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Editorial Introduction

Welcome to the second issue of volume two of the *Journal of Qualitative Criminal Justice & Criminology*. Rather than closing with acknowledgments, I would like to start this editorial introduction with them. First and foremost, I would like to thank both the editorial board members and the reviewers for this volume of the journal. Their names are listed at the beginning of this issue for without them, this journal would not be possible. Still further, if it was not for the hard work and dedication of my book review editor, Kevin Steinmetz, who recently accepted an academic appointment at Kansas State University, one-half of this particular issue would not have been possible. And finally, the three people who have helped professionalize this journal must be lauded for their hard work and efforts and they are Ronda Harris (copy-editor), Harriet McHale (publishing), and Melina Gilbert (webmaster). I sincerely appreciate everyone's hard work and commitment to the journal.

There have been a few changes to journal over the past year, mostly in regard to the editorial board. Over the past years we have lost two editorial board members. We lost Jock Young under unfortunate circumstances for which the Spring issue featured a well written obituary by Robert Donald Weide of New York University who was a student, mentee, and friend of Jock Young. I received kind words for printing that tribute from Mrs. Young and I encourage anyone who has not read it to look to the archive section for the last issue of the journal.

We also lost editorial board member Stephanie C. Kane under more fortunate circumstances as her area of research has developed into fields outside of CJC and she felt it was time to move on from her role as editorial board member. We wish Stephanie all the best in her future qualitative research pursuits.

In finding replacements and deciding to expand the editorial board by one extra member, the journal has been very fortunate in the three new additions to the board. First, from the United States, we added Dr. Rod K. Brunson from Rutgers University, whose research focuses on the interactions of race, class, and gender, and their relationships to criminal justice practices. The journal would like to welcome Rod Brunson to the editorial board.

The journal also reached out to more scholars outside of the United States to ensure that the journal is not entirely US-centric. Joining the editorial board is Dr. Alberto Testa who has dual appointments at the University of West London in the United Kingdom and the University of Bologna in Italy. Benvenuto al comitato esecutivo, Professore Testa. And a warm welcome to Dr. Alyce McGovern who serves in the School of Social Sciences at the University of New South Wales in Australia. Welcome to the editorial board, Dr. McGovern.

Since the last issue, there has also been some changes in the affiliation of some of our board members. Dr. Fiona Brookman, who was at the University of Glamorgan, Wales is now at University of South Wales in the United Kingdom; and J. Mitchell Miller, who was at the University of Texas, San Antonio is now at the University of North Florida. Congratulations to both of you on your new positions.

As I write this editorial introduction, I have just returned from the Southwestern Association of Criminal Justice's annual conference in South Padre Island. Holding a conference on the beach next to a waterpark and surrounded by seafood restaurants was a nice change of pace. Everyone enjoyed the venue so much there is talk of returning again next year and the planned conference theme is on prisoner reentry, a popular topic for qualitative scholarship. Perhaps for those scholars publishing in this area of research, a presentation at next year's SWACJ conference may be in order, along with a sunset or two on the beach.

Speaking of next year at this time…now that I have settled into a routine with the journal, I believe that to be a good indicator that it is time for me to step down and turn over the editorship to someone else. As I will have served as the editor for four years next fall (one year starting up the journal and the editing of three volumes), I have asked the SWACJ board to form a search committee early next year to begin searching for my replacement. The new editor will transition into the position at the end of 2015 and serve from 2016 through 2018 (volumes 4 -6). If you are interested in serving as the editor, look for the announcement from the Southwestern Association of Criminal Justice and continuing reading the journal as I hope to have an update on the search for the second editor of JQCJC.

In the meantime, enjoy the current issue which features four diverse articles, including a very timely article from Leon and Weitzer on the legalization of recreational marijuana, Chenault's discussion of prison fieldwork since Marquart's seminal publication in the 1980s, which is followed by Umamaheswar's discussion of gate-keeping when it comes to prison research today, and Boehm's article looking at probationers. In addition, there are six book reviews, including Kevin Steinmetz's editor's pick, a book review essay, and our featured historical book review. I hope you enjoy the current issue and please keep JQCJC in mind as an outlet for your own qualitative research.

Willard M. Oliver
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CONTENTS

ARTICLES

BOOK REVIEWS

Editor's Pick

Book Review Essay

Historical Book Review

Legalizing Recreational Marijuana: Comparing Ballot Outcomes in Four States

Kenneth Leon*
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Ronald Weitzer
George Washington University

ABSTRACT

Medical marijuana is now available in 23 states, and its growing acceptance has paved the way for the legalization of recreational marijuana. This article examines four recent campaigns to legalize recreational marijuana–two failures and two successes. Using data from newspaper sources, interviews with key players, and other sources, we examine the factors that influence whether a ballot initiative succeeds or fails. We identify similarities and differences between the four measures, the social forces shaping the debate, their claims and counterclaims, and a set of factors that appear to increase the odds that a recreational marijuana ballot measure will be successful.

INTRODUCTION

The U.S. Government criminalizes cultivation, distribution, and possession of marijuana and labels it a Schedule I drug (i.e., no medical value and a high potential for abuse). Twenty-three states and the District of Columbia, however, now permit access to medical marijuana, and ballot measures to legalize recreational marijuana have gained some traction as well. The measures failed in Alaska (2000), Nevada (2006), California (2010), and Oregon (2012), but succeeded in Colorado and Washington in 2012.

The national context is important. Over half the population (52%) have used marijuana according to one recent poll (CNN, 2014), and a growing number of Americans support legalization for recreational use. Public support for this rose from 12% in 1969 to 25% in 1980 to 31% in 2000 (Gallup, 2014), and has now passed the halfway mark: hovering between 55 and 58% (CNN,

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2014; Gallup, 2014). Whereas 70% considered smoking marijuana "morally wrong" in 1987, only half as many (35%) took this view in 2014 (CNN, 2014). The growing tolerance regarding recreational marijuana is partly a byproduct of the medical marijuana movement, with the latter paving a path for the decriminalization of recreational possession. Almost half the states now have practical experience with regulation of a substance that may be transferred from the medical to recreational sphere rather than embarking on an enterprise completely *de novo*. Earlier attempts to legalize marijuana possession–Alaska in 2000 and Nevada in 2006–arguably failed in part because there was not, at that time, a critical mass of medical marijuana states with a significant record of regulating the drug to serve as a precedent for recreational legalization.[1]

This article examines the four most recent campaigns to legalize recreational marijuana in California, Colorado, Oregon, Washington. We identify similarities and differences in the provisions of the ballot measures, key proponents and opponents in each state, and the arguments they made in defense of their position. Because our analysis compares four cases, we cannot provide either an in-depth examination of any one case or a comprehensive account (in one article) of all the factors that influence the success or failure of such ballot initiatives. But our research does allow for the identification of (a) major similarities and differences among the four cases and (b) some tentative explanations for ballot failure in California and Oregon and success in Colorado and Washington, explanations that can be tested in future research on other states with recreational marijuana ballot initiatives.

BACKGROUND

Prohibitory drug laws have been liberalized in the past. Scheerer (1978) compared the reform of drug laws in Germany and the Netherlands in the 1970s, with Germany increasing sanctions against cannabis possession and distribution, while the Netherlands relaxed penalties for possession and inaugurated a limited kind of regulation. Both reforms were top-down legislative decisions, not driven by popular pressure. In fact, Scheerer argued, both the German and Dutch populations were, at the time, "adamantly punitive" toward drugs. But in the Dutch case, legislators took the initiative in advocating a more tolerant approach, whereas their German counterparts took the opposite position. Scheerer assumed that elite opinion largely determines public policy in the area of vice: "Decriminalization normally occurs in spite of a punitive and repressive public, and not because it is welcomed by a community of liberal eggheads" (Scheerer, 1978, p. 590).

Reform was also top-down in the United States in the 1970s. At the national level, the Comprehensive Drug Abuse Act of 1970 eliminated mandatory-minimum penalties, reduced maximum sentences, eliminated a provision preventing convicted offenders from being eligible for suspended sentences

or probation, and provided treatment for first-time offenders arrested for drug possession (Peterson, 1985). A key reason for this reform was the perception among members of Congress that young middle- and upper-class white drug users were victims of iconic drug traffickers (Peterson, 1985). Between 1973 and 1978 eleven state legislatures reduced punishment for possession of small amounts of marijuana (penalties consisted of a small fine). The eleven states were diverse and included all regions of the country. DiChiara and Galliher (1994) argued that a window of opportunity opened in the 1970s as a result of increasing arrests of middle- and upper-class youths coupled with the interests of law enforcement agencies, seeking more efficient use of limited resources. Like Peterson (1985), DiChiara and Galliher found that politicians are more likely to revisit the rules when high-status white youth become subject to punishment for victimless crimes. Decriminalization is a way of resolving a situation of "moral dissonance," where violators are seen as having high social status but low moral status (as offenders) (Lempert, 1974, p. 6). The 1970s experiment with decriminalization ended in the following decade: States that had previously decreased penalties for marijuana possession increased sanctions during the 1980s in the context of the Reagan administration's robust drug war.

More recent examples of top-down reform are Portugal's decriminalization of all illegal drugs in 2001 and Uruguay's legalization of cannabis in 2013. Both resulted from legislative action, following recommendations of a 1998 government-appointed commission in Portugal and a presidential proposal in Uruguay in 2013.

Despite these cases of state-driven reform and Scheerer's (1978) assumption that the public is not a major player in the reform of vice laws, recent history shows that top-down liberalization is not the only trajectory. Recent marijuana law reform has resulted from legislative action in some states, but was driven by popular ballot initiatives elsewhere; 12 of the 23 state medical marijuana laws resulted from ballot initiatives rather than legislative action.

The trend toward liberalization has not been linear. In 2012, for example, Arkansas voters rejected a medical marijuana measure and Oregon voters rejected a recreational marijuana initiative. Federal government intervention remains a possibility in states where marijuana possession is now legal, especially if a more conservative administration takes office after the 2016 national election. In the sphere of victimless crime, legal reforms often take the form of what Dombrink and Hillyard (2007) call *problematic normalization*, where initial progress toward normativity is contested or diluted or stymied altogether. This dynamic has been evident in conflicts over same-sex marriage, doctor-assisted suicide, abortion, and prostitution (Dombrink & Hillyard, 2007; Sharp, 2005; Weitzer, 2012). Regarding medical marijuana, problematic normalization in the form of post-enactment conflicts and implementation problems have occurred in several states, including disagreements over (a) commercialization: business involvement in medical marijua-

na; (b) health and public safety: perceived and actual risks; (c) proliferation: growing usage or the surge in dispensaries in some areas; and (d) eligibility issues: consumers who enter the system without genuine medical needs (Geluardi, 2010; Regan, 2011). Similar challenges are likely in the implementation of recreational marijuana systems (e.g., Fisher, 2014). Moreover, the medical and recreational sectors may have conflicting interests. Medical marijuana forces have tried to block some recreational initiatives, or specific aspects of them, because they compete economically with the medical sector. And the stakes are high: one analyst estimated the value of the medical marijuana industry in California alone at $14 billion in 2009 (Geluardi, 2010).

This paper examines four recent cases of attempted legalization. Table 1 lists each ballot initiative, its outcome, previous decriminalization (i.e., legislative reduction of penalties), and the date medical marijuana was approved.

Table 1: Ballot Initiatives in Four States

State	Year	Initiative	Outcome	Medical Marijuana Approved	Previous Decriminalization
California	2010	Proposition 19	**NO** (53.5%)	1996	1975, 2000, 2010
Oregon	2012	Measure 80	**NO** (53.4%)	1998	1972, 1995
Colorado	2012	Amendment 64	**YES** (55.3%)	2000	1975
Washington	2012	Initiative 502	**YES** (55.7%)	1998	2003

Note: *Previous decriminalization* here refers to *de jure* reduction in criminal penalties or substitution of civil penalties, not removal of all penalties.

PREDICTORS OF VICE LEGALIZATION

Campaigns to decriminalize vice, such as prostitution, gambling, drugs, raise issues that are less salient in debates over more mundane issues. Vice-related ballot measures are highly susceptible to emotional appeals (e.g., addictive gambling, victimization of women), moral panic (e.g., impact on youths, proliferation of the vice, organized crime), and social justice and civil rights claims (e.g., same-sex marriage) (Dombrink & Hillyard, 2007; Sharp, 2005; Skolnick, 1988).

Scholars have identified a set of factors that enhance the odds that a particular vice will be decriminalized (Lenton, 2004; Skolnick, 1988; Weitzer, 2012), and we consider these factors relevant to our analysis of marijuana le-

galization. These analysts argue that the greater the number of such factors in any given case, the higher the chances of decriminalization or legalization:

1. Significant numbers of people engage in the vice, and they have conventional lifestyles; the vice is not concentrated in the lower-class or in a fringe subculture;
2. There is evidence that legalization will produce less harm than criminalization; e.g., the vice does not create dependency or interfere with one's ability to fulfill obligations and does not endanger public health more generally;
3. Production and distribution of the vice can be controlled by the authorities;
4. There is support for decriminalization from law enforcement, leading politicians, and/or business elites;
5. Young people can be shielded from the vice; involvement of minors will remain prohibited;
6. Adults who wish to avoid the vice can be shielded from it (e.g., restrictions on public use, advertising marijuana products);
7. The vice can be confined to the private sphere;
8. Decriminalization can produce revenue for the government;
9. Business owners can be vetted to eliminate those with previous felony convictions or ties to organized crime;
10. The regulatory regime should be subject to regular review and modification if necessary; any oversight body should be independent of the purveyors of the vice.

Some of these preconditions are met across our four cases; we know, for example, that a significant number of Americans have used marijuana and that most of them have conventional lifestyles, crossing virtually all demographics. All four ballot measures prohibit minors from accessing legal marijuana, and all limit use to the private sphere.[2] Beyond this, our analysis will determine, to the extent that our data permit, whether and how some of the other preconditions were addressed in the four ballot measures and the regulatory regimes stipulated in each measure.

However, the success of a marijuana ballot initiative depends on other variables as well—including the status of leading advocates and opponents, the nature of media coverage and editorializing, timing (national or mid-term election; youth turnout), and whether the federal government was intervening or threatening to intervene if the measure passed.

We hypothesize that if a ballot initiative and its corresponding campaign outspend the interest group(s) that opposed it, it should be a substantive predictor of ballot initiative success. Conversely, should the opposition outspend the pro-campaign, the initiative would be significantly more likely to be defeated at the polls. Funding is a variable of interest due to the correlation between fundraising and successful election outcomes; laws tend to pass and candidates elected when they have more funding than their opponents.

Political climate is another variable of interest. First, is there an observable difference between ballot initiatives proposed during a national election year (2012) versus a year of midterm elections (2010)? Second, is there support, opposition, or silence from federal authorities (e.g., Justice Department, Office of National Drug Control Policy)? We expect that opposition from the federal government will impede the success of a ballot initiative. Third, what is the stance of elected state or prominent local officials and candidates (governor, mayors) with regard to the ballot initiative? We hypothesize that if the latter publicly endorse a recreational marijuana ballot initiative, it will be associated with higher support among the electorate and therefore more likely to pass at the polls.

The media are an important factor. Newspapers can influence public perceptions of proposed marijuana reforms through editorials and through the content of news reporting. We hypothesize that endorsement of a ballot initiative from a state's major newspapers increases the odds of its passage.

Establishing all necessary and sufficient conditions of ballot success is a lofty goal for a qualitative examination of four cases. However, our analysis does allow for the identification of certain key variables and consideration of some tentative explanations for the success and failure of ballot measures that can be tested in future research on other cases.

METHODS

The cases examined were California, Colorado, Oregon, and Washington. California's ballot initiative took place in 2010, the other three in 2012 (see Table 1). Data were derived from three main sources. First, we content-analyzed articles in two major newspapers in each of the states: the *Los Angeles Times* (N=50) and *San Francisco Chronicle* (30) in California; *Denver Post* (35) and *The Gazette* (20) in Colorado; *The Oregonian* (29) and *Statesmen Journal* (8) in Oregon; and *Seattle Times* (90) and *Tacoma News Tribune* (17) in Washington. All articles that were available via the source website were included from the beginning of coverage of the ballot measure until the voting date—for a total of 279 articles. For each major state newspaper, we selected all articles that included the names of the ballot initiative (e.g. Initiative 502, I-502; Proposition 19, Prop. 19), and articles that included the keywords "marijuana" and "legalization." We also examined editorials regarding each measure in secondary newspapers in each state.

Using a grounded theory approach, we coded for items that appeared to have influenced whether a measure passed or failed. Primary coding categories included: prominent individuals and organizations that took a position regarding the ballot initiative; sources of campaign funding; general framing; specific arguments in favor and against the initiative; role of the state's medical marijuana sector; and key areas of concern as expressed or reported in leading newspapers. The frequencies of specific themes and arguments in newspaper articles and editorials were documented to establish which factors seemed to be the most relevant in each state. All articles were open-coded and recoded after specific themes and variables of interest became apparent. Themes and the way in which ballot initiatives were framed were drawn largely from editorials and the substantive arguments present in state news reporting. For example, if racially disparate criminal justice outcomes were referenced more than the expected tax revenue from legalizing cannabis, then the frame of social justice would be stronger than the frame of fiscal benefits. On the opposition side, the dominant frames might vary from state to state: e.g., fear of increased use among minors; predicting federal intervention to block implementation; concern that passage would only exacerbate existing problems associated with the medical marijuana system (allegedly "out of control" in some states), etc.

Second, newspaper data were cross-checked and expanded upon via interviews with two activists or experts in each state, most of whom played an active role in either formulating the initiative or contributing to the debate (see Appendix A). Ethics approval for the human subjects aspect of the study was granted by the university's IRB, and interviewees gave informed consent to be interviewed and identified in the study. Third and last, we conducted a content analysis for the key themes and messages in a small selection of television advertisements, recorded debates, and town hall meetings involving the ballot measures.

FINDINGS

The four ballot measures were similar in some respects: Possession is restricted to persons over age 21; public use is outlawed; tax revenue can be produced (if marijuana is purchased at a store); drugged driving is prohibited; and employers may prohibit use at the workplace and/or off-work via drug testing. The prohibition on youth involvement, public use, and drugged driving, and the provision for tax revenue satisfy four of the ten preconditions for vice-legalization previously listed. Our four cases differ, however, in other significant respects.

California

2010 was not California's first attempt at marijuana legalization. A 1972 ballot initiative (also called Proposition 19) would have decriminalized possession, cultivation, processing, and transporting marijuana for persons age

18 and older, and it would have prohibited persons under the influence from "engaging in conduct that endangers others." No other regulations were stipulated. The measure mustered only 33.5% support among voters.

California's second Proposition 19, in 2010, won more approval than its 1972 predecessor but was rejected by 53.5% of voters, despite the $4.5 million spent in support of it (compared to the $420,000 spent by opponents). The provisions included:

- Adults 21 and older may possess, cultivate, or transport marijuana for personal use;
- Possession and cultivation must be solely for personal consumption, not for sale to others; individuals may cultivate on private property in an area up to 25 square feet;
- Local governments may authorize, license, regulate, and tax the retail sale of marijuana and the location of businesses;
- Possession is prohibited on school grounds, as is adult use with minors present and providing marijuana to anyone under 21;
- Consumption is permitted only in a residence or other private space, except that marijuana may be consumed in licensed establishments if allowed by local laws;
- Current prohibitions against driving while impaired are retained;
- The measure does not specifically permit employers to drug test employees, but the measure states that it does not affect existing laws prohibiting use of drugs in the workplace.

Major backers included the ACLU, Marijuana Policy Project, Drug Policy Alliance, United Food and Commercial Workers Union, National Black Police Association, NAACP's California branch, Law Enforcement Against Prohibition (LEAP), and progressive financier George Soros. Arguments in favor of the measure included anticipated tax revenue; the potential for job growth; reducing racial disparities in drug arrests; and the argument that the state's medical marijuana system was allowing many ineligible users to obtain marijuana, thus necessitating a broader legalization remedy.

Opposing forces included the Chamber of Commerce, the state's four leading newspapers, and various organizations (e.g., Police Chief's Association, Public Safety First). Fear of increased use among youth was particularly strong in California, as well as the concern that roads, workplaces, and communities would be less safe. The Drug Free American Foundation (2010) released television ads warning voters that use by minors would skyrocket and that intoxicated drivers would create dangers on the roadways. One of the most prominent arguments against the initiative was that it would not gen-

erate tax revenue because it allowed for personal cultivation and contained only a local option of creating taxable retail outlets. Opponents also warned that thousands of acres of farmland would be allocated toward marijuana cultivation (Drug Free America Foundation, 2010). Additionally, a major alleged defect of the proposition was the provision that allowed counties and municipalities to devise their own regulations or ban retail sales outright, which they argued would create a hodgepodge of policies throughout the state.

Opposition was voiced across the state's political spectrum: by Gov. Arnold Schwarzenegger (R), both 2010 candidates for governor and for state attorney general, California's two U.S. Senators (Barbara Boxer [D], Dianne Feinstein[D]), and House Speaker Nancy Pelosi (D). Perhaps even more importantly, national officials took a strong stand against the measure. The current and five former national drug czars and the U.S. Attorney General publicly opposed Proposition 19, which may have fueled public concern about possible legal battles if the measure passed. A few weeks before the election, Attorney General Eric Holder announced that federal authorities would "vigorously enforce" federal marijuana laws in California regardless of whether Proposition 19 passed; he stated that the Justice Department "strongly opposes" the measure and that passage would be to "the detriment of our citizens" (quoted in Hoeffel, 2010b). As one of our interviewees, the director of NORML's California branch, stated, "Towards the end of the Prop. 19 campaign, the Attorney General and the administration came out rather strongly against the initiative and I think that may have given people second thoughts as to whether the whole thing was feasible" (Gieringer interview). Nate Bradley of LEAP agreed that when the Attorney General "said they were going to vigorously enforce the law, that took even more momentum away" (Bradley interview).[3] Such federal opposition in 2010 was not replicated in the three states with ballot initiatives in 2012, and we consider this a significant variable contributing to the successful outcomes in Colorado and Washington (cf. Kamin, 2012).

It is noteworthy that the organization representing the state's medical marijuana sector, the California Cannabis Association, opposed Proposition 19; they feared that the provision allowing local jurisdictions to ban dispensaries would lead to closure of existing medical marijuana stores in some areas. One of the strongest criticisms of the measure centered on the proliferation of medical marijuana stores in the state, and the corollary claim that the medical sector was "out of control," which recreational availability would only aggravate. The rapid spread of medical dispensaries was especially controversial in Los Angeles. Just a few months before the election, the Los Angeles city council ordered the closure, by June 7, 2010, of 439 medical marijuana dispensaries in the L.A. area, allowing another 130 to remain (Hoeffel, 2010a). Many of the stores had opened in violation of a moratorium on new dispensaries and had been the target of complaints from nearby residents (Hoeffel, 2010a). The surge in under-regulated medical marijuana stores—in

Los Angeles and some other parts of the state—may have influenced some voters' decisions to vote against Proposition 19. A statewide poll found that 38% of California's registered voters opposed allowing marijuana dispensaries to operate in their city or town—39% in Los Angeles and 30% in the liberal San Francisco bay area (Field Research Corporation, 2013).

Other contentious issues included the ballot provision allowing local jurisdictions to decide how to regulate marijuana: "The local-option framing of it, where you'd have a different law in every city and county of California, sets up a chaotic system, which I think scared off a lot of people" (Gieringer interview). In addition, the "wording that limited the right of employers to do drug testing…was enough to set off fire alarms at the Chamber of Commerce, and so the Chamber of Commerce and other business interests became galvanized in opposing the initiative" (Gieringer interview). (As noted, the measure did not mention drug testing but did allow employers to prohibit drug use at work.) An op-ed article in the *Los Angeles Times* by six former national drug czars cited a host of other anticipated problems: Usage would increase; tax revenues would be meager because users could grow their own supply and thus be free of taxes; and the number of intoxicated drivers on the roads would skyrocket, leading to more accidents and fatalities (Kerlikowske et al., 2010). A September 2010 editorial in the *Los Angeles Times* labeled the measure "an invitation to chaos":

> It would permit each of California's 478 cities and 58 counties to create local regulations regarding the cultivation, possession, and distribution of marijuana….The proposition would have merited more serious consideration had it created a statewide regulatory framework for local governments, residents, and businesses. But it still would have contained a fatal flaw: Californians cannot legalize marijuana. Regardless of how the vote goes on Nov. 2, under federal law marijuana will remain a Schedule I drug, whose use for any reason is proscribed by Congress. Sure, California could go it alone, but that would set up an inevitable conflict with the federal government that might not end well for the state. That experiment has been tried with medical marijuana, and the outcome has not inspired confidence. (*Los Angeles Times,* 2010)

These objections were echoed in the state's three other leading newspapers. The *San Diego Union-Tribune* (2010) published an editorial entitled "No to Ganja Madness," again predicting that "chaos" would result from the patchwork of regulations among jurisdictions; that the current "explosion" of medical dispensaries in the state would skyrocket under recreational legalization; and that the measure would create a "collision course" with the federal government. Similar arguments were made by the *San Jose Mercury News* (2010) and the *San Francisco Chronicle* (2010), which called the medical marijuana system a "nightmare for many communities" that would only be

magnified by Prop. 19 because of the lack of "state controls over distribution and product standards." The *Chronicle* also worried about the "stench" of 25 square-foot outdoor marijuana gardens in residential areas.

Even some of those who supported the principle of legalization considered Proposition 19 poorly framed. Television ads funded by Public Safety First and the No-on-19 campaign called the measure "a jumbled, legal nightmare."

> It was riddled with drafting errors that instead of raising revenue could jeopardize more than $9.4 billion in federal funding for California schools. And by making it impossible for employers to enforce drug-free workplace rules [an incorrect claim], Prop 19 could even allow school bus drivers to smoke marijuana right before they climb into the driver's seat. (No On Prop 19 ad, 2010)

In sum, the major reasons for Proposition 19's failure included opposition of the state's leading newspapers representing the four largest cities, alleged flaws in the state's existing medical marijuana regime, and strong opposition from state politicians and federal officials.

Oregon

Two years later, Oregon's ballot measure was rejected by the same margin as California's: 53.4% voted against it. Measure 80 would have:

- Allowed adults to grow and possess any amount of marijuana;
- Permitted sales and cultivation, with regulations to be provided by a new Cannabis Commission;
- Mandated a drug education program for youth arrested for possession;
- Created a seven-member Cannabis Commission, five of whom would represent growers and processors; the commission would oversee zoning and licensing and would be mandated "to promote Oregon cannabis products in all legal national and international markets," in the words of the ballot measure;
- Required Oregon's attorney general to defend the new law and actively advocate for similar laws nationally and internationally.[3]

The most popular arguments in favor of the measure were that it would regulate an existing illegal market, raise substantial public revenue, and increase public safety. Supporters estimated that a potential $140 million would be gained in tax revenue, while $60 million would be saved in reduced law enforcement costs (KATU News, 2011). Some advocates also packaged the measure as being consistent with the culture of the Pacific Northwest, a culture that combines progressive and libertarian values. Indeed, Oregon

was the first state to allow doctor-assisted suicide, to allow voting by mail, and to decriminalize marijuana in the 1970s (a violation punishable by a maximum $100 fine). This legacy was depicted as a cultural context that was favorable to drug legalization.

The rationales inscribed in the ballot measure were unique in some respects. The Preamble to Measure 80 invokes George Washington, Thomas Jefferson, and the Book of Genesis to support legalization. It proclaims that "George Washington grew cannabis for more than 30 years" and that Thomas Jefferson invented a device to process hemp. Part of the Preamble offers a rather awkward and convoluted justification:

> cannabis prohibition is a sumptuary law of a nature repugnant to our constitution's framers and which is so unreasonable and liberticidal as to…unnecessarily proscribe consumption of a "herb bearing seed" given to humanity in Genesis 1:29, thereby violating their unqualified religious rights under Article 1, Section 3 and their Natural Rights under Article 1, Section 33 of the Oregon Constitution [and] violates the individual's right to privacy and numerous other Natural and Constitutional Rights.

Paul Stanford, the chief proponent of Measure 80, later reflected:

> The Preamble talked about some historical and scientific facts about marijuana and cannabis, and *The Oregonian's* editorials and commentary painted that negatively as a manifesto for cannabis and belittled it, even though the facts cited therein were incontrovertible. The Preamble turned out to be a liability, politically, and was used against it. (Stanford interview)

The original draft of Measure 80 would have created an oversight commission whose members would be appointed by the governor. This was changed in the final draft to a grower-dominated commission (5 of its 7 members), which fueled concern that oversight would be hollow or biased toward the industry. The state's leading newspaper, *The Oregonian* (2012), called this "equivalent to putting Philip Morris in charge of state tobacco policy," and even the measure's top advocate considered this a blunder:

> Several advocates in the cannabis community…said that we shouldn't give the governor that much leeway [appointing commission members]. So we made that [change to grower-dominated]….In retrospect, that was a mistake. We should not have had people in the industry compose five out of seven members of the commission. (Stanford interview)

The Oregonian (2012) branded the measure "comical" and "surreal" and stated, "Voters should reject this initiative and ask state and federal leaders for more coherent drug policies." This editorial compared Oregon's measure

unfavorably to Colorado and Washington's because the latter impose limits on possession and on the number of retail outlets and give oversight responsibility to a government agency rather than a grower-dominated commission.

The newspaper of the state capitol, Salem, focused on other dangers. It claimed that marijuana was both "addictive" and a "gateway drug" leading users to experiment with other illegal substances, and argued that passage would inevitably make marijuana more available to minors. In addition, persistent use "leads to a decline in brain functioning" (*Statesman Journal*, 2012). The main newspaper in liberal Eugene, Oregon, derided the measure's romanticized depiction of cannabis use: In addition to noting the measure's clash with federal marijuana law, *The Register-Guard* (2012) denounced it as an attempt to create a "cannabis culture" in Oregon:

> Measure 80 is not an attempt to accommodate the reality of widespread and mostly harmless marijuana use. Instead, it aims to create a new reality, making Oregon into a state where the recreational use and commercial development of marijuana is not simply tolerated but celebrated....It is not just anti-prohibition—it's overtly pro-pot.

The latter is a reference to the provision requiring state authorities to advocate legalization in other states. The newspaper also belittled the "sponsor's evangelistic attitude" in invoking Genesis and the Founding Fathers.

Finally, in a public debate on the measure, District Attorney Josh Marquis used the novel argument (against the measure) that there was no need for it because possession was already sufficiently decriminalized: Measure 80 was a "solution searching for a problem" because, he claimed, possession of less than one ounce is currently treated leniently in Oregon (City Club, 2012).

The pro-legalization camp had a deficit of elite backing. Supporting the measure were the Oregon chapter of the National Association of Criminal Defense Lawyers, the medical marijuana sector, some local politicians, and the NAACP's regional branch. But strongly opposing the measure were the state's three largest newspapers, Gov. John Kitzhaber (D), the Sheriff's Association, and the District Attorney's Association.

The measure's radical provisions, dubious historical/religious/natural-law justifications, lack of elite sponsors, and opposition from the state's three largest newspapers were the main reasons for the measure's defeat. But even against these odds, it is noteworthy that fully 47% of voters supported the initiative, perhaps because proponents outspent opponents $531,000 to $71,000.

Colorado

Colorado's Amendment 64 passed by 55.3%. Its provisions include:

- Possession of up to one ounce is allowed for persons 21 years of age and older;

- A resident can cultivate up to six plants in an enclosed, locked space;
- Both state residents and non-residents can purchase marijuana;
- Oversight and licensing of cultivation facilities, product manufacturing sites, and retail stores by the Department of Revenue, which also regulates alcohol and tobacco;
- Local authorities will determine the location and number of marijuana stores in their jurisdictions; local officials may prohibit cultivation and manufacturing facilities as well as retail stores in their jurisdiction;
- Marijuana stores are subject to state and local sales taxes;
- A DUI/DWI provision may be established by the Governor and Department of Revenue (but was not mandated in the Amendment 64).

The organization Smart Colorado led the opposition campaign and raised $433,000 to fight the measure (half of which came from the Florida group, Save Our Society From Drugs). Other vocal opponents included the Denver Chamber of Commerce, the *Denver Post*, Focus on the Family, Citizen Link, Visit Denver, Downtown Denver Partnership, Gov. John Hickenlooper (D), Denver Mayor Michael Hancock (D), the Colorado Education Association, law enforcement organizations, U.S. Attorney spokesman Jeff Dorschner, and former ONDCP official Kevin Sabet. Law enforcement groups either opposed or abstained from taking a position (e.g., opposition came from the Colorado Drug Investigator's Association, a trade group for drug enforcement officers). Given the wide variety of sectors represented by these actors, their reasons for opposing the amendment were multifaceted.

Arguments against the amendment included: (a) the standard claim that marijuana would become more available to youths; (b) an expected battle with the federal government over marijuana policy; (c) a concern that non-residents would flock to Colorado for the purpose of "marijuana tourism"; and (d) a concern in the business community that legal cannabis would harm the state's reputation and make it harder to recruit new businesses to the state. A *Denver Post* (2012) editorial echoed some of these points while rejecting others. It began by declaring that possession should be legalized—at the national, not state, level. Rejecting the idea that legalization would put youth at risk, the editorial drew a parallel with the underage ban on alcohol purchases. What worried the *Denver Post's* writers was the anticipated clash with the federal government and the fear that Colorado would become a magnet for out-of-state buyers, growers, and distributors. The opposition argument in California that delegating regulatory decisions to local authorities would create an unworkable patchwork and that a single, statewide

model was preferable was not a major opposition argument in Colorado, nor was California's claim that the medical marijuana sector was already out of control echoed in the Colorado debate.

The Chamber of Commerce's opposition was based on several concerns. While proponents favored the potential revenue that would result from taxing marijuana distributors, big business countered that becoming a marijuana-friendly state would damage the state's image and perhaps deter new investment. They also feared that passage would result in businesses having to modify their drug-free policies, perhaps allowing marijuana use by employees. The latter concern was unfounded: Under the regulations effective January 1, 2014, employers retain the right to fire workers who are intoxicated at work.

Economic justifications for Amendment 64 included the claim that passage would create at least 350 jobs and that substantial new tax revenue would be generated. Indeed, some businesses liked the possibility that Colorado might become a hub for marijuana tourism, generating demand for hotels, restaurants, rental cars, and other services.

The pro campaign outspent the opposition 4 to 1: $3.5 million vs. $707,000. Fundraisers included the Campaign to Regulate Marijuana Like Alcohol (raising $1.3 million) and the Marijuana Policy Project ($830,000). The two largest individual donors were Scott Banister, a San Francisco Internet entrepreneur, and Peter Lewis, chairman of Progressive Insurance Company. Other supporters include former Republican congressman Tom Tancredo, the Colorado branch of the NAACP, a coalition of more than 300 physicians, the United Food and Commercial Workers Union (Colorado's largest union), and the Colorado Center on Law and Policy. Having bipartisan support from a well-known right-wing politician, Rep. Tom Tancredo as well as the Colorado Democratic Party may have contributed to the measure's success (Tvert interview). More importantly, unlike in California, the medical marijuana community was largely supportive of the measure, evidenced by a petition drive in which more than 150 medical marijuana-related businesses allowed volunteers to collect signatures inside their stores. Colorado's medical sector supported Amendment 64 partly because the provisions of the new law gave preferential status and other benefits to existing medical marijuana businesses (indeed, as of January 2014, the only dispensaries where recreational users could obtain the drug were existing medical marijuana stores). The unified stance of the medical and recreational sectors differed from the other states.

Washington

Washington legalized recreational marijuana by the same margin as Colorado, with 55.7% voting for it. A poll of voters one day after the election found that support was strongest among Democrats, liberals, moderates, those with higher education, and families with $100,000+ income; opposition came from older age groups, conservatives, Republicans, the highly

religious, and the less educated (Associated Press, 2012). Initiative 502 provided for the following:

- Removes penalties for marijuana production, distribution, and possession for persons 21 and over, but does not allow personal cultivation;
- Designates the Washington State Liquor Control Board as the regulating authority;
- Taxes marijuana sales and earmarks marijuana-related revenues;
- Tightly regulates and licenses distribution, similar to the state control of alcohol;
- Prohibits growing marijuana for recreational purposes in private residences and allows only medical marijuana patients to do so;
- Imposes an excise tax of 25% at each point of transfer between manufacturers, processors, and retailers;
- Prohibits marijuana stores near schools, daycare and youth centers, parks, and libraries;
- Outlaws public use or display;
- Allows employers to dismiss employees who test positive for THC;
- Establishes a blood-test limit for driving under the influence.

Key opponents included medical marijuana entrepreneurs, law enforcement officials, substance abuse staff, and Gov. Christine Gregoire (D), whose opposition was mainly based on concerns over federal government intervention if the measure passed. In addition, the two candidates for governor in the 2012 election both opposed I-502 due to their concerns about the impact on the medical marijuana sector. Representatives of the drug prevention and law enforcement sectors tended to focus on marijuana's harms, such as the risks to young people from early-onset use and the risk of mental health problems for adults who use the substance frequently.

As in California, the medical marijuana sector was a vocal opponent: "They showed up at most hearings and public meetings, and were loud and noisy….They would get up and yell and interrupt meetings. People were influenced, so I think they were actually effective" (Martin interview). Sensible Washington, a medical marijuana association, offered several reasons for rejecting Initiative 502. They opposed the DUI provision, claiming that it had no scientific basis. And they argued that the measure was too restrictive, because it would effectively criminalize medical patients who needed the drug

because their chronic use would make many of them test positive while driving a car. Sensible Washington also thought that individuals aged 16 to 20 should be eligible if their medical condition warranted consumption. So, in this case, the medical marijuana sector opposed the measure not because it would interfere with their own profits but instead because they considered the regulations too restrictive.

In a public debate with a proponent (Alison Holcomb of the ACLU), John Toker of Sensible Washington cited additional problems with I-502: First, he called it "pseudo-legalization" because it limits possession to only one ounce. Second, he advocated a system with fewer restrictions than the measure's elaborate set of regulations (Working People Unite, 2012). And third, Sensible Washington opposed the measure's prohibition on cultivation for personal use, which would harm medical marijuana users who may need a personal source of the drug (Elliot, 2012). Responding to this critique, proponents pointed out that I-502 prohibits personal growing for recreational use, but registered medical patients are permitted to continue growing limited amounts on their private property and can possess a 60-day supply of marijuana (New Approach Washington, 2012).

Unlike the pro campaigns in the other three states, Washington's advocates highlighted a set of criminal justice problems to support legalization, an issue covered extensively by the *Seattle Times* and the *Tacoma News Tribune*. The argument centered on the harms of the law's overreach, enforcement costs, racialized law enforcement, and involvement of the criminal underworld in the marijuana trade—while failing to reduce usage. The campaign emphasized that over 241,000 state residents had been arrested for marijuana possession since 1986 and claimed that the cost of this enforcement was $306 million, with blacks and Latinos arrested disproportionately (Marijuana Arrest Research Project, 2012). Social justice and harm-reduction framing was therefore quite prominent during this state's debate on the measure. One of our interviewees elaborated on this issue:

> Efforts to prevent access to marijuana are largely ineffective, and these efforts come with great costs. Not only financial costs for the operation of the law enforcement and criminal justice system, but also with major social justice inequities in how the laws are actually implemented…in terms of people of color being arrested far more than whites even though the epidemiological data make it clear that people of color use marijuana at a somewhat lower level. The campaign was also emphasizing that the tax revenues that this [new] legal market could generate could be put to good use in terms of public health and public safety. (Roffman interview)

Along with some other newspapers, such as *The Olympian* (Olympia, the state capitol) and *The Spokesman-Review* (Spokane), the measure won support from the *Seattle Times* (2012) editorial board:

> For several years, recreational marijuana has effectively been decriminalized in Seattle, and there has been no upsurge in crime or road deaths from it. But even in Seattle, recreational marijuana is still supplied by criminals—by definition…Initiative 502 aims to take the marijuana business out of the hands of gangs. That is what legalizing alcohol did in the 1930s.

The proponents of I-502 greatly outspent the opposition, spending $6.2 million in comparison to their opponents' miniscule $16,000 (Riggs, 2012). For the pro side, a substantial part of the funding came from George Soros and Peter Lewis of the Progressive Insurance Company.

The campaign gained legitimacy and credibility when a former US Attorney, John McKay, became a sponsor and published an op-ed article in the *Seattle Times* calling for legalization. The ranks of supporters included 16 state legislators, the former head of Seattle's FBI office Charles Mandigo, Seattle City Attorney Pete Holmes, and television evangelist Pat Robertson. Another influence on Washington voters may have been Rick Steves, a well-known travel writer who frequently appears on PBS channel travel shows. Reporter Jonathan Martin from the *Seattle Times* noted that Rick Steves is a "beloved figure in the Seattle area because he has a travel company that has been here a long time. He's a regular radio show. He's just a super folksy, easygoing guy. He was just a great face for the campaign" (Martin interview). Steves' support of I-502 added credence and popular appeal to the initiative.

Advocates for I-502 were effective in framing the initiative in terms of social justice and harm-reduction benefits; legalization would reduce criminal justice inequities and reallocate law enforcement resources to important matters.

DISCUSSION

Scheerer's (1978) state-centric, top-down model of drug legalization is clearly obsolete. The U.S. experience since 1996 with both medical and recreational marijuana measures demonstrates a citizen-driven alternative to the legislative model. The decriminalization of possession in eleven states in the 1970s was done entirely within the halls of state legislatures, but of the 23 jurisdictions that now allow medical marijuana, 12 resulted from popular ballot initiatives.

With only four cases in the present study, it is difficult to say with certainty that any particular variable is more important than others in predicting whether a recreational ballot measure will succeed or fail. Moreover, the

factors of interest cannot be subjected to quantitative analysis. Other limitations of this study include the lack of certain kinds of data (e.g., records of how campaign funds were used), the modest number of interviewees, and the fact that the latter discussed the ballot process in hindsight. But we have attempted to identify factors that appear to be important influences on ballot outcomes. Specific provisions within a measure can certainly shape the vote, especially if they attract (straight or sensationalized) media coverage and television and radio ads. But what also matters is how the measure is generally *framed* in the public square. California's measure was framed by opponents as a recipe for conflict with the federal government at a time of an escalating federal crackdown in the state and as lacking in statewide regulatory norms that would only exacerbate existing problems with the state's medical marijuana system. Oregon's measure was derided as "too radical," with no limits on possession or the number of cannabis stores and a regulatory commission that would have been dominated by the marijuana industry. In Colorado, more than the other states, the overarching framing was that marijuana was less harmful than and should be regulated like alcohol. And the dominant framing of Washington's measure was that legalization would help to promote social justice because it would remove marijuana from the criminal justice system and reduce racially disparate outcomes. In none of the three 2012 debates did the opposition emphasize the California argument that the medical marijuana system was out of control and that adding recreational marijuana to the mix would only make things worse.

In both Colorado and Washington, legalization was also framed as a public health and safety issue, less as a danger to public health and more as a way of advancing it. In Washington, legalization was presented as a way to further drug education, treatment, and controlled use. In Colorado, a key campaign message was that marijuana is objectively less harmful to health than alcohol, which was legal, thus seemingly justifying Amendment 64. Challenging the argument that usage and dependency would increase, proponents argued instead that legalization was consistent with a harm-minimization orientation that places education, health, and treatment, and not criminal justice, at the core of marijuana policy.

The role of the federal government is important. All four states had a preexisting medical marijuana sector, yet California's experience with federal action against medical marijuana establishments appears to have diluted support for Prop. 19. Federal intervention fueled concerns regarding how the government might respond to recreational legalization. Just two years later, the policy window opened as the Obama administration largely stayed silent during the November 2012 election, perhaps because this was a national election and the president wanted to avoid alienating supporters in the three states.[4] California was the only state that, at the time of the vote, experienced significant intervention from the Justice Department, which appears to have affected the amount of support for its legalization measure. In the area of

drug reform, the role of the federal government is therefore an important factor in state-level legal change.

One question is whether funding for vice-legalization campaigns matters. It is perhaps no surprise that Oregon's radical measure was the least funded of the three 2012 ballot initiatives. Advocates raised $531,000, which pales in comparison to the $6.2 million in Washington and $3.5 million in Colorado in support of the measures. As noted above, financial support for the Washington and Colorado measures far eclipsed the amounts raised by opponents, so it does appear that funding was a predictor in both states. But funding alone does not ensure success. California's failed measure received $4.5 million from supporters, ten times more than the opposition's $420,000. And despite the significant variations in funding, voter support for the two failed ballot initiatives was identical (California 46.5 %, Oregon's 46.6 %) as was support for the two successful measures (Colorado 55.3%, Washington 55.7%). In other words, while generous funding can help to sway voters on vice issues, other factors can outweigh campaign financing.

The age distribution of voters matters significantly. Two recent polls (Gallup 2014; CNN 2014) both reported that 67% of young adults endorse legalization of marijuana for recreational use. If a similar majority of youth in any given state support legalization, it can be argued that youth turnout may have a decisive effect on the outcome of marijuana ballot measures. The youth turnout figures in our four cases lend some support to this hypothesis. In California, the percentage of voters in the 18-29 age group declined by half between the 2008 general election (20% of the vote) and 2010 midterm election (10% of the vote) (Bacon, 2010). Had this age group turned out in the same numbers in 2010 as they did in 2008, it is possible that Proposition 19 would have won (Hoeffel, 2010c). In the other three states, youth turnout increased between 2008 and 2012: from 12 to 17% of voters in Oregon, 14 to 20% in Colorado, and 10 to 22% in Washington (Atlas Project, 2013). The substantial rise in the youth vote may help to explain ballot success in Colorado and Washington. A Colorado poll taken in early October 2012 found that 56% of likely voters aged 18-34 supported the ballot measure, compared to 48% of all likely voters (SurveyUSA, 2012), and a poll of registered voters in Washington conducted right before the election (in late October) found that fully 75% of those aged 18-29 supported Washington's ballot initiative (KCTS, 2012).

The liberal political culture of the Pacific Northwest (e.g., only Oregon and Washington allow doctor-assisted suicide) may have had a positive impact in Washington but could not overcome the perceived deficiencies of Oregon's measure. History shows that a state's political culture does not need to be progressive for the decriminalization of vice to occur; some conservative states decriminalized marijuana possession in the 1970s, whereas some vice-tolerant states like Nevada passed harsh laws (DiChiara & Galliher, 1994; Galliher & Cross, 1982). For this reason, we do not consider a state's

historical political culture a robust predictor, although it may have some impact. Coupled with whatever influence the Northwest political culture may have had on the outcome in Oregon and Washington in 2012, Washington's initiative also had other pillars of support: substantial financial backing and support from a wide variety of actors. Having former federal law enforcement officials and the legal community publicly endorse the initiative gave tremendous gravitas to the campaign. However, the stance of candidates running for office or the incumbent governor were found to have limited impact on ballot outcomes, for there was wide variation on this measure among the cases.

Washington and Colorado's ballot measures satisfy many of the conditions that Lenton (2004), Skolnick (1998) and Weitzer (2012) outline as important factors for vice decriminalization, presented earlier in this article. However, as evidenced by the failures of California and Oregon's initiatives, even if many of these conditions are met, they do not ensure success. In addition, the *dynamic process* in which opposing forces and media outlets frame the ballot initiative generally and highlight specific benefits or problems with the measure is extremely important. It is difficult to assert that there is a *best practices* formula for drug policy reform, since there have been only four attempts to legalize recreational marijuana since the Obama Administration took office and one during the Bush era. Yet it does appear that meeting most, if not all, of the preconditions listed above can maximize the chances that a vice-related ballot measure will succeed in any given state. Our analysis also suggests that support from political leaders, law enforcement officials, the medical marijuana sector, public health community, and young voters are important—as is the central framing of the issue.

The policy implications of this research are significant. Legislators, advocates, public health officials, and law enforcement are using the experiences of Colorado and Washington to understand not only what policies are most sensible but also how to best engage the public and other interest groups in the discourse pertaining to vice legalization. Three jurisdictions have recreational legalization measures on the 2014 ballot: Alaska, Oregon, and the District of Columbia. Now that a widely-known precedent has been set (Colorado and Washington), it is possible that some of these measures will succeed, and recent polls show either slight or substantial majority support in each jurisdiction (Lopez, 2014), in addition to California (Field Research Corporation, 2013). Nationwide, support for legalization jumped a remarkable 10 percentage points in the year following the 2012 Colorado and Washington victories from 48% in late November 2012 to 58% in October 2013 (Gallup, 2014). Research on future ballot outcomes will help to confirm whether the factors identified in this study are corroborated as important in other contexts and thus have more general salience.

Appendix A: Interviewees

State Ballot Initiative	Name	Date Interviewed	Professional Affiliation
California Proposition 19	Nate Bradley	May 3, 2013	Private Investigator. Former law enforcement officer
	Dale Gieringer	April 24, 2013	State Director - National Organization for the Reform of Marijuana Laws
Colorado Amendment 64	Mason Tvert	May 8, 2013	Director of Communications – Marijuana Policy Project
	Brian Vicente	May 10, 2013	Co-author of Amendment 64. Co-director of Campaign to Regulate Marijuana Like Alcohol
Oregon Measure 80	Rep. Peter Buckley (D)	June 25, 2013	Co-Chair of the Joint Committee on Ways & Means, Oregon House of Representatives
	Paul Stanford	May 8, 2013	Primary author of Measure 80
Washington Initiative 502	Jonathan Martin	May 3, 2013	Enterprise Reporter – *Seattle Times*
	Roger Roffman	April 20, 2013	Professor and Consultant for I-502

ENDNOTES

1. Medical marijuana had been approved in only five states prior to Alaska's vote on recreational marijuana in 2000, and eleven states had approved it by the time of Nevada's 2006 vote on recreational marijuana.
2. A recent Huffington Post/YouGov (2014) poll reported that two-thirds of Americans favored allowing people to smoke marijuana in a private residence and a majority in a members-only marijuana club, but only a small minority thought that people should be allowed to smoke marijuana on a public sidewalk (15%), park (18%), or in a bar (25%).
3. It is also possible that legislation in mid-2010 took some of the steam out of the legalization campaign. A bill, signed by Gov. Schwarzenegger, downgraded the penalty for possession of up to one ounce of marijuana from a criminal misdemeanor to a civil infraction with a maximum $100 fine.

4. According to the text of Measure 80, Oregon's Attorney General would be required to defend the law against any federal challenges and prosecutions and also to "propose a federal and/or international act to remove impediments to this chapter, deliver the proposed act to each member of Congress and/or international organization, and urge adoption of the proposed federal and/or international act through all legal and appropriate means."
5. A November 2012 Gallup poll and a March 2013 Pew Research poll reported that 64% and 60% of Americans, respectively, felt that the federal government should not intervene to enforce federal marijuana laws in states that currently allow marijuana possession. In May 2014, the U.S. House of Represented voted (219-189) for a measure that would prevent federal government interference in states that allow cultivation, sale, and possession of medical marijuana. It remains to be seen whether the Senate will follow suit and whether the president will sign the bill. Since 2003, six similar measures had failed to pass the House.

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An Examination of the Researcher Guard Role: Bringing Prison Fieldwork into the 21st Century

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ABSTRACT

In 1986, James Marquart published a seminal article on qualitative methodology in *Justice Quarterly.* In that piece he presented the strengths and weaknesses associated with the researcher guard role he used while conducting a prison ethnography in Texas. His method led to data that is still central to our understanding of prison culture. However, in the past 30 years, correctional philosophy and practice have undergone significant shifts in the United States. Despite these shifts, there has been a dramatic decrease in prison ethnography during the same time period. This article presents a modern adaptation of Marquart's method, based on a recently completed ethnography of officer culture in a Midwestern state.

INTRODUCTION

There is a rich and varied tradition of ethnographic research in American prisons; virtually all of the seminal works in prison sociology are based on participant observation (Clemmer, 1940; Irwin, 1970; Jacobs, 1977; Sykes, 1958). Despite this rich tradition, field work in corrections went bust at approximately the same time the American prison population was booming. Loic Wacquant characterized the state of American correctional research as an "eclipse of prison ethnography" (2002, p. 371). Other nations, most notably Great Britain, have not suffered the same fate, instead maintaining the art of prison ethnography (see Bennet, Crewe, & Azrini, 2008; Crawley, 2006; Crewe, 2005; Liebling, 1999).

In 1986, just as the eclipse was coming into focus, James Marquart (1986a) published an article in *Justice Quarterly* that remains a seminal critique of prison research methodology. Marquart lamented the prominence of survey methodology in exploring the prison, especially prison culture. He then outlined an argument for performing prison research through full par-

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ticipation as a guard. For a variety of reasons (see Patenaude, 2002; Simon, 2000; or Wacquant, 2002) his methodology has rarely been replicated over the past 25 years. I recently completed an ethnographic study of correctional officer culture using similar, but distinct, methods. The methodology advocated by Marquart is an invaluable approach to fully understanding the cultural complexities of modern prison life. However, Marquart's writing is now over 25 years old (his research is over 30 years old) and should be revisited.

In the remainder of this article, I will lay out the shifts in correctional practice that necessitate a different methodological approach. Then I will examine the similarities and differences between Marquart's *researcher guard* method and my own *modified participant observation* method of conducting field work in prison. The differences between the two methods should demonstrate the way the modified participant observer role accentuates the strengths of Marquart's method while minimizing the weaknesses.

FIELD WORK CONTEXT: SHIFTS IN CORRECTIONAL PRACTICE

In 1974, Robert Martinson published his infamous "What Works" article which was widely interpreted as concluding that rehabilitation had been a failure (Martinson, 1974). Then, in 1975, the Federal Bureau of Prisons – which had championed rehabilitation–abandoned the medical model (Earley, 1993). As a result by the early 1980's rehabilitation had virtually vanished as a goal of corrections (Zimring & Hawkins, 1995).

Punishment, specifically incapacitation, replaced rehabilitation as the goal of corrections (Roberts, 1996). A number of policies were enacted to uphold the goal of incapacitation. The shift in philosophy led to changes in sentencing structures. Indeterminate sentencing was replaced by determinate. In 1987, the United States Sentencing Commission created a set of sentencing guidelines (Jacobsen, 2005; Ruddell, 2004; Walker, 2001) which were designed to reduce discretion and resulted in longer sentences for most crimes (Jacobsen, 2005).

The shift to determinate sentencing and implementation of sentencing guidelines reduced discretion in sentence length. However, inmates were still eligible for early release from prison based on good behavior, and in 1984 the state of Washington first implemented a "truth in sentencing" law (Ruddell, 2004). The law required inmates to serve a pre-determined portion of their sentence (typically 85%) before being eligible for release. Just over half of all states have adopted "truth in sentencing policies" (Miller, 2004). Requiring inmates to serve 85% of their sentence before the possibility of release eliminates an incentive for good behavior, and these changes in sentencing structure reduced inmates' incentive to cooperate with prison staff or seek treatment (Ruddell, 2004).

Along with changes in sentencing structure, the war on drugs was a centerpiece in the new incapacitation philosophy. Drug prohibition poli-

cies greatly increased the number of people sent to prison for non-violent drug-related crimes (Drucker, 2011; Jacobsen, 2005). According to Jacobsen (2005), the estimated 25% increase in prison population between 1980 and 2001 was due to non-violent drug convictions.

The combination of punitive drug policies and revised sentencing structures significantly changed prisons during the 1970s and 1980s. From the 1920s until the 1970s, rates of imprisonment remained stable at around 100-150/100,000 (Drucker, 2011; Gottschalk, 2006). In the 1970s, the prison population began to grow; the growth accelerated in the 1980s, and the incarceration rate is now over 500/100,000 (West & Sabol, 2008). The United States prison population is now the largest in US history (Austin & Irwin, 2012). Overcrowding was a problem at various times throughout correctional history (Gottschalk, 2006; Jacobs, 1977) but it was never as prevalent as now. Overcrowding results in officers being outnumbered and makes it difficult for officers to have personal relationships with inmates.

The changes in sentencing policy in the early 1980s also changed inmate demographics. The prison population became proportionately less violent and older over the last 30 years (Ruddell, 2004). The long sentences associated with incapacitation meant inmates were likely to grow old in prison, and the focus on drug crimes meant a higher proportion of non-violent offenders. In addition, from 1980-1996, imprisonment rates of Latinos increased by 235%, Blacks by 184%, and Whites by 164% (Blumstein & Beck, 1999). This meant there were more minorities in prison than ever before. At the same time, an *us vs. them* attitude toward criminal justice officials developed among minorities in urban areas (Clear, 2002). The combination of a higher proportion of minorities and a shift in minority attitudes led to a more confrontational interaction style between officers and inmates.

In addition to the substantive changes to the prison environment over the last 30 years, there have also been significant changes in prison accessibility. Over the last three decades, prison administrators have become increasingly fearful of inmate lawsuits. Inmates began to sue prisons and their administrators in earnest in the 1960s, and the number of suits per year increased dramatically until 1996 (Palmer & Palmer, 2010). These lawsuits resulted in apprehension by administrators about letting outsiders view the inner workings of prisons. This apprehension was still developing during Marquart's research. One of the most impactful rulings in prison administrators (*Ruiz v. Estelle,* 1980) happened in Texas after Marquart began his work. This decision mandated judicial oversight of the Texas Department of Corrections for nearly 25 years and affected how most prison administrators operated their systems.

The shift to a punitive focus has also led to correctional administrations who are more opposed to allowing researchers into prisons (Wacquant, 2002). Others point to causes such as the relative comfort of modern prison

settings compared to their predecessors (Simon, 2000) or rising IRB standards (Patenaude, 2004) that block either desire or access to conducting prison fieldwork. The end result of all these factors is a hardening of prisons as research targets.

Compared to Marquart's time, today's prisons are much larger and are typically less violent. The prison homicide rate has dropped by over 90% since Marquart's research (Mumola, 2005). Further, the rate of assaults on officers has also dropped significantly in the last 30 years (Byrne & Hummer, 2008). The result of all of these changes is a drastically different world than the one Marquart studied. The remainder of this article examines Marquart's method and suggests an updated approach to prison fieldwork that is more appropriate for the current correctional context.

METHOLDOLOGICAL SIMIILARITY

Marquart worked as a researcher guard for 19 months at a single prison within the Texas prison system. In contrast, I worked as an officer for two years at four different prisons within the Prairie Department of Corrections.[1] Our research shares many similarities despite the large shifts in correctional population and practice that have occurred over the past three decades. I was upfront with all members of the correctional staff regarding my purpose and the focus of my research. Like Marquart, I encouraged staff to ask me questions about my research and answered all questions as honestly as possible. One critical difference in our work involved interactions with inmates. Whereas Marquart interacted openly and honestly with inmates as well as officers, I did not. I did not inform any inmates of the reason for my presence in the institution. I interacted with inmates as if I were a new officer and allowed them to draw their own conclusions. In practice, this meant virtually all inmates believed I was a new officer who was just starting at that particular institution.

Proving Grounds

One of the themes of Marquart's work is the constant need to prove himself to his co-workers. The need to develop rapport with subjects is critical in qualitative fieldwork (Berg, 2007). However, this need is much more pronounced when conducting prison fieldwork (Carroll, 1974; Giallombardo, 1966). Correctional staff are formally trained and informally conditioned to be suspicious of outsiders (Kauffman, 1980; Lombardo, 1989; Rhodes, 2004). All new correctional officers go through an unspoken proving period before being accepted into the officer culture (Conover, 2001). In addition, a prison participant researcher has to constantly prove he/she is not a "spy or government agent" (Marquart, 1986a, p. 18). Participant observers who openly admit to conducting research must not only prove capable of doing the job but must also prove they are not a threat to the officers. The need to prove oneself twice is critical because as Marquart says, " I…had to earn

their favor before being accepted, respected, and able to collect data" (Marquart, 1986a, p.15).

Those hoping to conduct participant observation in a prison setting must prove they can adequately perform the occupational tasks, and that they are not spies While the burden is shared by all prison participant observers, the methods for proving oneself vary depending on the context. Prison fieldworkers suggest a variety of methods for gaining acceptance and respect including accepting difficult assignments, demonstrating a willingness to stand up to inmates, and engaging in social activities with other officers (Marquart, 1986a; Conover, 2001; Crouch, 1980). However, Marquart argues that the most efficient way to gain acceptance and respect is to fight an inmate (1986b).

Marquart lays out in great detail his "fortunate" encounter with a violent inmate (1986b, p.20). Marquart's willingness to physically engage an inmate granted him access to a wealth of data on officer culture. Officers (and most academics who examine prisons) present the world of prison work as extremely dangerous (Crawley & Crawley, 2007; Liebling, 2008). While the actual danger inherent in prison work is debatable, the perception of danger means courage is a valuable trait among officers (Conover, 2001; Crawley, 2006; Kauffman, 1988).

The perceived dangerousness of the job and the value placed on courage in officer culture remain constant in modern corrections. The reality of modern corrections is that the rate of violence is much lower than it was 30 years ago (Byrne & Hummer, 2008; Eichenthal & Blatchford, 1997; Mumola, 2005). A new officer who is forced to physically engage with an inmate will earn immediate respect and acceptance today just as they would in Marquart's time. However, in most prison systems the need to engage in a spontaneous[2] physical altercation with an inmate is rare. What Marquart viewed as the most efficient way for a participant observer to gain acceptance, and therefore access, is now a very rare occurrence. Instead, modern prison participant observers must gain access through more nuanced channels.

In modern correctional settings, there are various methods for gaining the respect and acceptance of correctional officers. The underlying theme of all of these methods is for the new officer (or participant observer) to know his place and adhere to dominant cultural norms which are often in direct contradiction to formal training. New officers and observers alike must show appropriate deference to veteran officers and quickly adapt to culturally accepted methods of job performance regardless of the formal rules.

The notion of discarding formal rules and adhering to culturally accepted norms is potentially problematic. However, there are limits to the acceptance of cultural norms and rejection of formal rules in the area of physical violence by officers. During his research, Marquart found a complex informal system of physical coercion by correctional officers (Marquart, 1986b). In

the early 1980s, Texas prison cultural norms encouraged officers to physically assault inmates in spite of the formal rules prohibiting the behavior. In contrast, during two years of field work, I never saw an officer assault an inmate. Although violation of most formal rules was tolerated by fellow officers and to some degree by the administration, physical violence toward inmates was viewed as universally taboo[3].

An example from an overnight shift at a maximum security prison may clarify the need to disregard formal rules in favor of adopting cultural norms.

I worked the overnight shift with two veteran officers (Murphy and Bumble) and a new officer (Oldje) who was working his first shift. We were assigned to a housing unit that use open bays with several sets of bunkbeds instead of individual cells. This unit has a control center, or bubble, located in the middle with large windows that allow the officers to watch the inmates in the bays. Due to the design of the housing unit, there is much more inmate interaction on the overnight shift than in other parts of the prison. After about an hour, the following exchange took place:

Oldje: Hey he's passing and receiving. (Odlje then pointed out the window at one of the inmates.)

Murphy: Did you see him take something?

Oldje: Yeah he came over and handed a book to that other guy, then a few minutes later he took it back.

Murphy: Okay that's his brother but you're right that's passing and receiving.

Oldje: We can confiscate that right?

Murphy: Yeah you can go get it if you want to.

Oldje then backed off his bravado a little bit and said, "Okay I might here in a few minutes." Murphy pursued the issue and said, "No, really man you can go get it, if you want to confiscate it just walk out there and take it from him."

Oldje: Yeah maybe I will in a little bit.

Murphy: If you want me to, I'll go out there with you and we can get it.

Oldje: No maybe in a few minutes.

A minute or two after this the inmate returned to his bunk, and sat looking toward the dayroom.

Oldje was still watching him and said "Now he's staring at us he knows we're coming; see, now he knows that we're watching him, so him and his homies are watching us."

After a few more minutes the issue was dropped, and Oldje never entered the bay to confiscate the item, nor did he write an infraction for the inmate.

This exchange illustrates two key components of gaining acceptance as a newcomer to modern correctional work.

First, newcomers must adhere to cultural norms. During academy training, new officers are told to write a misconduct report for every inmate infraction they encounter no matter how trivial. The idea that small things lead to big things is repeatedly stressed, so new officers believe that even seemingly minor infractions may lead to a riot if not corrected. In contrast, the informal officer culture stresses keeping the peace within the institution. This often means ignoring or informally handling anything seen as a minor transgression. Passing and receiving is an offense which is nearly always seen as a minor offense by experienced officers. In this case the item being passed was a book, and it was passed between two brothers making it the most minor of offenses.

Despite the triviality of the offense, Oldje was determined to not only write a report but also confiscate the item, although the report was likely to be discarded with the inmate receiving little more than a verbal warning. However, confiscating the item involves a confrontation with the inmate, in an open bay with approximately 90 other inmates. Confiscating the item threatens the institutional peace veteran officers strive to maintain. In spite of this, the veteran officer encouraged Oldje to confiscate the item.

This encouragement stems from the second component of gaining acceptance. Unlike in Marquart's time, modern correctional officers are rarely required to engage in spontaneous violence within the prison. Consequently, modern officers have fewer opportunities to demonstrate the courage necessary to physically engage an inmate. Oldje's interaction demonstrates one way officers address the lack of physicality in modern prisons. Modern officers' courage may be gauged based on their willingness to confront inmates, especially inmates who seem to be disrespecting the officer.

In this case, Oldje believed he had been disrespected by the inmate. His comment about how the inmate and "his homies" were "looking at us" demonstrates the perceived disrespect. Oldje believed the inmate knew he violated the rules and was flaunting his violation. Despite the informal norm of ignoring this type of violation, Oldje created a rare opportunity to demonstrate courage. The combination of disrespect and perceived danger created a chance for Oldje to prove himself and to be accepted on his first night. Instead, he shied away from the confrontation and was neither accepted nor extended respect.

Oldje's refusal to confront the inmate was seen as a lack of courage and an inability to internalize cultural norms. This meant that Oldje was not accepted and instead was ostracized by the veteran officers. Officer Oldje was never accepted by his peers and quit the job after only three weeks.

While this example involved a new officer, the same principles apply to a participant observer in the prison setting. Participant observers in a prison

setting must quickly adapt to the cultural norms of the setting in order to be accepted and gain access to data. Just as Marquart noted, fighting an inmate brought immediate acceptance and respect; modern officers must demonstrate courage when given the opportunity. Modern officers are not likely to be asked to fight an inmate, but a participant observer must be willing to confront an inmate forcefully if the need arises. The more common form of acceptance depends on deference to more experienced officers and adoption of cultural norms.

A humorous example of deference shown to a veteran officer may illustrate this point. During an evening shift, I was treated as a new officer and subjected to a creative form of hazing. Although this example is unique to the particular institution, similar rituals exist across the Department of Corrections (DOC).

Shortly after dinner, I was in the dining hall with several other officers. Corporal Julius was running the yard–in charge of assigning tasks to each officer over the course of the night. The responsibility of assigning specific tasks allows the corporal who is running the yard to haze new officers. Julius asked me, "Have you ever done dining before?" "No," was my reply.

Julius said, "Well then, I guess you're going to have to do it. Here's the deal, when the inmates come into dining they have to have their shirts tucked into their pants; if they are wearing a white shirt or a khaki button down, their sweatshirts can hang out. They also are not allowed to wear anything on their head other than religious headgear, and they can't wear shower shoes to dining. Also they can't have their headphones on and they can't be flashing any gang shit, nothing hanging down out of their pockets, you got it?" "Yeah."

After that Julius added, "Alright, here's the deal' we are going to play Big Daddy Yum Yum. You're going to stand at the front of the serving line and make sure all the inmates are following the dress code. I'm going to stand at the end of the line with Kodos and make sure you don't miss any. If you miss one, then for the rest of the night any time I ask you what my name is you're going to say, Big Daddy. Then I am going to ask you and how does Big Daddy taste? And you are going to say, Yum Yum."

Julius then laughed while walking away, as Kodos said, "I'm going to help him make sure that when you screw up we catch it." Officer Jones then told me, "I'm going to stand over here with you and distract you to make sure you screw this up."

After a few minutes, inmates began to enter the dining hall, and I quickly realized it was impossible to enforce the dress code. The temperature was in the 20s outside, and all the inmates were wearing coats when they entered the dining hall. The coats hung lower than their shirts, and I could not see if the inmates' shirts were tucked in or not. It was only clear if inmates' shirts were tucked in after the inmates sat at a table and removed their coats. When dining was complete, I was told I had missed three shirts. Despite my failure,

Julius did not follow through with the Big Daddy Yum Yum routine. Officer Jones approached me shortly after dining and said, "You missed three, but don't worry about it, man, I still miss them; it's not that big of a deal."

The Big Daddy Yum Yum Game is played with new officers to gauge their willingness to accept hazing. The three veteran officers in the dining hall worked together to embarrass me and make me feel uncomfortable. The point of the game is to place the new officer in a no win situation. The veteran officers then watch to see if the newcomer complains about the inherent unfairness of the game. I laughed at the game, did not complain, and was willing to participate in the ritual. The veteran officers granted me acceptance based on my response. Jones told me not to worry about it because I handled the hazing appropriately.

My role in this hazing ritual established me as an officer. Although the other officers were well aware of my status as a researcher, they treated me like one of their own. From then on they spoke freely in front me, acted naturally regardless of my presence, and felt comfortable enough to share insights about their job and culture during interviews. In short, my willingness to embarrass myself allowed me access to the richest data.

The differences in context between Marquart's work and my own mean that even in areas of similarity (the need to gain acceptance and respect) there are differences in technique. The greater difference between our research lies in the role adopted by the researcher. This article now turns to a brief comparison of Marquart's *researcher guard* role and my own *modified participant observer* role.

METHODOLOGICAL DIFFERENCE

The researcher guard role Marquart used is one possible approach to the ethnographic research method. Ethnography allows the researcher to get close to the people being studied and "to discover the details of their behavior and the innards of their experience" (Atkinson & Hammersly, 1998, p.119; also see Finch, 1986; Stacey, 1988). Ethnography creates access to a variety of backstage behaviors that other methods cannot access. In addition, the combination of participant observation and supplemental interviewing allow for a triangulation of data to more accurately depict the prison world (Berg, 2007; Denzin, 1978; Rock, 2001). This process also produces an in-depth picture of the intangible elements of culture that are difficult for other methods to analyze (Neyland, 2008).

While ethnography is easily the best method for examining culture, including prison culture, it is a difficult method to use. Ethnographic fieldwork requires access to a field site, (for a discussion of the difficulty of gaining access for prison ethnography see Patenaude, 2002 or Chenault, 2012), extensive emotional labor, and extended time (sometimes years) for data collection (Berg, 2007). In addition, there are different methods available for

conducting ethnography. Marquart employed a more traditional participant observer role which he titled the researcher guard role. In contrast, I adopted a modified participant observer role which accentuates the strengths and minimizes the weaknesses of the full participant role.

Researcher Guard Role

The primary strength of the researcher guard role is the insider status it affords the researcher. The role allows the researcher to look the part by wearing the officer uniform and being regularly present within the institution. Further, the shared experiences of training and day to day interaction within the correctional officer role create a common ground for the researcher and subjects. As a researcher guard, I experienced conducting strip searches, working the yard in extreme elements, unpleasant training scenarios, and all the other negative aspects of the job that help bond officers together. These shared experiences and a researcher's regular presence help grant access to the richest data within the prison culture.

However, taking on a role as a full participant also carries some inherent weaknesses. Marquart identified three major weaknesses with the researcher guard role. First, due to his employment as a full-time officer, Marquart faced restricted movement and contact with other officers during the first several months of data collection (Marquart, 1986a, p. 22). New officers are typically assigned posts which minimize officer movement. Officers in these posts have little interaction with other officers. This can be a major weakness depending on the subject of the research.

If the researcher is examining inmate culture, a housing unit post could be beneficial, because the entire working day will be spent in a position to observe inmate behavior within the unit. However, even in this situation the researcher will not have access to inmate behavior on the yard, at work details, in the dining hall, etc. Also, the researcher will only have access to one housing unit which could be an outlier in terms of inmate culture.

If, as I experienced, the researcher is examining officer culture, a housing unit severely limits the available data. Housing units are typically staffed by only three to five officers, meaning that a six month housing unit assignment would only grant access to between five and eight other officers who all work in the same place. Marquart lamented the first few months of his research due to the lack of "needed mobility to traverse the prison compound" (Marquart, 1986a, p. 22). Freedom of movement and exposure to various subjects is critical for the effective examination of culture.

The second major weakness of the researcher guard method is the demands of the correctional officer role. The role of researcher guard allows access to constant informal interviewing of subjects. However, the research agenda must always be superseded by the duties of the officer role. This is most problematic in terms of security issues, as Marquart said, "as a guard it was necessary to be security conscious first and a researcher second" (Mar-

quart, 1986a, p. 23). In practice this again limits the researcher's ability to collect full data. There are times when the researcher-guard must ignore pressing research questions in order to fulfill the occupational duties of the guard role. For example, if an inmate suddenly assaults another inmate on the yard, there are a variety of questions related to prison culture the researcher will want to ask. If the researcher is in a researcher guard role, he/she will instead have to respond to the incident, secure both subjects, and complete paperwork regarding the incident. Only after several hours of completing occupational duties will the researcher be able to refocus on data collection. By that time, some of the initial questions may be forgotten and the immediate perceptions of the people around the event will have been colored by retelling the story and by others' perceptions.

The final major weakness of the researcher guard method relates to reactivity. Marquart used the term reactivity to refer to the potential of the researcher's presence to influence the behavior of research subjects. Typically, the term reactivity is used to describe biasing effects during qualitative interviewing (Babbie, 2010; Chadwick, Bahr, & Albrecht, 1984). The common term for bias caused by participant observation is the *Hawthorne effect*, wherein subjects change their behavior due to the presence of the researcher (Roethlisberger & Dickenson ,1939).

The Hawthorne effect is typically short-lived and can be overcome by a skillful ethnographer who is able to make himself invisible in the social setting (Berg, 2007). Invisibility can be achieved by participating in the normal routine of subjects, by being routinely present, and by forming personal relationships with subjects (Stoddart, 1986). Marquart provided examples of each of these behaviors in his method. He worked a full time position as an officer making him routinely present in the setting. He engaged in the normal routine of a correctional officer both on the job and off, including engaging in after-hours recreational activity with other officers (Marquart, 1986a, p. 23). Finally, and perhaps most importantly, he formed personal relationships with many of the officers. This fact is supported by his later return to the setting, and the continued support the officers gave him.

Overall, Marquart's researcher guard role was able to minimize reactivity on the part of other officers. However, because he was open with inmates about his position as a researcher, the possibility of reactivity extends to inmates as well. Marquart discussed the personal relationships he formed with not only officers but also with a few inmates. These relationships minimized reactivity in his research, but would be very difficult to form in a modern correctional setting without alienating correctional officers.

The inmates Marquart (1986a) befriended (he discussed lifting weights and drinking coffee with inmates) were building tenders–inmates who served as de facto officers helping to oversee and manage their fellow inmates. This specialized role made it acceptable to associate with the build-

ing tenders without violating officer cultural norms. The practice of using building tenders was banned by *Ruiz v. Estelle*, which effectively ended the ability to socialize so freely with inmates. Therefore, although reactivity was actually a strength of the researcher guard role for Marquart it would be a weakness in a modern setting.

Modified Participant Observer

The modified participant observer role that I employed addresses each of the weaknesses while maintaining the primary strength of Marquart's approach. Like Marquart, I was in uniform throughout my ethnographic observations and worked as an officer. However unlike Marquart, I was not technically employed by the DOC. This technicality provided a great deal of flexibility in institutional assignments and work assignments within institutions. In practice, I conducted my research very much in line with typical participant observation techniques. However, the added autonomy of being able to choose my own work assignments modified the traditional participant observer role enough to overcome the weaknesses in Marquart's role.

I began the research by completing the five week correctional officer training academy in its entirety. This was required by the DOC to gain access to their facilities, but it also served as a rich data source. Completion of the academy was critical to my modified participant observer role. Academy training taught me how to act like an officer. The language and mannerisms I learned in the academy coupled with my uniform meant I was indistinguishable from any other new officer. Despite my appearance, I disclosed my role as a researcher to all the officers I worked with throughout the project. The combination of looking the part and having shared training experiences helped me earn insider status. The modified participant observer role maintained the strengths of the research guard role and addressed the three weaknesses of the researcher guard role.

Movement Restrictions

The researcher guard role greatly restricts the range of data, interactions, and events available to the researcher. In contrast, due to my modified role, I was able to work in a variety of locations. I was not paid for the hours I worked and was not assigned to specific institutions or shifts. Instead, the department treated me as an unpaid super-intern allowing me unfiltered access but without any financial commitment to me. This meant I was able to choose when and where I worked during my research[4]. Yard officers have the most freedom of movement within the institution and as a result interact with the highest number of fellow officers, by far. Due to this, I spent a considerable amount of my time working with yard officers. In general, new officers are nearly never assigned to the yard, so my modified role immediately provided me access to otherwise inaccessible data.

In addition, although yard officers have a great deal of autonomy, their duties and cultural implications are significantly different from housing unit

officers. Officer post assignments in Prairie are in six month increments. If I somehow was assigned to the yard as a researcher guard, I would have restricted access to housing units for at least six months. The modified participant observer role allowed me to gain insight into the entire culture in a timelier manner.

My ability to choose when, where, and with whom I worked allowed me to collect data in a purposive and theoretically based manner. I spent my first day on a new shift or at a new institution working with an officer I knew from the academy. During this first shift, I employed purposive sampling to identify potential subjects to work with and interview. Subject identification was based on two criteria: their post and their openness. First, I sought to experience all officer tasks; therefore I tried to identify officers with diverse post assignments (see Lofland, Snow, Anderson, & Lofland, 2006). Second, officers were chosen based on their perceived willingness to reveal information regarding their culture (Hammersly & Atkinson, 2007).

As the research developed, I began to employ theoretical sampling to accrue subjects for observation and interviews. Theoretical sampling involves returning to the field after initial analysis and purposely seeking subjects that can add detail to emerging themes in the research (Charmaz, 1994; Charmaz & Mitchell, 2001). For example, in my research an early theme emerged regarding the issue of female officers being compromised by male inmates. There was concern among male officers and command staff that female officers were likely to become romantically involved with male inmates. This concern led to differential treatment of female officers by male officers and command staff. After this theme emerged, I sought to observe and work with more females in the male facilities.

The sampling I employed greatly improved the richness and quality of the data. In a true researcher guard role, I would have interacted with few officers during the first six months of my research (similar to Marquart's assignments). In addition, there are a number of experienced officers who refuse to interact with new officers until they have been with the department for at least one year. I was able to work with and informally interview several of these experienced officers because I was not a new officer.

Job Related Restrictions

The second major weakness of the researcher guard role is the requirement to perform job related duties. Due to my modified status, while I was given institutional tasks at various times the majority of my time was spent with other officers. The topic of my research was officer culture, so it made sense to be around officers the majority of my time in the field. This meant I could focus on the research while other officers focused on security. Even when security needs arose, I was generally able to focus on observing how the officers handled the situation instead of handling the situation personally.

For example, on an evening shift in the supermaximum security unit, inmate Snaken took the 13-inch television in his cell, placed it inside a pillow case, and swung it into his cell wall. He then found two 6-inch pieces of glass in the debris and wired them to each of his hands. This gave him two large homemade knives to use as weapons. He then covered the window to his cell and began screaming, "Come in and get me I'm going to kill you motherfuckers!" (Owmel, CSCI 4-06-09)

During the next four hours, the Lieutenant on duty tried to talk Snaken into giving up. Finally, the Lieutenant selected two teams of five officers dressed in riot gear to enter the cell and subdue Snaken. All ten officers selected were male, and all three new officers on the shift were selected. Due to my role as researcher, the Lieutenant refused to allow me to enter the cell. Instead I stood in the briefing room as the officers prepared and was able to focus on observing the officers' behavior. Due to my standing as a pseudo officer, I was allowed to follow one of the five man teams into the cell and observed the incident without any job related responsibilities. This observation would not have been available for either the researcher guard or the standard researcher. The researcher guard would have been required to be a member of the extraction team. In contrast, the standard researcher would not have been allowed near the incident.

Finally, after the incident, I conducted informal interviews with the officers involved while they were taking off their equipment and beginning to write their reports. This allowed me to get immediate perceptions of what had occurred from the officers.

Reactivity

The final weakness, reactivity, remained a potential issue for me. The challenge was to make myself invisible to minimize the impact I had on the setting. In terms of other officers, I achieved invisibility, as did Marquart, by wearing a uniform and by using the language of officers which I learned during formal training. I also engaged in minor deviance, such as eating food from the segregation food cart. While not as dramatic as engaging in physical violence toward inmates, acts of minor deviance assured the officers I was not going to inform on them to the administration. While I cannot be completely sure I did not influence any of the research subjects, an incident from my academy training illustrates the degree of invisibility I was able to achieve with officers.

There were two psychology doctoral students from a different university who were planning to conduct Prison Rape Elimination Act research for the department. Both were white females in their mid-20s who were working as interns for the department and were required to complete portions of the training. At the end of our initial week of training, it was time for the first of many exams. Once cadets completed the exam, we walked to the break room and waited for the results. After the interns took the exam, they were ex-

cused for the rest of the day. All of the cadets sat around a table in the break room chatting.

Jackie, a new officer, said, "They must be smart if they can just come when they want to," referring to the interns. Jackie's resentful tone was clear and was quickly followed by Marge, a female caseworker, discussing the inappropriate appearance of the interns.

Marge said, "They both look like they are 12, and the one is dressed like a prostitute, I mean who wears that to a prison."

The implication was that the interns were outsiders; however, I was sitting with the officers and my group membership was never questioned. In fact, no one even acknowledged that my official role was quite similar to both of the young interns. There was no apology or comment of how I was different than them. Instead, I was just one of the new officers who had to return to training while the outsider interns got to leave early. This exchange shows clearly that by wearing the uniform, my use of appropriate jargon, my shared training experiences, and participation in various after-hours activities, I gained a level of invisibility. The officers accepted me and acted naturally in front of me.

As opposed to the researcher guard role, I addressed the potential for influencing inmate behavior through minor deception. I did not disclose to inmates who I was or why I was in the institution, but let them reach their own conclusions. I was prepared (including informed consent forms) to explain my research to inmates if asked, but at no time did any inmate ask who I was or what I was doing in the prison. The inmates all assumed, based on my appearance and behavior, that I was yet another new officer. Due to this assumption, I have no reason to believe the offenders acted any differently during my observations than at any other time during their sentence.

CONCLUSION

The preceding discussion points toward a new approach to qualitative prison research. Several of the techniques discussed for gaining access as a researcher are also critical for new officers since the socialization process for new officers has shifted substantially in the last 30 years. New officers, much like researchers, are now left to gain acceptance through nuanced channels of norm acceptance and deference to senior officers. The full socialization process for new officers is beyond the scope of this article, but the many of the insights applied to researchers here can also be applied to new officer socialization.

Marquart's ethnographic prison research increased understanding of both officer and inmate culture. While his work was another in a long line of qualitative prison research efforts (Clemmer, 1940; Sykes, 1958), his method was unique. The idea of conducting research from the researcher guard per-

spective carried a variety of strengths and weaknesses but was an effective method. However, given the shifts in correctional philosophy and practice over the past 30 years, a new approach is needed to successfully conduct prison fieldwork.

The modified participant observer role I advocate minimizes the weaknesses of Marquart's approach while retaining its strengths. Regrettably, the tradition of prison ethnography which much of our understanding of corrections was built on has nearly vanished in the last 30 years. If we are to regain an understanding of current prison culture, the modified participant observer role will be a valuable tool.

ENDNOTES

1 Prairie is a pseudonym for a medium sized department of corrections in a Midwestern state. This represents another important distinction; there are certainly cultural differences between Southern Corrections and Midwestern Corrections regardless of era.

2 The key to this discussion is the term spontaneous. Today the majority of physical confrontations with inmates are pre-planned cell extractions. While these encounters require a level of courage on the part of the officers, they are typically not voluntary activities. In other words, a commanding officer assigns a series of officers to perform the cell extraction. Thus, an officer can reveal he/she completely lacks courage by refusing to participate. This will not demonstrate possession of courage by participating, but will show willingness to follow orders.

3 The taboo on physical violence toward inmates was present in the prisons in my study. Other prisons may not adhere to this same taboo, and there is ample evidence to suggest that violence directed toward inmates still occurs in modern prisons.

4 An important side effect of not being paid, in addition to the freedom it granted me, was the respect I earned from officers. Several officers commented that they hated their jobs even with the meager pay, so they could not imagine doing it for free, as I was.

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Gate keeping and the Politics of Access to Prisons: Implications for Qualitative Prison Research

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ABSTRACT

In this article, I draw on and contribute to existing literature on reflexivity and access in qualitative research, specifically in the context of prison research. I do this through a critical discussion of the research process involved in conducting a study on women prisoners in the U.S. In addition to describing the obstacles I faced in gaining access to a research site in which to conduct the study, I also discuss the implications of gate keeping for knowledge produced about women prisoners. Finally, I build on Bosworth et al.'s (2005) discussion of prison research using communication by mail. I argue that mail correspondence with inmates is a helpful way of obtaining rich data while surmounting some of the difficulties involved in conducting prison research.

INTRODUCTION

Qualitative researchers have devoted considerable attention to issues related to reflexivity in the research process, and they have also discussed the political considerations involved in conducting qualitative research (Christians, 2005; Newman; 1958; Punch, 1994). Politics infuses every social science research project to a lesser or greater extent. *Politics* here refers to "everything from the micropolitics of personal relations to…the powers and policies of government research departments, and ultimately even that hand (heavy or otherwise) of the central state itself" (Punch, 1994, p. 84). In this article, I employ this definition of politics to focus on the "powers and policies" of state actors in their roles as gatekeepers in prison research.

There are difficulties inherent in prison research that are absent in most other qualitative research studies (Bosworth, Campbell, Demby, Ferranti, & Santos, 2005; Schlosser, 2008). Qualitative prison studies were quite common in the mid-20th century (Giallombardo, 1965; Heffernan, 1972; Sykes,

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1958; Ward & Kassebaum, 1965), a time considered to be the heyday of prison sociology. Since then, however, such research has become very rare, a result both of more stringent Institutional Review Board (IRB) control of research projects and the administrative difficulties involved in entering prisons as research sites (Bosworth et al., 2005).

In addition to prisoners being considered vulnerable by IRB standards (Schlosser, 2008), prisons are designed to separate inmates from the rest of society. Outsiders in the prison environment are thus often met with mistrust by both staff and inmates (Bosworth et al., 2005; Newman, 1958). As a result, qualitative studies on prison populations have become more infrequent than they were in the 50s and 60s. Conducting qualitative prison research has become particularly difficult because of the sheer number of steps the researcher must undertake before the study can begin. These steps include satisfying the demands of educational IRBs, state departments of corrections (DOCs), and prison officials. For researchers who are early in their careers and must keep to a tight timeline in their production of scholarly work, prison fieldwork is an especially daunting project. Although the final onset of the research study may come as a relief to the researcher, the steps he/she takes to gain access to prisons must be examined reflexively. This is important in understanding how the politics of gaining access to prison facilities affect who is studied, what questions may be asked, and how the study proceeds.

Much of the research on prisons is now being "conducted from afar" (Simon, 2000 p. 289) through journalism and official reports or by researchers using quantitative datasets rather than through qualitative fieldwork in prison facilities. Understanding the lived experiences of inmates, however, remains an important goal because they represent an especially disadvantaged and high-risk group of offenders (Moloney, Ven den bergh, & Moller, 1999) whose experiences in prison have reverberating consequences throughout their life course (Pettit & Western, 2004). Yet it is precisely these prison experiences that researchers are unable to study because of the difficulties involved in accessing prisons as research sites (Kruttschnitt & Gartner, 2003). While some of the reasons behind the scarcity of qualitative prison research may be clear, the implications of gate keeping are important in assessing the state of our knowledge about prison populations, since this is shaped in part by which inmates we are granted access to study and why.

This article has two primary goals: 1. To shed light on the political considerations that prison researchers can expect to confront when proposing fieldwork in prisons, especially in the U.S.; and 2. to highlight the epistemic implications of these considerations. In addition to building on discussions of the challenges that prison researchers face (Bosworth et al., 2005; Schlosser, 2008), I describe the consequences of gate keeping for what we are able to learn about women prisoners in the U.S. In so doing, I emphasize that the politics involved in gaining (and maintaining) access to prisons exemplify

how "fieldwork…represents a *demanding* craft that involves both coping with multiple negotiations and continually dealing with ethical dilemmas" (Punch, 1994, p. 85).

This article is organized as follows: After reviewing relevant literature on reflexivity and access in qualitative research, I describe my attempts to gain access to prisons in two different states. Here, I highlight the reasons why the research study was rejected by one of these states. I then build on Bosworth et al. (2005)'s discussion of prison research by mail communication, emphasizing the benefits of this methodology in an era when access to prisons is extremely difficult to gain and maintain. Throughout the article, I discuss the implications of the politics of gate keeping for knowledge produced about women prisoners, especially in the context of qualitative research.

LITERATURE REVIEW

Reflexivity in Qualitative Research

Reflexivity in the social sciences emerged in the 1970s as a response to scholars' criticisms of research that purported to be objective and that paid little regard to researchers' subjectivity. Prior to this, the researcher was invisible both during the research process and later as a writer (Goodwin & Horowitz, 2002). While some scholars argued that it was impossible to understand a situation fully without being involved in it, others believed that involvement of the researcher compromised the objectivity of the research findings (Goodwin & Horowitz, 2002). Reflexivity has now become a key methodological skill that qualitative researchers use to demonstrate the legitimacy and trustworthiness of their research (Pillow, 2006).

Reflexivity in qualitative research is often understood in terms of an awareness of research subjectivity: "a focus on how does who I am, who I have been, who I think I am, and how I feel affect data collection and analysis" (Pillow, 2006, p. 176). For instance, Bourdieu (2002) highlighted the importance of conducting the *sociology of sociology*. By this, he meant that researchers should not see themselves as passive, outside constructers of theory. Instead, they must be aware of the effects of their own gaze on their research. Because the meaning that researchers find in interviews intersect with their own identities (Warren, 2001), some scholars have argued that a "contamination" of research with one's own lived experiences results in a rich, complex understanding of the phenomenon under investigation (Ellingson, 1998, p. 494; Krieger, 1985).

Reflexivity thus occurs when a researcher does not simply report facts or truths, but also engages in a continuous process of self-reflection (Hertz, 1996). Throughout this process, the researcher actively constructs interpretations of his/her experiences in the field (Hertz, 1996). However, as Pillow (2006) noted, defining and describing the requirements of reflexivity is a difficult task. One issue lies in the question of about whom or what research-

ers should be reflexive: Should researchers be reflexive about themselves? Their participants? The research process? Reflexivity also encapsulates the questions that researchers must ask about the politics of representation insofar as whom the researchers represent and what is represented is shaped in part by the research process itself (Pillow, 2006). While some researchers have argued that the recent trend in increased self-reflexivity is overly self-indulgent, I, like Spivak (1984-1985, p. 184), believe that it is important to be "vigilant about our practices."

Although reflexivity has most often been understood as the process by which the researcher examines how his/her own biography affects the research process, researchers' claims also depend on how knowledge is acquired and interpreted (Altheide & Johnson, 1998). There are three different forms of reflexivity, according to Wacquant (2011, p. 441): 1. egological or narcissistic, where the focus is on the person of the researcher (as described above); 2. textual, where the researcher examines the rhetoric she deploys in her analyses; and 3. epistemic, where the focus is on "dissecting the social conditions and techniques of production of the scientific project."

In this article, I build on what Wacquant (2011, p. 441) termed 'the political economy of criminological knowledge." I draw on his epistemic definition of reflexivity specifically to assess how the politics of gate keeping affect what kind of prison research it is possible to do, where it is possible to conduct prison research, and with whom such research is possible. As such, this article is geared less toward self-reflexivity and more toward a discussion of reflexivity about the process of doing penological research. As Wacquant (2011, p. 439) points out, reflexivity in criminology is essential because it requires that researchers "*think through* criminological issues as they relate to politics and policy." My employment of epistemic reflexivity is thus intended to shift the focus away from my role (as the researcher) in the research process and toward the process itself.

Prison scholars have demonstrated the value of transparency by showing a great deal of reflexivity in their discussions of the process of conducting prison research. These scholars have candidly described, for example, how their own political and intellectual beliefs are represented in their data and analyses, and what challenges they encountered during the research process (Bosworth et al., 2005; King & Liebling, 2007; Liebling, 2001; McCorkel, 1998; Schlosser, 2008). I follow the path set forth by these researchers by emphasizing how gate-keeping issues affect what knowledge is produced about women prisoners. This is particularly important because texts about women prisoners (like other criminological and penological texts) are "conceived, written, diffused (or not) and deployed" (Wacquant, 2011, p. 439) in specific structural conditions that merit more attention than they have thus received from penologists. Specifically, Wacquant recognized that one element that constitutes the structural conditions in which criminological knowledge is produced is the "overt and covert intrusion of the concerns of politicians"

(Wacquant, 2011, p. 441). An institutional analysis of the numerous other elements that shape how, why, and for whom criminological knowledge is produced is beyond the scope of this article. As such, I instead critically reflect on the "overt and covert intrusion" not of politicians specifically, but of state actors authorized to grant or block access to inmate populations.

Access and Gate Keeping

In addition to issues related to reflexivity, the issue of gate keeping in social science research is one that sociologists generally have been cognizant of for many years now (Broadhead & Rist, 1976). Qualitative researchers have been especially concerned with how access to research sites is obtained (Duke, 2002), and scholars have devoted considerable attention to the practical considerations involved in gaining access to research sites (Feldman, Belle, & Berger, 2003; Reeves, 2010). Understanding the issues involved in gaining access to a field site is important not only because it facilitates the commencement of research, but also because "the process of 'getting in' affects what information is available to the researcher" (Feldman et al., 2003, p. vii).

Gatekeepers are people who "can help or hinder the research depending upon their personal thoughts on the validity of the research and its value" (Reeves, 2010, p. 317). Gatekeepers can be both formal and informal (Reeves, 2010). In prison research, formal gatekeepers include research review committee members at U.S. Departments of Corrections, prison officials, etc. Informal gatekeepers include actors such as correctional officers who cannot officially deny requests to conduct research, but who are instrumental in the research process.

Qualitative researchers have paid a great deal of attention to issues surrounding gatekeepers to research sites generally (Broadhead and Rist, 1976; Reeves, 2010; Smith, 1997; Venkatesh, 2008). These researchers have described at length the negotiations involved in conducting research in sites where access is contingent on approval from either formal or informal gatekeepers. Several decades ago, for instance, Broadhead and Rist (1976) outlined the ways in which gatekeepers control the research process by both limiting access and asserting influence on the scope and goals of the research. Thus, gate keeping is not a novel issue for qualitative researchers.

There continues to be room, however, to develop this literature in the context of prison research specifically (King & Liebling, 2007; Schlosser, 2008). Prisoners are perhaps the best example of what Emmel, Hughes, Greenhalgh, and Sales (2006) describe as socially excluded people. They are segregated from mainstream society, and women inmates in particular are held in facilities that are often far away from their home communities. Most significantly, inmate populations are managed by state actors who are responsible for maintaining a controlled and regimented environment in their facilities. Emmel et al. noted that in their own research on socially excluded people, gatekeepers played an instrumental role in facilitating access to the

participants. Importantly, the extent to which gatekeepers facilitated access was contingent on the relationship of power and trust between the gatekeepers and the participants. The researchers conclude that "a trustful relationship between gatekeeper and participant provides the necessary precondition for the researcher and participant to come to know each other" (Emmel et al., 2006).

In research on prisoners, however, the relationship between gatekeepers (prison officials, for example) and participants (prisoners) is far from trusting, and it is characterized by a rigid power differential. In addition to the difficulties posed by a lack of trust between gatekeepers and researchers, therefore, conducting prison research is also difficult because there exists very little trust between gatekeepers and participants. In this study, for example, my interaction with the correctional officers during a visit to the prison revealed their attitude toward the inmates. As I waited in an office to begin interviewing, a group of male correctional officers entered the room. They asked me what I was researching, and jokingly offered to be interviewed. When I explained that I was conducting a study on women inmates' sense of adulthood, one officer scoffed and replied with a sarcastic "Good luck!"

The officer's attitude is not unique to this study; for instance, Waldram (2009, p. 4) described how security personnel mockingly told him "you'll hear nothing but bullshit." These comments reveal the lack of trust and, often, respect between gatekeepers and prisoners. Moreover, the attitude that gatekeepers hold toward the inmates also impacts how they view outside researchers and the questions they ask. In this study, many of the correctional officers made it clear in their informal conversations with me that they believed I was wasting my time by investigating women prisoners' subjective sense of adulthood.

Irrespective of the relationship among gatekeepers, researchers, and participants, access to prisoners depends very directly on approval and cooperation from formal and informal gatekeepers. Establishing a rapport with these gatekeepers is thus an absolutely necessary step in conducting prison research (Newman, 1958). As Feldman et al. (2003, p. vii) noted, gaining access requires learning "the art of self-presentation" and nurturing relationships in the field. This process, however, is marked by awkward and tense power differentials and is all the more stressful because the fate of the entire research project rests in the hands of the gatekeepers. Moreover, in prison research, gatekeepers are usually state actors who often have demands that conflict with the researcher's ethical and professional commitments. For example, prison researchers are frequently barred from guaranteeing participant confidentiality and anonymity (Reeves, 2010).

The importance of a critical assessment of the politics of access to prisons is further made evident in the context of prior researchers' conclusions regarding the significance of the political landscape in prison studies. Liebling

(2001) described the implications of state actors' requests that certain questions be asked by penologists. She also discussed in detail the precarious nature of conducting prison research that might be critical of state institutions. Finally, she noted the difficulties researchers faced in compiling and disseminating politically-charged findings about topics such as prison conditions. While Liebling's discussion focused on prison research in the U.K., prison researchers in the U.S. also must consider the fact that different states' DOCs will vary in their openness to outside research in prison facilities. I thus build on Liebling's discussion by highlighting these state-level differences in review processes. This is significant because these state-to-state differences in openness to academic research suggest that, while researchers may be granted access to some facilities, there are whole prison populations that we are frequently prevented from studying. In the current era, gaining access to *any* prison to conduct research is a significant accomplishment (Bosworth et al., 2005). However, prison researchers must also acknowledge that what we know about prisoners in the U.S. may reflect gate-keeping decisions that are infrequently discussed in reports on qualitative prison studies.

As Reeves (2010) argued, discussions of access often focus exclusively on entering the research site. In the case of prison research, such a focus is necessary because prisons have historically been associated with a "fortress mentality" (Hart 1995, p.165) due to prison officials' reluctance to let outsiders in. Whether this reluctance stems from a suspicion of outsiders or from a basic interest in preserving prison security, access to prisons has become increasingly difficult in recent years (Bosworth et al., 2005). Rather than focusing exclusively on the difficulties of gaining access to a prison population, however, I highlight how access is an ever-changing element of prison research. I do this by describing how it was a continually negotiated process (Bondy, 2010; Reeves, 2010) each time I entered the prison in which the study was conducted. In so doing, I highlight one specific element of the politics of prison research: The ongoing role of gatekeepers throughout the research process.

METHODS

The focus of this article is a study on women prisoners' constructions of adulthood while they are incarcerated. Specifically, I explored whether women prisoners conform to traditional markers of adulthood (especially marriage, employment, and parenthood) while they are incarcerated. Combining life-course literature on adult status markers and classic prisonization research, I also investigated whether these women believe that the prison environment and/or their status as prisoners altered their subjective sense of adulthood. Finally, I explored how women reconcile their status as adults with their status as inmates in a depersonalizing prison environment.

The Site

As of 2011, women made up 5.4% of the statewide prison population in Pennsylvania, and there are currently only two women's prisons in the

state: SCI Muncy and SCI Cambridge Springs. After the long process of gaining access that is the focus of this article, I obtained both IRB and facility approval to conduct this study in SCI Muncy. Built in 1920 as a training school for imprisoned women between 16 and 30 years of age, SCI Muncy is now a women's prison in Muncy, Pennsylvania that also serves as the diagnostic and classification center for the state's female inmates.

As of December 31, 2013, there were 1,432 inmates housed at Muncy, and it was operating at 101.6% of its bed capacity of 1,410 inmates. (Bed capacity refers to the number of inmates that the facility can accommodate by filling all beds based on a number of logistical factors). In 2011, 56.8% of inmates at Muncy were White (compared to 38.9% in the entire state), 34.8% were African-American (compared to 49.4% in the entire state), 6.6% were Hispanic (compared to 11% in the entire state), and 1.7% were classified as Other (compared to 0.7% in the entire state). 13.2% of the inmates were under 25 years of age, 50.2% were between 25 and 39 years of age, and 36.5% were 40 years of age or older. Also in 2011, 3.1% of the inmates housed at Muncy were serving a life-without- parole sentence (n = 152), up 2% from 2010.

SCI Muncy is located two miles within Muncy, Pennsylvania, and the facility is surrounded by mountains and impeccably well-maintained grounds. The waiting room is located next to the front gate, and all visitors are required to show identification there, pass through a security check, and wait for an escort before being let out of the waiting room into the facility grounds. The most prominent building, located in the center of the grounds, is the main office/Superintendent's building. To the far right upon entering the gate is the yard, and the main office building is flanked on both sides by cottage-style cellblocks where the inmates are housed. These housing units are labeled by letters and are organized in part by needs. For example, there is a specific housing unit for inmates with special needs. Overall, the facility grounds have the feel of a college campus. Indeed, many inmates spoke of the "campus' when referring to the facility grounds.

Given the exploratory nature of the project, I employed in-depth semi-structured interviewing as the initial data collection method. The interviews with inmates were conducted in a semi-private room in the prison and lasted between 32 minutes and 1 hour and 10 minutes. After using close-ended questions to obtain basic demographic information that could not be obtained from official prison records, the interview schedule consisted of mostly open-ended questions. These questions were aimed at understanding the women's perceptions of adulthood are, and the extent to which they believe these perceptions are affected by the prison environment. Table 1 contains demographic information on the final sample used in this study.

Following the interviews, I sought and received IRB and facility approval once again, this time to continue communicating with a sub-sample of the women I had already interviewed. Based on preliminary analysis of the interview data using the grounded theory approach[1], it was clear that the in-

Table 1: Sample Characteristics

Sentence Length	Race			Age		Marital Status				Parental Status	
	W	B	H	Younger (< 35)	Older (35 – 55)	Married	Divorced	Widowed	Never Married	Children	No Children
Recently Admitted (6 months or fewer) (*n*=11)	8 (72.7)	2 (18.2)	1 (9.1)	6 (54.5)	5 (45.5)	2 (18.2)	5 (45.5)	0 (0)	4 (36.4)	7 (63.7)	4 (36.4)
Short-term (7 months – 2 years) (*n*=13)	3 (23.1)	6 (46.2)	4 (30.8)	6 (46.2)	7 (53.8)	2 (15.4)	5 (38.5)	1 (7.7)	5 (38.5)	10 (76.9)	3 (23.1)
Long-term (5 years or more*) (*n*=11)	4 (36.3)	3 (27.3)	4 (36.4)	6 (54.5)	5 (45.5)	0 (0)	5 (45.5)	0 (0)	6 (54.5)	7 (63.7)	4 (36.4)
Total (*N*=35)	15 (42.9)	11 (31.4)	9 (25.7)	18 (51.4)	17 (48.6)	4 (11.4)	15 (42.9)	1 (2.86)	15 (42.9)	24 (68.6)	11 (31.4)

Note: Percentages in parentheses

Abbreviations: W=White; B=Black; H=Hispanic

* Includes Hannah, a 20-year-old inmate who volunteered to participate because of her interest in Sociology even though I had not sent her a letter. Since she had served 3 years in Muncy (and 4 in total), and because her narrative reflected her self-identification as a long-termer, I placed her in the long-term category. She identified as a long-termer because she interacted primarily with other long-termers and lifers, she was serving a 6-12 year sentence length, and she had been facing a life-without-parole sentence.

mates' opinions on adulthood had their roots in events and experiences from earlier in their lives. Since I had, by necessity, capped the interview length at 1.5 hours, I decided that the study would benefit from supplementary, in-depth data on some of the participants' life-course patterns. For this reason, I engaged in mail correspondence with a sub-sample of the inmates. In a total of 38 letters with 11 inmates, I solicited details about key relationships, events, and transitions in the inmates' lives, beginning with their early childhood and ending with the period just before their current incarceration[2].

Negotiating Approval

Institutional logistics such as the administrative processes and internal ethical requirements set by universities, state departments, and prisons are distinct from political dynamics such as efforts by gatekeepers to manage the research process and output. The tension between a university's IRB requirements and key principles of social science research have been discussed in detail elsewhere (Brainard, 2001; Gordon, 2003; Oakes, 2002). It should be mentioned, however, that the intrusion of the IRB in the research process that these scholars have noted was evident in this project. For instance, the IRB required that the informed consent form in this study be written at an eighth grade reading level. It also required, however, that the form include mandatory language determined by the institution. This language was not written at the eighth grade reading level, but the IRB stipulated that the language must be included regardless, despite its own reading level requirement. As the researcher, I was unable to assert much influence over the language of the informed consent form. In the context of qualitative prison research, where literacy levels are already a serious consideration when soliciting participants' consent, such constraints are especially problematic.

A further problem in the onset of the research lay in the fact that the IRB's approval was contingent on first obtaining approval from a prison facility. Yet approval from the first Department of Corrections to which I submitted my proposal was in turn contingent on IRB approval. After explaining the IRB requirements to a DOC representative, I was finally able to submit the proposal to the DOC before obtaining IRB approval from my institution. After two months of review, however, the DOC informed me that the project would not be approved. The reason they provided for the rejection was that it was not clear to the review committee what the benefit of the project would be to the Department of Corrections.

After requesting the opportunity to resubmit the proposal following a revision that made clear the practical, "real-world" benefits of the study, I was informed again, after another several months, that the project still could not be approved for the same reasons. I had highlighted in my revised proposal how the findings of the study might reveal important factors that contribute to women's reoffending/desistance motivations. I pointed out in particular that a study on women inmates' subjective sense of adulthood would

advance the Department of Corrections' goal of producing information that can help provide for inmates' needs while in prison and thereafter.

Revising my proposal in these ways was helpful in clarifying my own sense of understanding of the contribution of the study; but at that stage, they were done keeping in mind neither my own preferences nor those of my prospective participants. Instead, they were driven by a concern with the preferences of the Department of Corrections. I admittedly did not have the DOC as the primary beneficiary of the research when I initially drafted the research proposal; rather, I hoped to explore a novel, intellectually interesting research question that could shed light on women prisoners' lived experiences and add to the literature on offenders' motives for desistance (Maruna, 2001; Massoglia & Uggen, 2010). At the broadest level, I was driven by a strong interest in giving women prisoners voice at a time when interest in their lived experiences has not been the focus of sufficient recent penological research (Kruttschnitt & Gartner, 2003). Yet to accomplish any of this, I first needed the approval of the Department of Corrections.

Even after clarifying how my research supported the DOC's goals, the review committee at the DOC was not convinced that the study was sufficiently beneficial "to the taxpayer." I was not comfortable changing the study's goals and questions to align more naturally with the DOC's interests, so I accepted the rejection and sought another research site. The reasons behind the rejection in this state are note-worthy for several reasons that highlight why, as Holland, Williams, and Forrester (2013) argued, ethical decision-making must be viewed relationally. These scholars highlight the role of participants in ethical decision-making. The reasons for my rejection, however, emphasize why scholars conducting prison research must also confront a plethora of ethical questions that are triggered by the role of the organizational gatekeepers. The primary question the rejection prompted was: Who is this research intended to benefit? To use Becker's (1967) terms: Whose side are we on?

Even for researchers striving to remain neutral when conducting prison research (however difficult it is to attain this goal), when conducting research in correctional institutions, "the researcher must be prepared to make the case to prison management of the potential benefit of their research to correctional organizations" (Hart, 1995, p. 167). Scholars in the U.K., for instance, noted the need for prison researchers to be aware of the political benefits and drawbacks of proposed studies (King & Liebling, 2007; Liebling, 2001) as well as the extent to which Home Office funding can apply pressure to conduct a study in a specific manner (Liebling, 1999). The study is thus affected by political considerations that are far-reaching in their implications for what kind of penological knowledge is produced and how.

My rejection experience also reinforces the political nature of prison research by highlighting the extent to which such research is contingent on being well connected in the field. For example, I was at one point told that hav-

ing a contact pushing for me from inside one of the facilities would have been helpful in obtaining approval. The fact that researchers can benefit from having insider experiences/contacts at research sites is well known (King & Liebling, 2007; Schlosser, 2008). However, this feature of conducting prison research is particularly vexing for novice researchers who have yet to establish themselves, both in their fields and among research review committees in state Departments of Corrections (Schlosser, 2008). As Liebling (2001, p. 481) pointed out, conducting prison research requires "some thought given in advance to ethics (for example, fairness) and politics." Fledgling prison researchers with limited contacts in the field should consider in advance how far they are willing to change the goals of their research to meet the demands of state actors. The age-old question of 'whose side am I on?' becomes all the more important when the fate of the entire project hinges on the researcher's response.

The challenge of how far researchers should permit gatekeepers to manage the research process—and the research questions especially—reinforces how organization approval dictates what penologists know about women prisoners. Although Hart's (1995) advice that researchers be prepared to outline the benefits of their research to the correctional organizations is on-point, it is imperative that we confront the implications of such advice for what we know about inmate populations. Qualitative research on inmates and prison culture has already been stunted by the daunting administrative difficulties involved in negotiating approval (Bosworth et al., 2005). Additionally, even those projects that have been approved may reflect the interests of state agencies and institutions, since commencement of any prison study is contingent on cooperation from these organizational bodies. Among penologists, therefore, only a handful are conducting qualitative prison research; and, in such research, there is little opportunity to pursue questions that state institutional actors cannot justify approving based on an assessment of the project's contribution to organizational agendas.

As Cook and Fonow (1986, p. 11) argued, research on women should critically analyze 'the influence of gate-keeping on topic selection and research funding." Topic selection in particular is likely to be affected a great deal by the administrative and political difficulties involved in conducting prison research in current-day U.S. For this reason, the voices we give to prisoners may be partial and fragmented as a result of which questions we are permitted to pursue. Qualitative penologists must both acknowledge and seek to address these issues when examining the political nature of prison research in the U.S., even if there is no clear-cut way to resolve them.

After my initial rejection, approval from the Pennsylvania DOC came easily. The director of research at the DOC, the head of the research and review committee, and the Superintendent's Assistant at SCI Muncy were all supportive and encouraging of the project in its original form. I was fortunate in this instance to have the opportunity to discuss my project with the head of

the research committee in the Department of Corrections (and was able to state as such when I submitted the proposal). I later encountered the same difficulties that Schlosser (2008) outlined in her description of the administrative obstacles involved in conducting prison research. However, the fact that the gatekeepers in Pennsylvania were supportive of the project meant that approval came fairly quickly.

The state-to-state differences in how cooperative formal gatekeepers were further highlights how our knowledge of inmate populations may be far more reflective of political considerations involved in gaining access to prisons than qualitative penologists in the U.S. have thus far acknowledged. In particular, qualitative researchers should seek to determine whether state-to-state differences in officials' openness to external research reflect differences in prison conditions, security considerations, or political motivations. Doing so will, at the very least, permit a recognition of why and how our knowledge about prisoners is limited by our inability to access inmates whose lived experiences might differ radically from those of the inmates to whom we do have access.

To conclude, there is no doubt that qualitative researchers are generally circumspect in discussing how their findings may have been affected by dynamics in the field. However, the methodological and epistemological issues that stem from being denied access to whole prison populations (while being granted access to others) have not been tackled in either the penological or the qualitative methodology literatures. In addition to the administrative difficulties that have been well documented in the prison research (Schlosser, 2008), qualitative criminologists should recognize that issues of gate keeping raise important epistemological questions about the state of prison research in general.

Placing criminological and penological knowledge within the political, social, and structural context that it is created in is particularly important for researchers approaching prison research from, for example, a feminist standpoint aimed at empowering women prisoners through research. This is because researchers hoping to give voice to incarcerated women may not have access to many of these women because of gatekeepers. Such researchers should make strong efforts to reach inmate populations in states that may be reluctant to grant researchers access to prison facilities. However, they must also be aware of the fact that prison officials may be reasonably reluctant to permit researchers to enter prison facilities with an explicitly political agenda. Since prison officials are assigned the primary task of containing and controlling inmates, researchers should understand that their political goal of empowering inmates may be at odds with the responsibilities of prison officials who block access to prisons.

Further, prison officials may view studies with obviously political agendas less as social scientific research and more as advocacy that conflicts with

their organizational responsibilities. The gatekeepers may believe, as Newman (1958, p. 127) noted, that "the most valid research can be conducted by a trained outsider who has no axe to grind on any aspect of correctional structure." Given this, well-established researchers are perhaps in the best position to conduct research that has explicitly political roots and/or implication. These researchers are more likely than novice prison researchers to have earned the status and legitimacy that comes with experience in the field. Moreover, veteran researchers are more likely than fledgling ones to have earned the trust of prison officials by demonstrating responsibility and transparency in the research process. Novice qualitative researchers, on the other hand, would benefit from becoming involved in prison programs that grant them legitimacy and permit them to establish a comfortable rapport with inmates and staff.

Even if the issues of access are surmounted, however, researchers who hope to empower women inmates through their research may find it problematic that gatekeepers require a clear vision of how the study will benefit the state. As Newman (1958, p. 128) pointed out, "much prison research is, or can be, basic and theoretical" and penology does not have as its sole goal the creation of practical knowledge. Prison researchers should nevertheless be prepared to explain, as I was forced to, how the study will benefit the taxpayer. For scholars who wish for their work to benefit the prisoners rather than the state or the abstract taxpayer, such a request can lead to intellectual and ethical dilemmas for which researchers should be prepared.

Prison researchers' sympathies often lie with their participants (Liebling, 2001). Indeed, a researcher's ability to empathize with, relate to, and become involved with participants is a key part of the research process. Researchers' sympathetic feelings toward inmates could, however, conflict strongly with state actors' questions about how proposed research findings could benefit the state instead of the inmates. Yet if we are to continue to conduct prison research at all, working with—rather than against—state actors is necessary (Newman, 1958). How far prison researchers are willing to accede to the demands of state institutions is a personal choice, but it is one that should be duly addressed in an open manner in research reports.

ACCESS: A CONTINUALLY NEGOTIATED PROCESS

Qualitative researchers have argued that obtaining IRB approval must not be considered the main ethical event in the research process (Holland et al., 2013), and that more attention should be paid to ethics in practice (Gabb, 2010). Holland et al. (2013, p.2), for example, emphasized that ethical decision-making is "worked out in the field." The relational nature of ethical decision-making *during* rather than *before* the research process is no doubt an important issue, and one I turn to in this section. Specifically, I outline how access in my prison research proved to be a continuous process of ne-

gotiation primarily in two ways: 1. in terms of actual access into the prison facility; and 2. in terms of access to participants.

As prior research has noted, access in qualitative research is a process of constant negotiation (Bondy, 2010; Reeves, 2010), and access to prisons may be especially tenuous because prisons, whether in the U.S. or elsewhere, are volatile institutions subject to frequent local tensions (King & Liebling, 2007). In the case of the current study, gaining continued access to participants for the study proved to be almost as difficult as gaining initial entry into the prison. In addition to the numerous difficulties I faced in gaining initial access to the prison, it was clear that access to the facility for each specific visit could be revoked by gatekeepers at any point because of day-to-day events at the prison.

My goal was to conduct interviews on a weekly basis over a span of approximately four months. However, it soon became apparent that permission to enter the facility could be denied at any point, despite the full cooperation of the Superintendent's Assistant. For example, I received notice on the morning of one of the scheduled interview days (half an hour before departure to the prison) that the facility was in lock-down mode, and all the interviews for that day had to be cancelled. Two weeks later, the Superintendent's Assistant informed me that all interviews for the ensuing two weeks had to be cancelled, despite already scheduling the interviews and confirming the schedule two days earlier.

On occasion, moreover, even after arriving at the facility, I was required to sit in the waiting room for almost an hour until someone was made available to escort me from the gate to the building where I was conducting the interviews. At other times, I was asked to wait because my name was not on the list of approved visitors that the correctional officers used to grant access to the facility grounds. The correctional officers who serve as gatekeepers in prison research quite literally guard gates. These gatekeepers have the authority to deny access to the prison site "at any moment, and for any reason that does not have to be disclosed" (Waldram, 2009: 4).

Fortunately, there was no occasion when I arrived at the prison and was turned away. However, the perpetual delays upon my arrival meant that when I was finally able to begin interviews, it was often time for the inmate count, a half-hour period during which inmates were not permitted to move around the facility. Cumulatively, these delays meant that I was almost never able to do as many interviews as I intended to on any given visit. The unpredictability of field research is thus exacerbated in prison settings in a way that makes conducting prison research an overwhelming task. The flexible model of qualitative research, which is designed to accommodate a high degree of unpredictability during fieldwork, was especially useful in this study. It must be emphasized, however, that researchers studying prisoners or prisoners

should refrain from making concrete plans and timelines to which they most likely cannot adhere.

In this study, the role of the Superintendent's Assistant as gatekeeper strongly shaped how the research process unfolded. It is not necessary that prison researchers have adversarial relationships with correctional officials (Liebling, 2001), and in this study the Superintendent's Assistant at SCI Muncy was in fact wholly supportive of the research. Despite this, however, his role as gatekeeper to the facility became apparent at several points during the research process. Although his gate-keeping responsibilities interfered with the research process, our relationship was not adversarial, nor was I unsympathetic to the difficulties he faced in juggling multiple responsibilities related to management of the facility. My experience suggests that prison researchers should not view gatekeepers as mere obstacles in their research. Rather, as Liebling (2001, p. 476) suggested, they should attempt to understand "the constraints under which the so-called powerful operate." In addition to establishing a more cooperative working relationship with gatekeepers, remaining open to the views and preferences of gatekeepers can also yield a much more well-rounded understanding of the prison environment generally. While our primary interest may be in studying prisoners, therefore, making an effort to understand the views of gatekeepers can be invaluable.

Prison researchers must also be prepared for constantly shifting and fluid power dynamics. While researchers are often at the mercy of prison officials (Schlosser, 2008), inmates often view researchers as outsiders who are acting from a position of power/authority. For example, one participant asked me at the end of her interview if I could help her with her plans for buying a building so that she could run a daycare for low-income mothers. Another inmate asked me in a letter whether I could assist her in her goals to write a book and open a business. In addition to the inmate-outsider distinction, there are also social class issues that play a role in how inmates perceive researchers. When inmates asked for my help in opening a daycare or writing a book, they presumed I enjoyed a certain level of privilege that I could draw on to assist them. Although the women in this study did not attempt to gain access through me to restricted or unavailable goods and services, outsiders who enter prisons as experts are often presumed (by inmates and sometimes staff members) to be potentially helpful to inmates. Researchers entering prison should thus be especially conscious of how inmates may perceive their race, age, gender, and social class, all of which can affect inmates' motivations to participate in a study.

It would be simplistic, however, to view the researcher's position as shifting from powerless to powerful as he/she moves from interacting with officials to interacting with inmates. The researcher is no doubt in a position of power in some ways when interacting with inmates. Most obviously, he/she does not carry the label of inmate and has the basic freedom to return to the

outside world after the interview is completed. However, there are key ways in which inmates maintain a position of power in the researcher-researched relationship. In the current study, there were weeks when I would visit the prison only to be told that inmates did not wish to participate any longer, despite their initial interest in the project. Inmates scheduled to participate in the study would report feeling unwell or simply being uninterested in continuing their participation in the project.

Fortunately, only one inmate in this study backed out entirely after agreeing to participate, and this was because the interviews were running behind schedule, and she had been waiting for an hour before she left. However, it is important to recognize that inmates are likely to discuss the study with one another. As a result, some may drop out once they learn from other inmates that they will not benefit from participation, while others may lose interest after learning further details about the study. Prison researchers can do little more than accept the inmates' unwillingness to participate, which underscores the extent to which access cannot be considered complete when a researcher has been granted entry into prison grounds.

Similarly, although gatekeepers are supposedly the power-wielders in prisons, outside researchers threaten prison order by their mere presence in an extremely regimented and routinized environment. Further, they have the ability to publicize flaws in the facility and its treatment of inmates (Liebling, 2001). Even those researchers not pursuing an explicitly political research question should thus be aware of the political implications of their presence in prison facilities. Showing facility officials and other gatekeepers the same consideration, warmth, and respect that researchers show their participants (Liebling, 2001) would likely go a long way in establishing the trust and cooperation of gatekeepers.

PRISON RESEARCH BY MAIL

Bosworth et al. (2005) have elsewhere described in detail the research that they conducted through mail with prisoners in the U.S. The authors noted that "doing research by mail offers a new approach for criminologists and others dealing with what are routinely referred to as problem populations'" (Bosworth et al. 2005, p. 251). In the Bosworth et al. (2005) study, each participant became involved in the study by responding to an advertisement posted in a prison newsletter, and the researchers thereafter communicated with the prisoners exclusively by mail. Building on the informative discussion of prison research by mail of Bosworth et al. (2005), I focus here on how mail correspondence can be used to supplement interview data.

Perhaps the most salient benefit of corresponding with inmates by mail is that the researcher has the opportunity to gather more in-depth qualitative data without having to repeatedly negotiate physical access to the prison facility previously described. Instead, the researcher can conduct simultane-

ous data collection and analysis consistent with the tenets of the grounded theory approach. Specifically, following initial data collection and preliminary analysis of interview data, the researcher can correspond with inmates by mail to fill in gaps in the data or to collect further data until categories are appropriately saturated. Instead of physically returning to the field, therefore, researchers can instead collect data from a distance. This is especially useful because access to the prison facility in any single visit is never guaranteed even once approval has been obtained for the project as whole.

That researchers can conduct primary data collection in prisons from afar through letters should not be taken to mean that gate-keeping issues are no longer relevant. To the contrary, the presence of gatekeepers is in some ways even more salient when conducting prison research by mail. Most importantly, because prison officials are highly likely to monitor incoming and outgoing inmate mail, inmates who are wary of officials reading their letters may be reluctant to participate. Although it is impossible for a researcher to *guarantee* the confidentiality of the information that inmates share in letters, researchers should leave the decision to participate in the hands of the inmates themselves. In this study, I stipulated in the informed consent form and recruitment letter used in the mailing portion that inmates' mail would be handled according to normal PADOC policies. Inmates were more than willing to write letters to me, despite this fact, and some offered me even more detail than they did in the interviews.

There are a number of further drawbacks of conducting prison research by mail that researchers should note. Perhaps the most significant obstacle to this kind of research is that prisoners' literacy levels might exclude certain inmates from participation in prison research by mail. IRBs typically require that informed consent forms are written in simple and non-technical English. As mentioned, the informed consent form in this study was written in eighth grade-level English. However, there may be some inmates who can understand English at this level, but who would have trouble articulating their thoughts in writing even at this level. Researchers should be aware that these inmates will most likely simply not respond to invitations to participate in mail correspondence.

It should be noted, however, that inmates look forward to receiving mail as a means of maintaining ties with the outside world. The majority of inmates whom I interviewed in this study, for example, described the value they placed in writing to and receiving letters from their family members outside prison. Using mail correspondence with inmates to *supplement* interview or ethnographic data encourages inmates who would otherwise be reluctant to write letters to a stranger. While it is impossible to state conclusively why inmates chose to participate in the mailing portion of this study, the rapport I established with the inmates before inviting them to write letters appeared to help a great deal.

At least one inmate in this study had obvious language-related difficulties in articulating her thoughts in writing, and her letters were somewhat challenging to understand because of linguistic issues. Nevertheless, she was very enthusiastic about participating in the mailing segment of the study, and she was especially excited about continuing her interaction with me beyond the interview. Even those inmates who have low literacy levels may thus attempt to surmount their discomfort with writing if they wish to engage in mail correspondence with a researcher. Encouraging participation by establishing a friendly rapport with inmates *before* inviting them to write letters is one way that researchers can overcome difficulties associated with some inmates' low literacy levels.

Another reason mail correspondence may be best suited to supplementing rather than replacing other data collection methods is that meeting the inmates before inviting them to write letters permits a loose and informal assessment of the inmates' literacy levels. In this study, participants were required to sign an informed consent form before the interview began. Before they signed the form, I asked the participants whether they had any questions or concerns about the research process generally or the information on the form specifically. There was no participant in this study who expressed discomfort or confusion with the language used in the informed consent form. It is possible, however, that the inmates were reluctant to voice their difficulties in understanding the informed consent form. They may have refrained from voicing their discomfort to avoid embarrassment or even to preserve their relationship with an outsider and/or to protect their participation in the project. Although there is no evidence that this was the case, prison researchers should recognize that consent in prison studies may be less freely given than in studies conducted in more unconstrained settings.

Despite the possibility that some inmates may have difficulties because of their reading or writing level, it is my view that researchers should not shy away from conducting prison research by mail without first meeting with participants and gaining a sense of their comfort with reading and writing. This is a major reason why mail research is best suited to supplementing data obtained through ethnographic or interview methods—meeting with participants and establishing a rapport with them before asking for their participation via mail is crucial. This is especially important because participants may feel particularly uncomfortable with the notion of participating in research conducted by total strangers. In this project, meeting the inmates for an interview not only established the parameters of the research project; it also gave participants a chance to ask questions and/or seek clarification about the project face-to-face.

Finally, using mail correspondence to supplement rather than replace interview or ethnographic data is important because many inmates may agree to participate in the mail correspondence but stop writing letters before that portion of the study is complete. Prison life is very stressful, and despite its

monotony, it can also be very chaotic. Further, inmates face a number of challenges of which researchers are simply unaware unless the inmates disclose them. These challenges can result in prolonged delays (and sometimes even an abrupt termination) in mail correspondence that can interfere with researchers' projected timelines for the completion of prison studies. After a long period of silence, Marie, for example, notified me that her father, who was suffering from bone cancer, had passed away. In her previous letter to me, Marie had explained that her father had only a few months left to live. The tumult resulting from her father's illness and subsequent passing had understandably resulted in delays in Marie's correspondence with me.

> I hope this finds you well. Once again, I apologize for the delay. My dad passed July 9th. I usually call home every evening. For some reason that day I got a morning phone time. When I talked to my dad I had no idea he would be gone in a few hours. I miss him terribly; I am happy that he is at peace, but I'm lost without him. (Marie, 31 years old, serving a life-without-parole sentence for first-degree murder)

The extract above demonstrates not only the challenges that some inmates face when serving their sentence; it also reveals the extent to which inmates use their letters to communicate thoughts and emotions that are not directly relevant to the study's goals. These deeply personal, first-hand accounts, however, were crucial in providing a fuller picture of the experiences and relationships that shaped the inmates' opinions on adulthood and adult roles. Although these narratives were invaluable in this study, researchers should still be prepared for significant, often unpredictable, and unexpected delays when conducting prison research by mail. For this reason, it is good practice for researchers to seek alternative data collection methods to answer key questions and thereafter use letters to supplement, deepen, and enrich the data.

For qualitative prison researchers working from a perspective geared toward empowering participants, mail correspondence with inmates can be especially appealing. In several interviews, the women I spoke with mentioned that receiving mail was something they looked forward to. For them, receiving letters was one major way of breaking the monotony of prison life and maintaining ties with the outside world. Marie even said that she expected inmates to be enthusiastic about participating in the interview segment of the study simply because receiving the recruitment letter was rewarding. Continued contact with participants after conducting interviews can thus be gratifying for inmates. This is both because it lends itself to added contact with the outside world, and because participants may feel that the significance of their contribution goes beyond simply a one-hour interview.

Sheila, for example, repeatedly expressed her gratitude for being able to participate in the mailing segment of the study and even asked to continue

her participation in this segment once she was released to a halfway house. Unfortunately, I had obtained IRB approval only to conduct the research at SCI Muncy, and I was therefore unable to continue Sheila's participation once she was released[3]:

> I was very happy to get your letter. I am very grateful that you still want me to be in your research. I will help you, [Miss Janani] in any way I can and I hope I will be able to help with any questions you ask me. I have nothing to hide. If this could help anybody, I would be so grateful. (Sheila, 45 years old, serving 8.25-20 years for aggravated assault)

As Bosworth et al. (2005) noted, mailing with inmates often involves a certain degree of back-and-forth conversation. This gives participants the freedom to voice opinions and thoughts that go beyond the specific questions related to the study. In an interview, participants may feel compelled to confine themselves to succinct, targeted answers to interview questions. Responding to a letter, on the other hand, permits inmates to collect their thoughts at leisure and discuss the issues that they believe are the most relevant and helpful. Although this can result in researchers receiving excess information that is not helpful for the precise purposes of the study, this method of data collection is consistent with the view (held by many qualitative researchers) that we ought not to impose restrictions on the data we collect because of our own preconceived notions of what is or is not important (Glaser, 1972).

Researchers should also be aware, however, that inmates may discuss their thoughts with one another before penning them down in letters. The data researchers receive from inmates in the form of letters may thus reflect not only the participants' views, but also the collective input of multiple inmates and perhaps even prison staff members. For this reason, placing the content of the inmates' letters in the context of the interview data—through a process of triangulation, perhaps—is helpful in gaining a well-rounded understanding of the inmates' views in totality. Moreover, asking focused, personal questions that elicit first-hand, personal narratives from the inmates about their own life experiences is important. For example, in the letters I sent to inmates, I asked inmates about their families, their childhood memories, their relationship histories, and so on, rather than their general views on adulthood and adult roles.

Many scholars have critically analyzed the relationship between the researcher and the researched. In discussions of reflexivity in the research process, they have argued that this relationship should not be marked by power differentials and clear-cut boundaries between the researcher and the participant (Ellis & Berger, 2002; Holstein & Gubrium, 1995). Developing a relationship with a participant that is not marked by issues of power and authority is no doubt a worthwhile task in an interview. This, however, is a

particularly difficult task in a prison setting. The interviews in this study, for example, were conducted in a conference room and were sometimes interrupted by correctional officers and other prison officials who needed to speak with me. Participants were always led to and from the interview room by a correctional officer, and some had to wait on a bench outside the interview room until they could be accompanied into the room before the interview or out of the building following the interview. Even though the interviews themselves were always private, conducting interviews in a prison environment made it difficult to ignore the differences between my own status as an outsider in the prison facility and the participants' status as inmates[4].

Because inmates can write letters at their own pace and in a setting where they feel most comfortable, mailing with inmates can give them more control of the research process. One inmate mentioned that there had been a delay in responding to my letter because the block she lived in had been condemned, and moving had been chaotic; she noted in her eight page, single-spaced letter that since things were now more settled, she would be able to answer my questions "in peace." Giving inmates the time to reflect on their thoughts before responding to questions equalizes what can otherwise be a stark power differential. In this study, it also yielded very deep and intimate data that inmates took the time to record on paper. The extracts below demonstrate the level of detail that the inmates provided in their letters about their familial relationships:

> My dad would drink, come home from work, and if his dinner wasn't heated up, he would throw the pots on the floor with food flying everywhere. My mother and father would celebrate holidays [and] birthdays. My sister and I never went without. When my mother had enough with him, we waited until he was sleeping one day. I was 14 years old and can't never shake out the memory when we left. She was yelling at us to carry our stuff. He didn't find us for awhile. (Camila, 34 years old, serving 3-10 years for robbery)

Another woman shared thoughts about her childhood:

> My older brother and sister lived at home for some of my childhood. They both spoiled me. They both worked, so [they] would come home with toys for me on payday. My brother taught me to swim. He would take me to visit his girlfriend, now-wife, at college. He played softball and took me to his games. My sister would take me to the park, movies, and even let me hang out on dates with her now-husband. He would run to get me ice cream from the ice cream truck every time he came over. Even when my brother and sister moved, married, and had children, I slept over at their houses often. (Ma-

> rie, 31 years old, serving a life-without-parole sentence for first degree murder)

Researchers may find relinquishing control of the process somewhat uncomfortable. However, using mail correspondence to supplement rather than replace interview or ethnographic data permits researchers to control significant portions of the research in the interview setting. At the same time, it transfers some of this control to participants at a later stage in the research process, which allows them to then decide if and how they wish to respond to the letters in a setting that is far less structured than the interview. The result is that many inmates use the extra time and space to formulate thoughts that they might not otherwise share. Whether this is because it can be hard to share these with a stranger face-to-face or because it takes time that is unavailable in an interview to articulate such thoughts, the level of depth in the inmates letters was crucial to the study.

Barbara, for instance, even went as far as offering to share her own personal writing with me. As a means of coping with her incarceration, she had penned down some of her thoughts during the early phases of her incarceration. The extract below from her writing exemplifies the richness of the life-history data in the inmates' letters:

> I would like to say that my change started when I came to prison in 2004, but the truth of the matter is that I lived a normal everyday life experimenting with weed, acid, and liquor at the age of 15 up until I was 17 and had my first child. My son, Benjamin[5]. Everything seemed to be going good for me. I was filled with joy! I lived with my sister Leona. She was like a second mother to me—my best friend and my everything. Then when she died in '92, I felt as though a big part of me had died with her. That's when I started to change, but all in the wrong ways. My life started to spiral out of control. (Barbara, 40 years old, serving 10-20 years for kidnapping to inflict injury)

In her article on conducting research in an English prison, Liebling (1999) described in detail the frustration of a prisoner who wanted to use the research interview to talk free flow and who found the structured format of the interview frustrating. For such participants experiencing intense frustration, writing letters can be cathartic. The excerpt from the first letter Barbara wrote to me in response to my questions about her childhood reveals the general attitude that some participants took toward the mailing portion of the study:

> You know, I would also like to thank you for giving me this opportunity to be a part of your research, for not only will I be helping you out, but you will be helping me out in the process as well. I take this like some kind of therapy to be able

> to dig deep inside of myself and be able to talk about some of the things that perhaps some of my closest family members don't even know about me. So again, thank you so much. (Barbara, 40 years old, serving 10-20 years for kidnapping to inflict injury)

The collection of data through both interviews and mail correspondence also stands to have the benefits that come with many mixed-methods research designs. In this study, the integration of the two methods occurred at the analytic stage. Specifically, I employed a process of triangulation so that the narratives from the inmates' letters supplemented, deepened, and saturated interview data (Moran-Ellis et al., 2006). As such, collecting data using different methods was used to "generate an overarching account of the phenomenon," (Moran-Ellis et al., 2006, p. 56) where inmates' narratives from letters were used to fill gaps and enrich their more limited, targeted interview responses. While the inmates' self-written narratives were used to supplement interview data, they were not considered less significant data in the project. Instead, they served the purpose of obtaining deeper, thicker data designed to answer the same research questions as the interview data.

I also used the letters as an opportunity to gain participants' perspectives on some of the conclusions I was drawing from their interview data. This gave participants the opportunity to respond to my analytic thoughts, which is something that many scholars describe as a key component of qualitative research (Bloor, 2001; Tracy, 2010). As Tracy (2010, p. 844) noted, researchers "do have control in providing the space and opportunities for member reflections, and in doing so, provide opportunities for additional data and elaboration that will enhance the credibility of the emerging analysis." The letters thus served the important purpose of continuing my interaction with the participants in order to refine and revise analytic thoughts as the project unfolded. In her interview, Kayla said the following about her relationship with her parents:

> I just, um…all my sisters were adopted, and I just never thought that, um, somebody else could take the place of my mom and dad. Yeah, I was mad at my mom and dad for what they did to me, but I felt like nobody could be my mom or my dad. My mom and my dad were my mom and my dad. I just…I didn't feel comfortable with calling somebody else Mom and Dad.

In a letter to me, however, when I asked her to describe her relationship with her parents in the context of those comments, Kayla wrote:

> I met my mother at 15 years of age and that did not go good or as planned at all. That lady is sick in the head. I'm very angry at the people that had me. In my eyes, they are not parents; they were donors to make me! I have met many people—friends or friends' parents that have taken me in and call me

> their daughter or I call them my parents because they have played that role in some way. (Kayla, 18 years old, serving 2.5-5 years for aggravated assault)

This apparent contradiction in her views resulted in an extended conversation through letters about her relationship with her parents that both clarified and deepened the analytic conclusions I drew from Kayla's narrative. The letters thus presented an important opportunity not only to obtain new, additional data, but also to solicit feedback and clarification from the participants about my interpretation of their stories.

CONCLUSION

In this article, I applied a definition of reflexivity that emphasizes the "dissecting [of] the social conditions and techniques of production of the scientific project" (Wacquant 2011, p. 441). Drawing on this definition, I argue that prison researchers must be aware of how the politics of gate keeping and access to prisons affects what we know about inmate populations. Access to prison facilities has become increasingly complicated from an administrative standpoint (Bosworth et al., 2005). It is important to note, however, that in addition to the administrative difficulties involved with conducting prison research, there are very real concerns about whose voices we hear when prison studies *are* approved. My experience with seeking approval in different states in the U.S. highlights the extent to which gate keepers can influence which inmates researchers can have access to, and which questions we can ask those inmates.

Prison researchers should be aware that the state of knowledge about the lived experiences of inmates and prison culture may be affected by the decisions of gatekeepers. To the extent that state actors deny researchers access to prisons because studies conflict with the officials' goals to contain and control prisoners, researchers must understand and respect the limitations on what can be studied in prisons. In such cases, prison officials and other state actors should not be viewed as problems to be overcome at whatever cost. However, studies are also rejected because they do not advance state DOC agendas, such as when it is unclear how a study will benefit the taxpayer. In these instances, qualitative prison researchers must acknowledge that what we know about prison conditions and inmates' lived experiences may be shaped by organizational agendas that are rarely explicitly acknowledged in research reports. Prison researchers should thus make significant efforts first to understand how to confront questions about who the beneficiaries of prison research ought to be. Further, there should be discussions about how the answers to this initial question affect the body of knowledge on prisons and prisoners. Finally, prison researchers should make every effort to explicitly acknowledge and assess the ways in which meeting DOC standards for research shaped the questions they asked and the research process generally.

Considering the very real difficulties involved in gaining access to prison populations, prison researchers should seek and develop alternative methods of studying prisoners. Corresponding with prisoners by mail is one fruitful method of collecting data from prisoners without having to undergo the arduous task of gaining and then maintaining physical access to the prison facility itself. There are several serious shortcomings to collecting data this way; however, I argue that using mail from inmates to *supplement* rather than *replace* interview or ethnographic data resolves some of the major drawbacks to this form of data collection. For example, researchers can use interviews to obtain more structured, targeted data while relying on the letters from inmates to deepen and enrich themes that emerge from the interviews. Moreover, by giving inmates some control over the research process, the power differential that is accentuated in interviews conducted in the prison environment is lessened to some degree. Finally, as an inmate in this study noted, writing letters about their lives can be therapeutic for some inmates.

Conducting prison research from afar does not overcome all the gatekeeping issues inherent in any prison study. However, my experience suggests that after establishing an initial rapport with gatekeepers and inmates and collecting data in-person at the facility, both parties are willing to cooperate with data collection efforts made from afar through mail correspondence. Gatekeepers play a role in shaping the research process by, for example, insisting that inmate mail cannot be kept confidential. However, having a trusting and transparent relationship with both gatekeepers and inmates permits the researcher to gain supplementary, in-depth data that are difficult to obtain in the prison environment itself.

Moreover, extending access to inmates by corresponding with them by mail presents an opportunity to seek participants' views on analytic thoughts. Writing letters with inmates also permits an exploration of changes in participants' views over time. The latter is a feature that is especially helpful when studying prisoners, whose responses to incarceration are strongly affected by the amount of time they spend in prison (Clemmer, 1940; Kruttschnitt, Gartner, & Miller, 2000). In sum, prison researchers should seek creative ways to study prison populations while respecting and working within the relevant administrative parameters. At the same time, however, they should endeavor to include in their research reports a critical assessment of how these parameters shaped their research questions, data collection methods, and the overall research process.

ENDNOTES

1 There have been several interpretations of this approach, but in this study, I employed Charmaz's application of grounded theory. Charmaz (2003) noted that all variations of the grounded theory approach have certain common elements: Simultaneous data collection and analysis;

the search for emerging themes during early data analysis; the search for basic social processes within the data; the inductive construction of abstract categories that explain and synthesize these social processes; sampling to refine the categories through comparative processes; and finally, the integration of categories into a theoretical framework that sheds light on the causes, conditions, and consequences of the social processes.

2 An inmate also inspired my interest in this life-history approach. In her interview, Zelda suggested that I could glean valuable information by asking inmates about the most important/formative stages of their lives.

3 I adjusted the language slightly in the extracts from letters to facilitate readability.

4 Note that my status as an outsider was not highlighted only by my interaction with prison staff and officials. In the middle of one interview, a shrill, siren-like sound suddenly erupted in the building, which momentarily disoriented me. The participant I was interviewing simply stated that "it's the fire alarm" before continuing with her narrative. As such, within the prison walls, my outsider status was underscored both by prison officials' interactions with me as well as my own lack of awareness about certain features of prison life and the prison environment.

5 I replaced relatives' names with pseudonyms to protect the anonymity of inmates' identities.

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Exploring the Roles of Redemption, Agency, and Motivation in Two Groups of High-Risk Felony Probationers

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ABSTRACT

Problem-solving courts were developed in the 1980s and 1990s to reduce recidivism and probation revocations. The first problem-solving courts focused primarily on treating drug abuse, but the missions have expanded to include issues such as domestic violence and the problems faced by returning war veterans. Research has found these courts to be generally effective, but there is wide variation in their outcomes, and there are questions about the perceptions of problem-solving court participants compared to other probationers. This study presents qualitative analysis of interview data for a group of problem-solving court probationers (n = 19) and a similar group of regular probationers (n = 19) that explore the differences and similarities in how these groups describe the probation experience in regard to the constructs of redemption, agency, and motivation. In general, the two groups' descriptions are more similar than they are different, but those small differences suggest that the participants from a problem-solving court may receive better support than regular probationers in regard to perceptions that are favorable to desistance.

INTRODUCTION

Since John Augustus first began intervening in the sentencing of criminals in 1841 (Dressler, 1962), probation has grown to play the dominant role in criminal sentencing. Today, over four million offenders are serving probated sentences in their communities, with over half of them convicted of felonies (Maruschak & Bonczar, 2013). Community supervision, as probation has come to be known, has gained an elevated public profile in recent years as empirical evidence mounts that it can be effectively used to monitor offenders' behavior and to reduce the costs associated with more expensive

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incarceration (Petersilia, 1997; Zhang, Roberts, & Callanan, 2006). While the tough-on-crime mentality and its emphasis on prisons still dominates much of the criminal justice conversation, there is a growing realization that community supervision can be not only safe and cost-effective, but it may produce an additional benefit by excluding some offenders from the criminogenic environment of prison and thus reduce future offending (Cid, 2009; Gates & Camp, 2009; Lipsey & Cullen, 2007; Vieraitis, Kovandzic, & Marvell, 2007).

Problem-solving courts, an innovative approach to boosting the effectiveness of probation, began in the late 1980s. They rely on the cooperative efforts of court actors, probation departments, and social service agencies. These courts usually specialize in particular types of offenders and target their individual needs to reduce the likelihood that they will reoffend after the completion of their probated sentence (Berman & Feinblatt, 2001). These pioneering efforts began with drug treatment courts and have now expanded to address problems such as domestic violence and the challenges faced by returning war veterans (Huddleston, Marlowe, & Casebolt, 2008). Despite their growing popularity, problem-solving courts still handle only a small fraction of probation cases (Farole, 2006).

Evaluations of problem-solving courts have found consistent evidence of their effectiveness in increasing exposure to treatment and in reducing costs and recidivism (Belenko, 2001; Davidson, Pasko, & Chesney-Lind, 2011; Kalich & Evans, 2006; Rossman et al., 2011), but specialty courts are not without their critics. Some question the role that judges play in these courts and suggest that issues regarding due process and coercion are inadequately addressed (Bozza, 2007; Jensen, Parsons, & Mosher, 2007). There are also questions about the process of cognitive change that participants undergo if they desist from offending, and how programs can best support those positive changes (Maruna, 1999; Maruna, Lebel, Mitchell, & Naples, 2004; Wiener, Winick, Georges, & Castro, 2010).

This study investigates whether problem-solving court probationers are more likely than a comparison group to view their criminal pasts as preludes to a redeemed future (Maruna, 2001; Radzik, 2009), to express a stronger sense of agency (Lloyd & Serin, 2012; Maruna, 2004; McAdams, 2001), and to see themselves as being more motivated to desist from crime (Giordano, Cernkovich, & Rudolph, 2002; Healy & O'Donnell, 2008; Sellen, McMurran, Cox, Theodosi, & Klinger, 2006). The three constructs are seen as occurring on a continuum (redemption v. condemnation; agency v. fatalism; motivation v. complacency), with a stronger sense of redemption, agency, and motivation associated with desistance from offending.

Therapeutic Justice and Problem Solving Courts

The development of better risk/need assessment instruments and the refining of intensive supervision probation practices have led to improved probation outcomes, and following this trend of innovation is the therapeutic jus-

tice movement. Rooted in the work of David Wexler and Bruce Winick (1991), therapeutic justice emerged in the late 1980s in response to frustrations with the business as usual style of justice and its emphasis on efficiency and expediency. The traditional emphasis produced high numbers of processed cases but also produced high numbers of repeat offenders (Hora, 2002).

Problem-solving courts are a concrete manifestation of the philosophy of therapeutic jurisprudence. These courts do not follow a strict rational actor model of crime and deterrence, nor do they adopt a narrow disease model that emphasizes some form of cure. Rather, in problem-solving courts, offenders are invited to participate in their own rehabilitation. These courts arose out of a sense of frustration with the lack of progress in addressing problems such as drug abuse and domestic violence (Berman & Feinblatt, 2001; Jensen et al., 2007; Mirchandani, 2008; Payne, 2006).Problem-solving courts attempt to address the roots of crime and the underlying social and personal issues that cause criminal behaviors (Mirchandani, 2008).

In problem-solving courts, cases are closely monitored by individual judges, and there is a close collaboration between the legal system actors and social service providers. These non-traditional roles for legal professionals emphasize teamwork and cooperation rather than the usual adversarial relationship with its emphasis on punishment (Green, Furrer, Worcel, Burrus, & Finigan, 2007; Jensen et al., 2007; Wexler & Winick, 1991). The different approach is seen in the emphasis on counseling; attention to emotional issues; a view of offenders as having an illness; graduation ceremonies; and a focus on increasing social bonds (Green et al., 2007; Mirchandani, 2008).

Judges play distinctive roles in problem-solving courts. Rather than being the neutral arbiter between the prosecutor and the defense attorneys, judges are active participants in probationers' treatment as they impose sanctions for violations and reward good behavior (Bozza, 2007). In problem-solving courts, probation officers still play a crucial role, but judges are the "chief behavior modifier" (p. 113). The authority of judges gives them a level of influence that other criminal justice agents may lack (Berman & Feinblatt, 2005).

EVALUATION OF PROBLEM-SOLVING COURTS

While the ideals of the problem-solving courts may sound to some like a soft-on-crime approach, much of the impetus for their creation came from practical concerns. Stinchcomb (2010) noted that drug treatment courts are the products of the drug war that led to a clogged court system. They represent a pragmatic way to address the revolving door of incarceration and recidivism (Hora, 2002). One analysis of a drug treatment court (DTC) indicated that it was more cost-effective than the $25,000 cost of a year's incarceration (Kalich & Evans, 2006). In a comparison of nonviolent drug offenders who were processed through the traditional courts system with those who went through a drug treatment court, one Oregon county saw a cost

savings of 19% for the drug treatment court (Carey & Finigan, 2004). Aos, Miller, and Drake (2006) found that drug court saved an average of $4767 per individual compared to traditional court.

The cost savings of DTCs are attributed to a combination of not using jail and prison resources and a reduction in long-term criminality (Lurigio, 2008). Belenko's meta-analyses (1998, 1999, 2001) of drug court studies reported that they produce lower rates of recidivism in both the short and the long term compared to traditional courts.

In a study where subjects were randomly assigned to either a drug treatment court or a traditional court, there were fewer rearrests and fewer incarcerations for the drug court participants (Deschenes, Turner, Greenwood, & Chiesa, 1996). Similar results were found in a study of Dade County, Florida's drug treatment court (Goldcamp & Wieland, 1993), which also reported that for those who were rearrested, those who did not go through drug treatment court were rearrested two to three times sooner than those who did. In their meta-analysis, Jensen et al. (2007) concluded that drug courts effectively reduce future contact with the formal criminal justice system and also reduce costs to the system. These findings mirror those of other researchers (Carey & Finigan, 2004; Kalich & Evans, 2006), leading to the general conclusion that DTCs have more positive outcomes than do traditional courts.

Constructs Associated with Desistance

While evidence is mounting that problem-solving courts can be effective in reducing reoffending, there is a lack of understanding of exactly how the courts achieve those improved outcomes. One possibility is that problem-solving courts foster a shift in offender perceptions that promote rehabilitation. Research has identified qualities among offender populations that are associated with desistance from offending.

Redemption versus Condemnation

Maruna (2001) argued that the stories people tell about themselves reveal not only their history; these subjective autobiographies have a strong influence on the choices and direction their lives will take in the future. Desisters tend to tell their stories as redemption scripts. They view past transgressions as learning opportunities that have taught hard but important lessons that have prepared them for the road ahead (McAdams, 2006; Radzik, 2009). In contrast, persisters see their lives as condemnation scripts and tend to see the future as a series of obstacles that will inevitably block their path to success (Maruna, 2001).

Agency versus Fatalism

Agency can be defined as the degree to which people accept personal responsibility for their actions and see themselves as being in control of their lives. Research suggests that offenders who hold a fatalistic attitude toward their behavior tend to persist in criminal behaviors, while those who believe

they control their actions and have a strong sense of agency are more likely to desist from criminal acts (Healy & O'Donnell, 2008; Maruna, 2001; McAdams, 2001; McNeill, Batchelor, Burnett, & Knox, 2005).

In drug treatment courts, offenders are encouraged and supported by judges, probation officers, and social service providers in their efforts toward rehabilitation. The immediate sanctions that may be imposed force offenders to acknowledge their counter-productive criminal behaviors (Hora, Schma, & Rosenthal, 1999). As the offenders take responsibility for their choices and actions, their sense of self-efficacy, or agency, is reinforced (Fischer & Geiger, 2011). McAdams (2001) identified empowerment as an element of agency and suggested that empowerment is "enhanced by association with someone or something larger than the self" (p. 7). He included authority figures and therapists among those viewed as supporting the development of a stronger sense of agency. In problem-solving courts, the judge may act as this authority figure.

Motivation versus Complacency

Offenders' level of motivation to desist from crime has been posited to be an important variable in predicting recidivism (Giordano, Cernkovich, & Rudolph, 2002; Sellen et al., 2006). While there are questions about whether a desire to desist from crime actually translates into a crime-free future, there is evidence that motivation to change is an important element in the initial stages of desistance (Healy & O'Donnell, 2008).

McNeill et al. (2005) suggested that "desistance may be provoked by someone 'believing in' the offender" (p. 3). Similarly, Wexler (2001) suggested that when support for change comes from a professional authority figure, it is likely to have a stronger motivating influence than when such support, important as it may be, comes from peers and family. In problem-solving courts, judges play an active role in motivating offenders to steer their lives onto a new path. Support and encouragement from such a powerful authority figure may play a significant role in changing offenders' perceptions of themselves and their motivation to change.

Maruna et al. (2004) pointed out the difficulty of distinguishing between true desistance and a temporary lull from offending. While it may be impossible to know whether an offender will ever offend again, if people undergo a shift in self-perception to the extent that they no longer think of themselves as offenders (redemption), if they see themselves as being in control of their own destiny (agency), and if they are encouraged and supported in their efforts toward desistance (motivation), these qualities may be the best predictors of long-term desistance (Giordano et al., 2002; Maruna, 2001).

METHODS

The goal of this research was to determine whether participants in a specialized High-Risk Probation (HRP) court have perceptions more conducive to desistance from offending than similarly situated probationers who do not participate in HRP court. To this end, this study used an empirical phenomenological approach for gathering and analysis of qualitative data (Aspers, 2009; Moustakas, 1994). Based on Aspers' recommendations, a set of questions was used to guide semi-structured interviews designed to explore the six identified constructs (redemption, condemnation, agency, fatalism, motivation, complacency). The intentionally loose interview structure allowed for unexpected themes to emerge that could then be explored in the intentional analytical step of searching for unanticipated outcomes. This process mitigated against the threat that the researcher might be blind to data that emerged unexpectedly (Aspers, 2009).

The data were from a convenience sample of volunteer participants from the problem-solving court and from a similar regular probation caseload. After each interview was conducted and transcribed, the text was imported into the *NVivo* program for coding and analysis. No coding was conducted until all the interviews were completed. This practice went against the recommendation of Miles and Huberman (1994) who suggested coding be done continuously during the data collection process. However, Agar (1980) recommended that researchers become thoroughly familiar with their data before beginning the analysis.

A two-step coding strategy was used. First, each interview was analyzed to find patterns in the data. Coding categories were created as significant statements were identified. This process was not focused on capturing each significant statement; rather, its purpose was the identification of constructs that regularly appeared in the data. As significant statements were found that did not fit into one of the pre-identified constructs, other categories were created and modified to capture the essence of the data in a meaningful and manageable way. Discussion of these other constructs is not included in this article.

This initial coding process identified 12 main constructs (including the original 6). In order to create a more subtle and nuanced coding scheme that captured more detail, 7 of the constructs were subdivided into sub-constructs. For example, "work ethic" was classified as a sub-construct of "agency" based on work-related statements that reflected respondents' desire to provide for themselves and not be dependent on others. After the initial coding and construct identification, each interview was coded again. This involved a more painstaking effort to classify each significant statement into one of the identified constructs or sub-constructs. A general description of the main constructs and examples of representative statements are presented in Table 1.

Table 1: Description of constructs and example statements

Construct Description	Examples
Redemption (the opposite of Condemnation): Statements that see past negative behaviors as lessons learned and as regrettable errors not to be repeated.	"I used to be irresponsible. Now I'm way more responsible than I've ever been." "I felt bad about what I did to her. The way I handled her that night was wrong."
Condemnation (the opposite of Redemption): Statements that see negative behaviors as rooted in fundamental character flaws that are unlikely to change and see the future as a series of insurmountable obstacles.	"I know I'm always pissed off. I'm an asshole." "If I found a purse with $10,000 in it, I might not be the guy to turn it in."
Agency (the opposite of Fatalism): Statements that reflect personal control and taking responsibility for their past, current, and future situations and behaviors.	"I don't call 'em mistakes no more 'cause I figure a mistake is once or twice, and after that you already know that you're doing something wrong." "The only thing that stands between me and my goals is myself."
Fatalism (the opposite of Agency): Statements that place responsibility for situations and behaviors on some other person or external condition.	"I can be an asshole. It just depends on what's going on around me." "He got me into hot checks."
Motivation (the opposite of Complacency): Statements that reflect a desire for a better future and the attainment of goals.	"I just hope to have my own place, my own car, have somebody who cares about me as I care for them." "A lot of people recommitted their crime. I don't want to be that statistic. I'm going to show them that I'm different."
Complacency (the opposite of Motivation): Statements that reflect hopelessness or lack of interest in bettering themselves.	"I just pulled 10 years for the same thing, evading arrest." "I just kinda keep myself from doing what I need to do."

This table summarizes only the six constructs discussed in this article. Other constructs that emerged during coding included the effects of the felon label, attitudes toward probation officers, and seeing probation as a priority.

Description of the Research Setting

This research studied the differences between similar groups of felony offenders sentenced to probation who were assessed as having a high risk of failing to successfully complete the terms of their probation. The subjects of this study were on probation in a county that is served by three district judges. The HRP court is administered by one of the judges.

One of the strengths of this study is the use of a comparison group of similarly situated offenders. The three judges all have the authority to use the HRP court, but only one of them does so on a regular and frequent basis. While there is some selection bias in the HRP court judge having discretion in assigning his own cases to the specialized court, it is a matter of chance whether a case is handled by the judge who favors HRP court or one who does not.

The HRP court is registered as a drug court, but its probationers' offenses go beyond drug charges (see Table 2). The common elements are that all respondents were convicted of felonies, scored 15 or above on the Texas Case Classification and Risk Assessment tool that is administered by the probation office, and had been on probation for at least three months prior to the interviews. Factors that lead to high risk scores include residential instability, unstable employment history, drug and alcohol use, criminal history, and a low level of motivation to change.

According to the chief probation officer where the data were gathered, HRP probation practices differ from standard probation in several ways. HRP probationers are supervised more closely by specialized probation officers who have more experience and who carry a smaller caseload. They are subject to more frequent reporting in addition to their mandatory meetings with the judge. When the judge orders sanctions, they are applied immediately. Probationers are usually assigned to the HRP court for one year, after which they complete their sentences under regular probation protocols. HRP court probationers are required to perform 20 monthly hours of community service compared to the 10 hours assigned to regular probationers.

An incentive was offered to encourage voluntary participation. All three judges allowed probationers from their courts to count interview time toward their community service requirement. This incentive was of value to some of the respondents, but many had completed their community service and were, therefore, participating for other reasons. Several respondents commented that the giving of their time to someone who requested it was simply a part of their identity of being a helpful person. Some made a point of mentioning that personal changes led them to agree to the interview, and that they would not have done so in the recent past.

Analysis

Data collection began in late January 2013 and continued through mid-June 2013. Thirty-eight interviews were conducted with 19 HRP court pro-

bationers and 19 regular probationers. All respondents agreed to allow the interviews to be recorded on a digital voice recorder. Interviews ranged from 12.5 minutes to 69.5 minutes, with an average of 30.2 minutes. Demographics and qualifying offenses of the sample are detailed in Table 2.

Table 2: Description of sample

Racial/Ethnic	Hispanics: 21 Whites: 14 Blacks: 3
Sex	Males: 33 Females: 5
Average age	35.1 years
Average time on probation	30.4 months
Qualifying charges (total exceeds sample size due to two respondents with multiple charges)	Drug possession: 10 Three or more DWI: 7 Assault: 7 Theft: 3 Evading arrest: 3 Arson: 2 Injury to child, elderly, or disabled: 2 Robbery: 2 Deadly conduct with firearm: 2 Forgery: 1 Endangering child: 1

Drug and alcohol offenses predominate, but they represent fewer than half of the cases in the sample. Assault is the other most common offense. The sample demographics do not mirror the demographics of the county where the study was conducted. The sample was 55% Hispanic, 37% white, and 8% black, while the county is 37% Hispanic, 53% white, and 8% black (United States Census Bureau, 2013). The sample demographics are at considerable variance with the state probation population, as illustrated in Table 3.

The local probation office where the study was conducted could not provide demographic data for their caseload. The program director said that the state no longer requires them to track this information so the current system does not track it, and the historical data are unavailable due to a computer system change. He also pointed out that local probation offices are not concerned with demographic information because they are more interested in programming that can change an offender's behavior. Given that the convenience sample was composed of volunteer respondents, it cannot be assumed to represent the demographics of the local felony probation population.

Table 3: State and Sample Probation Demographics

	State Felony Probationer Demographics	Sample Demographics
Average Age	35	35.1
Male	73%	87%
Female	27%	13%
Black	24%	3%
White	40%	37%
Hispanic	35%	55%

The problem-solving court group and the regular probation group were compared in terms of the prevalence of identified constructs. Table 4 summarizes these differences.

Table 4: Group Comparisons

	HRP (n=19)	Regular (n=19)
Redemption	95%	84%
Condemnation	0%	11%
Positive Self-Image	89%	68%
Agency	100%	84%
Fatalism	84%	79%
Motivation	100%	89%
Complacency	5%	5%

The two groups' response patterns were similar, but problem-solving probationers were generally more likely than regular probationers to express perceptions associated with desistance. While there is no basis for a causal claim, the results suggest that the special court may play a role in supporting participants' efforts toward rehabilitation.

FINDINGS

Redemption

Redemptive statements are those that refer to changes in attitudes and behaviors and lead away from offending and that express regret for past transgressions. Given that personal change is involved in redemption, most of these statements involve a time element that compares the past to the

present. In this study, redemption is viewed as being on a continuum with condemnation at the other end.

Redemptive statements were made by 34 of the 38 respondents (89%). Respondents made a total of 142 statements that were identified as redemptive. This was the third highest number of references for the six pre-identified constructs. Four types of redemptive statements were identified: general redemptive statements; statements that expressed regret for their offending; statements that reflected changes in attitude or behavior that respondents attributed to maturation and aging; and statements that reflected an interest in using their experiences in the criminal justice system as a basis for teaching others to avoid their mistakes. While regret for past actions may not be indicative of a redeemed self-image, it is argued that the change that leads to redemption often begins with an acknowledgement that past actions were wrong and regrettable. General redemptive statements were made by 25 of the 38 respondents (66%).

> After seeing other people in that program, the HRP program, and the way they changed, I said to myself, I could change that way too, 'cause I was seeing their life, you know, I seen them coming up from their life, and they were more of a drug addict than what I was. So I said, well if they could change I could change, and I did. – Bill

> I've been working hard to change my life. It's going to help me at work and everything, so I think I've changed big time. I used to be irresponsible. Now I'm way more responsible than I've ever been. I'm trying to be accountable for my actions, when I used to not, I used to just sweep everything under the rug. – Stuart

> I'm not saying I'm perfect, but I'm trying to change my old ways. In these past three years I've done a pretty good damn good job. I stopped drug usage, I stopped drinking, I stopped all my negative activity. – Patsy

> I remember I used to tell my P.O. that it sucks to be me. Well, now it's good to be me. – Norman

Twenty-five respondents (66%) made statements that attributed behavioral and attitudinal changes to maturation and aging.

> I have a different mind. I'm through with it. I'm not a teenager no more. I've actually grown up. It took me 25 years to grow up, and I finally grew up. – Bill

> I'm almost 40 years old now, and I've gotta let go of all that stuff, because I can't go on another 40 years like this. I've gotta change something drastically because that negative at-

> titude is really what brings me down. I've gotta stay positive. – Arthel

> As a younger man I was not a very law abiding citizen. But with age comes wisdom, and as I grew up, I literally grew up. After my last stint at the penitentiary, I decided that's it, I'm done, you know, the drugs, the alcohol, the abuse, all that other stuff, I mean I decided to leave it all behind. – Norman

> I was badass back in the day, but not no more. I'm getting old. I had a birthday just a while ago. I'm 40 years old, and I ain't trying to go back [prison] when I'm old. – Tony

Statements that reflected regret for their offending behavior were made by 18 respondents (47%).

> I've been through a lot of money, and I think about things I could have had, should have had, and I'm thinking drugs and alcohol took everything away from me. – Ralph

> I felt bad about what I did to her. She's a little bitty girl, and the way I handled her that night was wrong. No matter what she did, it was wrong. – Norman

> Ever since she had my kid I was always abusive when I was drinking. I ended up getting her into that stuff. In the long run I regret everything I have done to her. – Tony

> The people involved that I hurt real bad was my mother, first of all, and the girl I was with and her child. It didn't hurt me. I knew what was going to happen to me, 'cause after everything calmed down I knew what was going to happen. I just knew it. But that's who was hurt the most was her and her child and my mother. I deeply regret it every moment of my life. I regret it a lot. – Del

Statements about using their experiences in the criminal justice system to teach others were the least common redemptive statements. Only 9 of the 38 respondents (24%) made such statements. However, it should be noted that most of those statements were in response to a question that asked whether they thought they would be involved in the criminal justice system in five years. The researcher did not anticipate responses that indicated a future positive engagement with the criminal justice system.

> I would one day hope to become successful enough to talk to juveniles, young kids who are at that fork. Just tell them what I went through and how much it's not working, how little mistakes turn into big consequences. I want to help younger people who are going through problems. – Stuart

> I would like to help other kids, talk to them about things, volunteer work. I would like to do that kind of stuff. – Chet
>
> I've always shown an interest in trying to help the younger generation, trying to help kids. My own kids didn't listen to me, and I didn't listen to my father. I'd like to impress on some of these at-risk kids that prison is not a rite of passage, probation is not a rite of passage, this shit ain't no joke, man. And once you've got that black "X" on your back, it does not go away. – Norman
>
> I'd like to do some sort of like outreach to help kids. I'd like to do something like that. I thought about going back to [prison rehab program] and speaking to the guys over there, telling them hey you know don't listen to them people there, you might not be that 90%. All it takes is somebody to go and convince them to try harder. I'd like to do something like that, maybe get involved with the youth probation. – Carter

The process of desistance from crime is a complicated one, and having a redemptive narrative is only a part of this process. However, it is easy to understand how probationers without this perception of being on a path to a better future would find the way forward more difficult than those whose stories have an element of positive personal change. The prevalence of this construct in the interviews supports an optimistic view for the successful rehabilitation of these respondents, and to the degree that their efforts support and foster a redemptive identity, the courts and probation officers can play an important part in those rehabilitative processes.

Group Comparisons

HRP court participants were slightly more likely to make redemptive statements than were regular probationers. Eighteen of the 19 (95%) HRP court participants made redemptive statements, compared to 16 regular probationers (84%).

Condemnation and Positive Self-Image

Condemnation was one of the original six constructs and is viewed as being the opposite of redemption. Both condemnation and redemption imply a time element. For redemption, a person must be redeemed from past events and behaviors. Condemnation implies a failure or refusal to change and expectations of more problematic behaviors in the future.

Sometimes in research, the most interesting outcome is what is not found. Condemnatory statements were extremely rare in the data. Only 2 of the 38 respondents (5%) made statements that were coded as condemnation, each of the 2 only made one such reference, and neither was a participant in the HRP court. Respondents generally acknowledged that their missteps were the results of bad decisions they had made, but those choices were usually

perceived as being driven by a lack of thought and poor decision making rather than by fundamental flaws in their character.

> For me, I'm freaking impatient. I get pissed off. People outside, they see me as the nice guy. No man, I'm always pissed off. I know I'm always pissed off. I'm an asshole. I tell my wife I'm going to live to be 100 years old because I'm a fucking asshole. I know I am, that's how I see it. My cousin tells me, "Damn I hate this. You're gonna live past all of us." Yeah, I know, I'm an ass, ain't I? – Martin

> Best way I can describe me is what I am, a Libra, a balance between good and evil. I know I'm bad at times, but I'm good at times. I'm not going to go out and kill nobody, but honestly, if I found a purse with $10,000 in it, I might not be the guy to turn it in. – Hank

As opposed to condemnation, an unanticipated construct was identified in the data that was labeled "positive self-image." These statements were elicited by an interview question that asked, "In general, how would you describe yourself as a person?" Many of the positive statements expressed a willingness to help others in need. Positive self-image is seen as distinct from redemption in that it has less of an element of change over time and is more a description of their fundamental character. Thirty of the 38 respondents (79%) made statements that express a positive self-image.

> I have a big heart for everybody. If it's anybody in the streets, if I see that they need help I would help them. If I had enough money to throw out there, I would even throw money to them if I had it. That's the kind of person I am. I'm a big hearted person. – Bill

> I try to be helpful. I don't judge, I don't stereotype. If I can help you I'm going to help you. If you tell me you want to better yourself and I can help you do that, I'm going to do it. – Lester

> I'm an outgoing person, I'm nice, I'm funny, I'm easy to get along with, I'm caring. I don't care just about myself, I'm not selfish. I care about other people, how they feel, what they think. I'm a good person. – Jimmie

> Caring, understanding, sweet-hearted, defender of the poor people, hate bullies. Real compassionate, understanding, a helpful person. If I have it, if I have a dollar, I give it to anybody to help them out. Just a real genuine person – Oscar

Group Comparison

HRP court participants were more likely to make statements that reflected a positive self-image than were regular probationers. Seventeen (89%) of

the HRP court participants made positive self-image statements compared to 13 regular probationers (68%).

Seen in combination with Redemption, most respondents see themselves in a positive light and as being on a better path than before. Future research might explore the degree to which the differences in the two groups' self-image can be attributed to the effects of the supportive efforts of the problem-solving court.

While the differences between the groups are not large and cannot be assumed to be the result of the different probation practices, the fact that so many of the respondents made statements that reflect a positive self-image may provide a useful tool to probation officers. Many probationers fail in their efforts to desist from crime, but these data indicate that clinging to a criminal identity is not a major cause of those failings. Efforts to support and reinforce a former offender's positive identity may prove to be a fruitful strategy in reducing recidivism. However, structural conditions such as employer bias against convicted felons must also be addressed, because this may lead to reoffending despite a redeemed or positive self-image.

Agency

Agency refers to people's willingness to take responsibility for their actions and to see the source of those actions as being rooted in their own personal choices. Agency is associated with desistance from crime and is seen as being on a continuum with fatalism at the opposite end. Agency was a dominant construct in the interviews with 150 total statements coded; 35 of the 38 respondents (92%) made at least one statement that was coded as agency.

Three types of agency were identified in the interviews. General agency was noted in statements that reflected respondents' ability and desire to have control over the events and direction of their lives. Such statements were made by 32 of the 38 respondents (84%).

> I mean, it's your life, and it's in your hands. These people are going to watch over you, but your life is in your hands, and you can do what you want. – Earl
>
> I've always told myself you have the ball, the ball is always on your court, yeah, but I didn't really understand that concept 'til I actually put 2 and 2 together. – Patsy
>
> I don't call 'em mistakes no more 'cause I figure a mistake is once or twice and after that you already know that you're doing something wrong. It's more like a bad choice or a bad decision, so it's no longer a mistake no more. – Stephan
>
> The only thing that stands between me and my goals is myself. If I let myself fall, that's the only thing that's going to stop me cause I can't blame it on anybody else. If I choose to go and do drugs, it's not your fault for being at the party and offering

> them to me. It's my fault for doing it. If I choose to go out there and commit a crime, I can't say I did it because I needed the money, I could've just kept going to work. – Carter

Two sub-categories of agency were identified in the interviews. One was the expression of a work ethic, and the other was the accepting of responsibility for their offending behaviors. Seventeen respondents (45%) made statements that reflected a work ethic.

> Through all the partying, I've never missed work. I'm passionate about work, I like it. I'm doing good at work, I'm moving up quick. They have high expectations and hopes for me. They sent me to school, and they paid for everything. They invested in me, so obviously they see something in me, and I put back as much as I can. – Stuart

> I had a new drive, instead of doing wrong I wanted to do right. So three months later, soon after I got out of prison I immediately went to work in New Braunfels, working at a rock yard, the only white guy there, it was all Spanish guys so they didn't think I would last, but I worked twice as hard 'cause that was my new look on life. You gotta work hard. – Carter

> I started working after I dropped out of school in the 11th grade. I knew I wasn't going to go to college. My parents couldn't afford no college fees. But I've always been a hard worker, so I went to work doing construction, and I'm still working out there. – Nick

Statements that reflected taking responsibility for offending behaviors were made by 25 of the 38 respondents (66%).

> I put myself where I was at. I can be mad at my probation officer all day long. They didn't send me there, they have their jobs, I sent myself, I made the decision. – Patsy

> I'm not blaming nobody, 'cause I chose my path. They say your path always bites you in the ass. I've been bad all my life. The judge, he's tired of us. I don't blame him. I don't blame anybody. – Tommy

> But it was no decisions or influences of anybody else, it was just my stupid decision to do that, and I have to pay the consequences. – Merle

> It ain't probation's fault, it ain't the court's fault. It ain't nobody's fault but yours, and once you start learning to accept that, you'll start knowing that the truth hurts, but I'd rather hear the truth now than a lie, 'cause the lies, I already know 'em. – Charles

There is no magic bullet that ensures that a former offender will make the final turn away from future offending, but like redemption, agency is one quality that is associated with desistance. If desistance is viewed as a process that occurs over a period of time (McNeill et al., 2005) and is associated with the perception that one is in control of future events, then the connection between choices made and the consequences of those choices becomes clearer over time. This in turn leads former offenders to become more motivated to take an active role in the future direction of their lives. Probation officers and problem-solving court judges can, in their role as counselors, reinforce agency with their probationers by pointing out instances where good choices have led to good outcomes.

Group Comparison

HRP court participants were more likely to make agency statements than were regular probationers, although the differences were not large. Eighteen of the 19 HRP court participants (95%) made general agency statements compared to 14 out of 19 regular probationers (74%). Nine HRP court probationers (47%) mentioned their work ethic compared to 8 regular probationers (42%). The largest difference was in statements that took responsibility for offending behaviors. Fifteen HRP court participants (79%) made such statements compared to 10 regular probationers (56%). In the aggregate, all 19 HRP court participants made at least one agency statement compared to 16 regular probationers (84%).

Fatalism

Fatalism is seen as the opposite of agency and is defined as a failure to take responsibility for one's actions and to blame personal choices and consequences on outside forces and on other people. While some may argue that dysfunctional behaviors caused by drug addictions are not always due to personal choices, classifying drug-influenced behaviors as fatalism is supported by cognitive therapeutic approaches to drug addiction treatment that focus on increasing patients' self-efficacy (Beck, Wright, Newman, & Liese, 1993; Witkiewitz & Marlatt, 2005).

Fatalism is generally viewed as a negative trait associated with reoffending, but another dimension to fatalism is the phenomenon of probationers turning their fate over to a higher power. Their own efforts to control their lives have often led to unfavorable outcomes, many probationers regularly attend Alcoholics Anonymous and Narcotics Anonymous meetings so helps explain why some respondents made reference to seeking guidance from a higher power as it is one of the tenets of these organizations. However, this was not a dominant theme in the data as only seven respondents (18%) made such comments.

Fatalism plays an important role in the data. Of the original six constructs, three are thought to foster desistance from crime (redemption, agency, and motivation), and three are associated with criminal persistence

(condemnation, fatalism, and complacency). Of the three constructs thought to foster persistent criminal activities, only fatalism was mentioned by more than two respondents. Thirty-one respondents (82%) made statements that were coded as fatalistic, with a total of 71 references (the difference being due to individual respondents making multiple references).

Three types of fatalism were identified in the interviews. One type was general fatalism that was reflected in statements that expressed a general lack of ability to control events. Two other types involved assigning blame for their behaviors to other people or to drugs and alcohol. These fatalistic statements often implied that offending behavior was not within their control but was more a product of environmental factors. Ten respondents made generally fatalistic statements.

> We were just in the wrong place at the wrong time, I guess. – Emmy

> I'm a good person, but I can be an asshole or whatever you want to call it. It depends what happens and what's going on. It just depends on what's going on around me, my surroundings. – Vince

> I'm not saying I'm going to catch any new cases, but if something goes wrong in this probation, then I can see myself being in jail for a little while. – Jimmie

Drug and alcohol offenses were the most common category of qualifying offenses (10 out of the 38 respondents were on probation for drug possession and seven were charged with a third DWI), but only 11 respondents made statements that expressed the view that drugs or alcohol had caused their offending behavior.

> Alcohol was the main one. The victim, my ex-girlfriend, she's not a bad person, she's a good person too, she's got a good heart. But alcohol comes into it, and we just turn into different people, maybe. With alcohol, we just didn't go good together. – Stuart

> It's really drinking that has caused all the problems in my life. – Chet

> A lot of smoking marijuana and drinking alcohol will impair your judgment, so a lot of those were a lot of causes of my problems. – Hank

> I kept on doing it, kept on hitting her when I was drinking. I would never do it when I was sober. – Tony

The most common fatalistic statements expressed a view that others were to blame for their offending. Of the 38 respondents, 21 (55%) made these types of statements.

> I got around the wrong people and got hooked on drugs, and got caught at the wrong place at the wrong time. – Roy
>
> My husband should have got on a plane and come got his kids instead of putting me in jail. – Alison
>
> As an adult, the forgery charges that I have, that got me hanging out with the wrong people as well because I knew this one lady, and she introduced me to this one guy, and he got me into hot checks and stuff like that. – Jimmie
>
> But what happened, I started going more and more to the horse races with my brother, and he got me involved in drugs. – Charles

Just as agency is associated with desistance from crime, fatalism is thought to be a factor in persistent criminal careers. Respondents frequently described the shift from blaming others to taking responsibility for their actions and choices as an important turning point in their lives. This was often coupled with statements about maturing and growing up. To the extent that probation officers and the courts can encourage this shift in perception and attitude, it suggests another way to support offenders' rehabilitative efforts. However, it may be that the most potent force in this change is the passage of time, and thus the ability of the criminal justice system to accelerate the process of desistance may be limited.

Group Comparison

HRP court probationers made fatalistic references at rates comparable to regular probationers. The number of fatalistic responses was most similar between the two groups of probationers for the three main categories of fatalism (general, blaming others, blaming drugs). Sixteen HRP court probationers (84%) made fatalistic responses compared to 15 regular probationers (79%). The numbers were most similar for the sub-categories of blaming others (11 HRP court, 10 regular) and blaming drugs (6 HRP court, 5 regular). The largest difference was in the category of general fatalism. Three HRP court respondents (16%) made these types of statements compared to 7 regular probationers (37%). There was little difference between the two groups in the numbers of references to a higher power. Three HRP court respondents mentioned this construct compared to four regular probationers.

Motivation

Motivation refers to respondent statements that reflect a desire for a better future and an interest in pursuing positive goals. It was the most prevalent construct identified in the interviews. Among the pre-identified constructs, motivation was viewed as being on a continuum with complacency. Statements were coded as motivation if they offered some reason for trying to comply with probation terms, expressed a general desire for a better future, or mentioned specific goals. All but 2 respondents made statements

that were coded as motivation, and motivation also had the highest number of total references (158). Four types of motivational statements were identified: general motivational statements; desire for normality; family and children; and the desire to stay out of jail or prison. General motivation was mentioned by 21 of the 38 respondents (55%).

> Another thing they used to tell me is I'm never going to finish probation. I want to prove them wrong, that I can finish probation. I've never in my life finished probation. I've always revoked it. But this time I like my little folder with everything I have to do. – Ralph

> My stepdad, I forgot to mention this, he's an alcoholic, but he's been sober now since 2007, and I never thought that man would be sober, never, never in my wildest dreams. And to see that, that's motivation for me to see him. – Earl

> By the time I came home I called to check up with my counselor and a lot of people had overdosed. Died. A lot of people had gone back to jail. A lot of people recommitted their crime. And I was like, I don't want to be that statistic. I'm going to show them I'm different. – Patsy

> It doesn't bother me to go see my PO, it does a lot of other people, the HRP court doesn't bother me. It's kinda good, because not only am I trying to do good for me, I'm trying to do good for them. So they can be proud of me. So they can be, "aw man that's the one. See that guy there, he's doing everything he's supposed to do." – Carter

Another theme that was coded as motivation was the desire for normality. While one probationer mentioned winning the lottery as a feasible path to a better future, most respondents had much more prosaic goals and means to achieve them. These types of statements which were made by 26 respondents (68%) were coded as desire for normality.

> Hopefully I see myself in a home with my children, going on vacation again, baseball games, football games. We have 14 month old twins. Just living the life that I should have been living. – James

> I've got three more years left, then things will be normal again. – Vince

> I just hope to have my own place, my own car, have somebody who cares about me as I care for them and maybe one day have a family with them. Have a good job, be done with probation. Just living life like the rest of y'all Americans. – Chet

> I can't do that until I get off probation. So that's like a little motivation for me to better so I can live a normal life. – Stephan

Family and children were often mentioned as motivating forces in respondents' lives. They were mentioned by 20 of the 38 respondents (53%).

> I want to be a dad that my kids can look up to. With everything that I put my children through with me going to prison, and then me coming out, and then seeing me go through all this other crap and bullshit. I want them to have a dad that they can rely on. – Earl

> I hated it [probation]. I didn't want to be here. I would rather to just go to jail, but I couldn't do that because my kids were on my mind. – Tony

> I have a son on the way next month, and I just feel it's a new energy, it's a new feeling, it's keeping me motivated. – Lester

> I have a brother that's been incarcerated all his life. I raised my nephew and my niece for him, and it's just something I don't want my own kids to have to go through, so that keeps me motivated to stay on the right path. It's either that, or I'll see my kids grow up from behind bars. – Ricky

The fourth notable category of motivation is the desire to stay out of jail or prison which was coded in 26 of the interviews (68%).

> I knew it [probation] was going to be bad, but it couldn't have been worse than jail. – Frank

> He [judge] gives you an option, either out here or in there [prison], and I would rather be out here than in there 'cause it was going to be a long, long time. – Bill

> Honestly, because I don't want to be in prison. I don't want to lose my freedom. Not that I'm scared to go or nothing, that's just not for me. I don't want to be in prison, that's the bottom line. I don't want to lose my freedom. – Stuart

> I would rather take probation than having to go to prison again. That's not a place for me. There's too many crazy youngsters over there. You go, and you're not sure if you're coming back out. With the background checks, you go to prison, and it looks worse on your record and on your background than probation. – Merle

The prevalence of motivation in the data may be reason for optimism about the prospects for the successful completion of probation for this sample. The expressed desires to exchange a deviant lifestyle for a normal one, to be a contributing member of their families, and to remain unincarcerated imply a readiness to leave a troubled past behind and a vision for a better future. Without these motivating forces in their lives, it is easy to imagine the respondents yielding to temptation and reverting to the old behaviors

that led to their current situation. However, motivation to cease negative behaviors is likely to be inadequate if it is not coupled with a desire to move in a positive direction. In other words, while it is important to just say no to incarceration and reoffending, it is equally important to just say yes to some type of pro-social activities.

Group Comparison

The differences in the numbers of HRP court respondents making motivation statements compared to regular probationers were small. All 19 of the HRP court respondents made such statements compared to 17 of the regular probationers.

Complacency

Complacency is viewed as being at the opposite end of the continuum from motivation. Statements were classified as reflecting complacency if they implied a lack of interest in making positive life changes. As with condemnation, statements that expressed a complacent attitude were extremely rare in the data. Only 2 respondents made such statements; 1 was from the HRP court group and one was a regular probationer.

> I just pulled a dime out of another county, 10 years, for the same thing, evading arrest. I guess the cops don't like for me to outrun them. – Eric

> I'm kind of at a standstill, and I kinda just keep myself from doing what I need to do – Lucille

While this study cannot make the inference that probation causes probationers to be motivated versus complacent, these data do suggest that probationers often profess the desire to have a better life. Given the high rates of probation failure, we know this motivated attitude does not always translate into a positive outcome. However, if the desire to change is the first step in that process, for the most part this sample has at least taken that first step.

DISCUSSION AND POLICY IMPLICATIONS

As the era of mass incarceration drags on and recidivism rates remain high, there is a growing chorus of voices from across the political spectrum to find more just, efficacious, and cost-effective ways to manage and rehabilitate the offender population (Alexander, 2012; Pew Center, 2009; Right on Crime, 2010). Seeing offenders' perceptions as a key element of the corrections system holds promise of a path to redemption not only for offenders but for corrections practices in general.

In this study, the two groups' descriptions of their probation experiences were more similar than they were different. However, for four of the original constructs (redemption, condemnation, agency, and motivation), respondents from the problem-solving court expressed perceptions more favorable

for desistance from crime. While the differences between the groups are small, this outcome suggests that a larger study might be worthwhile if it focused on establishing a causal relationship between the problem-solving court and the more positive perceptions.

This study supports practices in community corrections that focus on changing offenders' perceptions via cognitive therapy (Vennard, Sugg, & Hedderman, 1997; Wilson, Bouffard, & Mackenzie, 2005). Shifting the emphasis away from threats of punishment and toward probationers' perceptions of themselves and their circumstances helps situate the responsibility for change within the offender, as opposed to more traditional carrot and stick approaches that rely on extrinsic motivations to change.

While in many instances the probationers' stories in this study unfolded as tragedies, it often seemed as if their problems were almost inevitable given the situations they were in. With a different set of circumstances, opportunities, and obstacles, their lives might have taken very different paths. Despite the obstacles and setbacks, their outlooks are generally positive. They tend to perceive themselves as fundamentally good people who have made a few bad choices. Probation officers who recognize these existing positive perceptions may be able to build upon them to help support the cognitive changes that are associated with desistance. This is true whether or not a particular community supervision office has access to a problem-solving court. While a probation officer may not be as powerful an authority figure as a problem-solving court judge, the fact that probation officers can ask a judge to revoke probation and send an offender to prison gives them significant influence upon their probationers as they work to reshape their criminogenic perceptions (McAdams, 2001; Wexler, 2001).

The findings from this study were not definitive, however some overall trends and patterns in the data were strong enough to suggest several ways to deliver probation services more effectively. Four areas to be targeted are identified.

Expansion of HRP Court

There are not dramatic differences in how the two groups of respondents describe themselves in terms of redemption, condemnation, agency, fatalism, motivation, and complacency (see Table 4). While this might lead to the conclusion that the HRP court is not a particularly effective tool to increase probation success rates, its effects do appear to be generally and consistently positive, and those small differences could yield outcomes that make a real difference for some probationers. Certainly there is no evidence that the problem-solving court has any negative impacts, and the similarities between the groups might reflect the generally positive effects of regular probation. As a practical matter, it is not necessary that HRP court participants have dramatically more positive perceptions than regular probationers. Given the expenses of incarceration compared to probation (Aos, Miller,

& Drake, 2006; Carey & Finigan, 2004; Kalich & Evans, 2006), if the HRP court produces even a marginal improvement that results in fewer revocations, the financial impact would be significant.

Expanding the use of HRP court would pose logistical issues and could reduce the effectiveness of the court. Roughly a third of high-risk, felony probationers in this study participate in HRP court. If the same judge were to monitor a larger number of cases, it is likely that he would make less of an impression on each probationer because his attentions and energies would become more dispersed, and the problem-solving court could regress to the same assembly line justice model that it was supposed to replace (Berman & Feinblatt, 2001; Jensen et al., 2007; Mirchandani, 2008; Payne, 2006).

One way to address these obstacles is to recruit a second HRP court judge. It would be important that this recruitment effort be a persuasive one and that the new judge is fully committed to the HRP court philosophy. The current judge is the originator of the HRP court and brings a level of commitment that might be difficult to match. However, if a new judge was convinced that his efforts were making a real difference in probationers' lives, then the effects of the HRP court could be maintained and even multiplied.

A second approach to expanding the effects of the HRP court follows the suggestion of Bozza (2007) who argued that most of the goals of problem-solving courts could be achieved by allowing probation officers to use a more vigorous form of probation that would include the imposition of swift and sure sanctions similar to the behavior modification efforts employed by problem-solving court judges. However, this approach comes with considerable risk. If probation officers' roles were to become more judicial and punitive and less supportive, it might produce the opposite effect upon probationers from what was intended (Bonta, Rugge, Scott, Bourgon, & Yessine, 2008).

Seeing Probation as an Accomplishment

The responses from this study suggest that offenders distinguish between their actions and their character. This is reflected in the predominance of statements reflecting redemption, positive self-image, and motivation, and the rarity of statements that reflect condemnation or complacency. Respondents generally acknowledge having done bad things, but they do not perceive of themselves as bad people who will inevitably reoffend. However, this positive perception of convicted felons is far from universal (Manza, Brooks, & Uggen, 2004), despite the public's general support of rehabilitation (Cullen, Fisher, & Applegate, 2000). For a convicted felon, the reality is that after successfully completing a daunting series of probation requirements that include paying substantial fees and fines, maintaining employment, getting therapeutic treatment, attending meetings, regular reporting to their probation officer, and abstaining from drugs and alcohol, successful probationers are rewarded with a life-long felon label and perhaps a wish for good

luck, which they will surely need as they attempt to rebuild their lives in a society that often turns its back on them.

Given the difficulties that convicted felons face in their efforts to reintegrate into society, one way to address this issue is to work to reshape the public's perception, especially employers, of what it means to have successfully completed a probated sentence. It is probably naïve to imagine that an employer might look upon a former probationer as a more desirable hire than someone with a clean criminal record, but for many offenders, the successful completion of probation is a real accomplishment, sometimes the most substantial one in their lives, that requires exactly the types of skills and character (motivation, positive self-image) that employers claim to desire. Completing probation could be viewed as a positive accomplishment that is indicative of one who possesses admirable qualities, especially perseverance in the face of adversity.

One way to foster this crucial change is for probation departments to develop relationships with a select group of employers who fully appreciate the risks and rewards of working with ex-offenders. While this approach might involve a large government bureaucracy, it could also be developed on the local level in a creative and informal way. This approach would allow a more tailored program that fits local residents with local employers as opposed to a bureaucratic uniform approach that would inevitably be a poor fit in some cases. A local, free-market approach is more in line with current political and economic thinking. Probation departments could be incentivized by the state to develop effective local employment initiatives with state support based upon successful job placements. These incentives would involve budgeting of public funds, but the savings would be realized as the investment yields more employed citizens and a reduced rate of reoffending.

This type of cultural change will be very challenging to bring about. The occasional rehabilitative failure that leads to reoffending, especially if the employer is the victim, will be magnified out of proportion and used as evidence that rehabilitation does not work. A tailored approach will help to reduce these instances by careful selection and placement of those probationers who show the most promise. To some degree, the culture of distrust can be changed from within as probationers who appreciate the opportunity for steady employment will serve as examples of the change that can occur given opportunity and support. While the risks of such a plan are considerable, so is the up-side potential for employers, probationers, and taxpayers.

Peer Mentoring

Redemptive comments from some probationers regarding helping others learn from their experiences imply that there might be potential in a peer mentoring program wherein probationers who have successfully completed their probation could act as mentors to others who may perceive the requirements as impossible or feel that they have been set up to fail. There is very lit-

tle mention of such probation peer mentoring programs in the literature, and what few there are seem to be concentrated in the United Kingdom (Fletcher & Batty, 2012).

A probation peer-mentoring program is not as much of a conceptual stretch as might first be imagined. Alcoholics Anonymous and Narcotics Anonymous have been using this approach for many years; those who struggle daily with drug and alcohol issues serve as guides to others with the same challenges (Dombeck, 2005). Just as the AA/NA model could provide guidance for such a program, it would also serve as a guide to what not to do. Participants in AA and NA are discouraged from forming relationships with other participants outside of the group due to the risk of reinforcing negative behaviors and attitudes among participants who are tempted to regress to alcohol or drug use. A probation peer-mentoring program would need to operate under similar guidelines so that the peer mentoring leads away from reoffending rather than toward it.

The great advantage of such a program is the credibility that successful probationers would bring to the discussion. Probationers' complaints that no one understands how hard probation is could be quickly dismissed, and energies could be focused on more positive strategies for moving forward with their lives. While the focus of a mentoring program would be to support the mentees in their efforts toward rehabilitation, the other potential benefit would be the therapeutic effect upon the mentors as they bolster their redemptive identity through their efforts to help others learn from their mistakes.

Maintenance of Family Support

One of the purported advantages of probation over prison is that it allows the continuation of family relationships that are severely strained by incarceration. Given the important role that families play in motivating these respondents' efforts toward rehabilitation and the empirical evidence that maintenance of those ties reduces recidivism (Flavin, 2004; Hairston, 1991; Wright & Wright, 1994), there seems to be some potential to capitalize upon family ties to reinforce the goals of probation. These efforts must be judiciously applied to avoid fostering family ties that would lead to further victimization of either probationers or members of their families upon whom they have preyed in the past. However, in cases where the familial relationships are supportive, motivating, and nurturing, efforts to maintain and reinforce those ties would appear to serve the goal of leading probationers away from future offending.

LIMITATIONS AND FUTURE RESEARCH

Given that this research was conducted at a single community supervision office in one rural county (2010 population 131,533), the ability to generalize the results to other sites is limited. Even if the HRP court is effec-

tive at increasing probationers' sense of redemption, agency, and motivation, it may be that idiosyncrasies in the court and probation department play a large role, and those qualities may be absent in other programs that appear on the surface to mirror the HRP court. Other limitations include the possibility that all of the constructs that influence probation experiences were not captured and analyzed. For example, criminal history is known to be among the strongest predictors of recidivism (Gendreau, Little, & Goggin, 1996), but this study does not include a comparison of respondents' criminal backgrounds. Questions about the external validity of the data may also be raised by the particular racial/ethnic characteristics and sex ratio of the sample which is not typical of the state's general felony probation population.

The sample size also limits external validity. The sample is a convenience sample, and while patterns were found in the descriptive data that provide useful insight into the process of desistance, it cannot be assumed that those same patterns will be found in other problem-solving courts which have different populations and different personnel who interact with clients.

One important unanswered question is whether the small differences between the perceptions of the HRP court participants and the regular probationers will translate into significantly different outcomes in the long run. Future longitudinal research that tracks this group of participants could help to answer that question.

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Reviewed by: *JQCJC Book Review Editor: Kevin F. Steinmetz, Kansas State University, USA*

While most people seem content to enjoy the front-stages of everyday life–going to safe spaces deemed appropriate for occupation–there are those who are enthralled by the backstage spaces of contemporary urban landscapes. In *Explore Everything: Place-Hacking the City*, Bradley Garrett details his research into *urban explorers,* a subculture that delves into the hidden (or hidden in plain sight) city spaces such as abandoned urban ruins, underground tunnels, and imposing skyscrapers. To date, this work is most likely the definitive study of urban exploration (sometimes referred to as UE) and should be the starting point for anyone from student to academic who is interested in the situational and cultural dynamics underpinning urban exploration.

Garrett is a cultural geographer at the University of Oxford's School of Geography and the Environment. This book sprang from his doctoral thesis completed at the University of London where he spent his years deeply embedded with urban explorers. Using ethnographic methods, Garrett actively participated in numerous explorations and infiltrations, often photographically documenting his forays. In *Explore Everything,* Garrett pulls the reader through his (mis)adventures through well-crafted and detailed writing in a manner both thoroughly academic yet accessible, as he transports the reader into the lived experience of urban exploration while often taking brief detours to illuminate key cultural and experiential features (and run-ins with the law) along the way.

The organization throughout *Explore Everything* is a mixture of chronological and thematic making for a compelling–though sometimes redundant–read. The first chapter introduces the reader to the urban exploration subculture. As he describes the general scene, establishing a foundation for the rest of the book, he immediately pulls the reader into the lived experience of urban exploration through narratives of specific expeditions into the field. Photographic images are often used throughout to reinforce the magnitude of these explorations. For instance, in the beginning of this chapter, Garrett describes ascending a crane on top of the Shard, the tallest building in London, with other urban explorers. Through photos and his visceral descrip-

tion, the reader can almost feel the vertigo, adrenaline rush, and sudden satisfaction of reaching the top and looking out over the busy lights of London. Also in chapter 1, Garrett introduces the features of urban exploration, the history, and his methodological approach used in this study.

Garrett continues his cultural investigation of urban exploration in chapter 2, noting how the practice is not just an exploration of space but also an exploration of *time*; going through various ruins, tunnels, and other forgotten spaces often bring explorers into direct confrontation with the past. Building from this theme, chapter 3 describes how spaces are always in transition, leading the reader to the notion that ruins, remnants of the past, are also imagined to be markers of the future. Space and time thus collapse in on themselves through urban exploration:

> [T]he image of the "ruin" is emblematic not only of the fragility of capitalism but also of its inevitable destruction. Even when trespassing in construction sites, explorers love to imagine that we are seeing ghosts from a future yet to come. (p. 64)

In chapter 4, Garrett details how the London Consolidation Crew (LCC) came to be–the group with which he was primarily affiliated. He uses the formation of the group as a vehicle for detailing various subcultural group dynamics. Lyng's (1990) concept of edgework is also applied, a theme which emerges repeatedly throughout the work. Then, in chapter 5, Garrett focuses on the LCC's explorations of the London tunnel systems, highlighting how such acts are linked to the politics of resistance, a kind of reclamation of the commons which have been increasingly restricted throughout late modernity. In addition, he notes that one of the key driving motivations of urban explorers is the search for "holy grails" or the rarely explored places of the city.

Various explorations in the United States are described in chapter 6 since the LCC become fragmented after police intervention into their activities. Their expeditions included Chicago, Minneapolis, and Las Vegas. Garrett highlights unique experiences in U.S. urban exploration and further develops the UE's relationship to the contradictions and oddities of late capitalism, particularly in his descriptions of Las Vegas with its massive homeless populations, underground tunnels, and spectacles of both monetary and architectural excess.

In chapter 7, Garrett describes perhaps the most noteworthy events which took place over the course of his research, the media circus which formed around his study and the subsequent intervention of law enforcement resulting in legal trouble for himself and some of his research participants. Here we see a collision between research, deviance, transgression, and social control come together in a way that drastically affected many involved in the study.

Drawing from works in various disciplines, perhaps most heavily from cultural criminology, Garrett casts urban exploration as a politically and cul-

turally transgressive scene in the backdrop of late modern capitalism and urbanization. He does this by highlighting the context in which urban exploration takes place as well as detailing the phenomenological experience of such transgression; in this way his work complements other noteworthy cultural criminological works such as Ferrell's (1993) investigation of graffiti writers and Hayward's (2004) descriptions of transgression in city spaces. According to Garrett, even though many urban explorers assert to be apolitical and often espouse notably libertarian views, urban exploration is often subversively political in the tradition of cultural criminology–dialectically situated as a beneficiary of late modernity and a form of resistance to it. As such, this book is seminal reading for any criminologist interested in ethnography and cultural criminology.

While much of this review is complementary toward Garrett's work, there are some serious criticisms to be leveled, particularly regarding research ethics. As one example, though there are others, Garrett describes finding himself (more than once) in the position of balancing his role as an active member of the urban exploration scene and his role as a researcher, particularly as he contemplated whether or not to post exploration photography and descriptions online. In both described instances, his decision was to post the material. While this earned ire from some other urban exploration groups, such seeming indiscretions, although justified through alleged subcultural demands and a desire to see his crew receive credit for first cracking these areas, eventually resulted in a media circus and his arrest of himself as well as that of other members of the urban exploration community. While Garrett attempts to justify his actions throughout, these neutralizations come off as weak, for such issues may have been easily avoided if he had erred on the side of caution (and research ethics) more often and elected to provide greater protections for his research participants.

Potential ethical issues aside, Garrett's book is a noteworthy contribution to the criminological canon and is a must read for anyone interested in cultural criminology and ethnography. The reader should be astutely aware of the ethical problems in this work, however, and perhaps use it as a cautionary tale for things to avoid in their own research endeavors. Regardless, urban exploration is an area thus neglected in criminology, and Garrett does an admirable job of making advances toward sealing this gap.

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Book Review: Contreras, Randol, *The Stickup Kids: Race, Drugs, Violence, and the American Dream*

University of California Press, 2013; 272 pp.; ISBN: 978-0-520-27338-2

Reviewed by: *Robert J. Durán, University of Tennessee, USA*

Most academics do not live in segregated black or Latino communities that contain higher rates of violence and incarceration. Historically, ethnographers have attempted to bridge this gap, but only a small number of these researchers match the populations they are studying in terms of age, class, ethnicity, and gender. An even rarer ethnographer comes from these same neighborhoods and shares lifelong friendships with the participants. Randol Contreras's *Stickup Kids* provides an in-your-face portrayal of a drug dealing crew turned drug robbers in the South Bronx of New York City during the late 1980s and early 1990s. Due to structural changes in the drug market, several young Dominican entrepreneurs sought other ways to maintain their previous high-spending lifestyle. Contreras presents an insider account of 27 people that is hard-hitting, gravitating, and reflexive. In this book review, I will outline my interest in this book, some of the major themes presented, and some issues deserving increased attention.

In the fall of 2013, I was preparing to teach a graduate course on Juvenile Justice and I came across Contreras's recently released book. The title included *Kids,* and my assumption was that it might provide an excellent opportunity to expose students to an ethnography of youth violence. The actual outcome was more of a longitudinal opportunity to get my students thinking about marginal lives and individual changes over time. I used other books that primarily focused on the years of adolescence and only a small number of studies offer the breadth to cover the highs and lows of young men and women as they age over time. As I began reading, I became a little bit inquisitive–who is Randol Contreras? As an urban ethnographer, with previous ties to gang membership, drug markets, and having had experience as a robbery victim, the best way to develop an understanding of who someone is, in my eyes, to meet and talk with that individual in person. I made sure to attend Randol's presentations at the 2013 annual *American Society of Criminology* conference. Randol presented himself as an articulate, intelligent, and soft-spoken individual whom I believed could have maintained the type of personality to conduct this research study. My students were eager to hear my evaluation since they loved the book. As levels of drug related violence on the U.S.-Mexico Border began to decrease, none of the other books

assigned captured the same interest of my students who were living in a geographic area located between some of the lowest levels of violence in the United States (El Paso, Texas) and the highest levels of violence in the world (Ciudad Juárez, Mexico).

Dr. Contreras organized *The Stickup Kids* into three parts. The first part focused on establishing a historical and geographic context for which the rise and fall of crack cocaine took place. Then it moves into the dynamics of a drug robbery and finally to the outcome of the participants in the study. Dr. Contreras's book captured the interest of my students and me primarily by offering three contributions. First, the style of writing presents an insider version that is similar to Philippe Bourgois's (1995) *In Search of Respect.* The entire book provides a conversation between Randol and his friends who were engaged in drug dealing and later a drug robbery lifestyle. Rather than providing blocked sections of quotes, the dialogue is interwoven into the narrative. The primary two characters are Gus and Pablo who are hoping to attain the American Dream. Second, because Randol has known these individuals from childhood, he is able to analyze longer periods of their lives. This allows for the participants and Randol himself to be comfortable both in the context of where the study is located and for the ease in which the young men share information–an ethnographic accomplishment that allows for a clearer overview of the highs and lows of an individuals' life. Contreras compares this insider knowledge with the literature on drug robbers, especially the work of Jack Katz (1990). Katz focused on the emotional thrills of participating in violence whereas Contreras situated these stories into a geographic context and time period and by outlining the marginalized social position of the participants. The third point of interest is the airing of dirty laundry, which at times made me cognizant of the difficulties for members of underrepresented groups to share their stories while ensuring they are not generalized into already accepted stereotypes. However, it helped make the study more realistic by describing real world situations in which masculinity and violence are reenacted through a stratified society plagued with racial inequality. Randol himself described this as a standpoint crisis, and he struggled whether readers might view such a portrayal as vilifying the larger Dominican community. His goal was to show the complete view of human beings and what events led to their present situation.

There were some issues that deserved increased attention, but I attributed this more to the restraints of trade presses, university presses, and page limits that Randol alluded to under the heading of Danger, Writing, and Representation in the Introduction. This omission of material led to an abrupt shift from part two to part three. Although there were five chapters in part one and part two, there was only one chapter in part three. I thought there needed to be more chapters or information provided to outline the reasons for the fall of the drug crew turned drug robbers and more analysis in the conclusion. The solutions were quickly introduced and not developed. In the

final chapters, I would have also liked to read more about issues of race and ethnicity that were introduced in Chapter Four "The New York Boys" and the role of an insider in creating solutions.

Overall, Randol Contreras's book the *Stickup Kids* pushed me in many ways. It made me reflect on my past and how was it that I wound up in a career as a professor and not a drug dealer or stickup kid. It made me think of the individuals who share their stories with researchers and what obligation we have to tell the story correctly while at the same time attempt to uplift marginalized communities. It made me aware that only someone in the shoes similar to Randol Contreras could tell this story because of his positioning in the South Bronx and in the lives of the participants. Although the story of the rise and fall of drug dealers is a popular genre in movies and music, Dr. Contreras shines in providing readers a greater level of complexity and nuance to understand these experiences.

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Book Review: Holloway, Pippa, *Living in Infamy: Felony Disfranchisement and the History of American Citizenship*

Oxford University Press, 2013; 229 pp.; ISBN: 9780199976089

Reviewed by: *Gregory J. Fremin, University of Houston Downtown, USA*

In a historical account of the origins of felony disfranchisement in America, Pippa Holloway details how race and regional politics formed the basis for the exclusion of African Americans on the right to vote. Holloway's *Living in Infamy* attempts to connect the dots from the past to the present by educating the reader on how America came to utilize felony convictions as a societal class preservation tool to exclude African Americans from voting. Holloway delves deeply into ancient Roman and Greek law and continues through Anglo-European law and ideology to set the stage for how our forefathers in early America inherited these customs and laws. She creates a window for the reader to see how these laws and customs were employed to continually subjugate the African American population in the Deep South, specifically by stripping them of their voting rights. Holloway describes how our founding fathers brought these customs to America and, specifically, how they were impacted the Southern culture.

The vast majority of Holloway's concentration in this book cover pre- and post-Civil War era activities, with her main emphasis focusing on the Deep South states and their legacy of slavery, segregation, Jim Crow Laws, and the South's resistance to reconstruction leading into the early 20th Century. Holloway contends that although felony disfranchisement had flourished in America since its inception, the South's segregated and racist mindset of maintaining the subjugation of the Black race was taken to new heights with the state governments' radicalization and tailoring of voting rights laws to disenfranchise the Black vote. Holloway's research provides dozens of case laws, court decisions, early constitutional state conventions, "minutes of the meetings," legislative rulings, affidavits, and personal testimonies dating back from the 17th through the early 20th century. These personal reflections and observations give a rich description of the political landscape in America, specifically the post-Civil War South. Her ability to research and find miniscule statements from archived records from over 200 years ago

pertaining to disfranchisement are exhaustive. This allows the reader to fully grasp the depth and emotion of the time period.

Holloway captures the essence of the Southern White Democratic Party's ideology, which was hell bent on keeping their political and social superiority over African Americans by disfranchising them. She demonstrates this by detailing the decades of time the southern political machine spent on manipulating the voting laws in the former Confederacy, specifically by utilizing past arrest and convictions for the disfranchisement of the African American vote. Crimes that were once considered petty misdemeanor thefts were now elevated to felony disfranchisement in efforts to maintain the legacy of subjugation toward African Americans.

Having the legal authority and power to manipulate the law to one's advantage is exactly what the Southern democrats did to maintain their hierarchal White power structure. The Mississippi Pig Law is one such example of how previous low level crimes were suddenly elevated to felonies, thus resulting in voter disfranchisement and possibly several years in prison for offenders. Sadly, as Holloway points out, livestock thefts were committed disproportionately by African Americans, mainly because of their inability to maintain income and the need for survival, especially after being freed. Therefore, the Southern law makers found it quite convenient to make these offenses punishable by disfranchisement in efforts to quell the Black voting bloc. Indeed, as Clegg (2010) asserts, "no other democratic nation imprisons as many of its people because of the felony conviction. Between 1890 and 1910, five states in the Deep South (Alabama, Louisiana, Mississippi, South Carolina, and Virginia) tailored their criminal disenfranchisement laws to increase their effect on black citizens" (p. 170). Holloway describes how these once petty crimes were now elevated to felonies in Chapter Three, "A Chicken Stealer Shall Lose His Vote." According to Holloway, the Southern legislators during this time period felt that crimes mainly perpetrated by White males such as murder and robbery were crimes of passion; because they only affected individuals, they should therefore not result in disfranchisement. Legislators contended that these were "robust" crimes, whereas the predominant crimes committed by African Americans were "furtive", and thereby damaging to society as a whole. Holloway demonstrates through historical records that thousands of African Americans were disqualified from voting as a result of these bogus and racist laws.

Names such as Canary Curtis, Henry Lucas, and John Sullivan have long been forgotten in regard to the struggle for Black voting rights, but are brought back to life by Holloway as she brings their individual court cases into focus. She uses these three African Americans and their respective stories to detail the early 20th century progressive movements' successes that African Americans would eventually have in the courts. Although many more struggles were ahead for the Blacks, she lays the early foundation of what was occurring both politically and socially during these time periods,

especially the visceral relationships that existed between Southern White Democrats and Republicans. This is the greatest strength of the book, and Holloway's ability to capture the essence of what life was like during that perspective time period personifies exactly how felony disfranchisement could flourish.

The author is talented, and her biography along with her numerous books are attributable to her literary success. Unfortunately, some omissions of contradictory evidence erode the academic worth of this text. This problem most notably occurs in Holloway's attempts to link past recriminations of disfranchisement from the post-Civil South to current voter exclusionary rules in today's society, particularly the 2000 presidential election.

She begins and ends this book by criticizing the 2000 presidential election won by George Bush. Holloway contends that the ghost of America's felony disfranchisement laws swarmed the state of Florida during this election, and this was coupled with voter intimidation and irregularities. All of these actions were condoned by the Republican Party and orchestrated by Florida's Republican Secretary of State, Kathleen Harris. Holloway even mentions that the 1916 election in St. Louis "offered images that foreshadowed recent elections in the United States, most famously the 2000 election in Florida in which African American voters were disproportionately affected by false accusations of prior, disfranchising convictions" (p. 150). Burch (2012), however, contends that Florida's disfranchisement laws *did not* assist in electing President Bush; instead, had the ex-felon population of Florida been allowed to vote, they would have favored Bush during this election. Additionally, Assistant U.S. Attorney General Ralph Boyd (2002) submitted a letter to Congress stating "The Civil Rights Division found no credible evidence in our investigations that Floridians were intentionally denied their right to vote during the November 2000 election." Holloway may have been well-served by addressing contradictory evidence. Without such effort, the piece may be interpreted as unduly political or biased.

The legacy of felony disfranchisement in this nation and subsequent advancements speak volumes about how far this nation has come in regard to civil rights and justice. Holloway captures this by bringing it to life in her book. Holloway thoroughly documents the early history and legacy of disfranchisement in this nation, while glossing over the last 70 years. This time period ushered in the most radical changes for advancement and civil rights to minorities, and her lack of detailing the full progressions of disfranchisement laws is telling. Restrictive and unlawful voting laws were struck down by the Supreme Court and rightfully so; however, many states maintained their right to deny voting rights to felons based on a Supreme Court ruling *Richardson v. Ramirez* (1974). In attempting to connect the dots from America's racist past to the present, Holloway eschews legal interpretation for racist interpretation. Holloway insinuates that current felony drug possession laws are a modern day continuation of the Mississippi Pig Theft Law,

as an attempt to stifle the Black vote. These opinions are without legal basis and sour the integrity of the book. While this evidence is not damning for her analysis, failure to consider it within her narrative may weaken the overall analysis.

Concluding, Holloway's attempts to resurrect the origins of felony disfranchisement into modern day society lack factual and legal standing. Her opening and closing salvos against the Republican Party give the reader the impression that the culture and laws of yesteryear are still in effect today. This ultimately denigrates the civil and voting rights accomplishments this nation has achieved, thus undermining the integrity of this book.

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Book Review: Nigel South & Avi Brisman (Eds.), *Routledge Handbook of Green Criminology*

Routledge, 2013; 448 pp.;
ISBN 9780415678827

Reviewed by: *Gary R. Potter, London South Bank University, UK*

The first articulation of a 'green' criminology – that is, a criminology concerned with man-made environmental harm – is usually attributed to Michael Lynch (1990) in his essay *The Greening of Criminology: a perspective on the 1990s*. Although not the first criminological work on environmental harm, Lynch was one of the first to argue that environmental problems in themselves, and the social harms that so often stem from them, can be seen to be legitimate criminological concerns – and that criminologists, therefore, may be well positioned to contribute to analysis and discussion of the environmental degradation that has become characteristic of late-modern, super-industrialised global society. At the time, Lynch firmly aligned this to critical and radical criminological traditions, recognising the common cause of social inequality and ecological devastation. To slightly oversimplify, those fighting social injustice and those concerned with environmental degradation share a common enemy in the unrestrained forces of global consumer capitalism, and a common cause in the resultant suffering of marginalised and powerless groups.

For much of the next two decades, green criminology remained a somewhat niche interest. Publications in this specialist area slowly began to multiply (with a special edition of *Theoretical Criminology* in 1998 being a particular landmark) but green criminology struggled to be taken seriously as a mainstream criminological concern. When I started teaching a specialist undergraduate course in green criminology in 2008 it was, to my knowledge, the first of its kind in England (elsewhere in the UK, a course at Queen's University, Belfast, was started by Dr John Karamichas in the same year). Selecting materials for a reading list was somewhat easy as there was so little to choose from; convincing both students and colleagues (both within and beyond my own institution) that environmental problems should be a central plank of criminological study was somewhat harder. These two observations go to the same point: green criminology simply didn't feature in major criminology textbooks, taught courses or, for that matter, conferences and was far from being accepted as belonging to the criminological mainstream.

This situation has changed significantly in recent years. A plethora of books and articles on green criminology, environmental crime, conservation criminology and related areas have come into being. The conferences of both the American and British societies of criminology now have regular green criminological streams, and specialist international conferences have taken place in the Netherlands and the UK. Many introductory criminological textbooks now include chapters on environmental crime, as do an increasing number of undergraduate criminology and criminal justice courses in Europe, North America and beyond. Importantly, criminologists from mainstream, administrative and realist perspectives have joined their radical, critical and idealist cousins in recognising environmental problems as a legitimate criminological focus. Like the study of white-collar, corporate and state crime, green criminology has become established within the broader criminological tent.

The *Routledge Handbook of Green Criminology* both reflects and continues this development. It is the first collection of its kind – a selection of commissioned contributions that begins to do justice to both the breadth of subject matter and depth of analysis that green criminology has become. It is an impressive volume – 26 chapters (divided into six sections) from 36 contributors whose biographies and research represent all corners of the globe. Chapters include empirical case-studies (both problem-specific and location-based), reviews and more theoretically-driven essays. Examples and discussions cover the full range of local to global, with analyses of environmental problems including global warming, deforestation, hunting, poaching and the wildlife trade, pollution, food contamination, littering and more – although such is the range of environmental harm that could be, and increasingly is, being subject to criminological analysis, the editors do emphasise that the book's content is "*representative,* rather than *exhaustive*" (p. 19, emphasis in original).

As is usually the aim, but not always the case, in such a work, each chapter is a worthy stand-alone piece in its own right, and a chapter-by-chapter overview is beyond this review. However, there are a couple of particular points that emerge from the book as a whole that are worth highlighting here. First, there is the variety of topics dealt with. Not only are a range of harms against the environment (environmental harm *as* crime) covered, as suggested above, but a number of other areas where environmental issues overlap with criminological issues are also included – examples include chapters that focus wholly or partly on the way that environmental damage can be a causal factor in more 'traditional' types of crime (environmental harm as a *cause* of crime), be it 'the criminogenic consequences of climate change' (Hall and Farrell; chapter 7) or the 'wild west' criminality associated with the deforestation of the Amazon rainforest (Boekhout van Solinge and Kuijpers; chapter 12), and a chapter examining the potentially beneficial role of nature in rehabilitating offenders (Pretty, Wood, Bragg and Barton; chapter

11). Such varied contributions both reflect and strengthen the argument that a 'green' perspective can have a lot to contribute to criminology as a whole.

Second, the theoretical approaches seen in different chapters are noteworthy in their own right, but taken together suggest some theoretical development across green criminology more broadly. On a general level, we remain very much where we were with Lynch in 1990 – much environmental harm is the inevitable flip-side to the capitalist ideal of growth. However, specific theoretical ideas (such as the treadmill of production; Greife and Stretesky; chapter 9), and in depth analyses of relationships between the environment and the (global) economy (such as the chapters that make up section four) build towards a far more nuanced and detailed understanding of the processes at work here. Capitalist structures, social inequality and environmental damage are intrinsically linked, and the various chapters in this book work together to increase our understanding of exactly how and why this is so. Again, following the point in the previous paragraph and the earlier observation about the overlap between social justice and environmental causes, we begin to see common ground between green criminology and more traditional criminological concerns.

In short, this book makes a major contribution to green criminology itself, and also to cementing green criminology within the criminological mainstream (which it can not only take from, but significantly contribute to). From the somewhat self-interested perspective of teaching green criminology to undergraduates, I thank South and Brisman on two counts. With this handbook, the case for green criminology is easier to make when confronted with students (or colleagues) who doubt the place of studying environmental harm as a core component of an undergraduate criminology course. And despite all the recent publishing activity in this area, constructing a reading list again becomes relatively straightforward: this book makes a strong claim to being at the top.

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Book Review Essay: Sarah Wilson, *The Origins of Modern Financial Crime: Historical Foundations and Current Problems in Britain*

Routledge, 2014; 260 pp.;
ISBN: 9780415627634

Reviewed by: *Aneta Spaic, University of Montenegro, Montenegro; Claire Angelique Nolasco, Texas A&M-San Antonio, USA*

This book traces the roots of financial crime to the Victorian Era roughly between the years 1840-1880. Wilson situates financial crime within the context of the concerns, perceptions, developments, and issues endemic to that period. She attempts to draw the reader to the realities of this particular Victorian era as it was unfolding and explains how financial misconduct within commerce became rampant as construction of the railways spurred the growth of industrialization. The book contributes to existing literature on financial crime by providing a historical analysis of its etymology and creating awareness of its historical origins and prevalence long before the twentieth century. The author's insights on business misconduct show how, contrary to current perceptions of financial crime as a modern crime facilitated by rapid developments in technology, this type of criminal activity occurred long before the modern era. She also argues that current scholarly focus on the twentieth and twenty-first centuries when analyzing financial crimes discounts how history has contributed to the way it is currently perceived and enforced.

The author describes the importance of historical analysis at the outset. She explains that the book utilizes archival study of fraud trials during this period, 1840-1880. According to the author, the book uses interdisciplinary analysis, combining literature and methodologies from criminology, history, and law. The book attempts, albeit unsuccessfully, to demonstrate the significance of these fraud trials in shaping the concept of financial crimes as it is understood in modern society. Description of the trials were sparse and the author assumes that the average reader is familiar with details of various litigations resulting from speculative trading such as the South Sea Bubble, *Tulpenmanie*, and those involving directors and officers of the Royal British Bank and City of Glasgow Bank.

Certain portions of the book were also repetitious and redundant particularly Chapters 3 and 6 when describing how financial crime was associated with perpetrators of high socio-economic status and how this type of

misconduct violated norms of respectability and honesty and Chapters 1 and 3 on how Sutherland's definition of white collar crime somehow contributed to the ambivalence in legal responses and societal treatment of white collar crime. The book at times drew too heavily from secondary sources, such as commentators and scholarly literature on the era, instead of examining primary accounts from those involved in the financial crime litigation.

The author did not attempt to analyze financial crime as it occurred during this particular Victorian era through any of the various criminological theories, including strain theory or rational choice theory. The analysis was limited to historical descriptions of societal responses to financial crime and litigation surrounding both the railway and the banking industry. A key strength of the book, however, lies in its juxtaposition of Victorian legal responses to financial fraud and twenty-first century legal regulatory framework on financial activities in various chapters.

One other strength of this book lies in its contextualization of financial crime within the social, economic and political factors of this particular Victorian era. The author's background in both law and history provides a unique perspective wherein she analyzes financial crime not in a strictly criminological or legal perspective but within a socio-economic setting. Socio-legal studies enhance knowledge of the law by facilitating analysis of the social, economic, and political context within which it developed and by encouraging multi-disciplinary analysis of a specific legal issue (Bradney, 1998).

The social sciences, including history and criminology, can provide a more comprehensive and systematic knowledge of the practical realities of law, its institutions, and the legal profession (Benakar, 2011). Harris (1986, p. 112), for instance, argues that, "empirically, law is a component part of the wider social and political structure, is inextricably related to it in an infinite ways, and can therefore only be properly understood in that context." Duxbury (2003) also points out that the law and society movement has made important contributions in examining how law operates within a social context beyond what can be gleaned from the study of strictly black letter law.

The central thesis of the book is that during this particular era, there was growing awareness that perpetrators of large scale financial misconduct should incur criminal liability but that this type of misconduct was different from and less criminal than ordinary violent crimes. The author points out that criminal law has been historically a tool of enforcement against financial misconduct within the business community during this era and that legal responses to financial crime attempted to balance risk-taking and legal responsibility within the growing business community.

The author focuses on the years 1840-1880 because of several reasons: (1) the earliest legal responses to financial crime in Britain appeared to have occurred within this timeframe alongside the rise of the railway industry and urbanization; and, (2) the first criminal trials for financial misconduct

occurred during the 1850s in response to discovery of business misconduct within both the railway and the banking industries. However, the legal and business communities at the time were concerned that imposing criminal liability on perpetrators would deter risk taking activity and enterprise that is part and parcel of any commercial activity. Criminal law was thus both seen as "a blunt instrument of response to business crime" and as "being inappropriately heavy-handed, taking insufficient account of the exigencies of business, and often amounting to using a sledge hammer to crush a marshmallow" (Wilson, 2014, p. 15).

The book examines the history and development of fraud laws, the etymology of fraud, and the origins and evolution of the financial crime. Two views of white collar crime are discussed, namely: (1) white collar crime is not different from ordinary crime and should be analyzed under general criminological theories; and (2) white collar crime is "qualitatively distinct," being committed by those higher-level income offenders as opposed to ordinary crimes of the lower socioeconomic classes (Wilson, 2014, p. 22).

The author further describes two approaches on how financial crime should be proceeded against. One view supports criminal enforcement as the norm for all financial crimes. The other view supports civil/administrative enforcement with heavy fines for majority of financial crimes, opting for criminal enforcement as the last recourse only for the most serious violations. The U.S. Securities Exchange Commission, for instance, adopts the second strategy, reserving criminal enforcement only for the most severe violations (Wilson, 2014). The author emphasizes the need for criminal enforcement and its growing adoption in the European community, resulting in the enactment of the Regulation on Market Abuse and Directive on Criminal Enforcement being adopted by the European Parliament in December 2012 (Wilson, 2014).

The decreasing number of settlements reached by the U.S. Securities and Exchange Commission reinforces the need for criminal enforcement instead of civil enforcement in deterring financial crimes (Nolasco, Vaughn, & del Carmen, 2013). Nolasco, Vaughn, and del Carmen (2013, p. 376), for instance, note that, "the number of settlements obtained by the Securities and Exchange Commission (SEC) from fraudulent investors has declined over the years--- an indication of the difficulty of proceeding against these types of offenders." The NERA Economic Consulting (2008) databases also indicate that the total dollar value of civil settlements reached by the Securities and Exchange Commission with individual defendants for financial service misappropriations decreased from $258.8 million (involving 29 individual offenders) in 2002 to $129.3 million (involving 80 individual defendants) in 2008. Civil remedies at present appear insufficient in deterring financial crime and are unlikely to deter engagement in financial misconduct due to the massive pay-offs associated with most types of financial fraud.

The author explains why financial crime has been linked to activities of individuals with high socio-economic status and with notions of respectability, resulting in differential treatment and responses from law enforcement and the legal community. The author traces current perceptions of financial crime to Sutherland's definition of the perpetrator as a "person of respectability and high social status" as well as the dilemma and initial responses of Victorian society to financial crime (Wilson, 2014, p. 26). According to Wilson, Sutherland's definition exacerbated views that businessmen who committed financial crimes were not similar to the conventional common criminal and, hence, should also not be treated similarly. The author points out, however, that Sutherland did not intend differential treatment of white collar criminals, but regarded all crimes as including conduct not only "legally defined but also activity which was, instead, socially and legally controversial" (Wilson, 2014, pp. 79-80).

The author further traces the differential view of financial crime to nineteenth-century Britain (early 1830s), even earlier than Sutherland's analysis. She describes the Report of the Royal Commission on the Constabulary Force 1839, a landmark report marking the modernization of British law enforcement. The Royal Commission's report confirmed that that ""fraudulent [financial] crime was rising" while "violent crime was declining (Wilson, 2014, p. 83). The report viewed the decline of violent crimes and concomitant increase in financial crimes as an improvement in the crime situation because financial crimes were "characteristic of a state less barbarous," the offender is devoid of "animosity," and there was no "physical injury and physical alarm" to the victim (Wilson, 2014, p. 83). The report exemplifies law enforcement's attitude during the Victorian era as well as societal views of financial crimes as being less urgent and requiring less allocation of policing resources. There was also a pervasive view that effective and adequate responses to financial crime already existed in the form of civil sanctions that would deter its profitability.

Extant literature on the era also emphasized that perpetrators of financial crime were dissimilar from ordinary offenders who were "born, bred and nurtured into crime, and who resort to it naturally and from necessity" (Wilson, 2014, p. 92). Ordinary criminals committed violent crimes "naturally and/or out of necessity" while financial criminals committed crime out of "temptation or design tamper with the weighty trusts reposed in them" (Wilson, 2014, p. 92).

The author points out that the earliest association of financial crimes with persons of respectability can be traced to the railway industry and resulting litigation arising from abuse and fraud by company directors. Key officials, members of parliament, and professionals such as lawyers and businessmen were all involved in the railway business. The stature of these individuals –respected and esteemed in society–led the public to perceive investing in the railway industry as primarily safe and profitable. Also, the

Special Act of Incorporation governing incorporation of railway companies required an elaborate process that was more onerous than registration of an ordinary company under the Joint Stock Companies Act 1844. The complex process involved detailed petitions, hearings before parliament, and proof of sufficient capital. The grant of corporate charter to railway companies was thus viewed by the public as an assurance of the company's legitimacy, authenticity, and viability. However, abuses in the railway industry and discovery of large scale fraud on the part of those involved in railway construction precipitated the earliest criminal trials involving financial crime.

According to the author, discovery of financial misconduct in the railway industry alongside increasing recognition that civil remedies were not adequate to deter financial crimes weighed heavily on the courts and the legislature. These factors also created pressure for criminal enforcement through the criminal justice process, instead of reliance on civil remedies. Concerns regarding financial crime led to the establishment of the office of Public Prosecutor in 1879, ensuring that crimes affecting the public interest were prosecuted by the government instead of relying on the discretion or financial ability of individual crime victims.

Archival records of criminal trials against perpetrators in both the Royal British Bank and City of Glasgow Bank fraud show efforts to dissociate financial criminals from the upper echelons of society who were both respectable and honorable. A common argument in these trials emphasize that by committing financial crimes, these perpetrators have "fallen to the position of common felons" and are no longer members of respectable society (Wilson, 2014, p. 170). Thus, Victorian society preserved the prevailing notion that respectable people did not commit crime unlike the criminal classes. The approach evident in the criminal justice system was to argue that perpetrators of financial crime "relinquished their elevated status, and were so stripped of their claim to respectability" (Wilson, 2014, p. 183). Respectability thus remained untainted among those who have not behaved like the criminal classes.

The book then focuses on hindrances and difficulties encountered by Victorian society when litigating financial crimes. First, members of the legal community were not generally conversant with commercial and business dealings. Hence, courts relied on experts from the business community, including juries composed almost entirely of merchants with distinct social or property qualifications. Second, courts acknowledged that they were not in a position to intervene in the internal management of companies and that the courts had no jurisdiction to interfere with "lawful corporate decision-making" except in cases of fraud and impropriety. Third, the creation through a resolution of the Council of Judges on 17 June 1892 of a specialized commercial court was considered "one of the most successful and enduring judicial experiments, implemented without legislation or government assistance" (Wilson, 2014, p. 197). This commercial court is the precursor of today modern commercial courts. Fourth, increase in litigation involving financial

crimes led to the growth of commercial lawyers with expertise in commercial law. Fifth, the courts often relied on businessmen as expert witnesses to determine what types of conduct were "acceptable" and what were "transgressive" of reasonable commercial transactions (Wilson, 2014, p. 200).

In the final chapter, the author juxtaposes Victorian experiences with financial crime alongside twenty-first century treatment and responses to financial misconduct. She describes how the Victorian experiences helped shape its current etymology. Among current practices, for example, resort to specialized expertise in commercial courts when determining the acceptability of certain business practices and emphasis on notions of respectability and violations of trust appear to trace its origins to the trials that occurred during the Victorian era.

Overall, the book adds a unique perspective to the study of financial crimes. It adds to the growing literature on financial crime from various disciplines, including criminology, law, and sociology. Although the author attempts an "interdisciplinary analysis" of financial crime by "drawing on literature and methodologies from criminology, history and law", the current analysis is primarily a descriptive historical account of early Victorian society's reactions to financial crime (Wilson, 2014, p. 1). Methodologies from criminology are not used, contrary to the author's assertion. Legal methodology is used at various points when the author examines how concepts of fraud and embezzlement are legally construed as well as during discussion of changes in the law on financial crime. In subsequent editions, more editorial work needs to be done on sentence construction. Also, the organization of book chapters could be improved upon since some later chapters discussed subjects and concepts already explained in prior chapters as mentioned above.

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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: Bill Chambliss, *On the Take: From Petty Crooks to Presidents*

Indiana University Press, 1978/1988; 320 pp.;
ISBN: 978-0253202987

Reviewed by: *Gary W. Potter, Eastern Kentucky University, USA*

ORGANIZING CRIME AND QUALITATIVE RESEARCH

On the Take: From Petty Crooks to Presidents (first published in 1978) was the product of seven years (1962-1969) of observational research in Seattle, Washington (Chambliss, 1988). Chambliss used his background in law and sociology to interpret the things he saw and the stories he heard on Seattle's skid row. He gained entrée into Seattle's underworld by posing as an itinerant truck driver. Outfitted in old, worn shirts, khaki slacks and with bearded stubble on his face, he interacted with the bottom echelon of Seattle's crime entrepreneurs–bar owners, illegal card room and bingo operators, street-level drug dealers and prostitutes. His research demonstrated an important lesson for students of organized crime. Because organized crime relies on public participation of customers and players, it is often open, public, and easily accessible. As others have discovered, entrée is easily achieved, whether as an out of work truck driver, a gambler, a patron of deviant places, or even a casual customer. After several years at bottom of the organized crime pyramid, Chambliss gained introductions to businessmen, journalists, politicians and the police. At that level he discovered the real operatives controlling and directing illicit enterprise in American cities.

One of Chambliss' most important informants was a man with whom he made contact and built rapport early on in his research. "Bob Williams" was arrested at the age of 19 in one of Seattle's African-American neighborhoods. He was beaten to death in jail while in police custody and that event set much of the tone for Chambliss' subsequent analysis. While Bob Williams was judged by the middle-class measuring rods of the criminal justice and system (and criminologists), he was, in fact, a highly sophisticated, street smart drug dealer. He operated in what he referred to as the jungle, buying drugs in quantity at reduced prices and selling them for a large profit to individual users. He was in every way a lone wolf in Seattle's highly organized drug underground: "I'm an independent. Some of these guys have all kinds of strings on 'em. Not me, man. I'm my own boss. Ain't nobody gonna pull me around

by the nose" (p. 50). At the time of his arrest, Williams had $1500 worth of heroin in his possession. The heroin disappeared while in police custody.

The patrol officer who arrested Williams told Chambliss that he had called them names and tried to jump out of the patrol car. Williams was arrested at 8 p.m. and was taken to the emergency room at midnight badly beaten and unconscious. The next day he was released back into police custody a little after noon. Later that afternoon Williams was returned to the hospital with a concussion. He died at 3 a.m. from a brain hemorrhage. The official police report said he had been beaten by his fellow inmates. The corner decided that the death was accidental (p. 51).

Bob Williams was cannon fodder in the war on drugs. The informant who had told the police where to arrest Williams and that Williams was running dirty was generously paid with confiscated heroin. The Williams case points to an enduring truth about both law enforcement and the drug market. Small, independent dealers not connected to larger crime networks provide the police with easy arrests. They also disguise the far more profitable and pervasive politically connected drug traffickers who dominate the street market. The logic of this is simple. The profits of the large drug networks are substantial and fuel both corruption and the city's economy. The small incomes of independent operatives are expendable.

It is somewhat ironic that on the night Williams was beaten to death, Chambliss was playing in a high-stakes poker game with a senior vice squad police officer.

Drug trafficking was only one of the myriad illegal enterprises operating openly in Seattle. While it may seem odd today, both bingo and pinball were illegal unless licensed by the state in the early 1960s. In Seattle, eleven bingo parlors were operating. The largest of the bingo parlors was realizing profits of $240,000 a year after paying all its expenses including bribes to police and politicians. There were 3,500 licensed pinball machines in the state of Washington grossing over $7 million a year. The cost of licensing and maintaining the machines was tiny and the taxes were almost nonexistent, because in a cash business virtually all profits could be hidden and laundered. In Seattle there was one master license for all the pinball machines. It gave one crime network access to all amusement arcades, restaurants, and bars in the city. That crime network was run a small group of legitimate businesspeople who were closely tied to the city's political establishment. And, despite the fact that gambling was illegal in Washington by 1968 Seattle had the highest number of federal gambling stamps of any city in the United States except Las Vegas.

High-stakes poker games occurred every night in dozens of locations throughout the city with total buy-ins that often exceeded $100,000. Every day of the year, except for Christmas, the people who ran those games took 10% of every pot on every table.

As in other cities, loansharks were usually legitimate businessmen–pawn brokers, jewelers, and discount merchants. They made small loans for very high interest rates, typically $6 dollars repaid for every $5 borrowed each week. Larger loans were a little more lenient. Chambliss provides an account of one Seattle jeweler who loaned a customer $220,000 with the understanding that loan would be repaid at $350,000 in thirty days. The total profits from gambling drugs, usury and the fencing of stolen goods exceeded $100 million a year in Seattle; organized crime was the city's second largest industry.

Business, whether licit or illicit, requires investment capital. It also requires regulation and protection in order to maximize profits. Legal businesses are dependent on a system of law to protect property and enforce contracts. Illicit enterprises have no such protection. A bookmaker cannot sue over a gambling debt. A pusher cannot seek legal redress if his or her wholesaler supplies inferior merchandise with low levels of purity. But predictability and regulation are as important for illicit entrepreneurs as they are for banks and retail outlets. Without those protections, the risk to initial capital investments would be too great to attract financing. So how are illicit markets regulated? As Chambliss points out, the answer is really quite simple. Illicit entrepreneurs must seek out partners who would otherwise be charged with enforcing the laws against them. In Seattle politicians, law-enforcement officials, lawyers, bankers, accountants and legitimate businessmen became willing partners in illicit enterprise (p. 53).

The police were paid off, and the profits were such a large part of the city's economy that there was no political pressure for enforcement of the laws. In Seattle, a bagman collected the pre-arranged payoff from every gambling operator. Those who operated illegal card rooms reported paying about $300 a month each to the police.

With some irony, Chambliss chose the pseudonym Fred Lindesmith for one of his informants. As a police officer, Lindesmith had actively participated in the system of payoffs and retired with substantial financial security. He described who got paid in detail: "Everyone. The beat cop, the vice-squad captain, the prosecutor. Everyone. It depended on the gig. Narcotics payoffs went through the vice squad and the patrol division. Sooner or later it all went up to the top." (p. 56) Separate payoff systems operated for the burglary and narcotics squads, and burglary payoffs were as lucrative as gambling payoffs. In narcotics, a combination of rip-offs and the subsequent resale of drugs to dealers and bribes from dealers resulted in thousands of dollars for a single payoff. The arrest and subsequent death of Bob Williams was directly related to one of these rip-offs.

Tavern owners were involved in a second line of bribes that enabled them to obtain liquor licenses, illegal alcohol, alcohol stolen from state warehouses, and watered-down alcohol. That money went directly to state officials

including the Governor's office and members of the state legislature, for the bagman for these payoffs was a member of the state legislature.

In a way, the payoff system could be viewed as an informal system of taxation that provided order and stability to the illicit market place. But, as Chambliss discovered, the flow of illicit capital was far more complex. In essence it defined and greatly impacted the political economy of Seattle itself.

Chambliss calculated that there were well over 1,000 people who directly profited from organized crime in Seattle. Illegal enterprises which were highly regulated and highly profitable entailed highly systematized profit-sharing schemes. While the actual purveyors of vice were a diverse group of independent operators, the system which enabled and protected their enterprises was highly structured.

Participation in illicit markets was dispersed across all ethnic, racial, and class lines in Seattle. It involved a panoply of individuals which changed constantly, with entrepreneurs coming in, leaving, and often re-entering illegal markets. But beyond this kaleidoscope of dealers, gamblers, fraudsters, and loansharks was an informal system of control dictated by power. As Chambliss pointed out, issues arise, crises occur, and problems must be resolved. Therefore some people had greater power to make critical and crucial decisions than others; those who profited most from organized crime were also those who had the power to make those decisions.

In Seattle those power-brokers included a county prosecutor, the county sheriff, the city council president, an assistant chief of police, police captains, the president of the Amusement Association of Washington, and a high-ranking official of the Teamsters Union. Right below these decision-makers were members of the business and professional communities who influenced the decisions to be made and profited from those decisions. They included a defense attorney for many illicit entrepreneurs, a major realtor, an officer of the city's largest bank, and a board member of a large financial services company.

Chambliss provides numerous examples of how this system of regulation worked. But the most telling and detailed involves a dispute over pinball operations in Seattle. In the mid-1960s "Bill Bennett" made a move to enter into pinball business. Bennett's brother, "Frank" was already a major illicit entrepreneur in the sex trade running a large prostitution operation. Initially, Bill Bennett asked for a share of the pinball action. But his initial overture was resisted. Pinball machines were under the control of several individuals already and the master license for the county was held by the Amusement Association. The president of the Amusement Association oversaw operations in the county and handled payoffs to politicians and the police department. He collected a monthly fee from all pinball operators to cover the payoffs.

A political split between the country prosecutor, who was allied with the Amusement Association, and several other politicians gave Bennett an opening. He and several individuals working with him firebombed a number

of establishments operating pinball machines and a few restaurant and bar owners were the recipients of beatings. This created an intolerable situation because the local press was beginning to take notice of the violence. In order to calm the situation down, the pinball operators offered to let Bill Bennett into the racket if he paid them a $20,000 entry fee and a $2 a month surcharge on each machine he operated. But the arrangement was not acceptable to the police. The chief of police saw Bill Bennett as a dangerous, violent, and difficult to control hood. The police chief went even further in his opposition to the deal, insisting that Bill Bennett leave the city altogether. Confronting other gangsters was one thing, but animosity from the police was more than Bennett could take, and he left Seattle.

This little vignette is important because it reveals several things about the organizing of crime. First, there is competition for illicit profits among illicit entrepreneurs. Second, power is not evenly distributed in the underworld, even in the face of violence. And finally, it demonstrates what other research has also found in many other cities; it is the police who often organize crime (Potter and Jenkins, 1985).

As his research concluded, Chambliss explored the question of organization in Seattle's underworld. Was it the tight, ethnically determined hierarchy popularized by federal law enforcement or something entirely different? He got a direct answer. One professional thief who also had a hand in gambling, prostitution and drugs told him: "You can forget that Mafia stuff. We are Hoosiers out here." Everyone he talked to expressed a similar view. One informant was particularly direct:

> Every time you check the Congressional Record and you see the FBI diagramming the Mafia families in San Francisco, you can tell them to shove it up their ass, because you can't diagram this. If you do diagram it, you can't read your diagram when you're done. It's all squiggly lines: the chain of command and who's in charge of any operation and who's entitled to what cut of the graft, it's all very changeable. (p. 67).

After he was told by numerous people he played poker with to go a particular café on the second Thursday of every month and take note of who met there for lunch, Chambliss made twelve visits to the rendezvous site and noted a regular gathering of the assistant chief of police, an assistant prosecutor, an undersheriff, and a local criminal attorney. On and off, this group was supplemented by a local contractor, the representative of an investment firm, the president of the Amusement Association, a hotel owner, a member of the city council, a member of the country board of supervisors, and a Teamsters Union officer.

So it was not the purveyors of vice who were getting rich from organized crime, it was the businessmen with the investment capital necessary to expand high-profit illicit enterprises and the police and politicians who could

sell their power. Seattle had no Godfather and no criminal hierarchy. It had a network of businessmen, politicians, police officials, and illicit entrepreneurs who protected vice, kept the peace, and ensured the safety of their investments. The descriptions of each of the major players in this crime network that Chambliss portrayed were fascinating, although too detailed to go into in this brief article, but can serve as a template for all the other field research done in different cities (Albini, 1971; Ianni & Ianni, 1972; Potter, 1994; Potter & Jenkins, 1985).

On the Take concludes with several chapters relying on historical research what trace the role of corruption in American society from Lincoln Steffens to Richard Nixon. Chambliss outlines the organized connections of national political figures and discusses specific well-known cases of corrupt behavior. One of the more important propositions put forth by Chambliss was an idea he and Alan Block elaborated on in *Organizing Crime* (Block & Chambliss, 1981). Chambliss suggests that there were major political differences within organized crime, particularly relating to drug trafficking in the 1960s. He describes Meyer Lansky, a major illicit financier, as being closely aligned with the conservative wing of the Democratic Party, particularly with figures like Mayor Richard Daly of Chicago and Governor John Connelly of Texas. He also alleges that other prominent organized crime figures including Santo Trafficante, Jr. were closely connected to Richard Nixon, primarily through Florida businessman Bebe Rebozo. The importance of this is that according to Chambliss, the Vietnam War's prosecution under Nixon shifted the U.S. heroin market from one that was dependent on Lebanese heroin moving through Marseilles to Southeast Asian heroin moving from the Golden Triangle through South Vietnam and Taiwan. Chambliss sees this as an attack on Lansky by Nixon. That theme was elaborated on in great detail a few years later by Dutch journalist Henrik Kruger in his book *The Great Heroin Coup* (Kruger, 1980). Other researchers have also subsequently developed strong evidence linking Richard Nixon to organized crime and Lansky to big city political machines (Block & Chambliss, 1981; Lyman & Potter, 2014; Simon, 2012).

Chambliss makes the case that political corruption is openly peddled in a corruption market in the United States. In the concluding Chapter 8, "The Enemy is Us," he engages in a detailed discussion of criminal law, its inherent class-bias, and its protection of property rights, all of which he links to the massive markets for illicit goods and services in the United States. He goes even further linking a system of bourgeois democracy to organized crime:

> Crime networks with access to billions of dollars in untaxed, unreported, and unaccountable funds are a valuable source of money to oil capitalism's political machinery…Through it all the crime network becomes an institutionalized, fixed, and permanent link in the chain of a nation's political economy. That is what has happened in America. That is why crime net-

> works persist year after year with only the faces and methods of operation changing (p. 210).

The importance of *On the Take* cannot be overstated. First, it challenges the state and media view of organized crime. Others like Joe Albini (1981), Alan Block (1979) and Dwight Smith (1978) raised major concerns over the historical record, but it was Chambliss who went to the streets to articulate the day-to-day workings of crime networks. The description of organized crime as a social network was criminological heresy following Donald Cressey's publication of *The Theft of the Nation* (Cressey, 2008). Despite the fact that a tightly organized, bureaucratic hierarchy run by only by men of Italian descent seemed illogical on its face, it was the hegemonic doctrine of both state police and criminological discourse. The Mafia myth was essential. Organized crime serves hundreds of millions of customers a day in the open in every city in the United States. Organized crime was a major sector of the U.S. economy. This had to be explained, and there were very limited alternatives for those explanations. The first was easy, considering American's historical fascination with foreign conspiracies. Organized crime was a cleverly constructed, sinister, hierarchical conspiracy that could not be controlled without new draconian laws and additional law enforcement funding. It was a conspiracy of foreign immigrants attacking the very souls of the righteous, God-fearing American people. Or, law enforcement was totally incompetent and could not see what drug addicts, gamblers, johns, and fraudsters could easily access every day. Or, the whole system was thoroughly corrupt and dependent on the very crimes it outlaws for profit and investment capital.

Chambliss and the rest of us who challenged this notion were attacked in the journals and in the press. But by the early 1990s, the myth of the Mafia had been replaced in almost every criminology textbook and journal article on organized crime by the reality of crime networks (Williams, 2002; Woodiwiss, 2001). Italian sociologist Letizia Paoli (2002) said it best when she concluded that hierarchical crime structures were extinct dinosaurs if they had ever existed at all. The notion of a crime network implicates the state, politicians, law enforcement and legitimate businessmen in the maintenance of illicit markets. That was a truly revolutionary notion.

Second, Chambliss demonstrates that qualitative research on the streets could be successfully used to study extremely complex social relations. Prior to *On the Take,* qualitative methods were predominantly used to look at micro issues in small environments such as nude beaches, the tea room trade, and employee pilferage. Studying organized crime required that criminologists rely on the state for data. Cressey was given exclusive access to state documents, informants, and wiretaps, but the data had been culled and selected by federal law enforcement agencies. The dangers of this are obvious. First, government agencies will present their point of view in any self-produced documents. That means that evidentiary contradictions, interpretations of events that differ from their own, and conflicting information have been carefully

edited out. Second, for a variety of reasons, many of which have to do with budget allocations and legal powers, official agencies tend toward conspiratorial accounts of criminal enterprise–this is quite logical from their point of view. Presenting organized crime and drug dealers as a group of disorganized entrepreneurs would scarcely lead to more money, more personnel, and greater legal powers. In fairness, Cressey published a research note warning that his research in *Theft of the Nation* had validity, reliability, and ethical problems (Albini, 1988). Of course, the difficulty is that the research note was read by only a few hundred academics while the book was read by millions.

Third, Chambliss lays out a road map for large-scale qualitative research on extremely complex and intricate issues. He demonstrates that the argument that it was not possible to gain entrée into criminal groups was wrong. Crime networks operate in public places, on regular schedule and serve millions of clients out in the open. Posing as an out-of-work, scruffy, itinerant truck driver was a means of easy entrée which had no impact on the social setting being observed. Bill Chambliss was an engaging, gregarious, imposing individual and a consummate conversationalist. It is easy to see how he made his research role work in the real world. Others have done similar things. Ianni used neighborhood friendships and acquaintances to access the "Lupollo family" (Ianni & Ianni, 1971). I have posed as a gambler (not really much of stretch) (Potter, 1994; Potter & Jenkins, 1985). Once researchers understand that every entrepreneur in illicit markets goes to bars and taverns and frequent poker games (where the money is), developing useful contacts is easy.

Of course, Chambliss' research also highlights the problems with this kind of large-scale research. The street work for *On the Take* lasted seven years. My field work for *Criminal Organizations* (1994) took five years. Under the restrictive rules of academia, that is a tenure-seeking lifetime. But with our obsession with quick and dirty analyses of extant databases, we have lost the real meaning of crime and the social interaction which underlies it. John Lea frequently researches social crime (Lea, 2002). The problem with contemporary criminology is that our methods of analysis do not allow us to understand the social aspect. Organized crime can only be understood by following the advice of Robert Park and Howard Becker by getting out of the libraries, off our computers, out of SPSS and back on the streets, getting the seats of pants dirty (Becker, 1998; Park, 1915).

Chambliss also understood the criticisms of qualitative research with regard to validity and reliability. After all, this is one researcher's interpretation of events he or she sees and experiences. In addition, even if accurate it is a description of a single place or event or time and therefore not generalizable. *On the Take* helps to put to rest many of these concerns. It began a series of qualitative and historical case studies of criminal organization in Seattle, New York, Philadelphia, Detroit, Scranton, the rural counties of Eastern Kentucky and many more places including Sicily itself (Albini, 1971; Block & Chambliss, 1981; Potter, 1985; Potter & Gaines, 1992; Potter & Jen-

kins, 1985). The dozens of studies of specific places and specific enterprises created a database from which the generalizable emerged. And the conclusion from all of those dozens of studies is that Chambliss got it right. But the ultimate validation is that almost all of these studies came when investigators finally arrived. In Seattle, virtually every public figure alluded to in Chambliss' research was indicted, convicted, and imprisoned. It took years but it happened. We have all felt the same vindication.

On the Take is a criminological classic. It is a masterpiece that shows us how to do qualitative research, how to theorize from that research, and how to tell a compelling story about crime. It is a shining example of why crime needs to be understood not merely described.

On the Take reads like great research written like a crime noir novel in the tradition of Big Jim Thompson or Dashell Hammet. As such, it is a classic criminological work. But it is only one of the monumental contributions to the discipline by Bill Chambliss. Chambliss wrote 22 books and countless journal articles during his career. He strengthened qualitative research with his outstanding research on juveniles in "The Saints and the Roughnecks" (1973); professional theft in *Boxman: A Professional Thief's Journey* (1972); and policing the drug war in "Policing the Ghetto Underclass: The Politics of Law and Law Enforcement" (1994).

Chambliss also undertook the most authoritative and complete analyses of the role of criminal law in the United States and capitalist societies in general when he and Seidman wrote *Law, Order and Power* (1971); he and Zatz were responsibile for *Making Law: The State and Structural Contradictions* (1994); and Chambliss continued writing on the political scene in *Power, Politics and Crime* (2001).

Bill Chambliss was a riveting speaker and writer. He was also a great mentor and friend. As a graduate student I had the privilege of working with Bill, Gil Geis, Alan Block, and Phil Jenkins at Penn State. They were all generous and accomplished scholars who guided my studies and my research. They were all demanding taskmasters. Chambliss and Geis were visiting professors during my studies. Gil taught me how to write, question, and challenge criminological orthodoxy, especially social control theory. Billy critiqued my work, reviewed my field notes, made me toe the line in my methods section (although this is something he rarely did) and expanded my thinking from the mechanics of crime to the mechanics of crime in capitalism. He was a generous and brilliant mentor. I can safely say that after 26 years of research and writing I never had an "original" idea that Bill Chambliss didn't have first.

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