Pathways into Prison: Biographies, Crimes, Punishment

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Abstract
This article compares and contrasts the biographies of young men sentenced to secure care and/or prison for similar offences. In doing so, attention is given to the range of social, cultural, familial and economic conditions which frame young peoples' lives, and which, for various periods of time, invite such persons to 'get by' or make sense of their existence through crime. The narratives of young men concerning their families, their neighbourhoods, and their perspectives on educational and other life-course opportunities denied or presented them, are used to pose a series of questions concerning who or what gets punished when prisoners are required to serve time in juvenile or adult custodial facilities. I conclude the article with the claim that confinement punishes not simply the offender. Rather, confinement (ineffectually and unjustly) interrupts successive (unlawful) attempts to negotiate the social and structural conditions of residents/prisoners' life courses – conditions over which young people, in particular, often have little or no control.

Introduction
Interviewer: So, you mentioned that you get out tomorrow. Is someone coming to meet you?
Participant: Nah, my mum's usually pissed by 10 in the morning.¹

On average, and on any given day, around 651 juveniles and 27,000 adults reside, respectively, in secure care and prison in Australia (Taylor 2007; Australian Bureau of Statistics 2007). The circumstances leading to confinement are as varied as the persons incarcerated – although there are, as is well known, common factors which seem to be associated with those sentenced or remanded to custody. This is particularly so for those who have experienced multiple cycles of incarceration and release. Just over one in three (n=38 per cent) persons exiting prison in Australia each year (n=approximately 43,000) return to serve a fully custodial sentence within two years of release (Baldry et al 2006:21; Steering Committee for the Review of Government Services 2006). In the juvenile context

¹ This remark was made after the conclusion of the formal part of the interview whilst awaiting staff to escort the participant back to his unit. For this reason, it does not appear in the official transcript. The reason for including it here is to illustrate the complex mixture of frustration, resignation and normalisation attending conversations with young men in custody. This statement is also a reminder of the incredibly low support base experienced by the majority of those released from secure care and prison.

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Several of the narrated excerpts in this article have appeared in previous publications by the author.
(generally those aged 10 to 17 years), more than half of a national sample of 467 detainees reported previously having been incarcerated, "with an average of three [previous] incarceration episodes" for each detainee (Prichard & Payne 2005 cited in Payne 2007:73). Whilst there are no comprehensive data sets on rates of progression from juvenile to adult custodial spheres, one study (n=1503 participants) showed that 49 per cent of juveniles in Queensland on supervised orders progressed to prison within seven years of release (with this figure rising to almost 80 per cent when community sanctions were accounted for) (Lynch, Buckman & Krenske 2003:2&4). Against this background, secure care and prison appear to be poor devices for dealing with crime and violence. Such institutions may be good at incapacitation (as low escape rates attest) but as places for the practice of specific deterrence, especially in relation to the small proportion of offenders presumed responsible for around half of all recorded crime (see West & Farrington 1977), custodial facilities fall well short of being "successful".

In this article I want to comment briefly on the relationship between pathways into prison, experiences of custody and repeat incarceration. This is, to state the obvious, an incredibly complex issue that can only be explored in a cursory manner in the present context. As such, I want to pose and offer a preliminary response to the question: Who is the subject of incarceration? Better still, and to paraphrase Foucault: What is the nature of the "soul" attributed to persons in confinement? (see Foucault 1980:49). Using narrative excerpts of young incarcerated males, I argue that secure care and prison deals with persons as divided subjects -- as beings required to suppress, indeed expunge, the structural and subjective messiness of their lives in order to present in daily custodial life as free willing and morally responsible subjects who are, by default, entirely deserving of "their lot" (of their time behind bars). I want to examine this issue -- the political and social construction of agency and responsibility amongst young male custodial subjects -- not to suggest that each is somehow innocent of their crimes, or that each is, in some trite way, a victim of circumstance. Rather, I want to explore the matter of choice in the context of pathways into incarceration because it leads directly to questions about what, logically speaking, incarceration is or could be used for. In short, it is unjust -- indeed plain violent -- to preserve secure care and prison systems which have at their heart a demonstrably problematic understanding of who constitutes their clientele and/or what motivates each.

In order to progress the argument, I will cite and briefly comment on several scenarios relayed to me by young men in custody about the circumstances leading to their (re)incarceration. Each narrative excerpt will speak to different dimensions of who gets incarcerated and the construction of agency within and beyond confinement. Prior to examining these scenarios, however, it is important to offer some contextual information about the project from which the narratives are drawn. Since September 2003, I have conducted 100 initial and follow-up in-depth interviews across seven custodial facilities with young male offenders aged 15 to 23 years (n=50 unique participants) concerning pathways into crime, experiences of custody and challenges of release. The young men participating in this study are part of the population of persons believed responsible, as mentioned above, for approximately half of recorded crime in any year (Doherty 2002a; 2002b). Participants evince extensive custodial histories (up to six detention orders by age 18), particular kinds of familial turmoil (up to 60 foster placements by the age of 15), poor literacy and numeracy levels (most being expelled from school prior to year 10), as well as culturally specific issues (petrol sniffing, social isolation and alcohol abuse for a high proportion of Indigenous interviewees). At the time of writing, 19 participants had been interviewed once, 20 had been interviewed twice, six young men had been interviewed on
three occasions, three on four occasions, one young man on five occasions, and one participant had been interviewed six times over the previous four and half years.

Of the current cohort, and of particular relevance to this article, three quarters (n=78 per cent) of those eligible to ‘progress’ from the juvenile to adult custodial system (generally those aged 18 and above) have so progressed (that is, have been released from juvenile detention, spent time in the community, then arrested and subsequently sentenced to prison for further offences). At the time of writing, the status of the 33 young men under the supervision of the adult system was as follows: dual status (sentenced and remanded) = 12; remand = 7; supervised bond/suspended sentence = 6; parole = 2; home detention bail = 1; bail supervision = 1; community service = 1; active warrant = 1; court date set = 1; no further action = 1. As an indicator of the effects of custody (Liebling & Maruna 2005) and the challenges posed by release (Maruna & Immarigeon 2004), only five of the 50 participants interviewed had, on the available data, resided for more than 12 months in the community between periods of confinement. The ‘survival rate’ for most participants was less than six months, with at least a quarter returning to secure care and/or prison within three months of release (not infrequently within one month). When completed in late 2008, 130 interviews will have been conducted and the associated publications will have contributed – hopefully in original and substantive manner – to the psycho-social literature on young male offending, repeat incarceration and the rarely studied phenomenon of progressions from juvenile to adult custodial facilities (Halsey 2006, 2007, 2008a, 2008b, 2008c).

There are a number of major themes emerging from this research to date which touch, more or less directly, on the issue of agency and resident/prisoner responsibility for their life course (where each has come from, where each is at and which path each ‘decides’ to walk in future). These themes can be summed up as follows:

- for a particular group of young men, custody can present as a less violent and more (emotionally) secure place than neighbourhoods or milieux beyond confinement to the point where young men are actively refusing conditional release or parole in order to complete their sentence within custodial walls (Halsey 2006);
- the routines and attitudes required to successfully negotiate custodial environments are vastly distinct to those required for negotiating challenges in the general community following release with the subsequent problem that persons released are generally psychologically and socially ill-equipped to make the best of post-release life (Halsey 2007);
- there is a perceived lack of relevant programs and activities within custody capable of meaningfully contributing to residents’ and prisoners’ capacity to desist from further offending upon release (Halsey 2007);
- institutional disrespect, cultures of suspicion and clashes of various types of masculine scripts play important but under-researched roles in the subjective and ongoing sense of self of young incarcerated males (Halsey 2008a);
- the implications of the conceptions of risk, danger and reward espoused by young offenders are very poorly understood by professionals charged with the care and supervision of young offenders, and by those involved with the policing, prosecution and sentencing of such persons (Halsey 2008b);
- the unambiguous desire to do good when next released appears to be seriously (and sometimes irrevocably) undermined by the failure of authorities to adequately address issues pertaining to post-release accommodation, drug and alcohol use, peer group dynamics, financial/employment matters, and the (inflexible) nature of conditional release and parole plans (Halsey 2008c); and
Another critically important theme which needs to be added to this list is that the ‘rehabilitation’ of offenders (reduced to gauging ‘criminogenic needs’) does not sufficiently address the social, economic and cultural dimensions of pathways into and out of custody. Indeed, there is much about custodial life (specifically, the models of personhood invoked by secure care and correctional professionals) which treats residents and prisoners as largely asocial bodies. Taking the lead from Maruna and Roy (2007), custody is the place where one is expected to ‘knife off’ the past, and in so doing, cast aside once and for all any suggestion that crime (one’s predicament) should perhaps best be interpreted as a socially mediated event. The buck stops with individuals, not with systems or structures (or, more accurately, with the subjectivities and events emerging from the inter-mingling of contexts, needs and desires). Building on the work of Maruna (2004), McKendy (2006) and Maruna and Mann (2006), it is the discursive effacement of collective responsibility for crime (for thinking crime and incarceration as stemming from inter-subjective and indeed inter-generational processes) that I intend to give weight to in this article.

Antecedents to Crime and Incarceration

Of the 50 unique young men I have interviewed to date, trauma – injury to the physical and/or psychological aspects of one’s person – has emerged as a consistently narrated factor associated with the pathways into crime and custody (see Halsey 2006, 2008c). One of the enduring effects of trauma is to sever the bonds of family, school or other key sites of social belonging. For the young men participating in the study, the reassembling of self has typically occurred in the company of persons with similar backgrounds – persons who had drifted toward and become accomplished in the ways of offending (Matza 1964). Highlighting the gregarious nature of much youth offending, the overwhelming majority of participants committed their first offence with, or at the behest, of others (often a family member).

P: I was eight when I first started crime and I stole cricket bats from a sports shop… ‘Cause my uncle told me, like, ‘You can go steal – you can go get it, like you don’t have to pay for it or anything’ I wasn’t thinking at the time…

I: …When your … uncle said you could […] just take it … I mean, is he someone you look up to? I mean, has he been involved in crime himself, that kind of thing?

P: Yeah, he’s done murder once, so.

(A, 5:50 six detention orders, one prison sentence)²

It is well established that those in secure care and prison evince lower socio-economic circumstances, lower educational qualifications (if any) and daily experiences of (sub)urban conflict and marginalisation.

I: And where mainly have you lived […]?

² Excerpts are referenced according to the following format: A=participant code, S=page number of transcript, 50=line at which quoted excerpt commences. Where an excerpt appears from a transcript other than the first interview, the code f2, f3, f4, and so forth, is used to indicate the relevant transcript. For example, f3 denotes the third interview with a particular participant.
P: In [names suburb] ... it's a pretty bad neighbourhood with all the drugs and the violence ... They carry weapons, like either a gun or some shit like that ... I started carrying a firearm at 13 ... because of protection ...

I: Protection in terms of ... the drug scene, is that what you mean?

P: Yeah ... Bad neighbourhood and that.

(B, I: 48)

Drug and/or alcohol abuse, homelessness, familial violence and racism also commonly attach to those caught up in cycles of crime and incarceration (Baldry et al 2006). Under the heading 'Who do our prisons deal with?' the South Australia Department for Correctional Services (DCS) gives the following overview of prisoner demographics:

... It is assumed that of the male prisoner population of South Australia:
- 44% are classified as long-term unemployed at the time of offence;
- 5-10% are illiterate/innumerate;
- 60% have below functional levels in literacy and numeracy;
- 60% did not complete Year 10 studies;
- 5-13% are intellectually disabled;
- 50% have an anti-social personality disorder;
- 50% consume alcohol at dangerous levels;
- 30% are pathological gamblers;
- 70% are smokers;
- 75% have alcohol and other drug problems;
- 21% previously attempted suicide;
- 37% are Hepatitis C antibody positive;
- 31% are Hepatitis B core positive;
- 16% are obese;
- 25% have attention deficit and hyperactivity disorder.

For women prisoners their profile is:
- 81% have Post Traumatic Stress Disorder;
- 75% have been physically or sexually abused;
- 38% have drug related health problems;
- 39% have previously attempted suicide;
- 23% are on psychiatric medicine;
- 36% have previously been admitted to a psychiatric or mental unit;
- 66% are Hepatitis C antibody positive;
- 42% are Hepatitis B Core Positive.


Whether crime produces each or all of these debilitating dimensions or whether such dimensions make crime a more likely event, is an open question. Less equivocal is how authorities view the continuum of willed as against determined behaviour. Immediately following the set of prisoner characteristics listed above, DCS states:

While these figures do not absolve prisoners from accountability and responsibility, they do suggest that underlying issues which have contributed to them coming into contact with the justice system need to be considered in our practice and planning.
In other words, the pathways into custody might be littered with all manner of adverse experiences but they are also characterised by choices freely made – of decisions which, by default, could have been other than they were. I think there is a particular kind of violence – not in the holding of people to account or trying to change their lives – but in punishing people for events which share complex and collective genealogies. Further, I believe that although secure care and/or prison portends to concern itself with the individual, the very act of confinement punishes much more than this (the classical self). In effect, what the individual is punished for is their incapacity (and perhaps learned unwillingness) to recalibrate their lives toward situations where the need or desire to repeatedly offend is minimal (and preferably non-existent). This is, to be sure, a somewhat contentious claim. Prison statistics, prison films, and much correctional oriented research tend all to proceed from the assumption that prisoners fundamentally deserve what they get. Millions of people, the argument goes, have survived far worse traumas than child abuse or police beatings or the loss of one or both parents early in life and have emerged to live full and productive lives (turning trauma into a ‘positive’). So what is so special about prisoners? Why are their hardships any more intractable or profound than those of other marginalised or disenfranchised groups? One response to these questions would be to argue that prisoners suffer disproportionately from social stigma in ways that, for example, returning veterans, or persons released from prisoner of war camps, or persons trying to progress from the status of homeless to housed, do not. Prisoners, in addition to having to reside for lengthy periods beyond the regular and taken-for-granted routines of the general community, must also contend with the hefty weight of social suspicion even where each may have召唤ed the desire to start anew or ‘make good’ (Maruna 2001).

P: Now that I look back on it, I wish I never started doing crime ... Because it’s hard for me now to go out there and do – try and do the right thing, when there’s people who just look at you, you know, like, you’re a criminal and you’re always going to be a criminal ... You try to do the right thing and then they just look at you, you know, like ... treat you like you’re nothing ... You’re not – you’re not worth giving a chance to.

(C, 29:8)

Another reason for viewing secure care residents and prisoners in a different light is that they have very few means for shaping their own pathways whilst in lock-up and yet are expected to play a central role in addressing their (assessed) ‘criminogenic needs’. In short, prisoners are asked and expected to become the authors of their future precisely at the point where the capacity to do so has been all but removed. Reincarceration rates strongly attest to the failure of prisons from a rehabilitative viewpoint. But statistics only tell one kind of story – the story of the average or archetypal case. Less well known are the lived (and necessarily diverse) experiences residing ‘behind’ the general trends of crime and punishment (see Lyon et al 2000; Arnell et al 2005; Barry 2006; Crewe 2006). For this reason, and in order to bring a sense of scale to the world’s negotiated by persons incarcerated, I want to offer several extended excerpts which go to the issue of subjectivity, responsibility and the appropriateness of confinement as a response to what are, in the vast majority of cases, crimes committed out of lack of socially supportive environments rather than some innate will to offend or to do damage. I do not pretend that the scenarios relayed below are representative of the experiences of the wider population of young men in custody. And I do not wish to argue that there is a direct and unyielding link between trauma and crime – that trauma ipso facto leads to other kinds of violence. My claim is a little more modest than this. Simply, that the situations below might be viewed within the context of the struggle to survive and that confinement is perceived generally to elongate this struggle by entrenching factors associated with the initiation of offending. Let me begin with the narrated effects of familial abuse.
I: So from year 7, at about ... age 12 you sort of were on your own in a way.
P: I was with ... my mum till I was 12 and then, yeah, now I just move around.
I: ... And why did you run away from home?
P: I was getting abused ... And so, yeah, I couldn't handle it no more, so ...
I: By your parents?
P: By my mother ... I don't know where my father was ...
I: ... [So] you left home because your mother was abusing you, is that right?
P: Yeah, but I guess I could have put up with it until, you know, I was a bit older ... [But] I think - I think if I wasn't getting abused I would have, you know. It would have been different ... But I think if I didn't run away from home it would have been different also.
I: Right. And then with your mother - are you talking like physical or verbal or sexual abuse?
P: Physically ... For hours.
I: ... And how ... young [were] you ... when this would happen? Under 10?
P: Yeah, yeah, pretty much ... She hit me with a stick ... She used to just sort of like fucking hit me with her hand pretty much most of the time, you know ... And then just while I'm cleaning up and shit ... she'd be, you know, verbally fucking running me down and shit. And then after, you know, she made me just face the wall and put my hands up. And that used to hurt. You know, for hours too.
I: Just stand there like that?
P: Yeah, with my hands up like right in the air ... Like just straight up and if I'd bend my arms she'd get up and start hitting me again ...
I: And what do you think she was doing this for? Like where - where was this coming from, do you know?
P: I don't know ... I wouldn't have a clue ... I kind of blame her for my brother's death as well. [He took his own life when he was 18] ... Cos she used to bash him pretty bad too, you know ... She even used to smash plates over his head ...
I: And was he older or younger than you?
P: He - he was 10 years older.
I: Right, right. Do you have anybody you look up to at the moment, like any role models? ...
P: No, no-one.
I: Okay. Who do you trust?
(D, 3: 1; 36:23)

In all interviews - usually towards the conclusion - I ask each young man to comment on whether they felt forced into or actively chose to commit crime. What has been quite remarkable, and is reflected in the studies by Maruna and McKendy cited above, is the auto-construction of crime as choice - as a choice largely unqualified and unhinged from the rich (and necessarily messy) contextual detail provided by each participant concerning their 'life course' at other points during interview. In short, young men in lock-up evince a disturbing readiness to view themselves as the (sole) author of their situation.

I: Do you think that you chose to commit crime over that period or did someone force you into it? ... Or was it circumstances or ...
P: I had a few bad influences around me but, yeah, it's pretty much my only choice I guess.
(D, 18: 27)
The following excerpt offers another graphic illustration of the way in which crime is narrated as epiphenomenal to the trials and tribulations of one’s biography.

I: Okay. So ... how did you start, you know, getting involved with stealing vehicles and why?

P: I don’t know. My upbringing. That’s why I got stuck into it all and I just started running amok from memories and flashbacks ... I thought I had a f**ked up life ... My stepdad used to treat me like shit ... Beat me up every day and probably like three times a week he’d smash me ... When I was about 12, mum walked in the room one day, you know, seen it and then they broke up and since then I’ve just had memories ... and run amok ... And that’s what got me into it ... [But] I can’t blame him all the way cos it’s my actions as well.

I: Right.

P: But it’s hard standing back because [of] the flashbacks ...

I: And when you say the flashbacks, are you talking about like the – the violence that was done to you? ...

P: Yeah.

I: And would it - you know, would it be to the extent that you couldn’t go out the next day or something because you’d been pretty badly injured?

P: Yeah ... [I remember one incident where he] was on top of me, punching me in the face and my nose was pissing out. I whooshed up like a golf ball. My lip was all busted, yeah.

I: And what would that specifically be over? ...

P: Jealousy ... When I [first met] him I, like, felt good. I thought I was going to have a dad because my dad was ... in Yatala [Labour Prison] ... [But] he was jealous at the start because he wanted kids and my mum gave me all the attention ...

I: Did anything ever happen to him or did it ever get reported, all the stuff he did to you? ...

P: I was too scared to say anything ... That’s the only time that he really done - that he done something to me and mum walked in and seen it ... Every other time it would be like just a couple of punches to the face and ...

I: And so your mum wouldn’t see?

P: No, the bruise – it would just be bruised on the inside ... Or in the guts. He would kick and shove me and stuff ... Just really bad there and boot me and she wouldn’t say – see nothing and I couldn’t say nothing because I was too scared that I’d get it worse.

(E, 11: 46)

This is just one of several instances of abuse this young man suffered as a child (indeed he was still legally a child at the time of interview). The desire or need to constitute oneself as ‘in control’ of one’s life comes, as in the previous example, to the fore when asked about the role of choice in the context of offending.

I: Right, okay. And ... [after] all of that ... if I asked you: ... Did you have control over your [offending] behaviour or was there something forcing you into [it]? What would ... you say?

P: I just don’t stop and think ... But I’ve grown up more now. I grew up before I’d done what I’d done. I’ve matured a lot.

(E, 24:44)

In the following excerpt, crime enters the biography of the young man as an entirely reasonable (natural) course of action. When an older and respected relative asks him to ‘go do a house-break’, this is as much a calling or moment for coming of age, as it is a time to be fearful or hesitant.

I: ... Overall how long have you spent in secure care?
P: Four and a half years now ... [since I was] 14, 15 ...
I: Can you tell me about the first time you did any time for crime? What were the circumstances?
P: Um, house-break ... My uncle didn’t have no one to go and steal with him, so he just asked me and I just said, ‘Yeah, okay’ ... Yeah, I went along and we did this house-break and just, yeah, just started off from there then.
I: How old were you ... when that happened?
P: About 13, 12, say ...
I: ... What did you expect to achieve from doing crime that you couldn’t get from going down other avenues?
P: Being noticed, you know, like. Yeah, being up there, you know what I mean? ...
I: Being noticed by who? ...
P: All the young fellas in here, like all the young criminals and that shit in here, like. Of course, my family didn’t really care about me, like when I was down in [names location] I was sniffin’ petrol and that, so the only person that cared about me is my uncle, you know? And he started me off in crime, you know? But he cared about me, you know? At least he made the effort to get me out of [names location] ... to stop that shit, you know? ... So yeah, I just thought, you know, if I can - my parents don’t care about me so I’m gonna go and do crime, you know, all my life so one day I’ll get locked up for a long time for something, you know? And then they will start recognising me, you know? Start feeding me, you know what I mean?
(F, 3:12; 15:30)

In passages such as this, I do not sense a will towards violence. At the time of interview the young man was locked up for a serious interpersonal offence and was serving a near two year sentence as a juvenile. What I sense, at the risk of over-dramatising the situation, is a yearning for family, or for a life that could be lived again in a milieu of social, cultural and urban non-violence. As if willing himself to rise above the difficulties of childhood, this young man offered an intriguing account of how his actions connected to ‘internal’ and ‘external’ loci of blame (ultimately asserting that it was he who must put things ‘right’ even if others had assisted or led him to do ‘wrong’).

I: And if I asked you like, just in general terms what - what caused you to do crime, what would you say?
P: My family ... just haven’t been there for me, you know ... No one to look up to that was good, you know what I mean. Just ain’t been around in my life, you know what I mean, yeah.
I: Right, okay ... But for the future you’re pretty ... hopeful and you’re pretty confident?
P: Yeah, like fuckin’, that’s all in the past, all my family shit, you know. I’m all grown up, you know ... I think about my family, like they wasn’t there for me. But just because they wasn’t there doesn’t mean that I have to be like them and go down the same track, you know. Cause I don’t want all of my problems to go on my kids, you know what I mean? ... Just go down a different track, you know. You can change, you know. You don’t have to be like other people, you know, like your family and that, you know. There’s other roads to go down, you know ... If you don’t like what your family are doing, don’t go down that road, you know. If you don’t like it, don’t do what they do, you know? Do something different, you know what I mean?
(F, 61:35)

Everything looks possible or easy in retrospect. Statements such as these are highly valued by programme managers, social workers and prison managers for they offer them proof that confinement can work – that it can, in the manner depicted in Cool Hand Luke, lead to ‘right
thinking’. But knowing something about the life of this young man, and the distinct lack of support he received on release, and knowing that he ‘graduated’ to prison within a few weeks after being released from secure care, my contention is that it is the rhetorical refrains of custodial programmes which are enunciated by young men in custody in place of the considered opinions or uncomfortable predictions of those doing time. I have contended elsewhere that the rehabilitation of young offenders is wedded to a ‘just add programmes and stir’ philosophy (Halsey 2007:364). As Rumgay (2004:414) insightfully remarks, ‘The mere existence of rehabilitation programmes is too easily taken as evidence of the provision of opportunities for personal change’. Most young men interviewed (including the young man quoted immediately above) had participated in the full suite of rehabilitation programmes and a large proportion had done so on several occasions (that is, had completed the same programme at least twice).

P: It’s just — just do the programme to get good marks and that for yourself, like good behaviour things.

I: But you’re not really taking notice?

P: No ... No, it’s just it — they — they don’t relate enough to us ... Like, there’s the programme Challenging Offending. They’ve got a basic book and they follow the basic book the whole time. Like, ‘If you’re at a party’, or ‘If a gang wanted you to join ... What would you do? What is the consequence?’ rah, rah, rah. Well, how many people here have been asked to join a gang? I mean, most kids here just hang around with their mates and do crime with their mates, not gangs ... Yeah and ... you’ll talk about something to your mate, like, ‘Oh yeah, man, like, I had this crash’ or something. Like, it’s still got to do with the [class] topic, what they’re talking about. But then they’ll come in ... and they’ll jump on your back. You can only talk when spoken to, trying to, like make it out like a prison ...

I: Okay. What could they do better in Challenging Offending? What would you like to see happen?

P: I would like to see them ask — ask us young offenders what — what we’d like to talk about and not just read out of a book. Ask each one of us individually, like, ‘So what have you done’ and ‘What do you think you could have done’, and things like that ...

I: Sure, okay, all right. And just roughly, how many programmes have you done here?

P: Oh, I don’t know ... about 10, 12 ...

I: Right, but and you’re saying to me the majority of them, you just do as a kind of a hurdle requirement?

P: Yeah.

(G, 18: 42)

The marginalisation of lived experience is a major means by which authorities control the limits of the desired (post)custodial subject. Talking about actual scenarios is generally seen as inimical to the therapeutic and didactic nature of programmes aimed, literally, at reprogramming those who participate in (more accurately, endure) them. What is particularly apparent from interviews is that programmes and other initiatives designed to get young incarcerated males ‘on track’, do not take sufficient stock of how and why people drift into or resort to crime. Managing anger, being aware and sensitive to victims, learning of the developmental challenges of transitioning from boyhood to manhood, leave a plethora of deep seated issues unresolved.

P: I — I’d pretty much had a rough life really, because every [foster family I was placed with] there was always, like, another young person that was there. And I always thought he was like, the top of the house and stuff ... because the parents were more concerned what they give to him ... [They] started beating me around and stuff.

I: [Did that] happen a lot ... at different places?
P: Yeah, until I started ... sticking up for myself ...
I: Was there a time when you remember when you first ... hit someone?
P: Yeah. I was about – about 7. Yeah, I hit and then – no, the son actually hit me first and then the father came along and started joining in as well ...
I: And what happened to you in that instance? ... Were you hurt badly? ...
P: Yeah, I was – and like, a couple of black eyes and that and just a fractured shoulder and that.
I: This is through the father joining in as well?
P: Yeah.
I: And so what happened in that case? Did he get reported? ...
P: No, not at the time. But ... when I realised I was old enough to say something ... and I knew ... a little bit about the law and stuff, I finally opened my mouth ...
(H, 5:43)

The issue here is not the anger or the insensitivity of the young man in custody, but the way in which circumstances conspired to force him onto the streets and into crime as a means of survival.

I: ... Why did you steal the cars in the first instance? ...
P: Because I [ran away to] the streets. And then I didn’t really care what I was doing at the time. And then after when I started stealing more and more cars I felt ... [more] comfortable being in the car than being on the streets because now I was warm all the time ...
I: ... It’s a really good point. I never thought of that, that stealing a car made you feel ...
P: Comfortable. Because, like, you know, there’s no-one there to hassle you and that.
I: Right, so with the cars ... you weren’t looking to necessarily thrash them or steal the parts or ...
P: Just to feel comfortable.
(H, 14:22)

Formally, the crime committed by this young man is theft/illegal use of a motor vehicle. But structurally and politically, the focus should be on the lack of viable options for persons who find themselves in situations where crime presents as the solution to one’s problems.

Equally as important as thinking about pathways into crime and custody are the scenarios surrounding offences committed following release from secure care or prison. Institutions charged with providing best practice in the ‘throughcare’ of residents and prisoners need to share some of the responsibility not only for occasional success stories, but, more critically, for circumstances surrounding the recidivism of ‘their’ clients.3 In previous publications (Halsey 2008a&c) I have highlighted something of the lived experience of post-release and, specifically, the circumstances which young men confront as a result of decisions made on their behalf by the state. These concern where they must reside, the programmes they should attend, and the risk factors (‘hazards’ such as drugs, alcohol, criminal peers) they should avoid. I do not doubt the difficulties of trying to engage people in the governance of their own behaviour post-release – especially when so few clients know what it means to regularly attend schools and/or workplaces or what it feels like to return to a stable supportive environment each day (or even to have a permanent place of residence). But having stated this, there is good evidence to suggest that poor if not

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3 My appreciation goes to Mark Brown for raising and discussing this theme with me.
incompetent decisions are taken by authorities resulting in dire consequences for young men released from custody.

P: [I] went straight for about a year and a half and then an accident occurred.
I: An accident occurred?
P: Not an accident. One of my — well, one of the DOs [detention orders], the first DO I got, which is when me and my dad’s relationship starting going down, he hit me one day a couple of times and I stole his car ... I just needed to get away.
I: He punched you?
P: Yeah, started punching me in the face. And the police, they’ve got photos. The whole side of my face was swollen ...
I: Right ... How did things change for you? ...
P: ... I started getting the feeling that he didn’t want me ... I went and started breaking into [shops and houses] and started getting money to — bought my clothes and supplied myself with food and that’s when I started getting into the habit of doing that, like ’cause at the age, I couldn’t go find myself a job, I couldn’t do nothing like that, so that’s when I started breaking in and I started getting too cocky and got caught ... They ended up sending me back to my dad, even though I sent a letter to the Courts ... to the Judge and told him what was going on. They still didn’t take it into my account because my dad persuaded them, gave them like a persuasion talk and see, the [youth] workers, they knew what was going on because they got phone calls from the neighbours saying they heard me screaming and dad going off his head.
I: And would the judge have seen the photos of you —
P: Yeah, he seen the photos ... [He] thought: ‘Oh, it’s just a one-off thing’ [and] that ‘it wouldn’t happen again’. But it did.
I: Right, okay, and [that’s] when you got caught for those series of break-ins ...
P: ... Yeah, I got a DO on that ... Yeah, for six months.
I: And you did the whole six months or did you get ...
P: I got conditional.
I: No worries, all right and so you came out of there. Where did you go from there? ...
P: Straight back to my dad’s. They sent me straight back to my dad’s ... because they thought: ‘Oh, it doesn’t look that serious’ ... And I mean, I was still going downhill, I was still doing crime, I got into trouble and that but they just kept on giving me bail to my dad’s house until I just couldn’t handle it no more and I just left school, I left my dad’s house and it was about a week later ...
I: So you were about 14 or 15 at this stage during Year 10?
P: Yeah ...
I: Then what happened about a week later?
P: And that’s when I got caught for aggravated robbery.
(1, 7: 28)

Who is responsible for this robbery? In terms of the crime as a discretely knowable and limited event, perhaps it is reasonable to suggest that the young man is responsible (he was, after all, in the formal legal sense, the willing rational perpetrator of the act). But in terms of the larger context and confluence of events preceding the robbery, the loci of responsibility appears to morph into something other than the single unified subject of a young male (repeat) offender. For when options for support are close to nil, and when a person feels trapped in a patently untenable and violent situation created at least in part by the directives of authorities, then crime becomes a collective event. There is, in short, something decidedly inequitable and unjust about the way accountability and responsibility
are assigned in the context of offending post-release. One final example will assist to illustrate this point.

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

(1, 7:38, 13)

It is, of course, a matter of conjecture as to what might have occurred had this young man not had to wait for independent living following his release. Responsibility for suitable accommodation rests with government agencies. Such agencies need to take seriously the micro-social dilemmas which tend to arise when people released from custody are forced into stressful familial environments, emergency accommodation, or whose placement is decided on largely against the will or better judgement of the young person concerned (Halsey 2008c). These are all circumstances apt to derail the desistance process. It is not a matter of saying ‘the system’ is wholly responsible for the criminal acts of young men, or that young men always or even sometimes get a raw deal. Rather, it is a matter of working towards the creation of pathways prior to, and where necessary, within and beyond custody, which permit persons to make non-trivial choices about their lives. In Matza’s (1964:181-191) terms, the task is to ward off the entrenched milieus of ‘fatalism’ or ‘desperation’ and the series of infractions (narrated by young custodial subjects as solutions to such milieux) these typically invite.

Concluding Remarks

I began this article wishing to relay something of the seminal events that frame the lives of many young men caught up in cycles of crime and reincarceration. Part of my argument has been that a very narrow (and hence politically and legally workable) conception of responsibility attaches to the body of the young custodial subject. I have tried to show that this form of responsibilisation (Garland 1996; Bosworth 2007) does violence to the ways in which many young men resort to crime – not as fully volitional and willing actors – but as persons whose recourse to crime is a logical response to life’s challenges.

P: It’s just, like, I know there’s - I know there’s ways that I can make money out there, like legit styles, and that, you know, but this [doing crime] is the only way I know until I find out [a different way], like ... Until I find out the right way to make money, you know, I’m
gonna keep on doing crime. You know, I know there’s other ways, you know, but ... I’m just gonna steal [until I learn differently]. This is easier for me.

(F, 14:47)

P: [M]y mother, she has a drug problem, she sold some of my belongings to Cash Converters and stuff like that and I got a bit angry at her for it and she kicked me out of the house and withdrew her guarantor, so I was basically on my own. So I started stealing cars as places to sleep in, and yeah. I used to go out every night, make my money in that car ... used that car just to make a living, yeah ... I was selling marijuana for a while ... It was getting pretty bad ... I had my friend’s house I could go back to but his nan’s pretty sick, so I didn’t really want to intrude on them ... So I was just using cars as bedrooms and after a while it just escalated to going back to making money by doing shop breaks and stuff like that ... Just to live, survival money.

(K, 3:16, 12)

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

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

P: Yeah ... And then the DNA come back ... and I got done for everything I done.

(L, 6:33, 12)

Foucault has brilliantly articulated the relationship between incarceration and the soul, and, more specifically, of attempts by experts to learn where the essence of criminal conduct (or the will to violence) resides. It is not that biography is absent from contemporary corrections. On the contrary, it threatens to burst onto the scene in all manner of inconvenient ways – in ways which interrupt the ‘truth games’ (Foucault 1984) engaged by politicians, judges, psychologists and so forth.

The delinquent is to be distinguished from the offender by the fact that it is not so much his act as his life that is relevant in characterising him. The penitentiary operation, if it is to be a genuine re-education, must become the sum total existence of the delinquent, making of the prison a sort of artificial and coercive theatre in which his life will be examined from top to bottom ... The introduction of the ‘biographical’ is important in the history of penalty [because] it establishes the ‘criminal’ as existing before the crime and even outside it. And, for this reason, a psychological causality, duplicating the juridical attribution of responsibility, confuses its effects. At this point one enters the ‘criminalological’ labyrinth from which we have certainly not yet emerged: any determining cause, because it reduces responsibility, marks the author of the offence with a criminality all the more formidable and demands penitentiary measures that are all the more strict. As the biography of the criminal duplicates in penal practice the analysis of circumstances used in gauging the crime, so one sees penal discourse and psychiatric discourse crossing each other’s frontiers; and there, at their point of junction, is formed the notion of the ‘dangerous’ individual, which makes it possible to draw up a network of causality in terms of an entire biography and to present a verdict of punishment-correction (Foucault 1977:251-252).

This passage neatly captures the present approach to managing residents and prisoners. Discipline, wrought by way of the infantilising procedures and routines of lock-up, runs a manic course between trying to locate the social antecedents to crime only to then declare that such antecedents, if/when found, exist outside the acceptable range of reasons why people do in fact turn to crime. Prisoners can have a social background, but they cannot
invoke their trials and tribulations – their stories of neglect and violence – as contributing to their offending. To do so would be to violate the central canon on which punishment is based. But, and equally, it would also enable the social and cultural contexts – complete with their ambiguities and apparent contradictions – to play a meaningful role in thinking through constructions of the (post)custodial subject, and thereby, the play of forces which punishment strives to ‘correct’.

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