

'California Dreamin': are we heading toward a national offender 'waste management' service?

Shadd Maruna describes the dramatic increase of prison 'recalls' in California, and warns that the UK may be heading toward a system of offender 'recycling' rather than resettlement.

These are both the best of times and the worst of times for ex-prisoner resettlement. Certainly, the word itself (like its synonym 're-entry' in the US context) has received an enormous amount of attention in recent years (witness this special issue of *CJM* among numerous similar publications). Everyone from David Blunkett to George W. Bush (in his 2003 'State of the Union' speech) seems to agree that improving the process of ex-prisoner resettlement is an urgent and overdue priority.

Yet, just what is this thing called "resettlement" that everyone is talking about? There seem to be many different models, some of them conflicting. Consider the following example provided under the heading of 'Good Practice: Safer Resettlement' from the Multi-Agency Public Protection Arrangements Annual Report 2001-2002:

The number of 'recycled' ex-prisoners (in California), rotating through the revolving doors of the prison and parole system in a 'run-on sentence', skyrocketed.

"Les, aged 56, was convicted of indecently assaulting a teenage boy he had befriended and pled with drink and drugs. He was sentenced to four years custody, assessed as a high-risk offender and put on the sex offender register. On his release he was placed under licence with condition that he stayed in a hostel. However, his behaviour at the hostel in targeting a younger resident led to recall to prison before any further offending could take place. As he came up for re-release ... local beat officers were briefed about his history. After some minor concerns about his behaviour, a police officer witnessed Les with a boy who appeared to be drunk. The officer saw Les kiss the boy on the cheek. Les was immediately arrested and charged with indecent assault, an offence for which he was sentenced to eight years. The MAPP's assessment, planning, close monitoring, information sharing and early intervention meant they were able to take swift, decisive action to minimise any risk this offender posed to the public" (pp. 20-21).

So, has Les been safely resettled? He's certainly been relocated back where he started: in prison.

He's not the only one, either. According to the *Annual Report of the Parole Board for England and*

Wales, 2002-2003, the number of recalls to prison have recently jumped from 2,457 in 2000-2001 to 4,885 in 2001-2002 then again to a remarkable 7,246 just a year later in 2002-2003. Napo (National Association of Probation Officers) has calculated that the sharp rise in recalls has resulted in a minimum rise in the daily prison population of between 2,500 and 4,000 (Fletcher 2003).

This huge growth might be reasonable if indeed these newly released prisoners were involved in a crime wave of sorts. Yet, according to the Parole Board, only 188 (less than 6 percent) of those released early on parole (DCR) were recalled for a further offence. According to the *Prison Statistics 2002* (Cm 5996, November 2003), 1,480 people (7% of those released) on Home Detention Curfew were recalled. Of these, 54% were recalled for failure to comply with curfew conditions: 27% were recalled because "it is

not possible to monitor them"; monitoring failure (less than 1%); installation failure (less than 1%); change of circumstance (26%); and 4% were due to "breaches of other non-HDC conditions". Only 16% of those on HDC who were recalled were charged with a new offence.

What is going on here? Here's one possibility. The UK may be importing what has been called a "waste management" model of resettlement (Simon, 1993) from California. Over the past 15 to 20 years, California has undergone a remarkable experiment in its practice of ex-prisoner resettlement. Despite abandoning the system of indeterminate sentencing in 1977, California retained a system of parole supervision of around three years for every person released from prison. The function of this resettlement is almost entirely surveillance, with the goal of rehabilitation being explicitly written out of the state constitution of California in the 'nothing works' 1970s.

The results of this resettlement effort have been dramatic (see especially Travis, 2003 where the following numbers can be found). In 1977, fewer than 800 parolees were returned to prison in California; by 2000, that number jumped to nearly 90,000 in a single year. Importantly, over this time, the rate of

recalls to prison for 'new crimes' in California has been fairly steady at 17 per 100 releases. This means that the dramatic rise in the number of recalls is almost entirely a function of revocations for 'technical violations' of the conditions of release (almost always a 'dirty urine' on a drug test or a relatively minor new criminal offence).

It also means that the crisis in offender resettlement that California faces is not just a product of the enormous growth in the California prison system, but a cause of that growth. That is, the number of persons sentenced to prison for 'new' offences climbed only steadily in the 1980s and 1990s in the state, but the number of 'recycled' ex-prisoners, rotating through the revolving door of the prison and parole system in a 'run-on sentence', skyrocketed.

The numbers speak for themselves. In 1980, only 21 percent of those entering prison in California were parole violators, evenly split between technical violations and new offences. By 2000, 69 percent of people sent to prison were parolees being recalled to prison; the vast majority of these (57 percent) for technical parole violations and only 12 percent for new felony convictions. Unsurprisingly, the costs of this experiment have been staggering. One calculation is that the 85,551 prison recalls in California in 2002 resulted in incarceration costs of over \$1 billion. An even greater cost is being paid in civil liberties as this overuse of parole revocation has essentially created a parallel system of criminal adjudication with lower burdens of proof and lesser adversarial process (Travis 2003).

In his remarkably prescient history of parole in California, Jonathan Simon (1993) describes this experiment (which was only in its early phases when he completed his research) as a "waste management model" of resettlement or the "New Penology". According to this model, a dangerous class of "lifetime correctional clients" with "no realistic potential" to reform is "treated as a kind of toxic waste" to be contained. In addition to this institutional cynicism about the redeemability of this criminal class, the "New Penology" is also thought to be characterised by three primary features:

- Discourse emphasising risk rather than reformation;
- Objectives of offender management and classification rather than punishment or rehabilitation;
- New techniques of classifying and managing risks from widespread drug testing to the use of statistical/actuarial risk prediction instruments.

Finally, central to the "New Penology" is the assumption that there is "a special subpopulation of dangerous offenders whose identification and neutralization would result in dramatic reductions in the overall crime rate without resulting in a massive increase in the [prison population]" (Simon, 1996).

Although describing a radical transformation of the state of California, none of this should sound exotic to those familiar with the British criminal justice system as we prepare to move to the National Offender Management Service. After all, in his report to the Home Office, *Managing Offenders, Reducing Crime*, Patrick Carter (2003) states with only somewhat guarded enthusiasm (and no research evidence cited) the idea that 100,000 persistent offenders commit 50 percent of all crime and "If we could identify and incapacitate the 100,000 persistent offenders, crime could fall dramatically" (p. 15).

Importantly, Simon is clear in his analysis that "correctional workers themselves are one important source of resistance to

the waste management model". Field-based research of parole work in California (Lynch, 1998) shows how the dehumanising tendencies of the New Penology can be resisted on the ground level. And, UK probation officers are no more likely than California parole officers to want to think of themselves as 'human waste managers'.

At the same time, the overall rate of recalls in California as well as the United Kingdom is clearly a product of institutional policy shifts and not individual decisions by practitioners. In a recent press statement, for instance, a Napo representative blamed the growth in recalls to prison in the UK on the introduction of strict enforcement rules by the Home Office since 1999:

"For the last four years, probation staff have been obliged to follow strict national standards on enforcement. Previously, there was greater professional discretion. The clear consequence of the change in policy has been a huge rise in the number of recalls and breaches, and, therefore, the prison population" (cited in Fletcher, 2003).

In other words, unless there is a change at the top, 'Les' may be the new role model for ex-prisoner resettlement.

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