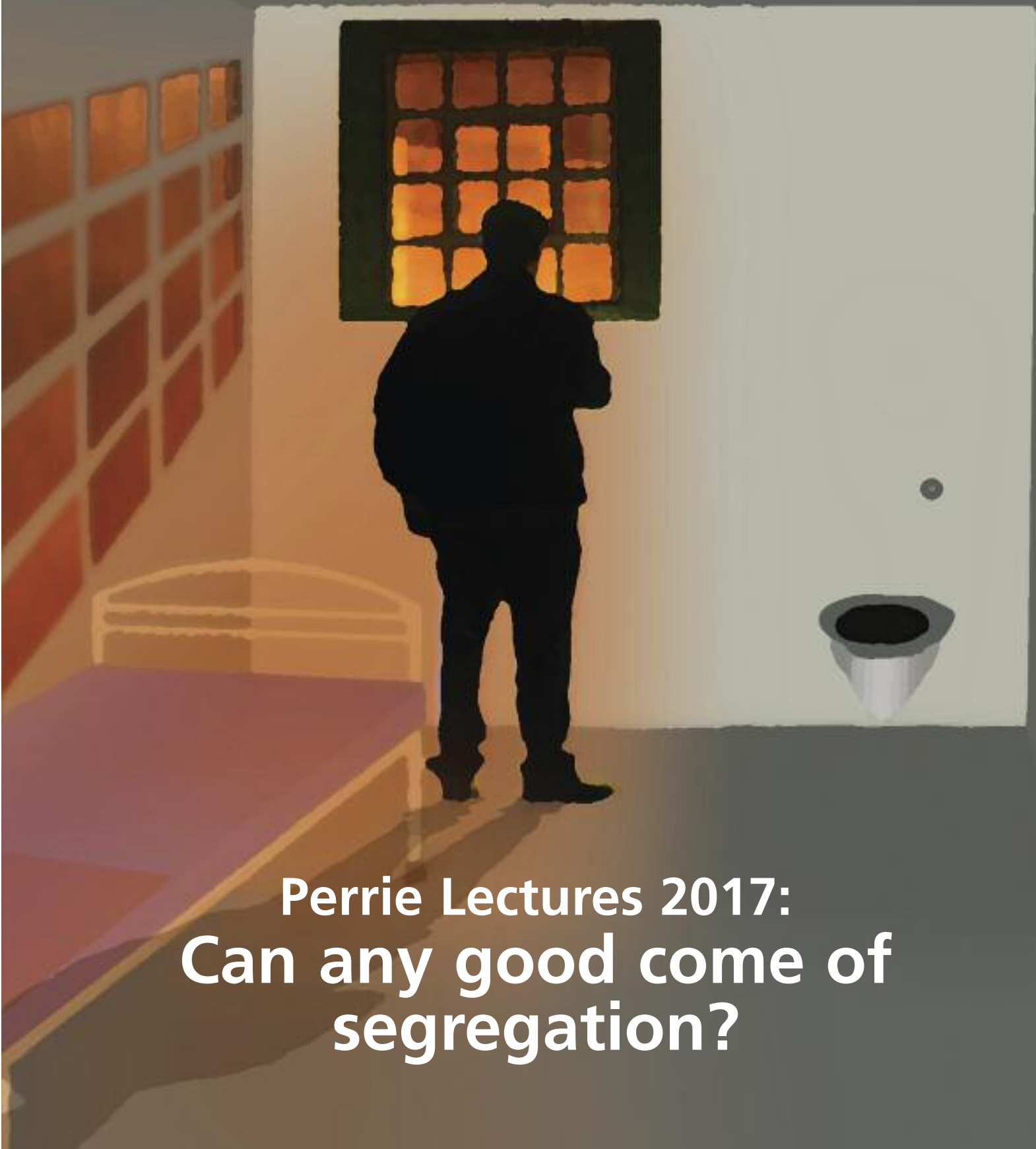


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**Perrie Lectures 2017:
Can any good come of
segregation?**

Reviews

Book Review

Parole and Beyond — International Experiences of Life after Prison

By Ruth Armstrong and Ioan Durnescu (eds.)

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With the rise of neoliberalism and actuarial logic, the nature and purpose of parole has shifted significantly over the past 40 years. As this book powerfully and persuasively argues, 'parole' no longer reflects its etymological source as a relationship of trust. With risk and resource management at the forefront of nearly all encounters between practitioners and parolees, it seems that trust is in short supply on both sides. Indeed, relationships are rendered largely superficial and adversarial in a system which tends to objectify and subjugate those in its charge. The overriding experience of parole according to this group of studies is one of punitive supervision (p. 65), rather than meaningful assistance. Invariably described as 'walking on ice' (p. 222), or 'a very precarious... decrepit rope bridge linking captivity to freedom' (p. 107), the contributors paint a bleak picture of what life on parole is really like for those struggling to navigate the uneasy transition from prison back into society. This

is a compelling, albeit damning, compilation of accounts that places the voices of former prisoners at the front and centre of discussion, and fires a burning flare for reform into the Weberian polar night.

Those seeking a guide to legislative and regulatory procedure need to look elsewhere. *'Parole and Beyond'* represents a body of qualitative research drawn from questionnaires, interviews, and observations across ten different jurisdictions. Ranging from nine months to two-and-a-half years in length, the empirical studies were conducted between late 2006 and September 2015, and cumulatively reflect the experiences of 291 parolees, 78 prisoners, and 762 questionnaire respondents. In an exercise of comparative criminal justice, a course is charted from more familiar territories such as England and Wales and the United States, to the relatively unexplored contexts of Africa and South America. In Sierra Leone we find a society where 'suffering is best conceived as a quality of life' (p. 244), community supervision is deemed unnecessary, and release for most prisoners comes as an unexpected and impromptu surprise. Meanwhile, in Chile — with the highest rate of imprisonment on the continent — parole is 'granted to less than 4 per cent of the prison population' (p. 196) and presided over by practitioners who lack basic training or assessment tools.

Whilst readers are cautioned against 'any easy claims of homology based on similar surface characteristics' (p. 260), it is striking how many common themes emerge from this medley of otherwise disparate societies and enforcement regimes. As the Editors note, 'living on the fringes can feel very similar in different jurisdictions' (p. 304). The fall of the 'Platonic Guardians'¹ for example, has become something of an international phenomenon as 'the formation of crime policy has moved from the experts into the hands of the politicians' (p. 50). This decisive, populist shift away from the rehabilitative ideal and towards law enforcement typecasts parolees as dispositionally criminals (p. 107) rather than as agents capable of ethical self-management. Whilst paradigmatic of a 'culture of control',² the irony of an increasingly repressive and risk-averse parole system is two-fold. It is counter-productive in terms of producing responsible citizens, because it limits the choices and capacities of parolees to pursue alternative life trajectories. Secondly, it actually fosters resistance and resentment towards state actors by further alienating already disengaged and marginalised members of society. In other words, it tends to produce or exacerbate the very risks it purports to reduce.

One of the perverse aspects of modern parole is the notion that the subject requires intense control and supervision for an artificially

1. Loader, Ian (2006) – 'Fall of the Platonic Guardians: Liberalism, Criminology and Political response to crime in England and Wales', *British Journal of Criminology*, 46(4): pp561 – 586.
2. Garland, David (2001) – 'The Culture of Control' (Oxford, Oxford University Press).

delimited period of time, only to miraculously emerge as an autonomous citizen capable of total self-governance on the hour their parole comes to an end. How this transformation is supposed to occur remains unanswered. In reality, the vanishing pumpkin carriage leaves parolees floundering and unprepared for the real world. A gradual transition would seem far more sensible than being thrown off the cliff-edge. Moreover, this kind of militant parole seems to be premised on the notion that prisons fail to responsabilise individuals whatsoever. Indeed, the same assumption holds true in wider society. For many prisoners, 'their punishment continued beyond the prison... [and] would continue beyond their parole, because they were seen as unchanged and as defined by their offence' (p. 231). This implies a serious lack of professional and public faith in our prison system to effectively transform people. Of course, there are good reasons why the public should be sceptical, but it might also help to explain why our parole system has metamorphosed into a post-carceral mechanism for incapacitation. Parole is being used to make up for the failings of our correctional institutions. This was never its intended purpose. In an ideal system, prisoners would be making any necessary personal transformation and addressing their resettlement needs whilst they were in prison, so that they might be ready for action the moment they are released — but this just isn't happening.

The book does well to explore examples of good as well as bad practice within probation regimes.

Often, the difference between success and failure boils down to having the 'right type' of parole officer (p.171). As one Australian parolee put it, 'for a lot of them, it seems like they're just waiting to pounce and fuck you up... They don't offer any help or solutions... Whereas with [my last parole officer] ... her first step isn't to breach you and send you back. She actually wants to help you' (p.182). Recent figures in England and Wales reveal that 21,559 parolees were recalled to prison in the 12 months ending December 2016.³ According to a recent paper by the Centre for Social Justice:

*a rising number are recalled every year by Offender Managers for breaches. It is our contention that a not insignificant portion of these breaches are minor in nature, with up to 55 per cent solely due to non-compliance with licence conditions, such as failure to keep appointments on time with supervisors, and therefore not necessarily impacting on public safety.*⁴

The paper proposes that — unless charges have been brought — breach proceedings should be initiated by judges or magistrates, not Offender Managers, due to the lack of 'due process which this arbitrary exercise of power entails'.⁵

Those 'prepared to go beyond... [their] official remit as someone who should be compliance oriented' (p. 183) by

and large made a greater impact on the lives of respondents. Most parolees appreciated simply being taken an interest in, as human beings, perhaps for the first time in their lives, and were more receptive to guidance as a result. Parole may be inherently paternalistic, but these studies prove that it is possible to support people in ways that are genuinely helpful, rather than patronising or suffocating.

One of the challenges of parole for practitioners is how to go about defining 'success'. The definition has shifted somewhat in recent years to include the rather vague quotients of 'assisting re-entry and facilitating desistance' (p. 109). Measuring these factors in any meaningful way would seem futile, but fits in well with the 'new penology' agenda. As Garland observes, 'state agencies have reacted to criticism... by scaling down expectations, redefining their aims, and seeking to change the criteria by which failure and success are judged'.⁶

In the worst instances, the parole structure fails completely. Action plans are deemed 'useless' (p. 64), meetings are frequently rescheduled, and parole officers themselves are either unresponsive or actively hostile (p. 112). For some parolees the onerous licence conditions are so debilitating that they actively choose to return to prison rather than remain in the community (p. 175). One perhaps surprising omission in 'Parole and Beyond' is the ongoing crisis in England and Wales following the part-privatisation of its own parole services. As a whistle-blower at the National Probation Service recently revealed, 'everyone knows it's a

3. Table 5.1, Licence Recalls, Ministry of Justice [accessed via:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/610976/licence-recalls-q4-2016.xlsx]

4. Aitken, Jonathan and Samuels, John – 'What happened to the Rehabilitation Revolution?', (London, the Centre for Social Justice, September 2017), p2.

5. Ibid. p9.

6. Garland, David (1996), 'The limits of the sovereign state: strategies of crime control in contemporary society', *British Journal of Criminology*, 36(4): 445 – 471.

mess... last week... I spent no more than 2 hours in actual physical, face-to-face contact with the people I supervise... [five years ago] I think I'd have spent about... 15 hours a week'.⁷ This is not an unfamiliar problem however, with similar resource challenges facing the United States. While the Department of Corrections — for example — spent 80 per cent of its total operating budget in 2012 on prisons, its parole services received less than 7 per cent (p. 153). Ironically, the very absence of penal interference, whilst unintended, may actually encourage parolees to become more independent — thereby achieving the very goal of responsibilisation that the system had hoped to achieve through extensive intervention.

One of the many interesting questions raised in this book surrounds reoffending. Perhaps in a subversive expression of individual autonomy, and in a bid to regain some semblance of control in their lives, some parolees rationalise and legitimise their own non-compliance. It is quite revealing that 'many participants stressed that being a good citizen... does not depend upon a complete absence of offending' (p. 159). Like an overused antibiotic, many of the respondents had developed carceral immunity, and had no fear of returning to prison (p. 224).

In many ways, this rationalisation process is reflective of a combination of factors affecting re-entry. Parolees will undoubtedly be disoriented by the impact of prisonisation (p. 203), but they will also struggle with concepts of identity as they make the transition from prison subculture into mainstream society (p. 284). For some, this can be a deeply isolating process: 'In prison I had a routine... here nobody

cares about you' (p. 290). If society fails to accept those returning from periods of forced banishment, then it is hardly surprising that those individuals begin — or indeed, continue — to experience the effects of anomie. In prison and on parole — subjects rally against governance through 'circuits of exclusion' (p. 162). Yet, this battle continues after release, as they seek recognition — in a Hegelian sense — within society. Living with multiple deprivations, several parolees 'did not know how they were going to provide for themselves (and some for their families) ... [and] were concerned about feeling 'forced' to commit new crimes to make ends meet' (p. 59). Many are 'referred to employment schemes which [do] not yield work' (p. 43), and find themselves heavily burdened with debt. In Denmark, for example, prisoners are expected to repay the state for the cost of their prosecution. As one parolee described it, 'I would actually make the same money [on welfare] by doing nothing as I would've working... it's definitely discouraging me from starting all over again as a law-abiding citizen' (p. 69). Across the board, be it in the housing market, employment, or insurance — former prisoners experience differential access to opportunity. The penal system fails to 'deal seriously... with the layers of complex personal, economic, and social issues facing prisoners in the post-release context' (p. 185).

In this vein, it would be interesting to see a study on the long-term impact of the life licence, a scheme unique to England and Wales, incorporated into a future edition of 'Parole and Beyond' — perhaps alongside a comparative analysis of lifers in other jurisdictions. The life licence effectively condemns life-sentenced prisoners to parole in

perpetuity upon their release, and arguably amounts to cruel and unusual punishment. Whilst this segment of the prison population is poorly represented in the current edition, this doesn't detract from the value of the book as a whole.

For many parolees, the good work they put in whilst in prison to improve their future prospects fails to bear fruit in the cold light of freedom. 'If you end up a computer genius or whatever, it's not going to do anything for you outside... you're blown right out of the water' (p. 229). In Scotland for example, unsuccessful job applications left respondents feeling despondent and stigmatised: 'I don't really know if I'm ever going to get the chance to move on' (p. 231). 'It feels like everything's just wasted, every bit of my sentence, every effort I've made after it just, pffff, been a waste o' time' (p. 232).

When one considers what factors contribute to desistance, the findings of these studies align very much with traditional control or strain theories. Employment in particular 'acts as an investment in the conventional world... [and] can assist identity change... [by serving] as a function of social and community belonging' (p. 207). Agency and identity are thus critical to 'imagining possible future trajectories of action' (p. 4), so long as these are nurtured by social and emotional 'hooks for change'. Amongst Roma communities for example, crime is perceived as a 'fact of life'. In a symbolic statement of reintegration, public celebrations are held for former prisoners, heralding their return as valued community members (p. 294). It would require a significant cultural and political shift for society as a whole to embrace such Durkheimian realism, but the benefits in terms of reduced

7. Foggo, Daniel (2017) – 'Out of jail, free to offend again?', BBC Panorama – 25 October 2017.

recidivism surely make this path more socially responsible than authoritarian populism.

'Parole and Beyond' represents an invaluable work of scholarship that does not hold its punches. It makes it abundantly clear that 'supervision risks demotivating the motivated in its hope of restricting the unmotivated' (p. 133), and the book offers practical and realistic

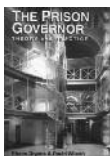
solutions for reform. This collection merits wide readership amongst policymakers, academics, and students alike. One thing that stands out above all else is that desistance is not a linear process, but 'a slow, faltering, precarious struggle, involving episodes of relapse and recovery' (p. 4) that requires a sympathetic and humanitarian response.

Mark Alexander is a Master of Laws candidate at the University of London, a Longford Trust scholar, and a member of British Convict Criminology. He is currently a resident at HMP Coldingley and has been in prison since February 2010.



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