

REENTRY, RESISTANCE, AND HYBRIDIZATION IN THE LONG SHADOW OF  
THE DEVOLVING PENAL STATE: AN ETHNOGRAPHIC STUDY OF A  
COMMUNITY-BASED REENTRY ORGANIZATION

by

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State: An Ethnographic Study of a Community-Based Reentry Organization

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## LIST OF ABBREVIATIONS

Administrative Program.....	AP
Bureau of Prisons.....	BOP
Department of Corrections.....	DOC
Division of Justice Funds.....	DJF
General Program.....	GP
New Public Management.....	NPM
Nongovernmental Organization.....	NGO
Outreach Program.....	OP
Prison/Jails Program.....	PP
Reentry Program.....	RP

## ABSTRACT

### REENTRY, RESISTANCE, AND HYBRIDIZATION IN THE LONG SHADOW OF THE DEVOLVING PENAL STATE: AN ETHNOGRAPHIC STUDY OF A COMMUNITY-BASED REENTRY ORGANIZATION

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As mass incarceration and supervision decline slowly and sporadically in the U.S. (Kang-Brown et al., 2018; Maruschak & Minton, 2020), scholars note that subtler forms of “invisible punishment” continue to affect individuals with a history of legal system involvement (Travis, 2002). This form of penalty *excludes* individuals with criminal records from full societal participation and *includes* them in systems of penal rehabilitation and supervision (Cohen, 1985; Miller & Stuart, 2017). Increasingly, however, the state recedes from direct involvement in rehabilitation and supervision, instead devolving responsibility for these functions to non-governmental organizations in the community (Miller, 2014). In so doing, the state may be able to govern at a distance by influencing the operations of these organizations (Garland, 2001; Rose & Miller, 1992). The present study examines how staffers at a community-based reentry organization serving formerly incarcerated clients are both subject and resistant to state

influence. Leveraged via grant contracts, state influence directs staffers to provide services focused on altering clients' internal dispositions and prohibits them from engaging in advocacy activities intended to affect governmental operations. However, because they locate the problems afflicting their clients largely in exclusionary penal structures—rather than solely in their clients' internal dispositions—staffers' selectively resist state influence. Through this agonistic process of resistance (Goodman et al., 2017), rehabilitative penalty as practiced at the organization hybridizes, commingling the organizational goals and routines of penal state authorities with those of advocacy-oriented reentry staffers. The final, hybridized form of this rehabilitative penalty requires the client to not only effect dispositional changes, but to be an active agent advocating against the exclusionary penal structures afflicting them.

## INTRODUCTION

By national numbers, the scale of penalty appears to be slowly declining in the U.S. The number of adults held in prison and jail decreased from 2,310,300 in 2008 to 2,123,100 in 2018—an 8.1% drop over 10 years (Maruschak & Minton, 2020). Similarly, the adult probation and parole population decreased 14% in the same timeframe, falling to a level not seen since 1998 (Kaeble & Alper, 2020). While the total population of individuals incarcerated or on probation/parole remains over 6.4 million (Maruschak & Minton, 2020), and states vary widely in the degree to which they exhibit reductions in this population (Kang-Brown et al., 2018), these slight declines represent a stark departure from the previous trend of unprecedented penal expansion<sup>1</sup> (Phelps, 2020; Travis et al., 2014). The picture painted by the current declination in penal populations is supplemented by infrastructural changes in the carceral apparatus. Indeed, recent years have seen record numbers of prison closings and the downsizing of longstanding carceral behemoths, such as New York City’s Riker’s Island complex (Miller, 2017, p. 102; Mooney & Shanahan, 2020). Official and nonofficial rhetoric surrounding these changes largely aligns with the stated goal of decarceration, as legislative bodies and elected officials, professional membership organizations, and independent investigatory

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<sup>1</sup> As part of this trend, the incarceration rate climbed from 161 per 100,000 U.S. residents in 1972 to a peak of 767 per 100,000 in 2007 (Travis et al., 2014, p. 33), while the number of adults on probation rose from 1.1 million in 1980 to 4.3 million in 2007 (Phelps, 2020, p. 263).

commissions on both coasts pledge to reduce the number of individuals held in prisons and jails (Miller, 2017, pp. 101-102; Kurti & Shanahan, 2018; Mooney & Shanahan, 2020). It is perhaps no surprise, then, that several observers cautiously posit that the U.S. may be approaching an era of “smart decarceration” (see Epperson & Pettus-Davis, 2017).

Yet, the number of individuals involved in formal systems of penalty does not fully capture the scale and scope of modern punishment. Indeed, many scholars document changes in the form of penalty across its life course (e.g., Durkheim, 1901/1983; Foucault, 1977; Ignatieff, 1978; Lynch, 2010; Melossi & Pavarini, 1981/2018; Rothman, 1971, 1980; Rusche & Kirchheimer, 1939; Simon, 1993). Myopic consideration of past and present penal forms may belie the true scope of penalty, as it does not speak to the ways penal development expands in new directions. Indeed, to consider punishment solely in terms of the torturous variety commonly practiced prior to the advent of the correctionalist prison leaves underappreciated the manners in which new forms of punishment catalyze and expand penal development (Foucault, 1977). As such, it is important to anticipate penal development—to understand how penalty adapts, disperses, and manifests in previously unobserved ways.

Rather than manifesting solely through incarceration and community supervision, penalty in the modern era often takes the form of “invisible punishment” (Travis, 2002). This subtle form of penalty reflects the collateral consequences of legal involvement, through which individuals with criminal records experience exclusion from myriad forms of social, economic, and political participation long after their formal sentence concludes

(see below). In addition to exclusion, however, invisible punishment *includes* those subject to it in systems of penal rehabilitation and supervision—many of which are operated by community-based actors working outside and adjacent to governmental penal agencies (Cohen, 1985; Lowman et al., 1987; Miller, 2014, 2019; Miller & Stuart, 2017). Declines in the numbers of individuals incarcerated or under community supervision thus do little to elucidate the scope of punishment in its “invisible” forms. Indeed, the number of individuals who currently experience the collateral consequences of legal involvement dwarfs the numbers involved in the formal (i.e., carceral and community correctional) penal apparatus (Miller, 2019): whereas 6.4 million are formally supervised by the penal system in prisons, jails, and the community, there are an estimated 70 to 100 million individuals with a criminal history recorded in government files<sup>2</sup> (Vallas & Dietrich, 2014). Approximately 19 million of these individuals bear the mark of a felony conviction and the heightened stigmas associated with it (Shannon et al., 2017).

To understand how some 70 to 100 million individuals experience punishment inside *and* outside the formal penal apparatus, it is important to look beyond that apparatus to examine the institutions operating it. Collectively referred to as “the penal state,” the “governing institutions that direct and control the penal field” (Garland, 2013, p. 495) constitute a wide variety of agencies and individuals. They may comprise not only the

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<sup>2</sup> It is difficult to determine the exact number of individuals with criminal records in the U.S. While there were over 112 million individuals listed in state criminal history files at year-end 2018, this figure does not account for individuals who may have records in multiple states or who may be deceased. The number of individuals listed in registries maintained wholly or jointly by the FBI is smaller. As of year-end 2018, there were 96.6 million criminal history records maintained in the FBI’s Interstate Identification Index (Goggins & DeBacco, 2020) and, as of January 2020, 78.6 million fingerprints in its criminal fingerprint repository (Federal Bureau of Investigation, 2021)

institutions traditionally associated with punishment—law enforcement, the courts, the prison, and the jail—but those providing social services to individuals currently or formerly involved in the legal system (Wacquant, 2009). Efforts to draw a coherent picture of the penal state are further complicated by the process of “carceral devolution” (Miller, 2014), whereby responsibility for the functions of penalty shift from the state to local community actors. Thus, nonprofit, community-based service providers are increasingly tasked with the inclusionary aspects of penalty, incorporating individuals subject to invisible forms of punishment into overlapping systems of care and control that exist at a distance from those directly operated by government agencies (Cohen, 1985; Miller, 2014).

The growing involvement of the community in functions of penalty (see Garland, 2001; Hughes, 2007; Miller, 2014) makes it more difficult to map the contours of the penal state and, thereby, identify the institutions responsible for enacting invisible punishment in the modern era. As Smith and Lipsky (1993) queried nearly three decades ago, “if the state no longer directly delivers services but authorizes private parties to conduct its business, where shall we locate the boundaries of the state?” (p. 5). Thus, given the diversified nature of the penal state and questions as to where it begins and ends, Rubin and Phelps (2017) suggest that students of penalty analytically “fracture” the penal state by examining its constituent, associated, and peripheral components not as a unified whole, but as interrelated entities holding *de jure* or *de facto* responsibility for the practice of punishment. To do so reveals not a single, unified penal state, but “a diverse array of actors from bureaucratic leaders down to front-line staff implementing

policy, each with their own (shifting) penal preferences and concerns” (Rubin & Phelps, 2017, p. 434). Analytically separating these shifting and potentially conflicting preferences and concerns is essential to the study of penal development. Indeed, recent research by Goodman and colleagues (2015, 2017) finds that penal development is often the product of these conflicting interests; rather than a mechanical process of change driven primarily by national sentiment, penal development occurs through localized, agonistic processes of contestation and conflict, as disparate actors attempt to establish their own ideologies and pragmatic interests as dominant.

With a view to investigate new modes of penalty practiced in the devolved landscape of modern punishment, the present study ethnographically examines a nonprofit, community-based reentry organization. Reentry organizations serve a vital subpopulation of the 70 to 100 million individuals with criminal records: those who have experienced incarceration and are in the process of returning to the community. This includes those preparing for reentry in the confines of the carceral apparatus, as well as the 600,000 individuals who exit prisons—most often with felony records in tow—and 11 million who exit jails each year (Carson, 2020; Wagner, 2015). Providing services ranging from job skills trainings, to substance use and mental health treatment, to housing and financial assistance (Burch, 2017; Delgado, 2012; Grommon, 2013; Jonson & Cullen, 2015), reentry organizations exist in a grey space between the state and civil society. While they may provide services fundamentally aimed to incorporate the formerly incarcerated into social and political life (Kaufman, 2015), their typically high levels of dependence on governmental elements of the penal state for funding, logistical

support, and clientele has led some to question their autonomy (Ortiz & Jackey, 2019; Shaylor & Meiners, 2013; Thompkins, 2010; Wacquant, 2010b). Questions therefore exist as to whether reentry organizations represent a constituent, associated, or peripheral element of the penal state, or if they may operate in an independent or even oppositional capacity to it. In this way, reentry organizations provide fertile ground to examine not only how the influence of the governmental elements of the penal state may coopt community organizations, but how these organizations may resist and, thereby, generate new penal forms through agonistic processes.

## **LITERATURE REVIEW**

Approximately 11 million people cycle through U.S. jails each year, and over 600,000 are released from state and federal prisons (Carson, 2020; Wagner, 2015). Upon reentry, these formerly incarcerated individuals often receive little support from the state, relying instead upon family, friends, and community organizations for assistance (De Giorgi, 2017; Western, 2018). As they reenter their communities, then, formerly incarcerated individuals face numerous barriers to their social, economic, and political incorporation.

### **The Enduring Barriers of Reentry**

The challenges the formerly incarcerated face are myriad, but they do not arise solely due to incarceration. Indeed, the experience of incarceration is not distributed evenly throughout society, but rather tends to be hyper-focused on society's most marginalized and racialized segments (Alexander, 2010; Turney, 2014; Wacquant, 2001, 2009, 2010a). Many who experience incarceration endure lifetimes of violence, abuse, mental illness, economic deprivation, and other forms of adversity even prior to legal system involvement (Western, 2018; Hattery & Smith, 2010; Schnittker et al., 2012). They are often excluded, stigmatized, and punished by social institutions ranging from the welfare office to the school from an early age (Anderson, 1999; Rios, 2011, 2017; Wacquant, 2009). Their socioeconomic statuses often reflect this exclusion and stigmatization. For example, people incarcerated in state prison have a tenth-grade education on average, with about 70% lacking a high school diploma (Western & Pettit,

2010; see also Pettit & Western, 2004). Independent of socioeconomic status, however, race affects the likelihood of incarceration. According to the Bureau of Justice Statistics, in 2001, 16.6% of Black men and 7.7% of Hispanic men had been to prison in their lifetime, while the rate at which White men experienced incarceration was much lower at 2.6% (Bonczar, 2003, p. 1).

Rather than being the sole product of differential rates of offending, these disparities in incarceration rates are fueled by structural factors which affect the likelihood that an individual will be arrested, convicted, and sentenced in the criminal legal system. Indeed, as Wakefield and Uggen (2010) describe,

entry into prison is in part socially determined by differential exposure to police surveillance (Beckett et al. 2006, Tonry 1996), increases in the likelihood of charges resulting in convictions (Bridges & Steen 1998), differences in sentencing patterns (Steffensmeier et al. 1998), and a host of other structural factors. (p. 392)

In sum, incarceration disproportionately concentrates among populations—delineated along racial, ethnic, and socioeconomic axes of social power—who are often disadvantaged prior to their confinement. The concentrated disadvantage present among the formerly incarcerated calls into question the descriptive aptitude of “reentry” as a label for their post-incarceration experiences, as many never “entered” mainstream society in the first place (Burch, 2017; Bumiller, 2013, p. 16; Wacquant, 2010b, p. 612). However, incarceration both amplifies these existing disadvantages and creates new ones in areas such as housing, employment and income, and behavioral health.

## ***Housing***

Reflecting the desperate conditions from which they often originate and return to, many formerly incarcerated individuals struggle to find affordable, decent-quality housing (De Giorgi, 2017; Western, 2018). To some extent, the struggle to find suitable housing is a preexisting one in the impoverished communities to which the formerly incarcerated return (De Giorgi, 2017; Western et al., 2015). However, their new status amplifies this struggle exponentially. Indeed, people with criminal records are often prohibited from residing in public housing (Hamlin, 2020; Miller, 2019, p. 223), which may be the only affordable option available to them. While not barred from private housing by any official policy, many formerly incarcerated individuals nonetheless find such housing off limits to them as well (Clark, 2007; Desmond, 2016; Equal Rights Center, 2016; Thacher, 2008). One study in the Washington, DC, area found that 28% of tests conducted with property owners revealed screening policies which discriminate against people with criminal records, in violation of the *Fair Housing Act* (Equal Rights Center, 2016, p. 27). Even when they are able to find private housing for rent, they are subject to substantial precarity, as property owners frequently evict them with minimal justification (Desmond, 2016; Miller, 2019, p. 223).

Perhaps as a result of these struggles, a consequential number of people exiting prison find themselves living on the streets upon reentry. Studies in New York and Philadelphia indicate that between 4% and 11% of formerly incarcerated individuals stay in homeless shelters in the two years following their release (Western et al., 2015, pp. 1515-1516). Furthermore, certain factors may make some formerly incarcerated

individuals even more likely to experience housing instability than others. For example, individuals with histories of mental illness report significantly higher rates of housing instability than their peers without such histories (Roman & Travis, 2004, pp. 394-395; Western et al., 2015, p. 1533). Regardless of whether they experience mental illness, formerly incarcerated individuals are often acutely aware of their poor chances of finding stable housing, reporting that having a place to live is a primary concern both prior and subsequent to their release (as cited in LeBel, 2017, p. 892; Pleggenkuhle et al., 2016).

### ***Employment and Income***

Despite being the most important concern reported by incarcerated individuals preparing for reentry (as cited in LeBel, 2017, p. 892), many are unable to find stable and gainful employment in the community, as the mark of a criminal record often crushes employment prospects (Decker et al., 2015; Pager, 2003, 2007; Pager & Quillian, 2005). When isolated from the formal labor market, some formerly incarcerated individuals become “professionally poor” (Halushka, 2020, p. 234) by dedicating their energy on a full-time basis to navigating public or nonprofit service systems. Those who are able to find legitimate employment often take up temporary and low-wage positions, the transitory nature of which can make life and acquisition of its basic elements—food, water, hygiene, shelter—highly uncertain (De Giorgi, 2017; Halushka, 2020). To deal with this uncertainty, those returning from incarceration may accept any employment they can find, forcing them into “the secondary labor market of minimum-wage, insecure, and degraded work, where they will serve alternatively as a hyper-exploited labor force or as a disposable reserve army of labor” (De Giorgi, 2017, p. 84).

### ***Behavioral Health***

By the numbers, mental illness among the formerly incarcerated is pervasive. In a year-long study of 122 formerly incarcerated individuals in Massachusetts, Western (2018, p. 57) found that 54 (44%) reported a mental health diagnosis. Of the entire 122-person sample, 8.2% reported serious mental illness (SMI), making the prevalence of SMI about four times greater than it is in the general population (Western, 2018, p. 49). This is reflective of rates of mental illness among people held in prisons and jails, with 36.9% and 44.3% reporting a history of diagnosed mental illness, respectively (Bronson & Berzofsky, 2017, p. 3). Thus, as with the other reentry strains described above, mental illness is not the sole product of incarceration. Indeed, some have noted that carceral institutions operate as *de facto* mental health facilities (Wilper et al., 2009), as there are about three times more people with SMI in prisons and jails than in hospitals in the U.S. (Torrey et al., 2010, p. 1).

However, the experience of incarceration has highly detrimental effects on an individual's mental and behavioral health, even if they experienced mental illness prior to their confinement. Prisons and jails have limited capacity to provide psychiatric services, substance use treatment, and medication (Taxman et al., 2007; Wilper et al., 2009, pp. 669-670). Fewer than half of 18,185 incarcerated individuals diagnosed with a mental illness upon admission to prison in one study received pharmacotherapy during their confinement (Reingle Gonzalez & Connell, 2014, p. 2330). In addition to this lack of access to treatment, the experience of incarceration itself may be promotive of adverse behavioral health outcomes (Bačák et al., 2018; Porter & DeMarco, 2019; Porter &

Novisky, 2017; Yi et al., 2017). These outcomes appear especially pronounced for the 11 million people who cycle through jails each year (Wagner, 2015), as those leaving the disorderly, uncertain, and often-underfunded jail environment (Klofas, 1984; May et al., 2017; Pogrebin, 1982; Walker, 2014) report higher rates of depression, heavy drinking, and illicit drug use upon release than those who exit prisons (Yi et al., 2017).

***Pervasive Penalty: The Enduring Stigmas of Legal Involvement***

While many preexist confinement, the challenges described above are part and parcel of a pervasive penalty which frequently alters the lifeworlds of the formerly incarcerated in perpetuity. Incarceration confers upon those who experience it a new form of “carceral citizenship,” which renders them subject to restrictive and often exclusionary laws and policies, as well as potentially invasive tactics of penal rehabilitation and supervision (Miller & Stuart, 2017, p. 536). The enduring stigma associated with carceral citizenship manifests in both formal and informal contexts. In formal contexts, this is evidenced by the myriad laws and policies which constrain the activities and opportunities available to people with criminal records. As Miller (2019, p. 222) describes, New York State has over 1,300 laws and regulations which target people with criminal records; Michigan has some 800, and Illinois a startling 1,463. Many of these laws and policies exclude the formerly incarcerated from certain forms of social, economic, or political participation—for example, by prohibiting them from holding public office, voting, or even engaging in basic occupational tasks such as driving a truck or grooming a dog (Miller, 2019, pp. 222-223; Uggen et al., 2005).

Beyond formal law and policy, the stigma of a criminal record affects individuals in informal contexts as well. Formerly incarcerated individuals report the effect of stigma not only as a result of formal policy, but as a result of discrimination from the general public (LeBel, 2012a, 2012b). In many cases, these experiences of discrimination in informal contexts are closely tied to the “multiple stigmatized identities” (LeBel, 2012a, pp. 66-67) formerly incarcerated individuals hold—identities which are often rooted in sociodemographic factors such as race and gender. Several studies examining the interaction between race and a criminal record find that Black and Hispanic individuals with criminal records are more disadvantaged by the stigma of that record than their White counterparts (Decker et al., 2015; Pager, 2003; Pager & Quillian, 2005; Western, 2018, p. 99). For example, one research study examined the hiring decisions of 350 employers based on four fictional profiles: two White men (one with a criminal record and the other without) and two Black men (again, one with a criminal record and the other without) (Pager, 2003; Pager & Quillian, 2005). Employers in this study were not only less likely to hire an individual with a criminal record, but also less likely to hire a Black man with a criminal record than a White man with a similar record (Pager, 2003; Pager & Quillian, 2005). From this, Pager (2003) concludes that “[t]he effect of a criminal record is [...] 40% larger for blacks than for whites” (p. 959).

Other research examines how stigma interacts with gender (e.g., Ajunwa, 2015; Povey, 2019). As the mark of a criminal record may represent a deviation from gendered role expectations, formerly incarcerated women “are seen as having committed two offenses, one against the law and one against social expectations of how women are

supposed to behave” (Decker et al., 2014, p. 57). The differential effect of a criminal record experienced by women is especially prominent with respect to employment, as formerly incarcerated women are less likely to be called in for a job interview than formerly incarcerated men (Decker et al., 2014). Furthermore, working-class women may have decreased access to “blue-collar” jobs (e.g., trade or manual labor occupations) relative to men—they often work in the “pink-collar” (e.g., nursing or teaching) sector of the labor market, which is more likely to be closed to people with criminal records than blue-collar employment (Ajunwa, 2015; Barnes et al., 2021).

The evidence summarized above suggests that the stigma produced by a criminal record is pervasive, having effects in both formal and informal contexts. The effect of stigma is conditioned by sociodemographic characteristics like race and gender, which can interact with and amplify the experience of discrimination for the formerly incarcerated. Furthermore, stigma is often reproduced multiple times, as most who experience formal legal involvement will do so repeatedly. In their most recent longitudinal study of recidivism following incarceration in state prison, the Bureau of Justice Statistics reports that 83% of the 401,288 individuals included in the study were rearrested (Alper et al., 2018). In fact, 44% of the sample was rearrested during the first year following their release (Alper et al., 2018)—a time when the strains of reentry are particularly severe (cf. Western, 2018). Reentry is often not a one-time event, but a process the formerly incarcerated experience repeatedly. For many, each experience with reentry brings with it not only interaction with governmental agencies of the penal state, but also with a looser constellation of community-based reentry organizations. Through

these organizations, the formerly incarcerated may obtain financial or legal assistance; learn new skills; connect with employers, other service providers, and support groups; and, in some cases, experience additional forms of penal rehabilitation and supervision.

### **The Organizational Dimensions of Reentry**

The concept of reentry is a nebulous one. Described by some as a distinct “industry” with dedicated funding streams (Thompkins, 2010; but see Wacquant, 2010b, for an alternate position) and by others as a emergent social movement (Jonson & Cullen, 2015; Rhine & Thompson, 2011), definitions of reentry vary (see Petersilia, 2004, pp. 2-3). Whereas some see reentry as a process (Travis & Visser, 2005, as cited in Petersilia, 2004), others focus on specific programs and organizations providing reentry services (Seiter & Kadela, 2003, pp. 368-370). Adopting the latter definition adds minimal clarity, as the organizational landscape of reentry is a highly fractured one without “clear hierarchy or defined bureaucratic structure” (Nhan et al., 2017, p. 8). Some organizations serve individuals while they are incarcerated, others exclusively serve those in the community, and still others provide both pre- and post-release services (Petersilia, 2004; Seiter & Kadela, 2003). Overall, reentry organizations comprise a heterogenous assortment of providers who may specialize in reentry services, or who may serve individuals regardless of whether they have experienced incarceration (Jonson & Cullen, 2015; Kaufman, 2015; Matthews et al., 2020). Given these definitional challenges, it is perhaps best to conceptualize reentry organizations primarily based on their service-delivery functions.

### *The Functions of Reentry Organizations*

Reflecting the variegated nature of the reentry landscape, organizations take a variety of approaches to service provision. Some emphasize treatment and employment; others seek to incorporate the formerly incarcerated into various facets of social, religious, and political life; and still others work to deconstruct the structural barriers which have afflicted their clientele from an early age (Burch, 2017; Kaufman, 2015). To achieve these goals, reentry organizations most often provide treatment and/or employment services such as job skills training, resume workshops, and connections with potential employers (Delgado, 2012; Grommon, 2013; Jonson & Cullen, 2015; Kaufman, 2015, p. 542; Matthews et al., 2020; Pettus-Davis et al., 2019; Wilkinson, 2001). However, some may specialize in the provision of additional services such as housing (Burch, 2017), legal resources (Jacobs et al., 2017), parenting classes (Brown & Bloom, 2009), and mentoring or peer-navigation (Kenemore & In, 2020; Portillo et al., 2017). Other organizations may provide few services directly, instead referring clients to agencies providing specialized services in the community (Hattery & Smith, 2010).

To make sense of the varied goals, rationales, and means of an institutional field such as reentry, organizational theorists deploy Hasenfeld's (1972) concepts of "people-changing" and "people-processing" (see e.g., Coyler, 2007; Prottas, 1979; Sandfort, 2003). For social service providers—as with street-level bureaucracies more generally—the client is both consumer and "raw material" of the organization (Lipsky, 1980; Prottas, 1979, p. 3). That is, the client not only receives services from the organization as a consumer, but also acts as the raw material which the organization seeks to shape into a

finished product (Prottas, 1979). While the client's role as consumer remains static across people-changing and people-processing institutions, the ways institutions seek to transform the raw material represented by the client differ. Whereas people-changing institutions produce behavioral change through socialization and/or resocialization, people-processing institutions alter the status of the client independently of *direct* efforts to modify their behavior (Hasenfeld, 1972, p. 257-258). To achieve this, people-processing institutions employ the technologies of classification and disposition by identifying and defining the person's attributes, social situation, and public identity, which in turn typically results in both societal and self-reactions. It is through these anticipated reactions of significant others that the organization tries to change its clients' social position and future behavior. (Hasenfeld, 1972, p. 257)

Thus, rather than seeking to directly influence clients' behavior through prolonged interaction and training (i.e., socialization), people-processing institutions classify and seek to alter a client's status characteristics. By altering these characteristics, organizations indirectly affect the way individuals and institutions behave toward the client in order to produce a desired outcome.

The variety of services and goals reflected in reentry programming gives rise to divergent perspectives concerning the proper classification of reentry organizations as either people-changing or people-processing. Miller (2014) argues that reentry organizations lack the ability to alter the status of their clients, since they cannot remove the stigmas of legal involvement. Instead, reentry organizations seek to modify their

clients directly through treatment and skills training to “address the psychosocial dispositions [...] they believe that most contribute to labor market, educational, and relationship outcomes” (Miller, 2014, p. 317). Describing reentry organizations as managers of a criminalized underclass, Wacquant (2010b) argues instead that these organizations are people-processing institutions seeking to confer upon their clientele a new social status. While Wacquant (2010b) acknowledges the common claim among reentry service providers to make their clients more marketable through people-changing skills training, he concludes that such claims serve primarily to ceremonially legitimize penal state activities, as “reentry operators remain suppliers of services in a public monopsony, with the government (and associated charities) as the sole buyer” (p. 613). Essentially, Wacquant (2010b) asserts that reentry organizations support the functions of penal state agencies; that they “are not an antidote to but an extension of punitive containment as government technique for managing problem categories and territories” (p. 616). Central to this argument is a matter of autonomy—that is, the degree to which reentry organizations function independently from penal state agencies and their influence. The question of organizational autonomy from such agencies is tied to the rise of reentry in the context of shifting, postmodern forms of social control.

### ***The Rise of Reentry in a Changing Landscape of Social Control***

The rise of reentry is closely linked to shifts in the practice of rehabilitation as a form of penalty. In a carceral context, reentry-focused “life skills” programs supplanted academic and vocational courses as the modal form of rehabilitative programming inside U.S. prisons beginning in the 1990s (Phelps, 2011). Whereas just 15% of individuals held

in state and federal prisons reported participation in reentry programs in 1991, that figure rose to 25% by 2004—all while academic and vocational course participation respectively fell from 43% to 27% and from 31% to 27% (Phelps, 2011, pp. 54-55). The ascendancy of reentry programs is also reflected in the community. Between 1995 and 2010, the number of reentry organizations operating in the community grew from less than 400 to nearly 1,400, with the bulk comprised of community-based rehabilitative service programs (Miller, 2014, p. 312). This growth occurred in lock step with concurrent growth in the scope of the penal state, with the number of reentry organizations rising to meet the expanding populations returning to the community under parole supervision (Mijs, 2016, p. 294). To understand the growth of reentry in both carceral and community contexts, it is necessary to examine the dynamics of rehabilitation as a penal ideology.

**Rehabilitation in the Early 20th Century.** While the rapid growth of reentry programming in carceral and community contexts is a recent phenomenon, the origins of this idea are not new. The Progressive Era of the late 19<sup>th</sup> and early 20<sup>th</sup> Centuries brought with it a clinical approach to penalty, employing the latest advances in psychology and rehabilitative intervention in an attempt to alter the dispositions of those who violated the law (Cullen & Gilbert, 2012, Ch. 3; Simon, 1993). According to this “rehabilitative ideal” (Allen, 1981), the function of penalty was not to punish the individual with sufficient severity, certainty, and celerity so as to deter them from future offense (Beccaria, 1764/1992), but to ensure public safety by treating the social and psychological maladies thought to promote deviancy (Cullen & Gendreau, 2000). Central

to this enterprise was community service provision, as policymakers such as President Franklin D. Roosevelt recognized that the strains of reentry (see above) “tend to push a man back to a life of crime unless we make it our business to help him overcome them” (as cited in Jonson & Cullen, 2015, p. 518). In rhetoric, if not always in practice, the state assumed the role of post-release community service provision during this era (Petersilia, 2009; Wodahl & Garland, 2009). Rather than limiting such service provision to the welfare arm of the state, however, policymakers tasked the state’s penal arm—particularly the increasingly popular probation and parole enterprises—as a vehicle of rehabilitative service referral and delivery (Miller & Purifoye, 2016; Petersilia, 2009; Phelps, 2013; Simon, 1993; Wodahl & Garland, 2009). In the context of intensified government service spending and the “War on Poverty” of the 1960s, parole in particular functioned as “the first link in a new chain of agencies aimed at providing a basic structure for communities abandoned by the traditional structures of civil society” (Simon, 1993, p. 100).

However, the state’s role as a reentry service provider was not to last. Withering under empirical and ideological onslaught of the 1970s (see e.g., Martinson, 1974; von Hirsch, 1976; Wilson, 1975), the rehabilitative ideal lost salience in the public eye, superseded by discourses framing the state as a detached manager of a criminalized underclass (Feeley & Simon, 1992, 1994; Simon & Feeley, 2003). Grounded in the language of risk management and crime control, these discourses emphasized the state’s capacity to incapacitate and segregate—rather than rehabilitate or even punish—the

criminalized population (Feeley & Simon, 1992; Garland, 2001; Mackey et al., in press; Phelps, 2018; Simon, 1988, 1993).

### **The New Rehabilitation: Responsibilized Subjects and Devolved Services.**

While it lost credibility in the national discourse, the rehabilitative ideal never vanished (Goodman et al., 2017). Indeed, Phelps (2011) documents that prison-based programming continued to focus on rehabilitative academic and vocational training into the 1990s, after which it gave way to “life-skills” reentry programming drawing upon similar rehabilitative rationales. Similarly, front-line correctional staff continued to hold rehabilitation as central to their work throughout this period (Lynch, 1998, 2000). To understand the divergence of penal practice from dominant public discourse, Goodman and colleagues (2017) employ an “agonist” perspective, holding that “penal development is the product of struggle between actors with different types and amounts of power” (p. 8). Shifts in the ideologies and modalities of punishment during the latter half of the 20<sup>th</sup> Century were the product not solely of national-level discourse (Goodman et al., 2017, p. 13), but of micro-level contestations among actors both inside and outside the penal system. Through this contestation, new and potentially hybridized penal forms emerged (Hannah-Moffat, 2005).

Thus, as penal authorities, academics, politicians, and others differentially contested or supported the rehabilitative ideal, the constitution of that ideal hybridized (Goodman et al., 2015, 2017; Hannah-Moffat, 2005). A new program of rehabilitation emerged in the penal system—one which mixed traditional notions of rehabilitative intervention focused on altering psychosocial dispositions with neoliberal rhetoric

championing personal responsibility (Goodman et al., 2017, p. 108; Hannah-Moffat, 2005). Under this new program of rehabilitation, the agents responsible for producing the rehabilitated individual changed. No longer was the state held responsible for the rehabilitation of its penal subjects; instead, these subjects

are urged to employ self-help (or self-responsibilization) strategies to transform themselves into normative citizens [...] Although he is known for his particular flaws and held against a normative ideal by [correctional] agents, [the penal subject] is no longer in need of extensive, individualized treatment because his problems stem from dispositional maladjustments that only he can truly fix. And once he decides to make those adjustments, then little needs to be done by the agents. (Lynch, 2000, pp. 58, 60)

Essentially, as a result of contestation among actors holding different goals and varying conceptions of rehabilitation and punishment, the responsibility for rehabilitation shifted from the state and onto the subject of punishment.

This “responsibilization strategy” (Garland, 2001, p. 124) does not merely entail the offset of responsibility from the state to the subject of punishment. Rather, responsibilization restructures the penal landscape at multiple levels through a process of “carceral devolution” (Miller, 2014). Carceral devolution represents “a set of interrelated policies that transfer carceral authority—[including] the authority to rehabilitate and supervise prisoners—from federal and state-based institutions to local ones” (Miller, 2014, p. 308). In essence, it shifts the locus of responsibility away from the state and onto

lower levels of government or, in many cases, nongovernmental organizations (NGOs; Rose, 1996; Smith & Lipsky, 1990).

**Governing at a Distance in the Neoliberal Era.** Yet, by devolving the penal authority and dispersing it throughout various facets of civil society, some observers argue that the state's influence is extended and reinforced, rather than attenuated. These arguments hold that devolution and responsabilization exist under a program of neoliberal governmentality, in which the state must respond to the growth of an autonomous private sector rooted in the fertile loam of late industrial capitalism (Rose, 1996; Rose & Miller, 1992). Since the state is engaged in a mutually dependent relationship with the capitalist class (see Chambliss & Seidman, 1982, Ch. 12), it responds not by confronting the private sector and seeking to constrain it, but instead by forging public-private alliances built upon state funding contracts to indirectly regulate those institutions—"the economy, the family, the private firm, and the conduct of the individual person"—over which it can no longer impose direct sovereign control (Crawford, 2003; Rose & Miller, 1992, p. 180). Through this process of "governing at a distance" (Rose & Miller, 1992, p. 173; see also Garland, 2001, pp. 124-127), the state maintains influence over the institutions of civil society, which remain semi-autonomous. As a mode of social control, then, governing at a distance entails a "dispersal of discipline" (Cohen, 1985, p. 84), as the state induces civil society to self-monitor and -discipline by responsabilizing its constituent institutions and citizenry. In so doing, the state "insert[s] the power to punish more deeply into the social body" (Foucault, 1977, p. 82). That is, by responsabilizing and coopting institutions

and individuals to regulate themselves under a state-defined rubric of social order, the state succeeds in governing aspects of civil society that exist beyond its direct control.

To maintain control at a distance, the state may employ both ideological and economic means (Arendt, 1969). Economically, the state exercises distal governance by funding elements of civil society through grant contracts governed by a set of managerial tactics which Hood (1991) terms “new public management” (NPM). NPM is closely linked to free market capitalism in the neoliberal era, entailing both de-monopolization and privatization, as well as the promotion of rivalry between organizations competing for public resources intentionally limited by austerity measures (Harvey, 2007; Hood, 1991, pp. 4-5). In the devolution of state services to the nonprofit sector, this often involves numerous organizations competing for government contracts, with those organizations able to meet high levels of performance accountability most likely to obtain funding (Halushka, 2016a; Smith, 2018; Smith & Lipsky, 1990). Through the use of performance accountability measures, this “contractual governance” (Crawford, 2003, p. 479) allows the state to define a rubric for organizations to follow—on which structures the organization’s activities while making deviations potentially disastrous due to the mercurial, hyper-competitive funding environment (Smith, 2018).

The ability of the state to define organizational priorities and service provision models via grant contract performance metrics has led some to theorize how these tools of distal governance extend state control even further to envelop the clients of non-state service organizations. Cohen (1979, 1985) notes that the professionalization of the criminal legal field has led to the diversification and expansion of deviancy control

strategies, as organizations tasked with providing social services increasingly concern themselves with classifying their clientele and, thereby, serving to include them in penal supervision and exclude them from sectors of mainstream society. Drawing upon Cohen's (1979, 1985) work, Lowman and colleagues (1987) identify a "peno-judicial, mental health, welfare and tutelage complex" (p. 11) they term "transcarceration." Entailing "cross-institutional arrangements and dynamics" among "police, judiciary, corrections, juvenile justice, psychiatry, welfare, the family, private justice, and other agencies in state and civil society" (Lowman et al., 1987, pp. 9, 11), transcarceration represents an expansive model of social control. That is, by decentralizing the power to punish, the cross-institutional arrangements entailed in transcarceration widen the scope of penalty, as they are formed by disparate actors serving and/or supervising a broad array of individuals involved in overlapping systems of punishment and welfare (Lowman & Menzies, 1986; Lowman et al., 1987; Wacquant, 2009). Essentially, then, distal governance strategies not only extend state control over the non-state actors involved in transcarceral arrangements, but also over the multitude of clients they serve.

### ***Reentry Organizations and Distal Governance***

Distal governance strategies are especially prominent in the criminal legal system, as the responsibility for crime control and rehabilitation increasingly falls upon elements of civil society. For example, functions of policing and crime control devolve to the private market and to individual community members, who partner with law enforcement to "co-produce" their own safety (Crawford, 1999, 2003; Garland, 2001; Hughes, 2007). Some court processes also devolve, as nonprofit organizations now operate pretrial

release systems by providing screening and assessment services (Castellano, 2011). Finally, at the far end of the criminal legal system, the process of post-incarceration rehabilitation devolves from the state to community-based reentry organizations. As Miller and Purifoye (2016) describe,

the stakeholders responsible for the reintegration of prisoners changed from prison staff, prison officials, and actors working within formal arms of the state through welfare services, probation, and parole offices, to private, nonprofit actors operating within the human service agencies operating within the inner city. (p. 205)

Reflecting the functions of distal governance, the responsabilization of the community to provide reentry services may allow the state to exercise control over the organizations offering these services, as well as their clientele. This occurs through a resource dependency that often exists between the state and reentry organizations.

Reentry organizations sit squarely within the high-need, low-resource, accountability-oriented funding environment cultivated by the NPM. The current scope of mass incarceration means that reentry organizations require substantial funding to provide services to the expansive populations returning from prison and jail (see above). However, state funds overwhelmingly flow to the carceral apparatus, expanding its scope and putting still greater strain on reentry organizations to provide “time- and resource-intensive services” (Halushka, 2016a, p. 496) to the masses who exit and return to the community (Gottschalk, 2010). Indeed, the limited state funds supporting reentry services are highly disproportionate those dedicated to the penal apparatus. For example, while

intended to significantly overhaul and expand state and local reentry programming, the Second Chance Act of 2008 came with a budget of just \$165 million—less than 0.25% of the total U.S. correctional budget (James, 2015; Wacquant, 2010b, p. 614). The limited funding dedicated to reentry services creates intense pressure among competing organizations to meet state performance metrics and, thereby, continue to receive state funding (Halushka, 2016a; Ortiz & Jackey, 2019; Thompkins, 2010). However, this pressure to closely adhere to the performance metrics of state grant contracts may render reentry organizations subject to state control.

Because many are dependent on penal state agencies for funding and partnerships (Kaufman, 2019; Nhan et al., 2017), observers note that reentry organizations extend state control in transcarceral fashion. First, some reentry organizations directly extend state control by performing surveillance functions similar to those of penal state agencies. Framing halfway houses as a “grey space” between community freedom and penal control, Kilty and DeVellis (2010) detail how staff combine tactics of round-the-clock surveillance with therapeutic services, thereby governing the movements of clients under the rhetoric and justification of rehabilitation. Others hold that reentry organizations not only extend state control through direct surveillance, but through the imposition of “forms of therapeutic self-governance” (Shaylor & Meiners, 2013, p. 191). That is, through the rhetoric of personal responsibility, these organizations—intentionally or otherwise—construct their clients as internally flawed and in need of people-changing services to bring their dispositions and reflective behaviors into alignment with the social order (Halushka, 2016a, 2016b; Mijs, 2016; Miller, 2014). Thus, reentry organizations

may supplement state efforts to preserve the status quo by instructing clients that the only way to overcome the barriers to their social and economic incorporation is to overcome their own personal maladaptations through “superficial performances [that] have the potential to be internalized as a durable set of cognitive, emotional, and bodily dispositions” (Halushka, 2016b, p. 86). In many cases, these potentially internalized dispositions reflect social statuses aligned with gendered, class-based, and/or racialized expectations (Haney, 2010; Halushka, 2016b; Miller, 2014; Shaylor & Meiners, 2013); they may reinforce the social order and ward off threats to the state’s continued governance by teaching clients not how to integrate with mainstream society as a respected and empowered member, but as a marginalized entity exploited along social and economic axes of power.

### ***Resisting Distal Governance***

While noting the potential for cooptation, others hold that some reentry organizations can and do resist penal state influence. Indeed, conflict between reentry organizations and penal state authorities is not uncommon (Nhan et al., 2017). Whereas some reentry organizations may align their service model with state-propagated responsabilization rhetoric by emphasizing treatment and training programs, others depart from this rhetoric by seeking to incorporate their clients in broader society through religious and/or political participation (Kaufman, 2015). Organizational and state goals may also diverge, as the former often center on service provision while the latter are typically more concerned with supervision (Nhan et al., 2017). Thus, in instances where state funding contracts encourage reentry organizations to employ more supervisory

tactics over their clientele, organizational actors may resist and even distance themselves from state funders (Burch, 2017; Kaufman, 2015, 2019).

Further, organizations may actively seek to deconstruct the stigmas attached to the formerly incarcerated through their involvement with penal state agencies. In some cases, this occurs via people-changing services. For example, “impression management” reentry services often propose to train formerly incarcerated individuals in techniques to overcome stigma by adopting new identities (Mijs, 2016; Smiley & Middlemass, 2016, p. 220) or reconfiguring old identities to “re-narrate their criminal history in terms of redemption” (Halushka, 2016b, p. 78). In other cases, reentry organizations depart from people-changing logics to target the structures their staffers perceive as responsible for perpetuating carceral stigma. This typically occurs through advocacy activities, including the provision of legal representation and public education in an attempt to mitigate the collateral consequences of incarceration (Jacobs et al., 2017), support for legislation expanding the sealing of criminal records or restoring voting rights to those convicted of felony offenses (Burch, 2017; Flores & Cossyleon, 2017; Owens, 2014), and even advocacy for prison abolition (Kilroy et al., 2013).

Noting these varying degrees of organizational resistance to penal state influence, Kaufman (2019) presents a typology of reentry-focused NGOs based on their closeness to penal state officials and the degree to which organizational actors are subordinate to these officials. Drawing upon the work of Haney (2010), Kaufman (2019) labels those organizations closest and most subordinate to penal state, “satellite states” (p. 42)—organizations which receive reentry funds from the state and whose policy and

curriculum may be subject to its influence. Kaufman (2019) distinguishes satellite state organizations from other forms: “satellite-seeking”, “interlocutors and advocates”, and “NGOs opposed to state involvement” (pp. 42-43). Like satellite states, satellite-seeking NGOs are subordinate to penal state officials, although they exist at a further distance since they have not yet obtained state funding. In contrast, interlocutors and advocates and NGOs opposed to state involvement resist subordination to the penal state, although, by virtue of their work, the former engages with penal state officials while the latter avoids involvement with these officials entirely.

While Kaufman (2019) presents a useful typology of reentry organizations, the processes by which these organizations resist state influence are relatively unknown. Further, past research suggests that even organizations classifiable as satellite states by virtue of their receipt of state funds may disagree with penal state policy. Studying a supportive housing reentry program, Burch (2017) finds that state grant requirements which increase supervision of clients—for example, by requiring clients to sign in and out when arriving and leaving—were disliked by staff, who felt that the focus on supervision conflicted with their existing organizational goals and routines. These findings suggest that satellite state organizations—which are prevalent in Kaufman’s (2019) sample and in the reentry space more generally (Ortiz & Jackey, 2019; Thompkins, 2010)—may still resist penal state influence. It also suggests that the source of disagreement with and potential resistance to penal state influence may lie in the organization’s goals and routines.

## **The Present Study**

To investigate the ways in which reentry organization staffers may be both subject and resistant to distal penal state influence, the present study draws upon a year-long ethnography at Pathways<sup>3</sup>—a community-based nonprofit reentry organization. Specifically, the study examines how staffers at Pathways respond to the influence of a devolutionary penal state agency. Such agencies are responsible for the financial and logistical aspects of carceral devolution, as they award grant contracts financed by federal, state, or local penal agencies to community-based organizations.

To examine staffers' responses to devolutionary penal state influences, this study focuses on the organizational routines staffers perform in their work. Organizational routines comprise everyday activities; they represent “recurring patterns of behavior of multiple organizational members involved in performing organizational tasks” (Feldman & Rafaeli, 2002, p. 311). Routines thereby shape the ground-level operation of an organization as they are constructed and re-constructed through interaction and connection between multiple organizational actors (Feldman & Rafaeli, 2002). Through such interaction and connection, organizational actors develop shared understandings about “[w]hat to do in a particular instance” and “[w]hy some actions are appropriate” (Feldman & Rafaeli, 2002, p. 311). The understandings produced by sustained interaction and connection between organizational actors thus mediate the relationship between an individual performance of a task and the overarching organizational routine, which is a

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<sup>3</sup> With the exception of federal agencies like the Bureau of Prisons (BOP), all names of organizations, agencies, and individuals are pseudonyms.

congelation of such performances over time (Feldman, 2003). Understandings of organizational routines are therefore essential to an organization's responsiveness to change, as such change occurs only to the extent that the actions entailed in it align with the actor's understanding of the routine (Feldman, 2003). Organizations are thus unlikely to implement changes when they require "actions inconsistent with the understandings about how the organization operates that have been and continue to be enacted through a variety of performances" (Feldman, 2003, p. 749).

Examination of Pathways' organizational routines may shed light upon processes of distal governance, resistance, and penal development. Under the logics of governing at a distance, nongovernmental organizations like Pathways must operate with a degree of autonomy from the state (see above). State influence is therefore not inherent to the organization, but rather represents an external force—a potential organizational change which front-line staffers may or may not implement in their work. Since changes are likely to occur only if they align with extant organizational routines (Feldman, 2003), Pathways' routines present a useful lens through which to examine how devolutionary penal state influence manifests at a ground level and how staffers may resist it. Such resistance may have implications for penal development. Indeed, as with previous shifts in conceptualizations of rehabilitative penalty described above, a growing body of literature suggests that penal development is often the product of agonistic, contestational processes in localized settings (Goodman et al., 2015, 2017; Rubin & Phelps, 2017). Resistance to penal state influence in Pathways' organizational setting may thus have implications for penal development, as it has the potential to produce this contestation

between penal state authorities and reentry staffers. As such, the research site may represent a veritable laboratory of penal change, as state influences clash and combine with organizational goals and routines to shape the ground-level practice of rehabilitative penalty.

## RESEARCH SITE

Pathways is a community-based nonprofit reentry organization located in a medium- to large-sized city on the East Coast of the U.S. Pathways engages in a variety of activities related to the reentry process, including outreach in prisons, jails, and community centers. In terms of post-incarceration services, Pathways' activities encompass multiple dimensions of support. In the area of practical service provision, staffers hold job training sessions, help clients apply for jobs, and link them to related resources (e.g., housing and therapeutic services) that are beyond the scope of services provided by Pathways. Additionally, Pathways provides some of its clients with direct financial support—those clients who participate in outreach activities or who work in temporary internship positions receive stipends. Beyond these more tangible provisions, Pathways also supports clients through a model built around creative expression and trauma-focused care. Staffers and clients co-host a weekly support group for clients, and creative mediums such as reading and writing are emphasized there and throughout other aspects of the Pathways program.

Geographically, Pathways occupies a location in a gentrified section of the city, close to sections known as “dangerous” and “impoverished” locales—from which many of its clientele originate—yet far enough removed that clients inhabiting these locales must travel by car or public transportation to reach the office. Close to several other nonprofit organizations to which they can refer clients, Pathways enjoys robust relationships with other service providers in the city. While it has capacity to provide job

trainings and group support sessions in-house, the organization frequently capitalizes on these relationships to refer clients to outside providers for services like legal assistance, therapy, and housing resources. In addition to its relationships with other service providers, Pathways frequently liaises with governmental agencies at the local and federal levels. These include local government agencies providing funding and logistical support to reentry organizations, as well as penal authorities such as the local Department of Corrections (DOC) and the federal Bureau of Prisons (BOP). The relationship between these parties is nuanced. While Pathways relies upon penal authorities for funding and/or access to incarcerated clients, the organization and its staffers are often in ideological opposition with the carceral practices employed by them (see below).

Pathways relies on a group of 14 staffers and a large network of regular volunteers to provide reentry services. Volunteers occupy an important role in the service provision model, often performing administrative tasks and/or corresponding with incarcerated members. The 14 staffers who provide direct services to clients represent a diverse group with varied professional backgrounds. Some worked previously in fields relating to legal advocacy and activism, some come from the private sector, and some are students at local universities. While many engage in reentry-focused activities outside of Pathways, their direct experience at the organization varies from less than one year to over ten years. At Pathways, these staffers occupy positions that appear to be assigned partly on the basis of their professional background and partly on the basis of seniority. Many positions focus specifically on activities related to organizational maintenance, as some staffers work to ensure that internal operations (e.g., finances) continue to run

smoothly, while others primarily assist in the training and supervision of volunteers. However, regardless of their official role, all staffers regularly interact with clients and assist in the reentry process in some manner.

### **Organizational Structure**

Pathways is divided into several program areas, each accomplishing a different organizational function or serving a distinct category of clients. However, the borders delineating these program areas are not always clear—while each area occupies one or more offices, staffers sometimes move between them and assist in different program areas as the need arises. Nonetheless, there are four program areas observable in the Pathways organizational structure: (1) the Administrative Program (AP), (2) the Prison/Jail Programs (PP),<sup>4</sup> (3) the Reentry Program (RP), and (4) the Outreach Program (OP). In addition to these acknowledged program areas, I also define a fifth program area—the General Program (GP)—as a catchall for staffers whose duties do not fit neatly into any of the preceding areas.

The AP is responsible for the continued functioning of Pathways by setting formal organizational goals and agendas, communicating with the board of directors, securing grants from government and private sector funders, and maintaining relationships with these funders. AP staffers also manage the quarterly Pathways newsletter, which they distribute primarily to incarcerated clients served by the PP. While staffers distribute the newsletter publicly, it is intended primarily as an educational resource for incarcerated

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<sup>4</sup> Staffers separate these into two distinct program areas. However, due to the low number of staffers working primarily in the jail program, I collapsed them here to ensure confidentiality.

clients, containing news, updates on relevant legislation and/or BOP policies, and activities for clients to complete and mail back to staffers. PP staffers also serve incarcerated clients, sending them letters, reading material, and activity sheets. When possible, these staffers also engage with incarcerated clients by visiting them in facilities. Upon release, many of these previously incarcerated clients will begin to receive services from staffers in the RP (see above for description of post-incarceration services). Finally, the OP is the communications arm of the organization, responsible for hosting community-building events and corresponding with volunteers.

## METHODS

This study is built upon ethnographic data I collected over a year-long period at Pathways. My ethnographic fieldwork began in early September 2019. At this time, I proposed the present study to the Pathways leadership team, who I worked with in a non-research capacity for several months prior to initiating this ethnography. After describing the scope and purpose of the research—at that time still largely unrefined—to the leadership and receiving their approval, I commenced ethnographic observations at Pathways. This work produced 398 pages of double-spaced fieldnotes, a 45-minute transcript from a single semi-structured interview I conducted to supplement numerous ethnographic interviews contained in my fieldnotes, 138 pages of organizational documents, and 97 double-spaced pages of email summaries (described below) comprising 362 emails I received from staffers between April and September 2020. All of these activities were reviewed and approved by the George Mason University Institutional Review Board.

### **Procedural Overview**

My fieldwork at Pathways consisted of two six-month periods. The first period lasted from September 2019 until March 2020, during which time I shadowed staffers in the Pathways office, as they ran errands, and attended court hearings. I also frequently engaged in work similar to that of Pathways staffers. In the office, I assisted clients in preparing resumes, applying for employment, and general tasks such as drafting and sending emails. I also assisted staffers in duties such as researching new legislation,

corresponding with incarcerated clients, and assorted support-related tasks such as transcribing handwritten correspondence sent by incarcerated clients. Outside the office, staffers asked me to attend clients' court hearings on several occasions—sometimes just to report on the disposition, but more often to physically represent the organization in front of the judge and prosecution. In some cases, staffers also asked me to support clients' parents or siblings who were present in the courtroom—for example, by assuring them that Pathways would maintain contact with their relative if they received a prison sentence. These activities required me to navigate participant and non-participant roles, alternatingly anchoring and distancing myself from each depending on the circumstances (see below; Castellano, 2007).

The COVID-19 pandemic interrupted my fieldwork at Pathways in March 2020, precluding further in-person interaction with staffers. This was a product of social distancing requirements imposed not only by my university, but also by Pathways, which closed the office and initiated telework in mid-March. Thus, while I continued to observe staffers and perform several of the tasks described above, my interactions were entirely virtual through videoconferencing platforms, email, phone calls, and text during the second six-month period of this fieldwork, which lasted from March until September 2020. Although my observations of staffer-client interactions significantly decreased during this period, my observation of staffer-volunteer interactions increased. Indeed, Pathways saw a massive and sustained influx of volunteer engagement in the early months of the pandemic, as they pivoted to a virtual event format which allowed volunteers to correspond with incarcerated clients and assist in general office tasks from

the comfort of home. I participated in several different capacities during these events, alternating between a volunteer role at some events and a staffer role at others.

Potential concerns regarding the quality of my ethnographic data during this period of virtual interaction are not unwarranted. Outside the cultural milieu of the Pathways office, I was isolated both culturally and physically from the setting of this research. However, the physical setting itself is of less importance to this research than the participants who occupy it and the routines they engage in. Indeed, by engaging in telework alongside staffers, the *occupational* milieu I experienced and organizational routines I observed were similar to those experienced and performed by staffers. Since staffers' work in this virtual milieu occurred not only through interaction via teleconferencing platforms, but also through email exchanges, in April 2020 I began to draft email summaries. Written in the narrative style of fieldnotes and containing direct quotes from the 362 emails staffers sent or copied me on during this time, the summaries situate the content of individual emails in the greater context of the occurrences at Pathways. That is, through the summaries, I was able to describe the circumstances preceding and following individual emails, thereby adding to my dataset rich information which would not be apparent from examination of the emails in isolation. Further adding to my dataset, as mentioned above, the virtual setting expanded the scope of my fieldwork, allowing me to observe and document staffer-volunteer interactions. This added a new dimension to this ethnography, as it supplemented my observation of “backstage” behaviors—obtained largely through my in-person and virtual interaction

with staffers, as well as through email exchanges—with increased observation of “frontstage” behaviors, as staffers interacted with the community (see Goffman, 1959).

Furthermore, by expanding the scope of my fieldwork, this virtual setting also led to novel observations, thereby generating new research questions. I followed these new lines of inquiry when they arose, thereby keeping with Glaser’s (1965) constant comparative method. The constant comparative method entails a reciprocal relationship between data collection and analysis, with the former serving to inform the latter and vice-versa (Glaser, 1965). Specifically, this allowed my observations in virtual settings to guide me toward new lines of inquiry related to Pathways’ interactions with third parties—an avenue which ultimately proved essential to my findings (see below).

### **Access and Relationships**

In describing the process of gaining access to the research site, it is important to describe the process as a whole (Rudes, 2008), rather than the truncated version that may be presented for the sake of brevity. In fact, far from a simplistic process, gaining complete access—that is, access at a level sufficient to be conducive to ethnographic fieldwork—took time and dedication. While my access as granted by the Pathways leadership team was no doubt facilitated through prior interaction with some of the research participants, there remained the issue of building rapport and trust with the remainder of the staffers, several of whom were not previously known to me. This issue, referred to as “secondary access” by Manning (1972; as cited in Leo, 1995), was both a practical and ethical concern as my research progressed. To secure this type of access, it was sometimes necessary to distance myself from my role as a researcher and anchor

myself to my participant role (Castellano, 2007). To do this, I attempted to operate less as a researcher observing staffers “in the fishbowl”—as one staffer jokingly described in my first visit to the office—and more as a participant in the research setting. Thus, I regularly assisted staffers in their daily tasks, I repaid their gifts of food in kind, and I provided a ready and sympathetic ear to staffers who wished to speak about their troubles. In this way, I was able to adopt a “buddy-researcher” role (Snow et al., 1986) wherein I made my role as a researcher clear, but I also engaged in authentic personal relationships with staffers. This allowed me to satisfy both practical needs for data collection as well as my own ethical standards of ensuring honest and reciprocal relationships with research participants.

### **Data Collection**

I obtained study data primarily through a combination of interviewing and observation. I employed two methods of interviewing: ethnographic and semi-structured. Similar to Rudes’s (2008) conversational interviewing, ethnographic interviewing functions as “a series of friendly conversations into which the researcher slowly introduces new elements” (Spradley, 1979, p. 58). By using each individual conversation—whether it lasted mere seconds or several minutes—as an ethnographic interview, I was able to actively gather data from staffers as they worked at their computers, in between interactions with clients, or as they performed other quotidian duties. In doing this, I deemphasized my knowledge of the reentry process and structured my questions in terms of staffers’ own personal experiences, thus encouraging them to explicitly state their thoughts and feelings in concrete terms (Becker, 1970, pp. 60-61).

To supplement my ethnographic interviews, I also organized a single semi-structured interview with Mary, a member of the Pathways leadership team who I chose via a convenience sampling strategy (Tracy, 2013).

In interviewing Pathways staffers, it was essential that I not only understand the situational aspects of their roles, but that I understand the significance of these aspects in an emic and holistic sense (Agee, 2009; Geertz, 1973). My interviewing methodology, which entailed conversations with staffers both in private and while they were in the midst of their duties, greatly facilitated this. Conversing with staffers in a private context, I was able to minimize any social desirability bias which might have been present. Additionally, situating many ethnographic interviews in the dynamic context of staffers' daily routines, I was able to ensure that whatever social constraints, limitations, or constructs that affect staffers in those routines would be captured in their responses. Indeed, as Heyl (2001) and Becker (1970) describe, the responses of interviewees are dictated primarily by the setting itself; no matter how influential the researcher, interviewees respond first and foremost to the greater social context that they find themselves in, with any social desirability effect created by the researcher's presence being eclipsed by the conditions inherent to this context. By conducting my interviews while they were immersed in their duties, I ensured that the contexts staffers were responding to were the same contexts this study was attempting to probe.

### ***Ensuring Methodological Quality***

While these theoretical bolsters to the quality of my method provided some comfort, it was still important to ensure the validity of this research. Given noted

discrepancies between words and deeds (Deutscher, 1966), was it possible that staffers were only giving me answers which they found convenient? Even if participants were “attending first to their lifeworld” (Heyl, 2001, p. 376), was it possible that this very lifeworld could cause them, intentionally or otherwise, to describe their duties in one way, yet perform them in quite another? At a fundamental level, these concerns involve an issue of credibility. In their discussion of methodological quality in qualitative research, Lincoln and Guba (1985) describe credibility as one of several salient concerns central to the establishment of trustworthiness. They propose three strategies to increase the likelihood that a researcher will produce credible findings during the research process: “prolonged engagement, persistent observation, and triangulation” (Lincoln & Guba, 1985, p. 301; but see Bloor, 1997, for an alternate position).

**Prolonged Engagement.** By their own admission, Lincoln and Guba’s (1985, p. 302-303) definition of prolonged engagement is dependent upon the research site itself, although they hold that it must be sufficient for the researcher to be able to survive in that site, to notice distortions to the quotidian occurrences therein, and to facilitate trusting relationships with participants. Likely assisted by my previous experience in the reentry field and my preexisting relationships with several staffers, my research meets this definition on all counts. Indeed, I came to perform some organizational routines with minimal oversight or instruction from staffers, reflecting my ability to “survive” as a member of the research site. I also took extensive notes of the distortions produced by the COVID-19 pandemic and the racial equity protests that swept the country following George Floyd’s death at the hands of police. And, perhaps most salient to the intended

product of prolonged engagement, I forged trusting relationships with many staffers, who copied me on emails (sometimes inconspicuously by putting me in the bcc line), confided in me their romantic and familial struggles, and mentioned past traumas salient to their personal identities. Related to me in private and lacking relevance to the present study, these confidences do not appear in my fieldnotes.

**Persistent Observation.** Per Lincoln and Guba's (1985) conceptualization, persistent observation acts as a complement to prolonged engagement, thus serving to provide important depth to the range of observations made during a lengthy period of ethnographic fieldwork. However, while emphasizing the importance of observing over an extended period of time, Becker (1970) departs from this definition to describe persistent observation in largely situational terms, with the primary strength of this method lying in the *variation* of the researcher's observations. As such, I focused on ensuring the quality of my observations by varying them spatially, temporally, interpersonally, and dynamically. Spatially, I varied the physical or virtual location I observed by alternating between different Pathways offices each visit, engaging with staffers outside of the office as they ran errands or visited the courthouse, and attending all of the major community-based events Pathways regularly holds for clients and volunteers at least once. Temporally, I visited the office and attended virtual events on each day of the week at different times of day. On some occasions, I would be present in the early morning as staffers arrived; on others, I would remain in the office several hours after most staffers had left for the evening. Personally and dynamically, I varied my observations by interacting with each staffer in different contexts, sometimes observing

them in all-hands or small-group meetings, and sometimes engaging with them one-on-one and/or in private. This allowed me to observe staffers at all levels of Pathway’s organizational structure in different contexts, producing notes on how their interactions and behavior changed depending upon that context. In sum, these variations in my observational strategies provided me with in-depth knowledge of multiple facets of the Pathways organization, the staffers who occupy them, and how each of those staffers perform their organization routines in different contexts and situations.

**Triangulation.** The third strategy suggested by Lincoln and Guba (1985) to produce credible findings involves triangulation, or the confirmation of evidence via multiple sources through the use of different methodologies. I have already detailed two such methodologies—interviewing and observation—which, in conjunction, allowed me to study both how staffers describe their organizational routines and how they perform them. In order to triangulate this data and ensure my developing hypotheses could “survive the confrontation of a series of complementary methods of testing” (Webb et al., 1966, p. 174), I used two further methods: secondary document analysis and member validation.

While it is arguably one of the major sources of field data (Snow et al., 1986), my acquisition of secondary documents in this project was largely unintentional. That is, I never directly asked staffers for organizational documents. Instead, staffers provided me—unsolicited—with agendas from staff meetings, volunteer events, and presentations; program development evaluations; client-oriented advertisements; letters of support for incarcerated clients; and other organizational documents. These documents

assisted in my triangulation efforts in several ways. First, using program development evaluations, I was able to examine how staffers understand their organizational routines in an idealized sense—that is, the routines which they feel best represent the work conducted at Pathways and its intended effect on clients. Second, documents such as advertisements and letters of support provided insight into the public face of Pathways, showcasing how staffers intend clients, legal actors, and volunteers to view the organization. Finally, meeting and event agendas documenting the actual conduct of business at Pathways provided evidence of organizational routines as staffers perform them in practice. By summarizing the activities staffers engaged in during the previous week, meeting agendas in particular proved useful in allowing me to determine the frequency and level of institution of many practices that I learned of through interviews or observations. That is, meeting agendas helped me confirm that an event I may have witnessed two or three times was indeed a regular practice at Pathways, with documented occurrences during times when I was not present in the office.

While triangulation successfully allowed me to confirm the veracity and frequency of certain events, it did not allow me to confirm some of the more ephemeral social forces that I saw at play at Pathways. In keeping with a traditional view of social scientific work, I adopted the paradigmatic principles of pragmatism and symbolic interactionism while investigating these social forces (Blumer, 1969; Mead, 1934). That is, I was concerned primarily with ensuring that this account captured whether and how staffers perceive and ascribe meaning to these forces in their daily lives, and how these meanings shape the way they perform their organizational routines (Blumer, 1969; Kirk

& Miller, 1986). To capture staffers' perceptions, I employed Lincoln and Guba's (1985) concept of member checks by asking interviewees to express their perceptions of my preliminary findings. Member checks proved invaluable to the development of this study, as staffers would confirm some of my preliminary findings while refining or expanding upon others. In sum, my use of triangulation allowed me to examine Pathways' organizational routines as staffers conceptualize them, publicly and privately communicate them, and perform them. In combination with prolonged engagement and persistent observation, then, these methods bolster the qualitative credibility of my data.

### **Data Analysis**

Having gathered—and, to a lesser extent, while I gathered (Corbin & Strauss, 1990, pp. 6-7)—ethnographic data for this study, I engaged in a process of hierarchical coding and analysis (Emerson et al., 2011; Tracy, 2013; see also Morrill, 1995, Appendix). In keeping with the literature on qualitative analysis of secondary documents (Glaser & Strauss, 1967), I coded all forms of data I collected using this procedure. The first level of this hierarchical coding structure captured pure descriptions—what staffers were doing and saying—in the form of over 1,300 “primary-level” codes (Tracy, 2013, pp. 189-190). As I created these descriptive codes, I separated them into semantic domains, with each domain encompassing a group of codes reflecting concepts which staffers tend to associate with a common purpose or organizational routine (Ahearn, 2011, p. 80). These semantic domains thus represent broader components of the organizational routine such as interactions with clients (with sub-domains encompassing interactions I observed first-hand versus those staffers related to me), organizational

characteristics and external relationships, individual staffers' duties and perspectives, and services provided to clients. Grouping primary codes in this manner facilitated subsequent analysis, wherein I developed "secondary-level" analytic codes; each of these "secondary-level" codes comprised up to several dozen primary-level codes and served to identify common themes from my data (Tracy, 2013, pp. 194-195). Finally, I engaged in tertiary-level coding by synthesizing the secondary-level codes through analytic memos and outlines to piece together the previously "fractured" data into a coherent narrative (Strauss & Corbin, 1998; Tracy, 2013, pp. 196).

While my primary-level codes were entirely "open"—that is, not focused on any particular topic—I narrowed secondary- and tertiary-coding efforts in a "retroductive" process, whereby I deductively grouped codes which I had inductively generated according to particular themes of interest (Emerson et al., 2011, p. 173). In so doing, I relied on Glaser's (1965) constant comparative method to ensure that the themes generated from this coding adhered to the data. On one level, the constant comparative method entails a reciprocal process between data analysis and collection, with each serving to inform the other as the researcher engages in both simultaneously (Corbin & Strauss, 1990; Glaser, 1965). On another level, however, the constant comparative method pertains strictly to data analysis, wherein the researcher engages in an iterative process of analysis and coding. This involves creating, integrating, and delimiting analytic categories by comparing the incidents contained within them with and to other incidents (Glaser, 1965; Ragin, 1994). I employed both dimensions of the constant comparative method in this analysis. Not only did I use my ongoing, preliminary analysis

of the collected data to inform my subsequent collection efforts, but I formed and refined my analytic categories via a process of constant comparisons as described above. Thus, each of the findings presented below are the product of an intensive process of data collection, coding, and analytic refinement; except where otherwise noted, they represent findings that are general to the Pathways organization.

## FINDINGS

Penal state agencies like the BOP and the local DOC devolve responsibility to provide a program of community-based rehabilitative penalty to organizations like Pathways. The primary intermediary of this process in the local reentry setting is a devolutionary agency known as the Division of Justice Funds (DJF), which is an arm of local government. The grants awarded by the DJF come attached with obligations and restrictions on organizational programming, allowing it to influence the operations of community-based organizations like Pathways. These *directive* and *prohibitive* influences obligate staffers to provide people-changing reentry services and forbid them from forms of divergence that entail advocacy-based efforts to alter governmental operations. However, staffers' extant organizational goals and routines are largely incompatible with both forms of influence, as they emphasize that the barriers affecting Pathways clients are primarily external and structurally imposed through legal system contact. As such, staffers understand their work to *require* advocacy to mitigate these barriers. Because prohibitive and directive state influence would otherwise constrain their ability to engage in advocacy, staffers resist these influences not as a direct and intentional affront to the penal state, but to enable their advocacy activities. The following describes these findings in greater detail.

### **The Distal Influence of the Penal State**

Lacking the administrative labor power to secure federal grants, Pathways does not receive money directly from the federal government. Rather, the organization's

largest source of funding is the DJF, which distributes money from federal entities to local service providers. While AP staffers draw distinctions between federal funders and local funders—refusing to take money directly from the BOP but accepting it if funneled through the DJF—they nonetheless describe the characteristics of state funders in broad strokes. According to staffers, state funders are highly risk averse due to their status as public entities responsible to the taxpayer, leading them to engage in “micro-managing”<sup>5</sup> strategies to protect themselves from liability (Fieldnotes, June 2, 2020). Yet, while they perceive state funders as controlling, staffers also describe them as disconnected from the realities of service provision due to insulative layers of bureaucracy. As such, AP staffers Emma and Penelope hold that personnel from state funding agencies almost never make in-person visits to the Pathways office; when they do, it is merely to ‘check off that box’ and go about their other duties, according to Penelope (Fieldnotes, December 19, 2019). This insularity from local organizations leads state funders to set what staffers describe as arbitrary outcome measures for Pathways to follow—measures which staffers perceive to affect the ways they provide services and, by extension, interact with clients (Fieldnotes, December 19, 2019).

By providing the lion’s share of Pathways’ funds and subsequently controlling—albeit from an insulated distance—how staffers use those funds, devolutionary penal state entities like the DJF exert multiple forms of influence. I define these as *directive* influence and *prohibitive* influence. In combination, directive and prohibitive influence

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<sup>5</sup> Throughout my findings, quotes contained in double parentheses (“”) are exact quotes, which I typically transcribed during or immediately after a conversation. Quotes contained in single parentheses (‘’) are close approximations of staffers’ words, which I often wrote down after the conversation had concluded.

allows the distal penal state to shape the variety of services that Pathways provides, mandating some services while prohibiting others.

### ***Directive Influence***

Directive influence manifests through grant agreements which mandate staffers to provide certain types of services to maintain funding. These services focus on modifying clients' internal dispositions through activities such as education, reading and writing, job readiness, and mental wellness. In this way, the services mandated by the DJF's directive influence are primarily people-changing in nature, as they "seek to enhance the soft skills and personal characteristics of former prisoners, transforming them into the kinds of people that will make informed, rational decisions when faced with a dilemma" (Miller, 2014, p. 317). By requiring Pathways to offer these services, directive influence works to define Pathways as a people-changing organization. However, while the provision of funding allows devolutionary penal state agencies to levy directive influence at Pathways, this form of influence is largely impotent without accompanying surveillance mechanisms. To strengthen its directive influence, the DJF uses a system of performance metrics which it requires staffers to complete at specified intervals to maintain funding.

**Reinforcing Directive Influence: The Role of Performance Metrics.** As a surveillance tool, public and private entities use performance metrics to monitor their own performance or to check the performance of subordinate organizations and individuals (Marx, 2016; Nicholls, 2010). To do so, metrics define desirable outcomes and quantify what is necessary to achieve them. By defining desirable activities, specifying the outcomes which reflect this definition, and distinguishing them from

undesirable activities, metrics embody their developer's understandings of normatively valued goals. At Pathways, the metrics imposed by the DJF separate the categories of service which it directs staffers to provide (i.e., people-changing reentry services) from those which it either does not recognize or explicitly prohibits. In this way, these metrics manifest the influence of the DJF directly at Pathways by specifying the outcomes staffers will need to achieve to maintain their state grant contracts.

Staffers at Pathways are subject to two primary metrics under DJF grants. The first is a self-sufficiency survey, which the DJF requires staffers to administer to new clients during their intake process and every 90 days subsequently. To complete the survey, staffers rate clients on a five-point scale based on their self-sufficiency in areas such as housing, income, life skills, parenting, mental health, substance abuse, and credit history. While the outcomes included on the survey reflect both internal (e.g., life skills) and external (e.g., housing) factors which may affect clients, its focus on self-sufficiency evinces a preoccupation with people-changing services—those which intend to modify a client's internal disposition so as to allow them to alter their external circumstances (e.g., find housing) on their own. In this way, the survey incentivizes staffers to provide people-changing services, thereby defining them as a desirable category of service deserving of prioritization.

The second DJF-imposed metric at Pathways is a measure of staffer interactions—known as or “touchpoints”—with clients. Touchpoints are both quantitative and qualitative, providing documentation of the number and general content of staffer-client interactions. The scope of touchpoints is extensive across both quantitative and

qualitative domains. First, the touchpoints system requires staffers quantify every interaction with clients, regardless of where or when that interaction occurs. This became clear during a discussion at a weekly staff meeting, when Penelope explained the metric to River, a PP staffer:

Penelope discusses the importance of tracking each and every interaction with clients. She asserts that, whenever a staff member has an interaction with a client, no matter how brief, they must record it. When River asks if this applies even to passing interactions just outside the building, Penelope answers affirmatively, saying that they get “credit” for every “touchpoint” with clients, “‘cause you’re a trusted source [...] building on that connection.” (Fieldnotes, November 8, 2019)

The touchpoints system also requires staffers to document the quality of the interaction—they must report the medium by which they communicated with the client, as well as the topic(s) of discussion. By documenting staffer-client interactions, touchpoints reinforce a system of people-changing services. Instead of measuring outcomes, they measure the level of interpersonal contact staffers have with clients. It is this contact which, under the logic of people-changing services, has the potential to effect dispositional changes in the client (Miller, 2014).

### ***Prohibitive Influence***

Prohibitive influence entails provisions against using state funds for certain activities. In particular, the DJF explicitly prohibits staffers from using state monies to engage in advocacy work that attempts to influence legislation or general “governmental actions.” Furthermore, the DJF prohibits staffers from using funds to provide several

forms of service, such as food, stipends, or transportation for clients (Fieldnotes, March 6, 2020). In lieu of these practical services, the DJF instead funds staffers to provide life skills and community readjustment reentry programming through the aforementioned process of directive influence. Further, through the time-consuming activities entailed in applying for and maintaining state grant contracts, devolutionary penal state agencies intensify their prohibitive influence by constraining staffers' time to provide supplemental services.

**Intensifying Prohibitive Influence: The Role of Time Constraints.** Time constraints intensify prohibitive influence at Pathways by compelling staffers to spend more time providing services defined by the DJF's directive influence. To secure state funding in the first place, staffers must fill out application after application—an activity which staffers feel detracts from their ability to actually provide services. Penelope related the time-consuming experience of applying for DJF funds to me during a phone call one evening:

Throughout our conversation, Penelope laments the fact that all the time staffers spend working on these grant applications and collecting the metrics for them make it very difficult to actually provide services. In applying for three DJF grants this past week, Penelope tells me she lost faith in at least one instance, announcing that they would just not apply for the grant. Penelope says that Emma persevered, however, telling her, “we need the money, we need the money; stick with it, stick with it.” She concludes that Pathways undergoes tremendous strain

to earn the grant, and “we’ll do it all so we can do the real work.” (Fieldnotes, June 2, 2020)

As Penelope details, not only does the application process occupy a substantial amount of time, but the steps required to collect and report metrics to the funding agency represent a perpetual time constraint for staffers. I witnessed staffers spend hours updating metric-reporting databases and discussing their maintenance. When they fall behind in updating metric databases, staffers must hustle to catch up. In one instance, Mary, an AP staffer, reported spending the majority of her workday updating the DJF evaluation system after having neglected to do so for several months. Further, the combination of application and metric requirements disperses the prohibitive influence generated by time constraints more widely among staffers, as nearly every staffer at Pathways is involved in some aspect of applying for grants, updating metric databases, or both.

As a result of these time constraints, staffers are left with a limited amount of time to provide services. This reinforces the processes of prioritization imposed by metric requirements. When completing these metrics occupies substantial amounts staffers’ time, they must carefully select which services they will provide in the limited remaining time available to them. Thus, staffers regularly describe feeling overloaded in their work duties, sometimes pointing to application and metric requirements as the source of this strain. In response, AP staffers encourage other staffers to prioritize certain tasks and services to cope. During a staff meeting, Emma and Penelope described this process:

Emma mentions that several staffers still have not sent her their contributions for the Pathways newsletter. Addressing everyone at the meeting, Penelope announces, “let us know if you need help [... we know] it’s not that you’re not doing anything, it’s that you got too much on your plate.” She says that, to help with this, staffers “gotta stack-rank” their tasks, suggesting that the newsletter is a top priority at the moment. (Fieldnotes, April 17, 2020)

To prioritize or “stack-rank” their tasks, staffers must neglect some tasks in order to complete others. Yet, as this exchange reveals, the services which staffers prioritize are not always the people-changing services reinforced by the DJF’s directive influence. In this example, Emma and Penelope encourage staffers to prioritize their contributions for the newsletter—an activity which is neither funded by the DJF nor incentivized as a touchpoint with clients.

That staffers prioritize tasks which exist outside the DJF’s directive influence suggests a subtle form of resistance at Pathways. In this resistance, staffers subvert both prohibitive and directive forms of influence to engage in what Penelope terms “the real work” (Fieldnotes, June 2, 2020). As an organizational routine at Pathways, staffers distinguish “the real work” from completing grant applications, collecting and reporting DJF metrics, and even, in some cases, providing people-changing reentry service such as vocational training. “The real work” is thus a reflection of staffers shared understandings of their organizational routines—understandings which diverge from those embodied by state metrics in nuanced, yet significant, ways.

## **“The Real Work”: Staffers’ Understandings and Performances of Organizational Routines**

Staffers’ performances of organizational routines reflect their understandings of Pathways’ goals and the desired means to achieve them (Feldman, 2003; Feldman & Rafaeli, 2002). However, staffers’ shared understandings and performances of their organizational routines diverge from the routines suggested by and entailed in the DJF’s directive and prohibitive influences. In other words, the changes to organizational routines that devolutionary penal state influences mandate would, in the absence of resistance, force staffers to diverge from the extant organizational routine and the goals reflected in it.

### ***Extant Organizational Goals and Routines: “Connect, Not Correct”***

While staffers articulate a number of specific goals of the Pathways program, most acknowledge that the overarching goal of the program is to improve a client’s quality of life, rather than focus solely on reducing their risk of recidivism (Fieldnotes, July 30, 2020). This goal is reflected in the performance metrics which staffers have created for themselves. Finding state metrics such as self-sufficiency and touchpoints to be inadequate measures of “the real work,” staffers instead implemented their own metrics. Staffers maintain these metrics independently; while they report various statistics from the metrics when applying for private sector grants, the metrics themselves are not mandated by any specific grant. These proprietary metrics therefore reflect staffers own notions of the “real work”—the outcomes which they seek to achieve through their efforts, rather than those dictated by forms of directive influence. Namely, these

outcomes are: (1) enrollment in school; (2) enrollment in a vocational program, and (3) employment. Staffers also distinguish these proprietary metrics from the touchpoints mandated by the DJF, referring to the former as ‘quality of life’ measures and logging them on separate Excel sheets from those they use to track touchpoints.

To achieve positive outcomes on their proprietary performance metrics, staffers aim to facilitate connections between clients and “people-processing” (Hasenfeld, 1972) educational and vocational institutions. These people-processing institutions confer a new social status upon clients who pass through them—one which staffers assert will allow clients to achieve a better quality of life. Penelope detailed this approach one afternoon as I gave her feedback on a conference abstract she had written describing the Pathways model:

Penelope tells me that the Pathways program is, at its core, all about connections and relationships. She says that the program could teach anything to do this—it could just teach clients “juggling.” When I ask her if the program’s emphasis on literature is important to this, she tells me ‘of course not.’ She says that books are just a means to an end; they allow clients to build connections through book clubs. When I press her to learn more, she tells me that developing relationships helps clients build “social capital,” which they have not had before. She says this is most important to their success. (Fieldnotes, February 14, 2020)

Penelope explains that book clubs—a cornerstone of the Pathways program—are simply a vehicle to accomplish a larger task: facilitating connections among clients and the community, thereby building the former’s social capital. The sentiment that Pathways

serves as a source of connection between clients and the community is echoed by other staffers. Indeed, in an interview, Mary described Pathways as a “connector” linking clients to other community-based service providers (Interview Transcript, November 1, 2019).

In linking clients with people-processing service providers, however, staffers rely on the organizational credo: “connect, not correct” (Fieldnotes, November 8, 2019). That is, staffers focus less on altering the client’s disposition to facilitate a robust connection, and more on ensuring that the receiving community entity is accepting of the client as they are. For example, in a closed-door meeting with Penelope, Emma, and Mary, Penelope described a process that staffers use to locate potential employers for clients:

Penelope states that, when asked behavioral questions like what they would do if they saw another employee stealing, clients will often claim to adhere to a code of silence, refusing to inform on their fellow employees but later “beating them bloody out back.” As employers do not typically receive this response very well, staffers will sometimes connect them with potential employers who will not ask this question in the first place. (Fieldnotes, September 16, 2019)

This employer screening process is indicative of staffers’ organizational routine to “connect, not correct” (Fieldnotes, November 8, 2019) clients. Indeed, rather than seeking to *correct* a client’s behavior, staffers will instead *connect* them with opportunities where their behavior will not pose as much of a problem. Ultimately, staffers take an approach of connection over correction because they identify the barriers to clients’ successful connection with social institutions as external to them.

**The External Nature of Barriers to Successful Connection.** Staffers see the primary barrier to clients' successful involvement in people-processing social institutions not as an internal or dispositional one, but instead as a structural lack of connection to these institutions. Indeed, staffers hold that people-changing services aimed at altering a client's internal disposition will not be effective on their own due to external barriers which constrain a client's ability to achieve positive outcomes. For example, after an independent evaluator suggested that Pathways use a scale measuring clients' reported self-efficacy to quantify the program's effect, Penelope described her concerns around using self-efficacy as an outcome metric:

Penelope tells me first that Pathways has been working with an evaluation agency (the same employed by the DJF for its internal evaluations) to develop a program evaluation methodology for Pathways. The researchers who run this agency have worked with Pathways to determine that the primary benefit offered by the program is improvements in participants' self-efficacy. To that end, they have proffered two general self-efficacy scales to evaluate the impact of the Pathways program. While both scales are evidence-based and heavily cited in the literature, Penelope is concerned as she thinks that clients will answer negatively to most of the Likert-style items. She says that it asks questions like a respondent's perception of their ability to overcome any obstacles put in their way; she feels that, "because of the system," clients are unlikely to feel confident about this.

(Fieldnotes, January 31, 2020)

In this exchange, Penelope felt that clients would score low on measures of self-efficacy because the bulk of problems afflicting them are not internal, but external and structural (“the system”).

Locating the source of clients’ lack of connection with social institutions as primarily external to them, staffers regularly describe the many structural barriers which preclude clients from connecting with social institutions and developing social capital. Some of these barriers are longstanding and acknowledged by staffers as beyond their purview (Fieldnotes, July 30, 2020). For example, staffers reference histories of trauma, neglect from teachers, and lack of Black and Hispanic representation in mainstream literature as factors which hinder or entirely preclude clients from connecting with educational and vocational institutions on their own. However, staffers appreciably reference clients’ involvement in the criminal legal system as the most salient barrier to their successful connection with these institutions—and one that staffers feel empowered to mitigate.

**The Penal State as a Structural Barrier to Connection.** Locating the primary barriers obstructing clients from connecting with educational and vocational institutions as external to them, staffers identify the most salient of these barriers as those produced by clients’ interactions with the criminal legal system. This is reflected in the organizational and physical structure of Pathways in its division of program areas. As described above, each program area serves clients subject to different conditions which staffers must account for. In staffers’ view, the clients served by the PP are entangled in

different structures of punishment and in need of different types of service than those served by the RP, leading to their separation for programmatic purposes.

A focus on the differential penal conditions to which clients are subject is also reflected in the system of classification which staffers use to group clients together. Staffers classify clients with codes denoting carceral facilities where clients served time, with separate categories for clients from juvenile facilities, the local jail, or federal prison. Other categories denote clients who received (sometimes unexpected) early release, which staffers hold alters the challenges they face upon reentry (Fieldnotes, October 25, 2019). Attentive to the lasting impact these different circumstances may have upon a client, staffers capture clients' past and present circumstances with these codes. That is, staffers may still classify a client who spent time in a juvenile facility with the corresponding code, even if that client is now in the community. Thus, this system of classification focuses not on clients' self-sufficiency or internal dispositions, but rather on the structural conditions they have experienced via interaction with the legal system. Staffers hold that these conditions preclude robust connections between clients and educational and vocational institutions in specific ways.

***Penal Barriers to Educational Connections.*** With respect to education, staffers assert that the carceral environment is one where any attempts to educate oneself are met with scorn. In some cases, staffers hold that correctional officers (COs) may take direct action to prevent incarcerated clients from reading. For example, after Inger, a GP staffer, failed on several occasions to mail the Pathways newsletter to an incarcerated client, she reported her difficulties to Emma:

Inger enters the administrative office and reports her phone calls with the prison to Emma. She says that one prison employee told her that the client was lying about not receiving the newsletter, suggesting that the client just wants Pathways to send another. Emma's tone darkens at this. She fires back, "somebody took it from him and threw it in the trash—that's what happened." She implies that this unnamed "somebody" is a CO. Her words are slow but not spoken in a raised voice, although she appears frustrated at the suggestion that the client lied (Fieldnotes, January 7, 2020),

Emma takes affront at the suggestion that the client lied, placing the problematic locus of the client's inability to engage with the newsletter on the institutional actors of the prison. According to staffers, then, the carceral environment can prevent clients from obtaining education. Further, staffers hold that these experiences can have a lasting impact on clients, as COs may tell them that 'they're not men if they read' (Fieldnotes, July 30, 2020), thereby making them reluctant to engage with educational programs both inside and outside the prison environment.

***Penal Barriers to Vocational Connections.*** In addition to negatively impacting their educational prospects, staffers find clients' contact with the legal system to attenuate their opportunities for employment. Staffers often reference the many collateral consequences of a criminal record, pointing out how the formal and informal stigmas associated with a record exclude clients from the labor market. As a result, staffers see clients as subject to barriers which are unique to their status as currently or formerly incarcerated individuals. For example, during the job scarcity which accompanied the

COVID-19 pandemic, staffers asserted that clients were subject to a “double burden,” disadvantaged simultaneously by this scarcity and the stigmatized label affixed to them as formerly incarcerated individuals (Fieldnotes, April 3, 2020). The combination of the two burdens made it particularly difficult for clients to connect with the labor market.

In addition to discussing the legal system’s effect on clients’ employment prospects at this high level of abstraction, staffers also point to specific instances where the system prevents clients from obtaining employment—sometimes long after their release from incarceration. For example, several weeks after spending the day helping clients complete resumes and apply for jobs, I asked Alex, an RP staffer, whether any clients successfully found employment. Relating the experience of one client in particular, she described how clients’ inability to find employment often results from the barriers imposed by the legal system, rather than their own motivation or skillset:

Alex tells me that the client ran into difficulties: he tested positive for marijuana at his parole office, and the parole officer gave him a choice between returning to jail and going to substance abuse treatment. Alex relates that he chose the latter, despite the fact that ‘it does nothing.’ She laments that the client missed all of the job interviews he had scheduled for that week as a result, reporting that she told him he had done nothing wrong and that “just like those [jobs] came to you, other ones will come as well” (Fieldnotes, November 25, 2019).

Thus, staffers hold that clients’ employment prospects are often attenuated not only—or even primarily—by problems in their internal dispositions, but rather by the past and present barriers imposed upon them by the legal system.

*Penal Barriers as Intentional Products.* Not only do staffers view the legal system and the collateral consequences that accompany clients' involvement in it as a primary barrier to their ability to connect with educational and vocational institutions, but they often assert that these consequences are intentional. In some cases, such intentionality is overt—for example, when staff members perceive COs to take steps to keep clients from engaging with educational materials by denigrating them or throwing away these materials before they reach clients (see above). In other cases, staffers hold that penal state agencies prevent clients from forming positive educational and vocational connections in more covert and insidious ways. For example, during a staff meeting, Alex announced that several clients had recently returned home with government-issued IDs bearing social security numbers which do not belong to them. The BOP and local Department of Corrections issues these IDs, enabling formerly incarcerated individuals to have valid identification while they apply for a new ID through the Department of Motor Vehicles. In many cases, these government-issued IDs are all that formerly incarcerated individuals have to verify their identity, making them essential to applying for benefits or obtaining employment. Indeed, because they did not have any other identification besides their government-issued IDs, the clients Alex described were unable to secure employment. One was even forced to turn down job offers because he did not have proper ID. According to Alex, these instances of faulty IDs are not coincidental, but instead represent an intentional effort to hurt clients that “does not seem like [...] a mistake” (Fieldnotes, September 11, 2020).

Because staffers understand the “real work” to involve connecting clients with people-processing social institutions, and because they identify penal barriers as preclusive of such connection, staffers understand their work to *require* advocacy against the penal state. Thus, staffers distance themselves from penal state agencies, with staffers like Alex describing the penal state and the individuals who comprise it as “the antithesis of us” (Fieldnotes, November 8, 2019). In Mary’s words, the penal state is not only “separate” from Pathways, but “diametrically opposed” to it (Interview Transcript, November 1, 2019). It is therefore necessary within Pathways’ service model for staffers to militate against penal barriers imposed upon clients in subtle, but meaningful, ways. According to Penelope, “we’re against this big system, but we can be innovative in our way” (Fieldnotes, September 11, 2020). Advocating against penal barriers is thus a core organizational routine to help clients connect with people-processing social institutions, which staffers see as requisite to achieve organizationally defined ‘quality of life’ outcomes.

### ***Advocacy as an Organizational Routine***

To mitigate the barriers created by the penal state, staffers engage in advocacy activities to effect change at both micro- and macro-levels. At a micro-level, staffers advocate for individual clients who are actively involved in the legal system. For example, staffers frequently attend court hearings—including sentencings and early release petitions—and submit letters of support attesting to clients’ ability to succeed in the Pathways program to the defense team. However, staffers are unable to keep up with the multitude of court hearings on their own. Thus, they recruit volunteers to sit in on

these hearings, announcing that their goal is to have Pathways representatives at as many hearings as possible (Fieldnotes, March 6, 2020). On several occasions, staffers asked me to attend these hearings to physically represent Pathways in the courtroom. Sometimes, this simply entailed reporting back regarding the disposition of the sentencing. Other times, staffers intended my presence as a Pathways representative to demonstrate to the judge and prosecutor that the client would have an attentive system of support available to them if granted early release.

Beyond advocating for individual clients, staffers also engage in efforts to change macro-level penal policy. Staffers explicitly acknowledge these efforts as attempts to “change policies” (Fieldnotes, April 24, 2020) or even to “change the system” (Fieldnotes, August 7, 2020). Staffers’ efforts in this regard became especially prominent during the COVID-19 pandemic, when they began calling upon both the local department of corrections and the federal BOP to increase their rates of release to slow the spread of the virus inside jails and prisons. Leading these efforts in the early months of the pandemic, Penelope sent frequent emails to staffers providing updates, announcing in early April, “Looks like some of the advocacy is working as more releases happening. We have to keep up the pressure” (Email Summary, April 15, 2020).

In addition to their efforts to increase the tempo of releases from carceral facilities, staffers also see their work as instrumental to the closure of a local BOP-managed halfway house in the spring of 2020. Several weeks prior to its closure, Penelope announced to staffers that she had “sounded the alarm” to relevant officials regarding unsafe conditions at the halfway house (Fieldnotes, March 27, 2020). In the

weeks following this, conditions at the halfway house became a frequent topic of discussion at weekly staff meetings, with staffers detailing their various efforts to pressure federal and city officials to empty the site. Some staffers also helped organize community members to publicly protest the halfway house's continued operation. Similarly, the eventual shuttering of the halfway house remained a cause of celebration for several weeks at staff meetings. On one occasion, Emma proposed holding a "goodbye" party for the halfway house, and Penelope began singing "Ding Dong, the Witch is Dead" from *The Wizard of Oz* (Fieldnotes, April 17, 2020). Later, Penelope described the closure as "literally a tectonic shift," concluding, "we've been waiting for this day for years" (Fieldnotes, May 1, 2020). As Penelope's comments indicate, while the pandemic provided a useful rationale for staffers to advocate for the halfway house's closure, their resistance to it was longstanding. Indeed, staffers often spoke negatively of the halfway house, with some like Alex and Billie (the latter an OP staffer) describing its rules as arbitrary and its administration as corrupt (Fieldnotes, October 15, 2019).

Understanding their advocacy work as a core organizational routine in the Pathways model, staffers find the DJF's directive and prohibitive influence to be incompatible with this routine. Because the services staffers' are pushed to prioritize by directive influence and its performance metrics detract from their advocacy efforts, and because prohibitive influence explicitly forbids influencing "governmental actions" in manners intrinsic to advocacy, these influences are disruptive to a key organizational routine. As such, staffers engage in subtle and selective deviations from the prescriptions

of these influences not as a direct act of resistance against the penal state, but to enable their advocacy activities.

### **Resisting Penal State Influence**

While staffers understand and articulate advocacy against the penal state as an explicit organizational routine, they do not categorize funding entities like the DJF as a target of their advocacy. Staffers take clear and calculated steps to distance themselves from highly visible arms of the penal state, abiding by an unofficial policy to never accept direct funding from entities like the BOP (Fieldnotes, December 19, 2019). Yet, whether out of ideology or necessity, staffers do not reject entities like the DJF with similar vigor, despite their acknowledgement of the DJF's role as a "funnel" for grant money from the BOP to Pathways (Fieldnotes, March 6, 2020). As a result, resistance against the DJF's directive and prohibitive influence does not represent a manifestation of staffers' advocacy work, but rather a necessary step they must take to engage in this work. In other words, even though they do not explicitly identify directive and prohibitive influences as arising from the penal state, staffers must resist these influences in order to engage in advocacy against forces which they do associate with the penal state. Because resistance against these forms of influence does not fall under a clearly articulated tactic of advocacy and resistance against the penal state, then, staffers resist each form of influence in different ways and with varying results.

### ***Resisting Directive Influence***

The directive influence at Pathways allows penal state agencies to define priorities for the organization's service provision model through the use of grant

contracts. Providing the bulk of Pathways' funding, the DJF leverages its influence to direct staffers to provide people-changing reentry services such as job and social skills training. However, because they ascribe primacy instead to the external barriers which affect clients, staffers resist directive influence and its people-changing services aimed at correcting clients' internal dispositions. Indeed, fulfilling the tasks mandated by this directive influence would detract from staffers' ability to engage in advocacy work targeting external barriers, such as the penal system itself. To resist directive influence, then, staffers engage in mutually reinforcing processes of delegitimizing this influence and subverting the performance metrics which support it.

**Delegitimizing Directive Influence.** To resist directive influence, staffers begin by rhetorically delegitimizing it. To delegitimize directive influence, staffers describe the services mandated by it as relatively unimportant parts of the Pathways model. Emma and Penelope demonstrated this during a conversation one evening:

Emma tells me that, although Pathways does provide practical services like apprenticeships and job training, these are primarily a way to ensure continued funding. Rather, she says that social and community support is Pathways' strongest point, and she wishes to see Pathways focus more on this core mission. Similarly, Emma and Penelope indicate that the reentry aspect of the Pathways program is not where they see the most value, although it is where they get the majority of their funding from. Instead, Emma asserts that Pathways offers the most value to currently and formerly incarcerated clients through the book clubs it organizes for them. (Fieldnotes, December 19, 2019)

In this conversation, Emma holds that the jail and reentry book clubs—activities which, as described above, staffers intend primarily to facilitate connections and build clients’ social capital—are the primary aspect of the Pathways model. In providing this framing, Emma deemphasizes the role of people-changing services such as apprenticeships and job trainings, holding them to be a subordinate part of the model, which staffers provide mainly as a way to maintain funding.

In addition to delegitimizing some of the services mandated by directive influence, staffers also delegitimize the performance metrics which support them. Because staffers find the people-changing services mandated by the DJF’s directive influence to be a secondary aspect of the Pathways model, they describe metrics aligned with them as unimpactful. For example, Penelope described the processes necessary to apply for and maintain state grants as filled with “endless...busy-work” that “doesn’t show if you’re impactful” (Fieldnotes, June 2, 2020). Some staffers go further to frame the metrics as a mode of control. To Penelope and other staffers, metrics such as touchpoints exist “to prove you’re doing your job” in a process of “micro-managing” (Fieldnotes, June 2, 2020)—they provide little more than a means for the DJF “to know how often we texted [clients], basically,” according to Emma (Fieldnotes, May 1, 2020). By delegitimizing state performance metrics, staffers justify and rationalize their subsequent subversion of them.

**Subverting State Performance Metrics.** While grant money provides the DJF with the prowess to exert directive influence, the vehicle by which it accomplishes this is its system of performance metrics. Through the use of touchpoints and self-sufficiency

surveys administered to clients, these metrics aim to quantify staffers' interactions with clients and the intended results of these interactions: changes to the clients' dispositions via increases in their perceived self-sufficiency.

However, as described above, the outcomes quantified by these metrics do not conform with staffers' understandings of their organizational routines. Further, by occupying substantial periods of their time, the metrics attenuate staffers' ability to provide the services which *do* conform with these understandings. As such, staffers resist the directive influence that penal state agencies leverage via these metrics by subverting the metrics themselves. On several occasions, staffers described waiting several months to update the databases in which they keep track of DJF metrics. This would lead them scrambling to update the databases when periodic reports were due to the DJF—particularly in cases where staffers by their own admission let metrics like touchpoints fall into disorganization. For example, during a staff meeting, Charlie took responsibility for letting the touchpoint tracking database “spiral[] out of control” (Fieldnotes, July 31, 2020). By relating this and writing it down in the meeting agenda, she intended for us to hold her accountable for the database so that she would find the time to clean it up (Fieldnotes, July 31, 2020).

In other cases, staffers subvert state metrics by ignoring the requirement to complete them. For example, Emma described how staffers do not push clients to complete the self-sufficiency survey at each intake:

Emma states that clients rarely complete the survey, and she has been giving the DJF excuses as to why it is not filled out. She says this with a slight smile,

although she says that they should really get better at consistently administering the survey. (Fieldnotes, December 19, 2019)

Emma's comment during this interaction suggests that, in her role as an AP staffer in charge of grants administration, she is quite aware that Pathways' continued funding from the DJF is jeopardized by incomplete surveys staffers return to the funder. Yet, her body language and admission of giving the funder excuses about the incomplete surveys is indicative of the lack of importance which staffers ascribe to the surveys—an ascription which is likely related to the fact that I did not see staffers complete the survey even once with clients during the intakes and check ins which I witnessed during my time at Pathways.

As detailed above, staffers describe the DJF as separate from the penal state, reserving the bulk of their resistive efforts for the latter. Thus, staffers subvert DJF metrics not as a direct act of resistance against the penal state, but rather as a way to mitigate its directive influence and allow them more time in which to engage in advocacy activities which align with their understandings of the “real work.” Thus, their resistance to directive influence is only partial. While staffers deemphasize the importance of state-mandated services like job trainings as a lesser component of the Pathways service model, they still provide these services. Rather than wholesale resistance, then, staffers primarily direct resistance at those aspects of directive influence which take time away from the activities they hold as essential components of the model—namely, efforts to connect clients with employment and education, which requires advocacy to deconstruct the barriers which staffers perceive as preclusive of such connections. However, because

staffers' ability to engage in advocacy is restricted by prohibitive influence, staffers also engage in subtle forms of resistance which allow them to maintain face compliance with restrictions on advocacy without undermining their ability to effect change in penal structures.

### ***Resisting Prohibitive Influence***

In performing the advocacy activities described above, staffers face a conundrum: under the terms of their DJF grants, they are not allowed to use state funds to influence “governmental actions”—yet influencing such actions through advocacy is a central organization routine. Staffers understand this routine to be necessary in order to accomplish the organizational goal of improving clients' quality of life, upon which they perceive penal structures to have a deleterious effect. Thus, to alleviate the barriers clients face as a result of their legal involvement, staffers hold influencing government action to be an imperative—one which requires resistance against prohibitive influence. This resistance can be neither absolute nor overly conspicuous, however, as AP staffers in particular are cognizant of the central role that DJF funds play in sustaining Pathways and keeping staffers on payroll. As such, staffers reframe their role in relation to advocacy, describing themselves as facilitating efforts by third parties—including clients, whom staffers incentivize and assist to engage in advocacy. Additionally, staffers obtain supplemental funding from the private sector. These funds are not accompanied by provisions against advocacy work, and staffers use them not only to support their own involvement in such work, but to incentivize clients to participate.

**Reframing Advocacy Roles.** To reframe their role in advocacy activities, staffers downplay their own involvement in advocacy while encouraging and facilitating advocacy among third parties and clients. The first component of this process requires staffers to frame Pathways as an educational or reentry organization, rather than an advocacy group. For example, shortly after the death of George Floyd and the ensuing protests in May 2020, Newt, a junior OP staffer, sent us information on a social reform program advocating for abolishing the police. Penelope replied to clarify Pathways' stance on the issue:

Penelope responds by thanking Newt and adding several clients involved in the Pathways program to the email chain. However, she replies, "We as an organization do not take specific advocacy positions since we are an educational nonprofit and not a policy advocacy group but we encourage our staff and [clients] to learn as much about issues and express ideas and opinions to foster open dialogue and knowledge sharing in a supportive safe forum from many perspectives." (Email Summary, June 8, 2020)

Framing Pathways as an "educational nonprofit" instead of an advocacy group allows staffers to maintain face compliance with the terms of their DJF grants: they are able to portray themselves as open to a variety of policy positions without advocating for any in particular. In this way, they maintain plausible deniability that their intent is to influence "governmental actions."

This rhetoric allows staffers to portray their relationship with advocacy activities as a distant one. In this portrayal, staffers are not advocates themselves, but rather a

moderately detached entity that supports third parties who engage in advocacy directly. Thus, staffers often use language describing efforts to support “coordination” or “organization” among third parties, rather than direct action on the part of staffers themselves. For example, describing a project to organize local advocacy groups, Penelope announced one staff meeting that she is working on a “special task force to coordinate communication between advocacy groups [...] to be more effective in our calls for releases and support [for incarcerated people]” (Fieldnotes, May 1, 2020).

Indeed, staffers often coordinate among or enlist the help of third parties who participate directly in advocacy. In some cases, this involves staffers in inter-organizational work to, for example, coordinate a protest against the halfway house. In others, staffers liaise with and help organize collaborative working groups composed local advocacy organizations. Beyond other organizations, staffers spread word about their advocacy activities to volunteers and attendees at their community-building events—for example, by encouraging them to disseminate and sign on to petitions for “humane” COVID-19 responses from carceral authorities (Fieldnotes, March 27, 2020).

*Clients as Advocates.* Staffers also enlist clients in their advocacy work by encouraging or incentivizing them to participate, organizing opportunities for clients to speak with local government or law enforcement groups, and modelling effective ways to engage in advocacy. Staffers encourage participation in advocacy by praising the work of clients who are active in advocacy efforts, highlighting how this work has an impact on system change. They also frequently share photos or recordings of clients advocating for legal system reform in front of government officials, attending rallies, and voting.

Staffers supplement their encouragement of clients to engage in advocacy through monetary incentives. Indeed, clients who participate in Pathways-endorsed advocacy activities receive bonuses added to their stipends. In some cases, staffers announce these bonuses and, thereby, encourage clients to engage in advocacy during DJF-funded group support sessions. For example, during one such session, staffers announced the presence of a new committee in the city composed of formerly incarcerated individuals and local government representatives:

Staffers describe the opportunity as a way to get to know those in power and help inform their decisions, or at least to understand why they are making those decisions. Penelope then interjects to remind clients that attendance at the committee will be ‘added to [their] stipends,’ meaning Pathways will pay clients to go. Clients just need to email Charlie [an RP staffer] to let her know that they attended to receive this money. (Fieldnotes, January 8, 2020)

While staffers clearly articulate that clients can receive additions to their stipends just by attending the committee for the educational purpose of learning how policy decisions are made, they also indicate that clients can help inform these decisions through their attendance. Making this announcement during the DJF-funded group support session is significant, as it involves staffers using state funds not to directly influence governmental operations themselves, but to encourage clients to do so.

Beyond encouragement, staffers also facilitate more structured opportunities for clients to engage in advocacy. In general, staffers facilitate these opportunities by making clients aware of local marches and community forums, providing transportation to clients

who wish to attend, and connecting clients who will be attending with one another. Sometimes, staffers facilitate these opportunities more directly by selecting specific clients to speak to government or law enforcement officials—often with the explicit objective of changing attitudes toward the individuals involved in the legal system. For example, working with a representative of the local police department, staffers facilitated an opportunity for a client to give a speech on the effects of trauma to an audience of some 200 police cadets (Fieldnotes, November 8, 2019). Near the end of my fieldwork at Pathways, staffers institutionalized opportunities for clients to engage in advocacy in a more permanent way. To do so, they created a new position exclusively for a client, compensating him “to change the system” by serving as “advocacy lead” responsible for supporting client involvement in advocacy efforts (Fieldnotes, August 7, 2020).

By describing themselves as an educational or reentry organization not focused on advocacy, while simultaneously encouraging and facilitating opportunities for clients to engage in advocacy, staffers are able to reframe their role in advocacy work as a supportive or coordinative one. This allows them to maintain face compliance with the terms of the DJF’s prohibitive influence. Yet, it also creates a standard for clients to meet. Thus, to achieve the status of a successful and active member of Pathways’ rehabilitative program, clients must not only participate in state-funded people-changing services such as job trainings and group support sessions—they must go further to engage in advocacy work aimed at altering large-scale penal structures which may afflict them.

While reframing their relationship with advocacy allows staffers to maintain face compliance with the terms of the DJF’s prohibitive influence, staffers also engage in

some direct advocacy activities themselves. They are able to achieve this by exploiting a loophole in DJF grant contracts, which only prohibits staffers from using *state funds* for advocacy purposes. Thus, to allow themselves room to engage in advocacy without jeopardizing DJF grant contracts, staffers rely on supplemental sources of funding to support their direct advocacy work. In addition to enabling their own advocacy activities, these supplemental sources provide funding for clients' stipends, which, as described above, staffers sometimes use to incentivize clients to participate in advocacy.

**Procuring Supplemental Funding.** While DJF grants comprise the majority of Pathways' funding, the organization also receive a substantial portion of funding from individuals and private entities. Staffers solicit funds from individuals through multiple means, including periodic fundraisers and community-building events encouraging donations. While staffers express a desire to be self-sustaining through these activities, they acknowledge that this is impossible, as the costs associated with the Pathways service delivery model outstrip the funding they feel they could reasonably expect to receive from individual donations and book sales (Fieldnotes, June 2, 2020). As such, staffers also obtain funding from private entities, including charitable foundations, international financial institutions, and IT and defense consulting firms.

By obtaining private funding, staffers secure flexibility which enables them to provide advocacy services without directly violating the terms of their DJF grant contracts. Staffers describe these private funders as far more attentive, involved, and flexible than state funders. Indeed, these funders impose requirements that staffers find easier to meet without significantly altering the aspects of the Pathways service model to

which they ascribe primacy, such as advocacy and social support. Further, while they describe state funders as largely homogenous, staffers see the private funding market as an extremely heterogenous one filled with organizations of different ideological persuasion. This allows staffers greater freedom to select funders who may be more closely aligned with Pathways ideologically, whose grant requirements do not prohibit advocacy work, and whose funds staffers can use to pay clients stipends. In this way, private funding enables staffers to resist the DJF's prohibitive influence, as they are able to seek out funders whose outcome expectations reflect staffers' own understandings of their organizational routines.

*The Swap? Exchanging State Influence for Private Influence.* This is not to say that private funders do not exert their own brand of influence at Pathways. Private funders may have reservations about the particular means of service provision which Pathways employs. During a small-group staff meeting, Emma mentioned that at least one of Pathways' private funders would be displeased if they were to discover that staffers distributed a book containing a graphic rape scene to clients (Fieldnotes, September 16, 2019). As a result of this concern, Pathways withheld the book in question. Staffers also describe concerns about providing clients with similar books, which they refer to as "urban novels." Indeed, potential repercussions from displeasing private funders by providing certain services or materials are an ever-present concern for staffers. Mary described these concerns during an interview, referencing Emma's concern about the controversial book:

A lot of times [clients] request stuff that's sort of outside of our guidelines. And, there's that example that Emma points out: we gotta be mindful about would funders be OK with this [...] And [for] a lot of people, their entry point to literature is or was urban novels, which I have no problem with, but of all the genres out there, I would say they're one of the ones that often [have] gratuitous sex or violence. And that's one of the things that...it's a blurry line, but it's also a really important line. [...] So I try to keep it in mind just even, for example, thinking [about] one guy [who] is an adult asking for this book – he's a grownup, he can handle this book. But, I gotta remember if somehow the [local newspaper] gets ahold of the book list, it's like [the newspaper could say to funders], “do you know what [Pathways is] doing with your money?” (Interview Transcript, November 1, 2019)

As Mary describes, private funders hold particular ideals which, if violated by staffers through their service provision, may result in threats to Pathways' economic security. As a result, staffers engage in a kind of trade off of influence, conforming with the influence of private funders so as to resist some measure of influence from devolutionary penal state agencies like the DJF.

## DISCUSSION

As the penal state devolves and recedes from direct involvement in service provision throughout the criminal legal system (Castellano, 2011; Garland, 2001; Hughes, 2007; Miller, 2014), it continues to employ distal governance strategies to influence the practice of penalty. Carceral devolution shifts the responsibility for the traditional functions of the legal system—including crime control and rehabilitative service provision—onto community actors (Hughes, 2007; Miller, 2014). In the context of reentry, this shift means that the state plays an increasingly peripheral role in providing post-incarceration services to the “masses of marginalized young men and women [who] are dumped on a daily basis into the segregated neighborhoods of urban containment from which they were forcefully removed months, years, or decades earlier” (De Giorgi, 2017, p. 84). These formerly incarcerated individuals will (re)experience cycles of state neglect upon return to their neighborhoods, often aided primarily by their families and/or a loose constellation of community-based organizations, rather than a robust system of state support (De Giorgi, 2017; Western, 2018). Yet, community-based reentry organizations frequently offer a program of “rehabilitative penalty” (Goodman et al., 2015, p. 327; see also Allen, 1981), incorporating the formerly incarcerated into “practices of supervision, correction and care that are otherwise unavailable to conventional members of the polity who have not been accused of a crime” (Miller & Stuart, 2017, p. 536). By offering services designed to “treat, reform, or remake” (Miller, 2014, p. 317) the formerly incarcerated, reentry organizations translate rehabilitative

penalty and its constituent process of observation, normalization, and examination (Foucault, 1977) out of the cell block and onto the street.

In this way, carceral devolution offloads the state's "capacity to respond to the needs of former prisoners onto the actors least able to do so—prisoners' families, their community members, and the cash-strapped community-based organizations that attempt to address a government-sized burden (prisoner reintegration) on a nonprofit budget" (Miller et al., 2015, p. 465). Carceral devolution thus responsabilizes these individuals and organizations to implement a service provision model which is, in many cases, unmaintainable in the absence of state funding. Carceral devolution is thereby both a reflection and a facilitator of distal governance strategies—it fosters an environment in which the state need not provide services directly, while generating circumstances under which the organizations that do provide these services are often dependent on the state for funding. Typically accompanied by new obligations and restrictions, the state grant contracts which provide this funding serve as a vehicle by which penal state authorities may influence the operations of community-based organizations.

### **Directive and Prohibitive Influence as Instruments of Distal Governance**

The present study examines the ways that grant contracts have the potential to allow devolutionary agencies of the penal state to embed their influence into the ground-level practice of rehabilitative penalty in a community-based reentry organization. As the actual provision of rehabilitative services occurs at a greater distance from the state, community-based reentry organizations like Pathways are nonetheless subject to directive and prohibitive state influences. A product of grant contracts offered by devolutionary

penal state agencies like the DJF, these influences aim to structure the content and delivery of rehabilitative services. They do so by delineating appropriate from inappropriate services, obligating staffers to provide the former while prohibiting them from engaging in the latter. At Pathways, the DJF's directive influence defines people-changing reentry services as appropriate. These services operate as a transformative pedagogy, seeking to teach the formerly incarcerated "(1) how they should operate in the social world; (2) what an appropriate response to their disparate social conditions should be, and (3) how to interpret their experiences going forward" (Miller et al., 2015, p. 466; see also Halushka, 2016b; Hannah-Moffat, 2005; Miller, 2014). As such, these services seek to address the structural barriers facing the formerly incarcerated (see Literature Review) not by targeting the barriers directly, but by altering the responses and dispositions of those subject to them.

Concurrently, the DJF employs prohibitive influence to define as inappropriate the services and activities which directly target the barriers facing the formerly incarcerated. Thus, staffers risk losing the DJF grants which provide the bulk of their funding if they engage in advocacy work designed to ameliorate structural barriers by influencing governmental operations. In this way, prohibitive influence reinforces people-changing logics—it defines services which target penal barriers directly as inappropriate, thereby de-problematizing these barriers and placing the locus of rehabilitative responsibility on individuals. Under these logics, it is not the barriers which are the problem, but rather formerly incarcerated individuals' reactions to them. In conjunction with directive influence, then, prohibitive influence shifts rehabilitative

responsibility further away from the penal system, prohibiting staffers from engaging in activities which aim to change it while directing them to provide services which instead seek to shape how those affected by the system respond to it.

Thus, directive and prohibitive influences work in tandem to support a neoliberal program of governmentality grounded in the ideal of self-responsibilization. As Rose (1996) describes, this governmentality is “dependent upon devices (schooling, the domesticated family, the lunatic asylum, the reformatory prison) that promise to create individuals who do not need to be governed by others, but will govern themselves, master themselves, care for themselves” (Rose, 1996, p. 45). Devolution extends down to the individual level, as the state not only devolves rehabilitative responsibility to community-based organizations like Pathways, but to the clients they serve. Through people-changing services of the variety promulgated through directive influence, this governmentality aims to create a subject who will self-discipline and -punish in accordance with state directives (Foucault, 1977). In so doing, these services redefine the subject of government less as member of a collective body, and more as an individualized and autonomous agent who will “fulfil their national obligations not through their relations of dependency and obligation to one another, but through seeking to fulfil themselves within a variety of micro-moral domains or ‘communities’—families, workplaces, schools, leisure associations, neighborhoods” (Rose, 1996, p. 57). For those unable to fulfil such obligations—owing, for example, to the enduring stigmas of legal involvement—this program of neoliberal governance “respond[s] to the sufferer as if they

were the author of their own misfortune [...] potentially and ideally an active agent in the fabrication of their own existence” (Rose, 1996, p. 59).

Ultimately, then, directive and prohibitive influences have the potential to allow the state to govern the conduct of organizations and individuals at a distance. This may occur as the state responsabilizes these entities to conform with a program of governmentality emphasizing self-discipline and personal responsibility, locating the problems afflicting those unable to demonstrate such qualities within the subject’s internal disposition. It may thereby reinforce state power by directing organizations like Pathways to encourage clients to act in accordance with state-prescribed visions of social order, while prohibiting such organizations from engaging in advocacy work which may alter governmental operations and, thereby, pose a threat to state hegemony.

### **The Incorporability of Penal State Influence Under Distal Governance**

Yet, the very processes of devolution and distal governance which allow the state to influence reentry processes with minimal direct involvement inherently attenuate this influence. At Pathways, devolutionary penal state agencies rely upon the tools of the NPM to leverage directive and prohibitive influences. On one hand, this occurs through DJF performance metric systems, which emphasize accountability with the prescriptions of its directive influence. That is, by measuring staffer-client interactions and tracking clients’ perceived changes in self-efficacy, these metrics reinforce the people-changing service model asserted by the DJF’s directive influence. Such performance metrics fit within the NPM’s doctrines of output controls, regulation, and accountability (Hood, 1991; Smith, 2010). Staffers do not perceive them to measure the “real work” of

connecting clients with employment or schooling—the metrics simply track staffers’ level of interaction with clients and how that interaction distills to effect dispositional changes via increased perceptions of self-efficacy. On the other hand, in the high-need/low-resource nonprofit (Smith, 2010) and reentry (Thompkins, 2010) landscapes, the NPM fosters an environment of intense competition and myriad pressures to fill out grant contracts and keep performance metrics up to date (Ortiz & Jackey, 2019). This restricts the time available to staffers to deviate from directive influence and/or engage in the activities barred by prohibitive influence.

However, staffers know that the tactics of the NPM are rarely accompanied by oversight and consequences for deviation. Staffers describe state funders like the DJF as distant to the point of negligence; since DJF representatives rarely visit the Pathways office, and since failure to update performance metrics is not met with strong rebuke, staffers feel empowered to resist the tactics of the NPM and, thereby, the DJF’s directive and prohibitive influences. Thus, for example, staffers sometimes go months without updating metric systems, and they may provide excuses as to why they do not complete self-efficacy surveys. This suggests that, even among organizations like Pathways that seek and accept state funds to provide reentry services—thereby placing them in the category of “satellite states” according to Kaufman’s (2019) typology—staffers retain autonomy to resist state influences without losing these funds. Staffers’ ability to do this appears largely a result of the distance between the state and ground-level operations at Pathways, which is of sufficient breadth to render the former’s oversight capabilities weakened.

To some degree, the weakness of state influence and the resultant autonomy of community-based organizations like Pathways is inherent to distal governance. Examining ten community-based organizations serving youth labeled “at-risk,” Goddard (2012) similarly finds that staffers resist state-funded service models narrowly focused on crime control. While not discarding this focus on crime control and risk factors entirely, staffers in Goddard’s (2012) study nonetheless blended them with welfarist models of service and rhetoric. The resulting service provision model thus represents a hybridization, mixing state influences with those of semi-autonomous community-based organizations. The final service model as translated into ground-level practice emphasizes both crime control *and* welfarism simultaneously (Goddard, 2012). Rather than a localized permutation, Goddard (2012) describes the organizational autonomy producing this hybridization as a key component of distal governance strategies:

The State’s power is dependent upon the local agencies’ acquiescence to act [...] This ‘power dependence’ is built into community governance and is fundamental to how it operates. Metaphorically, the State writes the script and encourages compliance to a (funding dependent) community body, but the agents’ intentionality to act in accordance with the script is an open question. The reason: the script is broad and is only partially defined. [...] That is, community governance depends on the power of local actors to act; and they bring to the table personal histories, know how, and cultural points of view that impact purposive activities [...] (p. 360)

Goddard (2012) thus concludes that hybridization of service models is an intrinsic aspect of distal governance, as it “is predictably going to be a blend of the provincial and the national” (p. 360). Community-based organizations like Pathways serve as ground zero for this blending of influences, as devolutionary penal state influence commingles with the extant goals and organizational routines of advocacy-oriented reentry staffers to produce a new, hybridized program of rehabilitative penalty.

### **Penal Hybridization in a Fractured Landscape**

In totality, I find that tactics of carceral devolution and distal governance produce and reproduce a fractured penal landscape generative of new, hybridized modes of penalty. As penal authority devolves from federal, to state, to local, to community-based entities, it introduces an increasingly wide range of actors into the practice of penalty (Goodman et al., 2015, 2017; Lynch, 2011; Rubin & Phelps, 2017). To an extent, this is a product of the federated nature of the legal system, with federal, state, and county systems all operating with a degree of autonomy (Lynch, 2011). Yet, the devolution inherent to distal governance further fractures the penal state, involving a heterogenous assortment of community-based entities more directly in the delivery of penalty (Rubin & Phelps, 2017). This is especially prominent in the reentry landscape, as sustained devolution causes it to resemble “a welfare state–criminal justice hybrid institution that activates the universe of human service actors, criminal justice agencies, and policy and program planners to assist former prisoners make their transition from prison to their home communities” (Miller, 2014, p. 307). Within this fractured landscape, “[e]ach of these stakeholders has specific goals, conceptualize prisoners in specific ways, and

advocate for specific kinds of interventions in former prisoners' lives" (Miller, 2014, p. 307). As a result of these differing conceptions and approaches to service provision, reentry stakeholders differentially support, resist, and/or refine each other's influences, producing a hybridized form of rehabilitative penalty imbued with an array of influences as heterogeneous as the list of stakeholders involved in funding, planning, evaluating, and delivering reentry services.

While past research describes processes of penal hybridization produced through conflicting influences and interests (see e.g., Goodman et al., 2015, 2017; Gottschalk, 2006; Hannah-Moffat, 2005; Lynch, 2010, 2011; Lynch & Omori, 2014; Rubin & Phelps, 2017), this work typically addresses such processes at macro or meso levels. In addition to spotlighting the hybridization of rehabilitative penalty in the reentry landscape, then, the present study extends previous work by elucidating the micro-level processes by which such hybridization occurs and the final form it adopts.

### ***The Process of Hybridization***

I find that hybridization is the product of contestation and resistance, as devolutionary penal state influences clash with extant organizational routines at Pathways. This process begins as the influence of federal penal authorities (e.g., the BOP) filters through devolutionary agencies like the DJF and is transferred via grant contracts to Pathways. At Pathways, staffers resist and contest penal state influences—and, more specifically, the new organizational goals and routines these influences seek to embed in the Pathways service model—to the extent that they conflict with the extant organizational routine (Feldman, 2003). Like other agents operating within or adjacent to

the penal system (Herbert, 1996; Miller & Maloney, 2013; Quirouette, 2021; Rudes, 2012; Schaefer & Williamson, 2018; Viglione et al., 2015), staffers selectively neglect, deemphasize, or adapt mandatory aspects of their job which they view as misaligned with or detrimental to “the real work” embodied by the organizational routine and the goals it reflects. Staffers thus reject or deemphasize *certain* state-mandated routines when the logic undergirding the new routine (e.g., people-changing) conflicts with staffers own conceptions of “the real work,” and when the time necessary to engage in the routine detracts from extant routines (e.g., advocacy) which staffers identify as most impactful. Thus, staffers may decline to administer self-efficacy surveys to clients, or they may deemphasize people-changing services such as employability trainings by framing them as a means to secure continued funding.

In some cases, however, contesting penal state influence requires staffers to accept influence from others who will fund “the real work” for them. Indeed, staffers circumvent the DJF’s prohibitive influence in part by obtaining funding from private entities. This empowers private entities to insert their own conceptions of rehabilitation into the ground-level practice of penalty. That is, to maintain private funding and, thereby, avoid reliance on state grants, staffers must preemptively modify their routines to bring them into relative alignment with private funders’ conceptions of proper rehabilitation. This may occur, for example, when staffers withhold controversial books from clients for fear of losing private grant contracts. Thus, distal governance not only allows service providers like Pathways to define and implement rehabilitative penalty,

but, through the very tactics staffers use to resist such governance, it empowers private entities with sufficient economic leverage to do so as well.

As they selectively neglect or deemphasize certain influences and services mandated by devolutionary penal state agencies, staffers insert their own conceptions of “the real work” into their practice of rehabilitative penalty. Finding people-changing services mandated by state grant contracts to be insufficient to generate desired employment, educational, and vocational outcomes for their clients, staffers imbue an advocacy-based focus on mitigating structural barriers—particularly those produced by clients’ legal involvement—into their service model. This focus on advocacy does not solely task staffers with targeting structural barriers. To maintain face compliance with the DJF’s prohibitive influence and, thereby, resist it, advocacy as practiced at Pathways incorporates third parties to include advocacy organizations, community volunteers, and even clients themselves. Thus, as staffers attempt to break down structural barriers, they teach and encourage clients to do the same.

***Hybridization in its Final Form: The Inward- and Outward-Looking Rehabilitated Subject***

Goodman and colleagues (2015) recently noted that “penal development is fueled by ongoing, low-level struggle among actors with varying amounts and types of resources” (p. 315; see also Goodman et al., 2017). Similarly, the final form of rehabilitative penalty as practiced at Pathways is the product of contestation and resistance. It is imbued with the influences—sometimes aligning but often conflicting—of governmental penal state agencies and their operators, advocacy-oriented reentry

staffers, private funders, and third-party actors. It seeks to rehabilitate the subject not solely through job trainings and related services designed to improve self-efficacy, but also through coordinated attempts to activate the client to alter the structural barriers afflicting them. It seeks to impress upon clients the importance of mitigating these barriers—all while staffers model, teach, and supply them with effective methods to do so. Thus, staffers incentivize clients to engage in advocacy activities, and they coordinate transportation for and facilitate communication among clients who agree to participate.

Under this hybridized model, rehabilitation requires the subject to look *both* inward and outward. They must look inward to comply with the people-changing services mandated by the DJF's directive influence. This requires the client to achieve increased employability and demonstrative integration with the social order through the adoption of mainstream cultural forms (see Halushka, 2016b; Miller, 2014; Smiley & Middlemass, 2016), which may be influenced by both state and private funders' conceptions of appropriate conduct. Yet, simultaneously, the subject must also look outward to actively assist in the deconstruction of the structural barriers afflicting them as a result of their legal involvement. Blending influences of the penal state, the private market, and individual community actors, the services Pathways provides under this hybridized model encourage the client to not only effect dispositional changes, but structural ones as well.

### **Alternate Possibilities and Interpretations**

While this research elucidates the role of carceral devolution and distal governance in producing a hybridized form of rehabilitative penalty, it is important to emphasize that it does so through an examination of a single research site. The final form

of rehabilitative penalty practiced by staffers at Pathways may be unique to this locale, and future research is necessary to determine the transferability of these findings to other settings (Lincoln & Guba, 1985; Snow et al., 2003, pp. 187-190). Yet, the final form of rehabilitative penalty practiced at Pathways is perhaps less salient than the process of contestation and resistance to distal governance influences by which it is produced. This research thus contributes to a growing body of literature examining the agonistic processes by which new penal forms emerge (see Goodman et al., 2015, 2017; Gottschalk, 2006; Hannah-Moffat, 2005; Lynch, 2010, 2011; Lynch & Omori, 2014; Rubin & Phelps, 2017).

It is also important to note that it is unclear to what extent the tactics of resistance employed by staffers represent a clearly articulated attempt to resist DJF influence. Since staffers do not frame activities like seeking private funding or encouraging clients to participate in advocacy work as a way to circumvent the DJF's prohibitive influence, the possibility remains that they would engage in these activities in the absence of such influence. Again, this is less salient to the conclusions drawn here. Indeed, this scenario would simply imply that staffers do not *intentionally* resist DJF influence, although the conclusion that these activities have an attenuating effect on this influence—and, by extension, a hybridizing effect on the practice of rehabilitative penalty—would remain unchanged.

In addition to the alternate possibilities noted above, I offer below an alternate interpretation of my findings. Although I find this interpretation to be unlikely, it is nonetheless important to detail due to its implications for future research. This alternate

interpretation holds that, rather than allowing staffers to resist state influence, their acquisition of private funds reinforces the cultural hegemony produced through a collusive partnership between the penal state and the economic elite.

### ***Cultural Hegemony: An Alternate Interpretation of Private Influence***

Since staffers see private funding as requisite to Pathways' continued operation, they are hyper-aware of private funders' standards and definitions of appropriate cultural forms. As such, staffers incorporate these standards and definitions into the people-changing services they provide. Past research finds such services to encourage clients to engage in "superficial performances that can be internalized as durable dispositions over time" (Halushka, 2016b, p. 72). To the extent that Pathways engages in people-changing services, then, the dispositions these services encourage clients to adopt are influenced by economically empowered private funders.

Employing a Gramscian lens of cultural hegemony, this arrangement has the potential to reaffirm the hegemony of the economic elite—those with the means and desire to fund reentry services—by institutionalizing and normalizing their definitions of appropriate conduct and behavior. That is, by coopting socializing institutions such as reentry to promulgate hegemonic definitions of appropriate conduct, the economic elite cement and legitimize a dominant ideology specifying particular social norms (Gramsci, 1971). Ultimately, according to this view, this dominant ideology serves the interests of the elite class, creating a socially acceptable structure of domination wherein the subordination of the underclass is rendered culturally appropriate and acts of resistance inappropriate (Gramsci, 1971). Thus, Pathways' resistance to state influence may

generate the circumstances under which they are more vulnerable to the influence of the economic elite, who can supply the funding necessary for staffers to maintain autonomy from the penal state—a crucial component of their organizational identity. Rather than a tactic to resist penal state influence, then, Pathways’ contracts with private funders may represent a collusion between the interests of capital and the penal system, with both working in tandem to reinforce a capitalistic social order (Chambliss & Seidman, 1982).

However, it is also important to note that, even if such collusion were to occur, cooptation of the variety described above may be attenuated by several factors. First, the private market supplies Pathways with myriad funders to select from. Whereas their choice of state funders is highly constricted, they may pick and choose private entities to which they will send letters of inquiry—the first step in securing funding. As such, staffers are able to be selective in their solicitation of private funders, potentially rejecting those whose ideologies conflict with their organizational goals. Second, in circumstances where staffers could be subject to the influence of a private funder, they may employ tactics of resistance similar to those they use to combat state influence. Still, the influence of private funders in the reentry space carries immense practical and theoretical implications. Future research should more closely examine such influence, with a view to determine the extent to which it affects ground-level rehabilitative practice.

## CONCLUSION

As a growing body of literature indicates, penal change is a highly localized phenomenon generated by conflict among disparate elements of a fractured penal state (Goodman et al., 2015, 2017; Gottschalk, 2006; Hannah-Moffat, 2005; Lynch, 2010, 2011; Lynch & Omori, 2014; Rubin & Phelps, 2017). The present study contributes to this literature by elucidating the micro-level tactics of resistance that produce this conflict and, as a result, new and hybridized penal forms. It does so through examination of a community-based reentry organization—a laboratory of penal change as state influences clash and combine with extant organizational goals and routines to shape the ground-level practice of penalty. Through this agonistic process (Goodman et al., 2017), staffers practice a hybridized form of rehabilitative penalty that requires the subject to look inward and outward to effect both internal and external changes.

Normatively, rehabilitative penalty as practiced at Pathways presents a number of conflicting concerns. On one hand, the inward-facing aspects of Pathways' rehabilitative program entail people-changing strategies rooted in responsabilization. These trainings and therapies promise to increase the clients' employability and self-efficacy (Miller, 2014)—and, to a certain extent, they may actually do so—but they do little to address the structural barriers formerly incarcerated individuals face. In this way, they identify the problems preventing clients from achieving positive social outcomes in their internal dispositions; by extension, they seek to enhance a client's ability to rectify these problematized internal dispositions, thereby leaving structural conditions un-

problematized and un-touched. This is not to say that self-improvement is an unreasonable and purely subjective pursuit, but rather that it leaves unaddressed the structural barriers clients continue to face regardless of any internal changes they make. And, in instances where dispositional changes entail greater passivity, conformity, and alignment with gendered, classed, and/or racialized expectations, they may contribute to the subjugation of those who effect them.

On the other hand, the outward-facing aspects of this rehabilitative penalty may serve multiple purposes. By directly involving the formerly incarcerated in the deconstruction of penal barriers, it may empower these individuals to produce large-scale structural change. Indeed, incarceration imparts upon those who experience it a powerful voice. As Smith and Kinzel (2020) detail, while accompanied by numerous detriments, carceral citizenship also provides one with a “credentialled voice,” which they may use “to transform discourse—not only illuminating visceral experiences, but also fundamental moral problems” (p. 15). Leveraging this voice may empower the formerly incarcerated to catalyze change not only in macro-level discourse, but in more localized contexts. While it would be naïve to assume that formerly incarcerated individuals are unable to leverage their voice in the absence of assistance from reentry staffers, the facilitatory opportunities, resources, and encouragement staffers provide through outward-looking rehabilitative penalty amplifies the volume of the formerly incarcerated voice. Indeed, Pathways clients subject to rehabilitative penalty are involved in all of the organization’s major advocacy efforts, joining with staffers in successful calls to close

the local halfway house and decarcerate federal and local facilities during the COVID-19 pandemic.

Yet, such empowerment can also involve coercive elements. Drawing upon Cruikshak (1993), Hannah-Moffat (2000) details how empowerment in a penal setting may function as another form of responsabilization and subjugation. Not only does empowerment typically bestow upon the subject new responsibilities and duties, but it is often externally imposed by actors holding greater power than those they ostensibly seek to empower. Thus, the “‘will to empower’ involves both coercive and voluntary exercises of power over the subjectivity of the empowered” (Hannah-Moffat, 2000, p. 525). It is neither wholly a tactic of liberation nor of subjection. As rehabilitative penalty hybridizes at a ground level, then, it may similarly blend coercive and voluntary elements, commingling the potentially oppositional goals, orientations, and routines of governmental authorities with those of community-based actors. This reflects both the inherent weaknesses and strengths of distal governance, showcasing how “new forms of governing are flexible and resonate with multiple and contradictory goals” (Hannah-Moffat, 2000, p. 528).

More broadly, then, this study highlights the role of carceral devolution in producing new forms of governance and penalty. Carceral devolution operates as a “dispersal of discipline” (Cohen, 1985, p. 84)—it distributes the power to punish throughout the social body, making the practice of penalty more ubiquitous and less visible (Foucault, 1977). In their ubiquity, the “invisible” forms of penalty experienced daily by the formerly incarcerated (Travis, 2002) give rise to what Foucault (1977)

describes as a “punitive city,” in which “hundreds of tiny theatres of punishment” (p. 113) operate concurrently (see also Cohen, 1979). Yet, because they rely upon the community to impose them, devolved forms of invisible, transcarceral punishment are the product and provenance of a disparate array of actors. In this way, carceral devolution promotes penal hybridization. At Pathways, this occurs through conflict and contestation, as staffers diverge from state-propagated narratives of responsabilization to practice a hybridized mode of rehabilitative penalty—one which directs the rehabilitated subject to look both inward and outward. This conflict-produced, hybridized form of penalty is the vision of staffers and state actors alike. In the era of distal governance and carceral devolution, then, the structures of the punitive city grow increasingly variegated and its architects ever more numerous.

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## **BIOGRAPHY**

Benjamin J. Mackey graduated from George Mason University with a B.S. in Criminology, Law and Society in 2019. Prior to graduating, he worked at the Center for History and New Media studying media depictions of public disorder in 1930s Harlem, New York. He also worked in the reentry field serving clients returning from incarceration. His scholarship centers on the sociology of punishment, with a particular focus on the ways in which macro-level patterns of penalty affect its practice in micro-level settings. His current research explores the effect of the COVID-19 pandemic on localized systems of post-carcer care and control.