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Breaking Out of Prison and into Print? Rationales and Strategies to Assist Educated Convicts Conduct Scholarly Research and Writing Behind Bars

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Abstract Some educated convicts want to conduct scholarly research and have the results of their work appear in academic publications. This provides numerous benefits and challenges to the researcher/writer and the academic world. This article outlines these issues in order to assist convicts, scholars, journal editors, and correctional service personnel understand the opportunities and limitations to scholarly research by convicts behind bars. The authors argue that the best strategy to use for inmates in this situation is a team research approach. The discussion provides definitions and examples of the challenges, opportunities, and means of overcoming these obstacles.

Introduction

For one reason or another, some educated and intelligent convicts are interested in publishing in peer-reviewed scholarly journals. Many of these individuals may be overly ambitious and lack the necessary training, dedication, or resources to be able to successfully achieve such a goal. But for others with the requisite knowledge, skills, and motivation, the potential benefits may be great. Therefore, it is important that their enthusiasm is encouraged and not dampened. Regardless, most incarcerated individuals trying to do serious academic work will be up against some important obstacles that they must carefully negotiate. This article outlines the importance of motivated and educated convicts

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conducting scholarly research, the difficulties that they experience in their attempts to write and publish research from behind bars, and some solutions to these challenges.

Literature Review

The idea of incarcerated authors sharing their experiences and educating readers about the realities of life in prison, crime and social experiences leading to a life of crime and incarceration has a long history in academia. Most often, educated convicts write about the things they know best (e.g., Franklin 1989). This ranges from poetry (Huckelbury 2008, 2012), to jailhouse journalism (Morris 1998), to autobiographical treatments (Abbot 1981), to more scholarly work. The quality and depth of this writing, like all works from all authors, varies, with some being outstanding scholarly works, and others being of lower quality writing, research, and analysis.

When choosing to write for publication, many convicts submit their work to prison publications or produce freelance articles for free world venues. Some, like Ferranti (2004), author of *Prison Stories* and owner of Gorilla Convict Publications, have someone on the outside who posts their writings in the form of blogs. Over the past two decades, a small cadre of convicts has managed to publish scholarly material either on their own or with the assistance of professors at American universities.

At the forefront of the movement encouraging convicts and ex-convicts, particularly those with Ph.D's and/or about to complete a Ph.D. to conduct corrections, criminology, and criminal justice relevant research, is the field of Convict Criminology (Ross and Richards 2003). During the early days of Convict Criminology, these scholars envisioned a cadre of educated convicts at different stages of their sentences conducting rigorous research behind bars. A collective of interested members would encourage this activity by helping mentor convicts and ex-convicts to hone their abilities. Likewise, convict scholars who were still behind bars would supervise fellow inmates in their institutions with respect to the proper way to conduct academic research and prepare their works for possible publication (Jones et al. 2009; Newbold et al. 2014).

The Convict Criminology movement is in part founded on a recognition that numerous scholars have published research and critiques on criminal justice and criminology issues, both when they were behind bars and later on the outside upon release. For example, Hassine (1978/2010), now deceased, published *Life Without Parole*, which is currently in its fifth edition, while he was behind bars. Carceral (2004, 2006) has published two well-cited books with scholarly presses, and PEN award winning convict author Jon Marc Taylor (1994) has also successfully published numerous pieces. Keep in mind, however, that this approach as solitary authors connected with the traditional publishing world is the exception rather than the rule.

Others, such as Charles Lanier, for example, one of the contributors to *Convict Criminology* (Ross and Richards 2003), conducted research during the final months of his prison sentence. Alternatively, Richard McCleary (1978/1992) wrote *Dangerous Men*, a classic book on parole, after he was released from prison on parole. This is only an incomplete list. For a variety of reasons, the original vision of the Convict Criminologists has not been achieved (Newbold and Ross 2013). This is not to say that convicts cannot produce reasonably acceptable scholarly work behind bars, as reflected by the handful of convicts who have been successful. However, a large-scale movement of research and writing by current convicts may have faltered due to insufficient resources (e.g., human capital) and a lack of collaborative endeavors.

A considerable body of scholarly writing has examined the challenges faced by researchers in obtaining access to correctional institutions as research settings (e.g., Marquart 1986; Zwerman and Gardner 1986; Unnithan 1986; Farkas 1992; Martin 2000; Trulson et al. 2004; Wakai et al. 2009; Apa et al. 2012), and the difficulty in maintaining relationships with corrections staff and convicts (e.g., Patenaude 2004). Some of this scholarship is presented in the form of rules or lessons learned (e.g., Trulson et al. 2004; Lane et al. 2004; Fox et al. 2011). Other research has examined the complications related to applying specific research methods behind bars, especially participant observation (e.g., Jacobs 1974; Marquart 1986), interviewing (e.g., Schlosser 2008), and ethnography (Jones 1995; Liebling 1999).

Although Jones (1995), a short timer convict who was assisted by a professor on the outside, reviewed how he conducted research and how this led to co-authored articles and a book upon release, only one set of scholars has explored specifically the pairing of a scholar with a convict in order to produce academic research (Taylor and Tewksbury 1995). These authors argued a number of advantages to this approach to research, including "providing a more balanced view of life; experience in the correctional milieu; allowing insights into previously restricted areas of the researcher's interests; uncovering more valid data: sidestepping procedural obstacles; overcoming … constraints of penological research" (p. 123). Taylor and Tewksbury also reviewed the drawbacks and logistical challenges to research conducted by a team of outside and inside researchers (pp. 127–129). Although unique and important in its contribution, today their work is somewhat outdated. Not only have some aspects of prisons and the incarceration experience changed in the last two decades, but their study was also published before the appearance of the Convict Criminology School and paradigm. Thus, this work could benefit from some additional insight into this process.

Finally, some may argue that those who are incarcerated cannot conduct objective research, because of their potential cynicism towards the criminal justice and legal systems. This may be true, however, we argue that this argument is akin to someone saying that women cannot be unbiased authors in the field of feminist studies, African-Americans cannot be objective in the field of Race and Ethnic Studies, or former police officers cannot be objective when studying and teaching about law enforcement. Clearly being part of the group that is studied does not in and of itself mean that bias is a logical and natural part of the approach to scholarship. Autoethnographic and reflexive writings are frequent in the social sciences, and simply because they are incarcerated, does not mean that a convict's views, experiences and understandings are any less valuable than any others'.

Why Should Educated Convicts Write for Scholarly Venues?

There are many reasons why convicts may choose to write for scholarly venues. First, a convict may be considering pursuing a postgraduate degree (i.e., master's or Ph.D.). As with any prospective graduate student, having one or more sole or co-authored publications in peer reviewed journals to one's credit should help such applicants gain entrance into respectable post bachelors programs. Additionally, convicts who have a master's or professional degree (e.g., law) may hope to enter a teaching-related job in the field of academia when they are released from prison. As all scholars know, publications are an important currency on the job market (Applegate et al. 2009). Those lacking publications typically find it much more difficult to obtain academic positions. Hence, the challenges of

convicts writing and publishing may (at least in part) explain the small number of such individuals being among university faculties.

Educated convicts provide an inside perspective on what Gresham M. Sykes termed "the pains of imprisonment" (Sykes 1958). Rarely is the public given unfettered access to prison yards and housing units, where most correctional activities take place. And even on the few occasions when access has been granted (via the news media, entertainment industry, or documentarians), prison officials have often sanitized the areas to present the institution in the most favorable light possible or manipulated the environment to advance their own hidden agendas (Ross 2008: Chapter 3). Even in the case of educational tours of correctional institutions, the "real" world of the prison is sanitized, segmented, or hidden from visitors (Smith 2013). And, not infrequently, policies and practices intended to ameliorate or control difficult situations generate more problems than solutions for the general prison population. For example, in one federal prison that one of the authors is familiar with, the administration decided to eliminate inmate-operated washers and driers inside the housing units (i.e., two washers and two driers per unit for an average of 140 inmates). The reason provided to inmates for the policy change was to conserve water and, thereby, reduce financial expenditures. This decision forced all convicts to send their dirty clothes to the laundry. The problem, however, was that the laundry did not have the capacity to handle the workload. Unfortunately, this led to a bigger problem because a very large number of inmates started to wash their clothes by hand, usually while in the shower, wasting more water than ever before. Also, an increasing number of convicts began contracting infectious diseases, such as MERSA, as the laundry overloaded machines to keep up with demands. Clothes were returned filthy and smelly. For a host of reasons, many of which are embarrassing to prison administrators, these unintended consequences are rarely disclosed to inmates or to the public. By stripping away the artificial veneers correctional practitioners introduce into the mix, educated and published cons can expose the realities, including contradictions, inherent in the prison experience (Leyva and Bickel 2010).

Educated convicts are in a unique position to advance practical solutions to some of the daily problems affecting corrections. Inmates are rarely consulted about how new institutional rules and regulations will affect the prison population. Usually new procedures are implemented from the top down with little or no input from the convicts or line officers tasked with enforcing new policies and procedures. More often than not, this approach leads to a plethora of difficulties, which in turn breed a great deal of conflict between inmates and staff members. Through their scholarly writings, educated cons can help to minimize these disruptions and provide workable solutions that promote not only the safety and orderly running of the institution, but also the well-being of the inmate population (Richards and Ross 2003). Most contemporary theories of management (e.g., Total Quality Management) define as best practices the seeking of input from subordinates and consumers. Here, the eyes, ears, and educated understandings of convicts offer opportunities for such input, but they are typically ignored or silenced.

Educated convicts are in an ideal position to expose the inconsistencies and injustices perpetuated by the criminal justice system. A good example of these harms is the legal havoc that United States Supreme Court cases such as *Apprendi*, *Blakely*, *Booker* and *Fanfan* have wrecked on the federal courts system over the last 13 years (see, for example, Justice O'Conner's dissenting opinion in *Blakely*, 524 US at 324). These rulings not only effectively abolished the mandatory nature of the Federal Sentencing Guidelines, but they also eliminated the arbitrary manner in which prosecutors applied sentencing enhancements. Under the new sentencing scheme, prosecutors can no longer enhance a defendant's

sentence for alleged "elements" of the crime that were not charged in the indictment and submitted to a jury (the exception being a defendant's criminal history). Unfortunately, the Supreme Court did not accord these cases retroactive application. This lack of foresight created two distinct categories of federal prisoners, pre- and post-*Apprendi*, where the former are serving much lengthier prison terms for what are analogous crimes (Zaldivar 2013b).

Educated convicts are able to counter the often misguided and ill-informed writings of *misinformed ideologues*, especially staunch conservatives, who for decades have created a potpourri of diverse ideas that have enabled policymakers to promote and/or pass an ever-increasing number of punitive laws. In most cases, the theories postulated by conservatives are grounded on emotive appeals that lack substantive research and pander to special interest groups and public opinion (Clear 1994, pp. 86–88). Educated convicts can also help contextualize the writing of well-intentioned but poorly informed liberal writers. Here again, insights and experiences with the "real" world of incarceration are seen as balancing and explanatory inputs to the overall body of literature on corrections. Just as qualitative research provides nuanced dimensions to what quantitative research uncovers, the experiential data of those on the inside supply context, illustrations, and finer points of understanding.

Educated convicts can help dispel the negative perceptions surrounding crime and corrections, many of which are exploited by the media and the entertainment industry (Ross 2008, pp. 20–29). The writings of educated cons, if tempered by a healthy dose of reality, provide an unadorned view of the men and women who are currently incarcerated in America's correctional facilities. If educated inmates were given more opportunities to disseminate their voices, especially through their writings, the public may discover that the image of the convict bogeyman (Irwin 1985) that has been sold to them is nothing more than a caricature of the more than 2.3 million men and women who are wasting away behind bars.

While doing this kind of research and writing clearly presents benefits and epistemological advantages, it also produces numerous challenges. The following section reviews these difficulties.

Constraints to Publishing from Behind Bars

Prison is a less than ideal environment in which to conduct scholarly research and write up one's findings, regardless of whom one is (Ross and Richards 2002). Numerous difficulties stand in the way of accomplishing this task, for both outside researchers and convict-researchers. The following presents the obstacles and challenges as we either see and/or have experienced them. They are arranged in order from the least to the most perceived importance.

To begin with, *many of the research methods available to researchers in the free world are simply not applicable behind bars*. Although most correctional systems do not explicitly forbid the conduct of research by inmates, nonetheless other policies and impediments ensure that such work is rarely, if ever, completed. The Federal Bureau of Prisons (FBOP), for example, does not have a specific policy that prohibits inmates from conducting research or writing for scholarly venues. However, the FBOP does have policies that ban convicts from circulating petitions and other "unauthorized" materials (PS 5270.08/336 Circulating A Petition). So too are there policies that explicitly restrict communication with outside sources, such as the mass media and private organizations. Such policies have the result of limiting convicts' opportunities to expose staff corruption and/or human rights violations (e.g., 327 Unauthorized contact with the public; 199

Conduct which disrupts or interferes with the security or orderly running of the institution or the bureau of prisons; 305 Possession of anything not authorized for retention or receipt by the inmate, and not issued to him through regular channels; and 315 Participating in an unauthorized meeting or gathering). All in all, this means that conducting surveys is very difficult behind bars.

Moreover, if a convict researcher wants to conduct a survey that is going to survive external review and if he or she eventually wants the results published in a reputable, peer-reviewed journal (not just any publication), then the convict needs to secure human subjects approval from an Institutional Review Board (IRB). This is extremely difficult for convict researchers to obtain, because prisons do not always have one of these bodies, and few senior-level prison administrators want to deal with this extra burden. For those convicts with an affiliation or status at an outside educational institution, an IRB may be available, but the simple process of accessing it may be a challenge, particularly if an online submission is required. And in all likelihood, most such studies would require a letter of support from the correctional authorities. Although not impossible, such a pledge of support is certainly improbable.

Conducting scholarly research and writing up one's findings requires resources and can be relatively costly. Convict researchers do not have access to the internet or other sources of information, such as research libraries. Nonetheless, they must get access to peer-reviewed articles in order to develop better literature reviews. Whatever textbooks and/or articles they cite in a piece must be obtained (typically through purchase) from the free world. Typing and correction ribbons, printwheels, paper, photocopy cards, ink pens, envelopes, and mailing stamps must be bought from the commissary. These expenses may seem trivial to those in academia, but for inmates earning an average of 23 cents an hour, they are significant.[1] The administrations claim these policies are designed to ensure funding of the Inmate Trust Fund (a mechanism to help inmates purchase non-routine items), which is supposed to be used exclusively to acquire items for the inmates' benefit (e.g., sports equipment, microwaves, etc.). In recent times, however, Inmate Trust Funds have been raided by other departments to cover their financial short-falls. Thus, convicts who want to write have to pay for all of their expenses out of (typically empty) pocket rather than having free access to them, as is usually the case for those working for a university or research institution.

The environment of prisons is not conducive to research and writing. Prisons are noisy and crowded institutions. Peace and quiet are commodities convict writers rarely enjoy (Ross and Richards 2003). Educated inmates quickly discover that besides fighting off all sorts of distractions, finding a quiet place to work and jot down a few ideas can be extremely vexing. Even prison libraries are often chaotic places that are not conducive to the writing process. In many instances, the best time to sit down and write is between the hours of midnight and five a.m., when the inmate population is asleep. In short, the conditions of confinement are less than ideal to conduct and write up research findings.

Scholarly research and writing is improved when those doing this work have access to the proper tools of the trade. *Few convicts have access to basic tools and technology.* Perhaps most obvious here is the access to a typewriter or computer. If and when access is possible, there is often intense competition for their use. And the quality of available technology is often poor. Rarely do inmates have access to computers for personal use. In most institutions, the ratio of inmates to typewriters may be as high as 200–1. In addition, not only is the availability of computers and typewriters a problem, but also the time

[1] Items sold through commissary can have a 30 percent (or more) markup.

periods allotted for their use are delimited by institutional operations. For instance, during lockdowns, weekends, and holidays, the Education Department may be closed. Actually sending in a submission to a scholarly journal can be all but impossible—accessing online submission systems, having up-to-date versions of word processing programs, or even simply being able to send out a piece of mail containing all of the sheets of paper encompassing an article—these are just some of the very basic obstacles convicts may encounter.

The *lack of outside professional assistance* is a significant obstacle for educated convicts wishing to write for scholarly venues. Without support from the free world, even the simplest of tasks may become an overwhelming barrier. For example, carrying out revisions in a timely manner can be quite challenging for inmates who do not have access to online services and communication. Convict authors often must rely on the kindness of family members and friends for everything from updating papers to maintaining communication with editors. In our own work, simple tasks of sharing drafts, editing one another's work, and ensuring that all ideas, intentions and interpretations are agreed upon have been extremely time-consuming, and on multiple occasions, this has resulted in frustrations and diversions from our primary tasks. The addition of middle-men to facilitate communications and mundane tasks can be successfully negotiated, but it is always a source of stress and a not-infrequent cause of miscommunication, delay, and/or mistakes.

The "convict" label is a major impediment for educated inmates trying to penetrate the annals of scholarly venues. For many in the free world, the convict label automatically conveys images of chicanery, capriciousness, and dishonesty, which may call into question the credibility of inmates trying to provide the public an unadorned rendering of crime and corrections. Unfortunately, the convicts themselves are often the ones who cultivate these negative views (Zaldivar 2013a, b). Simply being a convict carries significant stigma, and introduces prejudices and skepticism to how one's work is perceived, reviewed, and accepted.

The *shortage of fellow educated inmates complicates the research and writing process.* Few published authors would dispute the fact that writing is a challenging and lonely endeavor. However, even the most prolific of writers consult with trusted colleagues; rarely do convicts have this luxury. Unless they work with an outside team member and then contend with the challenges of delays and distance, convict authors must flesh out ideas on their own without the benefit of educated sounding boards. The norm in scholarly writing today (at least, in criminal justice and criminology) is co-authorship, often with more than one co-author (Gonzalez-Alcaide et al. 2013; Lemke 2013; Tewksbury and Mustaine 2011). Common understandings of keys to success in the publication process emphasize a "culture of collaboration" (Lemke 2013), which is clearly much more difficult for incarcerated authors. An absence of access to insightful feedback or collaborators not only frustrates the writing process, but also often leads to skewed arguments as convict authors are at risk of either going "native" or interpreting their surroundings through solely individualized experiences. Consequently, venues that are more prestigious generally refuse to entertain this jaundiced type of article.

Finally, the lack of research material is the most discouraging obstacle educated inmates face when writing for scholarly venues. Without access to scholarly, peer-reviewed articles and books, it is impossible to develop substantive pieces capable of surviving the stringent review process of scholarly journals. Prison libraries are not research libraries, and they simply do not hold the materials found in the typical university library. Inter-library loan is not available. And accessing online journals, reports, and other documents is likely impossible (due to costs, controls on internet access, or the complete absence of internet access). Unfortunately, this hurdle is not easy to overcome, and more often than not, brilliant ideas evaporate before they ever have a chance to materialize.

Strategies to Overcome the Constraints

Just because there are challenges to conducting research and writing behind bars does not mean that this goal should be abandoned. There are ways that convict researchers can overcome the obstacles that they face. Here we outline five alternative methods that educated convicts can pursue to become and remain active and productive scholars.

Develop a research to do list. Convict researchers should not be dismayed. Research ideas originated behind bars may not be easily achieved while incarcerated, but this does not mean that they should be totally abandoned. If convicts are serious about applying for admission to a graduate program and/or striving for a career as a researcher/scholar, then their ideas can eventually be researched at a rudimentary level and returned to later in their careers (i.e., after release), preferably when they are completing or have finished a doctorate at a respected university. Convict researchers/writers should not think that this strategy does not have any merit. Many professors (and scholars) suffer from a shortage of ideas, and this is when their careers get stalled. The research ideas developed while in prison should be filed away somewhere (perhaps with a friend or relative on the outside), and the convict can put them in his or her queue as possible projects to complete after being released from prison.

Serve as a reviewer for scholarly papers that are under review by academic journals. Although easier said than done, educated convicts can write selected editors of journals explaining their qualifications and offer to review papers in their specialization. The *Journal of Prisoners on Prison* is an example of a journal that utilizes this kind of practice.

Gather data in a systematic fashion.[2] Keep in mind that at the backbone of Convict Criminology is autoethnography (e.g., Ellis and Bochner 2005; Gatson 2003; Pelias 1994) as the preferred data collection method. Jones (1995), for example, championed the importance of journaling, field notes, and letters sent to outside researchers. Phone calls and face-to-face meetings are sometimes helpful. It is also important for the convict researcher to minimize perceptions among his or her fellow inmates and the correctional officers and administrators that he or she is somehow a spy or snitch for someone outside or elsewhere in the department of corrections. This can be done by informing prison authorities about the purpose of note taking. Educated convicts should speak with the most amenable staff about the work they are doing. In addition, before submitting queries to inmates, the convict researcher should take a few minutes to explain what he or she is doing. Thus, the researcher would not only keep staff informed but also ease inmates' trepidations towards the research.

Offer well-conceived critiques of policies, practices, and research and try to get these published. Scholarly research is not simply about collecting data in a systematic fashion and subjecting it to rigorous analysis. A considerable amount of analysis is conducted using secondary source material that is arguably more readily available. Convicts could offer to write book reviews, one of the most thankless tasks that many professors are often asked to do, although few comply. They may also offer critiques of papers that scholars may be working on or have published.

Co-author with other educated inmates and outside scholars. In almost every correctional facility, one or more educated convicts can be sought out for guidance and mentorship. Approached the right way, these mentors may assist convicts in conducting their research. The *Journal of Prisoners on Prisons* facilitates this process by requiring all papers to be written either by a convict, or by a prisoner and a free world scholar team. For

[2] Some may quibble with our use of the word "systematic." We are not implying that data gathering is linear, but more so rigorous, and comprehensive.

one reason or another, some professors are willing to mentor convicts, especially if they show initiative and intelligence. Some scholars find many convicts more inquisitive than their own free world students, including outside master's and Ph.D. students. Additionally, some academics will send convicts reading lists and copies of articles to read. The present article is an example of such a collaboration; both of the free world authors of this piece have published with other convicts and ex-convicts. It may not be the norm in this field, but it is possible and has been done by others.

Given this state of affairs, about the best that educated cons can do while incarcerated is to use their time behind bars to become familiar not only with the intimate workings of the correctional institution, but with the classic works in corrections, criminology/criminal justice, and beyond. Reading an important book, taking notes on it, and critically evaluating it is an important exercise. Proceeding in this fashion, convict scholars will be better prepared (for scholarly pursuits, and life in general) once they are released from incarceration. The sad reality is that many active scholars do not have the luxury (i.e., the time) to do this task, and their scholarship sometimes suffers because of this.

Conclusion

All things being equal, if a convict has a series of publications on his or her resume or vita, these could help him or her get into a master's or doctorate program after being released. If a convict already has a Ph.D., then the publications may help in their search for a position as an adjunct or a full-time professor at an outside college or university. Regardless, having accomplishments of this variety can only have positive implications for an ex-con.

It is important that professors and journal editors work to encourage and facilitate the ambition and enthusiasm of convicts interested, capable, and willing to take personal risks by conducting academic research and writing for scholarly venues. In order for these men and women to accomplish research and publication, they not only must surmount overwhelming obstacles, but they also place their safety and well-being in jeopardy as they expose the prison conditions and treatment they endure. And, more often than not, so too must convicts pursuing the goal of publishing research rely on the generosity and support of scholars outside of prison.

This article is a testament of what can be accomplished when outside sources nurture inside resources. Not only is the tenacity of individual convict researchers important, but the guidance, assistance, and support of outside scholars are invaluable to the men and women behind bars. One can only imagine the quality and quantity of research that would be produced if the vision of Convict Criminologists such as Ross and Richards (2003) ever comes to fruition.

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