

Summer 2007

Assembling Recidivism: The Promise and Contingencies of Post-Release Life

Mark Halsey

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Mark Halsey, Assembling Recidivism: The Promise and Contingencies of Post-Release Life, 97 J. Crim. L. & Criminology 1209 (2006-2007)

This Criminology is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

CRIMINOLOGY

ASSEMBLING RECIDIVISM: THE PROMISE AND CONTINGENCIES OF POST-RELEASE LIFE

MARK HALSEY*

Based on data from four years of in-depth interviews conducted in seven custodial sites, this Article documents and critically engages with the lived experience of post-release life as narrated by a group of young residents/inmates. It examines the interplay between personal and situational-structural variables that impact the release and reincarceration process. Issues of accommodation, peer group dynamics, drug and alcohol use/abuse, financial circumstances, bureaucratic shortcomings, and problematic responses to personal tragedy are key themes addressed throughout the Article. The central claim of the Article is that the high rate of recidivism (here defined as the imposition of a further custodial sentence within two years of release) should not solely be viewed in terms of the behavior of risky or dangerous offenders but instead seen in the context of risky (poor, neglectful, disrespectful) systems of post-release rules and administration to which young men are subjected when trying to "start again." In substantiating this claim, the Article critically comments on the clashing perceptions of risk and success pervading the post-release terrain, and the increasing disconnect between what is asked of young men in

* Mark Halsey, Senior Lecturer, School of Law, Flinders University of South Australia; mark.halsey@flinders.edu.au. I would like to acknowledge the feedback and suggestions provided by three anonymous reviewers and the Australian Research Council for funding this research. In addition, I am grateful to Mark Brown for his willingness to engage in critical discussion with me concerning ideas and themes generated in this piece. I want also to acknowledge Shadd Maruna and Fergus McNeill, who have each provided inspiration and encouragement both in person and through their work. Finally, I am genuinely grateful to the young men who have participated in this research, and to the staff of various custodial sites who have helped to organize interviews. An earlier (and much shortened) version of this Article was presented at the British Society of Criminology Annual Meeting, Glasgow, U.K., July 5-7, 2006.

custody as against what is required of them when returning to the wider community.

Interviewer: What was the first thing you did when you were released from secure care [last time]?

Participant: The first day I got out I done crime Done another motor vehicle high speed chase.

Interviewer: You did? And . . . can you put your finger on how come that happened?

Participant: I didn't have . . . much of support, like. (A, 60:41).¹

Participant: [Of the last two and a bit years] I've spent 132 days out in the community and 650 days incarcerated. (B, 18:20, aged 17).

I. INTRODUCTION

This Article details the prospective and retrospective narratives of young men aged fifteen to twenty years who have lived through successive cycles of custodial sentences and release—and who have often done so in relation to juvenile and adult correctional facilities.² Specifically, it engages a grounded, “client”-oriented approach to the problem not simply of juvenile repeat incarceration, but of the incredibly high rates of progression from juvenile to adult custodial spheres.³ Very little research

¹ Interview citations are given in the following format: A = participant code; 60:41 = page 60, line 41 of relevant transcript indicating the precise point where excerpt commences with such transcript. Where an excerpt is taken from a subsequent interview with the same participant, the interview number is also given and indicated by I3 (where I = interview and 3 = times interviewed). Excepting a few notable instances, precise dates and locations of interview have been withheld in order to protect, as far as is practicable, the identity of participants.

² The current research was funded, initially, by a Flinders University Small Grant, and subsequently by the Australian Research Council through its Discovery Grant scheme. I am most grateful for the support provided by these funding bodies. My comments and conclusions in this paper are entirely my own and are in no way intended to be critical of individual government employees, but are instead directed toward rethinking the systems and processes which currently frame the custodial and post-release landscape.

³ In South Australia—the state which forms the basis of this study—of the 103 young men aged seventeen serving a detention order in 1999 (n=36), 2000 (n=34), or 2001 (n=33), 78% (nearly eight in ten) progressed to prison within two years of release (and most often, much sooner than this). Office of Crime Statistics & Research, S. Austl. Attorney Gen., Project 133 (2004) (unpublished data, on file with author). In a similar fashion, the Queensland Crime and Misconduct Commission examined the offense records of 1503 young offenders who had received a supervised order during 1994-1995. “By September 2002, 79% of [this cohort] had progressed to the adult corrections system and 49% had been subject to at least one term of imprisonment.” Mark Lynch, Julianne Buckman & Leigh Krenske, *Youth Justice: Criminal Trajectories*, in RESEARCH & ISSUES PAPER SERIES 1-6 (Crime & Misconduct Comm’n, Series No. 4, 2003). Internationally, studies reflect that

has sought to follow a group of young men through their respective pathways from juvenile detention to adult imprisonment. The current Article can therefore be viewed as an attempt to bring the lived experiences of incarceration and release to the fore—a means for making apparent the various hopes and challenges associated with what is broadly accepted to be a critically important time during “the life course.”⁴ Importantly though, my immediate objectives have less to do with documenting patterns of behavior or overarching trends in “criminal careers” than with presenting and examining the *meanings* attributed by young men to various events and circumstances that arise during the course of such “careers.” The Article is divided into three parts. First, a brief overview of the research project generating the data referred to throughout this piece is given. Second, and more substantially, the experiences of eighteen young men interviewed on two or more occasions over the last four years are brought to the fore. My aim here is to draw out the kinds of issues that tend to remain obscured when discussing the “pains of release” in more general or abstract terms. How could one know, for instance, that setting an alarm clock—having the money to *buy* an alarm clock—would feature prominently in the context of post-release for some young men? And how could one know, except by

90% of young offenders held in secure care (or their equivalent) progress to adult custodial environments. *See generally* RUDY HAAPANEN, *SELECTIVE INCAPACITATION AND THE SERIOUS OFFENDER: A LONGITUDINAL STUDY OF CRIMINAL CAREER PATTERNS* (1990); Christy Visher, Pamela Lattimore & Richard Linster, *Predicting the Recidivism of Serious Youthful Offenders Using Survival Models*, 29 *CRIMINOLOGY* 329, 329-66 (1991). Given that the juvenile justice system is designed to give maximum support to those caught up in its workings, it would seem critical to inquire how a system geared specifically toward helping, diverting, schooling, training, and, supposedly, engaging juvenile offenders appears in fact to be entrenching rather than reducing returns to custody among “its” clients. As one young man put it,

Well, in juvenile it wouldn't be the system's fault at all. Like the system's there to help you out when you're in juvenile. It's really your fault if you go down the wrong path. Like, I blame myself that I'm in here [in prison]. I don't blame anyone else. In here [i.e., in prison] it's a bit of both. It's your fault [and] the system's fault. Like if people fail it's just [because there's] no support in here. . . . But at the end of the day it's, you know, it's up to you to take your time seriously. (C, 12:33, 12).

The sentiment here is but one of many ways in which young men narrate and reflect upon their experiences of the juvenile justice (and custodial) system. Despite the occasional willingness to paint juvenile lock-up in a positive light (which, to my mind, stems from subsequent experience of prison), I want to show how both custodial spheres tend to increase problems for young men in custody—and, more specifically, for those attempting to rejoin so-called mainstream social relations upon release.

⁴ *See, e.g.*, Robert J. Sampson & John H. Laub, *Life-Course Desisters? Trajectories of Crime Among Delinquent Boys Followed to Age 70*, 41 *CRIMINOLOGY* 555, 555-92 (2003). *See generally* LIFE-COURSE CRIMINOLOGY: CONTEMPORARY AND CLASSIC READINGS (Alex Piquero & Paul Mazerolle eds., 2001); Alex R. Piquero, *Explaining Crime Over the Life Course . . . And All Points in Between*, 95 *J. CRIM. L. & CRIMINOLOGY* 345, 345-63 (2004).

talking to those who have attempted the transition from custodial time to street time on numerous occasions, the extent to which feelings of shame or ineptitude work against asking for (emotional or financial) assistance when the young men can see no way out of their predicament except through committing further offenses (and risking further periods of confinement)? In the final part of the Article, I suggest an alternative way of thinking about who or “what” gets released from custody and explore some of the implications this might have for smoothing the transition from, in the words of McAllister et al.,⁵ custody to community.

Broadly, then, my aim is to challenge the notion that young men released from custodial settings *automatically* pose a risk to themselves or to society more generally. Instead, I want to wrest the propensity for things to fall apart or go wrong away from individuals (an overtly political and under-interrogated term), and place it firmly within the risky systems of post-release administration to which young men are subjected. Without doubt, there are “youthful” activities which carry the substantial risk of arrest, court appearance, and further custodial time. But, and more to the point, there are also programs and procedures which, far from working to foster desistance from offending, literally assemble the conditions for recidivism and repeat incarceration. These conditions, as I will show, are very often nascent within release plans and attach themselves to the resident or inmate about to cross the perimeter of the custodial complex into the community. This, therefore, is the main story I want to tell here—the *story of how young men return to custody not solely because of their behavior, but because of their responses to systems and procedures* which, in an alarmingly high number of instances, steer people (back) into crime oriented pathways rather than clear of them.

II. SUMMARY OF RESEARCH PROJECT

The *Understanding Recidivism and Repeat Incarceration of Young Male Offenders: A Biographical and Longitudinal Approach* project commenced in September 2003 and will conclude in December 2008. The study has been designed to record the experiences and perception of young men aged fifteen to twenty-four who are subject to repeat cycles of incarceration, and, more pointedly, to the pains of confinement associated with doing time in juvenile and adult custodial spheres. To date, forty-seven unique participants have been interviewed for this research. Of this number, twenty-five young men have been interviewed on two or more occasions in keeping with their cycles of release and reincarceration.

⁵ DAVID MCALLISTER, KEITH BOTTOMLEY & ALISON LEIBLING, *FROM CUSTODY TO COMMUNITY: THROUGH-CARE FOR YOUNG OFFENDERS* (1992).

Collectively, these twenty-five people have endured 20,646 custodial days, equivalent to fifty-six years of confinement (with this figure excluding time served in adult custodial environments, see Table 1). The themes emerging from conversations with this latter group of young men (aged fifteen to twenty) form the basis of the present Article.⁶ Above all else—and in

⁶ Due to the ongoing nature of the research, and, more particularly, the timelines surrounding manuscript submission and amendment, qualitative data in this Article derives from eighteen of the twenty-five participants given at Table 1. To be clear, in the time elapsed between submission and acceptance, another seven persons participated in a second interview. However, a detailed thematic analysis of these seven interviews was not possible in the lead up to publication. Basic statistical data on these young men is nonetheless included. All initial interviews were, and continue to be, conducted within Cavan Training Centre ("CTC")—the thirty-six bed secure facility for young men aged fifteen to eighteen years located just north of Adelaide, South Australia. The base criteria for recruitment is that each potential participant must have served a minimum of one detention order of at least two months duration, and have been offered or taken up the opportunity for conditional release. Depending on the age at which the next period of offending occurs—and whether the courts elect to sentence the young person as a juvenile or an adult—follow-up interviews are conducted in CTC or within the adult correctional center to which the young person is sentenced. In addition to CTC, young men have been re-interviewed in Yatala Labour Prison (metropolitan Adelaide), Mount Gambier Prison (around four hundred kilometers southeast of Adelaide), Port Augusta Prison (three hundred kilometers north of Adelaide), Port Lincoln Prison (around three hundred kilometers west of Adelaide), Mobilong Prison (around eighty kilometers east of Adelaide), and the Adelaide Remand Centre (in the central business district) (participants interviewed on remand must hold dual status). Initial interviews spanned up to two hours in duration with follow-up interviews ranging anywhere from forty to ninety minutes. All interviews are conducted by the author and professionally transcribed. Participants are paid thirty dollars to compensate them for their time and willingness to share their experiences. The interview schedule for first-time participants ranged over three areas—pathways into crime, experiences of secure care, and transition to release, with a "miscellaneous" section exploring issues such as trust, mentors, life changing events, hopes and fears for the future, and so forth, as a means of rounding out the interview. Every attempt was made to balance the need for some degree of parity between questions across all initial interviews against the equally if not more pressing need to be genuinely engaged in conversation with each young person. This, of course, often requires the willingness to forgo the somewhat prescriptive structure of the interview schedule. Follow-up interviews—although loosely structured around the exploration of key themes—were much more conversational in tone and form. Indeed, some of the "best" interviews were those where the list of prompts and themes were put to one side for the duration of the conversation. At the commencement of each follow-up interview, I offered a brief summary to each participant of the issues that emerged from our previous discussion(s) and asked them to affirm the tenor of the summary and amend it where necessary. All interviews—including follow-up interviews—were conducted subject to the commencement of a fully custodial (as opposed to suspended) sentence (or period on remand). Repeat interviews centered on exploring the overlaps and points of divergence surrounding what each young man expected or hoped would occur when released from custody, as against what "actually" happened once in the community. The key themes from these interviews form the basis of the present Article.

keeping with a constructivist approach⁷ to the problem of repeat imprisonment—I sought to allow people to talk with me using *their* conceptual building blocks and (sub)cultural lexicons and for me to avoid—at all costs—the problems which attend drawing too narrow a frame around what researchers think people in custody should be saying or complaining about as against what these same people would like to say given an “open-ended” opportunity to talk. As previously mentioned, forty-seven young men have, as of May 2007, been interviewed for this research: twenty-two on one occasion; seventeen on two occasions; five on three occasions; and three young men on four occasions. The sentences served by these young people have ranged in length from two months to just over five years and have been levied for offenses including possession of an illegal substance with intent to supply, home invasion, illegal use of a motor vehicle, endangering life, armed robbery, serious assault, and grievous bodily harm.⁸ Each of the young men interviewed had served at least one detention order prior to turning fifteen years of age. More strikingly—especially given the overriding formal commitment to rehabilitation within the juvenile system—since the commencement of the study in September 2003, twenty-five of the thirty-eight unique participants interviewed who are eligible by age (eighteen years) to be admitted to prison have progressed to the adult custodial environment—that is, have been released from juvenile detention, committed further offenses, been arrested, been either remanded to the adult system or convicted, and sentenced to a term of imprisonment.

With this brief overview in mind, I move now to the main part of the Article—the recounting of participants’ sense of what they expected to occur once released as against their accounts of what actually happened. I will then move to deal with the implications of these scenarios.

III. RHETORIC AND REALITY OF RELEASE

It is, quite clearly, impossible to detail all the nuances of each participant’s situation pertaining to release and return to custody. Accordingly, and at the risk of doing some violence to the original integrity of these stories, I have chosen to group participants’ experiences into several themes which emerged from close and repeated readings of each of

⁷ See, e.g., Kathy Charmaz, *Grounded Theory: Objectivist and Constructivist Methods*, in *HANDBOOK OF QUALITATIVE RESEARCH* 509-35 (Norman K. Denzin & Yvonne Lincoln eds., 2d ed. 2000).

⁸ To give a sense of perspective, it is worth noting that of the five thousand or so unique young people who are charged with offenses in any one year in South Australia, the young men in this study harbor the most extensive offending histories and custodial experiences (only around one hundred young men aged under eighteen are given a custodial sentence of two months or more each year).

the transcripts. Of the eighteen substantive stories analyzed for this Article, eleven straddle the juvenile and adult custodial spheres. Although many common issues were raised by each participant, there is one theme I wish to mention at the outset of this Article, as it sets the tone for the narratives as a whole. This theme concerns the overriding optimism displayed by each young person about to embark on release—an optimism that emerged in spite of having been returned to custody many times previously. Indeed, only two of the eighteen participants expressed the view that there was a better than even chance they would again be incarcerated. Of those who had not yet entered the adult system, all were firmly of the belief they would work their way out of offending prior to turning eighteen. In short, no one believed they were going to the “big house.”

Participant: I'll be able to change my shit around. . . . Yeah, even [given] how much I've been in trouble, I've just thought, “Nah, I won't be one to go there [i.e., to prison].” . . . I've just thought, I don't know, I just—I've always kind of thought, I'll just click out of it. (D, 44:36).

Interviewer: Can I ask you, what makes you so sure [you won't one day go to prison]?

Participant: 'Cause I'm gonna do the right thing now. I've said, “This is enough, enough.” I'm not—I've had enough, you know, being locked up. It's just wasting my life. (E, 34:1).⁹

As a researcher—and even with the advent of hindsight—it is incredibly difficult to know what weight to attach to these predictions.¹⁰ Moreover, I have often thought it somewhat problematic to be asking someone to comment on what may or may not occur at some future point in time (especially somebody who has been forcibly removed for extended periods from the routines and happenings of so-called conventional life).

⁹ Additional excerpts here include the following:

Interviewer: Do you think that you'll end up in . . . prison one day? . . . [D]oes [that] worry you?

Participant: Nah. Well, I doubt it very much I'll be in the prison and if it is in the prison, it'll be for maybe overnight for drunk and disorderly. That's probably the most I'll ever get locked up again for. (B, 46:41).

Interviewer: Has there ever been a point where you[ve] [thought]: “I'm on a [bit of a] slope now and I'm going [to prison] if I don't watch myself?”

Participant: Yeah, but because I'm 16, I've still got two years to go [before prison is a possibility]. But within, like five or six months when I'm out, I'm hoping that my life will be on track so it will never get to that point where I might end up getting locked up in . . . prison. (F, 40:50).

¹⁰ See, e.g., Ros Burnett & Shadd Maruna, *So “Prison Works,” Does It? The Criminal Careers of 130 Men Released from Prison Under Home Secretary Michael Howard*, 43 *HOW. J. CRIM. JUST.* 390, 390-404 (2004) (discussing the prominence of hope in the context of post-release).

Nonetheless, my sense is that these young men want desperately to *believe* they will “make good”¹¹—that it is this belief, this sense of hope (however marred by the weight of past experience) that predominantly sustains the sense of future for each participant. The sense of hope—whether connected to being reunited with a guardian recovering from drug abuse, or earning a diploma at a technical college, or living in one’s own house, or being able to start again in a town where no one knows who they are or what they have been through—these scenographies¹² of hope transcend the weight of all probable realities for these young men. Having said this, I am also convinced that hope is underpinned by and constantly morphs into and out of states of despair. Mary Zournazi,¹³ for example, notes the complicity of hope and despair—that one works its way into the other, one is borne of the other. And more than this, that the two can subsist at one and the same time within each of us—and, especially, within those spoken with in custodial environments. Indeed, I think the narratives of custody and release detailed in this study need to be understood as the product of the tension—the scurrying back and forth—between feelings of hope and states of despair or disillusionment. Each of us—but especially young people in lock-up—are positioned precariously and critically between known outcomes and unknown potentials (even where these unknown potentials are given a predictable form by administrators in light of offense and detention histories). The following extended excerpts—drawn from a young man who I have interviewed four times over the last three years—speak powerfully to the highs and lows experienced by those in custody and who are asked to comment on their future pathways.

¹¹ See generally SHADD MARUNA, *MAKING GOOD: HOW EX-CONVICTS REFORM AND REBUILD THEIR LIVES* (2001).

¹² I borrow the term “scenography” from a recent collection of articles dedicated to the topic of suicide. In introducing the topic, Edwards and Osborne remark that to enact a scenography is to inquire after “the historically and geographically variable frames of meaning and interpretation, as well as action, in which suicide is enmeshed.” On the one hand, they note that suicide “is subject to particular kinds of moral and semantic framing,” whilst on the other, suicide “is seized upon by particular discourses and forms of rhetoric and public argument that use it as a vehicle for their own persuasive ends.” Catherine Edwards & Thomas Osborne, *Scenographies of Suicide: An Introduction*, 34 *ECON. & SOC’Y* 173, 174-75 (2005). I believe that states of hope and despair, too, can be viewed in such a manner—that they have their subjective as well as “objective” dimensions, and, moreover, that hope and despair are caught up in administrative and psychological discourses (within and beyond custodial complexes) as well as being reflected in popular culture (as in such books and films as *Dead Man Walking* or *The Shawshank Redemption*). In short, hope is not a state or mode of being in and of itself. Rather, it is caught up within and is appropriated (and thus irrevocably altered) by those who feel compelled to code and recode the pains of confinement for political or strategic purposes. What purpose, one might ask, has incarceration beyond the desire to manipulate hope and despair amongst those so confined?

¹³ MARY ZOURNAZI, *HOPE: NEW PHILOSOPHIES FOR CHANGE* 78 (2003).

Interview 1, October 24, 2003 (third detention order)

Participant: I've done nine months in Cavan and then I got out. Stayed out for three weeks and I come back in and . . . I'm doing five months now. . . . Before that in Magill [Training Centre] I done about six months. (A, 4:20).

Participant: [Next time] I feel like that I am going to get somewhere. . . . I've started realizing that crime isn't the way to go. . . . I've had enough of being in here and not being there for my girlfriend.

Interviewer: Okay. . . . What will you be able to do when you get out of Cavan now, that you couldn't do [in the past]?

Participant: Get a job.

Interviewer: And why can you get a job now but you couldn't [last time]?

Participant: Cause I got everything that I need, my resume . . . [I've got] [m]y certificates. Metalwork certificate. That's pretty handy . . . engineering . . . computing skills, typing skills.

Interviewer: So when you get out, you think you'll be able to use them?

Participant: Definitely. (A, 61:41).

Interview 2, October 14, 2004 (fourth detention order)

Interviewer: How long [did you stay out]?

Participant: Five days . . . [because I breached my conditions]. . . . I come here for two weeks [to] finish off my conditional. . . . [Then on my release] I [started] a suspended sentence for eighteen months I reoffended and I was on the run for a month. . . . Then I got a D.O. [detention order] for eleven months. (A, 4:46, I2).

Participant: The [support] people said, "Yeah, [A], when you get out [we]'ll help you out, you know, as much as we can," you know. "As much as you want [us] to," you know. . . . So I thought, "All right then." Didn't help me or nothing. I tried to ask them [for help]. Nothing. . . . "Yeah, I'll be there in a minute, [A]." Nothing.

Interviewer: So you feel as though they've let you down?

Participant: Yeah, FAYS [Department for Families and Youth Services] workers, man, they're dogs to tell you the truth. . . . When they say . . . "I know what you're going through," you know, no one does, you know, no one. . . . No one in the world will ever know what you go through because, I mean, they aren't in our life. (A, 22:15, I2).

Interviewer: What do you think your chances are of staying out?

Participant: Good. . . . A 100%.

Interviewer: You think you'll do okay.

Participant: I know for a fact I will. (A, 27:36, I2).

Interview 3, August 9, 2005 (fifth detention order)

Interviewer: Since I last spoke to you, . . . you were released, charged, [sent] back in and released, charged and [sent] back in. . . . [Since you'll be out in four months], [w]hat do you want to do [when you're released]?

Participant: I haven't been . . . thinking [about that] cause it's not close for me to getting out. . . . I'm just going to take it day by day. . . . I'm not going to plan nothing. I'm just going to take it day by day. (A, 27:52, I3).

Interviewer: [D]o you feel confident about the future?

Participant: At the moment I'm thinking that my life is just going to go down the drain 'cause I've been locked up for so long and . . . I don't know . . . what it's like on the outside any more because I'm not out for that long . . . to notice what it's like out there. (A, 31:20, I3).

Interview 4, March 17, 2006 (sixth detention order)

Interviewer: What happened after [you were released]?

Participant: I got locked back up 'cause I stole a car . . . about four days [after I got out]. . . . I stayed at my girlfriend's for one night and then went out stealing I was on morphine, speed and that I got in a couple of high speed chases and lost 'em, did some ram raids for alcohol. (A, 2:24, I4).

Interviewer: What do you think, sitting here now, what do you think your chances [of staying out] are next time around—'cause I know you've been through a lot.

Participant: I think my chances will be the same as usual—take it as it goes I used to think [ahead into the future] but now I've learnt, you know, just to take it day by day . . . when that big day comes for me, getting out, then I'll start planning it—that day I'll start planning stuff, you know. . . . I'm hoping that my girlfriend will stay with me, that I can have a family, and then my whole life will change, that's what I'm hoping. (A, 27:34, I4).

It is possible in these passages to detect something of the rise and fall of hope—of that intangible yet very material force that permits one to reckon with what may or may not eventuate. As of his eighteenth birthday, the young man quoted above had spent 1272 days in custody—having received his first detention order at age eleven. He had also endured bouts of homelessness, alcoholism, completed only eight years of schooling, survived being two weeks in a coma as a result of being trapped in a burning car (which his brother had set ablaze without realizing there was someone still in the vehicle), and dealt with the lifelong knowledge that he

had been rejected by both his parents (to the point where his mother changed her phone number so that her son could not call her from lock-up).¹⁴ This recounting, quite clearly, is only the barest outline of the nodal points that comprise this young person's life and that partially frame the context within which confinement and release occur. However, this brief excursion should be enough—prior to examining a wider array of post-release narratives—to raise serious questions about how hope is sustained in the face of repeatedly being let down by processes designed to assist young people in times of overwhelming adversity. In this context, I want to explicitly and steadfastly refrain from charging each of the participants in this research with being unrealistic about their future or their probability of making good. I also want to avoid charging that it is the over-inflated sense of self-reliance and optimism generally evinced by young men about to be released from custody that should somehow be translated as the primary causes of breaching or re-offending. Instead, I want to try to understand the conditions that produce this preparedness—this necessity—to repeatedly reassemble hope out of quite desperate situations.

In descending order of prevalence, the key themes that emerged from interviews concerned: housing, peers, drugs/alcohol, money, coping with administrative shortcomings, and dealing with tragedy. Although familiar, I aim to bring each of these issues to life through relaying the struggles associated with participants' lived experience.¹⁵ For the record, the shortest time between release and being brought back into custody for the twenty-five participants was, in whole figure terms, one month and the longest was

¹⁴ At the time of writing, this young man had been remanded to the adult system.

¹⁵ On this point, I acknowledge the importance of retaining a critical and even skeptical attitude toward stories collected in the field. Equally, though, I am committed to the idea that if something walks, talks, and looks like a social-structural issue, then it probably is one. Moreover, when one adds into the mix the recurrence of similar themes across most—if not all—interview transcripts, then there is additional good reason to think that matters relayed by participants approximate something more than hyperbole or the deliberate misrepresentation of the so-called facts. In any case, what is absolutely critical is not whether the interpretation of events relayed by the young men interviewed are true in any objective sense of the term, but *whether each holds such interpretations and perspectives to be true* at the time of engaging in initial and successive interviews. It is, after all, *the meanings and beliefs which young men themselves ascribe to events* which help to organize their sense of the past, present, and future. So, for instance, I am more concerned with how and why a young man continues to make sense of his repeated return to custody in terms of housing and employment difficulties even where, “objectively,” and according to case notes, no such difficulties were reported. In short, the way people construct the world around them matters, and this is what I am most concerned to relay. I am committed to doing this even where such constructions do not neatly gel with the visions of the pre- and post-release landscape held by administrators in “official” records (as important as these are in their own right).

twenty-eight months (with the average time being around seven months).¹⁶ The objective now is to relay the key themes emerging from interviews, commencing with the vexed issue of housing and accommodation.

A. HOUSING (THE DESIRE FOR INDEPENDENCE)

The importance of a stable and secure place to live has been mentioned countless times both within and beyond the context of post-release support.¹⁷ What is less common within this literature is the relaying of the views of those who struggle with the issue of housing and homelessness on a daily or intermittent basis. Accordingly, my aim here is to provide a client-based narrative plinth to the general catch-cry that housing—which I take to include both physical attributes (bricks, mortar, plumbing, heating, and so forth) and psychical dimensions (the ability to cultivate a meaningful sense of place through time)—needs to form the basis of any attempt to keep young men out of custody. In the vast majority of instances, the young men in this research have encountered numerous problems on the road to securing or being able to hold onto stable accommodation. Three sub-themes emerged here: delays in provision of accommodation, problematic placements, and insufficient familiarity with the demands of domestic life.

1. Delays in Provision of Accommodation

A colleague¹⁸ once described how the young person involved in repeat cycles of incarceration can be metaphorically conceived as a patient on the operating table in critical condition. Under such conditions, even a seemingly minor event (such as exposure to everyday germs or viruses) can send the patient into cardiac arrest—the inference being that things which would not normally matter to “healthy” persons can profoundly affect those

¹⁶ These figures reflect official records and do not reflect the actual time at which a warrant for arrest due to a breach of conditions is issued (often as little as four days subsequent to release) or length of time “on the run” from authorities. The participant who is officially deemed to have spent twenty-eight months in the community between orders was, it should be noted, living for the majority of this time in cycles of crime and violence.

¹⁷ See generally JOHN HAGAN & BILL MCCARTHY, *MEAN STREETS: YOUTH CRIME AND HOMELESSNESS* (Alfred Blumstein & David Farrington eds., 1998); Eileen Baldry, Desmond McDonnell, Peter Maplestone & Manuel Peeters, *Final Report of Ex-Prisoners and Accommodation: What Bearing Do Different Forms of Housing Have on Social Integration?*, 46 AUSTL. HOUS. & URB. RES. INST. (2003), available at <http://www.ahuri.edu.au/publications> (select Final Reports; then select no. 046); JEREMY TRAVIS, AMY L. SOLOMON & MICHELLE WAUL, *FROM PRISON TO HOME: THE DIMENSIONS AND CONSEQUENCES OF PRISONER REENTRY* (2001), available at http://urban.org/UploadedPDF/from_prison_to_home.pdf.

¹⁸ Dr. Mark Brown, Senior Lecturer, University of Melbourne.

whose health has already been severely compromised. It is the same with young men about to embark on another period of release—conditional or otherwise. Here, events which seem trivial to those leading conventional lives—or who have good links with traditional or majoritarian networks—are experienced very differently by those released from custody. Having to wait a few extra weeks (or even days) for suitable accommodation is a good example of the mundane presenting as extraordinarily stressful to ex-residents and prisoners.

Interview 2, October 14, 2004 (third detention order)

Interviewer: [W]hen you're next released, what will you do differently from last time . . . ?

Participant: Well, this time I'm getting my own house, my own one-bedroom unit. . . . Because, yeah, being at home brings me down. At my mum's, you know, got to cook and clean for myself anyway. . . . You know. She drinks all day. . . . Yeah, so that doesn't help. So then I drink with her. (G, 42:51, 12).

Interview 3, August 9, 2005 (fourth detention order)

Participant: Once I was out of here [i.e., juvenile detention] they just sort of forgot about me. . . . I was meant to move into my house the day after I was released. Then I got a phone call saying, "No, you can't move in." . . . This went on for . . . a few weeks. . . . I got out on the Thursday. On the Friday they said, "Sorry, we don't have it." . . . Then the next Friday they said, "No, we'll ring you on Monday." Monday I didn't get a phone call, and, yeah. And at my mum's it's not very good because she drinks a bit and then when she drinks, I'll drink with her.

Interviewer: So that's where you were staying, at your mum's house?

Participant: Yeah. . . . You know, like, if I wasn't at my mum's, that kid [who I've done crime with before] wouldn't have been walking past the front of my house, you know. . . . [And] at first when I—when I seen him I didn't think about doing crime. . . . I just thought, you know, have a drink with an old mate. . . . And then once we had a drink I thought, you know, "Oh, yeah." We were talking about old times and then . . . "Do you want to do this?"

Interviewer: Right. And so you're back in here.

Participant: [Now] I'm just thinking, you know, . . . they [i.e., the workers] keep shitting on me, you know. I think, you know, if they really want me to have a good chance at succeeding, you know, you'd think they'd want to help as much as they can. . . . [But the staff in here only do their job] to look good in front of the big bosses. . . . When the big boss is around they're doing work. (G, 2:4, 13).

Another example of delays in housing having serious consequences can be seen in the following account:

Participant: [I was living at my sister's while] I was waiting for a house, and I would have had a house probably like two days after I got locked up. Like I was waiting for one, and I really stuffed it up and it was really close to [where I was going to school]. . . . I was on a waiting list for roughly about five months toward the end of my D.O. to get one through the salvation army. . . . It would have been my own outreach house that I could rent myself. . . . That's what I wanted to do. . . . I knew that it was meant to be happening, I knew that I wouldn't be at my sister's forever, but it was taking a real long time. They kept saying that, "Oh, it should come up in the next few weeks." . . . Eventually they said, "Oh you've got one . . . but there's damage and we'll need to fix it . . . but by then I was going off the rails. . . . I'd say [after] about a month [of waiting for a place] . . . I started to want to hang around with other mates. . . . I'd go there after school and drink till three o'clock [in the morning]. . . . I guess my sister and her boyfriend weren't very good role models. They started doing things, like—some nights I would look after their little daughter and they'd say you know we'll be back in about an hour, and they come back at three in the morning and I'd think, "Why don't I just go out and drink if I'm gonna be here looking after their kid [an eight-month-old baby] screaming." . . . It used to annoy me, you know, especially when [it was] their [child] screaming in the early hours of the morning, and I was [left] thinking, "Where are these idiots? They've put me under this pressure." I went out looking for other places and houses and that . . . I wanted to be independent [but] I don't think the workers realized how hard I was finding it.

Interviewer: What is so important about getting a house?

Participant: So I can be independent. So I have somewhere to live. [So I] [d]on't have to rely on other people. I can do my own thing. Just [be] independent basically. (D, 7:38, 13).

In addition to coping with delays in housing and having to act as a surrogate parent, this young man was also trying to complete year eleven.¹⁹ He found the stresses associated with living with his sister to make it all but impossible to sustain a good study routine. Whereas many of us have the option of calling up family members and friends to help with minding newborn children (or just to provide moral support that they are doing well, that it is perfectly understandable to feel overwhelmed by circumstances, and that there are ways and means available to help one work toward a better scenario), this kind of support tends to be anachronistic in the context of post-release life. Very few of the young men I spoke to returned to anything remotely resembling a respectful and supportive family environment, or as an extension of this, an environment where persons were well integrated into "regular" jobs, careers, pastimes, and pathways. There is no such thing as reintegration into family life for these young men since the structure of the family—or at the very minimum the kinds of authority,

¹⁹ In Australia, students generally need to complete twelve years of schooling (seven years at primary and five at secondary level) before applying for admission to University (tertiary study).

priorities, and ethical dimension of the group into which young people move—has long been pulled apart or irrevocably damaged (by chronic long-term unemployment, by drug abuse, by other family members having to serve time in custody, and so forth).

It is, of course, pedestrian to say that the difference between the intention of (post)custodial administrators as against what they actually do (or do not do) in practice is frequently incredibly marked. This feeds directly into the way in which the system manufactures unreasonably hazardous states of affairs for young people to negotiate instead of ensuring that as many protective factors as possible are in place the moment the young person leaves the custodial institution (an issue I will return to later).

Participant: I was supposed to go to my own place. . . . I went there and everything wasn't ready for it. My house was still dirty, there was shit—there was all, like, people were putting a fence up out the front and all the stuff they were using to put the fence was in my house. . . . And all the floors were dirty and . . . I couldn't move in there for a couple of weeks [and so I started doing crime again]. (B, 1:48).

Participant: [Last time] when I got out on conditional release . . . I had no clothes and stuff and [my release worker] he said he was going to get me my clothes and that And, yeah, . . . he said [my] place is all ready—the house is ready waiting for me. . . . And . . . when I got out the house wasn't ready, stuff was wrong with the electricity and stuff. . . . And yeah, you know, he tried to make me sleep in this other house, like, on the floor and shit and I didn't want to. Yeah, and I was out for about two to three days, like, and I was wearing the same clothes and stuff because he said he was going to get my clothes and he didn't. So I just couldn't hack it no more. Just took off, didn't obey my conditional release and that. Yeah, met up with a mate and that and done crime and found myself back in here at the end.

Interviewer: How did that make you feel, that . . . situation . . . with the clothing and the housing?

Participant: It made me feel wild and stuff. . . . Yeah. If I knew that was going to happen, I would have stayed in here and waited till my whole order finished. (H, 18:33).

Again, the phenomenon of hope can be seen here to come tragically into and out of relief. It does not take much, as anyone who has even the remotest understanding of the pains of release would realize, to turn hope into a lingering kind of anger and resentment. "Feeling wild" is in many senses the rational response to being messed around by a bureaucracy that professes to "tame" such wildness, and yet manages to repeatedly bring out feelings of despair and acts of desperation in many of its clients. Unlike the standards that apply to each of those under its care, the bureaucratic machine manages to do this with little consequence to its own functioning. Here, discipline—in the sense of purposefully targeted recrimination for perpetrating a foreseeable and avoidable harm—is applied to one body only

(that belonging to young men released from custody as opposed to that which administers the rules and programs governing their lives).

2. Problematic Placements

One of the major and serious effects of delays in setting up independent living scenarios is that young men are forced to take whatever accommodation opportunities happen to be available. This typically means moving into a highly troubled and stressful familial environment or into short-term crisis care arrangements. A key point to emerge from interviews was the degree to which participants knew of their “fate” should they be made to inhabit either of these circumstances—several narrating that they had made plain to their release and social workers the risks that they would be facing if forced to stay with family or in emergency accommodation. For example,

Participant: Like, I’ve already told ‘em, like that I want to get a job and get a flat and that. I don’t want to go back to my mum’s. Like, even if they tell me that, “Well, the only way you can get out is go to your mum’s,” I won’t do it because it’s just setting me up to fail. (C, 37:15).

A fairly common track concerned taking up the opportunity to reside with family only to have relationships break down, with the young person subsequently needing to commit crime as a means of escaping pronounced familial tension, or for survival.

Interviewer: Can you give me some idea of what your life was like in those few weeks after you got out of here? I mean, how did . . . you think it was going?

Participant: Oh, I didn’t think it was going very good. I went back to living with my dad . . . , because I lived with him for a few years and he’s like, “Yeah, you know, things are going to change, you’re going to have more freedom.” I got out and it’s stricter than here. . . . Like, if I was home five minutes late he’d crack the shits at me. . . . And just go on all night about it. . . . And, I mean, he wanted me home at six o’clock every night. I’d come home five past six at the latest and he would have a go at me. . . . [F]rom day—from day one I mean, I’m used to not having to come home, but . . . then I changed, you know. I had to . . . compromise for him, “Yeah, I’ll come home at six o’clock every night. I mean, you’re going to cook me dinner, I might as well be there.” . . . [But] it pissed me off because I thought, “Come on, it’s not a big deal, it’s a few minutes.” . . . [After a while I got sick of things and] . . . had a few drinks. . . . I knew my mate had a [stolen] car parked somewhere. . . . And so I went and jumped in it and went and done a break [in] . . . to get [more] alcohol I was driving around and then the steering wheel in the car locked up when I was doing a burn-out. . . . And then the cops rocked up from in front, rocked up from behind. (G, 6:13, 12).

Participant: [M]y mother, she has a drug problem, she sold some of my belongings to Cash Converters and stuff like that and I got a bit angry at her for it and she kicked me out of the house and withdrew her guarantor, so I was basically on my own. So I

started stealing cars as places to sleep in, and yeah. I used to go out every night, make my money in that car . . . , used that car just to make a living, yeah. . . . I was selling marijuana for a while. . . . It was getting pretty bad. . . . I had my friend's house I could go back to but his nanna's pretty sick, so I didn't really want to intrude on them. . . . So I was just using cars as bedrooms and after a while it just escalated to going back to making money by doing shop breaks and stuff like that. . . . Just to live, survival money. (C, 3:16, 12).

Where living with family members was not an option, emergency accommodation, living with "mates," or even homelessness loomed as probable scenarios. A major problem with emergency accommodation is that such places tend to impose quite strict rules—including curfews—on residents. In many ways these places start to resemble the modes of capture to which young men had previously been subject in lock-up. In addition, participants interviewed for this study all expressed the view that emergency accommodation was a dangerous place for them to reside since these tended to be occupied by the "kinds" of people who would be more, not less, reticent to engage in crime or to respond to minor forms of conflict with disproportionate amounts of violence.

Participant: I had troubles with placements. . . . You know, I was glad to get out of there. . . . 'Cause you've got all these run-amok kids together so it's hard. They're all trying to compete against each other . . . and then that's when it escalates into fights. . . . And your house is like there . . . and they've got the workers there, and they . . . threaten to breach your bail all the time if you're like mucking up. And that's what makes the young people like myself just run off.

Interviewer: [You've said] you were . . . going around to these different . . . emergency accommodation places. . . . [Can you] tell me about your life there and what happened that saw you get into trouble again and [sent] back here?

Participant: Well, basically I was on the streets after I got kicked out of Burdekin [a place located in Adelaide CBD offering emergency accommodation for young man aged 12 to 25] . . . and I started like stealing stuff to like survive because . . . like at first I was staying with my friends and all that but you can't stay with them for ages. I stayed with my friends for about a week and then I was like stealing stuff, sort of like breaking into shops and stealing stuff and that. Again stealing cars with one of my mates and like making money and stuff like that I went and got into a boarding house, . . . like you pay like 100 dollars a week and all that at the boarding house. . . . I was doing all right there for a while and then

Interviewer: But you were doing crime to support that, so you could actually pay for the boarding house essentially.

Participant: Yeah. . . . And then the DNA come back . . . and I got done for everything I done. (E, 6:33, 12).

Participant: [Waiting for my house was a] bit of a disappointment because I actually went out into . . . a community house. . . . [I had] to stay there for a couple of days and they had a ten o'clock curfew and like, me being out, being in here [in secure

care] for, you know, so long, then I've got out and I've got no freedom again. So it's sort of like getting out and wanting to do my own thing but I can't do my own thing because I'm still in someone else's rules and having someone else tell me what to do still. (B, 5:16, 13).

Participant: [After an altercation with my uncle, my grandma] said, "Oh, you know, I just think it's best if you don't stay here [anymore]." . . . [S]he rang up Crisis Care . . . and they took me to Burdekin in the city. . . . I mean, . . . I've been offered that place plenty of times, I just didn't want to go because I know what happens. I mean, I went there for the sake of it because that was my last option. . . . I went there . . . and I shouted [i.e. bought another resident] a couple of drinks or whatever. . . . He just, I don't know, just got rowdy, "Come on, give us [more] drinks you dickhead, rah, rah, rah, you're a fuck head if you don't give me a drink, rah, rah," some shit like that. So just, I don't know, I wasn't liking it. He just constantly kept going at it. . . . Just fell into a fight from there . . . at Burdekin. . . . Two police officers came. . . . One come [over to me and said], "He's charged you with assault." And I was like, "All right, no comment, just take it." (I, 9:37, 12).

In each of the scenarios related above, there is a strong case to be made that further offending has occurred not due to some innate risk residing within each young person but due to the highly volatile living arrangements that each was forced to confront. Moreover, these excerpts do not do justice to the efforts each of these young men made to avoid the conflict within which each was eventually ensconced (such as not wishing to impose on friends' hospitality for too long or booking oneself, most reluctantly, into emergency accommodation). To expand on but one example, the narrator of the last scenario worked particularly hard at remaining calm in the face of repeated taunts and insults leveled at him by his uncle (who was also residing at the young man's grandmother's house), and tried to reason with his grandmother about his uncle turning the power off to his sleeping quarters. All of this was to no avail—and indeed the uncle started to get violent (throwing various objects around the house and threatening harm to his nephew). This all seems, in one sense, perfectly trivial, but in the context of trying to piece together a non-offending lifestyle this conflict takes on very different proportions. The young man here has precious little human and social capital to draw on such that the only option then becomes to place himself in the equally stressful environment of emergency accommodation. Here, one begins to see the writing on the wall, so to speak—such that the redemption script which was alive and well at the point of leaving custody begins to morph into a resignation script as one moves deeper and deeper into residential circumstances replete with all the features apt to encourage, rather than protect against, further offending.

3. *Demands of Domestic Life*

Enduring custodial time is often at antipodes with successfully inhabiting societal or street time. Custodial environments create, in Foucault's terms, docile bodies,²⁰ with the defining characteristic of docility being submission—that is, general compliance with the whims of staff and the rules of custodial institutions. Certainly, there are all manner of resistances and minor protests which mark custodial life, but, per Foucault and over and above all else, the prison's primary purpose is to incapacitate—to render a holding still, to put in place a means of physical (if not psychical) capture.²¹ Another way of saying this, after Nietzsche and Deleuze,²² is that prisons are places for ensuring that reactive forces proliferate in place of active forces. A reactive body, for Deleuze, is a body separated from what it might otherwise do, or, at the very least, might be expected to accomplish if placed in proximity to non-reactive forces.²³ Young men in custody generally are not permitted, let alone expected, to show initiative or take anything approaching a meaningful degree of responsibility for their daily lives. Instead, things are done *to* them and *for* them and only very rarely *with* them (and with their consent). In this sense, inmates are taught to react rather than act. They are taught to respond rather than initiate. They are taught what to think rather than to consider their own thoughts and fears as natural and legitimate. They are told how to take unqualified responsibility for their actions rather than permitting each to qualify their offending with contextual or “background” matters.²⁴ And they are told where to reside or to study or to seek work rather than how to cope with the problems that inevitably arise in being forced to do any of these things when released. *The prison is the place where young men are literally ascribed a divided sense of self*—one of these selves is constructed after the image of the judge, the psychiatrist, the social worker, and the program manager, who all demand the young offender to take an active part in their own “rehabilitation,” whilst the other self is that rendered in the image of custodial staff, prison architecture, correctional rules and

²⁰ MICHEL FOUCAULT, DISCIPLINE AND PUNISH: THE BIRTH OF THE PRISON 135-69 (Alan Sheridan trans., 1977).

²¹ As Foucault writes, “The first principle was isolation. The isolation of the convict from the external world, from everything that motivated the offense, from the complicities that facilitated it. The isolation of the prisoners from one another.” *Id.* at 236.

²² GILLES DELEUZE, NIETZSCHE AND PHILOSOPHY 39-71 (Hugh Tomlinson trans., 2006).

²³ *Id.* at 39-72.

²⁴ For an excellent discussion of the double bind which social workers and others working in the therapeutic community (inadvertently) place around persons in custody when trying to produce a “responsible” client, see Shadd Maruna & Ruth Mann, *A Fundamental Attribution of Error? Rethinking Cognitive Distortions*, 11 LEGAL & CRIMINOLOGICAL PSYCHOL. 155, 155-77 (2006).

procedures, as well as (on occasion) other inmates or residents who collectively work to defeat any inclinations toward "independent" thought or the desire to have a meaningful and ongoing say in the management of their own lives within and beyond custodial walls.

Participant: [I]t's like you're in here, you know when to go to bed, you know when to eat, you know when to sleep, you know when to shit, you know. You get told. . . . When you get out it's like you can do what you want. . . . They don't ease you out. So you're just here, you're in detention, and you can't do anything. And then you're out there and you can do everything. . . . It's too sudden. We need to be able to be worked out . . . to be organized. . . . Like, if I got eight months, [I should be able to] do [some sort of periodic release] the last two months. . . . Like . . . [they should] wean you out and then that way you can organize stuff when you're out and then you can get a job and you're already started working there. . . . It's not like you just got out of a lock-up and you're working straight at the job. (G, 31:40, 12).

Arguably, the young men interviewed for this research have (involuntarily) taken on a mode of subjectification whose defining characteristic is one of learned helplessness.²⁵ Of course, such helplessness may have been present well prior to custodial life (lending weight to the importation model of the custodial subject). Without doubt, participants interviewed to date can—even in light of such helplessness—rightfully be viewed as incredibly resourceful, street smart and quite considered and reflective in their comments about their own pathways as well as the factors that have converged to bring them into custody. However, custody is not, to my mind, doing anything remotely worthwhile or socially productive with these (normally) sought-after qualities (resourcefulness, introspectiveness, etc.). This, of course, has profound consequences for those attempting to make good the "transition" from having to react to the pains of confinement to needing actively to deal with the pains of release, or what has been termed the second sentence (which is always levied more in the order of a temporally defined rupture of institutional circumstances than a steadily calibrated journey toward "society"). The excerpt immediately below points to the micro-political factors (meaning the factors that go to the overall sense of personal security, place, and self-esteem) that work their way into the post-release landscape.

Participant: I was trying to do the right thing, you know. . . . I . . . was . . . trying to practice . . . not even doing the littlest of crimes, like, even, you know, . . . wear a helmet and stuff. . . . And it just ended up slipping away, you know. Before I knew it I was back into it. . . . And I was really disappointed in myself. . . . It was pretty easy to . . . start off with because it just felt good, you know. I had my house for the first time and that And after a while I thought, "Shit, it's not that easy," you know. . . . Because sometimes I thought each week I work and, you know, it's

²⁵ See Lyn Abramson, Martin Seligman & John Teasdale, *Learned Helplessness in Humans: Critique and Reformulation*, 87 J. ABNORMAL PSYCHOL. 49, 49-74 (1978).

busting my guts and . . . I find myself paying bills every Friday, you know. . . . Got to jump on the bus and go into Centre Care or whatever.

Interviewer: Did you have enough money to pay those bills?

Participant: Yeah, yeah, but sometimes I got greedy and some weeks I thought, "Oh, I want to have a bit more," you know, I want to be able to go out and have a drink and have money as well. . . . You'd actually feel like you're under a little bit of pressure, you know, . . . because I wanted things like the phone on and that and . . . I didn't know but I got the phone bill, like even before I knew the phone was on. . . . Because the phone was a bit, like, it was broken, they had to fix it. . . . And like—it was like something like 120 bucks just to get it on. . . . And I thought, "Well, fuck that. I won't be paying that for a while." And not long after that, you know, my bill was . . . 300 dollars. . . . And then, you know, your gas comes in and that but, you know, it's paying it. (D, 17:12, 12).

B. PEERS (RESPECT AND BELONGING)

One of the most common expectations of custodial and post-release staff is that those leaving secure care or prison should cease associating with their mates—or, by default, find a new group of (non-offending) friends. This refrain, whilst easy to relay, is incredibly difficult for young men to contemplate, let alone put into practice. Certainly, the importance of staying away from long-time friends or "associates" was emphasized by many participants—with one young man being quite ruthless about his intentions to go "cold turkey" when it came to the issue of problematic friendships.

Interviewer: One of the . . . things that a lot of guys . . . find . . . difficult . . . when they get out is when their mates . . . say, "Come on, let's do this."

Participant: See, that's what I don't want to do. The cunt that I used to do crime with, I'm going to fucking grab him and I'm going to kick absolute shit out of him, just so I can say, "Look, mate, fuck off, I don't know you . . . get the fuck out of my life. You're just locking me up, cunt. Where were you when I was doing fucking ten months [inside] for . . . you when I broke that cunt's jaw? Where the fuck were you? You were out here snitching me in, mate." I've got to fucking get rid of them, man. . . . I can't—I can't live life this. It's not good. . . . It tears me up, man, every night. Every single fucking night I lay in bed thinking, "What the fuck am I doing here, man?" (J, 40:49).

Others were more measured in their views about mixing with old friends.

Participant: My mates . . . know not to talk to me about [doing more crime]. . . . I tell my mates all the time I'm not doin' nothing when I get out so they know not to talk to me about crime or anything.

Interviewer: Yeah. So you're not going to stand for any of that?

Participant: Nah. (C, 30:12).

Participant: I've got to meet new people and if I see that they're—oh, some of my old mates, I've just got to . . . tell them, you know I can't just think, "Oh, yeah, I'll see you around some time." . . . I've just got to say, "Look—just get away from them," you know. . . . Even if they say, "Oh, you know, there's a big scam, we'll get fucking twenty grand," you know, I've just got to think, "Oh, they're full of shit anyway," you know. (D, 35:22, I2).

Interviewer: And next time around when you get released, do you think you will make it? Do you think you will be coming back here or not?

Participant: No. I don't think I will and I want to try my hardest not to. . . . I'm gonna start hanging with some of my old school buddies again, you know, the boys from school that did not go down the track that I've been down, you know. I want to go back to the old group where we used to, you know, the worse we would do is we would smoke ciggies on the school oval or something. . . . Or you know, go to a pub and get drunk and then ring our missus up and tell them to come pick us up. That's the sort of routine I want to get into again . . . you know. So I'm going to try and move back to them boys instead of going back to one of the boys that have been in here and, you know, they are in a routine of coming back and, yeah, I'm just going to try and change. (B, 19:38, I3).

Since last being interviewed, the narrator of the last excerpt has been remanded to the adult custodial sphere. This is despite his best efforts to think through and commit to a path which was to have taken him away from the milieu of those who are "in a routine of coming back" into custody. For most young men in custody, "mates" have long since taken the place of family members (indeed have become family members of a sort) and have all but displaced the authority figures to which young people are traditionally socialized (or expected) to trust, defer to, and learn from. Beyond the feeling of security and familiarity that attaches to committing particular types of crime, it is the comfort of one's mates (however conflicted such relationships happen to be at times) that provides the key means of connection to something larger than one's own sense of self. Each of the forty-seven unique participants in this research have, to date, given one of only three kinds of responses to the question which inquires after who they trust: namely, "myself," "no one," or "my mate(s)." It is surprising, then, that there has not, to the best of my knowledge, ever been a serious and sustained examination of the subjective experience of mateship in the context of post-release life and how the capital provided by mateship (whether through a preparedness merely to hang out, share drugs, obtain food, secure shelter, commit crime together, make money, or something else) tends to outweigh the capital flowing from trying to go it alone or

make new friends.²⁶ In the current study, mates were not necessarily those to whom one returned to immediately upon release, but they were, time and time again, those who one fell back upon when things started to “slide” or “go off the rails,” or when each of the young men felt an intensified sense of aloneness or isolation from the world(s) they knew best.

Interviewer: So tell me about how things started “going off the rails,” to use your term . . . ?

Participant: I started going out with [my mates]. . . . I’d do little things . . . it turned out one night I was holding a screwdriver and scissors for them [and the cops rocked up] and I got caught with articles possessed for house break . . . and they breached me. . . . At this stage I would have been getting a house in two days. . . . I knew it was getting really close The people I was hanging round with, they’re the type of people that will . . . steal a car out of nowhere . . . it’s difficult for me to know what to do in that situation . . . one of my mates, I thought, he’ll be all right ‘cause he’s got a young kid . . . and he’ll stay out of stuff. . . . I got a twelve months’ license disqualification and I got a month to run concurrently with what I’m doing already. (D, 24:11, 13).

Interviewer: So what happened to . . . get you back into trouble after that seven or eight months?

Participant: Oh, I went down and got my mates together. . . . Just started getting on the drugs and that again . . . just a bit of speed and that . . . just made me want to go out and get more money to get more and that. . . . You just get addicted, started getting addicted to it and that . . . I just went out looking for anything. . . . I got caught getting a stereo out of a car in a car yard. . . . Yeah, . . . just as soon as I got on the gear and that again, you know, I just thought, “Stuff it, you know, I’m not going to look for work, it’s too hard,” and that . . . [Just] hook[ed] back up with all [my] old mates again, and they’re all doing [crime] and that, still. (K, 5:40, 12).

²⁶ There have, in the years since Edwin Sutherland outlined his concept of differential association, been numerous studies of the supposed or theorized impact about the effect of so-called “delinquent peer associations.” See generally MARK WARR, *COMPANIONS IN CRIME: THE SOCIAL ASPECTS OF CRIMINAL CONDUCT* (Alfred Blumstein ed., 2002); David Brownfield & Kevin Thompson, *Attachment to Peers and Delinquent Behaviour*, 33 *CAN. J. CRIMINOLOGY* 45, 45-60 (1991); Dana L. Haynie, *Friendship Networks and Delinquency: The Relative Nature of Peer Delinquency*, 18 *J. QUANTITATIVE CRIMINOLOGY* 99, 99-134 (2002); Ross L. Matsueda & Kathleen Anderson, *The Dynamics of Delinquent Peers and Delinquent Behavior*, 36 *CRIMINOLOGY* 269, 269-306 (1998). Each of these studies (and many others besides), it should be noted, does not engage or seek out the significance of friendship or peer associations from young peoples’ points of view—using *their* words, *their* recollections, and *their* perceptions. Even the seminal works of David Matza, see DAVID MATZA, *DELINQUENCY AND DRIFT* (Transaction Publishers 1990) (1964), and Howard Becker, see HOWARD BECKER, *OUSTIDERS* (1963), are predominantly devoid of the narratives and lived experiences of those they seek to understand or interpret. To my way of thinking, this can only lead to an epiphenomenal account of the relationship between young people and their peer networks, and their involvement in and attitudes toward crime more generally.

Mateship is a deeply paradoxical issue for young men in—and just about to be released from—custody. It is a site where self esteem can be bolstered and unconditional support given freely at all times, and, by this very fact, the pull of mateship can overcome the desire to work toward the establishment of more conventional, if less immediately gratifying, networks. Indeed, mateship is akin to the double-edged sword of incarceration itself—being both a means for striking some sort of stability and routine in peoples' lives (however authoritarian the context may be) but also the device through which one is predominantly deprived of the ability to learn how to create and sustain the kinds of stability and routines necessary for a life beyond crime and custody. The following excerpt vividly brings into view the contradictory stakes which mateship offers young men in confinement.

Interviewer: [Can you] tell me, what's the most fun you've ever had?

Participant: Probably driving cars all the time, getting away from the police. . . . It[] feel[s] good. . . . Especially when you got your mates with you, you know, going, "Oh, you're a good driver, man. I'll come with you again any fucking day." . . . It's going to be hard to turn my back on my mates. . . . I know it's going to be really hard cause I grew up with them. . . . But now it's just—I got to, man. . . . Nothing to it, I have to do it. (L, 33:29, 12).

So much of post-release administration centers on asking young men to turn their backs on or surrender relationships—and the feelings of security and well-being these relationships provide—built up over a lifetime. The persons whom administrators ask young men to cease associating with are precisely those persons (possibly the only such persons) who have kept their word or successfully and repeatedly shown their mettle in times of crisis (such as in physically defending a mate's honor, refusing to become a rat, or providing them with an income through the illicit drug market, and so forth). The real phenomenological question facing administrators is this: What tangible reasons can one provide to young, unemployed, uneducated, homeless, (perhaps) previously abused, and (often) drug-dependent custodial subjects, that would convince them to throw away perhaps the only thing that makes sense to them in their lives—that is, the solidity and certainty of mateship? It is not enough here to respond with the tired mantra that "mates will only see you back in custody"—for mateship does much more than this, or at least, is *experienced* as much more than this by those who re-enter custody. Very few, if any, of the young men interviewed for this research even begin to frame their predicament in terms of the actions or inactions of their friends. Rather, reincarceration is viewed by young men as the predicament of the group as a whole rather than any single individual within it. Young men narrate the dilemma of the group whenever each speaks in terms of "we

were out one night . . .,” or “we just thought . . .,” or “we knew that . . .,” or “we thought we’d try . . .,” and the like. Self-responsibility and individual volition mean, and count for, nothing in these contexts. It is like trying to discern who is responsible for starting a wave at a football match. No one in particular could or should ever be earmarked as the originator. Instead, the wave—just like this or that ram raid, armed robbery, or assault—emerges from the social, political, and (sub)cultural context of the moment. If one wanted to prevent the wave, no one would seriously dream of trying to police each and every movement or inflection of each spectator. Rather, one would work at the level of the game itself or at the level of spectatorship as a collective force. Similarly, the question which needs to be asked with regard to mateship and responsibility for crime is one which inquires after the conditions which produce and require that groups of young men engage in crime as a means of acquiring those things to which most others aspire—security, recognition, and respect.

C. DRUGS/ALCOHOL (FOR PLEASURE AND PAIN)

Like any commodity, drugs and alcohol can be put to different uses and have varying effects for particular consumers. It is to be fairly well expected that young men released from fully custodial sentences will—especially if previously classed as a user, dealer, or manufacturer—at some point resume a relationship with drugs and alcohol. In this study, such a relationship functioned as a means of passing (distorting) time between appointments each young person was requested to keep (as part of their conditional release or parole) or, by extension, drugs and alcohol provided the kind of “head space” or confidence needed to meet a prospective employer, to attend class, or even to meet with one’s release or social worker. Without exception, each of the young men interviewed for this research spoke of alcohol and drugs (primarily marijuana, amphetamines, and heroin) as central to sustaining, if not their sense of identity (“I’m the guy that can get you anything you need . . .”), then certainly their ability to trade successfully in the underground economy (with one participant relating how, whilst never using heroin himself, he supplied the drug to others that enabled him and his friends to pay rent, buy food and clothes; in short, to live a so-called “regular” life). For others, drugs became a means for censoring the past—for providing a window through which one could crawl through from one day to the next.

Participant: When I got out [I was staying with my aunty] I was all right for four or five months and then I started using heroin—using it pretty much every day—and started relying on it to help me get away from reality I s’pose. Started going out a doing crime all over again and here I am. . . . I didn’t get any support. . . . [But I didn’t want any] from the system. . . . I just wanted to get all this stuff behind me ‘cause I’m still young and don’t really want to think about all the time [I’ve done] you

know. . . . [This time around] I was working for a while [as a car detailer] and then my uncle started realizing I was a bit out of it and told me to piss off. . . . [I was using to escape] my childhood 'cause I virtually spent all my childhood in and out of correctional facilities you know. . . . I s'pose its always been a mismatch [of support] because most of the social workers that are in here look at us young people that are coming through the juvenile system and just think that we're not worth it.

Interviewer: How did [heroin] make you feel?

Participant: Makes you feel good about yourself. Makes you feel clean. Makes you want yourself, if that sounds [right]. . . . [But it costs] about five or six hundred dollars a day. (M, 1:27, I2).

Although it is true that some inmates commence drug use in custody, the young men in this research were well ensconced in drug activity and consumption prior to arriving in the custodial sphere. Juvenile detention—as attested to by each interviewee—proved a most effective means for ceasing consumption of illicit substances—although it is certainly more than academic musing to observe that juvenile custody foists on young men all manner of other dangerous practices, such as forced confinement, non-contact visits, isolation cells, routine denials of natural justice, and so forth. All these practices work their way into the bodies and psyches of young men and, as with drugs licit and illicit, impact on the kinds of subjectivity more or less likely to prevail over time. In the following extended excerpt, the impact of not getting the assistance one needs in custody to deal properly with illicit drug use had serious consequences (both for victim and offender alike).

Interviewer: Tell me a little bit about what led up to things sort of, you know, like, going off the rails, so to speak, in that first period there. . . . 'Cause you said to me—you were saying you were doing well and things were going in the right direction. What happened?

Participant: Drugs. . . . Yeah, I ran out of dope, I didn't have no buds, and while I hit a dry patch and, like, that was where it was hard to find buds and that sort of killed me, so I went to me dealer and I said, "Have you got anything else I can try?" And he's like, "Yeah, here, try these here," and he threw me some Valium and I necked them, sat at his house for a while. . . . I was coming off of Valium and I went to the shopping center to get something to eat and I was sitting in the food court, right, and there's this one stiff across the food court from me, right, and he was staring at me and that, and I was sort of eating my food, and I looked at him and he was still staring at me and he poked fingers up at me and that. I told my friend to go over there and tell him to stop it and my mate went over, and he said, "Look, you better stop it otherwise he's going to kick your teeth in," and he's gone, rah, rah, rah, rah, rah. . . . And then—then all of a sudden he's—he's shouted across the food court, "Fuck you," and I've looked at him like what? "Fuck me, no, fuck you" and then I've gone up and head-butted him and, like, he's jumped up and he's gone to hit me, I've ducked my head, grabbed him by his shirt, smacked him in the face twice, then grabbed hold of the side of his hair and sort of swung his head sideways and then

brought his head in for my punch, so it sort of split like open right across here. . . . Yeah, the temple, just sort of split his temple open. . . . I think it was the day after or the day—or actually that day that it happened, I can't remember, and, like, two cop cars rocked up and I was sort of like, "Oh fuck, here we go, boys." Like, "I'm gone." And then it ended up the cops came up to me, they said, "What's your name? What's your name? What's your name? What's your name?" to all my mates, and they came to me and they said, "What's your name?" I said [J], and they just grabbed me, like reeved me, like, "You're coming with us," and like, I told them to get fucked, and like, I put my foot in front of one of them as they were walking and he's tripped up on the floor and the other one, he sort of grabbed me in a hold and I've head-butted him with the back of my head. . . . Yeah, and I've head-butted [the cop] and split his mouth open, and after that it was a bit of a scuffle on the floor and I've got up to run, they've grabbed hold of the back of my ankle and sort of lifted my ankle up and I've just gone whack, hit the floor. . . . And, yeah, they handcuffed me, chucked me in the dog-box on my head, that was resisting arrest . . . if I hadn't touched Valium I don't reckon I'd 've been in here. (J, 4:39, 12).

Many young men in custody—under the auspices of various drug and alcohol education programs—are taught how to minimize the harm associated with drug use. They are also expected to believe or internalize the message that drugs are bad or dangerous, or that drugs will, in the long run, ruin their life. However, drugs are not simply bad or dangerous—millions of people the world over know this and attest to the pleasure of consuming drugs (whether drinking wine with dinner, smoking a cigarette on a tea break, consuming ecstasy at a rave party, smoking marijuana whilst listening to a favorite pop group, or taking amphetamines just prior to doing a ram raid or robbery). Drugs work—they are productive, they help get things done. Of course, they can also lead to socially problematic situations (repeat offending) and events (confinement). More than this, drugs, as Desmond Manderson and others²⁷ have so eloquently observed, are substances which, in and of themselves, are neither morally problematic nor socially harmful. Different types of drugs may be forced, by different groups, to enter into discourses *about* the morality of drug use and abuse, or about harmful and relatively benign effects, but drugs as substance (alcohol, nicotine, heroin, speed) are not the enemy. The social construction of drugs—how drugs and their considered effects are portrayed to various (would-be) users—is or should be the key focal point for debate. It is manifestly clear from interviews that young men are being asked to

²⁷ Desmond Manderson, *Metamorphoses: Clashing Symbols in the Social Construction of Drugs*, 25 J. DRUG ISSUES 799, 799-816 (1995); see also JACQUES DERRIDA, POINTS INTERVIEWS 1974-1994 228-54 (Elisabeth Weber ed., Michael Israel trans., 1995) (1992); John L. Fitzgerald, Robyn Louie, Doreen Rosenthal & Nick Crofts, *The Meaning of the Rush for Initiates to Injecting Drug Use*, 26 CONTEMP. DRUG PROBS. 481, 481-504 (1999); Pat O'Malley & Mariana Valverde, *Pleasure, Freedom and Drugs: The Uses of "Pleasure" in Liberal Governance of Drug and Alcohol Consumption*, 38 SOC. 25, 25-42 (2004).

eliminate their drug use during and beyond custody—to get and then stay “clean.” This, again, is to require an incredible effort from the post-release body since it admits of no middle ground—of the notion that there is or could be such a thing as a body which consumes heroin, marijuana, or speed, *and* at the same time holds down classes, or a job, or functions as a responsible partner or young father. Granted, this is not likely to be an immediately workable option for many young men, but then neither is the expectation that they should desist from consuming alcohol or illicit drugs once in the community. Drugs do not get young men in trouble. Rather, young men deal, consume, and are willing to assault, wound, or stand over others in the name of drugs because drugs are the currency through which many of their problems can be solved (however fleetingly). Only when administrators devise practices and pathways which do what drugs currently do, then, and only then, might it be more appropriate to demand that young men walk away from drug use and dealing.²⁸

D. MONEY (BEYOND MAKING DO AND GETTING BY)

In the time since Robert Merton first formulated his theory of strain,²⁹ criminology—and indeed sociology—has refined, built upon, and even moved well away from strictly economic accounts of criminality.³⁰ The most damning critique of Merton (and there are, quite rightly, several) is that there are a good many persons who desire mainstream societal success and who do not have access to the institutionalized means for achieving such success, but who nonetheless do not turn to crime as a means of

²⁸ See, e.g., Anne Fox, *Aftercare for Drug-Using Prisoners: Lessons from an International Study*, 49 PROBATION J. 120, 120-29 (2002).

²⁹ Robert K. Merton, *Social Structure and Anomie*, 3 AM. SOC. REV. 672, 672-82 (1938). Merton argued that in societies where there was a disconnect between agreed cultural goals (material wealth) as against the means (stable familial background, good education, mainstream employment) for achieving such goals, strain would occur in particular people's lives. One possible response to such strain, according to Merton, is the engagement in crime as a means of generating that which could not be earned through legitimate pathways and opportunity structures. Merton's theory, it should be noted, only holds up if one in fact takes material wealth or financial success to be the overarching goal of those residing in post-industrial society. Given that many types of crime are committed for reasons other than economic ones, Merton's work does to an extent fall foul of the charge of being reductionist. One of the most common critiques is that strain theory does not explain crimes committed by the wealthy and does not adequately take into account the significance of race, ethnicity, and gender.

³⁰ See generally JACK KATZ, *SEDUCTIONS OF CRIME: MORAL AND SENSUAL ATTRACTIONS IN DOING EVIL* (1988); ALISON YOUNG, *IMAGINING CRIME: TEXTUAL OUTLAWS AND CRIMINAL CONVERSATIONS* (1996).

overcoming the disjunction between goals and means.³¹ The reverse of this, from the conservative point of view, is that those who become, in Merton's terms, "innovators," must somehow be of a biologically or psychologically different ilk since they—unlike the rest of the (relatively deprived) group—are incapable of showing the same kinds of restraint and respect for late capitalist values and processes. A further critique of both strain and anomie theory as well as relative deprivation perspectives and left realism has arisen under the guise of cultural criminology, where the concern has been to "make sense of the world in which the street scripts the screen and the screen scripts the street. Here there is no linear sequence; rather the line between the real and the virtual is profoundly and irrevocably blurred."³² Without wanting to unduly trivialize much of the good work which has arisen here, I want to suggest that in the rush to theorize the visceral and affective dimensions of offending, that criminology (particularly that which has developed under the banner of cultural criminology) runs the real risk of divorcing itself from the material conditions which press upon and condition young men's lives prior to entering custody, and indeed, following release from custody.³³ One should always be aware of the universalizing tendencies associated with, for instance, Marxist or Mertonian accounts of criminality—there are, in short, countless cases and events which cannot be fully accounted for by such theories.³⁴ Talking with young men subject to repeat periods of incarceration about their lives, their hopes, their fears, and, more pointedly, their perceptions of the obstacles standing between them and a life beyond crime, has brought some unavoidable truths (truth effects) to the fore. One of these truths is that *money matters*—knowing how to earn it, how to value it, how to keep it, how to make it reach just far enough to secure food, shelter, clothing, gas, electricity, phone, and leisure requirements without the sense of despair or nihilism taking hold of those who attempt (from very different starting points) to make it do just that.

The young men I have interviewed conduct their affairs—their lives—using many different currencies—respect, trust, honor, threats, masculine displays, quality and quantity of drugs, type and traceability of stolen car

³¹ See generally WALTER G. RUNCIMAN, *RELATIVE DEPRIVATION AND SOCIAL JUSTICE* (1966); JOCK YOUNG, *THE EXCLUSIVE SOCIETY* (1999).

³² Keith Hayward & Jock Young, *Cultural Criminology: Some Notes on the Script*, 8 THEORETICAL CRIMINOLOGY 259, 259-73 (2004).

³³ See, e.g., Martin O'Brien, *What Is Cultural About Cultural Criminology?*, 45 BRIT. J. CRIMINOLOGY 599 (2005) (critiquing cultural criminology).

³⁴ See generally MARK HALSEY, *DELEUZE AND ENVIRONMENTAL DAMAGE* (2006); Mark Halsey, *An Aesthetic of Prevention*, 1 CRIM. JUSTICE 385, 385-420 (2001); Mark Halsey & Alison Young, *"Our Desires Are Ungovernable": Writing Graffiti in Urban Space*, 10 THEORETICAL CRIMINOLOGY 275, 275-306 (2006).

parts, to name but several. Money is therefore, by this account, just one way of trading needs and desires. More critically, though, money is the currency which most find nearly impossible to acquire through legitimate means and for sustained periods—with terms of custody only entrenching financial problems. One of the quite shameful (from a political point of view) and ironic themes to emerge from interviews was that prison proved to be the place where young men were first presented with the opportunity to be “employed” for an extended period. Rather brutally, the lesson learned from such employ was that working hard at a “regular” job in prison will get you nowhere, monetarily speaking. It may get you kudos or respect from (some) custodial staff, and perhaps even from a minority of fellow residents or prisoners, but it will not add up financially.

Participant: I’ve got a good job. The highest paying job in the goal. . . . In the kitchen. . . . Assistant cook.

Interviewer: [H]ow much does it pay . . . ?

Participant: Fifty-seven [dollars] a week

Interviewer: How many hours do you work for that . . . ?

Participant: I work seven days a week . . . seven hours a day. . . . It’s just over a dollar an hour. . . . Two dollars a week of that goes into resettlement. . . . And then they take off three dollars for criminal injuries compensation And the rest of it goes into your normal account. (N, 36:32, 12).

This young man—it must be admitted—worked to pass time as much to acquire new skills. At eighteen years of age he was given more than five years as a head sentence for armed robbery and related matters. Far from being convinced about the value of a regular wage, he saw absolutely no parity between what he was doing and the compensation for his labor. Indeed, when asked what he would do differently next time he is released, he responded by saying, “Bally up”—meaning, he would wear a balaclava during his next armed robbery to minimize the chance of being recognized. There was no consideration whatever given over to looking for a conventional job—the prison approach to money had devalued the value not of money per se, but of the idea that those who work long and hard can expect to be duly rewarded. Typically, the young men interviewed were quite reasonable in articulating the amount of money they would like or need to earn per week once released.

Interviewer: How much do you think it would be nice to earn per week?

Participant: Four hundred bucks a week. Yeah, four hundred bucks [i.e., dollars], yeah. (O, 52:8).

All named a figure in the four to five hundred dollar range as constituting a good wage. This is of little surprise since most walked out of custody with, at most, one or two hundred dollars to their name, and a good deal of fines which needed to be paid off or converted to community service. The following passages give some idea of the financial state of those seeking to get back on their feet after serving time.

Participant: They got me a house at Gawler. . . . I was only there for about three days and I ran out of money. . . . After paying two weeks rent in advance on the house [about 140 dollars] . . . I went down to . . . mum and dad's house I was down there for a couple of weeks, and then I went to [another small town] and I robbed a post office Because I had no money.

Interviewer: Right. Were there any sort of Government payments coming through?

Participant: Yep . . . about 320 dollars [a fortnight], I think.

Interviewer: And . . . was that not enough? I'm not saying it should be. I just want to know, was that enough to live on?

Participant: Not really. Not—not when you first get out, you know, you like—you've actually got to do a big food shop like, to start with. You've got deposit on electricity to pay. You know, if you—you got bus tickets if you want to find a job, go anywhere, you know So it didn't go all that far at all [In fact], I did over a video shop before that one I applied for a couple of [apprenticeship] jobs [but] . . . I didn't hear anything back [I ended up at] my mate's house and he had no money. . . . The video shop was just up the road. So we were in desperate times [and so] we took desperate measures. We went there and stole their money. (N, 6:36, 12).

Participant: [I] came out of Cavan with fifty dollars. I went straight to Centrelink . . . and they wouldn't give me a cent Then they told me you had to be twenty-one to go on the dole [unemployment benefits] now. (O, 4:41, 12).

Interviewer: One of the hardest things when people get out of [custody is that] . . . they've got no means of support. How do you do it?

Participant: I'm fit for Centrelink payments.

Interviewer: So you're sixteen, How much would Centrelink give you?

Participant: 318 dollars . . . a fortnight.

Interviewer: And do you think you'll be able to get by on it, pay a bit of rent somewhere and maybe, you know, live on that for a little while?

Participant: Yeah, 'cause I've done a budgeting course and I've always budgeted out. (F, 38:27).

None of the young men interviewed in this study returned to anything remotely contiguous with what could be viewed as well-to-do or even lower-income bracket familial scenarios. In fact, the majority—even those

under eighteen years of age—lived with friends, by themselves, in emergency accommodation, or with a guardian of some description. Having little or no money only served to inflame the already incredibly stressful circumstances confronting those leaving custodial institutions. A critical factor here was that none of the young men exited custody with “clean slates”—at least not in the financial sense of the term. Most had unpaid fines and victim levies numbering in the thousands of dollars. This meant that a sizeable portion of any money provided by the government or through bona fide employment was taken from each fortnightly pay packet. Paying for the bare essentials became, therefore, even more difficult. For some, as with the young man below, the only logical solution to ongoing entrenched financial stress was to alleviate such problems through crime.

Interviewer: [So can you] tell me . . . what happened in terms of actually going from [doing] all right on conditional [release to doing not so well]. . . . How did it suddenly go from [doing well] . . . to . . . doing . . . what a lot of people [would] regard as [a] pretty extreme sort of thing[], like . . . a robbery?

Participant: I just kind of thought, “Well, I need money . . . and . . . nothing’s working for me at the moment,” you know. I just kind of thought I didn’t have much to lose I just felt like everything was a bit shit And I don’t know, I just kind of—it felt like I was backed into a wall. Like I had to do it, you know Because it was really shit where I was living, you know, I was on the dole. This lady was always—I thought—you know, she was all sketchy on me. . . . I don’t know, she was really pissing me off and there were other things and fines, the community service and all this other hoo hah shit And I just kind of wanted to get my own—like get out of there and get my own house and that And nothing was working (D, 8:46, 12).

It would be reasonable to assume that increasing the amount of financial assistance to ex-prisoners would go most of the way to solving the pains of release, and this is true, to an extent. However, it is equally (if not more) important to work toward the provision of contexts (workplaces, neighborhoods, vocational learning centers) and networks (professional, peer oriented, familial) capable of plugging the motivation to work into the tangible benefits (material and immaterial) which can, but all too rarely do, flow from paid work when performed by those just released from custody.³⁵ Put differently, it is no good talking about the link between opportunities to earn a legitimate income and desistance from crime if the goods and services available for consumption are mainly of a criminal or illicit kind.³⁶ One must have suitable proximity to conventional cycles of consumption

³⁵ Finola Farrant, *Out for Good: The Resettlement Needs of Young Men in Prison*, 54 PROBATION J. 70, 70-72 (2007).

³⁶ See, e.g., STEPHEN FARRALL, RETHINKING WHAT WORKS WITH OFFENDERS: PROBATION, SOCIAL CONTEXT AND DESISTANCE FROM CRIME (2002) 145-52, 216-22.

and *knowledge* of how to function as a “legitimate” consumer in late capitalist society. In this sense, money needs to be conceived as something more than that which young men need in order to just “get by.” Rather, and applying the same standards which presumably apply to (post)custodial administrators or professionals, money is the vehicle through which one literally hangs on to the world, and, quite often, to other people. It is the key means by which we become objectified and transform ourselves as subjects. Certainly, as remarked above, it is not the only currency in the lives of young men released from custodial sentences. But it is one whose ebbs and flows need to become as familiar and manageable as the currency and economy attached to respect, honor, street sense, and so forth. Indeed, a key starting point would be to ask how young men earn, reproduce, and lose respect in their lives, and apply something of the logic(s) revealed to the problem or “mechanics” of lawfully earning an income.

E. COPING WITH ADMINISTRATIVE SHORTCOMINGS

During interview, the young men narrated in quite cogent terms their various pathways into crime, attitudes toward custody, and experiences of release. One matter which confounded many participants was the precise role of conditional release and the point at which a breach of conditions would result in a return to custody to finish the remainder of an order. The following excerpt—which holds good for around half of those interviewed—details the uncertain status of conditional release and the willingness to throw all caution to the wind due to the *perception* that a return to custody was just a formality, rather than an option.

Participant: Well, I stayed with my aunty And I went to school It was pretty hard for me to handle maths, stick it out [But] I didn't drink too much I thought it was going to go all right, but it didn't I . . . went and stayed with my cousin Just sitting back every day, drinking, smoking I didn't turn up to my program and I wasn't staying where I was supposed to stay I didn't know that they give you a second chance No one told me that they give you a second chance I thought I was breached. Yeah, I thought yeah, but I wasn't then. I should have went back to my aunty's house and rang up. And then they were talking to these people about it but no one told me, see . . . I had no idea. (L, 2:35, I2).

This situation cannot and should not be entirely viewed as the fault of release workers. But there is something in the way that the rules of conditional release are presently communicated, or at the very least, *interpreted* by those on release, which needs to be critically surveyed. Very closely related to this issue is the fairly inflexible nature of release plans or, again, their perceived inflexibility from the point of view of the young person trying to make good. Time and again I was told by young men that they knew their release plan was not working for them, but that they did not

complain for fear of this being seen by administrators as a sign of weakness, a lack of commitment to do good, or a sign that they are ill-prepared to negotiate the trials of street time (and therefore should be brought back into custody where “real” help would be available to them).

Participant: I thought if I say I want to drop out of school and move somewhere else then that could effect my conditional release My understanding was . . . if I missed school that would be a breach of my conditions Basically I was trying to kill time ‘til I was free Having the workers around you . . . is full on, . . . it does get annoying, you can’t even breathe without them It makes me want to rebel.

Interviewer: What would work better in those situations? You know, some guys say there was [no support] for them . . . and [others say] there was too much contact? . . . How do you get a better balance?

Participant: There should be options to change your plan If it turns out you don’t like it then they should be willing to change it [when you’re out in the community]. As long as you’re still doing something . . . they should be more flexible . . . ‘cause if you’re doing something you don’t want to do, there’s more chance you’re going to slip of the rails. (D, 17:29, 13).

Another issue—although the exception to the rule—concerned, for want of a better phrase, bureaucratic bungling. In one instance, a young man’s file was not transferred to the relevant office, effectively rendering him invisible on the social support radar. As the young man narrates,

If you move away from a town or something you gotta wait three months or something before your file can be changed, which I believe is ridiculous, ‘cause while I was up there I had no funding for my gym or anything, I couldn’t go see my social worker if I needed clothes, I couldn’t do nothin’ because my file wasn’t up there [where I was] I walked into [Family and Youth Services in my new town] one time and said, “I’m [B], I’ve just moved down here recently, I’m on conditional release.” [I] g[a]ve [them] all my details, and [they said] “We got no record of you, mate, what are you doing here?” And I was like, “What, well, I’ve been told I could come in here for support.” And they just said, “Well, we haven’t got your file, mate, so we can’t do much . . . about it.” . . . People rang around but nothing happened, nothing happened. (B, 29:2, 12).

In such situations, it is reasonable to ask who is responsible for this young man’s subsequent drift back into criminal activity (especially since he found the wherewithal to find employment whilst waiting for his file to appear, but could not find another job after the seasonal work he was doing ran out, by which time he resorted to crime to survive). What is certain is that there are very serious consequences for young men subject to administrative shortcomings but very few, if any, consequences for the systems of management which, in various ways and to different degrees, manifestly fail those released from custody.

F. DEALING WITH TRAGEDY

One final theme to emerge from interviews was the way in which several young men's lives were indelibly marked by unforeseeable events. I have heard many anecdotes from fellow researchers—but know of little published research—which speak to the notion that young men subject to ongoing experiences within the criminal justice system (especially within the confinement armature) are far more likely to have direct experience of the sudden (unnatural) deaths of friends, acquaintances, and relatives.³⁷ Here peers, and even family members, are more likely to be living their lives in ways which expose them to risk of serious injury or death—whether through high-speed pursuits, through illicit drug use, through armed hold-ups, through lack of proper health care and medical services, through not being able to afford safe and reliable transport, through having to reside in violent and volatile neighborhoods, and so forth. In the context of post-release, then, events arise from well beyond the control of each person trying to make good but which nonetheless impact them in profoundly negative ways. Two examples below illustrate this idea.

Participant: I stayed out for ages I just traveled [to] . . . go see my family in [another town] [But then] I just got some really bad news about my little baby brother and then [I] just got with a couple of mates and we just ended up . . . stealing cars, breaking into shops Ended up having a big argument with my cousin He kicked me out for a while We had a fight And then I found out my little baby brother passed away and I was fighting with everyone else. I said, "Fuck you all" and . . . did my own thing They caught me with a car . . . and I ended up back here [The judge] was telling me that I'm a menace to society. It was in the news and in the paper . . . telling me I should be locked away for a long time, [that] I can't read, I can't write. (L, 9:37, 12).

Participant: Well, from [the day I was released], first I ended up going and living at Port Adelaide until there was this place that opened up down at Marion, and I went back to TAFE [Technical and Further Education] and started doing my graphic design course And I met up with some friends and we started doing a rap CD and about, I don't know, nine—yeah, about nine months passed. Like, I was living with one of my friends and she hung herself, and me and my best friend found her, and the next day at Marion we kind of just went nuts, like, 'cause there was this group of boys, they jumped off a bus. They were a football team and they started laughing at us and calling us bitches 'cause we were crying, and all I remember is the police pulling me off of them and then I just legged it, and then about three or four months later they tracked us down and that's how I got locked up A few grievous bodily harms and assaults And I think it was assault police. (F, 2:44, 12).

³⁷ But see Pamela K. Lattimore, Richard L. Linster & John M. MacDonald, *Risk of Death Among Serious Young Offenders*, 34 J. RES. CRIME & DELINQUENCY 187, 187-209 (1997); Linda A. Teplin, Gary M. McClelland, Karen M. Abram & Darinka Mileusnic, *Early Violent Death Among Delinquent Youth: A Prospective Longitudinal Study*, 115 PEDIATRICS 1586, 1586-93 (2005).

In the first example, the death of a sibling, while not the catalyst of further offending, certainly acted as a major accelerant toward doing more crime. There is probably very little that could have been done in such circumstances to prevent this path being taken. However, it does press home the often substantial impact of not having the kind of familial or supportive networks capable of nurturing one through the process of grief and loss—something which most take for granted in their daily life. The second incident related above—narrated by a young man whose life was, until this point, very much “on track”—offers a key opportunity to dismantle the line dividing individual from social phenomena. Here, at a critically low emotional point in his life, the taunts leveled by the group of football players were experienced as fatal blows to his (already damaged) sense of manhood—since key components of being judged a competent male, the majoritarian masculine script goes, are to ensure that the significant others in one’s life do not come to any harm and to defend the honor (and memory) of loved ones (especially females) by any and all means. I contend that the force that responded to the taunts of those on the bus was not some hermetically sealed, unified, fully volitional individual so much as it was the force required by a particular kind of masculinity—one whose thresholds of tolerable and intolerable events (and how to react to the intolerable) are charted socially and culturally over many years within neighborhoods, within the family, on the street, within popular media, within one’s peer group(s), and so forth.

As academics and administrators, it is relatively easy to look for and locate so-called discrete causal moments (the first scuffle in the playground, the first time playing truant from school, the first time getting away with shoplifting, the first violent reaction to a racist taunt, the first rejection or crack in one’s self esteem at the hands of a significant other, the first rush from injecting heroin, the first rush from money received from one’s fence, and so forth). But is it not perhaps the case that original causes do not in fact exist, and that they are instead invented in order to provide closure to what is always already a process of group proportions? Cases such as those provided above remind us that subjectivity is neither constituted internally (biologically or psychologically) or externally (through imposition of class, race, gender, economic, or other structures). Instead, and as I have argued elsewhere,³⁸ subjectivity—and therefore the so-called knowable contours of volition, responsibility, and individuality—is formed and reformed *relationally*, that is, by ceaselessly fusing, distilling, absorbing, resisting, denying, running sometimes with, against, but never completely beyond,

³⁸ Mark Halsey, *Negotiating Conditional Release: Juvenile Narratives of Repeat Incarceration*, 8 PUNISHMENT & SOC’Y 147, 147-81 (2006).

the values, symbols, and practices which circulate throughout the social. Repeat incarceration, therefore, is an event constituted not by the choices this or that individual makes or does not make, but by particular configurations of the social group—configurations which permit only a limited supply of pathways and contexts where respect for authority, natural justice, a deferred sense of gratification, the application of oneself to school or paid work, actually and collectively bring about meaningful and desired changes in personal well-being and security. Where these things fail to find enough room to take hold, the result can only be the creation of pathways and contexts whose main currencies are those of fear, distrust, resentment, minor rebellion, or sustained innovation (in the form of repeat offending). The existence of young men in custodial environments is nothing if not concrete testimony to this state of affairs.

IV. IDEAS AND DIRECTIONS

Although the above narratives only offer a glimpse of the experiences and perceptions related across all interviews, they nonetheless provide an arguably sound base from which to develop or tease out some possible implications for policy and practice. First, the title of the Article, “Assembling Recidivism,” can now be given a more concrete meaning, insofar as repeat incarceration is and must be conceived as a *collective* event (even though it is legally construed to be the outcome of individual decisions and factors). I use the term “assembling” because the subject within and released from custody has many parts or components (biological, psychological, affective, and visceral; but also administrative, managerial, political, economic, legal, symbolic, and so forth). Reincarceration, in short, is something that is pieced together—often in indiscernible ways but in ways which nonetheless extend beyond the efforts or actions of the individual.

Having said this, it is essential not to discount the agency of those subject to repeat cycles of incarceration and release such that they become simply so many bodies forced into one all-constraining circumstance upon another. At the same time, it seems both intuitively and empirically important to admit that “choice,” “will,” “volition,” and the like all play out within contexts which are simultaneously characterized by circumstances and events over which people do not have immediate control. Farrall and Bowling neatly capture this sentiment by remarking, “It is our belief that the process of desistance [and, as would seem reasonable to believe, recidivism] is one that is produced through an *interplay* between individual choices, and a range of social forces, institutional and societal practices

which are beyond the control of the individual.”³⁹ In old sociological parlance, structure and agency are intertwined, but they are by no means static. Instead, each assumes varying degrees of intensity and stake out different claims in relation to the “same” life course. At one point, the world might be said to be pressing very heavily upon us—both literally and metaphorically. At another—perhaps even the afternoon of the same day—the world might have withdrawn its weight for all manner of reasons (the sun broke through from behind an otherwise gloomy sky, drinks with one’s mates appear to be back on the agenda, your partner called to say “hi,” your boss gave you a little extra pay in recognition of the long hours you have been doing, a clever piece of graffiti caught your eye and started you thinking, you heard about someone else whose situation made your own seem perfectly fine, and so forth). Of course, if one is in custody, quite different events might emerge to impact the sense of being in control as opposed to being controlled (you were able to get permission for a contact visit, the table you made in woodwork proved to be a source of pride, the review board just granted you conditional release, you were able to earn respect by asking what you thought was a naïve question during the session on victim awareness but which turned out to be the question occupying everybody’s mind). In short, *the capacity to structure the world* (and thus one’s own place within it), as against the inevitable process of *being structured by the world*, are fluid in their dimensions and quantities.

Drawing on the work of Zygmunt Bauman, Farrall and Bowling write, “[N]ot only are there differences between individuals’ *abilities to structure* and avoid *being structured* at the same moment—there are also differences in the abilities of any one given individual during the course of their own life time.”⁴⁰ Opportunities to gain ascendancy over the world—over one’s immediate social and physical surroundings—are, in the tradition of Mertonian theory, unevenly distributed. One does not simply get to choose or create opportunities (for making good or making worse) in a political, social, familial, or peer-oriented void. Instead, one gets to choose between and within a complex field of constraints. This is why it is necessary to surrender the notion of the fully volitional subject *or* the fully conditioning social apparatus.

LeBel et al.⁴¹ support this view by pointing to the absurdity of the chicken-or-egg type approaches which have dominated recidivism (and, to

³⁹ Stephen Farrall & Benjamin Bowling, *Structuration, Human Development, and Desistance from Crime*, 39 BRIT. J. CRIMINOLOGY 253, 261 (1999).

⁴⁰ See *id.* at 256.

⁴¹ Thomas LeBel, Ros Burnett, Shadd Maruna & Shawn Bushway, *The Chicken and Egg of Subjective and Social Factors in Desistance from Crime*, EURO. J. CRIMINOLOGY (forthcoming 2008) (manuscript at 1-2, on file with author).

an extent, desistance) literatures as well as criminology generally. It is not a matter of working out which comes first—chicken or egg, agency or structure, individual or society, choice or constraint. These are problematic concepts, and no term can competently represent the complexities and differences which compose the world at any moment. Moreover, the types of events and processes occurring at the societal and individual levels exist *socially and singularly at one and the same time*. Noting that “[c]riminologists have had relatively little to say regarding the interplay between . . . subjective factors and the better known social variables in the process of desistance,”⁴² LeBel et al. briefly chart the distinction between the *strong subjective* model (agency-driven) and the *strong social* model (structurally driven) before launching a third means for thinking about desistance from crime. They term this the *subjective-social* model.⁴³ The extended excerpts given in this Article arguably add weight to a subjective-social model of repeat incarceration. My point, in light of all this, is that repeat incarceration needs to be read as an event whose precursors are lodged as much in the systems of administration, rules, and requirements levied upon those released from custody, as it resides within the “good” or “bad,” or “right” or “wrong” choices made by offenders. It is a simple point, but it is one which sets up a very different way of configuring the custodial and post-release terrain. What I want to do now is briefly respond to the question of how reincarceration is assembled. In other words, how is it that one might logically speak of reoffending—and its most extreme consequence, reincarceration—as a *collective* process?⁴⁴

In an interview given in 1980, Gilles Deleuze offers a brief account of the concept of an *assemblage*—a concept that he and his long-time collaborator, Felix Guattari, developed in detail in their joint work, *A Thousand Plateaus*.⁴⁵ Deleuze remarks,

There are various kinds of assemblages, and various component parts. On the one hand, *we are trying to substitute the idea of assemblage for the idea of*

⁴² *Id.* (manuscript at 9, on file with author).

⁴³ *Id.* (manuscript at 12, on file with author).

⁴⁴ This question, it should be noted, is quite distinct from charging that society (as some undifferentiated mass) is to blame for this or that crime or offending pathway. It is also very different from charging that the agency of those released from custody is irrevocably damaged due to overwhelming structural forces. Rather, to examine reincarceration as a collective process is to inquire after those factors which bring together or force us to think in terms of the very notion of “the individual” or the “the social.” Deleuze and Guattari offer a highly original critique of the former kind of (very real) fiction. See GILLES DELEUZE & FELIX GUATTARI, *A THOUSAND PLATEAUS* 232-309 (1996); see also Nikolas Rose, *The Death of the Social? Refiguring the Territory of Government*, 25 *ECON. & SOC’Y* 327, 327-56 (1996) (offering an erudite review of the concept of society).

⁴⁵ DELEUZE & GUATTARI, *supra* note 44.

behaviour On the other hand, the analysis of assemblages, broken down into their component parts, opens up the way to a general logic [A]ssemblages are a bunch of lines. But there are all kinds of lines. Some lines are segments, or segmented; some lines get caught in a rut, or disappear into "black holes"; some are destructive, sketching death; and some lines are vital and creative. These creative and vital lines open up an assemblage, rather than close it down [W]hat we are saying is that the idea of assemblage can replace the idea of behaviour In a certain way, behaviour is still a contour [i.e., something which haunts orthodox thinking or impressions of what "individuals" do or are capable of]. But an assemblage is first and foremost what keeps very heterogeneous elements together: e.g., a sound, a gesture, a position, [a breach of parole conditions, a return to custody, an arrest, a finding or admittance of guilt], etc. . . . The problem is one of "consistency" or "coherence," and it is prior to the problem of behaviour. How do things take on consistency? How do they cohere? Even among very different things an intensive continuity can be found.⁴⁶

Using this passage as the critical point of departure, it is possible to pose two further questions with respect to repeat imprisonment. First, how and why has the problem of repeat incarceration become stuck upon or segmented along the lines of the (bad, risky, irrational) behavior of so-called freely willing, fully volitional individuals? Second, what would it mean to think of the problem of repeat imprisonment in terms of assemblages (and the connections they permit or close off) as opposed to thinking of re-imprisonment as the result of problematic behaviors (and the troubles they produce)? The short answer to these questions is that repeat imprisonment would move from being a problem about governing or managing the discrete lives of this or that offender, and instead move toward inquiring after the practices and philosophies which frame the custodial and post-release landscape. Reincarceration—as but one component of the assemblage within which reoffending arises—would emerge as a systemic matter tied, in no small way, to the reservoirs of, say, capital (social, economic, cultural and symbolic)⁴⁷ available to, or able to be readily earned or obtained by, each young man entering and leaving the

⁴⁶ GILLES DELEUZE, *TWO REGIMES OF MADNESS: TEXTS AND INTERVIEWS 1975-1995* 177-79 (David Lapoujade ed., Ames Hodges & Mike Taormina trans., 2006) (emphasis added).

⁴⁷ In her timely and well-argued study, Monica Barry has very usefully employed Pierre Bordieu's typology of capital to analyze young men and women's capacities to desist from crime. MONICA BARRY, *YOUTH OFFENDING IN TRANSITION: THE SEARCH FOR SOCIAL RECOGNITION* 36-37 (2006). Broadly, *social capital* equates to "valued relations with significant others"; *economic capital* includes access to "the necessities [and] the luxuries of everyday living, including inheritance, income and assets"; *cultural capital* is akin to one's status or level of credibility in the social world and resides "in an embodied state of long-lasting dispositions of mind and body," "an objectified state" (through one's proximity to, propriety over, and knowledge of "cultural goods"), and an "institutionalized state" (derived via "educational and other qualifications or status[-making forces]"); and *symbolic capital* is the "prestige and honor gained from the collective, legitimate and recognized culmination of the other three forms of capital." *Id.*

custodial environment. The key would be to realize that the incarceration-release-reincarceration machine is not broken. Indeed it works perfectly well. This, of course, is precisely the problem. Prison produces that which it is supposedly designed to pull apart (namely, reoffending). It does this because there is a paucity of forces capable of interrupting its operation. It is not that the system fails due to being resource-poor—although this is an indisputable part of the problem. Rather, there is a fundamental structural contradiction in trying to punish and trying to rehabilitate and subsequently reintegrate persons in the wake of their custodial experiences. Put another way, additional money can be thrown at housing, employment programs, mentoring, drug and alcohol counseling, and the like, but unless there is at one and the same time a major reorientation concerning what prisons *do* to inmates (as well as to their families, significant others, and life opportunities),⁴⁸ then such investment will continue to majorly miss its mark. Post-release support needs somehow to meaningfully commence *in* the custodial environment rather than beyond it. It needs to be spatially realigned beyond the custody and community binary and lexically transformed in ways that resonate with clients' expressed needs and in ways that focus on desistance rather than recidivism.

The reincarceration assemblage—that is, the mixtures of persons and statements collectively composing what it is possible and not possible to say and do about the incarceration-release-reincarceration machine—needs to be prodded and cajoled in ways capable of loosening what Deleuze and Guattari call “molecular movements,” whose basis for being is *experimentation*, rather than imitation or repetition.⁴⁹ Elliott Currie, in his timely and insightful study of middle-class young persons caught up in cycles of violence and neglect, makes the following key point about the conditions for change:

What's remarkable . . . is how little it took to help even extremely troubled and wounded adolescents make enduring changes in their lives. They rarely embarked on those changes as a result of formal therapy; indeed, professional therapy was among the least significant sources of change for them [B]y far the most significant help came from institutions that asked few questions about their character, made no global demands that they become a certain kind of person or conform to extraneous rules, but offered either a new opportunity or practical assistance that could help them get their lives in order. The most useful assistance, indeed, was often the most basic. If they were living on the street, they needed a stable roof over their heads. If they had dropped out of school and had no legitimate skills, they needed a place to get them. Those who had never been motivated to use their intellectual capacities, or never

⁴⁸ See, e.g., ALISON LIEBLING & SHADD MARUNA, *THE EFFECTS OF IMPRISONMENT* (2005); Mark Halsey, *On Confinement: Resident and Inmate Perspectives of Secure Care and Imprisonment*, 54 PROBATION J. 338, 338-67 (2007).

⁴⁹ See DELEUZE & GUATTARI, *supra* note 44, at 149-66.

knew they had intellectual capacities, needed the opportunity to flex them When young people got these things, even in relatively small doses, their lives could, and often did, shift quickly and dramatically.⁵⁰

The narratives—the desires, the feelings, the suggestions; in effect, the micro-critiques—of the young men subject to repeat incarceration potentially stand as one possible means for carrying the (post)custodial assemblage along something other than the segmented line it has for so long been traveling. Of course, it is not enough that these narratives are recorded. They have to be plugged in. The political machine, in short, has to engage seriously and in a sustained manner with these micro-critiques—no matter how uncomfortable this process might be.⁵¹ From the excerpts cited above—and from the general tenor of the transcripts more generally—there are at least three key issues which deserve comment here.

A. THE MYTH OF DETERRENCE AND PERCEPTIONS OF RISK

The first matter concerns the highly problematic persistence of classical theories of deterrence at the policy and political level—the belief that time in secure care or prison will provide (through sparse and strict conditions of confinement) each resident or inmate with a carefully calibrated aversion or hatred for such conditions, and that each will somehow “think twice” before reoffending and risking further time in custody. What this (il)logic assumes, of course, is that custody does in fact present as incredibly painful or arduous to all offenders, and moreover, that further offending is viewed by such persons as risky or dangerous behavior. Elsewhere, I have spoken of the idea that custody is narrated by many young men as a place of relative respite from the violence and problems experienced in the community—that custodial environments can and do offer degrees of stability and security not readily available or acquirable in “conventional” life.⁵² As an extension of the idea that custody provides many of the things denied elsewhere to inmates, I want to briefly remark on what I will call the phenomenology or subjective experience of risk-taking. Specifically, I contend that risk—although a central term in the lexicon of administrators, counselors, release workers, and program managers—is generally not part of the lexicon of young men subject to repeat cycles of incarceration and release. Indeed, the idea of engaging in so-called “risky activities” has, for most young men, long since morphed into something

⁵⁰ ELLIOTT CURRIE, *THE ROAD TO WHATEVER* 248-49 (2004).

⁵¹ The Social Inclusion Unit, established by the South Australian Department of Premier Cabinet, has made some progress in this regard, and, at the time of writing, is attempting to examine the social context of serious repeat offending and measures which might best address such matters.

⁵² See Halsey, *supra* note 48, at 344-48.

entirely different such that risk becomes recoded and spoken of in terms of habit, fun, “doing what one needs to do” to get by, and so forth.

Participant: If you're bored, you know, like, someone might go and kick the footy every time he's bored Someone might go to the movies every time they're bored Me, well, I was accustomed to [stealing cars] when I'm bored, you know It's just a habit. (G, 7:1, 13).

Participant: Like, [last time I was out] I was working and I thought, “Oh yeah, I'm doing all right here,” and I started selling some drugs again and I caught up with some people and I thought, . . . “Nah, fuck it, I'm wasting my time out at Maccas,” you know. It's not—it's not going to get me anywhere. Like future-wise, I don't really see myself, like, living a non-offending life. I'm always going to do what I do. Some people go to work, you know, like you go to work at uni. I go to work at night and do other stuff. (N, 20:23).

Risk, in the most literal sense of the term, is or should be inextricably tied to the concept of loss—or, more accurately, the potential for loss. The question emerging here, therefore, is one which seeks to determine the precise nature of the losses likely to be experienced by young men if they reoffend and are subsequently reincarcerated. To the “outsider,” the patently obvious response is that each risks losing their freedom. However, as Foucault has convincingly shown, freedom is only ever a matter of moving from one set of constraints to another.⁵³ Freedom is nothing other than an abstraction when divorced from the material, social, and psychological conditions under which it is experienced or practiced.⁵⁴ Viewed in this way, freedom means and is valued very differently in accordance with distinct subject positions. I am not suggesting that young men on the cusp of being released from custody do not make a qualitative distinction between the kinds of constraints which operate under forced confinement as opposed to those which press upon them beyond custodial walls. Rather, I am suggesting that the kinds of constraints (the kinds of “freedom”) into which they are released pose serious challenges to their sense of self, their sense of place, their sense of potential, their sense of belonging, and, critically, their sense of future. This is why the young man in the following excerpt can remark, without any hint of contradiction or irony, that losing one's “freedom” is by no means the worst thing that could happen.

Interviewer: You mentioned that a lot of people in here . . . come back to [secure care] or they go on to the adult system. Why do you think that is the case?

Participant: Because people realize that it's not really that bad

⁵³ See Michel Foucault, *Nietzsche, Genealogy, History*, in *THE FOUCAULT READER* 85-86 (Paul Rabinow ed., 1991).

⁵⁴ *Id.* at 76-100.

Interviewer: Being locked up, you mean?

Participant: Yeah. It's—it's worth the risk. You're losing your freedom but you don't really lose anything else, yeah. (N, 51:49).

This kind of summation—this way of reckoning with the “threat” of doing further time—was evinced by the majority of participants and leads, in my opinion, to a very different way of constructing “risky” behavior. Risk, for the young men interviewed in the current study, equated, for instance, to doing an armed robbery without a balaclava, and not with doing the robbery per se. Risk is switching to the opposite side of the road to lose the police in a high-speed pursuit,⁵⁵ not stealing the car or being chased by the police. Risk is knowing you will lose face and that you will lose respect if you do not go with your mates on the next ram raid or the next break and enter, rather than knowing that you will risk losing the good relations you had started to establish at your part-time job or your vocational course. Risk, to young men released from custody, is the fear of being seen as useless, overly dependent, or “soft” should they choose to ring their release worker to inform them they are beginning to go “off the rails.” Risk is fearing the reaction of “the system” if the young person should question their release plan and express the desire to exit from a disastrous living arrangement or to cease attending a course for which they have no interest or passion. Risk is not coming to the aid of a mate who has been stood over in a drug deal gone wrong or who has been unfairly outnumbered in a drunken brawl. Risk is *not*, in short, commensurate with the potential for the loss of freedom, or conventional relationships and routines. Yet the threat of doing more time is continually held out by authorities as the key weapon against returning to custody. As Currie remarks of those interviewed in his research,

None of these adolescents mentioned fear of formal punishment as a catalyst for that shift. What criminologists call “deterrence” had little or no influence. Most, after all, had experienced conditions that were far worse than anything the criminal justice system could throw at them. Those who had been in “the system” uniformly believed that the experience had been at best irrelevant, at worst massively counterproductive. It was, if anything, one more push down the road to “whatever,” because it simultaneously contributed to their growing alienation from the “normal” world and stiffened their identification of themselves as bad kids, fit only to associate with other bad kids. Once they had been in jail, juvenile hall, or prison, moreover, most came out firmly convinced that they could handle that situation perfectly well if they were threatened with it again—just as they could handle nearly anything else In their view, positive change had come from being treated better, not worse—from having

⁵⁵ See Mark Halsey, *Narrating the Chase: Edgework and Young Peoples' Experiences of Crime*, in *THE CRITICAL CRIMINOLOGY COMPANION* 105-17 (Thalia Anthony & Chris Cunneen eds., 2008).

had opportunities to demonstrate that they could do something well and from being acknowledged when they did.⁵⁶

In this light, administrators themselves need to take a calculated risk. Specifically, they should arguably spend less time worrying about the so-called inherent risks associated with the release of each person (which are interminably difficult to calculate and manage) and instead spend more time attenuating the risks associated with particular bureaucratic and political shortcomings or initiatives. This means viewing risk in terms of its structural manifestations: accommodations not being ready on time, employment programs not being sufficiently matched to young men's wants and desires, curfews being set at unreasonable times (or at all), ensuring that programs and classes are located in accessible and familiar locations (so that young men do not view the journey to such places as overly difficult), ensuring that young men are not placed (back) with parents or guardians who have debilitating drug or alcohol problems, releasing young men with only two hundred or so dollars to their name and little way of earning or legitimately securing ongoing funds, releasing young men back into neighborhoods known for their disproportionately and exceptionally high rates of crime and violence,⁵⁷ and so forth. All this speaks to the idea that one should largely surrender the illusion that fluid types of risk can be controlled, and instead focus on the static risk associated with the implementation of support processes over which bureaucracies can have a more or less substantial impact.

B. JUDGING SUCCESS

A second matter of concern here, and closely related to the clashing perceptions of risk, is the conflicting understandings of what being "successful" means in the context of post-release.⁵⁸ The current tendency within penal administration is to measure success in quite absolutist or dichotomous terms—one either stops using drugs or does not, one either attends programs or does not, one either shows up at class or one does not, one either phones one's release worker or one does not, one either stays away from mates and obeys curfews or does not, one either makes good for an extended period of time or one "fails" to do so and comes back shortly after release, and so forth.⁵⁹ Young men, however, measure, or at least perceive, success in very different ways. Success is not necessarily

⁵⁶ CURRIE, *supra* note 50, at 249-50.

⁵⁷ See, e.g., Charis Kubrin & Eric Stewart, *Predicting Who Reoffends: The Neglected Role of Neighborhood Context in Recidivism Studies*, 44 CRIMINOLOGY 165, 165-97 (2006).

⁵⁸ Farrall & Bowling, *supra* note 39, at 63-70.

⁵⁹ See TONY WARD & SHADD MARUNA, REHABILITATION 44-74 (2007).

measured in terms of length of time out of custody or length of time not doing crime. Instead, success, to the young men interviewed in the present study, meant spending a few nights with a former or current girlfriend, managing to attend classes or obey curfews for a whole month rather than a few days, only smoking a little bit of weed or doing a small amount of heroin, sticking at a job for a month instead of a fortnight, only assaulting someone at the third or fourth opportunity rather than the first, stealing a car just for a joyride rather than setting it alight or stripping it back for parts, surviving two months with a drug-abusing mother who sells her child's property to fund her habit, or only having to use a "little bit of force" when carrying out a robbery.

In this light, I would submit that young men and (post)correctional administrators are thinking past one another because they are not speaking *with* one another about the lived reality and perceptions of actually embarking on a life after release. It is precisely as one young man related during interview: "No one in the world will ever know what you go through because, I mean, they aren't in our life." (A, 24:7, 12). This is the critical and difficult point to resolve. Social workers, psychiatrists, release workers, and lawyers are all engaged to do things about the "situations" of young men in custody, but they are not meaningfully, reflexively and, for want of a better term, *authentically* oriented toward the worlds of those they are charged with helping. For one thing, young men's post-release lives do not, quite patently, fit into the traditional working hours of nine to five, and they do not fit into or remain resolute in the face of the time it typically takes to get assistance outside of regular working hours. This again speaks to the importance of developing ways and means to bolster and reinforce the small advances made by young men in the days and weeks following release from custody (and even of the importance of being able to detect or know of such small advances).⁶⁰ It is not, most certainly, that young men want or desire to be micro-managed, but they do desire connections to persons capable of offering meaningful and non-judgmental assistance for what might seem the most trivial of issues and at what might seem the most inopportune moment to be asking for such assistance. There is no doubt that many young men consciously recite to themselves the sense that things are beginning to fall apart. Equally, most are unable to overcome the sense of shame or embarrassment which attends to asking for help at such key transitional moments. Again, the power of a particular type of masculine—or even late capitalist individualistic—script probably has much to answer for in terms of the psychical obstacles and fears which attend asking for

⁶⁰ Fergus McNeill, *A Desistance Paradigm for Offender Management*, 6 CRIMINOLOGY & CRIM. JUST. 39, 39-62 (2006).

assistance. Arguably, young men will ask for help only when they know for certain that their sense of pride and self-responsibility will remain intact and that the assistance will be given sensitively and in ways consistent with the desires of those asking for help.

C. CUSTODIAL AND SOCIETAL SUBJECTIVITIES

The third point I want to emphasize in this discussion concerns the extreme polarity of the custodial subject as against the societal subject. This polarity is what gives the (post)custodial assemblage its unique consistency or coherence. What custody does to young men is, on the best available evidence, inimical to the emergence of the kinds of subjectivity required by conventional and law-abiding milieus.⁶¹ Presently, young men are expected to find and merge into conventional networks upon leaving custody. This fits with the general approach to rehabilitation based around what might be crudely termed a “just add programs and stir” philosophy—the inference being that if young men are exposed to the right kinds of messages about drugs and alcohol, anger management, sexual health, victim awareness, and so forth, and that such messages are given consistently and repeatedly, that the “result” will or should logically be the production of (near) law-abiding citizens. Clearly, the very opposite is the case for the young men featured in this research. Indeed, it is the pronounced lack of program resonance which young men repeatedly lament during interview⁶²—that what is taught in custody about, for instance, being patient, not using violence, solving problems logically and rationally, or saving and spending money wisely, all tends to implode under the weight of the reality of the material and social circumstances into which most young men are released. Indeed, the only context within which program strategies work seems to be the “artificial” (hyper-controlled) environment in which the programs themselves are taught.

Further exacerbating the polarity between the young custodial subject and the desired societal subject are the kinds of practices and policies around which confinement is conducted. The training center within which the young men for this research are first interviewed has abolished day and weekend release, had (until August 2007) enforced a decade-long policy of non-contact visits, and has an increasingly high rate of residents who are refusing the opportunity to accept conditional release. The first of these aspects is particularly worrying since young men only become good at living in the community whilst *in the community*. The reverse of this also

⁶¹ See generally LIEBLING & MARUNA, *supra* note 48 (providing wide-ranging discussions of how custody impacts sense of self, sense of others, and sense of future).

⁶² See Halsey, *supra* note 38, at 162-66.

applies—that extended periods of confinement teach people how to adjust to custodial life. As one participant remarked, “The more time you do, the easier you can do it, but the more time you do, the harder it’s going to be to turn your life around. You get too adapted to this place.” (C, 14:49, 12). At present, there is no transition to release to speak of—beyond being permitted a few hours under escort to buy clothes and the like just prior to release taking effect.⁶³ The second aspect, concerning a prohibition on contact visits, is a highly problematic state of affairs—especially since it applies to young men aged fifteen to seventeen but not to those serving time in the adult system. A central prerequisite for ongoing emotional and psychological well-being is the capacity for spontaneous affectionate relations between persons, especially loved ones. What message does the juvenile justice system send to those within custody when it prohibits a young fifteen-year-old man from hugging his mother or little sister or brother when they visit—and this for up to a period of three years? What is the sum psychological effect of allowing loved ones temporarily into the lives of young men in detention only on condition that they remain at least two meters apart from each other at all times—and only where the young man agrees to be strip-searched at the conclusion of such a visit? What is the legacy of being permitted just two ten-minute phone calls per day as the primary means of maintaining relationships with family members, friends, partners, and the like? Under such conditions, it is little wonder that many young men choose not to have any contact with loved ones whilst serving time since because the contrived and sterile nature of the visit or phone call is a worse affair than no visit or conversation at all. As one participant lamented, “I don’t want ‘em to come visit me . . . ‘cause it hurts me seeing them walk out . . . I know I ain’t gonna see ‘em for a long time.” (P, 46:41). The third aspect—the refusal to embark on conditional release—is also a quite troubling sign. It suggests, as many young men have narrated to me,⁶⁴ that conditional release is very much a way of being “set up to fail.” The experience of conditional release—which is supposed to be a time of hope and renewal—is for many something to be feared and negated, since it looms very much as a form of custody without walls. The major problem with refusing conditional release is that formal levels of support

⁶³ The situation in South Australia is consistent with the comments made by Hanrahan et al., in their recent U.S. narrative-based study of parole revocation, that “in the face of competing pressures from rising prison costs and public demands that society be protected from offenders, correctional systems are investing increasingly scarce resources in prerelease programming and in parole supervision.” Kate Hanrahan, John Gibbs & Sherwood Zimmerman, *Parole and Revocation: Perspectives of Young Adult Offenders*, 85 *PRISON J.* 251, 253 (2005).

⁶⁴ Halsey, *supra* note 38, at 161, 170-71.

are not available to those who serve their full sentence in secure care or prison. This is a classic example of one of the many “Catch-22” situations associated with serving time. Ideally, young men should receive support regardless of whether they are on conditional release or parole. Indeed, the longer one stays within fully custodial circumstances, the stronger the argument for *unconditional* support being made available.

V. CONCLUDING REMARKS

Data from this research to date overwhelmingly illustrate that the vast majority of young men who have spent significant and repeated time in custodial environments return to such environments shortly after release. However, so-called chronic offending and repeat incarceration has, certainly on the basis of evidence narrated above, as much to do with risky and unpredictable systems of management as they do with the so-called “innate” risks and unpredictability attributed to particular “clients” or young custodial subjects. This is not to absolve all notions of responsibility or to sheet blame home solely to the “system.” Rather, it is to reconceptualize to which bodies responsibility has recourse. Brian Massumi writes of this idea and asks, “Is it possible even to conceive of an individual outside of a society? Of a society without individuals? Individuals and societies are not empirically inseparable, they are strictly simultaneous and consubstantial.”⁶⁵ This is not a call for erasing difference, expunging choice, or of getting rid of responsibility. It is instead a reminder that what is traditionally taken to be individual is always already social. There are, as Massumi remarks, “differential emergences from a shared realm of relationality that is one with becoming.”⁶⁶

What could this possibly mean in the context of post-release life? Very simply, and at the very least, it leads to the notion that *the process of desisting from crime should be a shared responsibility* involving the young person, government departments, and the more informal networks of support such as schools, workplaces, family (or other capable guardians), and peers. More critically, though, the notion of *shared responsibility implies (or should imply) consequences not just for young men who re-*

⁶⁵ See BRIAN MASSUMI, PARABLES FOR THE VIRTUAL: MOVEMENT, AFFECT, SENSATION 71 (Stanley Fish & Fredric Jameson eds., 2002); see also CURRIE, *supra* note 50, at 276, 281:

It is a reflection of our relentlessly individualistic culture that we tend to define most problems as stemming ultimately from personal deficiency and most help as individual “therapy.” . . . [There is an urgent need to get beyond] what I’ve called the pejorative assumption, the reflexive tendency to locate the source of problems within the individual and to avoid (or reject) exploring ways in which those problems are shaped by institutions and actions outside the individual’s control.

⁶⁶ See MASSUMI, *supra* note 65, at 71.

offend and are reincarcerated but also for those bureaucratic mechanisms which fail to follow through (or "make good") on agreements struck with young persons released from custody. At present, a substantial divide stands between the types of skills and knowledge required to negotiate the custodial environment (codes of silence, extreme distrust of authority, devaluing of intellectual pursuits, routine use of physical force) as against those required to succeed in non-custodial settings and contexts ("open" and ongoing dialogue, nurturing of trust across a range of networks, active pursuit of academic and vocational skills, resolution of conflict through non-violent means).⁶⁷

Detention—and its adult manifestation, imprisonment—predominantly teaches people how to cope with the challenges associated with incarceration rather than how to cope with the complexities of being in the community. I cannot help but think here of the poignant anecdote related by Thomas Geraghty⁶⁸ concerning the man who, having managed to avoid a warrant for his arrest over a series of armed robberies, was found (at the point of his eventual "capture" via a traffic violation) to have been leading a quiet "conventional" life for well over a decade. This life centered around raising a family and holding down "a series of good jobs"—but, perhaps most importantly, it had as its key component the ongoing desistance from criminal activity over a lengthy period. In this context, Geraghty asks, "[W]hat would this man's life course have been [like] had he been incarcerated at age nineteen, when the crimes that brought him to court were committed?"⁶⁹ Since embarking on the current study, I have often mused along precisely the same line—only I have asked the question *in situ*, as it were, for the violence of confinement was wrought in real time for each of those interviewed. None of the participants in this research were fortunate enough to have fate deal them the opportunity to put things back together, to experiment with different pathways, to pretend that "none of this" had happened (or was currently happening). None, in short, had, or will have, the undeniable advantage of being able to live life entirely divorced from the social and psychical weight imposed by incarceration.

I am not suggesting that all who experience extended periods of forced confinement do not or cannot eventually make good, but I am wishing to add indisputable empirical weight to the argument that the incarceration of young men will make this task inordinately more difficult than it might otherwise be. If youth training centers and prisons are to continue to

⁶⁷ See generally GRESHAM SYKES, *THE SOCIETY OF CAPTIVES: A STUDY OF A MAXIMUM SECURITY PRISON* (1958).

⁶⁸ Thomas Geraghty, *Prisons and After Prison*, 94 J. CRIM. L. & CRIMINOLOGY 1149, 1149-62 (2004).

⁶⁹ *Id.* at 1150.

exist—and there is little (apart from their manifest failure) to suggest that they will disappear over the medium term—then the only practicable way of helping to “engineer” higher rates of desistance would be to radically alter the custodial environment so that it reflects the types of authority, routines, and problems likely to be encountered post-release. Of course, this is, paradoxically and inescapably, merely another way of saying that it is also necessary to push for the abolition of such institutions. Only then would one be forced to think truly creatively about what might constitute a fully social approach to dealing with—preventing—the emergence of biographies caught up in crime and violence.

APPENDIX

Table 1

*Information on Repeat Participants, Juvenile Custodial Jurisdiction**

Year of Birth	Detention Orders	Length of Detention Order (Months)	Days in Custody (including remand)	Longest Time in Community Between Detention Orders† (Months)	Interviews
1987‡	7	3, 5, 6, 1, 2, 1, 21	948	9	2
1985‡	5	15, 1, 4, 3, 12	963	4	2
1989	5	3, 1, 5, 4, 8	928	7	2
1985‡	2	6, 4	507	28	2
1988	4	4, 2, 5, 3	1912	27	2
1988	4	6, 7, 8, 8	967	5	3
1986‡	3	2, 3, 8	856	9	2
1986‡	3	5, 12, 3	548	4	2
1987‡	4	2, 6, 4, 4	932	7	3
1985‡	6	3, 4, 3, 4, 10, 6	1353	4	2
1988‡	2	9, 12	625	1	2
1985‡	2	10, 5	621	Not applicable	2
1986‡	3	4, 9, 5	307	9	2
1988‡	3	9, 2, 18	924	4	3
1989	8	4, 1, 2, 1, 4, 2, 3, 6	866	4	2
1987‡	2	2, 5	277	6	2
1988	4	4, 2, 12, 11	598	10	2
1988	4	6, 5, 3, 12	646	6	2
1987‡	3	5, 6, 3	347	11	2
1988	6	6, 5, 6, 3, 9, 6	1272	3	4
1985‡	2	3, 5	558	3	2
1987‡	3	6, 4, 5	501	6	2
1990	4	3, 9, 9, 4	1067	9	2
1988	7	2, 9, 3, 18, 4, 1, 7	1333	5	4
1988	4	6, 4, 10, 5	790	9	2
TOTAL	100	16,925 days 46.4 years	20,646 days 56.6 years	Mean = 7.6 months	57

* Information in this table is correct for each participant up to their eighteenth birthday (i.e., the age at which young men are legally categorized as adults and eligible to serve time in prison). Detention orders can be given to persons aged ten years or above for a maximum of three years. Participants listed here are only those interviewed on two or more occasions.

† The statistics in this column do not reflect the periods of remand in custody and/or time on bail. They also do not reveal the frequencies and types of offending very likely to have occurred between detention orders or periods when remanded to custody.

‡ Sentenced to prison, re-interviewed in prison, or both since first interview.