

The Long Arm/Shadow of Moral Exclusion:
Parole and Reentry for People Convicted of Violent Offenses in New York State
by
Carla A. Marquez

A dissertation submitted to the Graduate Faculty in Social-Personality Psychology in partial fulfillment of the requirements for the Doctorate of Philosophy, The City University of New York, 2013

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Approval Page

This manuscript has been read and accepted for the Graduate Faculty in Psychology in satisfaction of the Dissertation requirement for the degree of Doctor of Philosophy

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Abstract

THE LONG ARM/ SHADOW OF MORAL EXCLUSION: PAROLE AND REENTRY FOR
PEOPLE CONVICTED OF VIOLENT OFFENSES IN NEW YORK STATE

by

Carla A. Marquez

Adviser: Professor Michelle Fine

The trio of studies that comprise this dissertation emerged during a critical time in New York State when parole denials, sentence length, time served, and time on parole all increased in the name of public safety. Of particular interest were several policies that restricted, or eliminated altogether, the chance of parole for people convicted of violent offenses. While public safety served as the basis for these policies, the findings of Study 1 suggest that people convicted of violent crimes actually have extremely low recidivism rates and the lowest of all crime categories. Furthermore, recidivism was more likely due to technical violations than new crimes; and, new crimes were overwhelmingly non-violent in nature. No significant difference was found for return rates before and after these policies were implemented. Therefore, the data do not support a public safety gain from these policies. Study 2, based on 34 interviews with men and women convicted of crimes of violence, reveals moral exclusion within the parole process inside prison, prison life, and the reentry process (including parole supervision after release). Further, this study suggests a model for studying, and understanding, moral exclusion/inclusion from the perspective of ‘the excluded,’ across six categories: visibility, acceptance, liberty/justice, basic resources, financial resources, and emotional resources/support. Additionally, social science evidence of transformation, remorse, and responsibility are offered

in terms of catalysts and hurdles to transformation; four ways that responsibility is ‘carried’ by people convicted of violent crimes; how transformation, remorse, and responsibility are expressed; and finally, mechanisms that sustain all three inside and outside of prison. This study also offers three new terms to the language of moral exclusion that provide nuance to the process of exclusion: *provisional belonging*, *moral exclusion by contamination*, and *vicarious inclusion*. Finally, Study 3 sheds light on the decision-making process through interviews with five former parole board commissioners, offering insight into how decisions are made, the criteria considered, and how social science research can (and does) inform the entire process. Implications of the three studies, including recommendations for changes to policies and practices affecting people convicted of violent crimes, are discussed.

Keywords: moral exclusion, moral inclusion, long-term sentences, long-term prisoners, violent crimes, crimes of violence, violent criminals, people convicted of violent crimes, reentry, rehabilitation, parole, provisional belonging, vicarious inclusion, moral exclusion by contamination.

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member of the committee and I hope in the future we can work together on issues around incarceration.

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Background and Aims

Born of a critical policy moment in New York State around issues of parole, this work examines a set of formal and informal parole policies for people convicted of violent crimes. Partially as a result of these policies, people convicted of violent crimes serve long sentences; as such, they are known as *long-termers*. Since the 1970s, researchers studying long-termers have operationally-defined them in a number of ways¹ (Cowles & Sabath, 1996; Lyons, 1996; Crayton, 2006). Still, little is known about the effects of long sentences on reentry and recidivism, or factors that might inform parole decision-makers about who should be granted parole and who should be denied. What is known in New York State, and nationally, is that there has been a systematic increase in the length of sentences for people convicted of violent crimes, an increase in the denials of parole for this group, an increase in surveillance while on parole, and an increase in the length of time on parole (New York State Commission on Sentencing Reform, 2009; Clear & Lam, 2006; Crayton, 2006).

This dissertation was designed to learn more about both the return rates for people that have served long sentences for crimes of violence as well as the parole and reentry processes for this group. The project was informed by a pilot study (Marquez, 2006) investigating the role of moral exclusion in the reentry process for formerly incarcerated persons (the theory of moral exclusion is discussed shortly). The study examined how people convicted of crimes (in general) experienced a separation from society after serving time in prison. The study also explored how the participants understood and negotiated their exclusion, role(s) in society, and notions of success and *inclusion*. This dissertation built on that pilot study, but was also conceptualized as part of the Long-termers Project.

¹Some of those ways include: those serving indeterminate sentences of life; as five and seven years of continuous time served, respectively; ten years or more on a determinate sentence; fifteen years or more on *any* sentence; and as fifteen years or more for a crime of violence.

The Three Prongs of the Long-termers Project

With a small grant from the JHET Foundation² (Justice, Equality, Human Dignity, and Tolerance) and The Open Society, Soros Foundation, the Long-termers Project began in 2005. The project was designed to determine parole patterns and practices in New York State and to investigate the re-incarceration rates of women and men convicted of violent crimes (particularly murder). The project tied together three strands of work – policy, research, and practice (each with a dedicated subcommittee).

The Policy Committee was comprised of lawyers, prison reform advocates, formerly incarcerated women and men, a former parole commissioner, and a multitude of researchers focusing on the historic (and contemporary) legal, and policy, terrain for long-termers. Gathering legislative and judicial opinions, media accounts, and archival records, the Policy Committee sought to determine patterns of sentencing and parole decisions for persons convicted of violent crimes in New York State; to document the costs, consequences and recidivism rates for this group.

Of particular interest was the shift in policy and practice from the Cuomo years (1983-1994) to the Pataki years (1995-2006) when sentences for persons convicted of violent offenses got longer, parole hearings more often ended in denial, and prison populations swelled beyond precedent. The Policy Committee aimed to shift release decisions to account for *actual public risk* and *rehabilitation* as the primary factors in determining parole eligibility rather than the *nature of the original crime*.

² The JEHT Foundation was a grant-making, non-profit organization that is no longer in operation. One of the four primary areas of interest was the transformation of U.S. criminal justice policies and practices.

The second subcommittee of the Long-termers Project was the Restorative Justice Program, a collaboration of the Osborne Association³, working with long-termer men and women in prison (individually and in groups) to help them reflect on, and speak about, the nature of their crime(s) and the victim(s), as well as to document their personal transformation while in prison with a sustained focus on remorse, responsibility, and life after incarceration. This project worked with individuals set to see the parole board within a year, as well as groups of people who would not face the parole board for many years, crafting an educational and counseling experience to help individuals deal with responsibility for their pasts and futures.

The Alumni Research Group (ARG) was the third strand of the Long-termers Project; a participatory action research collective of twelve women and men with different experiences, skills, and goals, who gathered quantitative and qualitative evidence to support the policy work. This dissertation was conducted as a member of, and advised by, the Alumni Research Group.

In 2005, the Alumni Research Group began meeting to discuss ways to support the work of the other prongs of the Long-termers Project, namely that of the Policy Committee. Those meetings resulted in a multi-method approach comprised of two studies; the first, a quantitative examination of return rates for men and women convicted of violent crimes. The second study aimed to document the lives and transformations of persons convicted of violent crimes that served long sentences, faced numerous parole denials during the Pataki years in New York State, and continued to be highly supervised under post-release parole.

With the exception of Michelle Fine and the author, members of the research team had all served time in prison for serious violent offenses (i.e. Murder, Felony Murder, and Manslaughter). Collectively, the ten members of the group had spent 235 years in prison and

³ The Osborne Association is located in New York City and provides services to incarcerated persons and those reentering after serving time.

many were involved in jobs assisting formerly incarcerated persons or advocating around the issue of parole denials and other problems within the penal system.

In the summer of 2009, after the Alumni Research Group ceased meeting, and three years after the data collection phase of the second study, the last component to the project, Study 3, was added as an alternative perspective to Study 2 regarding the parole process. Of particular interest was whether parole commissioners knew about the low recidivism rates for people convicted of violent crimes, and if they did not, whether knowing these findings could alter the ways decisions were made. Further, Study 3 was designed to learn about effective means of disseminating the findings of Study 1 and Study 2 to impact policy and practice. By including the voices of parole commissioners in the project, a more inclusive picture of the parole process was possible.

Goals

This dissertation is a multi-method set of three studies, utilizing both quantitative and qualitative approaches. The three studies were all aimed at re-presenting women and men convicted of crimes of violence, suggesting new criteria for evidence of transformation and rehabilitation for this group, and raising important questions about the social and psychological costs of long sentences and multiple denials of parole in New York State.

Study 1 focused on the collaboratively designed inquiry to the Department of Corrections in New York State, to determine the rates at which people convicted of violent offenses that returned to society after serving long sentences were returning to prison. The study also set out to document whether repeatedly denying parole based on the nature of the original crime (and the resulting longer sentences) actually reduced post-release commitments, thereby enhancing public

safety. Furthermore, Study 1 aimed to determine whether any gender differences were present in terms of return rates.

Study 2 focused on moral exclusion and while the theory will be discussed in greater detail shortly, briefly, the theory posits that some members of society are denied membership into one's/others' moral community/ies and therefore denied rights and privileges afforded to members. The study aimed to examine moral exclusion within the processes of reentry and parole by investigating the lives of 34 men and women convicted of violent crimes that served long sentences, to understand these participants' experiences and narrate any transformation, remorse, and responsibility; and to provide empirical evidence of transformation/rehabilitation. In addition, the study aimed to consider the conditions needed in prison, and during re-entry, to foster societal inclusion. To round out the research, Study 3 aimed to shed light on the parole decision-making process via insiders, former parole commissioners, to investigate the relationship between social science research and the parole decision-making process; specifically, how the findings from Study 1 and Study 2 could be used to impact policy-making and practice.

Research Questions

Study 1:

- 1) What are re-incarceration rates for men and women convicted of violent offenses? If public safety is the basis for the denials of parole and lengthened sentences, what are the rates that people convicted of violent crimes return to prison? And, are these returns for new crimes or technical violations?⁴

⁴ New crimes include the commission of a new act of criminality whereas technical violations include a multitude of violations to the parameters of one's parole. Restrictions differ from person to person, but often include curfews, a requirement of employment, and the frequency of visits to the parole officer.

- 2) Have lengthened sentences and denied parole actually reduced post-release commitments?

Study 2:

- 3) How does moral exclusion take shape, both inside and outside of prison, to affect the lives of those convicted of violent crimes that have served long sentences in prison? Stated otherwise, where and how are people who have been convicted of violent crimes morally excluded during both the parole and reentry processes?
- 4) What social scientific evidence of transformation, rehabilitation, and responsibility can be extracted from the narratives of people that have been convicted of violent crimes?
- 5) What conditions need to be in place in prison, and during re-entry, to facilitate and sustain change and a sense of responsibility?

Study 3:

- 6) What is the nature of the relationship between social science research and parole practices?
- 7) What are the hurdles and facilitators to the use of empirical data in the parole process?

Roadmap

Chapter One of this dissertation presents the theoretical framework for this dissertation, moral exclusion, by looking at its antecedents, blocks to its detection, and its consequences. The chapter then examines moral exclusion through social theory by briefly outlining the ways boundaries have been drawn around who is ‘criminal’ and what defines ‘crime’ as well as the etiology of ‘criminality.’ Next, moral exclusion is examined through policy and punishment with

a brief examination of how societies (have) treat(ed) people convicted of crimes in general (and specifically in New York State). The chapter also explores moral exclusion after serving time through a discussion of the parole process inside prison (that decides who stays and who goes home) as well as the journey of reentry (including parole supervision after release).

Chapter Two presents the design and methodology, results, and discussion for Study 1, addressing return rates for people convicted of violent offenses, any gender differences in return rates, the nature of any returns, and whether or not public safety is accomplished by denying parole to this group. Chapter Three presents the design and methodology, results, and discussion for Study 2, revealing how those impacted by these policies voice their frustrations, concerns, struggles, and knowledge about the parole and reentry processes. Chapter Four highlights the design and methodology, results, and discussion for Study 3, delivering insights into the parole decision-making process from parole commissioners interviewed about the use of social science research to inform policies and practice. Each chapter is preceded by a page featuring a quote about the topic(s) covered in that chapter (by participants and non-participants) and a one-page ‘portrait’ of a participant in this study.

Overall Design

This dissertation employed three sources of data: Study 1 utilized New York State Department of Corrections’ reports on return rates. Study 2 utilized 34 semi-structured, in-depth interviews with women and men who have been convicted of crimes of violence and served long sentences. Study 3 utilized five semi-structured interviews with former parole commissioners. The Method, Results, and Discussion section for each study are presented along with the findings, recommendations based on the data, limitations of the study, and future directions, within their respective chapters.

*As human beings, our greatness lies not so much in being able to remake the world –
that is the myth of the atomic age – as in being able to remake ourselves.*
– Mahatma Gandhi

CHAPTER ONE: INTRODUCTION

Moral Exclusion as a Theoretical Framework

The theory of moral exclusion (Opotow, 1990b) suggests that each person holds his or her own beliefs about which beings (individuals and groups) deserve fair treatment. Those who are deemed deserving constitute one's 'moral community' and reside within one's 'scope of justice' (the 'psychological boundary' of the moral community) (Deutsch, 1990). The ways that people feel about a host of issues depends on *whom* and *what* they place within those boundaries. Moral exclusion then involves "individuals or groups that are perceived outside the boundary in which moral values, rules, and considerations of fairness apply" (Opotow, 1990b, p.1).

While moral exclusion can be severe or mild, the instances of exclusion share commonalities. Those who engage in moral exclusion in any form, distance themselves from their targets psychologically, lack moral obligations toward them, and deny them rights, dignity, and autonomy (Opotow, 1990b). Targets of moral exclusion are viewed as 'less than,' non-entities, and expendable. Therefore, moral exclusion allows for rationalization and justification of harm; it normalizes harm-doing. Ergo, behaviors and attitudes that would otherwise seem unjust and undeserving, are justified. Moral exclusion also includes a failure to care or concern oneself with the undeserved suffering of others. Hence, this theory encompasses both action and *inaction*. These beliefs, however, run contrary to the attitudes that comprise moral *inclusion*: a belief that fairness applies to another, and a willingness to share resources with another and make sacrifices for their well-being (Opotow, 1990b, 2005).

Symptoms of Moral Exclusion

Over two-dozen symptoms of moral exclusion offer a means of operationalizing the process, enabling scientific study and empirical research (Opotow, 1990a). These symptoms are

categorized as *exclusion-specific* (those unlikely to occur in everyday practice) and *ordinary* (those likely to occur in everyday practices). The *exclusion-specific* processes include: biased evaluations of groups, derogation, dehumanization, fear of contamination, expanding the target, accelerating the pace of harm-doing, open approval of destructive behavior, reducing moral standards, blaming the victim, self-righteous comparisons, and desecration. The *ordinary* processes include: groupthink, transcendent ideologies, deindividuation, moral engulfment, psychological distance, condescension, technical orientation, double standards, unflattering comparisons, euphemisms, displacing and diffusion of responsibility, concealing the effects of harmful behavior, glorifying and normalizing violence, and temporal containment of harm-doing.

Antecedents of Moral Exclusion

The process of social categorization, present in all intergroup relations, can produce both discriminatory behavior toward an arbitrarily defined out-group and a preference for an in-group (Tajfel & Billig, 1973; 1974). The extent to which individuals or groups are given preference varies, as does the extent of the preference; however, extreme in-group preference at the expense of the out-group, involves completely eliminating the out-group from the in-group's moral community, *moral exclusion*. Further, with the 'in-group/out-group' mindset, in-group members view out-group members in stereotypical ways and in accordance with beliefs about the negative qualities those members possess.

The 'us-them' perception also changes the nature of equality in the groups, resulting in different outcomes for in-group versus out-group members. Typically, when harm occurs between members that are equal, certain rules of fairness are expected and discrepancies are more readily noticed and acted upon. However, between groups, harm is likely to be unseen,

ignored, and less likely to invoke feelings of guilt or remorse to divert further harm. (Opatow, 1990b).

Research suggests that two social circumstances also modify the boundaries of moral exclusion, *conflict* and *connectedness* (Opatow, 1990b, 1995). Conflict changes the ways boundaries are drawn and reinforces those that already exist. With severe conflict, a more narrow scope is drawn and the sense of community shrinks. Insiders then believe their group encapsulates good traits while outsiders possess undesirable traits. The gap between ‘them’ and ‘us’ widens. Feelings of connectedness between two groups thereby dissipate and categorization morphs from a shortcut for information processing into a moral justification for injustice.

Yet, it is important to note that one’s scope of justice is not dichotomous. Individual ethics, culture, and the value of the goods at stake, influence moral exclusion by shaping relationships with others and an extension of justice and fairness (Opatow, 1990b). Since these three aspects do not always appear together as a cluster, when one or more are absent, moral exclusion is rendered unstable and provisional. Further, the inextricable relationship between individual and societal attitudes, render individual ethics and culture difficult to separate entirely. Cultural norms shape individual behaviors and attitudes about those entitled to fairness, but individuals’ thoughts and attitudes also shape the social order. Still, the social order is a powerful means of conveying, both implicitly and often explicitly, to whom justice is owed.

A ‘culture of security’ can also loosen citizens’ moral constraints and blur the lines of justice and human rights (Opatow, 2007). Arguably, a ‘culture of security’ describes contemporary life in the United States, wrought with political upheaval, financial insecurity, and post 9-11 concerns, providing the exact circumstances that foster (and advance) moral exclusion and sanctioned harm-doing.

Moral exclusion appears to follow a progression from an initial conflict of interest to group categorization thus leading to moral justifications and eventually, to unjust procedures and harmful outcomes. However, the progression is not necessarily linear; each facet can interact with the other(s), developing a vicious cycle. And, for people to intervene, moral exclusion must first be identified. Yet, the literature suggests that denial can be a powerful reason that moral exclusion continues without intervention.

Denial and Moral Exclusion

Opatow & Weiss (2000) suggests three kinds of denial that advance the process of moral exclusion: *denial of outcome severity*, *denial of stakeholder inclusion*, and *denial of self-involvement*, essentially a denial of situation, other, and self. Although these denials were originally investigated through the lens of environmentalism and environmental conflict, application to work in prisons is useful. Like the environment, crime, and therefore the treatment of those within prisons, directly affects all citizens. Crime is also a large-scale problem involving a vast network of people with differing viewpoints and value systems, rendering the system difficult to analyze and remedy. Similarly, for the treatment of people in prison, moral exclusion can be “invisible when shared social conventions support it” (p. 479).

Denying the situation. Denial of the situation and outcome severity are marked by tactics such as: *double standards*, suggesting different acceptable levels of harm for different groups; *concealing the effects of the harmful outcomes*, minimizing injuries from certain practices/policies or disregarding the harm completely; *temporal containment*, suggesting the harm is temporary versus on-going; *reducing moral standards*, lowering the ‘moral bar’ of justice/fairness; and *utilizing euphemisms*, using terms that cloak real harm. Denying the

existence of conflict and/or harm relies on avoiding facts and evidence to the contrary as well as recreating the reality of a situation.

Denying the other. Denial of the other and stakeholder inclusion involve labeling some as ‘outsider/ other’ while providing inclusion to those granted membership into the community. Tactics for ‘othering’ include *biased evaluations of groups* (specifically those that do not share one’s same views), *condescension and derogation, dehumanization, fear of contamination* (by the ‘other’ to one’s position or credibility), and *normalization/glorification of violence*. While in the case of environmentalism, the idea of stakeholders and legitimacy can be vague, with the criminal justice system the divide between those making the rules and those at the mercy of the rules, is more clearly defined. As a result, the denial of certain stakeholders at the table of decision-making while eliminating others, allows a veil (or impression) of justice for the criminal justice system.

Denial and the self. Moral exclusion is typically thought of as the process of excluding others; however, it can also involve the act of self-exclusion by failing to both involve oneself, and behave proactively, in helping another. By self-excluding one minimizes the importance of issues to themselves and/or their group, reducing the need to act or care. *Victim blaming* (holding people accountable for their own mistreatment) maintains some semblance of order, control, and a belief in a just world. Likewise, *self-righteous comparisons* are used (Opotow & Weiss, 2000). For example, within an environmental conflict, people separate themselves from others by designating themselves as “environmentally responsible and clean.” When it comes to the treatment of people in prison, one can render himself/herself *criminally* responsible and clean (a non-criminal), negating any need to extend justice to people convicted of crimes, particularly heinous and violent crimes such as murder.

Navigating Moral Exclusion: Provisional Belonging

As a pilot to this larger study, this author undertook prior research about moral exclusion for formerly incarcerated persons in both California and New York (Marquez, 2006). The results revealed that participants recognized their moral exclusion and felt separated and excluded from mainstream society. However, it became clear that few of their experiences actually fell solely into ‘exclusion’ or ‘inclusion’ categories. Their experiences were less structured and more fluid; the notion of *provisional belonging* took shape. Provisional belonging is a state of belonging that is neither completely ‘in’ nor ‘out’ and is often in transition depending on the *whom, where, and what* of the particular situation. Rather than static, these participants’ experiences were better represented as a constant positioning and repositioning depending on situational demands (where they were and with whom they were engaging).

Hence, the notion of provisional belonging expands the notion of moral exclusion by suggesting that the line between inclusion and exclusion is not always clearly drawn, permeability exists, and participants in the study possessed an ability to navigate the channels of both (Marquez, 2006). Several strategies were revealed about how this group navigated their exclusion, including: *knowing and refusing moral exclusion, knowing and becoming ‘the morally excluded,’ denial or rejection of moral exclusion, drawing insights from moral exclusion, humor, and shifting visibility.*

Outcomes, Consequences, and Instances of Moral Exclusion

Deutsch notes that abuse, humiliation, torture, and murder can occur when people are perceived as existing outside another’s moral community (1990). History is certainly riddled with examples of people that were cast out of another’s scope of justice and suffered as a result. The mentally ill have been treated in egregious ways and suffered for their ousting; African-

Americans were separated, disenfranchised, given sub-citizen status, endured slavery, and even death. The genocide in Rwanda, treatment of Native-Americans and other indigenous groups, attitudes toward Russians during the Cold War; the post 9-11 treatment of Muslim-Americans, and the discrimination of segments of the LGBT community, all provide stories of what happens to people not granted membership into communities and therefore not extended the rights, resources, and justice that membership affords.

The framework of moral exclusion has been used to investigate such topics as prejudice, justice, group conflict, helping behavior, stigma, discrimination, victimization, and obedience to authority, as well as heinous acts such as the My Lai massacre (Kelman & Hamilton, 1989), Jewish Holocaust (Arendt, H., 1963), and internment of Japanese-Americans during World War II (Nagata, 1990). In the psychological sphere, this in-group bias (and moral exclusion) can be seen in the Stanford Prison Study during which the random assignment to groups as “prisoners” and “guards” led to sadistic behavior on the part of guards toward prisoners (Haney, C., Banks, W., & Zimbardo, P., 1973; Haney, C. & Zimbardo, P., 1977; Zimbardo, P.G., Haney, C., Banks, W., & Jaffe, D., 1973).

For the guards in the Stanford Prison Study, the prisoners, fellow college students who were only by luck-of-the-draw in a position lacking power, fell outside the guards’ boundaries of moral inclusion, thus leading to myriad injustices. While one might arrive at the conclusion that persons who engage in moral exclusion are somehow different than those who do not, the potential for moral exclusion “resides in all of us” (Deutsch, 1990, p.25). And, while not every act of moral exclusion is as extreme as those mentioned previously, mild forms often occur in daily living.

Deterring Moral Exclusion & Fostering Inclusion

For the scope to widen and become more inclusive, exclusion must first be detected (Opotow, 1990a). However, studies have demonstrated that when unjust behaviors are institutionally sanctioned, people have difficulty recognizing the behaviors as such (Milgram, 1963). Further, Opotow and Weiss (2000) specifically warn of the threat of institutionally-sanctioned exclusion because of its propensity to occur on a large scale. Certainly, no system or institutions are larger than local, state, and federal governments that enact policies and practices that shape the definition of ‘crime’ and the treatment of people that violate those laws, ‘the criminal.’

Moral Exclusion and Social Theory: Conceptualizing and Defining ‘The Criminal’

Many attempts have been made to classify, explain, and determine the underpinnings of behaviors that violate social norms and rules. Moral exclusion offers a lens to examine social theory and the conceptualization of what, and who, is deemed ‘criminal.’ Likewise, moral exclusion allows for a determination of where and how psychological boundaries are drawn between ‘insiders’ (the law-abiding) and ‘outsiders’ (those deemed ‘criminal’) as well as the extent to which responsibility is placed on the ‘criminal.’ Additionally, both the defining of a person as ‘criminal,’ and the level of responsibility placed on that person for that behavior, shape societal attitudes towards the outsider, determining whether justice, resources, and dignity will be extended.

Various disciplines, schools of thought, and historical perspectives of crime reveal a common thread; people who violate the norms and rules of society are seen as outsiders. However, the lines of insider and outsider status are determined by the laws themselves and attempts to draw these distinctions are seen as far back as 2250 B.C. with the establishment of

the Hammurabi Code (Harper, 1904) as well as with the Roman Republic's *Law of the Twelve Tables*, the 12th century revival of the *Justinian Code* (Halsall, 1998), the *Constitutio Criminalis Carolina*, and the precursor of United States laws, the Common Law of England (Hooker, 1996).

Perspectives of morality and criminality also became intertwined when Emile Durkheim (1933) suggested that law and morality, "...are the totality of ties which bind each of us to society, which make a unitary, coherent aggregate of the mass of individuals" (p.398).

Durkheim (1966; Simpson, 1963) further suggested that alternative ways of defining crime existed beyond strictly legal definitions. For example, in a cohesive and unified community, prior to industrialization, religious beliefs/ideas and a shared sense of right and wrong, bonded people to one another; therefore, that which was shocking to the collective sense of the morality shared in that community was defined as a 'criminal act.' For Durkheim (1933),

We must not say that an action shocks the 'conscience collective' because it is criminal, but rather that it is criminal because it shocks the conscience collective. We do not condemn it because it is a crime, but it is a crime because we condemn it (pgs. 123-124).

Hence, the community was important to preventing crime, while criminality and criminals maintained cohesion within the community and established the boundaries of law-abiding behavior. Put differently, one can only measure what is *good* vis-à-vis what is *bad*. Therefore, members of the community need criminals to *other*, to rally against. However, for Durkheim (1966) *what* and *who* is criminal is ever-changing, normal, and necessary, decided by where society places the boundaries after which moral exclusion and inclusion follow. Additionally, the perspective of *why* people commit crime (and their level of responsibility for that crime), have also changed over time.

For Bacon, Voltaire, and Rousseau, crime occurred due to opportunity; rather than an anomaly, crime was the expected behavior. Collectively, these men promoted the idea of free

will; criminals engaged in crime because they chose to do so (Rousseau, 1954). Beccaria (1995) and Bentham (1830) shared those views, but also proposed that criminals reflected on the significant gains of crime as opposed to the chance of detection and penalty. Crime was, therefore, a matter of choice over which ‘criminals’ had complete control; ultimately, crime was a *product* of human nature. In contrast, for Lombroso, the criminal was born so and could be identified by physical defects (Abrahamsen, 1960; Gibson, 2002; Lombroso, 2006). Rejecting the idea of free will, he suggested that anatomical differences were the underpinnings of violent activity (Gibson, 2002).

Over time, biological perspectives were considered with Hooton’s typologies (1939) and Sheldon’s (1940) somatotypes focusing on the physical characteristic of criminality while adoption studies (Tehrani & Medick, 2000; Cloninger et al., 1982) and the twin studies of Lange and Legras (Cassel & Bernstein, 2001), as well as Raine (1993), focused on criminal concordance rates. Family lineage and genealogy charts identified patterns of criminal behavior among those sharing the same gene pool such as the Kallikaks, Nams, and Zeroes as well as the famous case of the Jukes that explored a long lineage of criminality, pauperism, and mental illness for one upstate New York family (Dugdale, 1877; Estabrook, 1915; Christianson, 2003). Hormones, neurotransmitters, and molecular genetics have also been studied (Jacobs et al., 1965; Marks, 2002) along with cerebral spinal fluid and brain injury (Anckarsater, Forsman, & Blennow, 2005; Pallone & Hennessy, 2000). And, more recently, on the tail winds of the Human Genome Project (1990-2003), molecular genetics were tapped to identify a ‘crime gene’ (Vito, Maahs, & Holmes, 2006).

Psychologists have also thrown their hat in the ring suggesting psychodynamic roots to criminality (Freud, 1916; Redl & Wineman, 1965; Alexander & Healy, 1936; Bushman &

Baumeister, 2002; Aichorn, 1925), a lack of love and connectedness (Bowlby, 1944), personality characteristics/dispositions (Eysenck, 1964; Eysenck & Gudjonsson, 1989; Ross & Fontao, 2007; Gilmour & Walkey, 1981), and cognitive perspectives for why crime occurs (Piaget, 1962; Kohlberg, 1986; Yochelson & Samenow, 1976). Furthermore, socio-psychological theories (Sutherland, 1992; Bandura, 1974; Bandura, 1976; Miller, 1958) and sociological perspectives (Marx & Engels, 2002; Cloward & Ohlin, 1960; Nettler, 1974; Park, Burgess, & McKenzie, 1925; Reckless, 1967; Hirschi, 1969, 1978; Gottfredson & Hirschi, 1990) have also tried to account for criminal behavior.

Additionally, critical theorists/perspectives offer critiques of past and current theories from the vantage point of race, gender, and class, raising consciousness and providing transparency to the inherent inequalities rarely questioned or seriously examined in mainstream approaches to crime. Critical Race Theory suggests that racial privilege and racial oppression have such long histories in our society that they become normalized and accepted. As such, this dichotomy (privilege-oppression) permeates every aspect of society including the criminal justice system (Brewer & Heitzeg, 2008).

For critical theorists, the prison industrial complex and the legal system have changed the criteria for what is 'criminal,' as person and activity. Defining criminals serves a dual purpose; a means of social control and domination over people, mainly of color, that are disproportionately policed, prosecuted, imprisoned, and executed (Mauer & Cheney-Lind, 2002) and an opportunity to feed the economic needs of a capitalist society (the inherent problems of which were raised by Karl Marx) (Marx & Engels, 2002). Further, feminist theorists raise consciousness around issues of gender, voice, privilege, insider viewpoints, and authority (Owen, 1998; Richie, 2004). Overall, critical theorists warn about the role of institutions in shaping behaviors, societal

attitudes, and public policy, creating persons to place in prisons, labeled ‘criminal’; essentially creating the perfect storm for moral exclusion.

Moral Exclusion Through Policy: Punishing ‘The Criminal’

The ways that society extends justice is directly correlated with the placement of boundaries, responsibility, and blame. Throughout history, the lines of inclusion have been drawn, quite closely, around those who follow the rules. From as early as 3000 years ago, prisons have been used around the world. The Bible references prisons in Egypt, the Assyrian Empire, and Babylon between 2040 and 164 BCE. Confucius also discussed prisons around 2000 BCE, as an alternative to exile for political offenders. In Greece and Rome, prisons served as alternatives to death. Instead of the physical punishments inflicted on slaves, prisons were used for citizens as incentive to pay debts, a place of containment for petty criminals, and a holding place for people before execution. Likewise, prisons acted as a means of censorship for people that spoke or wrote against the leaders of these empires (Johnston, 2009).

While the treatment of criminality has altered in terms of severity, duration, and purpose/ideology throughout history, the United States’ approach has remained, predominantly, the American prison. The first ‘prison,’ Walnut Street Jail, opened in 1776 (Simon, 2007); however, long before prisons, ‘houses of corrections’ appeared in Massachusetts (1632), West Jersey (1681), Pennsylvania (1682) and New York (1736) after gaining popularity in England (Johnston, 2009).

From the 1920s to the 1960s, change occurred in the prison system that shifted the limits of prison labor, as well as the responsibility of reform, from prisoner to states and pushed for prisoners’ rights (Simon, J., 2007). However, greater shifts occurred in the 1970s in terms of prison populations, the goals of incarceration, and cost. By 1977, the prison population hovered

at 300,000 with 90 per 10,000 United States citizens incarcerated (Pfaff, 2008; Simon, J., 2007). Academics, politicians, and the public questioned whether prisons were too harsh, overcrowded or unnecessary for rehabilitative efforts. They hoped their concerns and studies served as an impetus for penal system reform. Instead, more people were incarcerated, more prisons built, and more money spent (Haney & Zimbardo, 1998).

The United States currently incarcerates over 2.3 million people in jails and prisons, translating to 1 in every 100 adults serving time. In terms of racial disparities, 1 in 15 adult Black men are incarcerated versus 1 in 106 adult White men (The Pew Center, 2008). Furthermore, after factoring in 7.3 million additional persons on parole or probation, the criminal justice system is vast and far-reaching into families, communities, and the economy (The Pew Center, 2009). Today, the United States spends 60 billion dollars on that system (The Pew Center, 2008), a system that may not benefit society in the ways originally thought. And, in terms of attitudes toward people in prison, things have only worsened since the 1970s.

Public fear of crime and perception of courts as too lenient on ‘criminals’/crime has resulted in dissatisfaction with the handling of criminality across the country. In fact, during the 1970s and 1980s, the National Research Opinion Center’s (NORC) study of public attitudes toward courts and punishment showed a high percentage of people that did not think courts dealt with ‘criminals’ harshly enough. In 1973, that number reached 75% and by 1978, 90%; the numbers hovered there throughout the 1980s and from 1972-1988 the number never fell less than 70% (Zimring & Hawkins, 1991). As a result of these attitudes, attitudes that remain today, Americans continue to push for more stringent treatment of offenders by courts and harsher penalties for criminal behavior.

New York State Prisons & Sentencing Structure

New York prisons have grown substantially over the last three decades, fed mostly by an increase in people incarcerated under the Rockefeller Drug Laws⁵ (King, 2000) and the 1978 New York State Violent Felony Offender Law that created mandatory sentences for specific violent crimes (Coughlin, 1990; Crayton, 2006). As a result, the New York State Department of Correction Services (DOCS) (2009) houses 60,081 people in 67 facilities (see Figure 1); 58.9% (35,411) are serving time for crimes of violence. Furthermore, the sentencing structure (determinate and indeterminate hybrid approach) in New York State complicates the issue of punishment.

The debate over *indeterminate* sentencing, release after rehabilitation is deemed accomplished (i.e. 25 to life), and *determinate* sentencing (set prison sentences), remains highly charged in New York State. Proponents suggest that indeterminate sentences offer people hope and motivation to reform, resulting in fewer infractions in prison (New York State Commission on Sentencing Reform, 2009). Likewise, indeterminate sentences imply that rehabilitation is possible, and for those for whom the maximum was not given, an implication that the sentencing judges intended parole once the minimum sentence was served.⁶

Opponents of indeterminate sentencing claim that open-ended sentences actually lead to longer time served. The debate is particularly important in terms of fairness to people that plea-bargained thinking release was possible after their minimum sentence. Proponents of determinate sentences argue that it affords more fairness with ‘truth in sentencing’ for communities and inmates. However, the opposition suggests that determinate sentencing ignores the importance of

⁵ In early 2009, the laws were revised to remove mandatory minimum sentencing, giving more discretion to judges for individual cases. The change was also made retroactive, allowing inmates convicted under the laws to have their sentences reviewed for resentencing or release (Peters, 2009).

⁶ New York has had a complicated relationship with both types of sentences, resulting in the present hybrid system.

context and removes discretion from judges while transferring it to politicians that politicize the issue (Haney, 2002). Still, it is important to realize that sentencing approaches differentially affect parole and release from prison.

Moral Exclusion After Serving Time: Releasing ‘The Criminal’

Viewing the process of release for those convicted of crimes and incarcerated, via parole (inside prison) and the reentry journey outside of prison (including parole supervision and invisible punishments), offers a view of moral exclusion after sentences are served. By looking at how parole is granted (the first step to release), as well as what the literature reveals about post-release experiences, the theory of moral exclusion can help frame the experiences of people convicted of crimes upon release. Furthermore, it can also highlight how widespread and long-lasting moral exclusion can be for this group.

Parole in New York State

The means of release from prison in New York State include: 1) presumptive release, 2) discretionary release to parole supervision, 3) conditional release, 4) release to post-release supervision, and 5) completion of the full term while incarcerated. Presumptive release dictates release when one reaches their parole or merit eligibility date and does not require appearance before the parole board while discretionary parole is granted after an appearance before the parole board, at the ‘discretion’ of the board members. In the state of New York, presumptive release is only available for non-violent, felony offenders whereas discretionary release is available to all with indeterminate sentences, once the minimum term is served; this type of parole is solely under the authority of the Parole Board.

Conditional release occurs when an eligible inmate has served a specific portion of their determinate or indeterminate sentence (usually two-thirds), after which they are credited with

‘good behavior’ for the remaining portion of their sentence. Inmates with life on the back end of their sentence (i.e. 25 to life) are not eligible for conditional release; therefore, they are only guaranteed a hearing every two years (or every year in some cases) with no guarantee parole will ever be granted.⁷ Post-release supervision is only for those with determinate sentences and encompasses a period of supervision after release, under the Division of Parole’s jurisdiction; post-release supervision is mandatory for those convicted of violent crimes. Finally, completion of the full term mandates release once the full sentence has been served.

New York State’s Statutory criteria and Executive Law 259-i. Executive Law 259 outlines the discretion of the Parole Board and highlights the statutory criteria for determining whether parole is granted or denied including the nature of the original offense and severity of the crime, the sentence type and length, any recommendations from persons involved in the original case (i.e. prosecutors, defense counsel, the Judge/court), mitigating and/or aggravating factors, prior offenses or patterns of criminal behavior, institutional record and programming while in prison, release plan, community resources available to the inmate if released from prison (i.e. employment, education, or other support services and/or training programs), and victims’ statements. Further, specific language from Executive Law §259-i (2)(c)(a) suggests that,

Discretionary release on parole shall not be granted merely as a reward for good conduct or efficient performance of duties while confined, but after considering if there is a reasonable probability that, if such inmate is released, he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society and will not so deprecate the seriousness of his crime as to undermine respect for law (Alexander, 2008, para.7).

The Impact of Legislation Affecting Parole

Sentencing Reform Acts of 1995 and 1998. Soon after George Pataki won the Governorship in New York State, the state legislature passed the Sentencing Reform Act of 1995

⁷ New York State has the highest percentage of inmates with life on the back end of their sentence (20%), twice that of the national average (Caher, 2006a).

(Caher, 2006a), replacing indeterminate with determinate sentencing for *second time* violent felony offenders and *second time* felony offenders with *violent* felonies, while simultaneously abolishing discretionary parole for this group and removing judicial discretion (New York State Commission on Sentencing Reform, 2009).

Three years later, the net widened with the Sentencing Act of 1998 (Jenna's Law), abolishing indeterminate sentencing and substituting determinate sentencing for most *first time* felony offenders. By the mid-1990s, parole for those convicted of violent crimes, specifically Murder (first and second degrees) was eliminated, as was indeterminate sentencing. Instead, determinate sentences were given (of which 6/7^{ths} must be served) and mandatory post-release supervision was added. Determinate sentencing remained intact for non-violent offenders (Caher, 2006a; Roberts, 2007). Since these key pieces of legislation could not be applied retroactively, many sentenced under the former indeterminate sentencing structure were still eligible for parole after serving their minimum sentence. Still, these two pieces of legislation (Sentencing Reform Act of 1995 and Jenna's Law) lead to drastic changes in the ways people convicted of violent crimes were treated and considered by parole boards.

Eligibility and granting parole. During the 1992-1993 period, 7,623 persons convicted of A-1⁸ and other violent felonies⁹ were *eligible* for parole; by 2004-2005 that number declined to only 2,414 (Caher, 2006b; NYS Office of Policy Analysis, 2006). Further, during the period just before Governor Pataki took office, the percentages of those *granted* parole hovered in the mid to high twenties for people convicted of class A-1 violent offenses (23% in 1992-1993; 28% in 1993-1994; and 25% in 1994-1995) and roughly 50% for other violent offenders (51% in

⁸ Murder in the first and second degrees, Attempted Murder in the first degree, Kidnapping, and Arson.

⁹ Manslaughter, Attempted Murder, Rape, Robbery, and Burglary.

1992-1993; 52% in 1993-1994; and 52% in 1994-1995) (Caher, 2006a; NYS Office of Policy Analysis, 2006) (see Figure 2).

Furthermore, sharp decreases in the granting of parole coincide with passage of the Sentencing Acts of 1995 and 1998. After the Sentencing Act of 1995, the percentages of people granted parole dropped to 14% for A-1 offenders for the 1995-1996 period, 9% for the 1996-1997 period, and only slightly decreased for other crimes of violence (45% for the 1995-1996 period and 38% for the 1996-1997 period). However, after Jenna's Law passed in 1998, the percentages dropped drastically for both groups.

Additionally, for people convicted of class A-1 crimes, the percentage of those granted parole dropped to 7% during 1998-2000 and 3% (only 9 people) in 2004-2005, the year just before Governor Pataki left office. For people convicted of other violent felonies, the percentages dropped from between 20% and 21% for the 1998-2000 period to 16% (337 people) for the 2004-2005 periods (Caher, 2006a; Fears, 2003; NYS Office of Policy Analysis, 2006).

Likewise, variation existed in parole granted to those reappearing before the parole board and those appearing for an initial hearing during 2006 and 2007 (the last year of the Pataki Administration and the first year of the Spitzer Administration, respectively). In 2006, 978 people convicted of violent crimes reappeared before the parole board and 128 were released (13%); for 274 appearing for the first time, 20 were released (7.3%). In 2007, 957 people convicted of violent crimes reappeared before the parole board and 185 were released (19%); for those 292 appearing for the first time, 40 were released (13.7%) (Roberts, 2007).

In fact, as the Pataki Administration came to an end, the number of people convicted of violent crimes granted parole *rose* from 6% to 12% during his last year in office (1995-1996) and at the end of Governor Elliott Spitzer's administration, the numbers continued to rise to 18%.

From January to July 2007, the number of A-1 offenders granted parole reached 26.7% (Stashenko, 2007). While this demonstrated that change was underway in New York State, the number of people convicted of violent crimes granted parole still trails those convicted of other crimes.

Some attribute the shifts to newly appointed Chairman George Alexander's decision to remind commissioners of their job to weigh factors other than the original violent crime (i.e. rehabilitation, remorse, achievements in prison). Others suggested that the new administration simply allowed commissioners to do their jobs without fear of retaliation or criticism (Roberts, 2007). Still, it is also possible that under the Pataki administration, the same parolees that had appeared (and been denied parole) repeatedly, had over the additional years, made the necessary changes the board required to warrant parole or that changes in release simply reflected changes in social values.

Re-entry

Eventually, 95 percent of those incarcerated *will* be released from prison for reentry into society (Travis, 2002), translating to 600,000 incarcerated persons released every year (approximately 1600 per day) from federal and state prisons (Travis, Solomon, & Waul, 2001). Almost two-thirds of those released will be rearrested for felonies or serious misdemeanors within three years; 40% within the first year alone (Travis, Solomon, & Waul, 2001). Studies suggest that the "moment of release" (the hours and days *prior* to release), and the first few hours *after* release are critical to successful reentry into the "free world" (Nelson, Deess, & Allen, 1999). Transitioning back into society involves securing housing, employment, and transportation, but also navigating parole supervision stipulations, other policies regarding post-

prison associations, and societal stigma. Hence, reentry constitutes one of the most stressful periods in the life of a person who has served time in prison.

The transition from inmate to free citizen is considered a three-stage process. The first stage, *institutional reentry*, occurs at least six months before release while the second stage, *structured reentry*, begins six months before release through 30 days after release. The final stage, *integration*, encompasses the time period of one month and beyond, after release (Taxman, 2004). These three stages are made more difficult by the limited resources for survival needs such as food, housing, and employment, but also skills-based services such as education and vocational training.

Further, people transition from institutions that control every aspect of their lives to environments that involve more decision-making, although many remain under supervision by parole officers that continue to limit one's agency. As such, formerly incarcerated persons are often positioned as passive recipients of services rather than active participants. Taxman (2004) suggests that the current construct reinforces the notion that people cannot make their own decisions about their life; they remain dependent on the state.

On the contrary, involving people in the process of their own reentry allows them to make decisions about their lives and sheds light on the risk factors, criminogenic needs, and outside factors that influences one's criminal behavior. Moral exclusion posits that some in society are a perceived plague or threat and the extent to which justice is withheld or allowed depends on many things (discussed previously). Formerly incarcerated persons, and specifically those convicted of violent crimes, seem to fill this niche in society raising considerable concern for not only how 'the criminal' is defined, imprisoned, and released, but also how they reenter society (and their treatment while doing so).

Invisible punishments. Research by Jeremy Travis (2002; 2005) and others (Rubenstein & Mukamal, 2002; Mauer, 2002; Richie, 2002; Miller, 2002; Taxman, 2004) indicate that a multitude of *invisible punishments* transcend prison walls and the expiration of prison sentences. For those who leave prison, stigma and limits on rights, resources, and privacy, equate to hurdles, if not blockades, to successful reentry, resulting in what the ancient Romans and Greeks referred to as a ‘civil death’ (Perl, 2003).

Upon release, some cannot obtain a driver’s license, federally funded health and welfare benefits, public housing, educational financial aid, and/or certain employment. Their ‘felon’ status must be revealed on most, if not all, applications. In some states, people cannot vote while on parole. While most states reinstate voting privileges after parole conditions have been met, other states disenfranchise formerly incarcerated persons for life (Mauer & Chesney-Lind, 2002). And, if under parole supervision, one is subject to unannounced searches and curfews.

With such a large population affected by policies around parole and post-release supervision, questions remain about whether the parole systems nationwide, but specifically in New York State (for the purposes of this dissertation), allow for serious consideration of change behind prison walls. Additionally, since this work focuses solely on people convicted of violent crimes, further questions arise about the financial, emotional, physical, and psychological costs of these practices for those serving long sentences and their families, communities, and society as a whole. Likewise, with so many people returning to prison, major questions remain about why some people return to prison after release while others do not (which is addressed later in this dissertation).

Recidivism Rates for People Convicted of Violent Crimes/ ‘Murderers’¹⁰

The research on recidivism rates is immense; but much of that work focuses on crime in general. However, the five studies presented in this section highlight work focused on people convicted of serious crimes such as murder, in terms of how they differ from those that commit other types of crimes, their recidivism rates, and other aspects of their criminal history and demographic information. For these studies, only recidivism rates are discussed as they help to create a framework for understanding the New York State context.

Ohio (1961). A 1960s Ohio Legislative Report devoted to the topic of capital punishment found that the 169 people with life sentences for first-degree murder (since 1945), posed the highest level of parole success compared to all other offense categories (Ohio Legislative Service Commission, 1961). An examination of the effectiveness of prison and parole in the United States also revealed that those involved in homicides were least likely to commit new offenses after release due to the unique circumstances that surround these crimes (Glasier, 1969). Further, the lowest rate of parole violation occurred for people that had long prison sentences after one extreme crime (i.e. murder).

Massachusetts (1968). A study in Massachusetts also examined variables of convicted murderers and found statistically significant differences when compared to non-murderers on background information, criminal history, and recidivism rates (Gavin, 1968). The study focused on characteristics of 238 people convicted of first and second-degree murder from 1943-1966. A subset of this group, people released via parole or pardon, were then used to examine recidivism rates. In both cases, the comparison group was 820 non-murderers released from three Massachusetts prisons (Walpole, Norfolk, and Concord) during the years 1959 and 1960.

¹⁰ Throughout the following studies, the terms ‘murderer’ and ‘non-murderer’ are only used to keep the language consistent with the time period during which the studies took place and to reflect the language of the authors of these studies. The importance of language/terminology will be addressed later in this dissertation.

Statistically significant differences were found for criminal history with convicted murderers having much less serious criminal histories than the comparison group. Convicted murderers had fewer prior arrests; non-murderers were actually almost twice as likely to have had six or more arrests prior to their most recent incarceration (64.4% versus 34.4%). And, in terms of penal commitments, convicted murderers were less likely to have prior incarcerations than the comparison group (55.5% versus 29.9%, respectively). Furthermore, convicted murderers' disciplinary offenses were low; 81% had less than five infractions (extremely low for the long terms they spent incarcerated) with 42.4% having none. In terms of recidivism, 80.3% (57 of 71) of participants had no contact with law enforcement after release and 19.7% (14 of 71) were re-arrested. Of those fourteen, six were arrested for traffic violations, seven for 'other' crimes (i.e. assault and battery, larceny, possession of a firearm, and operating a vehicle without a license), and one person returned for first-degree murder.

When utilizing the criteria for recidivism at the time (four years since release), a group of 30 convicted murderers' recidivism rate (10.3%) was compared to the overall recidivism rate for the 'other' category (59.5%). Convicted murders proved to have much lower recidivism rates than the overall return rate for others. In terms of gender differences, of the four females convicted of murder and later paroled, none returned to prison.

Massachusetts (1970). Another study in Massachusetts used a similar pool of participants to compare convicted murders and others suggesting factors that relate to recidivism (Gavin, 1970). Using six basic categories: background, criminal history, present crime, institutional behavior, release data, and post-release data, the study utilized 92 convicted murders, released from 1957 through 1966, as well as 507 convicted of other crimes, released from Walpole or Norfolk prisons in 1960. As with the Massachusetts 1968 study, convicted

murderers were found to have less serious criminal histories, including less prior arrests (as measured by six or less), than the comparison group (21.7% versus 70.2%, respectively). Convicted murderers were also found to have less prior commitments than the comparison group (33.7% versus 73.2%, respectively).

People who spent time in prison for murder proved to be relatively good parole risks. Of the overall group of 92, 18 (19.6%) were re-incarcerated. While eight returned for technical violations and eight for technical violations *with new arrests*, two also had new commitments based on serious crimes, including one for murder. Using only those that satisfied the recidivism criteria (n=70), 12.8% return to prison (n=9). However, for the comparison group, 59.5% were re-incarcerated. Therefore, once again, convicted murderers were less likely to recidivate than non-murderers. And, none of the women (n=3) returned to prison.

This study offered several contributions that the previous study did not, including: 1) a breakdown of recidivism by number of years post-release and 2) a look at recidivism rates for those re-incarcerated and then re-paroled. At each year marker, convicted murderers were much less likely to re-offend with only 1.1% returning within the first year versus 35.5% of non-murderers. When looking at the re-offense rates as a whole for convicted murderers (19.6%), of the 18 that returned to prison, 11 were re-released. Of those 11, 8 returned to prison again (72.7%) and 5 of those 8 returned within 1 month of release. The findings suggest that while this group represents a very low initial recidivism rate, if returned to prison for a second time, they pose a very high recidivism rate.

New York State (1969). Similarly, in New York State, a study compared paroled murderers and non-murderers on overall delinquency rates and new convictions (Stanton, 1969). The study examined all 63 people paroled from July 1930 (the inception of the Division of

Parole) through December 31, 1961 after serving time for first-degree murder. The study also looked at 514 people paroled between 1945 and December 31, 1961 after serving time for second-degree murder. Utilizing a comparison group of parolees, dubbed the “non-murderers,” released from New York State prisons in 1958 and 1959, for a multitude of crimes other than murder (N = 7305), along with a subset of convicted murderers released during the same time period (N = 65), the data suggest that 13.8% of the convicted murders and 41% of non-murders were delinquent; the rate for the non-murderers was three times that of convicted murderers. When examining only *new convictions* and widening the time period to those released between 1948 and 1957, of the 28,788 non-murderers and 336 murderers falling into this criteria (both supervised for up to 5 years) 7.2% of murderers and 20.3% of non-murderers were convicted of new offenses while on parole.

Still, two of those paroled for murder were convicted of murder after release, for which they were later executed. This study demonstrates that those who spent the longest time in prison before their parole had the lowest delinquency rates. Stanton, the author of the New York study, suggests that because many of the first-degree murder cases involved first-time felons as well as crimes of circumstance/situation, people convicted of murder were better risks than all other crime categories. Finally, while this study did not include the category of manslaughter, Stanton (1969) hypothesized that since the difference between murder and manslaughter is often legal definition, and the crimes just as serious as murder in the first and second degrees, those convicted of manslaughter would also make better parole risks than persons in other crime categories. While this study (and those previously mentioned) document similar patterns of low recidivism rates for people convicted of murder and violent crimes, there exists a repeated

documenting of heightened supervision, sentence length, and denials of parole due to calls for public safety not supported by the empirical data.

Boston Globe (2011). An analysis of the return rates of serious criminal offenders by a journalist from the Boston Globe addressed two concerns: whether granting *early* release to people convicted of convicted murderer posed a public safety risk; and, whether the state was able to adequately supervise violent criminals on parole (Rezendes, 2011). The article further examined whether people who commit additional serious crimes (after parole) are anomalies or representative of parolees previously convicted of violent and serious crimes.

The study (Rezendes, 2011) found that of 201 “serious criminal offenders” released to parole supervision between January 2006 and December 2010, 19.4% (n=39) returned to prison for a parole violation and 14.9% (n=30) for a new crime. Combining these two numbers together, the article suggests that more than a third (34.3%) of this group returned to prison. The study suggested that when comparing the return rates for non-lifers in Massachusetts (22%), the findings contradict the long held notion that people convicted of violent crimes are less likely than other groups to return to prison or reoffend. The study does point out that when compared to the overall return rate for *all* states (43.3%), the Massachusetts lifers fared better. However, lumping technical violators and those that commit new crimes as one group may be inappropriate because people returning to prison for parole violations do so for a range of infractions, some as small as missing curfews, which may not be public safety issues.

Further, Massachusetts does not keep detailed records on much of the information available in New York State (an issue the article acknowledges), which may explain the different outcomes for studies in these states. Until a full data set exists with all variables and information necessary to really investigate release rates in Massachusetts, the longstanding belief that violent

offenders are low parole risks remains intact and well supported by the data. Finally, as with many studies of its kind, the reasons *why* people return to prison and the role outside factors might play such as parole restrictions, hurdles to re-entry, a lack of skills and education, drug and alcohol issues, residual effects of prison, institutionalization, stigma, and complicated family dynamics (often more complicated by imprisonment), are not discussed.

Conclusions

This chapter highlighted the trajectory of moral exclusion across this dissertation by first establishing moral exclusion as an overarching, viable, theoretical framework to study policies and practices targeting people convicted of violent crimes in New York State to determine their effectiveness (in terms of public safety and return rates), but also establish their cost: financial, psychological, and societal. The chapter then examined moral exclusion as social theory by surveying the historical landscape in terms of how crime/criminality/the criminal had been conceptualized and defined.

By exploring crime and the criminal as an individual problem versus a societal problem, the social sciences raise important questions about the role of responsibility and remorse in this complicated web of punishment, rehabilitation, and retribution. Critical theorists have offered a way of “investigating the investigations,” a means of critiquing the missing voices in studies of crime. As a result, the subject of the work has slowly expanded to include various populations and voices into the discussion (i.e. women and minorities) via alternate methods such as field studies, ethnography, and the use of life studies. Other feminist approaches (authors cited previously), such as participatory action research, has allowed for the asking (and answering) of different research questions and a change in the perspective from which science is told, now including the viewpoint of those who have committed these crimes; likewise, energy can be

focused not on pathologizing people, but critiquing and challenging the status quo of politics, capitalism, and access to power.

This chapter also interrogated moral exclusion as policy by looking at the use of punishment and treatment of criminals/criminality historically in the United States and New York State. Perhaps, as Durkheim believed, criminals afford a group that society can rally against and use to affirm one's own goodness, a group people can other. In turn, othering necessitates narratives and participatory approaches to make human the issues of parole and re-entry, to put faces and stories in the place of statistics. Perhaps Durkheim was right when he suggested that without criminality, social change is not possible. It may be that the legislation and policies that deems these people criminal are what researchers should examine.

Furthermore, moral exclusion was examined after one served time, through 'release of the criminal,' by examining legislation that controls eligibility for release (parole) (i.e. Sentencing Acts of 1995 & 1998), other policies and practices targeting this group, and the invisible punishments/collateral consequences of post-prison life. Lastly, this study highlighted historical research supporting the anecdotal evidence that people convicted of crimes of violence rarely return to prison.

Future consideration for this dissertation (and by policymakers), with regard to violent crimes and the people that commit them, must begin to include discussions of *empirical* data as low recidivism rates are not widely-known (or believed) by society at large. And beliefs are important. Beliefs about the origins of criminality, rehabilitation, return rates, and acceptance of responsibility shape/influence societal attitudes that, in turn, shape/influence penal practice.

I don't understand re-entry or what it is, because I didn't re-enter anything. I was not there. I was never there. I was thrown into a place that I had never been. I didn't re-enter.

– Rhonda

PORTRAIT OF A PARTICIPANT: ASKARI

At the age of 16, Askari was charged with murder. At the time of his crime he was well aware that a robbery was about to be committed. He was, however, unaware that a life was about to be taken. Although he did not pull the trigger, in New York State (and most others), under the felony murder rules, he was deemed culpable. Askari never saw high school graduation. Sentenced '20 years to life' for felony murder, he was released at age 39. He served 23 years.

Prior to his incarceration, Askari had few life experiences and even fewer reasons to be hopeful. With a prison sentence longer than his life to date, he nevertheless determined to stay on a positive course, survive prison, and to do his time without incident. While in prison, he earned his Master's degree and became a published writer. Deeply involved in programs in prison that promoted positive change, he volunteered in the law library and tutored other inmates throughout his incarceration.

Askari stayed out of trouble and was a model inmate. He appeared before the parole board three times, and a clemency board once, before parole was finally granted. Repeatedly denied parole due to the 'nature of the original crime,' his accomplishments while in prison failed to sway the parole decision. The other young man involved in the case who had pulled the trigger, was tried as a juvenile. He was sentenced to 18 months in a juvenile facility and was out of prison before Askari had served the first two years of his long-term incarceration. In our interview, Askari could not explain why parole was not granted at the first two parole board appearances. From his perspective, nothing changed from the first to the third appearance when he was granted parole; he simply served four more years in prison.

Askari was released from prison nine years ago, was discharged from parole supervision in 2008, and has married. He has had no incidents with law enforcement. For the past seven years, he has worked at a New York City non-profit organization that provides services to people who have been in prison and their families. He continues to give back to the community through his work with formerly incarcerated persons, his research, and his dedication to social justice issues.

CHAPTER TWO

STUDY 1: RETURN RATES

Research Questions Revisited

- A) What are re-incarceration rates for men and women convicted of violent offenses? If public safety is the basis for the denials of parole and lengthened sentences, what are the rates that people convicted of violent crimes return to prison? And, are returns for new crimes or technical violations?
- B) Have lengthened sentences and denied parole actually reduced post-release commitments?

Method

Study 1 utilized data from longitudinal, quantitative analyses, conducted by the New York State Department of Correctional Services (NYSDOCS), tracking the re-incarceration rates for women and men released from prison. The data represent people convicted of a variety of crimes, including violent crimes, and the men and women had been released for a minimum of 24 and 36 months, depending on the report. The data include the person's gender, the nature of the original crime, whether the person was returned to prison after release, the nature of the return, and length of time served.

A statistical cohort analysis was conducted using several NYSDOCS' Annual Statistical Reports (1997a, 1997b, 2000, 2001, and 2004) to determine the rates at which people convicted of violent offenses that were released after incarceration, returned to prison. Likewise, to determine re-incarceration rates for women and men convicted of violent crimes, reports produced by NYSDOCS in 1997 and 2000 were requested. These reports were contemporary analyses of persons convicted of violent crimes by gender, for re-incarceration rates and types of

recommitments (e.g. new crime vs. technical violation); if the recommitment was for a new crime, a detailed list of crimes was also provided.

Results

Return Rates for People Convicted of Violent Crimes

The NYSDOCS reports (1997b; 2000) had twice documented the answer to one of the key questions in Study 1 – return rates for people convicted of violent crimes. First, its report, *1997 Releases: Three Year Post Release Follow-Up Report* (NYSDOCS, 1997b), tracked 36 month post-release re-incarceration rates by most serious crime at commitment, combining males and females. In New York State, as in the nation, men and women convicted of Murder and Manslaughter in the first and second degrees had significantly lower recidivism rates than persons convicted of all other major offenses. In fact, according to this analysis, those convicted of murder had the *lowest recidivism rate* of all other felonies for a new crime.

Three years later, in *2000 Releases: Three Year Post Release Follow-Up* (NYSDOCS, 2000) a systematic tracking of persons released from New York State prisons between 1985 and 2000, confirmed these trends:

Among individual crime categories, there were marked differences in the rate of return. Burglars and robbers tended to have the highest rates of return, with about half returning within three years of release... Burglary 3rd (56%) and Robbery 3rd (55%)... Inmates least likely to return within three years were convicted of Criminally Negligent Homicide (5%), Manslaughter 2nd (21%)... offenders released after serving time for Murder offenses return at the lowest rate. (NYSDOCS, 2000, p. 10)

Turning specifically to convictions of murder, *2001 Releases: Three Year Post Release Follow-Up* (NYSDOCS, 2001b) revealed that 95 women and men who had been convicted of murder, were released. Of these, 20 returned to DOCS within 36 months (21%). Comparing these rates, for instance, to the 40% of those convicted of drug offenses and the 46% of those convicted of property and other non-violent offenses who returned to prison, highlights the low

levels of returns and the low rates of new commitments for those convicted of murder. A closer examination also revealed that of the 20 who returned to prison, *one* person did so for a new commitment while nineteen returned for parole violations. In fact, in general, those who returned to prison were three times more likely to return for a technical violation than a new crime.

Examining the 24-month return rates (NYSDOCS, 2004) for people convicted of violent crimes, released between 2000 and 2004, displays a similarly low rate of return (see Table 1). Analyzing the outcomes by type of crime, DOCS reports that of the 4073 men convicted of a violent felony and released between 2000 and 2004, 79.7% did not return to DOCS within 24 months. Fifteen percent returned for parole violations and 5% for a new felony. Of the 92 women, 93.5% did not return, 5.4% returned for parole violations, and one woman (1.1%) returned for a new offense.

Gender & Time Served

In order to understand how these re-incarceration patterns intersect with gender, a request to DOCS was made for a more current analysis of re-incarceration rates for persons who have served long sentences, disaggregated by gender. The 24-month returns to DOCS (2004) for men and women who served eight years or more, and who were released during the years 2000 to 2004, ranged from 15% to 22% for men and 0 – 8.2% for women. Again, to the extent that such persons return to DOCS, the vast majority returned for parole violations and not for new crimes (see Table 2).

Of the 4900 men who served a minimum of eight years (and were released between 2000 and 2004), 80.1% did not return to DOCS within 24 months. This number includes 85.3% of those who served over fifteen years; of those, 2.2% were convicted of a new felony and 12.5% returned for a parole violation, documenting the same pattern as with 36-month return rates.

Similarly, looking at the full sample, 14.7% of the men returned to DOCS because of parole violations; 5.2% returned for new violations. Stated differently, of those men who did return to prison, 73.7% did so for a technical parole violation on their first return. It is also worth noting that when a new crime was committed, the crimes were overwhelmingly *non-violent* in nature.

Women that served eight years or longer had particularly low re-incarceration rates; only 3.9% returned to DOCS for parole violations and *one* out of 128 women (less than 1%) returned for the commission of a new crime. Stated otherwise, of the 128 women who served a minimum of eight years in DOCS and were followed over a 24- month period after release from prison, 95.3% did not return to DOCS.

Looking more closely at the data by amount of years served, none of the 24 women who served 15 years or more returned to prison for a new offense nor did any of the 43 women who served 10-15 years; one woman returned to prison for a parole violation (2.3%). Furthermore, only one woman out of the 61 who served 8-10 years, returned to DOCS for a new offense (1.6%) while four (6.6%) were returned for parole violations. Hence, women have low recidivism rates, even lower than men in the study.

New Crimes and Technical Violations

Of those persons charged with violent felony offenses who do return to incarceration (23.3%), only 3% of the 2000 cohort and 1.7% of the 1997 cohort returned for a *new commitment* while 16% of the 2000 cohort and 16.9% of the 1997 cohort did so for *parole violations*, not new, violent crime(s). Indeed DOCS notes that, “Homicide and dangerous weapons releases were much more likely to return for a drug offense than for the original type of crime” (NYSDOCS, 2001, pg.19). For purposes of comparison, 49.8% of persons charged with original drug offenses returned within 36 months; 44.2% of those persons committed a new

crime. However, of the original cohort of 4900 men, six returned for murder, one for attempted murder, and two for rape in the first degree.

Public Safety

Pre and post-policy return rates. Since 1985, when the nation's prison population had historically high growth, through the year 2000, The New York State Office of Policy Analysis (2006), documented a significant pattern of reduced granting of parole, particularly for persons convicted of Murder (in the first and second degrees) and Attempted Murder (in the first degree). Despite evidence that persons convicted of violent crimes do not pose a major risk to public safety and have low re-incarceration rates, over the past two decades, most women and men convicted of murder have been denied parole (and release) at least once. During the same period, the percentage of 'New Felonies' for persons released from prison dropped dramatically, yet time served increased.

According to the New York State Department of Corrections, since 1985, the return rate to prison has been flat, the percent of commitments for new crimes dropped from 17% to 10%, and re-commitments due to parole violations increased from 23% to 32%. That is, the number of cells filled has stabilized over time, despite the fact that fewer crimes were committed, due to increases in parole violations. Likewise, the amount of time served has increased. In the 1980s and early 1990s, 'violent offenders' served an average of 8 years; since 1994, they average 20 plus years.

It is important to know whether the low recidivism rates were a result of the use of parole denials that held more people in, and only allowed out a small group or whether the rates were the same as when this group did not face the aftermath of these policies. To examine whether the mid-1990s policy of cumulative parole denials explains the low re-incarceration rates for this

group, a review of the DOCS data on 1985 – 1997 releases and re-incarceration rates for murder in particular, allowed for an assessment of re-incarceration rates before and after the policies took effect.

The NYSDOCS' (1997a) report *1985 – 1997 Releases: Original Commitment Offense by Type of Return*, demonstrated that of 770 people convicted of violent crimes who were released, 19.1% (n=147) returned to prison. Of that group, 28 returned for a new commitment while 119 returned for a parole violation, meaning that only 3% of those released returned for a new commitment while 16% returned for a technical violation.

NYSDOCS' (2001a) report, *1985 – 2001 Releases: Most Serious Crime at Commitment by Return Type*, indicates that even with the intensification of parole denials, the low rate of re-incarceration is actually quite similar to the rate *prior* to the policy shifts. Of 1022 people released, 203 (19.9%) returned to prison. Of this group, 32 people returned for a new commitment (3.1%) while 171 (16.7%) returned for a parole violation.¹¹

Discussion

Like the studies in Massachusetts and New York (discussed previously), this study found that people convicted of crimes of violence (particularly murder and manslaughter) have low recidivism rates. They have the lowest return rate of all crime categories. This pattern has held constant through different studies, by various researchers, in different states and prisons, and across different decades. In particular, the women's return rate is miniscule and most of the re-incarceration rates, for both men and women, were for parole violations and not new commitments.

¹¹ To read more about this study as a policy brief, please see, The Long-termers Project (2007): *Policy brief on long-term incarceration: An analysis by gender and crime in New York State*. New York, NY: Fine, M. & Clear, T.

Statistical data provided by the NYCDOCS and the New York State Office of Policy Analysis of the Department of Parole, reveal a systematic practice of parole denials for this group, despite low recidivism rates. Further, the number of those granted parole in New York State fell from 28% in 1993-1994 to 3% in 2004-2005. The statistics presented in this study highlight the role of strict supervision on return rates, as beds remained full even though crime and return rates fell.

Further, the official documents of the NYDOCS suggest no evidence that routinely and repeatedly denying parole to persons convicted of violent crimes, resulting in longer sentences, actually reduces re-incarceration or enhances public safety. In fact, the data show that return rates remained relatively the same before and after policies shifted, challenging the purpose of the two signature policies of Pataki's administration (denials of parole and long sentences).¹² Likewise, one's prior crime does not appear to determine continued threat for those convicted of crimes of violence (or predict future dangerousness), particularly for those having served time for murder and manslaughter.

Limitations

As these analyses were conducted with archival data, compiled by DOCS, and insufficient data about the pool of participants, aside from general demographic information, lack of control is an obvious limitation of this study. Further, considering that various aspects of one's context may change return rates (i.e. parole officers' parameters for parole supervision, parole officers' thresholds for violating parole supervisees, the use of (and access to) attorneys, and one's criminal history), without more in depth information, much of the nuance is lost. Still, because the focus of this analysis was to determine the return rates of men and women by type of

¹² The researchers recognized that this shift is evidence of a much larger problem than one administration and it reflects the trickle down nature of national policies. Further, it mirrors national trends by state as well.

crime, length of sentence, and type of return, the data do provide much needed information about this group. Additionally, the various sources of data/reports used for this analysis, varied regarding cut offs for return rates with some using 24 months and others using 36 months. Considering 36 months is the widely accepted cut off range for reporting recidivism rates, the 24 month numbers may prove to be premature measures of successful reentry.

Future Directions

Recidivism rates were NOT correlated with lengths of sentences for violent offenses. Thus long sentences represent an extremely costly state policy—costly in terms of lives, families, communities, civic trust, and public finances. And, if these lengthy sentences are juxtaposed with the literature on recidivism suggesting that although sentences become longer, recidivism rates for all crimes were stable, what is the purpose of lengthy sentences if not to decrease recidivism?

While the return rates offer a glimpse of the rates with which people return to prison after release, and whether various policies meant to reduce return rates and increase public safety, have or have not been successful, they do not offer insight into the experience of seeking parole and of being paroled or denied parole, the impact of parole policies in terms of tax dollars, or the lives of people convicted of violent crimes, their families, or their community's well-being. Nor do they provide the perspective of parole board members about how they determine who is ready for release and who is not. Interviews with long-termers and parole board members can better answer whether information from disciplinary records, psychiatric histories, program participation, or lack of these things might signal a threat to public safety or a likelihood of committing another offense. Hence, the following two studies offer contextualization of the quantitative data with qualitative insight into parole readiness; transformation, remorse and

responsibility; and parole decision-making from the perspective of people convicted of violent crimes that served long sentences before release, and former parole board members, respectively.

If it don't kill you, it'll build you. - Abdullah

PORTRAIT OF A PARTICIPANT: MARY

Mary, an African-American woman, was 20 years old at the time of her arrest and with only an 11th grade education level, she lacked a diploma and an employment history. What she did have was a juvenile record, a daily-use habit of crack cocaine, and a charge of first-degree manslaughter after a resident (whom she believed was not home), was killed in the course of a planned burglary. After her conviction and sentence to a women's facility outside of New York City, she found herself the youngest in the prison.

Two years after her arrival, while working in the newly established HIV program, she participated in the "buddy system" program of testing for HIV when a fellow inmate was scared to test. The other woman's test was negative while Mary's was positive. Because the virus was so new at the time (and only one drug was available) she interpreted the results as a death sentence and vowed to do something with her life before she died. Mary struggled to make sense of her crime and took a long time to forgive herself, a feat she accomplished through an exercise of "talking" to the deceased victim at the urging of her therapist, which allowed her to eventually let go of her guilt and anger. Mary achieved degrees in Sociology and Psychology while in prison and received her Master's degree in 2003, the year she came home. However, coming home was not easy.

Despite the fact that Mary had changed her entire life and outlook while in prison, was living with a serious virus, had participated in a multitude of programs in prison, and had provided support and leadership in her facility, she was denied parole five times based solely on the nature of the crime. When she was released, the virus had made her too ill to work although she did volunteer at an AIDS service center. She facilitated a recovery support group, co-facilitated a recovery readiness group, worked on gathering statistics for policy reports, and was a peer-coach. She also traveled and gave presentations, as her health allowed, giving back to her community in a number of ways before becoming so weak and frequently hospitalized that she was unable to leave her apartment. Mary spent ten years in prison beyond her first date of parole eligibility. Mary died in 2007, ten months after her interview for this study.

CHAPTER THREE: STUDY 2

PAROLE, TRANSFORMATION, AND REENTRY

Research Questions

- A) How does moral exclusion take shape, both inside and outside of prison, to affect the lives of those convicted of violent crimes who have served long sentences in prison? Stated otherwise, *where* and *how* are people who have been convicted of violent crimes morally excluded during both the parole and reentry processes?
- B) What social scientific evidence of transformation, rehabilitation, and responsibility can be extracted from the narratives of people who have been convicted of violent crimes?
- C) What conditions need to be in place in prison, and during re-entry, to facilitate and sustain change and a sense of responsibility?

Method

Participants

Recruitment. Several organizations, suggested by Alumni Research Group members, were used to recruit participants. These organizations (i.e., Citizens Against Recidivism, Episcopal Social Services, and The Osborne Association) provide a multitude of services to people returning from prison and several of the organizations employed Alumni Research Group members or were agencies they accessed when released from prison. Contact was first made with the organization leaders through research group members, followed by a formal email from the researcher stating the purpose of the study and requesting their assistance identifying potential participants (see Appendix A). After expressing continued interest, the directors of the programs were given the criteria for participation and asked to provide potential participants with the researcher's contact information. The criteria were as follows:

- 1) The person was convicted of a crime of violence (including, but not limited to murder, attempted murder, manslaughter, rape, aggravated assault, or sexual offenses).
- 2) The person served a 'long term' in prison as defined by at least ten years.
- 3) The person had been released from prison for at least 18 months (originally, the requested time was three years, the typical cut-off point for research regarding recidivism, but due to difficulty finding women who had served long sentences AND been released for at least three years, the time since release was adjusted to 18 months for both women and men to keep the criteria consistent).

Approximately one-third of the participants were recruited via director referrals. The bulk of the participants were ultimately recruited through convenience sampling via the Alumni Research Group members. Likewise, several members of the group also served as participant/researchers. Finally, because random sampling was neither feasible nor meaningful in this case, snowball sampling was utilized once a core group had been recruited and interviewed, to arrive at a total of thirty-four participants.

Potential participants contacted the researcher via email to arrange a meeting time at The CUNY Graduate Center or a place of convenience (i.e. a café). Those referred by ARG members were given the researcher's contact information to arrange a meeting. In the case of those recruited via snowball sampling, participants gave the researcher's contact information to friends and acquaintances who might be interested in participating in the study. Interested parties contacted the researcher to arrange a meeting time and location.

Participant characteristics. Participants included 20 men and 14 women, varying in age, race/ethnicity, and crime(s) committed although all were convicted of crimes of violence.

For the women, seven were convicted of Murder, four of Manslaughter (first or second degrees), one of Attempted Murder, one of Accessory to Murder, and one of Attempted Burglary. For the men, fifteen were convicted of Murder, three of Manslaughter (first or second degrees), one of Attempted Rape and Sodomy, and one of Sex with a Minor (under 14 years of age).¹³ In total, 64.7% of participants were convicted of Murder, 20.6% of Manslaughter, 8.7% of other violent crimes (excluding sexual offenses), and 5.8% of sexual offenses (see Table 3).

Of the women, seven identified as African-American, two as Caucasian, one as Puerto-Rican-American, and one as Black; three participants failed to identify their race/ethnicity. For the men, thirteen were African-American; six were Hispanic/Latino and one was White. Overall, 90.3% of participants were of color and 9.7% were not (see Table 4). Most of the participants identified as mid to lower socioeconomic status pre-incarceration.

Additionally, most participants were single ($n = 19$), two were divorced, one was widowed, ten were married, one person had a partner, and one person did not provide this information (see Table 5). Specifically, 71.4% of the women were single and 14.3% were married while 47.4% of men were single and 42.1% were married. The majority of the women (64.2%) reported having children and 35.7% had none; likewise, the majority of men (63.2%) reported having children while 36.8% had none. Therefore, almost two-thirds of participants were parents, with the number of children ranging from 1 to 4 (see Table 6).

Prior to incarceration, 46.7% of participants had less than a high school education with several participants reporting an 8th grade education level and one reporting a 4th grade education level. In fact, 16.7% of participants had never attended high school and 30% had attended some high school, but eventually dropped out. Of the 53.3% that had a high school equivalency (GED)

¹³ Hence, 32 of the participants were convicted of crimes of violence (not associated with sexual crimes) and two (Rape and Sodomy & Sex with a Minor) were registered sexual offenders.

or higher, 30% reported having a high school diploma or GED, 10% had some college, and 13.3% had a college degree; four persons did not provide this information (see Table 7).

The average age for the participants entering prison was 26.6 years old for women (Mdn = 24; Mode = 18). Considering several outliers, the mode is likely a better representation of the women's data. In fact, over a quarter of the women (28.5%) were either minors or had just turned 18 years old when they entered prison to serve their sentences (see Table 8). The average age of the men entering prison was 22.8 years old (Mdn = 19.5; Modes = 19 & 22). Like the women, due to outliers, the median and mode better reflect the group's data. As with the women, a substantial number were minors or had just turned 18 at the time of their incarceration (30%)¹⁴.

The length of time served by the women ranged from 10-27 years with a mean of 15.9 years (Mdn = 14.75; Mode = 12) (see Table 9). For the men, the time served ranged from 13-25 years with a mean of 20 years (Mdn = 20; Mode = 25); combining the entire group, these participants spent an average of 18.5 years behind bars (Mdn = 17; Modes = 17 & 25).

Of the 33 participants reporting parole board appearances, ten (two women and eight men) were released after the first appearance (roughly 30% total; 14.2% versus 42.1% for women and men, respectively). The remaining participants reported numerous parole denials, ranging from one to five. The women amassed 40 parole board appearances, with a mean of 2.9 appearances for each participant (Mode = 2; Mdn = 2.5) while the men had a combined total of 45 appearances with a mean of 2.4 appearances each (Mode = 1; Mdn = 2) (see Table 10).

Excluding the men and women granted parole at their first hearing, and only looking at those denied parole (those with 'hits'¹⁵), the women with denials (n = 12) had 30 hits with a

¹⁴ It is important to note that these numbers represent the age at incarceration and participants would have been much younger at the time of the commission of the crime and the time of arrest depending on the length of the investigation and trial and/or sentencing, respectively.

¹⁵ In prison, people refer to a denial of parole as a 'hit'.

mean of 2.5 (Mode = 1; Mdn = 2) while the men (n = 11) had 30 hits with a mean of 2.7 (Mdn = 3; Modes = 1 & 4). In other words, while the men in this group had a higher likelihood of release at their first board (42.1% versus 14.3%), of those denied parole, the men were hit more often (see Table 11).

Teasing out the numbers of years served and parole board appearance at release, no pattern seems to exist for the women in that the average number of years served by women released at their first board was 13.35 years, one of the categories with the *least* amount of years served; nor does crime seem to be a factor, per se. Of the women released from prison at their first board hearing, one was convicted of murder and one for accessory to murder. For the men, a pattern *does* seem to exist in that those released at their first board served the *longest* amount of time (21.04 years), more than all other categories of board appearances, meaning that those who had served the longest periods of time before their first hearing, had a higher likelihood of being released. In terms of offense, six of these persons were convicted of murder, one was convicted of a double homicide, and two had been convicted of Manslaughter. Hence, the more serious crimes received the longest sentences (as expected), but did not determine release (see Table 12).

It is important to remember that hits translate to additional years in prison. While the typical hit is 24-months (until the next parole board hearing), 12-month hits were also possible. As a result of these lesser hits, which two women received, the 30 hits for women translated to 57 additional years behind bars, beyond the point when they were first eligible for parole ($\mu = 4.75$; Mdn = 4; Mode 2), with a range of 1-10 years; the 30 hits for the men translated to an additional 60 years behind bars ($\mu = 5.45$ years; Mdn = 6; Modes = 2 & 8) with a range of 2-10 years. Combining all participants, this group of 23 were hit a total of 60 times, spending an additional 117 years behind bars ($M = 5.08$ years) (see Table 13). Using estimates of \$44,000 a

year (Legal Action Center, 2009), these parole denials translated to \$5,148,000 tax dollars spent keeping these 23 women and men incarcerated beyond the point at which they were first eligible for parole.

However, these numbers do not reflect the full impact of these policies as several of the participants were never granted parole by the parole board, but were released per ‘conditional release,’ meaning they had served enough of their sentence that release was mandated. Of these 34 participants, eight had conditional releases (approximately a quarter of the group) including 28.6% of women ($n = 4$) and 23.5% of men ($n = 4$) (see Table 14). Likewise, seven of the eight participants received either four or five hits by the board before their release, meaning that these people might never have been released if not mandated by law. Without these conditional releases, the number of hits, additional years served, and tax dollars spent, would likely have been much greater.

For the women providing information about the length of time since release ($n = 13$), 38.5% had been home less than 36 months; for the men providing this information ($n = 18$), 27.8% had been home less than 36 months (see Table 15). Of the entire group, roughly one-third had been home less than 3 years and two-thirds for much longer. The range for the group was 18 months to 120 months with a mean of 46.3 months (3 years, 10 months) for the women (Mdn = 36; Modes = 24, 36, & 48); 53.9 months (4 years, 6 months) for the men (Mdn = 37.5; Modes = 36 & 72); and a combined average of 50.5 months (4 years, 3 months) (Mdn = 37; Mode = 36).

All of the participants were recruited from one geographic location, New York City. However, while 33 of the participants resided in one of four boroughs of New York City (Brooklyn, Bronx, Queens, and Manhattan), one participant lived outside of the five boroughs, although he worked and spent most of his time within the city limits.

Although the sample was not random or designed for generalizability, it was hoped that similar themes and over-arching issues emerging from the participants' experiences could commonalities among others in similar situations. This study was designed as an exploratory, qualitative study to reveal the experiences of *these* men and women that served long sentences for crimes of violence; about *their* parole processes in prison, experiences with change and remorse; as well as *their* journeys after release.

Materials

Demographics survey. The survey assessed demographic information such as the participants' ages at the time of the interviews and at the time of the offenses, race/ethnicity, the nature of the crime(s), amount of prison time served, type of conviction, number of co-defendants, co-defendants' sentences and length of time served, participants' gender, and other arrest information (see Appendix B).

Money, resource lists, and Metro cards. Due to a research grant from the JEHT Foundation and The Open Society, Soros Foundation, each participant was compensated \$40.00 and given a New York City Metro card, with a value equivalent of two subway fares, as reimbursement for travel expenses to the interview. Participants were also offered a list of various resources in the New York City area that provided assistance with reentry (i.e. clothing, housing, and job training).

Interview protocol. The interview protocol (see Appendix C) included a variety of open-ended questions pertaining to the participants' lives during incarceration (with a focus on changes made while in prison), preparation for parole board hearings, and reflections on the hearing itself. In addition, the questions focused on participants' post-prison lives and reentry experiences. The interview consisted of 'introduction,' 'target,' and 'closing' questions.

The introduction questions asked participants to reflect on hearing the verdict from the judge or jury, and about reception (entry) into prison. The target questions focused on experiences during incarceration, with probing questions for each to obtain more detailed information or clarity. The topics included: the process of transformation, the crime, life in prison, remorse and responsibility, and the parole process. Furthermore, this section of the interview also focused on preparation for the parole board, their experiences at the parole hearing, and the ramifications of parole board decisions (both positive and negative). The closing questions focused on post-prison/reentry issues: transition difficulties and successes, surprises and hurdles, future expectations and goals, and lessons from prison. The questions also allowed for a reflection on the impact of prison on participants' circumstances, relationships, and lives at the time of the interview.

Procedure

This study utilized a participatory action research design whereby the preliminary design, criteria for participation, and interview protocol were developed in collaboration with the Alumni Research Group. The author conducted 25 of the interviews, and two female members of the Alumni Research Group conducted nine interviews (six interviews were conducted by one member and three interviews by another). All 34 interviews followed the same procedures and used the same materials.

Participants were asked ahead of time which location best suited their needs for the interview; for some the meeting took place at a café (i.e. Starbucks) or private rooms at organizations to which the participants were recruited, although the majority of the interviews took place in a private room on the 6th floor of The CUNY Graduate Center. One interview took place in the participant's apartment because she was not physically well enough to leave. Upon

arriving at the agreed upon site for the interview, participants were compensated with \$40.00 and a New York City Metro card. Prior to the start of the interview, participants provided both oral and written consent to participate in the study and to be audiotaped (see Appendix D). All participants provided a pseudonym, which was used for the duration of the interview and for the purposes of this dissertation.

The participants were interviewed for approximately two hours and asked a variety of questions designed to assess their experiences prior to, during, and after incarceration. At the conclusion of the interview, participants completed the survey about their sentences and demographic information, they were thanked for their participation, and any questions were answered. All participants were offered a list of reentry resources; all of the participants declined.

Data Analysis

General analysis. Overall, the interviews were transcribed and read multiple times. Due to poor sound quality, two of the interviews (one male participant and one female participant), had to be excluded from the study, leaving a final sample of 32 interviews. The participants' responses were sorted into four categories corresponding to the four major topics of interest for this study. Hence, all responses having to do with the topic of parole were placed under the heading *Parole*; the other categories included *Transformation, Remorse & Responsibility*, and *Reentry*. Categories were then broken into subtopics. For example, the *Reentry* category was divided into *Invisible Punishments/Hurdles to Reentry* and *Facilitators to Reentry*. A content analysis was then conducted for each subcategory for emerging themes, major and minor themes, as well as any specific patterns within and across subcategories.

Some excerpts/comments from participants straddled multiple subcategories and were cross-listed as such. For example, quotes that revolved around issues of parole outside of prison (parole supervision) were placed in the subcategories, '*Parole Supervision*,' a subcategory of the '*Parole*' category, and '*Hurdles to Reentry*,' a subcategory of the '*Reentry*' category. The final step involved bulking instances of moral exclusion and inclusion by contexts: parole, prison life, and reentry; identifying any patterns, themes, or overarching categories, similarities, and differences among the three contexts. The three major topics covered in this study: transformation (including remorse and responsibility, discussed shortly); moral exclusion across three contexts (prison life, parole, and reentry); and, moral inclusion across the same three contexts, are discussed.

Moral exclusion. In an effort to identify instances of moral exclusion within the process of parole, a content analysis of the comments sorted into the *Parole* category was conducted. Each excerpt was read with themes and ideas noted in the margins; major and minor themes were identified. The category was divided into two sub-categories: *Parole Process* (inside prison) and *Parole Supervision* (outside of prison). Within the context of the *Parole Process* subcategory, themes included the descriptive of the process, the impact of the process on the inmate, their families, and other inmates.

These apriori codes (based on anecdotal experience from research group members and the literature) served as an initial means to organize the data. What emerged were ideas about participants' readiness for release, means of preparation for the parole hearing, any instances of moral exclusion within the hearing and decision-making processes as well as the impact of denials on the person, their families, and the prison community. Responses that did not fit the apriori categories were reviewed and a distinct theme emerged related to life inside prison

(excluding issues of parole), *'Prison Life.'* That category was analyzed in the same way as the *Parole Process* subcategory; the data reveal information about ways that people experienced moral exclusion inside prison, beyond just the parole process. Within the category of *Reentry*, post-release moral exclusion was examined by analyzing the *Invisible Punishments/Hurdles to Reentry*, as well as the *Parole Supervision* subcategories, to reveal when and where people felt excluded beyond prison walls, noting the perceived effects of moral exclusion on their concepts of self, resilience, and successful reintegration into society. All subcategories were analyzed for strategies for negotiating exclusion.

Transformation, remorse, & responsibility. In an effort to examine transformation, remorse, and responsibility, to identify what change looks and sounds like, as well as the ways people discuss their responsibility and remorse for their crime(s), the *Transformation* and *Remorse & Responsibility* categories were analyzed for subcategories and themes. What emerged were examples of catalysts and facilitators (things that push, foster, and sustain change), hurdles and barriers to transformation, locations of change, and how people express remorse and 'own' responsibility for their crimes (within their narratives). The data reveal not only how people report change, but also how remorse and responsibility act as two key components of transformation. In order to change, one had to learn to express remorse and claim responsibility for one's crime (as well as make some sense of their role in the offense). As such, remorse and responsibility are discussed as aspects of transformation.

A fundamental goal of this research was to examine these research questions from the perspective of the *target* of exclusion to understand the subjective experience of being labeled and outcast, either literally or figuratively. As such, it is worth noting and highlighting, that all of the findings reported in this study are discussed from the perspective of these participants (men

and women convicted of violent crimes that served long terms in prison), through the analytical lens of moral exclusion.

Results

The Parole Hearing: Perceptions of Readiness for Release

Determining when one goes home depends on a variety of things including the geopolitical climate and the larger context in which parole boards sit; these shape the decisions the board makes as well as the tone of the hearings. However, the interviews with participants revealed their own indicators of readiness: *Time*, *Resources*, and *Transformation (Rehabilitation)*¹⁶. Time and Resources were measured by quantifiable and objective means. Transformation was more subjective and qualitative, and more layered and complex.

As the crudest index of the three, readiness is to be ascertained by time; assuming one stays out of trouble, he or she will be released once the minimum sentence is completed. One could also be released after all resources had been exhausted. For Mary, and others like her, once a person completed all educational and personal growth programs, any additional time led to boredom, anger, and stagnancy.

I think I should have come home my first board in 1995... I felt like I had gotten all that prison could give me. There was nothing else. The college program was gone so there was no more college. Every group they had, I had completed. There was like nothing else there for me. So, I felt like, okay, you all can let me go now. I am ready. This was what the prison's supposed to do, help prepare you for society or whatever. I'm not advocating for prison, by no stretch of the imagination, but there are things there that can help you prepare if you take advantage of them. But nobody's going to hold your hand and make you go. - Mary (16 years; 5 hits)

The most complex marker of readiness related to whether people perceived themselves to be rehabilitated, changed, or transformed. Intricately tied to notion of transformation were expressions of remorse for the crime and claiming responsibility for the effects of the crime.

¹⁶ 'Rehabilitation' and 'transformation' were used synonymously by participants and were treated as such by the researcher in both the analysis of the data and presentation in this dissertation.

Participants felt that when they were no longer the people who entered prison, but better, kinder, and more thoughtful in their actions, they should be allowed to go home. Like Mary, Iris also identified resources as an indicator of readiness, but she cited transformation as another critical component.

I feel that I knew that I committed a crime. I accepted responsibility for what I did. So, I knew I had to do time. And I felt honestly that I needed to do time because I was wrong for what I did...And after I had finally gotten my GED, my Associate's degree, started my Bachelor's degree. Well, yeah, I felt I was ready to come home. It was definitely to be getting a job and starting to establish my life. I felt that I had paid for what I did and I now was ready because I had worked on myself. I had changed my whole demeanor, and I felt that I was ready. - Iris (14.5 years; No hits)

These three markers exemplify 'statutory criteria.' And, in the midst of outside pressures on parole boards, participants hoped boards focused on these, and other statutory criteria, in decision-making, rather than relying solely on the violent offense. Still, many participants were denied parole based on the nature of their original crime (violent) and hearing the decisions was emotionally, psychologically, and physically difficult for the person, their families, and the prison community.

Receiving a Fat Envelope¹⁷: The Impact of Denials

Parole denials, often received soon after the hearing, are a blow not only to the person and their families that hoped to pick up loved ones and take them home, but to the prison community as a whole, especially when the person was a model inmate. These two to three minute hearings and the subsequent denials, affected people's lives substantially, leaving them to ask, "*What more can we do?*" They returned back to their cells, continuing their journeys until two more years passed and they met the board once again.

¹⁷ The rule of thumb in prison is that if the decision arrives in a fat envelope, it is bad news because it contains one's appeals papers for the parole denial. If the envelope is skinny, it contains one's release date.

The person. Parole denials were psychologically deflating to participants' spirits and several experienced depression as if mourning a death. They reported feeling anger, bitterness, hopelessness, and the hallmark of 'learned helplessness' (Selgman, Maier, & Geer, 1968), the feeling that nothing they did would matter to their parole board. Ted discusses the process of learning of the decision and one's thoughts after a denial.

Then go to the library, pick up the decision... Over two years due to the nature of your crime. Which is always, ninety percent of the time, is the case. People getting hit by the parole board for the nature of the crime... When is the nature of the crime going to change? What about everything that I've done while I was in here? What about all the schooling I've taken? What about staying out from catching infractions? What about the times I've volunteered for services when I wasn't..and I didn't have to? What about how I conducted myself in here? None of that seemed to count. - Ted (13 years; 3 hits)

Many participants felt beat down by racism, sexism, and other 'isms' disguised by 'the nature of the original crime.' Mary no longer combed her hair for her board hearings or pressed her clothes; knowing the answer would be 'No' was too emotionally and physically painful.

After so many years at the parole board, after about my third hit, I stopped thinking about getting out. I was just going to be there because my crime was never going to change and that's all that they was hitting me for. And they was hitting me with two years every time. So, the dream of getting out fizzled out. It just wasn't there. I mean, I didn't act up or become a disciplinary problem, or anything like that. But getting out wasn't real to me no more. By the time I went to the board for the fourth time, I was like, 'Yeah, so what?' The first three times, I had on my white shirt; my pants was ironed. Had my little shoes on. Hair was proper and it never made a difference...By the fourth parole, there was no more iron your pants and put on your shoes, looking like you're going to Catholic school with your white shirt on...because their focus was always on my crime, and the answers never changed. - Mary (16 years; 5 hits)

Participants' viewed the world as a place that denied them access. They felt the prison denials as new walls around mainstream society. Frustrated and angry, often embarrassed, they were tired of opening up only to be disappointed and judged. Many talked about how difficult it was to live in such uncertainty with no guidance as to what the next steps should be and without any control over their own lives. Upon notification of their denials, participants like Askari spent

many nights replaying the hearing and imagining alternative endings, plagued by the arbitrary nature of the process and uncertainty about their next steps.

And so, I went to the third parole board hearing....and they said their piece. I said, 'I committed a crime and I deserved to be punished. I don't need anyone in this room to tell me that. If all this hearing is about is how much time I should serve, let's go off the record and tell me how much time you want from me, and, even though I wanted to be released yesterday and I might hear something that I don't want to hear, at least I'll know. Because I can't live like this from two years to two years to two years.' I said that I believed that I deserve, that I believed the whole process deserves some certainty. 'Just tell me what you want from me. I can handle it. Whatever you tell me. I had twenty four years in—not that I wanted to do 30—but, if we could just be honest, just tell me what you want and I can live with that.' I said 'I think I deserve to know, my family needs to know.'
- Askari (23 years; 2 hits)

Physically, participants suffered visceral pain at hearing the news causing some to seek doctor's care; others had hot flashes and nausea. Askari experienced what he called '*pre-parole syndrome*.' As a calm-natured person he found his ailments prior to (and after) the parole hearing troubling, and in addition to severe anxiety, he suffered from many health issues including hives and diarrhea. Participants who had stopped smoking began to smoke again and some that had kicked drug habits began using again to numb the pain. Several participants described witnessing and experiencing a change in theirs and others' movements. After hearing that they had been denied parole, people no longer rushed to school or work each morning, but instead moved slowly through their day. For Stephanie, the physical and psychological pain was tied to her loss of hope.

That was a visceral pain. It was a visceral pain because it's like there's no hope, there's no hope. And then, when I went back the second time, it was even worse because there wasn't no hope then, either. And [after the hit] I had changed everything around. I stopped concentrating on work and concentrating on education. Sitting up in that classroom every day, going to work upstairs in the library. And then, certain people would be like, 'Did you do your homework today?' 'No, I'm not doing no homework. What's the sense?' I wanted to die, but I didn't want to just keep going to the parole board. I think that I got numb to the idea of going home...I became tired all the time. I was angry a lot. But just didn't have any hope anymore. - Stephanie (12 years; 1 hit)

Not only did people slow after denials; time slowed as well. Previously, time was tolerable only because participants had their eyes on a date (the parole board hearing). After the denials, time became slow, intolerable, and difficult. With nothing to fix their hopes on, no focal point or horizon, participants were forced to focus on each day and for them, time stood still. While many still maintained spotless behavioral records after parole denials, Askari describes others that regressed. Instead of claiming responsibility for actions in prison, the unfairness of the hearing allowed people to focus the responsibility for their situation on the parole board.

And what happens, unfortunately, is that the way things currently are, it encourages people not to continue to accept responsibility or people would say, 'Well I served twenty years and I'm getting all these hits now from the parole board,' and then this disconnect happens where people disconnect the additional time that they are doing to the actual crime that they have been convicted of and that should never happen.

- Askari (23 years; 2 hits)

Likewise, Olivia agreed that her disconnect between responsibility and the parole decision occurred when everyone around her was getting 'hit' and nobody was going home.

I kind of knew that was going to happen because people were already getting hit. So, I used the excuse, 'Well, it happens to everybody else, of course it's going to happen to me.' So, I sort of just accepted it that way so I didn't have to feel like the reality that I just wasn't released because of maybe how I interviewed or because of my crime or because of my responsibility in the crime. I didn't want to go through any of that stuff. It was just like, 'All right, it's what everybody else was going through.' - Olivia (22.5 years; 4 hits)

Hits were also felt as losses. Participants lost parents, grandparents that were like parents, and siblings while in prison. There was also lost time with children, missed graduations, birthdays, milestones, and chances for love. Rebecca discusses some of the personal loss resulting from her incarceration.

Both my parents died while I was in. My son completely grew up and graduated from college... And, my relationship with my son's father - well, one never knows what would have happened in life if we hadn't been arrested, but that was sort of ended... well, not ended in terms of friendship, but us building a life together. - Rebecca (24 years; 2 hits)

Participants, like Sapphire, also missed out on life experiences such as a co-ed lifestyle, paying bills, and other daily activities (small and large); overall, she felt a sense of having missed out.

And, like any teenager, young adult, I had aspirations. I had goals for myself. I remember looking in magazines. Ebony and Jet magazines and I'd see the homecoming queens. They'd be young and Black women in these historically Black colleges who became homecoming queens. And it used to hurt me. I stopped looking at the Ebony and Jet magazines because it actually hurt me just to even look at them because I wanted that life for myself. I knew that academically I could have achieved that, but because I was in prison, I'm trapped. I can't even be a young girl anymore. Now, I'm only where I put myself and I looked at my life and I was like, 'Wow. I want to do all these things. I want to be in a sorority. I want to go to college away. I want to live on campus.' I was young. I could do all these things. I could have this life. And then I learned to accept that that probably would never happen for me. - Sapphire (12 years; 4 hits)

Family. The effect of parole denials also affected family members. Participants discussed the loyal nature of mothers and fathers that traveled long distances to visit and were deeply disappointed hearing they would not be coming home. Participants' children were also disappointed, saddened, and angry. In the lives of children that had already waited long periods of time for parents to return, parole hits were devastating blows, often interpreted as broken promises.

It makes you a liar to your children...When you watch your children become teenagers; they were babies, and now they're teenagers and you keep telling them the same lie. 'Ma, you keep telling me in two years.' ...You do not pass go; you do not collect two hundred dollars. And that's what it was about. I looked at my children and I knew that there was nothing I could tell them. They was hurt. They took the hit every time I got hit at the board. - Sapphire (12 years; 4 hits)

Likewise, for Steve, phone calls to his sister before and after parole hearings/decisions were extremely emotional.

Well, a lot of people were telling me hope for the best, but expect the worst. And it hurt, I'm not going lie. They hit me again with two years. A lot of that still hurt me because anytime I had to tell my family that, 'Okay, I'm going up to [parole].' They knew I was going up to the parole board. And I remember telling my sister, I said, 'Okay, don't cry.' I mean, at that point, she started crying. I said, 'Lisa, I'm used to this now. I'm used to this. I grew up on survival.' I said, 'They can't hurt anybody anymore.' Only thing that hurts me is by hurting my family. And, she cried. She tried to stay strong, but she cried.

And, at that point, it hurt me again. That's the only thing. My mother didn't cry.... the second time. At least, I didn't hear her cry. I'd talk to her on the phone. But the third time, she cried. And again, it only hurt me because it was hurting the people I love.

- Steve (14 years; 4 hits)

Prison community. Aside from the person and their direct relatives, parole denials are felt throughout the prison community. Denials thwart motivation to do well when the crime is the basis, and the fairness of (and faith in) the system is challenged when stellar behavior is not rewarded or acknowledged. Confusion was created among the prison population due to the arbitrary nature of parole with fellow inmates unclear as to what was wanted or expected from/of them. Particularly when long-termers were denied parole, the effects rippled through the rest of the prison community.

But the people that were long-termers that were there for a long time that you could see that they visibly changed. And I learned to love them. And I just enjoyed being with them. I worried about them; I cared about them. And it's desolate because you see people change, but everybody gets dressed up to go to board and nobody goes home.

- Stephanie (12 years; 1 hit)

The Good News: Being Granted Parole

The person. Participants felt mixed emotions after hearing the news of being granted parole. The range of emotions included happiness, sadness, bittersweet, fearful, reflective, shocked and finally, relief. Rebecca described it as the happiest moment of her life and found irony in the fact that her parole was granted the same day she went into labor with her son 23 years prior. In essence, she too was being given an opportunity at life (on the outside). Grid described the process of receiving the news and the emotions that followed.

So, the next day I got..when the mail comes in, that's when they send you your decision. So, when the mail came in, I just went right up there and got the envelope and opened it, and I saw that I had an open date and I was screaming out, 'I'm out!' And everybody ran and started hugging me and we all started crying right there. It was crazy.

- Grid (20 years; No hits)

On one hand, people were elated to be returning home, but they were also saddened to leave behind people they loved; people with whom they had shared their lives, cells, and stories with for decades. For Lady, leaving behind her best friend made the decision bittersweet and in an effort to ease this pain, participants made promises to continue to work on the outside for people on the inside. She describes her experience hearing the good news, the complex emotions around the decision, and the fear that something would go wrong.

My best friend is in Bedford and she has twenty-five years to life for something she didn't do. And I wanted her to open up the decision? She already knew I was going home. She said she felt it. Well, that's been my best friend for like thirteen years. And the whole unit, they started crying...and they all just started crying. I mean, they all cried, even the office. They were so genuinely happy for me. It wasn't even so much for me, but, how sometimes people live through other people's experiences. And I think that it was a mixture of a lot of things, them wishing it was them, them just experiencing it as if it was them. But they was all crying, they was just so happy....I was waiting for any minute for them [administration] to say like, 'April Fool's. You ain't going nowhere.'
- Lady (13 years; 1 hit)

The majority of participants talked about the fog they felt, a feeling of floating as they packed their belongings and gave away possessions to friends (i.e. televisions and books). Yet even in the excitement of leaving, participants were haunted by the reflection on the great amount of time they had served and the little they had to show for that time, materialistically.

Nothing seems to penetrate in. It's like you're in a total fog and you just don't know, you don't face any of the realities, nothing. When you start to pack up your things together and you realize that, after twenty-five years, this is all you own. A garbage bag stuffed full of clothing that's years old, that hasn't got all its color and shape. And a TV. That's it. It's like you have nothing. - Caroline (27 years; 1 hit)

Inevitably shock set in when participants went through the actual process of retrieving belongings they had not seen since their arrest. Matthew described the process of leaving prison, reclaiming his property, and the deep relief to finally be free.

Looking at my property and stuff I hadn't seen for twenty-three years. This stuff they took out of my pocket [when I was arrested], and they had it in a little bag, or an envelope, or whatever. I remember I just looked at it and I said, 'Wow that was my card. I've still got

it. Here's my Social Security card. It's still in here. My Nefertiti, I missed that bracelet, my Nefertiti was in there. So I was just kind of packing my bags and giving stuff away and saying goodbye to people. And it's kind of hectic when you leave. It's not a simple transition because you've got to pick up clothes from the state shop and they take you there. Then you go to a section of the prison that I'd never frequented before. So, that's different....And before that, the only thing I ever really prayed for is that I'd get to leave. That's all I ever wanted. I wanted to leave. I told my mother, I said 'If I leave here and I walk out of them gates and I get hit by a car, it's okay.' - Matthew (23 years; 4 hits)

Family. Participants described the jubilation of parents, siblings and children after receiving the news and the tearful conversations and embraces (upon release) that ensued. For Caroline, only her sister and mother matched her own elation. She describes the phone call home.

So, she [the parole officer] hands me this thin envelope. And I opened it and it had the parole date on it. And I just burst into tears. Just the relief is so unbelievable. And the first time I had to call home and tell them that I hadn't made it was extremely difficult...I called my sister who was not home. So, I said, 'Well, let me call my mother because I have to tell somebody and maybe she knows where my sister is.' So, I called my mother and my sister was there. She answered the phone and I just said, 'Rachel, I'm coming home,' and I just burst into tears. And she just started screaming and I could hear her screaming at my mother, 'Caroline's coming home.' We were just a total mess.
- Caroline (27 years; 1 hit)

Needless to say, children, spouses, friends, parents, and siblings, all rejoiced at hearing the news they had waited so long to hear.

Prison community. In the prison community, others lived vicariously through people granted parole and were both energized and motivated by the recognition and rewarding of rehabilitation. However, occasionally, others were jealous and attempted to sabotage people to delay their release. But, mostly, participants described the positive effect release had on the prison morale, particularly for youth and other long-termers; it gave them hope that they could be granted parole. And, offering people a second chance, restored integrity to the system.

Transformation, Remorse, & Responsibility

Identifying Transformation: Catalysts/Facilitators & Hurdles/Barriers

The journey toward transformation was different for each person although similar themes rang true for both men and women including how the process began. Not one participant identified the upcoming parole hearing as a motivating factor for change; instead the process of preparation and transformation began early in one's prison sentence, long before parole dates were set. Transformation was for their own betterment rather than a tactic to win over parole board members. M.J served almost 17 years for the crime of murder. She was 18 years old when she entered prison and 35 years old when she was released. She was denied parole five times yet she continued the process of change.

After a while I just kept getting hit at the board and I didn't even care. I didn't even want to go anymore, but they made me. If you didn't go, you'd get a ticket. I knew I was never gonna get parole. They didn't care what I'd done [while in prison], but that's okay. I just kept on doing it [changing] because it wasn't for them. It was for me.

- MJ (17 years; 5 hits)

Catalysts and facilitators to change can largely be categorized as things that allow for a reflection of self and things that allow for other selves (imagined, new, or alternative). Allowing participants to look at their pasts and toward their futures through punishment, education (loosely defined), and other people (i.e. mentors/models), provided ways to recognize a need for change and a platform to explore new ways of thinking, behaving, and feeling. On the contrary, change occurred within the unnatural environment of prison, wrought with hurdles and barriers to beginning and continuing the process. As such, hurdles to change included bi-products of the prison environment as well as internal issues (see Table 16).

Punishment. Critical to launching an examination of one's past experiences and behaviors, disciplinary action required participants to reflect on the journey to prison and their

life choices. Punishment within the prison system (Segregated Housing Unit- SHU) separated participants from the distractions of the prison population where they simply read and thought for months at a time, leaving their cells only to shower (and for brief yard time when allowed). Likewise, understanding the seriousness of one's crime served as a wake-up call. Hearing the victim had died (or was seriously injured) created guilt and remorse, moving people to change. The gravity of one's crime, exemplified by long sentences, further demanded that people choose how to spend that time. Aiden discusses the moment he processed his long sentence and how he began his journey of transformation.

There comes a point when you're young and you have your parents looking out for you - there will come a point in your life when you realize that your parents can no longer do anything for you. You've gotten yourself in a position. It's all on you. That happened to me while I was on trial when I got twenty-five to life. So, my thinking process changed Upstate. It allowed me to develop a strategy that I had that eventually led me to getting into college and staying in the law library. - Aiden (25 years; No hits)

Long sentences translated to a loss of freedom and opportunities for "normal" lives on the outside, prompting change. For women, male guards' ability to frisk them in prison was alarming, stressful, and unsettling. For both women and men, the lock-up itself was a reality check. Confined to sharing small quarters (or sometimes large dormitories), and lacking privacy during intimate moments (i.e. showering), pushed many to make decisions to avoid returning.

So, it was kind of bewildering, too, because it was just so different. And the sounds were just unbelievable, even all the way through. I never really slept in a situation where you could hear people's dreams. - Matthew (23 years; 4 hits)

Several participants learned vicariously through others' punishment. They described other inmates that entered prison with minor sentences and were later sentenced to 'life' due to violence while incarcerated. The violent activities in prison (including stabbing, rapes, and the 'fog in the yard' (Aiden) that hid violent attacks from the eyes of guards) instilled fear and a desire to refrain from negative aspects of prison and serve one's time without incident.

I was in the mess hall and I was going in line, and it was cafeteria style. And someone in the line jumped over the counter and stabbed someone who was serving food in the eye. And it hit me, and it hit me hard. And right then and there, I said to myself, 'What did you get yourself into?' - Askari (23 years; 2 hits)

Male participants discussed the violence perpetrated on inmates by guards as reminders of their punishment and the seriousness of prison life. In fact, four of the male participants were beaten during their first few weeks of imprisonment, some on the very first day.

In 1979, there was a lot of talk about how racist [prison] was...About prisoners being killed by guards and, I guess, the whole nature of just being in prison. But that was one of the major concerns going to Clinton. It was about the officers building a culture of violence perpetuated by the police officers. When I first got to Clinton, I got off the bus, I got beat up by the police right off the bus. So, that kind of set the tone. And there were incidents where you were told, 'You're going to get in that cage,' and I still remember that language. I was called a 'Smart-ass nigger' the same day I got there, the first day I got there. I wasn't the only one that got beat up that day. Somebody got beat up right on the bus--a Spanish guy--because he had been tagged in Sing Sing by the officers there as a troublemaker. They kind of set the tone for everybody that the police would hurt you. That was the reality. - Abdullah (25 years; No hits)

As a result, participants made conscious choices to create new, positive paths to avoid spending the rest of their lives behind bars.

Education. The single most cited catalyst for enabling transformation and responsibility, was education. Many participants were beneficiaries of Pell grants (before they terminated in 1994), the New York Theology Seminary Program at Sing Sing, and the College Bound Program at Bedford Hills Correctional Facility¹⁸ where participants achieved milestones such as high school general education equivalencies or college degrees; these were critical to marked differences in one's thinking and behavior. The act of doing assignments, reading texts, engaging with professors, the introduction of new ideas and theories, interactions with other like-minded

¹⁸ For more information about the influence of higher education at Bedford Hills Correctional Facility, please see Fine et al. (2001): *Changing minds: The impact of college in prison: Executive report on the impact of college on prisoners post-release.*

peers, and delving into the complex world of relationships, offered opportunities to see old behaviors in new ways.

Education prompted change in other ways as well. Acquiring writing skills opened a new world to those who were illiterate when entering prison. Likewise, less formalized education (i.e. the law library), served as hope and afforded people the opportunity to learn about a justice system they knew little of, despite being directly affected by its rules, regulations, and decisions.

So, you've got to spend a lot of time in the law library learning a new language, learning about the law. Learning how if you were concerned about this stuff, how you could understand what happened to you and how you're going to have to assist the lawyer in litigating your case. So you spend the first couple of years thinking that you're going to find something in the law books that's going to get you out of prison. And that's generally, that's the first thing guys grab onto that serves as hope. - Abdullah (25 years; No hits)

Participants enjoyed trading books, studying, and discussing texts with one another; autobiographies and biographies provided examples of how to behave or to see one's own life and experiences in another's story, providing an avenue for self-reflection and imagined selves. For Israel, reading about history, politics, and sociology made lasting impressions on his personhood and thought processes.

Greenhaven had the largest population of Black Panther prisoners. Black Panthers are political prisoners. And these people were like social geniuses....They knew Mao Tse Tung back and forth. They knew imperialism. They would break it down and these guys knew about what was happening in Grenada, what was happening in Cuba. And what was Communism as opposed to Socialism. Why Communism and Socialism were one and the same....Greenhaven, for me, was like, it was a cauldron of education that has stayed with me for life. And I read somewhere that says that education is what stays with you long after you've left school. So that stayed with me, so that was part of my long-term education. - Israel (21 years; 1 hit)

Additionally, myriad programs educated people about personal growth (i.e. anger management and domestic violence). As DeJuan suggested, involvement in these programs offered a means of “seeing the past in a more critical light”; one could start to understand one's social systems and family dynamics in an effort to break cycles of negative behaviors and injustice.

Part of the process of change also involved seeing a new self through one's accomplishments and the acquisition of new roles. Learning new skills and trades as well as gaining degrees and certificates, provides alternative *evidence* of change and tangibles that act as reinforcements for further change. Education offered a means of looking forward, a way of imagining a *new* self. By reframing the self, another version of one's future on the outside, other avenues to pursue employment, a belief in one's ability, and confidence that they could do things previously deemed impossible, were now possible. In addition to the emotional and psychological advantages of education, other practical advantages existed as these endeavors kept participants in a positive atmosphere and out of trouble.

Education helped [me] change a great deal; it changed my perspective of life a lot. Before, I couldn't see myself doing. As I say, I felt stupid. I didn't feel I could learn. I didn't really feel like I had a future. I remember just being in the street and I was formerly a bike messenger. And I was feeling like I was stuck in a paper bag, trapped. But I was fighting and trying to get out, but I didn't know how to get out. I felt that way a great deal until actually my perspective started changing. The only thing I knew how to do was to be that angry person that I was until I started learning more about myself, just through education because I took a few classes. And from that, I learned a lot about other people as well. - Steve (14 years; 4 hits)

Education created a desire to change priorities and want for better lives with new circumstances. Participants saw a discrepancy between who they were and who they wanted to be (i.e. hurtful versus helpful); simply put, they were tired of the lives they had been living. Because participants served long periods of time in prison, looking to the future and wanting to do something productive with that time acted as motivators to use prison as a place to launch a new self. Education was often the stage where new selves were performed.

Other people. People also contributed to the push for change with mentors, usually professors or program leaders, navigating the process of education and critical thinking. Likewise, counselors and therapists offered neutral perspectives and non-judgmental ears to

listen as participants processed aspects of their lives and issues of concern, while providing them with options to deal with problems and new ways of thinking, behaving, and coping. Yet, much of the advice and encouragement fostering change came from other long-termers, many of whom were young when they entered prison. With age and maturity came reflection and projection; where angry teenagers and young adults once stood, wiser, mature adults had taken their place. Long-termers urged participants to enroll in college programs and confront their anger, sadness, and loneliness.

And if it wasn't for certain people that you're around, I think people have a conception, some conception of inmates, prisoners, that they're not caring, feeling people. But they are... And sometimes the love that you're not capable of giving, sometimes somebody that's been there a long time, that's changed, pulls you up, 'What are you doing to yourself? Why are you not in school?' But these people are positive people. Regardless of the crimes they commit, they're positive people. In the female facilities, most of the positive people are long-termers that, when you cry, they sit, they console you. They give you suggestions. If you have a book and you don't understand a word, they'll go get the dictionary and explain the word to you. And then, you don't even... you change, but you don't even know you're changing. And it's sad. It's sad. Because the people that's been there a long time, the long-termers are the one that come to see about you when you're sick. That if you're in keep lock, they'll come to your door to see if you've had enough to eat. Staff doesn't do that. But they encourage you to change and to hold on.

– Stephanie (12 years; 1 hit)

However, while many had the desire to change and the motivation to do so, hurdles and barriers existed to engaging and promoting change. The analysis revealed both bi-products of the system and internal issues kept one developmentally stagnant, promoting frustration and anger instead of remorse, responsibility, and positive growth.

Bi-products of prison. Realizing one was alone, separated from what they had previously known, hindered growth, and the paralyzing effects of loneliness and hopelessness consumed participants' morale, spirit and drive. Without outside connections, participants were left with the prison environment, a masked self, and a wall of self-defense, none of which were conducive to getting in touch with feelings or growing emotionally. The negative prison

environment further promoted learned helplessness as people in prison were often treated as ‘less than,’ hampering the desire to try anything other than what was necessary to survive day-to-day prison life (i.e. fighting).

Breaking connections to the outside world robbed people of their basic need for human contact, expression, and an authentic self. Yet, existing between two spaces, outside and inside of prison, also never fully committed participants to one or the other, creating a “no man’s land” and keeping participants from moving forward, serving their time, and fully engaging in the transformation process. A paradox existed as the very same ties to the outside that kept one from being fully enveloped by the prison environment, hindered transformation.

A critical piece to the growth puzzle was arrested development as a result of living in a place of constant play and idle time. Without interactions that promote growth such as living separate of parents, caring for one’s self and household, or holding conversations with people from a wide variety of life experiences, participants felt stuck at their age entering prison.

Abdullah believed it took twice as long to mature on the inside as it did on the outside.

I was very much concerned about growing. And you go in as a young man and it's very difficult to grow. Intellectually, emotionally, psychologically because you're living in a stunted environment, so you don't have real life experiences. Life experiences and challenges, confrontations and overcoming obstacles. This is what promotes growth. One of the things that happens in prison, is perpetual adolescence. So, you've got guys that are thirty to forty years old....I mean, they're young relatively speaking, but not young in the sense that they're self-conception about themselves is being adolescent? And they're really not ready to take on responsibility. Granted, if some guy's coming into prison at sixteen years old, has never paid rent, has never paid a telephone bill hasn't done anything. But these guys need to figure out ways to grow, because nobody's going to care about that when you're released. They don't care how old you was when you went to prison. They don't care how long you were in prison. All they care about is what can you do now... And [they] seem to think that they're young, and they excuse their self from their responsibility...I had a guy that was twenty-seven, twenty-eight, and he was calling himself adolescent...You are adults. I mean, come on. Adolescent? You're twenty-something years old, almost thirty years old. - Abdullah (25 years; No hits)

Rhonda discusses her own stunted growth as a result of prison life.

I just felt like if I would have been home, I would have grown up. I chronologically grew up, but I really feel like in some ways that experience took away a lot of maturity from me because I didn't experience what it was like to make that transformation from like college to the real world--paying bills getting your life...going into your career, being with people that was free that could teach you something. - Rhonda (15 years; 2 hits)

Internal issues. Existential questions and dilemmas involving forgiveness and redemption kept participants self-loathing and guilty; struggling with what a life was worth, whether amends could ever be made for crimes of violence, and what the crime meant for one's sense of self, prevented people from moving forward and changing. Rhonda discussed the strange predicament of showing remorse many years after the crime and the cost when one was able to do so.

Not that I didn't care [but] how the f--- do you show remorse seventeen years out? I mean, how is that?...I've cried all I can cry... You're talking almost two decades ago. How the f--- do you feel anything about anything from twenty years ago?...How can you make individuals believe that there's such a level of intensity about something that happened twenty years ago...I think it's very possible for somebody to do it. But, this is the thing. Somebody that may not have grown past a certain point that they can still think about what went on in such detail, with such intensity that doesn't allow them to move much past that point. - Rhonda (15 years; 2 hits)

Likewise, complications arise when people became lost in the details of their crime(s) as in the case of felony murder, in which participants are expected to claim responsibility for crimes. However, the incongruence between the broad legal definitions of 'murder' in New York State, do not necessarily match with lay definitions of 'murder' or how participants see themselves. Without a clear understanding of the responsibility for one's crime, change was slowed and more complicated.

The Location of Transformation: Thoughts and Behaviors

Participants saw marked differences from when they initially entered prison, in their thinking and behaviors. They developed narratives to discuss and frame their crimes in addition to changing their thinking about (and perspective of) the relation of self to the world; they also

saw differences in problem-solving tactics such as “*trying sugar first*” (Taqiyah). By using self-reflection and self-correction, they pinpointed differences in their approaches to post-prison life, gaining self-confidence and an understanding of their journeys to prison.

One participant, Matthew, likened his prison experience to being in a monastery where he focused on eating, reflecting, thinking, reading, and becoming healthy; Aiden said he no longer rushed through his life. Mary looked for ways to learn by challenging herself and asking questions about missed social cues or references. Likewise, participants began to give others the benefit of the doubt instead of assuming the worst. They began to see the world as full of potential; a positive place rather than a dog-eat-dog world lacking opportunity. For Sapphire and others like her, the change in outlook allowed her to return to the same neighborhood and avoiding previous pitfalls by shifting what she aspired to, and from where she drew her satisfaction.

I'm in a whole 'nother environment. Physically I'm in the same environment, but emotionally and mentally, I'm in a whole different environment. I'm still in the 'hood. I don't live in the suburbs. It'd be different if I lived in a totally different area. I'm still living in the hood. But my ideologies and things that I want, my aspirations are different. I'm no longer a product of my environment. I will no longer allow my children to be a product of my environment. I no longer seek satisfaction in the community in which I live, my environment. I don't look for the 'hood to give me satisfaction or love or acceptance. The hood has to accept me or not and I'm okay with that. - Sapphire (12 years; 4 hits)

Previously, selfish and materialistic, participants began to focus less on their own wants and more on community, advocacy, and activism. Rhonda described her ‘self’ before prison and after, noting how her overall attitude and demeanor were altered.

I was kind of self-centered, because, I don't know, I wasn't too--when I say self-centered, I wasn't really about humanity because then you don't think things could happen to you. Like I was concerned about me, not people on the whole. But now, since I've been in there, I think about people as a whole, and then I'm always trying to make up for killing somebody. - Rhonda (15 years; 2 hits)

For Grid, compassion was a key component missing from his life that altered his perspective of the world post-incarceration. Compassion and empathy helped create a space where participants were able to see their crimes in a new way and feel their responsibility differently. Grid was able to reflect on how being young lead him down the wrong path; he saw the error in his cognition.

I was sixteen. I was a kid. I was..well, my mindset was not the same. I felt that at the time I committed the crime, it was something that I felt that I was right in doing that. Taking stuff, taking..robbing people and stuff like that. I felt that I didn't care. I didn't have compassion for others. So, now it's different. I'm not like that anymore. I don't feel that people, I'm more.. different now in terms of that because I like helping people. I don't like hurting people. I have a lot of compassion for people because of all the compassion that people have for me. A lot of people have tried to help me, did things for me. I try to do things for people and try and help people. And I think that's one of the..that's probably the main thing that's different for me..I was a young guy. I was there, I was into the wrong things. And I'm no longer that person no more. - Grid (20 years; No hits)

Steve also voiced how rewarding helping people could be, while also discovering a belief in his own abilities. Many participants like Steve struggled with self-esteem and acquiring (and building) a sense of self, changed people as they began to see their own humanity.

And at that point, I realized I wanted to help..I enjoyed helping people because I became attached to certain people and I realized that I was even more human than what I even thought I was. Because I can feel that compassion for others....Because it makes me feel good.... When I went in I was young and impressionable, feeling insecure about myself. Now, I have a lot more confidence in myself..From experience I know because when I put my mind to something and apply it, I honestly believe I can accomplish it..I enjoy helping; I enjoy learning....And the reason why I'm not selfish like that is because I'm not as insecure as I was before... I started looking at things in a more humane way...Even when one of my patients passed away and I felt bad, I wanted to cry and stuff like that. Somebody else came in and said, 'There's nothing wrong with crying, that's showing that you are human.' So, I cried and I felt like he was absolutely right. It made me feel okay inside and just because I was in for a double crime [manslaughter and robbery], that doesn't take away from my humanity. - Steve (14 years; 4 hits)

Over the course of transformation, rebelling against authority and getting into trouble, ceased; participants avoided gangs, drugs, and violence in prison. They received certificates and college degrees; they wrote, published, and worked with administration to start programs to

benefit their prison communities. Iris stopped focusing on assignments for college simply to get good grades and graduate; rather, they focused on higher education as a means of learning.

Stephanie proudly declared that at the time of the interview, she attended movies alone (something she never did before). This self-reliance expanded her repertoire of life experiences.

Most importantly, participants fixed their eyes on the future, in both thoughts and practice. They planned and set goals where previously they “*let things play out*”; as Ted further described, “*I now plan and think ahead on fast forward.*” And, for Emma, becoming a mother changed the ways she saw her victim.

I don't think he was a bad person. He was twenty-one. I mean, I felt bad because after having my daughter in here, before..when I committed my crime, I wasn't a mother or a parent. But then, like once I became a parent in there, I'm looking at that situation as being his parent. I wouldn't have wanted my child to lose their life. Maybe he could have changed. He was only twenty-one..It was just two teenagers who couldn't handle discord in the relationship, and it should have never happened like that. - Emma (16 years; 1 hit)

Finally, social responsibility (discussed shortly), acted as both evidence of transformation and a sustaining force for change, remorse, and responsibility both inside and outside of prison.

Closely related to issues of transformation were *responsibility* and *remorse*.

Expressing remorse. Rebecca exemplifies what remorse sounds like for most of the participants; a deep regret for the damage inflicted on victims and their families as well as the impact on their own families lives void of any sadness for themselves.

I have feelings of regret because of the incredible suffering that I caused. More than what it did to me per se, but the fact is that people lost their lives and people were injured, and families, kids were left without fathers; wives were left without husbands. I mean somebody lost their eye and somebody lost their arm. I just feel that the suffering that was caused by it had incredible depth. I have many, many regrets about it that don't so much [have to do with] how I feel about myself, but it goes to the meaning it has to other people.- Rebecca (24 years; 2 hits)

For Tony, the remorse for his crime was aimed at the victim, but also the victim's two young daughters.

You start to examine a lot of the ways, the way you've lived your life, the things you've done. I started to think about....My crime, like I said, I killed a man and at the time when I killed him, he had two daughters; one was 6 [years old] and the other one was 7 [years old]. And, I used to think about them girls a lot. I also learned through the courts when I started going to trial, this guy was a security guard. He was a working man and he had family and he was dead. (Begins to cry) And now he wasn't there. And I used to think about those girls. I used to say to myself, 'Now that he's dead who knows what will happen to these little girls when they grow up. How will their lives turn out because their father's not there? And to think about things like that, I wanted to make it up to them by changing my life. - Tony (17 years; No hits)

Betty also expresses the deep sadness participants felt over the pain inflicted on their own families.

I went through a multitude of changes. I went through the fact that I wouldn't be there for Thanksgiving. I wouldn't be there for Christmas and all the other holidays and most of all, the first day of school--taking them to school with their nice, shiny loafers with their pennies in it. And their neatly pressed yellow blouses and their hair combed and the ribbons in their hair. I missed my grandson who was just a year old upon my arrest. I missed my other grandson who was five. And I said, 'If I ever get out of this,' - I said-, 'I will never repeat this pattern again, because it's bad.' It was so hurtful to me. Many nights I would cry in the bed, and I would say, 'Why? Why couldn't I control my anger?' - Betty (10 years; 3 hits)

Finally, Sapphire felt remorse for her crime as it related to everyone involved: the victims, herself, her family, her community, and larger society.

My crime is serious. I shot a chick and she's dead. But not only did I kill a human being, but I killed all chance of my own normal, socially acceptable lifestyle. So, not only did I take from the chick, but I took from myself. I took from my children. I took from my parents. I took from my brother. I took from my sis..what I had to offer society. I had a lot to offer mankind. I had a lot to offer Black people. I had a lot to offer women, had I been able to nurture and grow in a natural and normal society scene. Being in that unnatural, controlled society environment, I wasn't able to be all I could be. I mean, I'm doing something now, years later in my thirties, but I'm saying that at the time, I had youth. I had a lot. I had drive; I had ambition. And if those things would have been nurtured in a proper and natural setting, who knows where I would be. I could be Condoleezza Rice right now. That's just how motivated, that's just how... Well, that's how strong my mindset was. I could have been anything. But those tools weren't readily accessible for me. They weren't there for me. So, I had to be what the penitentiary wanted me to be. And that's [prison number]. - Sapphire (12 years; 4 hits)

Expressing responsibility. Accepting responsibility for one's crime was overwhelmingly identified as a key component to change. Examining the role of responsibility, as it relates to the crime and communities (inside and outside prison walls), offers a means of understanding what remorse and responsibility look and sound like, as well as how people come to terms with violent crimes. Through an analysis of the interviews, the ways participants claimed responsibility and how that acceptance translated into behaviors, demonstrates the deep regret participants had for crimes of violence (remorse).

Olivia gives voice to what responsibility sounds like through her explanation of a court hearing when the prosecutor pointed at her and told the jury that she was responsible for the crime. She began to understand her role and felt her accountability.

And so, he says, 'If it wasn't for her, this crime would have never have happened.' And I'm like, 'You've got to be kidding me. How I'm responsible for this whole crime, when the shooter is going for the trigger?' ..And I went back and that stuck with me. I was responsible. And the more I thought about it, it's like, 'Yeah, I guess I did. If I didn't get into the car and he didn't go with me, he would have never have been there. And I could see how I'm responsible. And the more I thought about it, I became..I made myself more responsible than anyone else. So, I didn't care what anyone else's role was. Mine was being most responsible for what happened because the shooter wouldn't have been able to shoot him if I didn't.. and it's like..and so, early on, I was able to just accept what I did and that I did it. - Olivia (22.5 years; 4 hits)

Furthermore, confessing the crime to themselves, law enforcement, and a higher power, enabled people to accept responsibility by voicing their crime to another person. Good, served 25 years for murder and robbery; confession allowed him to begin to process his crime.

It made me feel better because I had a lot of purging to do..Sometimes it takes that just to admit. And I didn't have to fool anybody or nothing. I had to because that was the first thing...I did a terrible thing. I'm really sorry about it. And I apologize for it, and I really hope God can forgive me for what I did. And that took something to really wrestle with. And the psychologists that I was working with, they told me that that's it right there. When you confess to what you did, you can move on now. You can start planning your life. - Good (25 years; 1 hit)

Several participants like Ted turned themselves in to law enforcement due to their understanding of right and wrong (sense of morality), stressing that “*nobody had to come looking for me*”; they were ready to pay for their crimes and bear the responsibility. And, even though poverty, upbringing, and surroundings played roles in their lives, participants acknowledged their choice to commit a crime or be in the wrong situation at the wrong time and the effects on the victims’ and their own lives. As such, they were answerable to the effects of that crime on the victims and their families.

Accepting responsibility: Four categories. The data reveal four ways of accepting responsibility for one’s crime with some feeling the crime as always present and part of them; others feeling completely separate from the offense; still others feeling the crime was only part of the self; and finally, others grappling with portions of the crime. Thinking of circles representing the perception of ‘self’ and ‘crime,’ the first category can be visualized as two circles superimposed upon one another (see Figure 3); the second category as two circles completely separate (see Figure 4); the third category as two circles overlapping to varying degrees (see Figure 5); and the fourth category could assume multiple formations dependent on which aspects of the crime were accepted or rejected. As such, the circle representing the crime could be divided into several small circles, each representing aspects of the crime and overlapping or separating from the circle representing ‘self’ (see Figure 6).

1) Responsibility as always present. A constant presence in one’s life, the crime prevented people from moving forward and created a strong need to compensate which resulted in *overcompensating*. For participants who felt their responsibility at all times, the crime became part of their identity and something for which they were always trying to make amends. They absorbed the belief that one never stops paying for a crime and expressed an expectation to

continue paying. For these participants, the weight of that burden was enormous as evidenced by Sapphire who explains how keeping the crime ever-present, allowed her to carry her victim with her so she stayed the course for both of them.

Nobody committed it; I committed this crime...And I remember this movie called "South Central." The guy tells his son how if you rob somebody, you can give back equal value. You can apologize if you stole something or robbed. But when you take a life, there is no coming back. There is no coming back from that....I used to look at my hands and said, 'Damn, you pulled the trigger and you took a life. I did this.' I looked at my hands plenty of nights. I looked at my hands and said, 'Wow, you did this.' Innocent hands, hands that were abused. Now, I became the abuser. I was prey; I became just something else in a split second... I said, 'Okay, you're going to live your life right and it will benefit you and the girl whose life you took. Because you're going to do right. You're going to live right. And it's like you're blessing both.' [It's] like she's on my shoulders so now I'm doing the right thing. - Sapphire (12 years; 4 hits)

For Rhonda, the crime as 'karma' haunted her, particularly in her perception of her mother's death; her crime was something for which she was always paying, as were members of her family.

But after that, all you can think of is, 'I'm sorry.' I wish I could turn back the hands of time. ...I thought about it in the sense of when I looked at my own mother. How would our lives be affected by this death that occurred? Would karma bring it back to my own mother? And that's exactly what I felt like happened and not very quickly, in fact. I mean, my mother, over a period of five years, like died a very slow sort of death. And I directly attributed that to my crime. And, this whole what goes up must come down, this whole karma way of thinking that you can't do things without having a certain level of responsibility for those things. - Rhonda (15 years; 2 hits)

2) Crime claimed as separate from self. For participants who viewed their crime(s) as completely separate of themselves; it was as if another person committed the act, a person that existed at one time, but was no longer present. Far removed from that time, speaking about the crime proved difficult. Grid, the only participant convicted of a double homicide (and robbery), served 20 years in prison. He was 16 years old when the crime was committed and in his late 30s when he was released.

I guess I placed it [the crime] in the context of, I was a young guy. I was there. I was into the wrong things. And I'm no longer that person no more. Unfortunately, two people got killed. And, I regret that. I regret that. I was there and I took part in the crime. I know I won't ever do that again. It's a part of my past. Something I can't change, because it's in the past. If I was able to change something, that's definitely what I would change, you know? Two people got killed. I would definitely change that if I could.

- Grid (20 years; No hits)

Mary also expresses the divide between her current self and the drug-addicted person she used to be.

They kept asking, 'Well, why didn't you do anything? Why didn't you call an ambulance? Why didn't you call the police?' And, my response to everything was, 'Because I was a crack head.' I was a crack head. I had the money and I was leaving. Whatever else was going on the apartment I really didn't care. I wanted to smoke. And a lot of the whys I didn't have an answer for because being sober for as long as I had been sober at that time, eight years and four months, the crime didn't make sense to me. So, I couldn't make it make sense to somebody else, because I didn't think like that no more. I wasn't that person anymore. I wasn't a crack head, you know? - Mary (16 years; 5 hits)

3) Crime claimed as part of self. Some participants viewed the event as only part of their life (his)tory, while other experiences and events were more salient to their core sense of self. Participants took full responsibility for their crimes, but both during and after incarceration, they wanted the opportunity to focus on other aspects of their identities. For Caroline, the crime was an act, not who she was then, or is now.

Well, I think people do have to take responsibility for it [their crime]. When we were talking to somebody one time I said, 'We're not violent people. We've committed a violent act.' Everybody is capable of committing a violent act. You don't know what drove somebody to that point. You see the headlines and they look horrible. And they are horrible. But who was that person when that act was committed? And what have they done to resolve that act? You can't ever resurrect them. When they're in the ground. It's not going to happen. So, you have to say, 'Look, this is what I've done to make sure this will never happen again.' You spend a lot of time, a lot of us time spend a lot of time thinking. We spend a lot of time talking with people about what went wrong.

- Caroline (27 years; 1 hit)

4) Grappling with aspects of crime & responsibility. Perhaps no group struggled more with responsibility than people convicted of felony murder. Wrestling with their role in the crime

and the degree to which they felt responsible, created a unique category of individuals with a clear role in the crime (i.e. answering a door knowing a burglary was going to occur that resulted in a death), but unwilling to fully embrace the charge of ‘murder.’ Stated otherwise, participants accepted their role in the crime (and were remorseful), but accepting the label of ‘murderer’ was problematic; in turn, that dilemma created additional problems with parole boards that viewed the muddled nature of their responses as refusals to accept responsibility or feel true remorse. Taqiyah, discusses how she found a way to accept responsibility for the role in the crime without accepting the label of ‘murderer.’

Hell no! And I ain't going to never come to terms with that [killing somebody] ...I went to the board three times in Albion. The first time, I was really like caught off guard. Because I was like, ‘No, I did not. No, I did not.’ And I was getting angry. I will never come to grips with that...I know they was going in there to rob them. That, I could tell. But that's instinct and, yeah, I did open the door but, I wasn't in there. I will never come to grips with that. But I'm going to tell you what I did do. I own it. Because it's mine...Because I would never admit to killing anybody. I never even held a gun in my life. Never. - Taqiyah (12 years; No hits)

Likewise, Askari felt regret and accepted his role in the crime, but he also discusses the difficulty explaining his responsibility while reserving the right to think critically about the legal system and how it assigns guilt.

Someone was killed. And, I didn't do it, but I was involved in the crime that brought this about. And maybe that's good in that I could rationalize my non-responsibility for the actual killing because it happened out of the clear blue; it wasn't planned. This guy did it, and I, to this day, don't know why he did it. And, it was my Achilles Heel then as I say, and the commissioners almost like jumped on that. So, I had a real problem with, not exactly responsibility, but accepting the rationale of the law. That's like whittled away at the whole idea of individual moral culpability or responsibility. I had like issues with that. And when I dealt with it at my last parole board hearing, I mean, I was really honest. I said, ‘Look, this isn't about my co-defendant. I'm here. This is a crime. And I committed that crime. And I deserve to be punished. You know, of course I wish it never happened, but I can't undo it. If I could, I would, but I can't. It happened. Of course, I'm deeply remorseful, but how do you express remorse for the taking a human life, you know? All will fall short.’ So, twenty years later, [I'm] still struggling with that, knowing that I did not set out to kill anyone. - Askari (23 years; 2 hits)

Sustaining Transformation, Remorse, and Responsibility

In addition to all the ways that began the process of transformation (see *Identifying Transformation: Catalysts/Facilitators & Hurdles/Barriers* section) and that continue to encourage and reinforce change, two additional factors sustained change: an environment of change (in prison) and social responsibility (inside and outside of prison). Inside prison, an environment of change created community and normalcy while social responsibility inside and outside of prison created legitimacy and contributions.

A sense of community and connections encouraged healthy development and growth. Whether it was cooking together, sharing stories and food, helping each other in times of need, or participating in programs/events, participants gained a sense of community and family in the unlikely confines of prison, far from their own families and communities on the outside. Rhonda describes the importance of having an environment of change with a superintendent and counselors that encouraged a sense of being human.

But I think what made Bedford human was the superintendent. And this one individual was to be our [a group of difficult inmates] counselor. She would become our partners if we had goals or whatever. And I think there's very human ways of trying to help women. You know, she would hug, shake your hand. You know things like that that really mean something [because] it's natural. It does something to our psyche that we can't do these things. So, if you don't have these sort of things, it really affects the way you will interact with each other. Now, of course, there had to be some sort of dividing how you could touch and/or hug and hand holding and other things like that. But nonetheless, it existed, and it made the difference between that part of our existence feeling natural. And I mean these families sometimes made the difference between us surviving long periods of time and not. - Rhonda (15 years; 2 hits)

Furthermore, all of the participants felt a strong sense of social responsibility and their sense of community extended beyond currently and formerly incarcerated individuals to include their communities based on geography or circumstance, their families, and society at large. This

social responsibility manifested itself both inside and outside of prison walls through employment and volunteerism.

Inside prison, participants organized events to entertain inmates. They also taught courses related to parenting and/or anger management while also creating programs such as ACE for HIV education, the This and That program (promoting physical health and body-building), and the Puppy Program that trained dogs as companions for disabled individuals on the outside. Participants held positions of leadership, meeting with superintendents to make changes in the various facilities and several participants represented the prison population as IOC Presidents, acting as liaisons between the inmate population and the prison administration. Participants assisted other inmates with legal matters, problems on the outside, and the psychological ramifications of incarceration. They served as tutors, helped others prepare for the GED test, assisted with homework, provided books to read, and offered reading recommendations.

Additionally, participants expressed an obligation to break the cycle of violence by talking to young inmates about college and other positive paths. Being a role model for other inmates pushed participants to be someone others respected and fed their desire to help the prison community. By acting as an example of what happens when one chooses to change their life in prison, long-termers showed younger inmates an alternative to negative activities in prison, involving service rather than predatory action; compassion rather than aggression; and acting out. And, they participated in programs geared to youth visitors from the outside, speaking with them about staying out of trouble and out of prison.

While incarcerated, participants had long sentences to think about the paths that led them to prison and give forethought to how they would do things differently in the future. As a result, on the outside, they ‘practiced transformation’ amid real temptations and limited supervision

(unlike the confines of prison walls). The ability to continue on the right path reminded them how far they had come since the days of their criminal activity, leaving them empowered and in control of their futures.

Participants spoke at colleges about prison life, taught art, and acted as mentors. They sought employment devoted to the service of others around issues of formerly incarcerated persons, social work, HIV and AIDS, the elderly, the homeless, and substance addiction. They facilitated groups, conducted and participated in research, wrote, and engaged in activism for people still incarcerated, those returning to society, and other marginalized populations.

It happened as a result of my incarceration. I'm an advocate. I'm going to advocate for the rest of my life for the disenfranchised and marginalized in society, for the rest of my absolute life. It doesn't matter where I am. It doesn't matter how much money I obtain. I know that I'm a part of the disenfranchised communities. I'm marginalized. I know that when America looks at me, I'm still going to be a statistic and I know that I have to fight against that. - Sapphire (12 years; 4 hits)

Through social responsibility related to prison issues, participants 'reached' on three fronts, each reconnecting or reinforcing their ties to their time in prison. First, by *reaching across* to formerly incarcerated persons, participants helped other people released from prison; people not established in the community who experienced many of the same issues participants faced upon reentry. Through helping others in the familiar state of confusion, excitement, and struggle, participants assisted people through their own firsthand experiences of reentry, including both the hurdles and the facilitators to the process. Second, participants *reached back* to those currently incarcerated. Many, like Abdullah, found it hard to let go of their ties to prison.

You still feel what the other people are going through and you can't count yourself a success so long as you know that there's so many others that are suffering, you know? To count myself as being successful and having made it is to forget everybody else, and I don't really think that that's a good thing. I think that when one reaches a level of achievement or accomplishment you have to always kind of lean back because somebody helped me. And there's people that are helping people. Then that's how lives are changed...That's one less guy I got to worry about maybe hitting my mom upside the

head because he has an alternative. You know, he's not..when he comes out, he's not going to feel cornered as if he has to strike in order to survive. So, for those selfish motivations alone, I have to reach back and kind of make it easier for another guy as he comes through. - Abdullah (25 years; No hits)

For so many participants, those still incarcerated represented not only their friends, but versions of past selves. It was important to continue to fight for people still in prison, people they shared their lives and cells with for many years.

Participants also *reached out* through the cause. By fighting for the injustices of formerly and currently incarcerated persons, they attempted to change policies, practices, and legislation. Participants raised consciousness about parole and reentry while championing legislation and rallying support from former parole commissioners through speaking engagements (i.e. events, churches, and academic conferences). They aimed to inform society and gather momentum for changes to parole policies, parole supervision, and governmental hurdles to post-prison life. Reaching out also provided pragmatic aspects of life such as networking, employment, resources, and support on the outside. Finally, participants felt a sense of responsibility to their immediate social community (i.e. children, significant others, family) to be good role models and contribute to their relationships, refusing to become recidivism statistics and instead, fulfill their roles as mothers/fathers, daughters/sons, friends, and citizens.

Success is every day that I'm not a recidivist. Every day that I'm Sapphire, and I'm not [states her prison number]. Every day that I'm a good mother to my daughter and my daughter achieves more; I'm a good woman in my relationship. Every day that I'm able to pick up a paycheck every two weeks and I'm no longer a statistic, I'm successful. - Sapphire (12 years; 4 hits)

Moral Exclusion

People convicted of violent crimes navigate a porous membrane, moving from outside the psychological community back to inside; ideally, this is the process of rehabilitation. In other words, they have not morally excluded themselves through their actions (crimes). Moral

exclusion is a process imposed by others in which others cast them out; hence moral exclusion is a useful framework for or *with* this population to understand the *experience* of being cast-out, and also what the journey of outside to inside entails. In keeping with the major findings of moral exclusion theory, the data support exclusion for participants in terms of membership within society as well as the rights and resources afforded those with membership.

A model for understanding moral exclusion for people convicted of violent crimes was created, based on interview data, across three contexts – parole, prison life, and reentry. Two large categories were created to discuss instances of exclusion, *Membership & Rights* and *Access to Resources*. Within the Membership & Rights category, exclusion can be understood within three areas: *Visibility*, *Acceptance*, and *Liberty/Justice*. Moral exclusion can also be understood within three areas of the *Access to Resources* category: *Basic Resources*, *Financial Resources*, and *Emotional Resources/Support*. While these six areas comprise a model for understanding exclusion, it manifested itself differently across the three contexts. Likewise, some instances of exclusion appeared in more than one category.

In terms of operationalizing these areas, *Visibility* encompasses instances of exclusion affecting the degree to which one is seen; instances related to *Acceptance* revolve around reception and approval, organized at the levels of society/government (more macro), community (more micro and immediate), and the self. The *Liberty/ Justice* area comprised instances of freedom, equality, and fairness occurring at the macro, meso, and micro levels.

Basic Resources related to fundamentals for achieving success within a particular context (i.e. parole, prison life, reentry) while *Financial Resources* encompassed one's current financial stability (during the parole, prison life, or reentry phases) and future stability, the period beyond the context being discussed. In other words, future stability referred to the period of reentry (for

the parole and prison life contexts) and to an abstract future time (for the reentry context). Finally, *Emotional Resources/Support* related to one's psychological and emotional wellbeing; these were experienced at the level of society (at large), community, peers, and with 'key players' (critical personnel). For each of the six areas, instances of moral exclusion are discussed within *parole* first, followed by *prison life*, and culminating with *reentry*. Excerpts from participants' interviews are provided throughout to exemplify particular concepts or themes. Likewise, detail about the experiences of exclusion is provided in each section to contextualize the categories and give voice to previously silenced perspectives (those of people convicted of violent crimes).

It is important to reiterate the two types of parole discussed in this dissertation: parole that exists inside prison (discretionary parole) and outside of prison (parole supervision). Parole officers inside prison meet with participants before parole hearings to prepare files and construct release plans; parole officers outside of prison supervise parolees, establish parameters for parole, and conduct at-home visits. Hence, the processes of moral exclusion in the 'parole' context are confined to discretionary parole and involve parole officers in prison, the parole board, and parole hearings; parole supervision, on the outside, is discussed within the 'reentry' context.

Membership & Rights: Visibility

Parole. Within the process of parole, participants experienced practices of moral exclusion in a multitude of ways, via an invisibility or partial visibility as members of society. The exclusion was rendered through ideological positioning and euphemisms; an inadequate appreciation of transformation, accomplishments, remorse, and responsibility within prison; and

an ‘insider-outsider’ stance. As such, participants were not viewed as whole people, but rather viewed through the belief system of others or as defined by their offense.

The foundation of parole is based on an ideological position that once rehabilitated, a person will be granted parole and returned to the community. When the goal of incarceration shifts to punishment, retribution, or restitution, no amount of rehabilitation warrants granting parole. Likewise, participants were invisible or partially visible, defined by euphemisms such as ‘violent offenders,’ that serve as erasure to keep people static, defined by a label, and ‘incapable’ of change. Participants no longer felt like people with individual stories. Instead they were lumped together, branded as a particular *type* of person, and judged according to that category. Titles such as ‘murderer’ and ‘criminal’ also came with preconceived notions about dangerousness.

According to participants, parole commissioners failed to look beyond the label, and view people convicted of violent crimes as deserving of second chances; instead they were continually viewed as threats to public safety. Participants were routinely denied recognition of accomplishments and when recognition was given, parole board members still based decisions on the nature of their original crime rather than statutory criteria. After waiting 25 years to see the parole board and allowed only minutes for hearings, participants were hurt, insulted, and degraded.

Hearings focused on the past and with no real knowledge of the person, commissioners thumbed through files, representing the totality of a person’s life; yet the files offered little understanding of the progress made over long years. In some cases, offenses were crimes of passion, due to gang-related activity, the result of alcohol or drug addictions, or felony-murder cases. The nuances of cases were not given adequate consideration and parole commissioners

focused on the criminal activity rather than on the reasons for that activity or how circumstances had changed. Mary was convicted of Manslaughter in the first degree when she was 20 years old and served 16 years in prison; the focus of her hearing was the night of her crime rather than her accomplishments in prison.

I would suggest they look at who the person is sitting before them, not who the person was the night they got arrested. I mean, of course, you have to ask the mandatory questions about the crime or whatever and I understand that; that's your job. But once you've done that, now, 'Who are you?' Because there's no way you could remain the same person, there's no way. Something is going to change. And hopefully, I mean, in some cases it's change for the worse, but in some cases, it's change for the better. In MOST cases it's change for the better, for long-termers anyway. And they need to look at that. Get off that night in 1987 and look at me now. And they refused to do that. I got hit at my fifth board for twenty-four months. If I didn't have a conditional release, I wouldn't have come home. They just would not look at who I am today. Everything was that night in 1987. - Mary (16 years; 5 hits)

Participants' felt further excluded by the physicality of the hearing that set an adversarial tone; for many, it felt like another trial. Having parole commissioners seated at the front of the room, separated from the inmate, created a psychological positioning of parole commissioners as 'judges' and inmates as 'judged.'

Prison life. Moral exclusion seeped beyond the parole process into all aspects of prison life. While in prison, participants felt an inability to assume roles as spouses, siblings, children, or citizens. For example, Emma was pregnant when she arrived at Bedford Hills and felt deprived of being an 'expectant mom.' Denied maternity clothes, she instead wore 'state greens,' feeling that her inmate status trumped (and made invisible) her role as 'mother-to-be'.

Well, this might sound crazy, but I was upset that I had to wear those clothes while I was pregnant. I didn't get to experience--this was my first baby. I wasn't wearing the maternity stuff, the maternity things. - Emma (16 years; 1 hit)

Muting individuality is common in prison life where numbers replace identities, day-to-day activities are structured, and state issued uniforms wash away any sense of identity. Abdullah

describes the process of deindividuation during reception into prison, and the intent to dehumanize people.

In those early days, you had to shave your face. It's part of the renewing process, I guess. The process whereby there is an attempt to strip you of all your personality and identification with anything you may have known prior to coming to prison to try to break you in and make you a prisoner or an inmate--whatever that is. But that's what they try to do. And that's what reception is. Reception is a breaking process, an attempt to break you out of, or break you away from, to separate you from whatever you came from, whatever you knew. This is your world right here. - Abdullah (25 years; No hits)

Robert recounts how being deloused during the reception process creates a sense (early on) that people entering prison are tainted in some way, contaminated.

And I think that they are trying to instill fear in you and they're trying to, in many ways, erase your individuality and identity. So, everyone goes through a process of - We went through a process when we got up there, they used to spray us with some sort of bug disinfectant for, I don't know, whatever kind of body bugs you can get. But everybody had to be sprayed. They didn't care if you had bugs or didn't have bugs, and by and large nobody had any kind of bugs, but you had to go through this process of being sprayed. You had to get in the shower and there was just one big, like, open stall. And they give you a little skimpy towel and you dried off, and at that point you would lose your clothes. And you were given a prison outfit. - Robert (25 years; No hits)

The prison structure itself also felt exclusionary, monotonous, hopeless, and cold, removing individualism and humanity. Sapphire described the Turner reception building at Bedford Hills Correctional Facility as strategically built in the middle of the yard, showing new arrivals what life in prison would entail, representing inmates as automatons, robotically moving around the yard.

And all you could see out the window was the people walking around that circle in the yard. To be honest with you, I thought about the ice age and the dinosaurs, the mammoths--the woolly mammoths that, after a certain age, they go out into pasture and they walk, and then they just walk and walk, and then they just settle down by themselves sometimes. And they were going around and round and round. And people sitting there at little tables conversing, but mostly, I mean, the older people were walking around. And I was like, 'Dang, is that what my life is about to be? Am I going to be a part of that cycle, like just get in line?' I looked at myself as getting in line to walk around the yard. And then some people go home from the yard. They'll exit out to go home. Or they'll exit out to the grave. But, everybody's going to get on that line at one point or another. And

eventually, I did get on that line and walk around the yard, and walk around the yard. And every event, they had every special occasion, you walked around the yard. AIDS awareness, when they had their benefit every year, you walked around the yard. Everything was around that yard. - Sapphire (12 years; 4 hits)

With many prisons located in isolated geographical locations, mainly Upstate New York, inmates were placed far from society's view and thoughts. These limitations created lasting effects on participants, their family members, and friends. Participants like Sapphire struggled to maintain ties with loved ones despite their physical absence.

I wrote my children every week and spoke to each child every single week. Every week. I had nothing but time and I utilized that time to actually sit back and give them what I felt like I didn't have in my childhood. I wanted to be a better parent. But I realized that in their eyes, if you wasn't there physically, it didn't mean anything. I learned that in the end, unfortunately. 'It ain't me. It's Pataki, baby. It ain't me. I want to be there with you. I love you. Pataki says I don't go, baby. It's not me. I would love to be out there with you.' So, by the time I did come out there, they had formed their own identities. They had already started their transitioning to adulthood from teenage years and adolescence, so now they're feeling who they are. So, I really can't say anything. I can't say shit to them. - Sapphire (12 years; 4 hits)

Further, work release, that previously served the dual purposes of providing the community with workers and transitioning people from prison to outside society, also served as visibility for people convicted of violent crimes. As such, when work release was no longer available to this group, they became less visible to outside society. More specifically, if prisons are comfortable with people working in the community, community members feel more at ease with them, thus contradicting the perception of people convicted of violent crimes as 'threats to public safety.' However, even during the time work release was available, it went unnoticed as a step to release, and participants like Tyrone were continually denied parole.

I did twenty-four years upstate. Well, I was convicted in 1969; I didn't come out until 1993. And I came out on work release. I never made the parole board. There wasn't a parole board upstate...I was sent to work release..So, I thought that after being out and doing twenty-four years upstate, got a college education, come out, get a job, working, no problem adjusting, that they would consider me parole eligible, but to my dismay, they gave me two years [a hit]. - Tyrone (24 years; 3 hits)

Tyrone spent seven years on work release, living three days in prison and four days at home. Yet, despite spending almost half of the week living in ‘free society,’ Tyrone was continually denied parole. Unfortunately, the data does not give a sense of how often this occurs.

Reentry. Within the process of reentry, rules and regulations that govern people convicted of violent crimes, limited their ability to assume roles on the *outside* in the same ways as inside (i.e. parent or ‘man of the house’). Curfews as well as limitations on employment and housing opportunities, prevented participants from being the kind of parents/siblings/child/friend they wanted to be, providing for their families, and reestablishing connections with loved ones.

Participants were further erased by difficulties gaining recognized identification, necessary for employment, housing, and cashing one’s prison check after release. Participants left prison with only inmate identification, yet to receive state issued identification, they needed particular documents (i.e. birth certificate, bills, etc.), documents that were often lost or packed away (for 10, 15, 25 years). As such, people went long periods without proper identification and hence, tangible recognition as members of society; furthermore, they remained blocked from other civic participation such as voting.

And I can't vote. I get angry. That's like one of the things that I always talk to people in New York. If you're on probation, even for a felony conviction [if] you're still on probation, they're eligible to vote. If you're on parole supervision, those are the only people that are not eligible. There's power in the vote, you know?...We have twenty thousand parolees here who aren't going to vote. - Caroline (27 years; 1 hit)

After incarceration, many continued to feel branded as ‘violent offenders,’ ‘murderers,’ and ‘ex-felons.’ As with branding inside prison, labels create instances of ‘othering’ and freezing participants within an identity. Aware of the perceptions of others, people convicted of violent crimes led their lives feeling watched, judged, and evaluated. Several participants like DeJuan felt they ‘wore’ their incarceration and people could see it by looking at them.

I think my biggest problem has been with myself and how I think people may perceive me. And I will sometimes feel like everybody knows that I've been convicted of murder in the second degree, and I've done a lot of time, like somewhere on my face it's probably written. So, a lot of times I think I've probably shut some doors that nobody shut.
- DeJuan (17 years; No hits)

Likewise, Emma monitored herself carefully, a very different approach to life than she had prior to incarceration.

And I'm constantly thinking like what am I going to say, so that it won't be obvious that I was in that place. It's frustrating, so sometimes I shut down and don't say anything. You know what I mean? Because I was a very people's person before I went in there, and now I'm just cautious. Always wondering what people are thinking or if they could tell I've been in jail. - Emma (16 years; 1 hit)

Membership & Rights: Acceptance

Parole. Within the parole process, exclusion occurred at the highest levels (e.g., the Gubernatorial level), where the tone was set for commissioners through legislation (and words) that people convicted of violent crimes were undeserving of parole. Additionally, media perceptions of participants further contributed to negative cultural attitudes toward crime in general, and violent crime, specifically. The message was clear to participants; they were not accepted and were, in fact, positioned as outsiders, targeted by governmental rules, legislation, and cultural attitudes that limited their access to discretionary parole.

Further, discretionary parole (and the hearings) created more than just a place where participants recognized their exclusion from society at large; it created self-exclusion as well. During the hearings, participants psychologically returned to another self, a self they no longer knew. Discussing the crime, reliving the event, and answering questions about the past versus the present, left participants feeling humiliated, guilty, shameful, and angry (feelings they had worked hard to overcome).

How could I go in there and ask them to release me when I'm so responsible? And it's like I couldn't separate it. I couldn't separate any of it. Somebody's still dead and I still did it,

and I'm still responsible. How am I going to go in there and say, 'Release me.' Because I didn't [even] want to even accept a college degree... For so long, I carried that, 'Well, I should be here because I'm so responsible.' So, it sort of carried me through the whole time... Why was he there? Why did he do this? I always think about like, what his life could have been like. I just hope that they've [his family] been able to move on in some way. And, I know they'll always feel that loss, and I know they would still..I don't think they could think of him and not think of what happened to him and think of me. It's like we're all connected. – Olivia (22.5 years; 4 hits)

Prison life. Within life in prison, the increase of youth on prison yards signaled that society's boundaries of inclusion had changed and the net of 'criminal' had widened, accelerating moral exclusion and branding people earlier than in the past. Likewise, the net widened further through '*moral exclusion by contamination,*' a term the researcher developed to describe instances of exclusion for people close to participants. For example, on visiting days, correctional officers cut family visits short, visitors were given extreme searches, and strict enforcement of rules and regulations applied. By the very nature that visitors were associated with inmates, children/siblings/parents/friends also became 'less than' and their rights minimized as a result.

And people have children. We have children. And they have city buses that the parent could take to come and visit. But when they do come up, the parents go through too much just to go see their loved ones. And it's stressful. And for those [correctional officers] that really don't care for you, when it's time for you to have a visitor, they'll take their time and call you to come down and have your family waiting there that whole time, knowing that you can only have a visit from eight-thirty to two-thirty. So, basically, they'll waste that time, and then when you have a visit, they will frequently make you end your visit [early] when your family came from so far away. So, I mean, it's like a double standards there. - Deborah (12 years; 1 hit)

Olivia offered her own example as well.

We found a lot of people were being mistreated in the visiting process... You see the police, COs actually harass like a lot of the family member who were coming there. And you've got to take that... A lot of times, this would take place before they come in and we would find out while we was on the visit like a friend of ours, or family, or because they were exposed to things like what. -Olivia (22.5 years; 4 hits)

Perhaps most worrisome for participants, particularly women, was concern for their children and the out-casting they experienced in their home environments, places where participants could not protect them even as they served as the impetus for that exclusion (another example of moral exclusion by contamination).

Because every child whose parent is incarcerated has to wise up quick because the kids will call in the schoolyard. My kids went through this, too. 'That's why your mother's in jail.' 'That's why your father's in jail.' So, yeah, they have to..they have to mature faster. They have to put their guards up. They have to learn defense mechanisms quicker than any other child. Absolutely. Absolutely. - Sapphire (12 years; 4 hits)

And, as with parole, within prison life, learning to forgive oneself for one's crime was difficult for participants. In some cases, they excluded themselves by carrying extreme guilt, willing to accept (and feeling they deserved) whatever happened to them (no matter how unfair or unjust) as payment for their crime.

Reentry. At the level of reentry, employers and educational institutions asked about felony convictions and expected disclosure, putting participants in precarious positions. If they disclosed their felon status, they could lose employment or educational opportunities. If they failed to disclose their criminal backgrounds, they could suffer ramifications. Their fears appear warranted as evidenced by Tyrone's experience when his employer found out he served time in prison.

*Well, I was a supervisor in one job and when people on the job found out I was in prison, they didn't feel I was qualified to be supervising because of my prison background.
- Tyrone (24 years; 3 hits)*

Even for those that found human resources willing to hire people with convictions, fear infiltrated relationships with coworkers or bosses. For Sapphire, the informal interview with her soon-to-be supervisor, a formality only, was a place she could 'out' herself, without enough preparation.

I went on two interviews a month just to try to get my interview skills up to par so that I wouldn't be nervous, so that I could present confidence in front of the interviewer, and just so I could have the right wording despite my felony conviction.

- Sapphire (12 years; 4 hits)

Fear also infiltrated relationships with congregation members, friends, and significant others.

They worried about losing people if they were honest and participants like Steve carefully weighed who, when, and how to tell.

But every day of my life, every twelve minutes..twelve seconds, I do remember; it's nothing that you forget. You can't forget. And when I walk and, yes, I am free, but I'm not really free because I'm still on parole. Any little thing could bring me back. So, I try to avoid people, places, and things. And, like I said, it's hard. It is hard. And I..it's not hard as far as..I don't worry about the drug life and all like that. That's not the hard part. The hard part is being accepted into society. Once you are labeled and stigmatized by it, that's it. I had so many doors close in my face because of this. And it hurt. It made me to the point that I shut down. I went through depression over that. - Steve (14 years; 4 hits)

Like Steve, participants like DeJuan lived in fear of being 'outed' and the stigma they tried to avoid led to a sense of double consciousness (Dubois, 1903), where participants' notions of others' perceptions of their group created constant worry and they conducted themselves accordingly. DeJuan spent 17 years in prison for Murder and he discusses understanding how potential employers perceive him.

But I had a certain institution or certain facility about applying for work. They ask you, 'Well have you ever been convicted of a felony in the last ten years?' I said, 'No.' 'Oh, so you don't have no criminal history?' I said, 'No, I haven't been convicted of a felony in the last ten years.' 'Well, was you every convicted?' 'Yeah.' 'Well, what did you wind up there for?' And when they hear it [the crime], it's like I'm that person in the post office. And I try not to really let it bother me because I know how poorly they think of me, for whatever they think of me. And Malcolm X said something and it really put things in perspective for me, 'To have once been a criminal is no disgrace. To remain a criminal is the disgrace.' That I worry about. - DeJuan (17 years; No hits)

Abdullah was also aware of society's perceptions of people convicted of violent crimes and in his discussion of media portrayals of people in prison, he gives voice to the double consciousness many participants felt as well as their awareness of exclusion.

You pretty much understand what people's perceptions are of people in prison anyway. I've found that talking with people who would say, 'You're so articulate'? We had to put ourselves on display to change the perception of those in prison, to help people deal with their own stereotypes and their own prejudices regarding people in prison because the images are those that are seen on art and TV, and in the movies—all that kind of stuff. So, people buy into that image and that feeds their perceptions and their expectations. Consequently, when people talk about people that have been in prison, they have the image that has been developed for them in their minds. So they're not too sympathetic to the plight of that... 'No, those people, they need to stay in there.'...So, until they begin to interact with people in prison, until they begin to hear stories and see faces, all they're going to see is the numbers and the image, the face that's projected for them by people that have another agenda. They just buy into that imagery and just accept that because nothing else is being offered as an alternative. - Abdullah (25 years; No hits)

For Abdullah, the journey toward 'normal' can never be reached by people that have served time in prison, particularly those that have done so for crimes of violence.

You're never viewed as being just a regular guy, or a regular girl. You're never going to feel like that. I mean, you try. Because people react to you differently. I mean, when you tell them, they react to you differently as soon as you tell them...From the moment...I don't know, it's just something very subtle. It's something very subtle.
- Abdullah (25 years; No hits)

Within the reentry process, even after many years, participants struggled to accept themselves. Some of the difficulty with self-acceptance came with comparisons to others that were free while they were incarcerated; feeling 'behind' made them angry about poor choices made. Grid served 20 years for double homicide and robbery. He was 16 years old when he entered prison and 37 years old when he was released. Grid voices concern about the difference between others his age (and younger) and himself.

I could have accomplished a lot more if I was out of here and doing the right thing instead of out here doing crime. And out here going to school and graduating high school and going to college, I could have accomplished a lot more myself and with people in general, I feel, if I was out here. So, I missed out on that opportunity. Now, I see a lot of young guys--twenty years old. They're driving cars. They have children. They have families. And I don't have that. You know, so I look at them with a little envy, but not in a negative way. Just something I would like to have one day. So, I feel I missed that part out. That part of my, so-to-speak development is still not there. Because I don't have a car. I don't have children. - Grid (20 years; No hits)

The loss of time left participants feeling that they could ‘never catch up.’ Long terms in prison translated to the loss of children, job opportunities, but also life experiences from growing in the artificial environment of prison. Participants questioned everyday behaviors and wondered if those behaviors were ‘normal’ or remnants of prison life. As such, they became overly reflective about conversations with others and actions that might reveal missed social references/cues from formative years spent in prison.

But I think you understand that the connection is missing. At twenty years old, you took a supposedly normal individual and put them in an abnormal environment and expected them to exist normally for seventeen years. And after that seventeen years, now I feel like I'm existing abnormally in my normal environment...Not even understanding things like time zones and really not understanding what ‘professional development’ means, and not understanding what it actually means on a professional level to tighten up your time management and things like that--just regular stuff that a lot of people don't really think too much off the top of their heads, but it really was a struggle for me. And it still is a struggle for me. - Rhonda (15 years; 2 hits)

Membership & Rights: Liberty/Justice

Parole. With visibility and acceptance comes liberty and justice. Instead, unseen and unaccepted, participants felt exclusion within an unfair parole process. In a position of disadvantage, they had little information about the game, no consultation in the rules, and little control in the process. At the macro level, exclusion occurred through legislation directly affecting participants’ eligibility for parole hearings and release. For example, ‘presumptive release’ allow inmates to earn eligibility certificates for early release. However, presumptive release was unavailable to people convicted of violent crimes. Likewise, ‘merit time’ eligibility (‘good time’) was also denied this group. In terms of legal issues, sentencing judge’s recommendations and plea-bargains were often ignored by parole boards. Instead, people served sentences longer than intended by sentencing judges and in the case of plea-bargains, much longer than if one had gone to trial and received the maximum sentence from a judge or jury.

At a meso level, participants viewed parole boards as heavily populated by former district attorneys or correctional guards leaning toward punitive positions. As a result, a ‘reversed halo effect’ (Nisbett & Wilson, 1977) occurred, where people convicted of violent crimes were judged as unworthy of liberty and justice afforded other citizens.¹⁹ During parole hearings, a fundamental attribution error²⁰ (Ross, 1977; Jones & Harris, 1967) of sorts also led to negative aspects of one’s file or behavior, credited to internal versus external factors (i.e. nervousness during the hearing or difficulty concentrating and answering questions). Rather than seen as normal reactions to stress, these actions were interpreted as poor indicators of readiness. Likewise, emotional defense mechanisms that proved useful in prison were considered a lack of remorse. Unfortunately, having used the strategy for so long, participants found it difficult to switch their emotions on and felt their impressions to the parole board suffered as a result.

Ironically, *positive* aspects of one’s file were not given proper *internal* credit. For example, infractions in prison are commonplace even for model prisoners. Yet, during hearings clean records were not viewed as feats, but dismissed as the expected behavior. However, any minor tickets were scrutinized without an understanding that participants rebelled at early stages of their prison journey. Biases about inmates’ abilities to transform were also coupled with racism, sexism, and classism, wrought with preconceived notions about socioeconomic status and rural versus urban inmates. Furthermore, seeing different parole board panels during each hearing, left participants wondering how changes/transformations were visible from one board to the next. Essentially, with different reputations for commissioners (‘compassionate’ versus ‘tough on crime’), one’s freedom became dependent on the rotation of parole board members

¹⁹ Nisbett and Wilson suggested that global evaluations of people change their evaluations of the person’s individual attributes even when sufficient information allows for an individual assessment of those attributes. Their research also showed that people were unaware they make this error.

²⁰ Ross coined the term based on an earlier experiment by Jones and Harris, suggesting that people attribute others’ behavior to internal versus situational factors.

rather than set criterion for determining parole. These scenarios and the lack of minority representation on boards, reinforce notions of unfairness.

At a micro level, concrete practices during parole hearings were particularly exclusionary. The right to justice was negated when the greatest weight to determining parole decisions is the nature of the original crime rather than statutory criteria as afforded under the laws of New York State. Caroline was convicted of murder and served 27 years in prison. She was 24 years old when she entered prison and 51 years old when she was released; she appeared before the board two times before being granted parole.

If someone can demonstrate that they have made changes in their life, then that's what you need to deal with. You need to, rather than going into the parole room where all you do is sit and read what happened. I know what happened, I was there. And, you don't ask me what I've done since I've been here, what I've learned about myself, what kinds of changes I've made. They don't ever ask for that. They just go with the old crime, like they get some kind of pleasure in re-reading the gory facts on a piece of paper. I can't change that. And I'm never going to be able to change that. And it's difficult because people have served 27 years in prison. How do you make people see that people have made those changes? - Caroline (27 years; 1 hit)

The focus on the violent nature of the original crime is made more evident when participants' hearings occur on the same day as people with less serious crimes, unfairly disadvantaging people convicted of violent crimes. Furthermore, since paperwork must be submitted early with closed-circuit television hearings, closed circuit televisions add logistical issues and hardships for participants. CCTVs sat in public rooms, denying participants' privacy and dignity in the process. Israel discusses the confusion during CCTV interviews and the impact of decisions based on such impersonal interactions.

I felt that it was impersonal. I wanted them to be there. I wanted them to look at me. I don't want to be looking at the screen. But, the reality that I couldn't touch you physically was scary. It was something that was robbed from me by having that TV circuit. It was very impersonal. And, it's almost like they themselves understood that they were detached. That they didn't have to give me what I needed as far as attention was concerned. So, I felt cheated. I felt actually that this was something that was done

purposely..[I'm] speaking my heart out. Speaking my heart out. Knowing that this my one opportunity.....They were able to do more interviews, much more interviews in a shorter amount of time and all of that did not compensate for [the] loss of person-to-person interaction in a decision that is not just going to impact you; it's going to impact your family. It's going to impact your friends; it's going to impact everything. Your whole life gets impacted by that one, that one interview, that one meeting. And it's like, 'Okay, next!' That's [the] food chain. - Israel (21 years; 1 hit)

Finally, with a perceived inability to defend oneself from emotional statements of victims and/or their families, victim impact statements (allowed by law) create an unfair hurdle for participants, as information is not vetted. In one case, a victim's family member introduced new information during a parole hearing, through written statements (the pregnancy of the victim). Although later the participant showed evidence to the contrary (at an appeals hearing), she had already been denied parole based on the new, incorrect information.

When they told me that the person that I shot and killed, which I thought was out of self defense, was pregnant, I looked at the lady like - I was like, 'You have the wrong person. Ma'am, how do you feel about killing a pregnant woman?' I said, 'Excuse me, ma'am?' 'You've got your people mixed up'I'm no longer afraid. I'm fighting for my integrity, my dignity, because you're not going to make a baby-killer out of me...This is what I'm thinking in my head. I went to court. I fought my case for almost eighteen months and none of this was ever said in my case, so what are you saying? So, now, it looks like I'm in denial. I don't know what's going on. But now, I don't have anything to say. I think I need a lawyer. I don't even want to talk anymore...That question to me had the most impact of my whole..Nothing was more significant to me than to think that, 'Oh, my God! Did I kill someone who was pregnant at the time?' Whether it was a dot. Whether the fetus was a dot or a baby embryo or a blood clot, I wanted to know. I needed to know for my own piece of mind. So, now they're putting me back six whole years. The progress I had did emotionally, by forgiving myself and accepting myself for who I was, and yes, I did this horrible crime by shooting somebody. I might as well have killed myself because she was a young Black girl just like me... I need to know for real. I went and got my autopsy and things like that. And the autopsy said that the person was not pregnant. - Sapphire (12 years; 4 hits)

Finally, at the grievance (appeals) level, avenues for justice were limited, as many participants saw their next board before the appeal was processed.

Prison life. At the macro level, particular policies directly affected people's lives in prison. Work release for example, previously open to people convicted of violent crimes, was

removed in the mid-1990s, affecting not only one's freedom in choosing employment, but also one's mobility. Unlike those eligible for work release, people convicted of violent crimes, lacked those views of life beyond prison walls that made people feel human and unconfined, both physically and psychologically. Other legislation dictates that if imprisoned in excess of a certain amount of time, inmates' parental rights were terminated; Deborah spent 12 years in prison and lost her son.

First time going through the system, I had a son during that time. My son was, at that time, he was fourteen months. I didn't care about being arrested. The only thing I was thinking about was my son. Where was he? Because when I got arrested, my son was with me. So, they called my father to take my son. My son wound up getting sick, so they took him to the hospital. And my father stated that he couldn't take care of my son because he had to go to work. So Foster Care wound up with him. The law states that you are entitled to see your son after thirty days. So, I had a caseworker who brought my son. I got to see my son. Then, he explained to me my situation and about my child that I'm going to lose my child. Being that I was sentenced to ten years, there's a law that if you're in jail more than five years and your child is in foster care, your child is put up for adoption. So, I'm fighting to not get my son adopted, but it wound up happening anyway.
- Deborah (12 years; 1 hit)

At the meso level, any semblance of normalcy was taken from participants. They felt little control over life choices and little independence, while being infantilized and institutionalized, relying on correctional staff for toilet paper, toothpaste, food, and daily schedules; even intimate moments were hijacked. Emma discovered her pregnancy at Rikers Island, but she was the last to know, and the way she found out felt cold and inhumane.

I didn't find out 'til when I was on Rikers. They brought me the pills and the milk and all that. I was like, 'What is this'? Then, they told me. So it was like another thing I was going to have to deal with. - Emma (16 years; 1 hit)

At the micro level, ownership over one's body was also limited in prison. Participants were denied the ability to maintain physical health and strength when weight lifting equipment was removed from New York State prisons. Further, privacy with one's body was nullified and many were embarrassed to stand naked in front of strangers during physical searches and

showers. Good, discusses losing the rights to his body in prison and the embarrassment that followed.

Going back and forth to the courts in shackles [was painful]. It was a negative feeling because it was like, even though I did something wrong, I still felt you're not even a human after that because of the stripping of the..of my rights. Just when you go to visits and you have to show your testicles, bend over, stuff like that. So, that was very humiliating. - Good (25 years; 1 hit)

Likewise, women's forced medical examinations were dehumanizing and degrading.

Just the fact of having to take off my clothes in front of people. Just the fact of the medical examination. At that point, I felt that I lost a lot as a woman. My privacy, for one. That even my thoughts..I couldn't do anything that I wanted to do. I had to do everything that was told to me, be it right, wrong, or indifferent. And I felt like an object, like a thing...Of course, nothing. I just didn't have any identity at all because I'm doing what they tell me to do and I'm a very private person. And to have to take off my clothes and stand nude in front of four or five people and it was like I felt like I was on one of those lines where they line up packages and you get your package next. And they don't..they may give you a robe to put on. But it's a robe that doesn't have any fasteners and you have to hold it together while you sign documents. And at the time, the robe came open. And I just felt like nothing and nobody...Hopeless. Just plain hopeless. I didn't know what was going to happen. I was supposed to think everything that they told me; I was supposed to feel that way, I had no voice in what happened to me, including medically. I had to lay on a table. And my body was poked and prodded. I was embarrassed. Because I always felt that my body was mine and for the first time I realized that I wasn't in control of anything, not even my own body. - Stephanie (12 years; 1 hit)

Reentry. After incarceration, liberty and justice were continually denied at the macro level. Laws governing publicly accessible information about felons, denied participants the same privacy others in the community were afforded. Remarkably, even when a person died, the criminal record still existed in the system, along with the word 'Deceased,' leading one participant, Anthony, to surmise, "*They'll NEVER let us go, not even in death.*" Legislation governing people convicted of violent crimes, after release, creates a never-ending cycle. For example, those with 'life' on the back end of their sentence are rarely granted discharge from parole. Hence, they live under constant threat of their liberty being revoked for the most minor infraction.

I've been working for the last four and a half years. I've never had any police contact. I don't get high. I don't even drink. I don't engage in anything that could take away my personal liberty. But my curfew is ten o'clock Monday through Sunday. I can't leave the state of New York without permission. And even when I seek and ask permission, it's denied because of the guise that I don't pay supervisory fees. And regardless to whatever it occasionally may be, whether it is to either just over five minutes outside of New York City to Jersey. So, it's like I'm constantly reminded by the Department of Parole, Division of Parole, that you're nothing. - DeJuan (17 years; No hits)

Furthermore, they were denied due process when a small or large infraction did occur. Rather than the presumption of innocence until proven guilty, afforded American citizens, those on parole were returned to prison on technical violations with little opportunity to prove one's innocence.

At a meso level, parole supervision opened parolees to a host of impositions to which everyday citizens are not exposed; the power of a parole officer is far-reaching in the life of a parolee. Parole officers dictate how stringent rules are that govern parolees' lives and some were punitive (and retaliatory) rather than helpful or fair. Likewise, having to report to parole shortly after release versus spending time with family, in addition to succumbing to random urine tests, felt intrusive and restricting. And, having one's house searched by a multitude of officers, is legal even without 'cause'. One participant, Mike, gave the example of officers searching a bedroom while his friend's young daughter slept on the bed; the friend was helpless and angry. Participants also felt guilty if they lived with family members or friends as those people also lost their liberty by association, yet another example of *moral exclusion by contamination*. Further, because parole officers could 'violate' a parolee for even the most minor infractions, participants like Matthew felt at the mercy of parole officers' moods for their liberty. As a result, they never felt free.

Let me give you an analogy I use. Very simple. I'm still doing my time, but on the other side of the wall. And you go out in the yard, you're behind the wall. At any given time, he

could snatch and he could put me behind the wall [to walk in the small yard again]. Just like that. That's it. Now, you understand it? - Matthew (23 years; 4 hits)

At the micro level, participants provided many examples of how their 'parolee' status limited where and how they traveled. To do so, one sought a travel pass for a specified period of time, to a specific location since traveling without the pass was a violation of parole stipulations. However, many that applied were denied travel passes, even when requested far in advance and meeting all necessary guidelines. Considering that many people with life on the back end of their sentence are on parole for the rest of their lives, mobility becomes a major point of contention and question of justice for participants like Robert.

No, I never forget I'm on parole. Because it impacts every aspect of your life. It's just like vacation. If I want to go on vacation, I need to travel there. I can't leave the country. I can remember my church going to Africa. I wanted to go to Africa. I can't leave the country and go to Africa. Parole's not going to say okay to that.
- Robert (25 years; No hits)

Additionally, curfews limit how people move through society, especially since curfews are relatively early (8pm or dark), creating a host of problems with attending activities with family, employment opportunities, and maintaining any semblance of social life (church, kids' school events, gatherings with friends). Matthew vividly describes the difference between the fantasy of returning from prison and the reality of life on the outside; relationships with family changes and the binds of parole supervision interfere with one's hope for life beyond prison walls.

We dream in prison. We dream about going home. We dream about going places and doing things. And it's the sustaining force, of course. But it's not realistic. You might wind up in a shelter. You might not wind up finding what you expect when you leave the building. But the difference is that if you come out expecting to find a girl that's gorgeous and intelligent or your dream-girl--whatever--faultless. Or your friends being able to give you all the attention that maybe somebody was giving you in a visiting room, it's different. You're not going to get that attention; it's different. And the same thing applies to families outside. It's not the same. The visiting room, you get six hours and you play with your kids and you talk to your wife, and you actually listen to what she says. Or he says. And you go home. And they go back to doing whatever it is they have to do to pay the rent and feed the kids. And you play with your children, and when you say 'Don't,'

when you say 'Sit down'; they sit down and all of that. And then you come home and you come into the house and it's really not your house. You could dream it's your house all day--that dream that you're in charge and you're the king. But it's not your house. It belongs to your son or daughter or your wife. Everything in it actually belongs to them. And they can come to resent the idea that you think you actually run something here. And you don't have a job. You have yet to contribute anything. Your dream is that you'll come home and rescue everybody. Start bringing money in the house, putting food on the table, and you'll send your kids to college, or you're going to their graduation. And find out you can't even take your kids to the movies ... [because the movies is after your curfew] or the PO is now coming to your door. Come in. Must look around. Intrusive. And you become kind of like, 'You know I wish that guy stayed where he was. He was more fun when he was in prison.' - Matthew (23 years; 4 hits)

Matthew also gives voice to additional micro level exclusion for parolees convicted of sex crimes, under specific living restrictions.

You start turning to civil commitments and handcuffs and gestapo tactics. I couldn't believe this guy came to my house with ten people. Uniformed police officers. And I was like, 'Why are you here? I mean, if you're here to arrest me, that's one thing. But if you're here to give me some information and take a breathalyzer and you come with ten police, and then you're just going to walk away, what was the purpose of that?'
- Matthew (23 years; 4 hits)

Finally, participants are at an unfair advantage when everyday life skills such as paying bills, rent, and filing taxes are unfamiliar. Participants lacked these responsibilities inside prison as the State provided one's clothing, food, exercise, and schedule. After release, participants suddenly were given freedom without the skill set to take on these responsibilities. As such, the routine of prison was sometimes missed; the institutionalization of life inside resurfaced in outside life. Grid discusses various issues people have after returning from prison and gives voice to experiences of institutionalization.

I've heard a lot about people that took a lot of time, and when they came home they had to sleep in the bathroom because they had to have those four walls surrounding them. I didn't have to sleep in the bathroom. I didn't go to a restaurant and take my silverware to the counter and turn it in because when you're in the mess hall and you eat in the mess hall, you've got to, when you're leaving, you've got to take your silverware and put it in the side of the tray, or else you can't get out of the mess hall and you're going to be searched. So, I think the only real problem that I had was making friends because I'm

used to doing everything by myself because and it's really hard to stay connected with people for some reason. - Grid (20 years; No hits)

In extreme cases, people ‘*throw a brick,*’ purposely commit a crime to return to prison and a more comfortable, familiar, and less stressful life compared to ‘free society.’ While Caroline did not ‘throw a brick’ and eventually found her path, the process of reentry was so stressful that she broke down and asked to return to prison.

And I'm sitting in my room, and I'm sitting on the bed, and I'm like thinking I can't sleep. I cannot cope out here. And there was a knock on the door and it was the parole officer. And I opened the door and I just burst into tears. I said ‘I want to go back to Bedford. I want to be taken back there tonight. I do not want to stay here.’ ...And she was like, ‘Sit down on the bed.’ She just got real kind of gruff and stern, ‘Well, why do you want to go back?’ And I was just like, ‘I can't cope out here. I don't know where I am.’ I'd never been in Brooklyn. I'd never really been in New York. I'd never ridden a subway. I didn't know where the hell I was. I had no control over anything and I was supposed to have control over everything. And I just was like totally flipped out....I just wanted to go back and I truly did want to go back. - Caroline (27 years; 1 hit)

For Caroline and those like her, reentry, without emotional preparation, can be overwhelming and frightening.

Access to Resources: Basic Resources

Parole. In the case of parole, information about hearings was fundamental to understanding the process and preparing. Yet, participants were denied information about live hearings, closed-circuit televisions, and the appeals process. Denied inclusion as stakeholders in the process of decision-making, the ‘arbitrary’ nature of the decisions left participants frustrated when denials were due to ‘the nature of the original crime.’ Participants were unsure of what to do before their next hearing to improve their chances of release. Simultaneously, there appeared to be no rhyme or reason to the decisions to grant or deny parole as voiced by Askari.

What I'm trying to say is that the reasons they gave me when they denied me the first time and they denied me the third time, both reasons still existed. The crime didn't change. It was the same. I didn't change dramatically. I changed dramatically from year one to year twenty, but from year twenty to year twenty-two, I just got two years older. And from

twenty-two to year twenty-four, I mean, I didn't do anything...Because I didn't change dramatically in that four year period. I just did four more years. I was four years older.
- Askari (23 years; 2 hits)

Furthermore, information about how hearings unfold, the physical setting, or the nature of the questioning, were seldom discussed aside from brief meetings with parole officers that prepared paperwork prior to the hearing. Unfortunately, access to parole officers was also minimal and the grievances/appeals process was vague, leaving people confused and disadvantaged.

Prison life. Within prison life, access to basic resources was often minimal and punitive. Particularly for women, sanitary napkins, underwear, and cosmetics were a means of control for correctional officers; in turn, participants felt helpless. Still, even when basic resources were provided, the amounts were unreasonable and the clothing ill fitting. Taqiyah was given two pair of pants (several sizes too big), two shirts, and three pairs of underwear to last her two years. MJ describes the scarcity of resources and the burden it creates in the lives of participants.

You get sanitary napkins once a month. You get toilet paper once a month. A bar, two bars of soap, toothpaste, once a month. And if you don't have family, you have to use the money that you get on commissary. It'll be four dollars, five dollars, six dollars or seven dollars, and you have to take that money to buy the cosmetics you need. But really, there are certain cosmetics you need. And the cosmetics cost two to three dollars. So, what are you living off of. What do you have? It's hard. It's just hard. You get pants. You get five pair of pants that's supposed to last you for two years. You get underwear and panties every six to seven months, one pair. - MJ (17 years; 5 hits)

Access to food also served as a means of exclusion and control as second helpings were denied to participants and instead thrown away. Stephanie discusses the hardship of being 'second class citizens' unworthy of sustenance.

I don't know. But it's just a cruel act, when everybody doesn't eat the same amount of food. Everybody doesn't get packages from home. Everybody- sometimes there's things people like; sometimes there's things that they don't. But to see food go in the garbage. You don't get seconds either if they don't want to give it to you. And then, you go in the back, you may be on your way to the yard or anywhere, and you go and you see the garbage overflow with food that the government pays for us to eat, but it's in the garbage.
- Stephanie (12 years; 1 hit)

Likewise, basic housing and living conditions were routinely cited as overcrowded and lacking privacy, as described by Taqiyah, who spent twelve years in prison.

I thought it was terrible [the back buildings]. They was having like a hundred women to a unit. And these was the cookie cutter units, where they're only built for like fifty-one women. And they had a hundred people in there. So, they were stacked on top of each other and you couldn't dress. There was no curtains. It was crazy. Male officers [there]. It was just crazy. Because that's like the zoo part. - Taqiyah (12 years; No hits)

Reentry. After release, access to resources remains problematic. Housing restrictions for people convicted of felonies bar them from public housing; therefore family members that live in 'housing projects' are ineligible as potential residences upon participants' release. As a result, post-incarceration, several participants lived separate of spouses and children, in halfway houses with curfews, time limitations, and financial costs. Anthony expresses his dismay at being forced to go to a shelter instead of with family members in Boston after spending seventeen years away from them.

Before you come home, they get two addresses from you. They're supposed to check out all your addresses to see which one is most useful, and then they make the arrangements, and they you can come home. They don't do that. At the last minute I found out that I couldn't live with my wife in the projects...They never contacted Boston [his alternative address to his niece's home]. So, being I couldn't stay with my wife in the projects, I was forced to go to a shelter and I cried like a baby. I tell you, I remember I had real tears. Because here I had undergone seventeen years, four months and my second day home, I'm going to Bellevue to go into a shelter. I'm not shelter material. I'm not shelter material. But that's where I had to go because of the conditions of the parole. So, I had to go to the shelter and stay there until my situation changed. - Anthony (17 years; 2 hits)

Furthermore, finding and securing stable housing was an arduous task, involving first, finding suitable housing and second, finding safe and appropriate housing for one's familial needs (due to family size, location of their children's schools, and places of employment). Participants were also ineligible for many public assistance programs and transitional services were limited (as was

information about how to obtain such services). Without connections or tips from insiders, many had no idea where to get help.

But it's sad because there's no services around here. I work in this field. I don't even want to do case management anymore. I'm turned off because this government, the way it has everything set up, we are barred from this because you have a felony. You can't do this, you can't do that. Nobody wants to be stuck with people that go to jail. So, you're sending people around in a circle. There's no housing. You've got to tell somebody to go to a shelter whose been in prison. I mean, if you don't have a child going with you, it's not the easiest thing to do if you're going to a domestic violence shelter. If you're going as a single person to a shelter, it's going to be really hard. The circumstances. You're in there with all kinds of people--people with mental illness; people that are coming in and out. They do this for a way of life--living in shelters. So, it's depressing. Nobody wants to go through that. - Rhonda (15 years; 2 hits)

However, the most widely cited instances of exclusion were logistical due, in part, to insufficient preparation inside prison. Participants lacked a knowledge base for the outside world or cultural reference points. Although they had access to televisions and newspapers in prison, the majority of participants returned to New York City to different subway and bus systems than those they left. Bus routes changed, trains looked different (more modern and new), and subway lines participants rode their entire lives had changed in route and/or letter/number. Subways also used Metro cards versus tokens. Hence, participants were unfamiliar with using Metro cards. Particularly on busses, issues with card readers left them confused, infantilized, and embarrassed (due to placing cards improperly in readers).

Architectural changes occurred in neighborhoods and fashion changed in terms of styles, fabrics, hairstyles, and amount of skin exposed. The World Wide Web and technologies such as cell phones, emails, portable Mp3 players, and other electronic devices were foreign; prices too, had drastically increased. For Mary, who served 16 years, the changes were evidence that the world had gone on without her.

Cell phones. I think people will be talking to their self walking down the street with that blue tooth and the little wire thing. I thought the whole world went crazy. Everybody's

walking around talking to themselves. Metro cards. When I went to prison, it was a token. That was the hardest thing for me to learn how to use on the train. I always swiped too fast or I swiped too slow. And so, at first, I hated going anywhere, because I couldn't get the little stupid card to work. Electric buses. I didn't understand it. The double buses, I didn't understand them. Even trains. You know, when I went to prison, there wasn't no Z train and V train and all these strange peculiar letters. And it just showed me that I was locked up, but life went on, and it went on without me. And I think what hurt me was the fact that it did go on without me. - Mary (16 years; 5 hits)

Likewise, more than one participant commented on returning to a world in which they no longer felt comfortable. As Matthew stated, *“You talk about going home, when you really can't. Home is gone. The hurricane blew your house away and it's gone. It's not there anymore.”* As so, participants moved forward, coping with new advancements as best they could while they learned to adjust to their new surroundings.

Access to Resources: Financial Resources

Parole. Financial resources were also denied, limited, or exploited, affecting participants' current and future stability. Within parole, the appeals process burdened inmates with expensive copy fees relative to the small amount earned from prison jobs (10 cents per page). Briefs and other legal documents needed to prepare appeals, were lengthy and therefore expensive, as were templates for the appeals process. Additionally, the future stability of participants was affected by parole denials and long sentences that prevented them from contributing to their financial futures. Many, like Olivia, arranged for employment in anticipation of their release; however, once denied parole, those opportunities were lost (most never to be gained again).

Job-wise, it would have been huge because I was accepted to work for a brokerage firm, and so I was going into a training program. So that would have taken me in a whole different direction. I would have been so separated from what I'm doing now. So I don't even know what that life would have been like. It would have been totally different. But I lost the opportunity after the first board. [The position] just got further and further away. So, I just lost that. - Olivia (22.5 years; 4 hits)

Prison life. While in prison, financial resources were typically accrued through employment; however, rules dictated that long-termers were left at the bottom of wait lists for higher paying jobs and vocational training programs; short termers took the open slots. Long-termers were instead used to stabilize industries (i.e. laundry) and forced to work lower paying jobs that provided less financial resources. One participant, Emma, worked in a children's center during prison visits; however, due to her conviction for a violent crime and changes to prison policy, she was ineligible to work there and forced to take a lower paying position. Likewise, participants who were part of the work release program (before policy changes excluded people convicted of violent crimes), were forced to withdraw even though they exemplified model behavior within the program.

And I went there because it was supposed to be a work release facility. And then two years into my time there they changed the work release law and then barred us from getting work release. So, what the heck did they send me there for? And I was already there, so I felt they should have at least not made it retroactive. They should have just made it so that people who were already in like a work release jail could get work release. But they didn't. And I cried. - Emma (16 years; 1 hit)

Moral exclusion also greatly affected participants' financial livelihood through prison surcharges implemented by Governor Pataki, requiring participants to pay fees for various aspects of prison life. Deborah recounts finding out about the surcharge policies and her reaction to the legislation.

But in '91, '92, we had a new law implicated. Pataki passed a new law stating that we had to pay five dollars for tickets. He wanted us to pay two dollars a week for room and board. He wanted us to pay to see the doctor. And we was like, 'You've got to be crazy! We are prisoners. We have nobody to take care of us.' I don't know if society knows that prisoners are paying for certain things in prison. Work release. When you're on work release, you've got to pay them fifty-five dollars a week for sleeping in that bed. You have surcharges. Every felony costs a hundred and twenty-five to a hundred and seventy-five dollars. If you have two felonies, you're paying two to three hundred dollars surcharge back to the state. - Deborah (12 years; 1 hit)

Likewise, these prison fees affected participants' contact with family through expensive phone calls; either they paid the fees or they lost their main source of connection to the outside world. Similarly, the burden of traveling was viewed as unjust when people with very little money were transferred to (or placed in) prisons far from relatives, creating a great financial burden to maintain familial ties. Prices at the commissary were also high relative to participants' wages in prison; the wages were still spent on the high-priced additional hygiene products or food (beyond what the prison provided) due to necessity. Hence, participants were greatly affected by the financial strain of life in prison, contrary to the perception that life in prison is 'free.' Additionally, access to information about training programs and readiness for financial survival on the outside was scarce. Many were not prepared for what awaited them outside; some had never paid bills. Without basic financial skills or access to attain them, future financial stability was unstable at best.

Perhaps, no greater impact to future financial stability was the removal of educational programming and Pell grants in prison. Limiting participants' access to education limited their access to (high paying) job opportunities in the future. Bobby spent 25 years in prison for Murder. He was 22 years old when he entered prison and 47 years old when he was released. For Bobby, education was critical to financial success and stability in the future.

Do you let a person out after fifteen or twenty years or whatever without no kind of potential, no kind of degree, nothing? You're going to let that person out with nothing, expecting them to produce. That's not reality. That's not practical reality. You know what I mean? It's not. You expect people to produce, and these people are now in their forties--thirties and forties and fifties--and they can't because they don't have it. They don't have no degree. This society requires you to have a degree. If you want to have a million dollars in your bank account, you've got to have your GED; you've got to have an associate's degree or something and you'd better be able to get a job and provide because that's what it's about. - Bobby (25 years; No hits)

Reentry. As with prison life, participants overwhelmingly agreed that employment was one of the key components to successful reentry. However, restrictions on employment eligibility prevented people from pursuing certain careers. Even with college degrees, higher paying jobs that required licensure or bonding were forbidden, affecting one's earning potential.

I can't get into anything that's somewhat associated with money. Meaning, anything that is where there's large sums of money or anything like that. They might think I might get into larceny and they don't want me to....I just can't have a job that involves a - what's the term when you arrest a person? I can't remember the term. But anyway, I can't arrest nobody. So, I can't get a job working as a security guard officer. I can't work anywhere where you're required to have a pistol. I can't work anywhere where there's liquor or where betting is involved. Can't work in a billiard parlor. Can't work in a liquor store, you can't work in a bar....So, you've got to live with that. - Anthony (17 years; 2 hits)

Furthermore, since prison personnel could not provide references, a major gap existed in employment records. When potential employers inquired, many like Brian had to reveal their status and risk the backlash from the revelation.

You can just imagine the prospective interviewer saying, 'Well, Mr. [X], this is very impressive. You have office management. You worked for advertising agencies. But, I'm a little puzzled. What happened between 1989 and 2002? You was a teacher's aide or something? Is that what you've written in?' And if you lie about it, it's hopeless. It's just hopeless. You work on it in your own mind how the truth can work for you. And even if you had just a mopping up job in prison for years and years; you can put down, 'sanitation expert.' Try to get a job like that and slowly move your way up. But if you lie, then of course they're going to catch you. - Brian (14 years; 5 hits)

One's future stability was similarly affected, as people convicted of crimes of violence were ineligible for grants or certain educational opportunities outside prison. Thus, without an education in prison, potential future earnings were diminished. Likewise, in terms of retirement, participants worried that incarceration during key earning years, limited retirement accounts, contributions to pensions, and the ability to eventually retire.

By the time you get out here, you're too old. You really are. You can't, you can't retire. Retire on what? If you're living in there for thirty years, what are you going to do? What are you going to do? So, now, again, you become a ward of the state. You're a ward of

the state behind the wall. You're a ward of the state when you're out there, out from behind the wall. - Anthony (17 years; 2 hits)

Similarly, a lack of credit history created difficulties obtaining credit cards or providing the necessary bank statements for apartment applications. Adding to their financial issues, surcharges from the state followed participants after their release, including any ‘felony fees’ associated with their crimes or work release.²¹ Coupled with ‘supervisory fees’²² (for seeing a parole officer each month), participants were under great financial strain. If they failed to pay the fees, they were asked to report to parole officers more often (disrupting their lives even more). In some cases, paychecks were garnished for back child support or public assistance used to care for their children while they were incarcerated. Unaffordable housing, family obligations, low wages from their current employment, and the standard bills (i.e. shelter and food) created hardships for people trying to get back on their feet.

Access to Resources: Emotional Resources/Support

Parole. Support through emotional resources had great impact on participants’ abilities to cope with prison and the parole process as well as their outlook on the future. At the level of parole board hearings, administrators or others who knew participants best (i.e. counselors), could not speak to their sense of remorse, responsibility, their behavioral record, or transformation during incarceration. By denying people access to this critical aspect of psychological wellbeing, support, participants felt alone in the parole process with no real allies.

Officers that live part of their lives with you, the guards, they don't get a chance to speak up for you. And a lot of them would like to. Cause....there are guys that you feel are racists and that they abuse their authority, but you also come across a lot of nice guys. They treat you well. They treat you with dignity, respect. And a lot of these guys really hope that you make it home. They really get to know you. They see you almost every day...I believe these people should have an input into that decision...They spend time with you. They talk with you..about their daughters, grandchildren, about their dog, their

²¹ People that serve time in prison are charged for each felony and for their beds (in work release programs).

²² Participants are charged \$30.00 a month for supervisory fees associated with parole.

cat, their car's broken, about their problems; about their lives. And you speak to them about your life...They really get to know you. Why can't they have an input?
 - Tony (17 years; No hits)

Participants also felt that letters from their family members, offering support, housing, and/or employment were not given much weight (another example of *moral exclusion by contamination*). Repeated parole denials, further detached people from their emotional base(s) (spouses, children, friends, and other family members) for an additional 12 to 24 months until the next hearing. Little compassion was shown regarding participants' stress related to parole hearings or disappointment after denials. Rather than allowed to receive support from peers or key personnel, depressed moods were interpreted by prison personnel as 'a bad attitude,' 'insubordination,' or 'anti-social behavior.' Participants were given disciplinary tickets, which in turn, became marks on their record affecting the next parole board hearing.

Prison life. While in prison, support through programs was limited or restricted by prison personnel/administration. Although participants had agency in determining which programs to participate, approval was given by administration and subject to employment schedules and/or the needs of the facility. As a result, people without drug histories attended substance abuse treatment groups if bodies were needed or the program fit the person's schedule. Administration cared less about whether the programs met participants' needs, and more about filling spots or maintaining daily routines.

Additionally, while spending long terms in prison, many participants lost loved ones. Prison life denied people the ability to grieve losses in their families. One participant, MJ, was close to her grandparents, but never allowed to properly mourn. When they died she was expected to follow her prison routine without skipping a beat, even though they had been like parents to her. Emotionally speaking, connections to the outside were vital to the wellbeing of

participants. However, over the course of time, affected by limitations on visits (for various reasons), connections to family and friends can become strained or non-existent. Many felt that their emotional needs were somehow nullified by their conviction. The people making rules, policies, and legislation did not seem to care about participants' family units or the fractures to those units as a result of infrequent visits. For Iris, the distance (and cost associated) meant an absence of physical contact with her family for 16 years while she was incarcerated.

My family didn't have ever the money to go visit me, so, no, I hadn't seen them in person. And, unfortunately, like Mommy used to send me pictures of the kids like once a year. So, I got a chance to see them every year in pictures, but not in person. And especially, forget it when I went to Albion. There was no way my family could make it to Albion.
- Iris (14.5 years; No hits)

Yet, even during visits, physical contact was limited between significant others or parents and their children; prison personnel controlled the amount and kind of support received from loved ones and vice versa. In fact, Abdullah explained that he and his wife had to wait until laws were changed in 1989 that enabled them to marry. However, relationship status itself sometimes proved problematic as the loss of ability to help a significant other in times of stress or physical hardship, weighed heavily on participants and made their social exclusion more salient. For Abdullah, whose wife was robbed while coming to visit him, tremendous anger, sadness, guilt, and helplessness overcame him.

Well, a lot of times, people think you can do what they call a 'better bid' when you're by yourself because you don't have to go through the emotions of parting with someone. For example, I was in prison and she had gotten robbed. And that hurt me, that she got robbed coming up to see me. So that was really sad and I had to do all kinds of things to get a grip. And I was going to school. I was going to drop out. So, I kind of forced myself to stay in school and just get a grip and try to keep going. But, you're concerned about that other person's life and that's the emotion that goes through you. So, when you don't have that situation, then you're just dealing with yourself. But, when you're dealing with another person's life, and if you're concerned about their life, and not just concerned about yourself, then that's some work. - Abdullah (25 years; No hits)

Within prison, the importance of peers' support cannot be understated. Peers were the people that participants saw on daily basis; they lived, ate, and shared their lives together. However, peers were transferred to other prisons without regard for how it affected others within the prison or to the person transferred; in some cases, people were separated intentionally. Participants also contended with exclusion when trying to reach out to peers. Their connections and interactions were monitored and physical contact (i.e. hugs) was discouraged, as was the expression of emotions. Stephanie described the great cost of participants' exclusion from emotional resources.

I lost a lot because of the way that people are treated sometimes in prison. With certain officers, you can't have an opinion. If your opinion is not theirs and you talk back to them, you'll get in keep lock. So, now you're getting sicker every day because you're holding this inside. You're mad at somebody, really angry, when all you want to do is express your opinion. And they say freedom of speech in the United States and in the world, but it's not that way in prison. So, you keep all of this locked up inside you. And it leaves a lot of bitterness. There's a lot of pain. And there are a lot of young people locked up now that haven't even had the chance to grow as teenagers or as women--that walk around with this lump. And it may sound fictitious to people, but there is an imaginary or real, you have a lump in your chest. And many times, I've seen women get ill, emotionally and physically, and just staying away because there is no hope. You've taken the hope away. - Stephanie (12 years; 1 hit)

Key players also conveyed exclusion with limited support and the use of retaliation and control. In the case of women, male correctional officers wielded sexual power over inmates and participants felt disdain from guards that believed inmates should not receive a free education. They felt an 'us against them' stance between correctional officers and inmates that several described with analogies reserved for war. As Ted put it, '*You had inmates, you had civilians, which was one that wasn't a correctional officer. And then you had the correctional officers.*' As such, participants' position in the prison hierarchy was ever present.

Reentry. When returning to life with friends, family, and freedom, participants were disappointed with the difference between their expectations and reality. In prison, they were ill

prepared for the emotional aspects of reentry. Participants longed for companionship and support from friends and intimate partners, but struggled with how to meet new people and whether to disclose one's past. And, while participants were able to disclose to family members, the long time spent in prison stressed relationships with parents, siblings, children, and spouses.

I'm struggling with, to a very large extent, attitudes and values that I developed on the inside... [In prison] the same guard you saw or heard beating somebody up will be right at your door, and the next day, just say, 'How're you doing?' And you don't want an adversarial relationship with him... And, you develop friendships, but if I hear somebody, he's getting transferred, and he was really cool with me, I'm like, 'Well, take care.' And then I move on with my life. But, you come out and you develop more lasting relationships in the real world, and you can't turn off and on your feelings like that. Or you shouldn't. If you made a commitment with someone--and I'm talking about marriage--then you have to be committed to that person and you have to be able to show and display that. And I guess I still don't have that ability. So, I'm struggling in my marriage to hold it together--not to say that my wife will leave me, but she's learning to isolate like I isolate. - Robert (25 years; No hits)

Perhaps it is no surprise that relationship outcomes after prison were different for men and women, as discussed by Rebecca who explains the greater likelihood for women to begin their post-prison lives alone.

When you come out, you have to construct a life alone. My impression is that quite a lot of men come out and get into relationships or are in relationships before they come out...And that's just almost never true for women. So, when I came out, I felt like I was navigating life alone, with many friends and supports, but I certainly wasn't sharing my life with one person. - Rebecca (24 years; 2 hits)

Families were also complicated dynamic systems that weighed heavily on participants. In some cases, family members drank alcohol, engage in negative behaviors, and created toxic environments that could jeopardize participants' freedom. As a result, some were forced to cut ties with family members or limit their contact. These strained relationships caused distress, leaving them overwhelmed and in need of support outside their familial circles, yet ironically, while on parole, links to previous support networks (people that had served time in prison and people still incarcerated) are severed. Parole stipulations limited affiliations with other felons and

restricted contact with people still inside. Hence, participants like Matthew were cut off from vital support systems that sustained them for years. They felt lost without close friends while struggling to connect with people outside prison.

The sense of aloneness has been my biggest surprise. And the anxiety I feel from time to time. And my inability to trust like friends that I can really like trust, feel comfortable with....You develop a lot of friends in prison...And, you develop habits and friendships that should last. But once you're released, the government makes sure that you can't continue those relationships....Yeah, it's not..and you can't visit. You can't actually visit other people that you probably trust and that you can't really tell them what you're feeling or what kinds of things you're going through out here as they happen.

- Matthew (23 years; 4 hits)

Iris discusses her inability to connect with people that have not served prison, even about something as universal as the 9-11 World Trade Center attack. As such, the connection to peers inside became that much more critical and the blockade to support networks yet another source of moral exclusion for people convicted of violent crimes.

I don't think it will ever be over with because that was a traumatic experience, being incarcerated for fourteen and a half years of my life. There were so many things, events that took place that I was not here for. For example, with the World Trade. I wasn't here for all that. I will never be the same. It [prison] impacted my life, definitely, without a doubt. There's moments where someone is talking to me about something and I'm like completely at a loss. I don't feel a part of what they're talking about that [9-11] because it just doesn't have anything to do with me at that time. - Iris (14.5 years; No hits)

Additionally, attributes of one's behaviors before prison exacerbate the hurdles one encounters to life on the outside. Unresolved issues from participants' past lives returned after release as if placed on pause, if not confronted in prison (i.e. drug and alcohol use, prior behavioral/cognitive issues, and prior negative roles within a family or community). After release, people reverted to old behaviors, making their current hurdles even more insurmountable.

(Emotional) health issues also kept some participants from fully living the lives they had hoped while still inside prison. For Mary, HIV status kept her from getting a full-time job even

though she earned a college degree while incarcerated. She was tired, ill, and often felt too weak to leave her apartment; as a result, she was emotionally drained.

In all actuality, things are not the way I thought they would be, but not because of anyone's fault. My health has stopped things from being the way I expected them to be. Because once I was out, I expected to get a job and have my own apartment, pay taxes, and all the stuff I had never done before. And unfortunately, I've been almost sick since I came home. And that gets discouraging. But again, I ain't ready to go nowhere. So, I have to fight that. I might cry and my pillow will be soaking wet. I got to turn it over when I get ready to go to sleep. But that's what I do. - Mary (16 years; 5 hits)

Other participants, having served 20 years or more, had health problems associated with the aging process and the poor health care received in prison, dental problems, high blood pressure, diabetes, and other disabilities that rendered them incapable of working and took a toll on their emotional well-being. Further, participants experienced a plethora of psychological ramifications from having served long terms in prison. For example, while being on guard and keeping emotions at bay were advantageous in prison, the standoffishness and walled-off emotions left participants like Rhonda lonely, unable to connect, and struggling with issues of trust after incarceration.

It makes me isolated, where maybe other people would seek out somebody to talk to. There is always that sort of paranoid general mistrust for people, places, and things. Like you've always got to watch out for something. And I mean, for the most part ... [mostly now] ... those things sound like small things, but they really aren't. When you talk about a healthy interaction with people in society. Lately, for the last couple of years when I talk about prison and that experience, I literally just say, 'Listen, people that go to prison come home fucked up. Period.' Nobody that has that experience could come out and say they're not fucked up. - Rhonda (15 years; 2 hits)

For Aiden, prison created a comfort in loneliness and a need for time by himself, often.

People are pulling me in all different directions, wanting attention, that there's this part of me that's like the Steppenwolf; that wolf that you see by itself on the ridge, hollering at the moon, always alone. And, I always need a lot of private time for myself. But, then again, a lot of people don't understand that. - Aiden (25 years; No hits)

Many participants were anxious due to heightened surveillance after release. Tony, described the anxiety during his first few days out of prison.

I knew how to conduct myself in prison, I knew what I had to do. I knew how to behave. I knew that I didn't know how to behave on the streets. I was nervous going to the store. And, I was exaggerating. I would grab something and I would make sure they knew I was grabbing it. 'I'm going to pay for this.' I was really nervous. I was scared of being violated. Even the first day back, I was afraid they might violate my release because of whatever. - Tony (17 years; No hits)

Plainly stated, participants felt emotionally damaged and the sense of loneliness accompanying the isolation worked in vicious cycles with the maladaptive skills learned in prison. Abdullah captures the feeling of chaos and trauma one feels upon arrest, incarceration, and later reentry.

See, we don't know, the deepness of the scars, the psychological wounds, and emotional inflictions. We don't know what that causes. I'm not a psychologist. But I know, no one leaves those scars. No one leaves that situation untouched. The extent of the damage will only reveal itself in time. We don't even think about that in terms of incarceration, how that impacts people psychologically. What it feels like to be arrested. What that does in terms of arresting. Stopped. Your life is stopped. Everything about you, your identity is disrupted. It's like taking a drawer and throwing all the stuff that's your life. Now, how do we put things back in the drawer? How do we put that life back in order? Everything will never be placed back in the drawer. Never. You know what I mean? And these are some of the things that it's not the stuff, you know, whether it's a day; it doesn't have to be, you know, ten, fifteen, twenty years. You know, people are impacted by five years. One year. One day. It has that kind of an impact--psychological impact--to be, to be put in a cage. - Abdullah (25 years; No hits)

DeJuan echoes the psychological trauma of prison life.

And when I say damaged, I mean, in the sense of so emotionally unstable that it's unbelievable. The environment that most of us grew up in, had to develop in, was an abnormality. So, therefore, we developed some abnormal responses to surviving, living, or whatever you want to call it. And it's carried with us, here in society, and it's like there's nowhere you can go for that man; there's nowhere that we can go and really express or get ourselves prepared. For somebody like myself who really thought that I would like escape from my prison experience until I actually got here. And finding out that I have some serious issues, some control issues, some emotional issues, some commitment issues. - DeJuan (17 years; No hits)

Participants also raised issues of sexuality during the interviews. For those that entered prison at a young age, with little or no sexual contact with others or limited access to sexual materials (during incarceration), sexual socialization was hindered, particularly for men in their late teens at the point of incarceration. Understanding one's masculinity in the context of a hyper-masculine environment created an almost caricature of what a man entailed. Once men left prison and were exposed to women (who were more aggressive than when the men went to prison), and with abundant access to sexual materials, they developed a warped sense of sexuality and problems adjusting. Robert paints a picture of the silenced experience of sexuality for people returning from prison.

Because I think it's an issue inside, and everybody's looking at sex, quotes, and anybody can read a sex book. And everybody's talking about sexual deviation, and everybody's talking about objectifying women... You come out, but then they don't know what to do with you. Because you're basically losing it, because you're a young man, and you're being denied, needs not being fulfilled. Guys have real needs that are not being fulfilled. So I was in prison since I was a young man, eighteen. My needs weren't being fulfilled. So, some guys go at it different ways... For me, marijuana was a lifesaver. Other guys were into other men, and homosexuality is big inside the system... I mean if you're in prison for twenty-five years, even if you were married, you were only like really seeing your partner maybe two or three times in a year. So, your whole sexuality is kind of all screwed up. And you come home with that. So basically sexuality is a big issue for the guys coming out. Nobody's talking about it. And, I mean, inside, how do you express yourself sexually? Well a lot of them may have a sexual pet inside. You've got a pack of cigarettes, you get a sexual favor. It's big business inside. And you come home, and now you've got the internet, and you've got free access to movies and sex shows.
 - Robert (25 years; No hits)

For DeJuan, being removed from women for so long affected the way he interacted in his most recent relationship, a relationship he subsequently lost.

I wasn't socialized to be a man. I wasn't socialized to be monogamous. And when it came to my first monogamous relationship, I really didn't have a clue. I knew it on theory, but my application is totally lost...I couldn't even share a space with nobody. Seeing a grown woman, like on a daily basis is like, no matter how much I care about her, it was like, 'Oh, man. I don't know if I can do this.' And some of us know it; some of us don't know it. And it's like you know where you take your car; you know where you take your pet. You know where you take yourself if you've got a cold or you've got a broken arm or

something. But where do you go when you've been kind of damaged...But I find a lot of my friends who just been released after doing so many years, it's like they're released with the eyes that they went to prison with because time stopped for some inmates. And it's like I went to jail at the age of eighteen and I'm coming home at the age of eighteen. You're not eighteen; you're forty-four years old..Makes you feel like, 'Damn what am I going to bring to the table to make her want to stay with somebody or be with somebody like me?' And a lot of them are just like scared to death. Because you feel so removed from being with the opposite sex for so long..A guy who wanted to be like a real lady's man when he went to jail is scared of women now. - DeJuan (17 years; No hits)

Unfortunately, access to resources (key players) such as counselors and mental health professionals or substance abuse treatment that aid participants struggling with the psychological and health ramifications of post-prison life, were difficult to access as the system created too many opportunities for technical violations even when people were seeking support.

Issues Compounded by Prison: Matrix of Domination

In addition to the moral exclusion felt by participants during the parole, prison life, and reentry processes, there were synergistic effects of exclusion for this group; exclusion exacerbates (and was exacerbated by) other barriers and labels. Many participants suffered simultaneous exclusion based on race, gender, sexual orientation, socioeconomic level, and HIV status. Two of the participants lived with HIV at the time of their incarceration; Mary was diagnosed in prison and Betty prior to her incarceration. In fact, Betty's crime (Manslaughter in the first degree) resulted from her stabbing a man that was threatening to reveal her HIV status, during a time when persons with HIV were excluded, morally and otherwise.

I knew the ramifications if it went through the building. They were passing around eviction notices..A petition. Because a gentleman across the hall from me, that's what they did to him. And, but unfortunately, he had died in the hospital before they could fulfill what they were doing. And when I saw the maintenance men coming with space suits and helmets and plastic around their shoes and I was outside sweeping like my carpet, and I asked him, I said, 'Why are you dressed like that? Where are you going?' 'Oh, we have to clean out this man's apartment because he died from AIDS.' And I said, 'Do you have to dress like that?' 'Well, we don't want to catch it.' So, I automatically closed up. So, I figured if they did that to him and they found out about me through what

Gregory said, that I would be passed around,.. a petition and maybe even hurt my children. - Betty (10 years; 3 hits)

For Israel, race was another cause for exclusion; according to him, people of color were aware of their layered exclusion and his mother warned him about racism in the world long before his incarceration. He found that warning was commonplace among other men of color that he met in prison.

I'm Puerto Rican, so my mother used to always tell me, she'd be like, 'There's a lot of things against you. You're male. You're dark-skinned. You know what I'm saying?' 'You know,' she said, 'You look. You know what I'm saying? You're not an ugly person. But, you're Black. In this society, that's a negative. So, you have to always represent who you are by being responsible. By always being respectful. By always presenting yourself in a way that says that whatever misconceptions they have of Black people, that you don't represent that. You're always different.' I heard a lot of the guys talking about, even though their moms was dope fiends and stuff, that their moms always instilled that into them too. Whether they listened to it or not is something else. But the commonality of those, those areas always came out that I identify with that. - Israel (21 years; 1 hit)

Likewise racism *within* prison was rampant. Several male participants discussed their treatment by White officers, separation of the population based on race, and the harshness of prisons, particularly in small towns where many of the residents had little experience with people from the inner city or people of color, as explained by Tyrone.

Attica was a totally different prison from Sing Sing. I mean it was like a maximum security. Everywhere you went, you had to be escorted. It was a very racially divided prison. Most of the prisoners were Hispanic and Black, and all of the guards and staff was White. Urban people. People..I mean, people were living in rural areas where most of the population was from urban, primarily from the city of New York, Buffalo, and Rochester. - Tyrone (24 years; 3 hits)

Standing from the vantage point of racial privilege, Caroline, a White woman, saw that women of color were additionally burdened when returning from prison due to racial disparities within the allocation of resources and assistance; she acknowledges how being White was advantageous to her reentry.

Yeah. So, I said to the girl, 'Oh, get this woman. She's really great.' These two girls, who both happen to be African American, came back and said, 'Who were you talking about?' The lady wouldn't give them emergency, money made them go through the whole thing, did nothing on an emergency basis. Made them go through waiting the whole like two or three days for the Medicaid card. So, the only reason they did that [for me] was because I was White. I know that. And that really pissed me off because they weren't giving me anything that I wasn't entitled to, but they weren't giving those other women what they were entitled to. And when you come out, I don't care who you are, you don't have any clothes. You don't have - if you have a stick of deodorant and a tube of toothpaste, you're lucky. That little bit of emergency money that they don't want to give you, goes a long way at a dollar store. So, it's just, that was kind of - like, okay, racially, there's a lot of disparity in New York. - Caroline (27 years; 1 hit)

Furthermore, many participants suffered from a variety of issues and behaviors prior to prison, resulting in labels such as 'drug addict,' 'incest victim/survivor,' 'battered,' or 'batterer,' creating layers of stigma participants carried with them before and after prison. Iris describes a population of people with a plethora of exclusion before their convictions and subsequent incarcerations.

I think a lot of times women selling drugs or using drugs, there's a lot of issues within that need to be addressed. Like self-esteem issues, possibly incest, rape--many different issues. And so I think those self-help groups are very valuable in prison and needed. After that, it's definitely education. Most definitely education. Because it helps you with your self-esteem, and it also prepares you in many aspects upon release from prison. And after that is definitely skills, you know--vocational skills. You need that as well. - Iris (14.5 years; No hits)

Kimberle Crenshaw's (1991) and Patricia Hill Collins' (1990) notions of "intersectionality" and "the matrixes of domination," respectively, suggests that race, age, sexual orientation, and other categories contribute to social inequality; oppression then occurs on multiple levels at once leading to an intersection of discrimination. The participants in this study discussed being stigmatized and outcast in addition to their marginalization as a "violent offender." That label became yet another way society cast them aside.

Negotiating Moral Exclusion

The interviews were read for strategies used to psychologically reframe exclusion. The seven strategies from the data correspond with five of the six strategies found in the Marquez study (2006) including: *knowing and refusing moral exclusion*, *knowing and becoming the morally excluded*, *denying exclusion*, *putting a positive spin on exclusion*, and *altering visibility*. The data in this study did not reveal support for the last strategy, humor. Instead, the sixth and seventh strategies in this study were *escape* and *self-inclusion*, respectively.

Knowing and refusing moral exclusion: Resistance. Knowing and refusing moral exclusion involves a recognition that a separation and/or difference exist between oneself and society, without an internalization of the exclusion or an acceptance of negative representations of one's group. The interviews revealed that participation and membership in society was limited or restricted in numerous ways that transcended prison to life on the outside. Overwhelmingly, participants in this study knew they were excluded and talked openly about using various means to push against the system. Every choice was a way to exert agency and purpose. For example, several participants discussed the importance of choosing one's own work within the prison, work other than 'state work' or 'industry' because those jobs created a '*slave mentality*' (Tony). To fight back, they worked in the education building or elsewhere, even though industry jobs paid more.

Further, participants refused to accept the 'less than' position, injustice, and unfair practices by maintaining faith, hope, and finding things to fight against. Askari pressed against exclusion daily, by refusing to become complacent.

And it was like the daily struggle of saying that they won't count me among the broken men. That's like the philosophy that drove me. And the worst thing that could happen to me is to become like those around me who are not resisting the prison system. That's how I did it. I don't have a good explanation...Gordon Graham, he says gradually and

incrementally, people can get used to almost anything. And I would like to believe that [the reason] I did not get used to being in prison is that I resisted it and I resisted it every day, and that's why I can sit here and have this conversation with you now... And I just don't walk around carrying a burden, I don't walk around having a scarlet letter on my forehead.

- Askari (23 years; 2 hits)

Like Askari, DeJuan strived to refuse labels and stay true to his core beliefs about who/what he was, a person deserving of membership, rights, and resources.

You have three different stats, or statistics in prison. You've got inmates, prisoners, and convicts. And everybody really becomes as a convict, the position you take will determine whether you're a prisoner or an inmate... I kind of like in my development headed into the direction of becoming a prisoner. Because I never saw myself as an inmate. And when I looked up the word "inmate;" immediately it didn't fit me. If I didn't know what I wanted to be, I knew what I didn't want to be. And an inmate was one of them. And I say that because inmates are residents. I was never a resident. Inmates were individuals who accepted their conditions and I couldn't see myself being a part of that.

- DeJuan (17 years; No hits)

Particularly, as discussed in the section on transformation, participants found solace and purpose in appeals and working on their cases. Namely, participants used their acquired knowledge of the case to file appeals as a means of internal resistance and a refusal to accept their exclusion (even when they knew the appeals would likely be denied). After hearing his sentence of 25 years, Abdullah found hope, strength, and a means of resistance in fighting for his freedom.

Now I've got to figure out how to get out of here. So that was, I guess, an empowering force. It kind of gives you something to fight for, so you want..you immerse yourself in the law library--all this legal stuff--and you just fight, fight, fight. As long as you have something to fight for, as long as you're fighting, you feel basically empowered that you are somewhat..have some degree of control of the situation because at least you are trying to do something about your situation and you're not feeling totally helpless, at their mercy. It's all about the fight. Not so much winning and losing, it's just 'I'm fighting,' you know what I mean? And that's basically when some of the things that kind of keeps your spirit up because you always have something to look forward to in terms of, 'Okay, I know they're going to hear my case soon.' - Abdullah (25 years; No hits)

Resistance also came through published works such as poems, essays, and school papers dedicated to injustice. Askari wrote an autobiographical novel in twenty chapters, one for every year he had been in prison at that point in time.

Others fought back by pushing to change (mis)perceptions of people convicted of violent crimes through education, putting a face to the label, or doing well at their jobs. Abdullah attempted to widen others' psychological circles by challenging people to imagine themselves or their family members as a person convicted of a violent crime.

Would you say that if it was you? And I don't think they would say that. They wouldn't..I don't think they would, you know, lock themselves away forever after they, you know, paid their debt to society. But that's not the norm. There are people who accept their punishment, maybe, and after they accept their punishment, they're ready to move on. So, why shouldn't this that be the norm? Okay, you get the punishment, the punishment is over, let's get on with it. That's normal to me rather than punish meaning punished forever. If you have violated a social contract or something, you may no longer participate in the society? You've got to be kidding... No, I don't think it's fair. But that's what I would say. 'What if it was you? Would you still feel that way? What if it was his daughter? Or what if it was your mom? If it was your mother, would you? No, you wouldn't.' - Abdullah (25 years; No hits)

Knowing and becoming the morally excluded: Absorbing/Reproducing. Knowing and becoming the morally excluded involves recognizing one's position as occupying a lower rung on the societal ladder and internalizing that viewpoint; in this case, participants absorbed and adopted negative societal views of people convicted of crimes of violence. Rather than fight against the system that oppressed them, they accepted (and even endorsed) the structure that confined their growth and success. Whereas many people often utilize a self-serving bias when explaining negative events in their lives, to the contrary, these participants reproduced the crime control discourse, suggesting they were fully responsible for their incarceration, and should accept their unfair treatment as further punishment for their original wrongdoing.

Sapphire was blamed for her cousin's death when he traveled with her to another state and decided to stay behind when she left, only to be murdered soon afterward. She was willing to accept the blame even though she was not actually responsible for his death.

If you look at who he is, you make them have to look at who they are. You know what I'm saying? 'Because now you are inadequate as a parent, or you're inadequate as a sister. He was fifteen years old. I begged you to come and get him, but you wouldn't. So, now here he is dead in the streets, and now you have to look at your inadequacies in order to live life, to live your life. You have to blame it on somebody. Rationalize it. And you blame it on me. And I accept it as a criminal, as a murderer. I'll take another body, in other words. - Sapphire (12 years; 4 hits)

Denying moral exclusion: Shifting focus. Another strategy involved denying the rejection. Particularly with exclusion during parole denials and missing holidays with family, participants' focused on day-to-day life in prison and chose not to look at the bigger picture. They detached themselves from holidays so the pain of the exclusion was somewhat muted. By focusing on what was in front of them, and minimizing the importance of holidays or parole, they minimized the extent of their exclusion and found some peace in their situation. In fact, participants discussed a strategy of being present during one's family visit and 'hanging up' that self until it was necessary to 'put in on' again for another visit with family members or friends. Keeping the outside at a distance acted as a coping mechanism to avoid longing for something one could not have. As Askari describes, detaching can prove a useful strategy from caring too much.

My parents had died when I was in prison. And I have four sisters and a brother, and, they were there for me....And I think one thing about being in prison, every day is like every other day, and holidays don't mean anything. And you kind of like detach from the significance of holidays. - Askari (23 years; 2 hits)

A positive spin on exclusion: The silver lining. Although exclusion was painful, many participants were able to find a 'silver lining' to their exclusion as a positive aspect of their lives. For some participants, the harsh conditions of prison prepared them to deal with anything on the

outside including small wages or low job satisfaction; either were viewed differently in light of having worked jobs they disliked in prison for little pay. Some participants saw their exclusion and incarceration as a positive element for their family members and friends, specifically their children, by serving as an example of what to avoid in life. Others saw themselves as survivors; exclusion served as a reminder of one's strength and abilities.

I tell people doing time is like having been exposed to TB. It's like always inside of you. I think it's a testament to, not just me as an individual, but a testament to the human spirit, how we can overcome things. - Askari (23 years; 2 hits)

Through the many hurdles and myriad injustices, participants maintained insider status and another perspective to life not possible without their out-casting from society. Their position allowed them to be more compassionate and assist others; it served as a benefit to being on the fringe, a 'positive' to their marginalization. Caroline describes the credibility prison affords her to help and connect with others.

It's interesting because in the job that I do here, I do trainings. And a lot of the trainings I do, hard-core people who've got criminal history and who are in drug programs or are in some kind of treatment. And, they see this fat old White lady come in and tell them why they should give their criminal history and clean it up and all that, and I'll talk with them. And sometimes I do it at the beginning and they just sort of wonder what I'm doing here. 'This was how many days I did through the State of New York and I didn't do it going back and forth and back and forth. I did them straight.' And that kind of throws them back in their chairs. And then they'll listen to me because they know I know what I'm talking about. If it's going to help the situation, I will [tell]. - Caroline (27 years; 1 hit)

In the face of injustice, they sought to keep hope(ful) and maintain a mantra of, "*this too shall pass.*" In this way participants channeled their frustrations to strength. Participants had faith that parole denials and other exclusion served a purpose they had yet to fully understand. Lady served as President of the inmate board of representatives (IOC) and accomplished a lot for other inmates during the two years after her parole hit (before her release). She viewed the parole denial as "*the way it was supposed to be.*" Likewise, some participants' lives were on a

disastrous track, headed for death if prison had not intervened. People reframed the lost time as a life gained. Without the opportunity to change their lives and sit for 10, 15, 25 years (and the years after the parole denial, to reflect on their life decisions, they would never have gone to college, pursued degrees, and gained other positive in their lives. Lady believed the time in prison, experiences, and parole denials saved her.

And I think that that was needed. I think that my last couple of years in Bedford was more that I was needed for the women than for myself....I was put in prison because I think God was showing me you had to take a look at how your life went because of the stupid choices that you made....And I think that He has other plans for me..Because who's to say, I might not even be alive today. Especially in the drug game, especially in the streets and as far as with dealing with murder and stuff, people turn on you, people destroy you. Who knows, you know, what would have happened. But I know that it wouldn't have been a good turnout. I'm not mad at the time I did. I'm not sorry that I did the time. I'm sorry for the circumstances that led me here. I was so sorry someone had to lose their life behind me, having to get my life straight. I'm sorry that I couldn't be there for my mother when she died. I'm sorry that my daughter had to face it and grow up without me being hands-on. Those are the things that I have remorse about. As far as me doing the time, I think that was one of the best things for me, for me to get my life together the way it should have been..And outside of all of the other things that make it bad, it was a good experience. And if I would have never experienced what I've experienced, I wouldn't be here today. And I'm just grateful to have gotten to this point. So, I'm not mad at all. I'm not mad at all. - Lady (13 years; 1 hit)

Anthony echoed Lady's sentiment, believing prison got him 'back on track.'

I think I kind of gained from going to jail. The lifestyle I was living, I was kind of on the edge. I might have gotten murdered or murdered somebody, because I was really out of control. And that's from the drugs and that whole lifestyle, that whole drug culture. I really got caught up. I kind of lost track, lost my way. And I might have gotten murdered or shot, or worse. So, me going away, I'm not going to say it was blessing, but it got me back on track. It's just that I was gone too long a period. - Anthony (17 years; 2 hits)

Altering visibility. Two types of visibility are open to alteration: visibility within society and visibility of one's crime. While participants were all clear about their desire to be visible members of society, free of exclusion, many participants altered their level of visibility about their crime by choosing when, where, and whom to tell about their prison experiences.

So, yeah, having that stigma of being in prison can definitely be a liability. It could hinder you. But a lot of it has to do with how you come across, you know...I want to use my prison experience to help other people. Whereas some people are so ashamed, they would never tell, and then when the employers find out, they think, oh, that you lied on your application and said you never went to prison, you're out of there. It's like a two-edged sword. It depends on how you use it. - Tyrone (24 years; 3 hits)

Some participants felt that by telling they were refusing to be shamed while others divulged only when the trade-off was worth the possible backlash. However, being invisible was also helpful; if one 'passed' they could avoid moral exclusion experienced when one's status was known.

Sapphire's immediate supervisor did not know she served time in prison although the Human Resources Director did. She planned to remain invisible to her supervisor, but revealed her status to the director because she wanted to be 'open' with someone at work.

There is no way of knowing because my immediate supervisor doesn't know that I was formerly incarcerated. The administration, the human resource director is the only person that knows, and she explained to me that, 'Just do your job and don't make a big issue of that.' So, I've never disclosed that information to my supervisor. And I wouldn't. - Sapphire (12 years; 4 hits)

Shifting visibility helped participants navigate the world more easily by 'living openly' and offering credibility when needed to identify with others. Caroline often revealed her status to other returning from prison to give her credibility (as discussed previously), but she describes below a situation when she altered that visibility to invisibility.

So, that's the one advantage that I have. I went to my first homeowners meeting right after I moved up to Peekskill. And people were kind of venting about different things, I mean, because there were a lot of, - We've got a lot of renters in our complex. One man was getting up and saying, 'The owners have to be more careful who they rent to. And this guy, they arrested him in the apartment because they were selling drugs out of the apartment, and what did they do? They just gave him probation. He's back living in the apartment. Next thing you know, we're going to have somebody who's doing parole in here.' And I just sat there, looking innocent. - Caroline (27 years; 1 hit)

Escaping exclusion. Escaping moral exclusion involved disappearance and distraction, both emotionally and mentally. To achieve a state of numbness, participants self medicated with

a wide variety of substances including marijuana, alcohol, and heroin (although the number of participants engaging in substance abuse was small inside prison and only one participant – Rhonda – cited it as a problem on the outside). Unfortunately, for those with problems inside prison, this strategy for handling exclusion added to the difficulties of life after release.

And I've always said there's certain things you need to stay away from in prison, and if you stay away from them, you're pretty much okay. And basically, that's homosexuality; gangs, gambling, and drugs. Now, I'm not going to say I wouldn't get high. I mean, I would. I was smoking a lot of marijuana. I guess I did it just to pass the time, maybe sometimes just forget about the things that was going on in my life.

- Angel (14 years; No hits)

However, the majority of participants who utilized the ‘escape’ strategy, like Abdullah,

“...avoided situations where there will be rejection, where somebody would tell you, ‘No’.”

Distractions also came through others that made the next two, four, or six years bearable.

Taqiyah had been single for eight years, but after her parole denial, she *“got my first girlfriend”*

and the relationship was a welcomed distraction and sense of companionship. Others sought

counseling from prison counselors, clergy, prayer, or friends, but keeping busy and distracted

was the same goal. Some, like Abdullah, understood their exclusion in the context of God’s will

and found escape through a higher power.

I prayed a lot in jail. And I prayed that, you know, I just asked God, ‘If you don't think that I'm ready, then don't let me go, even though I'm going to keep trying every day.’ You know what I mean? So, I just, you know, trusted in that because, you know, and then when I went to the parole board, I made the same prayer. You know, ‘Listen, you know, I've been trying, I've been working, but I don't know. If my leaving here is not going to be good for me’ --That's part of my prayer— ‘If my leaving here is not going to be good for me in this life or the next, then don't let me go.’ - Abdullah (25 years; No hits)

Self-inclusion: Setting oneself free. Participants discussed ways they gained self-inclusion to the outside world through ‘contact’ with things or people connected to life beyond prison. Psychologically, they created spaces for inclusion within themselves. While no person extended membership or resources to them, they alone created and found means to accomplish

both. Emma worked in the childcare facility and felt part of outside society through her interactions with non-inmates that showed her kindness (children and visitors). Being around children and people, unaffected by limitations and restrictions, allowed Emma to feel free by being with people that touched freedom.

And, just knowing that I worked at the Children's Center, that was a relief, too. Because working with children and seeing people coming in every day from the street, feeling like there's some life left. Like hope and life. Like, you're seeing people free. They're not all with everybody that's locked up. So, it was like a welcome pleasure. It was light at the end of the tunnel, just knowing people that wasn't just inside this [prison] all the time.
- Emma (16 years; 1 hit)

For Sapphire, listening to the goings on of the outside world through her radio made her feel connected and a member of society. One New Year's Eve, she listened to Janet Jackson performing in Times Square. By closing her eyes she was transported to the festivities. In these ways, participants gained inclusion through others, be it celebrities or ordinary people with contacts to the outside world; this *vicarious inclusion* sustained them.

I kept that link to the street. I want to hear rap music. I want to hear R&B. I smuggled that FM radio. We weren't allowed FM radios. What type of barbaric monsters in the '90s, are not able to have FM radio? We couldn't have FM radio in Bedford Hills. I smuggled them back from Rikers and listened to FM radio and I remember when Janet Jackson's countdown one year and just listening to Janet Jackson on that Times Square one year, and I was just in my element, just feeling like I'm a part of the real world. I always kept that link because I knew that eventually I was going to get there. It may take a long time, but I was eventually going to get there. I wanted to know what was going on in the free world. That's what we call it in prison--the free world. And I wanted to know what was going on in the free world. Which, once you get in the free world, it's not as free as you think it is. But it's considered the free world when you're incarcerated.
- Sapphire (12 years; 4 hits)

Likewise, after committing a violent crime and serving long sentences, coming to terms with the offense was critical for inclusion at the level of self. Hanging onto guilt and anger put limitations on people's lives. Forgiveness released them from self-induced exclusion and allowed them to feel deserving of membership in society. Participants like Israel searched for hope in the

bleakness of concrete prison walls. During the interview, he mentioned a Tupac Shakur poem about roses growing out of concrete. In viewing himself as that rose, Israel saw himself as breaking free and was able to find solace and inclusion through hope.

Further, providing for oneself while incarcerated created inclusion. Several participants spoke of feeling pride at never becoming a burden to their families. They earned low wages in prison, wanted few extras from the commissary, and used any money earned for necessities such as additional clothing or hygiene products. Relying on self as much as possible allowed participants like Anthony to remain in control of their lives and exert their independence in light of their great dependence on the State of New York, yet another means of self-inclusion.

I did a hard bid, but I was able to pay my own way. I didn't do bad. I never did anything bad. But I kind of pride myself--and I'm not tooting my own horn--but I kind of prided myself because Upstate they have what's called industry where you could do these things for the state. And I have a problem with it because it reminded me too much of the slave mentality when you're working for the state, where they treat you in such a manner where they reduce you, kind of crack you up, so to speak. And I prided myself that I never worked any kind of set-up like that. So, I didn't make no license plates. I didn't make those little boxes. I didn't make no state soap, no clothes for inmates [for all that time]. Those were the better paying jobs; they were better paying. - Anthony (17 years; 2 hits)

Creating and Finding Moral Inclusion

To assess moral inclusion, all responses related to this topic were placed under the subcategory 'Moral Inclusion' and later re-read and organized according to the moral exclusion framework. Items were coded as inclusion if they were instances of positive exchanges, gaining resources, feeling included, extended understanding and support, or suggestions offered to gain membership, rights, and resources. During the interviews, participants were also asked for recommendations to parole board members to improve the parole process and about their own successes/surprises during the reentry journey. Together these responses form the basis of the following section: places where inclusion was (or can be) found or created, including the *who*,

when, where and *what* of moral inclusion within the lives of people that have served long terms for crimes of violence. They involve a multitude of issues around the very things that lend themselves to *exclusion* (membership, rights, and access to resources). In fact, many of the necessary components for promoting inclusion are the antithesis of those comprising exclusion. Overall, moral inclusion requires that people feel visible and accepted; experience liberty and justice; and have access to basic, financial, and emotional resources.

While participants' experiences were wrought with a multitude of hurdles and barriers, coupled with copious amounts of moral exclusion, participants *did* discuss opportunities for membership, rights, and resources that assisted with the emotional, physical, and logistical transitions of parole, prison life, and reentry. Instances of inclusion represent lifelines, a sense of hope, and both tangible and intangible proof that things can (and will) get better. They are presented in a similar table as moral exclusion in terms of visibility, acceptance, liberty/justice, as well as basic, financial and emotional resources (see Table 18); however, for the purposes of this section, an additional level of analysis was conducted whereby inclusion takes three forms.

The three forms include instances of inclusion at the *policy level*, courses of action pursued by Government (and recommendations for policy changes); instances of inclusion at the process level, related to parole and appeals proceedings (and recommendations for changes to process); and instances of inclusion at the practice level, customary performances (and recommendations for changes to practice), for the three contexts: parole, prison life, and reentry (where applicable). Presented here are direct examples (quotes) of inclusion, and recommendations for creating inclusion, based on participants' experiences as well as their suggestions to/for parole boards. It is important to note that there were far more instances of moral *exclusion* than inclusion; therefore, some contexts do not contain examples of inclusion or

recommendation for inclusion when none were provided by participants or the category was not applicable to that context (i.e. the parole process during reentry).

Moral Inclusion as Policy: (Instances of and Recommendation for)

Parole

Within the context of parole, inclusion involves changes to legislation banning people convicted of violent crimes to work release and shifts in sentencing policies. By reinstating work release as a parole board substitute, participants convicted of violent crimes are given an opportunity to ease into society, demonstrate their contribution, and contradict beliefs that they are continued risks to public safety. When work release was available to this group, it provided visibility, access to the community, and an opportunity to change perceptions of those convicted of violent crimes, as well as a means to contribute in positive ways.

Further, a reconsideration of the sentencing structure in New York State would clarify the current hybrid system (with both indeterminate and determinate systems at work simultaneously) that leave many participants confused and longing for transparency. The changes would also shift who was eligible for parole, repealing the Sentencing Acts of 1995 & 1998 that removed opportunities for people convicted of violent crimes to appear before parole boards for consideration (discussed previously).

Prison Life

Often cited in this study for its positive effects on participants' lives in prison and reentry, education remains a place where participants experienced inclusion, but also a place that created opportunities for additional inclusion elsewhere. Despite the removal of Pell grants and federally funded educational programs in the 1990s, privately-funded programs still exist in New York prisons. These programs allowed participants to study and receive GEDs, Associate's,

Bachelor's, and Master's degrees. In turn, these degrees allows participants better chances at procuring gainful employment as having a degree opens doors and makes available higher pay scales. For Mary and others like her, education (from outside funding) created spaces of support from people beyond prison walls, a social collective, where participants gained *vicarious inclusion* through professors that shared stories with them and kept them part of the outside world.

But thank God, Mercy College and donators and other people in the Consortium, they fought it and said, 'Listen, you don't want them to go to school, but what happens when they come out and move next door to you? If they don't have an education and know that they can do different and be somebody different than they was prior to arrest, you're having a criminal living next door to you with a crime waiting to happen.' So, they fought for it. And when college came back, I went back, and the same year I went back, I graduated with my Bachelor's. - Mary (16 years; 5 hits)

Likewise, information about programs participants developed, allowed them access to the same information as persons on the outside; as such, the information acted as a connector to outside life.

It was so incredible to have that kind of place where we're getting information and almost the same information that they were getting on the outside. It sort of connected us to what was happening on the outside. Even though it [HIV] was happening inside, but the impact was like different; it sort of just connected us together. - Olivia (22.5 years; 4 hits)

An education assisted in counteracting the lack of experience and past work history by allowing participants a more solid future for themselves and family members alike. Education served as a means of societal contribution and to reinforce positive perceptions of self. Specifically, information from the law library helped participants to defend themselves and come to the table of decision-making in their own cases, lives, and freedom; they gained a voice.

While many participants in this study received an education of some sort while in prison, most returned to society with a Bachelor's or Master's degree in disciplines such as Sociology

and Theology; education assisted not only with their current stability by helping secure employment, but also lent to future stability by saving for the future. Education created a means of contributing to 401K plans, other retirement funds, and buying real estate for financial security after retirement (via job opportunities). Education provided the chance for upward mobility and promotions. As Abdullah notes, education also changes one's cognition.

So, if this is your way of thinking, that whole [prison] lifestyle is antisocial in terms of mainstream. So, you have to understand that, okay, this is outside of the boundaries--mainstream boundaries. Even though it might be cool in the streets, this doesn't work in this world you're trying to fit in. Now, if you're going to live in a subculture, then that might work. But you can't live in a subculture and then appeal to the mainstream for some justice (with parole). Two different types of justice, two different types of ethics so you have to accept the fact, okay, now this is wrong. I can't live in mainstream, in the world, in the normal world, in the regular world, with this type of thinking. Can't do that. So, that's what happens. And this is one of the reasons I try to understand why do they teach liberal arts in prison. And they teach liberal arts courses mainly in prison because they think the guys have no ethics. And so liberal arts is to instill mainstream ethics because you see a lot of courses in philosophy, sociology, and all those kinds of stuff. Nothing really functional, but it's to address thinking. - Abdullah (25 years; No hits)

Reentry

Participants with life on the backend (i.e. 20 to life) remain under parole supervision for life under policies in New York State. Although shifts in policy to end lifetime parole began before this dissertation was completed, the problem remains and the data suggest this is a great concern for this group. As such, policy changes to the executive law governing parole supervision for people convicted of violent crimes, and adjustment to the Sentencing Act of 1998 (that added mandatory parole supervision for people convicted of violent offenses), should be reexamined. During reentry, participants never felt released from the grips of the State and their mobility and liberty continued to be sources of frustration, debilitation, and exclusion. However, when word began to spread of potential governmental policy change to lifetime parole, that would allow people convicted of violent crimes to petition for discharge from parole supervision,

participants felt that the tides might be changing. Hope was instilled that they might “*leave prison behind.*”

Still, for those that remain under parole supervision, “*shedding prison*” by leaving behind instances of hegemony that seeped into participants’ every move, was an important part of gaining liberty. Participants shed prison by engaging in mundane activities; having the freedom to do so gave participants a sense of normalcy. For Ted, the simple act of walking around a neighborhood, made him feel free.

Walking. Just taking little peaceful walks. I wanted to go walk. Being able to get up and move about in the morning, instead of having to get up and you can only walk but so far without something out there blocking you. And the next morning, I got up and walked. Went out and walked for about two and a half [hours]. Just looking at the houses. Everybody's at school. And life on the street. I just walked, just went out there and walked. –Ted (13 years; 3 hits)

So much of one’s life was directed by prison administration during incarceration; hence, activities such as going to the store, making breakfast of one’s choice, calling friends, and other mundane activities (without fear of technical violations), gave participants a sense of agency and inclusion.

Moral Inclusion as Process: (Instances of and Recommendations for)

Parole

By focusing on the present rather than the past during the parole hearing process, participants are seen as they *are* rather than what they *were*; by evaluating growth, inclusion is inserted into the parole process. To achieve more insight, asking and framing questions to elicit current insights builds a context around the crime and highlights the person beyond the violent act. Further, although boards hear many cases per year, for participants, the parole hearings were their one opportunity at freedom (until the next board hearing). Hearings that recognize the long periods people have spent behind bars with commensurate time before a parole board interject

fairness and respect for people convicted of violent crimes. Participants wanted board members to know their cases and understand them as people. In fact, as voiced by Askari, participants do not simply want parole boards to set them free, they want to be heard. Although Askari's Executive Clemency Board denied him freedom, he respected the process and felt the process respected him.

And it [his second parole hearing] made me harken back to my executive clemency parole board hearing where there was just give and take. It was a conversation. They were honest. I was honest. And I appreciated that. - Askari (23 years; 2 hits)

Fairness also extends to the ways parole boards looks at 'tickets' for behavioral infractions. Rather than simply look at the presence or absence of tickets, participants hoped that parole boards would understand how easily tickets are acquired for even the most minor infractions. By looking at tickets in context, and understanding how patterns of early accumulations change with time (dependent on changes in the person, staff, rules, or regulations), tickets would cease being evidence of a lack of change and instead used to determine transformation.

Within parole hearings, allowing administration to speak on behalf of participants introduces fairness when people that know participants can provide more information than a file. Not only do administrators see participants on a daily basis, but they understand the prison environment and the ways particular activities might be necessary for survival (i.e. fighting to defend oneself). Likewise, qualifying '*transformation,*' '*remorse,*' '*responsibility,*' and how particular factors are weighed in the decision-making process, creates transparency as well as a system where freedom is less reliant on the makeup of parole board panels versus set criteria for establishing readiness. Participants wanted to know what evidence from their files had been weighed, which statutory criteria considered, and recommendations about how to improve their

chances in the future. The act of explaining the process also creates accountability by asking parole board commissioners to verbalize the decision and make explicit their thought processes. Likewise, for inclusion to occur, parole boards must act as separate entities from government, avoiding the influence of outside opinion and negative media portrayals of people convicted of violent crimes.

Another way to alter the process is by organizing hearings according to type of crime to allow people to be judged absolutely rather than relatively. Additionally, by limiting the use of closed-circuit televisions, the problems associated (discussed previously) are eliminated. However, if parole boards continue with their use, inclusion would necessitate orientations that introduce people to the technology used while situating televisions in places that allow privacy; in live hearings, structural changes would create an evaluative setting rather than adversarial setting, once again, bringing participants to the table as stakeholders and minimizing ‘us-them’ positioning.

While the process requires change for inclusion to occur, people also require change for inclusion to thrive. The process of appointing parole board members would be a starting point. Since commissioners are appointed by Governors and approved by the State Senate, bias is inherent in the process. Firm term limits can partially counteract outside pressures by freeing parole commissioners of politics, and career aspirations, enabling more freedom to decide cases based on parole guidelines. More minorities on parole board would help participants feel represented in the decision; in fact, participants like Tyrone felt that the reason the board ultimately released him was due to minority representation on the parole board, more “*sympathetic*” to the plights of people of color.

Some participants found inclusion within the appeals processes in the recognition by appeals boards that they may have been unfairly denied parole. However, many of these appeals were later denied and the previous decisions upheld, but the opportunity to present one's case before the appeals board created a veil of inclusion by allowing recourse and an exertion of one's rights, for which prison offered few opportunities. Likewise, the appeals fight created a space for agency and autonomy. While several participants filed appeals, only to be heard shortly before their next parole board, the process was more an exercise than a true outlet for people that felt they had been wronged; therefore, the appeals process needs expediency and the information made more readily available to participants.

Prison Life

Key personnel such as parole officers (inside prison) also hold opportunities for inclusion if caseloads shrink, allowing more time spent with people and better preparation for parole hearings. Parole officers that engaged with people sooner and more frequently were greater assets to parole preparations and planning for one's future. Likewise, a more accurate (and fair) representation of the person is possible if parole officers know people and can give a more thorough insight to their evaluations and future prospects. If parole officers met with people at the beginning of their sentences as well as periodically (instead of just before the parole hearing), they could also attest to changes and transformations while in prison, in addition to the ways people process responsibility, culpability, and remorse. Parole officers also provide much needed support and allies in the parole process. For Sapphire, having a parole officer who was Caucasian and male helped her overcome distrust of White men, creating an inclusionary experience with people that had typically excluded her.

And I have the parole officer from Taconic who goes with you. This was a man. And, very few White men do you trust. But here is this white man who's fighting for my freedom.

He's fighting for my freedom. I don't even know his name right now. I can't remember it, but he was fighting for my freedom. - Sapphire (12 years; 4 hits)

Finally, the decision process offers opportunities for inclusion. During the time period after the decision is rendered, participants need time to process what parole decisions mean for how they approach the time until their next board hearing. The process necessitates peers for emotional support and stability. Participants need to maintain the same surroundings and routine and should not be moved shortly before or after parole hearings/decisions to keep support networks intact.

Moral Exclusion as Practice: (Instances of and Recommendations for)

Parole

Within the parole process, the unofficial practice of denying parole to people convicted of crimes of violence, was the launching point of this project. In fact, participants felt that the single most important thing parole boards could do was to give greater weight to statutory criteria than the nature of the original crime. Additionally, for inclusion to occur, judge's recommendations would take precedent. Sentencing judges are privy to all aspects of a case, hearing witnesses for the defense and prosecution; opening and closing statements; weighing evidence and offering expectations about the amount of time one will spend in prison. By adhering to sentencing judge's recommendations, parole decisions are guided by someone more familiar with the case, creating a more informed and deliberate parole process. Along the same vein, plea-bargain stipulations should be honored. Participants expect to serve a set period of time assuming they stay out of trouble and view any deviations as simply punitive.

Prison Life

Remaining part of the outside world kept people in flux, neither inside nor outside. However, sharing frequent visits with family members, providing advice for one's children, and

sharing the everyday troubles of spouses on the outside, participants felt important, that their opinions mattered, and they could actively participate in the lives of people they loved.

Particularly for the female participants, the importance of being mothers to their children was a dominant theme. To achieve greater connections with family, programs that promote positive familial relationships, prison transfers to prisons closer to children, and parenting classes encourage greater bonds with children and they enable one to assume the role of ‘mother’ or in the case of men, ‘father.’

Participants’ connections to family were also important sources of emotional support and offered comfort, guidance, love, and compassion. Family members saw a person, not a label. In particular, relationship status shaped resources available to participants. For example, those in romantic relationships like Ted, gained opportunities to love another and be loved in return. By offering and gaining support, participants fed their sense of humanity and expressed emotions. For men in particular, having an emotional release allowed them to remove the masks of prison and reveal their authentic self.

It helps. Not so much doing it alone, but having somebody on the outside. Every now and then, they go like [KNOCKS], and like, ‘Mail.’ And you open up that letter and you read that letter from somebody. You know that somebody outside is thinking about you after you're dealing with mumbo jumbo inside because that's what it is a lot of times--mumbo jumbo. It feels good sometimes when you come up there and you see a picture, even if it's not your children, you see a little baby there. Maybe somebody will send you a picture of a tree, you know, a bunch of flowers in the room. A little flower. This is real. Because that, this picture is real. And a lot of the things in prison are false. - Ted (13 years; 3 hits)

The role of peers in the creation of inclusion is immense. Peers provide not only membership to a group, but an emotional support needed within prison. Friends offered ears and shoulders; they too experienced the disappointments, setbacks, and frustrations of life in prison. While family, friends, and loved ones tried to understand, until a person is locked behind bars, participants felt they could not comprehend their experiences. Peers provided ‘safe places’ to

share those (and other life) experiences, free from judgment, and a sense of family many had not experienced prior to prison.

Well, before prison, I really didn't have support networks. I had people which then I thought were friends. I didn't know the difference. Some of the support network that was my support network in prison, I'm still in touch with them. They're still my support network...Like I stated earlier, we're just related; we ain't family. Most of the times, I say family, even if I say my mother, my ma left...my mother is deceased; this is another woman I call my mother that's always been there. When I say my sister, it's a woman that I met that is like my right hand because when I was in the hospital and they thought I was going to die, she was there every day. And I don't forget that. So, when I..usually, when I say 'family,' they're not related to me. - Mary (16 years; 5 hits)

While prison was never described as 'normal,' participants found inclusion in recreating a semblance of normalcy with peers. Holiday routines were shared from their outside lives and family recipes were recreated by purchasing ingredients and accessing baking/cooking equipment in prison.

And we celebrated every major holiday. We sat down at the house to prepare the meal. And whatever we could do to kind of make it seem like home. But when I grew up, doing Christmas cookies was big in my house. So, I was able to get recipes where I could get the ingredients that I needed that wasn't any contraband or that I had to worry about it because everything that we were allowed to have, so I could make my cookies. And then I shared that with the whole house, just Christmas cookies. Another couple of women, their families had always made other things for Christmas. And their visitors got them all the ingredients, pretty much, that they knew they were able to get whatever else they needed. And we always had like New Year's Eve? - Caroline (27 years; 1 hit)

Particularly for women, rituals became important ways to gather, support, and shift prison life to a more tolerable existence. In one example, Caroline's niece was getting married and a group of women held a wedding shower within the prison in her honor. Caroline describes the event and how it helped her cope with the boundaries of prison.

So, you end up developing a group of people that you become very close with. And you celebrate birthdays and holidays and whatever with them. And it really continues to grow because as the years went by--like when my niece got married--we had a wedding shower for her at the facility with a group of women that [loved her] .. Everybody made like they crocheted and knitted her things. Or did arts and crafts like a little wreath or just stuff like that. And we put it all together and sent it to her. And that was their way of helping

me celebrate her marriage. We did that for other women. Anything that we could do to kind of help people through those really difficult times. - Caroline (27 years; 1 hit)

By holding the shower, Caroline was given a chance to be a part of the wedding and feel 'present' while unable to physically attend. Additionally, she contributed financially to the wedding, gaining a greater sense of participation and allowing her to transcend prison as a host for the event while remaining incarcerated. The peer connections provided emotional support and a means of transcending prison and creating liberty. Peers also allowed participants (particularly women) to feed the nurturer within them, to assume roles they could not on the outside. Taqiyah expresses the innate sense of mothering that existed within her and how younger inmates provided an outlet to channel those feelings.

When another young lady came in, a very young lady who was scared and you see yourself in this person. So, now you want to like nurture this person. 'It's going to be all right. You need to just get yourself together. They have this, you could do this, you could do that.' In a way, you're giving, you're nurturing someone else, other than your own children. Well, that's a need that women have. That's just embedded in us. So then you've got the mother figure. - Taqiyah (12 years; No hits)

Furthermore, key players such as teachers and counselors treated participants like students rather than inmates and offered them the possibility of a new future; they believed in inmates' right to education and listened to their writings, thoughts, ideas, and opinions. Counselors provided assistance with emotional issues, advice, and structured therapy to deal with underlying issues for particular behaviors while offering an ear for venting frustrations. For Emma, having a counselor willing to hear her offered an opportunity to counteract the 'reversed halo effect' that plagued participants. Rather than assume inmates were 'bad' people and officers were 'good,' the counselor gave Emma the benefit of the doubt (a courtesy not often extended to people in prison).

I liked her because she seemed like a very genuine caring person for me. And she was always concerned, like asked me how I was doing and what was going on. And what I

liked about her was she didn't, like if you was in a situation in there, she would take our word for how we told her it happened. She wouldn't take the word of a staff person just because they were a staff person. Right? Like I liked that sincerity... And, she wasn't a prejudiced person. I just liked her. She just seemed real. - Emma (16 years; 1 hit)

Access to resources such as employment and information also invite inclusion. Although wages were low in prison, financial freedom (through employment) create control as participants provide for their needs and wants. Industry offer participants an additional means of saving for release. In terms of information, participants hoped for more access and ownership over their own files rather than having to pay for copies and petition for access (during appeals). They needed information about various programs and activities in prison since much of their knowledge came from 'lifers,' and usually long after one arrived to a facility. Information allowed people to receive help through programs by providing them with choice in how they approached their incarceration, encouraging steps toward self-reliance needed for success during reentry.

Finally, in response to the extreme culture shock experienced by participants, transitioning successfully to outside life requires proper preparation while incarcerated. Learning about the emotional downside of reentry and the anticipated hurdles, helps participants understand what to expect. And, access to agencies that assist people during reentry with job training, social networking, clothing, housing, and other services, provide a starting point when people leave.

Reentry

The majority of options for inclusion discussed by participants occurred within the reentry context and included aspects of passing/visibility,²³ new and old relationships, assuming roles, and services. First and foremost, visibility holds meaning for participants by making them

²³ Passing involves “a cultural performance whereby one member of a defined social group masquerades as another in order to enjoy the privileges afforded to the dominant group” (Leary, 1999, p. 85).

relevant and part of society. Acknowledgement of their existence and a spotlight on their struggles is instrumental to feeling included and that people care about their issues. Abdullah discusses an event for people that served time in prison and what it meant to attendees.

[Recently] I did an official welcome home for all the guys at the mosque that were ever in prison. And welcome doesn't mean we forget what you've done, but we just accept you. Come on back and participate. And that was my message. And these guys, they were for the first time, and some guys had gotten out in 1979, but this was the first time that anyone ever acknowledged what it was that they went through. And they felt..I mean, it was real emotional just to say that we were there together and, 'I acknowledge what you went through. Okay, let's try to move on as best we can. I'm here for you.' That was so important....Just acknowledge that the guys are there. Acknowledge their presence. Don't ignore them, people act like they don't exist. ...Okay, everybody makes mistakes. That's why we're here. We were children. So, society may spank you and that's it. Your mom don't take you and put you out and never let you eat at the table again. All right. Now sit on down... There has to be some place where a person's given a hug. And society in some respect is incapable of doing that. And that's all that's required. Just a hug. Nothing else has to be said. - Abdullah (25 years; No hits)

However, the ability to be 'invisible' was also an advantage and source of inclusion (discussed previously); for participants, 'passing' (or blending) was not only a helpful tool to navigate society, but it fostered a sense of belonging as evidenced by Sapphire.

So, when I got there the expectation was, I just wanted to..I didn't have no real expectations. I knew what I wanted to do, but I didn't know what life or society had for me. But I knew that if you put me in a room, I was intelligent enough to coexist and adapt to whatever my environment was and they would not know that I was formerly incarcerated. That I knew for sure. I knew that I could articulate in a manner in which they couldn't pick me out in a room and say, 'Oh, she did twelve years in prison.' I knew that much. - Sapphire (12 years; 4 hits)

Several participants gave instances of passing and spoke of the sense of relief, joy, and pride they felt being able to blend into society and go unnoticed. Hence, for this group, being both visible and invisible served them well. Blending in with society was accomplished in some cases through clothing, "real clothes" as one participant stated; clothing created a new representation as 'free,' impacting how people felt about themselves. Clothing also held practical import as a visual representation of a person during the interview process.

And, while food was a form of exclusion in prison, it was also a source of inclusion outside. Almost every participant interviewed discussed ‘going to eat out’ after release from prison. Whether potatoes and steak, White Castle, or mom’s home cooking, food became a means of feeling ‘normal’ by creating spaces for choice and pleasure. Olivia describes not only her trip to a restaurant immediately upon release, but how she blended in the process. It is important to note that many participants told similar stories of either embarrassment at having made ‘mistakes’ during their restaurant visit or their surprise at blending/passing. Either way, restaurants became places that people practiced being ‘normal.’

The first thing I did, we went to a diner. And that was kind of weird because it's been twenty-two years. And sitting there and people not knowing, walking past me. I went to the bathroom. They didn't know I just came out of prison. Yeah, and it's like so weird. It's like they should have known. But they don't. And I'm blending. And I look nice. And I feel good that I'm blending in. I'm like, ‘Wow. People really don't see that. It's not obvious. It's not .’ - Olivia (22.5 years; 4 hits)

Further, the ability to assume roles on the outside, gave participants the chance to be the parent, child, sibling, and citizen they were unable to be while incarcerated. Being physically present gave them freedom to help their children with homework, care for elderly parents/ grandparents, and volunteer in their communities.

So, now, I'm the son now. I can be a son. And I can, you know, she doesn't need anything. She retired; she has a pension and stuff like that. But just being able to be there is a tremendous blessing? Just to be there in her old age. And like I'll be able to take her out for Mother's Day, take her to a nice little restaurant, couple of her friends. And everybody all dressed up. So, to me that was..and that's what I used to think about, you know, about being a son, not having really demonstrated that.
- Abdullah (25 years; No hits)

After release, the nuances of familial relationships can be complex, but family mostly serves as a motivating force to continue on the right path, a place of belonging, unending strength, and community. Matthew discusses the importance of unconditional love from his nephew and niece that were aware of his circumstances, but saw him, rather than his crime.

But my sister was always there with my brother-in-law. They've been married since the day I went in and still married and still have me stay there for housing until I got my apartment. And those kids still call me Uncle Matthew, and they don't even look at what happened. They're like, 'What are you talking about? I know what happened, but you're still my uncle.' There's a lot of love there. - Matthew (23 years; 4 hits)

Likewise, significant others/new romantic relationships on the outside offer participants an additional opportunity to heal and create emotional bonds with another. They release emotions long unexpressed due to embarrassment, shame, guilt, or a lack of trusted persons with whom to share ideas, thoughts, and feelings. Further, romantic relationship gave participants something they lacked inside prison, intimacy. Participants like Deborah disclosed to new people and were treated with compassion and understanding; she felt accepted. Participants' ability to live 'openly' meant that they could wear their background not as a badge of honor, but as a factual part of their existence. They found others willing to help them or get involved in their cause and felt appreciated, loved, and respected.

So, I got a job working at Harlem East as a methadone counselor which I enjoyed doing. And they know I'm an ex-offender because I told them. I said, 'I'm tired of hiding it.' I wanted them to know who I am. I don't want to live behind a door all the time. So, I explained to them, 'I did twelve years. I'm still on parole. But look, I have a degree. I have worked at City College for four and a half years. I am a good worker. Just give me a chance.' And they did. And they hired me in August and I've been there ever since. - Deborah (12 years; 1 hit)

Through churches and other social groups, (new and old) neighbors and co-workers, participants found inclusion within people willing to give them a second chance. They received not only friendship, but atonement. The community provided a safety net and somewhere to turn in times of trouble and need. With religiosity, feeling part of something bigger than themselves and appreciative of the embedded concept of, and redemption within, spirituality allowed participants forgiveness for their past crimes. Likewise, other formerly incarcerated persons released before participants, acted as beacons and guided them down the correct path, offering friendship and

advice along the way. Peers also acted as sounding boards to commiserate about the hard work of reentering and rebuilding. As such, participants should be allowed to meet with other formerly incarcerated persons that are doing well, to strengthen them and offer a positive support network.

For people returning from long terms in prison, privately run agencies, religiously affiliated organizations, and government funded programs, also offered participants resources to get on their feet and adjust to life without the housing, food, and other necessities provided by the State during incarceration. With little money upon release, participants fared better if they took advantage of services that assisted with the reentry process.

When I got my apartment, I got comforters, sheets, pots. Every time I went, I got a Metro card because I really couldn't afford to do all of that travelling. I didn't have that kind of money, but they always gave it to us. They donated clothing, so that you were properly dressed. And it's like you wear greens for so long, you're really excited about putting on a real outfit, you know what I'm saying? And presenting yourself to the public.

- Stephanie (12 years; 1 hit)

By taking advantage of services for people returning from prison, participants were able to construct a useful resume, learn computer skills, practice interview techniques, think about how to present oneself, when or if to disclose their status, and ways to explain their crime, lack of employment history, and limitations on 'typical' life experiences.

I read this book in prison, it's called Connections. It's like a directory; they have different addresses in there, programs where they'll help you, uh, find a job, recommend things and this and that. I remember that I brought that book home and I started going to these programs. I didn't even ask my parole officer....I just took that book and started going here and there. - Tony (17 years; No hits)

It is important to also note that transitional services also provided emotional support through counselors aiding with the transition process. Parole-sanctioned and/or private therapists provide structured approaches to helping participants with emotional issues or crises they faced. Similarly, within cooperative relationships with parole officers, some participants are able to move freely without clearance in advance, providing a sense of self-reliance. In fact, when

respect was reciprocal, parole officers (outside of prison) fostered a sense of trust that many had lost in criminal justice personnel.

But what I do is on my interviews, or I mean, on any position I get, I always use my parole officer as a reference. She's my first reference. Who better knows me than my parole officer. And I explained to her [a potential employer] that parole is something where I have to keep a job; I have to be in a certain hours. No drugs, X,Y,Z. So they [potential employers] feel a little more confident knowing that someone's overseeing me, watching over me, so they're not only taking a risk with me, but so is the Division of Parole. She's [parole officer] somebody who believes in me. And she just believes in me. She believes in correction. She believes that everybody makes a mistake and they have a chance to prove themselves more worthy. So, she's giving..she's still objective, in other words. - Sapphire (12 years; 4 hits)

Likewise, self-help groups, support groups, programs targeting substance abuse (i.e. Alcoholics Anonymous or Narcotics Anonymous), and research/political groups, aimed at changing policies and legislation targeting people in their situations, all provided networking opportunities for participants. And, hobbies and past-times allowed people outlets for both social engagement and connections while keeping them involved in positive activities. Participants wrote poetry, painted, did martial arts, or worked out. In the most simplistic and straightforward ways, hobbies allowed people to have fun, to take part in activities they enjoyed, relieve stress, and forget the stressors of reentry.

Finally, participants felt comfortable knowing they were not alone and people that had not served time in prison shared their struggles. Askari, who was married, explains how seeing his marital issue played out on a television sitcom gave him a sense of relief; inclusion was gained through universals shared with married people of *all* backgrounds.

And it's always refreshing to me when, for example, I was watching Everybody Loves Raymond. And something came up, you know, between Raymond and his wife, like relationship-wise. And, relationships are hard. And people think that, oh, because you were in prison, you have difficulties with relationships. People who haven't been in prison have difficulty with relationships. Prison isn't the yardstick by which you measure everything because a person has been in prison. You've got to be hypervigilant in prison, and you bring this out with you. And you know it. And I know, because I was walking

around with a lot of tension. I've been doing yoga for like a thousand years. Literally, I used to have my fists clenched. Someone who spent most of their time in maximum security, I'm a really light sleeper. And my partner, she'll like touch me, and I'll just like, not really just go ballistic, but you don't want that contact. And, so anyway, I'm watching this one issue of Everybody Loves Raymond, and his wife is like over there touching his hand [and he's] like pushing her away. Like he just is a person who wants to sleep but not have that contact, unless, you know, you're doing something, right. And so I said, 'It's not a prison thing. But some things we might identify as things that have come up because you have been in prison are not necessarily that. – Askari (23 years; 2 hits)

What participants wanted most was a clean slate during reentry. Having spent long periods of time in prison and cognizant of the damage they caused to others' lives, they hoped society would recognize their debt was paid, and more importantly, that they had changed.

It should just be blank, like a clean slate. That's my feeling. Period. Because that's what it should be; it should be a clean slate. It shouldn't be anything else. I don't need your support; I don't need your sympathy. I don't need nothing. I just need to let me just go and do what I need to do. And if I break the law again, put me in prison forever. - Matthew (23 years; 4 hits)

By emphasizing change, participants hoped to do something positive with their lives to contributed to the greater good, to help people, and do what most people do in society, go to work and give back (social responsibility). The findings suggest that participants want what most people want: a job, a home, time with family and friends, the ability to be themselves, and the freedom to pursue their dreams.

Discussion

Counteracting moral exclusion entails exposing the social ideologies that embed themselves into routines and practices (Opatow, 1990b). This study set out to expose the visible and invisible enactments of moral exclusion/inclusion by presenting the experiences of people excluded by Government, mainstream society, local communities, institutions, and individuals, from the perspective of 'the excluded,' people convicted of crimes of violence. In doing do,

space is created to interrogate the treatment of people beyond the borders of inclusion and the scope of justice.

Overall, 85.3% of these participants were convicted of murder or manslaughter in New York State and 100% had committed crimes of violence. Crimes such as these have been targeted by particular legislation and practices in the State of New York. Likewise, all of these participants resided in the state before and after incarceration; therefore, they offer an opportunity to understand the struggles of reintegration within the New York City metropolitan area, among those that resided in the five boroughs their entire lives.

The majority were people of color (Latino or African-American), low to mid socioeconomic status prior to prison, with almost half (46.7%) having less than a high school education when they entered prison; all participants spent long terms in prison. Taking these factors together, the odds seem stacked against them for success. And yet, they transformed while in prison to become educated, mature, contributing members of society that claimed responsibility and expressed remorse for their crimes. The results presented in this dissertation offer social scientific evidence of transformation/rehabilitation, remorse, and responsibility extracted from the narratives and suggest the conditions needed to facilitate/sustain change in prison and during reentry.

Transformation, Remorse, and Responsibility

People convicted of heinous crimes are capable of change and deep remorse for their actions. Several catalysts and hurdles promoted or hindered the process of transformation, respectively. Catalysts and facilitators include things that allow for reflections of self such as punishment, the gravity of the crime, sentences, and violence in prison as well as things that allow for other/new/alternative selves such as education, personal growth workshops, and other

people (as support or models). Barriers include bi-products of the system such as hindered connections to the outside, existing in two spaces, emotional and psychological defense mechanisms, and arrested development, in addition to internal issues such as existential questions, self-forgiveness, and circumstances of the crime (as with felony murder).

The locations of change were in one's thoughts and behaviors such as creating narratives for their role(s) within the crime(s), problem-solving tactics, and altered perspectives about the world (and their relation to it), a focus on the future, self-reflection, and self-correction. Two critical components of transformation, *expressing remorse* and *accepting responsibility*, provide insight into how people feel about their crimes and incorporate them into their sense of self. Participants expressed their remorse as deep regret and sadness for the victim, the victim's family, their own families, and the community at large while responsibility was voiced as acceptance of one's role in the crime; they 'owned' it by confessing, turning themselves in, not using life circumstances as excuses, and acknowledging their agency/choice in the crime.

Responsibility was accepted in four ways: as *always present*, *separate from self*, *part of self*, and *grappling with aspects of the crime*. These four ways of internalizing crime/responsibility offer new ways to craft self-help or counseling programs, both inside and outside of prison, to assist people coming to terms with their crimes, constructing narratives to discuss their crimes (to self and parole boards), and making positive progress during incarceration (and reentry). However, promoting and sustaining change requires an environment of change, dependent on prison administrators that create/sustain cultures where people can be human, build relationships, and express emotion. A major theme throughout all of the interviews, *social responsibility*, also demonstrates how prosocial behaviors in prison act as evidence of change, remorse, responsibility, and prospects for success during reentry; as such, they should be

encouraged and fostered. On the outside, remorse, responsibility, and transformation are also sustained through social responsibility by *reaching out*, *reaching across*, and *reaching back*. In giving back to communities, participants continually recreate a new self and positively reinforce that change.

It is important to also note that focusing on ‘the nature of the original crime’ and expectations about what remorse and responsibility *should* look like, diverted participants from claiming responsibility and allowed them to blame parole boards. With fairness in the system, participants are instead encouraged to accept their own behavior in prison and how that behavior shapes parole decisions, thus promoting responsibility. Administrations should focus on things that serve as catalysts to change, particularly education, and try to combat those things that act as barriers. Likewise, for parole boards, evidence of personal transformation such as education, leadership roles, contributions to the prison community, acceptance of responsibility, post-release plans, and other evidence of change, demonstrated by the data (discussed previously), may prove better indicators of readiness for parole boards than the instant offense.

Experiencing Parole: Grants and Denials

While 30% of participants in this study were released at their first board hearing, 70% were hit multiple times (ranging from 1-5 hits) resulting in 117 additional years in prison (1-10 years per person) and over 5.1 million dollars spent incarcerating these people beyond the point they were first eligible for release. Almost one-fourth were never granted discretionary parole, but were eventually released due to *conditional release*. Thus, there is no way of knowing how long these participants might have spent in prison otherwise. Future research should examine the rates of discretionary versus conditional release for people convicted of crimes of violence to determine whether this sample is an accurate representation of the population. Likewise,

examining the rates of conditional releases across the Cuomo, Pataki, and Spitzer administrations can determine changes based on Gubernatorial shifts.

Psychologically, parole is a highly stressful experience as participants are aware of the outside factors influencing decisions; still, they offered insight into the things that would indicate readiness: *time*, *exhausting resources*, and *transformation (rehabilitation)*. People suffered both physical and psychological effects of parole denials including depression, anxiety, hopelessness, 'pre-parole syndrome,' lost interest, a slowing of time, diminished responsibility, regression, and additional personal loss; likewise, their families suffered as did prison morale.

Perpetrators of exclusion also harm those they hope to protect by robbing them of the opportunity to overcome their misconceptions and gain from the gifts 'the excluded' have to offer (Opatow, 1990b). Similarly, members of society suffer when people convicted of violent crimes that have demonstrated transformation, are denied parole. Keeping people incarcerated, robs society of their positive contributions based on life experience and 'prison wisdom' (i.e. social responsibility and humanity).

Likewise, financially, each time participants were denied parole, taxpayers fed, clothed, housed, and cared for them for two additional years until their next hearing. If the monetary cost is not justified by a reduction in crime or the likelihood of reoffending, money is spent unnecessarily. With their continued incarceration, society is also denied tax dollars and money participants would spend on groceries, laundry, and daily living expenses including Metro cards, gasoline, cars, tolls and travel.

Granting parole is also a complicated process as people go through a cycle of emotions including: happiness, sadness, bittersweet, fear, reflection, and relief; families and prison communities are positively affected as a result. Additionally, when granted parole, society gains

active workers and people willing to engage in service to society (as mentioned above) and the integrity of the criminal justice system is restored when *all* citizens are treated with respect and dignity.

Moral Exclusion: Parole, Prison Life, and Reentry

The progression of exclusion begins with a conflict whereby group categorization is salient, a label is charged with meaning (i.e. violent offender or felon), moral justification is prominent, unjust procedures are expedient (with voices omitted), and harmful outcomes follow (Opatow, 1990b); moral exclusion supposes that some people are ‘in’ and some are ‘out.’ Participants in this study were clearly ‘out,’ in general. They were given labels, moral justification was utilized (i.e. the nature of the crime; public safety platforms), their voices were muted, and harmful outcomes occurred. Participants recognized their own out casting and identified their own exclusion.

Furthermore, while moral exclusion can be either exclusion-specific or ordinary, these participants experienced both forms of exclusion. Opatow (1990b) suggests that ordinary exclusion is particularly dangerous when it becomes part of the work routine in some institutions (i.e. the military or religious institutions); the data suggest that the criminal justice landscape leaves a trail of exclusion, woven into the fabric of the prison-to-reentry trajectory for these people, beginning with reception into prison and well into people’s post-prison lives.²⁴

The data support all eleven symptoms of exclusion: *biased evaluation of groups, derogation, dehumanization, fear of contamination, expanding the target, accelerating the pace of harm-doing, open approval of destructive behavior, reducing moral standards, blaming the victim, self-righteous comparisons, and desecration* (Opatow, 1990b) (see Table 19). The data

²⁴ While this study focuses on reception as the ‘beginning’ of the process, the researcher recognizes that exclusion occur for many, long before incarceration (see the Matrix of Domination section).

also suggest support for 12 of 16 symptoms of ordinary exclusion: *transcendent ideologies*, *deindividuation*, *psychological distance*, *condescension*, *technical orientation*, *double standards*, *unflattering comparisons*, *euphemisms*, *diffusing responsibility*, *concealing the effects of harmful behavior*, *glorifying violence* and *normalizing violence* (see Table 20). Four symptoms of moral exclusion could not be identified in this study: *moral engulfment*, *group think*, *displacing responsibility*, and *temporal containment of harm doing*; however, these symptoms are hard to pinpoint without speaking with people that engage in moral exclusion. Hence, future studies should look at the perspectives of people that engage in exclusion of people convicted of violent crimes to determine the full extent (and presence) of these processes with this population.

To reiterate, this study was not focused on the symptoms/processes of moral exclusion, but rather how those symptoms are experienced by ‘the excluded,’ specifically people convicted of crimes of violence. As a result, the researcher analyzed the data, void of the influence of Opatow’s symptoms, and later looked to determine which processes acted upon these people, based on the model of exclusion (see Table 17). Still, the researcher identified many exclusion-specific and ordinary processes in their lives, with some even overlapping in name (i.e. dehumanization, deindividuation) and others directly in conversation with the Opatow’s processes. For example, Opatow’s ‘*fear of contamination*’ is a symptom/process of moral exclusion; and, *moral exclusion by contamination*, found in this study, suggests this fear is warranted.

Identifying and defining instances of moral exclusion is important to empirically study the experiences of excluded groups/individuals and to create ways to effectively interrupt its occurrence(s) and impact policy/practices toward those persons/groups. The model for this study

qualifies the experiences of exclusion, focusing less on symptoms and instead on the experiences of those symptoms, *instances of exclusion*, in the lives of these participants.

This study built on the two key aspects of Opatow's definition, "denied membership" and "denied access to resources," to create a model that divides instances of exclusion by two umbrella types, *Membership & Rights* and *Access to Resources*, with six areas (three for each category), used to categorize, understand, and identify where, how, and in what ways exclusion is experienced by people convicted of violent crimes, that have served long terms in prison, some of whom were denied parole multiple times before release; they include: *visibility*, *acceptance*, *liberty/justice*, *basic resources*, *financial resources*, and *emotional resources/support*. As the research question specifically focused on experiences inside and outside of prison, the results also propose understanding the exclusion through three critical contexts for these participants: parole, prison life, and reentry.

The results suggest that this group is routinely denied membership into mainstream society and even within the prison communities to which they reside. As a result, negative perceptions dominate popular discourse about crime, violence, rehabilitation, prison life, rights in prison, criteria for granting parole, and reentry. Excluded persons are not afforded the rights or acceptance that come with membership or the emotional, financial, and basic resources also afforded members of the moral community.

Within visibility participants felt excluded via a multitude of *methods of erasure* or *minimizing one's existence* including: ideological positioning, euphemisms, failing to acknowledge accomplishments, and an insider status. With prison life and reentry, participants were blocked from assuming roles and connections. While inside prison, they were further dehumanized, deindividualized, and cast out of society's view through work release blockades or

geography. During reentry, complete civic participation was made difficult with blocks to obtaining identification, voting rights, as well as via branding and double consciousness.

Goffman (1963) has suggested that marginalized/stigmatized groups often contend with two versions of the self, one that others expect the group to be, encapsulating the social construction of one's identity by people in larger society and social networks as well as another version that is self-constructed with the traits the person sees in themselves. Managing this discrepancy between two selves, *identity management*, also necessitates ways to mitigate the consequences of being 'marked.' Participants in this study struggled with visibility in terms of how they were made invisible (i.e. deindividuation/dehumanization) or made visible (i.e. with euphemisms and branding), and their sense of double consciousness (Dubois, 1903), living with multiple selves and keenly aware of how they were perceived by others.

Likewise, the labels used to discuss people, influence identity management and thus, the representation of those people to society. In much the same way that other marginalized groups have reclaimed pejorative terms (i.e. queer for the LBGT community), the researcher suggests that language acts as an instance of oppression that can empower people that engage in linguistic reappropriation. However, in this case, rather than reclaiming words, the researcher suggests a recreation of the (re)presentation of this group as '*people convicted of violent crimes/offenses*' that separate the act from the person. Additionally, when rethinking language in terms of application to real world policy, 'rehabilitation' might be rethought as 'change' or 'transformation,' exemplified by remorse and responsibility.

In terms of acceptance, participants felt their exclusion at the level of *government*, *communities*, and *self*. Gubernatorial influence, widening the net of exclusion, and felony background disclosure, all demonstrate the power of government to shape attitudes and practices

toward this group. Arguably, prisons and state-sanctioned exclusion have far-reaching ramifications. The data in this study demonstrate that, at least in the case of New York, the state has had a dramatic impact on the exclusion of people convicted of violent crimes. Two pieces of legislation (the Sentencing Acts of 1995 & 1998), directly impact who is eligible for parole. And, ‘unofficial’ practices led to a decline in the number of people granted parole during the Pataki administration while rising again under the Spitzer administration (see Chapter 2: Study 1). Clearly, the state plays a role in determining where the lines of inclusion are drawn.

State-sanctioned exclusion reinforces the social order, influencing individuals’ perceptions of justice, fairness, and the sharing of resources. For this population, negative media portrayals and cultural attitudes were cited as a theme at the community level, in addition to a widening of the net to include other people defined as ‘criminals’ (i.e. family members and friends) simply by their affiliation with people convicted of violent crimes (*moral exclusion by contamination*). Likewise, youth have been increasing in New York State prison yards. Twenty-five percent of women and thirty percent of men in this study were minors or had just turned 18 years old when they were incarcerated. How wide is society willing to cast the net of ‘criminal?’ The answer to the question, within the highly charged climate around crimes of violence has particularly negative consequences for how people feel about themselves. In fact, participants struggled with self-acceptance, ‘living openly,’ and ‘being outted,’ across all three contexts.

Additionally, these results shine a spotlight on the relationship between age and exclusion. With the net of exclusion widening (and accelerating), including much younger people as ‘criminals,’ the age of those entering prison has dramatic effects on the development of those people within prison as well as additional invisible punishments/collateral consequences after incarceration, particularly in terms of arrested development, intimacy issues, and identity

formation. In fact, McAdams (2001) and Erikson (1968) are useful in thinking about the impact of long-term imprisonment.

McAdams (2001) suggests that a central construction of how adolescents or adults fit into the world is based on their narrative, a cohesive story of their lives that begins in adolescence, but continues throughout one's life. Likewise, Erikson (1968) has outlined the importance of different stages to one's construction of identity. According to Erickson, the psychosocial stage of development between 12 and 19 years old revolves around forming a sense of *self* versus *role confusion*, followed by *intimacy* versus *isolation* from 19-40 years.

Both researchers capture the importance of not only making sense of one's life, but doing so in the context of lived experiences that require continuous restructuring, recreating, and reimagining one's story and sense of self. However, in the case of people (particularly young people) that have been incarcerated long periods of time, arrested development acted as a barrier for true growth and identity construction. Furthermore, supporting Erikson's work, these participants struggled with a sense of self after incarceration, and the vast majority from feelings of isolation and a lack of intimacy with others. Future research on the impact of prison (and subsequent arrested development) on people based on their age entering prison, as well as the role of narratives in the lives of people that have committed heinous crimes for which they served long years in prison, could offer more contextualizing of the transformation process.

In the realm of liberty and justice, participants experienced exclusion at the *macro*, *meso*, and *micro* levels. They were denied a host of rights and saddled with limitations on mobility including: legislation effecting eligibility for parole consideration, ignoring sentencing recommendations, pleas, and statutory criteria in determining parole, lost eligibility for work release, loss of parental rights, institutionalization, freedom in psyche and movement,

ramifications of the parole board make-up (detailed previously), aspects of the structure/proceedings of parole hearings, parole supervision, lifetime parole, and privacy as well as the dark shadows of reversed halo effects and technical violations looming overhead.

Access to *basic resources* manifested itself through lack of information or say in the hearing, decision-making/appeals processes, proper clothing and hygienic needs, adequate access to food and appropriate housing conditions, or people that provide support within prisons. Outside of prison, these limitations followed participants in terms of housing, public assistance, transitional services, and the culture shock of (re) entering a changed society after decades confined in prison. Their financial resources suffered at the *current* and *future* levels through the cost of appeals, employment opportunities (inside and outside), prison surcharges, and the removal of college from prison in 1994. Likewise, felony fees, supervisory fees, garnishments for child support, and educational blockades to grants on the outside, limited participants' options for current and future financial stability.

Education was, above all else, the most cited positive aspect to success on the inside, but also emotional and financial success on the outside. While privately funded access to education is still available, an abundance of evidence (cited previously) encourages a reexamination of how money is spent in New York State prisons. In terms of recidivism and successful reentry, education is single-handedly the most cost effective way to spend tax dollars.

Emotionally, support was compromised at the levels of *society, community, peers,* and *key players*. In terms of parole, exclusion occurred with barriers to who can offer character testimonials during parole hearings, access to beneficial self-improvement programs, abilities to mourn and be human, and access to people from whom to draw emotional resources (family, personnel, peers, and communities). Furthermore, connections within and outside of prison,

visits, transfers, and the 'us-them' climate of imprisonment created an overall culture ripe for exclusion.

Of particular import on the outside (which begins inside) were issues of sexuality (particularly for men), intimacy, health problems, discrepancies between fantasy and reality, and aspects of disclosure. Future research should investigate particular invisible enactments of exclusion (invisible punishments/collateral consequences) for people in prison by *gender*. For example, studies should focus on the construction of masculinity for men in prison and beyond. Likewise, for women, the theme of motherhood was repetitive for those with children, but childless women also felt the need to nurture. Research examining how long term incarceration during prime child-bearing years, affects women that enter prison young and childless, could also offer other invisible enactments of exclusion and 'deeper' psychological collateral consequences to incarceration beyond those reported by Travis (2002) and others (see Reentry, this chapter).

Within exclusion denial plays an important role as denial of outcome severity, stakeholder inclusion, and self-involvement (Opatow & Weiss, 2000). Particularly with exclusion for people convicted of crimes of violence, their experiences support these three types of denial *from the perspective of the recipients*. They continuously explained injustices within prison life and parole as well as invisible punishments and collateral consequences after release. Hence, this study links the bodies of literature on invisible punishments/collateral consequences and moral exclusion suggesting that the former are instances of the latter, some invisible and others visible.

Gendered Exclusion (and Inclusion)

Thinking about the ways that exclusion is gendered for men and women, female participants served on average 15.9 years in prison while men served 20 years. Men were granted parole at their first hearing more often than women, but for those denied, they were ‘hit’ more often than women. Psychologically, women (with children) struggled most with their roles as mothers and issues related to their children, whereas this was not a dominant theme for men, even though the same number of men and women were parents. The data support reason for parental concern as children (and others attached to the excluded) are often excluded as well. These instances of *moral exclusion by contamination* were voiced repeatedly by women who worried about how their children were treated by Governments, communities, family members, peers, and how they felt about themselves as children of people convicted of crimes of violence.

More women were single than men (71.4% versus 47.4%) and the theme of ‘relationship struggles’ was much more common for the men which should be expected (as they were more likely to be in relationships) while the women’s struggles were based around ‘desiring relationships.’ Likewise, men were more likely to have spouses that married and/or stayed with them during the duration of incarceration. The women, on the other hand were more likely to derive their relationships from peers in prison (romantic or otherwise), their children, and family members. More research that directly investigates the role of romantic relationships based on gender could offer insight into support networks for men and women, as well as differences and similarities about the types of issues married participants endured (or involved with people outside of prison) to assist them with preparation for emotional/partner issues upon release.

Furthermore, the women’s interviews tended to focus on recreating families within prison walls. Their experiences with peers were more nurturing while the men spoke more about

violence and survival. A closer examination of the roles of violence and prison families in shaping transformation by gender could shed light on the unique differences for men and women in the transformation process. Furthermore, studies that focus on the experiences of children, spouses, and close family could contribute to a more thorough understanding of moral exclusion by contamination.

Matrix of Domination

Research suggests that people of lower socioeconomic status and impoverished neighborhoods are targeted for police surveillance and more likely to enter the system; within that system there are inherent inequalities based on race, gender, etc. (see Chapter 1, critical theorists). Moreover, in this study, two participants were living with HIV/AIDS; some were gay, lesbian, or bisexual, and they were overwhelmingly people of color that lived in impoverished neighborhoods, mainly the inner city, where drugs, alcohol, and physical abuse were ever-present in social and familial circles. Many had little education before prison, several were illiterate, and two were convicted of sexual offenses, all of violent offenses, and many had little or no knowledge of the law prior to incarceration to aid their defense. These participants were disadvantaged and disenfranchised long before their incarceration. Racism was a dominant theme in this study; 4 of 20 male participants (20%) were beaten in prison by guards and called derogatory names. And, as outlined above, exclusion was certainly gendered.

Additionally, the matrix of domination (Collins, 1990) and ‘intersectionality’ (Crenshaw, 1991) are further complicated with additional layers of exclusion as ‘prisoner’ and ‘people convicted of violent crimes.’ These are not excuses for participants’ convictions. On the contrary, the matrix of domination raises consciousness and forces society to formulate programs to assist people earlier while also recognizing the amazing changes they accomplished despite

layered exclusion. This study also proposes that the sociological concept of ‘intersectionality’ is a valuable methodology within psychology to investigate the lives of people convicted of violent crimes (and other marginalized groups) that sit at the intersection of multiple (and simultaneous) levels of exclusion; furthermore, the researcher also suggests that the ‘matrix of domination’ could be understood as ‘*layered moral exclusion.*’

Provisional Belonging

Within these participants’ lives, they acknowledge experiencing ‘othering,’ but their experiences are more nuanced. This study supports the notion of *provisional belonging* for this group; a state of belonging that is neither completely ‘in’ nor ‘out’ and a constant (re) positioning dependent on situational demands (Marquez, 2006). The notion of provisional belonging suggests that the line between inclusion and exclusion is not always clearly drawn and permeability exists. Hence, provisional belonging is in line with Opatow’s findings that the scope of justice is not entirely dichotomous, with some provisional aspects at play (1990b). In this study, while participants acknowledge that exclusion exists, they also viewed the walls of separation as somewhat permeable, requiring a constant moving and switching of presentation and an adoption of various strategies of negotiation, particularly the strategy of ‘*altering visibility.*’

Participants were able to navigate the channels of inclusion and exclusion where they were sometimes ‘in’ and sometime ‘out,’ but sometimes somewhere in between, often times in a constant, perpetual state of shifting and maneuvering. In some instances, these people can both belong and be outcast at the same time. And, it is fair to also say that there are times when they are neither at all, invisible in fact. These findings reveal the provisional nature of exclusion Opatow discussed, from the perspective of those being excluded.

Negotiating Exclusion/ Strategies for Psychologically Reframing Exclusion

Many of the strategies suggested by Marquez (2006) are supported by these data except the strategy, *humor*; several new strategies were identified in this study. Seven strategies in total were used to psychologically reframe, navigate, and negotiate moral exclusion: 1) *Knowing and Refusing Moral Exclusion* (resistance) involves pushing against injustice through work, fighting, refusing labels, publishing works, and changing perceptions about people convicted of violent crimes; the labeling of one's group and perceptions are not internalized. 2) *Knowing and Becoming the Morally Excluded* involves absorbing and reproducing exclusion in addition to self-blaming. 3) *Denying Moral Exclusion* involves minimizing the effects and rejecting the importance of those areas where one is excluded. 4) *The Positive Spin* involves finding a silver lining in one's exclusion such as job satisfaction, positives for family members, a source of strength, advantages to 'insider status' and as fate or saving one's life.

5) *Altering Visibility* requires changing the level to which one is seen as a member of the excluded group; shifting, covering, and revealing. People also withdraw, 6) *Escaping Moral Exclusion*, to accommodate and manage a deviant identity by disappearing or distracting oneself through substances, companions, counseling, or God. And, 7) *Self-inclusion* included ways people touched freedom, forgave themselves, hoped, and provided for self. These strategies offer an additional component to the literature on moral exclusion by presenting ways that excluded groups manage exclusion.

Goffman's (1963) work suggests several means of handling stigma, including passing (via fabrication, concealment, discretion) or revealing (via signaling, normalizing, and differentiating). Similarly, people in this study determined when, how, and who to tell. However, moral exclusion encompasses much more than stigma alone; it also entails a withholding of

membership, rights, and resources. As such, Goffman's management strategies are utilized with this population, but only in terms of one strategy: *altering visibility*, but Goffman's work is useful to identifying the intricacies of that strategy. All seven of these strategies offer a means of understanding how people manage the deleterious effects of membership to an excluded group. Likewise, strategies such as altering invisibility and self-inclusion shed light on what it means to belong.

Moral Inclusion

For inclusion to occur, support for dissent and pluralistic thinking are necessary to expand moral communities and the scope of justice (Opatow, 1990a). Opatow suggests that these mechanisms promote diversity in perspectives, in addition to a larger overarching community that envelops moral excluded persons, deters justification for exclusion, and recognizes exclusionary practices. Bystanders, people that are neither the victims nor perpetrators, must identify the issue, define (and respond to it), and take action. In the absence of bystanders, perpetrators must experience some sort of danger or coercion of their own, generating moral guilt and a halting of the exclusion.

Bystanders sit at a vantage point of seeing additional injustice victims cannot, and they can act on it as a result of their 'included/insider' status. To the researchers knowledge, this is the first study to apply moral exclusion theory to the experiences of people in prison and for the commission of/or involvement in crimes of violence. Therefore, it calls attention to the plight of this group, offering dissent to the status quo of parole, prison life, and reentry while also creating dissonance for those in denial (of outcome severity, stakeholder inclusion, and self-involvement).

Participants found inclusion (or recommended inclusion) with the areas of *policy*, *parole*, and *practices* across the same three contexts as moral exclusion: parole, prison life, and reentry.

Policy inclusion contained courses of action pursued by Government, primarily legislative changes to work release eligibility, sentencing structure, and the Sentencing Acts of 1995 and 1998. Likewise, reinstating state-funded/federally-funded Pell grants and educational programs (both inside and outside of prison) is instrumental to creating and sustaining inclusion (among other positives discussed elsewhere). Furthermore, serious consideration must be given to contract parole (set criteria to be met before parole discharge) or dismissal after a certain time period, to enable people to ‘shed prison.’ Technical violations should be used sparingly, allowing people the opportunity to make small mistakes (and ask for help) without the fear/threat of being returned to prison. The findings also challenge restrictions against peer interactions after release, suggesting positive benefits to maintaining ties to prison, post-incarceration, and to other formerly incarcerated persons on parole.

Inclusion within the parole process requires a focus on the present versus the past with greater amounts of time spent with people and their files; tickets should also be viewed in context and used to determine transformation rather than as blemishes to one’s file.

Administration should be allowed to speak on behalf of inmates to introduce more fairness and accountability for parole board members and inmates. Biasing influences should be removed from the selection process for parole board members’ and term limits should be empirically explored to determine their effect (if any) on the granting or denial of parole and the promotion of inclusion within the process.

Furthermore, orientations are needed regarding the structure, protocol, and use of closed-circuit television, when applicable. The study also pushes for a new understanding of the complexity of responsibility for those convicted of felony murder. Of greatest value would be qualifying *transformation*, *remorse*, and *responsibility* (offered earlier in this dissertation). And

within prison life, parole officers should play larger, and more hands on, roles with participants and their planning/journey.

Additionally, *practice inclusion* (customary performances) would include an abolishment of ‘unofficial practices,’ denying people parole based on the nature of the original crime, implanting and supporting programs; and placement/transfers promoting familial relationships and connections. Likewise, emotional support and resources through peers and rituals create inclusion for people through semblances of normalcy and opportunities for humanity. Key players such as teachers, counselors, and employers also demonstrate what belonging means. *Vicarious inclusion* also provides inclusion through connections to the outside (i.e. people, information, music). Outside of prison, passing, assuming roles, new and old relationships, opportunities for self-inclusion and dependence, as well as a clean slate, are instrumental for inclusion. Likewise, more transitional services are needed in addition to emotional preparation for the unique circumstances of leaving a structured environment (after long terms in prison) to the realities of life on the outside. Finally, since many people in this study went into the human services field either because they are drawn to the field or due to inclusionary hiring practices within the field, preparation for this type of employment would be ideal (inside and outside of prison). Overall, the data suggest that while moral inclusion can be gained through policy, practice, and parole, from outside forces, people also create their own inclusion. Future research should focus specifically on the psychological ramifications of never-ending parole and the psychological benefits for those that have been successfully discharged from parole supervision.

Limitations and Future Directions

While this study offers a comprehensive, contextualized view of parole, prison life, reentry, transformation, remorse, and responsibility for *this* group, this study is not without

limitations. The participants may not be representative of people returning from prison, after serving long sentences for crimes of violence. Future work should look at people in other areas of New York State for a broader understanding of people's experiences, as these may be unique to New York City; however, many of their reentry experiences overlapped with the results from participants in the Marquez study (2006), people from California that were convicted of non-violent crimes. Other sampling issues relate to the recruitment of a third of the participants from the same core group of organizations, all dedicated to helping people returning from prison.

Directors reached out to people they saw as ideal candidates. Although they received a list of criteria for participation, their selection process may have targeted people experiencing difficulties to voice struggles of reentry or those that exemplify 'best case scenarios.' Ergo, the findings may lack generalizability to the wider community due to bias in sampling. Likewise, these were people connected to transitional services or advocacy. As such, transitional services may be sought by those 'worse off' than most people or may be more stable, benefiting from connections to resources, resulting in the same issues for generalization.

Participants were also recruited via snowball sampling and it is possible participants were similar to friends that recruited them, narrowing the diversity of responses.

The participants in this study, with the exception of one that voiced struggles with drugs, were all people doing relatively well in their reentry; however, they expressed many issues with moral exclusion and hurdles to their transitions in prison, during incarceration, and upon reentry. Hence, the picture of moral exclusion in the lives of others convicted of violent crimes, that served long terms after (in some cases) multiple parole denials, may be much worse than those presented in this study. Finding people unattached to resources might offer new exclusion/inclusion or and/support the results of this study.

Some participants in the study were also members of the Alumni Research Group, and although this was a bi-product (and strength) of the participatory design, it is also a potential limitation as these participants helped craft the interview protocol and were familiar with the hypothesis and goals of the research. However, it is worth noting that transparency existed with *all* participants. At the recruitment phase, and at the onset of the interview, each participant was made aware of the history of the project and goals. Hence, it could be argued that perhaps all participants intentionally (unintentionally) voiced concerns that were in line with the hypothesis and goals; however, the researcher does not believe that to be the case.

Participants also varied in length of time since release (18 months to 10 years). While this advantage in the design incorporates varied views of reentry, these views are post hoc justifications of *how* and *why* they transformed, how they remember the three contexts (prison life, parole, and reentry), as well the instances of moral exclusion/inclusion offered. Their perceptions may also have been clouded either by positive or negative events post-release. It is important to keep in mind that this study was cross-sectional, a snapshot in time; hence the study does not account for the fluidity of memory and narrative (re)construction. Future research should examine how responsibility (and remorse), change over time and how particular environmental aspects of one's life alter one's perceptions about those experiences.

Research has also suggested that alcoholics that construct cohesive narratives about their alcoholism are much more successful in their recoveries (Irving, 2011). Likewise, while this study did not focus on narratives per se, looking at the role of particular aspects of the narrative (in prison) may change success rates for people after incarceration. Future work should conduct follow-ups to see how narratives of one's experiences change over time as well as instances of inclusion/exclusion given. Saliency may change depending on how long people have been out of

prison; perhaps isolating circumstances that change narratives could be important considering the importance of a narrative to the view and construction of self.

The trajectory of people's experiences with exclusion is also important to investigate. Perhaps exclusion gets 'lighter' or 'heavier/deeper' as time goes on and the distance between person and incarceration becomes wider. Maybe the 'self' that served time recedes in the background, replaced by other life experiences and roles. In other words, the ways people incorporate the 'criminal responsibility' may shift or change over time. Future research would be wise to explore this issue and differences between narratives for people that return to prison. Likewise, without following up with people to determine whether anyone returned to prison (and if so, the reason) this study assumes these are people that have *successfully* reintegrated into society and that may not be the case. Future research designs should focus on how moral exclusion/inclusion contributed to their recidivism and how their expression of remorse, responsibility, and transformation differ from people that stay out of prison.

It is also important to revisit Durkheim (and give weight to contemporary works of critical theorists) that spotlight the role of society in shaping the collective sense of morality used as a measuring stick for who is deemed 'criminal' by community consensus, laws, sentencing structures, and philosophical stances on rehabilitation/punishment as the role of the American prison as moral exclusion triggers additional exclusion.

Additional directions for this research should focus on ways to successfully counteract perceptions of people convicted of crimes of violence with various populations, both inside and outside of prison (i.e. correctional officers on the inside or potential employers on the outside). Studies should explore the social perceptions of this group to understand *what* needs to be confronted and *from where* these perceptions originate. For example, media perceptions of

people convicted of violent crimes can shape social perceptions by remaining silent on exclusion or actively portraying them in negative ways. As an example, on August 29, 2005, when Hurricane Katrina struck New Orleans, 7,000 prisoners were locked in cells (Heldman, 2011). Very little media coverage inquired how human beings could be deemed so 'less than,' and their lives so invaluable, that they would be left to fend for themselves during a natural disaster; many were only charged with misdemeanors and set to be released within weeks of Katrina's touch down. Examining the role of media as both a bystander and perpetrator of exclusion could inform how individuals'/society's perceptions are created (or sustained) and provide a launching point to interrupt large-scale exclusion.

Along the same vein, while it is true that teasing out whether media shapes individuals or individuals shape media is difficult, viewing perceptions of citizens, and the images they see of 'violent offenders,' could help determine how widespread these images/ perceptions are, as well as whether certain characteristics (geography, religious views, gender, political affiliation, ideologies about prison) make people more susceptible to negative views of this particular group of excluded persons or act as 'protective barriers' against the influence of the social order/social institutions on an individuals' psychological community.

Likewise, future studies of moral inclusion should focus on countries with prison system where inclusion is the norm after time has been served and rehabilitation is the focus of imprisonment (i.e. Norway) (Fouche, 2009). Finally, work building on this database should include analyzing the tips given by participants to people set to appear before parole boards, and for release, to construct pamphlets that inform excluded persons on what to expect in both contexts.

Conclusions

People convicted of violent crimes epitomize a threat to, or plague amongst, modern society and the historical context of cultural norms, the presence of conflict, the current climate of crime control, the culture of security (post 9-11), and the financial recession created parameters necessary for exclusion to grow and spread. The impact of long term incarceration is evident in the amount of culture shock voiced by participants and their stories argue (with evidence) that the psychological effects of imprisonment rarely ‘end.’

The model offered by this study adds nuances to the process of exclusion *from the perspective of the excluded* and makes explicit some widely held notions of punishment and expected treatment of this group (in prison and upon reentry). By exposing the social ideologies, society can rethink their approach to this group and understand the impact of these ideologies (many implicit) on the lives of real people. Further, this study gives voice to the quantitative piece of this dissertation (Study 1).

While they have been involved in some horrific crimes that have caused great pain and in most cases, loss of life, these women and men have also accepted responsibility for their crimes and worked within prison toward a process of transformation and growth. Participants made substantial marks on their communities in prison and continue to leave their mark on society outside prison walls. The data presented here have utility for recommendations as decision-making guidelines for parole board members by providing an empirical examination of what change looks and sounds like.

The material presented here speaks clearly for the need for a predictable and rational process for parole release determinations for persons convicted of crimes of violence. Parole denials executed on the basis of the nature of the crime alone have damaging consequences for

individuals, their families, and other women and men in prison. These men and women *will* eventually be released back into society, even if they are not paroled (based on *conditional release guidelines*). As Craig Haney states,

Even if you no longer care much about the wellbeing of prisoners while they are incarcerated, you need to remember that most of them are going to get out one day. It should matter to all of us what state of mind they are in when they are released (McNulty, 2000, para. 6).

Therefore, it behooves all to consider ways to assist this group specifically, having spent so much time in prison for crimes so serious, as they move toward a successful, integrated life within communities. And in an effort to help others, attention should be paid to the sustaining mechanisms and facilitators that contribute to low recidivism rates, transformation, and inclusion.

The current movement with regard to prisoners' and formerly incarcerated persons' rights is shaping up to be the next wave of change the country will have to face. Answers will need to be provided through research related to various topics surrounding prisons, the criminal justice system, reentry, the crime control model, juvenile offenders, drug offenders, parole, children of incarcerated persons, and specifically, the ramifications of a desire to keep these people out; out of neighborhoods, out of jobs, out of the economy, and out of political decisions. If this monetary cost is not justified by a reduction in crime or the likelihood of reoffending, with no public safety gain, money is wasted. Further, the integrity of the system is thrusts into question when the foundation of incarceration, rehabilitation, erodes if punishment is the only goal.

As a society several questions must be asked (and answered); namely, which penological goal does it aim to fulfill with regard to people convicted of violent crimes? Is the goal simply to house them until they "age out," providing society with retribution, or is the hope that they

change and contribute to society, help others, and become productive members, deserving of voting rights, mobility, privacy, and the pursuit of happiness as all other Americans are afforded?

As long as people are being sent to places where they are penalized, not just because of their crime, but because of the color of their skin, their orientation, their political view, you'll never see change..I think if you really want to make change, you have to change the system. The system can't just be about warehousing people. –DeJuan

PORTRAIT OF A PARTICIPANT: ABDULLAH

Within weeks of graduating from Baruch College, Abdullah began serving his 25 to life sentence for murder. Shortly after his arrival at prison, he found himself frequently in 'the box' for behavior issues and because officers disliked his position as a leader in the Muslim community inside prison. After pursuing more education behind bars, he earned a Master's degree and became well respected by inmates and staff alike. One day, Abdullah asked two professors from the college program about activities he and others could engage in to keep up their research skills once their Research Methods course ended.

The answer led to an agreement between the two professors, the Department of Corrections, and a client of the professors' research agency, to allow several inmates from the course to handle the client's portfolio. For the next decade or so, Abdullah and a few others worked in an office within the prison, equipped with computers, writing reports and evaluations for the agency and its client. Meanwhile, eight years into his sentence, his high school sweetheart tracked him down and began communicating with him. Since marriage was not allowed for people with violent crimes, they continued their commitment until it was reinstated. After three years together, they were married.

Long before his parole board hearing, Abdullah began to prepare for the interview by creating a vita of his time in prison that included all of his activities, education, and work experience, including the position offered by the two professors. The Superintendent of the prison held mock interviews with him (an uncommon occurrence) to help with the preparation while his wife also worked with him on his presentation. He talked to others that had been before the board to find out what to expect, where people were positioned physically during the hearing, and the protocol of the procedure. He was surprised when shortly before his board hearing the Superintendent briefly spoke to the board on his behalf (another highly unusual incident). Upon arriving into his first and only hearing, he made sure to first address his crime and accept full responsibility for what he did. He was granted parole after serving 25 years in prison.

Abdullah has been out of prison for almost ten years without incident. He remains involved with the Muslim community and is an advocate for issues related to incarceration and reentry. After his release, he continued working for the same research agency he worked for in prison. Abdullah has returned to prisons to run parole workshops and he speaks publicly, often, about parole, prison, and reentry. He is a published writer, a research, founder of his own reentry program, and he is still married.

CHAPTER FOUR: STUDY 3

SOCIAL SCIENCE RESEARCH & POLICY

Research Questions Revisited

- A) What is the nature of the relationship between social science research and parole practices in New York State?
- B) What are the hurdles and facilitators to the use of empirical data in the parole process?

Method

Participants

Recruitment. While this study was designed and carried out after the Alumni Research Group (ARG) stopped meeting, group members played a critical role in the recruitment of former parole commissioners for participation in this project. Four of five commissioners were a convenience sample, recruited via members of the ARG, although their stances on parole issues were not necessarily similar to group members' views. In fact, one former commissioner sat on a panel that once denied parole to an ARG member based on 'the nature of the original crime.' The fifth commissioner was recruited via snowball sampling by one of the original four participants.

Group members contacted four parole commissioners about the project; all expressed interest and gave permission to be contacted by the researcher. After the researcher contacted participants via email to confirm interest, they were sent a more detailed email explaining the nature of the Long-termers Project and the proposed interviews with former parole commissioners (see Appendix E). Likewise, after the fifth commissioner expressed interest in participating and gave permission to be contacted, the researcher sent an email to confirm interest, followed by the same detailed email as the other four. After expressing continued interest, arrangements were made for an interview.

Participant characteristics. The five male parole commissioners served as either commissioners or chairpersons²⁵ during their service and were appointed by (and/or served under) various administrations including Governors Mario Cuomo, George Pataki, and Eliot Spitzer. In addition, several spanned two administrations. Both Republican and Democratic-controlled State Senates confirmed participants and the length of their service on the parole board ranged from two to more than ten years.

Prior to employment with the parole board, all five participants held criminal justice positions at either a macro or micro level. The macro level included policy and legislative work with various boards, commissions, or governmental organizations. At the micro level, participants served as correctional officers, juvenile justice personnel, or parole officers. Several expressed interest and sought a position on the parole board while others were approached about open positions. In either case, participants' names were submitted to the Governor for consideration; they were then appointed by the Governor and subsequently confirmed by the State Senate.

After their service on the parole board, one participant retired and the other four continued to work for government agencies or hands-on positions. One participant even worked directly with inmates preparing for upcoming parole hearings. It is important to note that unlike the participants in Study 2 (people convicted of violent crimes), due to the limited number of commissioners and chairpersons in New York State, details about the composition of this group are purposely vague to protect their identities.

²⁵ Although participants served as both commissioners and chairpersons, throughout this chapter, they will be referred to as either 'parole board members' or 'commissioners'.

Materials

Interview protocol. Parole commissioners were interviewed using a semi-structured interview format (see Appendix F). Each participant was asked three sets of core questions with follow-up questions as needed or warranted. The first set of questions inquired about their work involving social science and policy as well as how long they served on the parole board. The second set of questions focused on the parole decision-making process while the third set of questions asked about any hurdles and facilitators to using social science research in practice, in addition to their own ideas/insights about the relationship between the two. Further, participants were probed about the specific criteria used to determine parole approval and denial, their knowledge of empirical data about return rates for people convicted of violent crimes, and suggestions for ways to impact policy and practice.

Recording equipment. Telephone recording equipment was set up via the Information Technology Department at the CUNY Graduate Center, in a room on the 6th Floor (Psychology Department) with a telephone enabled to record interviews. Before the first interview, the Information Technology technician provided a tutorial for the researcher on the proper use of the equipment as well as a practice session to test the quality of sound and operation of the device.

Procedure

Interviews were conducted via telephone as only one parole commissioner was based in New York City; most were in Albany or Buffalo. To keep the procedure constant throughout all five interviews, the interview with the New York City-based parole commissioner also occurred via telephone. Prior to the interviews, all parole commissioners were sent an informed consent form via email (see Appendix G). Participants returned an email affirming that they had received and read the form, consented to participate in the study, and agreed to be voice-recorded.

At the agreed upon time, participants were telephoned, they provided a pseudonym to be used during the duration of the interview, the recording equipment started, and the interview began. Verbal consent was also obtained prior to the start of the interview. Interviews took approximately 30-60 minutes during which participants answered several questions designed to assess their experiences with social science research and policy, the parole decision-making process (specifically as it relates to people convicted of violent crimes), and thoughts on the relationship between policy and practice. At the conclusion of the interview, participants were thanked and all questions answered.

Data Analysis

Interviews were divided into three sections: *Policy Work*, *Policy Integration*, and *Policy Implications*. The *Policy Work* category contained responses to the questions about parole commissioners' work experiences. The responses were sorted for types of work and the nature of the relationships between science and policy in real world settings. The *Policy Integration* category contained responses about how scientists could better inform policy/practice and the types of 'science' to which parole commissioners were privy. The final category, *Policy Implications*, contained responses about parole decisions and the criteria weighed in the decision-making process.

Each of the three categories was then sorted for themes, sub-themes, major categories, and minor categories. Further, a content analysis was conducted on the three categories to determine when, how, and why social science evidence is/is not used by policy makers. What emerged were insights into the hearing process from the perspective of parole commissioners, how decisions were made, the presence and nature of science, and things that promoted or hindered its use and impact on practice.

Results

The Hearing Process: Through the Eyes of Parole Board Members

Parole board members arrived to facilities, randomly assigned to them, with one or two randomly selected co-panel members. Upon their arrival, they received a calendar with the names of those appearing before the board that day. The nature of the cases remained unknown unless the case was ‘noteworthy’; in such instances, commissioners were only told in advance that the case would be before the board soon, but not which members would preside over the case.

Parole board panels (consisting of two to three members) received boxes of files, ordered alphabetically by category; categories included: people that violated parole or probation, deportations, persons eligible for parole after serving their minimum sentence, and hold-overs from prior denials. Before each person arrived for their hearing, board members spent a few minutes perusing the file and preparing questions. After the interview, typically lasting 5-7 minutes, panel members discussed the case, made their decision, and wrote their opinions before moving on to the next case.

Although according to Executive Law, boards have fourteen days to make decisions, , they rarely used those. With such high caseloads (approximately 50 cases per day, 3-4 days per week), the participants reported that the facts of the individual cases became blurred over time; hence, boards made decisions immediately following the hearings. After 3-4 days of parole hearings, participants returned to their offices for paperwork, meetings, and other employment obligations. All of the participants described the process as exhausting and stressful.

The Decision-Making Process: Four Key Factors

Four major factors held the greatest weight in granting or denying parole: *the instant offense, rehabilitation, politics, and victims*. Each factor encompassed moral implications, questions, internal/external forces, and struggles; and, all were viewed through the lenses of different ideologies about the role of prisons within rehabilitation, experiences with criminality, perspectives about criminal justice issues, and future prospects for people convicted of violent crimes. The following findings focus on the parole decision-making process for people convicted of violent crimes only.

The instant offense. Also referred to as ‘the original crime,’ the instant offense is the act for which the person was originally sentenced. In the case of people convicted of violent crimes, the instant offense was violent in nature and former parole board members viewed the instant offense as a constant factor in determining readiness; however, the weight given to that factor occurred as a means of comparison, a focal point, or as a factual piece of the picture for parole consideration.

As a point of comparison, the instant offense acted as marker of the person when the crime was committed. Used as a reference point, it showed how little or how much a person had changed while incarcerated. For Mr. Green, the instant offense offered a way to view rehabilitation, but it was not the sole factor for parole consideration.

Some of my friends say, ‘Look, don't look at the instant offense at all, just look at the person you have right now before you make a judgment as to whether they should be released or not’. I like looking at the instant offense 'cause I'll do a compare and contrast. I'll say, ‘Look, if I'm seeing the person when you came in 20, 25 years ago, my decision would be real easy, but I'm not seeing that person anymore. I'm looking at the way you were back then versus the way you are now.’ And, I look at myself. I'm mid-50s now. I'm a lot different than I was when I was at 2 so I think you have to look at the instant offense. It should not be the only factor and the statute requires you look at the instant offense to weight it yourself. But I think it's very helpful that you look how a

person has progressed or has not progressed, but I don't think you should - and the statute indicates as well - you should not rely solely on the instant offense.

Likewise, Mr. Kane also saw it as an important factor, but not the only factor.

Well, the statute requires us, the Parole Board, to look at many factors- others and the severity of the crime. And that'll take into account the entire criminal history, the rehabilitative goals and processes that took place, the offender's rehabilitation and educational level, his prospects for successful reintegration into the community. All those factors have to be taken into account, so the severity of the crime is only one of those factors. And in many instances, like for example, where it may have been a crime of passion, which in all likelihood would not be repeated, I felt a lot more secure to release that type of violent offender.

On the contrary, as a focal point, the instant offense was used as a major factor, assessing the heinousness, depravity, seriousness, and circumstances of the instant offense to determine the potential dangerousness interviewees posed to society. Yet, the statute provides no guidelines on how much weight to give the actual crime and it often became a central factor in decision-making simply because of its saliency.

The interesting thing about the statute is that it doesn't tell you what percentage to look at and I think that's a bone of contention for a lot of people. I look at it as one of the factors because that's basically what got you there. - Mr. Green

Lying somewhere between a comparison and focal point, the original crime was a fact of the case without judgment attached, but a fact that could not be ignored. Without the crime, there would be no incarceration and hence, no parole hearing. Therefore, the instant offense was acknowledged, but participants like Mr. Aronson, tried hard to look past the offense toward other factors that were more telling of one's readiness for parole.

Well, unlike many of my colleagues - and let me preface this by saying that most of my colleagues focused on the crime itself, okay?- And you would see the release rates for violent criminal offenders should be very low in New York State 'cause that's where their focus was. I tried to get beyond that because there are certain factors that are factors that you can't change. You can't change a crime, that has already happened, has already occurred, so I was more interested in terms of what has happened since the crime.

Rehabilitation. When the focus of the hearing revolved around the instant offense as the major factor, rehabilitation was lost as the focus was more on actions of the past than the person now. However, the crime was much more objective and quantifiable than rehabilitation. In an effort to operationalize rehabilitation, interviews explored how former parole commissioners identified 'rehabilitation' and what they were looking for as evidence of rehabilitation. What emerged were categories demonstrating how board members identified the ways one had changed from 20 to 50 years old and whether that change warranted release from prison. Four categories of rehabilitation emerged: tangibles marking change, voicing change and culpability, future dangerousness/prospects for success, and the presentation at the interview. As such, rehabilitation can be marked by specific actions, but also through the ways people discuss their actions, decisions, and transformations.

Tangibles marking change. By focusing on inmates' acquisition of skills and behaviors while incarcerated, parole commissioners determined whether inmates addressed the issues that lead them to prison (i.e. anger management, alternatives to violence, drug rehabilitation). By including certificates of completion from various programs within inmates' files, board members saw actual evidence of change.

Skill-enhancement, vocational programs, and academic programs, also offered tangible markers of change in the form of vocational certificates, GED completion, and/or college degrees. These actions represented lowered risk to public safety since the literature suggests that education and skills increase prospects for employment, productive networks, and financial stability outside prison. Likewise, little or no disciplinary tickets showed inmates' positive behavior within hostile prison environments. Hence, if an inmate followed rules inside prison,

they stood a greater likelihood of following rules upon release. For Mr. Aronson, being able to document change was critical to reaching the threshold for release.

What has that person done, first of all, to merit even consideration for release? Does he or she present a further threat to the community? Can I see a documented change in that person so that there is minimal risk that he or she would return to their previous mode of behavior? Have they done some things to take care of their anger management or to address those issues that escalated into somebody being killed or seriously injured? Were they involved in any type of skills enhancement program, be it vocational or academic? What has their behavior been like since they've been institutionalized? A person who has a number of disciplinary infractions would indicate to me that this person is certainly someone who poses a risk that may be unacceptable depending upon the disciplinary action that that person displayed. A number of disciplinary actions would certainly cause me some concern.

Voicing change and culpability. Additionally, parole board members listened to the ways interviewees explained not only who they were at the time of the crime, but their thought processes and mindsets before, during, and after the offense(s). They listened to how interviewees voiced what had changed during incarceration and why the change occurred. Parole board commissioners looked for self-awareness, which assisted other elements of change such as an internalization of culpability for one's crime(s) and remorse. Mr. Kane, suggested, *"Internalization of one's culpability is the first step in approaching the threshold of the rehabilitative process."* Similarly, Mr. Dobbs listened for a sense of remorse from interviewees and an appreciation/understanding of the damage the crime caused the victim and the victim's family.

It's really hard to measure remorse. And because you're only with them for 15 minutes, maybe sometimes shorter, sometimes longer...what I sort of wanted from them was for them to sort of explain the type of person that they were when they committed their crime and what were they thinking when they did these terrible things and how as a human being they could bring themselves to doing that, to take somebody else's life. That's the worst you can do to a person is to take a person's life. And how could they have gotten to a state that they did that. And then after they've explained it then I tried to get from them, 'Well, why are you different now or are you different now or how are you different now? What things did you do to make yourself a different person? How much do you really understand the pain you caused not only the person who's life you took, but their family's

[lives]?' So, I don't know, I just sort of tried to get them to explain that to me. It's sort of a feeling that you get from someone. It's not a science. Again, you either believe them or you don't believe them.

How a person accepted responsibility for those actions and discrepancies, shaped how parole commissioners viewed the person's change over the 10, 15, or 25 years inmates were incarcerated. Further, according to Mr. Kane, since the majority of cases plea-bargained, the parole hearing was often the first time inmates were subject to questions about altering statements given to different people (i.e. the arresting officers, attorneys, and judges) and about their entire social and criminal history. Hearing participants continue to waiver about their acceptance of responsibility demonstrated the person was not ready for release.

A lot of times you have to remember that at least 75% of the people in prison were there as a result of plea-bargaining; they never went to trial. And when they came, the parole board was, for many of them, the first time that they were confronted, officially, with their criminal behavior, subjected to the equivalent of cross-examination. And a skillful cross-examiner would be able to elicit certain facts from the inmate that would give you a better mindset as to whether or not the individual internalized culpability for the behavior. Many times, the offender made one statement to the arresting officer and a different statement to the probation officer; another statement to the institutional counselor and another statement to the institutional parole officer before he got the parole board... And you take a look at the inconsistent statements and compare that to what he says to the board in the interview. You see a pattern here where the offender vacillated back and forth as to whether or not he accepted responsibility for his behavior.

Future dangerousness & prospects for success. While the instant offense was the critical piece for most board members, the entire prior criminal history helped establish an interviewee's capacity for change. Prior serious offenses left parole board members unsure if a person learned their lesson during the most recent stint in prison and prior violations called into question whether a person had the capacity to live in society crime-free.

Well if they were in prison before and they're back again serving a new sentence, it sort of implies that they haven't learned too much. Maybe they'll learn again on this sentence, but those guys were certainly much more at risk to being held because they've proven that they can't live in society without committing crimes, so it's sorta hard to let them out.
- Mr. Dobbs

Specifically, board members looked for support mechanisms on the outside and a release plan that included outside organizational assistance. A strong support network on the outside, as evidenced by letters of support, assured board members that positive people would assist interviewees in improving their lives and behavior. Likewise, a release plan demonstrated the person had seriously considered life after prison and ways to decrease the chance of returning to previous negative behaviors and environments.

The other thing that we'll take a look at in terms of... what are the support mechanisms that this person has if he or she was released? And, is it a real solid support mechanism or is it just something that somebody offered to say, 'Hey look this person is gonna help me to get outta jail and then when I get out, I'll just go my merry way.' There had to be a bonafide and legitimate plan, a release plan that this person had in place; one that again, wasn't a lot of fluff, but one that was actually a solid workable plan. - Mr. Aronson

Mr. Kane also looked for a release plan, with counseling provided.

We also looked at prospects for successful reintegration; whether their release plan included a program where they would get the continued counseling they need. If it was a sex offense for example, we would want to make sure that the individual participated in psychosexual counseling, in that there was a psychosexual counseling program available upon release to the community.

Further, housing and employment also helped reduce problems upon release as did the involvement of outside organizations and agencies specializing in the needs of formerly incarcerated persons, willing to provide treatment and counseling. Outside programs provided greater confidence about the person's prospects for success on the outside and lowered parole commissioners' threshold for granting parole as the organizations 'shared the burden' of public safety with the board.

I would always try and recommend that they contact the Fortune Society and I would reach out and say, 'I was on a panel that granted an open date to this guy. Could you come up and interview him and see if he's suitable for your program?' Because you'd rather have him work there, where he can get reacclimated to the community then go out on his own. So there are successful programs and if they're out there, then it gives you a little more confidence to release somebody. It made your confidence level a little bit

lower. If I was gonna release somebody, I wanted to have a pretty good sense that this person can be successful out there. - Mr. Green

Among the well-known and oft-cited aspects for consideration of future dangerousness and prospects for success, was a person's age and whether they had served a long sentence as these people tended to 'age out;' they no longer participated in the same activities as when they were younger. Mr. Aronson discussed how aging out, and particular circumstances such as crimes of passion, shift the way commissioners think about release for long-termers.

One of the, when you talk about violent crimes, when a person is convicted of a homicide let's say, and that's probably the ultimate in violent crime, as if people had a tendency of not releasing them. But if you look overall, most homicides are really a crime of passion, it's really a one-time offense and that person probably would never repeat that type of behavior. In fact, if you look statistically you'll see that people convicted of homicide rarely recidivate. Part of it is because they receive such a long sentence to begin with that they've probably aged out of the process by the time that they are released. And again, that was part of our consideration, in addition to what has that person done since he or she was incarcerated.

Presentation at the interview. While the interviewees' file gave board members background about the case, the interview was crucial in determining parole decisions including the person's overall presentation answering questions and body language. The interviews allowed dialogue about one's thinking, past behaviors, and who the person was beyond objective factors in a file. All five former commissioners said the interview was critical to determining whether to grant or deny parole.

In a number of cases, particularly with long-termers, it has to do with the presentation that the individual makes at the appearance. It's not anything that that individual can say. It's the overall package. The presentation in terms of their appreciation and understanding of what they've done and how they've changed. – Mr. Everly

Further, while a lack of eye contact, particular mannerisms, and nervousness reflected negatively on interviewees, board members also tried to be aware of *why* a person might be

behaving a certain way during an interview rather than misconstruing their behavior.

Simultaneously, they pushed for answers to questions about the person and their offense.

The interview's important, but you have to look at cultural differences. Some cultures, you don't look somebody in the eye 'cause it's a sign of disrespect; other times you're nervous. I mean think about this, you're a person coming before the parole board, you're seeing two or three people you've never met before and they're rehashing with you the worst day of your life. I mean just picture yourself, the most embarrassing moment in your life, not even a crime, but just the most embarrassing moment in your life, and you've got two or three complete strangers grilling you in detail about that. It's kind of disconcerting... You wanna get a sense of what the person's like. What I used to always do is look at the record from the worst-case scenario, and I would jot questions down that I thought I needed answers on. And sometimes you would get the answers without even questioning. The offender would mention [something] to you and that would answer your question, not even have to have them answer questions. Sometimes you really wanna know the answer to questions and you kinda pushed more. - Mr. Green

All five participants wanted more time with the files, the interviews, and writing opinions. With fifty interviews per day, time constraints dictated that each inmate's entire process took about fifteen minutes from file to decision. Mr. Kane felt the small window did, "*not allow for a thorough analysis of the case*" and three other participants saw measuring intangibles as difficult, therefore, more time with the inmates and files would allow greater assessment of readiness for release.

Politics. All five participants cited politics as a factor within the decision-making process. In particular, the Governor, politicians, constituents, and the political process, all shape how parole decisions are made. In terms of setting the tone for the treatment of certain individuals, the Governor wields tremendous indirect influence and in a more direct way, Governors also shape those that make parole decisions by choosing commissioners that share similar views about parole issues, particularly when the Governor holds strong views (and voices those views) about parole for people convicted of violent offenses.

The governor does play a big part in choosing the parole board commissioners because the governor is actually the one who makes the decision as to whether someone should be

a parole board commissioner and if the Governor has sort of like a hard line policy on violent offenders, like Governor Pataki as opposed to prior Governor Cuomo, then there's a message to the people who are chosen by him to be on the parole board. I mean it's hard to disagree with the person who gave you the job... So he did send a message to the parole board; he didn't call people up and say, 'Don't let these people out,' but he, his statements were in the newspapers and I'm sure it had an effect on parole board commissioners making decisions. - Mr. Dobbs

For participants who served on the board during both the Cuomo and Pataki administrations, the Governor's ideology was felt on the ground. And, although toward the end of the Cuomo administration, a shift had already begun toward longer sentences for people convicted of violent crimes, a noticeable shift occurred when Governor Pataki was elected. The Governor made known his positions toward people convicted of violent offenses through legislation (whether attempted or passed) and statements in news conferences, newspapers, and other media outlets. Parole board members were aware of these positions and the rifts between the board members were real and almost immediate.

I think there were some changes in the philosophy of the appointees under the two administrations, but I think the latter years of the Cuomo administration there was already a shift to deal with certain offenses with longer periods of incarceration. - Mr. Everly

In addition to the pressures and obligations to Governors, re-appointment ensured one's record would be presented as part of the process, affecting their decision-making by changing the ways commissioners looked at cases and where they placed the threshold for granting parole.

You're looking at terms of political leaders who have to have a buy in as well, and when they're confirming people. How much does that person have to conform to what they're outlook is? And, their outlook, again, is tempered by the constituents that they represent. If it's a matter of a person that is not faced with term limits and still has to continue to convince his people to elect him or to reelect him, he's going to gravitate toward, right wrong or different, to what messages they're sending them. If I'm not concerned with term limits and things of that nature, I might be more of a risk taker. - Mr. Kane

Additionally, politicians' ideologies about criminal justice issues directly shaped how they cast votes for initial appointments of parole commissioners and future re-appointments.

Senate members represent the temperature of their constituents and the political nature of elections shaped the process. As creators of public opinion, constituents shape cultural attitudes that influence legislators, government, and in turn, parole commissioners. In fact, all of the participants admitted that public backlash, as a result of their decisions, or in the event that a person granted parole committed another crime, factored into their decisions.

You're in a 'damned if you do, damned if you don't' situation. If you release someone that the public did not believe should be released, the parole board would be the butt of criticism. No matter you did, you run the risk of public criticism and public scrutiny.
- Mr. Kane

However, as Mr. Kane notes, politics was not the primary factor in determining parole.

The negative publicity resulting from a release has always been a concern to the board and rightfully so, but nevertheless, the community reaction to the release of an offender, is not the primary consideration.

Yet, as Mr. Aronson suggested, negative publicity was always on commissioners' minds.

That's always in the back of any commissioner. And it isn't, ideally, from a theoretical basis, you look at all the factors and say, 'Has this person rehabilitated himself? What points itself toward that particular entity?' But I think in the back of everyone's mind is, 'If I release this person and something happens, who's going to get blamed for it? What's the community going to think? What are the political people going to think? Am I going to be called in before some senate judiciary panel to explain my decision and my decision-making process? Are the jails that full right now that I've gotta release this person?' That's certainly in the back of, I think, a lot of people's minds when they're making release decisions.

Victims. Organized groups such as unions and victims' rights groups held tremendous political influence for parole board members. Particularly in the case of unions, pressure comes through protests and the political power they wield; parole board members were cognizant of union strength.

When I was commissioner, and more and more, people would come up for parole that were serving time, long terms for homicide that involved police officers, particularly New York City police officers. And I can tell you in each one of those cases, that the police union, their PBA [Patrolmen's Benevolent Association] was very vocal in their opposition about that person being released. That sticks out in that commissioner's mind.

Does he want to go to his office and find that Patton Lynch [President of the PBA] and the rest of his folks are picketing his office because he rendered a favorable decision in terms of someone who maybe killed a police officer, albeit, 20 or 30 years ago, way before any of these present police officers were even police officers? Some of 'em weren't even born yet. But they see themselves as part of that whole community of victims and it becomes very vocal then with regards to release of people who you know was engaged in homicides against that particular group...Because what happens when the police union objects to it, then they have a way of getting to the political representative. And unions are very vocal because they have a way of not only talking and protesting, but they protest with their votes as well. - Mr. Aronson

And, when the victim was a police officer, the chances of a person's release, despite any evidence of rehabilitation, was overshadowed by who the victims was in conjunction with union pressure.

I feel those guys, if they've done well in prison, not had a lot of tickets, seemingly have changed their lives, they should be released, but unfortunately many of them are not released. And that's what I think is the biggest problem of the system. Also, those people who do a lot of time and the parole board commissioners are afraid to let them out because they don't want their name on a sheet of paper that let out somebody convicted of a murder....I think public opinion is relevant especially if somebody's killed a cop or been part of a robbery where a cop got killed. Whenever a cop got killed, it's really hard to let the person out even [if] they're completely changed, [You can't know if] they're not gonna commit any more crimes, you know? It's very difficult, that's why hardly anybody who kills a police officer gets out. - Mr. Dobbs

The vulnerability of the victim also weighed heavily in their decisions, along with the impact to victims and their families. Although the stories of loss, pain, and sadness were difficult to hear, victim's impact statements were tremendously influential. Statements were given via video or in writing and became part of the inmates' files, accessible by board members, and providing testimony about the continued effects of the inmate's crime. For Mr. Green, the issues of granting parole and rehabilitation were tempered by the impact of the crime.

I just did a meeting last night with family and friends of homicide victims. They factor in tremendously. That's one of the factors you consider, and you should consider. Some of these crimes have devastated people's families and my gosh, it's certainly a factor of concern. And that's what makes the decision even tougher 'cause it's not just worrying about tabloid headlines. You're releasing somebody and maybe the victim's family doesn't want, strongly advocates that this person stay incarcerated. That's difficult. And that's

what makes the job very hard. Some of these cases you look at where some of the inmates indicate, 'What do I have to do? I can't believe that I haven't been released.' [But] victims' contact with the parole board is confidential. So the inmate would never know unless the victim wanted them to know or the families wanted them to know that they were in contact with the parole board. So there's a confidential file that goes with the inmate file and indicates if the victims have reached out and there's transcripts of victim impact meetings there. So that's another thing to consider, you've got an inmate there, he's done great, and you're reading this victim impact thing and it's heartbreaking. Where the inmate's doin' great and he's got a pretty, got a pretty good release plan, these victims tell you, 'It would cripple my family if this person got out,' and that's another factor you've got to weigh in. And the inmate would never know that, 'cause he can't refer to the confidential file.

Tangential Components to the Decision-Making Process

In addition to the four major factors weighed in the decision-making process (Instant Offense, Rehabilitation, Politics, and Victims), tangential components contribute to how the system operates including aspects of sentencing, statutory criteria/executive law, and the parole board, as well as case-specific, special circumstances that shifted parole decision-making.

Sentencing structure. The sentencing structure directly affects eligibility for parole, thereby affecting who appeared before the parole board. As explained by Mr. Green, as a result of New York State's legislative shift from indeterminate sentencing to determinate sentencing for people convicted of violent crimes, most cases the parole board presided over were long-term felons as the policy was not retroactive.

Well, New York has transitioned from an indeterminate sentencing structure where you had a minimum and a maximum to a more determinate testing structure. Right now you have the parole board, other than cases that have been in the system, most of the, prior to that, most of the cases the parole board will see, will involve long-term violent felons, people that have been incarcerated for a long period of time, but that's the one piece of the indeterminate structure that has stayed with the parole board and the Spitzer commission on sentencing a couple years ago recommended that the parole board retain that function, keeping the long-termers in there.

Parole board members respected the long sentences people had served and were cognizant of disparities within the system where some people received life sentences while

others, committing similar offenses, received less time due to differences in sentencing structure (the indeterminate versus determinate shift), as well as geography, attorneys' capabilities, and issues unrelated to the crime itself. These policies factored into how board members looked at cases, specifically, those with life sentences.

And I'll tell ya, for the nature of the offense, you would see somebody, a lot of it depends on the mood you were in, the attorney you might have had. I've seen situations where somebody got a 25 year to life sentence, and again obviously all cases aren't the same, but someone received a 25 year to life sentence, and someone else pled out and received a maybe a 7 to 15 year sentence on the same thing, and maybe pled down to a manslaughter. So you look at the cases, but there also is some disparity going into the system depending on the circumstances behind your sentence and arrest and even what county you committed the crime in. I took a special look at people who had life at the end because there was a possibility that those individuals would never be released despite what they might have done inside. - Mr. Green

Lifers (i.e. 25-life) raised important questions for parole commissioners about their role and the importance of their job.

The people that were the hardest in my opinion were the people serving life sentences because if you're not serving a life sentence in New York State you're going to get out at some point. You're gonna release at some point what they call the conditional release date and it doesn't matter what the parole board says, you are getting out. So, those cases were not difficult to me, 'cause if I didn't really like the guy, or I didn't like his prior record, he kept doing the same thing, I just held him 'til he statutorily got released. But the people serving life sentences were the hardest cases because the only way they can get out of prison is if the parole board lets them out and the crime usually happened many years ago and they were very young usually at the time and many of them have changed their lives significantly and those were the hard cases. 'Cause some of the crimes were really brutal, but I always ask myself the question and tried to get the other parole board commissioners to ask the same question, 'Do you feel the person should stay in prison for the rest of their lives? And, if you don't, then you have an opportunity now to give the person a chance to go on with their life and make a contribution to society without being in prison.' That's pretty much my philosophy in those cases. - Mr. Dobbs

Further, Jenna's Law (the 1998 legislation) shaped decisions by helping participants like Mr. Green, determine when people had served enough time by establishing the difference between the sentence pre and post legislation.

One of the factors I looked at [was] if someone was sentenced to a determinate sentence under Jenna's Law, how much time they had actually served on an indeterminate sentence if they were sentenced prior to Jenna's Law. So I would pull out sentencing charts and say, 'Okay if this person committed a similar crime - again no crime is the same, but committed a similar crime - here's what the range of sentencing would have been under Jenna's Law.' And say that range was for a violent offense, say the range gotta be set somewhere between 12 and 16 years and they receive a sentence of 14 [years], and if I saw someone on an indeterminate who had received maybe a 18 to life and that person had done 22 [years], well that's substantially higher than what would have occurred if that person had been sentenced under a determinate sentencing structure. - Mr. Green

The Felony Murder Doctrine raised other fundamental questions about what it means to be culpable and a 'violent offender.' Legally, people present during the commission of a crime resulting in death, are just as guilty as the 'triggerman.' However, Mr. Dobbs, these cases were difficult to decide as they challenged parole board members' notions of responsibility and definitions of second-degree murder.

Whether or not this person actually pulled the trigger or stabbed somebody that makes a big difference. It made a big difference in my mind, as opposed to somebody who's sitting in the car as a lookout. Even though the law says that they're both as guilty of the same thing...Let's say three people are in a car and I have a gun and you're in a car and someone else is in a car and I tell you, 'I'm going to go in to rob this liquor store and you guys just watch for the cops, and if the cops come, I don't know what, but anyway tell me, let me know, tell me, call me, whatever,' but I showed you the gun. I go into the liquor store and something happens and I killed a clerk, and I come running out and the cops catch us. All three of us are charged with Murder II. - Mr. Dobbs

Mr. Everly echoed these sentiments.

Felony murder, I think you have to look at, yes, they've been convicted of murder, but the role that they played in that has to be taken into consideration. The principal actor carries more responsibility than someone who may not have known that this was an outcome, but they were involved in a criminal act that lead to the loss of life and they were convicted of murder. The person sitting in the car outside is not as culpable as the person who pulls the trigger, but those are factors that need to be weighed as part of the decision. I think any time there's the taking of a life, or a sexual victimization of a vulnerable victim, those are difficult cases for me when I could see that person in front of me had made an effort to deal with that, had made an effort to change. Getting over that threshold, where there was enough to arrive at a release decision. I think that the magnitude of the offense made the hurdle that much more difficult.

Statutory criteria. Moreover, while statutory criteria/executive law dictated which aspects of a person's record were factored into the decision-making process, it did not dictate the weight of the gravity of the crime versus rehabilitative efforts. Additionally, while change was to be considered along with the disciplinary record, the law also stated that discretionary parole was not a reward for good behavior, leaving participants confused on clear guidelines for the process.

Additionally, voting guidelines state that with a three-person panel, two people must vote to release a person; with a two-person panel, a split decision equated to a denial. Parole commissioners voiced concern that the voting process did not force commissioners to struggle with their decisions if the other panel member(s) (in a two or three person panel) decided to deny parole. In fact, during the transition from Governor Cuomo's to Governor Pataki's administrations, the ideological divide between Cuomo and Pataki appointees created a shift on parole panels as those supporting Pataki's ideology held a greater sense of 'veto' power, especially on two person panels.

There were cases that I really struggled with. The problem is, you have to get two people to struggle with the case. In other words, you need two votes to get out, so there are many cases that I felt I could struggle with, but I was out-voted because people weren't gonna let the person out anyway, so there's no reason to struggle with it. So it really takes one person to say yes, and the other person to not know whether it's a yes or a no and to struggle with it that way, or two people struggling with a case, the same case.

- Mr. Dobbs

Parole board. Further, panel composition, term limits, and transparency shape *who* makes decisions, the duration of the power to do so, and the ways decisions were understood. Panel composition, while molded by politics, often consisted of a dichotomy of those with law enforcement backgrounds and those with social welfare backgrounds, creating a chasm. Some leaned toward the instant offense as the primary factor (law enforcement backgrounds) while

others focused on rehabilitation (social welfare backgrounds). Therefore, who sits on the panel directly shaped the decisions.

I think that is a major concern 'cause a lot of it depends on what parole panel the offender comes before. So here's a guy maybe nothing had changed, maybe the guy got a panel that was maybe more focused on law enforcement, maybe some of the background, maybe the people on that panel were former DAs or assistant DAs or law enforcement people, and maybe they got caught up in just the instant offense. And then maybe two years later, you've got a panel with maybe someone like me on there, or maybe someone more of a social welfare background, social worker background and looked at how the person had changed, so maybe nothing. That I think is the major disparity right now, is the potential composition of panels and so for example, nothing may have changed.
- Mr. Green

In fact, as Mr. Everly suggests, decisions can not only change from one board to another, but from one *day* to the next, shaped by the random assignment of board members to parole panels.

I think that you could have, not only two years later - if the person was seen the next day by a different panel, you could end up with a different result.

Additionally, six-year term limits for parole board members were often circumvented by reappointment. Four of the five former parole commissioners identified term limits as the ‘Achilles Heel’ of the process. Only one parole commissioner felt differently. While he had served the longest term on the parole board (over ten years), he did not think term limits were a problem nor did he see political influence within panels on which he served. However, according to other board members, “learning the ropes” took 3-4 months; hence, six years was ample time to learn the job and perform it for a substantial period. As mentioned previously, participants worried that reappointment changed the threshold for granting parole and without the possibility of reappointment, commissioners would instead focus on the cases before them instead of their own futures. In an ideal model, when one’s term expired, they would leave despite whether someone was appointed to fill their vacancy.

I think in some cases, some members thought there's a hesitancy in taking a chance on someone if you're thinkin' about getting reappointed. So that's my one thing I would say

is, a firm limitation. Like right now under the statute if your term expired say June 2nd and nobody's been appointed to take your spot, you stay on until that person takes your spot. I think June 2nd you walk out the door, that's it...Now, the other side people argue [that] if you've got this perspective maybe you should stay on and on and on. I don't think that's a good thing. I think because, human nature being what it is, if you wanna stay on the job, on any job, you have your boss; sometimes you subconsciously wanna reflect the boss' aims and aspirations. - Mr. Green

Mr. Green continued with his concerns and the freedom term limits could provide for commissioners.

I think, you're always gonna have politics, or your own personal opinions, to some extent, being part of any decision making process. But if you don't have a possibility for reappointment, then your kind of immune from that to some extent. Because I saw on a couple of occasions, where you'd have members who'd be commissioners who'd be somewhat hesitant on maybe taking a chance on an inmate if they were contemplating being reappointed.

Four of the five participants also cited issues of transparency as problematic to the process. For two participants, the issue urged fellow board members to hold honest discussions, despite political ideologies, in order to open the decision-making process to internal scrutiny and the difficulties involved.

I think that it's important for the parole board to constantly work at achieving some degree of collegiality, where there are open frank discussions about the whole process. The fact that everybody is capable of change and that has to be recognized. The statement that, 'I'm not the same person that I was twenty years ago' is in fact true, and has to be taken into consideration. I think at the same, on the other side of the coin, the whole argument, that they served their minimum and anything beyond that is resentencing, that needs to be examined too because I don't think that's accurate either. - Mr. Everly

For the other two participants, transparency was needed most for inmates to make the decision-making process fair and understandable versus unclear and arbitrary. For board members like Mr. Kane, that process involved making explicit the board's expectations for interviewees and how decisions were made.

For me, it was a matter of making the right decision and I think that every single one of my decisions, was something that I could defend.... The decisions that I made were very

well thought-out and very well-written. They were very defensible. And not only that, but even in denying parole, I made it a point to tell the offender in advance, what were some of the factor that would lead the board to deny discretionary release. And what steps would have to be taken by him or her prior to their next appearance before the board. And in the meantime the inmates would write to me and they would thank me for giving them that type of insight.

Special circumstances: Gender & type of crime. For two participants, gender subtly changed their perspectives on a case; both believed that women fared better, especially when the person had stability on the outside and dependents (i.e. children).

Women you look at from an altogether [different] eye in terms of who is this woman and what does she represent and what does she have on the outside that can enforce some degree of stability. Does she have a family, somebody dependent upon her for their care? So it's a different dynamic than you would find from a male that's being considered for release. - Mr. Aronson

While the data from Study 1 suggest that women's return rates are even lower than men's, treating women differently is questionable as *both* men and women have remarkably low rates.

Additionally, the type of case affected the view of the inmate. As noted previously, 'cop killers' stood little chance of receiving parole due to outside pressures and the blatant disregard for the law. Other aspects raising the threshold for parole included crimes against children and sexual offenses against vulnerable persons. Specifically, when children were victims, any gender advantage was erased (i.e. if a mother harmed her child) and for cases involving the sexual victimization of vulnerable victims there was, as Mr. Aronson stated, "*a general reluctance to look at the person favorably.*"

Despite the various factors influencing participants' decision-making process, they grappled with their decisions, saw those decisions as extremely important, and viewed each person as deserving of respect.

Each individual who takes on that responsibility [parole board member] has to take it very seriously and recognize the weight of the decisions that they're making. One of the things I felt [was] that every individual who came before the parole board, no matter

what they had done, was deserving of respect. I tried to have as much influence on my colleagues to remind them that this may be the twentieth case you've seen today, but this is this person's one chance, maybe his first chance at parole, and it's an important day for them, and they need to be treated with respect, and they need to know that their case has been taken seriously, and given due consideration.

And for many, like Mr. Green, each decision was recognized as far-reaching and difficult, particularly if the person had truly exhibited change.

I'm pretty conservative. I mean I wasn't interested in the parole board releasing people who are gonna go out and commit horrible crimes; it doesn't serve me well either. I don't wanna run into somebody in the supermarket who shouldn't be out. At the same time, if you believe in redemption, if you believe that people can change, and you look at the statutes and the statutes kind of tilts you towards that way, you should be looking at that, what do you do? And that's why it's a good job, it's an interesting job, but it's also a tough job. And a lot of it depends on the individual, some people can sleep at night, and be able to look themselves in the mirror in the morning and it doesn't bother 'em; others you think about these cases.

The Presence and Nature of Science

Former board members discussed the information available to them in terms of how, when, and what was accessible. Furthermore, it was important to delve into the type of data that constituted 'science' for participants. By understanding the source and nature of 'science,' social science researchers can better understand how information in general, but specifically information related to people convicted of violent crimes (i.e. the findings from Studies 2 and 3), can inform the decision-making process with empirical data.

The bulk of the scientific material available to parole board members came from NCJRS (National Criminal Justice Reference Service) or non-profit researchers, supplied during monthly, full board meetings by Chairpersons or other parole board members. The material, mainly articles or policy briefs, adhered to general topics versus case-specific data. By focusing on categories of offenders and offenses, distributors avoided resistance to the material if commissioners felt their decision-making ability was being intruded upon. One commissioner,

Mr. Aronson, disseminated scientific research to others at board meetings in an effort to educate rather than influence others.

I did disseminate scientific research in board meetings [and] we'd have discussions over certain types of offenders and certain types of offenses, but in a very general sense. Nobody really is going to, and for that matter no commissioner is going to, allow their Chairman, to dictate to them in terms of what decisions they should make with regards to any one individual, but you do so in a general sense. You kinda educate people, bring them up to par. Keep in mind that not all parole commissioners have a criminal justice or a law enforcement background. Now some of 'em, I'll be honest with you, are political appointees, and so you want to make sure that they at least have the best research available with regards to, again in a general sense, with regards to offenses and offenders.

Other reports were accessible on-line and members sought research on their own as well. Although rare, another vessel for information, a specialized 'parole profile,' was compiled by a company or attorney, hired by the inmate (or their family), to highlight programs available in the community to which the inmate sought parole, as well as information about recidivism rates for the group to which the person belonged. While these reports were inserted into the person's file, most people could not afford them.

Much of the research provided to participants focused on the etiology of criminality, categories of offenders, rehabilitation, risk assessment tools, background(s) of typical inmates based on type of crime, recidivism rates and trends, and reentry. Other information included studies on self-awareness and its role in rehabilitation as well as the impact of exposure to different paths (while incarcerated), on inmates' transformations. Researchers also focused on programs that aided in successful reentry (i.e. Fortune Society). Even more highly technical and specialized information was discussed among board members, depending on the panel.

I mean it depends what type of commissioner you are. The good ones you work with, you have some great discussions after the interview about what decisions you're gonna make. Some other ones, not so much. I worked with a guy who talked a lot about incomplete synapses among people 18, 19 years old, that the brain stems are not fully formed. It all depends who you serve with. - Mr. Green

All five of the participants also knew that people were more likely to reoffend when their sentence had been relatively short, and for a crime of burglary, larceny, or robbery, and that long-termers and those convicted of crimes of violence, rarely reoffended.

The Use of Science

In addition to understanding the source and nature of science accessible to parole board members, the analysis revealed several things that encourage and hinder the use of science in practice. Promoting the use of science necessitates: relevance, buy in, widening the audience, and quantification through assessment tools. Reasons science was not used included: relevance, the logistics of the position, public relations/public safety concerns, common sense/ a sixth sense, and the impact of the crime.

As with many things, whether to use or not use science boils down to its ‘relevance’ to the task at hand (in this instance, the *case/person* at hand); as such, ‘relevance’ both promoted or hindered the use of science, acting as both a facilitator and hurdle to practical use. Since scientific findings were often generalized and might not apply to a specific case, parole board members determined on a case-by-case basis whether to apply scientific findings. If the material applied, members used the data; if the material failed to translate to the case, parole commissioners used other means to make decisions.

There were always studies of that nature [low recidivism rates] available to the parole board and usually the parole board, in its monthly meetings. As a full board we considered delinquency assessment for example, and other matters that required full board action. And, in the course of those meetings, data and information would be presented, that talk about trends and patterns and recidivism rates and the types of inmates that are least likely to reoffend. All that data and all that other information was available; CJS [Criminal Justice Statistics] and all the other non-profit organizations would produce reports of that nature. Some of the national criminal justice agencies would produce similar types of reports that were always available to the board so that information was readily available, like categories of offenders and the risk of reoffending, but the board was tasked with making individualized-based decisions with

regard to an offender and sometimes those criteria would apply to the offender before them and sometimes they would not. - Mr. Kane

Promoting the Use of Science

Buy in. While information was readily available to parole board members, they also had to want (and be receptive to) the information. The data reveal that researchers need buy in, particularly from leadership (the Chairperson), for commissioners to use the information; they needed to create a feeling of both usefulness and agency so parole commissioners felt they were participants in the process rather than simply recipients of data. By creating a partnership between scientists and practitioners, science would feel more useful and thus, more trustworthy.

Oftentimes and regardless of how good your research is, and how good a conclusion is, that there's no buy in by the user. It just sits there and collects dust. And so, buy in not only from the user, but from the leadership as well. Some of the things that I try to implement, again if I didn't have some degree of familiar with, there's no way in the world where I could even begin to get any buy in from those other folks...Again you have to get the leadership to buy in first of all. Now the second of all, in order to get to the buyin you have to create some degree of familiarity with the information and I think you do that through seminars, through workshops, through every available opportunity to educate or to re-educate those who are in a decision making position. - Mr. Aronson

Widening the audience. Likewise, rather than solely targeting other scientists, publicizing the findings more broadly allows alternative audiences access to information, creating more acceptance outside of academic circles. Since parole boards act as microcosms of society, disseminating information widely would enable public discussion, and possibly pressure amongst people in positions of power, to change the process for the group of concern.

Furthermore, when targeting different audiences, the format and presentation of the material must also change, by utilizing language tailored to non-criminal justice audiences. All-encompassing phrases such as 'evidence-based' were too vague for commissioners; phrases like 'best practices' were more useful to non-scientists. Including concrete examples at the everyday level would increase the likelihood people would read and understand the data.

One of the things is I think is making it more common language. Sometimes we have a way of talking and producing research that speaks to only those folks that are on that particular level. But those aren't the folks that you're trying to reach. Those aren't the persons that are going to use that research, and so it has to be an everyday language that the common folk are going to use it, and to be comfortable with it and identify with it. There has to be something in there that is kinda like real life and something that's kinda removed from the test tube if you will. - Mr. Aronson

Risk assessment tools. Risk assessment tools quantify the level of risk for an interviewee, and in conjunction with the interview process, could give parole commissioners guidance in decision-making. Several participants desired a rubric of criminal factors and rehabilitation issues; factors already weighed by participants would be given structure and dimensions in a user-friendly format. Participants like Mr. Everly, embraced the use of risk assessment tools as a complement to, though not in lieu of, the interview process.

I think a risk assessment tool objectifies a lot of the things that the board takes into account as it is: the nature of the crime, the prior criminal history, what the individual has done while serving the sentence to bring about change, and then all those kind of objective factors would be superimposed on a more subjective evaluation of the interview itself.

In fact, while serving on the parole board, Mr. Everly worked with the then-Chairperson, to find various risk assessment tools that might prove useful.

That material was available and when I first came on the board, I worked with the Chairman to look a variety of different tools, instruments that would be helpful, but none of that ever really came to any actual implementation. A risk assessment tool was explored, but never put into place.

However, Mr. Aronson voiced concern that risk assessment tools would always prove problematic when administered in the political context of parole, influenced by public opinion.

Well, and that's debatable. I would like to think that when a person can show scientifically that a person or a group of person are less likely to return to crime, that that would certainly be considered by the releasing authorities. Because keep in mind that they don't have a crystal ball, but many of them are of the opinion that they do have a crystal ball and they are certainly swayed by public opinion. And, I think that regardless of what instrument that you come up with, that you're going to always have

that element of public opinion that's going to sway that commissioner's mind. Who is going to say something about this release?

Hindering the Use of Science

Logistics of the job. All five participants expressed some concern for the stressors of the job, the time, anticipated (and real) criticism, and the workload, exacerbated by (what they felt) was low compensation. As such, the logistics of the positions interfered with seeking and using social science research. The time-consuming nature of the job left little time to analyze the case files, let alone an analysis of scientific findings. Further, the workload put commissioners on the road for most of the week, for most weeks of the year. When they returned to their offices, they tackled paperwork and made phone calls, leaving little time for much else. Likewise, the stress of the job forced parole commissioners to find ways to deal with the burden of such far-reaching decisions. One such way was compartmentalization. As Mr. Everly stated, *"When I leave the facility, I don't think about it anymore."* Therefore, seeking out research muddied the waters between one's employment responsibilities and their outside lives.

Public relations/Public safety. Parole commissioners also worried about the public safety component of the process. After all, even with spotless disciplinary records and low risk, a chance existed that someone granted parole would commit another serious crime. Three of the five participants worried about media reports related to people convicted of violent crimes as one bad case changed the landscape of decisions.

It's easier to have demagoguery out there, I mean who's against 'tough on crime'? I mean, look at the phrase, 'You commit the crime, serve the time' 'If you can't do the time, don't commit the crime.' These things are great; they're great slogans. And again, you're only one bad case away from all the research and all the studies - We could be talkin' now and somebody who serves 30 years went out there and commits a horrible crime. One bad case, one tabloid headline can really turn it right around...And not just from a public relations perspective, just from a tragedy perspective. If you misread an individual, that would really get you thinking. If I was on a panel that released somebody and he or she would have gone out and committed a series of horrible crimes, you'd say

to yourself 'Wow, maybe I'm missing something. I've gotta really pay attention could it be that something I've missed?' I've gotta reassess, my whole decision making process.
- Mr. Green

Even with the best assessments, there are no guarantees. To take the risk, based on scientific findings (which always have some amount of error), was too great for some.

I think that it's known that long-termers, for the most part, don't go back to criminal activity. There are some real notable exceptions, and that makes it difficult for those long-termers that are serving. When somebody who's served a long sentence gets out and gets involved quickly in serious criminal activity, it has a chilling effect. - Mr. Everly

Likewise, when a political advantage was gained by being 'tough on crime,' outside pressures from unions, politicians, constituents, and Governors usurp any authority science holds as no political advantage was gained by considering people convicted of violent crimes within the process or seeking information related to their cause.

Because for violent felons there's no real public constituency for them and your appointing authority is the Governor, but you're also confirmed by the Senate. So if you had a particular Senator sponsoring you to be a parole board member, there is some hesitation, or might be some hesitation of you taking a chance on somebody who might go out and have some problems on the outside, or even if that person doesn't have any problems, just the fact that you're releasing a violent felon. - Mr. Green

Common sense. While risk assessment tools exemplified one means of utilizing science (a means to quantify factors), board members also saw decision-making as "... *sort of a feeling that you get from someone. It's not a science*" (Mr. Dobbs). While participants thought scientific findings might be useful, they tempered their feelings with the word '*might*,' believing more could be gained through the interview process, an interviewee's criminal history, and a gut feeling. Risk assessment tools simply quantified what commissioners already examined and failed to promote *new* ways of making decisions. Mr. Dobbs, felt that other things were better indicators of readiness; risk assessment tools were, therefore, unnecessary.

I personally think you can tell by looking at somebody's prior criminal history and how they've done in prison as to whether or not they're gonna do well when they get out, I

don't personally think you need a risk and needs assessment to tell you, or to give you. I suppose it's a tool, I suppose it could be helpful, but I don't really think it's necessary.

Further, participants felt that scoring systems and rubrics proved problematic as adding up scores lost the nuances of humanity in the decision-making process.

I don't know any way of changing that. I think there is always going to be some element of subjectivity in it. Now if you want to go to a system that is totally just put in the numbers in the box and if you reach a certain score, the computer spits you out of the system, I think that is equally problematic. - Mr. Everly

Impact of crime. Perhaps the most important reason science was not used, was the impact of the crime, impact that cannot be erased. Participants struggled with whether change and rehabilitation, remorse and responsibility, or any amount of social responsibility and/or contributions to society could ever change the heinous nature of the original crime(s). For Mr. Green, however, while the data do not counteract the impact, true change and long sentences forced him to grapple with his decisions.

So they're fascinating cases. I mean you have someone obviously who's incarcerated for a long period of time (generally meaning that they've committed a pretty serious or horrible crime) and then the parole board sees this person 20, 25 years later, and in many cases it's not the same type of individual that committed the crime. For example, you have someone who committed a horrible crime, or participated in a horrible crime, in their early twenties. Now when they come before the parole board you'll see them in their late 40s and early 50s and you've got a situation where someone in their early 20s might not have had much of an education, might not have made much of a family background, came from a pretty bad situation. And now you find - you see some of these cases where they're leaders inside, they've made an effort to improve themselves; they're free to receive an education. They've basically become the leaders in the correctional facility and have given great advice to other people. Again, there were many other cases where someone comes in, commits a horrible crime and does not improve, and those cases are pretty relatively easy for a parole board to make a determination on.

Multiple times throughout the interviews, especially during the conversations about rehabilitation, former board member discussed the victim's pain, and impact statements. Even knowing people convicted of violent crimes had the least chance of committing a new crime did not negate what they did to arrive in prison, as voiced by Mr. Everly.

I think the parole board in some ways reflects public opinion. I don't know whether it's influenced or whether they're part of the public who arrives at some of the same conclusions...I don't think that the nature of the original crime could be ignored. And I think some people want to forget what the person has done, 'I'm not that same person,' but that impact is still there. I think we have to be cognizant of the crime and the impact that it had on the victims.

Further, in citing well-known data on 'aging-out,' which Mr. Everly completely agreed with, he cautioned that even though the data was known, understood, and accepted, the impact of the crime surpassed the data in importance and weight.

Crime for the most part is a young person's game. And after a person has served a long sentence, they are less likely, just based upon demographics, to revert to crime. So that was known, and considered. It also didn't change what they had done when they were a younger person. And there's some individuals, no matter how old they were, who still represented a risk.

Therefore, the lingering pain of victim's families and the human suffering from heinous crimes, even 25 years later, trumped scientific evidence, proving to be the greatest hurdle to the use of science in effecting change within parole (or other) policies, particularly for people convicted of violent crimes.

But the problem was and still is that some of the crimes are just so horrible, so egregious, even though somebody's probably gonna do well, it's just, the age old question, how much time should somebody do for taking somebody else's life. I don't know how much time it should be. It depends on, I suppose, whose life it was, how they did it, why they did it. It's a very hard issue and society, fortunately or unfortunately, has given two different people the ability or the right or the authority to decide how much time somebody should do in prison for the same crime. For instance, the judge sentences the person to 15 years to life, 20 years to life, 25 years to life, and then the parole board looks at the case again, the exact same set of circumstances, only much later down the road, and the executive law specifically states that release on parole is not a reward for good behavior. So even though someone has done very, very well in prison, someone has no disciplinary ticket, someone has done a master's degree or someone has worked very hard in prison, it doesn't mean, society says, the parole board should let them out first time up....It's a difficult issue. I don't have the answer to this. So that's why we have this dichotomy, not dichotomy, but two different sets of groups of people looking at the same crime...It's very hard because the victims get to speak to the parole board commissioners prior to the hearing...and they come, and they're still sad after 20 years or 25 years and they're still angry and they're still emotionally distressed and thinking, 'Now this is the 25th anniversary of my father's death, my brother's death, my sister's death and this guy has

the nerve to try to get out of prison? I don't care how he's changed. I don't care if he's changed or not; he took a life. He took a life; he should stay in prison.' So, it's a hard, a very emotional, difficult issue. - Mr. Dobbs

Discussion

Social Science Research & Practice

This study provides the perspective of former parole commissioners regarding the decision-making process, providing a complementary view to the parole process explored in Study 2. While Study 2 provides insight into the preparation of interviewees, their transformations, culpability, and responsibility, Study 3 offers insight into the preparation, decision-making factors, and perceptions of transformation, culpability and responsibility from those making decisions about who leaves prison and who stays.

The data reveal that parole board members already know about low recidivism rates for people convicted of violent crimes and that simply knowing people will not reoffend does not negate the heinous acts that landed people in prison in the first place. Nor does it negate the impact on victim's families. However, the data do suggest that parole commissioners were willing to contemplate other factors in determining parole; hence, they abide by executive law that identifies statutory criteria as factors to be weighed.

The data further suggest that parole commissioners and people convicted of violent crimes share overlap in their ideas about what constitutes readiness and transformation, change, and rehabilitation including education, vocational rehabilitation, expressing culpability, and influences within the process to determining who makes the decisions and how decision are made. By providing transparency to the parole process, this study also assists people still incarcerated to identify not only overlaps, but more importantly, discrepancies between how inmate's view the process and what the process actually entails (from former parole board

members). Furthermore, the study makes visible the role of forces acting upon the decision-makers and shaping the entire process from the appointment of commissioners to the voting process and all things in between. By shining light on an otherwise invisible process, these findings offer a means of inclusion to those waiting to see parole boards and a voice for those already released.

In terms of its implications for social science research and policy, the study suggests variables that promote the use of science in practice and urge researchers to encourage buy in from leadership and make policy makers (and board members) partners in the process of scientific discovery. Buy in can be created through seminars and workshops aimed at educating and reeducating persons about the most recent findings in any given area.

Further, as Kurt Lewin advised scientists long ago, findings need to be disseminated far and wide to people outside of academia, people that can put the findings into practice. As such, new and innovative ways need to reach people not traditionally reached through academic conferences and symposia. Hence, the data also provide a space for parole board members to discuss issues of transformation, change, responsibility, and recidivism rates based on science versus gut feelings while still maintaining the humanity of the process.

Widening the audience also includes getting the findings in the hands of those that nominate and confirm appointees (legislators, the Governor's office, and others in the criminal justice field), which might shape the selection process of parole commissioners, the questions they ask potential parole board members, and the information board members use in their decision-making process. At each stage, science then shapes the process, ultimately affecting cumulative change. And, the language with which pieces are written must use common language and be presented in bite size bits of information that support "best practices," creating alternate

versions of academic reports (i.e. small, pocket-sized reports, policy briefs, or audio articles) that are appropriate for people with busy schedules or those that drive often and for long distances. Researchers should aim to make findings relevant by providing concrete examples to otherwise broad/vague theories and findings. In essence, science can act a buffer to public criticism by maintaining a fully defensible decision, based on scientific findings.

Limitations & Future Directions

While this study offers new perspectives and insight into the decision-making process, it is not without limitations. First, the sample size in this study was small, five participants. As such, this group may not represent all parole board commissioners. However, the breadth of political views (Republican and Democrat), appointees from Cuomo, Pataki, and Spitzer administrations, do offer some degree of variance and at least provide a broad array of perspectives. Still, all five participants were men, offering no insight from women.

In fact, one participant noted that women might have different views, particularly in terms of the gender of the interviewee. While the men believed that women were more likely to gain favor for granting parole, it is possible that female parole commissioners may view them in the same light as men, or perhaps, even harsher. It is also possible that women bring a different lens altogether for viewing interviewees, in light of their own experiences with ‘isms’ as a minority member of panels and one’s own lived experiences. In the future, female parole commissioners should be sought out as well as a larger sample to expand this work and gain a broader picture of the decision-making process.

Further, members of the Alumni Research Group knew the parole commissioners in this study, and while they held varying views on parole, many agreed on the major factors for determining readiness and their views toward research. However, whether this was due to

common factors among parole commissioners or a byproduct of the convenience and snowball sampling methodology in this study, is unknown.

Considering other methodological flaws, the study was conducted via telephone. While it is possible this enabled people to remain anonymous and speak freely, the nature of phone conversations creates some logistical issues and due to busy schedules, conversations were limited to 45 minutes to an hour. Perhaps, an in-person interview may have resulted in longer conversations or greater insight into the decision-making processes or the relationship between social science research and policy.

Furthermore, parole board members were asked about generalizations, people convicted of violent crimes as a group. And, although they were asked toward the end of the interview about whether any specific cases forced them to struggle with their decisions, none of the questions and hence, none of the responses, focused on particulars of cases. Therefore, it is possible that participants focused on the group as a whole, brushing over particular details about times their minds were changed in either direction or the details of particular criteria that weighed more heavily than others under particular circumstances. Future research should focus on creating parole vignettes during which various criteria from this dissertation are intertwined with particular characteristics of the person or the circumstances around the crime to identify specific mechanisms at work in the decision-making process. Future research can urge parole commissioners to think of specific cases when asking them questions to determine when particular criteria changed in terms of their 'typical rank order of importance.'

Additional work with researchers in the trenches and policymakers might also offer greater insight into how policy and practice are influenced by social science, within the parole arena, but also in relation to other marginalized groups and politicized topics. Further, measuring changes

(in pre-test/ post-test) vignettes might also determine how different types of formatting influence perspectives toward highly polarizing issues such as parole for people convicted of violent offenses. And finally, future work should incorporate information from this study as pamphlets for people readying to see parole boards to create instances of inclusion and to bring them to the table as stakeholders in the quest for their own freedom.

EPILOGUE

Goals for Impact

Within six months of meeting as a research team, the goals for this project included six objectives: 1) to break the silence about violent crimes and humanize persons convicted of violent crimes, 2) to track the costs of long sentences and parole violations, 3) to challenge the myth that lengthy sentences and parole denials improved public safety, 4) to engage formerly incarcerated women and men as co-researchers on policies and lives about which they were experts, 5) to affect policy change (in terms of sentencing and parole decision-making) by meeting publicly and privately with legislators, lobbyists, advocacy groups, and victim's rights groups to change policy and practices with parole and incarcerated/formerly incarcerated persons in general, but specifically for violent offenders still incarcerated; and 6) to hold a series of public forums in communities, religious institutions, universities, youth groups and legal conversations to challenge media accounts and shift public perception of 'violent offenders.' Advocacy drove the research and the group wanted to change policies related to parole release for people who demonstrated readiness to return to society and low public safety risks; people ready and able to contribute to society. As such, we focused on scholarship, public education, reflection, and policy to achieve the six goals.

A Place for Producing Scholarship on Violent Crimes

As discussed in Chapters 2 and 3, the work of Study 2 specifically, involved a multi-method, qualitative and quantitative, investigation of the lives of long-termers, utilizing a participatory research team. Everyone understood that the purpose of the interviews was to learn about parole experiences and contribute to real knowledge about the people behind the labels. The research work was part of empowering a larger community of people, now outside the

prison, to speak about their experience with the hope of helping others who were still in the system, and in the face of ongoing stigma, to be understood.

The work was presented in a multitude of educational forums including the 2006 Annual Meeting of the American Society of Criminology as part of a panel on long-termers and as part of a poster session on the use of research to inform practice. Further, we presented as a panel on surveillance and parole for people convicted of violent crimes and as part of a panel at the 2010 Society of the Psychological Study of Social Issues (SPSSI) Convention, based on a special issue of SPSSI's *Journal of Social Issues* on 'Impact Validity' to which we contributed in November of 2009. Finally, we also presented as part of a panel of researchers from various geographic locations in the United States, on the use of narratives in understanding prison life at the Modern Language Association Annual Conference in January 2011. We attempted to disseminate the information to a multitude of audiences (both academic and non-academic), various disciplines, through different outlets, and we continue to look ways to contribute to the knowledge base on prison/parole reform and reentry issues.

As Public Education

In an effort to break the silence about violent crimes and humanize people convicted of violent crimes, we presented the research in a number of ways. Among the most important means of changing perceptions and creating new ways of discussing this group of people, were the Alumni Research Group members. They provided a face for these issues when we met with a church congregation, a synagogue, and members of mosques in New York City and Westchester County, to discuss this work with people dedicated to notions of forgiveness and second chances. One group provided a different language with which to (re)think (about) these issues, using/creating/suggesting terms such as "people convicted of violent crimes" versus "violent

criminals.” In May 2009, we also organized *The Long-termers Symposium* at the CUNY Graduate Center to discuss this and other work in the area of long sentences, long-termers, and parole practices in New York State, to a mixed group of academics and members of the public/community.

All of these have been means of thinking about (and presenting) the research to varying audiences, testing our ideas, and a catalyst for discussions of several philosophical questions. How does society weigh punishment and rehabilitation in its parole policies and broader criminal justice goals? How does change come about? How long, and in what ways, are people excluded from society as full citizens after they come home from prison? And, how long is long enough?

A Space for Reflection

This project was also not just about the gathering data. It was a place where people came to know one another as individuals that had all done something they deeply regretted; people that had changed their lives, had helped others in prison, and now were helping others in society. Group members wanted to be a voice to represent those who were still serving time. Our regular discussions explored how to be human in the face of all that pulled people down and how to humanize others. It was a cauldron of self-examination and by designing a research study with in-depth questions, others, now home, could reflect on their own life journey and by doing so, contribute to knowledge that would take society beyond labels.

The participatory nature of Study 2, meant that several of the Alumni Research Group members were both researchers and participants and all were researchers and members of the community we hoped to impact by changing policy and minds. People in the group were extremely mindful of providing a voice for those still inside prison and continuing their own

social responsibility after incarceration. The group meetings provided many interesting conversations about reflecting on one's own crimes and one's journey to and from prison.

Likewise, members of the group were also part of other groups including the Ad-Hoc Committee and the Coalition for Parole Restoration, both dedicated to ending lifetime parole supervision. Those convicted of violent crimes, together with some people who had not been convicted, but knew people in this category well and understood the unfairness, were creating a process of intense examination of the issues. Certainly, the Alumni Research Group was one of these places.

The Policy Arena

Public safety was one of the core issues we had to address concerning the release of people serving long sentences for crimes of violence. In Fall 2007, after the Alumni Research Group had been meeting for a year, unexpectedly an opportunity arose for our research to be used. The DOCS' statistics on recidivism provided the first way to feel the impact of our work. Data was used by the Policy Committee to respond to two events occurring in the sentencing arena.

First, the Sentencing Reform Commission was holding hearings and Dr. Michelle Fine presented testimony to the Commission to support reform that would give rehabilitation the main weight in making parole decisions in order to unfreeze the label of "murderer" and demonstrate statistically, that people convicted of murder, change. In addition, a man (that previously served time for a violent crime) was granted parole and came under attack by media and special interest groups, which pushed for a rescission hearing. Supporting his parole with the statistics about the low recidivism rate for people like him was a foundation for the public letter that was issued by the Policy Committee.

Once the rescission was granted, the media continued their attack on releasing anyone who had a conviction of murder and demanded that the new Spitzer appointees in parole, corrections, and criminal justice be interrogated about why release numbers had risen. The recidivism data served several purposes. Namely, it substantiated what we knew anecdotally regarding people returning to prison after serving long sentences, with multiple parole hits, for crimes of violence. The data also provided a way to work with lawmakers, judges, and commissioners. Further, this research provided an empirical legitimacy to educate and collaborate with others in the criminal justice reform movement so that they could begin to learn about and feel comfortable talking about “violent offenders,” people whom they knew should come home yet they lacked the evidence to support such policy. The data enabled us to think about the broad issues around the goals of the criminal justice system. Finally, the data helped us begin dialogue with victims’ rights groups.

For and from our work, we sought to challenge existing policies, to launch new networks and organizations of activists, policy makers, legislators, and researchers willing to take up the question of persons convicted of violent offenses. We sought to cultivate substantial research and scholarly attention and spawn popular brochures/poems/articles/videos to re-present to the public, women and men, convicted of violent crimes. All of these pose the same question to the general public, to policy makers, and those in the criminal justice system: How much punishment is enough? And furthermore, is the goal of incarceration simply punishment or should personal transformation and acceptance of responsibility for the crime play a significant role in the determination of parole?

Using the Data

Categories of audiences. The full impact of our research is yet to be determined, as it requires a policy audience and public willing to listen. Through our experiences, people seem to fall into four categories of audiences. The first group consisted of people that did not want to hear about science that suggested alternate ways of looking at issues related to prison reform. The second group were those that wanted to hear and were open to changing viewpoints based on evidence, but held no power to impact policy directly. The third group consisted of people that wanted to hear and were also in positions of power, but the political costs were too great; getting involved was too risky a political move. The fourth group was comprised of people that wanted to hear and were able (and willing) to directly influence change.

Examples of change. When the right combination of both a receptive audience and the power to change came together, change was possible. For example, as a result of members of the Alumni Research Group meeting with the Chair and CEO of The New York State Division of Parole, an amendment to Executive Law 259-j was made in 2009, allowing for merit discharge from parole for those with convictions for violent crimes. Several of our Alumni Research Group members, previously not eligible for discharge from parole, were discharged.

Final Thoughts

In the course of the past several years, we utilized our research toward the six goals presented at the onset of this section. Through the gathering and analysis of the data from these studies we tracked the costs for individuals, their families, communities and the fiscal cost to tax payers of these parole policies (see Chapter 3). Likewise, we challenged the myth that lengthy sentences and parole violations were associated with public safety concerns (see Chapter 2). We used the evidence as a basis to push for policy change with administrators, commissioners, and

politicians. And, we engaged formerly incarcerated women and men as co-researchers. But, there is still more work to be done.

The evidence provided by NYSDOCS and the Department of Parole, the narratives of the 34 participants, and five former parole board members, raise an important irony: the very persons most likely to be denied parole are also least likely to be re-incarcerated for committing a new offense. This irony is most obvious for women who have served long sentences for violent crimes as they have an almost 0% chance of returning for a new commitment. Once people recognize that this group is the least likely to recidivate post-release, they represent the category of people that most fundamentally challenge whether the goal of prison today is an institution for punishment or rehabilitation. It is important to note that the people in the study had, by and large, been sentenced to indeterminate sentences that embody the philosophy of rehabilitation. Indeed, indeterminate sentences go hand in hand with parole.

If we decide as a nation that rehabilitation is our goal, then we can utilize this research to devise humane and cost-effective policies to meet that goal and objective standards/criteria regarding parole decisions as well as how to measure/recognize when rehabilitation has occurred. Likewise, we can improve and further develop current re-entry initiatives and programs to support people transitioning after incarceration. Finally, we can offer another language with which to use when discussing this topic, allowing for a “new” conversation and re-thinking of the issues around prisons, punishment, parole, and people within the prison system.

Historically, shifts in penal ideology have been the result of shifts in economic and political climates. At the dawn of a new political era and an economic crisis forcing us to spend our dollars more wisely, we find ourselves with a unique opportunity as social scientists to

contextualize, complicate, and shift notions about who is entering prisons and also who is released. Still, despite the results of both Studies 1 and 2, Study 3 reminds us of the dilemma of determining whether someone should be released or not. Further, it highlights whether transformation, low risk to public safety, contributions to the community inside prison, or any other scientific findings can erase the heinous nature of some of these crimes and the impact to the lives of victims and their families.

Table 1

*24-Month Return Rates to DOCS by Commitment Offense Type and Inmate Gender**

24-Month Returns to DOCS * COMMITMENT OFFENSE TYPE * INMATE GENDER Crosstabulation

INMATE GENDER			COMMITMENT OFFENSE TYPE					
			VIOLENT FELONY	OTHER COERCIVE	DRUG OFFENSES	PROPERTY AND OTHER OFFENSES	YOUTHFUL OFFENDER	
MALE	24-Month Returns to DOCS	NOT RET	Count	3246	139	487	33	1
			% within COMMITMENT OFFENSE TYPE	79.7%	80.3%	83.4%	68.8%	50.0%
		RPV	Count	616	24	69	9	1
			% within COMMITMENT OFFENSE TYPE	15.1%	13.9%	11.8%	18.8%	50.0%
		NEW FEL	Count	211	10	28	6	0
		% within COMMITMENT OFFENSE TYPE	5.2%	5.8%	4.8%	12.5%	.0%	
	Total	Count	4073	173	584	48	2	
		% within COMMITMENT OFFENSE TYPE	100.0%	100.0%	100.0%	100.0%	100.0%	
FEMALE	24-Month Returns to DOCS	NOT RET	Count	86	11	22	1	
			% within COMMITMENT OFFENSE TYPE	93.5%	100.0%	100.0%	100.0%	
		RPV	Count	5	0	0	0	
			% within COMMITMENT OFFENSE TYPE	5.4%	.0%	.0%	.0%	
		NEW FEL	Count	1	0	0	0	
		% within COMMITMENT OFFENSE TYPE	1.1%	.0%	.0%	.0%		
	Total	Count	92	11	22	1		
		% within COMMITMENT OFFENSE TYPE	100.0%	100.0%	100.0%	100.0%		

*DOCS (2000- 2004 Releases)

Table 2

*24-Month Return Rates to DOCS by Time Served Before 1st Release and Inmate Gender**

24-Month Returns to DOCS * TIME BEFORE 1ST RELEASE * INMATE GENDER Crosstabulation

INMATE GENDER				TIME BEFORE 1ST RELEASE			Total
				8-10 YRS	10-15 YRS	OVER 15 YRS	
MALE	24-Month Returns to DOCS	NOT RET	Count	1624	1512	789	3925
			% within TIME BEFORE 1ST RELEASE	77.9%	80.0%	85.3%	80.1%
		RPV	Count	330	273	116	719
			% within TIME BEFORE 1ST RELEASE	15.8%	14.5%	12.5%	14.7%
		NEW FEL	Count	132	104	20	256
		% within TIME BEFORE 1ST RELEASE	6.3%	5.5%	2.2%	5.2%	
	Total		Count	2086	1889	925	4900
			% within TIME BEFORE 1ST RELEASE	100.0%	100.0%	100.0%	100.0%
FEMALE	24-Month Returns to DOCS	NOT RET	Count	56	42	24	122
			% within TIME BEFORE 1ST RELEASE	91.8%	97.7%	100.0%	95.3%
		RPV	Count	4	1	0	5
			% within TIME BEFORE 1ST RELEASE	6.6%	2.3%	.0%	3.9%
		NEW FEL	Count	1	0	0	1
		% within TIME BEFORE 1ST RELEASE	1.6%	.0%	.0%	.8%	
	Total		Count	61	43	24	128
			% within TIME BEFORE 1ST RELEASE	100.0%	100.0%	100.0%	100.0%

*DOCS (2000- 2004 Releases)

Table 3

Number of Participants and Percentages for Type of Offense²⁶ by Gender and Total Group

Offense	Women n = 14	Percentage	Men n = 20	Percentage	Total	Percentage N =33
Murder ²⁷	7	50%	15	75%	22	64.7%
Manslaughter	4	28.6%	3	15%	7	20.6%
Attempted ²⁸ Murder	1	7.1%	0	0%	1	2.9%
Accessory to Murder	1	7.1%	0	10.5%	1	2.9%
Attempted Burglary	1	7.1%	0	26.3%	1	2.9%
Attempted Rape & Sodomy	0	0%	1	5.2%	1	2.9%
Sex w/ Minor Under 14 yrs.	0	0%	1	0%	1	2.9%
Total	14	99.9%	20	100%	34	99.8%

²⁶ These statistics are in accordance with the Hierarchy Rule, which requires counting only the highest offense for which participants were convicted.

²⁷ One participant was convicted of double homicide.

²⁸ One participant was convicted of two attempted murders.

Table 4

Number of Participants and Percentages for Race/ Ethnicity by Gender and Total Group

	Women (n = 11)	Percentage	Men (n = 20)	Percentage	Total (N = 31)	Percentage
African-American/Other	8	72.7%	13	65%	21	67.7%
Caucasian/Other	2	18.2%	1	5%	3	9.7%
Latino/Other	1	9.1%	6	30%	7	22.6%
Total	11	100%	20	100%	33	100%

Table 5

Number of Participants and Percentages for Marital Status by Gender and Total Group

	Women (n = 14)	Percentage	Men (n = 19)	Percentage	Total (N = 33)	Percentage
Single	10	71.4%	9	47.4%	19	57.6%
Married	2	14.3%	8	42.1%	10	30.3%
Divorced	0	0%	2	10.5%	2	6.1%
Widowed	1	7.1%	0	0%	1	3.0%
Partner	1	7.1%	0	0%	1	3.0%
Total	14	99.9%	19	100%	33	100%

Table 6

Number of Participants and Percentages for Number of Children by Gender, Total Group & Grouped Data

	Women (n = 14)	Percentage	Men (n = 19)	Percentage	Total (N = 33)	Percentage
0	5	35.7%	7	36.8%	12	36.4%
1	5	35.7%	6	31.6%	11	33.3%
2	1	7.1%	4	21.1%	5	15.2%
3	2	14.3%	2	10.5%	4	12.1%
4	1	7.1%	0	0%	1	3.0%
Total	14	100%	19	100%	33	100%
Grouped						
Yes	9	64.3%	12	63.2%	21	63.6%
No	5	35.7%	7	36.8%	12	36.4%
Total	14	100%	19	100%	33	100%

Table 7

Number of Participants and Percentages for Education Level Prior to Prison by Gender, Total Group, and Grouped Data

Level	Women (n = 12)	Percentage	Men (n = 18)	Percentage	Total (N = 30)	Percentage
Less than High School	1	8.3%	4 ²⁹	22.2%	5	16.7%
Some High School	4	33.3%	5	27.7%	9	30%
High School Diploma/ GED	4	33.3%	5	27.7%	9	30%
Some College	2	16.7%	1	5.5%	3	10%
College Degree	1	8.3%	3	16.6%	4	13.3%
Total	12	100%	18	100%	30	100%
Grouped						
Less Than High school	5	41.7%	9	50%	14	46.7%
High school or Above	7	58.3%	9	50%	16	53.3%
Total	12	100%	18	100%	30	100%

²⁹ The lowest education level for the participants was 4th grade with several at the 8th grade level.

Table 8

Number of Participants and Percentages by Age Ranges at Start of Sentence by Gender and Total Group

Age Range	Women n = 14	Percentage	Men n = 20	Percentage	Total	Percentage N = 33
Teens	5	35.7%	10	50%	15	44.1%
20s	5	35.7%	6	30%	11	32.4%
30s	2	14.3%	3	15%	5	14.7%
40s	1	7.1%	1	5%	2	5.8%
50s	1	7.1%	0	0%	1	2.9%
Total	14	99.9%	20	100%	34	99.9%
Mean ³⁰	26.5 years		22.8 years			24.3 years

³⁰ Five of the participants were minors (14.7%); another five of the participants were 18 years old (14.7%) = 29.4% of the total group (28.5% of women and 30% men) were 18 years of age or younger.

Table 9

Means, Medians, and Modes for Time Served in Prison (in years) by Gender and Total Group

	Women	Men	Total
Mean	15.9 years	20 years	18.5 years
Median	14.75 years	20 years	17 years
Mode(s)	12 years	25 years	17 & 25 years
Total	n = 14	n = 19	N = 33

Table 10

Number of Participants and Percentages for Number of Parole Board Appearances Before Release by Gender and Total Group

Appearances	Women n = 14	Percentage	Men n = 19	Percentage	Total	Percentage N = 33
1	2	14.3%	8	42.1%	10	30.3%
2	5	35.7%	3	15.8%	8	24.2%
3	3	21.4%	2	10.5%	5	15.2%
4	1	7.1%	5	26.3%	6	18.2%
5	3	21.4%	1	5.2%	4	12.1%
Total	40	100%	45	100%	85	100%

Table 11

Number of Participants and Percentages for Number of Parole Denials ('Hits') by Gender and Total Group

'Hits'	Women n = 14	Percentage	Men n = 19	Percentage	Total	Percentage N = 33
0	2	14.3%	8	42.1%	10	30.3%
1	5	35.7%	3	15.8%	8	24.2%
2	2	14.3%	2	10.5%	4	12.1%
3	1	7.1%	2	11.5%	3	9.1%
4	2	14.3%	3	15.8%	5	15.2%
5	2	14.3%	1	5.2%	3	9.1%
Total	30	100%	30	100%	60	100%

Table 12

Mean Number of Years Served by Parole Board Appearance at Release by Gender and Total Group

Board Appearance at Release	Women (in years)	Men (in years)	Total (in years)
1 st Board	13.35	21.04	19.48
2 nd Board	16	21	17.87
3 rd Board	19.5	20	17.87
4 th Board	10	18.5	15.67
5 th Board	14 ³¹	19 ³²	17
6 th Board	16.34 ³³	14.15 ³⁴	15.6

³¹ Includes only participants (n = 1) with a conditional release.

³² Includes only participants with a conditional release (n = 2).

³³ Includes one participant with a conditional release and one with a discretionary release.

³⁴ Includes only one participant with a conditional release.

Table 13

Number of Participants and Percentages for Number of Additional Years Served by Gender and Total Group

Years	Women n = 14	Percentage	Men n = 19	Percentage	Total	Percentage N = 33
0	2	14.3%	8	42.1%	10	30.35
1	1	7.1%	0	0%	1	3.0%
2	4	28.6%	3	15.8%	7	21.2%
4	2	14.3%	2	10.5%	4	12.1%
6	2	14.3%	2	10.5%	4	12.1%
8	1	7.1%	3	15.8%	4	12.1%
10	2	14.3%	1	5.3%	3	9.1%
Total	57	100%	60	100%	117	100%

Table 14

Number of Participants and Percentages for Type of Release by Gender and Total Group

Type of Release	Women	Percentage	Men	Percentage	Total	Percentage
Conditional Release	4	28.6%	4	20%	8	23.5%
Discretionary Release	10	71.4%	16	80%	26	76.5%
Total	14	100%	20	100%	34	100%

Table 15

Means, Medians, and Modes for Time Since Release (in months)³⁵ by Gender and Total Group

	Women (n = 13)	Men (n = 18)	Total (N = 31)
Mean	46.3 months	53.9 months	50.5 months
Median	36 months	37.5 months	37 months
Mode(s)	24, 36, & 48 months	36 & 72 months	36 months

³⁵ 38.5% of women (n = 5) and 27.8% of men (n = 5) were below the 36-month traditional cut off for recidivism studies (32.3% of the total). However, this is not a study looking at recidivism for interviewees, therefore, a 36-month cutoff since release is not necessary.

Table 16

Catalysts and Barriers to the Transformation Process

Catalysts/ Facilitators	Hurdles/ Barriers
<p>Reflections of Self: Punishment</p> <ul style="list-style-type: none"> Disciplinary action Sentences (own & others') Gravity of the Crime Violence in prison 	<p>Bi-products of the System</p> <ul style="list-style-type: none"> Connections to outside Emotional/ psychological defenses Existing in two spaces Arrested development
<p>New/ Alternative/ Imagined Selves</p> <ul style="list-style-type: none"> Formal Education Informal education Personalized growth programs Others as support Others as models/examples 	<p>Internal Issues</p> <ul style="list-style-type: none"> Existential questions Self-forgiveness Issues prior to prison Circumstances of crime

Table 17
Moral Exclusion Across Three Contexts: Parole, Prison Life, & Reentry

	Membership & Rights			Access to Resources		
	Visibility	Acceptance	Liberty/Justice	Basic	Financial	Emotional
Parole	Ideology Euphemisms Dismissing accomplishments Us-them	Gubernatorial influence Negative media portrayals Negative cultural attitudes Revisiting old self (self exclusion)	Legislation guiding parole eligibility* Ignoring pleas/sentencing judge Problems w/ parole board ³⁶ Statutory criteria v. Original crime*	Information regarding: Parole hearings/ Decision-making/ Appeals processes* Access to parole officers*	Cost of appeals Lost employment opportunities	Denied administrative input Moral exclusion by contamination (Familial support) Opportunity to grieve denials*
Prison Life	Assuming roles* Deindividuating Dehumanizing Geographic locations Work release	Widening the net (youth) Moral exclusion by contamination (Prison visits) Inability to forgive oneself (self exclusion)	Ineligibility for work release Lost parental rights Institutionalization Personal rights (degradation)*	Hygiene* Clothing* Food* Housing*	Employment restrictions Prison surcharges Access to skills training* Removing Pell grants	Access to programming* Physical contact* Transfers Connections Prison personnel*
Reentry	Assuming roles* Identification cards* Civic participation* Euphemisms Branding	Felony background disclosure Double consciousness Playing 'catch up' (self exclusion)	Privacy* Never-ending parole Technical violations Parole supervision Institutionalization	Housing restrictions Public assistance* Transitional services* Culture shock	Employment & Educational restrictions Retirement* Credit/rental history* Surcharges/Fees	Relationships* Disclosure* (Mental) health services* Sexual socialization* Technical violations & Parole officers*

* Limited or no access/availability; Ineligibility.

³⁶ Examples include: reversed halo effect, makeup and rotation of board, type of crimes seen, closed-circuit televisions.

Table 18
Moral Inclusion Across Three Contexts: Parole, Prison Life, & Reentry

	Membership & Rights			Access to Resources		
	Visibility	Acceptance	Liberty/Justice	Basic	Financial	Emotional
Parole	Work release as parole substitute Acknowledgment of time & transformation Longer hearings Face to face parole decisions	Parole boards avoiding outside influences	Statutory criteria given weight Judge's sentence given weight Plea bargains honored Context of tickets considered Parole process Parole board	Transparent sentencing structure Written denials Information about process, decision-making, and appeals	Copies of legal documents Free copies Free legal aide	Allows input from administration Transfers on hold Allowed to grieve Parole officers
Prison Life	Work release eligibility Ability to assume roles	Shared experiences Vicarious inclusion Transcending prison	Exercising rights Fighting/resisting Transcending prison Agency	Information about employment Information about programs	Paying for one's needs (independence) Access to employment Education/Pell grants	Semblance of normalcy (rituals) Peer social network Familial contact Teachers/counselors
Reentry	Raised consciousness Passing Assuming roles Voting rights/civic participation	Clean slate Social responsibility/involvement Living openly Unconditional love Forgive self	Independence Discharge form parole supervision Mobility	Transitional services Housing prospects Employment Clothing Public assistance	Employment/Upward mobility Disclosure rules changed Credit cards Educational Opportunities Retirement	Empathy/2 nd chances Social interactions Unconditional love Counselors/Parole officers Hobbies

Table 19
Exclusion Specific Processes of Moral Exclusion

Process	Manifestation in Moral Exclusion
Biased evaluation of groups	Making unflattering comparison between one's own group and another group; believing in the superiority of one's own group
Derogation	Disparaging and denigrating others by regarding them as lower life forms or inferior beings
Dehumanization	Repudiating others' humanity, dignity, ability to feel, and entitlement to compassion
Fear of contamination	Perceiving contact with others as posing a threat to one's own well-being
Expanding the target	Redefining "legitimate victims" as a larger category
Accelerating the pace of harm-doing	Engaging in increasingly destructive and abhorrent acts to reduce remorse and inhibitions against inflicting harm
Open approval of destructive behavior	Accepting a moral code that condones harm doing
Reducing moral standards	Perceiving one's harmful behavior as proper; replacing moral standards that restrain harm with less stringent standards that condone or praise harm doing
Blaming the victim	Displacing the blame for reprehensible actions on those who are harmed
Self-righteous comparisons	Lauding or justifying harmful acts by contrasting them with morally condemnable atrocities committed by the adversary
Desecration	Harming others to demonstrate contempt for them, particularly symbolic or gratuitous harm

Source: Opatow, S. (1990). Moral exclusion and injustice: An introduction. *Journal of Social Issues*, 46 (1), p.10.

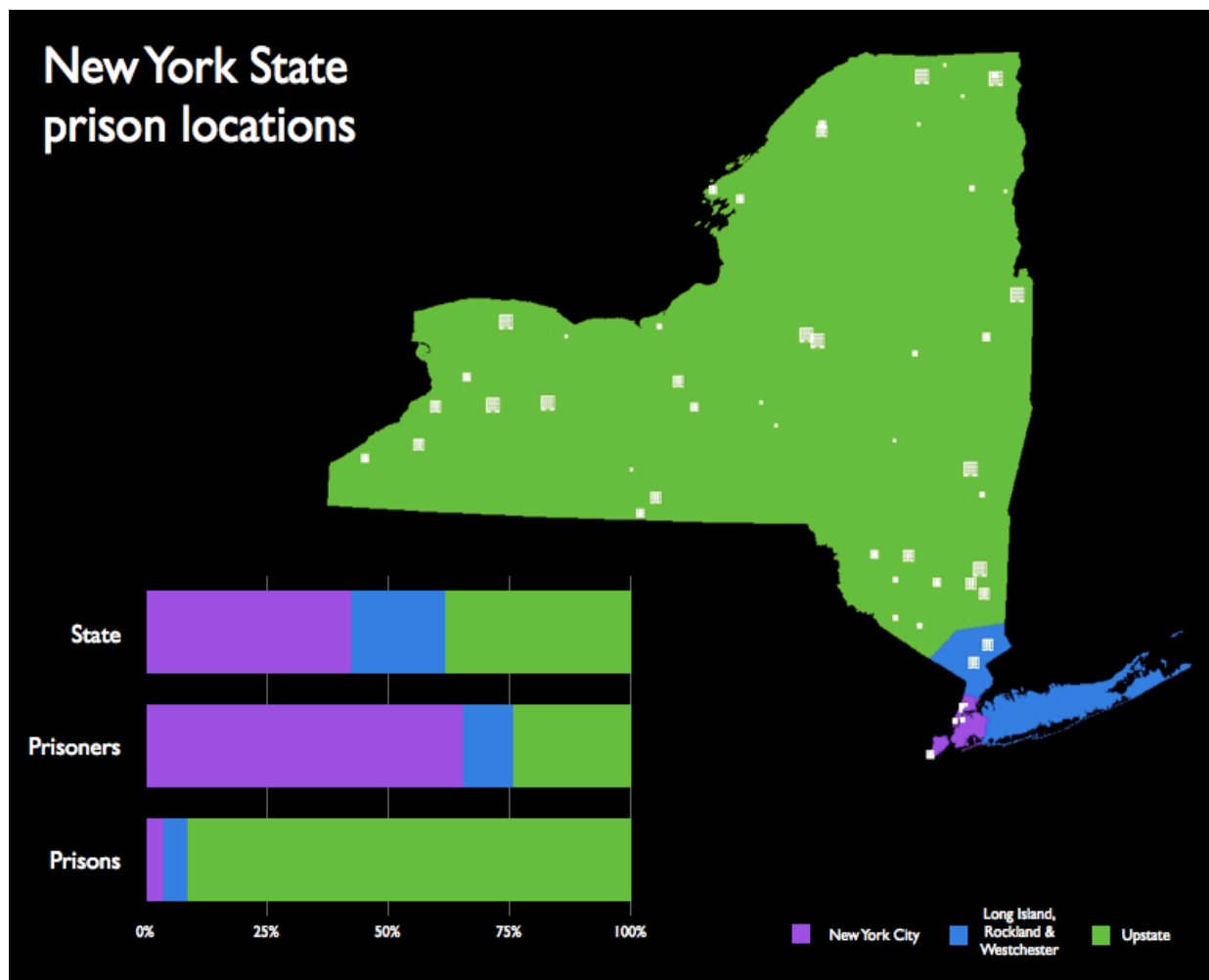
Table 20
Ordinary Processes of Moral Exclusion

Process	Manifestation in Moral Exclusion
Groupthink	Striving for group unanimity by maintaining isolation from dissenting opinion that would challenge the assumptions, distortions, or decisions of the group
Transcendent Ideologies	Experiencing oneself or one's group as exalted, extraordinary, and possessed of a higher wisdom, which permits even harmful behavior as necessary to bring a better world into being
Deindividuation	Feeling anonymous in a group setting, thus weakening one's capacity to behave in accordance with personal standards
Moral Engulfment	Replacing one's own ethical standards with those of the group
Psychological distance	Ceasing to feel the presence of others; perceiving others as objects or as nonexistent
Condescension	Regarding others as inferior; patronizing others, and perceiving them with disdain
Technical Orientation	Focusing on efficient means while ignoring outcomes; routinizing harm doing by transforming it into mechanical steps
Double Standards	Having different sets of moral rules and obligations for different categories of people
Unflattering comparisons	Using unflattering contrasts to bolster one's superiority over others
Euphemisms	Masking, sanitizing, and conferring respectability on reprehensible behavior by using palliative terms that misrepresent cruelty and harm
Displacing responsibility	Behaving in ways one would normally repudiate because a higher authority explicitly or implicitly assumes responsibility for the consequences

Table 20 (Continued)
Ordinary Processes of Moral Exclusion

Process	Manifestation in Moral Exclusion
Diffusing responsibility	Fragmenting the implementation of harmful tasks through collective actions
Concealing the effects of harmful behavior	Disregarding, ignoring, disbelieving, distorting, or minimizing injurious outcomes to others
Glorifying violence	Viewing violence as a sublime activity and a legitimate form of human expression
Normalizing violence	Accepting violent behavior as ordinary because of repeated exposure to it and societal acceptance of it
Temporal containment of harm doing	Perceiving one's injurious behavior as an isolated even -- "just this time"

Source: Opatow, S. (1990). Moral exclusion and injustice: An introduction. *Journal of Social Issues*, 46 (1), p. 10-11.



Source: Prison Policy Initiative (2010) <http://www.prisonpolicy.org/atlas/NYlocation.html>

Figure 1. New York State and Downstate Metropolitan Areas: Population, Prisoners, and Prison Cells.

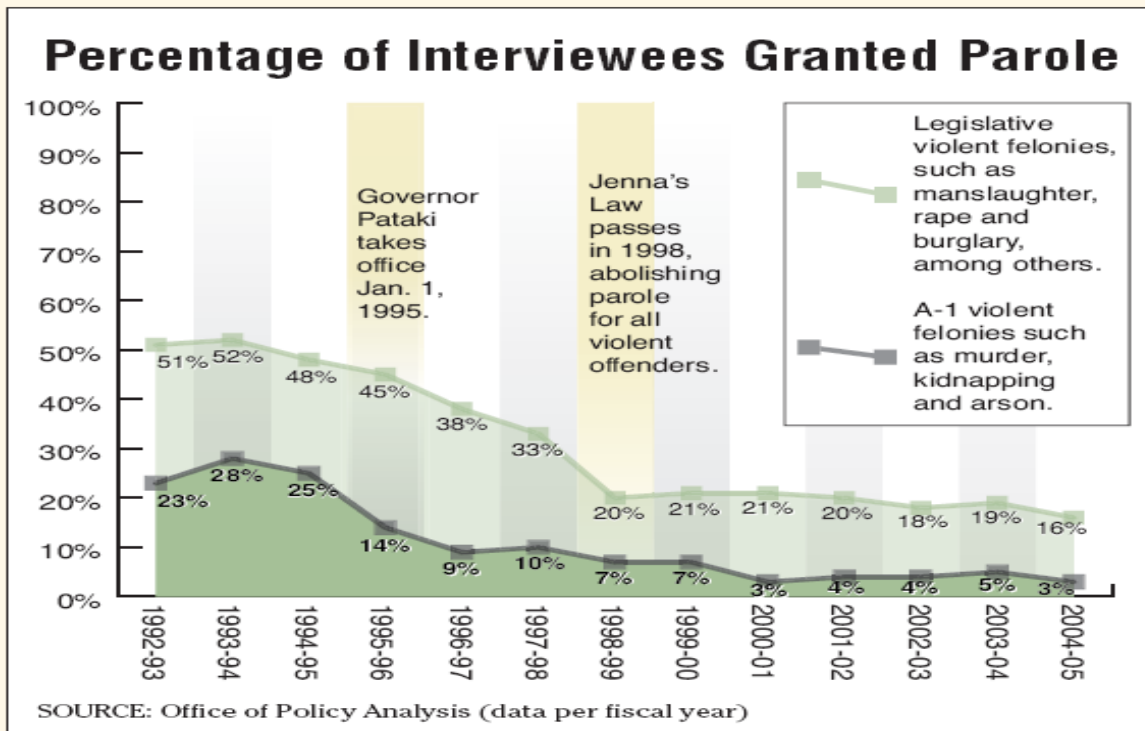


Figure 2. Percentage of Interviewees Granted Parole: 1992-2005.



Figure 3. Personal Responsibility: Responsibility as Always Present

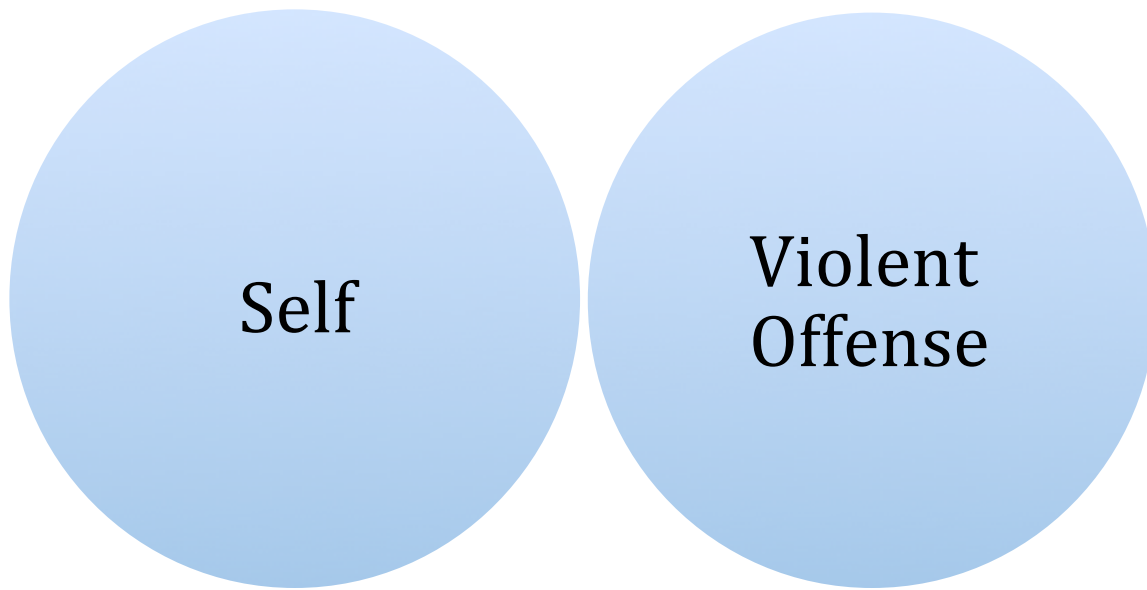


Figure 4. Personal Responsibility: Crime Claimed as Separate of Self

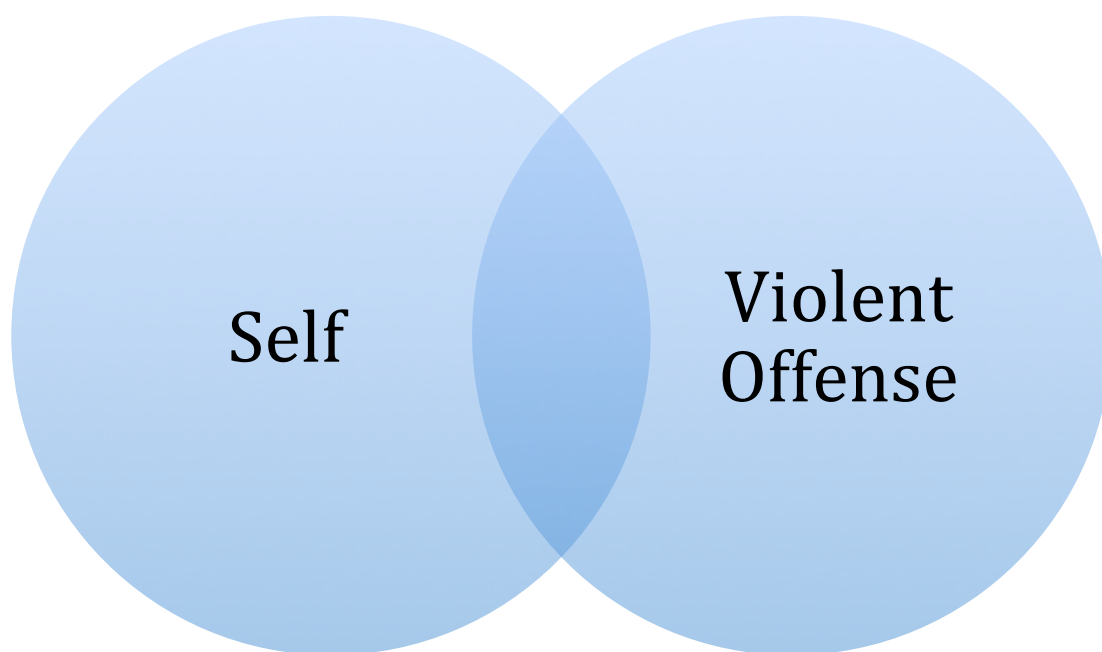


Figure 5: Personal Responsibility: Crime Claimed as Part of Self

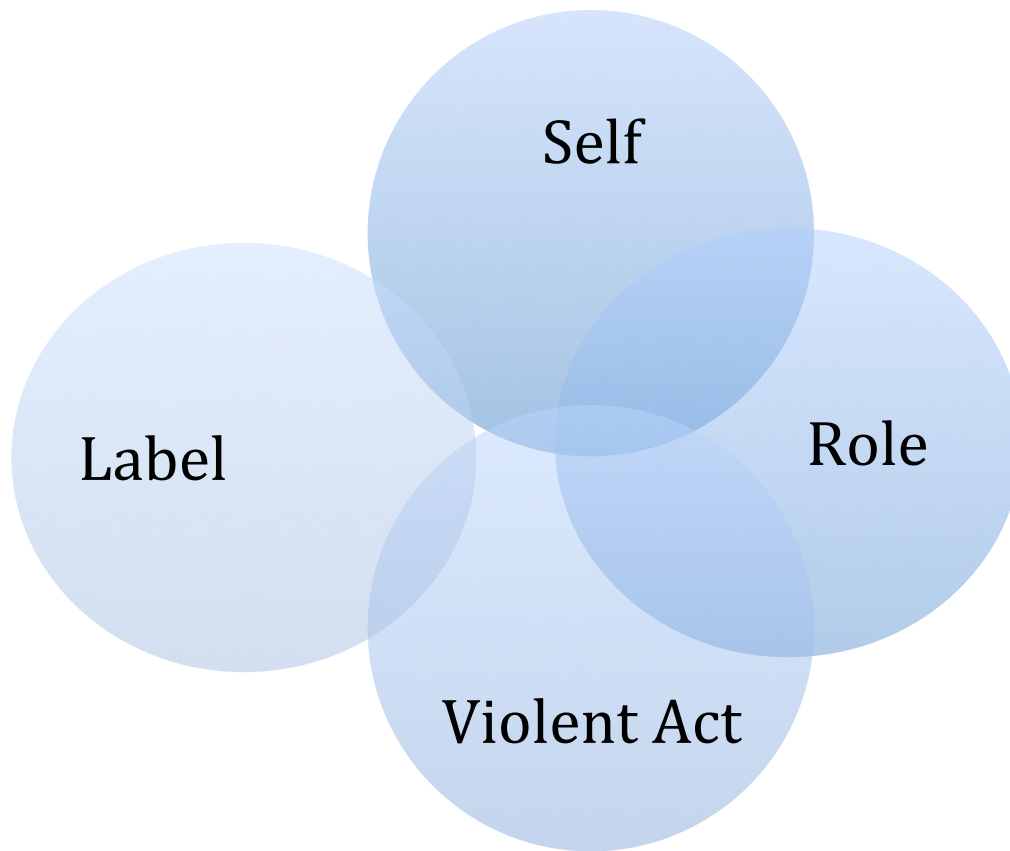


Figure 6: Personal Responsibility: Grappling with Aspects of Crime & Responsibility

Appendix A

Recruitment Email: People Convicted of Violent Crimes*

In collaboration with the CUNY Graduate Center, John Jay College, and the New York State Prison Alumni Group, the Long-termers Project is a study of long-termers who have been convicted of violent crimes focusing on their prison, parole, and reentry experiences. Particularly given that the rate of first time parole has dropped dramatically from 28 % to 3 %, and in light of the recently filed case of *Graziano v. Pataki*, which challenges the current “unofficial” parole practices in New York State, the current study is interested in how parole is being implemented for violent offenders as well as understanding the parole process during the Pataki years. Further, this study aims to shed light on the ramifications of these lengthy prison sentences on long-termers, their families, and communities. The study is being supported by a grant from the JEHT Foundation (Justice, Equality, Human Dignity, and Tolerance).

We are currently looking for help from your organization with recruiting volunteers to participate in our study. We are looking for at least two referrals of persons that would be willing to be interviewed for 1-2 hours about their experiences before, during, and after incarceration with a focus on contact with the parole board. **All of the interviews will be kept confidential.**

We are looking for men and women who meet the following criteria:

- Served a minimum of 15 years in prison
- Served this time for a crime of violence
- Released prior to January 1, 2002 (at least 3 years out of prison)
- Have not been out of prison longer than 10 years

Each participant will be paid \$20 per hour for interviews that will take approximately 1-2 hours. Participants will also be reimbursed for transportation in the form of Metro cards. If you know any persons that meet this criterion and would be willing to participate, they can contact Michelle Fine @ 212-xxx-xxxx or mfine@gc.cuny.edu or Carla Marquez @ 212-xxx-xxxx or cmarquez@gc.cuny.edu.

Thank you so much in advance for your assistance, consideration, and time.

*Sent to the directors of the core organizations for recruitment.

Appendix B

Demographics Survey: People Convicted of Violent Crimes

Demographics Information

Race/ Ethnicity _____
 Age _____
 Gender _____
 Marital Status _____
 Education before incarceration _____
 Employment before incarceration _____
 Number of Children _____
 How long have you been home/ were you home before returning to prison? _____

Arrest

County of Arrest _____
 Age at time of arrest _____
 Number of times at parole: _____
 Length of sentence: _____
 Co-Defendants? Y N

If yes:

How many? _____
 Were they also convicted? Y N
 Gender of co-defendant? M F
 Sentence for co-defendant? _____

Parole

Number of times you appeared before the parole board? _____
 Did you apply for Executive Clemency? Y N

If yes:

Did you make it to a hearing? Y N

If yes:

Did you appeal the ruling? Y N
 Did you appeal it each time you were denied? Y N

Appendix C

Interview Protocol: People Convicted of Violent Crimes

- 1) What was reception like for you? What kinds of things were going through your head?
- 2) After reception, what were some of the first things you started thinking about or doing?
- 3) For some people, in order to start thinking differently about their lives and where they want to go with their life, it took witnessing something, someone saying something to them, a certain program, a certain thought. Was there anything in prison that made you start thinking differently?
 - a) What was the defining moment for you? A wake-up call?
 - b) Are there any memorable moment that set you on another course?
 - c) What was the most important way you spent your time in prison?
 - d) What has the process been like for you in thinking about the crime? The meaning of the crime with regard to victims? To your own development? What is the process been like for you of thinking about responsibility for the crime? Of remorse?
 - e) How did you come to term with your crime?
- 4) When did you start thinking about getting out of prison?
- 5) What did you start doing to get out?
- 6) What were your expectations about getting out of prison?
- 7) What did you do to prepare for your first board? What do you think helped you?
- 8) What supports were in place for you before your first board?
- 9) What happened at your first board?
- 10) Was there anything said that really stands out to you?
- 11) When you got the decision, what did you do afterward?

12) When you were getting ready for the second, third, or fourth hearing, how did you get ready? Did you do anything differently? Did you make a decision to do things a certain way that time around?

13) (*For those who went before the board several times*): how did that affect you, being hit over and over again? Did it get easier? Harder?

14) Why do you think they let you out?

15) Do you feel that a person's behavior, accomplishments (or lack of accomplishments) while in prison have/should have any effect on parole release decisions?

16) What was the first thing you did when you got out?

17) Are things how you thought they would be?

18) What has been your biggest surprise on the outside?

19) Are you currently employed and if so, how did you get the job?

20) What were your biggest obstacles/ supports upon release?

21) Are you having any current problems? Issues (i.e. stigma, transition, family, housing, jobs, health, anything else)?

22) Part of the goal of prison is to change people ...and part of goal of the parole hearing is to gage whether people are ready to come back.....At what point do you think you could have come home? When do you think you were ready?

23) How many years do you think your transition will take?

24) Do you think of yourself as successful? How do you define success?

25) Did you return to the same community you came from before prison?

26) What happened to the support networks you had before and during prison after you got out? Was there anyone there for you when you got out? For example, did your spouse stick with you? How about your kids?

27) Did you lose any family members while you were gone? If so, who?

28) Part of this study's goal is to help others in similar situations with the parole process and reentry. We also want to find information to make the parole process better for those who come before the board. You are the expert, so I want to end this interview by asking for your insight and expertise.

First, what advice would you give others? Young people? Others like you? With parole board hearings and reentry?

29) Second, what suggestions or recommendations would you give to the current parole board? What kinds of things should be in place before and after parole that would've made things easier for you?

Appendix D

Informed Consent: People Convicted of Violent Crimes

My name is Carla Marquez and I am a student in the Social-Personality Psychology Ph.D. Program at the Graduate School and University Center of the City University of New York, and one of the Principal Investigators of this project, entitled Long-term Prisoners Project. This is a research study investigating the impact of long-term sentencing and current parole practices on the lives of those affected by it in the state of New York. I would like your permission to interview you about your experiences.

The interview will take from 1-2 hours and you will be compensated \$20 per hour to participate in the study. With your permission, I would like to audiotape this interview so I can record the details accurately. I will also keep notes as we proceed with the interview. The audiotapes will only be heard by my advisor and me. All the information gathered, the audiotapes and notes, will be kept strictly confidential, and will be stored in a locked file cabinet located in the Psychology Department, to which only I, and my advisors, will have access. At any time you can refuse to answer any questions or end this interview any time you feel you no longer wish to continue. Also, you can ask me to turn off the recorder at any time.

A risk involved in this study is that the interview may bring up topics you have not openly spoken about and it may make you feel emotional in a number of different ways. However, attached to your copy of this consent form you will find a list of various resources that can offer you assistance. The benefits of your participation is that it may help you gain insights into yourself and this interview may give you an open and safe space to talk about things you may not have spoken about before. Also, it will give you an opportunity to help others who will be released from prison and face your same experiences with the New York State parole board. There will be approximately 100 people (50 men and 50 women) taking part in this study from all different walks of life. I may publish the results of this study, but the names of people, or any identifying characteristics, will not be used in any of the publications. If you would like a copy of the study, please provide me with your address and I will send you a copy in the future.

If you have any questions about this research, you can reach me at cmarquez@gc.cuny.edu or my advisor, Professor Michelle Fine (212-xxx-xxxx) or by email at mfine@gc.cuny.edu. If you have any questions about your rights as a participant in this study, you can contact Martin Wallenstein, Ph.D., J.D., IRB Chair, John Jay College of Criminal Justice, City University of New York, (212) xxx-xxxx, mwallenstein@jjay.cuny.edu. Thank you for your participation in the study. I will give you a copy of this form to take with you.

If you agree to be interviewed, please sign below:

I agree to have this interview audio-taped (please circle one): YES NO

Participant's Signature

Date

Carla Marquez

Date

Appendix E

Recruitment Email: Parole Commissioners

Hello Mr. /Ms. /Mrs. _____,

For a while now, I have been working on a project that looks at the impact of current New York State parole policies on the lives of people convicted of violent crimes. I am now interested in widening this research and would like to interview you to learn more about the relationship between social science research and policy change. I would love to meet for about 30 minutes to discuss your work and experiences with barriers, facilitators, and challenges to using science to inform policy. The interview will be conducted at a location that you feel most comfortable (i.e. a café, your office, the CUNY Graduate Center) and it will be audio-taped (if you consent). Your identity will be kept confidential and you not be identified in any publications by name. If you'd like to participate, please let me know and we can set up a convenient time/place to meet. I appreciate your time and look forward to hearing from you.

Thanks so much, Carla Marquez

Appendix F

Interview Protocol: Parole Commissioners

The Job

- 1) How did you come to be a parole commissioner?
- 2) How long did you serve on the board?

The Parole Hearing

- 3) How do you weigh different factors? Statutory, programs, jobs, college, remorse?
- 4) What was evidence of change for you?
- 5) How did you know if someone had “internalized culpability?”
- 6) Does the governor/ senate impact or shape the policy of the parole commissioners?
- 7) For you, how did the category of people convicted of violent crimes (that have served long terms in prison) change (if at all) the ways you approached the parole board hearings?
- 8) How long did you have access to the case file? With the person?
- 9) How much did the face-to-face interviews matter?
- 10) How did victims factor into your decision-making process?
- 11) How did public opinion factor into your decision-making process?
- 12) How did gender factor into your decision-making process?

Scientific Research

- 13) What kinds of science were you privy to regarding re-entry, recidivism rates etc. as a parole commissioner?
- 14) People convicted of violent crimes have significantly low recidivism rates. Would knowing information about low recidivism rates change your point of view or decisions in any way?
- 15) Could a risk assessment such as COMPASS, which parole boards are to start using in September, make a difference, in your opinion?
- 16) What kinds of science would be helpful in making parole decisions?
- 17) What can we, as scientists, do better to make data more useful for parole boards?
- 18) Any comments on term limits? Or issues with the composition of the parole panel? Term limits? Other issues related to this topic? Problems? Things that need fixing or attention?

- 19) Without giving any details, were there ever any regrettable cases or cases that you really struggled with?
- 20) How did you handle the burden of deciding someone's life with all the other factors as well (victims, change, statute, etc.)?

Appendix G

Informed Consent: Parole Commissioners

My name is Carla Marquez and I am a doctoral candidate in the Social-Personality Psychology Ph.D. Program at the Graduate School and University Center of the City University of New York, and the Principal Investigator of this project, titled “*Long-term Prisoners Project*.” This is a research study investigating the impact of long-term sentencing and current parole practices on the lives of people convicted of violent crimes that have served long terms in prison. A piece of this project involves looking at the relationship between social science research and policy. I would like your permission to interview you about your experiences.

The interview will take approximately 30 minutes. With your permission, I would like to audiotape this interview so I can record the details accurately. I will also keep notes as we proceed with the interview. The audiotapes will only be heard by my advisor and me. All the information gathered, the audiotapes and notes, will be kept strictly confidential, and will be stored in a locked file cabinet located in the Psychology Department, to which only I, and my advisor, will have access. At any time you can refuse to answer any questions or end this interview. You can ask me to turn off the recorder at any time.

The risks from participating in this study are no more than encountered in everyday life. The benefit of your participation is that it can provide useful information that may help researchers gain insights about how social science research can be most useful to policy makers and advocates. There will be approximately four (4) participants taking part in this study.

I may publish the results of this study, but the names of people, or any identifying characteristics, will not be used in any of the publications. If you would like a copy of the study, please provide me with your address and I will send you a copy in the future.

If you have any questions about this research, you can reach me at cmarquez@gc.cuny.edu, or my advisor, Professor Michelle Fine (212) xxx-xxxx or mfine@gc.cuny.edu. If you have any questions about your rights as a participant in this study, you can contact Kay Powell, IRB Administrator, The Graduate School and University Center, City University of New York, (212) xxx-xxxx, kpowell@gc.cuny.edu.

Thank you for your participation in the study. I will give you a copy of this form to take with you.

I agree to have this interview audio-taped (please circle one): YES NO

Participant’s Signature

Date

Carla Marquez (PI)

Date

References

- Abrahamsen, D. (1960). *The psychology of crime*. New York: Columbia University Press.
- Aichorn, A. (1935). *Wayward youth*. New York: Viking Press.
- Alexander, (2008). *New York State Department of Corrections: Chairman's Opening Remarks*. Retrieved from https://www.parole.ny.gov/pressreleases/20080115_pr.html.
- Alexander, F., & Healy, W. (1936). *Roots of crime: Psychoanalytic studies*. New York: Alfred A. Knopf.
- Anckarsater, H., Forsman, A., & Blennow, K. (2005). Increased CSF/ serum albumin ratio: A recurrent finding in violent offenders. *Acta Neurologica Scandinavica*, *112*, 48-50. doi:10.1111/j.1600-0404.2005.00433.x
- Arendt, H. (1963). *Eichmann in Jerusalem: A report on the banality of evil*. N.Y. Viking Press.
- Bandura (1974). *Aggression: A social learning analysis*. Englewood Cliffs, NJ.: Prentice Hall.
- Bandura (1976). Social learning analysis of aggression. In E. Ribes-Inesta & A. Bandura (Eds.), *Analysis of delinquency and aggression* (pp.203-232). Hillsdale, NJ: Erlbaum.
- Beccaria, C. (1995). *On crimes and punishment, and other writings* (Davies, R., Cox, V., & Bellamy, R, Trans.). New York: Cambridge University Press.
- Bentham, J. (1830). *The rationale of punishment*. Honolulu, Hawaii: University Press of the Pacific.
- Bowlby, J. (1944). Forty-four juvenile thieves: Their character and home life. *The International Journal of Psychoanalysis*, *25*, 19-53.
- Brewer, R.M., & Heitzeg, N.A. (2008). The racialization of crime and punishment: Criminal justice, color-blind racism, and the political economy of the prison industrial complex. *American Behavioral Scientist*, *51* (5), 625-644. doi:10.1177/0002764207307745

- Bushman, B.J., & Baumeister, R.F. (2002). Does self-love or self-hate lead to violence? *Journal of Research in Personality*, 36, 543-545. doi:10.1016/S0092-6566(02)00502-0
- Caher, J. (2006a, January 31). Parole release rates plunge under Pataki's tough policy. *New York Law Journal*, 235, col. 5.
- Caher, J. (2006b, July 20). Parole suit proceeds in light of 'steep' decline in releases. *New York Law Journal*.
- Cassel, E., & Bernstein, D.A. (2001). *Criminal behavior*. Boston: Allyn & Bacon.
- Clear, T. & Lam, S. (2006, November). *On the outside looking in: Re-arrest rates of long-term inmates released to the community*. Paper presented at the meeting of the American Society of Criminology, Los Angeles, CA.
- Christianson, S. (2003, February 8). Bad seed or bad science?: The story of the notorious Jukes family. *New York Times*.
- Cloninger, C., & Sigvardsson, S., Bohman, M., & von Knorring, A. (1982). Predisposition to petty criminality in Swedish adoptees. II: Cross fostering analysis of gene-environment interaction. *Archives of General Psychiatry*, 39, 1242-1249.
doi:10.1001/archpsyc.1982.04290110010002
- Cloward, R.A., & Ohlin, L.E. (1960). *Delinquency and opportunity: A theory of delinquent gangs*. New York: Free Press.
- Collins, P.H. (1990). *Black feminist thought: Knowledge, consciousness, and the politics of empowerment*. Boston: Unman Hyman.
- Coughlin, T.A. (1990). Problems and challenges posed by long-term offenders in the New York State system. *The Prison Journal*, 70, 115-118. doi:10.1177/003288559007000113

- Cowles, E.L. & Sabath, M.J. (1996). Changes in the nature and perception of the long-term inmate population: Some implications for prison management and research. *Criminal Justice Review*, 21 (1), 44-61. doi:10.1177/073401689602100105
- Crayton, A. (2006, November). *New York state prisoners: What we know*. Paper presented at the meeting of the American Society of Criminology, Los Angeles, CA.
- Crenshaw, K. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color, *Stanford Law Review*, 43 (6), 1241-1299. doi:10.2307/1229039
- Deutsch, M. (1990). Psychological roots of moral inclusion. *Journal of Social Issues*, 46 (1), 21-25. doi:10.1111/j.1540-4560.1990.tb00269.x
- Dubois, W.E.B. (1903). *The souls of black folk*. New York: Bantam Classic.
- Dugdale, R.L. (1970). *The Jukes*. New York: Arno Press.
- Durkheim, E. (1933). *The Division of Labor in Society* (Simpson, G., Trans.). New York: The Free Press.
- Durkheim, E. (1966). *Rules of sociological method* (8th ed.) (Solovay, S.A., & Mueller, J., Trans.). New York: The Free Press.
- Estabrook, A. (1915). *The Jukes in 1915*. Washington, D.C.: Carnegie Institution of Washington.
- Erikson, E.H. (1968). *Identity: Youth and Crisis*. New York: Norton.
- Eysenck, H.J. (1964). *Crime & personality*. London: Routledge & Regan Paul.
- Eysenck, H. J., & Gudjonsson, G. H. (1989). *The causes and cures of criminality*. New York: Plenum Press.
- Fears, D. (2003, January 31). Parole release rates plunge under Pataki's tough policy. *Washington Post*, pp. A1, A5.
- Fine, M., Boudin, K., Bowen, I., Clark, J., Hylton, D., Martinez, M., et al. (2001). *Changing*

minds: The impact of college in prison: Executive report on the impact of college on prisoners post-release.

Fouche, G. (2009, October 19). Where convicts lead the good life. *The Global Post*. Retrieved from <http://www.globalpost.com/dispatch/europe/091017/norway-open-prison>

Freud, S. (1916). Some character types met with in psycho-analytic work. *Standard Edition of the Complete Works of Sigmund Freud*, 14, 332-333.

Gavin, J.A. (1968, June). *An analysis of convicted murderers in Massachusetts: 1943-1966*. Massachusetts Department of Corrections.

Gavin, J.A. (1970, February). *An analysis of recidivism among convicted murderers*. Massachusetts Department of Corrections.

Gibson, M. (2002). *Born to crime: Cesare Lombroso and the origins of biological criminology*. Westport, Connecticut: Praeger.

Gilmour, D.R., & Walkey, F.H. (1981). Identifying violent offenders using a video measure of interpersonal distance. *Journal of Consulting and Clinical Psychology*, 49 (2), 287-291. doi:10.1037//0022-006X.49.2.287

Glasier, D. (1969). *The effectiveness of a prison and parole system*. Indianapolis, IN: The Bobbs-Merrill Company, Inc.

Goffman, E. (1963). *Stigma: Notes on the management of spoiled identity*. Harmondsworth: Penguin.

Gottfredson, M.R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.

Halsall, P. (1998). *Twelve tables*. Retrieved on May 25, 2009, from Fordham University, Internet Ancient History Sourcebook Web site: <http://www.fordham.edu/halsall>

- Haney, C. (1997). Psychology and the limits to prison pain: Confronting the coming crisis of the Eighth Amendment Law. *Psychology, Public Policy, and Law*, 3(4), 499-588.
doi:10.1037/1076-8971.3.4.499
- Haney, C. (2002). *The psychological impact of incarceration: Implications for post-prison adjustment*. From Prisons to Home Conference, Jan 30-31, 2002. U.S. Department of Health and Human Services.
- Haney, C., Banks, W. C., & Zimbardo, P. G. (1973). Interpersonal dynamics in a simulated prison. *International Journal of Criminology and Penology*, 1, 69-97.
- Haney, C., & Zimbardo, P. (1977). The socialization into criminality: On becoming a prisoner and a guard. In J. Tapp & F. Levine (Eds.), *Law, justice, and the individual in society: Psychological and legal issues*. New York: Holt, Rinehart & Winston, 198-223.
- Haney, C., & Zimbardo, P. (1998). The past and future of U.S. prison policy: Twenty-five years after the Stanford Prison Experiment, *American Psychologist*, 53, 709-727.
doi:10.1037//0003-066X.53.7.709
- Harper, R.F. (1904). *The code of Hammurabi: King of Babylon*. Chicago: University of Chicago Press.
- Heldman, C. (2011, August 27). The fate of prisoners during Hurricane Katrina. *The Society Pages*. Retrieved from <http://thesocietypages.org/socimages/2011/08/27/imprisoned-disaster-political-will-and-hurricane-katrina/>
- Hirschi, T. (1969). *Causes of delinquency*. Berkeley: University of California Press.
- Hirschi, T. (1978). Causes and prevention of juvenile delinquency. In H.M. Johnson (Ed.), *Social systems and legal process* (pp.322-341). San Francisco: Josey-Bass.

- Hooker, R. (1996). *General glossary: Lex talionis*. Retrieved February 10, 2009, from Washington State University Web site:
<http://wsu.edu/~dee/GLOSSARY/LEXTAL.HTM>
- Hooton, E. (1939). *Crime and the man*. Cambridge, MA.: Harvard University Press.
- Irving, A. (2011). Life story narratives of recovery from dependent drug and alcohol use: A tool for identity reconstruction within a therapeutic community. *Therapeutic Communities*, 32(3), 182-200.
- Jacobs, P., Brunton, M., Melville, M.M., Brittain, R.P., & McClellmont, W.F. (1965). *Aggressive behavior, mental sub-normality and the XYY male*. *Nature*, 208, 1351-1352.
- Johnston, N. (2009). Evolving function: Early use of imprisonment as punishment. *The Prison Journal*, 89 (1), 10S – 34S. doi:10.1177/0032885508329761
- Jones, E.E. & Harris, V.A. (1967). The attribution of attitudes. *Journal of Experimental Social Psychology*, 3 (1), 1-24. doi:10.1016/0022-1031(67)90034-0
- Kelman, H. C., & Hamilton, L.V. (1989). *Crimes of obedience*. New Haven: Yale University Press.
- Kohlberg, L. (1986). The just community approach to corrections. *Journal of Correctional Education*, 37, 54–58. doi:10.1080/0305724750040307
- King, G. (2000, February). *Money talks, money walks: A look at our criminal justice system*. Urban Voices [Article].
- Leary, K. (1999). Passing, posing, and ‘keeping it real.’ *Constellations*, 6 (1), 85–96.
- Lindesmith, A., & Levin, Y. (1937). The Lombrosian myth in criminology. *The American Journal of Sociology*, 42 (5), 653-671. doi:10.1086/217542

- Lombroso, C. (2006). *Criminal man* (Gibson, M., & Rafter, N., Trans.). Durham, NC: Duke University Press.
- Long-termers Project (2007). *Policy brief on long-term incarceration: An analysis by gender and crime in New York State*. New York, NY: Fine, M. & Clear, T.
- Lyons, J. (1996). *Long-term inmates: 1996*. Albany, NY: New York State Department of Correctional Services.
- Marks, J. (2002). *What it means to be 98% chimpanzee: Apes, people, and their genes*. Los Angeles: University of California Press.
- Marquez, C. (2006). *Being 'Less than': The experience of moral exclusion for men and women who have served prison terms in Fresno, California or New York, New York*. Unpublished manuscript. The Graduate Center of the City University of New York.
- Marx, K., & Engels, F. (2002). *The communist manifesto*. New York: Penguin Books.
- Mauer, M. (2002). Mass imprisonment and the disappearing voters. In Marc Mauer and Meda Chesney-Lind (Eds.), *Invisible Punishment: The Collateral Consequences of Mass Imprisonment* (pp. 50-58). New York: New Press.
- Mauer, M. & Chesney-Lind, M. (Eds.) (2002). *Invisible punishment: The collateral consequences of mass imprisonment*. New York: New Press.
- McAdams, D. (2001). The psychology of life stories. *Review of General Psychology* 5(2), 100-122.
- McNulty, J. (2000). *University of California, Santa Cruz: Crime and punishment*. Retrieved February 9, 2007 from http://review.ucsc.edu/summer.00/crime_and_punishment.html.
- Milgram, S. (1963). Behavioral study of obedience. *Journal of Abnormal and Social Psychology*, 67, 371-378. doi:10.1037/h0040525

- Miller, T. (2002). The impact of mass incarceration on immigration policy. In Marc Mauer and Meda Chesney-Lind (Eds.), *Invisible punishment: The collateral consequences of mass imprisonment* (pp. 214-238). New York: New Press.
- Miller, W.B. (1958). Lower-class culture as a generating milieu of gang delinquency. *Journal of Social Issues*, 14, 5-19. doi:10.1111/j.1540-4560.1958.tb01413.x
- Nagata, D. K. (1990). The Japanese-American internment: Perceptions of moral community, fairness, and redress. *Journal of Social Issues*, 46 (1), 133-146. doi:10.1111/j.1540-4560.1990.tb00277.x
- Nelson, M., Deess, P., & Allen, C. (1999). *The first month out: Post-incarceration experiences in New York City*. New York: Vera Institute of Justice.
- Nettler, G. (1974). *Explaining crime*. New York, NY.: McGraw-Hill.
- New York State Commission on Sentencing Reform (2009). *The future of sentencing in New York State: Recommendations for reform*. Retrieved from <http://criminaljustice.state.ny.us/opca/pdfs/csrrrecommendations.pdf>
- New York State Department of Correctional Services (1997a). *1985 – 1997 Releases: Original commitment offense by type of return*. Albany, NY.
- New York State Department of Correctional Services (1997b). *1997 Releases: Three year post release follow-up report*. Albany, NY.
- New York State Department of Correctional Services (2000). *2000 Releases: Three year post-release follow-up*. Albany, NY.
- New York State Department of Correctional Services (2001a). *1985 – 2001 Releases: Most serious crime at commitment by return type*. Albany, NY.

- New York State Department of Correctional Services (2001b). *2001 Releases: Three year post release follow-up*. Albany, NY.
- New York State, Department of Correctional Services (2004). *2000-2004: 24 month returns by time before 1st release and inmate gender*. Albany, NY.
- New York State Department of Correctional Services (2009). *Profile of inmate population under custody*, 1-17. Retrieved January 9, 2010 from http://www.docs.state.ny.us/Research/Reports/2009/UnderCustody_Report_2009.pdf
- New York State Office of Policy Analysis (2006). *Parole Statistics 2006*. Albany, NY.
- Nisbett, R.E. & Wilson, T.D. (1977). The halo effect: Evidence for unconscious alteration of judgments. *Journal of Personality and Social Psychology*, 35(4), 250-256.
doi:10.1037/0022-3514.35.4.250
- Ohio Legislative Service Commission (1961, January). *Capital punishment*. Staff Research Report.
- Opatow, S. (1990a). Deterring moral exclusion. *Journal of Social Issues*, 46 (1), 173-182.
doi:10.1111/j.1540-4560.1990.tb00280.x
- Opatow, S. (1990b). Moral exclusion and injustice: An introduction. *Journal of Social Issues*, 46 (1), 1-20. doi:10.1111/j.1540-4560.1990.tb00268.x
- Opatow, S. (1995). Drawing the line: Social categorization, moral exclusion, and the scope of justice. In B.B. Bunker & J.Z. Rubin (Eds.), *Cooperation, conflict, and justice: Essays inspired by the work of Morton Deutsch* (pp.347-369). San Francisco: Jossey-Bass.
- Opatow, S. (2005). Hate, conflict, and moral conflict. In Robert J. Sternberg (Ed.), *The psychology of hate* (pp. 121-153). Washington, DC: American Psychology Association.
doi:10.1037/10930-007

- Opotow, S. (2007). Commentary: Moral exclusion and torture: The ticking time bomb scenario and the slippery ethical slope. *Peace and Conflict: Journal of Peace Psychology, 13* (4), 457-461. doi:10.1080/10781910701727343
- Opotow, S. & Weiss, L. (2000). Denial and the process of moral exclusion in environmental conflict. *Journal of Social Issues, 56* (3), 475-490. doi:10.1111/0022-4537.00179
- Owen, B. (1998). *In the mix: Struggle and survival in a women's prison*. Albany: State University of New York Press.
- Pallone, N.J., & Hennessy, J.J. (2000). Neuropathology and criminal violence: Newly calibrated ratios. *Journal of Offender Rehabilitation, 31* (1/2), 87-99.
- Park, R., Burgess, E.W., & McKenzie, R.D. (1925). *The city*. Chicago: University of Chicago Press.
- Perl, R. (2003, November 24). The last disenfranchised class. *The Nation*. Also available on the Web at <http://www.thenation.com/doc/20031124/perl>.
- Pew Center on the States (2008). *1 in 100: Behind bars in America 2008*. Retrieved from www.pewtrusts.org/.../wwwpewtrustsorg/Reports/.../one_in_100.pdf
- Pew Center on the State (2009). *1 in 31: The long reach of American corrections*. Retrieved from http://www.pewstates.org/uploadedFiles/PCS_Assets/2009/PSPP_1in31_report_FINAL_WEB_3-26-09.pdf.
- Piaget, J. (1962). The stages of the intellectual development of the child. *Bulletin of the Menninger Clinic, 26* (3), 120-128.
- Pfaff, J.F. (2008). The empirics of prison growth: A critical review and path forward. *The Journal of Criminal Law & Criminology, 98* (2), 547-619.

- Raine, A. (1993). *The psychopathology of crime: Criminal behavior as a clinical disorder*. San Diego: CA: Academic Press.
- Reckless, W.C. (1967). *The crime problem (4th ed.)*. New York: Meredith.
- Redl, F., & Wineman, D. (1965). *Controls from within: Techniques for the treatment of the aggressive child*. New York: The Free Press.
- Rezendes, M. (2011, June). *Paroled lifers pose high risk of new crimes*. The Boston Globe.
- Richie, B. (2002). The social impact of mass incarceration on women. In Marc Mauer and Meda Chesney-Lind (Eds.), *Invisible Punishment: The collateral consequences of mass imprisonment (pp. 136-149)*. New York: New Press.
- Richie, B. (2004). Feminist ethnographies of women in prison. *Feminist Studies*, 30 (2), 438-450.
doi:10.2307/20458973
- Roberts, S. (2007, December). *Violent felons move forward with lawsuit over their rights to parole*. New York Times.
- Ross, L. (1977). The intuitive psychologist and his shortcomings: Distortions in the attribution process. In Berkowitz, L. (Ed.), *Advances in experimental social psychology (pp. 173-220)*. New York: Academic Press.
- Ross, T., & Fontao, M.I. (2007). Self-regulation in violent and non-violent offenders: A preliminary report. *Criminal Behavior and Mental Health*, 17(3), 171-178.
doi:10.1002/cbm.651
- Rousseau, J.J. (1954). *Jean Jacques Rousseau: The social contract* (Kendall, W., Trans.). Wouth Bend, Indiana: Gateway Editions.
- Rubenstein, G., & Mukamal, D. (2002). Welfare and housing: Denial of benefits to drug offenders. In M. Mauer & M. Chesney-Lind (Eds.), *Invisible Punishment: The Collateral*

- Consequences of Mass Imprisonment (pp.37-49)*. New York: New Press.
- Seligman, M.E., Maier, S.F., & Geer, J.H. (1968). Alleviation of learned helplessness in the dog. *Journal of Abnormal Psychology, 73*(3), 256-262. doi: 10.1037/h0025831
- Sheldon, W. (1940). *The varieties of human physique: An introduction to constitutional psychology*. NY: Harper & Brothers.
- Simon, J. (2007). Rise of the carceral state. *Social Research, 74* (2), 471-508.
- Simpson, G. (1963). *Emile Durkheim: Selections from his work*. New York: Thomas Y. Crowell Co.
- Stanton, J.M. (1969). Murderers on parole. *Crime & Delinquency, 15* (1), 149-155.
doi:10.1177/001112876901500113
- Stashenko, J. (2007, November). Tentative deal would provide for A-1 felons denied parole.
- Sutherland, E.H., Cressey, D.R., Luckenbill, D.E. (1992). *Principles of criminology (11th ed.)*. Dix Hills, New York: General Hall.
- Tajfel, H. & Billig, M.G. (1973). Social categorization and similarity in intergroup behaviour. *European Journal of Social Psychology, 3*(1), 27-52. doi:10.1002/ejsp.2420030103
- Tajfel, H. & Billig, M.G. (1974) Familiarity and categorization in intergroup behavior. *Journal of Experimental Social Psychology, 10*(2), 159-170. doi:10.1016/0022-1031(74)90064-X
- Taxman, F. (2004). The offender and reentry: Supporting active participation in reintegration. *Federal Probation, 68* (2), 31-35.
- Tehrani, J., & Mednick, S. (2000). Genetic factors and criminality. *Federal Probation, 64*, 24-28.

- Travis, J. (2002). Invisible punishment: An instrument of social exclusion. In Marc Mauer and Meda Chesney-Lind (Eds.), *Invisible punishment: The collateral consequences of mass imprisonment* (pp. 15-36). New York: New Press.
- Travis, J. (2005). *But they all come back: Facing the challenges of prisoner reentry*. Washington, DC: The Urban Institute.
- Travis, J., Solomon, A. L., & Waul, M. (2001). *From prison to home: The dimensions and consequences of prisoner reentry*. Washington, DC: The Urban Institute.
- Vito, G. F., Maahs, J.R., & Holmes, R.M. (2006). *Criminology: Theory, research, and policy* (2nd edition). Boston, MA.: Jones & Bartlett Publishers.
- Yochelson, S., & Samenow, S.E. (1976). *The criminal personality Vol. 1: A profile for change*. New York: Aronson.
- Zimbardo, P.G., Haney, C., Banks, W.C., & Jaffe, D. (1973, April 8). The mind is a formidable jailer: A pirandellian prison. *The New York Times Magazine*, 122, 38-60.
- Zimring, F.E. & Hawkins, G. (1991). *The scale of imprisonment*. Chicago: University of Chicago Press.