauredale, 1993). Tewskbury and Demichele (2005) suggest that this absence of assistance for prisoners' families is attributable, in part, to a punitive justice system in North America, where the emphasis is no longer on rehabilitation but is guided by a retributive philosophy characterized by the imposition of longer sentences and the curtailment of prisoners' liberties. This agenda therefore seeps into the consideration of families and partners of incarcerated persons and further discounts their role in the criminal justice system.

Carlson and Cervera's (1992, p.144) study of wives of incarcerated men revealed that many of the women were required to fulfil several roles and responsibilities which in turn caused them to feel great pressure. Fishman (1990, p.5) notes that the imprisonment of a husband is a "crisis point" which necessitates that the family unit be restructured. Reportedly, wives bear the full burden of this task and must facilitate the adjustment for their children while acting as the 'caregiver' to their husbands (ibid, p.6). Difficulties in assuming the role of single parent are often compounded by the distressed behaviours exhibited by their children who are also coping with the incarceration of their father (see: Bernstein 2005; Boswell & Wedge 2002; Gabel & Johnston 1995; Martone 2005; Seymour & Hairston 2001; Shaw 1992).

The literature overwhelmingly reveals that measures to support and maintain relationships with incarcerated persons often cause emotional turmoil. Grief, isolation, and profound loneliness are common sentiments that plague the day-to-day lives of many women partners of prisoners (Comfort, 2008; Fishman, 1990; Girshick, 1996; Morris, 1965). Adding to the emotionally charged experience of enforced

separation are the economic consequences on the women. At the outset, the majority of female partners of male prisoners are financially disadvantaged (see: Brink, 2003; Comfort, 2008; Girshick, 1996; Morris 1965). Thus the period of incarceration often exacerbates their poor economic standing (Carlson & Cervera, 1992; Carr, 1995; Christian, 2005; Fishman, 1990; Fishman, 1988; Girshick, 1996; Morris, 1965). Paying for collect calls, travels to the institution to engage in visitation (Burstein, 1977; Girshick, 1996) and strategizing to make up for the absence of their partners' income are economic predicaments identified by this population (Braman, 2002; Comfort, 2008; Fishman, 1990; Girshick, 1996; Morris, 1965).

Coping with the Challenges

The coping mechanisms of women partners of male prisoners are not static. Carlson and Cervera (1992) have identified that securing savings where possible, having support from others (prisoners' families included), children, religion, and utilizing positive measures of assistance better equip women to deal with their partner's term of custody (p.73). Visitation, writing letters and engaging in telephone contact are vital coping tools during the period of enforced separation (Carlson & Cervera, 1992; Comfort, 2008; Fishman, 1990). In addition, many family members of prisoners in Christian's (2005) study reported that having the hope that parole would be granted and remaining cognizant that the situation was temporary helped them to negotiate the strains of incarceration (p.43). In considering the strategies of stigma management in relation to their husbands' imprisonment, Fishman (1990) found that dissolving ties to their partners, adopting 'normal' lifestyles and or identities, and avoiding labels that alluded to their ties to prisoners were cited as fundamental coping mechanisms (p.270).

The Case of Visitation

A growing but overlooked issue in relation to challenges of families and partners of prisoners concerns visitation. Indeed, visits have been quoted as “the real world while the time outside the prison is just the time between visits” (Girshick, 1996, p.4). While the face-to-face reunification typically afforded through institutional visits can undoubtedly serve as a powerful reprieve from the pains of enforced separation, there is evidence that this experience can be daunting and, in effect, accentuate the stigma faced by this group (Comfort, 2008; Comfort, 2003; Fishman, 1990). The findings of Comfort, (2008), Girshick (1996), Fishman (1990) and Sturges (2002) reveal that within the penal environment, women partners are frequently perceived by institutional staff as sources of potential problems and consequently are treated with suspicion. Moreover, the operational practices and policies of the prison often cause unpredictable consequences for women partners of prisoners when being processed into the institution as a visitor (Brink, 2003; Carr, 1995; Christian, 2005; Comfort, 2003; Girshick, 1996; Fishman, 1988; Fishman, 1990; Gordon & Bainham, 2004; Sturges, 2002). Brink’s (2003) research observed how the overall experience of each visit to the prison is often dependent on the institutional head, who holds the discretion to determine the nature of the visit, whether the visitor will be harassed, and to what level they will have to submit to stringent policies (p.395). Comfort’s (2003) study notes how the imposed conformity, obedience and standardization of the prison often lead to the loss of personal freedom and agency for women visiting institutions (p.101). Girshick (1996) discovered that visitors’ attempts to clarify institutional policy are often dissuaded by irritated prison administrators (p.78). The possibilities of lockdowns, procedural delays (Girshick, 1996), and submitting to strip searches (Comfort, 2003; Girshick, 1996; Fishman 1990) are additional aspects that hamper the quality of the visitation experience. To cope with the challenges of the carceral context, one author identifies that conversations between women visiting the institution often lead to friendships

where the strains of incarceration can be shared (Christian, 2005, p.39). By contrast, some women in Fishman's (1990) research disassociated from prisoners' wives whom correctional officers would strip search to minimize the chances that they would be treated with suspicion (p.150). Finally, a small number of studies (Comfort, 2008; Comfort, 2003; Fishman, 1990) examine how women partners negotiate their presentation-of-self (Goffman 1959) in the correctional environment in an attempt to appear compliant with authoritative figures and in turn reduce the severity of their stigma².

A brief review of the literature underscores the complex challenges faced by women partners of male prisoners. Given that most studies are from the United States and the United Kingdom (i.e. Brink, 2003; Comfort, 2008; Fishman, 1990; Girshick, 1996; Morris, 1965), their empirical findings cannot necessarily account for the Canadian context particularly given the varying demographics and considerable presence of privatization in the United States. This article aims to fill the gaps in the literature by examining the carceral experiences of women partners of male prisoners in Canada.

Method

Epistemologically, this study is rooted in critical social science. Within this evolving perspective, knowledge is located in the personal, social and structural complexity of human interaction (Schwandt, 1997, p.39). To this end, the methodological approach of this study is qualitative. An exploratory design was adopted to yield rich, fine-grain data from a hidden and marginal segment of society. Interviews were conducted with five female partners of male prisoners, posing

2. This concerns how they act and present themselves physically and psychologically to correctional staff at all levels of interaction within the prison system. Specifically, the women would portray a self that was cordial, pleasant and conservatively dressed.

open-ended questions concerning their experiences, challenges, and coping strategies within their personal lives and the impact of imprisonment, focusing primarily on stigma and resistance. Participants were recruited using ‘snowball sampling’³. The raw data from the transcripts was analyzed, establishing central themes, sub-themes, and patterns which were subsequently categorized. Drawing on an “iterative” process (Rossman & Rallis, 1998, p.178), themes emerged from the data without imposing meaning. A notable limitation of the study concerns the small sample size of participants, thus the findings cannot be generalized nor are they representative of the population in terms of race and language.⁴

Visitation

The research participants sketched a picture of the carceral setting which suggested that behind the walls of the prison, as women partners of prisoners, they faced an array of obstacles that differ from those encountered in their everyday interactions.

Theorizing Visitation

Given that the unfavourable attribute of the participants in this study is not visibly apparent, it manifests in particular situational contexts⁵. The respondents reveal that in the prison their experience of stigma is

3. Two of the participants were in their early twenties and without children, while the remaining three informants consisted of mothers in their fifties. Two of the participants interviewed met their partner when he was already in federal custody. By contrast, three interviewees had been with their partner prior to his incarceration. Two of the five men were incarcerated in provincial correctional facilities, and one man had recently been released from a provincial jail.
4. The women interviewed were Caucasian and Anglophone.
5. According to Goffman (1963) a ‘discredited’ individual has a characteristic that is readily acknowledged (for example, a burn victim) whereas a ‘discreditable’

particularly salient. Indeed, the discreditable status of being a female partner of a male prisoner must be disclosed to prison officials as one of the most preliminary procedures of the visitation process. As such, in this space, the ability for women partners to pass as 'normals' is unrealizable. Thus, within the confines of the penitentiary, the participants' status is transformed, and they become discredited. Their identity henceforth becomes 'spoiled' (Goffman, 1963).

The Ion Mobility Spectrometry Device

Prison is a state institution which embodies particular rules and regulations. Technological tools are structured into the screening process of visitors entering penitentiaries and are premised on the expectation that as relatives or associates of prisoners they pose a threat to the institution, more specifically, that they are potential contraband carriers. As such, the concept of structural stigma (Hannem, *forthcoming*) resonates with several of the participants' testimonies who spoke of the institutional rituals of visitor screening. More specifically, structural stigma was evident in the search technologies applied on the women when attempting to visit their partner in prison. One particular tool identified by three research participants whose partners were incarcerated in federal facilities was the ion scanner.⁶

The Ion Mobility Spectrometry device emerged in the mid-1990s in several Canadian federal penitentiaries on an experimental basis, and by 2004 it was implemented in all correctional facilities (Friedman, 1997). According to the Correctional Service of Canada, the ion scanner is a non-intrusive search measure used to detect and prevent the entrance of illicit substances into its institutions. Those

person is someone who possesses a stigmatic attribute that is not instantly apparent yet is still significant to their personal identity and life history.

6. It is important to note that ion scanners are employed more frequently in federal institutions; therefore those participants' who were visiting their partners in provincial correctional facilities are occluded from this sub-section of analysis given that they reported not having encountered the usage of this technology on them when being processed for visits.

subjected to this screening device are the visitors of prisoners (CSC, 2004b)⁷. This is because they are deemed to be vulnerable to prisoners' requests for contraband because of their intimate ties to them. By swabbing and scanning pieces of a visitor's personal belongings (for example, the zipper of a coat or a necklace) correctional officers are able to acquire measurements which indicate the presence of microscopic chemical particles on visitors. A negative reading implies that the visitor does not exceed the threshold of illicit substances on their person and thus, in most instances, they would be granted their visit. In contrast, a positive reading on the ion scanner (one which exceeds the set threshold) indicates an alarming level of substances on the visitor⁸. In these instances, a Threat Risk Assessment (TRA) is conducted (CSC, 2004a). The visitor is tested for a second time using the ion scanner scanning a different area of the clothing, footwear, or personal possessions. Further, the visitor is given an 'interview' with security staff to explore why he or she provided a positive reading. This can be followed by a request to consent to a frisk and or strip search⁹ (ibid, 2004a). Following the completion of the Threat Risk Assessment, the visitor will, in most cases, either be granted a closed visit¹⁰ or be denied their visit and asked to leave the institution

Respondents reveal the problems associated with the ion scanner in the following accounts. Molly, an interviewee in her fifties', whose partner is serving a life sentence, comments:

(...) I've seen people come in with (...) their... driver's license still in the envelope, not even open. And they'll open it up right there... 'cause they've ... been hitting on the ION scanner. And they'll go, "here is a brand new license, you open it up, it's still in the envelope". And

7. Persons who are CSC employees are not subjected to the ion scanner.
8. The general threshold for cocaine is 500 nanograms or higher and 100 nanograms or higher for heroin. Additional threshold levels for other substances can be set by the institutional head (CBSA, 2006, par.8).
9. According to CSC policy, visitors who are asked to consent to a strip or frisk search are given the option of declining and leaving the institution (CSC, 2004a).
10. Closed visits prohibit physical contact between prisoners and their visitors by using a glass barrier to separate the two parties, requiring them to communicate using a telephone.

they open it up and .. cocaine. (...) I laugh – nine out of ten bills in this country have cocaine residue on them. (...)

Lucy offers a different view:

(...) it's a wonder they don't fingerprint you. You know they might as well, because to me, taking swabs of your clothing is like taking a fingerprint (...) So, they might as well fingerprint you too and (...) tattoo ya, and stick you in there (...)

Having to submit to the ion scanner is not only unsettling, but positive ion scan tests can have serious ramifications. For instance, Jennifer's continued pattern of 'hot hits'¹¹ on the ion scanner resulted in years of restrictions being placed on her visits. She explains how she feels targeted because of the nature of her partner's' offence:

(...) 'cause he's in for drugs (...) So automatically I'm a drug person (...) I don't do drugs (..) The strongest thing I do is a Tylenol One (...) But I'll go up there and they'll tell me, and not just that I'm testing positive for something, I'm off the charts. I'm off the charts for cocaine. I'm off the charts for heroin (...). The first time I went in they told me I was off the charts for heroin. (...) I don't go near it. I've never been near it.

Jennifer goes on to recall another encounter:

(...) I was in there one day with their brand new machine, there was three guards in there. They swabbed whatever it was they swabbed and the machine sounded like, you know when you win on the lottery machine? It goes, ding, ding, ding,

11. A 'hot hit' is a term employed by correctional officers which infers that the ion scan test they performed on the visitor elicited a positive reading, hence alluding to the presence of illicit substances on that particular individual.

ding, ding, ding – that’s what the machine was making. And the two guards that were sitting down, sat up and go, “I’ve never seen it do that before”. And I go, “what, what are you talking about?” And they said “you’re off the charts for heroin”. I said “there’s no way, I’ve never seen heroin in my life”. “You’re off the charts” (...)

According to Hannem (*forthcoming*), members of stigmatized groups “are considered to be ‘risky’ or to somehow threaten the social order, and thus may be subject to intervention or surveillance designed to minimize their risk to the general population” (p.13). The ion scanner is therefore a preventative measure applied by those who presuppose that women partners of prisoners are expected norm violators given their association to prisoners. The imposition of this invasive search technology is an indication of structural stigma. The use of this tool is an institutional practice that reflects stigmatic assumptions embedded in the social structure of corrections. Moreover, its presence is justified under the presumption that women partners of prisoners are contraband carriers requiring invasive measures to manage the threat they pose. Lastly, the measurements produced by the ion scanner can cause further disadvantage to the women (by indicating that they have drug particles on their person) which subsequently opens them up to added stigma and jeopardizes their visitation rights.

Jackson & Stewart (2009) highlight, that from 2001 to 2006, CSC’s internal audit of drug seizures in the visits areas accounted for less than 20 percent of forfeitures (CSC, 2006, p.17). It has also been concluded that the TRAs and the application of the ion scanners on visitors have not been properly conducted by correctional employees (CSC, 2006, p.17). According to Jackson & Stewart (2009, p.81), “requests of CSC to produce a list of known substances such as cosmetics, cleansers and other items that can produce false-positive readings have been refused on the grounds that their agreement with the manufacturer explicitly forbids such disclosure”. CSC has yet to provide empirical evidence of studies which indicate that the ion scanner is a dependable search tool. Usage of this technology has sparked

considerable debate in regards to its ability to decipher between legal and illegal substances on visitors (Ibid, 2009).

The women's stories support one of the central concerns of critics: that the Correctional Service of Canada strives to responsabilize prisoners' families and partners for the perceived 'drug crisis' inside its federal prisons by utilizing the ion scanner and consequently interpreting its results as evidence of criminality (Collins, 2003, p.2). For instance, note how when Jennifer attempts to assert her innocence, correctional officers reject her statement by continuing to declare that she is "*off the charts*" for heroin, hence calling on science as the truth and de-legitimizing her claims of innocence. Further, each occasion when the ion scanner provides a positive reading, the results are recorded in a file that can have detrimental effects on the relationships and futures of prisoners and their visitors (Collins, 2003; Friedman, 1997). For Jennifer, this tool crippled her visitation: "(...) *I think in the past three years...maybe three months we've had open visits...the rest have all been closed visits*". One could argue therefore, that the measurements provided by the ion scanner create a hierarchy of deviance in which women partners of prisoners are situated.

The physical act of submitting to the ion scanner can be a particularly shameful experience in and of itself. In Lucy's case, visiting a prison was already problematic; therefore the ion scan process consolidated her devalued status. For Lucy, submitting to this machine caused her to feel tainted. In recounting how she felt on these occasions she provides a summation: "*Dirty. Very dirty, because you never know where they're swabbing.*" Lucy's comments shed light on how, for some women partners of prisoners, the ion-scan process can be especially distressing, damaging their sense of self. Such experiences can shape the self-concepts of stigmatized persons (Mullaly, 2002).

Not only are the uses of technological tools such as ion scanners indicative of structural stigma, they also serve as examples of the 'trimming' or 'programming' within total institutions:

Admission procedures might better be called trimming or programming, because in thus being squared away the new arrival allows himself to be shaped and coded into an object that can be fed into the administrative machinery of the establishment, to be worked on smoothly by routine operations (Goffman, 1961a, p.16).

Interpreting Goffman (1961a), when participants remove personal possessions to be processed through the ion scanner, they shed parts of their identity as “people invest self feelings” in their personal belongings (p.23). Thus, their sense of self becomes fractured. Moreover, their individual possessions are removed in order to pass through the mechanisms of the institution and cascade to the next phase of visitor screening. Keeping this in mind, these measures of dispossession are harmful since they are symbolic of people’s personal identity markers. Beyond this, it has been noted that punitive actions are emphasized by the use of technology, which is increasingly evident in penitentiaries (Christie, 2000). According to Christie (2000, p.133), technology enables the state to reinforce social and physical divides, resulting in the marginalization and punishment of those closely associated with prisoners. The accounts of the research participants suggest that the ion scanner removes human accountability from the corrections system at the same time as it generates a repressive climate, thus stigmatizing female visitors.

Interpersonal Stigma

It is not only the technology that inflicts stigma on the women who visit their partners in penitentiaries, but it is also the agents who apply it. The structural stigma experienced by women partners of prisoners is compounded by incidences of interpersonal stigma. More specifically, interpersonal stigma speaks to the stigma that is directly associated with the correctional officers’ responses to the women as partners of prisoners.

When asked how they found the experience of visitation, all respondents recounted unpleasant and even cruel encounters with correctional officers. As discussed earlier, the perception of being criminalized by correctional officers has been identified in previous studies on female partners of prisoners (Fishman, 1990, p.134; Girshick, 1996, p.5; Sturges, 2002, p.40). Given that in the prison the women's stigmatic attribute is transformed to discredited in light of their association with their incarcerated partner, the respondents support this finding by disclosing how correctional officers perceive them as 'criminals'. As Molly explains:

(...) most times...you're treated like you're the inmate. Like, you're treated like somebody that's in jail. When you're visiting somebody in jail, you seem to be categorized as being guilty for whatever it is that they're in there for (...)

Molly's account resonates with Goffman (1963), who asserts that the stigma incurred from association with the stigmatized is particularly acute in the context of criminality. As such, the social identity of the 'criminal' is assigned to those most intimately linked to them, namely, their partners, spouses, and girlfriends: "the assumption being that he [*sic*] is what the others are" (ibid, 1963, p.47). In keeping with this idea, correctional officers presuppose that incarcerated men have character defects. For example, the misconception that prisoners are by nature deviant, untrustworthy, and morally bereft is commonplace (Friedman, 1997). Hence, this forms the lens through which correctional officers perceive and treat prisoners' female partners.

In the following statement, Lucy, an interviewee in her fifties, recalls interactions with correctional officers:

(...) there was two guards there that just...they hated just the sight of me, and it's not that I did anything wrong, they just hated the sight of me, you know. And it's like, what is it? Do I look better than you? Are you jealous that I'm seeing this man? It's like – you have the

problem here, I don't. You know... so [they would say to me] "well, you're here again?" Well, yeah, I'm here (...)

She goes on to provide another encounter:

(...) there's one guard, he asked me for my phone number. (...) And they would ...[say to me] "oh, well, (...) you don't have outside sex? - well, you've gotta be one of the first". Like this is what a guard said to me. He says "so, you know, who is it – your boyfriend outside? I go, "he's my boyfriend" [referring to her imprisoned partner] "Well you have to be the first" (...)

Lucy's story adds another layer to the preconceived notions that correctional officers have of women partners of prisoners. Not only are they viewed by criminal association, but they can be perceived also as promiscuous. Beyond this, Schur (1983, p.37) notes that women experience several forms of stigma that, at the outset, is marked by being female. Thus, the respondents' stigmatization by correctional officers is compounded by gender status, while taking place in an institution that deprives them of their autonomy and identity. Consequently, in this hostile and gendered environment, female partners of prisoners experience greater vulnerability to sexual harassment. In this subjugating context, gendered forms of harassment "may sometimes constitute punishment for women's perceived violations of norms" (ibid, p.141) and the moral stigma attached to female partners of prisoners provides the basis for which male authority figures justify their misconduct.

The stigma Molly endured from correctional officers was particularly abrasive and longstanding. She explained how they often carried out discriminatory acts by placing various restrictions on her visitation such as suspended or closed visits, or denying her visits. She recounted an occasion when an altercation with correctional officers led to a criminal charge and conviction:

(...) I mean, I got charged with trying to take a maximum security facility down with a harmless object. And I now have a criminal record because of it, who are they gonna believe? – guards or somebody who visits a lifer? (...)

Molly suggested that the incident leading to the charges was embellished by staff in an effort to punish her. Her comments reveal that as a female partner of a male prisoner, she understands the lack of credibility equated with her social identity. In Molly's eyes, her social location in the criminal justice system stifled her endeavours at vindication.

(...) I think that the charges and all that stuff went down (...) I think they thought I'd walk. Say "oh, okay, I've had enough, I'm leaving", but I didn't. It was nine months before I was allowed to visit him again though. Had to go through court before they'd allow me to come back and visit. A judge said that he did not want this affecting the visits. The street cops here even told me after I was arrested and they brought me back home they said "This is bullshit, you're being railroaded". I said, "I know that, you know me". You know, but – it's a game, it's all a game.

After having incurred a criminal record, Molly became more compliant with correctional officers to prevent further punitive sanctions. Her story also resonates with Goffman (1961a, p.17):

The occasion on which staff members first tell the inmate of his deference obligations may be structured to challenge the inmate to balk or to hold his peace forever. Thus these initial moments of socialization may involve an "obedience test" and even a will-breaking contest: an inmate who shows defiance receives immediate visible punishment, which increases until he openly "cries uncle" and humbles himself.

In these terms, Molly experienced the consequences of challenging the 'obedience tests' institutionalized by staff. Consequently, she carried

the additional burden of having a criminal record, which exacerbates her stigmatization, including her 'life chances' (Goffman, 1963, p.5). As a result of her battles with correctional officers, Molly discussed how visitation became an unpredictable process for which she found hard to prepare:

(...) you never know, when you're going to visit from one day to the next. You know (...) are 'yall gonna be on closed visits, are they going to accuse you of this, or are they gonna say the ion scanner did this, oh the dog hits you for this. (...) you know what you're doing, so you know ... whether it is correct or not.

Molly's comments are consistent with the literature on families and partners of prisoners which evidences visitors' lack of trust of prison staff (Christian, 2005; Collins, 2003; Friedman, 1997). Her story also poignantly reveals how the unpredictable behaviour of correctional officers can further dampen the already difficult process of visiting partners in prison.

The participants' accounts support the research on women partners of prisoners which asserts that institutional policy and its application devalues their status. Moreover, women bear their partner's stigma in the prison environment (Fishman, 1990). Rather than facilitating the visitation process, penal policies therefore create tension between women partners of prisoners and corrections staff. Ultimately, this accentuates the uncomfortable experience of visitation, while reinforcing the belief that intuitional procedures are appropriate, necessary and rationale to which visitors must adapt. Considered in the correctional context, participants' testimonies reflect the many sources of contamination that exist for women who visit their partner in the penitentiary (Goffman, 1961a). Taken together, ion scanners, explicit formal policies and correctional officers' responses reduce the visitors' agency and depersonalize their status. Accounts of feeling 'dirty' or experiencing the ascription of a criminal label undermine women's

self perceptions. This adds a further dimension of vulnerability to an already marginalized situation.

Resistance

The presence of structural stigma and the response of state agents who play an active role in confirming the discredited status of women partners demonstrate that the visitation process and experience is characterized by depreciation and dehumanization. Nevertheless, the participants were able to exercise agency and develop strategies of resistance to defy their ascribed stigma or, at least, retain a positive sense of self. Several researchers have established that resistance is not limited to ‘overt’ challenges such as protesting, or taking legal action, but extends to informal acts, where marginalized people reject the ascribed stigma and stereotypes that society brands them with (Collins, 1991; Riessman, 2000; Zajicek & Koski, 2003). For example, Collins (1991, p.92) notes how resistance can include “private spaces of consciousness”.

Undermining Technology

The first tactic of resistance is the minimization of readings from the ion scanner, to undermine the prison technology. This involves disinfecting personal possessions by the application of alcohol. To illustrate, Lucy describes how she disinfects her belongings prior to visitation:

(...) I would stop on the side of the highway, (...) I’ve got off and right when I got off there, I stopped there and I’d take the alcohol out and I would clean – if I wore jewellery, clean it all, okay. I would clean my hands with it. I’d clean my shoes with it. The zippers on my pants with it...

Jennifer details her attempts at undermining the ion scanner:

(...) he's drivin' me up there one time, and I pull the Clorox out, and I start wiping everything all down and he goes "what are you doing?". I said, "Scottie I go through this every time I go up there". And just when we're getting off the highway, going up the road, going into the maximum security prison – that's when I'm doing it all. And he goes like "that's insane". I said "tell me about it". And then I'll go in, I'll come out and I'll go "Scottie, guess what? I tested positive for cocaine". "How?" [he said to me]. When I've wiped everything down. I wipe my sunglasses, my reading glasses, all of my jewellery. Wipe everything down. And they're still telling me I'm positive.

Creating an Alternative Discourse

A further strategy of resistance concerns the formation of an alternative discourse. Several participants forged a discourse that centred on a failing justice system which neglects the needs of prisoners and their loved ones. Thus, by carving a space in which they can debate their stigmatization from a macro, socio-political level of interpretation, the respondents are able to exercise power over their subjugation. This alternative discourse can also be regarded as a hidden transcript (Scott, 1990), given that the knowledge produced by this discourse is also speaking to forms of power. As Molly explains:

People all over the world come to study our jails, 'cause we have one of the best corrections services in the world. And I just howl at that – I mean, yeah right! (...) if this is the best in the world, God help the rest of the world, you know, because (...) it doesn't work the way it's set up. It's at the whim of whoever's in charge. If they wanna go by the rules, they can. If they don't, then they make them up as they go along, or they can change them anytime they want.

Jennifer further nuances Molly's discourse in the following statement:

(...) they're all big on saying they want to integrate them back into society (...) They don't. No, I've never been allowed to go to a social. Put in the papers for (...) the trailers, (...) can't even get in there. (...) So, no, they don't treat me fairly. I don't think they treat a lota women fairly or visitors fairly¹².

Sally offers another vantage point to this discussion:

I mean, nowhere in public are you gonna go to the grocery store or you're going to receive a certain service and somebody's gonna be allowed just to, you know, like [say to you] "sit down", do this, do that. Like it doesn't ... work like that, but for some reason there, it's just (...) the way, that (...) they run it, the way that they do it, and it's accepted like (...) they're allowed.

These comments reveal how the women are able to switch lenses to understand their adversity. By emphasizing the questionable nature of the criminal justice system they show how their sources of stigmatization (namely, the state and public discourse) are themselves problematic. Finally, a resistant discourse of this nature is reflexive of how stigmatized persons participate in 'consciousness raising' (Mullaly, 2002, p.30). In doing this, the accounts of these participants are providing critical assessments of the 'dominant discourse' (ibid, 30).

Challenging Authority

Women partners of prisoners also utilize more assertive strategies in the face of stigma. Lucy expressed how she would make correctional officers aware of her rights and the limits to their power:

12. A social is an extended visit offered several times a year. A trailer visit is referring to a private family (PFV) visit in which prisoners and their loved ones reside for 72 hours in a trailer on the prison property. Prisoners are reportedly eligible for PFVs once every two months (CSC, 2004c).

(...) “you want to cancel my visits? You don’t have the power to cancel my visits”. And I would tell them that. You don’t have that power, what am I doing wrong?

(...) you get the guards that are...they’re better than you...they think... their shit smells different (...) and I let them know that it didn’t smell any different (...) it’s like, “You want to search me?, Come on, let’s go, I’ll have your ass in court in five minutes”. And like, I’ve said that to two of the guards there. “You got a problem with me? What I do here is my business...as long as I’m not breaking any of the rules. There’s the rules. I’m not breaking them. You leave me alone” (...)

Lucy’s words serve as a reminder that even in an environment characterized by deprivation, stigmatized people can use forms of resistance which empowers them, if not only for a moment, to challenge their subjugation (Bosworth & Carrabine, 2001).

Discussion

The accounts of the participants reveal how the organizational structures and routines that characterize the prison as a total institution (Goffman 1959) form the context through which discrimination experienced by marginalized groups (for example, indigenous, black and working class people) becomes institutionalized. Consequently, stereotyping and maltreatment are experienced in schools, social housing and hospitals. However, the experience of prison visitation cultivates a more pronounced level of marginalization given that women visitors are temporarily deprived of their liberty. Correspondingly, in this environment, their ability to object or reject discriminatory practices or responses is constrained. This loss is compounded by the rigid visitor screening procedures, hostile agents of control, and an

oppressive physical setting. In sum, these components serve as forms of mortification which induce a degradation of self and loss of control. Yet, their stories of resistance suggest that occasionally they do challenge their 'spoiled identity'.

To further situate these experiences, it is important to highlight one of the central components of the Correctional Service of Canada's policy objectives surrounding visitation which cites the maintenance of community ties for prisoners and their families (CSC, 2001). This policy is informed by established academic research that emphasizes the pertinent role support networks play in the reintegration of prisoners and their desistance from crime (see, for example, Bales & Mears, 2008; Brodsky, 1975; Silverstein, 2001). Given this, CSC insists that prisoners can be 'encouraged' to foster relationships while incarcerated (CSC, 2001). Specifically, their stated objective of visitation is as follows:

To provide the mechanisms by which inmates can be encouraged to develop and maintain positive community and family relationships that will assist them to prepare for reintegration as law-abiding citizens. (CSC, 2001 Policy Objective #770)

While the primary intentions of the above policy appear to be in favour of promoting prisoner-family relations, the women's accounts suggest otherwise. They underline the multiple barriers that limit the process of visitation and create a reality that runs counter to CSC's vision of respecting the rule of law and human dignity.

Conclusion

Several key findings emerged from the study. The role of technology adds a new dimension to the experience of visitation for women

partners of prisoners that adds to their stigma. This particular form of subjugation is buttressed by the governing authorities' beliefs in the infallibility of search technologies. The reliance on science in these situations is unsettling, given that it removes the human voice of authority of women partners of prisoners and silences their attempts at vindication. In so doing, it is barring them from the means of sustaining human relationships through the use of open visits which permit physical contact. This is a significant line of analysis, given that it masks the issue of accountability in the corrections system.

As with most prison services around the world, CSC would argue that security is their primary concern and responsibility. Thus this goal is further realized through the application of sophisticated technology such as the ion scanner. Yet as the women's accounts demonstrate, each policy initiative and use of intrusive technology should be evaluated in the context of the rights of prisoners and their visitors as well the negative consequences of those already marginalized and damaged by incarceration. While governments have a responsibility to maintain a secure environment, they also have a duty of care to those confined and those who visit the prison. The need for future research is warranted to further interrogate the findings discussed in this study as is a closer inspection of the systemic structures that cultivate the denunciation of women partners of prisoners.

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14. THE IMPORTANCE OF ART ACTIVITIES AS A WAY OF CHANGING PUBLIC MENTALITY ON THE RE-ENTRY OF INMATES: THE “SPEAK TRUTH TO POWER” PROJECT IN ROMANIA

This presentation aims to describe, from the perspective of a case study, the important role of changing the perception of society on matters concerning a prisoner's re-entry. In the first part of the paper the authors explore the common goal of prisoners, the prison administration and communities in the re-entry process. In the second part, the project entitled “Speak Truth to Power” is described from social, educational and human rights' perspectives. In the third part, the Romanian prison administration initiative to put on the public stage Ariel Dorfman's screenplay, which is based on Kerry Kennedy's book “Speak Truth to Power: Voices from the Dark”, is analyzed from the point of view of the impact on prisoners who act as actors, on the audience and, not the least, on the social dimensions gained by the project. The main method used in this case study is the documentation on how primary and secondary prisoners, prison staff and public personalities will re-

spend to questions about how the educational and social work of the inmates can change public perception on the issue of re-entry.

Desistance and involvement of “social capital” are very important in reducing the risk of recidivism and in facilitating the process of social reinsertion for vulnerable persons. “It was argued that, in stressing our collective interests and building our collective efficacy, the concept of community safety might be more productive than the concept of public protection which tends to construct offenders as external threats to communities” (McNeill, 2009). Among the most important prison activities aiming at developing human capital are, for instance, schooling, vocational training, and offending behavior programs. The system of legitimate pro-social opportunities may be developed within the prison context by linking the prisoners with the society/community resources (e.g. jobs and accommodation).

I. Introduction

By speaking about the re-entry of prisoners or former prisoners, we mean a comprehensive approach of social care during the penalty period with social assistance in the post-penalty period, an approach where the main role is cooperation among the local agencies responsible for the social reintegration process. From our point of view, the process of reinsertion is part of the process of social inclusion, since prisoners are a vulnerable group prone to exclusion and stigma due to limited human capital and deviant behavior.

The reconstruction of pro-social identity as a core factor for successful policies on social re-entry depends on three benchmarks of rehabilitation: motivation, capacity and opportunities (Durnescu, I., McNeill, F. et al 2009, 49). At the same time, these should be reported as social capital.

In Romania, the prison administration attaches great importance to activities carried out in the community with inmates, whether we are talking about voluntary activities or artistic activities (in Bucharest there is a tradition of organizing an annual theatrical festival with prisoners as actors¹). It is a legitimate way to motivate prisoners to be accountable and to increase their confidence in their social reintegration opportunities. In the medium term, the National Prison Administration, in its legislative plan, has proposed to define a national reintegration strategy for inmates, in an assumed binding document by the government, in order to coordinate, at the central level, all agencies with responsibilities for the field of social reinsertion (the Governmental Decision draft is posted on the website of the Romanian National Prison Administration²).

Therefore, we say that it is necessary to inform the community about the problems of integration faced by former prisoners, and to understand the important benefits brought about by the active involvement of all citizens in reducing the risk of relapse and in facilitating the social reintegration of all categories of vulnerable people. In this “wind” of change in public attitudes, artistic events play a major role, showing “monsters that killed the smile on their lips” (as one of the respondents called himself) in a different light, namely as being sensitive, human, and being able to create emotion.

What we want to emphasize in the case study presented in this paper is the role played by the artistic activities organized in the public arena with the direct participation of prisoners in facilitating their reintegration, as a starting point for a change in the perception of our society on all issues facing the prison population. Seen from this perspective, the “Speak Truth to Power” project produced in partnership with the National Prison Administration together with the UN Information Center for Romania has been a success.

The main research objectives were to identify and monitor the changes on the behavior of the inmate actors in the play “Speak

1. <http://www.mediafax.ro/cultura-media/teatrul-ca-libertate-la-festivalul-detinutilor-exit-5134446>
2. <http://www.anp-just.ro/>

Truth to Power: Voices from Beyond the Dark” and to see how their perception by prison staff and by people directly involved in this project (ordinary members of civic and social organizations) changed. Secondly, we were interested in finding out the personal development needs of persons deprived of liberty, and thus, in reducing the risk of relapse and improving human climate. The main working method was a qualitative study obtained by using differentiated questionnaires such as opinion polls. We want to underline from the very beginning that the results obtained by us are relative, since the direct involvement of respondents in the project is likely to increase the degree of subjectivity. We strongly wanted to highlight the importance of the active involvement of two components in the success of the re-entry process, namely the national agencies with the responsibility for social inclusion and civil society as a whole.

2. Actors on the Romanian Stage: Inmates, Prison Administration, Public Institutions and Civil Society. An Overview

The Romanian Prison system (according to the latest registrations in 2010; see the Appendix) includes 32 male prisons, a female prison, six prison hospitals, three prisons for young children and juveniles and three correctional centers³. In spite of administrative efforts to reorganize detention by having specialized prisons (according to the way sentences are executed: maximum security, closed, semi-open and open regimes) and by keeping in custody vulnerable groups (children sentenced to be educated in a rehabilitation center, convicted juveniles, youth and women), the so-called “tourism from one prison to another” is developed enough to allow the transit of prisoners among prisons and, thus, results in a mismatch between the types of treatment in

3. www.anp-just.ro (accessed on 4th of May 2010)

prison and the detention unit which temporarily has them in custody. The most affected in this regard are the youth and women.

In early May 2010, Romania had 27,638 prison inmates, which represents a rate of 129 prisoners per 100,000 inhabitants⁴. In terms of age and gender criteria, 1.7% accounts for youth and 4.7% for women. Concerning their legal status, 12.1% of the total prison population is on remand, including in this figure those convicted in the first instance. Foreign citizens represent 1%. The accommodation capacity on the same date was 4,792 beds, with an occupancy rate of 79.4%.

The public institutions collaborating with the National Prison Administration (NPA) in order to prepare prisoners for release are the Ministry of Education, Research and Innovation and the Ministry of Labor and Social Protection. An analysis of this issue shows that the main problems facing the detainees are linked to education and skills training in a profession required in the labor market. An internal NPA document from 2008 stated that in April the number of illiterates exceeded 2,500 and the number of those without any qualifications amounted to 15,000 persons. A simple calculation shows that out of 30,000 inmates, more than 50% had no qualifications necessary for employment in a skilled job.

A qualitative study conducted in 2009 (Durnescu, Fiscuci, Racolta, Grigoras and unpublished) on a sample of 44 inmates recruited from four prisons, equidistant geographically arranged, revealed that the vast majority of prisoners are young male adults with a poor educational background. For this reason, most detainees do not meet the criteria required by the National Employment Working Agency to benefit from the vocational courses held in prison. Moreover, lack of funds allocated for training and qualification in a profession led to a single option in this regard. An alternative measure for the prison management is to organize courses in projects funded by the European Union. (Durnescu, McNeill et al., 2009)

Imprisonment brings a gap between the person and his social background, resulting in multiple consequences. Throughout the

4. <http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/> (accessed on 4th of May 2010)

prisoners' time spent in prison, psychologists assess the effects of imprisoning the offenders in order to adjust subsequent interventions. Thus, individual counseling, therapeutic programs and social assistance are arranged in support of detainees according to their individual level of vulnerability: there are therapeutic programs for people at risk of suicide, for sexual abusers, for those with aggressive behavior, for the elderly and those with addictive behavior, for minors and women, and there are treatment programs for people with mental disorders.)

Referring to community support, this is manifested primarily through institutional cooperation agreements between the prison administration, on the one hand, and public institutions, NGOs and religious denominations on the other. Regarding the concrete form of its manifestation, the vast majority of events are held in partnership within the detention space. The last three years have seen a diversification of activities organized based on the law enforcement and sanctions enforcement which came into force in 2006. After receiving permission to initiate educational and psychosocial support activities outside prison, many exhibitions as well as artistic events, and theater plays whose protagonists are prisoners, have been organized. The opening of the penitentiary institutions has not gone unnoticed by the community so that young prisoners have become protagonists of international film festivals in the field and some of them have even received awards⁵. Unfortunately, the last winner, Papan Chilibar, has relapsed because of stigma and his inability to find a job.

Cooperation involving non-governmental organizations, universities and private companies is achieved through projects financed by EU Structural Funds aimed at encouraging innovation within the penitentiary system in terms of changing the management and developing modern tools for professionals applying for enforcement regimes but mainly for those in education and psychosocial assistance. It aims in particular at achieving best practices and a European and

5. http://www.berlinale.de/en/archiv/jahresarchive/2010/03_preistr_ger_2010/03_Preistraeger_2010.html
http://translate.google.ro/translate?hl=ro&sl=en&tl=ro&u=http%3A%2F%2Fen.wikipedia.org%2Fwiki%2FIf_I_Want_to_Whistle%2C_I_Whistle&anno=2

international level expertise for developing the Romanian system both practically and effectively.

Unfortunately, all these measures failed, as once they were released, the “social capital” accumulated during detention started to decay due to the lack of means of monitoring and surveillance implemented in the current legislation.

3. “Speak Truth to Power” Project: Global Dimension and Romanian Framework

“Speak Truth to Power” (STP from now on) is based on a book written by Kerry Kennedy in 2000. The volume includes interviews with 51 activists in the field of human rights. They are heroes who live among us on all five continents: some of them are recognized worldwide, such as Baltasar Garzon, Desmond Tutu, the Dalai Lama, and Elie Wiesel; others are not well known internationally, but are well known in their own countries, such as Juliana Dogbadzi in Ghana, Marina Pisklakova in Russia or Abubacar Sultan in Mozambique.

Written over a period of two years, the collection of interviews was published on September 19, 2000, by Crown Publishers, a division of Random House, in the United States, and was then translated into over 25 languages worldwide. The book title comes from a Quaker pamphlet published in 1951, which advocated for developing and supporting the human rights’ movement.

To develop the social impact of the message that the human rights’ defenders interviewed by Kerry Kennedy transmit, another activist, Ariel Dorfman, a Chilean professor and film-maker known for his books and his work to promote and support human rights, wrote a theater play which will eventually lead to shaping a new dimension of this project, namely the educational dimension. First presented at the John F. Kennedy Center in Washington DC on October 8, 2000,

the theatrical performance was produced by Kerry Kennedy and Nan Richardson. Directed by Greg Mosher, the play had a remarkable cast, including Alec Baldwin, Hector Elizondo, Julia Louis-Dreyfus, Giancarlo Esposito, Kevin Kline, John Malkovich, Rita Moreno, Si-gourney Weaver, and Alfred Woodard. The first public performance was attended by the U.S. President, Mr. William Jefferson Clinton. Subsequently, its success resulted in it being staged all over the world: Geneva, London, Helsinki, Athens, Madrid, Rome, Barcelona, Milan, Florence, New York, Sydney and Doha. Among its most recent per-formances, one of them was held in New York City on May 3, 2010, at the Public Theatre⁶.

The educational package developed in 2001, as a human rights' manual, was distributed to over 10,000 U.S. schools. The educational package presents a definition of human rights, a brief history of hu-man rights, as well as an introduction to the Universal Declaration of Human Rights. It also includes eight profiles of some of the human rights' "defenders" featured in the hardcover book, some resources and guides for further investigations, discussion questions and exercises for classroom use, and stories of other young people who have become ac-tive in the field of human rights, and Ariel Dorfman's new work, "Speak Truth to Power: Voices from Beyond the Dark", complete with staging instructions. Later the Speak Truth to Power Foundation continued the educational project in other countries, through local divisions of the RF Kennedy Center for Justice & Human Rights.

In Romania, the STP project started in April 2009 with several events: the Romanian version of the book, published by the Curtea Veche Publishing House; a symposium on human rights; a performance of the theatre play; a photo exhibition by Eddie Adams and, not least, an educational curriculum for schools.

The National Administration of Prisons continued the series of these events with a project which wanted to stage the same theater play but with an unusual cast for a theater stage, namely prison detainees as actors. The project began soon after this. The first steps involved the

6. <http://www.rfkcenter.org/node/494> .

search for partners, for a director to ensure the play was well staged, the selection of actors and the identification of a theater that was ready to accept a premiere with ‘inexperienced’ actors.

Data about the UN Information Center for Romania were exchanged with Ms. Cristina Bălan. There was also information concerning the future partnership and the activities that were to be held in the project entitled “Speak the Truth”; there was also information concerning a symposium to be held with the participation of all national agencies with responsibility for the field of re-entry and representatives of key non-governmental organizations in defense of prisoners’ rights, and additionally there was information about the play entitled “Speak Truth to Power: Voices from Beyond the Dark”. Both the play and symposium were to be held on December 10 on the International Human Rights Day.

The National Administration of Prisons through its Social Reintegration Division, the UN Information Center for Romania, together with Ms. Anca Maria Coleanu and Ms. Gina Alina Pașilea, started the project by organizing a selection of actors among prisoners from Targușor and Ploiesti. Fourteen prisoners, both men and women, were selected, and rehearsals began. It is worth mentioning that in a short time, less than six months and with only 20 group rehearsals, these people were mobilized and they completed all the exercises which students in their first year of study at the Faculty of Theatrical Arts must complete when they prepare for performances.

In October we began discussions with the Metropolis Theater in Bucharest to fix the schedule for rehearsals and for signing our official agreement of cooperation. At that time we managed to fix the date of the premiere for December 10, 2009. Rehearsals were held in a space arranged in a warehouse owned by the Metropolis Theater, where a stage was improvised. The only dress rehearsal was performed on the morning of the premiere.

The play was a real success⁷. This led to its inclusion in the 2009–2010 season. The play has been performed four times so far.

7. <http://unic.un.org/imu/recentActivities/post/2009/12/Staff-Mark-Human-Rights-Day-with-Special-Events.aspx> .

4. The Case Study

The study below is based on a qualitative analysis which started with interviews carried out with inmates, prison staff and people from the community involved in the project or working at different levels with inmates. It examines the changes that affect the personal perceptions about the role of the project in changing the public mentality about the prisoners' real chance of succeeding in their efforts to re-entry. Thirty-three people were interviewed, out of whom 7 men were inmates, serving their sentences in Ploiesti Prison and seven women in detention in Targușor Prison. A group of 12 prison staff and 7 people from civic societies which contributed to the project (see the Chart) were also interviewed. All inmates were actors in the performance of the play entitled "Speak Truth to Power".

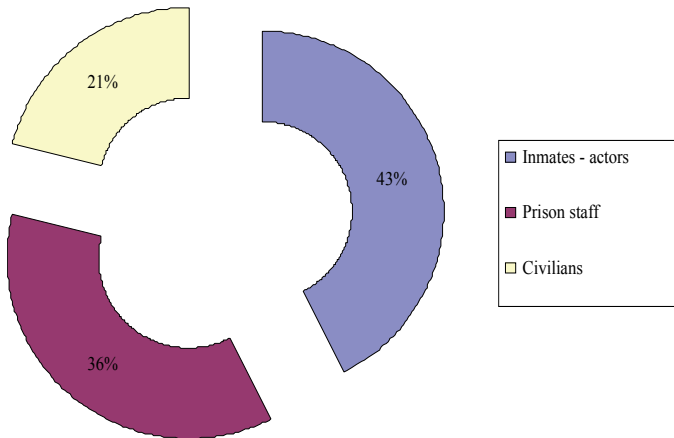


Chart. The group structure for the interview (in percentage)

When this study was initiated, its authors had several purposes: to identify and monitor changes in the behavior of inmates who had an active role in the theatre performance; to find out the needs concerning the socio-educational field for the personal development level of offenders in order to help the staff carry out effective programs for

social reintegration; to help local communities understand that the re-entry process could really happen; to optimize the climate among the prison population and to reduce the risk of relapse.

The main objectives were: the personal development of inmates by means of non-formal education; the promotion of cultural events—art that can bring added value to the “human capital” of detainees; the use of best practices for future development projects with a high potential to enhance a positive perception of the community about the real possibilities of the social reintegration of prisoners.

The first interview guide addresses the inmate actors and contains 15 items (open questions) with an average degree of addressability. The second one contains nine items with closed and open questions for the prison staff and for civilian personnel who were involved in the project. The study was made between February and April 2010. The collection of data was done by psychologists working in the prisons mentioned above and the data processing was done at the Poarta Albă Penitentiary.

Questionnaire for Inmates. Analysis of the Items.

Question 1. What role did you have in the play?

According to the answers provided by the subjects, it was found out that respondents played the roles of: Desmond Tutu, Hafez Abu Seda, Muhammad Yunus, Elie Wiesel, Oscar Arias Sanchez, Bruce Harris, Guillaume Ngefa Antondoko, Doan Viet Hoat, Jose Zalaquett, Katlasawa Wa, Wei Singsheng, Koici Wa Wahwe, Martin O’Brien, Bobby Muller, Sezgin Turikulu, Van Jones, Heriu U., Diana Ortiz, Rana Hussein, Wangari Maathai, Juliana Dogbadzi, Rigoberta Menchú Tum, Digna Ochoa, Marina Pisklakova, and Helen Prejean.

Question 2.

What role do you think would have been more appropriate for you?

The men considered that the roles played by them accurately reflected their own lives while the women considered that there were only parts that were similar to their own stories.

Question 3. What motivated you to take part in this project?

According to their own answers, their motivation was entirely of an intrinsic nature, and the participation in this event helped them to relax, socialize, and to recover both their potential and their feelings. The subjects wanted to prove that they had feelings, emotions and an artistic potential similar to those of people outside the prison. They also wanted to show that they could do good things even though they were in detention. For them, such events contribute to a change in the perception of the society regarding persons who are imprisoned.

Question 4. Did you face similar problems to those found in the play?

The respondents considered that the issues addressed were encountered during the period of their lives when they were in custody at the police station, and were limited only to the investigation period.

Question 5. How did you overcome the critical situations encountered during your life?

The answers revealed that the critical situations were overcome with the help of their families, their friends, their faith in God and not least, their own individual strengths (courage, optimism and self-control).

Question 6. What feelings did you have during the performance?

The emotions that accompanied the actors throughout the whole event were felt at different intensities, starting from the feeling of relief up to those of compassion, pity, helplessness, rebellion, reconciliation,

and trust in a better future, joy, elation, pain, empathy, pride, and achievement.

Question 7. How was your behavior influenced by this project?

The involvement in the project was seen by the respondents as having a positive role, with beneficial effects both for themselves and for those in their social community group. They considered that the experience gained by participating in the program helped them to become more attentive to the needs of others, to work together as a team, to function as part of a whole (a sense of belonging to a social group), to have confidence in others again, and not to lose hope.

Question 8. Who do you think first to ask for help when you are in trouble?

The first cry for help is addressed to God, then to the person they love and after that to the family. One respondent stated that he never asked for help but he relied only on his own skills.

Question 9. What do you think about how the prisoners were perceived by the outside world, before the performance?

Initially, the public attitude towards the detainees was limited to what they could find out only from the media: prisoners were considered to be illiterate, unscrupulous, the dregs.

Question 10. If you have to describe your behavior in detention prior to the play, what would this description be?

One inmate described himself as a person who loves justice and truth, but is inattentive. Another respondent considered himself shy and emotional, without ever believing that one day he could become an actor. Two of them described themselves as having difficulty in adapt-

ing to prison life and in respecting the rules and regulations of the community; another inmate considered himself a boring person. The most interesting answer came from a prisoner who said that before the play he had never believed that his life could be any color but black.

Question 11. Have the people around you changed their behavior in any way after they have seen you acting?

In order to disseminate the others' perception of them, the respondents referred to the changes in behavior of the other prisoners (they could feel a certain admiration, respect, sometimes envy, more attention and consideration than ever before); as for the people outside the prison, relationships were renewed or consolidated. On the other hand, there were four subjects who did not register any behavioral change, while three inmates said that those who changed their attitude were very few.

Question 12. What elements from the experience of this project are helpful for you in your everyday life?

The usefulness of the experience gained can be found in the abilities and skills acquired by prisoners. Thus, they believe they have learned to work as a team, to be sensitive towards the feelings and needs of those around them, to be selfless, patient, courageous, to have confidence, to be ready to sacrifice themselves if it is needed, and to have no addictive behaviors. They understood that being imprisoned is not the worst situation possible.

Question 13. Do you consider that the project you participated in helps effectively to change the way in which a prisoner is perceived by society?

All respondents considered that the project brought positive changes in the public perception of prisoners, this being expressed by applause, admiration and interest on the part of the viewers. Inmates feel that our society is prepared to offer them another chance in their rehabilitation efforts, and believe that this happens mainly because of the art project they were involved in.

Question 14. Do you think that your chances of reintegration post detention have improved since the performance?

The positive feedback, enthusiasm and goodwill of the public gave the respondents the feeling that their real chances of reintegration increased. The actors / inmates said that this project was a small step for themselves, but a big one for their image in the community.

Question 15. Do you consider that art activities are an opportunity to make your issues known by society as a whole?

All subjects responded positively to this question. It is a persistent idea that such projects bring to light detainee's issues in our modern society in a positive way.

Survey of Prison Staff and Civilians involved in the Project. Analysis of Elements

Question 1. Have you been involved in activities with people in detention?

The prison staff answered affirmatively. Out of seven civilians, six said they had been involved in activities with prisoners.

Question 2. Have you seen the play whose actors are inmates?

All 19 people answered affirmatively.

Question 3. How did you feel during the performance?

Most respondents said they felt empathy and satisfaction, but there were also some people who admitted they didn't feel anything.

Question 4. What made you want to watch such a play?

They admitted that the first reason was curiosity. The satisfaction resulting in the work with inmates was important, as well as the impact of such a project upon the people outside. For those working with such vulnerable people, this project was a challenge. Ordinary people wanted to see how the detainees – those who have violated the rights of victims – worked in a situation in which they were supposed to defend human rights.

Question 5. What was your perception about the detainees before seeing the play?

Civilian respondents stated that they couldn't believe the inmates could be so serious and involved. They also said that they were skeptical about how well prisoners could perform in a complex, theatrical play.

Question 6. Has your attitude changed since seeing the play?

A third of the respondents admitted they had changed their attitude in a positive way; the others maintained their good feelings, which had been developed during the work and activities performed together with the inmates previously.

Question 7. Do you consider that cultural and artistic events help to change the way in which the prisoners are perceived by our society?

All people interviewed but one answered affirmatively.

Question 8. Do you think the chances of reintegration of prisoner-actors have changed after the play was watched by the public?

Fifteen respondents believe that the prisoners involved in the project have increased their chances of social reintegration, while four consider that the possibility of reintegration has an individual character.

Question 9. Do you consider that such art activities are an opportunity to help society face the inmates' problems after their being released from prison?

Eighteen answered affirmatively while only one did not consider theater plays being a means of making people think of ex-offenders' problems. Such events show a different perspective of people who are incarcerated.

5. Conclusions

Deprivation of liberty is a major event in the life of a person; it brings changes regarding the individual relationships with themselves and with others. Separation from social life and institutional adaptation are achieved through considerable work, and the re-entry process requires individual accountability and a new rehabilitation effort. The re-entry process can be achieved only by involving all the social actors. The will and motivation of a detainee are required, but also the strong support and intervention of family, friends and the community.

Cultural and artistic events, with the active participation of the prisoners, urge us to reflect upon their need to be helped in the rehabilitation process. Artistic events of this kind are certainly an op-

portunity to put issues on the public agenda that the prisoners face after they are released; thus, the theater plays are a means of raising community awareness regarding social reintegration. The involvement in activities developed in partnership with the civil society shows a different face of the prisoners, a positive image of citizens who have realized their mistakes and want to return to a normal life among people like them.

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Appendix

Geographical distribution of the prison establishments in Romania



15. RE-ENTERING SOCIETY BEGINS PRIOR TO RELEASE

Introduction

For the vast majority of incarcerated offenders, prison is a transitional placement. They are not “home” in a corrections facility; they are moving toward release....¹

Re-entry refers to the system governing the return of prisoners to the community following a period of incarceration in a prison or detention facility. However, it does not mean just “letting them go”, but implies that offenders are “prepared” to be released. They should be in a better position at the time of release than they were at the time of their admission. The utilisation of post-release supervision in Finland is intended to act as a “safety-net” for both the offender and the community.

Re-entry as personal experience is limited to individuals who have served time in prison; it is a process during which a former prisoner returns to his or her community as a free citizen. Coming home for an ex-prisoner has a wider meaning, i.e. it means more than merely

1. Quotation from Kathy Goebel “Re-Entry and Corrections Education”. located at: <http://www.ncsall.net/?id=819>.

rejoining the lives of families, associates, and other intimates and in most cases it poses substantial challenges for the individual and his or her close associates.

This chapter focuses on the ways in which ex-convicts in Finland make sense of the re-entry experiences in coping with strained relationships, dealing with lack of education and poor work histories, finding housing and dealing with a changing world. It concentrates on the steps towards successful transition back into the community. The purpose here is to describe the approach to re-entry practice and policy in the context of KRIS-Tampere (*Criminals Returning Into Society*), a community-based organization whose principal mission is to reduce society's reliance on incarceration. KRIS has proven useful in cooperating with the government and the society at large by providing services for those in need, since the Finnish penal system provides help and support for only around 20 per cent of the released prisoners.

The process of re-entry encompasses the evaluation, planning, and programming conducted, as well as the support services implemented, to prepare and assist people who are or were previously incarcerated to return safely to the community and to reintegrate them as law-abiding citizens. For re-entry planning to become an effective tool for reintegration, it should be incorporated into activities taking place at three points, starting with the prison programming, the provision of supportive services at the time of release and post-release supportive services. KRIS is aware that on his or her return to their community an ex-prisoner confronts pre-existing arrays of social networks and many of them are extremely isolated from those networks. As a consequence of their criminal behaviour, they may have alienated their families; on the other hand, others have deliberately isolated themselves from former associates in order to stay out of trouble. This kind of re-entry devoid of support systems and detached from social connections can be a lonely process. Fortunately, KRIS provides a social network and serves as a meeting platform for those ex-inmates disconnected from their home communities.

KRIS views its support of the re-entry process as being crucial to its mission and a natural outgrowth of its direct service programmes and activities which include:

- Referral services
- Counselling
- Transportation assistance (bus tokens, bus passes)
- Mentoring
- Employment search assistance
- Housing search assistance
- Transitional shelter.

Regular meetings are scheduled to help ex-prisoners reach the goals outlined in their individual plans. Weekly meetings are offered for ex-prisoners to talk about their struggles and accomplishments and to build supportive relationships. Employment needs are assessed and clients are referred to appropriate employment leads. The emphasis of re-entry programmes is to prepare offenders for their transition back to their homes and neighbourhoods. Literacy skills, life skills instruction, employment training, parenting classes, and crime intervention programmes make up a large portion of the pre-release programmes that can be available to eligible offenders. However, resources continue to diminish as the offender population increases, thus limiting access to the required educational programmes.

Data

Data for this study comes from twenty-one interviews conducted with male and female ex-prisoners associated with KRIS programmes while transitioning from prison to the free world. At the time the interviews were carried out, 85 per cent of the interviewees had successfully

avoided re-arrest, reconviction, and re-incarceration for more than three years following their release from prison, and 15 per cent have not yet crossed the three-year line. These returning offenders need to overcome a myriad of obstacles as they return to their communities, which became evident in the interviews we conducted:

- Three-quarters of those interviewed have a history of substance abuse.
- Two-thirds of them do not have a high school diploma or equivalency.
- About 90% were unemployed before they were incarcerated. A criminal record hinders both their employability and their earning capabilities.

Given this stark picture, the current emphasis on re-entry must remain a high priority for correctional educators and the criminal justice system as a whole. It became evident from analysing the available data that certain in-custody treatments—for instance, cognitive skills treatment, drug treatment, vocational and educational training - were tools needed by the majority of the inmates to successfully lower their recidivism rate. These treatments are most effective when programmes are matched to the prisoner's needs and challenges, when they are well-managed, and when they continue to be supported through post-release supervision. While current studies cite only modest reductions in recidivism rates for participants, these small reductions can have significant aggregate impacts on criminal behaviour in communities with high concentrations of returning prisoners. In addition to individual rehabilitative benefits, programming may also be beneficial to the internal management of correctional institutions, as idle prisoners are more likely to cause trouble. Research on the topic suggests that some level of structured activity (education, job training, prison industry, etc.) is vital to running a safe and humane prison.

Most prisoners do not participate in prison programmes; however, the rate of participation among those interviewed was 87 per cent.

About one-third of them participated in vocational programmes or educational programmes, though large numbers of them were released before completion of the vocational and educational training due to the short sentence policy in Finland; few continued and completed the training on the outside.

Re-entry planning differs among inmates, depending on the length of sentence and the willingness of the inmate both to start accepting the fact that they are within prison walls and to start preparing for his/her re-entry. When asked at what point of time during their sentences they had started thinking about coming out and whether they would successfully stay out of prison after release, most of the responses took the length of the sentence into account. This was clearly expressed by one interviewee:

When I started serving that sentence I was a remand prisoner and I was charged for a deed for which I was expecting about six years, seven years or maybe even eight years of prison time. The criminal charges against me were quite bad and somehow I felt that my life was about to end, that this is the end, ... But then, we went to court and the charges against me were lessened enough that somehow I regained myself, a will to live again, somehow the belief that I wouldn't have to serve for so long after all, and maybe it was then, I got a kind of feeling that I am going to be released from here, If it had been six, seven years I don't think I would've been looking to the future and wondering what life had in store for me after my release, I think I probably would've killed myself at that point. I was so tired with all that stuff at that point.... So when I got the release date somewhere along the way... I started doing things. I started to attend the substance programmes, various rehab cycles, attended various programmes, and then somehow... I started to believe that yes I will be released from here and that maybe I don't need to come back, that I can change... that this sixth time had to be my last.

When people are about to be freed, they face numerous issues, among them accommodation and finance. They worry where they would stay once they are released. Are they going to stay with their mother, aunt, brother, ex-girlfriend? How can they support themselves, where can they find suitable employment? One of the interviewees encapsulates the feelings and thoughts of many in his response:

For the last year of my sentence I thought I was being released into some sort of rehab centre, thought I would be going to continue my rehab outside prison directly from prison. So, I didn't really think about work or an apartment or anything like that that much but when I found out that my home town couldn't afford my rehab and that I'd be returning to my town I was in a bit of a hurry to find an apartment to rent. Well, turned out that was easily organised by the detox department where I was spending my time before my release. It was an open prison so it was easy... went to the letting agency in my home town with my substance welfare councillor and found me an apartment for when I'd be released. After that I didn't have to think about that anymore. But the job, I hadn't really ever worked apart from some courses and the work experience or work trial things I had been sent on and I wasn't even interested in working, so I didn't even think about the whole thing. I was thinking I'd get by on KELA's (the Finnish Social Insurance Institution) welfare benefit which is 400 euros a month until I figured out what I was going to do. I didn't stress about it much, the only thing what I was a bit concerned about concerning my release was how I was going to stay sober, that I don't go off and take drugs or get drunk because I knew where I would end up if I started that again. I lose all my capacity for thinking when I put chemicals in my body and I'll go off the rockers, I'll be up to my old tricks again. I had learnt to live a sober life in prison for one and a half years but I didn't have any tools for that on the outside.

During the interviews, the ex-prisoners were asked whether the question of finding and keeping respectable accommodation affected their

re-entry plans. The majority of respondents complimented both the Finnish penal system and the social welfare system on their policy and on the support that was extended to them. In Finland, when a prisoner is reaching the end of his or her sentence, they are provided with the opportunity to rent an apartment. They automatically become eligible for a government housing allowance, and the social welfare office subsidises their rent until the prisoners can financially support themselves. The response below illustrates the workings of the system:

The social welfare paid for my housing. I got the apartment just before I was released I think, a few months before my release I started to look for the apartment with the substance welfare councillor from the open prison and we went to have a look at it and it was the social welfare office that paid for it in the beginning and then I just paid the little that was left that the benefits didn't cover myself. I got housing allowance, I think the rent was something like 300 euros a month and the housing allowance was about 200 euros a month, and I paid about 30-40 euros and the social welfare office paid the rest, so there was no problem with paying for it.

The Prevailing Model of Re-entry

Re-entry is the reintegration process by means of which the former prisoner re-enters his or her home community, adjusts to and reconnects with the place of employment, family, community, and civilian life. The majority of current models of reintegration focus on providing re-entry services to people upon their release from serving the incarceration portion of their sentence. In Finland, policy makers recognise the need to prepare inmates for the transition back to the community prior to their release and comprehend that, for re-entry to be successful, its planning should begin when the person enters prison.

Ex-offenders struggle to establish their place in society while coping with social pressure and economic hardship that led them to crime in the first place. The impact that released offenders have on public safety cannot be ignored any longer. Of the large number of offenders released each year, an estimated two-thirds will be rearrested within three years of their release (Langan & Levin, 2002), therefore re-entry has major implications for community safety. What is more, a growing proportion of offenders is being released without post-prison supervision or social services being made available to them (Petersilia, 2000). It is of utmost importance to break the cycle of arrest, confinement, and release, as about 4,000 prisoners are released from Finnish Prison Institutions each year, four times the number that came home 30 years ago (Harrison & Karberg, 2004). After all, we should keep in mind that 97 per cent of those incarcerated will eventually be released.

Automatic Release from Prison

Prisons are a tool used to punish those who disobey the laws of the land and a way to safeguard the public as long as the offender is incarcerated. However, Finnish prisoners are highly aware of the fact that prison is not permanent, and that compared with other penal systems, the majority of offenders return to their communities after a relatively short period of time. When an offender is sentenced in court, he or she is notified exactly how long the sentence is. Even if an offender is not granted an early release by a review board or is pardoned by the president, they will automatically be released at the end of their sentence, with the exception of life sentences for which there is no automatic release date. However, even an offender with a life sentence may be granted release by the Parole Board², but will have conditions attached to his or her discharge for the rest of his or

2. See <http://www.rikosseuraamus.fi/16027.htm>

her life. Any violation of those conditions may result in the offender being recalled to prison (Carlen and Worrall, 2004).

In Finland, there are several ways for an offender to be released before the end of his or her sentence. Conditional release programmes such as day parole, full parole and statutory release, are “based on the premise that a period of *supervised* transition from prison to the community enhances public safety and the rehabilitation of offenders”³. However, offenders released on day or full parole have been found to be less likely to re-offend violently than offenders released under statutory release (Motiuk *et al*, 2005). One could argue this is due to the fact that day and full parole are earned whereas statutory release is automatic, occurring after two-thirds of a custodial sentence. Therefore, an offender could be denied parole but still be released on their statutory release date whether or not they or the community are ready. Due to its automatic nature offenders released on statutory release have not necessarily developed insight into the reasons for their offending or experienced any significant levels of remorse for their actions. As a result, an offender released on statutory release may pose no less threat to society than when he or she was first incarcerated.

Canada, England and Wales have also adopted automatic releases, though with slight alterations. In England, an offender who is given a prison sentence of twelve months or less will automatically be released halfway through serving it and will only be supervised while back at his community if under 21 years of age (SEU, 2002)⁴. Most prison-

3. See <http://www.rikosseuraamus.fi/16933.htm>

4. The Social Exclusion Unit report was commissioned by the UK Prime Minister in 2002 to explore with other government departments how to cut rates of re-offending by ex-prisoners. The report sets out the scale of the problem, examines the causes and explains why the system does not work better and makes recommendations for the way forward. The report is the result of a wide-ranging consultation by the SEU. This included a written consultation and a series of seminars with practitioners, managers and a broad range of service users both inside and outside the criminal justice field. The report has also been informed by visits the SEU made to over 50 prisons as well as to probation services, voluntary groups, housing, family, drug, health and employment projects to see good practice in action and hear the experiences and views of front line staff and users.

ers serving sentences between twelve months and four years will be released halfway through on licence, i.e. with conditions (SEU, 2002). Prisoners released on licence in Canada⁵, England and Wales will be supervised for a period of time by a probation/parole officer in the community (SEU, 2002).

Even if one is sentenced in Finland to life in prison, he or she starts to think of re-entry at a certain point of time, as a life sentence, according to the Criminal Sanctions Agency in Finland, is on average 13 years long and convicts can be released after serving 12 years, when they are first eligible for parole. If he or she is not released at that time, the parole committee is to review the case every two years. The current Finnish parole process has been in force since 2006, when the minimum prison stay for lifers was introduced. Before the new legislation was passed, the shortest time served on a life sentence was 9.5 years. According to Pasi Oksa⁶, the length of prison stay could perhaps be explained by a one-time criminal, for instance the convict who kills a spouse in a fit of jealous rage. He pointed out that “It is unlikely that they would commit another crime. However, there is a murder on their record”. And at the other extreme are the lifers who have been involved in a criminal gang their entire life. Between 2000 and 2009, 39 people sentenced to life in prison were released in Finland. The majority of them were paroled shortly after fulfilling the minimum prison stay of 12 years.

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5. In Canada, the nature of the offence and length of sentence will determine in which system (provincial or federal) an offender serves his or her sentence. The provincial system incorporates custodial penalties of less than two years or community penalties. If an offender receives a sentence of two years or more they will serve their sentence in a federal prison until released into the community where they will serve the remainder until their ‘warrant expiry’ (very end of their sentence).
 6. The director of the Riihimäki Prison, that houses the greatest number of prisoners sentenced to life. Throughout Finland, there are a record 158 people serving a life **term**.

Redefining Re-entry

The issue of re-entry of ex-prisoners and ex-offenders into the community has become an increasingly important one on both sides of the Atlantic. The former U. S. Attorney General Janet Reno described the issue as “one of the most pressing problems we face as a nation” in view of the massive prison population and the rapid increase in rates of incarceration⁷. Similarly in Finland, successful reintegration and lowering of recidivism rates have become increasingly important issues for the same reasons. To promote a more rational and holistic approach, I propose that re-entry be defined as a process that begins at arrest, just as it is illustrated below in Alan Rosenthal six-stage re-entry model. Conceptualised in this way, re-entry is redefined as the process and experience that begins at arrest and continues as far as community reintegration, including release from arrest during pre-trial proceedings, release at the time of sentencing, or release after serving of the sentence. Re-entry encompasses the assessment, preparation, and programming conducted, as well as support services provided, to prepare and assist people who are or were previously incarcerated, to re-join the community and to reintegrate as a law-abiding citizens. By starting re-entry planning at the time of a person’s arrest, the plan can be an effective tool for both advocacy and reintegration at six distinct stages of the criminal justice process.

Six-Stage Re-entry Model

As re-entry research in the past few years has clearly shown (e.g., Travis, 2005), there are many “rocks in the path from prison to home”, but there are just as many rocks in the design and implementation of re-

7. Remarks made by the U.S. Attorney General Janet Reno at the 2000 National Symposium on Indigent Defense. Seen at http://www.sado.org/fees/reno_competent.pdf

entry interventions, and their elimination would provide a smoother trail for helping men and women exit prison and return home. Given the attention focused on prisoner re-entry at all levels of government and the demand for knowing what works, the time is ripe for researchers and practitioners to work together to design and test innovative, research-based re-entry programmes in response to the challenges expected.

Some of the challenges associated with re-entry can be anticipated as early as at the time of arrest. As Alan Rosenthal illustrated in his article “Unlocking the Potential of Re-entry and Reintegration⁸”, a sentencing advocate working with a defence attorney can identify these challenges and develop plans to address them. It should be noted that re-entry planning can also be incorporated into advocacy and specific re-entry activities at several different phases of the criminal case. Altogether there are six stages or points at which re-entry planning can be effectively used for both advocacy and successful reintegration:

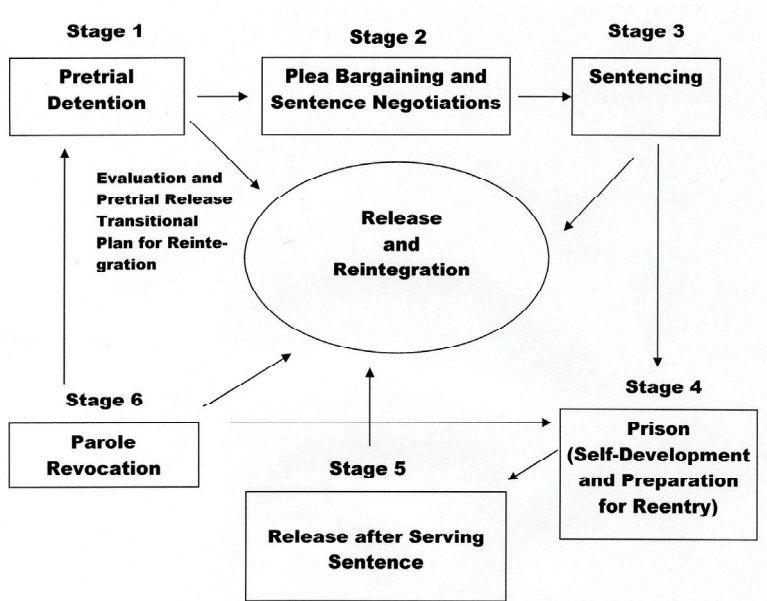
- Pre-trial release
- Plea bargaining and sentence negotiations
- Sentencing
- Self-development and preparation for re-entry while in prison
- Release after serving sentence
- Parole revocation

Six-Stage Re-entry Model⁹

Looking at the figure on the next page, re-entry planning is shown to begin at the time of arrest as the plan is constructed to support the advocacy for pre-trial release. In Finland, re-entry planning at any of

8. See http://www.communityalternatives.org/pdf/unlocking_potential.pdf

9. Design by Alan Rosenthal



the six stages of the criminal justice process can either lead to re-entry or to the next stage where the re-entry plan is re-evaluated and re-used. Re-entry plans established and implemented during pre-trial detention offer the benefits of early reintegration and fewer days spent in jail. Once the foundation of a re-entry plan has been established, it can be more fully developed and presented during plea negotiations as well as to the judge at the time of sentencing. It may also be used to advocate for a more humane, less punitive, individualised sentence. In those cases where sentencing does not result in immediate return to the community, the re-entry plan can be employed as the basis for self-development and preparation for re-entry while in prison.

Reasons for a Six-stage Approach

Some of the challenges associated with re-entry can be anticipated as early as the time of arrest. A sentencing advocate working with a defence attorney can identify these challenges and develop plans to address them. The prosecutor's work in the pre-trial investigation is significant for the progress of the issue with regard to both quality and speed. Re-entry planning that commences at the pre-trial stage offers several advantages from the perspective of professional practice standards for the defence counsel, fiscal responsibility, efficiency, public safety, and social justice:

- It serves as a catalyst for the defence counsel to fulfil his or her professional responsibilities to address early diversion, develop a plan for meeting the accused's needs and a programme for rehabilitation, and develop information that would support a sentence other than incarceration;
- It reduces the use of prison, which is both costly and criminogenic;
- It increases the likelihood of successful reintegration, thus promoting public safety;
- It expedites and facilitates the systematic referral of people in need of services;
- It promotes rational, less punitive, individualized sentences;
- It promotes efficiency and consistency of planning for re-entry.

Challenges for Prisoner Re-entry

Imprisonment carries both direct and indirect consequences for convicts (Jones, 2003). Direct effects refer to what prisoners may lose when they are incarcerated, including everything that is dear to them in the free world, including spouses, children, employment, homes, and personal possessions. The indirect consequences of incarceration may not be evident to prisoners until they are released from prison. Among

these collateral consequences are the physical and psychological effects of imprisonment, including dependency, difficulty in relationships, legal restrictions and disqualifications, inadequate financial resources, unemployment and underemployment. Many have argued that the prison system is a failed policy of crime control, and one measure of this failure is the detrimental effect of stigmatized identity. Ex-convicts must make decisions upon release about how to manage this stigma in both formal and informal social settings.

Given the high prevalence of substance abuse, mental illness, infectious disease, unemployment, and even homelessness among returning prisoners, it is important to explore the role of these factors in successful re-entry and reintegration. Not only do these issues present serious barriers to transitioning prisoners, they also present serious risks to the communities to which large numbers of prisoners return. It is important to note how little we know about how these problems overlap. The challenges can be highlighted by including the following:

- Poor basic education and marketable skills among people who are incarcerated;
- Insufficient opportunities for people in prison to participate in vocational or educational programmes;
- Work assignments or training provided during incarceration that do not always correspond to jobs available in the community;
- Inadequate job opportunities, especially for people with few skills, in the communities to which prisoners return;
- Statutory and regulatory barriers, in addition to employers' general concerns, regarding the employment of people with criminal records;
- Lack of coordination between otherwise effective workforce systems and departments of correction.

Consequently, in order to make re-entry more successful in Finland, policy makers have concentrated on striving to understand the ae-

tiology of offending, with the view to identifying suitable measures aimed at preventing offenders from going back to their old ways. Likewise, other countries all over the world wish to accomplish the same goal. Recent research (e.g., Burnett: 1992; Rex: 1999; Maruna: 2001) has consequently focused upon uncovering the circumstances and processes involved in desistance from crime, which is now widely acknowledged to be a complex process (Shover: 1996). Employment, decent relationship (*marriage or cohabitating*) and the resumption of family responsibilities have all been shown to have an influence on one's refraining from re-offending. Employment remains one of the most important vehicles for hastening an offender's reintegration and strengthening his/her desistance from crime, and fairly strong evidence exists to indicate that an individual's criminal behaviour is responsive to changes in his or her employment (Bushway and Reuter: 2002).

In my survey, ex-inmates were asked whether they were employed in the month prior to their arrest. The majority of them had poor employment histories, and 75 per cent reported that they were unemployed during the time in question; what is more, 65 per cent of all respondents have never been employed. Empirical evidence demonstrates that prisoners struggle to find work after release. There is a serious stigma attached to having a criminal history, particularly a personal record, which was revealed in Holzer's survey of employers, who tend to be very reluctant when it comes to employing felony offenders (Holzer: 1996). He pointed out that ex-offenders are often excluded from the legal labour market. Furthermore, if an ex-prisoner succeeds in finding legal employment, a previous criminal record has a substantial impact on future earnings (about 30 per cent lower compared to a person without a previous criminal record employed in the same capacity), and companies willing to hire tend to offer ex-offenders lower level positions and fewer benefits (Kling: 2000).

Employment prospects for ex-prisoners are further complicated by the fact that many of them have already developed behavioural patterns that make holding a job quite difficult. Criminologists have documented that, over time, ex-offenders become "embedded" in

criminality and their bonds to conventional society gradually weaken, concerning attachment to parents, commitment to work and education, for example. After years of engaging in a criminal lifestyle, re-establishing these bonds becomes very problematic for many people.

Although gainful employment has the most effect on whether the person will successfully re-join his or her community and desist from re-offending, a stable, harmonious and decent relationship can provide a prisoner with emotional support upon release, an immediate place to live, motivation to succeed and possibly additional financial assistance until they are settled. On the other hand, marriage can also produce family dynamics that contribute to family violence, substance abuse and economic pressure. Strained marriages frequently end during the time of imprisonment of one of the spouses.

The policy makers in Finland realise the critical role that family plays in rehabilitation and a great effort to inculcate families as natural supports in rehabilitation and parole programmes is made, unlike in the USA where we see policies that sever ties between family members and inmates (i.e. by greatly restricting visitation rights). Contrary to the Finnish prison visitation policy, the USA opts for making prisons “tougher” on those incarcerated, by—among other measures—reducing the visits of children and other family members. This was clearly illustrated in Hairston’s 2002 article on prisoners and families: “The correctional policies and practice that govern contact between prisoners and their families often impede, rather than support, the maintenance of family ties” (Hairston: 2002, p. 49). In terms of re-entry, limiting family visit has significant implications for cutting down the very contacts that inmates need in order to succeed on the outside.

Substance Abuse

Substance abuse among prisoners presents considerable challenges to the re-entry process. Studies have found that while most prisoners have a history of drug or alcohol abuse, only a small proportion of

them receive treatment while incarcerated, even though substance abuse treatment has been shown to reduce not only drug use but also criminal activity, particularly when in-prison treatment is combined with post-incarceration treatment. In this section, we discuss the prevalence of substance abuse among returning prisoners, the effectiveness of treatment, and the implications of both on re-entry.

Eighty per cent of the state prison population reports a history of drug and/or alcohol use,¹⁰ including seventy-four per cent of those expected to be released within the next twelve months.¹¹ In fact, more than 50 per cent of state prisoners report having used drugs or alcohol at the time they committed the offence that led to their incarceration.¹² The movement from confinement in prison to liberty on the street poses unique hazards for prisoners with a history of substance abuse, with rates of relapse following release from prison strikingly high in the absence of treatment.

For example, an estimated two-thirds of untreated heroin abusers resume their use of heroin/cocaine and return to their patterns of criminal behaviour within three months of their release. The extent to which substance abuse problems are treated prior to and following release from prison has significant implications on whether returning prisoners succeed or not outside the prison walls. Several studies have found that drug treatment can be a beneficial and cost effective way to reduce both substance abuse and criminal activity¹³. Two common treatment modalities typically used with correctional populations and which have been found to have positive effects are cognitive behavioural interventions and in-prison therapeutic communities. In the past 15 years, general agreement prevails among researchers that cognitive-

10. C.J. Mumola, "Substance Abuse and Treatment, State and Federal Prisoners, 1997." Bureau of Justice Statistics, Special Report. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, NCJ 172871, January 1999.

11. See Beck, 2000, "State and Federal Prisoners Returning to the Community: Findings from the Bureau of Justice Statistics."

12. See Mumola, 1999, "Substance Abuse and Treatment, State and Federal Prisoners, 1997."

13. See Gaes et al., 1999, "Adult Correctional Treatment." See also Harrison, 2000, "The Challenge of Reintegrating Drug Offenders in the Community."

behavioural programmes can reduce recidivism among the general offender population. These programmes, based on social learning theory, assume that criminal behaviour is learned and therefore they focus on improving interpersonal and coping skills¹⁴. Although research has found that such programmes can reduce criminal recidivism, they also have been found to be less effective among individuals below the age of 25 and among those whose offences involved property and non-violent robbery¹⁵. Cognitive, skill-building programmes were most effective with individuals on probation.

Another approach found to positively affect relapse and recidivism is in-prison residential treatment. Therapeutic communities or residential treatment typically lasts 6 to 12 months and often involves separating the participants from the general prison population. Several studies have found that these programmes can reduce drug use following release from prison. For instance, inmates who participated in residential treatment programmes during incarceration had criminal recidivism rates between 9 and 18 per cent lower and drug relapse rates between 15 and 35 per cent lower than those who received no treatment in prison¹⁶. An on-going evaluation of a residential drug treatment programme within the Federal Bureau of Prisons has found reduced recidivism and relapse rates among treated inmates six months following release. Specifically, inmates who completed the residential treatment programme were 73 per cent less likely to be re-arrested than untreated inmates. Likewise, treated inmates were also 44 per cent less likely than untreated offenders to use drugs within the first six months following release¹⁷. In-prison drug treatment has also been associated with significantly reduced use of injection drugs, reduced

14. The most widely adopted (and evaluated) programme is the Cognitive Thinking Skills Program (CTSP) developed by Robert Ross and Elizabeth Fabiano. It has been widely implemented in several correctional systems, including the United States, Canada, Europe, New Zealand, and throughout the British prison system. See Gaes et al., 1999, "Adult Correctional Treatment," p. 374.

15. See Gaes et al., 1999, "Adult Correctional Treatment."

16. Ibid.

17. B.M.M. Pelissier et al., "TRIAD Drug Treatment Evaluation Project Six-Month Interim Report." Federal Bureau of Prisons, Office of Research and Evaluation, January 31, 1998.

income from crime, fewer prison returns, and fewer hospital stays for drug and alcohol problems¹⁸. However, the most successful outcomes were found among those who participated in both in-prison treatment and community treatment during the period of post-release supervision¹⁹.

Transformation through Self-determination

According to the life-course perspective, ex-offenders desist from crime as a result of having interactive individuals in their lives as well as current situational and community processes (Laub and Sampson: 2001). However, a change in personal conceptions and identity is as important as these influences. Jacobs and Wright, for instance, analyse the case of street robbers and express their scepticism as to whether anything other than lengthy incapacitation would influence them to stop offending since their criminal activities are intrinsically linked to their personal history, relationships and emotional life: “being a street robber is ... a way of behaving, a way of thinking, an approach to life” (Jacobs and Wright: 1999. 162). Maruna added that, for ex-offenders “to maintain abstinence from crime, they need to make sense of their lives” (2001:7).

Offenders are sent to prison as punishment for a crime they have committed, for violating the “social norms or generally accepted standards of society” (Laub and Sampson, 2001: 10). However, one may argue that if no effort is made to increase the chances of successful resettlement and desistance while offenders are incarcerated, they are highly likely to recommence their criminal activity once released, as none of the issues that originally led to their incarceration have been

18. See Gaes et al., 1999, “Adult Correctional Treatment”.

19. See Harrison, 2000, “The Challenge of Reintegrating Drug Offenders in the Community.” See also Gaes et al., 1999, “Adult Correctional Treatment.”

addressed. Communities need to be involved in receiving offenders back, and societal barriers must be addressed. Moreover, it is essential for offenders themselves to have a strong will to reintegrate and become law abiding, contributing members of society. Therefore, an offender's circumstances or structural barriers as well as his or her choices or cognitive barriers need to change in order for resettlement and desistance to be successful, and prison has the potential to be a starting point in this process. Therefore, the prospects for successful re-entry must be influenced by the form of the convicts' relationship to the criminal justice system following release from secure confinement. Although a balanced mix of supervision and support must be the right recipe for maximizing the chances of re-entry, it is difficult to learn a great deal about the optimal design of supervision due to its great variation, lack of data, and wide range of experience across the jurisdictions in Finland.

Education, Employment and Decent Relationship

In Finland, when a person is incarcerated, a tremendous opportunity arises to provide him or her with basic reading, writing, and vocational studies, with a trade that is useful in the marketplace and sometimes even an advanced degree. Too often, however, this opportunity is lost because the individual is not sufficiently interested in participating in the programme offered, because it is poorly timed, or it does not correspond to the person's skills' level, or the spots available are limited.

Both lack of education and unemployment have been found to account for a high percentage of re-offending (SEU, 2002). Therefore, if offenders could upgrade their education and gain employable skills while incarcerated, the likelihood of obtaining employment once released would increase and recidivism would decrease (ibid). Sadly, the stigma attached to having a criminal record and previous incarceration

makes it extremely difficult for an ex-prisoner to obtain and sustain meaningful employment (Western *et al.*, 2001 cited in LeBel *et al.*, 2008: 134). Even if an offender does obtain employable skills while in prison, having to disclose a criminal record to a potential employer is likely to be “a significant barrier, resulting in discrimination” (SEU, 2002: 9).

Finally, even if an inmate is willing to participate in the training offered and is successful at securing a spot in a programme matching his or her skills, the majority of offenders serve short sentences making it problematic to complete it before release (SEU, 2002). This creates a major predicament for policy makers as it is the prisoners with short sentences that have the highest re-offending rates (SEU, 2002).

Public Safety and Recidivisms

The rate of recidivism (re-offending) of individuals whose cases have been processed by the system has been a standard performance indicator for the criminal justice system. Entire institutions such as prisons are periodically evaluated according to their recidivism rates, and corrections directors’ claim credits if recidivism rates are lower compared to the year before. Directors of individual programmes such as drug treatment, job training, anger management, or parenting classes are frequently asked whether the recidivism rates of their participants are lower than those of comparison groups.

Unfortunately, the key indicator of criminal justice system performance is not reliable to give an accurate picture, as not all crimes committed by released prisoners are detected, and researchers are limited to official records of criminal behaviour, primarily police records. Missing from such data are those who upon their release relocated to a different EU country and other non-EU citizens who were deported

or voluntarily moved out of the country but continued their criminal life style in their new home communities.

Individual rates of re-offending after incarceration are fairly low in Finland. Based on available research, nearly one-fourth of all released prisoners are expected to be rearrested within three years. The challenge is to understand how to effectively manage the inevitable returns from prison so that communities will be safer. This may require a careful look at differential risks posed by former prisoners, new strategies for parole and crime control tactics that reduce reliance on incarceration.

The release of prisoners back into their communities poses two fundamentally interrelated challenges: how to protect the safety of the public, and secondly, how to foster an individual's transition from life in prison to life as a productive citizen. Even though these dimensions of re-entry are related, it is useful to differentiate the potential benefits to public safety from the broader benefits to local communities and former prisoners themselves that successful reintegration promises. There are ways to manage the public safety risks created by returning prisoners other than through expanding the prison population. Research literature has identified a number of interventions such as drug treatment, job training and educational programmes which have been shown to reduce re-offending rates. Consequently, greater investment in these and other recognised interventions is necessary. In addition, evaluation research and innovation would be invaluable when developing strategies that suit the new reality of the large number of prison releases.

Although recidivism is clearly an important indicator of the criminal justice system's effectiveness, it can be argued that the term *public safety* should be seen as a significant gauge of the impact of incarceration and re-entry. Recidivism is, after all, an individual measure of re-offending. Men or women who are released from prison do or do not commit new crimes, and those individual acts, when they result in arrests, are aggregated to create a rate of recidivism. Thus, to comprehend the impact of the changes in the phenomenon of a prisoner's re-entry, one should look at the *flow* of prisoners rather than the *stock* of

the prison population. This perspective necessarily presents a different profile of the population. In a flow analysis, prisoners serving short sentences will be presented in greater portions than those who serve longer sentences, while in a stock analysis, the longer-term prisoners will figure more prominently. Lynch and Sabol highlighted the flow perspective in their *Prisoner re-entry in perspective* by appropriately calling it *churning* (Lynch and Sabol: 2001), namely the large number of prisoners who cycle in and out of prison serving short sentences, getting released, then returning a few months later on another charge only to be released again in a matter of months.

Recommendation

Returning prisoners deal with major concerns as they prepare for life on the outside. They stress the need to negotiate strained relationships, lack of education and poor work histories and difficulties dealing with a changing world full of choices and free of routine or supervision. Employment is critical for returning offenders, but finding and retaining employment is incredibly difficult. Many offenders have limited education and little work experience. Logically, one cannot assume that all ex-offenders have no skills to offer the workforce. This therefore suggests that ex-offenders *are* a potential source of skills, and it makes absolute sense for us to explore this source as a valuable addition to the working community, and their unbiased inclusion in the recruitment process is vital for this to be achieved and indeed to be fair to all.

A felony conviction often restricts the type of employment an offender can be offered, therefore corrections education programmes need to focus on employability issues. Service providers should be urged to teach inmates functional, educational, and vocational competencies based on employment market demand and public safety requirements. Training must correspond with jobs that are in high demand or with

those employment sectors forecast to provide new job opportunities in the community. It is also critical that corrections educators and corrections officials create direct links to employment service providers in the release phase. We must design educational services that meet the employment challenge. Leading the way for employers all over the world is the InterContinental Hotels Group in the UK, an international hotel company currently involved in an innovative project providing catering skills training and work experience to offenders while still incarcerated. The fact that such a training course takes place in prison means that offenders have a chance to improve their skills before seeking employment.

Housing, health care, employment, family stability, and drug treatment are all critical needs that often take on crisis proportions for ex-offenders. However, all of these life challenges are related to education. Inmates who address their educational needs during confinement do better when they return to their families and communities and are significantly less likely to be reconvicted (Harlow, 2003; Steurer et al., 2001). Solomon highlighted in his work *From Prison to Work* that rather than draining community resources, safety and morale, prisoners who return to the community with support systems in place can become productive members of society, thus saving resources, strengthening family and community ties and expanding the labour force and economy (Solomon et al., 2004, p. 1). He also recommended that corrections educators should toil to bring his vision to reality.

Theoretically, the design of an effective prisoner re-entry system is straightforward and incorporates both rehabilitation and supervision elements at all stages, with coordination across and within correctional and social service systems. Faye Taxman (2001), in her analysis of the federally funded re-entry programmes in America, advanced a simple and linear three-phase re-entry model. She illustrated that the first phase begins at entry into prison and consists of an intensive in-prison education and treatment programme guided by thorough risks and needs assessment. The second phase consists of intensive programming and transitional support at the time of release, and the third phase

consists of structured post-release services and supervision matched to offenders' needs. This model also describes an ideal process in Finland where inmates begin preparing for their release on the day of their commitment to an institution. Prison as well as post-release agencies such as parole and probation, in partnership with social service providers, offer a continuum of coordinated rehabilitative programming, supervision and support from prison into the community. In general terms, such re-entry models aim to assist individuals' transitions from incarceration to law-abiding lives, as well as to use early detection and swift sanctioning to prevent individuals from recommitting serious offences.

The emphasis on the practice of prisoner re-entry is an important complement to the current public discussion. The implementation concerns considered here cover a broad range, from encouraging the corrections community to initiate such an effort, to predicting an inmate's release date, to allowing mentoring with an ex-felon, and even to arranging a small celebration of accomplishments. Successful efforts will be responsive to the local internal and external environments and have tenacious supporters. It has already been seen what happens to efforts without these key qualities.

Even if the implementation challenges can be overcome, the sum of the many individual re-entry programmes and efforts within a jurisdiction does not add up to a whole re-entry system. Individual add-on re-entry programmes are difficult to bring to scale and cannot, by themselves, leverage the changes required to develop re-entry systems. The number of offenders under correctional supervision, and, as importantly, the huge and rapid flows of offenders in, out, and between legal statuses, challenge agencies to think corporately and systemically about where, when, and at whom re-entry services are targeted. An independent re-entry effort by an individual agency is more likely to reveal these challenges than to resolve them. KRIS project manager in Tampere once reflected on re-entry issues by saying, "We are working hard to get ex-offenders to enter the world of work and become productive and responsible members of society. But

if there are no employment opportunities available to them, or they come up against prejudice, it can be a real blow to their confidence and they may re-offend. That is why it's so vital that employers in the region get on board with the KRIS programme – it is to everyone's benefit that ex-offenders are given a genuine chance to make a fresh start.” He concluded that, by not employing ex-offenders, employers are also missing out on a significant pool of employees.

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16. DOING RE-ENTRY: ACCOUNTS OF POST-PRISON RELEASE IN FINLAND AND THE UNITED STATES

This chapter is about life after prison. The topic of re-entry is of relatively recent interest among academics, policy makers and correctional administrations both in the United States and the rest of the western world. This is due, in large part, to over-incarceration and the costs associated with maintaining these prison populations. With concern over tough economic conditions throughout the world, unacceptably high recidivism rates in some countries shifted attention beyond the prison walls to the challenges associated with transitioning from prison to the outside free world.

The focus of this chapter is to examine the accounts given by men and women released from prison in Finland and the United States. The research for this chapter is based on interviews and the participant observation of returning prisoners who have participated in various ex-offender support groups or organizations. The interviews explored a variety of dimensions of re-entry, including preparing for life after prison, meeting basic needs on the streets, and how ex-offenders were able to maintain crime free lifestyles after rather lengthy criminal histories. A short introduction to the literature on re-entry precedes

the findings, exploring the social contexts where re-entry occurs, and giving a description of the methods used in this research.

Problems Associated with Re-entry

Experiencing prison carries numerous direct and indirect consequences. Sykes referred to this as the “deprivations of incarceration.” In previous papers (Richards and Jones, 1997; 2003), we identified a variety of structural impediments to post-prison success in the United State, which ultimately leads to a perpetual incarceration machine, which is essentially the recycling of prisoners in and out of prison. Four structural problems associated with re-entry are employment concerns, housing concerns, family troubles and various legal restrictions. In addition, ex-offenders must also cope with various psychological and emotional issues, including drug and alcohol problems, anger and frustration over their incarceration as well as having to face the structural problems associated with re-entry.

In Clemmer’s study of Menard (1940), he stated that all prison inmates will become socialized, to a greater or lesser degree, into the prison community, which harbors attitudes that are in opposition to the free world. The longer an inmate is incarcerated, the greater the likelihood of his full immersion into the prison way of doing things. As a result, length of incarceration is one key factor in re-entry success. In addition, many prisoners have histories of inadequate education and poor work histories. So, available programming in prison can also play an important role in addressing inmate disadvantage, and improving one’s chance of successful re-entry, as well as reducing an inmate’s identification with the prison social world.

Social and Cultural Context

Finland and the United States found itself in very similar places in 1960 (Tonry, 2001; Lappi-Sepala, 2001). Both countries have had similar attitudes toward crime and punishment, with an emphasis on the use of imprisonment to satisfy one's debt to society for the commission of crime, and for purposes of deterrence. In addition, their respective crime rates are also very similar. The 1960s brought about efforts at social reform in both countries, especially with reference to criminal justice. However, within a decade, Finland and the United States went into two different and opposing trajectories.

For the United States, there was a liberal shift in criminal justice that brought about the indeterminate sentence with the primary purpose of corrections being the rehabilitation of offenders. This was a time of the creation and implementation of a variety of treatment-related programs that were designed to address the problems facing prisoners. Once these problems were addressed, inmates should be able to transition more easily out of prison into the free world. In addition, many states began reducing prison populations by closing some of their prisons and vowing to incarcerate only the most serious offenders. By the early 1970s, recidivism rates were not being reduced, and there was growing support for more conservative, or punitive, forms of punishment. It was deemed that "nothing works" (Martinson, 1974) in terms of treatment programs, which then provided the basis for abandoning treatment and shifting to determinate sentencing with an emphasis on mass incarceration, long prison sentences, severe deprivations associated with incarceration, and a lack of meaningful treatment programs available to those prisoners who needed and desired such programming. From the 1970s to the present, the United States has witnessed skyrocketing rates of imprisonment, reaching today's current prison population of over 2.1 million prisoners.

In reference to re-entry, roughly 700,000 prisoners are released into their communities every year (Petersilia, 2003). Inmates leaving American prisons face a very bleak situation upon their release.

Long prison sentences are likely to have strained family ties, thereby threatening one possible resource for re-entry. In addition, the stigma associated with a criminal record will make it extremely more difficult to find employment sufficient to support a family. Also, affordable housing is hard to find, and ex-prisoners with drug convictions are denied housing that is supported with federal monies. Finally, the expense associated with prison construction and mass incarceration has left little revenue to operate residential treatment programs to assist with ex-offender re-entry. This helps us to understand why recidivism rates in the United States remain high at roughly 67% failure.

In Finland, however, since they made the decision to turn away from correctional policies heavily influenced by the former Soviet Union, we have witnessed a tremendous shift in philosophy which Ekunwe (2005) refers to as “Gentle Justice.” Embodied in this philosophy is a concern for the citizen (including criminals and prisoners), thereby maintaining many of the rights of citizenship for Finnish prisoners, while also insuring a range of rehabilitative programming and re-entry services. Criminals in Finland are sent to prison as punishment for their crimes, rather than being sent to prison to be punished further. As a result, every effort is made to reduce the negative impacts of incarceration as much as possible. This is accomplished by relying on relatively short prison sentences, and strong efforts to help prisoners maintain contact with family through family visits (conjugal) at the prison, or furloughs that allow prisoners to visit their families in their own home. One other development in Finland was the creation of the open prison. It is in this facility that prisoners are allowed to study or work in the community, and return to prison later in the day. In his keynote address at the Global Re-entry conference (2010) in Tampere, Finland, Jarmo Littunen from the Ministry of Justice noted that the prison population has been going down steadily in the past 5 years, reducing the population by nearly 15%. Approximately 4,000 prisoners are released annually. In addition, recidivism rates hover around 31%.

A prisoner leaving prison in Finland will have a variety of resources available to him or her. All citizens including released prisoners are entitled to social benefits, which include housing allowance as well as unemployment insurance. As noted previously, these are severe hardships that are faced by American prisoners upon their release. In addition, the stigma associated with a criminal conviction will not be used to prevent employment in Finland, unless the crime was of a nature that was incompatible with the demands of the workplace (for example, sex offenders would be restricted from working with children). Finally, there is a variety of private groups that are available to ex-offenders to assist them with re-entry, including providing assistance in finding employment and battling drug and alcohol problems. All of the Finnish participants in this paper were members of one such group, CRIS (Criminals Returning into Society).

As can be readily seen, corrections in Finland and the United States have headed in different directions for the last forty years. While budgetary concerns are forcing US policy makers to re-think the incarceration binge, refocusing their attention on the problems associated with re-entry has been slow to pass. Finland, on the other hand, is extremely happy with the direction they have taken, and continue on the path to even further reform. Future goals include developing more open prisons, with the hope of shifting more of their prisoners to this venue (up to 35%).

Data and Methods

The data for this paper comes from numerous sources. In 2002, Jones began a participant observation study of a local Prison Fellowship Ministries (PFM) aftercare program. For over 3 years, Jones participated in a variety of activities sponsored by PFM, including regular prison visitations, mentor training, and weekly aftercare meetings

with ex-convicts and family members. The local PFM was headed by a formerly incarcerated minister, who claimed on many occasions to have developed an army of ex-offenders who had taken Jesus into their hearts. The primary purpose of the aftercare meetings was support and fellowship, for both ex-offenders and family members. There was a core group of a dozen ex-cons who regularly attended, and a much larger number who dropped in and out in the course of three years. Field notes were collected, and interviews were conducted with all of the regulars.

In 2004, a second data source was identified and contacted. The program was called Project Return, a private, non-profit organization that grew out of the concerns of a local church which was concerned about the challenges facing ex-offenders. While Project Return engages in a variety of activities, their primary concern is job readiness and assistance with employment searches. With the assistance of the executive director, Jones was allowed to observe at the offices of Project Return, and a list of successful ex-offenders was provided for follow-up interviews. Twenty-five interviews were completed in both organizations with the focus on the problems associated with re-entry and the ex-offenders' efforts to remain crime free.

In 2007, Ekunwe began an observational study of CRIS, Tampere. CRIS began as a fellowship association in Sweden by eleven re-offending inmates serving repeat prison sentences in 1997. These eleven members developed a model for re-entry that included having friends (who had already been released from prison) come and meet them at the prison gate to assist them in their re-entry. One important feature of CRIS is complete abstinence from drugs and alcohol. Secondly, it was believed that assistance from ex-cons who had already experienced re-entry would serve as positive role models for more recently released ex-offenders. At the beginning, these eleven members served as a support group for each other. However, within 1 year, they decided that they should expand this model to provide direct service for a larger population of ex-offenders. To further their work, they opened a substance-free day center for members.

In 2001, a Finnish prisoner in Sweden was released from prison, and she brought the idea of CRIS to Finland. A meeting was held with about a half dozen former prisoners who had managed to sober up, and CRIS Finland was born out of this meeting. By 2005–06, many new CRIS associations were founded throughout Finland, with CRIS Tampere being one of them. With a membership of over 100 members, it is one of the strongest associations in existence. Ekunwe was provided access to CRIS offices, and attended numerous activities and social events. In addition, 25 interviews have been conducted with members.

Interviews from these various data sites were recorded in the native tongue of the respondents, and later translated into English. Data were analyzed using the techniques of the “constant comparative method’ formulated by Glaser and Strauss (1967). The purpose of this analysis is the search for common themes that arise from the data, to help provide a holistic view of the experiences related by ex-prisoners regarding their re-entry experiences. The remainder of this paper analyzes themes that have emerged from the data, and provides meaningful comparisons between the experiences of Finns and Americans. The chapter will conclude with considerations for policy recommendations and the literature on re-entry.

Looking Outside From Prison

In *Doing Time* (2001), Jones and Schmid present a 5 stage prison career model.¹ Of particular concern for this paper is how prison inmates both complete their prison sentence as well as anticipate their return

1. *Doing Time* describes life in a maximum security prison, as experienced by first-time prisoners. It is an examination of how participants in the prison world arrive at a fuller understanding of this world through direct experience. The five stages are anticipation of the prison social world, orientation to the prison social world, accommodation to prison, concluding the prison career, and anticipation of the outside world.

to the free world. As noted by Jones and Schmid, re-entry begins prior to one's release from prison. Re-entry begins once inmates imagine their life in the outside world, and begins making preparations for their eventual return to that free world.

For the US prisoners, their approach to preparing for the outside world began once they made the decision that this would be the last time that they went to prison. For some, they just grew tired of bouncing between prison and the streets. Whether they were maturing with age, or had grown weary from "ripping and running," these inmates had made a conscious decision to alter their criminal lifestyles and to go straight. Generally, there were two approaches taken by members of the respondent group.

You are talking about bottoming out, where you have to be at a point where you recognize that you are in the wrong direction, and number two, that you want to change direction....Out of all these incarcerations, going in and out of prison, there was no mind change, you know, I didn't have it made up in my mind that I wanted to do something different so I'm just in here, mind still stagnated on when I was out and I get out again after probably after 2 ½ years and I violate again. You know, I am looking at the um, there was really no, you know, some guys commit crimes for a reward and I'm saying there is no reward in that. But I'm going on being heavily intoxicated and with the urge of wanting to use crime. That's what propelled me to do this. And, when I got that reaction I said, I am wasting my life and it took up to this point, you know, I guess everyone's life, a certain time you say, I am tired of this, and that's why, that's when I broke through.

The first strategy employed was to address some of the limitations that the prisoners had by taking classes and programs that addressed educational issues, vocational training, and attending any positive programming that aimed to utilize their time productively, and where they could demonstrate to employers in the free world that they had changed from their previous criminal ways.

The second strategy employed primarily by members of prison fellowship ministries was to put their lives in God's hands. This approach entailed surrounding themselves with other believers, and to engage in serious study of the Bible. Specifically, they developed a support group within the prison that helped remove them from many of the negative influences of prison life. Many who chose this strategy had been convicted of very serious crimes that caused much embarrassment and shame to the inmate and family members (sex offenses, murder). As one respondent put it:

You know, I was tired. I had been tired and I just didn't know how to get out. I felt trapped and I just didn't know how to get out. I had been tired. I knew that this was not something that I wanted to do. I just didn't know how to stop doing what I was doing, and when that desire...I know the Lord gave me the desire to want to live right and it just took away the fight, you know, and that's when I was able to surrender.

Another respondent expressed how important other people's support is in the process:

Well, I think it's my faith, my belief in myself and the various support systems that are out there that we need to seek them out—you need to say that you need help. You need to recognize that you can't do it by yourself and just accept the fact that you need somebody to hold your hand or somebody to just walk with you. Maybe the walk is short, maybe the walk is long, just walk with me for a while, just be my friend and point me in the right direction if I seem like I am getting off of the right path, just someone to point me in the right direction.

For Finland, most of our sample had grown tired of the criminal lifestyle and the problems associated with long term use of alcohol and drugs, as one of the ex-convicts interviewed puts it “...*Of course*

everyone here in CRIS has their personal experiences but the connecting factor is the intoxicants which helps us understand the experience and being substance-free is the main thing here at CRIS, and I like to think it is also the last thing. It all starts and ends with that". They acknowledged the pain caused to family members over their criminal careers and were now ready to make a change. Knowing how difficult this task would be, many looked to CRIS to provide support in their efforts to change; this is reflected in the testimonies of some respondents:

No don't think it did. I went straight to treatment and there actually...
.(pause) I mean before I hadn't really been honest, I mean about taking drugs, but there I told them that I was smoking pot in prison that I might have a positive piss sample and that. So after the last sentence I went straight to the treatment centre from the prison gates. I mean KRIS came to pick me up from there and took me.

With KRIS, I have built this support network around me... Although they have committed crimes before, they don't anymore. They keep me out of trouble these days, they are ex-substance abusers, ex-criminals ex-cons most of them. Yeah that group of people are um, like my support. One huge thing is this KRIS, where I also now working, is that it keeps me clean.

I didn't have any expectations, I was either going to come to KRIS or go to the dockyard to do spray painting, those were quite clear. Valkama (KRIS worker) came to see me in prison and told me that some just come to KRIS to get acquainted with the place for some time and then they say this isn't for me and that... it kind of grew on me the whole thing.

Well, it gave me company, um, that accepted me the way I am and, um, I mean, in the NA I felt I couldn't really talk about the crimes and the stuff related to that, and um, they weighed heavy on me; I mean my sentences and other stuff. At KRIS I feel I can open up about that slowly.

For inmates from Finland and the US, concern for family members (wife, lover, and/or children) served as motivation to change. This is an important element in transforming ones' identity from being a criminal to a law-abiding member of society. Maruna (2001) has been critical of the concept of recidivism for both measurement problems as well as definitional issues. Maruna notes that a large percentage of recidivists are returned to prison for technical violations rather than for committing new criminal offenses. In addition, various jurisdictions had different definitions for recidivism, which makes comparisons across jurisdictions difficult.

Walking Out the Gate

It is common for an inmate leaving prison to hear from others that they are expected to return to prison.

Just like when I got out of prison, it's funny because my parole officer looked at my file and I have never had a record before. This was my first crime ever. And when she first met me she was like, she read over my file and she was like, OK, I give you maybe a week or two and you will be back in prison. And that made me so mad.

With recidivism rates in the US at around 67%, that sentiment isn't that far-fetched. However, as an inmate readies himself to walk through the prison gates for the last time, his happiness over concluding his prison

sentence overrides any expectations of failure. Inmates leaving prison have been marking time throughout their sentences, crossing off each passing date until their release day arrives. Well aware of the failures of others, as well as their own problems with staying crime free in the community, many prisoners have done everything that they possibly could do to improve their odds of successful re-entry.

We have already identified many of the challenges facing ex-cons in American society. It is important to note what resources may be available to assist in the re-entry process. Most inmates in the United States leave prison with the clothes they are wearing (a prison uniform, a new set of clothes, or the clothes worn when they entered prison) and with gate money of between \$100 and \$200, depending on the state. Because wages for work completed in prison are usually low (less than 50 cents an hour), it is difficult for inmates to meet basic needs in prison, let alone save much to assist them in their re-entry.

Many inmates leave prison without a place to live, and most do not have enough money to rent an apartment on their own. As a result, many inmates live with family members immediately after their release from prison. These living arrangements are not always conducive to successful re-entry, with a myriad of criminogenic factors within the immediate neighborhood, and sometimes within the home as well.

Uh, one thing I knew when I was getting close to getting out, I knew that I couldn't go live with my mother because it was dysfunctional there and I said that I thought to myself, if I wanted to live there, it's only a matter of time before I would be back where I was, so I contacted my parole officer and said that I really need structured living so she put me in a transitional living home.

I lived with him (uncle) for about 6 months and from there I had been staying with my sister, which wasn't very easy, especially when you aren't working, and they swinging the bills and this and that, you know, it's been pretty tough.

Many ex-cons rely on temporary or transitional housing, although the demand for these facilities is far greater than the supply. Others are able to use contacts that they have made through programs such as prison fellowship.

Someone heard I was in town. They said, hey, we heard you were in town. I got the number from friends that you called and said I got a place. It needs cleaning up. Now, if you don't have a place and you need a place, you can go and stay there. Right now, it's available and if you are willing to clean it up, you can stay there. And that's how I got it. Once housing is obtained, the next step is to find employment.

As previously mentioned, many ex-prisoners have little education and very poor or non-existent work histories. In addition, the stigma associated with a criminal record works as another obstacle to finding employment. In her article "The Mark of a Criminal, Pager (2003) found that there is only a slight chance for an African American male with a criminal record to find a job. However, the odds improve slightly for women of other ethnicities, as well as for white and Latino males. Parole officers may provide their charges with leads on jobs. However, most ex-cons scan the want ads and make use of various employment agencies, some of which specialize in ex-convicts. These organizations will help ex-cons prepare a resume, as well as provide advice on interviewing strategies.

Ex-cons are expected to search far and wide for employment, and some of their meager savings goes for transportation to and from job interviews.

When I first got out of prison I thought I was going to get out, get me a job and then just, save my money and try to deal from there. Own a house, own a car, you know, it's been pretty tough. My main goal was to get out and find me a job and you know, stay crime free cause I ain't trying to go back to prison. The main thing was to find me a job. But I can't seem to find that job.

I am really learning the city, though, and the bus system. It takes almost everything I have to get to these job interviews, and it is such a long ride home when I know I won't get the ob.

Most ex-cons know almost immediately if they are going to get the job, even while the interview is still being conducted.

Well, you go in, sit down, introduce yourself, he looks over, had the application in front of you. He asks some questions. I have been locked up for 20 years, so he wants to know about the spotty work history and you tell him about, you know, I was incarcerated. OK, that explains the spotty work history and then, right after that, if they ask you what you was in for, when I tell them and when they put their heads down to the paper, and they look for a couple of minutes, right there I know, I know, man, this is just not going to happen.

I mean, I'm still trying to do it now. It's hard. I'll have the job. I'll go into the interview. I have the job, and as soon as they hear the word felon, you can see the whole expression change. Not even to ask you what you were in for. It's not like I am a child molester or anything like that. The felony is something else. So, I am still searching for work.

Lack of stable housing and a phone number work hand and hand to disadvantage ex-offenders. Employers require an address and phone number from ex-offenders for potential call backs and background checks.

I know what I want to be, I just don't know how to get there. I have put applications in for all types of meaningless jobs and never got a call back from them. I mean, I just want to get into the field that I want to and to support my family. Right now I am not supporting

them—she is doing all of the supporting. And that is hard for me. But I don't want to go back to prison and I don't want to lose my family, so I keep looking for work.

In Finland, the situation is markedly different. All people leaving prison are entitled to housing subsidies and unemployment insurance. In addition, many inmates will have already made arrangements for housing prior to their release. An interview discussion with a respondent epitomized the search for an apartment before and after lease in Finland as follows:

Question: So that means that when you were about to get out of the prison, you were able to rent an apartment and you got housing allowance from the government, and then the social office paid a part of it while you paid a very little fraction of it?

Answer: Yeah, that's right.

Question: That is quite different from America.

Answer: Yes, in Finland everyone has this opportunity. Or should have, it just depends on whether you can actually find an apartment.

Question: Yeah... and when you came out of prison now, were you on parole?

Answer: Yes I was.

Question: So how was your relationship with your parole officer?

Answer: I was really prejudiced. I think I was on parole after the second, third and fourth and also the fifth sentence but I didn't go there that much. I just went when they told me that if you don't come now you'll be sent back to prison or that there was going to be some bad consequences if I didn't go. But the thing with the last

sentence was different as I had been working to improve myself in the detox department so that I would be able to make it, so I went there with an open mind that time. In fact, it was in Pori, it was a 40km trip for me to go and see the parole officer and they promised me they would reimburse me my costs so I went with my own car, my grandmother had bought me a car when I was released, and um, yeah s/he was a really cool person in the end and I realized straight away that s/he wanted to help me. So turns out it ended up being quite a good parole officer relationship, s/he didn't use me, just wanted to help me make it. S/he organized a sponsor for me from some sort of sponsor employment agency and all this sort of stuff so yeah s/he was really nice.

In addition, inmates in Finnish prisons are paid a living wage (roughly 5 euros an hour for work inside the prison). If inmates work outside the prison, their wages will be significantly higher, but they will also be expected to pay some of the costs of room and board.

Unemployment insurance, coupled with savings from prison, assist the inmate in his/her transition to the outside world, taking much of the pressure off the ex-con in putting a roof over his head. This is very important, since additional stress can lead to a relapse to drug and alcohol usage.

Access to education and vocational resources while incarcerated also improve the ex-cons chances of successful re-entry. Finnish ex-convicts, as opposed to Americans, are aware that re-entry success is possible if, upon their return to society, they make sufficient changes in their criminal lifestyles.

It's about Family

One of the deprivations associated with incarceration is separation from family and friends, or the denial of heterosexual relationships (Sykes,

1958). To deal with this loss, inmates often develop close friendships inside prison, or become further entrenched in the prison social world. Letters and visits can lessen the impact of the emotional and social distance separating family members and the inmate.

In the United States, inmates are often incarcerated a significant distance from loved ones, making visits a difficult proposition for family members and friends.

My aunt came to visit me once, but other than that, I really didn't have anybody to come visit because my mother lived in another state and I thought that would be too much for her to try and bring my kids to visit. So, it was basically letter writing. I was always apprehensive about phone calls, simply because I never wanted the phone to be turned off because I made too many collect calls.

For some inmates, concern about the length of their sentences and the possibility that they might never get out of prison led some inmates to cut off contact with the outside world. That was one way that they could exercise some control over the situation.

You know, I really didn't have much contact because my family lived in Omaha, Nebraska and I'd write letters sometimes and it was a situation where I didn't really think that I was going to get out because I knew I had all this time and I knew that I was so angry and upset. So, I consciously made a decision to cut off all kind of contact with anybody that I might have had a relationship with before I went to prison.

In addition, strict visitation rules limit the number of hours available for inmates each month, as well as the nature of these visits. Conjugal visits occur in very few jurisdictions, and furloughs for short stays with family members have been severely reduced across the country.

Contact with children was a much more difficult proposition. Inmates would have to rely on the children's mothers to cooperate

with visitation, as well as other relatives to drive the children to the prison for the visit.

Most of the contact that I had with my daughter was by telephone and letters. Telephone was the basic form of contact. Letters were probably secondary. I think I saw her once during my incarceration, or at least sporadically. I would go 3 or 5 years between visits with her. Part of the problem was she was out of state.

It is also not unusual for inmates to lose parental rights to their children while incarcerated, which creates another stumbling block for successful re-entry. Female inmates are especially vulnerable to this, and may have to spend enormous resources (time and money) to regain custody of their children upon their release from prison. Divorce is also a common experience for inmates serving long prison sentences.

I decided, I told my wife—she was a very special person—but she had her life to live too. In order for me to do easy time, and to make it easy for her, I asked her would she get a divorce. She said yes and in fact I just saw my wife after all of these years a week ago.

One rationale for severing contact with the outside world, then, is to make their time in prison pass more easily. For some inmates, family members just can't handle seeing their loved ones in prison. As one respondent put it:

No, she said, look, you go out and get into trouble...I can't come visit you in these places. I just refuse to see my son. So, I understood that, and the same with my father.

One of the purposes of the penitentiary was to provide inmates with an opportunity for self-reflection. It is through this self-reflection that inmates may come to realize the many mistakes that have led them to this point in their lives. Maruna (2001) believes that prisoners

need to make sense of their lives, and to create a coherent, pro-social identity for themselves. To do this, inmates must understand their criminal pasts and then understand why they are no longer like that anymore. In essence, inmates need a whole new perspective on life. One motivation for prisoners to succeed in life after prison is to be a better husband and father.

The situation in Finland relating to family contact and support is quite different in comparison to the United States. In the United States, a prison sentence impacts tremendously on the entire family, not just because of the incarceration of the offender, but also because of the loss of a wage earner. Little thought is given towards the family of offenders in the United States. However, in Finland, every effort is made to help maintain family contact and support throughout incarceration. With relatively shorter prison sentences, contact with family through conjugal visits in the family cottage, or furloughs to the family home are encouraged. Counseling is also available to inmates and family members to assist with adjustment issues. Also, inmates do not have to worry as much about the family's financial situation. Children in Finland receive financial support from the government, and other subsidies for housing and employment are available to spouses.

It is through this context by which inmates may see the error of their ways in relation to their criminal lifestyles. A stay in prison may actually provide the impetus to strengthen family bonds, and may be used as a catalyst for transforming one's identity. While significant differences exist between the prison experience in Finland and the United States in regards to the family, the family can serve as a catalyst for change in the inmate, from a criminal lifestyle to that of a law-abiding citizen.

Removing Temptation: Drugs and Alcohol

Without a doubt, alcohol and drug abuse is a problem for offenders in both Finland and the United States. Availability of drug and alcohol treatment programs in prison is a valuable resource in transforming the lives of inmates. The increasing prison populations in the United States has strained corrections budgets, thereby creating long waiting lists for inmates in search of rehabilitation programs. It is clear that bricks and mortar are taking a larger slice of the prison budget. In addition, a lack of resources has severely limited access to drug and alcohol treatment in the community for returning ex-convicts.

Because I can just go right here to July 4th. We're having a barbecue over at my mother's house and my sister is making strawberry daiquiris and my brother, he just got out of prison, and he will be drinking beer but he can handle it. But not me. I can't take a swallow of beer, you know, because I know I am off to the races. I will never put myself in a compromising situation where I know there is going to be drinking. So, even with my family, I have to be careful. So, I stop by and say hi to everyone, find out what's going on, and then it is time for me to go. My mother always asks me why every time I come over I am in such a hurry to leave. I have to.

The situation is quite different in Finland. Commitment to a drug and alcohol-free life by ex-convicts is met with access to the necessary resources to assist in their recovery. This is one of the most important characteristics of CRIS, which not only expects its members to be drug-free, but which provides a variety of support services to assist ex-offenders in their transition to the free world. Since CRIS members are all ex-convicts, recently released ex-offenders find a supportive environment to help them through the difficult adjustment to a life without drugs and alcohol, as paraphrased by one of the respondents:

Question: What do you think would happen if you were still abusing substances?

Answer: I had a relapse at one point and I have to say it took me back about 20 years right away. I went straight back to where I'd left off before. Maybe not with the same intensity as I'm older now and there are other factors which limited my drinking, but the attitude I had was exactly the same.

Question: What was your attitude like?

Answer: Well, the intoxicant worked in the same way; I started fighting and was charged with assault. Everyone was fined for fighting but it took me right back down the same track so there was absolutely no point in it whatsoever.

Question: OK. What do you do nowadays?

Answer: I try and stay sober and try to maintain this quality of life. I'm already old enough to know that human life is not such a long process after all.

Question: Mmm (in agreement).

Answer: I've also been doing voluntary work for KRIS for a few years now. I go to prisons to meet people who've mainly got substance abuse problems and often for that reason they also end up doing time. Those are probably the most important things I do, although there are many other things too but that gives me a lot now that I've retired.

From the other side of the ocean, the key to success is put nicely by one respondent from the United States.

You have to have structure, you have to have discipline. You have to have people who are going to keep you accountable. You have to have positive people in your life. You have to want to live responsibly; you want to live independently at the same time. You have to automatically have gainful employment, because that is kind of like a confidence builder, to be able to go to work every day and to earn your own keep because I have learned in the past when you are living with someone and you are not putting anything in the house, things start getting a bit tense.

Summary and Conclusion

There are severe limitations to any cross cultural analyses, and that is true for the present paper. Direct comparisons between the prison and re-entry experiences of men and women in Finland and the United States is impractical for a number of reasons, including the differences in scope between the two countries as well as the methodological issues around sampling and generalizability of findings.

For the present paper, we were interested in exploring what factors might help explain successful re-entry in Finland and the United States. In order to do this, we conducted research in three settings that assisted ex-offenders in their transition from prison to the free world. Two of these organizations were formed by ex-convicts, with the aim of ex-offenders assisting ex-offenders with their re-entry (CRIS in Finland and Prison Fellowship Ministry in Milwaukee, Wisconsin). A third organization, Project Return in Milwaukee, is a private, non-profit organization that assists ex-offenders seeking employment. Ex-offenders are often referred to Project Return by parole officers.

Since we were interested in successful re-entry, we utilized snowball sampling procedures, with the intention of interviewing whoever made themselves available to us to be interviewed. What resulted from these

data collection efforts were accounts of ex-offenders transitions from prison to the free world. In terms of similarities, we discovered that doing time is doing time, regardless of the conditions of confinement. What this means is that loss of liberty is the most important aspect of incarceration. Any other punishment associated with incarceration is just unnecessary and may compound the problems associated with re-entry. However, each society approaches the issue differently, which has important impacts on the incarcerated, thereby reflecting how one does time and influencing the likelihood of successfully re-entering society.

Secondly, criminals are criminals, regardless of whether they are from Finland or the United States. Men and women sent to prison represent that society's marginalized population. For whatever reason, they adopt values that put them at odds with conventional society. As a result, they create comfort niches, or people that they identify with and support their lifestyle choices. Lack of educational achievement characterizes ex-offenders in both countries. In the United States, race and ethnicity add an additional element to marginalization.

In general, the path to successful re-entry follows a similar pattern from self-reflection, a desire to change, a search for resources to assist in this change, and the help of other ex-offenders in adopting a non-criminal identity. The primary motivations for this transformation is a concern for others (Maruna, 2001), as well as being tired of the criminal lifestyle and the associated incarceration. This general pattern held true for ex-offenders interviewed and observed in Finland and the United States.

However, there are significant differences between the two countries and the experiences of ex-offenders in each country. American ex-offenders have it much rougher than Finnish ex-offenders, which may help to explain why recidivism rates in Finland are so low in comparison to the United States. Ex-offenders in the United States face serious obstacles in finding employment and housing upon their release from prison. In addition, relatively long prison sentences make it very difficult to maintain strong family bonds during one's

incarceration. Very little effort is made by correctional authorities to strengthen an inmate's ties to the family and community.

Finland, on the other hand, has made an effort to make the prison experience as close to life in the free world as possible. Education and vocational training are readily available. Inmates who work make a decent wage, allowing them to save money for their eventual return to the outside world. In addition, conjugal visits and furloughs are available to prisoners to help maintain family bonds. Finally, numerous organizations, including CRIS, have emerged to assist ex-offenders in their transition to the outside world.

In the United States, the harmful effects of long prison sentences, coupled with severe disadvantages in education, vocational skills, work histories, and stigma, the transition to the free world is more difficult. Organizations such as Project Return and Prison Fellowship are trying to provide support, but there are limits to what they can provide. One reason for the success of CRIS participants stems from the fact that contact between CRIS and future members begins prior to release from prison. CRIS members serve as role models, and serve as an example of how it is possible to live a non-criminal lifestyle. CRIS members provide social support, especially in times of crisis or need. And finally, CRIS serves a networking function, helping ex-offenders access social services in the community.

There are important lessons to be learned from this research. For American policy makers, there is much that they can learn from Finland's efforts to liberalize their criminal justice system. This does not mean a repudiation of prison, but rather a common sense approach to punishment, as well as a reliance on criminological research in policy development. Extremely long and harsh prison sentences in the United States has insured a revolving door of criminal justice, with 67% of ex-offenders returning to prison within three years of their release from prison, most returning within the first 6 months of their release. More effort should be directed to lessening the harmful effects associated with incarceration by reducing the length of prison sentences and by providing more re-integrative services for ex-offenders.

For Finland, this research should serve as a cautionary tale, as evidenced by the quick shift in correctional policy between the 1960s and 1970s, from liberal to conservative, from a philosophy that embraced rehabilitation to one that favored incapacitation. Policy makers in Finland must guard against calls for getting tough on crime, especially after media coverage of extra-ordinary crimes which may raise public concern and which could be easily exploited by politicians running for office.

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Global Perspectives on Re-Entry explores the challenges facing ex-prisoners as they attempt to return to society after serving time in prison. The problem of re-entry is of growing interest to academics, correctional professionals and policy makers who are concerned with high rates of incarceration and the increase in the numbers of prisoners caught up in the revolving door of criminal justice.

This book is the first attempt to explore the problem of re-entry from an international perspective. The focus of this book is on strategies utilized in various parts of the Western world that shed light on the struggles facing ex-prisoners upon re-entry, as well as on the way different countries have attempted to solve these problems. The book seeks to address the important set of issues involved by bringing together the best of recent research and ideas on the subject of desistance from crime around the world, with a distinct focus on how research might impact upon the implementation of ex-offender reintegration policies.

The book is divided into two sections. The chapters in the first part, **Societal/ Institutional Perspective**, consider the societal and institutional issues in different countries. The chapters in the second part of the book, **Perspective of the Ex-Offender**, present various viewpoints of experts with first-hand accounts of the re-entry experiences of ex-convicts

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