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***Journal of Qualitative
Criminal Justice &
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In Memoriam

William "Jock" Young
(1942 – 2013)

Requiescat in pace

Editorial Introduction

When I took on the role of editor for the new *Journal of Qualitative Criminal Justice & Criminology*, I wanted to secure as many of the leading qualitative researchers as I could for the editorial board. While I did not know Jock Young personally, I knew of him and his reputation and writings, and I figured he was one who should be on the board. When I asked my book review editor, Kevin Steinmetz, now Dr. Steinmetz, who I should include on the board, the first two people he requested were Jock Young and Jeff Ferrell. I agreed and asked him to approach both of them with the request since he was more familiar with them than I. I was appreciative of Kevin for following up and most appreciative that they both agreed to join the editorial board. I knew they were taking a risk on me, someone largely unknown in the qualitative circles. So, I was profoundly saddened when Kevin informed me this past fall of Jock Young's death.

In recognition of Jock's passing while serving as an editorial board member of the *Journal of Qualitative Criminal Justice & Criminology*, I wanted to dedicate this issue to his memory and I hoped to present some form of memorial piece on his life. Knowing that anything I wrote would fall short, I once again turned to Kevin Steinmetz for some assistance. Kevin then found one of Jock Young's former students, Robert Donald Weide of New York University, who agreed to write an obituary. Upon receiving it, I printed it and sat down that evening to read through the draft. Right away, I knew I had made a good decision. After reading Weide's heartfelt and "unapologetic" obituary, I felt I came to know Jock Young a lot more, the man, his life, and his research. While it is a sad state of human affairs that sometimes we come to know people more so after their death, I am glad I was able to do so through Weide's story. I think his qualitative narrative serves Jock's memory well.

In addition to the opening obituary, this issue also features six articles from some established and up-and-coming qualitative researchers in both criminal justice and criminology. These six articles were once again the handful of articles that made it through a very difficult review process consisting of internal and external review (not to mention a tough copy-editing as well!). As of this issue, the journal has received 104 manuscripts and with these six articles, a total of 19 manuscripts have been published. The journal continues to maintain an acceptance rate of approximately 1 in 5 submissions (for the more quantitatively inclined, the rate stands as 18.26%). Also included in this issue are three book reviews, consisting of one edited collection and two recently published qualitative studies, as well as one historical book review, this time regarding the seminal work *Outsiders*.

One additional item that may be of interest to the qualitative community and that is the current proposal to create a Qualitative Section in the Academy of Criminal Justice Sciences (ACJS). As a focal point with the journal,

I have been collecting petition signatures to put before the ACJS Executive Board this fall to seek their approval. It is my hope that the dissemination of the journal may be furthered by some future association with such a section and that it will provide another forum for qualitative researchers in the CJC fields. If you are interested in signing the petition, let me know with an e-mail to the journal at jqcjc@shsu.edu

Finally, as always, I have many people to thank for helping make this journal a possibility. The support of the Southwestern Association of Criminal Justice has been excellent as they have always been and continue to be a great group of people to work with. The support at Sam Houston State University has also been most appreciated as well. In particular, I would like to thank Dr. Kevin Steinmetz (now of Kansas State University) for serving as my book review editor. In addition, I would like to thank the Writing Center at Sam Houston State University, and especially Ronda Harris, for the excellent copy-editing services provided for the journal. Moreover, all of the work by Harriet McHale for the manuscript production process is simply the best. It is a lot of work to get the journal in final publication formatting, but she always comes through. And finally Melina Gilbert for getting the journal up on the website and working out all of the bugs. The journal is a product of the hard work of all of these individuals.

I sincerely hope you find the first issue of volume 2 of the journal beneficial and I hope all of the readers consider making the *Journal of Qualitative Criminal Justice & Criminology* an outlet for your qualitative research.

Willard M. Oliver
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Obituary: Unapologetic Irreverence: The Life and Legacy of William “Jock” Young (1942-2013)

By: Robert Donald Weide, New York University

I first met my dear friend and mentor Jock Young as a doe faced graduate student, “full of it,” as he would have probably described me at the time. It was a quality he apparently admired in me, unlike many of my other academic mentors. Our dear friend, colleague and another cherished mentor, David Charles Brotherton, made the introduction and while Jock shook my hand, he gave me the cock-eyed look of a madman as he peered into my soul, remarking to David with a deviant smirk, “Oh look, we have another trouble maker here!” Well it takes one to know one I suppose. Little did I realize at the time the profound impact this man’s work, guidance, and example would have on me, and the impact it had already had on so many before me.

Trapped in the gilded cage of an R1 department with no consciousness of critical perspectives outside the mainstream of the sociological enterprise, I was taken aback by this pugnacious fellow, whose very words caused a profound cognitive dissonance in my budding conceptions of the field I had chosen, shattering the stale perspectives I had been exposed to at that early stage in my academic career. In Jock’s company, I felt at home in my element as I never had in other academic settings and was sitting in his course the next semester eager as a schoolboy on his first day ditching classes. Over the course of that semester, Jock proceeded to systematically preempt every reservation I had ever had in all of the courses I had taken up until that point, all of which I had been too terrified to voice in other academic venues, unduly intimidated by those who would rather not entertain alternative perspectives, and certainly not from the likes of me.

At a local Irish pub in Midtown, over libations of tequila and coke with lime for me and that awful dry pinot grigio Jock favored, I would lament my discouragement over the terribly intimidating culture of censorship in academia I was only just coming to comprehend at that time. Entering academia with an expectation of a scholarly environment dedicated to a free exchange of ideas and unrestricted interrogation of differing perspectives, I was shocked to find the ugly truth that the mainstream of the modern sociological and criminological enterprise was anything but. The major journals were packed with mind numbing regression analyses, most of which seemed to miraculously contradict the findings of their predecessor. Nearly all were taken from questionable data sets and utterly devoid of any substantive understanding or empathy with of the lives their empirical data represented or the history that had structured their circumstances. While other professors

exalted classical proponents of qualitative analysis like C. Wright Mills and Howie Becker, I found few scholars at the helm of our field actually engaging with the marginalized communities their research purported to represent. Worse yet, I felt a terrible coercion against expressing any of my own misgivings, for each time I had made a clumsy attempt to do so, I had been shot down and further marginalized and isolated within my own department. When I expressed these trepidations to Jock, his response could be summed up in one word, "Rubbish!"

Jock staunchly advocated an unapologetic irreverence for the gate keepers in our discipline and all other reactionary bastions of authority. For Jock it wasn't just "question authority," it was "ignore authority." In Jock's mind, life was too short for us to waste time censoring ourselves to appease those who seek to marginalize us. His advice was always the same, "Tell those bastards what you really think, Robert, and don't pull your punches! The last thing you want is to be a bore." My response was always, "Well, that's easy for you to say Mr. Distinguished Professor with tenure. I'll be lucky if I even finish grad school." His advice was not so easily acted upon for a young grad student like myself, perpetually on the verge of being expelled from my own department and unlikely to be embraced on the job market by a sociological and criminological field that tends to favor rank conformists and careerists. Of course, I couldn't help myself at times, ruffling the feathers of heavy weights in the field with my critical comments at yearly academic conferences, but I also made my best effort to conform to their expectations. Jock would often spy me at a conference cocktail party, brown nosing pillars of the mainstream criminological establishment in the false hope that one day they might throw me a bone. Jock would shoot me a cock-eyed smirk that said all of what he would tell me later unreservedly, "Why are you wasting your time on that twit? They're never going to accept you, Robert."

It was sage advice from a man whose career had experienced an ephemeral brush with the mainstream in the 1980s, but ended up being wholly devoted to resisting mainstream perspectives on criminality and deviance. Oddly enough, Jock got his start in academia studying biochemistry of all things at University College London. However, a fortuitous encounter and engaging discussion with sociologist Steve Box piqued Jock's curiosity in a way that hard science never could. As a result, Jock forewent his pursuit of the hard sciences and instead enrolled in the prestigious London School of Economics (LSE) in 1962 to study sociology. In tune with the emergence of subcultures of resistance going on all around him during the turbulent 1960s, he and his radical co-conspirators in the British sociological Left established the National Deviancy Conference in 1968 to examine crime from a critical subcultural perspective, offering a direct challenge to orthodox views of criminality and deviance. Disillusioned by the ivory tower that LSE represented, Jock made the move to Middlesex (then Polytechnic) University, where he had taught since 1968 and stayed there for the bulk of his career,

eventually heading the Centre for Criminology at Middlesex and being appointed Full Professor in 1987. In 2002, he made the move to New York City and was made a Distinguished Professor at John Jay College of Criminal Justice, with a later co-appointment at the University of Kent in England.

Engaging with ideas being batted around in the late 1960s between his cohort and those at the Birmingham School, including such luminaries as Stuart Hall, Stanley Cohen, Tony Jeffries, Ian Taylor and Paul Walton, Jock's dissertation published in 1971 under the title *The Drug Takers*, was an early predecessor to such foundations of subcultural analysis as Stuart and Tony's edited volume *Resistance Through Rituals* (1975) and Dick Hebdige's *Subcultures: The Meaning of Style* (1979). This work, heavily influenced by Howie Becker's concept of moral entrepreneurs in his classic *Outsiders* (1963), along with Jock's dear mate Stanley Cohen's *Folk Devils and Moral Panics* (1972), established the concept of *moral panics*, laying the foundation for subsequent generations of critical scholars of deviance and crime. Shortly thereafter, Jock's co-publication with Ian and Paul, *The New Criminology* (1973), established a new unapologetically irreverent radical critical perspective on crime and criminality, infusing a breath of fresh air into then hackneyed perspectives of crime as a moral or social deficiency of criminalized groups and individuals.

With the trappings of legitimacy that academic success often brings, Jock was adopted as a darling of the liberal bourgeoisie Labor Party for a short tenure in the 1980s. He assumed a key role in the development of what he termed *left realist perspectives* with the publication of *What's to be Done About Law and Order?* (1984) with John Lea. Challenging radical Marxist perspectives emerging in the 1970s, Jock argued that those at greatest threat of crime are the same marginalized communities that are targeted for suppressive law enforcement tactics in the name of arresting crime. He took on topics in the 1980s that would later be of great significance in the US context, such as urban riots and aggressive proactive stop and frisk policing. However, the Labor Party's sharp turn to the punitive Right in the mid to late 1980s was a slap in the face to Jock, and he split ranks with the mainstream liberal establishment that had courted him only years earlier. Though we never discussed it directly, I suspect Jock had terrible misgivings about having entertained the mainstream liberal bourgeoisie only to get burned by them in the end. That was an unspoken lesson his guidance seemed to be perpetually embedded in, as he always shook off any suggestion on my part that it might be prudent to engage with the mainstream as "Rubbish!"

The last stage of his career was spent composing and disseminating his tripartite works, *The Exclusive Society* (1999), *The Vertigo of Late Modernity* (2007), and *The Criminological Imagination* (2011). Jock's prescient analysis of the move of Western Society from a society of inclusion to one of exclusion in *The Exclusive Society* predated the spectacular attack on Western hegemony carried out on September 11, 2001 by a small band of radical Islamist

veterans of the US covert war against the USSR in Afghanistan in the 1980s, and he continued his analysis of exclusion to post 9-11 Western Society in *The Vertigo of Late Modernity* a few years later. These were perhaps his most lasting contributions to critical perspectives on contemporary society in the early 21st century and are sure to color the thinking of scholars of deviance, crime, and social relations to come for generations.

His final major work *The Criminological Imagination* was an out and out declaration of war on the modern criminological establishment, who reacted to his prescient critique with a deafening silence while Jock was still alive to defend it, reflecting their utter inability to respond with any substance to his unforgiving assessment of the kind of runaway abstract empiricism the vast majority of our field is characterized by in the contemporary era. Likening the modern criminological enterprise, its flagship journals, and the vast majority of their publications to a sauropod with a tiny brain of substantive engagement and an obese body of meaningless statistical analysis using universally dubious data sets, Jock took direct aim at the gatekeepers of our discipline who would seek to censor and isolate those whose qualitative research sought to humanize and empathize with marginalized criminalized populations. When Jock's book came out in 2011, none of the scholars whose work was targeted by Jock's book stepped forward to answer Jock's challenge at that year's meeting of the American Society of Criminology, so David Garland graciously stepped in to give it his best shot. Of course it shouldn't have been David Garland, it should have been one of the pillars of the mainstream quantitative wing of the modern criminological field who stepped up to the plate to defend their research, their legacy, and their progeny. Their silence in the face of Jock's critique during his lifetime is perhaps his greatest victory.

Jock's legacy is nothing less than the audacity of ideas his work represented and a humanistic perspective that reflects the gentle decent man he was. It is a legacy that lives on in all of us who knew, loved, and learned from Jock, what my dear friend, colleague and mentor Mark Hamm described in me as a tendency to identify downward, an inclination to identify with the criminalized marginalized populations our research represents. Our solemn duty going forward after this immense loss that Jock's passing represents is to never back down, to never give up, and to always speak up, write, and act to protect those who are not, as C. Wright Mills put it over half a century ago, "aware of the intricate connection between the patterns of their own lives and the course of world history." That is Jock's legacy. Open your heart and open your mind so that you may let him live on in you as well. Jock was right indeed, life is too short.

Conceptualizing Social Recovery: Recovery Routes of Methamphetamine Users

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ABSTRACT

The goal of our qualitative study was to gain a phenomenological understanding of routes to recovery from problematic drug use. In-depth interviews and drug histories were collected from 50 former methamphetamine users recruited from a U.S. metropolitan suburb who identified as having had problematic use of this drug in the past. Transcripts of the audio-recorded interviews were coded for common themes regarding types of recovery strategies or tools employed on the route to recovery. The common strategies used in all routes for recovery from problematic methamphetamine use were social in nature and did not necessarily include the cessation of all substances. Based on our findings, we suggest a conceptualization of *social recovery* that focuses on reducing the social harms caused by problematic drug use rather than focusing primarily on cessation of all drug use. Social recovery may be employed as both a treatment strategy and analytical tool. More research is needed to advance the concept of social recovery for intervention, drug policy, and criminal justice implications.

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INTRODUCTION

In this article, we examine the routes to recovery recounted by former methamphetamine users who spoke of past use as being problematic; they typically used the term *addiction*. We begin by defining the terms used and reasons for employing these terms. Addiction has been called a “troublesome concept” (Akers, 1991) that can indicate a range of compulsive modes of drug use (Bailey, 2005; Cloud & Granfield, 2008; Granfield, 2004; Weinberg, 2000). The concept of addiction also “invites us to apply a rational/decision making framework to our fellow men/women, up to the point where they start to encounter problems with their drug use, and then to switch to a view of man/woman as machine” (Davies, 1998, p. 268). There is a fundamental dilemma with attributing both agency and automation to the process of becoming addicted. The term *problematic use* provides a more succinct understanding for the purposes of this exploration on recovery (Reinarman, 2005). Our aim is to identify common strategies used in diverse routes to recovery from problematic drug use, in this study specifically, the problematic use of methamphetamine.

While there is no consensus on its definition, the term *recovery* is often used to indicate total abstinence of alcohol and drug use, particularly in 12-step literature where the process of maintaining abstinence is referred to as being in recovery or a recovering user (Granfield & Cloud, 1999; Hoffman, 2003; Laudet, 2007; Laudet & White, 2008). In some cases, the term recovery is employed to indicate the cessation of problematic drug use but not necessarily all of alcohol and drug use (Barker & Hunt, 2007; Weinberg, 2000). An example of this is when a methamphetamine user stops using methamphetamine but still drinks alcoholic beverages or smokes marijuana. In this article, recovery indicates cessation of methamphetamine but not necessarily the abstinence of substance use that is not problematic. To distinguish between legal and illegal drugs, we use the term *drug* when referring to illicit drug use only and the term *substance* when referring to both illicit and/or licit substances such as alcohol.

In this paper, *routes* are defined as pathways taken to achieve desired recovery goals. *Strategies* are defined as any method, behavior, action or tool that helps achieve cessation of problematic drug use. These terms are further examined in our review of the literature, and our reasons for distinguishing them are explained in the analysis discussion.

The term *former user* is employed ambiguously in drug use literature since former user implies that the drug will never be used again; yet we know that recovery often involves multiple relapses and re-attempts at cessation of problematic drug use (Laudet & White, 2008; Mitchell et al., 2011; Scott, Foss, & Dennis, 2005). Since relapse is so common along the route to recovery, a former user status should be qualified. Developed by researchers, categories of former users are often distinguished between those who

have recently ceased use, those with one year of abstinence, and those with long-term cessation. For example, *stable recovery* is defined as at least five years of remission (Cloud & Granfield, 2001), while *sustained recovery* is defined as abstinence of any drug use over one year (Laudet & White, 2008). We can know by a user's self-report when a drug was last used, so we can state that a user is inactive for a certain period of time. Since the term *inactive user* seems contradictory, we continue to use the term *former user* with the understanding that this is a known current status that has endured for a certain period of time. In this research, we analyze the data of all former users who have not used methamphetamine in the past month. This sample of former users includes a subset of those in stable recovery.

Few studies have been conducted to qualitatively analyze former users' narratives to understand all routes and strategies used along the pathway to recovery from their perspectives. Typically, standard measures of addiction and recovery are employed with survey data or textual data using quantitative analysis which can miss the nuanced meanings of what recovery means and the variances of recovery strategies over time. Here, we employ a phenomenological perspective to gain in-depth understanding of the recovery process from the insiders' experiences. The process of recovery is important for drug treatment as well as for criminal justice professionals, since drug use is illegal and is often addressed by incarceration. In recent years, a growing prison population has increased the number of inmates provided drug treatment under the supervision of the criminal justice system, both inside and outside prison facilities (Belenko, 1999; Boeri, Lamonica, & Harbry, 2011; Deschenes, Ireland, & Kleinpeter, 2009; Lyons, 2010; Nolan, 2003). A better understanding of diverse strategies employed to prevent problematic drug use and relapse is important for crime control.

BACKGROUND

Routes to Recovery

The two most commonly discussed routes to recovery are treatment and self-help groups that follow the 12-step model (hereafter referred to as 12-step). Discussions of routes to recovery typically employ an individualistic etiology with an emphasis on changing characteristics of the individual (Graham, Young, Valach, & Wood, 2008; Hammersley & Reid, 2002). When based on contemporary models of recovery, programs are often value-laden with psychological or biological implications. For example, the disease model incorporates the use of treatment medication, usually to counteract withdrawal symptoms, with a variety of behavioral therapies (Bischof, Rumpf, Meyer, Hapke & Ulrich, 2007; Dole & Nyswander, 1965; Kaufman & Poulin, 1996). Legal definitions of illicit drugs also drive our current conceptualization of recovery. Individuals with substance use problems often seek or are mandated (by courts or family) to participate in drug treatment. While a

comprehensive treatment program might include cognitive behavioral therapies and social learning skills for the individual, the social aspects of the recovery process are normally limited to participation in 12-step during the treatment program or recommended as an aftercare plan to avoid relapse (Laudet, 2008; Nolan, 2003).

The 12-step model is one of the most ubiquitous programs used in the criminal justice system or by ex-offenders under probation or parole supervision (Ross & Richards, 2002; 2009). The ontological formulation employed by 12-step philosophy is the omnipresent risk of relapse that is pronounced in the adage, "once an addict, always an addict." The 12-step model also proscribes normative behavior for recovering users that is highly monitored through social control (Alcoholic Anonymous [1952] 1981; Pollner & Stein, 1996). Although research on the success of 12-step shows mixed results (Emrick, Tonigan, Montgomery, & Little, 1993; Peele, 1989), the efficacy of these programs seems to be based on the sociological insight that users who change not only their individual behaviors but also their social context are more likely to abstain from substance use.

One of the only conventional recovery models to use a substitute drug is the methadone maintenance plan (also known as opiate substitute program), a route to recovery typically employed by users of narcotics seeking treatment; this program has been shown to be successful (Fischer, Rehm, Kim, & Kirst, 2005). The use of a substitute drug or prescription medication is rarely employed in treatment for methamphetamine, although research shows that prescribing amphetamines as part of a methamphetamine treatment plane relieves the withdrawal symptoms, increases treatment retention, and reduces the frequency of drug use (McBride, Sullivan, Blewett, & Morgan, 1997; Stewart & Brown, 1995).

A third route to recovery that is less discussed in recent treatment literature is *natural recovery* (Biernacki, 1986; Waldorf, 1983), also called *self-change* (Barker & Hunt, 2007; Sobell, 2007).¹ Natural recovery has been studied periodically but has had difficulty achieving sustained research focus, although recently it is being studied as self-change (Klingemann, 2011). According to Biernacki (1986), natural recovery requires forming a new identity that corresponded to new perspectives, such as may occur in religious conversion. A different discussion of natural recovery focused on social contexts and the relational aspects of recovery (Granfield & Cloud, 1996).

Social Capital

The conceptual lens of social capital can provide insight into the nature of cessation of problematic drug use by foregrounding the social bonding within a recovering network and the change in social capital that might occur during the recovery process (Cloud & Granfield, 2008; Schuller, 2007). Social capital refers to "the social norms and networks that enhance people's ability to collaborate on common endeavors" (Putnam, 2000, p. 35). The con-

cept has been widely used to explain the unequal distribution of social resources available to individuals within their communities and across social networks that act as a barrier to obtaining desired goals (Bourdieu, 1984; Coleman, 1988).

Richard Granfield and William Cloud (2001), noting a direct correlation between social capital and recovery, coined the term *recovery capital* and defined it as the combined physical resources, skills, knowledge, and social capital available to a recovering person. Strategies used to increase recovery capital include engaging in alternatives to drug use, creating new relationships to take the place of old drug relationships, and avoiding triggers (Cloud & Granfield 2001; Granfield & Cloud, 1999).

While recovery capital is used to predict sustained recovery, its analytical lens remains focused primarily on the actions and behaviors of the individual user. The findings of a study evaluating recovery capital measures found that “only 12-step involvement and life meaning emerged as significant predictors of sustained recovery” (Laudet & White, 2008, p. 35). Both being involved in a group and acquiring meaning in life are very individualistic characteristics that again turn the analytical lens on an individual’s accountability. Moreover, while the bonding aspects of social capital are intensely measured by recovery capital, the bridging characteristics of social capital are largely overlooked.

The relationship between the individual, community resources, and resources available from connections outside one’s social network are part of social capital. Arguing that analysis should not center on individuals, groups or communities, but more specifically on the relations between and among them, Tom Schuller (2007) proposed moving beyond social networks by focusing on the process involved in acquiring or losing social capital. Instead, a social capital analysis should include not merely membership in a social network but what the network means, how embedded it is, how it functions, and the individual relations in this network and other networks. To this end, Schuller proposed a typology to consider the various relationships that exist between social networks along the dimensions of bonding and bridging social capital. Bonding social capital is defined as “the links with others who are broadly similar in kind,” and bridging social capital as “the links a community has with others that are different” (p. 15). Although high bridging with little bonding alienates individuals, a very tight bonding mechanism in a social network may be detrimental if there is a lack of bridging, resulting in the dark side of social capital—an exclusionary community. Both bonding and bridging mechanisms are critical for drug users seeking recovery.

While traditional treatment and 12-step groups appear to work for many individuals, the well-supported findings of high relapse rates call for more research that extends its lens beyond contemporary options (Hammersley & Reid, 2002; Klingemann & Klingemann, 2007; Scott et al., 2005). Studies

show that given the diversity of types of substance users, a diversity of types of recovery strategies are also needed (Barrick & Conners, 2002; Hubbard, Flynn, Craddock, & Platt, 2001; Sexton, Carlson, Leukefeld, & Booth, 2008). Moreover, very few people who need treatment for substance use actually seek treatment, and many who do seek treatment may not find one strategy appropriate for their needs but instead use multiple strategies (SAMHSA, 2008). To better understand what is called the *treatment gap* (NIDA, 2009), further research needs to be done to investigate the various strategies employed by those who do not use traditional treatment or 12-step programs.

Social Recovery

Our concept of social recovery directs attention to the social environment with a primary focus on human interaction (Boeri, Lamonica, & Harbry, 2011). Social recovery emphasizes the process of recovering socially rather than the abstinence from all substances. While recovery capital refers to the combined physical resources, skills, knowledge, and social capital available to a recovering person (Granfield & Cloud, 2001), social recovery refers to the process of *acquiring* the skills, resources, and networks needed that enhance people's ability to live in society without resorting to problematic substance use (Boeri, 2013; Boshears, Boeri, & Harbry, 2011). In sum, our conceptualization of social recovery is different from the current development of recovery capital in that it focuses less on individual actions and more on social interactions, acknowledging that social bonding and bridging relationships outside treatment or self-help groups can also lead to measurable success.

While not often used in addiction literature, the term *social recovery* is employed in mental health treatment such as social recovery-oriented cognitive behavioral therapy for people diagnosed with psychosis (Barton et al., 2009). Social recovery also is employed in medical treatment, such as after hip replacement surgery or head injuries (Grant, St. John, & Patterson, 2009; Kunishio et al., 1993). In these situations, social recovery is used to emphasize the social aspects of achieving the desired outcome of adequate mental or physical health status. We found only a few mentions of social recovery in drug treatment literature, all of which referred to social relationships promoted within a treatment program that included 12-step models (Kelly, Brown, Abrantes, Kahler, & Myers, 2008; Weinberg, 2005). In these contexts, social recovery is used as a measurable outcome, much like recovery capital is employed. For example, in the literature, recovery capital is measured by social activities that are highly controlled by other 12-step members (Laudet, 2008; Kelly et al., 2008; Weinberg, 2005). In contrast, for most of the time spent outside treatment, the practice of recovery can be seen as negotiating life within an environment where drug or alcohol use may be prevalent. Diverting our focus away from the act of drug use and instead placing it on the users' social life reveals new narratives of recovery. Social recovery, as it emerged in our analysis, is an inclusive conceptualization that favors a harm reduction approach to ameliorating the social aspects of problematic

drug use, for example, through social relations and social roles that increase social capital (Cheung & Cheung, 2003).

Drawing on a harm reduction and stepped-care approach (Moore, 2005), we do not use recovery to indicate cessation of all substance use. Rather, we use recovery to indicate cessation of problematic drug use (here methamphetamine) and not necessarily of all drugs. Research shows that polydrug use or sequential use of different drugs are common patterns, and drug use modulation may be considered beneficial in some settings (Bletzer, 2009; Lamonica & Boeri, 2012). Our aim in this article is to examine all recovery processes to identify common patterns in the strategies employed to cease problematic use. The narratives of individuals who identified as former methamphetamine users provide a phenomenological understanding of routes and strategies to recovery.

METHODS

The data for our analysis were drawn from a larger qualitative study of methamphetamine users in the suburbs of a southeastern U.S. metropolis. These suburbs were identified as one of the areas in the U.S. most affected by the rapid increase in methamphetamine use (NIDA, 2006). Methamphetamine is a stimulant similar to the chemical structure of prescription amphetamines and can be smoked, snorted, taken intravenously, or ingested either orally or rectally. It affects the central nervous system and releases dopamine neurotransmitters to the brain while simultaneously inhibiting their uptake, producing a pleasurable experience along with increased activity and decreased appetite (Logan, 2002).

We employed qualitative methods and ethnographic strategies. Preliminary fieldwork entailed becoming familiar with local drug scenes and building rapport with key actors in these scenes. This involved hanging out for repeated and extended periods of time in places where people congregate, such as bars, coffee houses, suburban neighborhood streets, shopping centers, public Laundromats, and all-night restaurants. We identified specific research spots in diverse areas through the help of community consultants—individuals recruited in the field who have inside knowledge of methamphetamine use in the area due to their own use or former use (Gorman, Morgan, & Lambert, 1995). In addition to using targeted and snowball sampling methods to recruit respondents for interviews (Strauss & Corbin, 1998; Watters & Biernacki, 1989), we also posted fliers in strategic places advertising a confidential research study with a phone number and passed out our business cards that discretely reminded people we met while in the field to call our number. Our non-judgmental attitude and acts of kindness, such as offering rides to the store, helped us to build trust and rapport with our study population.

The research team consisted of trained ethnographers who conducted fieldwork, interviews, and coding of the qualitative data, including in-depth

field notes describing the scenes and conversations with the study population and transcripts of audio-recorded interviews with study respondents. To be eligible to participate in the study, the participants had to be 18 or older and had used methamphetamine in the suburbs. We focused enrollment to achieve 50% active and 50% former users. Active users were defined as having used methamphetamine at least one time in the past month. Former users were defined as having used the drug for at least six consecutive months in the past but not within the last 30 days. Screening methods were used to validate eligibility, such as knowledge of the drug or an understanding of the local drug scene.

Interviews were conducted face-to-face in a safe but convenient place agreed upon by the interviewer and respondent, such as a private library room, the interviewer's car, or the respondent's place of residence. We obtained oral consent before collecting drug histories with paper and pencil, followed by an audio-recorded in-depth interview that further explored the details surrounding drug use, recovery, turning points, and social roles over the life course. The semi-structured, open-ended interviews were one to three hours long. Respondents received a \$25 reimbursement for their time at the end of the interview. No identifying material was collected that linked the data to the respondent. Our university's Institutional Review Board approved the study protocol, and a certificate of confidentiality was obtained from a federal agency that protected study interviewers and data from court subpoena. Interviews were conducted between July 2007 and December 2008.

Sample Demographics

Our study sample of 100 included 50 active users of methamphetamine (used in the last 30 days), and 50 former users (did not use in the last 30 days). The demographics of the active and former users are shown in Table 1. The racial and gender distribution corresponds to reported demographics of methamphetamine users in rural areas of the southeastern U.S. (Sexton et al., 2008). The analysis for this article is on former user data. Among this sub-sample, 90% were white, 64% male, and 64% were 26 to 65 years old; the older respondents had a longer period of cessation.

The demographics of former users were similar to those of active users with a few exceptions. The active users included more minorities, and they started using methamphetamine at an older age than the former users. Both active and former users were polydrug users during the time of methamphetamine use, and both groups included respondents who reported re-occurring periods of methamphetamine use, cessation of use, and relapse events. We did not exclude respondents who used other drugs, because we were focused on problematic use, and all respondents reported problematic use of methamphetamine; additionally, our sample size would have been too small without them. However, we soon discovered that the inclusion of active

polydrug users added additional insights that would have been lost if we had restricted the former group to those who ceased use of all drugs.

Table 1
Demographics of Former Users (N=50) and Active Users (N=50)

Demographic Characteristic	Former N (%)			Active N (%)		
Gender						
Male	32	(64%)		33	(66%)	
Female	18	(36%)		17	(34%)	
Race						
White	45	(90%)		39	(78%)	
African American	2	(4%)		9	(18%)	
Hispanic	3	(6%)		2	(4%)	
Age Group						
18-25	18	(36%)		13	(26%)	
26 and older	32	(64%)		37	(74%)	
	Mean	SD	Range	Mean	SD	Range
Age	32.5	11.2	18-65	36.4	11.7	19-56
Age first used methamphetamine	20.4	6.1	12-38	24.0	10.8	11-54
Age stopped methamphetamine	30.4	10.6	16-53			

Table 2 shows the length of time for cessation of methamphetamine. Among the 50 respondents not using methamphetamine in the last month, three did not report an age when they stopped use. Of the 47 who reported a cessation age nearly 50% reported having ceased use for a year or less. Twelve percent² reported to have ceased use for five years or longer and are considered to be in stable recovery. A description of those in stable recovery is added to the discussion to provide further supporting evidence for the concept of social recovery we introduce here.

Table 2
Length of Cessation Among Former/Former Users* (N=47)

Years since last use*	N	%
0	9	19.1
1	14	29.8
2	9	19.1
3	7	14.9
4	2	4.3
5	4	8.5
9	1	2.1
14	1	2.1

Data Analysis

The audio-recorded interviews were transcribed verbatim and entered into *NVivo*, a software program used for facilitating qualitative data analysis. To increase clarity of the complex processes of recovery, we triangulated the field observation notes, the drug history matrix,³ and the transcribed interview data using an iterative model (Becker, 1998; Boeri, 2007). Inconsistencies found between data sources were clarified, validated or refuted in the ongoing data collection (Hansen, Maycock, & Lower, 2001; Hunt, Joe-Laidler, & Evans, 2002).

Consistent with a modified grounded theory approach, we did not begin with an *a priori* hypothesis, although our analysis was informed by the literature on recovery discussed previously. For example, we found support for all routes to recovery in our initial analysis of the data and returned to the data repeatedly to discern the more subtle relationships and conceptual categories described by our respondents (Charmaz, 2001; Denzin & Lincoln, 2000; Lofland, Snow, Anderson, & Lofland, 2006; Strauss & Corbin, 1998). This means that the extant definition of recovery (treatment programs, 12-step programs and natural recovery) “earned its way into the analysis” and was not imposed (Charmaz, 2005, pp. 512-513).

Our working definition of recovery as cessation of problematic drug use indicated for some cessation of methamphetamine but not necessarily total abstinence of all substances. Incorporating respondents’ viewpoints on pathways to recovery with those examined in the literature, we uncovered increased overlap, making it more difficult to distinguish routes to recovery from the various strategies employed. Challenged by the complexity of the data, we used visual tools such as Venn diagrams to organize and compare users’ descriptions of recovery (Ragin, 2008). This led to deconstructing recovery processes to differentiate *routes* from *strategies*.

All respondents mentioned more than one route to recovery and most indicated multiple attempts. The three broadly defined types of recovery routes described in the literature above informed our choice for a first-level classification for all routes mentioned by our respondents.⁴ The column headings on Table 3 indicate the routes: (1) formal treatment; (2) 12 step groups; and (3) natural recovery. In the formal treatment category, we combined institutionalized mandated treatment and non-institutionalized (self-selected) treatment because our respondents conceptualized them as the same type of treatment route. This treatment category includes both inpatient and outpatient programs. The 12-step groups include Alcoholic Anonymous (AA), Crystal Meth Anonymous (CMA), Narcotics Anonymous (NA) and other group meetings using the self-help model. All recovery routes described by respondents that did not fit within the formal treatment or 12-step group models were classified under the rubric of natural recovery. These included any route that did not involve attending a meeting, therapy, or other formal/informal structure designed for recovery purposes. We found that these

three routes could be used in combination; for example, required attendance at a 12-step support group was typically employed within the formal treatment programs. Likewise, some respondents reported a natural route such as using another drug to replace use of methamphetamine, while simultaneously attending formal treatment or a 12-step meeting where the use of any other drug was prohibited or viewed as stigmatizing behavior. We classified respondents by the most recent route identified in their recovery story.

Table 3
Mentions of Social Recovery Strategies by Type of Route to Recovery*
(N=50)

SOCIAL RECOVERY STRATEGIES	TREATMENT (N=38)	12-STEP (N=35)	NATURAL RECOVERY (N=36)
Social Support	5	10	9
Goal Focus	3	4	4
Avoidance	3	3	3
Spiritual Experience	1	3	3
Substitute Drugs	2	0	6
<i>Total mentions</i>	<i>14</i>	<i>20</i>	<i>25</i>

*Multiple strategies mentioned by each respondent.

Strategies were coded here as any method, tool, behavior, action or other influence mentioned by a respondent that helped achieve cessation. The strategies used within each of the routes to recovery are shown in Table 3. We counted every mention of strategies used by every respondent regardless of which route (i.e., treatment, 12-step, natural recovery) was employed. The final list of strategies was categorized as: (1) social support; (2) goal-focus; (3) avoidance; (4) religious/spiritual experiences; and (5) using a substitute drug. Social support encompassed family, friends, counselors, health-care providers, social workers, or even strangers. Goal-focus referred to specific actions taken to replace the methamphetamine-user role in the respondent’s life. Avoidance (called the *geographic cure* in 12-step literature) is used in many treatment programs as well as in natural recovery. This refers to avoiding the people and places that tempt one to use a drug or otherwise cause craving, often described as triggers. Religious or spiritual experiences include references to help from a higher power mentioned as instrumental for some respondents for recovery. Finally, the use of substitute drugs was a strategy employed in professional treatment, when legal drugs could be prescribed, but most often mentioned in natural recovery, when legal or illegal substances might substitute for the problematic drug. For example, problematic users who received medical attention for a psychiatric issue such as depression often referred to their medication as a substitute for illicit drugs which aided their recovery without formal drug treatment. However, users

also referred to substituting a less problematic drug, such as marijuana, to help stop methamphetamine use.

We organize our findings by the first level categories of routes (n=3) with the second level categories of strategies (n=5) shown within each route. Since some quotes are better presented along with the interviewer's questions, an [I] indicates a question from the interviewer, where needed. We use nearly verbatim quotes but delete unnecessary conversational repetitions or terms, such as "like," "uh," and "you know," when they distract from the content addressed, and we use ellipses to indicate when superfluous words were omitted. Bracketed words are inserted to explain slang terms or to protect the anonymity of a person or specific place. The strategies are supported here by at least two quotes from different respondents.⁵ Our aim is to provide quotes that best represent the recovery strategies described by more than one respondent in the sample; however, we acknowledge that even one deviant case is beneficial when constructing a new concept (Burawoy, 1998).⁶ The inclusion of over 30 quotes within our route/strategy configuration offers ample evidence that many of the same strategies were employed across all routes. We reserve a more in-depth summary of all 15 combinations of strategies and routes for the discussion section where we expand on our parsimonious explanation of how the quotes presented in the findings contributed to our concept of social recovery.

FINDINGS

Among the 50 former users, 38 mentioned formal treatment as a path to their recovery; 35 mentioned attending 12-step groups, and 36 mentioned routes other than these that were classified as natural recovery.⁷ Some strategies were discussed in terms of being used simultaneously with multiple routes or consecutively with two or more routes. Moreover, because of the overlap of different routes to recovery at the same times, such as attending a 12-step program while involved in formal treatment, quotes may represent more than one route. Not all strategies were discussed as a specific route to recovery, but instead they emerged in the discussion of the recovery career. Triangulating data sources helped us to establish which strategy was used at the time when it was most salient to the respondent's successful recovery.

Formal Treatment.

The respondents most likely to mention formal treatment programs were those who could afford the costs of private treatment, had relatives who could afford it, or had insurance that paid for treatment. Other respondents were mandated to attend treatment by parents, work, or legal authorities. While different programs might offer a variety of treatment aids, the 12-step model was often embedded within the treatment process, whether as a part of inpatient treatment or aftercare plan. In this section we present the quotes that describe strategies employed only in formal treatment models only.

Social Support. Social support was not always recognized as a strategy but was revealed in the remarks made by respondents when talking about their recovery. For example, one 28-year-old white male had been in three different treatment programs before he stopped problematic use of all drugs while in his fourth treatment facility, a Christian-based residential home. His description of his current position as an alumnus shows the social support he received was instrumental and provided him with an important social role:

It's under [Religious] Church International. We just had our eighth anniversary for the Men's House [a residential treatment]. I'm one of the head ushers at Church International. I'm also the alumni director for the Men's House ministry. We have family recovery and I'm one of the group leaders. Yeah, it's all about getting plugged in somewhere.

In another example, a 19-year-old woman reported her methamphetamine use landed her in jail twice before her parents sought help from the police to enroll her in an expensive long-term treatment program, claiming she was suicidal. She reported: "I was in [Residential Program] where I met a lot of the people that I'm somewhat friends with today and all of a sudden I was on this pink cloud, like oh sobriety's so great." The eight-week long residential treatment program changed her perspectives and established enduring social bonds with other patients. In both cases, we see the importance of bonding with a social support group, a common theme among respondents in treatment.

Goal-Focus. The 19-year-old woman mentioned in the last paragraph indicated that while in treatment she acquired the goal to stay sober after 7 years of progressively more problematic drug use:

I think at that point I was ready for a change. And I think it actually gave me the view on the sober years of my life, which until after 12 years old there wasn't any until rehab. I think they gave me the opportunity to mature... and that's why I'm able to you know stay clean.

Our further analysis of her entire recovery trajectory revealed that having a goal (taking on adult roles and responsibilities) coincided with reducing or ceasing drug use, whether or not the goal was cessation. One 19-year-old male was signed into a treatment program he did not want to attend. While in treatment, he started a new job and began to show a desire to stop using methamphetamine:

Yeah, it was like hell for the first couple of months, and then I got on work release and I finally got to go out and work and make money. And it started easing me off of it more and more...I have a baby on the way and I'm gonna get married... and I work every day, seven days a week.

This young man described earning an income as the first goal that motivated him to stop using, and by the time of the interview he had acquired additional social roles that acted as barriers to relapse.

Avoidance. Counselors in the treatment programs often warned recovering users to avoid friends and places that would cause them to relapse, admonitions that were typically embraced by respondents in our sample. A 41-year-old white male who had been in and out of treatment programs and now lived in a *3/4 house* (a residence shared by recovering users who often met while participating in a treatment program) described how he previously relapsed with recovering friends:

We were just buddies in a program. When you're buddies you talk, you know.

[I] And they could tell that you wanted to get high too?

Sure, I guess.

[I] So what happens now if that happens again? What are you going to do about that?

I'm going to try to run the other way.... I'm in a safe place right now, in a safe environment.

He continued to emphasize his desire to avoid old drug-using buddies at all costs.

In contrast, a 30-year-old white male recounted a different avoidance technique he used with his old, drug-using buddies: "I invite them to church. Yeah, that pretty much keeps them away." Here we see how his changed social relations and context influenced him to avoid his old social network.

Religious/Spiritual Experience. Of the respondents who received formal treatment while in a criminal justice program, most often it was through the drug court treatment model. Among our sample, drug court also included some kind of religious fellowship. According to the following 37-year-old white female, the treatment provided by drug court helped her recovery largely due to its spiritual dimension:

And I got the probation and all from the possession and the DUI charges. And I still got four years left on there. But I just moved down a level. They took me off intensive [treatment] last week and I've got a new probation officer, and I've done all my community service, and I've done everything I was supposed to do—all my programs, and all my treatment, and all my evaluations, and therapy and everything. And it's all helped, you know. But honestly the biggest thing is depending on God.

This respondent indicated the drug court treatment guided her recovery, but she gave the ultimate credit to her success in recovery to a higher power.

Similarly, a 28-year-old white male echoed what we heard from many of our respondents, “Well I guess I restored my relationship with my Lord... It’s more surrendering to God and he took over my life once again.” While his spiritual conversion is a personal change, his access to this catalyst occurred in the social context of the drug court treatment.

Substitute Drug. Many of the respondents we interviewed went to a detoxification unit (detox) in a medical facility before entering treatment. Here they were often provided prescription drugs to help ease withdrawal symptoms. For some, prescription drugs were used after leaving detox and going into treatment, such as the following 41-year-old white male recounted:

I’ve been to detox I don’t know how many different times. I could count in between, let’s see, maybe seven times, six or seven times... Laying there while throwing up. You know, I was high. I didn’t want to be there. I was angry. I was depressed. ...That’s when they started giving me, I think it’s Zoloft they started me out on for depression and it got to the point where I don’t guess it was working and the second or third time I went back they changed my medicines to what they called Effexor, and I take Effexor now to this day. I also take Trazodone at night to sleep. I do have a time with insomnia now. It’s hard for me to sleep.

Depression had impacted this man’s life long before he was clinically diagnosed and prescribed Effexor. The fact that he also was prescribed another prescription anti-depressant, Trazodone, to sleep shows that his depression might have been quite serious. Although he was in an outpatient treatment program, the pharmaceutical prescription for depression was a significant turning point in his recovery.

One 38-year-old Latina woman reported problematic use of poly-substances, including methamphetamine and heroin. Due to her heroin use, she was able to enter an outpatient treatment program that provided her with daily doses of methadone, which she claims was instrumental to her cessation of all drugs:

[I] You said recently you get urine tested. So is that a reason you don’t use methamphetamine now?

The methadone clinic I go to—they get me all eight of my medications through a grant, through a government grant, and I pay for the price of my methadone, all my heart medicine and everything...And now I get all eight of them and that included my methadone. So seven of them and then my methadone for twelve dollars a day, \$84 a week, under the agreement that I have clean methadone-only drug screens.

This woman became completely drug free when she subsequently was weaned off methadone through the dedicated counseling provided in this government-subsided treatment program.

12-Step Programs

For the purpose of our study, a 12-step program refers to all forms of self-help groups using the steps outlined by Bill W. (Cheever, 2004). These include abstinence from all substances except for tobacco and caffeine. Twelve-step programs strongly encourage regular group meetings, daily for some treatment plans and at least weekly for most individuals in recovery. This often becomes a lifelong pursuit.

Social Support. The importance of the social aspects of groups cannot be over-emphasized; the buddy system or sponsor provide one-on-one help for an individual in recovery who is contemplating relapse. The dynamics and efficacy of each group will vary even within the same group over time. Respondents in our study frequently mentioned that this variance was dependent upon the composition of the members in specific 12-step groups. A 42-year-old white male who was already four years recovered from problematic drug use said that the 12-step group conversational setting was absolutely needed for recovery:

You have to be involved in a support network, like AA, NA, or CMA, some type of 12-step program, and be willing to work the steps in order to realize what your character defects are and the reason why you used and deal with the feelings—the feelings that cause you to use, such as feeling inadequate and less than and not a cop-out and needing to fit in.

As seen in this quote, the end result of attending a program was “fitting in” to a social network that understands and enables his discussion of recovery. This man’s recovery story demonstrates the influence of the 12-step philosophy on his personal change.

Another respondent who lived in a 3/4 house that encouraged group meetings indicated that frequent and almost daily social support from his 12-step group was vital to his recovering success: “I go to meetings every night, except for Saturdays...I am around people that are doing it—people who are going through the same program, quitting.” Typically the need for like-minded companions is a philosophy delivered in a social group setting, indicating that the social supporting system inherent in a 12-step group reinforces the belief that a recovering user must continue to attend meetings.

Goal-Focus. A common goal mentioned by many in a 12-step group was to become a peer sponsor or counselor to others. For example, one 26-year-old Latino male recounted a life of homelessness without goals until he maintained his current 12-step fellowship and found not only inspiration but also a reason to stay clean:

Being able to see other people and the 12-step programs, to have more than several years of living regular lives. And they have the same story that I do, that were shooting dope in the dope houses; they were destitute and homeless. That gives me hope that I can stop. Originally that's how I first got sober. Now it's me doing the flip side of that—of helping other people.

This participant's social support group became a motivator for his own cessation of use, and assisting others in their cessation also became a goal that kept him focused on not returning to drug use. On one level, it appears this person decided to change his life; however, the process included working within a group that defined an acceptable goal other than using drugs.

Being part of a 12-step group helped respondents to achieve their individually-defined goals as well, such as a 28-year-old white male who said: "I had accomplished the goals I'd wanted to accomplish...Have a car, have enough money to pay my rent a couple months ahead of time. I had a good core of people I talked to on a regular basis." Here, we see a common theme of one goal leading to another and the overlapping of multiple strategies. This man started with the goal of having a car and paying rent, and his support group helped him to stay focused on this goal and to achieve it.

Avoidance. Avoiding one's former drug-using friends was a strategy mentioned by all respondents who were in a 12-step group. One 27-year-old white woman described how she felt when seeing old friends:

They tell you in NA you've got to change your play places, play people, and play things...I think the biggest problem that people have—I tried to get clean several times just because other people wanted me to and then I would see my old friends. I mean you have to get away from those people, even if it means pushing them away and being mean, if that's what it takes.

In this woman's story, we see that the social support she found in the 12-step group not only motivated her to avoid seeing her old friends but also helped her to shift her social horizon.

Similarly, a married man explained how his relapse was related to being around the wrong people:

And you know, I thought before I could go back to smoking pot and drinking and you know never do the hard stuff, but it went okay for a little while like that, but I started being around the wrong people, wrong things, and I do the wrong things...I can't drink. I can't smoke pot. I can't be around them kind of people.

[I] So it's not necessarily the drug that's pulling you?

It's the people....I mean I hate the drug. I know what's going to happen if I get around them people.

This middle-aged man used an avoidance strategy, but he was helped by his participation in 12-step.

Religious/Spiritual Experience. As can be expected, mention of a higher power was common among those who used a 12-step route to recovery, since the program is based on acknowledging the need for spiritual help. A 41-year-old white male encapsulated what many other respondents in 12-step also said:

But you know, it's not so much the drugs or the being broke and going to jail and the losing girls. It's not so much those things as after having some extended period of recovery. It's where my head and my behavior goes when I stop pursuing the spiritual way of life. Once you get that little spiritual thing going, and you find out you're not in control of everything and that you rely on God for some things, things just get so much better.

Even the hardest cases said working the 12-steps helped them stop using, and God keeps them from relapsing, such as a 19-year old woman who had been living in hotels with methamphetamine dealers until she became homeless:

[I] You mentioned God earlier. Is that like a stronger influence in your life now?

Yea, it's about as strongest influence...My idea of God is there's a God and He loves me a lot and He wants what's best for me. That's it. And he helps me stay clean.

Likewise, a 53-year-old male confirmed that it was the spiritual aspects of the 12-step program that helped him stop and stay off drugs:

You know the 12-step program—it has spirituality to it. I think AA, 12-step, NA, is really an addict's only hope.

[I] You can't do it on your own? You need a higher power?

Right, right. A higher power type mind set....God had taken away my urge to drug and drink, almost totally.

Many similar descriptions of the influence of a higher power, offered by those who attended 12-step groups, confirmed that the 12-step route to recovery is closely intertwined with a spiritual experience.

Substitute Drug. As mentioned, the 12-step model strictly discourages use of any drug or substance while “working the program” [following the steps to recovery]. Unlike formal treatment programs that prescribe drugs to help patients, some respondents participating in 12-step groups reported that they were asked to stop taking any prescribed drug that could be used recreationally, such as prescription drugs for depression or attention deficit disorder. No respondent in the 12-step recovery route mentioned using a

legal or illegal drug as a substitute; yet, the majority smoked cigarettes and mentioned drinking more coffee after ceasing drug and alcohol use.

Natural Recovery

All respondents tried multiple routes to recovery, and many had already attempted formal treatment and 12-step programs numerous times before ceasing problematic use on their own. At this point, we report the strategies used by the respondents in their most recent attempts at recovery that did not include treatment or participation in 12-step groups. Since this route is the most controversial, we provide more supporting data.

Social Support. Many respondents attributed their recovery to being self-motivated, but upon closer examination that motivation came from various social factors such as friends or family. Analysis showed that social forces and social context were instrumental in the respondents' recovery processes. For example, one 23-year-old white male in his third year of successful recovery explained how he stopped problematic use by staying at the house of an older friend:

Her house was a haven for lost children...It was a one-bedroom apartment, and I lived in the living room for about nine months because she knew that I needed somewhere to be. I was unemployed during the nine months that I went clean. I quit my job at Waffle House, and I essentially locked myself in the apartment. I left the apartment to go grocery shopping, to go see a movie, or something like that. But for the most part, I became incredibly anti-social, and I put myself through all of my withdrawals. Getting off of meth was really hard physically. I woke up sick every day for six months.

While claiming to be anti-social, this man described a close relationship with someone who offered a place to live and social support while he recovered from years of problematic methamphetamine use.

The significance of relationships was also described by a 27-year-old female who stated, "I can't speak for anybody else's reasons, but I'm back in school. I have a family that's supportive of me. I'm married." A supportive filial and spousal relationship helped this woman reach a turning point toward her recovery, a process that led to a change in her social context and a new identity formed by relationships with others. In another example, a 22-year-old female indicated close social support from her mother:

And so I called my mom and I was like, "Will you please come get me?" And she said, "Only if you're completely done with those people and everything." And so I moved back home, and I stayed with her like twenty-four hours a day. That's basically when I stopped.

In this woman's story, we see that reinvigorating one's relations to those not associated with problematic use can be a strategy employed for a successful recovery without the need for formal treatment or a 12-step fellowship. The round-the-clock support of her mother and a reinvestment in a significant parental relationship led to a shift in the respondent's social horizon, which in turn aided her social recovery and cessation of drug use. While this woman was able to obtain help from a family member, others whose family relationships were unhealthy or unavailable found help from relationships outside the family. Another young female in the study stated that her boyfriend's support of her recovery efforts led her to participate in drug-free activities that were critical to her success:

He [boyfriend] is just a completely positive character. He would just calm me down a lot of times. And he had, like, more of a life. Instead of waking up every day, like, how am I going to get high today—his was, you know, let's go do this, let's go do that. It was more of, like, activity was a way of trying not to think about it. He was taking me everywhere. We'd go to [Resort Beach]; we'd go to [Resort Lake], everywhere.

Her example also illustrates the importance of promoting new social activities and ways of social interrelating as key aspects of successful recovery.

Goal-Focus. Respondents using natural recovery often mentioned acquiring new goals and becoming focused on those goals as tools of a natural recovery. Three consistent types of goals mentioned by our respondents included keeping or acquiring gainful employment, completing higher education, and participating in volunteer work. Even though several respondents reported formerly using methamphetamine at work, they also indicated that a renewed focus on occupational goals was a primary route to recovery without treatment. Often a combination of goals was mentioned. One 26-year-old white male said his fear of losing his wife motivated him to start his migration to recovery, but it was the work environment that helped him migrate successfully to a non-user identity:

Really, my wife gave me a talk. She was about to leave, you know, and I really just had my son then, and I didn't want to lose my family. I figured if I lost my family it's really just going to go. It was at the point where I was hitting rock bottom, but I figured if I lost my family, there'd be no way of coming back up. So it's kind of my final chance to get away from this. And I drank a little bit—after the crack, I drank and smoked weed. I smoked weed for a little bit until I finally quit that, and that kind of just kept me away from it—and just spent more time with the family. Got a job working during the day and changed my atmosphere...my paycheck went straight to my wife, so there was no hiding money anymore.

Because the respondent focused on one goal (to maintain his position as a member of his family) and used other strategies (i.e., moderate use of other drugs), he eventually was able to accomplish his successful cessation of problematic use.

For some of the younger respondents, the social environment of school provided a goal that motivated them to achieve a natural recovery. One 19-year-old white female, who had started methamphetamine use at age 15, had been incarcerated a few times before she developed a new goal of achieving a college education: "I have no intention of ever using meth again...I'm going to school full time, I've got a boyfriend, and I work part time." Like others, this respondent described various strategies that led to new social roles, all of which were incongruent with the role of a problematic drug user.

Avoidance. In natural recovery, avoidance refers to the conscious decision made by a user to avoid the settings and people associated with methamphetamine use rather than being coerced to do so by probation or by formal and informal treatment requirements. As one 48-year-old white male explained:

You know, if I'm not around it, I'm not going to go looking for it anymore. The only hard thing about it is if I'm around it. I see somebody hitting on a pipe, it will create a Jones [craving] and I got to get up and get the devil out of there because if I don't, I know I'm going to eventually try to rationalize it away in my mind where I can do it a little...If I get around it, it's too much of a temptation. Usually seeing it, visually seeing it is the hardest. You know, seeing somebody doing it is harder than talking about it. Talking about it don't really create any cravings. But if you're around people doing it, it does tend to make you want to do it.

Similarly, a 21-year-old female suggested that to stop using, one needed to avoid old drug-using contacts at all costs:

I think that the only way that you can stop yourself—I mean obviously I'm a very strong-minded person because I just stopped cold turkey and most people cannot do that. But I think the only way that anybody could get away from it is either getting caught or moving far away where you don't know anybody.

Both of these respondents insisted that avoiding other users was necessary; however, not all were so socially selective. One 23-year-old white female reported: "I kind of just stopped hanging out with that whole crowd for a long time. I only hang out with one of the girls that I used to do it with, but I don't do it with her now." Her recovery strategy indicates that in contrast to the strict avoidance of all drug users required by treatment and 12-step group participation and often considered necessary by those attempting

natural recovery, a range of avoidance levels based on personal decisions and self-discipline can also be successful.

Religious/Spiritual Experience. The turning point toward drug cessation for some in natural recovery was a religious or spiritual experience. A 43-year-old white male stated that it was a chance encounter during his attempted suicide that prompted a religious turn, and through this he was able to find the strength to cease all drug use five years ago. Deeply addicted to methamphetamine and having attempted several unsuccessful attempts to stop, he was preparing to commit suicide at a secluded construction site when two men approached him looking for work. The happenstance of meeting these two men in a deserted construction site late at night led the respondent to leave the site and contact an acquaintance affiliated with the church. The respondent said that on the way to his friend, he was “praying and believing, and I pulled up, and this train came by and I asked God to put all my pain and sickness on that train and it was like it left me.” He cried at this point in the interview, indicating an ongoing, deep, emotional experience that still affected him after five years.

In another example, a 33-year-old white male who had quit methamphetamine on his own attributed his current faith in himself to his religious beliefs:

[I] How are you able to, without any treatment...how are you able to just kick it?

I think it partly goes back to my religion. I believed more in myself and I don't look for a higher power to give me strength. I look to myself for strength. And when I see myself being weak, you know, people see their god being weak, they start losing faith. It's generally the reason why they do lose faith. So if you're viewing yourself as your god, you don't want to see your god weak so you've got to make yourself strong.

Based on his religious training, this man replaced a belief in a higher power God with himself as a god although this would not be considered a traditional religious experience. Seeing himself as a god who is strong gave him faith in his own ability to stop his problematic use of a drug.

Substitute Drug. Substituting another drug for problematic methamphetamine use was the most controversial strategy we discovered in the analysis of our respondents' stories of recovery. Some reported using illegal substitute drugs while others used prescription drugs obtained legally or illegally as strategies in a natural recovery route. The most common drug mentioned as a substitute drug was marijuana. A few claimed that without marijuana they never could have ceased use of methamphetamine or maintained recovery. “In a lot of ways that was my sanity,” said a 23-year-old white male who was now three years in successful recovery from methamphetamine use. Likewise, a 19-year-old male explained why he used marijuana:

It makes my stomach turn whenever I even think about it [methamphetamine use]. Like just because everything about it has always, the outcome is always bad—no matter what. But with marijuana, it's like, it makes days better...It's momentarily...It's a way to forget the past I guess.

Other respondents used legal substances such as tobacco or alcohol on their route to recovery.

According to some respondents, alcohol and other drugs helped them to stop methamphetamine without leading to addiction to the substitute drug. The following illustrates one case in which the recovery process involved the use of alcohol:

I went to AA after rehab, and I did that whole deal for a while, and then I fell out of it because the same thing anyone falls out of anything—you just don't care anymore. And it's not to say that I went back out [relapsed], although eventually I did start drinking occasionally. It was more along the lines—to stay clean from meth.

The 21-year-old white man's occasional drinking resulted in leaving the 12-step program. Yet, he did not view this as problematic since his primary concern was to cease use of methamphetamine. On his own, he stopped using methamphetamine through a natural recovery route. At the time of the interview, he had not used methamphetamine for two years. He also was attending college and controlling his drinking patterns.

Stable Recovery

While not part of our original aims, we include a brief overview of those in stable recovery to lend further support for a social recovery conceptual framework. Stratifying recovering persons according to length of remission supports cessation efforts while at the same time providing new, drug-free goals for the recovery-minded individual (Chen, 2006). Six respondents in our study were former users in stable recovery, which is defined as not having used methamphetamine for the past five years or more (Cloud & Granfield, 2001). Table 4 depicts the characteristics of this group by single cases. Since our study focused on the cessation of methamphetamine, the continued use of tobacco, alcohol, marijuana and other drugs in the past month are shown in this table. The former users in stable recovery included both male and female, ages range from 23 to 65. In our sample, only white former users reported stable recovery from methamphetamine use; however, consistent with national rates, whites also represent the majority of methamphetamine users (SAMHSA, 2008). Three of those in stable recovery continued to drink alcohol, three used marijuana, two used other drugs occasionally, and two stopped all use of illicit drugs. All but one smoked cigarettes daily, which is a licit substance but increasingly stigmatized in society. Having a history of injecting drugs is a barrier to cessation; only one of the respondents in stable

recovery ever injected drugs. This is the respondent who used crack in the last month, which he indicated in his interview was a one-time event that he did not intend to repeat. The only other respondent to use an illegal drug other than marijuana was a woman who used prescription pills occasionally. All considered themselves to be in healthy and stable social relationships with family and friends, and none were actively involved in a drug-using network. The trajectories of those in stable recovery provide further insights into the migration process involved in social recovery (Boeri, Harbry, & Gibson, 2009). For some, as indicated previously, a sudden cessation of all substances resulted in frequent relapse, but a slower process that started with stopping problematic drug use allowed them to acquire the social capital needed for stable recovery.

Table 4
Stable Recovery* by Years of Cessation and Other Substance Use in Last Month (N=6)

ID	Age	Years in Cessation	Gender	Tobacco	Alcohol	Marijuana	Other	Ever Injected
#12	23	5	Female	Yes	Yes	Yes	No	No
#30	44	9	Male	Yes	No	Yes	No	No
#40	48	5	Male	No	Yes	No	Crack	Yes
#46	43	5	Male	Yes	No	No	No	No
#57	22	5	Female	Yes	Yes	Yes	Pills	No
#77	65	14	Male	Yes	No	No	No	No

* Did not use methamphetamine for at least 5 years.

SUMMARY AND DISCUSSION

In this article, we explored routes to recovery from the perspectives of individuals who self-identified as former methamphetamine users. We employed a harm reduction definition of recovery as cessation of problematic drug use (Reinman, 2005; Reinerman, 2009). Our aim was to provide a phenomenological understanding of recovery routes (Adams, 2008). We also responded to calls for recovery research that take into account the diversity of recovery experiences and different social contexts in which drug events take place (Hoffmann, 2003).

In summary, the complex recovery patterns described by respondents in our study were shown here as configurations of routes and strategies. Routes are the pathways employed to stop using the problematic drug, while strategies are the means or tools employed along these routes. Although former users may have strong beliefs regarding which recovery routes worked for them, and often they generalize their own successful routes or strategies

as required for stopping drug use successfully, the data show that no route should be ignored when seeking recovery. Beyond the well-studied routes of formal treatment and 12-step groups, we found that natural recovery routes were also successful. Moreover, we identified five types of common strategies employed across all routes reported by our respondents: social support, goal-focus, avoidance, spiritual experiences, and substitute drugs. Each of these may be used in conjunction with formal treatment or 12-step programs as well as in a natural recovery route.

Each route to recovery has its own advantages and disadvantages. Formal treatment is advantageous because it often provides experienced staff and professional help from counselors and medical doctors, which is beneficial for those whose drug use is linked to mental health issues. The disadvantages include the inaccessibility of formal treatment for many due to prohibitive costs. The advantages of 12-step include its anonymity and cost-free participation, as well as its accessibility. The recovery meetings themselves are an alternative to drug use, and the social network of 12-step groups provides the recovery-minded individual social support when beset by cravings (Kelly et al., 2008). However, as previous research shows, 12-step groups are not conducive for all those who seek help for their substance use problems (Peele, Bufe, & Brodsky, 2000). Participation in a 12-step group can limit one's range of social networking opportunities considerably, although this (ideally) is a short-term effect of entering the program. The advantages of natural recovery include the cost-free participation, learning how to use alcohol or drugs in moderation, and not necessarily having to leave one's entire social network. One significant disadvantage of natural recovery is that it is recognized as a route to recovery by only a limited number of professionals and is certainly not an option in conventional recovery environments, although strategies for natural recovery have historical representation in the literature (Biernacki, 1986; Granfield & Cloud, 2001; Reinartman & Levine, 1997; Sobell, 2007).

Addressing the broadest base of issues within the range of problematic drug use is necessary to help the greatest number of people in their recovery effort (Klingemann & Klingemann, 2007). By focusing our phenomenological analysis on all strategies employed in all routes to recovery, social strategies emerged to be most salient. Among the five strategies used, four had social dimensions that were used in all routes to recovery. Our findings add to the literature on the irreducibly social nature of drug use and underscore the need to more fully engage the social environment with recovery discourse (Hughes, 2007; Klingemann, 2011).

Contemporarily, recovery is seen as an historical marker to highlight the shift in the user's behavior and living practices. Our analysis shows that all recovery models also involved a shift in identity within a social context, since identity is intimately involved with our place in society and our interaction and relations within community (Bailey, 2005). Becoming part of conven-

tional society has been shown to be beneficial for former drug users as well as the formerly incarcerated (Cantora, 2013; Klingemann, 2011). People define themselves by their relationships to their social environments, so the migration from a drug user role within a drug-using social context to a more conventional role in society is needed. Kathryn Hughes (2007) describes this process as *identity migration*, a conceptual understanding that illuminates the fundamentally relational nature of strategies used on the route to recovery (Boshears et al., 2011). Our exploration of the identity migration process of those shown to be in stable recovery highlights this point.

Six respondents in our study were in stable recovery. All reached the turning point into this status as a result of natural recovery strategies, but they also used multiple routes and strategies along the way. Four had been in some type of treatment during their recovery trajectory, but not immediately before they started the road to stable recovery. Two respondents mentioned prior participation in a 12-step group had helped them in their previous recovery efforts. Five mentioned a family member or partner helped in the recovery process, three reported new goals as an aid to recovery, three revealed they avoided their former drug-using networks, and two used a substitute drug to help them in the process. All revealed a process that encompassed the identity migration model. For example, one man's recovery path included formal treatment and 12-step participation before he had a religious conversion. For this man, more than the mere presence of a drug-free social network was necessary. He indicated that increasing his set of fulfilling roles and stronger social bonds were needed to incite and reward his progress throughout his long recovery career. His in-depth interview data also revealed that pursuing his goal as a responsible father and participating in his church changed his relations to his social environment and enabled his identity migration to a successful stable recovery status.

One strategy of natural recovery deemed most controversial was the use of an illicit drug to help relieve withdrawal symptoms or use of a substitute drug or substance considered less harmful (McBride et al., 1997; Reinman, 2009). While we do not necessarily condone this strategy, the fact that many in stable recovery not only used another substance but also continued to use an illicit drug merits further attention. Non-problematic drug or alcohol use appeared to help avoid relapsing into problematic use of methamphetamine. Those in stable recovery indicated a controlled or modulated use of other substances. No one in stable recovery used alcohol daily. Most who smoked marijuana used only occasionally, and the one person who used crack in the last month smoked it only once when with a friend who used. The only respondent in stable recovery who used marijuana daily reported that she was also using prescription pills she obtained legally due to medically diagnosed problems, and she used marijuana to counteract the negative effects of prescription pills. Notably, only two respondents in stable recovery fit the model of total abstinence of all substances.

It is easy to blame a unique individual for being weak in the face of a constant barrage of drug use, but years of attempting to end a drug pandemic through formal treatment and incarceration or isolating recovering users in selected self-help groups has shown that more options are needed. We propose that conceptualizing recovery as *social recovery* captures the diversity of social influences and social strategies used in all recovery routes; moreover, doing so does not repudiate any of the current models that are working well for some.

The major limitation of this study is that it cannot be generalized beyond the research sample. Our conclusions are limited in scope due to the small sample size and restricted by type of drug use identified as problematic. We make no claim on the generalizability of our findings; yet, small qualitative studies add important insights that can inform future large-scale studies (Denzin & Lincoln, 2000; Lofland et al., 2006; Mitchell et al., 2011; Pach & Gorman, 2002; Rhodes & Moore, 2001). Lack of follow-up data collection to establish a more robust assumption of non-problematic use of methamphetamine is another limitation. As discussed earlier, one month, one year, or even five years of cessation does not indicate that problematic use has ended forever. Future studies should address these limitations using a longitudinal design and larger random samples to test hypotheses that may be drawn using social recovery as a dependent variable. Future research also is needed to explore the concept of social recovery among problematic use of drugs other than methamphetamine, as well as how social recovery might be impacted by the severity of drug use.

In conclusion, we propose that conceptualizing recovery as social recovery allows the strategies identified here to gain more research and professional attention. We posit that incorporating the concept of social recovery within treatment vernacular could aid those seeking cessation of problematic drug use but who have a difficult time ceasing all use of drugs and alcohol. Our definition of social recovery refers to the process of acquiring the skills, resources, and networks needed that enhance people's ability to live in society without resorting to problematic substance use. As a process, social recovery focuses on ameliorating the social aspects of problematic drug use through social relations with non-users and social roles that increase social capital. This article contributes to a growing body of literature that emphasizes the social nature of both drug use and addiction (Adams, 2008; Davies, 1998; Graham et al., 2008; Hammersley & Reid, 2002; Hughes, 2007; Klingemann, 2011; Lindesmith, 1938; May, 2001; Pilkington, 2007). If people wavering between drug use and sobriety were given access to more strategies for social recovery, it could reduce the number of attempts at sobriety, and, therefore, relieve the public burden of institutionalized treatment centers and the overpopulation of incarcerated drug users.

ENDNOTES

- 1 Although these terms are used interchangeably, here we employ the term *natural recovery* instead of *self-change* to avoid a focus on the individual that might be easily confounded with *self-help* processes commonly used in 12-step groups.
- 2 We include the percentages for each demographic variable, years since last use, and strategy mentioned in each route to recovery in the tables, with the acknowledgement that as a qualitative analysis these are descriptive of the sample only and do not imply a statistical difference.
- 3 The drug history data were entered into a SPSS software program and used here for descriptive purposes. The variables used include race and ethnicity (self-defined); age, age of first use of every drug, and age when drug use ceased (for each drug when applicable). Six recovery routes were identified, coded and counted during qualitative analysis. No statistical analysis of these routes has been conducted.
- 4 We note that distinguishing route from strategy was not an *a priori* methodological decision but instead emerged from the qualitative data analysis. Once the distinctions were made, we looked to the literature for published examples of routes and strategies. We found support primarily for routes not distinguished by strategies.
- 5 We do not claim that specific quotes we chose are fully representative of the recovery strategies. As a qualitative study, there are nuances in every quote that make it unique, but we found similarities that allowed us to organize the strategies mentioned in our study into identifiable patterns and categories.
- 6 Michael Burawoy (1998) made the argument that even one deviant case increases the empirical content of theory reconstruction. Likewise, we propose that in our small sample, even one mention of a recovery strategy provides empirical support for a reconstructed conceptualization of recovery.
- 7 We remind readers that many respondents mentioned multiple routes to recovery. Since we are not conducting a statistical analysis of these routes and allowed respondents to choose more than one route, the percentages do not equal 100% and are not reported here.

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Beyond Basic Needs: Social Support and Structure for Successful Offender Reentry

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Abstract

Barriers to successful reentry have long been identified as impeding an offender's ability to successfully reenter society upon release from incarceration. As a result, research has long examined what shared obstacles the majority of offenders often face upon reentering society. Much of the research identifies factors such as poor education, obtaining/maintaining employment, stable housing, and transportation as common barriers to successful reentry. By using in-depth interviews with ex-offenders deemed as successful that were conducted by two respective non-profit agencies, the present study explores what significant requirements, if any, successful offenders perceive to need and/or have experienced as lacking while attempting to successfully reenter society. Findings from this study highlight that many of the research-identified needs are not major barriers because they are often provided for by various non-profit agencies. Furthermore, successful ex-offenders overwhelmingly identify poor social support as a major barrier that oftentimes remains neglected in government and non-profit organizational programming.

INTRODUCTION

Offenders returning to society are a consistent concern for the general public and have troubled correctional professionals and legislators regarding how these individuals are supported once released from incarceration. With incapacitation as a primary goal of incarceration, ensuring an individual's

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successful transition into free society removed from a life of future criminal activity has proven to be a challenge (Kifer, Hemmens, & Stohr, 2003; Warr & Stafford, 1984). With approximately 688,000 offenders released from state and federal incarceration in 2011, cities are inundated with a population of individuals with poor education, inadequate job skills, and limited housing options (Carson & Sabol, 2012; Garland, Wodahl, & Mayfield, 2011; Horney, Osgood, & Marshall, 1995; Maruschak & Parks, 2012; Petersilia, 2001, 2005; Travis, 2005; Ulmer, 2001). Individuals without adequate job skills and/or sufficient education face severely limited employment opportunities and subsequent housing options. These harsh realities are further exacerbated by the label of convicted felon, a label that often carries even further restrictions on where an individual can live and/or work (Pager, 2003; Pager, Western, & Sugie, 2009). With an estimated 4.8 million individuals under some form of community supervision, the need for continued study of such barriers to successful reentry is crucial, especially with 67.5% of released offenders being rearrested within three years of their release (Langan & Levin, 2002; Luther, Reichert, Holloway, Roth, & Aalsma, 2011).

While barriers to successful reentry are widely recognized today, it was not until the 1950s that examination of barriers became common (Seiter & Kadela, 2003). In addition to problems created for by the barriers of labeling and poor skills/education, inadequate access to healthcare and substance abuse are also important obstacles for offenders re-entering society (Hammett, Roberts, & Kennedy, 2001; Mallik-Kane, 2008; Petersilia, 2003). Despite this wide variation in challenges facing offenders who reenter society, the barriers of education, obtaining/maintaining employment, stable housing, and transportation remain the most commonly recognized basic needs identified across the literature as barriers to successful, crime-free community re-entry (Cromwell, Alarid, & delCarmen, 2005; Hahn, 1991; Holzer, Raphael, & Stoll, 2004; Jucovy, 2006; La Vigne & Parthasarathy, 2005; Listwan, 2009; Makarios, Steiner, & Travis, 2010; Petersilia, 2003; Rutter, 1987; Seiter & Kadela, 2003; Spjeldnes & Goodkind, 2009; Travis, Solomon, & Waul, 2001). It is these barriers as part of wider structural issues that often interact with one another, ultimately worsening existing circumstances that stand today as widely accepted challenges to successful re-entry (Turanovic, Rodriguez & Pratt, 2012). When such barriers remain unaddressed, the result is often-times recidivism.

A majority of individuals entering incarceration, whether jail or prison, are likely to come from economically and/or socially disadvantaged backgrounds (Fergusson, Swain-Campbell, & Horwood, 2004; Pettit & Western, 2004). Furthermore, these individuals are likely to come into jail or prison suffering from an alcohol and/or substance abuse problem (Belenko, 2002; Belenko & Peugh, 2005). Individuals who make up the vast majority of incarcerated offenders are also not likely to have obtained completion of General Educational Development (GED) and may have an unstable, if any, legitimate

employment history (Crayton & Neusteter, 2008; Greenberg, Dunleavy, & Kutner, 2007). Approximately 40% of inmates who entered prison without having completed at least a GED or high school diploma were also unemployed upon entering (Harlow, 2003). With incapacitation as the primary goal of incarceration, once these individuals enter into incarceration, many issues believed to have influenced their proclivity to commit crime often go unaddressed (Kifer et al., 2003). These unaddressed needs are even further neglected because of rising costs of incarceration, resulting in a reduction of programming developed to address these issues (i.e., education, vocational training, etc.).

Throughout the 1980s, the Get Tough on Crime approach led to a substantial increase in the number of individuals incarcerated at both the federal and state levels. Between 1980 and 2009, there was an increase of individuals incarcerated from 319,598 to 1,524,512, representing a 377% increase (U.S. Department of Justice, 2009). Furthermore, the annual corrections budget for federal and state correctional systems increased from \$20 billion (1982) annually to \$74 billion (2007), a 270% total increase (U.S. Department of Justice, 2009). Because of this population increase, housing and medical care provided for these offenders placed significant strain upon respective correctional budgets. Consequently, various programming meant to address the needs of offenders and increase the chances of successful reentry were cut or eliminated entirely (Cadue, 2010; Tewksbury & Taylor, 1996). For example, the Kansas Department of Corrections lost 70% of both its treatment and educational programming in 2008 alone from budget cuts (Cadue, 2010). With these substantial financial cuts and/or elimination of programming opportunities, offenders being released from incarceration are in no better or perhaps even worse condition than when they initially entered incarceration. Once released, offenders often return to impoverished areas, and this places further financial and social burdens on such communities.

The vast majority of individuals released from incarceration have no pre-arranged housing secured (Raphael, 2011). Additionally, areas where offenders return to are likely to be economically disadvantaged areas with little-to-no employment opportunities, inadequate housing options, and social connections prior to their incarceration (Krivov & Peterson, 2004; Raphael, 2011; Sampson & Raudenbush, 1999; Sampson & Wilson, 1995). Such issues as resource deprivation and low collective efficacy establish an environment conducive for higher levels of criminal behavior while simultaneously are impacted by the effects of such behavior (Sampson, Raudenbush, & Earls, 1997; Turanovic et al., 2012). Therefore, offenders attempting to successfully transition into society face enormous barriers that likely contributed to their incarcerated offense initially and find themselves in no better shape to effectively manage challenges because they were faced with limited-to-no programming opportunities while incarcerated.

Despite nearly seven decades of research which examine barriers to successful re-entry, there still exists a need to study what obstacles remain for an individual attempting to successfully reenter society. Furthermore, there is a continuing need to understand what perceived and actual barriers may exist for those who are considered successful when re-entering society. The present study examines what perceived and actual challenges offenders have experienced when re-entering society (those offenders who have been deemed as successful by two respective offender-based non-profit organizations). This study can potentially result in a more comprehensive understanding of what barriers exist for all offenders, whether they are successful or not, as they attempt to successfully reenter society. This paper provides an overview of the prior literature pertaining to barriers for successful reentry (i.e., education, obtaining/maintaining employment, stable housing and transportation), followed by what successful offenders identify as perceived/actual obstacles for re-entering society, and a presentation and discussion of potential policy implications.

BARRIERS TO SUCCESSFUL REENTRY

Education. Poor education and/or limited access to educational opportunities are the first of the four basic needs serving as barriers affecting an offender's successful reentry into the community. While accurate statistics are difficult to come by regarding inmate education-levels, from 1997 to 2004, the percentage of state and federal prisoners who had a high school diploma or GED increased slightly from 61% to 65% when compared to 82% in the general population of the US (Crayton & Neusteter, 2008; Greenberg et al., 2007). Perhaps more important than graduation rates, the National Institute for Literacy (2001) found that 7 in 10 inmates operate at the lowest levels of mathematical and prose literacy; they struggle at reading basic media such as brochures and newspapers or computing basic mathematical calculations (ETS, 2013). Overall poor levels-of-education have also been attributed to offenders as a reason for their inability to obtain employment upon release, making reentry yet more stressful and difficult (Holzer et al., 2003; Jucovy, 2006; Seiter & Kadela, 2003). With poor education as a prevalent hindrance among offenders, this disadvantage not only limits one's options when seeking employment, but even impedes the ability to learn new skills to secure or maintain employment, thus compounding with the second common barrier to reentry success, obtaining and maintaining employment.

Obtaining/maintaining employment. The second of the four research-identified basic needs of offenders is obtaining and maintaining employment. Having a criminal record and the resulting stigma of being an offender can serve as a major barrier to obtaining employment (LeBel, 2012; Pager, 2003). As a collateral consequence of offending, stigma associated with offending and being an offender drastically impacts an offender's likelihood of securing employment upon release. In a 2001 survey of employers, 60%

reported being apprehensive when considering hiring an individual with any type of criminal record (Holzer et al., 2003). Furthermore, Pager et al. (2009) reported that a criminal record reduced the overall likelihood of a former inmate receiving a callback for a job interview by 50%.

One primary reason why employers refrain from hiring ex-offenders is that legislation in many states restricts offenders from obtaining licensure for approximately 800 different occupations including teaching, nursing, and cosmetology (Cromwell et al., 2005; Hahn, 1991). Another primary reason why employers may be reluctant to hire an ex-offender involves legal issues surrounding ex-offenders working in direct contact with children and/or customers (Weiman, 2007). As a result of these hiring practices, between 60% and 75% of young male ex-offenders and between 25% and 40% of ex-offenders as a whole remain unemployed during the first year following their release (Petersilia, 2003). Racial minority ex-offender and those suffering from mental illness have been shown to have even more difficulty obtaining employment (Baillargeon, Hoge, & Penn, 2010; Mallik-Kane, 2008; Miles, 2004; Solomon, Kachnowski, & Bhati, 2005). Now that employers have increased access to criminal records via online companies who specialize in background checks, it is safe to assume that this obstacle will remain in coming years (Kurlychek, Brame, & Bushway, 2007; Weiman, 2007).

When offenders are less educated and struggle with basic reading, writing and math skills, there will likely be less desire to employ an individual with such issues. Compounding these considerations even further are legal issues associated with hiring a convicted offender that may place even further restrictions on how the tasks and in which role such individuals can be used within a business. Therefore, the combination of educational and employment issues certainly contribute to the third main barrier to successful reentry, the difficulty of obtaining and maintaining stable housing.

Stable Housing. Obtaining stable housing is the third often identified basic need for successful offender reentry but is often unmet (Corden, Kuipers, & Wilson, 1978; Cowan & Fionda, 1994; Harding & Harding, 2006; Helfgott, 1997; Levenson & Hern, 2007; Listwan, 2009; Meredith, Speir, & Johnson, 2007; Paylor, 1995; Starr, 2002; Wodhal, 2006). Because most offenders have very unpredictable pre-arranged housing prior to their release from incarceration, those who do secure housing often do so in an impoverished neighborhood and/or community where they lived prior to their incarceration (Krivo & Peterson, 2004; Raphael, 2011; Sampson & Raudenbush, 1999; Sampson & Wilson, 1995). Even if they return to familiar areas, ex-offenders are still faced with the stigma of being an offender, and this, compounded with limited/poor credit and rental history, further impacts their ability to secure and maintain stable housing (Clark, 2007; Harding & Harding, 2006; Helfgott, 1997). Many communities in which ex-offenders return often suffer from limited employment opportunities, thus exacerbating and simultane-

ously contributing to two identified needs serving as barriers to successful reentry (i.e., obtaining/maintaining employment and stable housing).

Transportation. The fourth frequently identified basic need that is a barrier to successful reentry is a lack of transportation. Impoverished neighborhoods and/or communities that often serve as the only feasible housing options to ex-offenders typically have either poor or limited access to reliable transportation (Luther et al., 2011). This limited access to and/or unreliable transportation has been shown to make those ex-offenders who are employed fearful that they will miss work, lose their job, and ultimately violate conditions of their parole (Garland et al., 2011). Furthermore, those ex-offenders who are employed—likely outside of their impoverished neighborhoods/communities—often must rely upon unpredictable public transportation to maintain their employment which further jeopardizes their chances of meeting the basic need of maintaining stable employment (Raphael, Stoll, Small, & Winston, 2001; Visher, La Vigne, & Travis, 2004).

Ultimately, it is the culminating impact of poor education, obtaining/maintaining employment, stable housing, and transportation that impedes the recently released offender's ability to successfully transition back into society. No single barrier can be isolated as being the sole cause for recently released offenders' reentry struggles, but each has an interactional effect. It is this interactional effect that makes offender reentry such a difficult issue to address. Furthermore, structural issues exist within many of these impoverished neighborhoods and/or communities that further create barriers to successful offender reentry (Sampson, et al., 1997; Triplett, Gainey, & Sun, 2003; Turanovic et al., 2012). Despite governmental and non-profit organizations' attempts to address the above barriers to successful reentry, offender reentry continues to remain a largely unsuccessful and expensive task.

CURRENT STATUS OF OFFENDER REENTRY AND PROGRAMS

In 2012, there were 1,900 offenders being released from state and federal correctional institutions each day with 4,814,200 adults under some form of community supervision (Maruschak & Parks, 2012). This is a substantial population of offenders who are being tracked by correctional officials who must hold them accountable and encourage them to refrain from crime. Since research began on offender re-entry in the 1950s, research has shown the four basic needs (i.e., education, obtaining/maintaining employment, stable housing, and transportation) as being essential to successful offender re-entry (Seiter & Kadela, 2003). As a result, programming has been specifically developed to address each of these four basic needs. One example of major programming designed to address these four basic needs is the Second Chance Act of 2007 that cost approximately \$25 million to implement. Numerous other programming opportunities have also been developed at the local level to address these identified needs. In a 2009 survey of 79 major

cities throughout the U.S., 72% of cities surveyed partnered with private organizations to provide re-entry services to ex-offenders, and 96% of those cities partnered with local non-profits, 81% with faith-based organizations, and 69% with neighborhood-based organizations (The United States Conference of Mayors, 2009). Additionally, 93% of those cities offered employment services, 80% offered housing services, and 75% offered education-based services for ex-offenders (USCM, 2009). There are a multitude of federal, state, and local level programming efforts in place throughout the United States designed to assist offenders in the process of reentry. Most of these programs are relatively small and geographically restricted which ultimately focus on only one or a small set of offenders' needs. Evaluations of reentry programs show that some programs work well, others not so well (Visher, Winterfield and Coggeshall, 2005). However, what is important to recognize is that there are programs offered and despite numerous efforts to identify best practices (Petersilia, 2004; Taxman, Young, Byrne, Holsinger & Anspach, 2002), many programs remain unfocused and of questionable efficacy.

Despite decades' worth of research and numerous programming opportunities aimed at addressing these four basic needs, two-thirds of all offenders released from incarceration are still rearrested within the subsequent three years (Langan & Levin, 2002; Luther et al., 2011). Furthermore, Pew/ASCA (2011) surveys found that between 1999 and 2004, the recidivism rate for committing a new crime or crimes rose by 11.9%, despite a drop in the percentage of technical violations (PCS, 2011). This occurrence results in added costs to re-process and house these offenders, thus directly contributing to the \$52 billion annual correctional budget for state and federal prisons (PCS, 2011). Therefore, the expansion of research into other areas affecting successful offender reentry beyond the four commonly identified basic needs is crucial to both fully understanding what it takes for an offender to successfully reenter society and for altering re-entry programming accordingly to ultimately improve recidivism rates.

THE PRESENT STUDY

Traditionally studied components of successful reentry (i.e., education, employment, housing, and transportation) play a vital role in determining the likelihood for success, but the emphasis on these factors has neglected the role that other aspects may play in influencing offender reentry success, and more must be done to address high rates of recidivism. Study of components beyond the four basic needs previously discussed will help scholars and practitioners have a broader and more comprehensive understanding of the role that other factors may have in reducing individuals' chances for recidivism. The goal of the present study is to identify any significant needs that successful offenders have experienced in making a successful community reentry. Findings from this study will assist public, private and non-profit offender

reentry program administrators to understand other needs that must be taken into consideration when developing offender re-entry programming.

METHODS

The current study involves one-on-one interviews of former offenders who successfully transitioned back into society. Additionally, these individuals were active participants in Prison Fellowship and a second non-profit organization, Project Return, in Milwaukee, Wisconsin. Project Return is designed to assist offenders with securing employment, housing, and other basic survival needs upon release. Responses collected reflect what former offenders who successfully transitioned back into society recognized as being necessary components for preventing recidivism. Data collection took place between the late spring and early summer of 2004.

Overview of the programs. Respondents for the present study were active in both of the two similar, yet distinct programs. The first, a branch of Prison Fellowship, is a non-profit, Christian, faith-based ministry located throughout the US that operates both inside and outside of prisons. Prison Fellowship seeks to provide offenders with a social support system of fellow offenders and stresses the importance of surrounding current and former offenders with a Christian community that emphasizes mentorship and accountability. The second program, Project Return, is also a faith-based non-profit organization designed to provide various services to released offenders. Some of the specific services offered include assisting recently released offenders with résumé development, transportation needs, and referral to temporary work agencies for potential employment opportunities.

Participants. Participants in both organizations were former offenders who had been incarcerated in jail or prison at some point in their lives. All participants were considered by each respective organization to be successful former offenders; they met the criteria of having been released from incarceration for a minimum of three years and had no known new arrest(s), conviction(s), or parole violation(s). A total of 19 participants were interviewed in the present study, including both male ($n = 14$) and female ($n = 5$) offenders. Interviewees' offenses encompassed property, sex, drug and violent offenses. Participants included both those still under formal supervision (i.e., probation or parole) and those who had successfully completed these requirements.¹ A current age of each respondent was not collected; however most respondents were between 40 and 60 years of age. Participants from Prison Fellowship actively knew and socialized with one another, whereas participants from Project Return did not. Pseudonyms were assigned to the respondents in order to conceal their identities.

Data Collection. Data for the study were collected via face-to-face interviews with offenders from the two organizations identified and previously described. Interviews were conducted in a private setting by the third au-

thor and averaged between one and three hours. A semi-structured interview guide was implemented to navigate discussion around key themes. The interview guide focused on the following themes: offender education level, sentence length, supervision status, family life, incarceration experience impact on family, reasons for choosing the respective organization, role of religion in one's life, and experience re-assimilating into society. Interviews were audio-recorded and then transcribed in full.

Data analysis. Transcripts were analyzed using content analyses and principles of analytic induction of a grounded theory approach to identify key themes and concepts (Charmaz, 1983, 2006). Once themes emerged, transcripts were reread multiple times to ensure accuracy and completeness of each identified theme. Each subsequent reading focused on a specific theme (i.e., no substantial difficulty finding assistance with basic needs, poor social support from family/friends pre/post-incarceration, and struggles adapting to an unstructured society). Results reflect the main themes and concepts of the data.

RESULTS

Since the goal of the present study is to identify any significant needs that successful offenders have experienced in making a successful community reentry, the specific focus went beyond the components traditionally studied (i.e., education, employment, housing, and transportation difficulties). The primary themes that emerged were that no substantial difficulties exist in securing most necessary resources (i.e., obtaining employment, housing, and transportation) for most offenders; there is poor social support system present both pre- and post-incarceration; and offenders struggle with adapting to an unstructured society from the effects of institutionalization.² Findings suggest that parole requirements that emphasize gaining employment, housing, and transportation are fairly easily obtained through a variety of public, private, and non-profit organizations; however, social support persists as an issue even for offenders being provided other basic needs when returning to society.

Findings overwhelmingly demonstrate that often-identified obstacles to re-entry in prior research are seemingly not as difficult as has been suggested.³ Offenders discussed accessing both employment and housing with relative ease through both organizations and personal contacts. Among the four most commonly identified needs, transportation was reported as somewhat more difficult to secure, but was also adequately provided by the two non-profit social service agencies. However, a former offender's need for social support within the community was strikingly clear. Among the most frequently expressed desired forms of social support were a mentor to guide them to make everyday decisions, peers with whom to share struggles, and a support system to hold them accountable for their lifestyle and behavior.

Individuals typically filled these voids through programming opportunities offered by faith-based offender ministries. The overarching theme present is that individuals reintegrating into society need structure in all aspects of their lives beyond the rules imposed by parole restrictions, even when they are provided the four most commonly identified needs across the literature. Therefore, less emphasis needs to be placed upon traditionally identified components for successful re-entry; the programming must go beyond securing employment, education, housing, and transportation to meet the need for expanded social support in the form of a community environment providing accountability to all participants.

Ease of obtaining basic needs. Previous reentry research and related programming have consistently emphasized the importance of recently released offenders obtaining employment, stable housing, and reliable transportation to facilitate successful re-entry and reduce the likelihood of recidivism. However, the importance and difficulties in obtaining such resources for this sample of successfully transitioned offenders was presented as only a minor difficulty. One respondent, Thomas, reflected on how he did not believe the felon label served as a hindrance for obtaining employment:

No, in fact, it is more so, in some areas it has helped me because I am mentoring right now and because of where I come from...they probably skeptical but they do the background check and all of that stuff and even though that stuff is on there, it has nothing to do with what I'm doing.

Building upon this idea, offenders often discussed obtaining employment primarily through temporary services agencies that were made privy to the offender's status by a non-profit agency. Steven discussed finding a job through a temp agency when he said that, "when I got out, it wasn't really too difficult because at the time I had gotten out, I had got a job right away, working for a temporary job agency." Another individual, Matthew, previously incarcerated for homicide, built upon the prior notion of obtaining employment through a temporary employment agency, and how once he initially obtained employment he was able to further build his résumé by saying:

when I got out, I went to [name of ministry]. I looked them up, and it took about a week to find them. I looked them up and went to them and asked them to help me fill out a résumé and a cover letter, and I just go on the payment they gave me and a voucher for clothes and stuff and when after that, it's history. From the restaurant field to a credit analyst. From a credit analyst to a program manager for a youth development center. From there a public speaker for [name of organization] in the schools doing public speaking or holding training events for the department of corrections.

Nearly two-thirds (62.5%) of the respondents stated they gained employment initially upon release through temporary services agencies. John discussed that even though the jobs might not be the most desirable, that a convicted felon could still find employment opportunities through such agencies. Adam, a former Catholic priest incarcerated for child sex offenses, also discussed how he was hired the first place where he applied, and that he had two job offers on the same day that were several dollars above minimum wage. Similarly, Jared stated that he received a minimum of 10 different jobs through temporary services agencies and was able to choose the one he desired most, eventually remaining for nearly five years until moving into a permanent job with a non-profit faith-based organization. This subtheme of eventually obtaining work in a non-profit organization was a theme present in many of the respondents' stories. Former offenders reported that they used work obtained through temporary services agencies to pay the bills and build their résumés; however, many stated that they eventually found permanent work with a non-profit organization, typically a faith-based organization. Individuals who had worked specifically with Project Return often found permanent jobs with non-profit agencies through contacts met while doing speaking engagements for Project Return.

There were multiple individuals (43.7%) who were identified as working for a non-profit organization or faith-based ministry associated with offender reentry at the time that the interviews were conducted. Jared suggested an explanation for this:

I think one reason, honestly, I stayed in the non-profit sector, is that you gotta, you think that, there's a lot more understanding in non-profits and agencies like this, and even at church. You go into corporate America, that's when it hits the fan.

Julie, previously incarcerated for violating terms of a prior unknown conviction, added to this notion when she said, "I didn't have the obstacle of finding a job, not really, because that was already prepared for me too, because I was working for prison programs, so my background was an asset as opposed to being a hindrance." At least for these successful individuals, their status as a felon does not function as a stigma within a selected segment of the non-profit community. However, their status as a felon is a realized potential impediment if such opportunities were not available. Even though the non-profit organizations are largely responsible for connecting individuals to temporary services agencies and/or employing them within their own organizations, they are also largely responsible for providing housing for recently released offenders.

The vast majority of offenders also reported few, if any, substantial difficulties securing housing upon release. Fully 40% of interviewees initially resided at a halfway house upon their release from incarceration, with many

others initially obtaining housing via assistance of friends within churches or other non-profit social service agencies. One female respondent, Audrea, who was convicted for operating an escort service, mentioned that through her involvement in a church, she was able obtain a house on her second day of release and was even able to pay for her rent at her apartment and other bills when she says:

[S]ince prison there was one day that I needed to pay a \$500 phone bill and \$500 in rent, plus my electric bills. I needed about \$1000 to \$1200. I was on my face, \$1200 poured into my apartment in two days. Out of nowhere, out of nowhere, you know, those are my miracles.

Julie stated that she, also, had little difficulty finding a place to live. "I didn't have the problem of finding a place to stay because that was already prepared for me." Steven, who served nearly 18 years for two counts of robbery, discussed how his temporary stay in a homeless shelter allowed him to save money to get an apartment. "It was cool because I didn't have to pay no rent where I was and my food was taken care of so I actually was just banking my money and that kept me going."

While employment and housing seemingly came relatively easily, transportation was typically a more difficult resource to obtain. Transportation is most important to ensure that individuals are able to travel to and from work. Although many individuals discussed having difficulty obtaining transportation initially, it usually was provided via a non-profit agency or a social contact initiated through the assistance of a ministry. In these offenders' experiences, a non-profit agency provided free bus tickets for individuals to travel to and from work while some of the temporary job agencies provided shuttle vans for their employees.

The importance of employment and housing access was not problematic for those acknowledged as successful former offenders. However, whereas these basic needs were largely provided for and undoubtedly contribute to these offenders' success in re-entry, they are not the only issues identified as necessary and important.

Poor social support. Even though these individuals reported relative ease in obtaining many of the emphasized necessary resources (i.e., employment, housing, and transportation), respondents did discuss difficulty with securing other, often less-emphasized, needs. Individuals remarked that re-entry programs did not provide for other key needs ranging from a social support system to accountability in an unstructured environment. However, the lack of a strong social support system was the most frequently mentioned need absent in reentry programs. Specifically, even after having the basic needs provided for them, individuals still reported that they needed social support.

Respondents discussed facing enormous difficulties in finding consistent and reliable social support from peers and/or family members throughout their lives. This lack of assistance can include moral and financial support in addition to trust. An example of an individual who did not have the needed family support throughout her life, Linda discussed running away from home at the age of 9 and joining a gang because of her abusive father. She would often commit a new offense just to escape her home life by becoming institutionalized. Audrea became a prostitute at the age of 19 to support both herself and her child because she found no other viable avenues for financial help. Another respondent, Thomas, discussed some of the difficulties with trust growing up because when he was age six and his brother was eight, they were raped by a family friend who attended his church. It is through life experiences with peers, family members, and other individuals where unreliable social support can surface and often serves as the reported impetus for individuals to begin their criminal careers. These individuals do not feel that they have a social network of family or friends who can provide moral and/or financial support that may keep them from engaging in delinquent and/or criminal behaviors. As a result, they continue to participate in a criminal way of life because of the lack of these social support systems. Although respondents discussed difficulties with consistent and reliable social support from peers and/or family members throughout their lives, the importance or at least the recognition of the value and need of such usually did not manifest until after they were incarcerated and/or reentering society. They expressed the desire to belong to something, to be a part of a community, and above all, to feel like they had a purpose in life. However, the nature of or the legal restrictions imposed upon many respondents due to their offense(s) often served as a barrier for continued social support. Furthermore, such legal restrictions can obstruct any potential for reconciliation.

The first subtheme that emerged regarding the lack of social support centered on many interviewees feeling ostracized from family and/or friends either due to the nature of their offenses or because of sanctions resulting from their offense. One example is Thomas, who was incarcerated for a sex offense with a minor he mentored at church—ironically, the same offense he cited as being a victim of.

I have difficulties in people that I once knew, you know. Because of all of the hate mail that I received and I don't know why I did read them all...one of my brothers wrote me...at least twice a month and I could call him anytime and my sister [her name] wrote me every week. I have three other sisters that weren't writing at all. I think they wrote me twice and I didn't like nothing they said.

Similarly, yet not related to a sexual offense, Paul referenced not being allowed contact with his ex-wife and children after a domestic violence incident.

I wanted to, but see actually according to the court, I'm not allowed to...I have a court order against contacting or talking to by any means, first party, second party, third party...with my children, no matter their age as long as I am on parole or probation or ex-wife.

As Thomas and Paul's comments demonstrate, it is not only the nature of one's offense(s) that may isolate them from family support; it can also be parole restrictions as well. Building upon this notion, a former Catholic priest, Adam, once incarcerated for sex offenses with several minors that included a family member, reiterated difficulties resulting from offenses.

I had some family support, um, but people didn't understand and that was rough. That was understandable, I guess, you know, and they didn't know what to do or what to say, and because one of my victims was a family member, it was much more difficult with the divisiveness within the family.

Linda also discussed not being able to maintain contact with her children during incarceration due to her offense and the lack of subsequent family support. "I got a few letters from a few people...I would go see my grandfather at an old folks home and spend time with him...Other family members...out of sight out of mind." Aaron, convicted of multiple drug offenses, discussed his poor relationship with his father and how it affected his prison stay. "My mother, my sister, you know, they stayed for support of me. I never seen my father. He never came up. I was bitter about that...He wouldn't send me no money. He didn't do nothing." Such experiences demonstrate that although offenders may have had some contact from some family members, much of the contact was unreliable or strained due to past family relations, their offenses, or certain formal restrictions.

Isolation does not only arise from the actions of others, however. Some offenders reported choosing to isolate themselves from any fragment of family support possible for a variety of reasons. One example is John, who served approximately 20 years for an undisclosed offense; he stated that he cut off his contact with family once he realized they could no longer assist him. "Mine was very limited um cause I cut off all my support, I cut off most of my contact with the people from outside...I came to the realization that they could not help me and so I just cut off that support."

Similarly, Charlie reported a comparable act.

I decided, and I told my wife—she was a very special person—but she had to live her life too. In order for me to do easy time, and to make it easy on her, I asked her would she get a divorce...that was the right decision because I didn't want to think about the outside world. And because of my stupidity, I didn't want my family paying for it.

Steven also discussed how he made the decision to cut all ties to friends and family because he found the looming sentence and potential restrictions too discouraging.

I'd write letters sometimes and it was a situation where I didn't really think that I was going to get out cause I knew I had all this time and I knew that I was so angry and upset and mad. So, I really didn't think that I was going to get out and I knew they wasn't going to give me no parole. So I really, so I consciously made a decision to cut off any kind of contact with anybody that I might have had before, before I went to prison.

Offenders like John, Charlie, and Steven found seeing family members while incarcerated too upsetting or the restrictions placed upon them too troubling and elected to manage such stress through a focus on doing their time without outside distractions. Although some offenders might choose this option, the majority of offenders did not have the luxury of remaining in touch with social contacts.

For a number of offenders who did desire to maintain relationships with loved ones through visitation(s), letters, and/or phone conversation(s), many discussed the difficulties introduced by institutional transfers as further hindering their ability to maintain desired social support from family and friends. Many of the social support issues, such as no or limited family visits, occurred due to institutional transfers that restricted the opportunities for friends and/or family to visit. As Thomas stated:

I was in [name of facility] and I wasn't there no more than three to four weeks and then they shipped me down to Texas and you know, they stripped me from my family contacts and everything, and it was real difficult.

Jennifer, who served five years for an undisclosed offense, also discussed this issue and how her mother would visit quite often when she was at one particular facility; however, the visits stopped when she was transferred to another facility outside of her mother's travel range. The vast majority of all respondents reported being transferred multiple times throughout their incarceration, contributing to the difficulties involved in maintaining contact with friends and family that could potentially help with incarceration and reentry. Furthermore, offenders were often released in areas near these facilities where friends and/or family were not nearby to help, if desired. Steven emphasized the need to abide by halfway house rules because he did not have family and friends in the area to help. "I don't have no family or friends in this whole state, so I can't risk being kicked out on the streets." As a result of his geographic location, he found himself hindered in his ability to connect with others. Furthermore, such isolation from friends, families and/or loved ones meant that offenders commonly needed to seek alternative means for

accessing social support that could potentially have been provided by said family and/or friends.

Faith based resources filling the gap. It is because of these issues—of-fense, poor family support, institutional transfers restricting mobility—that the individuals in the present sample sought social support mainly through non-profit faith-based prison ministries. Thomas said,

I just got with a certain knit group and they were Christian going to church, so I got with that group, you know, and just did my church thing and come back...so that group just seemed to be just a real sensible group to me.

Paul continued this subtheme of the need to fit in and be a part of the community when he shared that he wanted “Somewhere I fit in, I can be of benefit. Somehow I can share something that might enlighten somebody.” This statement highlights offenders needing to fill a void within their lives where they can feel useful to others. Adam, the former Catholic priest discussed the need to belong somewhere when he said, “I wanted to be loved and honored and have a position in life that raised me up from my despair.” Scott also highlighted his need to feel a part of something greater than himself when he discussed the importance of faith-based prison ministries to help to fill a void of visitors during his incarceration:

I did a lot of correspondence, Bible courses. I would, I really kept my mind on that most of the time, you know. I stayed around positive people. Those were great because here you have people that have taken time out of their lives, you know. Who could be doing a million other things, but they come inside the prison trying to help me.

Julie, who was incarcerated in Minnesota after violating her travel restrictions for a previous undisclosed offense that left her family in Georgia, continued with this idea when she explained how her only visitors were volunteers of various prison ministry programs, “So mainly my visits were the different ministries that came, I participated in everything that was there, and that was all I had as far as visitors.” Offenders typically come into contact with these ministries initially inside prison, and they pursue these relationships upon release because they are the only people they know with the ability to help, the only ones willing to do so, or family/friends may simply live too far away. John summarized his experience with the importance of these faith-based ministries for providing social support:

[I]t really helps and that is one of the probably missing ingredients to helping a guy reintegrate back into the community that they don’t do now...Just having that outside interaction with someone that wasn’t talking to you criminally. They come in and said, ‘I don’t care what you did, I am not interested in what you did, but I am interested in you as a person.’

It was probably one of the best things that happened to me because it allowed me to understand that just because I was locked up, there was someone that really cared about me and they weren't faking it...I had a support group. I had people who were willing to work with me when I got out. Help me, you know, find a job with housing and everything else.

The themes discussed convey the variety of offenses that offenders struggle with; and struggles can be somewhat assuaged by consistent and reliable social support both while they are incarcerated and upon subsequent release and reentry. Across the present sample, offenders expressed seeking a sense of community where they felt that they could contribute and be both functional and valued members. Faith-based ministries both helped connect them with the necessary resources to survive, while simultaneously delivering a social support system that provided accountability. It is this provision of accountability that is seen as the most crucial offering for offenders as they reenter to an unstructured society.

Accountability in an unstructured society. Many of the offenders reported having extreme difficulty returning to society upon release from prison, but these difficulties were related to a perceived lack of social support and a lack of structure present in society rather than barriers to accessing survival resources. For offenders leaving incarceration—where essentially all of their basic needs are provided for them—a return to free society with none of the daily needs or tasks directly delivered to them causes the offenders to commonly experience a sense of anomie and anxiety. These emotions compound when individuals consider how, when, and where to find a routine and structure to life. In essence, the effects of years of institutionalization are met head-on upon returning to society. Such struggles include everything from knowing when to eat, how to wash their clothes, understanding how contemporary telephones operate and not knowing how to operate a personal computer or compact disc player. Most of these struggles center on managing and fulfilling the responsibilities that accompany daily living in free society. Scott, who served a sentence for burglary, provided an overview of the negative effects of institutionalization on hindering reentry success and the need to obtain new social support.

[N]ot to blame it on the system because I put myself there, but when you are told everything to do, you know. When to do it, what time to do it, you don't, you know, you don't have to pay rent or none of those things, so you are really dependent, and then you are taken and saying, ok, now go out there and be independent, and if a person doesn't have it made up in their mind that they are ready to be responsible or to be independent as a total, that's when you go back to what's familiar and that's when on all of those occasions that's what I don't, went back with all my old friends.

Furthering this argument, Aaron stated, "I was institutionalized, and you know I would respond to bells and stuff because that's what I did in prison, you respond to bells and stuff and just don't happen...soon as the bells would ring, I would move." Paul elaborated on this further.

As a matter of fact. I wish sometimes I could go back to prison...Well you know, it's easier. You don't have to pay bills, you have three hots and a cot. I'm told what to do, when to do it, I can work, I can live my life and I don't have to worry about responsibility.

The effects of institutionalization are especially strong for those who have been incarcerated for lengthy periods, especially those who have literally spent the majority of their life incarcerated or in some way institutionalized. As one such individual, Linda explained her experiences:

I know I started off as a kid. Um, foster homes, group homes and stuff like that, and I think my situation is different. When I started to go because I started to go into the system to get away from the abuses and things like that in my home...a lot of the times that I went to jail was to get away from my father because he was really abusive. When I got into my teens, I look at it now, maybe I was institutionalized. So, I believe that between the age of seven-and-a-half and 18, I probably spent maybe a year-and-a-half free.

These same ideas and needs were also evident in the experiences of Paul who stated that his struggles upon re-entry when he had no real means of social support were only compounded with the unfamiliar responsibilities of living in free society:

Wouldn't I be happier just going back to prison because I have nobody. I have nobody, except me, so why am I doing this? Why am I here? Why do I have to worry about all these problems and these issues, these responsibilities? I don't want these responsibilities...And I need to face those, but I also need people to help me face those, and I think one of the reasons I go to group is to help for that to get that kind of help to face those negative realities and to see other people and how they react and how they are dealing with life and how they are positive.

Beyond discussing the effects of institutionalization and the need for social support, this example also introduces another subtheme of the needs for structure and accountability. As Paul stated, he needed to "face those" responsibilities, "but I also need people to help me face those." Building upon the previous example of the expressed need for accountability, Adam noted, "[O]ne of the things that I realized was I needed genuine people, people who were going to say, 'what the hell did you do that for?' to 'what's going on?' you know, and I needed that to be genuine." Thomas also discussed the im-

portance of the honest and genuine people within this environment when saying that the program “allowed me to open up more because I heard these guys being real sincere in telling things on themselves that they weren’t happy with, but they were honest...they were sharing themselves...I wasn’t too afraid to share me.”

A last subtheme that emerged was that when these offenders recidivated, they typically did so with drug use once they were able to afford drugs using money from their newly obtained jobs. Here is yet another example of the need for structure and accountability among offenders upon release. Illustrating this issue is the case of Matthew who obtained a job as a chef of a local restaurant making approximately \$45,000 a year.

When I was working at the restaurant, you working 50-60 hours a week, you’re burning. That was good money in my pocket and nothing to do with it. And I dove off, I fell off, got a little depressed and went down and ended up doing some cocaine from there.

As Matthew’s words demonstrate, although he was able to obtain his degree in Culinary Arts and a relatively high-paying job, the lack of accountability and structure within his life and world was seen as directly contributing to his recidivating drug use. Charlie shared this belief that a mentor, more structure, and positive social support could have played in reducing his chance of recidivating.

I think that’s where the organizations come into play in a large part in a person’s life and a mentor where a mentor comes in... you get the support group out there when you are going down to know that they are going to walk with you to help you even if your family out there isn’t going to do it.

A second example to demonstrate the need for structure for those recently released is Steven’s experience. He discussed that he was able to secure a job and his own apartment and still recidivated.

I had my own apartment, paying my bills, I got a ride and everything. And I was doing that for years, until...you know what it was? I began to get bored, you know. I think that’s why I really started using drugs again.

Steven’s experience shows that even when an offender has the components traditionally emphasized as critical for success, he or she cannot be successful without social support and accountability, needs that the individuals found were provided by faith-based ministries. These examples demonstrate the need for an organization to assist offenders with their transitions back into society by providing structure, accountability, and social support, especially when no one else will or can do so.

DISCUSSION

The current study addresses the struggles of offenders reentering society beyond the four basic needs typically identified in prior research. We introduce the notion that at least some offenders returning to society secure the components generally believed as being difficult to obtain and essential to successful reentry with relative ease (Hahn, 1991; Holzer, et al., 2003; Jucovy, 2006; La Vigne & Parthasarathy, 2005; Listwan, 2009; Luther et al., 2011; Makarios, et al., 2010; Petersilia, 2003, 2005; Rutter, 1987; Seiter & Kadela, 2003; Spjeldnes & Goodkind, 2009; Travis et al., 2001). However, even with the main material items provided, these offenders still report struggles due to the lack of social support, accountability, and structure in free society. The need for social support and a community environment that provides such services and conditions leads at least some offenders to seek support through faith-based organizations.

The first main finding in this study is that especially with assistance, some offenders obtain the highly emphasized components of employment, housing, and transportation with relative ease, but continue to struggle with the social aspects of reentry even though they have these basic needs addressed. Specifically, securing a sense of support and adjusting to new routines (or lack of such) were the most common struggles successful offenders had. Offenders were able to initially secure employment primarily through temporary services agencies to which they were referred by parole officers and/or faith-based non-profit agencies. Additionally, participants of Project Return often secured permanent employment with non-profit agencies while doing speaking engagements for the organization. Furthermore, faith-based non-profit agencies often provided housing to offenders (in a halfway house), or offenders were able to find their own housing through contacts made in their new social networks arising out of faith-based organizations.

When basic needs are secured, focus should turn to the provision of social support systems. This will help offenders share with others and identify those have gone through or are currently facing similar situations. Additionally, these groups often provide individuals with a mentor who can assist recently released them on a one-on-one basis beyond what a parole officer typically does. Consequently, re-entry programming needs not only to focus on providing the physical, economic and structural resources to live, but also should become more holistic by addressing the social and emotional aspects of life, as suggested by the second major finding of the need for social support upon release.

Initially appearing in the 1970s as a part of social psychology, social support and its relation to offender reentry success have increasingly become recognized as a vital component to effective offender reentry (Cohen & Syme, 1985). In essence, social support in the offender context is having a network of family, friends, and/or community to provide financial and/or

emotional support while the individual is incarcerated and as he or she transitions back into the community. Cullen (1994) established the importance of social support for offenders by creating three social support paradigms of crime/delinquency stemming from a lack of social support, deficiencies in social support related to higher and preventable crime rates, and the appeal of this approach to the general public's understanding of a good society. Ranging from sources such as professional services to informal connections including friends, family, and community, social support has also been identified as key to understanding an individual's mental health (Cohen & Syme, 1985; Reis & Collins, 2000; Rodriguez & Cohen, 1998; Rook & Underwood, 2000). Social support has also been identified as being a part of larger social-structural factors in society that can be influenced by such issues as weak institutional support and resource deprivation (Turanovic et al., 2012). Consequently, these issues both influence factors leading to incarceration and also act as negative effects of incarceration, thus creating an endless cycle for an environment conducive to criminal behavior (Turanovic et al., 2012).

The second major finding of the present study is that offenders who have successfully transitioned from incarceration to society identify the need to have a social support system in place to assist with this transition. Many offenders have experienced poor social support throughout their lives which contributes to feelings of inadequacy and emptiness. Furthermore, such feelings oftentimes lead to drugs, crime, and recidivism. Additionally, offenders who do not have a new social support system may return to their old social support system of individuals who participate in criminal activities or alcohol and/or drug use. However, in the present study, individuals were able to identify faith-based offender ministries that provided them with a support system of pro-social individuals who in turn assisted them with transitioning back into society. Because of this social support system, many offenders found stable housing (beyond halfway houses or homeless shelters) and employment opportunities. Moreover, offenders located individuals who were going through similar trials and tribulations in their own lives and who could provide mutual support. Within these groups, they could ask for advice, have others hold them accountable, and who could provide a sense of belonging absent prior to their involvement with the group.

Social needs are of critical importance for successful reentry, above and beyond the traditionally considered aspects of providing recently released offenders with basic resources. Even when offenders have employment and housing, they may still be likely to recidivate if they do not have a support group to rely upon when facing social and emotional struggles. Prior studies have highlighted the connection between the salience of inmate social ties and social support with important identified factors as increased prison visitation and social capital to reduce an offender's overall likelihood for recidivism (Bales & Mears, 2008; Mears, Cochran, Siennick, & Bales, 2012; Wolff & Draine, 2004). Additionally, Berg and Huebner (2011) reported that

having family ties could ultimately reduce recidivism while increasing one's likelihood of obtaining employment. These findings as well as those in the present study suggest that re-entry programming needs to offer pro-social support from others in a community atmosphere similar to those offered in faith-based ministries, especially when considering that offenders often return to a community void of adequate social support as a result of structural deficiencies. These structural inadequacies further hinder the development of adequate social support and thus contribute to high recidivism rates. Re-entry efforts should be coordinated to ensure a more holistic set of services. Additionally, parole officers and social workers need to be aware of the importance of social support and programs that offer such support to further assist offenders with reentry.

The third major finding of the current study is that many offenders may be suffering from effects of being institutionalized after they return to free society. Because offenders were accustomed to being told what to do, where to go, what/when to eat, how to live, etc., once released, they are unsure of how to live on their own without having the basic needs provided for them along with instruction to guide their every move. As others have shown (Cromwell et al., 2005; Hahn, 1991; Holzer, et al., 2004; Jucovy, 2006; La Vigne & Parthasarathy, 2005; Listwan, 2009; Makarios, et al., 2010; Petersilia, 2003, 2005; Rutter, 1987; Seiter & Kadela, 2003; Spjeldnes & Goodkind, 2009; Travis et al., 2001), prison often leads to a pattern of institutional behavior that is detrimental to post-prison life. The struggles encountered in such situations have the potential to compound lead the offender to recidivate in the process of searching for a sense of familiarity, such as the seemingly attractive lifestyle with little-to-no responsibility often found within an institutional setting.

This places the two previous findings into a stronger and more comprehensive perspective. Offenders not only need help obtaining the basic resources needed to survive, but they also need to be taught how to survive in free society without recidivating. This can be especially challenging in an unstructured, resource-deprived environment suffering from issues of collective efficacy where the offender is accustomed to living in a highly structured environment (Turanovic et al., 2012). Physical resources and employment to provide continued sustenance are the bare essentials, but are of no use when individuals do not know how to adequately apply them. Therefore, a system that provides accountability and structure while simultaneously encouraging and facilitating independence and self-sustenance is essential for reentry success.

There are three key policy implications suggested by the present study. The first implication is that there should be more re-entry programming opportunities that offer social support for offenders returning to society as their central component. In addition, programs beyond faith-based organizations need to emphasize the social support component for offenders who

want to take part in a support community, but who may avoid doing so because of the religious component of available support systems.

The second policy implication is that parole officers should place more emphasis on connecting recently released offenders to support groups containing successful former offenders. Although offenders in the current study accomplished this primarily through faith-based offender ministries, this does not necessarily mean that parole officers must refer the offender to faith-based ministries. Other potential social support programs include Alcoholics Anonymous, Narcotics Anonymous, and independent post-release support services offered by community-based organizations.

A third policy implication is that partnerships need to be developed between various organizations that either solely focus on providing resources or a support group for recently released offenders in order to provide a more comprehensive treatment plan for those returning to society.

Although this study has provided useful information regarding successful offender reentry into society, the research is not without limitations. The first limitation of the present study is that all participants were active members of a prison ministry community. These individuals were specifically identified by their respective organizations and were deemed to have successfully reentered society. Therefore, the relative ease reported when seeking the four often-identified resources may be because these individuals were more likely to take the initiative when seeking organization resources, thus increasing their proclivity to be successful. Additionally, the potential exists for the negative impact of the offender stigma decreasing with time, thus increasing an individual's ability to obtain employment with the further passage of time. A second potential limitation is that this study does not include those who have failed, as compared to those offenders viewed as having successfully reentered society. Inclusion of those who failed would provide a stronger backdrop in which to examine why successful individuals are indeed successful. A third potential limitation is that since the majority of these offenders self-identified as being religious, they may have been more inclined to suggest social support as a necessity since community is a large component of most religions. A fourth and final potential limitation is that we did not have enough data regarding in-prison experiences to draw inferences regarding how these experiences may have, if at all, impacted one's likelihood of succeeding or not when reentering society. The role that in-prison experiences play in influencing one's proclivity to successfully reenter society is an important component that needs to be addressed in future research.

From these findings, it is demonstrated that in order for offenders to have a successful reentry, they need to move beyond simply obtaining employment and housing. Additionally, recently released offenders must have a social support system in place to provide a structure and hold them account-

able for their actions in a manner different than that provided by parole officers. Struggling with the effects of institutionalization, offenders not only require some sense of structure in their lives, but may also need someone to assist them as they make everyday and oftentimes mundane decisions. This will ensure that offenders do not fall back into old habits or begin associating with old friends involved with criminal behavior, especially with such opportunities present in these often socially and economically deprived communities. Although this study has provided information on successful offender reentry beyond traditionally identified characteristics, future research should continue to examine the relationship between social support and recidivism to better understand its full impact on successful reentry in both faith-based and non-profit organizations.

ENDNOTES

1. The participant's age and race was not collected, and therefore could not be reported. However, the group was relatively diverse in age and race.
2. The participants' education level was not recorded. Also, education levels were not explicitly mentioned by any participant in the present study as being a barrier to successful reentry.
3. The sample for the present study mainly consisted of white male ex-offenders with higher education, specialized training, and/or more substantial work histories than what prior literature suggests is the case for most ex-offenders. With most of the sample reporting that obtaining employment was not as difficult as prior research leads one to believe, this may help explain why these individuals reported greater overall success obtaining employment. Additionally, this may help explain why these individuals were successful in their re-entry, and yet why employment may remain as a barrier for many ex-offenders today.

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In It for the Long Haul: Exploring Gender Dynamics in Former Prisoner- Family Relationships

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ABSTRACT

This article contributes to the growing body of literature on the role of families of origin in the reentry of former prisoners by focusing on a group of young men of color recently released from prison. Our in-depth interviews with young men and selected family members highlighted the ongoing importance of their family relationships for providing important emotional and instrumental support. These relationships also are gendered. In relationships with female relatives, the former prisoners' primary role was to be there for the women in the family and thereby demonstrate their love of family and their commitment to desistance from crime, while the women provided them care, advice, and emotional support. In relationships with young male relatives, the former prisoners took a more active role, attempting to mentor the young men so they would avoid the same problems or steer their lives in a more positive direction. This article is one step in exploring how family relationships and gender dynamics function in the lives of returning prisoners.

INTRODUCTION

Researchers are beginning to pay attention to relationship dynamics within families of origin of returning prisoners (Christian & Kennedy, 2011; Giordano, Schroeder, & Cernkovich, 2007; Leverentz, 2011; Martinez & Christian, 2009; Naser & La Vigne, 2006). Male prisoners often rely on family members, particularly female family members, for emotional and financial support (Martinez & Christian, 2009; Naser & La Vigne, 2006). The relation-

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ship dynamics are gendered, with women more likely than men to function as caregivers within their families, regardless of whether they are the returning prisoners or the waiting family members (Codd, 2008; Leverentz, 2011). In addition, Giordano et al. (2007) highlight the importance of relationships evolving over time; one-time dysfunctional relationships may become supportive (or vice versa) as people mature and as their individual and group roles shift. Yet, researchers tend to treat the family as a singular unit without considering varying relationships and roles that people assume within their families and with different relatives, and how these differing relationships relate to desistance efforts. It is this question of varying roles and their influences that we address in this article.

We explore family dynamics through an analysis of interviews with both returning male prisoners and selected family members. In the interviews, we hope to investigate relationship-specific dynamics and how these relationships are gendered. We argue that the returning men are disproportionately the receivers of tangible and emotional supports, particularly from the women in their families. At the same time, the men provide mentoring and (mutual) support for their younger male relatives (brothers, cousins). In these relationships, they draw on their own experiences with offending and criminal justice involvement to provide advice and empathy to the other young men in their families. The finding that men are asked to just be there and show love in some way takes the place of the men's inability to contribute financially to the household, which clearly would be a prized contribution to the often disadvantaged households. Providing money and protection is the role that is stereotypically assigned to men, so while these relationships may be gendered in that women act as mother to the former prisoners, the men are not themselves taking on the traditional male roles within their families. At the same time, they are able to demonstrate a commitment to going straight or desisting from offending by spending time with female relatives and by mentoring young male relatives. These relationships reflect gendered dynamics within family units and illustrate some of the nuances in the ways in which the family shapes reentry and desistance from offending.

LITERATURE REVIEW

Family Relationships and Reentry

One significant obstacle that former prisoners encounter upon release is their eventual return to relationships with their families. Research findings report that an individual's absence because of incarceration causes emotional suffering to the prisoner's family (Carlson & Cervera, 1991; Christian & Thomas, 2006; Hairston, 2001, 2003) and negatively affects the socioeconomic stability of his or her community (Clear, Rose, & Ryder, 2001). Although many of these families are struggling with issues that might have contributed to the initial criminality/delinquency of a member (Ganem & Agnew,

2007; Haas, Farrington, Killias, & Sattar, 2004; Payne, Gainey, & Carey, 2005), research has confirmed that a majority of former prisoners eventually return to and interact with their family members and rely on them for some form of support and direction (Fishman, 1986; La Vigne, Visher, & Castro, 2004; Martinez & Christian, 2009; Naser & La Vigne, 2006; Naser & Visher, 2006; Nelson & Allen, 1999; Nurse, 2002; O'Brien, 2001).

Researchers often focus on the positive aspects of family ties in relation to the lives of returning prisoners. Family members may provide stability, social and financial support, and ties to mainstream/pro-social social life. Family ties may create regenerative power in which families reduce demands, increase capabilities, and/or change the meanings of stressors for the former prisoner (Martinez, 2006). Studies of adult prisoners indicate that support from family members is vital to their successful reintegration (Herman-Stahl, Kan, & McKay, 2008; La Vigne et al., 2004; Martinez & Christian, 2009; Nelson, Deess, & Allen, 1999; Naser & Visher, 2006; Sullivan, Mino, Nelson, & Pope, 2002).

These relationships contribute to the accumulation of positive role interactions that minimize the amount of time, interest, and energy dedicated to criminal pathways (risks) and engagement in pro-social roles (as well as developing and maintaining associated pro-social bonds), which can curb criminal behavior (Laub & Sampson, 1993; Piquero, Brame, & Mazerolle, 2002; Sampson & Laub, 1990). For example, La Vigne, Visher and Castro (2004) reported that formerly incarcerated men had high expectations of receiving family support, and that families often met—and even exceeded—the former prisoners' expectations. Of their original sample of 400 male participants, more than 62% (296) of returning prisoners resided with family members upon their release. Within four to eight months, 88% resided with a family member and 92% received financial support from their family.

In a study of formerly incarcerated women, half of them resided with the family at some point during their release period, and 89% received some type of family support. In more than half of the cases, however, the formerly incarcerated women also reported problematic and sometimes abusive relationships with their mothers, though they hoped to improve these relationships (O'Brien, 2001). Also, in their metasynthesis of juvenile reentry, Martinez and Abrams (2011) found that although family members and peers can be important providers of informal social support, they can also complicate social support exchanges with undue pressure and unrealistic expectations and by offering opportunities for criminal activities. In addition, Nurse (2010) and Fader (2013) highlighted the complicated bonds that juveniles have with their families during confinement and upon release: Relationships often begin as committed, hopeful and active, but upon prolonged confinement and release, they just as often fade. In addition, many offenders have family members with histories of addiction, offending, and abuse or neglect. These studies illustrate that while family bonds can have positive aspects,

the relationships also can be detrimental and often have both supportive and detrimental aspects.

One source of strain on family relationships is the offending and/or incarceration of family members, but often this is not the only or primary strain within those families. Families of prisoners may struggle with economic disadvantage, victimization within the home, and alcohol and drug abuse. For example, in the La Vigne et al. study (2004), only one-third of the participants asked their family members about employment (i.e. a form of support) and more than half had a family member with drug or alcohol problems. In the same study, 12% of male Chicago prison releasees reported being physically abused or threatened by a family or household member in the months prior to incarceration, and more than half reported drug or alcohol use by family members. In another study of female releasees in Chicago, 30% reported physical or sexual abuse by family members during childhood or adolescence, and nearly half were first exposed to drug and alcohol use by family members (Leverentz, 2011). For some former prisoners, returning to family means returning to victims or victimizers (Braman, 2004; Richie, 2001, 2002). In addition, reciprocal exchanges sometimes were expected in family relationships, so the former prisoner was expected to contribute to the household, not merely benefit from it (Martinez, 2006). Although this may be true both for male and female ex-prisoners, these reciprocal dynamics also may be gendered. Leverentz (2011) argued that even when formerly incarcerated women live with family members, the primary motivation is for the women to provide care to family members rather than merely benefiting from family support.

Gender and the Family

In many African American families, women are central to the family unit. This is characterized less by the absence of husbands and fathers than by the centrality of women. Though men may be physically present or have well-defined and culturally significant roles in the extended family, the kin unit tends to be woman-centered (Collins, 2000) and women assume many of the demands of family life. When adult men are incarcerated, the balance of power may further shift within the household, making it that much more woman-centered (Braman, 2004; Oliver & Hairston, 2008).

Writing about women who were romantically involved with male prisoners, Comfort argued that some women acknowledged as a benefit of incarceration "the control it gave them over their households" (2008, p. 161). She quoted one woman, Jeanette, who said, "When they leave and they're gone for a long period of time an' you're used to handing your own, a woman is used to handlin' they own, the bills, *everything*. That's somethin' else hard, for someone to come back in, and try to *run it*?" (p. 161). Some of the women learned independence and self-sufficiency, and this might be disrupted by their partner's return from prison. While Comfort focuses specifically on ro-

mantic partnerships, similar dynamics and shifts may occur within the family unit more broadly.

While much of the research on delinquency, particularly male delinquency, has focused on the role of peer influences (Sutherland, 1947; Warr, 1998, 2002), Harding (2010) argued for the importance of cross-cohort socialization among young men in high-crime, high-poverty neighborhoods. In his study, young men in poor neighborhoods were more constrained in their movements and thus limited to peer networks within their neighborhoods. In addition, they sought protection by older males. These heterogeneous peer networks shaped what the younger men learned from their older male peers (e.g. learning about violence, but also about education and romantic relationships). Although Harding focused on neighborhood-based peer relationships, he argued that these relationships were viewed as family relationships for the young men, so this work also highlights the importance of peer and cross-cohort socialization within a family setting. Women may be providing much of the family care in the household, but male-to-male relationships also are an important aspect of family dynamics.

Our research reveals that family relationships are central to ex-prisoners in important but complicated ways. Family members may provide support to returning ex-prisoners, but they also may expect support from the returning former prisoners, and over time, the dynamics of the relationship and the emotions tied to the relationship change (Giordano et al., 2007). In addition, these relationships are shaped by gender, age, and position within the family system. Women, particularly older women (i.e. mothers or maternal figures), often are the center of the family unit and may provide much of the care to the family. Men receive this care but also serve important roles in socialization of other men. Street and criminal networks are male-dominated; as a result, male networks may play important roles in the experiences of returning male prisoners. Although previous research has focused on peer influences (Scott, 2004; Warr, 1998, 2002), less attention has been given to intergenerational family influences on offending and desistance/recidivism.

This article is an exploratory analysis that builds on our existing knowledge of the complicated family relationships among returning prisoners. In it, we examine relationships between young male ex-prisoners and selected family members. We analyze the social dynamics of these relationships and the ways in which these relationships are gendered. Specifically, two primary types of relationships are explored: (1) those of the young men and their female relatives, including mothers, aunts, and sisters, and (2) young men and their same-generation male relatives (brothers, cousins). In both cases, we explore how they define and understand their roles within the family system. In the case of the young men, they are primarily receivers of support from their female relatives who provide the young men emotional support and information such as job leads to support their desistance and pro-social development. The young men's primary responsibilities in these

relationships are to treat the women with respect and perform minor household chores. This is in contrast to traditional male roles of economic provider and breadwinner but is consistent with their economic realities and the role of women in African American households. In the second type of relationship, the young men assume the role of “professional exes” (Brown, 1991; Maruna, 2001). They attempt to provide support and guidance to their male relatives, using their experience with criminal offending and incarceration to teach important lessons of avoiding criminality, and provide empathy to other young male relatives who may face similar challenges. In return, these young male relatives also provide empathy and sympathy to the returning men in ways that most of their female relatives cannot. Our study contributes to the growing literature on family dynamics in prisoner reentry and desistance by exploring how these relationships may be gendered and the roles that each type of relationship play in the lives of returning male prisoners. It is one step toward explicating the roles family relationships play in the lives of returning prisoners.

METHODOLOGY

Sampling and Sample Criteria

The primary author conducted dyadic interviews with young men who recently were released from prison and with selected family members. This study used purposive sampling from a convenience group (the Illinois Going Home Program¹ Evaluation Project²). Purposive sampling can “establish particular comparisons to illuminate the reasons for [similarities and] differences between settings or individuals” (Maxwell, 1996, pp.71–72). These eligibility criteria, which were established by the Illinois Going Home Program Evaluation Project (and used for this study), are that individuals must (1) be participants in or graduates of the Illinois Going Home Program; (2) be male; (3) be between the ages of 18 and 24; (4) not have been convicted of a sex-related crime; (5) have, at least initially, returned to the North Lawndale, Chicago, community; (6) have been within 60 to 90 days of release from prison; (7) subsequently, have been transferred to the North Lawndale adult transition center;³ and (8) have a family member and/or partner who resided in North Lawndale and agreed to participate in the study. The referred person need not have been in residence with the former prisoner.

The sample consisted of seven dyads: seven former prisoners and seven corresponding family members. The former prisoner selected family members who were to be interviewed. In addition to the family member interviewed, the men discussed other family relationships. The interviewees reflected the community’s racial make-up; most (94%) of the released prisoners who returned to North Lawndale were African American (La Vigne & Malmalian, 2003) and six of the seven dyads were African American (see Table 1).

Table 1
North Lawndale Respondents.

	Race/ethnicity	Age	Dyadic interview	Age
Raymond	African American	19	Aunt	29
Jose	Mexican	20	Sister	26
Arnold	African American	24	Aunt	29
Chris	African American	23	Mother	Unknown
Devon	African American	26	Aunt	40
Henry	African American	20	Brother	18
Johnny	African American	20	Mother	47

The criteria for selection into this study were established by the evaluation project. During team meetings of the Illinois Going Home Program Evaluation Project, we discussed all the individuals who were enrolled in the program and their progress. The former prisoners' caseworkers then determined who was eligible to be interviewed and instructed them to contact the lead author. The individuals were contacted after they had been released from the adult transition center and had completed the Illinois Going Home Program. All of the individuals who the lead author was told would contact him in fact did so. After more than year in the field, all of the people who were eligible for and willing to participate in the study had been interviewed.⁴

Data Collection and Data Analysis

The interviews were one-on-one interviews that took place between the lead author and the interview participants in a local community church or a university office.⁵ Although one open-ended question guided discussion of family relationships ("For the next part of our discussion, I would like to ask about your family. Please describe for me, in general, what your relationships with your family are now"), the respondents discussed their families and relationships at multiple points during the interviews. These interviews were transcribed and coded, based both on *a priori* codes and inductive pattern coding (Miles & Huberman, 1994). The analysis for this article focused in particular on the ways in which participants' relationships and expectations of themselves and their family members varied along gender lines. We draw both on relationships in which we interviewed both participants (e.g., a young man and his mother), as well as data in which an interview participant discusses family members whom we did not interview (e.g. that same young man's relationship with his brother). Transcripts were read in their entirety and preliminary notes were taken. The transcripts then were read again, and statements were highlighted that supported broad concepts evident across all transcripts. To improve the credibility (validity) of participants' statements, where possible, the transcripts of the former prisoners' family

members were referenced for statements that addressed similar accounts of relational dynamics, thus, corroborating through triangulation (Creswell, 2007; Miles & Huberman, 1994). The relative's description of the relationship was placed alongside the former prisoner's dialogue to show corroboration (validation) and add further detail related to their relationships.

During data analysis, we drew some conclusions by noting themes and making contrasts and comparisons (Miles & Huberman, 1994). Specifically, we analyzed the data to determine the relationship among the codes. We (1) identified statements of former prisoners that were in the same code domain as statements of their corresponding family members, (2) identified similarities in participants' responses about a specific topic, (3) searched for common characteristics that differentiated one group of a former prisoner-family member dyad from another and (4) described the relationships based on common themes found.

FINDINGS

The young men had varying relationships with their family members. The recruiting approach we used meant that all of the family members we interviewed had primarily strong and supportive relationships with the young men. The men, however, also spoke of other family members with whom they had both positive and strained or limited relationships. While it is important to recognize that family relationships are not inherently supportive or positive, we focus here on relationships that were generally supportive and encouraged desistance from offending.

Family relationships are distinct from other types of relationships (e.g. romantic, peer) in that they tend to be lasting, even when the bonds go through periods of attenuation. Having a strong family bond was important to these men and their relatives, and these bonds both supported reentry efforts and were a signal of positive change. One of the main sources of variation in these relationships—and the one on which we primarily focus here—is based on how gender roles shaped relationship dynamics. Relationships with female relatives tended to be centered on a maternal and forward-focused dynamic, whereas those with other young male relatives tended to have a mentoring dynamic. Many of the young men cited their mother or grandmother as the family member they were closest to. In contrast, many had limited or no relationship with their fathers, but often experienced and performed mentoring relationships with same-generation male relatives.

With many of these young men and their family members, there was little extra money to share and financial supports were driven primarily by situational need. Limited financial resources were common among all of the interviewees, and their expectations reflected this reality. Relatives encouraged the young men to look for work, although they also recognized the constraints they faced. In part because of the structural barriers faced by

returning prisoners, they were expected primarily to be a presence in their families rather than financial providers even if the men aspired to take on these roles in the future. For example, Chris said, "It's not hard to go to my family for anything right now. But I don't want to get used to it being that way; that's why I'm out every day trying to find a job. Trying to get myself in school. Cause I don't want to be, I ain't never been, I don't like leaning on everybody else." Similarly, he emphasized "The support to give them is to give anything they need once I get right." They could also then demonstrate their commitment to the family and to going straight through these relationships, not only through signs of conventional success. For example, Arnold's aunt commented about her awareness of Arnold's need and her willingness to provide support:

Well if he needs me...he'd come by and tell that he needed, um, money for a pack of cigarettes or that he needed.... If I had the money in my pocket, I would give him some, and sometimes he would come by, and if he had the money, he would give me money. If I needed something, like we'd order something from the restaurant or, you know, I mean, like I said, he's very generous-hearted, you know. He has it, you know. Sometimes I would get money from him, you know. He came out of jail [and] I'll be like, okay, you know. He'll be like, "Most of the time I am okay, I am all right." It makes me tell, you know, "Don't go back to jail." ...Yeah, I help him.

For Arnold's aunt, withholding financial support might mean inadvertently encouraging Arnold to return to criminal behavior to meet his material needs. At the same time, the men typically wanted to provide for themselves and their families and did so when they were able. Johnny said:

Yeah, I help them sometimes, like with the phone bill or electricity bill, or just putting groceries in the refrigerator. I really don't need help from them. I don't ask for nothing 'cause they know I can support myself, but if I do need it, if I didn't have a job and couldn't support myself, they would help me financially.

Johnny's comments suggest that financial support is an equal familial obligation driven by need. Other young men similarly described how they contributed financially to assist their families with certain responsibilities (e.g., with bills or with food). Also, there is the tacit knowledge that if former prisoners ever needed support, at least some family members would help where possible. Because of the financial constraints among all family members, financial support was not a major component of the relationships and these dynamics were not highly gendered; men were not expected to be breadwinners in these relationships.

The young men frequently recognized that their families supported them and had limited expectations of them, at least initially. For example, Chris

said, "By me just coming out of the situation I am, a lot of them [family members] like basically cater to me, trying to make sure I'm cool. They don't want me to go back down the road I went down. So they helping me as much as they can." Similarly when Jose was asked what his family expected of him, he said, "They easier on me, now they are...I think 'cause they think it's harder for me now." Arnold said his sister "don't expect me too much. She really just tell me to take it one day at a time. Because she knows how I used to be. She really don't expect anything, so anything I do good is like a surprise for her. Really, she don't expect me to do anything, she just want me to do something different though." This is in stark contrast to the expectations on women returning from prison (Leverentz, 2011). Women are expected (and expect themselves) to return to caregiving roles in their families, suggesting that this is a gendered family dynamic, rather than one driven by the experience of incarceration alone.

Maternal Care: Forward-Focused Support

The young men's female relatives provided similar narratives in terms of their limited expectations, particularly in terms of traditional measures of success. Johnny's mother wanted "just to know that he's trying to do better and that he wants to do better." The women in these young men's families tried to provide both emotional support and useful information to facilitate changes in their behavior and outlook. They also tended to focus on the present and future, not the young man's offending past. Partly, this reflects a focus on the man's core self and his potential (Maruna 2001). Chris's mother said, "Even through all the crap that Chris put me through, I remained his mother...When I said I remained his mother, that means that I remained seeing him as the person he was, not the person he was acting like. I keep my focus on who Chris really was and with the help of God, that's what made me stood by him, support him, love him. I got my son back now...He's always been a sweet, caring man."

Jose's sister described the ways in which she helped him adjust. When he needed to go somewhere, she tried to protect him from temptation and negative peer influences, "I just tell him that if needs something that I'll do it. I'm not going to let him go by himself." In addition, she provided information and guidance:

I always give him information on different things, like when I went to the doctor. You know how they have a conflict about AIDS and all that? Well, I talk to him about it and tell him, "If you do have sex, protect yourself no matter what the girl tells you that she doesn't have anything. Just protect yourself." I talk to him about drugs, about drinking. I always give him [phone] numbers about the GED. Like I said, he called already to this place, but they told him to call back in May. I always give him the newspaper so he can go to jobs if they're avail-

able. The thing is that the only problem he has....Where I work at, I tried to get him in, but the first thing they ask you is, does he have a criminal record?

Jose's sister recognized the barriers and unique challenges that his criminal record posed and offered care accordingly. But, she focused primarily on what he could do in the future, and how she could foster that, rather than what he had done wrong in the past. She thereby tried to encourage positive behavior on Jose's part, not only to decrease his criminal behavior but also to improve their lives by emphasizing his strengths and his pro-social activities such as education and employment (Ward & Maruna, 2007). His sister also thought about the future impact of their behavior on their mother's well-being:

He [Jose] has told me two different places to look for jobs for both of us to make money and put some money to buy a house together for my mom. Move out of here because it has a lot to do with the neighborhood, so we talk about that. He's gonna look for a good job, get his GED and get a house like in a suburb or something. We do have plans.

Although the job tips shared between Jose and his sister would benefit each of them as individuals, the primary motivation in his sister's eyes was caring for their mother. Like his sister, Jose emphasized the importance of maintaining his family ties and providing support to them. His view of social supports included: "Just being there for [my family for] anything that they need...just to be there. ...Like you say, like love, like them, being there, caring about you, helping you.... Just talk to me and be there and stuff."

These attempts at providing care were prevalent among the young men's female relatives. Aunts and mothers worked to ease the transition of their sons or nephews from prison to the community. For example, Chris's mother explained:

Before he came home, I had to search on the Internet and pulled up a lot of the social services that's supposed to assist inmates once they've been released, as far as placing them in jobs, assisting them with their education, furthering their education, or assisting them with housing and he's been home for three months now...none of the programs that are supposed to assist inmates when they're released have assisted him as far as housing or anything. The schooling that he was doing while he was incarcerated, he kept it up. He finished studying, sent off for the test, took the test, and he passed it. So he's done that on his own. He is working now. I think it's full-time, too. So he's well on his way, but no credit goes to any state facility program that's supposed to be in place for inmates that has just been released back into society.

Chris' mother emphasized that all of the support that Chris had received had been from her and the progress he had made had been through his own initiative (this is in spite of the fact that all of the young men interviewed for this article were graduates of the Illinois Going Home Program). Family members perceived programmatic and government support to be lacking and often felt the need to compensate. This increased their sense of the importance in providing the supports that the returning prisoner would not likely receive outside of family networks. Their mothers, aunts, and sisters helped the young men achieve specific goals; without their assistance, they believed, the men would be on their own.

In many cases, having generally supportive family members acted as a motivating force for former prisoners to pursue positive alternatives to crime. Arnold, whose sister "don't expect anything," still described his own role as "I feel my responsibility now is to be a man. That's my role. Do stuff and do things in the right way...That's what I really want, give back to the community." Having family members available to consult about various issues showed former prisoners that they had the support of their family members and could rely on them for help; this encouraged dedication to the relationship (Laub & Sampson, 2003). Even among those who were connected to reentry programs, family support was crucial.

In many instances, ex-prisoners also provided some tangible supports to their female relatives, often in the form of small chores for their relatives. For example, Raymond's aunt discussed the kinds of support that he provided to her:

The first thing he does when he comes in my house is take my garbage out. That is the first thing he do...Without me asking...He'll talk and say his little stuff like I said when he gets to the door, but he'll still take it out. He calls me. He's very respectful, you know. He has the key to my house, but he's not just going to come in. I told him he could come in whenever he wants to wash his clothes 'cause I have a washer and dryer... [As for money], why would I be asking him for money (laughing)? I am supposed to be able to give it to him.

In many ways, Raymond's aunt remained the primary caregiver. But, she gave him a key to her house, thereby demonstrating trust in him, and he treated her with respect and did minor household chores. She hoped that in this respect, he would serve as a role model for her younger son.

In part because of their inability to reliably provide financial support to their families, a key aspect to the young men's relationships with female relatives was reestablishing emotional bonds. One of the primary ways the young men demonstrated their efforts to stay out of prison was by being a presence in the lives of their families. Another former prisoner, Devon, fre-

quently interacted with his aunt, primarily by telephone. She described their interactions:

He always call me, though. He'll be like, "Hey auntie, how are you?" He say, "I love you." I say, "I love you, too." He say, "Well." I say, "What you doing?" He say, "Well, I'm just up here not doing anything." I talk to him in person. I talk to him in person sometimes because [his parole officer] would bring him out to my house and I'd get to talking to him and everything.

Devon and his aunt were establishing or reestablishing an emotional bond. He took time to sit and talk with her. As with Jose, his primary role was to be there for his family and to demonstrate his love for them by spending time with them. While their relationship was clouded by Devon's history of incarceration (e.g. being driven to his aunt's house by his parole officer), the core was based on their non-criminal connection.

He always would tell me, "Auntie, I want to braid your hair," because he loves to braid people's hair. I would let him if-see, he takes a long time on somebody's hair. He was braiding my other nephew... he was braiding his hair, but it took him about four hours just to braid because he be...my other nephew he has a little bit of hair. I would let him braid my hair because he would do the nice styles, but I ain't gonna sit there for all the time and get my hair done. So he was like, [Auntie] "let me braid your hair," and I told him when I could find the time to sit around, then I would let him come do it.

These interactions demonstrate the value of family relationships for many former prisoners. Family relationships are both "less disposable" than many relationships, and they also are further reaching (Giordano et al., 2007, p. 1624; Leverentz, 2011). While the criminal history is an aspect to these relationships, the bonds extend far beyond delinquent behavior.

Family members who provided support could attempt to prevent former prisoners from engaging in acts or help them avoid behaviors that could jeopardize their well-being; such relationships served as protective, caring mechanisms (Cullen, Wright, & Chamlin, 1999; Giordano et al., 2007; Laub & Sampson, 2003). Former prisoners were cognizant of the consequences if they did not act appropriately, but they also needed support from family members to relieve stress and supply methods for controlling and preventing inappropriate outbursts. This is an important and pressing concern for many former prisoners. Social support, therefore, can serve as both an intervention and a diversionary technique.

Raymond also demonstrated to his family that he was making positive progress by spending time with his aunt and grandmother. He explained:

Like my aunt and her boyfriend, he's a rapper, so he stay on the road so he be moving around. So instead of him being there, I be there to hang with her so that she doesn't feel lonely...take her mind off of it. My grandmother, she just loves to see me being around her, just brightens up her whole day. Basically, just being around her not being into the life I was in, that just when they see me, when any of them sees me, it's like it lights up their whole day. They just feel good inside. They knew what I was capable of. They always told me you gonna be this, you gonna be that. They always complimented me, so now that I am getting older and I am growing out of the things that I was into, they can actually see me doing the things they knew I could do.

Again, the most important role that Raymond played for his aunt, who was just ten years older than he, was "just being there," and in being there, he demonstrated that he was on a positive path. The former prisoners realized that family members often were struggling with their own issues and felt it necessary to provide those family members with support. Not only did the young men's presence around their mothers, aunts, and grandmothers brighten up the day for each of them, but by being there, the young men also demonstrated that they were not involved in the life they once led.

Raymond's aunt and grandmother provided encouragement to Raymond which enforced his attempts to modify his previous behavior. Raymond's aunt had a similar view, explaining: "We talking about a lot, a lot of joking around. Talking about each other, a lot of stuff we were doing when were young. I would get mad at him at stuff he used to do as a kid, stuff like that." Being able to talk and reflect on the past served as a comfort mechanism and as a way of reinforcing positive changes. Raymond's aunt went on to say, "I say now, [our relationship] might be a little bit stronger 'cause now it's like we were close when he was younger, but now it's like we're extremely close. Now it's like we talk."

Johnny's mother similarly commented on the quality of her relationship with her son, remarking:

It's getting to be considered [better than] expected. Things are well. I guess we're talking about things that I think really need to be talked about and not just overlooked and brushed under the rug. So he's coming around to opening up with me.... None of the things that's in the past—we're not talking about any of that. What we're talking about now is what he plans to do with his life from this point on, and the help that I know he needs.

Johnny's mother emphasized that their relationship had qualitatively shifted since his release. They now had more substantive discussions, focus-

ing on his future and not on his past. Like Chris's mother, she had similar concerns and frustrations about the lack of institutional support for the young men's attempts at reentry. She complained that his parole officer did not return her calls, and she felt that both the parole officer and Johnny could perhaps be doing more to help in his reentry to society. Many family members were frustrated by the lack of official assistance rendered to the former prisoners, and this predicament further complicated what family members could and were willing to do. The lack of communication with Johnny's parole officer also clouded their relationship due to her doubts about Johnny's efforts and fears that he was not doing as much as he could. This, too, might hint at a shifting relationship with Johnny, as they first got closer following his release and then her doubts emerged over time (see also Leverentz, 2011).

All of the relationships these young men had with their female relatives, either sisters, aunts, or mothers, had a maternal and familiar aspect for them. The women did the majority of the caregiving, and few expectations were placed on the men. The men could demonstrate their commitment to going straight by spending time with their female relatives, thereby avoiding the street. What is distinct about this relationship is that they were forward-focused; the female relatives provided support and encouragement concerning what they hoped the men would do in the future that would encourage the men to disengage (desist) from crime. This reflects their relative lack of involvement in their offending behaviors. They knew the men primarily as sons, nephews, and brothers, and less through their offending behavior. The women emphasized the men's core goodness in comparison to their prior negative behaviors. Their attentive behavior post-incarceration reinforced these roles. The men received emotional, and occasionally instrumental, support from these women with little expected in return other than being good men by showing love and affection. Women encouraged the men to search for work, but they rarely expected financial support and understood the structural constraints that made finding employment difficult. They also demonstrated a lack of faith in institutions or programs to help their sons, and so there was the increased importance of family support and guidance. They did expect the young men to provide their female relatives with respect and love. In many cases, this is all the young men could provide. Family members were primarily rewarded with the young men's presence and help with household chores rather than with economic assistance.

Relationships with female relatives sometimes were set in opposition to peer networks and, by extension, to past offending behavior. Rather, their relationships with young male relatives drew on their offending behavior, and they took on a mentorship role with the young men. In the next section, we discuss these relationships in more detail.

Redirection through Mentorship

Many of the young men had troubled childhoods. Several of the men said their mothers were addicted to drugs and one man's mother died shortly

after his birth of childbirth complications; as a result, they were raised by grandmothers or other female relatives. Still, most maintained relationships with their mothers, and several reported these relationships to be strong. In contrast, few of the men had significant or positive relationships with their fathers, and, in many cases, their fathers were entirely uninvolved in their lives or left at a young age. Chris said his relationship with his father was now getting closer, although he did not know him until he was 13 years old and said that his father used to be “basically a liar.” Arnold said, “My father was so caught up in the streets that it was the devil he was just teaching me. He was teaching me all the wrong things.” Jose, whose father left when he was young, also witnessed his stepfather abuse his mother. Devon similarly reported abuse by both his mother and stepfather.

The lack of positive and ongoing relationships with their fathers often heightened the importance of their relationships both with female relatives and with their same generation peers. Henry, who was raised primarily by his grandmother, described his oldest brother as “the father figure to, to me growing up.” Now, Henry “gotta prove myself to gain his respect back, you know, and sometimes he kinda, he speak to me in, in doubtful words in doubtful conversations.” Harding (2010) emphasized the importance of cross-cohort socialization among young inner-city men. In his study, adolescent males learned about romantic and sexual relationships, education, institutional distrust, and potential for violence from slightly older adolescents in their neighborhoods. In some cases, the young men in this study took on or aspired to similar roles in the community. Arnold said, “I feel I owe a lot of people out here on these streets. A lot of these neighborhoods I owe them a lot because I took so much. I took so much from these people as far as I not only messed up my own life, I helped destroy a lot of other people’s lives. Corrupt their lives. Younger guys, younger than me. I feel that I owe them a lot and it’s my responsibility to give back and do something.”

In many cases, the young men tried to limit their contact with their peers in an effort to stay away from trouble. Instead, they attempted to influence the lives of their younger male relatives. In these cases, they wanted their brothers and cousins to learn from their own mistakes so the relatives and brothers would not face the same problems. It is through these relationships that they were able to express generativity—a concern for future generations (Fader, 2013; Maruna, 2001; McAdams, 2006). Arnold remarked on the kind of support he provided for his cousin:

I call her [his aunt] sometimes, or she’ll call me and she’ll tell me about what he [his cousin] did. He out there on the streets. He caught himself not going to school today. I had to go there to check, make sure he go to school. Right now, I be calling, waking him up, making sure he go to school in the morning because I get up early. I call to make sure he go to school. If I got movement, I’ll go over there to make sure he

goes to school. I don't want to see him.... I don't want him to go through what I been through. I want to see him go a different route because he's real smart. He loves the computer. He stay on the computer. He real smart. So I want to see him do something different with his life.

Arnold's care for his cousin was apparent, although his ability to serve in this role as a positive influence was new. He said, "Because she used to tell me before, I can't tell them to do anything. How you want me to tell them stop doing this or go to school when I'm not doing it? I'm not trying, I'm on something else." These men were now well positioned to have just such an influence on the young men in their lives, for they could draw on their own experience to empathize with the choices the younger men faced. In Arnold's case, he could also attempt to influence the other men who were "trying to introduce him to the streets." He told them, "I let the guys know that's around there—because I know a lot of them, I ran with a lot of them—to let them know, you see him out here, send him to the house." In this case, Arnold provided support to his cousin because, "That's my people. I love him and I'll do anything for him." His own experiences and relationships with other men on the street put him in a position to have a positive influence on his cousin.

As with Arnold's aunt, Jose's sister sought out Jose to be a positive and empathetic influence on her son. She said, "I see my brother in my son, you know? Like, at that age, that's when he started hanging around little boys. I have a son, and I don't want him to go through things that my brother been through." She went on to say, "He was talking to my little brother: 'It's not good to be locked up. You know what I been through. You know how life's turned out for me. I don't want that for you.' And he told me that he wouldn't like his little brother to be like him. He knows that he's responsible for them right now."

The young men shared experiences with male relatives who were situated similarly. Henry and his brother talked about their attempts to find work. Both brothers had a similar view of their relationship and the role it served. Henry said:

We almost make the same decisions sometimes, and then sometimes he'll make a better decision than me or I'll make a better decision than him. So I always take his input on the situation because he always had been there to help me with stuff like that.

His brother framed their discussions in terms of their mutual attempt to find work:

[We] say what's been going on, what we been doing, where we gonna go try and find a job at, talk to people who already working, and see if they can try to get us on where they at. It's just really everyday things. Really our main subject every day

is getting a job. That's the main thing we really talk about or discuss, is a job.

Though Henry and his brother emphasized different aspects of their relationship, a common thread was the mutuality of their experience. Female relatives often shared a history with the men, but their lives typically were distinct enough that they were not "making the same decisions" or following similar paths. In contrast, Henry and his brother empathized with one another through their shared experiences with making bad choices—the draw of the street and the struggles to make the right decisions. Henry described his brother as a close friend:

Like if I'm going through emotional problems, I'll call my brother first because he'll give me another way to look at it or he'll try to say, "I understand." He understand what I be going through at times, you know. Sometimes I feel like my brother the reason why I want to change my life around, or turn my life around. Because the things that we been through already....There things that I done toward him that I probably wouldn't have accepted if he'd done toward me. And he's still there for me. He really care about me. It ain't about what I got on or how I act, you know. I can be myself around my brother, you know. So I feel like, I mean, that's the realest friend I ever had, and I don't ever want to lose him. That's how I feel about my brother. That's the only friend, the realest friend I ever had.

Henry referred to their long-lasting relationship, their shared hardships, and the depth of their relationship. His brother was his "realest friend" who was not concerned with superficiality, and through the strength of their relationship, his brother inspired Henry to change his behavior. Henry went on to detail the ways in which his brother encouraged better decision-making through concrete actions.

Because, I mean, he the type that if you doing something that you know you ain't supposed to be doing, but you trying to play it off like you supposed to be doing it, then he tell you, "You in the wrong. Like, man, what is you doing? You know you don't supposed to be doing that. That's not right, you know." He don't sugarcoat nothing, you know. He tell you flat out how it is. Either you gonna accept it or not, but, I mean... You think about it and you be mad at first thing because you think you're doing right, but then you'll think about it like, man, you right. You right on, I shouldn't even be up here.

Like one day I was talking to just one of my old friends by my house—he lived like two blocks [away]. And we standing there talking, you know, the whole time I didn't know he was hustling. And I'm just talking to him, having a nice conversa-

tion. My brother done rolled up like, "You know you ain't supposed to be on this corner with this boy." I'm like, "He ain't doing nothing; he just standing right here." He's like, "Let me get a bag, yo." Out his pocket he pull out, and I'm like, "Man, you too crazy." I go jump in the car, and he's like, "Yeah, I told you those guys is doing something. We pulled off and I was like, "Yeah, man, I didn't know. I thought he was just standing out there because he told me he wasn't doing nothing. But my brother, he like try to look out for me the same way I try to look out for him.

Henry described in detail the mechanisms through which his brother provided him with support and how much that support meant to him. In this example, Henry's brother went far beyond abstract emotional support. He told Henry when he was wrong, and because of their relationship, Henry heard this criticism—and intervened.

Doubtless, imprisonment was a debilitating and discouraging experience for the former prisoners, but its impact on family members was explained by Henry's brother:

I know that he feel like he got a felony and it's just no hope for him no more, but I be telling him, man, you smart. ...I always try to encourage him to go on ahead and do the right thing. He just feel like since he got this felony, he had put in over two-hundred applications since he been out, [and] ain't nobody called him. He's trying to get in this program. He's trying to see what's going on with that, living with the grandmother and try to avoid situations and problems that she's giving him, then that girlfriend and all that. Sometimes it frustrates you when you do so much and get back so little.

Henry's brother's similar positionality allowed him to empathize with Henry's struggles in ways that others cannot as fully. In the same way that Arnold was trying to encourage positive and non-criminal decision-making on the part of his cousin, Henry's brother was trying to encourage the same sorts of decisions in Henry.

In contrast with their relationships with female relatives, who were much less likely to have the same criminal histories, the young men assumed mentoring or mutually supportive relationships with their male relatives. Fader (2013) noted that this parallels the relationships that many of the young men had with male peers; they shared first-hand experiences both with street life and with the consequences of those choices. Henry and his brother shared much of their history and present struggles. Arnold could anticipate the challenges his younger cousin might face and tried to encourage a different path. Within these relationships, they could take on a quasi-*professional ex* role (Brown, 1991; Maruna, 2001). Their past offending histories were central

to the present relationships, because it is these experiences that ground the mentoring. They both tried to influence younger boys or provide empathy and support to their same aged peers.

DISCUSSION & CONCLUSION

The relationships highlighted in this article are the positive familial relationships that these young men had. This is a function of the methodology but also highlights the strengths and variation in these relationships. The young men highlighted the importance of their family relationships in their changing sense of self and in their plans for going forward. Family bonds were both more meaningful and lasting and also more supportive than peer relationships. These relationships also experienced shifting dynamics in a particularly acute way, as the men navigated their release from prison. Indeed, several of the men and their relatives highlighted that merely interacting with family was a sign that their lives were on a positive path forward. Positive relationships were not universal in these young men's lives, and as a result, they were not taken for granted.

The relationships of the men with their family members were shaped by the gendered nature of their roles in their families. Female relatives served a maternal caregiving function, in which the women provided support (primarily emotional, but also sometimes instrumental or financial) and the men demonstrated love and attention. This is consistent with research on the caregiving roles that Black women, in particular, take on in both family and community (Collins, 2000; Leverentz, 2011) and is exacerbated by structural disadvantages, including mass incarceration (Braman, 2004; Comfort, 2008; Martinez & Christian, 2009). Women have strong roles within the family, and the families recognize the structural barriers to traditional masculine roles that young men of color face, particularly those with a criminal record. The young men's criminal pasts were downplayed in these relationships. They were not ignored, but neither were they the central feature of the relationship. Instead, the women took a future-focused approach, in which the young men could (and should) prove that they were on a new path by giving attention and affection to their families.

In contrast, the temptations of the street, the struggles of being a young urban male of color, and criminal pasts play a central role in the relationships the young men had with young male relatives. In these relationships, the men took on a mentoring relationship with other young male relatives. The men could empathize with one another over shared struggles and experiences, and they could serve as positive role models as they were going straight and making positive decisions. Young men with one another served as informal *professional exes*; their offending pasts (and, more broadly, their experience of inner-city young men of color) were reframed to serve the positive function of demonstrating the possibility of positive change to other male rela-

tives (Brown, 1991; Maruna, 2001; Maruna and Roy, 2007). The gender dynamics of both the family and the street continued to shape the young men's relationships with family members as they returned to the community, and as they attempted to make positive changes in their lives.

Limitations

In qualitative research, there is frequently a concern about sample size, particularly that not having a larger sample prevents the reader from being able to assess whether certain patterns in the data are analytically important, or whether they would have changed had more participants been interviewed. We recognize that our sample size necessitates cautionary qualifications to our conclusions, but, like qualitative researchers before us who have relied upon small samples (e.g. Christian & Kennedy, 2012; Gadd & Farrall, 2004; Jacques & Wright, 2008; Steffensmeier & Ulmer, 2005); our analysis is exploratory in nature and focuses on developing concepts, rather than testing hypotheses. This sample is not representative of the total incarcerated population in Illinois and is a select group, but the sampling strategy of these dyadic interviews allows us to begin to understand family dynamics among prisoners. As Miles and Huberman (1994) argued, "We are generalizing from one case to the next on the basis of a match to the underlying theory, not to a larger universe. The choice of cases usually is made on conceptual grounds, not on representative grounds" (p. 29). As Piquero, Farrington, and Blumstein (2007) noted in their examination of criminal careers, qualitative research enhances inferences stemming from quantitative research, whether refining or complementing what is known about onset, intermittency, and desistance. While we were limited by the constraints of the program evaluation framing this data collection, the information provided and the findings indicated provide sufficient insight for the study's purpose: to explore gender dynamics among select former prisoners and their family members. We hope that future research further explores and tests the concepts developed here.

Future Considerations and Directions

This analysis is based on a small number of dyadic interviews with young men released from state prison facilities to select neighborhoods in Chicago and selected relatives. We must therefore exercise caution in generalizing these findings. However, our research provides one step in understanding the ways in which family relationships and dynamics are shaped by individual relationships that are influenced by gender dynamics within the family unit. This article provides a base for a more extensive data collection and analysis on gendered dynamics within families of returning ex-prisoners. It contributes to a growing literature in this area while also suggesting fruitful directions for future research (Christian & Kennedy, 2011; Giordano et al., 2007; Leverentz, 2011; Martinez & Christian, 2009).

We emphasize the gender differences in family relationships found in this research. Women are socialized to be caregivers and even more so in

the highly disadvantaged circumstances in which these families find themselves. Race, class, and mass incarceration all shape these family dynamics (Braman, 2004; Comfort, 2008; Oliver & Hairston, 2008). In addition, these patterns reflect gendered patterns of offending and involvement in street life. The women, even those of the same generation of these young men, tended to avoid sharing past experiences in ways that lended themselves to mentoring relationships that the men had with their male relatives (Harding, 2010; Maher & Daly, 1996; Maher & Hudson, 2007; Miller, 1995, 1998). Even among women with a criminal or incarceration history, the gender dynamics of street life may inhibit the extent to which there is cross-gender mentoring within families. Given the constraints of this sample, in which no women interviewed had this history, this remains an open and important question. Might we see *professional ex* mentoring relationships between mixed gender relatives, or do gendered family and street dynamics hinder this even in the context of shared offending histories (Leverentz, 2011)? How do impoverished women coping with the incarceration of male family members manage to be so resilient as to maintain a forward focus? In addition, while we recognize the potentially destructive nature of some family relationships, we are unable to address them here. This is another area worthy of further research, in terms of how returning prisoners navigate those relationships and how they shape their ability to desist or return to offending.

ENDNOTES

- 1 This is a comprehensive program designed to assist individuals released from Illinois prisons by leveraging existing services in the community.
- 2 This evaluation project sampled males released from the Illinois Department of Corrections Westside Adult Transition Center, a minimum-security residential transition center where individuals were (supposed to be) required to participate in non-institutional employment, education, life skills training, and/or community service, as well as institutional responsibilities, for a minimum of 35 hours per week (Safer Foundation, 2010).
- 3 Individuals who were incarcerated in an Illinois state prison and who were scheduled to be released within two years and are classified as minimum risk may be transferred to adult transition centers (La Vigne and Mamalian, 2003).
- 4 Since this research originated as an evaluation study, we were constrained by the program's requirements and timeline. While we had envisioned and would have preferred to continue enrolling participants in order to have more variety in the family members selected-e.g. more people who were not mothers or aunts, and especially some fathers-the fact that who our research participants referred, and who they talked

about in the interviews, demonstrates the gendered nature of these family relationships, and who these young men identify as key supports.

5 Each member of the dyad was interviewed separately.

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An Exploratory Examination of a Prison Disciplinary Process: Assessing Staff and Prisoner' Perceptions of Fairness

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ABSTRACT

There has been scant research on how prison disciplinary processes work in comparison to the myriad of studies on individual, situational, and prison-level factors associated with prison misbehavior. This exploratory research delved into staff and prisoners' perceptions of a prison system's disciplinary process. Using in-depth interviews with 25 staff and 25 prisoners as well as direct observation of classification and disciplinary hearings, this research primarily focused on perceptions of fairness. It uncovered those features of the disciplinary process that prisoners and some staff assessed as problematic and unfair. These included: the nature, consistency, and investigation of disciplinary reports, the use of confidential informants, the staffing of disciplinary boards, the use of segregation time for non-serious offenses, and the long-term segregation of some offenders. Ideas for future research were explored and prison administrators were encouraged to focus on fairness as a key component to containing prison violence and serious misbehavior.

INTRODUCTION

In the 1974 landmark case *Wolff v. McDonnell*,¹ the U.S. Supreme Court determined that due process was lacking in the Nebraska prison disciplinary system. The prisoner, Robert McDonnell, asserted that his loss of good time for a serious prison infraction violated his right to due process. The Supreme Court ruled that since his loss of good time affected his sentence length, his liberty was indeed at stake, and that he should have been afforded the following elements of due process:

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1. "written notification of the charges at least 24 hours before the hearing, describing specific conduct upon which charges are based
2. the right to call witnesses and present documentary evidence
3. an impartial tribunal for hearing
4. a finding of guilt must contain a summary of the evidence relied upon, a specific statement of the reasons for the finding of guilt" (McShane, 2008, p. 139).

These elements of due process have generally been extended to other sanctions that result in the loss of liberty (e.g., segregation). However, these safeguards do not include the right to an attorney in disciplinary hearings or the right to cross-examine witnesses, nor do they include specifics about how prison systems should implement these safeguards.

In the decade after the *Wolff* ruling, legal scholars evaluated prison systems' implementation of these safeguards and found mixed results (Babcock, 1980; Fleming, 1981; Jones & Rhine, 1985). For example, Babcock (1980) conducted a review of case law subsequent to *Wolff* and surveyed the disciplinary guidelines from 40 states, the District of Columbia, and the Federal Bureau of Prisons. He concluded that while definite progress had been made in some aspects of the disciplinary process, other safeguards were less likely to have been fully implemented. Most prisons had succeeded in implementing a formal appeals process and many states provided prisoners with either a prisoner or staff representative to help them prepare a defense and support them during the disciplinary hearing. However, he found continued deficits in the impartial make-up of the disciplinary board, access to witnesses, the exclusion of informants in the hearing process, and the reliance on written reports with little or no corroboration for a guilty finding. Little has been written about this topic in the last two decades.

In addition to the legal research on the implementation of *Wolff* in prison disciplinary processes, there has also been a great deal written more recently about mentally ill offenders who are involved in prison misbehavior and are sanctioned to segregation in disciplinary proceedings (Adams & Ferrandino, 2008; Arrigo, Bersot, & Sellers, 2011; Fellner, 2006). Criminologists have focused on the tensions between the needs of the mentally ill and the control mechanisms existing in prisons especially as they pertain to participation in the disciplinary process and the often resultant placement in segregation or even supermax prisons or units. Fellner critiqued the treatment of the mentally ill during disciplinary proceedings:

They typically do not recognize incompetence to participate in the proceedings....Nor do disciplinary hearings permit an insanity defense, which would excuse a prisoner from guilt

for conduct that he could neither appreciate nor control. Hearing officers may not even take mental illness into account as a mitigating factor in determining a sentence. They do not consider whether the prisoner's conduct reflected significant cognitive or volitional impairments. (2006, 41)

It is no surprise then that mentally ill prisoners often find themselves headed to segregation after participation in disciplinary proceedings. Though courts in California and Wisconsin have ruled that prisoners with mental illness should be excluded from placement in long-term segregation or supermax facilities,² the practice still continues in many states (Arrigo et al., 2011).

Apart from the focus on due process rights and the plight of the mentally ill in the disciplinary proceedings, little research has been conducted on the disciplinary process itself (Flanagan, 1982; Howard, Winfree, Mays, Stohr, & Clason, 1994; Reisig & Mesko, 2009; Steinke, 2001). Prison disciplinary processes include the formal or informal response of correctional officers and other staff to prisoners' misbehavior, the disciplinary hearings where guilt is determined and sanctions are applied, and the appeals process. Taken together, these processes have enormous consequences both for individual prisoners and prison systems alike and can result in sanctions for the prisoners that range from the revocation of privileges (e.g., visits, use of the phone, loss of personal items) to extended periods in segregation along with the loss of good time. For prison systems, disciplinary processes are supposed to ensure the incapacitation of dangerous prisoners as well as both specific and general deterrence of future prison misconduct with the hope of preventing future staff and prisoner injury and death. Lovell and Jemelka (1996) estimated that each individual prison infraction at a medium-security prison in Washington state costs \$970 and that the total costs of disciplinary infractions for the state prison system is \$9 million per year. Despite high-stakes consequences of prison disciplinary processes (costs, increases in length of stay, transfer to a supermax facility, continued violence), there is a paucity of research, especially in comparison to the extensive research on the causes and correlates of prison misconduct and violence.

In his treatise on prison violence, Bottoms (1999) created a "speculative and interactive model" for maintaining good order and good behavior in prison (p. 258). His model included eight factors: population characteristics; prisoner involvement in treatment and education; the optimal level of physical restraint adopted by the prison; staff deployment, skills, and approaches; the use of power and routines as structural constraints; incentives and disincentives; the effects of situational events that might shape the level of violence in any given prison; and legitimation. One factor, legitimation, is relevant to the study of prison processes in general, but also to prison disciplinary processes in particular. Bottoms explained that its "core issue is whether, judged by the reasonable standards of the wider community in which the

prison is set, prisoners come to see the behavior of their custodians as being justifiable, comprehensible, consistent and hence *fair*—or, alternatively, unwarranted, arbitrary, capricious, and overweening” (1999, p. 254). Bottoms acknowledged the three dimensions of legitimation that Ahmed³ discovered in his study of fairness in prison: fairness of staff; fairness of regime (operational aspects of the prison such as the amount of property, phone calls, and recreation time allowed); and distributive fairness based on prisoner perceptions of formal grievance and disciplinary processes (1999, p. 257). Fairness of staff and distributive fairness are both relevant to the study of prison disciplinary systems. They are related to both the concepts of procedural justice and defiance theory, which will be discussed in a later section.

Little is known about prison disciplinary processes and how they are perceived by staff and prisoners alike. As an exploratory offshoot of a larger study on coping and serious misconduct⁴, this study explored staff and prisoner perceptions of the disciplinary process in the Rhode Island Department of Correction. In-depth interviews were conducted with 25 staff and 25 prisoners involved in serious misconduct and violence. There were also direct observations of classification and disciplinary hearings. This study deconstructed the overall prison disciplinary process and examined each phase including the issuance of disciplinary reports, the disciplinary board, and sanctions received. The research focused mainly on perceptions of fairness.

REVIEW OF THE LITERATURE

Research on the Prison Disciplinary Process

There is a dearth of research on the actual prison disciplinary process. Some investigations have focused on correction officer discretionary decision-making in formally charging prisoners with disciplinary reports in the face of misbehavior (Bottoms, 1999; Hewitt, Poole, & Regoli, 1984; McCorkle, 1992). However, reported incidents of misconduct and violence resulting in disciplinary reports represented only a fraction of actual misconduct and violence in prisons. Bottoms discussed two filtering points in the reporting of prisoner misconduct: prisoners who refrained from reporting most victimization, and correctional staff who may or may not have officially documented prisoner misconduct. Hewitt et al. (1984) discovered that even though correctional officers knew of more prisoner misconduct than was officially documented, they hesitated to report it in order to maintain the stable and positive climate preferred by the prison administration. In their description of the disciplinary process leading to lock-up in a segregation unit, Rocheleau, Forcier, and Jackson (1998) discussed the various discretionary decision points in which prison staff might decide to deal with the misconduct informally. These included the decision for prison staff to write a disciplinary report; the decision by prison supervisors to have the incident remain in the formal disciplinary process; and the disciplinary hearing where the

report can be dismissed or the prisoner found guilty or innocent. Research on discretionary decision-making in the issuance of disciplinary reports has revealed staff bias against young offenders, minorities, drug abusers, and others (Poole & Regoli, 1980).

Similarly, researchers studying prison infraction dispositions discovered that not only the seriousness of the infraction, but also the prisoner's age, marital status, and history of prior disciplinary infractions affected the outcome (Flanagan, 1982). Another similar study found that the security level of the prison was related to disposition, as well as seriousness of the infraction (Howard, et al., 1994). One research study that focused on the hearing process itself reported that prisoners who gave accounts and justifications of the circumstances of their misconduct events at disciplinary hearings were more likely to have their sanctions increased, rather than mitigated as intended (Steinke, 2001). Each of these studies used mostly quantitative research methods to examine an aspect of the prison disciplinary process.

Legitimation, Procedural Justice, and Defiance

Perceptions of staff and distributive fairness are two dimensions of legitimation that are associated with prison disciplinary processes, and both of these concepts can also be linked to the concept of procedural justice. In 1990, Tyler studied Chicago citizens' encounters with police and courts and reported that people were more often concerned with whether the process of justice was fair than about the actual outcomes. As Paternoster, Brame, Bachman, and Sherman (1997) explained it, "An important implication of the procedural justice literature therefore, is that *compliance may depend as much or more on the procedural fairness of sanction delivery as it does on the characteristics of the sanction imposed (i.e., its certainty and severity)*" (1997, p. 166). Although one might assume that fair procedures would yield positive outcomes, research notes that procedural justice matters regardless of whether the outcome was positive or negative. Paternoster et al. delineated six components of procedural justice: representation, consistency, impartiality, accuracy, correctability, and ethicality (1997, pp.167-168). *Representation* is being allowed to tell one's story. Giving voice makes people feel their views are valued and listened to, they are more likely to view authorities positively, and in turn to be more likely to comply. *Consistency* in decision-making refers to similar treatment of different people and similar treatment of people over time. Paternoster et al. explained that people whose experiences are rated as equal to others will view those in authority as moral and legitimate and will be more likely to comply with rules in the future. *Impartiality* involves not allowing one's biases to affect the outcome of a decision. *Accuracy* refers to making the correct decision, in a public forum, based on reliable and valid information. *Correctability* is the ability to appeal a finding to a higher authority. The final component of procedural fairness is *ethicality*. Paternoster et al. explained that when authorities treat citizens with respect and dignity, they were acting ethically. They further concluded that

“(r)espectful treatment by legal authorities is seen to be directly related to perceptions that authorities are moral, legitimate, and are deserving of compliance” (Paternoster et al., 1997).

Reisig and Mesko (2009) conducted a study on procedural justice and prison misconduct; there were structured interviews with 103 Slovene prisoners who were asked to self-report their misconduct. After the authors collected official disciplinary data, they discovered that procedural justice judgments by prisoners were directly associated with prisoner misconduct. The procedural justice scale was the only variable of over half a dozen that significantly predicted both self-reported and official misconduct. Sherman’s associated concept of defiance theory (1993) demonstrates why this is so. He identified four concepts that were associated with people’s responses to punishment, including legitimacy of the sanctioning agents; strength of the social bond between those being sanctioned and the sanctioning agent; shame; and pride. He argued that offenders will be defiant when they experience punishment as illegitimate, when they have weak bonds with those handing out the punishment, and in turn deny their shame, and instead focus on defiant pride. Paternoster et al (1997). concluded that compliance is more likely to occur when those in authority impose sanctions in a fair manner, and when they do so while “still honoring and respecting the dignity of offenders” (p. 193).

The current research delineated the various steps in the disciplinary process in the Rhode Island Department of Correction. Through in-depth interviews, it examined staff members’ and prisoners’ general perceptions of the disciplinary process. Specifically, it focused on prisoners’ perceptions of fairness and the concomitant issues of legitimation and procedural justice.

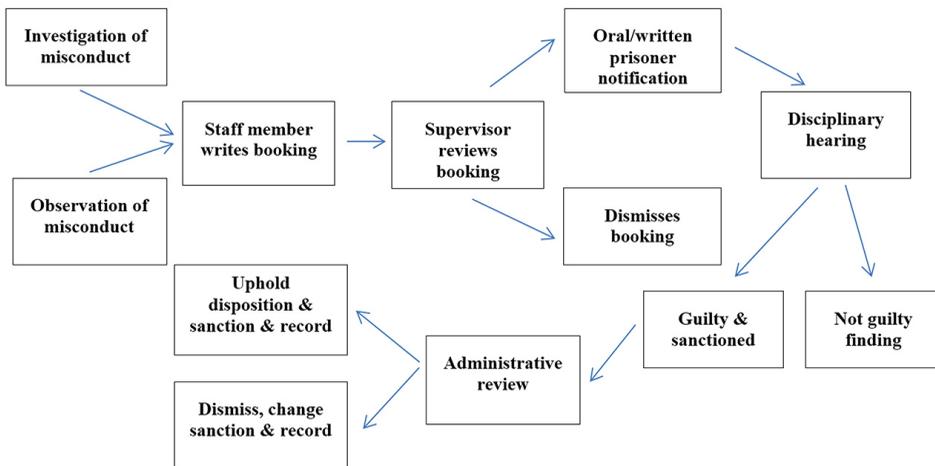
THE CURRENT STUDY

The issuance of disciplinary reports (called *bookings* in Rhode Island), the disciplinary process, and the sanctions allowed are governed by the Rhode Island Department of Corrections (RIDOC) Policy on Code of Inmate Discipline (2009). This policy had undergone a review and major revision by administrators in 2008 in order to afford staff more flexibility in their issuance of bookings and to increase the deterrent effect of the disciplinary and sanctioning process. Changes became effective in March 2009 and included re-categorizing bookings into four classes, assigning a range of sanctions to each offense category, increasing the amount of possible time in segregation from 60 days to one year, and making changes to the disciplinary and appeal processes to assure accountability and standardization across facilities. The latter involved changing the make-up of the disciplinary board from three voting members (lieutenant chairing disciplinary board, correctional counselor, and correction officer) to one voting member. While the counselor and

officer could still be present, the lieutenant running the board was given full discretion to make decisions.

Officers can choose from four classes of bookings when they are confronted with prisoner behavior that warrants a disciplinary report. In general, Class 1-Highest bookings are those offenses which are viewed as extremely serious; they may or have resulted in the injury of staff or other prisoners and/or may or have resulted in seriously compromising security at the institution.⁵ Class 1-Highest is further divided into two categories, Predatory and Non-Predatory. Class 2-High bookings have the same general categories, but these offenses are not considered as serious or as threatening to the security of the facility. Classes 3-Moderate and 4-Low Moderate are progressively less serious, with the latter only including about 10 offenses such as not making one's bunk properly, fishing, littering, and poor job performance.⁶

Diagram 1: Steps in RIDOC Booking Process



There are six mandatory steps associated with any booking: initial booking report; a timely supervisor review for accuracy and appropriateness; prisoner notification orally and in writing within 24 hours of the event; the disciplinary hearing; administrative review; and the recording of the booking and the results of the hearing in INFACETS (INmate FACility Tracking System) (RIDOC, 2009). Concomitantly, by policy, mental health staff at each facility checks INFACETS on a daily basis for all bookings to determine whether any of them might have been a result of a prisoner's mental health status (RIDOC, 2007). If so, the Warden may be notified and could then decide to dismiss the booking or let it proceed to a hearing.

The prisoner is offered a representative at the hearing (usually a correctional counselor) who meets with the prisoner prior to the hearing and helps him prepare a defense and make a presentation at the formal disciplinary hearing. The disciplinary hearing is presided over by the Hearing Officer, a

lieutenant at each facility who has been designated for such duty. Prisoners are present throughout the hearing unless they refuse to appear, their behavior gives cause for exclusion or removal, and except during the time that confidential information is being presented, or the Hearing Officer recesses for deliberation. At the hearing, the charge is read, the prisoner is asked to enter a plea—guilty, guilty with an explanation, or not guilty (RIDOC, 2009). After presentation of witnesses and evidence, questioning of the prisoner regarding the circumstances and motivation of the offense, and rebuttal by the prisoner, the Hearing Officer has several options. These include dismissal of the charge; revision of the booking charge with a guilty finding; issuance of a guilty finding and a reprimand; or, the most prevalent option, issuance of a guilty finding and the sanctioning of the prisoner.

Sanctions for bookings can include a referral to the Classification Board for a review of the prisoner's classification status; temporary loss of privileges for up to 15 days; disciplinary confinement up to one year; restitution; or any combination of these sanctions (RIDOC, 2009). The number of days of disciplinary confinement is dependent on the class level of the booking.⁷ In addition, by policy, prisoners lose the same number of days of good-time as the number of days in confinement or the number of days of loss of privileges. For example, if a prisoner assaulted a staff person and was sanctioned to eight months in segregation, he would also lose eight months of good-time and could not earn any new good-time during that period.

After deliberation, the Hearing Officer immediately informs the prisoner of the decision of guilty/dismissal and the sanction and asks the prisoner if he would like to appeal the decision (RIDOC, 2009). Sanctions exceeding 30 days trigger an automatic review by the Warden; those exceeding 90 days and upheld by the Warden trigger an automatic review by the Assistant Director of Institutional Operations. Both can uphold the decision; order further investigation; alter the infraction or the sanction; or dismiss the booking outright. Either way, prisoners are notified in writing of the final outcome of appeals and all information is made available to relevant staff and is entered into the INFACTS database.

RESEARCH METHODS

Data Collection

This qualitative research was conducted between 2009 and 2010 in the John J. Moran Medium Security Facility (hereafter referred to as the Moran facility), the Donald Price Medium Security Facility (hereafter referred to as the Price facility), the Maximum Security facility, and the High Security Center (HSC), a supermax-like facility built in 1981 that is separate but on the grounds of the RIDOC. The data collection had two components, direct observation of classification and disciplinary hearings; and in-depth inter-

views with staff and with prisoners who had been involved in serious misconduct and violence.

There is a rich tradition of conducting qualitative prison research beginning with the early ethnographies of prison subculture (Clemmer, 1940; Sykes, 1958). Qualitative research in prison continues (Carroll, 1974; Earley, 1992; Irwin, 2005; Johnson & Toch, 1988; Liebling, 2000; Owen, 1998; Schlosser, 2008; Zamble, 1992), though these investigations have been less prevalent than quantitative research (Miller, 2005; Tewksbury, 2009). Qualitative research has been used to examine prison processes, discretionary decision-making practices, and to understand prisoners' behavior (Miller, 2005; Worley, 1992). In-depth interviews are "structured conversations" with individuals using open-ended questions to elicit subjects' meanings, understandings, feelings, and reasons about various issues (Schlosser, 2008; Tewksbury, 2009). In-depth interviews of prisoners, correction officers, and administrators have been used to elicit rich accounts of prison life and to gain a deeper understanding of the perceptions, behaviors, and motivations of these subjects (Earley, 1992; Irwin, 2005; Liebling, 2000; Schlosser, 2008; Zamble, 1992). Direct observation involves a systematic investigation of people's interactions and actions within certain settings and is used by prison researchers mainly to understand prisoner/staff interactions (Liebling, 2000; Owen, 1998; Tewksbury, 2009).

Direct observation in this research involved observation of classification and disciplinary hearings at each of the four facilities. The classification hearings of 57 prisoners were observed including 13 at Price, 15 at Moran, 21 at Maximum, and 8 at the HSC. The disciplinary hearings for 44 prisoners were observed including 15 at Price, 9 at Moran, 12 at Maximum, and 7 at the HSC. Observing classification and disciplinary hearings was essential to understanding the processes by which prisoners are sanctioned and possibly classified to higher security at either maximum security or the HSC.

Staff interviews were conducted in private offices or in rooms where classification and disciplinary hearings take place and took from 30 minutes to about 90 minutes depending on the length of the staff responses. Staff members were specifically asked, "What do you think of the current disciplinary process? Of the current sanctioning process? Are there other sanctions/solutions that you would like to see implemented?"

Individual prisoner interviews were conducted in a classroom in Moran, in the cafeteria in Maximum, and in either the dining area or an interview room in the housing units at the HSC and took from one hour to two hours⁸. For this research, prisoners were asked, "Have you been booked in the last year? In general, do you think the bookings issued are fair? Did you go through a disciplinary process? What do you think of the disciplinary process? Is it fair? Are the sanctions fair?" and what changes, if any, they would like to see implemented.

Participants

Initial casual conversations with staff at each of the facilities helped to build relationships that resulted in greater staff participation in the interviews and gave the researcher ideas to pursue in both staff and prisoner interviews. In-depth interviews were conducted with 25 staff members from the two medium facilities (Moran and Price), from Maximum Security, and from the HSC. All staff members were chosen because they had dealings with prisoners with high levels of serious misconduct and violence. The interviewees included all of the deputy wardens (5) from these facilities, both wardens, and all of the lieutenants (6) who conducted disciplinary boards at these four facilities, as well as an administrator of classification. A correctional counselor chosen by convenience was interviewed at each of the three different facilities. Finally, 5 correction officers and 2 lieutenants at the HSC were also chosen by convenience with interviews continuing until the researcher had achieved at least 25 total interviews and the time allotted to be at HSC collecting data was at an end. The captain of the facility, also interviewed, made it known to correction officers and lieutenants that the researcher was looking for volunteers to participate in a confidential in-depth interview and had asked many of the uniformed staff to participate during the course of other data collection at that facility.

Responses among staff were categorized by respondent rank only when patterns emerged that had to do with rank (e.g., a number of the correctional officers had one opinion whereas the supervisors thought otherwise). To maintain anonymity, the wardens and deputy wardens are referred to as administrators; the captains and lieutenants are referred to as supervisors; the member of the central office classification staff is referred to as a correctional counselor; and the four females are referred to as "he." Responses among prisoners are only categorized by place of interview/status when patterns emerged that had to do with where one was housed at the time of the interview.

Of the 162 prisoners with a serious booking during 2008 who had completed the survey for the larger study on coping, 100 prisoners (62%) agreed to an in-depth interview.⁹ The initial plan was to select a purposive sample representative of at least race/ethnicity, age, and facility. However, the choice of 25 prisoners from a pool of 100 prisoners provided the opportunity to ensure even greater representativeness of those involved in serious misbehavior. After initial perusal of survey results, observation of disciplinary hearings, and staff interviews, patterns emerged about the types of prisoners involved in serious misconduct and violence. Thus, a decision was made to also choose prisoners from these types: young prisoners; those who were in a street gang; those who had previously been adjudicated delinquent and committed to a juvenile facility; those with prior mental health problems; and drug abusers. Many of these categories overlapped, but attempts were

made to interview 4 to 5 prisoners from each of these categories while still being representative of age, race/ethnicity, and facility.

This exploratory research used a grounded theory approach to devising themes and propositions about the prison disciplinary process (Hesse-Biber & Leavy, 2006). The bulk of the data for this study came from staff and prisoner responses to sets of questions about the disciplinary process. The responses to each individual question were extracted from individual interviews and grouped together; responses were then tallied. As themes and propositions emerged, the transcript of the remainder of the in-depth interviews was searched to find other mentions of these propositions, such as prisoners being buried in segregation, staff consistency in issuing bookings, and staff disrespect of prisoners. These were added after each question's summary. As the propositions emerged, they were resonant of findings in the procedural justice and defiance literature and were reviewed again and re-categorized in light of that literature.

FINDINGS

Almost all of the interviewed staff and prisoners provided feedback on the disciplinary policy, the issuance of bookings, and the disciplinary process, including investigation, the board, appeals, and sanctions (Table 1). There was a marked difference between staff responses (more often positive) and those of prisoners (more often negative).

Table 1—Prisoner and Staff Perceptions of the Disciplinary Process

Prisoner Questions (n=25)	Yes	Depends	No	Not answered
Do you think the bookings issued are fair?	2	8	12	3
Is the disciplinary process fair?	3	3	16	3
Are the sanctions fair?	2	6	13	4
Staff (n=25)	Favorable	Mixed	Unfavorable	Not answered
HSC correction officer	1	3	1	0
Classification staff	1	0	3	0
Supervisor	3	3	3	0
Manager	4	3	0	0

Staff members' overall comments about the disciplinary process in general were categorized as favorable, unfavorable, or mixed. A little more than one-third of the staff (9 of 25) comments were completely favorable, one

citing the change in policy as a “remarkable improvement over the old one” and another saying that “when [the policy] was revamped, it was for the better.” Throughout various portions of the interview, staff commented that the policy had a deterrent effect on prisoner misconduct, and that it provided more flexibility to correctional officers in choosing a booking level. However, a little more than one-third of the staff (9 of 25) gave the disciplinary process mixed reviews. These staff most often said that the policy itself was very good, but that the implementation of the policy was problematic. Seven staff did not have favorable opinions about the disciplinary process or its implementation.

Bookings

Staff gave both positive and negative feedback on the booking options (the categories and levels of individual charges that officers choose from when writing a booking). The previous policy only offered a few dozen booking options, whereas there are over 160 different charges in the new policy. The HSC COs liked the new booking options. However, three of the five said that many of the prisoners coming into the HSC did not care about increasing times in segregation and that overall, bookings were not a deterrent. Managers commented that the booking options provided officers with a “menu of infractions to choose from” and that it contained a “lot of very specific infractions” to cover many more situations than the prior policy covered. However, one of the supervisors felt that the codes were either “too generic or too specific, [that it was sometimes] hard to fit [bookings] into them,” and that many officers were not sure what to do with the discretion. He said, and at least two officers acknowledged, that it was a common practice to book the misbehavior into a higher class than warranted because they thought it would be lowered anyway. Another supervisor thought that the class levels of some of the codes were too high and that others were too low, that some staff would try to fit the booking into a category that matched the sanction they thought appropriate. One supervisor suggested that there needed to be more education about the codes for both prisoners and staff. He felt that prisoners should be apprised of the behaviors that they could be booked for and that staff should be given more training on how to choose booking categories.

More than two-thirds of the prisoners (18 of 25) interviewed had been booked in the year prior to the interview and almost all had had a serious booking either during that year or the year prior. When asked if the bookings were fair, 2 of the 23 prisoners responded affirmatively. Of the remainder, almost half said “no” and the others said that it depended, that sometimes bookings were fair, and sometimes they were not. In their responses, many prisoners acknowledged their responsibility for their bookings; one responded that he thought the bookings he had received were fair because he “caused them.”

There were three reasons that prisoners gave for why they thought bookings were unfair, “pettiness” of bookings; bookings for behavior they did not commit; and inconsistent bookings. By far, the most prevalent complaints were that officers gave out bookings for minor misconduct. One prisoner complained, “There are certain bookings that are petty...the stuff they put you in segregation for...if you stick the mirror out the doorway, they book you...there are too many items. I could see if I had a weapon or was threatening somebody.” Prisoners called many of the charges “frivolous” and gave as examples being booked for eating slow, praying, and not tucking in your shirt. A prisoner from HSC explained that before the policy change, there were fewer types of infractions but now prisoners could get booked for petty things. Another prisoner from Maximum noted the severe consequences of petty bookings, “When you’re in seg, you lose a bit of yourself...don’t hold a guy in seg for 30 days because he has ketchup.” Another said that some prisoners had been booked for having braided hair; “that’s not in the rule book...cops have their own rules and pick on whoever they want to pick on.” A couple of prisoners also noted that rookie officers were the most likely to give out “petty” bookings “as notches on their belt.”

While prisoners mostly complained about “petty” bookings, the dozens of examples they gave of unfair bookings were most often those they denied doing. Prisoners claimed that many bookings had been fabricated by officers who disliked them. For example, one gave a typical scenario, “Say you’re sleeping and it’s count time. If the officer doesn’t like you, he’ll book you for not standing for count. You can get 30 days and a downgrade. He’ll write that he banged on your door, when really he didn’t even try to wake you up.” Many mentioned, as one said, that “it is always your word against theirs.” Another prisoner recounted that once when an officer grabbed him, he pushed him off but was written up as if he had assaulted the officer, “I never had proof that he hit me because the tapes [in the camera] were not on...I just did my seg time.”

Finally, prisoners complained about inconsistencies in booking; some officers will let certain behaviors go while other officers would book prisoners at first sight of the same behavior. One prisoner recounted being booked for having extra food but explained that the officers on the second shift usually allowed it. One prisoner said that he had been booked 27 times in the past year, 24 times by the same officer. He said that other officers had come by to tell him that he should not have been booked. In addition, prisoners reported that some prisoners who had been incarcerated a long time were often given more slack.

The Disciplinary Hearing

While almost four-fifths of staff (18 of 25) either completely or partially approved of the overall disciplinary process, almost an equal number felt that the process needed some improvements (9) or a lot of improvement (7).

Overall, out of the 22 prisoners who responded to the question about the fairness of the disciplinary process, 16 thought it unfair, 3 said it was fair, and 3 others said that it was sometimes fair. Some were dramatic in their criticisms calling disciplinary boards “kangaroo courts” or run like “Hitler’s court.” Specifically, staff brought up three main areas where they believed the process could be improved: investigation; use of confidential informants; and disciplinary board make-up.¹⁰ Prisoners identified those same problems but were also critical of other aspects such as the lack of an advocate and the preponderance of guilty findings.

According to the policy, a warden’s designee, usually a lieutenant, is supposed to review a disciplinary report, investigate it if it is appropriate, and determine if it is properly written and whether the charge matches the behavior discussed. Three supervisors running disciplinary boards complained about the lack of investigation, about the lack of available evidence, and that bookings triggered by the Special Investigative Unit (SIU) staff lacked specific details. One supervisor said if proper investigations were not carried out, “it opens up the door for mistreatment by staff.” He explained that investigators should speak to both the reporting officer and the prisoner and look into any questions that the prisoner might raise. Some staff believed that bookings in which the prisoner was truly not guilty should be thrown out by the investigating officer before getting to a hearing. One example given by a correctional counselor involved a prisoner who was booked for having excess property because he had multiple pillows on his bed. He was put in segregation, even after explaining that it was his job to hand out pillows to prisoners. The counselor said the matter should not have reached the disciplinary board since the prisoner’s story could easily have been corroborated beforehand.

Those prisoners who felt that they had been unfairly booked often specified the lack of investigation as a problem. As one protested, “They need to investigate more instead of all believing what the cops said. Because we’re in jail, [they think] we’re all bad, that we’re all liars.” Similarly, a handful of prisoners complained that they were not allowed witnesses even though they were supposed to have them by policy. They said that the disciplinary officer often told them that they should not bother, that the witnesses were not needed.

Closely associated with the lack of investigation was the use of confidential informants. One staff person acknowledged that when a booking was triggered by a confidential informant (CI) that the disciplinary board was a formality because only the warden could question a CI. A supervisor complained about the overuse of CIs, and how they were usually the same ones. Though CIs were supposed to be trustworthy and give good information, he wondered if they were and what their motivations were for stepping forward. He said that bookings by SIU with CIs were usually two or three lines, and there was nothing to do at the hearing but find the prisoner guilty. He

gave as an example one prisoner charged as a mule for bringing in drugs. The prisoner had had no prior criminal or institutional history of drug use or sales and had adamantly denied the charge, but the CI's complaint was deemed sufficient, and the supervisor had to find him guilty. One prisoner explained that he had tried to tell the board that if another prisoner did not like him, "all they need to do is go to a CO and say I'm doing something."

Four staff, mostly correctional counselors, did not like the change in the policy that reduced the number of people on a disciplinary board (d-board) from three to one. As one counselor put it, "I don't like how the d-boards are run. I like the old way, an officer, a counselor, and the lieutenant, and each had an equal vote. Now it's left to one person to be the judge and jury. If you have a lieutenant who is not particularly fair or who does not have favorable views of the prisoners, it's not a fair process." Another explained that correctional counselors often know a prisoner better than the lieutenant running the disciplinary board and that if they have a say, they can point out situations that do not make sense and can explain circumstances. He explained that he once sat on a d-board where a prisoner had been booked for not standing for count. He knew this prisoner always stood for count, and that he was about to go before the Parole Board. Despite being adamant that he did stand for count, he was found guilty. The counselor pursued it, finally showing a picture of the prisoner to the rookie officer who had written the report, and who then realized he had booked the wrong prisoner. The counselor reported that had he been on the d-board, he would have insisted on more investigation before finding the prisoner guilty.

While many staff credited the change in personnel on the d-board with making the d-boards more consistent, a handful said that there was little consistency among the lieutenants doing the disciplinary boards, and that some let their opinions of prisoners affect their decisions. At least 3 of the prisoners explained that whether the disciplinary process was fair or not depended on which lieutenant was conducting it and what his mood was that day.

Many prisoners believed that going to the disciplinary board was a waste of time, since one was nearly always found guilty. As one prisoner put it, "if you get booked, 99% of the time that booking is sticking. It's rare to get thrown out. That's in every building, [because it is] your word against the cops." Prisoners often spoke about how officers sided with each other; as one explained, "If you're a lieutenant and an officer books somebody, you're going to take his side. You're his brother. It's different if it was a deputy doing it." They complained that in addition to the lack of evidence, hearing officers often did not take extenuating circumstances into account. They also complained that nobody advocated for them. While some acknowledged that they could request a counselor's presence, they explained that often the disciplinary officer discouraged it, by saying, "do you really want us to get ___?" and often the prisoner decided that it was probably not worth it. One explained the importance of a counselor's presence to "represent you, give you

advice on how to deal with the problem, how to address it at the board, what the scenario might be. Somebody to give us advice. You want to do the right thing; you don't want to dig yourself deeper in a hole."

Severity of Sanctions

Many staff hailed the changes in the policy that increased the potential time in segregation from a maximum of 30 days to a new maximum of one year in order to address the most serious forms of misconduct. One correctional counselor said the change in policy had had a big deterrent effect because for prisoners there was a "big difference between 30 days and 365 days in segregation." One administrator felt the change had been necessary because, under the old policy, no matter how horrendous an offense had been, they could only sanction prisoners to 30 days of segregation.

Four of the staff interviewed felt that sometimes the sanctions given were too harsh. One supervisor who conducted d-boards felt that he and his colleagues should be given more latitude regarding lengths of sanctions. He felt that more consideration should be given regarding a prisoner's past behavior, especially in those instances where it was the prisoner's first booking. He said that in those circumstances, sometimes the booking did not warrant segregation, and that the sanction ranges were not progressive enough. Two administrators and a supervisor said that sometimes staff tended to sanction on the harsh side, and that they needed to "keep an eye on it 'cause people can get heavy-handed." One supervisor wanted the serious consequences of the loss of good time to be brought to the attention of both staff and prisoners so that COs would charge appropriately, d-board officers would sanction fairly, and prisoners would avoid misconduct if they realized how much longer they would have to serve as a result of the good-time lost.

Only 2 of the prisoners interviewed thought the level of sanctions given was fair. One said, "[It's] all right, if you're wrong, you're wrong," and the other said that "people don't usually say they got more than they deserved." Six prisoners said fairness depended again on who was conducting the d-board, that "some are fair and some are not." However, over half of the prisoners (13 of 21) interviewed said that sanctions were unfair; however, not one complained of the new guidelines that allowed sanctions to segregation of up a year.

Most of the complaints were that disciplinary officers gave the maximum penalty; that segregation lengths were too long for many smaller offenses; and that in Maximum and the HSC, one could get "buried in seg time." A number of prisoners protested that some of the lieutenants conducting the boards always gave the maximum and always gave out segregation time. They variously described the amount of time as being "too much," "too punitive," and "too drastic." One prisoner complained that "even if you tell you did it and you show remorse, he still gives you the max, no matter what." Another griped that he had gotten 15 days confinement to his cell for having

an extra apple. One prisoner could not produce a urine sample on demand, was booked, and received 26 days of segregation and loss of good-time, six months loss of visits, 90 days on B status, and loss of his job. He said he really could not urinate, had not been given a second chance before being booked, and thought the punishment too harsh. Some prisoners thought that alternatives to segregation could be used, like taking away one's radio or TV.

Segregation

Both staff and prisoners talked about that small percentage of prisoners who were "buried in seg." The half-dozen HSC staff who questioned the efficacy of "burying prisoners in segregation," averred that prisoners who accumulated a lot of time in segregation either wanted to live in segregation or had so much segregation time built up that they had nothing to lose. Of the first scenario, one correction officer articulated that in order "for discipline to work, you have to take something away that they want. [But] to some of them, [being in the HSC is] a better life. They don't have to cope with the prison society." He concluded that sanctions were only good if they "matter." Regarding the efficacy of segregation, one CO said, "You have the inmates with so much time racked up. The general opinion of people is that more of the same is insufficient." Another supervisor said, "Some are doing so much time, in their head, it's doesn't matter. Some flatten [have their sentence expire] before their segregation time is done."

A half-dozen prisoners interviewed reported that they were or had been 'buried in seg' but only one of those said it had been his choice; he admitted to bizarre behavior in Maximum in order to be transferred to the HSC.¹¹ The others discussed how difficult it was to get out of segregation. One said, "If you are working hard to be on the right path and get booked for something small, like 20 days seg for borrowing someone's magazine, it makes me feel like, 'what am I being good for? I may as well be bad.'" Some prisoners agreed that after a while in segregation, it became easier, that one did grow used to it. For example one explained, "Here, you keep getting seg time, but once you get used to not having visits and you don't have any money to buy stuff, it doesn't matter anymore if you get more seg time. [People] get to the point where they have nothing to lose, nothing to do." However, not all prisoners found it easy to spend lengths of time in segregation. For example, one said, "It messes a lot of people's head up. I'm going on two years now, I think I'm going to be worse off than I was before...going back into population with so many people." He continued that sometimes he would start having "bad thinking...you start kicking your door and flooding your cell. You don't care anymore cause you're buried doing time in seg."

One administrator explained that prisoners in long-term segregation in both the HSC and in Maximum were reviewed by the warden every 90 days, who by policy had the ability to suspend segregation days. The warden uses the review to empower officers, telling the prisoner that if officers report

that he is doing well, some of the segregation time will be suspended. One counselor said that once prisoners realize they cannot beat the system, they often take advantage of an offer like “You show me you’re good for the next 60 days, and I’ll cut you a break.”

DISCUSSION

Legitimation, Procedural Justice, and Defiance

The greatest number and variety of complaints of unfairness focused on distributive fairness, especially as it pertained to the fairness of bookings and disciplinary procedures. Prisoners labeled bookings as “unfair” if they were petty, if the inmate had been falsely accused or had reasonable explanations for his behavior, and if staff were inconsistent in their bookings. Indeed, in his explanation about the differences between “all right cops” and those that prisoners labeled “assholes,” Irwin (2005) clarified that the former were consistent and fair in both the uniform application of rules and in their lack of pettiness. “Asshole” cops were more likely to enforce rules in a “chicken shit” manner—petty, inconsistent, unfair, and non-empathetic. In addition to the perceived unfairness of bookings, two-thirds of the prisoners in this study assessed both the disciplinary hearings and the sanctions received to be unfair. Prisoners believed the sanctions were unfair because they almost always received the maximum sanction, especially in some facilities. Others stated that even lesser offenses almost always resulted in segregation or cell time that was too long; and some prisoners in the HSC and Maximum ended up being “buried in seg” with little hope of leaving.

One can readily apply Paternoster and colleague’s six components of procedural justice to the RIDOC disciplinary process (1997, pp.167-168). *Representation* is important to prisoners because they expect to have the opportunity to tell their story about what happened in the booking—to explain extenuating circumstances and the decisions they made. RIDOC prisoners discussed instances where they had mitigating circumstances regarding an incident, but that staff did not sufficiently investigate the incident or consider extenuating circumstances before making a determination. Prisoners complained about the lack of *consistency* practiced by correctional officers. Prisoners thought correction officers were unfair when they favored certain prisoners or when they were not consistent in their bookings, allowing some prisoners to violate the rules, but writing bookings for others for the same behavior. In addition, they complained about the lack of consistency from one officer to the next, which resulted in never quite knowing which minor rules would be enforced. Regarding *impartiality*, prisoners complained that correction officers had a severe bias against prisoners and viewed them as almost less than human. They stated that certain lieutenants conducting the d-boards let their biases affect outcomes and sanctions. Some staff and prisoners believed that having only one lieutenant conduct the d-board was un-

fair and exacerbated problems of bias and inconsistency rather than reducing those problems as intended. Prisoners and staff were concerned about *accuracy*. Staff and prisoners questioned whether there was sufficient investigation of bookings to ensure they were accurate, properly classified, and properly charged. Some staff were wary of the regular use of confidential informants, especially in bookings where there was no corroborating evidence, and the prisoner charged was adamant that he had not engaged in that behavior. On the issue of *correctability* and the ability to appeal to a higher authority, the RIDOC does have a policy whereby prisoners can appeal findings of the d-board. Only two prisoners brought up a complaint about the appeals process, saying that appeals were a waste of time because guilty findings and, less often, sanctions were always upheld in appeals. The final component, *ethicality*, has to do with whether prisoners felt they were treated with respect and dignity, and whether correctional officers and authorities were moral, legitimate, and deserving of compliance. Though no specific questions about the disciplinary process touched specifically upon ethicality, one could conclude from prisoners' overall comments in the in-depth interviews that they felt disrespected by officers and that they interpreted officers' words and actions as immoral and illegitimate.

If defiance theory is applied (Sherman, 1993) to this disciplinary process, one would conclude that prisoners who felt that the overall disciplinary process was procedurally unfair and who felt disrespected would not focus on what they did wrong, but on the unfairness of the situation. They would not learn the lesson from the process, nor would they feel the appropriate guilt. Instead of being shamed into future adherence to rules, their defiance would ensure that rule-breaking would continue. Thus, their defiance might result in a seemingly never-ending cycle of escalating misbehavior. Bottoms (1999) asserted that the incorporation of legitimation into prison practice was not just about being nice to prisoners and giving them what they wanted. Procedural justice was more about prisoners' perceptions of fairness and feeling respected. Bottoms concluded "if one is unable to provide, on reasonable request, a morally justifiable account of decisions made, then this may ultimately be instrumental in producing just the kinds of disorders that wardens and staff want to avoid" (1999, p. 257).

FUTURE RESEARCH AND CONCLUSION

This research highlighted staff and prisoner perceptions of the disciplinary process in one single state. While further research is recommended to delve into the components of fairness or a replication of the study of Rhode Island's disciplinary process five years from the policy's revamping, the findings of this study generate research questions that could be examined in any prison system. For example, more research needs to be conducted on the connection between legitimation, procedural justice, and prison misconduct.

1. How do prisoners' perceptions of fairness vary?
2. How much are their perceptions of fairness associated with involvement in serious misconduct and violence?
3. Are prisoners' ideas about procedural justice, especially as they pertain to the disciplinary process, similar?
4. Which dimensions of procedural justice are most likely to result in defiant vs. compliant future behavior?

Research could also focus on the characteristics of prisoners to determine if certain types of prisoners have an inclination to react defiantly to perceived unfairness compared to others.

A great deal of research attention has been paid to those individual, situational, and prison-level factors that affect the amount of misbehavior in our prisons. However, little attention has been bestowed on the prison disciplinary process itself. This small, exploratory research was a step toward learning about the various aspects of the disciplinary process, but also staff and prisoners' perceptions of fairness of the process. Prisoners' overall assessment of this process as negative is general knowledge to anyone who has conducted research or worked in a prison. However, while staff members' overall assessments of the disciplinary process were positive, more than half of the staff highlighted problems associated with fairness that substantiated prisoners' complaints of legitimation.

This research highlighted those features of the disciplinary process that prisoners and some staff assessed as problematic and unfair. These included the nature, consistency, and investigation of bookings; the use of confidential informants; the staffing of d-boards; the use of segregation time for non-serious offenses; and the long-term segregation of some offenders. Every prison disciplinary system has policies and procedures that address these issues. Prison administrators should recognize the importance of prisoners' perceptions of both staff and distributive fairness. If prisoners gauge staff and disciplinary processes to be unfair, it reduces the legitimacy of the disciplinary process regime and may be counterproductive to prison administrators' goals of reducing serious prison misbehavior and violence.

ENDNOTES

- 1 418 U.S. 539 (1974).
- 2 *Madrid v. Gomez*, 90-3094 N.D. California (1995); *Jones 'El v. Berge*, 00-C-421-C W.D. Wisconsin (2001)
- 3 Ahmad, S. (1996). *Fairness in prison*. Ph.D. dissertation, University of Cambridge.

- 4 The larger study examined whether ways of coping and trait emotions were related to serious misconduct and violence in prison. This study involved a self-report survey of 312 prisoners in the Rhode Island Department of Correction, direct observation in classification and disciplinary hearings, and in-depth interviews with 25 prisoners and 26 staff. Data for this exploratory study on the disciplinary process were derived from direct observations and several questions in the in-depth interviews. (Rocheleau, 2011).
- 5 Class 1-Highest Predatory bookings include escape; sexual assault; arson; assault on staff, on other prisoners, or any other persons; extortion; hostage-taking; killing; mayhem; robbery; and rioting. Class 1-Highest Non-Predatory bookings are categorized (as are all other classes), but the individual offenses under each category are much more serious than those offenses under a similar category in a lower class. For example, Class 1-Highest Non-Predatory includes contraband (smuggling contraband into a facility); disobedience (failing/refusing to halt when commanded to do so); disturbance (engaging in or encouraging a group demonstration); escape (possessing escape paraphernalia); mutinous act (recruiting for a gang); sexual (making sexual proposals or threats to another); substance abuse (being intoxicated); substance possession (narcotics trafficking); vandalism (tampering with a security device); and violence (altering any property to make a weapon). Class 2-High categories and examples include: contraband (possessing tattoo equipment); disobedience (failing to comply expeditiously with an instruction from a staff member); mutinous act (partaking in group petitions in any form); sexual (verbal statements that contain amorous expression and/or sexual language to any staff member); vandalism (willfully...damaging...any materials, tools, machinery, and/or any state property); and violence (making verbal threats).
- 6 In the case of Class 4–Low Moderate bookings, staff have the option of offering the prisoner a one- or two-nighter in lieu of receipt of a booking. A one-nighter is “an administrative loss of institutional privileges for a period of 24 continuous hours and includes the forfeiture of visits, except attorney and RIDOC clergy; telephone, except attorney; furlough, except emergencies approved by Director or designee; recreation; on-grounds classes, school, employment, except at the Warden’s/designee’s discretion; out-of-cell time, except meals and/or to seek medical care; television and/or radio, except at the Warden’s/designee’s discretion” (RIDOC, 2009: 2-3). A two-nighter involves the same loss of privileges except for a period of 48 hours. If a staff member chooses the one- or two-nighter option, the charge and disposition are presented to the prisoner and if the prisoner decides to accept it, he would sign a waiver of his right to appear before a Hearing Officer. He would then be given a copy of the waiver and his one- or two-nighter would commence immediately. If he refuses to

- sign the waiver, he would then be scheduled to go before the Hearing Officer as he would for any other booking.
- 7 Disciplinary confinement for a Class 1–Highest Predatory booking can last from 31 days to one year; for a Class 1–Highest Non-Predatory, 21 to 30 days; for a Class 2–High, one to 20 days; and for a Class 3–Moderate, three to 15 days. Prisoners found guilty of a Class 4–Low Moderate booking are not eligible for disciplinary confinement, but instead may lose privileges for up to five days.
 - 8 No prisoners were interviewed who resided in the Price medium-security building as none of them were in the high-disciplinary category.
 - 9 Though no such interviews were planned for those without a serious booking during 2008, 91 of 150 of these prisoners agreed to an interview (61 percent).
 - 10 Two staff also brought up the challenges of identifying and dealing with those prisoners with mental health problems who had been involved in misconduct issues.
 - 11 However, there were many prisoners in the HSC who declined participation in either the survey or the interview and it is completely plausible that some of them preferred being housed in segregation than in general population.

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Expressing Strain: A Qualitative Evaluation of the Testimonies of Female Sex Offenders

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ABSTRACT

For those convicted of a sexual offense, life on the registry is not an easy one. There is a great deal of stigma associated with these offenders despite the fact they served their sentences and were released back into society. Current research examines what life is like for female sex offenders whose information is listed on the Florida Sex Offender Registry. Using Robert Agnew's General Strain Theory as a lens to examine the registry, this article will show the stress present in the lives of the registrants. Specifically, the article will address coping mechanisms, anger, and several unintended consequences of the registry, such as unemployment, housing problems, and experiencing harassing behaviors, all of which are a result of the participants' registry status. Research findings, policy implications, and limitations are discussed.

INTRODUCTION

Much of the research conducted on sexual offenders has been broad in terms of the scope of offenses studied and has focused specifically on male sex offenders (Elliott, Eldridge, Ashfield, & Beech, 2010; Tewksbury, Conner, Cheeseman, & Rivera, 2012; Wijkman, Bijleveld, & Hendriks, 2010). Traditionally, researchers on deviance and crime, including those studying sex offending, have focused less on female offending than they have on male offending, but modern researcher are addressing this gap by expanding the female sex

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offender literature with new studies (for discussion of recent developments, see Harrison & Rainey, 2013, p. 322). The research on female sex offenders is growing despite receiving scant attention. There are more researchers doing studies in a variety of fields related to sexual behaviors (e.g., psychology, sociology, and biology) who are now exploring gender differences among sex offenders (Beech, Parrett, Ward, & Fisher, 2009; Vandiver & Walker, 2002).

In their efforts to study male sex offenders, researchers were most likely to use quantitative methods over qualitative methods, but several researchers (Garrett, 2010a; Garrett, 2010b; Grady & Brodersen, 2008, Vandiver, Dial & Worley, 2008; Vandiver & Walker, 2002) have made qualitative additions to the body of literature surrounding sexual offenders. More recently, researchers are increasingly acknowledging increased benefits to understanding the unique characteristics of female sex offenders and the varied impact that the registry has on women. We seek to advance the understanding of a specific and understudied sub-set of sex offender, registered female sex offenders, using qualitative methods, that has been underused with this and other sex offender populations.

Primarily, this article examines the experiences and viewpoints of registered female sex offenders using Robert Agnew's general strain theory (1985) as a theoretical framework. Secondly, this paper provides recommended policy changes for registered female sex offenders based on their qualitatively different experiences from registered male sex offenders. Specifically, the qualitative data are used to argue whether the registry policies are predictive of strain in the lives of the female registrants, whether registry compliance reduces future offending, or whether collateral consequences of the registry system affect female sexual offenders in unique ways in comparison to male sex offenders.

LITERATURE REVIEW

Registered Female Sexual Offenders

Despite the prevalence of research on male sex offenders using quantitative methods, there is some qualitative research centered on female sex offenders (Gannon & Rose, 2008; Gannon, Rose, & Ward, 2008; Kubik & Hecker, 2005; Saradjian, 1996); however, even among studies using qualitative research methods, male sex offenders receive more attention than female sex offenders (Garrett, 2010a; Garrett, 2010b; Grady & Brodersen, 2008). The number of women engaged in and convicted of sexual crimes is significantly smaller than the number of men engage in and convicted of sexual crimes, but some researchers defend the study of female sex offenders' potentially unique behaviors (Beech, Parrett, Ward, & Fisher, 2008; Bunting, 2006; Fromuth & Conn, 1997; Johansson-Love & Fremouw, 2006). Although not researched in abundance, researchers have noted several significant gender differences between offenders. Female offenders are likely to commit their

offenses with a male co-perpetrator (Kaufman, Wallace, Johnson, & Reeder, 1995); however, male offenders typically work alone (Finkelhor & Williams, 1988; Johansson-Love & Fremouw, 2006; Solomon, 1992). Male sex offenders tend to use physical coercion or take the time to groom their victims (English, Pullen, & Jones, 1997; Payne & DeMichele, 2008), whereas female sex offenders tend to use their caretaking roles to their advantage when offending (Banning, 1989; Rudin, Zalewski, & Bodmer-Turner, 1995). Typically, female sex offenders fall into one of three categories: 1) mothers who offend incestuously against their own children; 2) teachers who use their authoritative role to their advantage; and 3) women who co-offend with a male counterpart (Vandiver & Kercher, 2004; Vandiver & Walker, 2002).

In the commission of their offenses, women are more likely to use authority facilitated by their caretaking roles. Their victims tend to be relatives, acquaintances, or individuals with whom they had a previous relationship; however, male offenders tend to have more victims who are strangers, than their female counterparts (Banning, 1989; Beech et al., 2009; Rudin et al., 1995).

One of the most significant differences between male and female offenders is the rate of incarceration. Traditionally, women are incarcerated less frequently compared to men; recent research indicates that women only make up 1% of all incarcerated sexual offenders (Tewksbury et al., 2012). These differences do not certainly indicate a lack of offending from women; rather, they suggest, instead, that the findings are more reflective of a lack of victim reporting, and the criminal justice system pursuing these cases less aggressively than it would for male offenders (Tewksbury et al., 2012). Male offenders are also more likely to admit legal guilt in court than are female offenders (Allen, 1991; Faller, 1995; Johansson-Love & Fremouw, 2006), which could add to the reason for their increased numbers on the registries. Overall, there is agreement that men commit most crimes at higher rates than women do, but there is also reason to suspect suppression effects in the detection of female sex offenders.

This examination of the previous research shows a comparison of male and female sex offenders, largely based on quantitative research compiled on sexual offending habits. It is difficult to make this same comparison qualitatively because of the individual differences among offenders, regardless of gender. Despite the gender differences among offenders, life on the registry is not an easy one for either group.

Functions and Consequences of the Sex Offender Registry

Numerous consequences associated with being listed on the sex offender registry can cause increase amounts of strain in the lives of registered female sex offenders. Researchers report that sex offenders experience many unintended consequences such as unemployment and issues with housing due to the residency restrictions; this difficulty is responsible for an increased amount of strain in their lives (Levenson & Cotter, 2005; Levenson,

Zgoba, & Tewksbury, 2007; Ost, 2002; Zanbergen & Hart, 2006; Zevitz & Farkas, 2000). However, before these unintended consequences are evaluated, we will briefly review the functions of the sex offender registry.

The registry has developed over time from a series of laws addressing sex offenders living in the community, post incarceration. These laws were initiated with the passage of the Jacob Wetterling Act in 1994 (Public Law 103-322) and were extended with the Adam Walsh Act of 2006 (Public Law 109-248). The sex offender registry functions as a tool to track sexual offenders post-release by requiring sex offenders to register their personal information with local law enforcement (Office of Justice Programs, 2008). The sex offender registry also provides law enforcement with help in their investigations when new offenses occur; "If a particular released sex offender is implicated in such a crime, knowledge of the sex offender's whereabouts through the registration system may help law enforcement in making a prompt apprehension" (Office of Justice Programs, 2008, p. 3).

Some states have additional laws that require sexual offenders to adhere to special constraints, such as residency and/or employment restrictions (Adam Walsh Act of 2006, Public Law 109-248). Federal laws guide the national system for the sex offender registry, but there is still some variability among individual states. Many states differ in the way they classify sex offenders, in their use of exclusionary zones for residency restriction purposes, and in terms of perceived severity (Mancini, Barnes, & Mears, 2011).

The constraints and restrictions included in the registry laws are intended to deter future offending (Bachman, Paternoster, & Ward, 1992; Meloy, 2001; Meloy, 2005). It is hoped that if registered sex offenders are supervised and kept under surveillance, they will be less likely to recidivate because law enforcement officials know their location (Bachman et al., 1992; Meloy, 2001; Meloy, 2005). Although the function of the registry is to deter law violators from committing sexual offenses, there are numerous unintended consequences that result from the restrictions placed on sex offenders. Considering that the unintended consequences raise concerns about the suitability of the sex offender registry to deter offenders, if it is also a source of strain that may entice deviancy.

Unintended consequences include high rates of unemployment (Jenkins, 1998; Klein, Rukus, & Zambrana, 2012; Levenson et al., 2007; Ost, 2002; Tewksbury, 2004; Tewksbury 2005; Zevitz & Farkas, 2000) and an inability to find adequate housing. Many states have residency restrictions included in their registry laws, making it difficult for many of these individuals to find housing that does not violate the legal boundaries¹ (Levenson & Cotter, 2005; Levenson, Zgoba & Tewksbury, 2007; Minnesota Department of Corrections, 2003; Tewksbury 2004; Tewksbury, 2005; Tewksbury & Zgoba, 2010; Zanbergen & Hart, 2006; Zevitz & Farkas, 2000). In addition to unemployment and housing issues, registered sex offenders sometimes report experiences

about community members who bombard them with personal attacks. These attacks can be as simple as a verbal altercation or as extreme as violent assaultive vigilantism (Matson & Leib, 2006; Tewksbury, 2004; Tewksbury, 2005; Tewksbury & Zgoba, 2010; Zevitz & Farkas, 2000). Although some sex offenders report experiencing some type of vigilantism, this type of unintended consequence occurs less frequently compared to experiencing unemployment and loss of housing.

Unintended Consequences, General Strain, and the Registry

This paper uses General Strain Theory as a theoretical framework when examining the unintended consequences that participants spoke about in their responses. Agnew's General Strain Theory (1985) posits that when individuals are exposed to financial, social or structural stressors and strains, then the likelihood of engaging in criminal behavior is increased as a way to cope with those strains (Agnew, 1985). The theory proposes three main sources of strain that predict deviant behavior: failure to achieve positively valued goals, removal of positively valued stimuli and presentation of negative stimuli. In applying the three sources of strain to the sex offender registry, some examples of strain are researched within the sex offender literature. The inability to maintain employment and the loss of housing are identified as failures to achieve positively valued goals. The alienation from friends and family due to the individual's sex offender status is identifiable as the removal of positively valued stimuli. Harassment and vigilantism actions are illustrations of confrontations with negative stimuli. Drug and alcohol use are examples of coping mechanisms in dealing with this strain (Agnew, 1985). Anger is also a frequently reported feeling that is associated with an inability to properly cope with the situations these women now find themselves in (Agnew, 2006a; Agnew, 2006b). Strain theory would then suggest that registered female sexual offenders would be likely to reoffend due to the circumstances they experience while listed on the registry.

Integral to this study is the idea that sexual offenders are experiencing unintended consequences which, in turn, may be a predictive factor related to strain in their lives. Despite not having high rates of reoffending (Berliner, Schram, Miller & Milloy, 1995; Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Langan, Schmitt & Durose, 1994; Meloy, 2005; Maddan 2008), these experiences cause strain to registered female sex offenders and might have them turn to reoffending as a way to deal with the stress. Women in particular have unique ways of coping with the strain in their lives. The research suggests that women are often angrier and experience depression more often than men experience similar emotions (Broidy & Agnew, 1997; De Coster & Zito, 2010). They are also more likely to express these feelings of anger as a direct response to their strain (Broidy, 2001; Campbell, 1994; De Coster & Zito, 2010; Piquero & Sealock, 2004). Using a qualitative methodological approach, an in-depth examination of the experiences of the registered female sex offenders can take place. This examina-

tion will add to the body of literature that rarely addresses sexual offending from a qualitative perspective.

METHODOLOGY

The current study examines qualitative data that were collected in conjunction with a quantitative survey. This study uses Agnew's General Strain Theory as a theoretical paradigm to explore the experiences of registered female sex offenders. The quantitative survey accounted for strain through specific measures addressing each of the elements of the theory: failure to achieve positively valued goals; removal of positively valued stimuli; and confrontation with negative stimuli. These elements carried over into the qualitative data as well. Originally intended as a replication and large extension of a Tewksbury (2004) study, the participants contributed an unanticipated qualitative element to data. In the summer of 2010, a mail-out study was sent to 569 registered female sex offenders within the state of Florida. The Florida Department of Law Enforcement (FDLE) provided the contact information of 984 Florida registered female sex offenders; this list was current as of March 2010. After removing all of those women who moved out of state, died, were deported, who absconded, or who were civilly committed, an eligible list of 569 participants² remained. A letter of invitation, a consent form, and a survey were sent to the 569 participants with a pre-paid envelope included to return the survey. Two weeks after the survey was mailed, a follow-up reminder was mailed to those who had not returned the surveys. By December 2010, 106 surveys had been returned (18.6% response rate), with 38 qualitative responses included (35.8% response rate from the 106 total surveys). Participants were not specifically recruited for the qualitative portion of the study. However, participants were told to contact the researchers if they had any additional concerns, desired to expand upon any of their answers, or wanted to voice concerns about the study itself. No structured questions were developed to invoke a qualitative response when the quantitative instrument was sent out to the participants, and the researchers did not use a systematic interview structure for those participants who did decide to reach out. This mail-out study sampling method allowed researchers to talk directly to registered female sex offenders living in the community, which strengthens this data. However, other qualitative studies have used semi-structured interviews (Beech et al., 2009), content analyses (Webster, 2002), narrative interviews (Ward, Loudon, Hudson, & Marshall, 1995; Ward, McCormack, & Hudson, 1997) and victim-specific empathy vignettes with justification statements (Webster, 2000) to study issues surrounding sex offenders and the sex offender registry.

Sample

Table 1 shows the sample demographics of the 38 participants who contributed qualitative data. All of the demographic information was provided

by FDLE in the initial list that was provided to the researchers. None of the participants were incarcerated, and all of them lived in private residences in the community. The participants were predominately White (n = 35, 92.1%), held the status of sexual offender³ (n = 37, 97.4%), had a minor for a victim⁴ (n = 34, 89.5%), and had their own children (n = 33, 86.8%). Marital status was a bit more diverse; most participants identified themselves as either married (n = 18, 47.4%), unmarried but living with a partner (n = 6, 15.8%), or divorced (n = 16, 15.8%). Most participants were between the age of 31-40 (n = 9, 23.7%) and 41-50 (n = 15, 39.5%). The quantitative participant demographics are also included in Table 1.

Table 1. Sample Demographics for Qualitative Participants

Demographic Characteristics	Frequencies and Percentages
Offender Race	
White	n = 35 (92.1%)
Black	n = 3 (7.9%)
Offender Status	
Offender	n = 37 (97.4%)
Predator	n = 1 (2.6%)
Minor for a Victim	
Yes	n = 34 (89.5%)
No	n = 4 (10.5%)
Does the Offender Have Children	
Yes	n = 33 (86.8%)
No	n = 5 (13.2%)
Marital Status	
Married	n = 18 (47.4%)
Single	n = 4 (10.5%)
Unmarried but living with a partner	n = 6 (15.8%)
Dating	n = 3 (7.9%)
Divorced	n = 6 (15.8%)
Widowed	n = 1 (2.6%)
Age	
20-30 years old	n = 8 (21.1%)
31-40 years old	n = 9 (23.7%)
41-50 years old	n = 15 (39.5%)
51-60 years old	n = 3 (7.9%)
61-70 years old	n = 2 (5.3%)
71-80 years old	n = 1 (2.6%)

The qualitative and quantitative participants are similar in terms of race, offender status, victim type, and parental status. The quantitative

participants tended to identify as being single less often and were slightly older than the qualitative participants were. We acknowledge that a sample size of 38 is not representative, but comparatively it aligns itself with other qualitative sex offender research which uses predominately small samples. Researchers have used samples ranging from 2 to 41 participants (Connor, Copes & Tewksbury, 2011; Peluso & Putnam, 1996; Tewksbury et al., 2012; Vandiver, 2002). We also acknowledge that a potential selection bias might have occurred in regard to the respondents who voluntarily chose to participate. However, the demographics of the qualitative and quantitative participants (Table 1) are similar enough that it is unlikely that the qualitative participants would be considered outlier participants.

Furthermore, the offense history of the qualitative participants was compared against that of the quantitative participants to investigate differences in the type of offenses for which women were placed on the registry. Table 2 shows the registration-listed offenses for both groups. With the exception of engaging in "Carnal Intercourse with Chaste Person Under 18," the qualitative participants are represented more frequently by percentage in the majority of the registration-listed offenses, compared to the quantitative participants.

Table 2. Registered Sex Offenses for Qualitative and Quantitative Participants

Registered Sex Offense	Frequencies and Percentages			
		Qualitative Participants (n = 38)		Quantitative Participants (n = 106)
Sexual Battery by an Adult on a Victim Under 12	n = 14	(36.8%)	n = 62	(58.5%)
Adult Engaging in Sex with a Minor Over 15	n = 3	(7.9%)	n = 4	(3.8%)
Carnal Intercourse with Chaste Person Under 18	n = 1	(2.6%)	n = 6	(5.7%)
Adult Sex with 16-17 year old	n = 3	(7.9%)	n = 8	(7.5%)
Unlawful Sex with Certain Minors	n = 2	(5.3%)	n = 4	(3.8%)
Lewd and Lascivious Battery of 12-15 year old	n = 2	(5.3%)	n = 3	(2.8%)
Lewd and Lascivious Conduct with a Victim younger than 16	n = 13	(34.2%)	n = 19	(17.9%)

However, this overrepresentation is most likely due to the percentage inflation derived from the smaller qualitative sample size. An independent

sample t-test cannot be conducted due to the large difference in sample size in the two groups; otherwise this test could be run to determine if there was a statistically significant difference in the representation of sex offenses in each group. The similar results shown in Table 2 also provide support against the possible selection bias and increase the strength of the sample used in this study.

Instrument

Participants provided qualitative data to the researchers as part of a voluntary follow-up offered in the quantitative survey instructions. No uniform instrument or data collection method was employed to collect data, but participants were still invited to provide additional information if they felt that there was more to add to their responses. The researchers listed contact information on the initial letter and informed consent that they sent to the participants, which provided the 38 participants a way to supply the qualitative data. Emails ($n = 9$), letters ($n = 16$) and transcribed phone calls ($n = 13$) were accepted and used as the qualitative data pieces. Emails and letters were used verbatim with only identifiers⁵ removed, and the phone calls were transcribed from written notes immediately after the call ended. The phone call participants received no verbal prompting, and the only exchange between the participant and the researchers consisted of reassurance that the data were being collected for legitimate purposes. The participants chose to disclose their stories, but the researchers did not ask any prompt questions to get the participant to elaborate or extend their statements. This ensured that all of the data was consistently voluntary in nature, and that the researchers did not influence the participant responses. We acknowledge that verbal conversations and written accounts might influence the types of data being collected, but immediate transcription of the phone calls and the absence of researcher prompts helped to reduce any possible impact.

The integrity of the data remained intact; none of the elements were changed or edited beyond the steps taken to remove the identifiers to ensure the confidentiality of the participants. Because consent forms were sent to the participants and the surveys were returned, indirect consent can be inferred for the qualitative data pieces (all of which were submitted voluntarily through contact information provided on the informed consent). The consent forms stated that the data would be used for publication purposes only and would not identify any participants directly. Participants wrote the emails, letters, called the researcher of their own volition, and were aware of the researchers' intent to publish data collected from this project. Researchers removed all identifiers from both the qualitative and quantitative data sets, making it impossible to link the individual responses from either data set together.

Theme Development

A content analysis was conducted to develop a list of themes from the data. The data were reviewed using inductive reasoning as a way to examine what was most salient to the participants. This qualitative data was a byproduct of a quantitative data collection. Subsequently, participants were primed to think about their experiences on the registry by participating in the survey. Participants were asked a variety of questions regarding their job status, housing issues, and harassment by the general community. These issues were identified as producing potential strain in the lives of the participants. Once their responses were received and reviewed, we saw patterns emerge that were consistent with the elements of Agnew's General Strain Theory such as the identification of anger, maladaptive coping mechanisms, and failure to achieve positively valued goals. These themes were accounted for in some of the quantitative measures, but after reading through the data, it was noted that strain was manifested in the qualitative pieces as well. After the initial reading, the study's themes were developed as a continuation of the quantitative measures. A second round of coding took place which consisted of dichotomously coding the data for the themes that we inductively derived in the initial round. This project was never intended to be a mixed-method study, for the data are able to stand on their own, despite the similarities between the qualitative and quantitative data sets.

The dichotomous coding consisted of a simple No/Yes measure to identify the absence or presence of the theme being explicitly discussed within the participants' responses. Three trained undergraduate research assistants reviewed these themes, and the researchers checked their work to ensure inter-rater reliability. This content analysis was modeled after Vandiver et al. (2008) in their qualitative examination of nine female sex offenders living in Illinois and Texas. Using content analysis, Vandiver et al. conducted a content analysis of data collected from semi-structured interviews. In that study, the researchers used deductive reasoning to tie in Braithwaite's (1989) reintegrative shaming theory to provide the framework from which their coding categories were identified.

In addition, we also identified several of the same unintended consequences found by Tewksbury (2004; 2005), which helped to inform the coding process. These concepts were related to employment, residence, and social relationships difficulties, issues that may be responsible for creating strain in the lives of registered sex offenders.

THEMES AND RESULTS

The themes used for the content analysis fit the mold of General Strain Theory and the individual responses show a real life occurrence of what Agnew proposes; when people experience a failure to achieve positively valued stimuli, a loss of positively valued stimuli, or are confronted with nega-

tive stimuli, then strain will occur (Agnew, 1985; 2006a; 2006b). Issues such as employment, housing, and harassing behaviors are coded for, and issues such as anger and substance use are addressed as well. Anger and substance use are often associated with strain theory in terms of maladaptive coping mechanisms that individuals use to deal with the stressors in their lives. These themes were chosen in particular because of their connection to the original quantitative survey measures. Table 3 shows the themes used to examine the qualitative entries and their quantitative measure counterparts to show that the chosen themes are rooted in the survey materials, and that the participants' experiences were similar to what was found quantitatively.

Table 3. Qualitative Frequencies for Deductive Themes

Qualitative Theme	Frequency n = 38
<i>Anger</i>	No: n = 21 (55.2%)
Is the participant angry over her association with the registry?	Yes: n = 17 (44.7%)
<i>Maladaptive Coping Mechanims</i>	No: n = 33 (86.8%)
Does the participant mention engaging in alcohol/illegal drug use?	Yes: n = 5 (13.2%)
<i>Confrontation with Negative Stimuli</i>	No: n = 29 (76.3%)
Is there mention of any harassing behaviors (signs, fliers, etc.)?	Yes: n = 9 (23.7%)
<i>Failure to Achieve Positively Valued Goals</i>	No: n = 22 (57.9%)
Does the participant mention experiencing any unintended consequences of the registry (employment issues, residency restrictions and housing, etc.)?	Yes: n = 16 (42.1%)
<i>Loss of Positively Valued Stimuli</i>	No: n = 31 (81.6%)
Does the participant mention any alienation from family members or friends?	Yes: n = 7 (18.4%)
Does the participant agree with the registry's existence?	No: n = 28 (73.7%) Yes: n = 10 (26.3%)
Does the participant offer suggestions for modifying the registry?	No: n = 20 (52.6%) Yes: n = 18 (47.4%)

The qualitative data were examined for evidence where the participants discussed specific and salient issues that they experienced while on the registry. Simply because participants did not discuss a certain theme does not mean that they were not experiencing such events in their lives. Table 3 shows the qualitative themes that were derived from the quantitative responses and the frequency of occurrence.⁶ Our results show that there are many negative self-reported situations experienced by registered sex offenders, including some of the traditionally reported collateral consequences associated with the registry such as job loss, issues with housing

and harassment. All of these issues can result in additional strain in the lives of the participants.

Individual Responses

There is really no better way to understand life on the registry than to talk to those individuals who are currently on it. Every day of their lives, they have to deal with some aspect of their offense. Building on the selected themes derived from the qualitative passages, the following quotes describe some of the participants' feelings regarding the registry and their lives on it. As a reminder, these responses are verbatim from the written emails, letters, and from transcribed phone calls. Therefore, they contain typographical errors. These errors were maintained in order to keep the responses as true to the participants' words as possible. The women who responded with their own testimonies are only able to speak for themselves and about their own experiences, but there is reason to believe that these are common happenings and feelings that registered female sex offenders encounter. The results of this study shed light on offenders who are often understudied, registered female sex offenders, and how their convictions and their experiences on the sex offender registry affect the rest of their lives and the lives of their family members. Furthermore, the results show that many women have significantly different experiences from men when they are convicted of sex offenders because of their maternal status, the gender differences in responding to strain, and in the types of strain experienced.

Anger

One of the most commonly reported feelings that are associated with Strain Theory is the concept of anger because of the strain. Previous literature has made the connection between strain and anger (Broidy, 2001; Campbell, 1994; De Coster & Zito, 2010; Piquero & Sealock, 2004). This would suggest that by living on the registry is stressful and leads to anger. The participants in the current study were no different from what previous literature suggests; they were angry about being required to register as sexual offenders and about living with the consequences of the registry. Seventeen of the 38 qualitative passages (44.7%) explicitly discussed anger about being on the registry. This shows that anger is a salient feeling associated with the Florida Sex Offender Registry. One participant had her personal information included in a book of sexual offender fliers⁷ which was then sold at a local gas station. This participant stated that she was "angry that people can make money off of the registry and that my information was included in the book, despite it being public information." Other participants reported that they were "angry, but not ashamed that I am on the registry," and "I am not ashamed about having my information on the registry, but I am mad that I have to be there in the first place. I've done my time." This is a particular element of concern because of the documented difference between men and

women in how they experience and express their anger in relation to their life's strains (Broidy & Agnew, 1997; De Coster & Zito, 2010).

Maladaptive Coping Strategies – Substance Use

In experiencing strain, individuals may turn to maladaptive coping mechanisms to deal with the stress in their lives (Agnew, 1985; Broidy, 2001; Broidy & Agnew, 1997; Piquero & Sealock, 2004). Using illegal drugs or alcohol as a coping mechanism fits well within the sphere of being a maladaptive response. Five of 38 participants (13.2%) reported substance use as a coping mechanism, and sometimes it was an extreme response. The use of legal and illegal substances fits the mold of classic coping mechanisms used for adapting to life with high amounts of strain (Agnew, 1985; Broidy, 2001; Broidy & Agnew, 1997; Piquero & Sealock, 2004). For those who have discussed their substance use, there was a common theme among them. Chronic drinking use was reported by one participant: "I have been an alcoholic for most of my life due to a diagnosis of bipolar disease. Instead of taking the prescribed medication that I was given, I self-medicate with alcohol. The problem with my self-medication is that eventually I became prone to blackouts. Things only got worse once I was convicted and put on the registry. I only drank more and more." Another participant mentioned that she was currently sober but, "I used cocaine daily for a long time after my conviction, but I have been sober for 8 years now. I work as a sponsor for other women who have substance abuse issues now."

Others reported minimal or even one time drug use. For example, one participant stated, "I turned to drugs at one point to cope with the harassment that I experienced. After the first time trying drugs, I realized that if I continued to use then there would be a good chance that I could be arrested for drug possession." These statements fit within the strain context; the women were required to register on the Florida Sex Offender Registry and, as a result, engaged in substance use and abuse as a way to cope with their status as sex offender.

Confrontation with Negative Stimuli–Harassment

Among the unintended consequences that result from a person's presence on the sex offender registry, sex offenders commonly report experiencing harassing behaviors such as the unauthorized presence of signs or fliers alerting people that a sex offender lives nearby. From a general strain perspective, these experiences exemplify confrontation with negative stimuli. Previous research has shown that this type of harassment happens to both male and female sexual offenders (Tewksbury, 2004; 2005; Tewksbury & Lees, 2007). Nine of the 38 participants (23.7%) reported similar experiences in the current study. Although it is a first-degree misdemeanor in Florida to use a sex offender's registry information for personal gain or for some sort of retaliation purposes, it is apparent that some citizens aggressively vilify registered sex offenders their community (FDLE, 2012).

In an attempt to humiliate one participant, fliers were distributed around the neighborhood. The female sex offender reported, "My ex-husband's current wife printed out my FDLE flier and distributed it throughout the city. She never liked the idea that her husband was once married to a sex offender. After I confronted her about the fliers, I got a joint restraining order issued against her and my ex-husband." Another participant remarked that her family and friends saw her FDLE information printed and distributed throughout her neighborhood. Her own school-age son saw these fliers posted near her school. "My fliers were being distributed by a woman at my son's bus stop. Fliers were posted on the walls of a local nail salon where my daughter went, and they published the school paper two years ago at my son's high school with my picture (along with others) because we lived within a 1-mile radius of the school."

Failure to Achieve Positively Valued Goals—Collateral Consequences

There is a great deal of literature that addresses the problems associated with sexual offenders' ability to find employment (Jenkins, 2001; Levenson et al., 2007; Ost, 2002; Tewksbury, 2004, 2005; Zevitz & Farkas, 2000) and to maintain a residence that did not violate residency restrictions (Levenson & Cotter, 2005; Levenson et al., 2007; Minnesota Department of Corrections, 2003; Tewksbury 2004, 2005; Tewksbury & Zgoba, 2010; Zanbergen & Hart, 2006; Zevitz & Farkas, 2000). These issues are contributing factors for the presence of strain associated with sexual offending. Looking at these issues from a general strain perspective, unemployment and housing loss are categorized as failures to achieve positively valued goals. The theory suggests that these economic and social deprivations increase the likelihood for recidivism. The results indicate that 16 of 38 participants (42.1%) reported experiencing either job loss or housing problems due to residency restrictions. These findings are consistent with previous literature that discussed the various collateral consequences associated with the sex offender registry (Levenson & Cotter, 2005; Tewksbury 2004, 2005; Zevitz & Farkas, 2000). The women participating in this study were no different; they reported problems maintaining employment and keeping a suitable residence. Reasons for changing jobs include, "My fellow employees found out about my sex offender status. Those employees made copies of my registry information and posted it throughout the factory. It made my time there very uncomfortable. I experienced heckling, harassment, and other behaviors. Due to the harassment, I was forced to quit that job and I have been unemployed for roughly 15 years. I have had an odd job every now and then but overall, I have not been able to maintain employment."

Another participant reported that she was ineligible for many lines of work because she was a sex offender. She said, "I have tried to find work in the food service industry, but people bring their children to restaurants. I cannot be a teacher, I cannot work at a hotel, I cannot work in an amusement

park, and I cannot work in retail because these are all areas in which children and teenagers may be present.”

While these two women are prime examples of the struggles they must face in terms of employment, others exemplify the struggles of finding suitable housing. In Florida, if the offender victimized a minor under the age of 16, then they are required to comply with the state and local residency restrictions (Florida Statute, 794.065). However, there are always exceptions to the rule. One participant reported a unique living situation. According to her correspondence, “I was grandfathered into my neighborhood⁸ even though it may breach the boundaries of proximity to schools, bus-stops, and daycares. I have two children of my own now with my current boyfriend. He lives seven houses down from my house, but I am not allowed to be at his house past 10 o’clock at night, and I am not allowed to loiter there unnecessarily.”

Most sexual offenders are not lucky enough to be grandfathered in under the old law and are required to follow the residency restrictions present in the state. For these individuals, housing presents a persistent problem. Sometimes the only option available is living in low-income areas or even moving away from their hometowns. One participant mentioned, “I was evicted from my apartment and, it was so difficult finding a new place to live, that I had to move in with my mother in a different city. I can’t live in [city redacted] anymore.”

Loss of Positively Valued Stimuli–Alienation

For many sexual offenders, their lives are changed when they are placed on the registry. However, the lives of their family and friends change, as well. Family members might abandon the offender or be willing to associate with them any longer, which represents the loss of positively valued stimuli, a strain concept. This idea of secondary stigma or a courtesy stigma that is assigned to the friends and family members of sexual offenders can further strengthen the idea of abandonment as a way of escaping this association (Farkas & Miller, 2007; Tewksbury, 2005; Tewksbury & Lees, 2006). In this study, 7 of 38 participants (28.7%) reported similar experiences. One registered female sex offender reported that because of her offense, “I am not permitted to go to any of my daughter’s school functions, field trips, birthday parties, or any other activity where minors under 18 may be present. It is not a hardship for me to not interact with individuals who are under the age of 18, but it is a hardship on my daughter since I am missing out on activities as a mother.”

This shows a social alienation, in addition to a social alienation from her family members. Before her conviction, one participant reported that she was in the fire academy and was good friends with some of her classmates. She would often babysit for one of the other female cadets, but after her conviction those friends disappeared. The participant said, “I was forbidden to

see my friend's children. Not because it was court ordered, but because my friend did not want a sex offender in the presence of her children."

Another woman described the situation that required her to register as a sexual offender. She reported that she was set up by her now ex-husband and was convicted of molesting young children. Due to the nature of her offense, she explained, "I was not allowed to see my own children at all after I got out of prison. I haven't spoken to them or seen them since the conviction."

Alienation from one's friends and family not only removes a support system from the lives of the offender, but also places them in an isolated role and impedes social integration. Not being in contact with these loved ones places additional strains on the offender. Furthermore, this experience might influence registered female sex offenders more than it would their male counterparts. Mothers who have experience with the criminal justice system have unique experiences because they are often the only caregiver in a single parent household and have primary custody of their children (Arditti & Few, 2006; Austin & Irwin, 2001). Being isolated from family, friends, and children does not aid the offender in their reentry efforts and may even encourage recidivism among this population.

Agreement with the Registry

This theme was one of the most identifiable throughout the passages. Ten of the 38 qualitative participants (26.3%) agreed with the purpose of the registry and its existence. This shows that even though they were subject to the restrictions of the registry system, they still saw the benefits in what the registry represents. Whether they agreed or not with the presence of the registry, many of the women were vocal about their opinions regarding its existence. One participant stated that she agreed with the registry's existence. "I understand that there is a need to keep the registry to protect citizens from the severe sex offenders that are present in the community." Another woman voiced her agreement for the registry because it keeps the registrants out of trouble. She stated, "If a child goes missing, the first group that law enforcement investigates in the convicted sex offenders. Since I am still on electronic monitoring and they know my address, they can rule me out. If the child went missing at 10 p.m. and my monitor says that I was at home at 10 p.m., then I won't be a suspect."

Others disagreed entirely, stating that there was no need for the registry to exist "because people get hysterical" when sexual offenses occur. Another woman said, "There are many different classifications of a sexual offender. With consent, without consent, minor (victim), etc. Unfortunately, the system groups everyone into the same classification. If they are just going to group us together like that, then what is the point? The registry should be like this."

Modifying the Registry

In addition to agreeing or disagreeing with the existence of the registry, participants were also vocal about changes that would modify the registry. Eighteen of the 38 qualitative participants (47.4%) provided suggestions for modification; none of those 18 participants argued for the abolition of the registry, but the modifications do call for some sort of remodeling of the current structure in Florida. This is a theme to be noted in the context of this paper when considering that the participants are not advocating for an elimination of the registry which would essentially equate to an elimination of their source of strain. The results from this theme demonstrate that participants do not believe the registry will ever disappear, but rather modifications to the registry can try to alleviate some of that current strain.

One participant stated, "I do not feel that it is fair that depending on what county you are in, you may have a much lighter sentence. The sentence should fit the crime." This statement is referring to the fact that county and state laws often overlap in terms of what is required of sex offenders. Residency restrictions are one of the largest examples of this overlap; while Florida requires a 1,000-foot boundary restriction be implemented, the county restrictions may be different. Alachua County requires that sex offenders maintain a 2,500-foot boundary away from schools, daycares and parks (Gainesville Police Department, 2012). Other areas have even harsher overlap between city and state codes, such as the Miami-Dade and Orlando areas, which force sex offenders to adhere to city, county and state residency restrictions. This forces sex offenders to the outskirts of communities where they must live in low-income areas.

One participant stated that changes to the registry need to be individualized, because "the registry cannot be a one size fits all solution to a very diverse problem. Each case is different and an overarching registry is not the best fix for the sex offender problem." Another participant suggested that "there needs to be some sort of leveling system so that the community can determine which sex offenders are high and low risk offenders. I think there are more low risk offenders on the registry than high risk offenders."

Other participants felt that Florida should adopt a registry style similar to that found in other states. Florida only classifies sex offenders as offenders or predators, whereas other states have more of a tier system which one participant supported. "I feel very strongly in the state of Florida going to some sort of classifying system with the registry, as New Jersey already has and how Iowa is in the process. I think it is extremely unfair that I am grouped with people that harm infants, babies, toddlers, etc." There were other comments provided by participants that stated similar ideas—those who are registered recognize the importance of having a registry, but there should be some changes made to its current state. Not only can these changes make communities safer by identifying those who are the real threat, but also they can alleviate some of the strain placed on registrants. Issues surrounding

registered female sex offenders are affecting their lives at every turn. Taking the time to allow these women to tell their stories humanizes the registry, which at times can treat these individuals as just another predator to fear.

DISCUSSION

The findings of this qualitative study show that the women experience a variety of issues because of their registry status. These experiences are the unintended issues that result from a deterrence style registry (Bachman et al., 1992; Meloy, 2001, 2005) that attempts to track the movement of registered sex offenders and provide law enforcement with an investigational tool (Office of Justice Programs, 2008). The registry system has created a strict legal environment that results in a number of unintended consequences such as unemployment, rather than implementing a law that only deters offenders from committing other sex offenses (Jenkins, 2001; Levenson et al., 2007; Ost, 2002; Tewksbury, 2004; 2005; Zevitz & Farkas, 2000); difficulty finding housing (Levenson & Cotter, 2005; Levenson et al., 2007; Minnesota Department of Corrections, 2003; Tewksbury 2004, 2005; Tewksbury & Zgoba, 2010; Zanbergen & Hart, 2006; Zevitz & Farkas, 2000); and experiencing some sort of personal harassment/vigilantism (Matson & Leib, 2006; Tewksbury, 2004, 2005; Tewksbury & Zgoba, 2010; Zevitz & Farkas, 2000).

This research data were based on a sample of registered female sex offenders who were not incarcerated at the time of the study. Having this sample allowed us to add to the literature base on an underrepresented group of women, while still learning about the experiences they face while living as a registered sex offender. While it would be impractical to suggest that the registry should be eliminated totally because offenders are experiencing consequences of the registry, reform should be considered. There are a number of negative experiences reported including chronic unemployment and housing problems while living in the community. In addition to financial strains, a number of social strains should also be recognized. The participants expressed feelings of alienation from their friends and family. This lack of a support system makes reentry difficult. Due to the stigma of being a sexual offender, there may be a quick retreat of loved ones. This sudden abandonment adds to the strain experienced. Furthermore, many of the participants identified themselves as mothers. This creates a variety of additional issues, because many times a sex crime conviction forces the court to separate the offender, in this case the mother, from her children, especially if the offender has a minor for a victim, as many of these participants did. Participants report not being able to around their children unsupervised and could not attend simple events such as school sporting events because they take place on school grounds. Mothers, in particular, are frequently affected by the registry's rules and regulations since they are often removed from their children's lives due to the nature of their crimes.

Harassment from community members (in terms of an unauthorized use of the FDLE fliers) is also reported. These issues are not intended consequences of the registry laws, but are issues that must be dealt with by the registrants. With the culmination of the added stressors, the women report feelings of anger and resort to maladaptive coping mechanisms to deal with these experiences. Maladaptive coping mechanisms are a frequently associated response to economic or social strains (Agnew, 1985; Broidy & Agnew, 1997; Broidy, 2001; Piquero & Sealock, 2004).

Many participants reported feelings of anger about their registry status and in terms of having to register for so long. They were angry that they had to continue to register even though they had completed serving their sentences. This anger fits in with the application of general strain theory to the registry. If sex offenders experience strain and anger, then the risk of recidivism may increase. For a group of offenders who are less likely to recidivate than traditional offenders (Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Meloy, 2005; Maddan 2008), this may impede successful social reintegration. When an individual cannot find employment or is required to move from her home, a certain amount of strain will result. Therefore, these women report chronic drug and alcohol use or even intermediate substance use.

The second struggle in sex offender research is the idea that traditionally, sex offenders have low rates of official recidivism (Berliner et al., 1995; Hanson & Bussiere, 1998; Hanson & Morton-Bourgon, 2005; Langan et al., 1994; Meloy, 2005; Maddan 2008). However, researchers have acknowledged that official recidivism rates are not always an accurate reflection of the commission of crime; there are many crimes that go unreported (Orchowsky & Iwama, 2009). In an examination of official recidivism rates for eight states, Alaska had a recidivism rate of 3.4%; 1.8% in New Mexico; 2.3% in Arizona; 2.4% in Illinois; 3.8% in Delaware; 3.9% in Iowa; 4.0% in South Carolina; and 9.0% in Utah (Orchowsky & Iwama, 2009). In comparison, Florida reported a slightly higher recidivism rate than seven of the eight states from the Orchowsky & Iwama study, with a reported recidivism rate of 5.2% (Levenson & Shields, 2012). This is a statistic to be concerned about because Florida has the third largest sex offender population in the United States, following behind California and Texas (National Center for Missing and Exploited Children, 2012).

The entire sample is comprised of registered female sex offenders who were still actively required to register with the state. None of the women had been released from their registration requirements; they were all actively experiencing life on the registry and the potential unintended consequences that followed it. It is acknowledged that there exists a self-selection bias among the sample of respondents. However, this does not diminish the value of the qualitative data. Although there are low frequencies associated with some of the themes, the female participants experienced unintended conse-

quences and shared the most salient experiences of their lives. They received no written or verbal prompts to guide the qualitative response. Therefore, they chose to address the issues that most concerned them. For some, it was more important to discuss the details of their case rather than to discuss details of their employment or housing situation. Just because these women did not make an overt statement regarding their living situation does not mean that they were been affected in this way. We do acknowledge that that this specific group of female participants could not make generalizable statements regarding the experiences of all registered female sex offenders living in Florida. Perhaps other women might have other experiences; for example, these participants largely offended against a minor. It leads us to ponder whether the responses would differ if the participants had adult victims, or even if they were convicted for non-contact crimes such as those related to child pornography. Given the sample at hand and their strains potentially caused by their registry status, there should be greater recognition by lawmakers and the public that these issues are occurring. Finding employment and suitable housing is difficult when you have a criminal record. When a criminal record is added, in addition to being a publically identifiable sexual offender, the odds are decidedly against a sex offender's success at community reentry.

Policy Implications

The registry laws create a strict living environment for sex offenders. While it would be difficult to argue that the sex offender registry should be abolished in its entirety, it is suggested that modifications be made. Changes could be made in order to alleviate the unintended consequences that offenders face. Sexual offenders must meet the terms of the registry requirements or risk facing additional criminal sanctions. In attempting to comply with the Florida registry laws, these women experience unemployment, housing restrictions, and vigilantism action on the part of community members. Although it could be argued that these issues are simply an unfortunate side effect of the registry laws, policy makers should consider alternatives to the current state of the registry to alleviate some of its punitive nature. The implementation of several policy recommendations could alleviate the unintended consequences of the registry.

First, a more individualized classification of sex offender registration might free up law enforcement resources without removing the safety element of community notification from the registry. As suggested by the participants and by other researchers, changing the registry to reflect offense and registrant characteristics could provide change within the community. In a recent article on registration requirements, Tewksbury & Jennings (2010) suggested that if an individualized form of registration were implemented, the fear levels of citizens would decrease because they would be more selective in the types of offenders they felt to be the greatest threats. This individualized registration might also benefit the offenders who contend with

the unintended consequences that currently exist with the catchall registry. If sex offenders were no longer all viewed the same way, as feared predatory figures, societal integration might be enhanced for many.

Other considerations for policy makers to address are ways to reduce some of the emotional and economic strain experienced by registrants. First, in an attempt to reduce some of the shame associated with the registry, the removal of the offenders' photographs from their individual offender pages would help to provide the registrants with a certain level of anonymity while still keeping their location identifiable within the community. Second, in an attempt to aid offenders in their employment efforts, it would be beneficial that sex offenders not be required to disclose the specific nature of their offense; employers would hold them to the same type standards as other offenders—only asking them to disclose the level of offense (felony or misdemeanor offense) rather than the specific nature of their offense. We recognize that this might not occur without legislative action, but it does provide an opportunity for offenders to gain employment. For example, many cities are in the early stages of incorporating former offenders as a protected group who cannot be discriminated against because of their offender status⁹ (Henry, 2008). Eventually, this same protected group framework could extend to the barriers sex offenders face when seeking housing post-incarceration and the limits imposed by residency restrictions.

Study Limitations

There were several limitations to this study to be addressed. First, the data were not collected using an in-depth interviewing technique but rather through participant-initiated responses generated by the administration of a survey. However, despite this limitation there is still a large amount of valuable information to be derived from the qualitative data. Future research would benefit from semi-structured interviews that employ a grounded theory approach in an inductive fashion similar to what was suggested by Charmaz (2006) and doing so would aid in theory building. In addition, it is suggested that coping strategies among female sex offenders be examined. The issue of anger should also be examined at a more in-depth level, since it could be a precursor to increased criminality. Qualitative methods would be informative in the further development of criminological theories. As criminologists, we tend to use the theories that make the most sense in trying to explain a phenomenon. What this data has shown is that sometimes we are missing what is salient to the participant; this is something that qualitative methodologies can capture more comprehensively compared to quantitative studies.

In addition to having a semi-structured interview, a multi-site project should be developed. The participants in this project are from the state of Florida, but our investigation is only limited to one state. Because each state has different registry requirements, interviewing registered female sexual

offenders from different states would provide state-by-state comparisons of the effects of the registry. This paper used a completely community member sample of registered female sex offenders, rather than surveying those women who were still incarcerated. However, women from additional states should be included in data collection in the future. Future research would also benefit from a gender comparison in terms of how male and female sex offenders experience strains that result from their registry status. Previous research suggests that there are gender differences in the way that men and women experience and deal with strain (Broidy, 2001; Broidy & Agnew, 1997; Campbell, 1994; De Coster & Zito, 2010; Piquero & Sealock, 2004). When applied to the strains associated with the sex offender registry, do these differences hold? Although there are a greater number of male sexual offenders compared to their female counterparts, the importance of this type of research should not be understated. Research should not be restricted to only one state or only one gender, but rather should encompass all aspects of the registry to determine how detrimental the registry really could be to the lives of the registrants.

ENDNOTES

- 1 For example, Florida does not allow registered sexual offenders who had victimized a child under 16 years of age to live within a 1,000 foot radius of a school, daycare center, playground or park where children frequently are present (Florida Statute, 794.065).
- 2 Eligibility for the study required that the registered female sex offender have a current Florida address so the survey could be mailed to her.
- 3 In Florida, a sex offender can be classified as either a sexual predator or a sexual offender. The most basic definition of a *sexual predator* is someone who has been convicted of a capital, life, or first-degree felony sex offense on or after October 1, 1993. In addition, anyone who has any felony violations in addition to the original conviction is deemed to be a sexual predator. The court can also deem someone to be a sexual predator. Regardless of meeting these previously mentioned conditions, anyone who has been civilly committed on or after July 1, 2004, must register as a sexual predator (FDLE, 2011). A *sexual offender* is defined as someone who has never been designated a sexual predator in Florida or in any other state and who has committed a sexual offense that is not a capital, life or first-degree felony sex offense. Juveniles who have been adjudicated delinquent and who were 14 years of age or older at the time of the crime, can also be designated as sexual offenders (FDLE, 2011).
- 4 The state of Florida designates this most often as a juvenile under the age of 16 at the commission of the offense (FDLE, 2011).

- 5 Identifiers included names, addresses, specific information about victims, county names, and any other identifiable information about the participant's case.
- 6 There is a companion piece to this article that examines the relationship between Reintegrative Shaming Theory, General Strain Theory, and the collateral consequences associated with the sex offender registry. For more information, see Klein et al., (2012).
- 7 These fliers are available on the Florida Department of Law Enforcement (FDLE) website and provide all of the personal information for the registered sexual offenders. Information such as names, addresses, offense information and vehicle information are included. The participant is referring to an individual who collected these fliers from the FDLE website, created an unofficial book of local sexual offenders and sold it at a gas station. The book was not affiliated with the FDLE or the state of Florida.
- 8 This participant reports being "grandfathered into my neighborhood," meaning that her offense took place before 10/01/2004 (the date that Florida Statute 794.065 went into effect). This provision allows her to maintain the residence she was in before her conviction. However, if she were to forfeit that residence, she would be required to follow the residency restrictions in the future residence.
- 9 These efforts would protect former offenders in the same way that race, gender, and religion are all protected groups.

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Examining the Death Penalty Insider Perspective: Capital Bench & Bar Interviews

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ABSTRACT

This study conducted semi-structured interviews with 27 death penalty insiders (9 capital judges, 9 prosecutors and 9 defense attorneys) across three states. Prior research examined whether knowledge of capital punishment correlates with death penalty support (the Marshall Hypothesis). While prior research focused on opinions of laypeople, this study interviewed those with direct, hands-on experience to explore the knowledge-based, insider perspective. The majority (80%) of interviewee-respondents did not believe the death penalty is necessary in light of Life without the Possibility of Parole as an available sentencing option, and 62% did not support capital punishment. Qualitative data analysis reveals a wealth of insider information that advances death penalty knowledge and informs policy.

INTRODUCTION

It has been over 25 years since the first death row prisoner was released due to wrongful conviction. Since then, there have been 17 more DNA exonerations for death row prisoners; and, in terms of total criminal cases, 315 more exonerations (The Innocence Project, 2014). Despite wrongful convictions being publicized, the majority of the American public still supports the death penalty. Some scholars have attributed this persistence to Americans being ignorant of death penalty procedures or overinflating procedural safeguards (Acker, Bohm, & Lanier, 1998; Gross, 1998; Mello, 1996; Johnson, 1998). While death penalty insiders are fully informed and even contribute to procedural safeguards in capital cases, currently the “literature provides little scholarly assessment of the general subjective outlooks of any criminal court practitioner” (Weiss, 2003, p. 3)

Justice Thurgood Marshall wrote in *Furman v. Georgia* (1972) that the more informed people are about the death penalty, the more anti-death pen-

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alty they will be. A surfeit of public opinion research has been published on the death penalty (e.g., Durham, Elrod, & Kinkade, 1996; Zeisel & Gallup, 1989), and studies have been published that examine the issue from the perspective of capital juries (e.g., Bowers, 1995; Foglia, 2003, Geimer & Amsterdam, 1988), appellate capital defense counsel (Sheffer, 2013), and prison officials (Cabana, 1996; Lifton & Mitchell, 2000). Research has also been done with college students where their opinions on capital punishment were sought prior to learning about the death penalty and then were sought again after information acquisition to determine if support level changed. For undergraduate students, findings were that – even if increased knowledge temporarily decreased support – opinions tended to revert back over time (Bohm, 2007). An *opinion hardening* phenomenon was also found where initial views on capital punishment were merely strengthened after death penalty knowledge was acquired (Lord, Ross, & Lepper, 1979). It may be that lay people narrowly hone in on information that best supports a pre-established, emotion-based opinion (Bandes, 2008).

In comparison to the general public or college students, death penalty insiders are more fully informed, and their knowledge is firsthand because it is derived from direct, hands-on experience. Emotions should also play a lesser role in how capital case practitioners process and filter new knowledge because their training, experience, and practice (e.g., graduating from law school, passing a state bar exam, and participating in trials) require advanced reasoning skills and the ability to logically analyze information (DeGroff & McKee, 2006). The current study provided these death penalty insiders with the opportunity to voice their views on capital punishment.

LITERATURE REVIEW

There is a substantial body of literature on death penalty opinion. Findings confirm the complexity of this controversial issue because a multitude of variables, both individual and societal, correlate with death penalty support. Correlations have been found with micro-level variables, such as age (Bohm, 1987; Fox, Radelet, & Bonsteel, 1991; Unnever & Cullen, 2005); education (Britt, 1998; Grasmick & McGill, 1994; Halim & Stiles, 2001; Payne, Gainey, Triplett, & Danner, 2004; Stack, 2003; Tyler & Boeckmann, 1997; Young, 1991); fear of crime (Keil & Vito, 1991; Longmire 1996; Rankin, 1979; Seltzer & McCormick, 1987; Tyler & Weber 1982); gender (Applegate, Cullen, Fisher, & Vander Ven, 2000; Bohm, 1991; Durham, Elrod, & Kinkade, 1996; Robbers, 2004; Sandys & McGarrell, 1995; Soss, Langbein, & Metelko, 2003; Stack, 2000; Unnever & Cullen, 2006; Vogel & Vogel, 2003; Whitehead & Blankenship, 2000); political affiliation (Bohm, 1991; Boots & Cochran, 2004; Britt, 1998; Cochran, Boots & Heide, 2003; Fox et al., 1991; Grasmick, Cochran, Bursik, & Kimpel, 1993; Sandys & McGarrell, 1995; Stack, 2000; Unnever & Cullen, 2006; Vogel & Vogel, 2003); race and/or ethnicity (Baker, Lambert, & Jenkins, 2005; Barkan & Cohn, 1994; Bobo & Johnson, 2004; Bohm, 1991;

Boots et al., 2004; Cochran et al., 2003; Kinder & Sanders, 1996; Longmire, 1996; Robbers, 2004; Soss et al., 2003; Unnever & Cullen, 2005; Vogel & Vogel, 2003; Young, 1991, 1992, 2004); religiosity factors such as church attendance (Grasmick et al., 1993; Grasmick & McGill, 1994; Harvey, 1986; Perl & McClintock, 2001; Unnever & Cullen, 2005, 2006) and/or religious institution indoctrination (Grasmick et al., 1993; Young, 1992); socioeconomic status (Soss et al., 2003); and victimization experience (Borg, 2006; Seltzer & McCormick, 1987).

Government distrust has also been found to be a whites-only predictor of death penalty support (Soss et al., 2003; Messner, Baumer, & Rosenfeld, 2006). In addition, the following macro-level factors have been found to be statistically significant: Geographical region (Barkan & Cohn 1994; Baumer, Messner, & Rosenfeld, 2003; Bohm 1991; Fox et al., 1991); and murder rates and percentage of minority populations (Baumer et al., 2003).

Research has looked at the relationship between death penalty knowledge and death penalty support (Bohm, 1989, 1991; Lambert & Clarke, 2001; Lambert, Camp, Clarke, & Jiang, 2011; Sarat & Vidmar, 1976; Vidmar & Dittenhoffer, 1981; Wright, Bohm, & Jamieson, 1995). The majority of that research was stimulated by Justice Marshall's *Furman* ruling (1972) in which he stated that people more informed about the death penalty would be less supportive of it, excepting those with an underlying belief in retribution. Studies were conducted with college students whose opinions on capital punishment were sought prior to being informed on the death penalty and who were then questioned again after information acquisition to determine if support level changed (e.g., Bohm, 1990, 2007; Lord, Ross, & Lepper, 1979). While some support was found for *Marshall's hypothesis* (Bohm, 1989; Bohm, Clark, & Aveni, 1991; Bohm & Vogel, 1991; Cochran, Sanders, & Chamlin, 2006; Patenaude, 2001; Sandys & McGarrell, 1995; Sarat & Vidmar, 1976; Vidmar & Dittenhoffer, 1981), studies also demonstrated that increased knowledge polarized opinions (Bohm, 1990; Lord et al., 1979). Students who declared themselves pro death penalty at the onset ended up being even more supportive after receiving additional information, and the same was found for death penalty opponents. Researchers concluded that the opinion-strengthening effect of new knowledge resulted from people focusing only on those facts which reinforced their own preexisting, emotion-based opinions (Bandes, 2008; Bohm, 2007; Bohm, Vogel, & Maisto, 1993; Lord et al., 1979). A rebound effect was also identified; the impact of new knowledge on death penalty support appeared to diminish over time (Bohm et al., 1993; Bohm & Vogel, 2004).

While all of these past studies greatly contributed to death penalty knowledge, the samples were comprised of people without direct knowledge of capital case proceedings. If practitioners were sampled, the study tended to target one issue such as reactions to newly implemented law (Lombardo & Olson, 2010) or on perceptions of systematic error (McGarrell & Sandys,

1996; Ramsey & Frank, 2007a, 2007b). Much of what has been published on the capital practitioner experience was written from single person perspectives (e.g., Kozinski, 2004; McCann, 1996; Salinas, 2006).

Multiple perspectives were somewhat explored when Whitehead, Blankenship, and Wright (1999) surveyed Tennessee legislators, chief prosecutors, and chief public defenders to determine differences in support levels. Whitehead et al. (1999) did not specify whether their sample had any capital case experience, but did find that chief public defenders were the only group not supportive of the death penalty. The other groups' death penalty support level decreased somewhat, however, when life without parole was offered as an alternative sentence option, and that finding is supported by extant literature (Bohm, 2007; Bowers, 1993; Durham et al., 1996; Jones, 2006). Both legislators and prosecutors revealed concerns about being politically harmed if they publicly opposed capital punishment, and their most frequent reason for favoring the death penalty was deterrence. Fairness was addressed; respondents were asked whether they agreed that Black-on-White murderers were most likely to be sentenced to death, and only 8% of prosecutors agreed with that statement, in comparison to 30% agreement by legislators and 90% by public defenders.

More recently, Sheffer (2013) interviewed 20 experienced post-conviction capital defenders in order to explore how death penalty appellate work impacted them emotionally. Her interviewees refer to themselves as adrenaline junkies who felt compelled to continue their work, despite the pressures and demands, due to the knowledge that they were vitally needed. They saw themselves as dedicated lawyers driven by a desire to represent the "underdog and to try to right wrongs" (p. 346).

Unlike the Sheffer (2013) study in which the objective was to specifically explore emotional experiences of post-conviction capital defense attorneys, the current study's goal was less restrictive by comparing and contrasting direct experience across all three capital roles (the judge, the prosecutor, and defense attorney). Interviews were with public, private, appointed, assigned, and retained defense attorneys whose experience ranged from lower level state trial courts to the highest level appellate courts in both the state and federal system. All 27 interviewees were given full opportunity to tell their own stories and present their own unique perspective.

RESEARCH DESIGN

Because the goal of this study was to gain a deeper understanding of death penalty proceedings from the capital worker perspective, a qualitative research design was crucial. Tewksbury (2009) identified qualitative methods as "the approach that centralizes and places primary value on complete understandings, and how people (the social aspect of the discipline) under-

stand, experience, and operate within milieus that are dynamic and social in their foundation and structure" (p. 39).

A total of 27 capital case workers were interviewed from within the following three states: Ohio, Oregon, and South Carolina. These states were chosen because each had active death penalty statutes at the time of the study; they are geographically diverse (Northwest, Midwest, and Southeast United States); and, altogether, they represent the full range of Elazar's political culture typology (1972, 1984), which has been identified in the literature as a "powerful element" in explaining policy (Cook, 1979, p. 249), sentence severity, and criminal justice decision-making (Broach, Jackson, & Ascolillo, 1978; Eisenstein, Fleming, & Nardulli, 1988); and shown to be a determinant for death penalty implementation and frequency of use (Fisher & Pratt, 2004).

Elazar (1966) divided American states into three categories according to location, migration, civic commitment and customs. In traditionalistic states, such as South Carolina, political participation is generally left to elites. For individualistic states (e.g., Ohio), political involvement tends to be viewed as a professional career choice. A moralistic state, such as Oregon, would be where civic commitment is seen as each community member's personal duty.

The two criteria used for selecting prospective interviewees are capital case experience and intrastate location. The semi-structured interview was the chosen format because it allows interviewees to tell their story in their own words, and it allows an interviewer to probe more deeply for details from each narrative (Charmaz, 2006).

Interviews averaged one hour in length and took place between May 31 and July 15, 2011. As an initial icebreaker, interviewees were invited to reveal more about themselves, such as when they decided to go to law school, why criminal law became their career choice, and the progression to their current position. They were then asked to generally describe their capital case experience, the magnitude of that experience, and whether or not they anticipated future involvement. All interviewees were queried about whether they had suggestions or recommendations for improving capital case proceedings. They were also asked whether they believed the death penalty was a necessary component in the current criminal justice system, and why or why not. That was followed up with the question: "Realizing that capital case litigation may be part of your professional job responsibilities, how do you personally feel about the death penalty?" Interviewees were urged to explain the basis for those beliefs. Lastly, they were explicitly given the opportunity to expand or elaborate. Sessions were tape-recorded and subsequently transcribed verbatim.¹

A contents analysis was then conducted in order to uncover any emergent themes from within and across interviews. Charmaz (2006) stated that "Coding full transcriptions can bring you to a deeper level of understanding" (p. 70) because it allows the researcher to accomplish two things—to become

immersed in the data and to go line by line to identify revealing words and phrases that may be thematic. In this study, once each interview was coded, the researcher compared across codes to determine possible “underlying patterns of meaning” (Gubrium & Holstein, 2009, p. 226) or conceptual categories. While the researcher remained alert throughout this entire coding procedure as to the ways her own perspective might be shading and shaping the data (Charmaz 2006), a third party was also asked to code the transcribed interviews (stripped of identifiers) to help ensure objectivity in the theme identification process.

FINDINGS

Range of Capital Experience²

All interviewees had firsthand, direct experience with capital cases. That experience ranged from full participation in at least two bifurcated capital case trial proceedings (n=1) to direct involvement with over 50 capital cases (n=3). Some interviewees had multiple role involvement. Experience was grouped into three interval ranges. Slightly over 22% of interviewees had direct experience in 2-5 capital cases (n=6); 37% had direct death penalty experience in 6–19 cases (n=10); and 41% had direct participation in over 20 capital cases (n=11).

Thematic Findings

Economic issues. “Super due process, to me, means you should have a Cadillac defense. Now what’s being said is that a Kia is good enough,” Anonymous Interviewee (AI) #6 stated. When wrongful convictions were revealed because of advances in DNA science, many states and counties jointly took action to provide more funding at lower court, post-conviction relief (PCR) and appellate levels. However, since that time, the economy has taken a steep down-turn, which may be impacting capital funding.

They have changed—you know—over my term of practice to being a little more penurious, a little more wary, and a little more savvy about—you know—the worst case scenario is they’re giving you a half of a loaf, and they know it. They’re giving you enough to insulate their record from a reversal, but they’re not really giving you enough to do what you need to have done. (AI #13)

By restricting funding, defense attorneys feel forced to either go to the second-rate expert or settle for state-employed consultants. All interviewees conceded that currently their death penalty system is underfunded.

“The small counties can’t afford a death penalty case; so—you know—if you did it in one county, you get a life sentence. If you did it in another county, you get the death penalty because of cost issues” (AI #13).

In certain impoverished counties, capital charges are not filed (or *noticed*, depending on the state) merely because those counties cannot afford the expense. Once the capital case quota in a county has been reached, the death penalty will be off the table or will remain merely as a bluff to secure a plea bargain.

Using the death penalty as leverage. “Those who claim the death penalty is too costly never take into account the cases that are not litigated because of the death penalty existing as a leveraging tool” (AI #2).

One reason given for support is because without the death penalty as the high level mark, aggravated murder cases will settle at a lower level. If life without the possibility of parole (LWOP) was, instead, the highest level of punishment, then the concern is that aggravated murders would end up eventually being released. “For any type of criminal case, the most severe penalty option moves the goal post where most cases will settle” (AI #1).

The morality of the death penalty.

There have been times when I said that I’m going to have to answer to God for what I have done. And at times that has given me some angst, and then I thought: Well, did you do it responsibly? Did you do it for the right reasons? Did you do anything unethical? If you can answer those questions, then you can answer to God for it. (AI #20)

Many of the 27 interviews were intense, to the extent that the researcher-interviewer herself could not help feeling emotionally impacted by the cracking voices, watering eyes, or shaking hands. Twice, interviewees broke down and cried. That provided insight as to how difficult it must sometimes be to maintain professional composure during death penalty proceedings.

[I]n order to do this job, you have to pour your soul into it. If you do it [strictly] as a lawyer, this is pretty cool; you get out of it without getting hurt. It hurts a lot to do it right because you have to basically immerse yourself. (AI #6)

When interviewees were asked whether their death penalty opinions were based on moral or religious beliefs, 73% said they were morality-based (n=19). A little over 62% percent of judges felt that way (n=5); 67% of prosecutors (n=6); and 89% of defense attorneys (n=8). None of the interviewees believed that their opinions were founded on religious beliefs.

I’m not a rabid “he’s got to die” kind of guy. I mean it’s just—I certainly believe in it. But, to me, if a jury decides to sentence him to life imprisonment, I don’t go out and kick the dog or anything. Its like—you know—hey, that’s their decision. And I don’t—if they decide to sentence somebody to death, I don’t pop the cork either. (AI #16)

Some prosecutors expressed distaste for the death penalty but were resigned to the fact that it was what the voters wanted. Others felt that in order not to be overwhelmed with personal angst, they had to believe in the morality of the death penalty. Some interviewees claimed that they hated the fact that the death penalty was necessary, but the presence of evil in the world made it so.

Um, I hate that we have to have it. Okay? I do. I wish that people were not as evil as they are; that would be such a wonderful society to live in. All right? But we have mean and evil people that live amongst us, and I think they need to go, and so it's a hard decision. (AI #20)

Some judges expressed frustration with the system because of the requirements placed on them to regulate it and make it work perfectly when so many uncontrollable variables exist. More than a few judges confessed that the interview made it difficult for them because they were sworn to uphold the law (and the death penalty was the law in their state), and now they were being asked to look beyond the law and reveal personal feelings. For them, the law was often seen as a blinder, similar to what is placed on racehorses, so that they would not be distracted from the task in front of them. A few had experienced times during the course of a death penalty trial when they woke from a sound sleep besieged with doubts about the morality of it.

The best of the best. Neither capital prosecutors nor capital defenders make the kind of money that their level of education, skill, and trial experience would earn them in the private sector. The ones who stay in the field for any extended length of time tend to be strongly committed to their profession. "Most successful defense attorneys don't believe they're on a mission for God and separate themselves from their client. The ones that are the most obnoxious are the ones who take it all so very personally" (AI #7).

Those who specialize in capital litigation may find that their commitment over time becomes a crusade. Many capital defenders admit that unlike other major felony work where they strive to inject reasonable doubt and to hold the government accountable for proving guilt, in death penalty proceedings their goal is strictly to save the client's life. Prosecutors, on the other hand, feel a similarly strong responsibility to protect society. When prosecutors were asked about the necessity of the death penalty now that LWOP is available as a sentencing option and now that maximum security prisons have been built to resolve safety concerns, they expressed fears for the prison guards, the medical staff, and even other inmates.

The refrain heard over and over again from attorneys on both sides of the death penalty debate was, "I want to do right." Prosecutors and defense attorneys alike stated a preference for having their opponents be highly skilled capital litigators because that helped alleviate their fears about mistakes being made in the process,

I would rather have a good lawyer on a case than a bad lawyer on a case. I don't worry about the—one, I know that the person on the other side from me is doing [the] job; so if something has happened wrong in the process, hopefully it will be found by the advocate on the other side. (AI #14)

Many defenders admitted to feeling like David to the government's Goliath and having had a lifelong desire to stick up for the underdog. A common sub-theme was found with the prosecutors being very service-oriented. As an example, most offered (without being asked) to help the researcher/interviewer navigate their cities by drawing maps or giving detailed directions. Many interviewees had been influenced by television shows they were exposed to in early childhood; others originally planned to go into corporate law or private defense law but were permanently sidetracked by taking on internships or first jobs at either a prosecutor's or public defender's office.

Respondents/interviewees revealed that it was not unusual for courtroom workers, whether prosecutor, defense attorney, or even judge³, to get assigned to one death penalty case and then, no matter what the outcome, to declare "Never again!" This may be unfortunate because, according to interviewees, it takes multiple involvements before participants will stop feeling as if they are walking on eggshells, and it is common for novices to second-guess everything. The possibility also exists that capital case workers will become so efficient that their focus on form will be at the expense of substance. Super due process requires capital defenders to leave "no stone unturned" in representing their clients, according to AI #6. Anonymous Interviewee #18 stated:

I think ethically it's a real problem to be filing a motion that has no merit, but I'm doing it because it's a death penalty case; so I should just do everything. And I don't agree with that; so that's a problem. And, um, even though on one hand counsel are going through all these motions, a lot of times to me what is stressful is it just looks like that's all they're doing—is going through motions as opposed to using a more case-specific, refined, focused effort in a case.

Interviewees told of times where written motions were filed that contained the wrong name of either the victim or defendant because filings were prepared hurriedly from templates. Due to the enormity of the task, there is a recognized risk that capital defenders will scramble to check off all their required to-do items and then not have any time or energy left over to put forth quality witness examinations, impassioned pleas, or creative arguments. This is what interviewees referred to as a *rote defense*, which may look marginally acceptable on the official transcript of proceedings (the appellate linchpin) but which falls far short of impressing the jury or of being effective.

The worst of the worst.

We're not really charging the death penalty in the worst of the worst cases. So I would much rather see something—whether it's a grand jury review or whether it's a commission review, whatever it is—but to try to limit the number exposed to the death penalty to those really sociopathic, dangerous people who can't be held safely without an expense that's beyond what society can burden—or take on the burden, if that makes sense. It just seems like it's a very rare case where the state can't charge a death penalty case now. (AI #4)

The majority of interviewees expressed concern that the death penalty in their states is not being reserved for the worst of the worst. Respondents related instances where the most vicious killers were allowed to plead to lesser sentences. One serial killer pled to LWOP in exchange for revealing where his victims' bodies were buried. Another multiple-victim killer fled the country, and the harboring country would not allow extradition until the state agreed not to seek the death penalty.

Super due process. “Presumption of innocence is an artificial bubble you place in one place and one place only: the courtroom” (AI #7). One judge admitted to being discouraged because many defense attorneys start out their case in the first phase by saying, “Okay. Let's talk about the death penalty.” This gives everyone in the courtroom, including the jury, the impression that even the defendant's own attorney believes he's guilty.⁴

And, of course, it is difficult to deal with the qualification of a jury without in some way mentioning the fact that—you know—we talk about the death penalty, but he hasn't even been found guilty yet, and so there's sort of like a seed being planted out there. (AI #21)

Interviewees explained how hard it is to keep the high threshold of beyond a reasonable doubt from being lowered in capital case proceedings. Courthouse wisdom seems to be that the death penalty is only sought when the state's case is airtight. Also, everyone knows upfront—and even the *venire* learns on the first day—that the death penalty is the potential penalty, which may add a dire dimension to death penalty proceedings. This is in stark contrast to non-capital proceedings where merely mentioning a potential penalty can result in a mistrial.

When interviewees recounted their experiences, this refrain was often heard: “Guilt was not an issue in that case.” When asked outright about the presumption of innocence during death penalty trials if guilt was never in doubt, one defense attorney expressed certainty that prosecutors would not risk going to trial on a capital case without insurmountable evidence of guilt.

There's so much about capital law that is not only hollow and hypocritical but just flat-out topsy-turvy. You know, death is

different; more process is due; all these pretended Pontius Pilate hand-washings repeatedly just to pretend that we are affording this person all the great protections twice, three times over. (AI #13)

Prosecutors were adamant that due process was present to an even greater extent than it was in noncapital cases. However, reservations were revealed. The biggest concern seemed to be the jurisdictional variation with capital charging and death penalty outcomes. Certain counties in all three states were known for aggressively seeking the death penalty and for having jury-eligible citizens who would always vote for death. Juries in one particular county were referred to as “the 12 Dobermans” (AI #25). Other counties never seek the death penalty regardless of the numbers of aggravated murders committed within their jurisdiction. Some counties consistently seek the death penalty but are known for having juries that always compromise with an LWOP verdict.

Another concern was the quality of the defense, which also appeared to be jurisdictionally related. In some areas, there was the perception that aggressive defending was not tolerated; that appointments were given to a certain favored few who were more willing to compromise their client in order to maintain good relations with those having the most political power and/or controlling the purse strings. “I suppose it’s like everywhere else in the country. There are certain house pets in the private bar that play the patron’s game for appointments who keep getting them because they don’t really put up a big fight” (AI #13).

Sometimes the client might be compromised inadvertently. This may occur merely as an unintended consequence of local courthouse culture.

When we’re here and we’re trying cases in front of judges we see all the time—you know—sometimes there’s a reluctance to try to cross that judge; so maybe death penalty counsel should be trained individuals in a central office and really not locally tied. Maybe you need some local counsel to assist in the jury selection or something to know more about the folks here, but if I’m beginning to try cases all the time in front of these judges, I may—whether I want to admit it or not, it may very well hamper me in really making a real—you know—really going to the mat when it’s needed. (AI #19)

Concern about capital jurors’ understanding of how to apply the law was also an issue. Anonymous Interviewee #12 opined that capital jurors probably used a preponderance of evidence standard (charges are more likely true than not) despite being instructed by the court to use the standard of beyond a reasonable doubt. In one state, new restrictions have recently been placed on *voir dire* examinations which prevent defense attorneys from effectively screening the *venire*. Also, instead of allowing individual *voir dire*,

a new trend has been to question prospective jurors in small groups. Some jurisdictions have discontinued capital jury sequestration. While all of those interviewed supported America's jury system, many had reservations about capital juries being death-qualified.

The timing for appointment of defense counsel was identified as being problematic. Because the vast majority of defendants capitally charged are indigent, they are not appointed counsel until after the death penalty seek decision has already been made. Once elected prosecutors publicly announce that they are going after the death penalty, it may be difficult for them to back down from that position even when new information later surfaces that might justify a softening stance. A privately retained attorney brought in early (at the suspect stage or even before) is in a much better position to advocate on the client's behalf and protect the defendant's rights. When the defense comes in later, important case decisions have already been made. Interviewees revealed that the state proceeds more cautiously and is more receptive to case disposition discussions when it knows the murder suspect has representation. On the other hand, problems can occur with privately retained counsel lacking sufficient trial skills and experience. One judge stated that the system works best when the capital defendant is either very wealthy or very poor (AI #10). Occasions were also recalled when prosecutors told defense attorneys upfront that even though the death penalty was being sought due to media scrutiny, the case would just get dragged along until public focus shifted, and then a deal would be offered.

Besides lower court level variations, higher level court variances were identified. Certain federal circuit courts are known to the inner circle as being very liberal in their practice of reversing and remanding capital cases back for retrial on what might be considered as trite issues, whereas other federal circuit courts have the reputation for never ruling in favor of a capital defendant, no matter how valid the constitutional claim. It is similar with the three state supreme courts. In one state, it was identified as a running joke that its highest court will "stretch the taffy to affirm every capital conviction" (AI #13). Harmless error was seen by some as the catch-all phrase to keep capital convictions intact.

Measuring the value of the victim's life. "A civilized society is not one that punishes less and less and less. It's one that is more discriminating about it" (AI #7). One aspect in particular was brought out by prosecutors which might explain, in part, some of the findings from past research regarding bias in death sentencing. The system itself forces its workers, as well as capital juries, to compare the value of a life by measuring one person's worth as compared to another.

You and I both know when we get to a jury that the jury is going to care a lot more about the armored car driver who was shot than about some damned crack-head who's out there

selling poison to the kids. So which case are we going to get death on? (AI #14)

Prosecutors, in screening out cases in which to seek the death penalty, evaluate the crime, the criminal, and even the victim. The latter assessment, rather than being racially motivated, is –as was explained–based on the prosecutor’s perception of whether the victim is a true innocent, how much the impaneled jurors will care about that particular person’s death, and whether their outrage will be sufficient to sustain a death penalty verdict. “We know in our experience that you’re never going to get the death penalty unless you have a true innocent victim. It’s just not going to happen” (AI #16).

The prosecutor is compelled to make these calculations because of the high costs attached to a death penalty pursuit. Experience has demonstrated to prosecutors that victims who have a shadier past—possibly as a consequence of low socio-economic status, chronic unemployment, substance use or abuse—are viewed by sworn-in jurors as being less valuable to society; therefore, the price for murdering him/her will end up being discounted. As AI #14 explained it, the reality of the situation is that community members just “do not give a damn about the crack addict who is murdered.”

A sporting event. “Death penalty has now become a giant game that only benefits the cottage industry” (AI #1). More than one interviewee used sports analogies to describe their experience with capital litigation, such as referring to it as being “the Super Bowl of criminal law” (AI# 10) or the “Lawyers’ World Series” (AI #5). Death penalty litigation is “addictive” (AI #13); and in comparison, other felony cases seem trivial. “The thing about death penalty work is it’s so—you know—it’s just so intense. You get so into it” (AI #23).

Also, most of these experienced capital attorneys went into law in the first place to litigate in front of juries. In civil law, litigation has decreased over the years; and, when it comes to the high-money cases, the established civil firms will usually not allow associates to try them. In criminal law, novice attorneys can try cases immediately at the misdemeanor level and get moved up the ladder to try felony cases fairly quickly. Now, in the modern era, with 95% of criminal cases being settled (Maguire, 2003), a considerable amount of capital cases can still be counted on to go to trial; and those trials are more grandiose than noncapital trials due to extended *voir dire*, the 2-phase proceedings, and the risk of death being attached. Anonymous Interviewee #7 said that trying a capital one is “the most fun you can have with your clothes on.” Others felt a let-down when a capital case was over, and they had to go back to more mundane criminal matters. Anonymous Interviewee #25 stated that it was like being forced to tail-gate after having recently been the star quarterback. Even capital judges may not be immune.

There are a lot of judges who want to do death penalty cases. And I don’t mean to sound disparaging of brothers and sisters on the bench, but some of them want to do it for the wrong

reason. They want to do it because they're the big cases; they want to do it because they get a lot of attention. (AI #4)

In this study, however, the judicial interviewees were the least likely to appreciate the thrill aspect of these cases. Instead, they felt intense pressure to create a reverse-proof record.

They are a pain in the butt both from the standpoint of the nature of what you are doing as well as the stringency of the rules, the requirements, the not screwing up, the not wanting to try it two, three, or four times. All of that comes into play. (AI #24)

Death penalty paradoxes. When asked, "Has being an active participant in the capital punishment system created any personal or professional concerns, conflicts, or stresses?" prosecutors explained how capital litigation was considerably less stressful for them than noncapital litigation. There are a variety of reasons: Guilt or innocence is often not hotly contested; there is an established body of law regarding death penalty jurisprudence; more money is approved for hiring experts and/or consultants in capital cases; both capital prosecutors and capital defenders work in 2-member teams; and there is always advance knowledge on exactly when the case will be tried.

It isn't like a regular case where it's like a cattle call, and the docket tends to break out when cases plead out, and you scramble. For a capital case, you know it's coming. You have a specific date; you've got a job assigned to it; you've got a court reporter; you've got the lawyers lined up and all that. You have plenty of pretrial conferences to kind of get things on track if they start getting derailed, and so there is more certainty to it so you can—it's more organized than other types of criminal cases. (AI #26)

The interviews revealed another paradox with capital litigation. The better job that a defense attorney does, the less reversible error in the record; therefore, if a jury decides to bring in a death verdict—and, as was revealed over and over again, no matter how skilled you are in litigation, you can never be 100% certain what a jury is going to do—then that defense attorney has hurt, rather than helped, his client. For those capital defenders whose ultimate goal is to save their client's life, the temptation is great to deliberately insert error into the record. "It's an irony because the more fair to the defendant in some ways, the more we're making it so that there's no reversible error on the record. Know what I mean?" (AI #19)

Judges who may be personally anti-death penalty or merely ambivalent can be similarly conflicted. If they step in to protect the record when they feel a defense attorney is doing an improper job, then they are, in essence, paving the way for the death penalty to be affirmed upon review.

Summary of Interviews

Of the 27 interviews, 62% were non-supportive of the death penalty (n=16). One judge abstained from giving an opinion, as noted in Table 1. All prosecutors, except for one in Ohio, were supportive. In contrast, all but one of the nine defense attorneys were non-supportive. Out of the eight judicial responses, 88% were anti-death penalty (n=7).

Table 1 summarizes selected responses.

State	Role	Support	Needed	Prime Suggestion(s)
Ohio	Jud	No	No	Commission for DP seek-decision
Ohio	Jud	Yes	--*	Leave it up to legislators
Ohio	Jud	No	No	Abolish
Ohio	Pros	No	No	Abolish
Ohio	Pros	Yes	Yes	State-funded DP prosecution, limit appeals
Ohio	Pros	Yes	Yes	No unanimous verdict
Ohio	Def	No	No	Open discovery, funding, 2 juries
Ohio	Def	No	No	Funding, individual voir dire, change venue
Ohio	Def	Yes	No	Bring in indigent defense earlier
Ore	Judge	No	No	Do away with PCR
Ore	Judge	No	No	Leave it up to voters
Ore	Judge	No	No	2 separate juries
Ore	Pros	Yes	No	Remove habeas corpus or PCR
Ore	Pros	Yes	Yes	Better funding across board
Ore	Pros	Yes	No	Oversight on def appellate/PCR costs
Ore	Def	No	No	Abolish
Ore	Def	No	No	Abolish
Ore	Def	No	No	Abolish
SC	Jud	No	No	Allow plea in phase 1/allow jury trial phase 2
SC	Jud	--*	No	Leave it up to legislators
SC	Jud	No	No	State prosecution panel for seek-decisions
SC	Pros	Yes	Yes	Oversight defense costs, shorten appeals
SC	Pros	Yes	Yes	No unanimous verdict, improve jury charges
SC	Pros	Yes	--*	Retain jury sequestration, appellate reform
SC	Def	No	No	Higher standards, individual voir dire
SC	Def	No	No	Funding, 2 juries, seek-decision reform
SC	Def	No	No	Abolish, narrow, defense, PCR order, habeas corpus

*Felt it inappropriate to answer

When interviewees were asked whether or not the death penalty was a necessary component in the criminal justice system, 80% of respondents (n=25) said that it was not necessary, and that included three of the nine

prosecutors who agreed to answer that question. One prosecutor declined to respond because he/she felt that was a question best left for lawmakers to answer.

Interviewees were asked to make suggestions for improving the death penalty system in their state. One judge felt that was better left to the legislators. Six (one judge, one prosecutor and four defense attorneys) felt the death penalty needed to be abolished. The issue of abolition was not addressed outright; the question asked whether they had suggestions for improving the death penalty in their state.

Seven interviewees suggested appellate reforms, and four of those suggestions were from prosecutors; one suggested eliminating the dual protection of Post-Conviction Relief (PCR) and habeas corpus because only one was sufficient to safeguard defendant rights; one prosecutor felt the process should be streamlined to eliminate delay between sentence and execution; another prosecutor felt that the issues preserved should be the same as for noncapital cases except to allow for any residual doubt issue to be reviewed. One judge also felt that the state post-conviction relief was redundant and was concerned with how expensive it had gotten in recent years. That dovetails with the comments of two prosecutors who suggested that better oversight was needed on appellate defense funding. One defense attorney suggested reform at two of the post-trial stages, that the habeas corpus needed to be a more meaningful review and also that judges at the post-conviction relief hearings be required to draft their own orders instead of allowing the Attorney General's Office to do so (to ensure that the order is a more accurate and complete reflection of what actually occurred). A pernicious nationwide practice was described in PCR hearings where the winner has the power of the pen to subtly distort the facts in the court order, and those subtle distortions become presumptive truth in subsequent federal appeals.

Three suggestions were for bifurcated juries: one jury impaneled for the guilt/penalty phase, and a separate jury impaneled for the penalty phase. That suggestion was made by a judge as well as by two defense attorneys. Two judges and one defense attorney recommended that the decision to seek the death penalty in any case be taken out of a single prosecutor's discretion and either require a panel of statewide prosecutors or an appointed committee to make that decision.

Three defense attorneys recommended that defense funding be increased. One prosecutor suggested that death penalty prosecutions be state-funded. One prosecutor recommended better funding across the board.

Two prosecutors wanted to eliminate the requirement for unanimous verdicts in the sentencing phase and, instead, allow 11-1 or 10-2. Two defenders suggested that individual *voir dire* remain and that more meaningful jury-attorney exchanges be allowed. One interviewee suggested that standards for capital qualification be raised, and another defense attorney also

expressed the need for better defendant representation. One interviewee was concerned about the jury sequestration rules being weakened and felt strongly that capital jury sequestration needed to remain regardless of the cost. Another recommended that the change of venue rule be relaxed, and one prosecutor recommended that jury charges be improved.

One Ohio respondent suggested an open file discovery more expansive than the one put in place earlier in the year. A South Carolina respondent recommended that statutory reform is needed to limit the amount of aggravated murders in which the death penalty could be sought. Another interviewee from South Carolina suggested that a capital defendant who wished to plead guilty be allowed to have a jury decide his penalty; at the present time the jury is required to be impaneled for both phases or for no phases; therefore, if a defendant pleads guilty, he must be sentenced by a judge. One Ohio interviewee asserted that fairer outcomes would be accomplished if indigent defense was brought into the case earlier, before the death penalty seek decision had already been made.

DISCUSSION & CONCLUSIONS

This study examined death penalty opinions through the finely ground lens of knowledge and experience. To this researcher's knowledge, it is the first time that capital judges, capital prosecutors, and capital defense attorneys from three different states have been interviewed in depth about their views on the death penalty.

The majority (62%) of the interviewee-respondents in this study were not supportive of the death penalty. There were a number of reasons given for their non-support, such as the infallibility of the system; the moral opprobrium that killing is always wrong, even if done by the state; the idea that LWOP accomplishes the same objective; the high cost; the strain on the system; or the use of resources which would better serve society if applied elsewhere. However, the ones who did support it mainly did so for the reason stated by AI #7: "I have very little faith that true life will mean true life." This distrust in government aligns with Zimring's (2003) discursive analysis on cultural contradictions of American capital punishment because strong supporters of the death penalty "commonly express skepticism about alternative punishments such as life sentences without parole" (Messner et al., 2006, p. 583).

Qualitative analysis of the interviews revealed nine emergent themes: Likening death penalty trials to sporting events; economic issues; plea bargaining as leverage; the best of the best (quality representation); the worst of the worst (proportionality); measuring the value of a victim's life; super due process; morality issues; and death penalty paradoxes.

For capital attorneys, the two-stage death penalty proceeding has become their Super Bowl challenge. Capital judges did not appear to have that

same appreciation for the sporting aspects of a death penalty trial, but the thrill aspects of capital work were previously noted by Sheffer (2013) during interviews with appellate defense attorneys.

Expense was a major theme, and the majority of all interviewees stated their belief that the death penalty is not needed because the LWOP sentence is a safer, more cost effective alternative. Public opinion research has also shown that when the death penalty support question is extended to include harsh and meaningful sentencing alternatives such as "life imprisonment with absolutely no possibility of parole," overall death penalty support decreases (Jones, 2006, para. 5).

Unlike the Whitehead et al. (1999) study in which deterrence was a reason given for prosecutor death penalty support, no interviewee here identified deterrence as a basis for support. Instead, the main rationale for the death penalty being needed was its use as leverage to secure an LWOP plea. However, interviewees revealed that oftentimes capital defendants end up on death row because of their refusal to plead, even when doing so would be beneficial and life-saving. The concern is that too many death row inmates fit the description described by White (2006), who identified the typical capital defendant as being cognitively/emotionally deficient and averse to accepting favorable plea offers.

Suggestions were made to have some type of statewide oversight for capital charging decisions to eliminate geographic inequalities, promote proportionality, and ensure that the death penalty is being reserved for the worst of the worst. This type of regulation would also eliminate the ethically problematic victim-value calculus that may be occurring in death penalty charging decisions.

Prior research has suggested that most capital jurors decide punishment even before the innocence/guilt phase has been concluded (Bowers 1995; Bowers & Foglia, 2002). This study found that defenders view their job as an uphill battle from the start. Except for three of them who had been extremely successful in bringing in not guilty verdicts for capital clients, defender-interviewees did not hold out hope for acquittals and were not optimistic about being able to keep clients from death row. If defense attorneys perceive their client's case as a lost cause from day one, then they may be conveying that lack of confidence to the sworn-in jury. Having a capital trial broken up into two parts makes it a challenge for defense to effectively mitigate in the second phase if they have already put forth an innocence claim in phase one (American Bar Association 2003) because the jury will likely see that mitigation evidence as self-serving and manipulative (Sundby, 1998). A bifurcated jury may resolve this dilemma for defense.

Findings further suggest death penalty insiders have reservations about super due process adherence. Expressed concerns were jurisdictional variance; quality of defense; integrity of prosecutor; death qualification of capital

jury; not allowing individual *voir dire*; not sequestering the impaneled jury; and presumption of innocence. This study identified paradoxes and potential ethical dilemmas such as capital defenders on a life-saving mission who may feel forced to deliberately inject error in the record to provide appeal protection; and capital prosecutors who may be experiencing considerably less stress when involved with capital trials (as compared to noncapital murder trials) due to expanded resources, advanced scheduling, being relieved from regular caseload responsibility, and not being challenged on the issue of defendant's guilt. Findings were that capital judges felt conflict when compelled to intervene during a capital case in which they had concerns about a defendant's characteristics (e.g., low IQ, lack of social skills, legal system naiveté) or an attorney's performance.

Study Limitations and Suggestions

Given that this was a small sample size ($n=27$) and the research design was qualitative, the opinions expressed in this study may not be representative of other capital case practitioners, either in these states or in other states. It is suggested that studies in other states be conducted to determine whether the same (or similar) themes would emerge from interviewing death penalty insiders.

It is suggested that elected prosecutors be interviewed to find out how and why charging decisions are made and to determine their willingness to turn over death penalty-seeking discretion to a non-partisan decision-making panel. Also, expense vouchers could be analyzed to determine if expenses in death penalty proceedings have been increasing or decreasing over time. Capital cases settled with life pleas should to be examined and compared to capital cases which went to trial in order to evaluate whether the death penalty is being reserved for the youngest, least educated, and most distrustful rather than for the worst of the worst.

Experienced capital case workers are a valuable, and largely untapped, resource for learning about the American death penalty. Society would be better served if policy makers put a system in place for periodically checking in with the front lines for feedback. Capital case practitioners are in position to pinpoint existing or emerging problems, and so it is imperative that their collective concerns be continuously heard and addressed.

ENDNOTES

- 1 Because two interviews took place within courthouse settings, on-site court security staff would not allow the researcher entry into the courthouse with a tape recorder. On those occasions, detailed handwritten notes were taken; and, immediately after the interview concluded, those handwritten notes were typed up.
- 2 Due to the anonymous/confidential nature of this study and the fact that highly experienced death penalty judges, prosecutors, and defense attor-

neys are relatively rare, the IRB protocol prohibits the researcher from identifying age, gender, or race/ethnicity composition of the sample and also restricts researcher from explicitly revealing the current occupation and/or capital role when directly quoting interviewees.

- 3 In some jurisdictions, all of the felony criminal court judges are placed on random rotation to hear capital cases; in most, however, there is an assignment process, and the willingness of the judges to preside over these cases is taken into consideration. Also, attorneys do have the right to request a change of judge. The exact procedure varies across jurisdictions.
- 4 The male pronoun is being used throughout this article only because the vast majority of capital defendants are male.

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Book Review:
Heith Copes & Mark R. Pogrebin (Eds.), *Voices from Criminal Justice: Thinking and Reflecting on the System*

Routledge, 2012; 513 pp.;
ISBN: 9780415887496

Reviewed by: *Joshua B. Hill, Tiffin University, USA*

The introductory criminal justice “reader” is a difficult text to get right. The material should not be too advanced for the student (most likely a first-year undergraduate student) to understand, but also cannot oversimplify the topic and risk either insulting students or not conveying an appropriate sense of the complexity of the criminal justice system. *Voices from Criminal Justice: Thinking and Reflecting on the System*, a new compilation of readings published by Routledge and edited by Heith Copes and Mark Pogrebin, attempts to thread this needle in an interesting way by framing the book as a series of perspectives *from* the field, rather than *about* it. This approach in most areas of the text succeeds, but the reader is also faced with minor flaws as well.

First, the structure of the text closely follows the elements of a criminal justice introductory textbook—police, courts, corrections—with an interesting addition of the voices of outsiders (those who are going through the system) within each section. This approach is unique and useful, when compared to other readers, because it provides a truly important yet different area missing from previously published anthologies (see Palacios, Cromwell & Dunham, 2002; Maguire & Okada, 2011).

There are a total of 30 chapters in the text, allowing it to line up well with a 15 week semester, another significant benefit for its use in an introductory class. The chapters themselves consist of articles taken from various criminal justice publications, primarily from peer-reviewed journals, in addition to four original pieces of research. The publications included are drawn from a wide range of criminal justice, criminology, and sociology journals. Many of the articles are taken from top-tier journals, notably *Justice Quarterly* for the criminal justice perspective. The book uses a limited number of chapters previously appearing in other texts as well. At the conclusion of each chapter is a discussion question to help students contextualize the material covered. The overall formatting for the book is fairly simple, with the only callouts being the discussion questions previously mentioned.

From the outset, the editors indicate their interest in providing the missing inside perspective of the criminal justice: “[*Voices from Criminal Justice*] fills this gap in the education of criminal justice students by presenting the perspectives of those who work within the criminal justice system (i.e. practitioners) from those who experience it as outsiders (i.e. citizens, clients, jurors, probationers or inmates)” (Copes & Pogrebin, 2012, p. xiii). Therefore, they understandably reference material using interviews as the primary element of the research methodologies. Additionally, their focus on those participating in the system, rather than the system itself, is indicative of research primarily interested in identifying the perspective of those being studied—in this case police officers, attorneys, judges, probationers, etc.

Some of the notable chapters from the text include Pogrebin and Poole’s (1993) *Vice Isn’t Nice: A Look at the Effects of Working Undercover*, drawn from the *Journal of Criminal Justice*, as well as Duran’s (2010) *Urban Youth Encounters with legitimately Oppressive Gang Enforcement* and Tewksbury’s (2010) *How Registered Sex Offenders View Registries*—two of the four original contributions to the book. These chapters are perhaps the most representative of the editors’ attempt to address the system from the perspective, both as insiders and outsiders, of those participating in the criminal justice process. In particular, students will likely enjoy the perspectives addressed in these pieces because they deal with topics which many students already possess a passing familiarity, even if only thorough popular culture (though by no means are these the only chapters that students will enjoy).

Even with the anthology’s many benefits, however, there are still some notable drawbacks, though they are not serious enough to significantly damage the utility of the text. For instance, despite the book’s original approach, as well as the editors’ suggestions, many of the chapters do not present an insider’s or outsider’s perspective of the *system*. Rather, because the articles come from significant pieces of research published in peer-reviewed journals, they tend to focus on very specific elements of the system, such as the construction of power by female inmates, for example. While not all the chapters fall into this trap, it is notable that the very first chapter, *A Visigoth System: Shame, Honor and Police Socialization* (Conti, 2009), culled from the *Journal of Contemporary Ethnography*, examines the development of the “police personality” through the process of attending the academy—written from the perspective of the researcher attending classes with the cadets and engaging in interviews with them. While obviously a piece of significant research, it seems to stretch the credibility of the claim that it presents an insider’s perspective on the topic of police personality, especially given the wide variety of participatory research by officers themselves.

One additional challenge worth mentioning is the high academic level at which some of the chapters are written. This may make the text difficult to understand as part of an introduction to criminal justice class. The language, in many places, is technical, and the research methods presented are

challenging. This belies the editors' suggestion in their introduction that (1) an abbreviated version of an introduction text would be appropriate to use with the reader and (2) that students would be likely to read the text without much prompting because of its intrinsic interest.

Overall, however, the reader represents an excellent addition to an introduction to criminal justice course, assuming there is an appropriate amount of direction in combination with the readings. The book's unique approach to providing perspectives within the system, as well as its important inclusion of voices from those moving through the system, represents both a novel and important element for criminal justice students to understand. Given this, there are few readers out there that can compete with this text, and it would be highly useful in an introductory classroom environment.

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Book Review:**Kenneth D. Tunnell, *Once Upon a Place: The Fading of Community in Rural Kentucky***

Xlibris, 2011; 123 pp.;
ISBN: 978-1-4628-7565-8

Reviewed by: *Travis Linnemann, Old Dominion University, USA*

Well they sure are killin' this country I know that. My hometown is gone, I mean, it's just gone. There ain't been a new bridge, new road, or school, the only thing they build is jail houses.

— *Levon Helm, Poor Old Dirt Farmer*

It is difficult to think of the rural apart from rolling hills and green fields that offer a respite from the city's disquiet. Along with images of a bucolic rurality however, is a darker anti-idyll that has loomed in the social imaginary for centuries. While the narrative is timeless, the rural's decline is something few among us have lived or even cared to witness first-hand. However, in the pages of Kenneth D. Tunnell's *Once Upon a Place*, we travel to the disregarded landscapes of rural Kentucky and witness the history of its struggles. Like looking out the window of an old pickup truck as it bounces down a country road, Tunnell delivers us to the various sites where the time honored rural idyll is vanishing. This is a story of a land where tobacco once was, but no longer is king. With serious but accessible academic writing animated by more than 60 mournful photos, *Once Upon a Place* documents the abandoned farms, decaying buildings and lives cut adrift in a shifting and uncertain political economy.

Beginning with a brief history of Kentucky's farm economy, Tunnell runs down a list of important points in space and time that lead us to the present. Here, the demise of "Big Tobacco" had immediate and devastating effects on rural families, their modest homes and towns. With both prose and picture, Tunnell then details how the Federal Government's attempts to address widening inequality have largely failed, leaving many of the remaining residents clinging to agricultural day labor and manufacturing jobs under less than ideal conditions. *Once Upon a Place* next turns to the ruin of big box retailers as they extract labor and capital from rural Appalachia like the coal dug from its hills. With heart wrenching depth and clarity, Tunnell shows how neoliberal capitalism has gutted local economies and trampled the land with Wal-Mart parking lots—not unlike the mountains flattened and hollowed out by abandoned mines. Pairing a photographer's trained eye with sharp

sociological insight, Tunnell then describes how these abandoned socially disorganized rural communities are locked in a spiral of out-migration, aging populations and grim poverty. It is this spiral of structural inequalities, he contends, that makes a particular sort of protestant, populist patriotism an organizing feature of everyday community life.

From vanishing family farms, abandoned company stores, roadside trash dumps, to small rural churches, to read *Once Upon a Place*, is to experience the lived and unfolding history of rural Kentucky. Because of Tunnell's keen eye and accessible writing, the book will certainly interest those concerned with rural poverty and inequality. However, it is also sure to interest specialized academic audiences in rural sociology, anthropology and criminology— just to name a few. Summoning the spirit of James Agee and Walker Evans' *Let Us Now Praise Famous Men*, the book also provides a useful roadmap for those interested in taking up this sort of critical visual ethnography. So put on Levon Helm or John Prine in background, dive into the pages of *Once Upon a Place* and visit the fading communities of rural Kentucky—while you still can.

Book Review:
Duran, Robert J., *Gang Life in Two Cities: An Insider's Journey*

Columbia University Press, 2013; 253 pp.;
ISBN: 978-0-231-15866-4

Reviewed by: *Robert Donald Weide, New York University, USA*

In his newly published book, former gang member and probation officer Robert J. Duran provides both a compelling comparative ethnography of gang life in two middle American cities, Denver, Colorado and Ogden, Utah, as well as a needed critical analysis of both the historical and contemporary roles of colonial oppression and law enforcement practices and policies that have contributed to the formation and perpetuation of gang identities in the barrios of those cities. Although neither cites the other's work, I think it is fair to cast Duran's book as a counterpart to Michelle Alexander's celebrated work *The New Jim Crow* (Alexander, 2010). While Alexander failed to consider the effect mass criminalization has on Latino communities in the US, Duran provides a beautiful description and critical analysis of just that. However, rather than focus on the war on drugs and a Jim Crowe analogy as Alexander did, Duran relates the history of internal colonialism to the emergence of gang enforcement as a vehicle for continuing the oppression of communities of color in the post-civil rights era. This is an extremely important contribution to the literature not just on Latinos and/or gangs specifically, but to post-colonial theory, critical race theory, and critical criminology perspectives *in totum*. I can only hope that this significant piece enjoys the prominence that it deserves.

In addition to the content provided in this piece in terms of its ethnographic description and theoretical contributions, this work also provides another major academic contribution in its methodological approach. Duran is the first scholar with personal involvement in gangs to specifically study the gang life he himself participated in, richly incorporating his own personal experiences into his analysis. While renowned sociologist Victor Rios (2011) also had a background in gang life, his book is not specifically focused on the topic of gangs, nor does he discuss his own involvement to any significant degree. In contrast, Duran's book boldly makes his own prior gang membership and his racial/ethnic identity as a Latino the focal point of his work, both descriptively and theoretically. He consciously relates this approach to critical race theory (CRT) perspectives, which argue that those from privileged backgrounds cannot fully appreciate the experiences of marginalized minority populations, and that it takes someone who has suffered those ex-

periences personally to accurately analyze their effect. With the perspective that only a true insider can possess, Duran is able to assemble an array of sources, both historical and contemporary, to support his comprehensive narrative of gang life in the barrios of Denver and Ogden. Duran's career as a scholar, and this important work arising out of his dissertation research, are the culmination of a vision his mentor Patricia Adler and her husband Peter Adler have been advocating for decades now, starting most significantly with their seminal methodological contribution in 1987, *Membership Roles in Field Research*. Duran is a living embodiment of the complete membership role advocated by Adler and Adler in that classic piece and the strength of his analysis demonstrates the efficacy of complete membership as a primary ethnographic strategy.

While Sanchez-Jankowski has claimed to have assumed a membership role in his research on gangs in his 1991 book, *Islands in the Street*, it is impossible to verify the veracity of his claims, for he refused to reveal which gangs his research was conducted with, ostensibly under the questionable Chicago School assumption that in order to protect subjects, researchers cannot even identify which specific groups they studied, in addition to hiding the identities of individual subjects, which is, of course, ethically required. Rios also follows in this path, repeatedly refusing to identify which groups are the subjects of his research. This flawed perspective of refusing to enable the replication or verification of their research, even by other researchers, leaves serious and lingering doubts about the veracity of their research and findings and undermines the fundamental intent of the scientific method which requires that any finding(s) be subject to replication and verification. Not so with Duran, who courageously casts off the yolk of undue secrecy and takes the bold step of discussing specific gangs in specific circumstances, even to the point of discussing his own past involvement. This specificity of analysis gives his analysis a depth that previous research has not been able to attain and enables his narrative to ring true not just to an elite academic audience, but also to the very marginalized populations that his research engages with.

Faithfully adhering to C. Wright Mills' (1959/2000) exhortation that sociological research necessarily include the consideration of historical factors that structured contemporary circumstances, Duran provides a richly detailed comparative historical background to both of this field sites, Denver and Ogden. This adroit historical analysis results in a comparison more than a contrast between the two sites; Duran finds that the historical experience of internal colonization is endemic to barrio communities in both barrio milieus. The consistency of his findings across these two seemingly disparate settings further substantiates his overall argument that the root causes of the emergence and persistence of gangs in marginalized barrio communities throughout the American Southwest is due to the history of internal colonialism that barrio populations have suffered since the sacrifice of the

entire Southwest at the altar of manifest destiny upon the conclusion of the Mexican American War in the mid-19th century. Thus, his findings and analysis have strong validity in terms of generalizability to other similar locales throughout the American Southwest.

Another important contribution Duran makes is to explore the experience of barrio residents, particularly the youth, as the objects of heightened scrutiny from law enforcement agencies. Duran argues that modern law enforcement practices and policies effectively operate to marginalize and subjugate barrio youth, under the unassailable auspices of suspected or alleged gang involvement, rather than under the brazen racial or colonial regimes of past eras. Using thick ethnographic description and numerous quotes from formal interviews, Duran proceeds to argue that this hyper-criminalization of young barrio residents has the inadvertent result of causing gang members to cling to their gang identities rather than abandoning them. These findings are firmly in line with those of Rios and other critical scholars of urban policing, who have pointed to the role overzealous law enforcement play in perpetuating deviant identities in marginalized urban youth populations.

Perhaps most notably, citing such icons of the radical left such as Franz Fanon, Che Guevara and Karl Marx, Duran offers a critical neo-Gramscian analysis of the hegemonic role of criminal gang involvement as a justification for the continued oppression of marginalized barrio youth populations and their communities. According to Duran's dialectic analysis, while marginalized barrio communities are criminalized under the auspices of gang enforcement, gang members' criminal behavior provides the justification used for their continued hyper-policing. This vicious cycle renders gang members the instruments of their own oppression, unwittingly providing the justification for their own continued subjugation. This is perhaps his most valuable contribution to critical theoretical perspectives on race and crime.

However, there are a few minor criticisms that I might offer for the reader to consider. The first critique I have is that the historical analyses of Denver and Ogden should have followed the introduction and methodology chapters, with the chapter on policing gangs moved to just before the second to last chapter on the persistence of gang identities. There is a bit of a disconnect between these two important chapters with three other chapters in between them by my reading, but of course hindsight is always 20/20.

Another trivial critique is that the vast majority of the interview quotes are taken from only a handful of respondents. With over one hundred subjects interviewed for the project, it would have been better to get a more extensive representation of the perspectives of a wider swath of the subject population. However, as a qualitative researcher myself, I can certainly appreciate that for every subject who opens up and shares his/her world with you, there can be others for whom getting any usable data out of them is like pulling teeth with a pair of pliers. So in a sense, I sympathize with

Duran's choice to collect and present a large amount of data from the limited number of respondents who were willing to discuss their perspectives openly and who had something worth saying.

Another critique I think Duran's book shares with Michelle Alexander's is that it only really deals with the experiences of one racial group and one form of criminalization, in this case Latino barrio populations and criminalization, through alleged or suspected gang involvement. Taken together, the two works provide a compelling narrative of the oppression of marginalized communities of color in the contemporary United States; however, individually, each is left lacking.

Finally, while Alexander utterly ignored CRT perspectives that were logical predecessors to her argument, Duran made a conscious effort to engage with CRT literature as a frame for both his methodological approach and his critical analysis. However, I felt that he could have incorporated CRT perspectives to a greater degree than he did, since he made only passing reference to minimal CRT citations and no serious review or engagement with what is now a significant body of CRT literature. While Duran has laid the foundation for a bridge between CRT perspectives presented by legal scholars and modern social science research, the work of building that bridge remains to be completed. Duran also curiously omits a citation for Gramsci himself, though he regularly references Gramsci's concept of hegemony.

All in all, I believe Duran's work to be a valuable contribution to the literature on gangs specifically and to critical theoretical perspectives on race and deviant subcultures in general, from post-colonial theory, to critical race theory, to critical criminology perspectives. It is an enjoyable read and a fine pedagogical tool for exposing students to the experiences of marginalized minority populations in the barrios of the Southwestern United States.

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Book reviews typically focus on new noteworthy books based on topics relevant to the particular journal. For JQCJC, this means qualitative studies and research methods books focusing on qualitative methodologies. Once a book has passed its expiration date—typically one to three years after publication—the book is no longer considered fresh and worth reviewing. Over time, however, some books which should not be forgotten or neglected seem to fall by the wayside. Here at JQCJC, we believe that it is worth revisiting these works and evaluating their contributions (or potential contributions) to the discipline. With that goal in mind, most issues of JQCJC include a historical book review of a noteworthy but underappreciated work with the intent to make the old relevant once again. Hopefully these reviews will encourage scholars to sift through the academic waste bin, as Jeff Ferrell might say, to find works which have been discarded or overlooked but still have much to offer Criminal Justice and Criminology.

*Kevin F. Steinmetz
Book Review Editor*

Historical Book Review: **Howard S. Becker, *Outsiders: Studies in the Sociology of Deviance***

The Free Press, 1963; 215 pp.;
ISBN: 0684836351.

Reviewed by: Kenneth D. Tunnell, Eastern Kentucky University, USA

While recently reviewing a manuscript submission for a sociology journal and noticing Becker's (1963) appearance in the body of the text, I discovered, when skimming the references, that the citation read "*The Outsiders.*" I remember wondering just how familiar the authors may have been with *Outsiders* or if they had actually read it – given that they got the title wrong. After all, *Outsiders* has become one of those books that simply must be cited. And, with growing interest among younger scholars in field research, deviant groups, cultural criminology and inductive analysis, *Outsiders* has become symbolic of good work that must be recognized, deferred to, mentioned if only in passing, and cited regardless of one's familiarity with it. It's *Outsiders* after all and it simply must be included, so goes the reasoning.

I do believe it is necessary and not sacrilege to question today, in 2014, the relevance of a book that is more than 50 years old and whose research for it nearly 60 years old. At one time required reading in courses in the sociology of deviance, social problems and criminology, *Outsiders* likely has fallen out of favor as newer and more contemporary literature takes its place. The same is likely the case with Mills' (1959) *The Sociological Imagination*, another required read by countless university students and often cited by young scholars. Yet today, it and *Outsiders* more than likely go unread.

After recently re-reading *The Sociological Imagination* and more recently *Outsiders*, it is obvious that these are books of their time. It is noticeable in the language, the examples used and the issues of the day. As a result, there is much in those books that locates them and their significance in a previous epoch. The most obvious example found in Mills is the consistent reference to man and men and the consistent exclusion of anything to do with woman or women. *Outsiders'* historical location is most obvious in reference to race and sexual behavior and orientation. For example, an unmarried pregnant woman is likely to experience "severe" reactions from others; an Italian-American doctor finds it difficult to gain acceptance among non-Italians; people expect medical doctors to be white, middle-class and Protestant; the difficulties encountered by and the full-blown ideologies constructed among deviants, such as homosexuals and drug users. These are the examples that

most appear within the pages of *Outsiders*. This is not a criticism per se as readers can easily replace X for Y in each of the examples. Rather, this illustrates that the book, this classic book, like most, emerges from and is forever located within its own social and historical period.

Yet, there is no denying the vast importance that both Becker and Mills have had on the sociological universe. They are hugely important in the sociological canon. While others have addressed the significance of Mills' classic work, the historical significance and place of *Outsiders* is the aim of this review. But first, a bit of biography.

Howard Saul Becker was born on April 18, 1928, on the west side of Chicago, the city that would remain his home throughout his university education (and beyond). At age 15, he began a career as a professional pianist and performed in bars and taverns during much of his younger years (and until the early 1970s) (Becker, 1963, p. 84; Martin, Mutchnick, & Austin, 1990, p. 349).

The "Acknowledgments" in *Outsiders* reveals some important biographical history of the book, the piecemeal process by which it took shape and Becker's formal education. Four of the book's chapters had been published prior to 1963. The two chapters on marihuana use (the spelling used by Becker) were written as part of Becker's master's thesis (University of Chicago, 1949) and appeared in 1953 in the *American Journal of Sociology*. The two chapters on dance musicians first appeared in sociology journals in 1951 and 1955. Becker completed his Ph.D. in 1951 under the direction of Everett C. Hughes at the University of Chicago. The first draft of *Outsiders* was completed in 1954 but at only 90 pages in length, was too short for a suitable monograph. As shockingly unimaginable as it may seem today, the original draft of *Outsiders* did not contain the four chapters on marihuana use and dance musicians. After including those four chapters the book was published in 1963 by The Free Press (Martin, Mutchnick, & Austin, 1990, p. 352). Today, a safe bet is that *Outsiders* is best known for those four chapters on marihuana and musicians rather than chapters from the 1954 version. For me, they have been and remain the most important parts of the book as they are instructive about field research and are immensely insightful as they well represent (using interview dialogue and participant observation) marihuana users and musicians. The point of field research is to accurately represent. Becker clearly embraced that commitment as we learn intimately about those two groups' social worlds.

After Becker's graduate days ended, he went to work for Everett Hughes researching medical school culture and then undergraduate student experiences, both at the University of Kansas, resulting in two books based on their field experience (*Boys in White* and *Making the Grade*). In 1965 Becker returned to his native Chicago taking a position at Northwestern University where he remained until his retirement in 1991. He then moved to the University of Washington where he worked until his second retirement in 1999.

Now, to the substance of this review. Everett C. Hughes was a major influence on Becker as was the work of Alfred R. Lindesmith (1947). But, glaringly absent from *Outsiders* is any mention of Edwin Sutherland's differential association approach (other work by Sutherland, such as *The Professional Thief* and "White Collar Criminality" is cited). Sutherland's differential association approach first appeared in 1939 and was published in revised form in 1947, two years before Becker completed his master's thesis. Although there is much in *Outsiders* that sounds like Sutherland and arguably owed to him, no mention is made of his now-classic work which many consider "one of the best known and most systematic and influential of the interpersonal theories" (Martin et al., 1990, p. 155). Consider this passage from *Outsiders*:

...when one moves into a deviant group...he learns how to carry on his deviant activity with a minimum of trouble. All the problems he faces in evading enforcement of the rule he is breaking have been faced before by others. Solutions have been worked out. Thus, the young thief meets older thieves who, more experienced than he is, explain to him how to get rid of stolen merchandise without running the risk of being caught. Every deviant group has a great stock of lore on such subjects and the new recruit learns it quickly (Becker, 1963, p. 39).

Sounds like Sutherland to me. Yet, there is no mention.

Juxtapose Becker's omission of acknowledging Sutherland with Sam Wallace's *Skid Row as a way of Life* (1965) where he states emphatically the debt owed to Becker's *Outsiders*. From Wallace's (1965, p. 165) field research he understood and then wrote eloquently about the sequential process of *becoming* homeless: "Howard Becker's recent publication had a significant influence on my own work, an influence which is most gratefully acknowledged." Twenty years later, that giant of a thinker, Bill Chambliss (1988, p. 276), wrote that *Outsiders* was "an extraordinarily influential book." As much as those who came after Becker admit their indebtedness to him, his lack of doing likewise with some who came before seems an unusual omission and lacks a historical positioning in the process of intellectual thought. Apart from these thoughts, I have no further criticism of this vastly important and classic work.

Those considered "Outsiders," for Becker (1963, p. 1) take two distinct forms as is illustrated in his prose:

When a rule is enforced, the person who is supposed to have broken it may be seen as a special kind of person, one who cannot be trusted to live by the rules agreed on by the group. He is regarded as an *outsider*. But the person who is thus labeled an outsider may have a different view of the matter. He may not accept the rule by which he is being judged and may not regard those who judge him as either competent or legiti-

mately entitled to do so. Hence, a second meaning of the term emerges: the rule breaker may feel his judges are *outsiders*.

We see in this succinct quotation the dynamics of labeling, its subjectivity, fluidity and power. A good friend recently visited New York City. While riding in a taxi, she witnessed but could not quite hear another animated taxi driver say something to her driver. In the next moment her driver quickly lowered his window and shouted to the other, “No, you da fuckin’ asshole.” And the effort to label goes back and forth each claiming (and loudly) that the other is deviant, beyond the rules and etiquette of the road and the outsider.

Labeling, for Becker, does not result from a universal consensus on rules but rather from conflict. For those who make the rules and yet are labeled as outsiders by others are those who engage in moral crusades. They are who Becker defines as moral entrepreneurs.

Society creates deviance, so says Becker, but not in sort of causal or criminogenic character. Rather, “*social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders....The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label*” (1963, p. 9, emphasis in original). It is the response that matters for without it, deviant behavior has not occurred. The response is variable. There is variation over space and time in rules and in peoples’ reactions to their violation. There is variation based on the actor and victim as rules are applied more to some people than others and in response to the victimization of some rather than others. And there is variation in rule application due to the consequences of an act – as some consequences are graver than others. In writing about such variance, Becker intends to make clear that deviance is not simply a quality present in some and not in others. It is not static. Rather it is “the product of a process which involves responses of other people to the behavior. The same behavior may be an infraction of the rules at one time and not at another; may be an infraction when committed by one person, but not when committed by another; some rules are broken with impunity, others are not” (Becker, 1963, p. 14). Only a few short years later, American folk song singer-songwriter and sometimes public spokesman for the incarcerated, Johnny Cash, wrote of the shifting definitions of crime and of those punished for engaging in behaviors whose criminal definitions are far from static (Cash, 1971; Tunnell & Hamm, 2009):

I wear the black for the poor and the beaten down
 Livin’ in the hopeless, hungry side of town,
 I wear it for the prisoner who has long paid for his crime
 But is there because he’s a victim of the times.

Little did Cash know but he was preaching a text straight out of *Outsiders*.

My friend, a retired public defender who successfully kept many a man off of death row tells of his experiences. Late at night the telephone would ring and he would receive news of a murder and that the accused was in need of his services. The first question out of his mouth was "Who's the victim?" for he knew the answer set into motion everything about the social response. Social response is variable and in this instance based on the victim. Becker was absolutely right and saw into the future as today it has been determined empirically that the victim's race is a central variable in determining the social and legal response (e.g., Paternoster 1991, Chapter 4).

Becker (1963, p. 31) realized that the labeling process is a significant phenomenon in the pathway of deviant careers. In order to establish a stable pattern of deviant behavior one typically experiences being found out, caught and then labeled. Being caught and successfully labeled as deviant has consequences for future behavior, self-image and public identity. Once labeled the person's identity becomes fundamentally different from others and from the type of person she/he was expected to be. Crediting his mentor Everett C. Hughes (1945), Becker makes use of Hughes' notions of "master and subordinate statuses" or traits:

To be labeled a criminal one need only commit a single criminal offense ...Some statuses, in our society as in others, override all other statuses...One receives the status as a result of breaking a rule, and the identification proves to be more important than most others. One will be identified as a deviant first, before other identifications are made...Treating a person as though he were generally rather than specifically deviant produces a self-fulfilling prophecy. It sets in motion several mechanisms which conspire to shape the person in the image people have of him (Becker, 1963, p. 33).

I'm reminded of a joke about a pig...

The self-fulfilling prophecy sets into motion a variety of mechanisms. For example, those successfully labeled deviant may find themselves isolated from more conventional groups, not necessarily because of the deviance but because of the response. One may have difficulty at their place of employment or in locating employment. There may be trouble in participating in the mundane and ordinary routines of life that are easily accessible to those not labeled (but who may be participating in deviant activities). Denied easy access to ordinary and conventional aspects of social life, illegitimate routines may develop. Deviance may become a sequential process and ultimately a career. Years ago, while talking with an ex-con, he expressed these very notions, just not in a theoretical sort of rhetoric:

I tried to find [a job]. But when you commit the crime, you commit it and you get sentenced to pay a debt to society.

But that debt's never paid. You cannot pay that debt. You're screwed the rest of your life (Tunnell, 1992, p. 57).

Stand out portions of *Outsiders* are the marihuana use and dance musicians chapters; the stuff of legend. Those four chapters are as relevant today as they were when Becker was engaged in the research (ca. late 1940s and early 1950s). The first of those chapters is titled "Becoming a Marihuana User." Becoming. What a perfect word choice. The process by which one becomes something, anything, is the stuff of symbolic interactionism. Becker, rejecting psychological explanations for marihuana use, describes the social-psychological process of learning techniques of smoking (and acquiring the illicit drug) and learning to define it and its effects as pleasurable. Although Sutherland's name is absent, this is *process* that Sutherland describes – informally learning techniques and definitions within the context of intimate groups. Tracing the "sequence of changes," Becker describes the transition from novice to career user that he gleaned from his field research and interviews with users or former users. As he instructs, some do not find the drug enjoyable. "Enjoyment is introduced by the favorable definitions of the experience that one acquires from others" (Becker, 1963, p. 56). We see as we do in Sutherland's work that the learning of techniques and definitions is a social and not psychological phenomenon.

As pointed out earlier, "...the rule breaker may feel his judges are *outsiders*" (Becker, 1963, p. 1). Such is the case with the dance musicians described from Becker's participant observation research during late 1940s Chicago (Becker also performed and kept field notes on his experiences in Champaign, Illinois and Kansas City, Missouri). The musicians, members of an in-group, define non-members as outsiders and more pejoratively as squares. The musicians define themselves as autonomous and reject interference in their craft from anyone, insiders and especially outsiders. Given that the square outsider is the paying customer as well as the person who has hired the musicians for a performance, conflict emerges. The musicians, determined to maintain their independence yet recognizing who is paying the bills, are swirling within a conflicting situation. Maintaining a professional distance from outsiders yet pleasing the paying customer is a tightrope act. Some, according to Becker, handle it better than others. Maintaining some distance or professional separation from the audience inhibits direct interference from the customer and allows musicians to perform the material of their choosing without sacrificing professional standards. Raised stages allow for this but in the absence of such, musicians are left to construct temporary blockades which, for the most part, do not prevent outsiders' interference on their craft. Given musicians' rejection of conventionalism and the awkward relationship with their audience, conflict is implicit in such social relations. When Becker asked one musician what he thought of the audience he responded:

They're a drag. If you're working on a commercial band, they like it and so you have to play more corn. If you're working on

a good band, then they don't like it, and that's a drag. If you're working on a good band and they like it, then that's a drag, too. You hate them anyway, because you know that they don't know what it's all about. They're just a big drag (Becker, 1963, p. 91).

Neutralization is also key to Becker's descriptions of deviant careers (whether marijuana user, dance musician or other type of deviant). One must neutralize the commonly-held stereotypes of the deviant and develop alternative interpretations of their activities. Recognizing the work of Sykes and Matza (1957), Becker shows that such neutralization is necessary for a sustained deviant career.

Across the pages of *Outsiders* Becker is adamant about the need for good field research. Deviant activity, he writes, is for the most part kept hidden from outsiders. Anyone interested in learning about activities and subcultures and where they are found must spend time in the field convincing and explaining, all the while trying to gain access. "The researcher, therefore, must participate intensively and continuously with the deviants he wants to study so that they will get to know him well enough to be able to make some assessment of whether his activities will adversely affect theirs" (Becker, 1963, p. 168). This is not fly-over sociology.

Now, in the second decade of the 21st century, the obvious inheritor of Becker's primary theses is cultural criminology. Cultural criminology has embraced many of the themes found in *Outsiders*. Of course, cultural criminology does not hold a monopoly on such but today represents the single most important and vast school of thought representing those areas of contemporary relevance found within the pages of *Outsiders*. The listing below are those key issues relevant to *Outsiders* and that are thriving within the many styles of cultural criminology (Ferrell, Hayward, & Young, 2008):

- A rejection of positivism and determinism
- A philosophy of science that attempts to explain the subjectivity of human behavior
- A focused interest in collective behavior or finding, as Becker (1986) described, "where the action is" and where people are doing things together
- Symbolic interactionism
- Meanings and definitions and the processes by which they take shape within human activity
- The social reactions and labeling of actors
- The shifting definitions of deviance and crime

- Field research, participant observation and interviewing as key research methods

Although some readers treat Becker's work as a theory, he consistently has dismissed any notion that his ideas about labeling constitute theory. But, if readers insist and if that term must be used, he prefers that it be considered an interactionist theory of deviance. Today, more than 50 years after the publication of *Outsiders*, Becker evidently is asked (by e-mail) to explain his work or to help students understand his "labeling theory." From his web-site, Becker attempts to stem the flow of requests:

I said everything I have to say about labeling theory in my book, *Outsiders*. This book is available in most university and college libraries and is almost certainly in your library if your teacher has told you to write about it ...I have nothing to add to what I said in that book. I'm not a criminologist, although you may have gotten this assignment in a criminology class, and have not worked in this field for a very long time. Other people have written about it, but I don't keep track of that and cannot give you a bibliography...

In other words, go forth and do the research yourselves, as *Outsiders* instructs.¹

ENDNOTE

1. For one of the best descriptions of Becker's body of work, its theoretical and methodological assumptions, key ideas, social and historical emergence and critique, readers are referred to Martin *et al.* (1990), Chapter 14.

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- Gaylene Armstrong** (University of Maryland) Corrections; Program Evaluation
- Todd Armstrong** (University of Maryland) Genetic/Biological Characteristics and Criminal Behavior; Offense Patterns; Program and Policy Evaluation
- Danielle Boisvert** (University of Cincinnati) Life-Course/Developmental Criminology; Biosocial Criminology; Behavioral Genetics
- Jeffrey Bouffard** (University of Maryland) Community Corrections; Correctional Rehabilitation; Criminological Theory; Program Evaluation
- Leana Bouffard** (University of Maryland) Criminological Theory; Violence Against Women; Quantitative Methods
- Brian Boutwell** (Florida State University) Biosocial Criminology; Criminological Theory; Gene-Environment Interactions
- Steven Cuvelier** (Ohio State University) Corrections; Computer Applications; Distance Learning; Research Methods/Statistics
- Rolando del Carmen** (University of Illinois) Criminal Law and Procedure; Juvenile Justice; Probation and Parole; Sentencing; Capital Punishment
- Jerry Dowling** (University of Tennessee) Crime Legislation; Criminal Law; Police Manpower and Deployment Issues
- Cortney Franklin** (Washington State University) Victimology; Violence against Women; Gender and Justice; Institutional/Community Corrections
- Travis Franklin** (Washington State University) Prison Violence; Fear of Crime; Sentencing Decisions; Prosecutorial Discretion; Quantitative Research Methods
- Randy Garner** (University of Houston) Management; Executive Leadership; Applied Social Psychology; Interpersonal Conflict; Policing and Law Enforcement
- Jurg Gerber** (Washington State University) Comparative/International Criminal Justice; Drug Use and Policy; Environmental Crime
- Howard Henderson** (Sam Houston State University) Corrections; Correctional Management; Juvenile Delinquency/Justice; Race/Minority Issues
- Larry T. Hoover** (Michigan State University) Crime Legislation; Crime Rates and Trends; Law Enforcement Issues; Law Enforcement Security Issues
- William R. King** (University of Cincinnati) Policing; Police and Forensic Organizations; Criminal Investigations; CJ Organizational Theory
- Kelly E. Knight** (University of Colorado at Boulder) Life-Course/Developmental Criminology; Assortative Mating, Partner, and Intergenerational Influences
- Kathy Latz** (University of Illinois at Chicago) Criminology; Domestic Violence; Stalking
- Dennis Longmire** (University of Maryland) Capital Punishment; Citizen/Public Attitudes toward Crime and Justice; Crime Rates and Trends
- Phillip Lyons** (University of Nebraska-Lincoln) Forensic Psychology; Policing; Law and Psychology; Gay, Lesbian, Bisexual, Transgender Issues in Criminal Justice
- Scott Menard** (University of Colorado) Statistical Analysis; Research Methods; Criminological Theory Testing; Life Course Criminology; Juvenile Delinquency
- Holly Miller** (Florida State University) Clinical-Forensic Psychology; Offender Risk Needs Assessment; Offender Treatment; Sexual Offenders
- Lisa Muftic** (North Dakota State University) Interpersonal Violence; Victimology; International and Comparative Criminal Justice; Criminological Theory
- Janet Mullings** (Sam Houston State University) Corrections; Women in Prison; Sexual Assault; Intimate Partner Violence; Child Abuse and Neglect
- Matt Nobles** (University of Florida) Communities and Crime; Violent and Interpersonal Crime; Guns/Gun Policy; Research Methods/Statistics
- Willard Oliver** (West Virginia University) Policing; Public Policy of Crime and Criminal Justice; Historical Perspectives of Criminal Justice
- Erin Orrick** (University of Texas at Dallas) Contemporary Issues in Corrections; Prisoner Reentry and Recidivism; Criminal Careers; Criminal Justice Policy
- David Pyrooz** (Arizona State University) Developmental and Life Course Criminology; Gangs and Deviant Networks; Violent Offending and Victimization
- Ling Ren** (University of Nebraska at Omaha) Policing and Law Enforcement; Research Methods/Statistics
- Mitchel P. Roth** (University of California, Santa Barbara) Terrorism; Organized Crime; Historical Perspectives of Criminal Justice
- Ryan Randa** (University of Cincinnati) Fear of Crime and Behavioral adaptation; Environmental Criminology; Crime Prevention through Environmental Design
- Raymond Teske** (Texas A&M University) Capital Punishment; Child Abuse/Family Violence; Comparative/International Criminal Justice Issues
- Victoria Titterton** (Tulane University) Homicide; Aging and Crime; Social Deviance
- Michael Vaughn** (Sam Houston State University) Constitutional Law; Correctional/Prison Law; Criminal Law and Procedure; Prison Health Care; State Tort Law
- Vincent Webb** (Iowa State University) Crime Rates/Trends; Criminal Justice Policy and Legislation; Gangs
- William (Bill) Wells** (University of Nebraska at Omaha) Policing and Law Enforcement; Guns/Gun Policy; Research Methods
- Yan Zhang** (Michigan State University) Sentencing Policies/Outcomes; Spatial Temporal Interaction of Crime; Program Evaluation
- Jihong (Solomon) Zhao** (Washington State University) Community Policing; Policing and Law Enforcement

For more information about graduate programs, contact Doris Pratt at 936.294.3637 or icc_dcp@shsu.edu.

