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SEEING AND RESPONDING: HOW STUDENTS PERCEIVE SCHOOL PERSONNEL TO FAIL TO RESPOND TO BULLYING

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Abstract
Although research has shown that students and school personnel believe that adults respond to bullying at different rates, it is unclear why these differences occur. Using open-ended survey responses from 189 students, this study investigates why students perceive that school personnel fail to respond to bullying. Students articulated a variety of reasons for school personnel’s lack of response, including ways in which they could fail to see, notice, or respond to the bullying. In turn, students used their agency to understand and counteract school personnel’s lack of response. Theoretical and policy implications are discussed.

Keywords: victimization, responding, visibility, school climate, school violence

INTRODUCTION
Schools across the country have faced the issue of bullying for many years. Self-report estimates over a ten-year span indicate that 22-32% of students have experienced bullying victimization (National Center for Education Statistics, 2016). However, there is a disconnect between students and school personnel (e.g., teachers, administrators, and other school-based authority figures) in their perceptions of how bullying is recognized and addressed. Specifically, teachers believe they respond to most bullying scenarios whereas students claim that teachers respond infrequently (Dake, Price & Telljohann, 2003; Mishna, Scarcello, Pepler & Wiener, 2005; Pepler, Craig, Ziegler & Charach, 2009; Stockdale, Hangadumbo, Duys Larson & Sarvela, 2002; Varjas, Meyers, Bellmoff, Lopp, Birckbichler & Marshall, 2008; Vaillancourt, McDougal, Hymel, Kryhsman, Miller, Stiver & Davis, 2008). For instance, Pepler and

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colleagues (2009) found that teachers claimed to intervene in 85% of bullying incidents, whereas only 35% of students claimed teachers intervene.

The reason for the discrepancy between students’ and school personnel perceptions about the extent of intervention is not entirely clear. One common explanation for this discrepancy is simply that school personnel are present less and thus see bullying less than students do (Atlas & Pepler, 1998; Craig & Pepler, 1997; Hanish & Guerra, 2000; Mishna et al., 2005; Newman, Murray & Lussier, 2001). In a literal sense, school personnel may be present less than students in bullying situations. However, prior research has largely neglected to address “seeing” as a more interpretive process in which school personnel have considerable influence upon constructing whether and how bullying requires intervention (Hazler, Miller, Carney & Green, 2001) or interpersonal factors influence students to refrain from seeking help from school personnel in the school context (Newman et al., 2001). This alternate framing of seeing bullying may help elucidate the considerable gap between students’ and teachers’ reports about the frequency of school personnel intervening in bullying.

The following study uses grounded theory methodology to investigate students’ perceptions of how school personnel see and respond to bullying. Theoretically, this paper contributes to the literature on response in bullying scenarios by identifying “seeing” as a co-constructed precondition of response to bullying (Swearer & Doll, 2001). A primary consequence of being bullied is a loss of agency as one is unable to defend one’s self in the school environment (Farrington, 1993; Sercombe & Donnelly, 2013). In turn, a loss of victim agency is compounded when school personnel fail to respond. Understanding seeing and response within a social-ecological perspective elucidates how students may feel invisible and then work to reclaim visibility. Within these frameworks and emerging from the data, this paper argues that school personnel seeing student victimization is a precondition to response and defending one’s self. In this way, as bullying is a co-constructed process in schools (Pianta & Walsh, 1996), responding to bullying is also a process co-constructed by students, school personnel, and other actors in the school.

Reasons School Personnel Fail to See and Respond

Studies have frequently documented the differences between student and school personnel perceptions of responding to bullying (Dake et al., 2003; Mishna et al., 2005; Pepler et al., 2009; Stockdale et al., 2002; Varjas et al., 2008; Vaillancourt et al., 2008). However, research is relatively scant in exploring how and why this discrepancy exists. Although school personnel do not intervene with consistency for a range of reasons (Atlas & Pepler, 1998), they often fail to intervene because they are simply not present during bullying interactions (Hanish & Guerra, 2000) or because they are unaware bullying is occurring (Newman et al., 2001; Mishna et al., 2005; Hazler et al., 2001). Thus, prior literature suggests school personnel often do not respond because they fail to see bullying (Dake et al., 2003; Hanish & Guerra, 2000; Newman et al., 2001; Mishna et al., 2005). Failing to see may manifest both in literal failures to be present during the moments of a bullying interaction or interpretively through perceptual discrepancies between students and school personnel.

An interpretive explanation of a failure to see is that students and school personnel have internalized different working definitions of bullying and response that cause actors to recognize them differently. Research offers mixed evidence regarding the extent to which students’ and school personnel’ definitions of bullying converge. On one hand, in line with adult-centered
definitions of bullying—including dimensions of repetition, intentionality, and power imbalance (Olweus, 1993)—some studies have found that students define bullying as physically aggressive behaviors (Arora & Thompson, 1987; Boulton, Trueman & Flemington, 2002; Smith & Levan, 1995). However, other studies found differences across the two groups (Elinoff, Chafouleas & Sassu, 2004; Varjas et al., 2008). For example, in contrast to adult-based definitions, students have been found to focus on the consequences or negative effects of the interaction rather than the characteristics of the interaction itself (Monks & Smith, 2006; Varjas et al., 2008). In turn, some researchers have called for a need to expand the definition of bullying beyond adult-centered interpretations to include the perceptions of students (Elinoff et al., 2004; Farrington, 1993; Varjas et al., 2008).

To provide a more complex understanding of bullying and response, researchers have couched definitions in the school context within multiple contemporary theories that highlight student perspectives. For instance, a social-ecological approach to understanding bullying and response suggests that a dynamic range of actors within the school constructs both bullying and responses to bullying (Bronfenbrenner, 1977; Hong & Espelage, 2012). Within the school environment, constituent stakeholders are forming and reforming a working definition of bullying as well as determining the appropriate response to bullying. Problems of bullying and victimization are negotiated among the range of actors where each actor engages in a process of "reciprocal interplay" (Swearer & Doll, 2001, p.10) which allows individuals to contribute to a working definition of bullying and negotiate appropriate responses. Thus, the construction of bullying and responses to bullying come to fruition through a range of interpersonal interactions among individuals within the school, and in turn, individual decisions are both informed by and help to influence the school context more broadly.

Applying a critical lens to a social-ecological model suggests that some actors in the school environment hold more power than others to define bullying and response (Frisén, Holmqvist & Oscarsson, 2008; Hazler et al., 2001; Mishna et al., 2005; Vaillancourt et al., 2008). For example, school personnel can act as definitional gatekeepers, where through sanction or acknowledgment, they may legitimize a victim's experience of bullying. Thus, defining bullying is often a complicated task of unraveling distinctions between what adults and students have counted as bullying. In a similar vein, research on bystander intervention has identified how outside actors can play powerful roles in sustaining or preventing bullying (Twemlow, Fonagy & Sacco, 2004). As such, bystanders may act as reinforcers of bullying or defenders of victims (Polanin, Espelage & Pigott, 2012), and thereby produce visibility for victims or silence them. From these theoretical perspectives, a failure to see bullying may be read as a denial of reciprocal interplay (Swearer & Doll, 2001) in which a student’s experience of bullying is delegitimized through the non-response of bystanders (e.g., school personnel) that hold power in the school environment.

Indeed, prior literature has demonstrated that from an adult-centered perspective, school personnel make decisions when deciding to intervene in a bullying incident (Atlas & Pepler, 1998; Dake et al., 2003; Mishna, Antle & Regehr, 2004; Pepler et al., 2009; Stockdale et al., 2002; Ziegler & Rosenstein-Manner, 1991). For instance, teachers are less likely to intervene if they blame the victim for the altercation (Mishna et al., 2004) or if they are complicit in the bullying scenario (McEvoy, 2005; Whitted & Dupper, 2008). Additionally, teachers’ understandings and definitions of bullying affect whether they are likely to respond (Boulton, 1997; Mishna et al., 2005; Siann, Callaghan, Lockhart & Rawson, 1993). That is, teachers are
more likely to intervene or react when incidents are congruent with their internalized, typically adult-oriented definitions of bullying.

Although school personnel retain the ability to make decisions about responding, student agency may still play a role in eliciting a response from school personnel and producing visibility in the social context of the school environment. A central negative consequence of being bullied involves an oppressive quality (Farrington, 1993) wherein students cannot defend themselves from the bully. In this sense, the victim is bullied into a loss of agency and in which they cannot occupy a healthy place in the social structure (Sercombe & Donnelly, 2013). Within the social-ecological framework, a loss of agency involves removal from the social context as individuals lose their ability to contribute to the working definition of bullying and response. In contrast, from the merged social-ecological and critical perspectives, reclaiming one’s agency involves producing visibility that compels a response. Although bullying literature has traditionally focused on a central element of bullying in which victims are unable to defend themselves due to constructed power imbalances, students may also retain the ability to reset power differentials to reclaim their agency—and in a theoretical sense, their reciprocal interplay—by producing visibility.

**Current Study**

Although prior research has identified potential reasons why students and school personnel might disagree about the extent to which school personnel respond to bullying, these studies have largely neglected students’ agency and the extent to which they are able to exert power. If students attempt to make their bullying victimization known to school personnel but do not receive an adequate response, they may feel that their problems have been delegitimized and that their agency has been diminished. In this manner, from a student-centered perspective, a response from school personnel provides a sense of legitimacy. As such, this study focuses on students’ perceptions of why school personnel failed to respond to bullying with an emphasis on students’ agency. It examines the ways in which school personnel are depicted to delegitimize—through failing to see or respond—students' victimization experiences. To our knowledge, this study is among the first to investigate students’ perceptions of the reasons for the well-documented gap between students’ and school personnel's perceptions of the frequency with which school personnel respond to bullying. This study investigates two research questions: (1) In what ways do students perceive school personnel to delegitimize their bullying experiences through not responding? (2) How do students understand non-response and counteract a lack of response through creating visibility?

**METHOD**

**Sample and Data Collection**

The data used in this study come from a subset of responses to a statewide school climate survey of 64,992 middle and high school students from 127 public high schools within 27 school districts across a Southern state in the United States. Participation in the study was not mandatory for all schools in the state; the sample of schools included here represents school districts that chose to undergo data collection and technical assistance around various initiatives aimed at improving school climate. Students completed the surveys online while they were at
school. Students’ responses were de-identified and stripped of all demographic information before the researchers had access to the data. Following a series of fixed-choice questions about school climate, students were given an option to provide an open-ended response to the prompt “If you have ever been bullied or harassed at school, please tell us a little bit about the incident and why you think you were targeted.” After removing all students who did not respond or whose responses contained only the word “No,” 8,531 responses remained. These responses were further refined using the process described below to yield a final analytic sample of responses from 189 students. Note that students were not specifically asked about school personnel responses to bullying; this was a theme that emerged from the data without prompting students to address this phenomenon.

**Data Analysis**

Four coders generated a coding scheme for analyzing the data. First, the coders independently read 300 student responses and created a set of codes that reflected the most prevalent themes using open coding. Using this initial set of codes, the coders next read and coded 100 responses, reconvening again to compare their coding. The coding scheme was revised based on discrepancies in the coding, as well as new themes that emerged after reading additional student responses. This process was repeated until the coders reached an acceptable interrater reliability (average $\kappa$ across all codes = .88). After establishing this final coding scheme, the four coders processed all 8,531 student responses using the coding scheme that was developed. To maintain consistency in coding over time, the coders used the constant comparative method (Glaser, 1965), where the coding decision for a given response was compared to both the definition of the code and prior responses that had been assigned the same code. All responses were double-coded and any discrepancies were discussed by the two coders and resolved by consensus. All coding was conducted using DiscoverText, a web-based program for analyzing text data.

One of the codes identified student responses that included language about any school-based employee—either faculty or staff—whose actions or inactions facilitated the experience of bullying victimization for the student respondent. Note that this code did not include overt acts of bullying by the adults. This code was applied to the 189 student responses that constitute the analytic sample for this study. Across the sample, the open-ended responses ranged from brief short answer responses to multiple paragraphs in length. All responses were left unaltered in order to better represent the voices of each respondent. These 189 responses were entered into a single document for analysis, which yielded the typology that informed the current study.

Following the grounded theory methodological approach (Charmaz, 2008), we used two steps of inductive analysis: open coding and axial coding. First, open coding involves conducting a line-by-line reading to explore the data, read each student's response and provide individualized analysis. The purpose of this first stage was to find emerging themes in the failure of school personnel to intervene. Second, we conducted axial coding. This step involved searching the qualitative responses for systematic patterns and themes and making parallel connections between sets of individualized codes. In the presentation of our findings below, several quotations from students’ responses are presented. These responses were selected for their representativeness of each theme and are provided exactly as the students typed them.
FINDINGS

The following findings demonstrate how students explained school personnel’s lack of response to bullying. Students perceived that school personnel engaged in an array of behaviors that prevented them from responding, ranging from passively failing to recognize bullying to actively attempting not to recognize bullying through various actions or narrative techniques. These descriptions offer a counter-narrative to the conventional explanation in the literature that school personnel are not present and, therefore, cannot see by demonstrating experiences in which students perceived that school personnel were present and saw the bullying but still failed to respond. The findings are presented in two parts. The first part provides a typology of the ways students portrayed school personnel as failing to respond to bullying. The second part examines how students explained and counteracted the school personnel’s failure to respond.

A Typology of Not Responding

**Social Status.** A common student construction of not responding took place in merging the inability of school personnel to recognize bullying with the social status of the person who engaged in bullying behaviors:

The so-called popular kids seem to have it much easier at this school than any of the others I have been called ‘fat’ by football players, multiple times, and teachers I KNOW, have hear it, and don’t do anything about it. I don’t find it quite fair that they don’t take bullying as dramatic as they should (Student 39).

Students recognized that the social status and personal characteristics of the individual doing the bullying disguised the nature of their actions towards others in the eyes of school personnel:

…a boy who was a year ahead of me and also a popular redneck, would go around and pick on the unpopular kids in a very unfair way, sometimes making fun and laughing when they cried, but yet our principles were so oblivious to his true nature that they did nothing and were even friends to him (Student 10).

In these previous passages, students merged the notion of the school personnel’s lack of response to the event with students’ social status within the school.

The protected social status of some students—and by contrast, the vulnerable social status of other students—played into the social ecology of the school in which school personnel’s failure to respond to bullying reified extant social stratification and allowed victimization to occur without formal sanctions. Students noted that the passivity of school personnel in recognizing bullying and apprehension in confronting particular individuals due to their social status contributed to the lack of response to students’ claims about bullying. In the dynamics of bullying, students were aware of how one’s status affected response:

I am cadet in the JROTC program here at the high school and there have been many times where I have felt bullied by the others cadets because they could get away with it and because they did not like me. A lot of times bullying gets overlooked because of who is doing the bullying (Student 7).
These social statuses were often explained by achievements or attributions based on family or community factors. Achieved statuses most often came from athletics:

…he was captain of the sports team and therefore he couldn’t get in trouble. I went to the teachers and they ignored my complaint because it was that student although I had evidence and people to back my statement up. He continues to bully others with no fear of being caught because the school is extremely bias towards its sports players (Student 2).

However, status could also be attributed based upon familial circumstances:

[After a fight due to bullying] Not once was I asked if I was okay, or if I was hurt. I received 5 days OSS (out of school suspension) whereas the thief received none. This is because it was Dr. Susan’s (pseudonym) son, former superintendent of the school system in which I now reside (Student 22).

In these circumstances, the protected status of the bully was seen as mitigating the sanction or public recognition of the bullying event. Through understanding the school’s context—in particular, the social stratification within the school—many students described social status as a reason that school personnel failed to intervene in their bullying experience.

What Counts as Bullying? Corresponding with literature deeming adult definitions of bullying as overly restrictive (Arora, 1996; Farrington, 1993; Olweus, 1993), students indicated that school personnel failed to recognize bullying outside of limited definitional parameters, which undermined their capacity to recognize nonphysical forms of bullying. Across the sample, students who implicitly maintained inclusive definitions of bullying that focused on its negative effects remarked that school personnel often did not validate emotional, social, or relational aggression as bullying. This gap between students’ and school personnel’s understanding resulted in complaints that non-physical bullying was not counted as true bullying or went unheard by school personnel: “Adults at this school act like they care about bullying, but they don’t really do anything to control or stop the bullying if it is an emotional attack” (Student 32).

As noted in the literature, school personnel are more likely to characterize bullying through conventional definitional components such as repetition, direct rather than indirect bullying, and intentionality and power imbalances (Olweus, 1993). Yet, as Guerin and Hennessy (2002) have maintained, bullying can be understood as based on the harm of the experience, rather than if the event meets strict definitional criteria. Although school personnel may fail to recognize different modalities of harassment as bullying, the experience still is recognized by students as bullying: “I’m a cross dresser and I’m Pagan-Wiccan. I’m heavy set and I like what I like. I’m harassed because of my weight and personality. But nobody ever does anything unless someone is physically hurt” (Student 30). Students noted that bullying behaviors often ran tangentially to conventional understandings of bullying by school personnel and thus remained invisible to them. Other harmful modalities of bullying (e.g. sexual/emotional) were minimized through conventional, adult-based definitions of bullying:

Minding my own business one day, a guy grabbed me in sexual way and then made sexual comments. The same guy has made several sexual comments throughout my
high school career. Even though I have reported him several times for the comments but no action was taking until the physical harassment (Student 31).

In the previous passage, the student noted the discrepancy in seriousness towards different forms of harassment (i.e., verbal versus physical). Despite the harm caused to the individual, school personnel refrained from responding or even actively dismissed the claims because they failed to read non-physical actions as sufficiently harmful. In each of the excerpts in this section, students connected definitional differences with school personnel’s responses to their victimization. That is to say, the experiences of the victim were narratively linked with their failure to be recognized as legitimate bullying in the co-constructed definition within the school environment.

Zero Tolerance. Another technique of not responding that emerged from the data came in the blanket zero-tolerance policies that were perceived by students as unhelpful to bullying victims. Zero-tolerance policies are generally defined as “a method of sending a message that certain behaviors will not be tolerated, by punishing all offenses severely, no matter how minor” (Skiba & Peterson, 1999; Skiba & Knesting, 2001), and often set forth predetermined taxonomies of offense and punishment mandating particular responses to offenses. Although zero-tolerance policies began as a way of limiting the presence of weapons and drugs in schools, some schools eventually expanded these policies to include other offenses such as fighting and bullying (Skiba & Knesting, 2001; Skiba & Peterson, 1999). Interestingly, among the students in this sample, zero-tolerance policies were understood as supplanting the requirement for a school personnel’s response. Students narratively linked the existence of zero tolerance with the school personnel tendency to “look past” the victimization: “This school does nothing to help or stop bullying. They say they have a zero-tolerance for it, but that is a lie. They look right past it and do nothing” (Student 58).

Student accounts revealed constructed scenes in which the zero-tolerance policy itself was the response to bullying and thus precluded school personnel from having to act. Zero tolerance became the action that stood in place of having to intervene:

The next day she texted my boyfriend and told him that she was going to ‘Fuck my face up!’ I went to the principal and he told me to ignore her, then she went to the principal and showed him messages I sent her, but she deleted the ones she sent me at the beginning of the school year. He said that there is a no bullying policy and she got no punishment for threatening me or lying about the messages (Student 60).

Students expressed that having a zero-tolerance policy meant that school personnel no longer were required to act or provide sanction since they had already claimed their stance on the issue:

I felt ashamed to even walk in to the ROTC classroom when he was in there. The sad thing is, is that all he got is warning and in ROTC I almost got in trouble for saying something about it. I was very angry that in a school with a zero tolerance for bullying he got away with bullying me (Student 20).

Ironically, zero-tolerance policies were seen as undermining individual protections against victims. Zero-tolerance policies may exacerbate the harm elicited through imposing rigid conventional adult-based definitions of bullying. For instance, a zero-tolerance policy that
maintains strict and rigid punishments for bullies might decrease the likelihood that minor bullying incidents or unconventional bullying forms (e.g., emotional, social, relational) are recognized and punished. Thus, if bullying must be met with harsh punishments without consideration given to contextual or mitigating factors, students viewed school personnel as being less inclined to respond to different degrees of bullying.

The “If It Happens Again” Mentality. At times, school personnel were confronted with bullying interactions that victims brought directly to their attention. In these circumstances, school personnel were forced to recognize the existence of the bullying. Students recounted a technique in which school personnel would claim to respond but not take action or provide sanction. These typically manifested in the form of a warning, where school personnel would mandate that if it happened again, then they would act. This finding is in line with the literature that notes the crux of adult-based definitions often rests on repetition (Olweus, 1993) as a cornerstone of bullying. As one student said:

This guy would always touch me in an inappropriate way and the teacher said if it happened again to tell him (the teacher) and he would do something about it. But truth be told it should have been dealt with to begin with. And it’s happening to more girls than me by the same guy, and the teacher said the same thing (Student 11).

Students claimed that school personnel insisted that a behavior must happen at a higher frequency in order to be considered bullying or to warrant a response. These instances were often marked with warnings that came prior to sanction or public acknowledge of harassment:

Last year in 8th grade I was doing my work then boys in my classes like to pick on me talk about me and call me bad names. So I would tell the principal then they would say that they will get this person. Then the same person would do the same thing (Student 13).

Students noted this tendency for school personnel to mark bullying with pre-sanction or pre-acknowledgment (i.e., if they do it again, then it will be taken seriously). In the following quote, the student’s scenario of harassment indicates that teachers would continually give warnings with no limit in which formal sanctions occurred: “These little retarded boys get on my nerves because they are so childish and are always playing in class. It really does distract me and usually makes me have a bad day. Teachers usually give them warnings and that it” (Student 12). Despite the disruption, school personnel often responded to student complaints with postponement. Interestingly, student accounts demonstrated that school personnel’s postponement of sanction was linked with conceptions of time:

I was harassed at school by a boy, during band last year. He touched me and told me my boobs looked big. This went on every day in band. Was one perverted joke after another. I told the band director, she said she would do something about it, but she never did! I felt horrible every day! (Student 15).

As this student demonstrated, the danger of the “if it happens again” mentality is that it can be disrupted by breaks in time or space in the school. For instance, sentiments like it “usually makes
me have a bad day” and “I felt horrible every day” indicate that response warnings had delineations that caused them to expire and be reset in new environments or time frames (e.g., the student moves spaces, the following day the same class meets again). In addition, a warning that repetitive bullying behavior will result in sanction may reset once a class period ends, the school day concludes, or if the student switches to a new classroom guided by a different teacher. If warnings reset each day, then a student can be bullied for the entirety of their school career: “It has not stopped and will only stop once we all walk across the stage and graduate” (Student 58).

**Unjust Punishment.** Another technique of failing to respond came in the form of applying punishment to both parties—the bully and the victim. Students that experienced bullying and went unseen were forced to respond in some manner, which resulted in double punishment. Students depicted that school policies asserted that victims themselves were at least partially responsible for the result in the bullying interaction: “I feel the principals didn’t listen to me. Their picking (bullying) lasted my entire freshman year until they graduated. My mom had came up to my school numerous times and nothing was ever done about the situation. Everything always came back on me” (Student 16). Students depicted scenarios in which school personnel applied punishment to victims’ minor rule violations or attempted defense against victimization. In this sense, school personnel marked the victim as well as the bully as a rule violator. In turn, the victim’s claim of being victimized is effectively delegitimized because their response violated school rules. Students may feel in such situations that an unjust punishment consists of a second victimization that has been levied against them by school personnel:

> School officials do little help because it really seems like they don’t care. They just do what is convenient for them and treat us like an interruption, and do not give fair punishments to bullies. If people fight back, the instigator isn’t punished more than the victim and that’s not right (Student 17).

From a student perspective, school personnel were constructed as failing to respond until physical retaliation occurred from the victim. When a victim fought back against bullying and both parties were involved in the altercation (often because of nonresponse from school personnel), then both individuals were constructed as equally breaking the rules, which effectively delegitimized the original complaint of bullying. Thus, across the sample students noted the tendency for school policies and rules to indicate a re-victimization, where victims could be sanctioned for being victimized or claims of bullying could be delegitimized.

**Seeing and the Need to Respond**

The previous section demonstrated a typology of how students perceived school personnel to fail to respond to bullying. The following section addresses two items: 1) how students explained non-response; and 2) how students counteracted this lack of response. Specifically, the following section focuses on the relationship between seeing and lack of response from school personnel and on how students explained their ability to reclaim reciprocal interplay through producing visibility in the social context.

**Seeing, Noticing, and Responding.** In the previous section, students lamented the failure of school personnel to respond to bullying despite seeing the incident. Thus, for students, the concepts of seeing and responding were often two sides of the same coin, where the crux of delegitimization rested not on “if” school personnel could see bullying but “how.” This visibility
dynamic featured a couple of distinct elements. On the one hand—corroborating the first section of the results—students indicated that school personnel could see victimization in a literal sense but fail to respond: “My ex-boyfriend would yell at me, and sometimes wouldn’t leave it alone in the hall ways. Not one time did a teacher tell him to stop and they did see it happen” (Student 54). At other times, the relationship between school personnel viewing victimization and a failure to respond was attributed to factors that obfuscated the pathway between seeing and response: “…because of me just being the nice person that I am and I feel like that they teachers see it but don’t say anything about it” (Student 56). Such student accounts complicate conventional understandings of response by indicating that seeing does not always lead directly to response and that the connection between seeing and response may be disrupted by intermediary factors.

These intermediary factors were explained by the phenomenon of “noticing”—a term frequently used by students—to illuminate the underlying tension between visibility and response. Noticing, a parallel concept to seeing, referred to a process in which school personnel saw the bullying (either literally, interpretively or both) and recognized it as meriting some type of response. Students suggested that the act of seeing bullying was not enough to automate a response from school personnel; noticing was an intermediate step beyond seeing in which school personnel could be compelled to respond: “I don’t even do anything to deserve it, but when boys harass me they usually say something sexual or try to grab me. It’s pathetic how the teachers don’t even notice or they just look and look away and don’t do anything” (Student 35). Indeed, the addition of “noticing” suggested a broader visibility dynamic at play, where different forms of seeing manifested in the school environment. This intermediate step provides the point of departure for the following section investigating how students counteracted being seen but not responded to and the attendant sense of delegitimization. In other words, in situations in which school personnel saw or noticed bullying but did not respond—that is, “look and look away”—students could use visibility to compel school personnel to notice by making victimization undeniable in the social context of the school.

Fighting to be Noticed. As demonstrated, students depicted an array of techniques used by school personnel not to respond to bullying despite seeing it. Yet, these quotes also reveal how noticing is central to understanding response in a social-ecological framework. Quotes about seeing and noticing may be read as an interaction where actors negotiate the visibility of victimization and whether school personnel are compelled to respond. In this vein, noticing was a central mechanism that students could exploit in an effort to remedy situations in which their victimization was seen but still lacked effective response. By negotiating their visibility, students could counteract non-response and compel school personnel to notice and respond by creating a disruption visible to a range of actors. For bullied students, these disruptions could manifest in physical or emotional outbursts as reactions to their invisible victimization.

Specifically, students could become visible by drawing attention through violating school rules to reclaim reciprocal interplay. That is, when school personnel would “look and look away,” victimization could still be made visible through other means. In turn, from a social-ecological perspective, fighting to be seen represents a student exercising agency to reclaim reciprocal interplay, where disruption forces visibility. Understanding the parallel concepts of seeing and responding as the basis of a social-ecological interaction emphasizes the harm of not being seen or having to fight to be noticed by school personnel.
I believe that the faculty should be more proactive towards bullying instead of just blowing off the incident because some people do not take bullying well and they do not tell an adult what is happening to them and they take matters into their own hands and someone ends up getting injured (Student 14).

In the previous example, a loss of agency—and theoretically, of reciprocal interplay—was narratively counteracted by students’ efforts to “take matters into their own hands.” Hypothetically, the student leverages physical and visible bodily injury against the lack of proactive concern around bullying from school personnel. The student alludes that victims may make bullying and victimization—that school personnel have no urgency to uncover or reveal—visible through injury. Although non-physical forms of bullying can be made invisible by school personnel “looking and looking away,” physical injury produces a visible mark on the body and disruption in school environment that cannot be ignored.

Indeed, beyond these hypothetical narrations, students also indicated real efforts of physical retaliation as the culmination of regular victimization interaction with bullies. Despite their victimization not being immediately seen by school personnel, students’ physical retaliation and emotional outbursts provided leverage to force school personnel to notice. In this sense, victims could disrupt the social context forcing the range of actors to notice and implore school personnel to respond in one way or another: “One day, when the problems finally became overwhelming for me, and I had already politely asked the students to stop, I completely lost it. I began yelling at the students who were picking on me, and it became a distraction to the rest of the class” (Student 40). In a social-ecological framework, acting out represents the use of agency in which students create visibility by breaking the rules.

It is also the case that students could recast non-physical forms of bullying as physical to elicit a response. As shown, students charged school personnel and contextual factors (e.g., zero-tolerance policies) with constructing definitional parameters on bullying wherein physical interactions were defined as bullying and other forms were not. From a student perspective, if adult-based definitions only conceptualize physical victimization as requiring a response, then victims must recreate unseen victimization through a physical mode to create visibility and elicit a response: “got in a fight with him and was suspended and am now being sued for assault because the principal would do nothing about it when this begun” (Student 26). Reading this excerpt within a logic of reciprocal interplay, the student recounts a failure for the principal to recognize the student’s voice and agency; once the student’s reciprocal interplay was denied they physically disrupted the social context and forced a response from school personnel. Although it may be the case that self-defense was central to the student’s intentions (it is unclear in the text), the immediate production of visibility from physical retaliation can be read as escalating a bullying interaction to the point that the student regained agency after being made invisible by the principal’s failure to respond.

Moreover, students identified that circumventing a lack of being seen by fighting to be noticed could result in worse disciplinary outcomes for the victim. For some students, gaining agency in the school’s reciprocal interplay became a contest of shifting the way school personnel saw the interaction so that they would recognize it as bullying. Thus, reacting to emotional or social victimization by fighting back shifted visibility, yet also increased potential disciplinary outcomes: “It is still going on. A fight has happened and I was the one that got in trouble not the person that was bullying me” (Student 24). The previous quotes indicate that reclaiming reciprocal interplay often comes at a great cost (e.g., one was sued for assault). Thus, this study’s
findings suggest that once reciprocal interplay has been denied, some students are willing to create visibility even at great personal cost.

**DISCUSSION**

This study provides increased attention to the workings of seeing and responding. Particularly, data from this study complicate conventional understandings of visibility in bullying by introducing an emerging student-centered concept of “noticing.” As explained by students, their ability to speak to the community and to levy defense against victimization relies on school personnel’s ability to move from seeing to noticing to responding, leading some students to redraw their experience in ways more likely to be visible. In this way, seeing and noticing within a social-ecological framework of bullying identifies how student agency is facilitated through school personnel that has the authority to sanction—producing the need for co-constructing visibility. Making one’s victimization visible for school personnel, then, is the act of reclaiming reciprocal interplay (Swearer & Doll, 2001)—or being recognized in the social context—through a gatekeeper to the larger environment.

In turn, students perceived that school personnel have the potential to opt out of response in multiple ways. Thus, a visual depiction of this system can help understand this phenomenon (provided in Figure 1). The decision-making points for school personnel are represented in Figure 1, whereby the concept of noticing indicates that response consisted of multiple possible pathways: school personnel could either (a) not see, (b) see but not notice, (c) see, notice, and respond, or (d) see, notice, and not respond. Two of these options proved most egregious for respondents. In the case of see, not notice and not respond, school personnel are depicted as not responding because the student has not gained enough legitimacy as a victim to compel school personnel to intervene. Additionally, in the case of see, notice and not respond, it may have been the case that school personnel were willing or even intended to respond, but did not because of the larger climate. This component of visibility is depicted in Figure 1 and indicates that school environmental factors (e.g., school political/cultural climate) bear on school personnel responses to bullying.

**Policy Implications**

This study’s findings concerning students’ perceptions of school personnel failure to see, notice, and respond to bullying may be useful for providing information about appropriate ways to respond to marginal instances of bullying. Conventionally, policy implications for improving authority figure response are often based on this line of reasoning that increased presence equals increased response. Policies focusing on a failure to see bullying often involve techniques to “increase teacher and staff awareness of the extent of the problem” (Hanish & Guerra, 2000, para. 23) as well as “create a warm and positive environment for children coupled with close monitoring of children's interactions” (para. 24). These findings challenge conventional implications by suggesting that seeing bullying is not always enough to warrant a response. Put another way, school personnel can look at bullying and still be blind to it.

Whereas some interventions address response by increasing the physical presence of school personnel, our findings suggest that addressing intermediate factors that obstruct the process of seeing and responding is necessary. For instance, in the “if it happens again” theme, school personnel were blinded when classes ended and students left. A conceptual implication
involves improving communications across divisions in school spaces—such as from one classroom to another. Likewise, blindness is likely also constructed by a broader context. For instance, zero-tolerance policies that mandated specific responses rather than individualized action constructed blindness. Arguably, zero-tolerance policies have broad implications for manipulating seeing, noticing, and responding. These policies produce a standardized definition of bullying that strips the ability to participate in reciprocal interplay from both students and school personnel. Our findings suggest that refraining from imposing structural definitions of bullying and response allows school personnel to reduce bullying victimization that often falls through the cracks.

Limitations

The findings in this study are in danger of overestimating the number of students who corroborate these experiences and of those students who are willing to “take matters into there (sic) own hands.” The data in this study come from a relatively small group of students who reported delegitimization from school personnel. Additionally, student responses are part of a larger survey where the research question was not prompted. For this reason, student experiences are not representative of the student experience, and it is possible that students who replied to the open-ended survey question experienced more serious incidents or felt more strongly about their victimization than others. Nonetheless, these overlooked experiences provided an opportunity to investigate unconventional experiences by which school personnel see but do not respond and moments in which students resist.

Additionally, the visibility dynamic is something that emerged from these bullying experiences which are often overlooked, imploring a need to study mechanisms that prevent responses to bullying that often fall into the unseen margins of large datasets. Thus, the “visibility” vernacular that emerged from the data is helpful to situate student responses within a theoretical framework, wherein students are simultaneously part of a social-ecological environment and at times, lack the power to influence it. Nonetheless, as our findings indicate, students found ways to exert agency to construct visibility even when school personnel non-response rendered them unseen in a theoretical and practical lens.

CONCLUSION

This study contributes to the literature on responses to bullying by exploring reasons for the well-documented discrepancy between school personnel’s claims that they intervene frequently and students’ claims that school personnel fail to do so (Dake et al., 2003; Varjas et al., 2008; Vaillancourt et al., 2008; Ziegler & Pepler, 1993). Corroborating previous literature, the first section of the findings found that students perceived school personnel frequently failed to respond. Across this study’s sample, student perspectives indicated that school personnel used a range of mechanisms to avoid intervention. In the second section of the findings, these themes suggested that students were able to recognize and navigate power differentials in the school by acknowledging and using the dynamics of visibility (i.e., seeing, noticing and responding). This study has also couched visibility and the need for a response within a merged social-ecological and critical perspective. By couching “seeing” within a social-ecological and critical perspective, we may observe how student agency is (de)constructed in the school context and how students may exert power in different manners to reclaim it when it has been lost. Perhaps unlike other
actors in the school—yet like other marginalized groups—individual student agency is intimately interwoven with constructing visibility for their victimization.

REFERENCES


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Figure 1. Model of seeing, noticing, and responding.
DISPARITY IN CONTEXT: JUDGES’ PERSPECTIVES ON DISPARITIES IN A SENTENCING GUIDELINE SYSTEM

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Abstract

Unwarranted disparity in sentencing continues to be a problem in criminal courts. Sentencing, a final step in the multi-stage process of criminal justice, is seen as such an important component of ensuring consistency that legislative policy has created guidelines to control judicial decision-making. Nonetheless, research shows that disparity under sentencing guidelines persists due to influences external to the law - referred to as substantive rationality. Sentencing research overwhelmingly utilizes quantitative analysis of official court data to produce its conclusions about the influences of disparity. The current study builds upon past research by using qualitative analysis of interviews with 20 judges in Michigan. The recent shift from mandatory to advisory sentencing guidelines and the scope of disparity in Michigan make it a substantively rich site for investigation. This analysis found several themes in judges’ perspectives on causes of disparity, including: (1) localization, organizational resources, and court policy; (2) individual judicial philosophy and decision-making, (3) influence from pre-sentencing reports and appellate courts.

Keywords: sentencing; disparity; judges; qualitative research methods; court communities

INTRODUCTION

The goal of uniform sentencing within sentencing guidelines has, in many ways, proven to be “unfit for society” (Savelsberg, 1992). Across numerous studies, we see how the legal attempt to control disparity by restricting judicial decision-making faces durable resistance from individualized, organizational, political, and cultural forces (Spohn, 2009). Importantly, unwarranted sentencing disparities are frequently cited as an elemental source of the social inequalities that persist in the US carceral system (Alexander, 2010). Over the last several decades, theoretical and empirical research on sentencing disparity shows that its causes are multi-level and develop across multiple stages in the criminal justice process (Spohn, 2009; Ulmer, 2012; Kutateladze et al., 2014). The purpose of this study is to examine how windows of disparity develop in a guidelines system with goals of formal rationality (Savelsberg, 1992; Ulmer & Kramer, 1996).

Although the problem of disparities is a complex one, at its core, it is simple: guidelines limit discretion, but they do not result in uniform outcomes. The “courts as communities” perspective, developed by Eisenstein, Flemming, and Nardulli (1988), provides one theoretical...
approach toward understanding disparities and posits that different sentencing practices result from varying legal, cultural norms, politics, and organizational arrangements. This perspective and other complementary theories on sentencing, contextualize the findings, which both support and refine past research.

Michigan serves as the site of this study for theoretical and policy-based reasons. First, the Council of State Governments (2014: 7) recently illustrated wide ranges of disparity in Michigan, stating that sentences are “all over the map” and “people with similar criminal histories who are convicted of similar crime receive significantly different sentences.” Additionally, of its felony dispositions, Michigan incarcerates at a higher percentage compared to other guidelines states, especially through jail. However, this varies widely by jurisdiction. As Figure 1 demonstrates, Wayne County and other metro Detroit counties sentence to jail, probation, and prison in disparate ways compared to each other and the rest of the state. Along with these patterns, Michigan serves as an interesting site because it has shifted from mandatory to advisory sentencing guidelines, similar to the federal system and other states, as described below.

![Non-Assaultive Offenses](image1)

![Assaultive Offenses](image2)
For decades, socio-legal scholarship has recognized and devoted much research toward the problems of sentencing disparity (Frankel, 1973). In top journals, for instance, analyses of sentencing disparity are frequently published (e.g., Lynch & Omori, 2014; Ulmer & Johnson, 2017), and discussion around the impact of sentencing guidelines reforms upon disparity continues (US Sentencing Commission, 2010; Ulmer et al., 2011). Noting the ongoing yet changing use of sentencing guidelines and the continuation of disparity, understanding these sources of influence remains an important point of focus for sentencing research. Criminological explanations of sentencing disparity overwhelmingly come from quantitative analysis of official court data. Over the last several decades, these studies have offered valuable contributions through years of empirical studies and methodological improvements (Ulmer, 2012). Yet, even the most sophisticated studies leave unexplained variance. For example, an analysis by Ostrom and colleagues (2008) explained 67 percent of the variance in sentence length disparity under Michigan’s guidelines, while controlling for legal and extra-legal variables.

The current study uses in-depth interviews to build upon a small but growing set of recent qualitative studies of sentencing practices (Clair & Winter, 2016; Hester, 2017; Ulmer & Johnson, 2017) by investigating sites where disparity emanates. From drawing out perceptions from judges on their experience with sentencing, this study locates themed details around sources of disparity and contextualizes them into past empirical findings and theory. Past empirical findings provide evidence on the extent of influence by extra-legal sources of disparity, and this study offers context to how these sources create disparity.

COURTS COMMUNITIES & THE MULTI-LEVEL SOURCES OF SENTENCING DISPARITY

Researchers from a range of disciplines have substantially advanced the empirical and theoretical study of sentencing (Spohn, 2009; Ulmer, 2012). This research shows that any understanding of sentencing must consider the constellation of social forces that influence it: individual characteristics of court actors and defendants, state and federal policy, organizational
composition and resources, cultural context, and racial and economic patterns. Bushway and
Forst (2013) conceptualize discretion at various levels, including how legislative discretion can
impose guidelines that shape individual discretion by judges. Understanding court decision-
making and overarching policy contextualizes the interactive and reciprocal relationships
between levels of discretion and regulation (Ulmer & Kramer, 1998).

According to Savelsberg (1992), the attempt to make the individualized sentencing
process into a formal rational process is fraught with troubles. Substantive rationality, “the
intrusion of economic, sociological, and ethical criteria on formal rational reasoning and
decision-making,” will work in contrast to formal rules and policies, or formal rationality
(Savelsberg, 1992: 1347). Savelsberg claims that courts develop their own “internally
substantive rationales,” and in the administration of justice, they continue to resist controls upon
their discretion and will persistently take into account perceived outcomes of sentencing, causes
of criminal behavior, and potential social inequalities. Though controls on discretion can hem in
sentencing disparity in some ways, push back from values of substantive rationality will open up
room for disparity. The evidence below illustrates how sentencing disparity emanates from
multiple forces: individual judges, community context, local court culture, and authoritative state
institutions.

Courts as Communities & Judges’ Decisions

Sentencing research has largely focused on the 1) individual level, 2) the institutional and
organizational level, and 3) the jurisdictional social, economic, and political context. Eisenstein,
Flemming, and Nardulli (1988) brought these three branches of research together and developed
the “courts as communities” theoretical perspective. By merging the multi-level influences upon
court processes and outcomes, they offered a conceptual understanding of the complex nature of
sentencing. Overall, Eisenstein and others (1977; 1988) argue that local court communities and
workgroups develop their own formal and informal norms around case processing, and these
equal or exceed the influence of state-level laws and policies toward shaping court processes and
sentencing (see Ulmer & Kramer, 1998).

Largely conceptualized at the county-level, seeing courts as communities allows us to
understand the long-standing sociological observation that law behaves differently across
contexts (Black, 1976). Eisenstein and colleagues’ (1988: 28) clearly illustrate how county legal
culture dictates many court outcomes. In their research, county legal culture “consists of the
values and perceptions of the principal members of the court community about how they ought
to behave and their beliefs about how they actually do behave in performing their duties.” By
studying nine different courts across Pennsylvania, Michigan, and Illinois, they drew out how not
only the relationships and actions of judges, prosecuting and defense attorney interact but also
the influence of political and social context, other court workers, geographic and spatial
dynamics, generational groupings, among other cultural and organizational factors. Status and
power make a difference in how cases are resolved and whose perspective controls processes and
outcomes.

Though the metaphor of communities emphasizes the power of group influence,
Eisenstein and colleagues (1988) recognized that individual judges continue to hold a powerful
role and exert their agency in disparate ways. Johnson (2006) empirically demonstrated that 6
percent of sentence length variation was a result of differences between Pennsylvania judges. In
this regard, a number of theoretical perspectives integrate with the “courts as communities” perspective and help us further elaborate on the complex influences of sentencing.

Evidence on how judges’ “focal concerns” drive judicial decisions blends into theory of court communities; primary concerns that dictate judicial decision-making are formed within the community based on its norms and organizational resources. The focal concerns perspective “argues that both legal and extralegal considerations affect the interpretation and prioritization of focal concerns through local substantive rationality” and that punishment decisions are determined by blameworthiness, protection of the community, and practical constraints (Ulmer, 2012: 10). Overall, we see individual-level disparities across several demographic traits such as race, age, gender, marital status, and employment (Spohn, 2009), and the focal concerns approach has tried to explain some of these differences. Steffensmeier and colleagues (1998) theorized that judges base most of their attributions regarding focal concerns on legally relevant information but also rely on attributions based upon the race, gender, or age of the defendant as they relate to the focal concerns of sentencing. Specifically, judges attribute increased blameworthiness and threat to the community toward young, black males based on racial (as well as age and gender) stereotypes. This leads to heightened sentencing penalties for being young, black, and male.

Albonetti’s (1987; 1991) research provides insights toward understanding these patterned attributions by showing how judges’ decisions are based on assumptions from limited case and offender characteristics. This perspective highlights that even though judges are making significantly impactful decisions upon individual lives and the system, they are frequently acting in a context of bounded rationality – where uncertainty regarding rehabilitation and recidivism abounds. In these weighty and publicly visible decisions, judges “attempt to manage uncertainty in the sentencing decision by developing ‘patterned responses’ that are themselves the product of an attribution process influenced by causal judgements” (Albonetti, 1991: 250). Likewise, judges have described the difficulty of evaluating cases that are “apples and oranges” and objectively assigning a blameworthiness number (Steffensmeier, Kramer & Streibel, 1993). The difficulty may lie in the range of influences beyond these three focal concerns, other relevant factors such as a defendant’s amenability to or experience with treatment, extent of substance dependency, community and family ties, and employment history (Engen et al., 2003).

While focal concerns likely matter to some extent for all judges, individual judges distinctly interpret the extent of blameworthiness, threat to public safety, and defendants’ amenability to programming such as drug courts or incarceration. Judges may interpret the threat to public safety differently for certain offenses (for example, some judges interpret drunk driving as more threatening than other judges do). They may also place different values on individual blame as opposed to structural root causes of behavior. And they may apply these attributions differently based on defendants’ identities. Further, judges hold different views of justice. Some emphasize rehabilitative, others retributive, and some restorative justice (Eisenstein et al., 1988; Belknap & McDonald, 2010). Though empirical evidence frequently theorizes sentencing disparities through the lens of focal concerns, they do not include direct measures of blameworthiness or perceived threat to the public.²

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² Empirical studies use criminal history and seriousness measures, which are proxies of judges’ perceptions of blameworthiness and protection of community.
Organizational and Community Context

A core element of the court communities perspective is the organizational components, histories, and relationships within the local court (Eisenstein et al., 1988; Ulmer, 1997). In their study of Detroit courts in 1972-1973, Eisenstein and Jacob (1977) illustrate the historical emphasis on the avoidance of jail time due to legal suits and negative media attention toward jail conditions and overcrowding. Additionally, the history of severely backlogged dockets and a shortage of judges institutionalized plea bargaining to increase “efficiency” (see Eisenstein & Jacob, 1977: 126-168).

Related research focuses on organizational maintenance and efficiency as determining sentencing patterns (Dixon, 1995; Engen & Steen, 2000). Bureaucratization, local resources, informal relationships, and the extent of cooperation among courtroom actors to maintain stability in the sentencing system. “Adopting this approach, the central problem for understanding the organization of sentencing becomes defining the operational rather than political or formal legal goals of sentencing” (Dixon, 1995: 1162). Bureaucratization and larger caseloads increase the importance of plea negotiations as a way to settle cases efficiently, and these become entrenched into local court culture. Importantly, several studies show the “plea discount” or “trial penalty” - sentencing differences between cases settled by plea negotiations, jury trials, and bench trials (Ulmer & Bradley, 2006; Kramer & Ulmer, 2009; King, Soule, Steen & Weidner, 2005). The trial penalty itself varies across case traits and community contexts.

Eisenstein and others (1988) argue that court size changes these organizational features and outcomes. The size of a group affects hierarchies, role specialization, and formalization of rules and relationships. They find that large courts are more formalized and specialized, and subsequent outcomes can differ. More generally, we see that urban, suburban, and rural courts vary in their legal cultures and sentencing (Ulmer, 1997). Beyond the urban/suburban/rural divide, courts are embedded into social, economic, and political structures and histories of the community. Racial composition, socio-economic shifts, and political climate are argued to cultivate environments where these individual-level decisions (including bias and stereotyping) and organizational structures differ, and in turn, affect sentencing (Ulmer, 2012; Wang & Myers, 2015). Understanding these organizational features through research beyond state datasets continues to be a crucial site of investigation for the progression of sentencing research.

In the next section, I provide context by describing the development of guidelines in Michigan and recent examinations of the shift from mandatory to advisory in the federal system.

RESEARCH CONTEXT: MICHIGAN’S GUIDELINES & THE SHIFT FROM MANDATORY TO ADVISORY

All of these influential factors in the sentencing process occur within the context of how the state legislature defines sentencing parameters. In 1999, the Michigan State Legislature initially implemented the current sentencing guidelines as a mandatory system. However, in 2015, People v. Lockridge resulted in changing the sentencing guidelines from legislatively mandated to an advisory guideline system. Importantly, the move from mandatory to advisory guidelines opens up windows for disparity. Specifically, judges were previously required to sentence within the guidelines, and allowed to depart from these requirements only in cases with “substantial and compelling” reasons. Following Lockridge, the “substantial and compelling”
requirement no longer exists. After *Lockridge*, judges are still required to offer written reasoning and are subject to appeal following departures from the guidelines.

Briefly, sentencing guidelines attempt to restrict sentencing decisions through formal scoring processes (see Figure 2). In Michigan, offense seriousness and prior criminal history are the two scores that officially determine a sentencing grid, within which a range of limited sentence options are available to a judge. The number of possible grids is comparatively high, as each sentence is placed in 1 of 258 possible cells on the grid. There are 36 possible cells in “Class A” alone. The offense variables are scored based on factors such as the use of a weapon, extent of victim physical or psychological injury, intent of the offender, number of victims, extent of criminal sexual penetration, and number of contemporaneous felony criminal acts. The prior record variable is scored based on whether past crimes were crimes against persons, property, public order, public safety, public trust, or involved controlled substances. Additionally, habitual-offender enhancements applied (or not) via prosecutorial discretion and comparatively wide sentence ranges allow for discretion and disparity (Ostrom et al., 2008).

![Figure 2: Steps to determine a sentencing guideline score in Michigan](image-url)

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While this current study does not directly examine the potential effects of *Lockridge*, which was a key research question for an adjoining analysis that was part of a larger project (Smith & Smith, 2019), the context of Michigan during this transforming period matters. Michigan’s change from a mandatory to an advisory system followed a number of related rulings. In two cases commonly referred to as *Booker/Fanfan*, the Supreme Court found that mandatory guidelines were not unconstitutional per se but could only be applied to the judiciary in an advisory capacity (*United States v Booker* 543 U.S. 220, 2005). *United States v. Gall* (2007) and *Kimbrough v United States* (2007) both further enhanced judges’ discretion. These cases raise important questions about what happens when mandatory guidelines are lifted in favor of advisory guidelines (Baron-Evans & Stith, 2012; Ulmer, Light & Kramer, 2011; US Sentencing Commission, 2010).

The US Sentencing Commission conducted three evaluations post-*Booker*, which suggests that disparities increase over time and call for a “fix” to post-*Booker* disparities (USSC 2010, 2011, 2012). Scott (2010) showed evidence that in one federal district sentence lengths and inter-judge disparity both significantly increased following *Booker, Kimbrough*, and *Gall*. In direct contrast to the notion of post-*Booker* dynamicism, Ulmer and colleagues (2011) reanalyzed the same data as the USSC and found the idea that a policy “fix” should be called into question. They argued that there was no significant effect caused by this policy change. Baron-Evans and Stith (2012:1689) claim that after *Booker*, judges have been able to mitigate racial disparity by giving sentences below guideline recommendations. Due to the changing yet continued use of guidelines, this analysis seeks to build upon past research on the causes of disparity and provide further insight into what the “black box” of statistical analyses may reveal.

**RESEARCH DESIGN**

The quantitative study of disparities is essential toward demonstrating the scope of the problem and offering generalizable findings. Analyzing qualitative perspectives of the decision-makers is essential too. Qualitative work allows for a more nuanced, contextualized understanding of local processes, interactions, and contexts. Across many institutions, we see problematic disparity, and we must continue asking police officers why they use force differently, physicians why they provide treatment differently, bank loan officers why they give loans differently, and so on. Comparatively, few sentencing studies have asked judges about their interpretations of sentencing and disparity. This study adopts the position that examining the attitudes and beliefs of key stakeholders in the courtroom adds refinement to our collective research on the complexities that constitute sentencing and lends contextualizing evidence on how “law on the books” and “law in action” differ (Chambliss & Seidman, 1971).

These interviews seek contextual detail unseen within statistical court data. For the most part, sentencing research relies on data constructed for court purposes, not sociologically ones. Sociological important characteristics are often missed. As Ulmer (2012) and Baumer (2013) argue, sentencing research entails a continued need for increased attention upon varying details within court processes. Regression outcomes, while giving key insights, are indirect observations of the complex cultural context where sentencing is embedded. In the quantitative analysis of sentencing disparity using court data, a significant portion of the variance remains unexplained. Specification error, an elemental methodological issue in regression analyses, is an ongoing concern. This can happen in two ways: analyses have left out variables that can explain disparity, or analyses include variables that are irrelevant in explaining disparity. Qualitative
research has a long history of informing explanatory quantitative analysis, and these interviews provide such evidence.

Addressing the call for increased qualitative sentencing research, recent studies have examined the judges’ interpretations of race disparities in sentencing (Clair & Winter, 2016), the influence of judicial rotation upon court communities and sentencing uniformity (Hester, 2017), judicial perceptions of sentencing guidelines (Ulmer & Johnson, 2017), and the production of racial inequality in criminal courts (Van Cleve, 2017). This recent development builds upon past qualitative work (e.g., Eisenstein et al., 1988; Ulmer, 1997) that has complemented the more numerous quantitative analysis into courts and sentencing.

The Judges

The final sample includes 20 circuit court judges in Michigan. Circuit court judges compose a “sample of experts” – an elite and specialized group – that yields rich accounts of direct experience with sentencing. Ninety judges from twenty-three circuits were recruited by email and/or phone. This resulted in a sample of twenty judges from nine different circuits (see Table 1).

The twenty-three circuits used for recruitment were located across Michigan’s six court district regions and were selected to ensure a range of regional differences in terms of rural/suburban/urban. Sampling aimed to maximize the range of responses rather than a focus on generalization to a larger population (Clair & Winter, 2016). Sampling for range is one alternative to generalizability (Weiss 1994; Small, 2009). Therefore, while claims of generalizability cannot be made, this set of cases provides a range of diverse perspectives on sentencing among judges.

Five of the nine circuits were in metropolitan areas with large populations. Fifteen judges worked in metropolitan, and five worked in rural circuits. When a circuit was chosen, all judges within that circuit were recruited. The sample includes judges from a range of different circuits with distinct local characteristics – demographics, crime rates, caseloads - and geographic differences. Years of experience with criminal sentencing at the criminal circuit court level ranged from seven months to twenty-four years; average time on the circuit court bench was eleven years among this group. Judges had differences in their past legal careers prior to taking the bench. Some reported little experience practicing criminal law before their service as a criminal sentencing judge, while others frequently worked with the sentencing guidelines. Unfortunately, we were unable to find other demographic information on all criminal circuit court judges as a way to compare the sample with the population.

Circuit court judges were the target population due to their role in all types of felony sentencing under the guidelines. There are fifty-seven circuits in Michigan. Typically, a circuit coincides directly with one county (e.g., Wayne County is the third circuit). However, in low population counties, one circuit may include two, three, or four counties. Circuit court judges are either governor-appointed or elected and are officially non-partisan appointments or elections. Elected judges serve six-year terms.

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4 IRB protocol disallowed revealing the demographic information of individual judges based on threats to confidentiality.
5 Stephens (2015) found that 26 circuit court judges were African-American in 2010 (there are currently 237 judges in Michigan). African-American judges in this study constitute 10 percent of the sample, similar to the overall population.
Table 1: Judge Characteristics

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*Gender*

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*Court experience*

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Interviews

This study sought a range of responses as a methodological goal in order to address its research question (Weiss, 1994). Rather than generalization, a goal was to analyze a set of responses that encompassed the range of judicial perceptions. Open-ended questions served as the primary format because they avoid the problem of overly restricting possible responses, especially when researchers are unsure about the range of possible responses (Marvasti, 2004). From this starting point, interview data provided an analytically rich portrait detailing first-hand perceptions surrounding sentencing.

The interviews were all performed face-to-face in judges’ offices from June to October 2016. The interviews averaged forty-eight minutes in length, and all but three were audio recorded. When not recorded, detailed field notes were taken during the interview. Interviews were conducted until saturation of responses was reached among a sample from a range of different jurisdiction types (i.e., rural/urban/suburban, different regions).

Defining when saturation occurs and deciding on the appropriate number of interviews are both a challenge. We, as researchers, must assess when new meaningful details around key themes have been exhausted. The original minimum goal was to perform 16 interviews distributed across different regional types (urban, rural, suburban). After I conducted 16 interviews, I revisited my notes, and wanted to further examine the theme around plea bargaining...
and Cobbs evaluations (an unanticipated issue prior to starting the interviews and a theme discussed below). An additional four interviews were conducted until saturation on main themes was reached. Following past research on the issue of sampling, I: 1) began with an expected sampling frame (16), 2) maintained flexibility until saturation was met, and 3) established a stopping criterion of two interviews when no new themes emerged (Francis et al., 2010).

Open-ended questions integrate a range of viewpoints regarding sentencing. Rather than relying on standardized surveys, semi-structured interviews allow individual respondents to discuss particularities from their own experiences (Marvasti, 2004). Since we know that sentencing disparity stretches into three basic categories - between courts, between judges, and within individual judges – allowing respondents to detail the circumstances under which courts may vary in their decisions, or when judges in the same court may vary, or when judges themselves may vary can give us guidance toward understanding sentencing.

The interviews began by asking judges about their legal background and judicial appointments. Then, open-ended questions focused on what they perceive as factors that influence the sentencing process. In their responses to questions about guidelines as well as questions specifically regarding influential factors, judges described how many complexities are involved in determining a sentence. They were asked, “there appears to be disparity in sentence lengths across judges and counties in sentencing patterns – what’s your take on this?” This question was followed by judges’ perceptions about why disparity happens. At the end of the interview, judges were asked, “is there anything else you would like to add regarding sentencing processes?” and this also elicited responses about disparity and discretion in courts.

The face-to-face nature of these interviews allowed a rapport to develop and provided opportunities to ask follow-up questions beyond those available via surveys or other data collection methods. During the beginning of the interview process, I signaled my familiarity with sentencing trends and policy in Michigan. Early on in each interview, I described my recent statistical research using Michigan data and framed the interview as a way to fill in the blanks of the statistics. Judges frequently signaled their interest in the study, hence their voluntary participation. Judges elaborated upon specific, detailed examples and showed me examples of materials such as pre-sentence investigation reports, casebooks, and local data reports that illustrated details they were describing. While field notes on my interpretation of social cues displaying openness versus guardedness were different among some judges, overall, I perceived the clear majority of discussions to be honest, thorough, and open in terms of answering the questions. Overall, judges openly responded to all questions, though with varying detail.

Analysis

Following Weiss (1994), interviews were designed to address: the core research problem (judges’ perceptions on discretion), a sense of the breadth and density of the material collected (particular sites of discretion), a repertoire of understanding founded on past research (factors previously shown to be influential in the sentencing process), allow for questions to develop across the interviews (topics that arose in early interviews were explicitly addressed in later ones), and substantive descriptions toward overall findings (detailed examples).

Data analysis followed guidelines outlined by Corbin & Strauss (2008). The initial stage of analysis involved thoroughly listening to each recording and writing memos on first impressions of the participant and their experiences. Reflections on initial interpretations of their responses were noted, and notes regarding repetitions and contrasts among participants were
tracked in memos after several were read. As Bohm (2004: p. 271) outlines, in this style of coding “researchers use their background knowledge about the context of the textual passage being investigated and, in general terms, their knowledge about the area of investigation” and blend this previous knowledge with the text itself using *in-vivo codes* “taken directly from the language of the field of investigation. In-vivo codes are components of ‘theories’ formulated personally by the producers of the text in question.” Then, the coding process utilized NVivo software to find “repetitions and regularities” and distinguish nuances in coding nodes. The analysis examined participants’ perspectives through an open-coding process and located several nodes (Bazeley, 2007; Corbin & Strauss, 2008). In these nodes, dimensions were conceived as a spectrum and used comparisons to draw out extremes and contradictions (Bohm, 2004). Three major themes were identified through the first cycle of coding, and subsequent subthemes were located through the second cycle of coding.

**FINDINGS**

Judge 8 puts the core problematic of disparity into perspective by frankly stating:

> I could give 15 years, and there’s nothing anyone could do about that. Completely unfettered discretion on my part. Or I could put them on the Holmes Youthful Training Act and give them 40 hours down at the YMCA. How does that make any sense that two ideologically different judges could reach such disparate position?

In general, judges discussed how local jurisdictional differences, individual-level variation among judges, and influence from other state institutions all affect sentencing disparity. Within these three major themes are subthemes that outline mechanisms and case qualities that judges perceive to exert patterned influence upon sentencing decisions. Many of these findings coincide with past research (Spohn, 2009) as well as first-hand anecdotal observations by those working in courts. Additionally, many findings elaborate upon details important within the context of Michigan’s sentencing system.

**Localization, Organizational Resources, and Local Policy**

The first theme captures how judges frequently acknowledge variation across jurisdictions. Specifically, judges describe how regional social and political contexts, organizational resources, and policy differences matter. Differences between metro and non-metro areas were seen as salient. Judges noted how their decisions are enabled and constrained by organizational resources. Additionally, they decide sentences in a multi-stage justice process that includes localized policies and norms that differ between jurisdictions.

*Regional Differences.* A commonly apparent observation among judges was the difference between metro Detroit and everywhere else. The sheer volume of cases and frequency of serious cases compared with all other counties were seen as causes of different outcomes. More specifically, judges noted the lower sentence lengths in Wayne County (Detroit is in Wayne County) as compared with other places. Counties outside the metro area were seen as generally more punitive. Judge 4 explained:
I go by the assumption that large urban communities – because of the volume – we become desensitized to the level of crime and violence and as a result, you’re going to see less severe sentences maybe for particularly for certain types of crime in Wayne County than you’re going to see in a smaller community where they don’t see it, they’re not desensitized to it. And they are going to bring down the hammer.

The comparison of highly populated areas, especially metro Detroit counties, with less populated ones, was an obvious observation throughout these interviews. The simple fact that some courts see more crimes and more serious crimes than others makes a difference. While population size is related to organizational characteristics and goals, which can affect decisions, research has also shown that there is a unique independent effect of population size. Specifically, sentences in larger courts will be less punitive (Eisenstein et al., 1988), and judges with heavier violent caseloads are often more lenient with violent convictions (Johnson, 2006).

Judge 8 noted both the regional and socioeconomic factors as well as legal cultures (according to many sociological theories, legal culture is influenced by these regional and socioeconomic differences).

Two adjacent counties can be very different in demographics. So, you would expect differences due to the socioeconomic factors. Another thing is the legal culture in each is different. Do you have an aggressive prosecutor? Do you have a thoughtful prosecutor? Do you have an aggressive police presence? Do they exercise discretion a lot? Do they overlook a lot of crime?

Variation is not solely a result of individuals making their own decisions. The context matters because local community culture, courtroom culture and policy, crime patterns, among other factors, lead a place to have a certain pattern in sentencing. Explanations of jurisdictional differences, particularly in sentencing guidelines systems, illustrate that localized court norms and policies filter the formal state-level requirements and transform their use to suit local goals and resources (Ulmer & Kramer, 1998).

Organizational Goals and Resources. Within the discussion on jurisdictional differences, judges noted that availability of programming and jail space, and the larger issue of county versus state costs, guided variation in sentencing. The influence of programming and jail availability is a less-examined focus in sentencing research though studies show the effect of available jail space on sentencing (Ulmer & Johnson, 2004; Johnson, 2006; Kramer & Ulmer, 2009). As Ulmer (1997) describes, court actors often dislike the fact that jail space is considered in sentencing, yet they admit there is little they can do about it.

In terms of programming, drug courts were the most frequently available for these judges; several judges also indicated that veterans court, mental health court, treatment programs, and sobriety court were among programs used. Judge 2 discussed the different availability of programming:

Counties like ours that have long recognized the value of alternative programs... I mean, let’s be honest, [addiction] is what brings people here. And to focus on rehab and as opposed to just punishment…this gives us flexibility to continue to do that without gaming the system. Whereas other places around the state, judges tend to
be more political, more aligned with law enforcement, and ‘you’re not a good judge if you’re not sending a third or half of your felons to jail.’

Judge 3 contributes a similar response about programming in the context of discussing the merits and drawbacks of guidelines, “In one sense you want some predictability, some consistency. On the other hand, sitting in [this] county, we have far more resources on the local level than a lot of counties in the state, so we have options [besides prison].”

In these two examples, judges were from the same county, and they discussed how their county had a residential probation program that offered a number of on-site services. Additionally, this county had a veteran’s court, mental health court, “swift & sure” probation, and sobriety court. All of which are not offered everywhere. Judge 8 stated that, for example, veterans’ courts are not available in some smaller counties because there are simply not enough defendants who are veterans. Lack of availability could be reasonably assumed to be influential in rural/urban sentencing differences. Judge 11 discusses similar experiences and the perceived effectiveness of programming:

I’ve been really lucky to have people around me who are pretty visionary….our community corrections director is very knowledgeable and has put together an outpatient program that is all aimed at anti-social thinking and behavior.

Perceived effectiveness, types of programs, and program management varied across circuits and judges. Thus, when applying these findings to quantitative analysis, the mere availability of programming should not be measured as universally impactful on sentencing across places. First, the use of programs depends on how judges perceive them as effective. Judges from one circuit detailed how their circuit had two different drug courts managed by two judges with extremely different views on punishment. In terms of management differences, some counties have a single judge that works with all drug court cases. In other places, multiple judges oversee drug court. Judge 9 questioned the influence of programming in their own sentencing decisions:

We have a drug court here, and that includes alcohol. I think addiction is conceivably the greatest social problem we have in our communities, and I think it’s really, really important to devote money and time to it. I just don’t think the court is the place to do it. I really have a conflict with being in law enforcement, then at the same time saying ‘well, if you participate in rehab and I check you every week maybe you can get out of that offense.’ I’ve got a problem with it. I know they’re somewhat effective…but the court shouldn’t be doing that.

These more reluctant responses toward specialty courts and other programming illustrate how there is likely to be multiple orientations and uses of these options, even when available.

Connected to program availability is jail capacity within the circuit. Judge 9 claimed that they were unable to sentence to jail sometimes because the jail was filled with people convicted of less serious offenses from the district court. Judge 18 stated that along with specialty courts, “jail space fuels a lot” of the sentencing decisions. Judge 8 described the importance of jail,
One of the factors is that jail capacity is there. It’s an available tool...I bet that is true across the state, with crime rates going down, jail space is more available. So, you can take people that you might not otherwise, and sentence them to jail.

As many past observers have noted, this judge also detailed that available space can bring pressure to put people in local beds, whereas the opposite of no space can be an influence in some jurisdictions. Depending on the conviction, no jail space could increase the likelihood of probation or a prison sentence.

These first-hand accounts of working judges suggest that empirical analyses of sentencing must include controls for jail space, programming, and state-level financial budgets. Judge 16 stated simply as a matter of money, “we can’t put everyone in jail or prison.” Further, in regards to financial drivers of sentencing decisions, Judges 5, 6, and 8 noted the financial reality that a prison sentence turns the immediate financial responsibility over to the state as opposed to the county. Prisons cost the state money; jails cost counties money. There was description of this back-and-forth relationship between the state and counties. Some judges noted how the state pushes for county time while there is a simultaneous incentive for some counties not to offer county-funded programs and, in turn, send more to state prisons on the “state dime.” Judge 19 argued that MDOC recommends non-prison sentences – via presentence investigation reports – due to financial burdens.

They’ll do anything to not get someone into prison. If it’s a straddle cell, they’re almost always going to recommend local jail…there’s this policy that they’re trying to avoid prison. [But] I look at it as individual justice. I don’t care about economic consequence... we’re at loggerheads.

These differences in resources across jurisdictions raise theoretically important reasons why we see disparity. Not only do alternative sentences to programming open “windows of discretion,” but because they include priorities of rehabilitation, they mandate consideration of substantive characteristics of the cases that drive disparities (Engen et al., 2003). Additionally, community- and state-level social and economic forces influence the availability of alternatives.

Policy & Plea Agreements: Different Court Plea Norms. Emerging from these twenty judges’ responses was the identification of court policy and norm differences between circuits in plea agreements. These differences have consequences; much research and first-hand experiences tell us that convictions by plea result in significantly lesser sentences compared with those of a bench or jury trial (King et al., 2005). Judge 20 describes an example of how court policy is shaped internally and can define a much different negotiation process compared with other circuits. In this county, judges were put in the position to play more of a role in plea negotiations as a response to a “no pleas for defendants with priors” policy. This becomes important considering the influence of priors and plea convictions upon sentencing.

The negotiation used to happen between defense attorney and prosecuting attorney. Then [the prosecutors’ office made new policy] that rank and file prosecuting attorneys can’t offer a defendant anything [in terms of plea deals] if they have any

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6 Straddle cells are those in which the lower limit of the recommended range is one year or less and the upper limit of the range is more the 18 months. When a guideline range falls within a straddle cell, judges can decide to give a prison sentence or an intermediate sanction, including jail time.
prior felony...so then what happens is it pushes everything to the judges, and that’s why I think some judges don’t want to [negotiate pleas]. Because it’s like ‘I shouldn’t be doing this.’ And if the PA wants to plea and the defendant wants to plea, and they are looking for some guarantee of something, instead of the plea bargain of ‘I’ll plea to count 1, dismiss count 2, its ‘well I’ll plea to count 1 and plea to count 2,’ and the sentencing guidelines are 7 months to whatever...’would you agree to county time as opposed to [prison] time?’ Or I’ll cap it at bottom third of the guidelines, and the attorney can still argue for a lower sentence. [T]he judge takes on more of a role of the plea bargain...where it really should be between the defense and the PA.

Judge 2 outlined processes in plea deals in a county with a “no-charge bargaining” policy:

You would just develop workarounds. Even though this a Class D offense...if you got the right Assistant Prosecutor and you’re the defense, you’d come in and agree to score this on the G grid. That was fairly routine especially in counties like this because they have a no-charge bargaining policy...That was very common to either stipulate to the scoring of the guidelines...They would [say], ‘Judge, we are going to plea to the charge, we are going to recommend probation, and we stipulate that scoring of the guidelines is an A1.’ A lot of that happened. So, you’re not truly scoring the guidelines...You’re stipulating to it and there’s lots of winks and nods.

Judge 8 added, “Our prosecutor has certain classes of crime: they don’t plead second marijuana charges, they don’t plead failure to pay child support, OUIL third...those handful of cases our local lawyers know they’re just not going to get a plea bargain.”

Court policies on charge and plea bargaining and the application of habitual sentence enhancements are variables commonly missed by quantitative court data. Here, judges identified different court-specific policies, which in turn may result in different sentencing patterns for different types of offenders and the varying use of plea negotiations versus trials. Similar to policy on pleas, judges explained that there were court-specific policies set by the prosecutor’s office regarding habitual offenders. In at least one court in this sample, the prosecutor’s office mandated that all defendants eligible for the habitual enhancement receive it. Most courts selectively apply it.

When discussing sentencing guidelines and what mechanics are important toward understanding the sentencing process, twelve judges talked about Cobbs evaluations. The Cobbs evaluation is unique to Michigan. Judges often described the important difference in judges who use them and those who do not. Typically, this was described as a judge-by-judge decision. But there were mentions of how it was within a court’s norms – though not official policy - to not use Cobbs evaluations. Adding to the discussion of judicial involvement in plea agreements, Judge 20 said:

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7 A Cobbs evaluation (often called a Cobbs agreement) basically allows a defendant to evaluate what the possible sentence would be from the judge, in turn gaining some certainty about the sentence before pleading guilty. The judge does not need to follow the “agreement” however. A Cobbs evaluation does allow the defendant to withdraw the plea. (People v. Cobbs 1993).
I do a lot of Cobbs agreements. Most of the judges in the building do them…For us, Cobbs are essential [to process cases] because we have a situation here, over the years, there’s been less and less pleas. And from an attorney’s perspective, if your client is going to plea, you want to show you’re at least doing something for them…get rid of two counts or something.

Judge 15 spoke of the advantages of Cobbs evaluations: they stated that defendants know the “cap” or maximum sentence that is likely to be imposed before they plea. This judge estimated that 75 percent of pleas go with the Cobbs evaluation, and in turn, save the court time because negotiation of the sentence is less time-consuming and a trial is avoided. On the other hand, judges note the disadvantages to Cobbs evaluations during plea negotiations and how they are administered differently across place. Judge 10 argued that Cobbs evaluations turned justice into “commerce,” while others argued that the role of the judge should not include participation in plea negotiations. Judge 12 said, “I have never given a Cobbs evaluation because I think it’s an invasion. It’s something a judge shouldn’t engage in…never would, never will.”

Here, judges outwardly express their use as a means to the end of getting cases completed and simultaneously detail how Cobbs evaluations contradict larger goals of justice. At the same time, disparity between similar offenses can emerge from differential use of Cobbs evaluations and plea deals.

Policy & Plea Agreements: Explaining and Justifying Different Outcomes for Pleas and Trials. These differences in practice matter due to the disparate sentences between convictions by plea and trial. As much empirical research has illustrated (Ulmer & Bradley, 2006), the decision to exercise one’s constitutional right to a trial or be disallowed by the prosecutor to enter a plea agreement leads to much higher penalties. Judges were asked their perspectives on disparate sentences between convictions by plea and trial. Many findings mirror those from past research (Ulmer & Kramer, 1996; Ulmer, 1997). Judges acknowledge that pleas save courts time, that exhibiting remorse through a guilty plea is important, and that the troubling details found during trial increase blameworthiness. They highlighted particularly how “ugly facts” in severe violent cases matter, which supports evidence that the penalty for going to trial is especially salient in more serious offenses (Ulmer & Bradley, 2006). Judge 14 explained:

I guess there’s probably a philosophy among judges: ‘if you save the victim time, and you save the state money and you don’t make me listen to what you did, I may be willing to go to the bottom of the sentencing guidelines. But if you put everyone through this, including the victim, and drag people in here, cost the state money, or whatever, then that might not be available.’

Judge 15 said that during trials “you hear additional things usually not favorable for the defendant,” especially in criminal sexual conduct cases. Not making victims go through it all again is something they consider when sentencing plea convictions in CSC cases and assaultive cases; pleas may have reduced time because they avoid traumatic experience for victims. Likewise, Judge 16 said, “in trial you hear gory details” and when the “conscience of the community decides the guilt there is a higher likely to sentence at the upper end of the guidelines.” Judge 9 noted a similar dynamic:
If they go to trial, it’s not that I make an effort to do something different but when you sit through a trial about violence or armed robbery and you hear the details and see maybe whether someone’s lying or being a jerk, it can affect how you view the case.

Judge 19 stated they were much more likely to sentence on the upper end of the sentencing guidelines range or depart upward after a trial conviction because “When you go through the trial, and you have a victim on the stand, or you learn more about the defendant than what a cold pre-sentence investigation would give you. You have more ammunition, so to speak, for a harsher penalty.” As compared to a plea agreement where a pre-sentence investigation is used:

…then you go to trial and you find out the weapon is super large, maybe an assault weapon – nobody told you that. The victim is on the stand disassembling, crying, talking about how they had nightmares, in absolute panic, thought they were going to die, going through all that mental anguish, and you have a defendant who is particularly belligerent and obviously lying. Then that’s a different set of circumstances.

Empirical analyses have demonstrated the plea/trial disparity, and it is often interpreted – as it was amongst many of these judges - as a “necessary evil” among many court officials. The experiences of judges occur in a context where courts are overburdened with caseloads that prevent most cases from being decided by trial. The necessity of pleas is driven mainly by society’s reliance on formalized criminal courts to address a range of social problems without the resources to consistently use jury trials (Alschuler, 1979; Reiman & Leighton, 2016).

Another factor in the plea/trial disparity is the influence of previous stages: charge bargaining, cooperation with law enforcement, and the intersection of counting priors and/or habitual enhancements. Judge 16 discussed how an upward departure is sometimes a result of a plea to lesser charges (CSC-3 rather than CSC-1) but the agreed upon sentence is higher than what guidelines say is the CSC-3 charge, but less than CSC-1. In this case, a lower sentence appears quantitatively as a more punitive sentence. Judge 7 pointed out that the intersection of habitual sentencing enhancements and plea deals:

It’s like ‘we’ll drop your status as fourth habitual offender if you plead to the underlying charge.’ So, I find [habitual enhancements] effective in getting sentences resolved, knowing they have that potential penalty. The only time it would generally be imposed is if they go to trial, so it’s kind of a nice negotiating tool.

In these cases, the definition of habitual offenders becomes blurred by negotiations. Not all those eligible habitual offender enhancements are applied (Crawford, Chiricos & Kleck, 1998). From judicial descriptions, habituals were more likely to be applied for trial convictions and more likely dropped for pleas. In terms of quantitative analyses, this shows the difficulty of defining these key variables and comparing like cases, and illustrates the need for the inclusion of multiple court stages in robust sentencing studies. On top of this methodological issue, responses throughout the interviews, such as Judge 7 above, outline the nuanced mechanisms that allow courts to persuade defendants to plea agreements and, in turn speedily complete
convictions. Organizational needs reproduce disparity (and resist uniformity), showing how guidelines face many obstacles in the attempt to produce uniformity.

**Individual Differences: Judicial Philosophy & Arbitrary Definitions of Focal Concerns**

Judges also unsurprisingly argued that sentencing is very much an individual process, based on judicial beliefs and the role of a judge. These were not necessarily mutually exclusive explanations as many judges talked about how community, organization, and individual factors all converged to guide sentencing patterns. This theme builds upon research on the interactions between judicial philosophy of punishment, focal concerns, guidelines, and the emotional and mental difficulty of deciding sentences in a context of uncertainty and risk (Ulmer, 1997; Steffensmeier, Ulmer & Kramer, 1998). Additionally, they offer insight into how individual actors’ discretion interacts with discretion made by lawmakers (Bushway & Forst, 2013).

**Judges’ Philosophy of Justice.** Judges recognized that sentencing remains a process with human agency. Though judges practice in a bureaucratized space with rules dictating many steps, the human element of individual agency demonstrates the power the position still holds, which becomes more pronounced once guidelines are loosened (Ulmer & Kramer, 1998). Indeed, seven judges affirmatively stated, without direct questions about the issue, they have “a lot of power.” And this position, held by someone whose decisions are guided by their personal experience – whether that same day or throughout their life-course – contains arbitrariness and “the power to save or destroy lives” (Judge 11). Judge 6 stated:

> I am imposing sort of my view, and whatever shaped me for 50-some years…the same [person] from [another county]…inevitably their view is going to be different than mine. But we could have the same case, same circumstance, same crime…the sentences could be different.

Many judges were also quick to point out that within the same court, there were different worldviews on justice and distinct sentencing habits among counterparts in the same building. Indeed, even within the same court community - that holds the same protocols, electorate population, and organizational needs – there is disparity based on a judge’s individual decisions (see Johnson, 2006). For example, discussing how there are differences within the use of sentencing guidelines, Judge 19 argued:

> From a practical side, it’s much easier to have sentencing guidelines, you’re not trying to figure out what merits a just sent… it also does provide more consistency… On the other hand, you still have different judicial philosophies…and I’m considered to be one of the harder sentencers. If you had the same person before me …chances are your sentences are going to be very different. [A judge down the hall] feels like they’re a social worker, I don’t think I’m a social worker…we have different philosophies…We’ve both been elected by ‘the people’ [in the same jurisdiction].

Judge 8 also talked about varying philosophies within the same court building, where “one person who is far-right nut job, and somebody else who’s way off on the left and they’re arguing all the time.” And how some courts work “collegially and collaboratively” while others have
“no communication.” Though conclusions from past research, and within these judicial perspectives (Smith & Smith, 2019), show how rationalized justice increasingly stamps out individual agency (Heydebrand & Seron, 1990; Feeley & Simon, 1992) there are also spaces where individualized judicial interpretations can be exercised.

Arbitrary Definitions in Determining Factors in Sentencing. As in past research (Steffensmeier et al. 1998), judges in these interviews discussed the importance of focal concerns in decision-making – trying to assess the case seriousness and to what extent should prior life histories be mitigating or aggravating factors. They also highlighted the difficulty of sentencing due to unclear definitions of culpability and uncertainty regarding recidivism. While statistical research shows the importance of blameworthiness and public safety, judges’ direct accounts add detail to how blame and public threats are constructed. In discussions of individual traits that shaped decisions, judges identified many factors: age, addiction, past rehabilitation, employment, race and ethnicity, family background for young adults, mental illness, housing, children to support, family, and community support systems. Judges justified the inclusion of some factors (e.g., histories of probation and programming, demeanor in court) while others are acknowledged but viewed as problematic (e.g., plea bargaining, race).

Even given the facts of the case, judges explained how scoring guidelines are still arbitrary. The final score on the two guideline variables - prior record and offense seriousness - places a case in a cell on the guidelines grid. In this process, there are two fundamental locations for variation. First, in the scoring (e.g., assessing the extent of victim injury), and second in the assignment of a sentence given the options of a particular cell on the grid (e.g., sentencing to the lowest minimum sentence in the cell or the highest minimum sentence in the cell). Judge 17 illustrates the difficulty of defining cases:

When you sit down, and your job on a daily basis is to decide how bad murder is, how bad rape is. And where you’re going to sentence, what you’re going to do with somebody...it’s kind of a crazy business. Because a rape isn’t a rape, a robbery isn’t a robbery, a jaywalking isn’t a jaywalking. I don’t care what kind of crime you take. You’ve got to look at the mitigating factors, the aggravating factors, the background of the individuals, the safety of the community. I mean, you’ve got a lot of balls in the air you’re juggling and trying to balance out.

Decisions on where to sentence within a guideline grid and how to calculate the guidelines score are rooted in a system where both uniformity and disparity can be problematic (Baron-Evans & Stith, 2012). Judge 11 drew out some of the complexities:

Here’s the problem: I think that clearly case-by-case there should be huge disparity. There’s a big difference in the same crime. Again, it could have to do with your age, your mental health. I don’t think that everyone who does the same crime should get the same sentence. What bothers me more though is how it’s totally luck of the draw which judge you land in front of.

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8 As an example, in Sentencing Grid for Class A offenses, cell IA has a lowest minimum sentence of 21 months and a highest minimum sentence of 35 months for a non-habitual conviction. See the Michigan Sentencing Guidelines Manual at: www.michigan.gov/corrections/
Judge 11, along with others, advocated the use of scientific risk assessments in order to systematize sentencing decisions based on recidivism research. Judges often admitted that sentencing decisions have no scientific formula. While several situational factors are considered beyond those outlined in guidelines, sentencing is unguided by empirical research on what reduces recidivism. Likewise, according to many in this group, judges do not receive training in this regard. Their expertise lies in the administration of law, not criminological risk factors. Judge 8 described this arbitrariness, “Age, mental illness, developmental phases that a person might be in and just a whole bunch of factors, most of which are my armchair psychology.” And, continued regarding arbitrariness and a lack of training:

I get back to the training of judges. We’re elected. All we need is a law degree. We go to one week of new judges’ school, where essentially, we are taught how to zip up our robe, and roll around our chair without rolling on our robe. [Learn] court rules and basic rules of evidence, and go to it. And I can take 5 years of their life. I can just take it because I feel like it. Or, I could not. That doesn’t make any sense to me. I mean, really? I have that authority but I can wield it without a demonstrable rational basis. I can wield it on the basis of ideology. It’s a crazy system.

These accounts of uncertainty contextualize the theoretical understanding of racial disparity. Albonetti (1991) argues that problematic disparities occur in this context of uncertainty because “decision-makers fall back on attributions about reoffending risk and/or rehabilitation potential that can be linked to race and gender, and other social status stereotypes.” Theoretically, a stable and enduring criminal disposition is attributed to racially marginalized groups, while a temporary or situational involvement in crime is attributed to whites (Bridges & Steen, 1998). These racialized attributions “provide a basis for arriving at a rational decision in a domain of responsibility characterized by uncertainty,” where “[a]ttributions of a stable and enduring disposition are expected to increase sentence severity. Attributions of a temporary or situational involvement in crime are expected to decrease sentence severity” (Albonetti, 1991: 250).

As part of the discussion of problems in sentencing disparity, judges frequently acknowledged racial inequalities in the system. For example, Judge 8 stated that their court “tries to be race-neutral, but we’re probably not.” Judge 4 argued that sentencing guidelines curtail race disparity though it may still permeate into overall patterns. Judge 5 also noted how judges’ personal experiences, particularly as it relates to race, have influence. They describe that “judges will draw from their experiences on evaluating whether a person deserves a particular sentence.” And these experiences among judges are “very similar…all white communities.” Though race disparity was commonly recognized among judges, Judge 5 drew out a subtheme noted only by three of the judges; that judicial decisions are embedded in a social situation where judges are disconnected from the defendants’ communities because they are mostly white and living in white communities. In turn, as Judge 5 argued, this affects court decisions because of a severe lack of familiarity with the life circumstances of many defendants.

People try to do the best that they can. They just don’t appreciate the same things. If I’m a Detroiter and I get stopped by the police three times, a judge could look and say ‘you must be doing something wrong’ because they’re comparing me to someone in Livonia that has never been stopped by the police. And it’s like ‘hold it’ three times in Detroit equals zero times in Grosse Pointe. Three times for a black
man, zero times for a white man. Those are equal. But if you don’t think that people get treated differently because they’re black by the police in Detroit then that’s not an equation that you think has any merit.

Judge 11 argued that “The New Jim Crow” plays out in court\(^9\), and that the system is loaded with inconsistencies and inequalities, and demonstrated a critique of the “get tough” sentencing pattern:

I have a lot of colleagues here; I’m just amazed...it’s like the carpenter with the hammer. Every problem is a nail. That’s the only instrument they’ve ever learned about incarceration. Like I say, I fight every day to see the human being in front me and it’s not easy when they’re brought up there on a chain and sit in the jury box and you have about 4 or 5 minutes to adjudicate the case.

Three judges argued that guidelines’ overall punitiveness heightened race disparities on an aggregate-level, and five others argued that guidelines helped to rein in individually biased judicial decisions. While a small number of judges, exemplified in statements by Judge 5, noted the importance of the “white racial frame” (Feagin, 2013), racial attributions (Bridges & Steen, 1998), and disparities, most judges did not mention or go in-depth into the role of race and court processes. While there was a recognition that race disparities exist, only a select number of judges articulated upon systemic or implicit bias.

Much research continues to be dedicated toward explaining racial disparities in sentencing and the justice system overall. Judges’ accounts point toward the calculation of guidelines scores as a source of disparity due to its arbitrariness. These accounts support the observation of ways race signals differing degrees of blameworthiness and criminal risk within the challenging human process of assigning numerical values to acts of crime (Albonetti, 1991; Bridges & Steen, 1998).

**Pressure from Outside and Above**

Another theme emerged that outlined how the Michigan Department of Corrections and Court of Appeals influence sentencing. While judges exercise discretion and hold much power, their decisions are often bounded by recommendations from the MDOC and appeals to the appellate court.

*Michigan Department of Corrections & Pre-sentence Investigation Reports.* Judges noted the importance of the pre-sentence investigation report (PSI) from the probation department and stated they relied at least partly upon its recommendations. Some said they relied on them heavily; others mentioned that they reviewed them but did not place much stock in their recommendations. Judge 4 stated, “I try to rely on my probation officers who I hope have a whole lot more training than I do about what type of program we should get for people.” Similarly, Judge 1 described a good relationship with the probation office in writing the PSI and that the “Michigan Department of Corrections does an excellent job of putting together their recommendations.” And that judges “meet with [probation officers writing PSIs] too and address things that they might be concerned about.” This judge estimated that disparity “might depend on the county too, and who’s writing the PSIs.”

Judge 15 stated that the PSI was a “starting point” but also likes to listen to the different sides of the case and evaluate the defendant’s demeanor, remorse, and attitude within the courtroom. Judge 8 further explained the anchoring influence that PSIs have and how it may be a source of disparity.

There is a tendency for all parties to get tethered to the number that the MDOC pre-sentence writer puts in there…If they recommend that this person receives 6 months in county jail, people are immediately tethered to that number, and as judge I am too. I say ‘oh, well that sounds good.’ The defendant says ‘yeah, that sounds good.’ Prosecutor looks and says ‘well, it could be a little different but that’s ok.’ And that is our starting point. The difference that I’ve found is that the different PSI writers have dramatically different recommendations. Some are very jail happy, while others are ridiculously probation happy.

Critique of PSIs was not absent. Judge 11 described problems:

The crap that goes into police reports…they’re writing whatever the hell….and to have us use that, as cold hard facts?..In a pre-sentence report there’s a thing called the agent’s description of the offense, and what the probation agents do is that they lift, word-for-word, the language out of the police report. It has nothing to do with what was proven in the trial; what was admitted by the defendant. It repeats all the crap that we’ve been told to not take into consideration.

A continuing body of research shows the importance of studying court processes as the multi-stage system that it is. Sentencing is not the result of one decision by one judge, but instead the end result of a process involving factors well beyond the judge (Spohn, 2009; Ulmer, 2012). The inclusion of pre-sentence reports is one piece that is frequently missing in large sentencing data sets, and yet one exerting important and varying influence according to these judges.

State Court of Appeals. The influence of the Court of Appeals was noted among judges as well. In consideration of contextual factors in the examination of sentencing, Ulmer and Johnson (2017) found that “coercive constraint” from the Court of Appeals could partly shape whether judges depart from guidelines. That is if judges are relatively certain their sentence will be successfully appealed, it limits departures. Judge 11 described the influence of the Court of Appeals and argued they would be more likely to depart downward and offer more alternatives to incarceration if this constraint was absent, “I would sentence far differently than I do, which is I think considered to be fairly lenient if I weren’t worried about appeals.”

One judge described how their large, urban court had a section in the prosecutor’s office that focused only on appellate cases. When asked how often downward departures were appealed, Judge 5 replied, “Almost all of them when you go beneath the guidelines. The prosecution has an appellate section that just does that. They just work to appeal. It’s built in. It’s what they do.” The “coercive constraint” appellate courts exert upon sentencing options, in combination with the likelihood of prosecutorial appeals, is yet another variable missed by analyses of court data.
DISCUSSION

This collection of judicial perspectives has implications toward several of the theoretical understandings of sentencing from the last few decades of research (Ulmer, 2012). Here, I focus on two core implications. First, these findings demonstrate the multiple, interacting sources of substantive rationality leading to disparity. Evidence illustrates how substantive rationality makes the goal of consistency under guidelines an elusive one (Savelsberg, 1992). These judges perceive a complex constellation of factors that influence sentencing beyond the two guidelines scores: offense seriousness and prior criminal record. Specifically, judges describe how local norms, policies, and resources of court communities, which are structured by larger institutional arrangements, guide judicial decision-making. Judges define focal concerns of blameworthiness, public safety, and practical constraints in these contextual particularities. These observations support and complicate past studies of sentencing, and show complexity in the larger empirical endeavor of understanding sentencing disparity and inequality.

Second, and building on the first implication, findings show the methodological and theoretical importance of examining sentencing as a multi-stage and multi-layered, interactive process. This goes beyond the now-common multi-level analysis of community and individual-level factors. Judges’ descriptions outline the interactive relationships between state sentencing policy, state institutions (Supreme Court, Court of Appeals, Department of Corrections), local court culture and policy, local community culture and population, and individual background and philosophies of judges.

None of these factors is independent of the others, and any comprehensive attempt to understand sentencing disparity must examine these interacting influences. Judges frequently described how a community’s context – crime rates, social demographics, politics - influences local policy and resources. These affect the range of options and norms that guide judicial decisions based on focal concerns and attributions of culpability and amenability toward rehabilitation. All of these are embedded in a guidelines system that was created by the legislature and altered by the Michigan Supreme Court. Lastly, even under the structural, legal, and normative constraints, judges have windows (of varying sizes) to exercise their own philosophy of justice.

The general perspective that local organizational structure, resources, and policy matter support Ulmer’s (1997: 189) analysis that, “the nature and character of justice and formal social control…depend as much or more on the processual orders of local courts as they do on the policies and laws of larger-scale state actors.” And, as Lynch and Omori (2014: 412) describe, a state’s criminal court system is a “semi-autonomous set of systems governed by the same formal rules, statutes, and procedural policies, while also embedded in localized legal cultures that are themselves shaped by regionally specific historical contingencies and norms.”

The common observation among these judges that metro Detroit has significantly different sentencing patterns, particularly in Wayne County where Detroit is located, illustrates the substantive local and organizational interests that resist the goal of uniformity. According to judges, the regularity of seeing serious cases and the sheer size of a court circuit matter. As we see size increase, we see corresponding changes in values, roles, resource sharing, and standardization of rules (Eisenstein et al., 1988). As judges remarked, in larger courts, some offenses are more likely to be viewed as routine, and a “going rate” was more embedded, and in turn, lead to lower or less punitive sentences, at least for certain types of crime. The availability
of local resources – jail space, drug/sobriety court, veterans court, or mental health court - determined sentencing options.

Additionally, plea bargains, a long-critiqued practice, introduce many complexities into understanding the fine-tuned ways that disparities persist in court processes. Judges notice the plea-trial disparity and explain how the use of plea negotiations varies due to court policies as well as judges’ individual approach to pleas. Ulmer (1997) observed that even under guidelines, judges maintain discretion through a balance of power within a court community. Notably, judges determine whether a Cobbs evaluation is used, which plays a determinant role in plea agreements. This stage of discretion – to use a Cobbs evaluation or not – is one more hidden stage in the multi-stage court process that often ends with disparities. As judges describe, pleas complicate not only the production of equality and consistency in a meaningful way but also complicate the ability to empirically evaluate the equality of sentences.

Before discussing the implications for future research and policy, it is important to note this study’s limitations. One is that prosecutors, probation officers who draft sentencing reports, defense attorneys, and other personnel were not included. Second, twenty judges do not represent all criminal circuit court judges across the state. There may be some important perceptions missed here. Third, as humans, we are not always that good at recalling our past actions or predicting our future behavior. Any interpretation or application of these findings must keep in mind that perceptions among judges are just that: perceptions. Themes do not necessarily reflect empirical outcomes. In the discussion of what influences sentences, judges’ perceptions could vary from their actual past sentence decisions. Noting these limitations and keeping in mind that this unique sample provided rich data, these detailed findings contribute to our collective effort to understand how judges navigate the administration of justice within a system of sentencing guidelines.

A resounding implication is the disparate use of alternatives to incarceration. Related past research (Smith & Smith, 2019) notes that Michigan judges do not expect substantial change in sentencing following the shift to advisory guidelines. This, along with the current findings, provides context to important questions about the effect of Lockridge on decarceration and disparity. The availability and reliance on alternative programming have substantial influence on disparity and how we address problematic responses to crime. Jurisdictions now have renewed opportunity to form these alternatives.

Verma (2015) argues that the “law-before,” or past organizational practices and power arrangements, influences the implementation of decarceration policy. Applying this same logic, variation in the use of sentencing guidelines is tied into a court’s history of using incarceration and alternatives. The temporal context matters in terms of a court’s sentencing patterns (Ulmer 1995). Court actors’ “shared pasts” can also matter; robust “shared pasts” via interactions and negotiations increases stability and familiarity. These pasts can influence how local courts react to alternatives to incarceration – whether they continue upon past trends or are open to alternatives. Future analyses could examine why some courts have alternatives programming while others do not. As incarceration rates disparately fall across the US, future research should examine what causes some states and counties to lower their use of prison and jail while others do not.
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PERCEPTIONS OF REHABILITATIVE CHANGE AMONG INCARCERATED PERSONS ENROLLED IN A PRISON-EQUINE PROGRAM (PEP)

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Abstract

Guided by a grounded theory methodology, the authors propose a theory of rehabilitation for incarcerated persons within a prison equine program (PEP). Interviews with ten incarcerated men yielded a grounded theory of rehabilitative change centered around the importance of relationships with program staff and horses, and the uniqueness of the barn-equine environment in promoting safe attachments and positive views of self. Special emphasis is placed on the development of secure reparative attachments between men and their horses grounded in acceptance and mutual empathy, as well as the development of redemptive identities whereby participants viewed themselves as having purpose and value as human beings. Implications for policy and practice for fostering effective rehabilitation in incarceration settings are discussed.

Keywords: Prison-Equine Programs, Prison Rehabilitation, Grounded Theory, Redemption Scripts, Reparative Attachment

INTRODUCTION

Approximately 700,000 prisoners are released from prison or jail every year (Durose, Cooper, & Snyder, 2014). Many of these same men will return to prison, typically within three years of release (Langan & Levin, 2002). Research has documented the multiple challenges associated with reentry, like housing and employment, along with complying with the requirements of probation or parole (Hattery & Smith, 2010; Travis, 2005). Former prisoners’ histories of disadvantage and the stigma attached to incarceration, further contribute to the difficulties they may have in making it on the “outside” (Arditti, 2012; Foster & Hagan, 2007).

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Given the unprecedented numbers of individuals returning to community and family life from prison, policymakers and practitioners continue to examine ways to help promote positive reintegration scenarios for formerly incarcerated persons (Visher, Lattimore, Barrick, & Tueller, 2016).

Prison rehabilitation programs are often designed to encourage skill-building and prosocial behaviors among participants (Vernick & Reardon, 2001). Providing incarcerated individuals with comprehensive, coordinated services during incarceration and reentry improves post-release outcomes (Visher et al., 2016). Prison-based Equine Programs (PEP) utilizes horses to rehabilitate incarcerated individuals. As of 2014, fifteen states currently have PEPs affiliated with their correctional facilities (Bachi, 2014). These programs are considered beneficial for incarcerated persons (hereafter referred to as IPs) as they integrate specific career skills along with opportunities to obtain socio-emotional benefits that are associated with the animal-human bond (Bachi, 2013; 2014). Guided by an attachment lens, prison-equine program scholars have conceptualized the rehabilitative mechanism within human-animal bonds as stemming from strong relationships (i.e., with humans and/or animals) that provide corrective attachment experiences (Bachi, 2014; Zilcha-Mano, Mikulincer, & Shaver, 2011).

Despite the potential for prison-equine programs to promote rehabilitation, there is a dearth of empirical literature on how prison-equine programs may contribute to change for incarcerated people (Bachi, 2013; 2014). The literature that does exist is limited and often does not include the voices of incarcerated participants. Further, current literature does not explore, in depth, the underlying psychological and relational mechanisms involved in rehabilitative change during prison equine program participation (Bachi, 2014). Specifically, PEP scholars have identified a need for rigorous research that explores the nature of human-animal relationships in PEPs and how these experiences contribute to psychological change in carceral settings (Bachi, 2014). The present study seeks to address this gap in the literature by proposing a grounded theory of rehabilitative change based on the voices of incarcerated men participating in a PEP.

The present study examined incarcerated participant experiences in a PEP program (hereafter referred to as “Blue Hills,” which is a pseudonym for the program) to understand how it might promote change and responses related to reintegration among incarcerated men. We seek to expand criminological theories of desistance, which center on shifts to prosocial identities and roles, to more fully consider contextual and relational transactions between PEP participants and their environments, the horses, and persons involved in the PEP. The purpose of the study was to gain the views of incarcerated participants regarding the program based on in-depth interviews. Our grand tour question guiding the study’s analysis was: How do Blue Hills’ participants experience change and rehabilitation within a PEP?

**BACKGROUND AND SIGNIFICANCE**

**Prison-Equine Programs**

Horses were first introduced into prison systems in the late 1970s when the Bureau of Land Management partnered with the National Organization for Wild American Horses and the state penitentiary in Canon City, Colorado to develop a horse training program for captive wild mustangs (Strimple, 2003). The Colorado program was considered one of the first of its kind, as it provided the incarcerated participants an opportunity to develop job skills while also learning how to care for another living being (Strimple, 2003). In 1982, the Thoroughbred Retirement
Foundation (TRF) was founded and the organization formed a cooperative agreement with the Wallkill Correctional Facility in upstate New York. This agreement established one of their first retirement farms for ex-racehorses. Using learning materials provided by TRF, inmates received extensive training in all aspects of horse care and the program became accredited (Strimple, 2003). Today, 15 state correctional systems operate prison-based equine programs (PEPs) (Bachi, 2014). While a number of benefits have been described, these conclusions are based almost entirely on anecdotal assessments, rather than empirical studies (Furst, 2006). Consequently, nearly every published review on this topic includes a call for systematic research to verify the benefits of these programs.

The Blue Hills Program is housed in a Mid-Atlantic state. It was established approximately ten years ago as a collaborative effort among the Thoroughbred Retirement Foundation (TRF) non-profit Second Chances program, and the Department of Corrections (DOC). Participants are selected from a pool of applicants and assigned to the program for six months, during which they are the main caretakers for the horses. On a daily basis, the participants are responsible for leading the horses in and out, mucking stalls, grooming, feeding, and doing round-pen work. This hands-on experience is complemented by classroom training in equine nutrition, physiology, and tack and stable management. TRF uses the Groom Elite curriculum, developed by Reid McLellan, Ph.D., which is also taught at racetracks. Graduates become certified, and the Foundation assists them, upon their release, in finding jobs in the horse industry.

Blue Hills is considered a highly successful program by all involved and this view is supported by the low rates of recidivism in graduates of the program. Anecdotal information supplied by Blue Hills suggests rates of recidivism for program participants is as low as 3-6%, compared against 23% for the general population of the Mid-Atlantic state inmates (VA DOC, 2016), and 68% nationally (Durose et al., 2014). However, the elements of Blue Hills that contribute to perceptions of program success have not been identified, and, in general, there are few formal investigations of PEPs in the scientific literature. A primary purpose of this study was to provide an in-depth examination of participant perspectives’ of the Blue Hills program utilizing systematic qualitative data collection strategies and grounded theory analysis. Such an approach permits for the development of a framework to explain the processes and influences of a PEP program to generate theory. Consistent with qualitative criminology applications that generate theory about the lives of incarcerated persons (Miller, Copes, & Hochstetler; 2015; Hochstetler & Copes, 2015) and the use of grounded theory to examine offender rehabilitation processes (e.g., Cantora, 2013; Smith & Ferguson, 2005) our goal was to utilize an inductive research approach to reveal nuances about life changes and rehabilitative experiences as it pertained to participants within a PEP.

**Sensitizing Concepts: Spillover and Redemption Scripts**

The qualitative approach of the present study incorporated sensitizing concepts derived from extant theory within prevention science and the empirical literature on prisoner reentry and desistance. Sensitizing concepts often serve as a starting point for qualitative analysis and can loosely guide interpretation (Bowen, 2006; Charmaz, 2006). Positive spillover effects refer to beneficial changes within and across domains of functioning (Doty, Davis, & Arditti, 2017).
These effects may extend beyond the specific goals of a particular intervention (e.g., in the case of Blue Hills, vocational training) and stem largely from positive relational patterns (Masten & Cicchetti, 2010). Within domain spillover, effects may include gains in inmate psychological functioning through the establishment of generative roles which afford meaning and achievement in one’s life (Hlavka, Wheelock, & Jones, 2015). Across domain, benefits may involve beneficial changes in other parts of participants' lives as well as influences on the non-target population (Angelucci & DiMaro, 2015) such as families and communities associated with the IP.

In addition to considering the possibility of spillover, we were also interested in exploring what role program participation may have in the construction of program participants’ redemption scripts (Maruna, 2001). Redemption scripts are defined as positive cognitive transformation narratives on the part of reentrants that sustain them during adversity. These scripts are theorized to be a central rehabilitative component in the desistance from crime and generally involve the reinvention of how the IP sees oneself (i.e., distancing and explanation about past criminal activities), seeing one’s existence as meaningful and contributing to social institutions, and a sense of agency, or the ability to engage in voluntary actions that matter and promote “good lives” (Liem & Richardson, 2014; Maruna, 2001). It is worth noting that transformation narratives among IPs may not necessarily relate to intentional efforts aimed at rehabilitation, but an effort to make sense out of their imprisonment, wishes for a positive future, and confidence in their ability to desist after release (Schinkel, 2015). Here we were interested in learning more about how Blue Hills participants saw themselves and their futures, as well as any perceived changes they might attribute to the Blue Hills program.

**METHOD**

This IRB approved study was conducted using grounded theory methodology. Separate human subjects’ protocols were approved by the university and the state Department of Corrections overseeing the facility in which Blue Hills was housed. Grounded theory is an inductive construction of knowledge that takes place between researchers and participants to develop a theory about the area of inquiry (Charmaz, 2000; Daly, 2007).

**Purposive Sampling**

Purposive sampling is a systematic approach to the selection of cases in qualitative research (Coyne, 1997; Creswell & Plano Clark, 2011) and implies that information-rich cases are chosen for study inclusion (Patton, 2002). “Information-rich” cases are those from which one can best learn about the phenomena under study; in this instance, perceptions of change as a result of program participation, and spillover effects. Per our IRB protocol, we collaborated with a liaison at the correctional facility to identify current and past (but still incarcerated) participants of the Blue Hills program who would be interested in learning about the study. After a separate meeting with prison administrators and the research team, a second meeting was arranged with approximately 12 inmates at the facility, the first author, and the program liaison. It is during this meeting that the first author handed out IRB approved brochures and went over the details of the study; informed consent documents were left with program personnel and potential

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2 Blue Hills is a pseudonym for the actual program.
participants. The study liaison then worked with the first author to schedule interviews with those men that were interested in participating. The first author traveled to the facility several weeks later, went over the informed consent documents, and subsequently interviewed 10 incarcerated male participants. It is in this manner that purposive sampling was used to identify incarcerated men currently or previously enrolled in Blue Hills and recruit them for interviews.

**Data saturation.** Our decision to stop interviewing after 10 interviews was based on several considerations discussed by qualitative scholars with regard to data saturation (Aldiabat & Le Navenec, 2018). “Data saturation” is viewed as a key methodological criterion to determine when data collection should stop in grounded theory studies and is typically invoked when no new data or coding categories emerge in interviews (Charmaz, 2006; Glaser & Strauss, 1971). Moreover, saturation can be enhanced when the researcher(s) is skilled and experienced in using qualitative methods, the scope of the study aim is clearly specified and not overly broad, the sample is “dense” (i.e., participants have broad and experiential knowledge of the topic under study), theory has been applied to frame the study, and the research employs a clear description of the analytic strategy (Aldiabat & Le Navenec, 2018). These enhancements were believed to characterize the present study. Additionally, the challenges of conducting research in corrections settings are well-known and often involve significant barriers (Arditti, 2015; Arditti, Joest, Lambert-Shute, & Walker, 2010; Byrne, 2005). Indeed, in corrections settings sometimes smaller, nonprobability samples are the “best that can be done” (Pope, Lovell, & Brandl, 2001, p.13). Not surprisingly, this research faced administrative delays and a tight window with regard to accessing participants for interviews. Therefore, our decision to stop interviewing was based on practical as well as data saturation criteria.

With regard to data saturation, after each interview, the first author wrote extensive field notes. Recurring themes in these notes were apparent even after the first several interviews. After nine interviews, it seemed like data saturation was reached (no new codes were emerging, field notes captured a mostly positive experience in the program for the men with some caveats). A 10th interview was conducted with a participant (pseudonym Sean) who was a “negative case” (i.e., he was “kicked out” of Blue Hills and his interview was conducted in the main corrections building rather than the barn setting) to ensure completeness of the data. Negative case analysis (used to disconfirm or breakdown themes) is an aspect of rigor in grounded theory studies and a feature of the constant comparative method (Taylor, Bogdan, & DeVault, 2016). The identification of such cases allows for more nuanced thematic interpretation and the achievement of data saturation. The inclusion of a negative case, our utilization of the Aldiabat & Le Navenec (2018) criteria to enhance saturation, along with the practical barriers that we faced in accessing the population under study informed the decision to stop interviewing after 10 participants.

**The Interview**

In-depth interviews were utilized to emphasize the value we placed on giving voice to those who are least likely to be heard: incarcerated persons who were in the program. We considered men in the program as "experts" of their own experience and therefore the best source of information regarding strengths and challenges of the Blue Hills program as well as how participation in the program may prepare them for reentry and perhaps contribute to an identity transformation aimed at desistance from crime (i.e., redemption scripts). Interviews were conducted in person by the first author at a correctional facility in a Mid-Atlantic state. With the
exception of one participant (i.e., the “negative” case), all interviews were conducted in the barn setting in a private room where the program was implemented. The room had a window so that a Correctional Officer could see inside. Interviews were approximately 90 minutes long and comprised of mostly open-ended questions aimed at eliciting thick descriptions of program experiences and reflections on change. Thick description refers to a detailed account of patterns in the data that are described in context (Geertz, 1973; Holloway, 1997; Lincoln & Guba, 1985).

In-depth interviews are useful for addressing sensitive topics, eliciting participant feelings, gaining an “interpretivist perspective” (i.e., the connections the individual sees among events and experiences), and align well with research on marginalized populations (Charmaz, 2006; Liamputtong, 2007; Mack et al., 2005). Consistent with Charmaz’s (2001) criteria for qualitative interviewing for grounded theory analysis, the interview questions were designed to “define and explore processes” (pg. 678); in this case, processes centering around men’s program experiences and their reflections on change. The questions were intended to tap into the subjective meanings participants held about their involvement in Blue Hills, their perceptions of strengths and challenges in the program, and how they felt they may have changed or “done anything differently” as a result of the program. The final question in the interview asked participants to “describe a positive future for yourself” in order to gain insight about men’s hopes and dreams, and the extent to which experiences connected to Blue Hills might in fact connect with potential reintegration scenarios. Interview questions were informed by the first authors’ previous experience conducting qualitative process evaluations for programmatic interventions for the Department of Corrections, the sensitizing concepts of the study, and Maruna’s (2001) use of the Life History Interview (McAdams, 2008) to elicit narratives of redemption. Given the methodological design of the study, our intent was not to tease out causality about the effects of the Blue Hills program on key inmate outcomes (e.g., recidivism), but rather to gather detailed accounts of inmates’ change experiences to develop a theory about the process of participating in a prison-equine program. All interviews were recorded and transcribed and lasted approximately 90 minutes.

Population and Participants

Population. Current Blue Hills participants and graduates of Blue Hills served as the subject pool for this study. All participants were men incarcerated at the Mid-Atlantic state work center (MSWC). The MSWC is a level 1, low-security facility that is part of the Mid-Atlantic Department of Corrections system. Low security facilities house nonviolent offenders that have reasonable physical and mental health (i.e., men do not have special or excessive health needs). The MSWC is located in a rural area not far from a major urban center and houses approximately 275 male inmates. Approximately 73% of the men housed at MSWC are Black, 27% are White, and less than 1% are categorized as “other race.” A majority of the men, 38%, at MSWC are between the ages of 30 and 39 years old, 30% are age 40-49 years, 19% are aged 18-29 years old, and 14% were aged 50 or over. The average amount of "time served" at MSWC is 54.7 months (VADOC, 2016). Blue Hills participants were drawn from the general pool of men housed at MSWC based on their ability to meet eligibility requirements. While any IP at MSWC could apply to the program, IPs had to undergo several levels of screening before acceptance into the program. Eligibility for Blue Hills included: 1) IP did not smoke (due to flammable ____________

3 Structured questions were utilized at the onset of the interview to gather background and demographic information about the participants.
materials, hay, at the barn), 2) liked horses, 3) no behavioral infractions, 4) correctional officers familiar with the IP believed it was a good fit based on their daily interactions and observations of the IP in other settings, and 5) the MSWC counselor evaluated the application and case file and moved it forward based on good behavior and absence of criminogenic risk. Once the MSWC counselor moved the application forward, it was reviewed by the Captain and the Assistant Warden. The final level of screening involved an interview with a five-person panel comprised of Correctional Officers and Blue Hills staff. The interview was designed to assess further the IP’s reasons for wanting to participate in the program, goals upon reentry, and program fit. There were approximately 8-10 IP's in the program at a time with two cycles per year (spring and fall). Although not all IP's at MSWC had an equal chance of being accepted by Blue Hills due to strict eligibility parameters, all Blue Hills participants had an equal chance of participating in this research.

Participants

A total of ten current and former Blue Hills participants were interviewed utilizing a semi-structured interview approach during Fall, 2017. The interviewer asked scale and open-ended questions regarding family closeness and contact, closeness to the horses, overall feelings towards Blue Hills, and personal affect. The average age of the interviewee was 38, with the oldest participant 48-years-old and the youngest participant 25-years-old. Half (n=5) of the participants self-identified as Caucasian, two (20%) self-identified as African American/Black, and three (30%) self-identified as other or mixed race. Seven of the ten participants had children. Of those that had children, 20% of participants had six children, 20% of participants had three children, 10% of participants had two children, and 20% of participants had one child. The education levels ranged from some high school (10%) to a master’s degree (10%); one-third of the participants earned a GED while incarcerated, 10% earned a GED before prison, 20% earned a high school diploma, 10% experienced some college, and 10% graduated college. The length of sentence for each participant varied from 12 years to 3 years. Similarly, the number of sentences the participants had experienced varied from 50% having this current sentence as their first incarceration and 50% having previously been incarcerated prior to the current sentence.

Coding and Analysis

Initial coding, in which each transcript line was coded into brief action statements (Charmaz, 2000), was independently conducted by three researchers of the study team to explicate initial and emerging codes. These codes represented major categories of “what” was in the data (Morse, 2008). Categories involved “participant relationships,” “program environment,” “identity” (i.e., content related to how participants viewed themselves), “Blue Hills Program” (i.e., text specific to the PEP and perceived benefits or challenges), and “reintegration” (i.e., content related to participants’ narratives related to rehabilitation and their future after release). Axial coding (Strauss & Corbin, 1998) was then used to establish relationships between coding categories based on similar circumstances, actions, and outcomes of the participants’ experiences. Axial coding served as the basis for the themes derived and summarized in the results. Themes represented a deeper analysis of the data in terms of how categories tied together (Morse, 2008), and contributed to the development of a grounded theory model that specified the process of rehabilitative change for participants in Blue Hills.
Based on coding around participant descriptions of their relationships, patterns in the data emerged concerning how Blue Hills participants formed reparative (i.e., therapeutic, healing) attachments with program staff and horses, as well as comradery with other men that were in the program cohort. Similarly, axial coding involving the environmental context of “the barn,” or where the program is housed, and the reparative relational elements of Blue Hills led to our interpretation that participants developed redemptive identities centered on personal change and self-determination. These changes, in turn, seemed to connect with participant narratives about positive futures and life skills that typically serve participants well when they were released from confinement. Throughout the iterative coding process the constant comparative method (Charmaz, 2006; Glaser & Strauss, 1967) was employed.

Trustworthiness was achieved via data saturation (discussed in the previous section) and through researcher immersion in the data and the iterative dialogue between researchers (Lincoln & Guba, 1985). To further enhance trustworthiness, triangulation was utilized through the use of in-vivo field notes, independent coding by three researchers and interactive dialogue amongst the research team. Specifically, the first three authors coded the data independently and compared the results during bi-weekly meetings. All sets of independent coding were highly consistent indicating compatible analysis. Further, the research team identified coding discrepancies and together agreed on the interpretation of the data by comparing field notes and data interpretation. Trustworthiness was further enhanced through ensuring thick descriptions of the data in the present dissemination of findings (Geertz, 1973; Lincoln & Guba, 1985). Thick description increases transferability in grounded theory work so that the degree of fit between findings and interpretation may be assessed by those interested in applying the findings (Lincoln & Guba, 1985).

RESULTS

Three aspects of the Blue Hills program that represented the thickest description based on participant narratives and interviewer field notes involved participant relationships with program staff and volunteers, bonds with the horses and the therapeutic value of spending time at the program location—the barn. We discuss these program aspects first and then turn our attention to explaining the grounded theory model of rehabilitative change. Pseudonyms are used for all participants.

Relationships: The Blue Hills Family

Relationships were central to the Blue Hills experience. Relational connections were formed as a result of day-to-day interactions between program participants and staff, between participants and between men and the horses under their care. These relationships and the resultant opportunities for men to form meaningful bonds with other people and horses seemed to be a critical feature of Blue Hills that connected to rehabilitative change. Here we focus on thick description concerning men’s relationships with staff, program volunteers and the bonds they described with their horses.

Humanizing interactions. First and foremost, participation in Blue Hills broadly served a “humanizing” function in which men engaged in what they described as “normal” interactions. The central aspect of these interactions was that the men felt as if they were treated as a whole person rather than a “criminal.” Participant comments such as “they [the Blue Hills staff] just treat you like actual human beings,” “I get treated like a real person,” or “they [the Blue Hills
staff] treat you with respect” embodied the importance men attributed to humanizing interactions with staff and volunteers. Raymond elaborated: “…cause it’s like I get treated like a real person. Because my brother in law, he is in corrections, he’s an officer up in [Washington] D.C. and he told me, he’s like straight up they tell us you guys [i.e., inmates] aren’t people anymore. They actually train up to treat you subhuman. So, when you meet someone that actually talks to you like I’m not wearing orange, it’s a little bit better, it feels better.” Another participant, Michael, echoed this sentiment and explained: “they [program staff] just made you feel more welcomed in the world…they didn’t look at you like you messed up, like you should be punished.” Feeling stigmatized and devalued in their daily life, because they were prisoners, was a common sentiment among the study participants. Interactions within Blue Hills helped counteract these feelings and reminded men of their humanity. As Joe put it: “Yeah…people not just looking at you like you just locked up. That’s the biggest thing [benefit of Blue Hills].”

Blue Hills’ participants described opportunities to “be around positive people” who were viewed as sincere and truly interested in helping them. The belief that staff and volunteers where not getting paid, but were there because they wanted to be, seemed to enhance the perceived value of participants’ relationships with staff and volunteers and their humanizing effect. One participant commented: “The people seem more sincere because to me they don’t have to do it. They volunteer.” Another Blue Hills participant expressed a similar feeling towards the benefits of interactions with volunteers: “I probably wouldn’t have dealt with [experienced this] on the street and just seeing how other people act and meeting people who are really sincere about what they do.” The interaction between the participant and volunteer facilitated growth and exposure to new relationships.

Joe contrasted the strengths of Blue Hills to other prison programs he had taken part in:

The strengths, the sincerity of being in here and working with people and working with the barn manager. The sincerity in the people and the sponsors [is what matters]. Not really wanting anything back, volunteers, people volunteering their time, and people really wanting to help you whether it is in here or on your way out. And people not looking at you like a criminal. They look at us like normal people.

However, this positivity was not universal as evidenced by Sean’s comments about his interactions with staff. Although Sean enjoyed his relationships with the other men in the program and the horses, he reported feeling disrespected and unwelcomed by program staff and, to a lesser extent, the male correctional officers involved in Blue Hills. Sean explained his program involvement ended “acrimoniously” and described his interactions with program staff as “patronizing.”

In sum, except for one participant, interactions with program staff and volunteers were described as sincere. These interactions seemed to nurture most participants, helped them to feel fully human and enabled normal day-to-day interactions. Moreover, participants seemed keenly aware that these humanizing interactions within the context of Blue Hills were entirely distinctive from their interactions with non-Blue Hills correctional staff when they were not in the program environment.
Bonds with Horses: “A Second Chance”

Men discussed their attachments to the horses under their care as well as all the horses in the program. One participant stated that the horses were “easy to form a bond with… you can be very affectionate with the horses.” Another participant discussed having an “automatic bond” with his horse. Jeff discussed at length his deep connection to his horse and summed things up: “The strongest bond in this program I believe is the bond between the inmate and the horse.” Overall, participants found their time with the horses to be rewarding and helpful to them on several levels.

A sense of purpose. First, participants’ relationships with their horses provided men with a purpose. As Derick commented: “It helps people…having a sense of purpose, know you have to take care of something…that this horse depends on you…it gives you a lot of strength.” Caring for the horses gave men a sense of responsibility and something to think about besides serving their time. As Joe explained: “I think about the horses a lot, and most people I deal with I talk about the horses.” Another participant stated: “Shows you responsibility. It [caring for the horse] gives you a sense of purpose.”

The responsibilities involved with horsemanship gave men an alternative (and positive) focus that helped relieve stress and made their days more palatable. Raymond depicted the standard day for a Blue Hills participant: “We leave the gate [main correctional facility] at like 7:20 – 7:30. By the time feedings done, we walk the horses down it’s like 10. By the time we get done grooming it’s noon. So, the day does fly by.” Several participants explained how this strict schedule and working with the horses kept them out of trouble. Joe described his experience: “Yeah just kind of in a way keep me sane. Keeps me away from a lot of nonsense and then it keeps a lot of nonsense away from me… I can actually be positive and actually go out there and stay out of trouble and not think about negative things or doing something negative,” and “all the guys down here are pretty much the ones that are staying out of trouble up there too.”

Contributing to the sense of purpose were men’s perceptions that their involvement in the program and, more specifically their direct work with horses was preparing them for the “real world” upon reentry. Several men equated their program participation as “bettering themselves” or using their farrier skills to get a job. Brent, a program graduate who served as a teaching assistant for the program at the time of the study, talked about the horse farrier skills he gained: “So I’m kind of depending on the program to help me out a little bit. And use the skills that I’ve acquired down here to maybe get a job at a farm where you can live there, living quarters maybe or something of that nature.”

Even if experience with horses was not viewed as a primary form of employment upon release, participants still believed the experience would be helpful to them. Raymond stated: “I mean this grooming thing might be lucrative. If I go that way, I don’t know if I would. But it will always be in my back pocket.” Michael expressed a similar perception: “It’s just another option that you have for when you leave here…if you want to go get a part-time job and get your foot in the door somewhere. Horse people to me are real nice people.” In sum, men derived benefit from their time directly interacting with horses as well as a sense of purpose by preparing for an unknown future after incarceration.

Emotional intelligence. Second, relationships with horses helped to improve mood, regulate emotions and develop emotional intelligence. Emotional intelligence involves the ability to express and understand one’s emotions as well as how to interact empathically with others (Mayer & Salovey, 1997). As Brent stated: “If I have a bad day I get around the horse, the
horse might be playing with you or something and get you in a better mood.” Gary, who had experiences with animals as a child, explained: “I grew up on a farm, so it’s always been nice to work around animals. It has always relaxed me. Put me in a good mood. It’s not stressful.” Another participant, Austin, acknowledged how his relationship with his horse helped him cope with stress: “It’s more of a stress thing for me they help with or its…a companion thing I think.” Still, another participant noted that his interactions with his horse brought out “his sensitive side.” The importance of sensitivity was reflected by the following comment from Chris: “I can honestly say I haven’t found myself intimidated by them at all, but I’ve always been scared of what I might do to harm them.”

Participants discussed the emotional intelligence gained through their bonds with horses and the necessity of learning to read their horse’s mood. Chris explained: “These horses – even my same horse – different day have a different attitude. He might not be a little cranky today or tomorrow, but … its teaching me to deal with people.” Similarly, Derick stated: “You really have to pay attention to learn their personalities and that is helping me as far as people and in general, too. I got to watch people’s body language to know where we stand at.” Horses then seemed to help men gain confidence in their ability to interact empathically. Jeff discussed his willingness to put his horse first: “I found that with this program I, because of the attachment to the horses, I was able to put them first above a lot of other things. I would probably do anything for them.” Michael discussed how reassuring he found the bond with his horse and how this helped him with others: “…just needed a few things I think like reassurances of the things and showing I can work with the horses on another level and talking to people and understanding things. It helped me a little bit.” Similarly, other participants discussed building trust with their horses, or becoming more attentive and patient as a result of their relationships with their horses. The following comments reflected how relationships with horses helped participants fine-tune empathy, emotions and relational skills.

For example, Austin had been in and out of prison for more than 20 years and was ready to make this sentence his last. He developed a deep relationship with the horses once he saw that they accepted him. This allowed him to “build a bond, a friendship first. And it’s all about them trusting you first, and you can’t push your way into that.” With time, he became more patient because “them horses will definitely teach you patience because they are gonna do it when they’re ready.” Another participant, Brent, saw a lot of himself in the horses. He reported being a quiet guy, just like the horses and stated: “I know how animals feel and I like that I can have someone to relate to. Someone that understands me.” Brent described how his relationship with his horse began to improve his attentiveness and emotional acuity. He explained: “So it made me a little better as far as paying attention, dealing with animals, having compassion for animals … [my horse] makes me a more open person.” Jeff shared a similar sentiment and explained the connection with the horse began by learning how to listen. Jeff explained this communication process: “horses don’t talk …it’s based on body language and affection…It’s a lot of observation… so its heightened listening almost…”

Overall, participants seemed to relate to their horses in terms of personality and emotions and worked to improve themselves as a result. Austin discussed his transformation as a result of learning to interact with his horse: “I’ve been abrasive all my life…but now I see there is different ways to deal with life. You don’t always have to put a wall up and scare people into doing what you want them to do. And you get better outcome with that.” Derick gained perspective about how others may see him because of what he believed he had in common with
his horse: “Being around the animals and they can’t talk so I got to pay attention. I can deal with that. I feel how other people feel towards me now because I’m not a talker.”

**Acceptance and support.** In addition to helping men have a sense of purpose, cope with the stress of incarceration, and improve their emotional acuity and relational skills, bonds with horses provided men with a sense of safety and security they may not have had with people in their lives (past or current). Similar to men’s sense that they were treated with respect and valued by program staff, study participants appreciated the nonjudgmental nature of their relationships with their horses. Participant comments such as: “I’m in orange, but they [horses] don’t treat me like I’m in orange,” “These horses don’t reject you,” and “The horses give you a second chance,” were indicative of the value men put on feeling accepted for who they were, in the moment. Chris, who suffered from a degenerative ocular disorder and struggled with feelings of rejection all his life, described his relationship with his horse as “one of acceptance…” that helped him to “stay steady and be true to myself.” He elaborated: “I wanted to be accepted everywhere I went and … I always could kind of make a joke and fit in, but sometimes you don’t need to fit in, and that’s kind of what these horses are teaching you.” Bonds with horses not only provided a sense of acceptance but became an important source of support for participants. Sean acknowledged that the animals in his life served as a “support system.” Another participant, Michael, discussed the support he received from his horse: “He was like a therapeutic horse to me. I could talk to him. His name was Clem… it’s like you could vent to him if you needed a hug, he would give you back the love that you needed to help you out.”

**Loss.** Finally, bonds with horses seemed to run deep. Perhaps the most poignant indication of the depth of these attachments involved how participants felt upon their separation from their horses due to adoption or the end of their participation in Blue Hills. Men discussed in depth the emotional pain of seeing one of their horses being adopted while under their care. Jeff described the experience: “You don’t see many guys cry in prison, but he had tears in his eyes when his horse got adopted away.” Another participant found comfort in the fact that although his horse was adopted, it would help others. Brent said, “I was sad at first. But, at the same time, I felt that he was going to a better place to help other people. It could be a kid out there who was autistic or somebody that has PTSD or something else or mental issues that the horse may give them a better day like he was giving me.”

In addition to the possibility of loss stemming from a horse’s adoption, several men discussed what it was like after participants’ graduated from Blue Hills and no longer saw the horses. Jeff, a recent graduate of the program, spoke about the loss experienced once his time in Blue Hills was over and he had to cut ties with the horses:

When you come to prison a lot of things get taken away from you, when you do this program and this program ends you get the horses taken away from you. And so that’s a very hard thing. A lot of the guys who have not remained down here I know have… there is one gentlemen up there that was in the previous class prior to mine. He went into a depression for a couple of months. That’s a real hard thing to swallow because you have a horse every day, 7 days a week, 65 hours a week and when the program ends you go to zero contact with the horse.

The irony was that the interview afforded Jeff a glimpse of the horses he once knew because it permitted him to return to the barn environment. Jeff discussed the context of his and other participants’ loss of contact with their horses:
I: There is no continuity? [i.e. after program ends]
Jeff: No. And it’s a very hard thing to take. There are times when I work elsewhere on the farm and I hate coming down here because it’s one of those things you get the horse taken away and then you get to see it again but you can’t really interact with it. It’s tough.
I: Do you see any of your horses today?
Jeff: Oh yeah.
I: How are you feeling?
Jeff: It’s okay. I sat very quietly over there and said hello, but I’m still very attached to him so it’s tough.
I: Because they don’t let you have contact after?
Jeff: Right.
I: No visits?
Jeff: Yeah.
I: Do you think the staff are tuned into that issue?
Jeff: I don’t know if they are or not. I think it might be something that is missing.
I: I have heard about horses being adopted out. Did that happen to you?
Jeff: It didn’t happen to me thank goodness. I actually had my favorite horse, somebody came to look at him, but he’s such a therapeutic type horse they decided to make him a therapy horse and removed him from the adoption list so I didn’t lose him.
I: Were you worried when this person came?
Jeff: Oh yes. Absolutely, excruciatingly worried
I: Painful?
Jeff: Yeah, I didn’t sleep. Called my family every day. And I saw guys lose their horses. There was another gentleman that was down here with me that I talked to a lot, he cried… And he is someone who lost his wife and a couple of other family members while he’s been in here.

Loss of contact with horses was profoundly felt by some Blue Hills participants and reflected their deep attachments to the retired thoroughbreds. The sense of loss was further intensified by other relational losses and institutional practices that prohibited further contact.

The Barn Environment: “A Different World”

The Blue Hills program was housed in a barn that was located down a hill in a valley approximately 3/4th of a mile from the main correctional facility. Geographically, it was quite separate from the main building and surrounded by fields and meadows where horses and other livestock grazed. Men were shuttled to the barn by Correctional Officers, some of whom were the main correctional officers at the barn and quite familiar with the participants.

Freedom. The barn environment seemed to matter a great deal to Blue Hills participants and afforded prisoners a different kind of experience characterized by a sense of freedom and normalcy that could not be achieved elsewhere given the stresses of routine prison life “up on the hill.” It should be noted that there were no fences surrounding the barn. As Joe stated: “It [Blue Hills] gives you a sense of not being incarcerated somewhat. And it helps with keeping me calm.
It relieves stress…I just love being down here.” Brent echoed these sentiments: “Where back at the prison it’s just you gotta deal with that environment all day long, and that can really stress you out. You come down here and it’s like a stress reliever.” Jeff elaborated: “When you come down here you get a lot of freedom to be able to do certain things as far as being able to go out and get horses and walking them through the fields and pastures by yourself.” When asked what he liked about Blue Hills, Raymond responded: “I guess the freedom, the quote, unquote freedom, like you know it’s a really relaxed environment.”

The opportunity to spend time at the barn afforded a distinct chance to escape the routine and difficult conditions of the correctional facility. As one participant stated: “You can come down here and have a little peace and quiet… down here it’s like everybody’s the same.” At the end of the day, upon returning to “the hill” (the prison dorms), thinking about the barn helped. Joe said, “I feel a lot better, I go up on the hill, I think about this program more than anything else.” But upon finishing the program, men missed the sense of freedom they experienced down at the barn. Sean said, “…being outside I like. That’s one thing I miss now, is I can go out in the yard here but that’s a far cry from being in the middle of a pasture.”

Brent summed up the distinction between prison and barn: “When I’m down here, it’s like a different world. Like I said, I try to leave all my problems up there. I don’t bring it down here and just enjoy the time with the horses.” Joe’s comments seemed to expand on this point: “I feel like you can talk to them [Blue Hills staff] a little more closer than you could with the COs [on the hill]. I mean it’s just, I guess, feels like a different environment. Like two different environments.” Michael summarized the differences as “you try to get in the right circle with the people that are smart and willing to help you and help make you think and stuff, you’ll do better. More positive influences instead of negative.” Overall, the barn environment contributed to men’s sense of normalcy and humanity because it permitted them precious moments of freedom, alone time, peace, and of course, time with horses. Participants discussed the benefits of “being with nature” and “walking in the fields with the horses.”

Self-determination. Self-determination, which encompasses the ability to initiate and control behavior, arises from specific relational and environmental factors such as freedom, autonomy, and connection with others (Deci & Ryan, 1985; Ryan & Deci, 2000). Given the relational context and greater freedom of the barn environment, it was not surprising that participation in Blue Hills afforded study participants a sense of self-determination in terms of making decisions about when and how to get things done and move through their day. Raymond explained: “There’s not so much structure as there is up on the hill. On the hill, you move when they say…it’s a little less structured [in the barn].” He continued to elaborate on the importance of “getting to decide” when to enact horse-related tasks: “no one is like over top of you at all times telling you what to do. You have a job here, and you just gotta get it done whether you do it first thing or you wait a little bit.”

Indeed, opportunities for self-determination seemed to arise given the more relaxed environment at the barn. Raymond explained, “On the hill, you move when they say even though they let us walk in and out during rec and all that you know it’s a little more … less structured. And it’s just nice to be around animals.” These statements indicate that tightly-controlled environments inherent to many traditional incarceration settings may foster agitation, hypervigilance and prolonged stress. Brent highlighted this process, “Back at the prison it’s just, you gotta deal with that environment all day and it can really stress you out. You come down here [the barn] and it’s a stress reliever.” Another participant shared, “You know what? Prison is
a lonely, lonely place… I’m more comfortable with myself down here [the barn] then, I mean more laid back, not threatening.”

The less structured environment of Blue Hills demonstrated that even a nominally higher degree of trust and freedom may provide participants with self-determination opportunities that facilitate stress-relief, deeper introspection, and personal growth. Joe’s comments eloquently reflected this point: “It [being at the barn in the program] gives you a sense of not being incarcerated somewhat. And it helps with keeping me calm. It relieves stress a whole lot working with the horses. I never worked with horses before, so now I just love being down here. It has calmed me down a lot and taught me a lot to deal with stress and the way I think about things. Listening to other people a little more and listening to other people’s input.”

A Grounded Theory of Rehabilitative Change

Grounded theory coding yielded themes of rehabilitative change within Blue Hills as well as responses pertaining to how Blue Hills connected to reintegration. Figure 1 (see appendix) summarizes the theorized relationships among the thematic areas that were identified in the men’s narratives. Participants clearly identified that both relationships and the barn environment were important rehabilitative mechanisms within the Blue Hills program. Deeper analysis of the data indicated these influences coalesced in a manner that appeared to facilitate a process of rehabilitative change characterized by three within domain “spillovers” of the program: 1) development of emotional intelligence, 2) redemptive identity or the ability to see oneself in a new way (e.g., having a purpose and as a person of worth), and 3) reparative attachment experiences. They are considered “within domain” in that they are specific rehabilitative change processes that occurred within the individual but were not necessarily an explicit goal of the program.

In turn, we theorized that these rehabilitative change components contributed to positive, “across domain” spillovers related to family, community, and positive reentry scenarios. Although reintegration was yet to be achieved, it was on participants’ minds, and respondents were often explicit about how they believed program participation would translate into successful reentry. Across domain reintegration responses encompassed participant descriptions of positive futures for themselves “outside of prison walls,” stronger connections with family and children, and a sense that they were better prepared for reentry as a result of their participation in Blue Hills. While space constraints limit our presentation of thick description related to across domain spillovers, Table 1 provides a brief overview of exemplars from participant narratives that illustrate content pertaining to reintegration spillovers.

Table 1. Reintegration Response Exemplars

<table>
<thead>
<tr>
<th>Reintegration Responses</th>
<th>Example</th>
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<tbody>
<tr>
<td>Connection with Family and Community</td>
<td>“I think it (program) really gave me a lot to talk about with them (family). And I think it was good for them to see I wasn’t just sitting there in a facility not making any progress...not growing in any way.”</td>
</tr>
<tr>
<td>Positive Futures</td>
<td>“I still want to stay in contact with this program (upon release)...maybe find a way to help kids that are having problems...”</td>
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</table>
Our grounded theory findings illuminate the redeeming power of humanizing relationships with persons and horses and a distinctly atypical (relative to the typical prison structure) day to day experience in a natural “horse centered” environment (i.e., the barn). Based on our analysis, we were able to explicate a theory of rehabilitative change that specified key within domain spillovers with the potential to contribute to successful community and family reintegration after release from prison. The grounded theory model is a starting point to advance how PEPs might promote change, and its veracity can be tested using larger samples and longitudinal designs that follow men through release and reintegration after incarceration.

**DISCUSSION**

Traditional prison environments are highly constrained and inconsistent with the demands and tempo of life outside of prison walls (Travis, 2005). Additionally, scholars have noted the widespread disrespect that prisoners experience in correctional settings. Such disrespect, along with correctional training of prison staff as “impersonal agents of authority” (p. 325) is central to the dehumanization of prisoners (Johnson, Rocheleau, & Martin, 2017). Study findings suggest that PEPs can be a humanizing respite for IPs and are particularly appropriate for incarcerated populations. Moreover, given inherent opportunities within Blue Hills for reparative connection and identity development, the program appears responsive to the mental health needs of many IPs who struggle with histories of victimization and trauma (Wolff, Huening, Shi, & Frueh, 2014). Indeed, similar to the extant literature profiling the incarcerated (e.g., Arditti, 2012), many participants in the study revealed personal family histories characterized by traumatic loss and instability. The Blue Hills barn represents a safe space for IPs to practice interpersonal skills, engage in socioemotional learning and have choices about the way things evolve in their lives. Such an approach is consistent with Maruna’s desistence paradigm, which focuses on the views and voices of correctional clients themselves and offers prisoners programs that “make sense” to them and provide positive acknowledgment of their efforts (Maruna & Label, 2010). The role of others in recognizing and supporting efforts at reform appears to be inherent within the Blue Hills program, mostly through men’s interactions with staff and the affirmative and immediate feedback they receive from the horses under their care.

The present study, however, is not without its limitations, and our findings should be viewed with caution. Participants in the Blue Hills study were a highly screened, well-functioning group of IPs. Therefore, because of self-selection, it is unknown whether our findings would transfer to other inmate populations or other PEPs. Additionally, because of our qualitative methodology, it is unknown as to whether participation in previous treatment or educational programs influenced participant narratives or whether participation in Blue Hills had
any causal impact on adjustment during confinement or recidivism after release. Although we cannot make causal determinations from the study findings, our grounded theory offers a framework for how the Blue Hills PEP may contribute to change and promote well-being among incarcerated participants.

Study limitations notwithstanding, Blue Hills, and PEPs more generally, are likely successful to the extent they serve to normalize day-to-day interactions, provide important opportunities for skill-building and self-determination, and permit chances for participants to form reparative attachments and develop redemptive or “prosocial” identities. Self-determination ideals have high generalizability with regard to positive health behaviors and vocational outcomes (Garrin, 2014) including successful correctional education (McKinney & Cotronea, 2011) and prisoner reentry (Blessing & Golden, 2004; Lindahl, 2007). Similarly, identity work, in which individuals develop a positive and capable view of themselves, provides a means for the incarcerated to escape their shame and is believed to be foundational to desistence from crime and successful reentry scenarios (Maruna, 2001; Maruna & Ramsden, 2004; Paternoster et al., 2016).

Relational and environmental mechanisms of change (as articulated by our grounded theory model) are consistent with principles of attachment theory (Bowlby, 1969), self-determination theory (Deci & Ryan, 1985; Ryan & Deci, 2000) and a strengths-based resettlement approach (Burnett & Maruna, 2006). These interdisciplinary frameworks emphasize the importance of meaningful connections and the ability to make choices to enhance pro-social self-concepts, competence and relatedness. Traditional incarceration is a setting devoid of these factors, and in fact, may promote the criminogenic behaviors that result in future recidivism (Perelman et al., 2012). Indeed, social isolation and disconnection, hallmarks of the “pains of imprisonment,” are considered major sources of human suffering (Haney, 2001; Sykes, 1958). Prisoners may develop an impenetrable “prison mask” characterized by withdrawal into self, not trusting others, emotional flatness and an inability to “initiate behavior of one’s own.” (Haney, 2001, para 25). The resultant isolation, disconnection and immobilization prevent movement back into healthy relationships and self-autonomy (Jordan, 2000)—both of which are components of successful reentry into family and community life after incarceration. The relationships and barn environment are powerful components of the Blue Hills program that potentially provide reparative experiences which, in turn, could promote future desistance. However, a caveat of Blue Hills involves participants’ feelings of ambiguous loss once the six-month program was over because they were disallowed from interacting with the horses and the staff with whom they have formed bonds. The abrupt and complete cut-off from staff and horses is inconsistent with the mental health needs of incarcerated participants that may stem from traumatic separation and personal histories of loss (Miller & Najavits, 2012). We recommend greater continuity in these connections for participants to sustain program benefits and so as not to activate loss-related trauma.

Horses may be particularly attuned for reparative attachment work as well as accelerate the development of pro-social skills and emotional intelligence (McPhedran, 2009; Payne et al., 2016). Horses are believed to attune to human emotions in a unique manner and are quite attentive to their handlers (Donato, 2017; Hausberger, Roche, Henry, & Visser, 2008; Keaveney, 2008). Moreover, horses have a unique ability to interpret and respond to human body language and emotion (Keeling, Jonare, & Lanneborn, 2009), promoting empathic interactions between the handler and the horse. Such interactions have a strong potential to influence the individual’s capacity to feel empathy for another human being (McPhedran, 2009). Empathy is a core
component of emotional intelligence, which, in turn, influences the quality of interpersonal and interspecies relationships (Payne, DeAraugo, Bennett, & McGreevy, 2016) as well as positive resettlement outcomes (Burnett & Maruna, 2006). Horses possess several unique behavioral qualities that define their relationship with humans and promote empathic connections. Horses are interactive with humans and can recognize and react to changes in human behavior (Hausberger et al., 2008; Keeling et al., 2009). Several participants in this study indicated that the horses taught them to be more patient and less reactive. Because of their size and power, horse responses are hard to ignore, yet these animals rarely react aggressively unless pushed into a perceived life-threatening situation. The horse’s reaction to human emotion is unencumbered by preconceptions or social stigma, allowing the animal’s response to be perceived as more authentic. Additionally, the human-equine relationship also provides opportunities to experience touch and a physical connection with another living creature further breaking isolation and fostering acceptance and psychological security. Daily maintenance of horses requires touch in the form of grooming and scratching and horses can respond to human grooming with behaviors that suggest they enjoy the experience. Thus, the horses’ ability to modify their reactions as human behavior changes establishes the human-equine relationship as a valuable source of meaningful connections based on mutual empathy and connection.

**IMPLICATIONS AND FUTURE RESEARCH**

Our exploration of Blue Hills suggests that its essential “success” may rest on its ability to permit experiences of reparative attachment, mutual empathy and identity work centered on self-worth and a sense of agency. The results of the program may go well beyond vocational skills pertaining to horsemanship and contribute to positive futures based on participants’ abilities to develop and sustain healthy connections. Although our findings are qualitative and the limitations of the study noted, findings were encouraging in terms of how men described their experiences in the program and how they believed they changed as a result. The foremost implication is that PEPs should be structured to include components that may inherently promote experiences of reparative attachment and self-determination. For example, reparative attachment experiences may be enhanced to the degree that the staff strive to model warmth, encouragement, empathy and respect. Further, PEPs that are structured with opportunities for participants to experience a sense of agency, such as tasks with varying levels of supervision, may help promote a sense of competency and self-guided action. It is recommended that these experiences be scaffolded to incorporate increasing degrees of trust and responsibility.

Another important implication from these findings is that the location of the carceral setting should also be considered. The PEP in the present study is located in a rural area with a number of local horse barns and equestrian centers. Blue Hills may help promote positive reentry scenarios by providing vocational skills that are matched to the employment needs of the community. Finally, while prison-based animal research is emerging, it has not caught up to the widespread use of animals in correctional programming (Furst, 2006). There is a need to test theoretical models (such as the one advanced here) to evaluate the causal pathways of rehabilitative change within PEPs. While random controlled trials may be unlikely in evaluating PEP programs within an institution, (see Fournier, Geller, & Fortney, 2007) future research that involves group randomization among several different correctional populations (i.e., some prisons will be assigned a program while others will not) permit for greater generalizability and would facilitate program evaluation and refinement.
CONCLUSION

PEPs like Blue Hills are unique and potentially powerful prison-based interventions whose full effects are not yet completely understood. The present research represents a first step in documenting that the scope of the Blue Hills program may have important within and across domain spillovers. Study findings suggest that relationships with horses, staff, and the barn environment itself gave Blue Hills’ participants a reprieve from the typically incapacitating pains of imprisonment. Such a reprieve, in conjunction with opportunities to practice relational skills, develop emotional intelligence and see oneself as a valued person with purpose, is a highly therapeutic context for healing and shame management (Maruna & Ramsden, 2004). Overall, the relational and environmental opportunities offered by Blue Hills are consistent with therapeutic approaches within corrections aimed at helping people relinquish strategies of disconnection and negativity in relationships through the promotion of empathic, growth-fostering bonds (Jordan, 2000) and self-determination (McKinney & Cotronea, 2011).

REFERENCES


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Figure 1. Grounded Theory of Rehabilitative Change for Blue Hills PEP Participants
SOCIAL EXCHANGE AND THE FORMATION OF PRISON VISITATION COMMUNITIES

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Abstract

Family members and significant others of incarcerated individuals suffer when their loved ones are incarcerated. The loss of a parent, sibling, child, spouse, or partner to incarceration can be painful. If they wish to stay physically connected to an incarcerated individual, visitation is their only recourse. Visiting a prison can be costly in terms of the amount of time it takes to travel to the facility, the total expenses incurred during travel, and the socio-emotional effects of limited contact. On top of these costs, visitation can be an intricate process to navigate due to the multitude of facility rules and the difficulty of preparing for them. Overlooking even one rule can result in denial of entry, ending a visitation before it even starts. Inexperienced visitors are at a particular disadvantage because of their lack of familiarity with the formal and informal rules of a secure facility. The strictness of facility policies and staff charged with enforcing them places visitors with experience in a position to offer valued resources to new visitors. Resources can be socioemotional, informational, material, or economic benefits that help visitors navigate a successful visitation. This study uses interviews with relatives and significant others of currently or formerly incarcerated individuals to explore the social exchanges that occur between visitors to prisons.

Keywords: Social exchange theory, prison visitation, inmates’ families, thematic content

Analysis

INTRODUCTION

Incarceration has devastating consequences for people sentenced to jails and prisons. Spending time in a secure facility strips individuals of their citizenship and social life, prevents them from working, building romantic relationships, raising children, maintaining households, and contributing to community life. In addition to the direct consequences of incarceration, there are ramifications for family members and loved ones of those who are incarcerated. They are left behind to deal with the financial consequences of imprisonment, as well as the loss of emotional and familial support. The current study uses qualitative interviews with persons who visit

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incarcerated loved ones to explore the social exchanges that they engage in with one another during visitation. Social exchanges provide the foundation by which individual visitors become part of a larger group that regularly visits people held in secure facilities. Using social exchange as the theoretical framework extends research on family visitation of loved ones held in secure confinement (Arditti, 2003; Arditti, 2005; Arditti, 2012; Naser & Visher, 2006; Christian, 2005; Duwe & Clark, 2013).

Given the approximately 2.3 million people currently in jails and prisons in the US (Wagner & Rabuy, 2017), incarceration potentially affects tens of millions of family members, significant others, and friends on the outside in myriad ways. They endure unique difficulties, many times without support from significant others or governmental resources. Secondary stigma resulting from the incarceration of their loved ones could damage their reputation and reduce their social networks. Many of these individuals find kinship with others who have an incarcerated loved one. Visitors to jails and prisons often cultivate informal relationships with other similarly situated others during the prison visitation experience. They offer support, understanding, and information through social exchanges, which help adapt to the burdens associated with prison visitation and contribute to the formation of relationships.

Visitation facilitates maintenance of a bond with someone who is incarcerated, but there are negative effects to consider. Visiting a prison has emotional consequences in addition to financial and time costs, all of which expand with the distance between family members and the facility in which their loved ones are incarcerated. Maintaining contact during incarceration through phone or visitation costs hundreds per month to loved ones on the outside (Christian, Mellow, & Thomas, 2006). More than half of all visitors to prisons live over 100 miles from the prison where their loved one is incarcerated (Klopton & East, 2008). Some social agencies have not allowed children to visit prisons so that they avoid the negative environment, and some incarcerated parents worry about the shame their children could feel from seeing their parents locked up (Sack & Seidler, 1978). Despite these concerns, the majority of children report no adverse effects from visitation (Johnston, 1995).

Qualitative analyses indicate that the hurdles that many facility rules potentially pose, concomitant with a perceived lack of clarity and assistance from correctional officers, creates an environment in which novice visitors seek to benefit from social exchanges – in the form of information, as well as material and socioemotional benefits – with visitors who have more experience navigating formal and informal facility rules. Learning the written and tacit rules of visitation brings together individuals who were previously strangers, bound only by their common goal of visitation, to overcome institutional barriers to maintaining a relationship with an incarcerated loved one.

**LITERATURE**

**Visitation in Prison**

Visitation between inmates and family members can be challenging, but it is necessary to maintain some semblance of familial bond and unity. The majority of contact between inmates and their loved ones occurs in a single, large room designated for meetings between preapproved visitors and individuals incarcerated in a secure facility. This prison visitation room becomes the singular space for familial interactions with an incarcerated member (Arditti, 2012). Travel time and costs pose recurring barriers to visitations. Visiting an incarcerated loved one can take hours
by car, plane, public transportation, or a combination of transportation methods. Many family members live more than 100 miles from the facilities in which their loved ones are incarcerated (Schirmer, Nellis, & Mauer, 2009; Clark & Duwe, 2017). Travel can also be expensive, whether the expenses incur because of gas, bus or train tickets, cab fare, or flight costs. People who visited a loved one in a medium-security prison in Kentucky spent an average of $250 per month (Tewksbury & DeMichelle, 2005). Travel time and expenses increase with the distance between visitors’ residences and secure facilities.

Various factors discourage visitations and make it difficult for visitors to see their incarcerated loved ones. Secure facilities have rules surrounding visits to ensure security and safety of the facility, but family members, significant others, and friends have to navigate the sometimes complicated process of learning a facility’s rules and procedures to make the most of their brief visits. Many rules are consistent across facilities, but each prison has its unique set of written guidelines and unpublicized regulations that can be especially burdensome to the loved ones of an inmate who is transferred to multiple facilities. New York State, one of the current study sites, posts visiting hours, the maximum number of visitors per day/visit, and facility addresses online. The state Department of Corrections and Community Supervision (DOCCS) website lists visitation guidelines, including rules about searches of visitors, but provides no information about money visitors can bring for snack machines located in some facility visiting areas. The other primary site in the current study is Texas. The Texas Department of Criminal Justice also posts basic information on rules and procedures for visitation online, along with a series of videos showing what visitors can expect. If visitors do not comply with the rules, staff can deny them entry at any time leading up to a visit. Potential visitors may be further dissuaded from prison visits because of the secondary prisonization that accompanies visitation. Prisonization refers to the imposition of a less intense version of security rules, surveillance, and confinement on those who visit inmates (Comfort, 2003).

The entire process can be time-consuming. Before undergoing security procedures, facility staff and policies could require visitors to wait up to an hour or more before entering the facility. Following invasive security checks, they walk through multiple locked metal gates and doors before arriving at the visitation room (Arditti, 2003). The whole experience of visitation can last a full day, and the majority of that time is spent on travel and traversing the security process. The visitation is secondary to facility security in terms of time and importance. Actual visits are often limited, particularly in terms of duration and physical contact. Family members visiting someone inside a secure facility have expressed concerns about the lack of contact they are allowed to have with inmates, the minimal privacy they are afforded, and the short amount of time they are allowed, which can be as brief as 20 minutes (Arditti, 2003). Overall, a visit to a jail or prison can be a physically draining, tiring, and stressful experience (Christian, 2005).

Visiting a loved one in prison can be difficult, but it can also have positive benefits for all parties. It is crucial to maintaining relationships between a parent inside and their child on the outside. However, it can compound a family’s financial deficits and could exacerbate conflicts between inmates and their loved ones (Arditti, 2005). Studies have shown that visitation may have positive effects on behavior both during and following incarceration. Inmates who receive visits from family members during incarceration are less likely to commit acts of misconduct in the facility (Cochran, 2012). A subsequent study that explored the relationship between visitations and behavior found that inmate infractions actually decrease leading up to visitation and increase shortly after the visit, then gradually return to average levels (Siennick, Mears, & Bales, 2013). Physical contact during incarceration is important for families because familial
relationships can improve with regular visitation and contact. This is especially true of relationships between the incarcerated and their child or children (LaVigne et al., 2005).

Research has explored associations between visitation and post-release outcomes, though most focuses on attainment or avoidance of a negative outcome. Visitation appears to have a mostly positive effect on recidivism. Following their release, inmates who received regular visits one year prior to their release had a one-third lower likelihood of post-release recidivism (Bales & Mears, 2008). A study that used propensity score matching to more extensively explore this relationship found that visitation reduced recidivism for violent, property, and drug offenses. Visits from spouses or significant others were associated with the largest decreases in recidivism (Mears et al., 2012). Although visits from family members, in-laws, and mentors are associated with a 13 percent decrease in felony reconvictions and a 25 percent drop in revocations for a technical violation, visits from ex-spouses are associated with an increase in post-release recidivism (Duwe & Clark, 2013). Political and social support or opposition toward visitation programs depends in part on their ability to reduce recidivism.

Some states have implemented alternatives to in-person visitations to reduce safety risks and costs associated with supervising visits. Fifteen states have at least some facilities that use video visitation for communication with incarcerated family members. The benefits are that it saves travel time and costs for visiting family members, but it can be expensive for inmates. Nearly half of inmates surveyed in facilities that offer video visitation were unable to afford the $12.95 fee for 30 minutes of video communication (Digard et al., 2016). Visitation through virtual contact facilitates communication but also imposes a physical distance between family members viewing one another on a screen.

Visiting someone in a secure facility can be daunting, especially for individuals who are visiting an incarcerated loved one for the first time. Many policies are in place to protect staff, inmates, and visitors and also to provide good behavior incentives for inmates who wish to receive visitors. Visits require prior approval and background checks, meaning that visitors could be denied entry if they have a prior record; certain codes of dress and behavior are expected of visitors, and visitors must endure extensive searches to prevent contraband from entering the facility (Boudin, Stutz, & Littman, 2013). Some visitation guidelines are common across prisons, but each facility has its own unique set of rules and unofficial policies, which can create confusion for visitors. Other rules are not intuitive and put visitors at risk of being denied entry for at least that day. When the facility does not provide accessible information about visitation policies, other visitors may be the only available source of information.

**Social Exchange during Visitation**

This study sought to examine visitation experiences from the perspective of inmates’ family members and intimate partners on the outside. Following initial conversations with people who have visited a loved one in prison, many visitors discussed engaging in social exchanges inside and outside of the prison.

Social exchange theory, which is less a theory than a frame of reference (Emerson, 1976), can provide a lens through which to explore the exchanges between visitors awaiting entry into prison and the relations that emerge from these exchanges. Exchange is the foundation of relationships, and all relationships involve exchanges of resources. Over time, relationships develop and evolve with continued exchanges (Emerson, 1976). A social exchange orientation can contribute to an examination of the relationship building and community formation that takes
place among visitors through the series of transactions that occur before and during prison visitation.

Meeker (1971) posited six rules that guide exchanges, including reciprocity, rationality, altruism, group gain, status consistency, and competition. Most relevant to exchange between individuals on a prison visit are reciprocity, group gain, and altruism (i.e., benefiting others at an absolute cost to oneself). Although altruism may be involved in certain exchange relations, it is not the focus of the current study.

Social exchange creates future obligations (Blau, 1964). Exchanges are either negotiated in advance or based on an expectation of reciprocity (Molm, Whitham, & Melamed, 2012). Informal exchanges that occur prior to or during visitation are indicative of a reciprocal nature of exchange. The norm of reciprocity ensures that recipients of benefits give back and that transactions perpetuate within the group. Reciprocated exchanges in the context of prison visitation can involve a variety of resources. Experienced visitors can offer valued resources to new visitors in the form of socioemotional, informational, material, or economic benefits (Foa & Foa, 1980). The value of these resources depends on the subjective valuations of givers and recipients. When an individual in an exchange relationship values a particular resource, he or she is likely to seek it out. A resource that might otherwise have nominal value outside of prison (e.g., quarters) has more value in prisons because it is the only means by which visitors can access another desired resource (e.g., vending machines). After learning the value of this resource, the norm of reciprocity encourages a previously inexperienced visitor to bring excess resources in the future to share with other inexperienced or unprepared visitors. The rules of reciprocity ensure that the party that receives benefits successively returns the benefits in kind (Meeker, 1971).

When resources exchanged among visitors are socioemotional and occur informally, each exchange contributes to the formation of a tightly knit community around the interdependent series of transactions (Cropanzano & Mitchell, 2005). The rules of exchange in communal relationships differ from the rules in two-party exchanges. Communal exchange rules emphasize the needs and available resources of each group member. As one needs, he or she takes from the group “pot” of resources. Anyone with surplus resources is encouraged to contribute the extra to the pot for dispersal among group members in need (Meeker, 1971). Reciprocity and group gain set in motion exchanges between visitors that are not one-to-one from benefactor to beneficiary, but where recipients are encouraged directly or implicitly to reciprocate benefits to the next group of inexperienced visitors (Clark & Mills, 1979; Cropanzano & Mitchell, 2005).

Trust is necessary for exchange relationships to take place. Individuals’ beliefs about the extent and frequency of others’ contributions may influence if, when, or the amount they are willing to contribute (Gachter & Fehr, 1999). Established trust enhances cooperation between individuals because it contributes to a shared sense of community with a common goal (Buchan, Croson, & Dawes, 2002; Sabel, 1993).

The current research explores interpersonal exchanges – of information, resources, money, and even clothing – among visitors to prisons. We expect that if a communal relationship exists among experienced visitors that help neophyte visitors navigate the process of visitation and surmount the burdens associated with visiting a loved one in prison, exchanges between them will reflect the rules of reciprocity and group gain.
DATA AND METHODS

Sample and Procedure

Data for the current study come from a purposive sample of 35 participants. To identify participants, we contacted various support organizations for family members and intimate partners of incarcerated persons in New York, Texas, and surrounding states. We solicited participation in the study from any person who had an immediate family member or intimate partner previously or currently incarcerated. The only immediate family members we did not include in the study were children of incarcerated persons because there is a relatively well-developed empirical and theoretical record on the effects of incarceration on children. We were interested in the effects and experiences of other family members and intimate partners of incarcerated persons. Among the participants were 23 parents, three siblings, three intimate partners, one grandparent, and five wives of incarcerated persons. Participants were asked a host of open-ended and close-ended questions about their experiences with their loved ones’ incarceration. Interviews lasted approximately one-and-a-half to two hours, on average. Each interview was audio-recorded and later transcribed.

Instrument

Prior research on children of incarcerated parents and informal conversations between the authors and family members of incarcerated persons informed the development of the interview guide. Several broad categories provided the starting point for creating questions, including family dynamics before, during, and following incarceration, psychological and emotional repercussions, visitation experiences, financial burdens, and changes since reentry. Seven research assistants piloted interview questions with respondents who had or have an incarcerated family member before finalizing the interview guide. The transcripts of interviews with the 35 participants were analyzed using a six-phase thematic content analysis model developed by Braun and Clarke (2006), as described below.

Thematic Content Analysis

The current study was designed to generate a better understanding of the social exchanges that loved ones of incarcerated persons engage in during visitation. Before analyzing the interview transcripts, we framed the analysis using four guidelines laid out in the Braun and Clarke (2006) model of thematic content analysis.

The first guideline involves whether to measure prevalence within each data item or across the entire data set. Measuring prevalence within data items is a way of gauging how much “space” (or time) is allocated to any given concept by the participants of the analysis without regard to how many participants discussed the concept. We chose to measure prevalence across the data set. Our interest was in identifying common characteristics of social exchange at visitation that were experienced by a relatively large number of family members and intimate partners of incarcerated persons.

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2. A "data item" refers to an individual piece of data, the sum of which constitutes the data set.
The second guideline involves determining whether to describe the data set as a whole or one particular aspect. This is essentially a choice about whether to report the total number of themes or focus on one (or a small group of) theme(s). As such, it represents a quantity versus quality consideration. We chose to identify and analyze all themes relevant to social exchanges during visitation. The participants’ experiences with social exchange at visitation were extremely nuanced and complex, and we felt all shared experiences should be included.

The third guideline involves determining whether the themes should be identified according to an inductive or deductive approach. Deductive methodologies can be described as a “top down” approach because the analysis is guided by the researcher’s interest in a particular theoretical model. In contrast, inductive methodologies are “data driven” because the theme(s) is derived from the data themselves, not for the purpose of testing a theoretical framework. Our research took an inductive approach to analyzing social exchanges. We wanted to allow the families to speak for themselves instead of attempting to fit their narratives into preconceived conceptual or theoretical typologies. How and whether the results reflect theoretical constructs was secondary to providing an accurate portrait of the participants’ experiences.

The last guideline involves identifying the “level” of analysis. There are two possible levels of thematic analysis: latent or semantic (Boyatzis, 1998). Latent analysis involves looking beyond the overt content of the data in an attempt to interpret some underlying meaning or construct. Our research was conducted on the semantic level. We wanted to describe the families’ experiences as they themselves expressed them and provide an account of their experiences with social exchanges at visitation.

Making these four decisions involves establishing a framework for the subsequent analysis. The next step in the Braun and Clarke (2006) model of thematic content analysis involves following a six-phase analytic procedure. The first phase is to familiarize oneself with the data. The interviews were collected either over the phone or in person. We made notes whenever able about social exchanges referenced by the participants. We also read each interview transcript and noted prominent characteristics of social exchanges in the participants’ narratives. These notes served as a foundation for the subsequent phases of analysis.

Phase two begins the coding process. We first extracted all references to helping behavior from the interview transcripts and collected them in a separate file. Using these references, we began to code for certain characteristics of social exchanges – e.g., who was receiving, who was providing, where were they exchanging, what exactly did they exchange, and did they explain why they were exchanging.

Phase three involves reviewing the coded data and identifying patterns, or themes, in the participants’ talk about social exchanges at visitation. The coded narratives were carefully reviewed several times until a preliminary set of themes was identified.

Phase four requires reviewing the accuracy and reliability of the identified themes. There are two criteria commonly used in thematic content analysis to establish that patterns are accurate and reliable themes – internal homogeneity and external heterogeneity (Patton, 1990; Braun & Clarke, 2006). The former refers to the fact that the data collated within each theme should cohere together in a meaningful way. External heterogeneity refers to the relationship between themes. There should be clear and identifiable differences across individual themes. In this sense, then, phase four primarily involved testing the developed themes for construct validity. The data in each theme were read and re-read until it was clear that they formed a coherent pattern.
Phase five requires defining and labeling themes. The definitions and labels should capture its meaning and establish what is unique about each theme. In the current study, the label and definition of each theme was based on its semantic content regarding what it was describing about the participants’ experiences with social exchanges at visitation.

Phase six involves generating the report or manuscript. The premise here is to maintain the organization of themes in the report and convey the results in a way that is a rich yet accurate representation of the data. Quotes from interview transcripts were also selected that best illustrate each theme.

**RESULTS**

Table 1 provides basic descriptive statistics for the sample.

| Table 1: Sample Characteristics (n = 19) |
|-----------------|--------|--------|
|                 | \(f\)  | \(\bar{x}\) | Range        |
| Age             | ---   | 57      | 36-71        |
| Race            |       |         |              |
| African-American| 1     | ---     | ---          |
| Hispanic        | 2     | ---     | ---          |
| Caucasian       | 16    | ---     | ---          |
| Education       |       |         |              |
| High school     | 2     | ---     | ---          |
| Some college    | 9     | ---     | ---          |
| College         | 5     | ---     | ---          |
| Post-graduate   | 3     | ---     | ---          |
| Perceived Social class | | | |
| Lower           | 2     | ---     | ---          |
| Lower middle    | 3     | ---     | ---          |
| Middle          | 11    | ---     | ---          |
| Upper middle    | 2     | ---     | ---          |
| No answer       | 1     | ---     | ---          |
| Length of incarceration* | | | |
|                 | ---   | 6.2 years | 6 months – 26 years |
| Time since release* (n = 10) | --- | 3.7 years | 1 month – 13 years |
| Time left on sentence* (n = 19) | --- | 9.8 years | 3 years – 24 years |

* At the time of the interview

All told, 19 of the 35 participants discussed social exchanges at visitation with their loved ones. The remaining 16 participants made no reference to helping behavior. Because we could not determine whether they participated in or even observed helping behavior, they were excluded from the analysis. Each of the included participants participated directly in the exchanges they described. Results of the thematic analysis show two major themes, each of which has several subthemes. The two major themes were labeled “visitation” and “helping behavior.” Visitation includes descriptions of the participants’ experiences visiting their loved ones in prison. The analysis showed that visitation is much more than the “place” where helping
behavior occurs. The participants’ experiences and feelings about visitation create a context that shapes the need for and function of social exchanges. Subthemes of visitation are “inherent qualities,” “bureaucratic process,” and “officer mistreatment.” The theme “helping behavior” includes descriptions of the participants’ engagement in social exchanges with other visitors. Subthemes of helping behavior include “why help,” “who helps,” “help with what,” and “reciprocity.” These results are described in further detail below, and quotes from participants are provided to illustrate each theme and subtheme.

**Visitation**

The participants described helping behavior as a response to and a mechanism to cope with the overwhelming experience of visiting their loved ones in prison. They routinely used words such as anxiety, stress, intimidation, and fear to describe their experiences with visitation. To be sure, the participants described the actual visit – i.e., the time they spent interacting with their loved ones – in positive terms. Virtually everything else about the experience, however, from the prison environment to the process of visitation and their experiences with correctional officers were sources of stress and anxiety. The results of our thematic analysis show three subthemes or interrelated sources of stress and anxiety at visitation that set the stage for helping behavior.

First, some of the anxiety they experienced was a result of the inherent qualities of having their loved one incarcerated and having to visit them in prison. These inherent qualities included entering a prison environment, seeing their loved one as an inmate, and having to leave them behind after the visit. Consider the following quote from a participant recalling the first time she visited her son in prison.

> I was very anxious going, and because I was there and because I had to do this and because of the presence of the gates and the wires and, you know, the building and everything.

One other inherent quality of visitation the participants described as causing stress and anxiety was when they could not have physical contact with their loved ones. Not all the participants were prohibited at all times from having physical contact with their loved ones. When they were, however, it was a singular source of stress, anxiety, and emotional pain. According to one participant, “At first we couldn’t do face to face with him and that was hard, that I couldn’t touch him and hug him for a while. That to me was a nightmare. It just killed me.”

The second subtheme of visitation that caused the participants stress and anxiety and ultimately established the context for helping behavior was the bureaucratic process they had to navigate to see their loved ones and the bureaucratic rules that governed their visits. The participants described a litany of rules at each prison that regulated where they could go, what they could do, how long they could do it, and what they could bring. They explained that it was difficult to fully know all the rules that governed visitation, especially when they first started visiting their loved ones. They felt that the prison system exacerbated their anxiety by failing to provide some kind of adequate resource or reference that explained what the rules were and how to best abide by them.
[We were] very nervous, very…trying to make sure [we] do everything right. Not really knowing how early you need to get there to get into visit. Not knowing what you should wear, what you can and can’t wear. Not knowing that you can’t wear an underwire bra. Not knowing that you can’t wear certain colors in certain prisons. Everything is a learning experience and they don’t do anything to try and help you beforehand.

Even as they became more experienced, however, their anxiety about the bureaucratic process did not necessarily subside. Participants described their loved one's "catching chain," i.e., being transferred to new prisons, and that the rules were often different from one prison to the next. Their anxiety over the process and rules also persisted because, based on their accounts, the rules were enforced arbitrarily. They explained that some prisons were stricter in enforcing visitation rules, whereas some were relatively lax. The result of these ongoing experiences is a persistent lack of confidence in their ability to traverse the visitation process without violating some rule. Regardless of their efforts to conform to the rules, they felt that there was always a real possibility that they would be turned away and not get to visit their loved ones because they might accidentally violate a rule. This was described as a tremendous and persistent source of stress, anxiety, and intimidation.

The fear that if you didn’t have it right, you wouldn’t be able to get in and see him. We tried to play by the rules every time and for the most part it was okay. But, there were times that we felt…not guilty but, is my hair….do I have the right belt on or should I take it off? We felt intimidated by the pressure of what we could and couldn’t do. We would go to different units and that kind of stuff and sometimes the rules would change at the different units that he was incarcerated at.

The third subtheme to emerge regarding sources of stress, intimidation, and anxiety related to the correctional officers (COs) who oversaw visitation. COs evoked the strongest contemptuous language compared to the other two subthemes. Many of the participants seemed to understand the need for strict rules in visitation and that the inherent sources of their stress and anxiety were inevitable. The stress and anxiety-inducing actions of the COs were conversely seen as unreasonable and even malevolent. Participants often described feeling anxious and intimidated by not knowing what to expect from different COs. Some COs, they explained, treated them well while others treated them inhumanely. Moreover, some COs were strict and authoritarian in enforcing the rules, whereas others were relatively calm. A participant explained, “So, kind of horrible way of treating people and depending on who was at the door, whether they treated you like a human being or a piece of dirt once you got in there.”

The participants often stated that the COs’ mistreatment exacerbated the other sources of stress and anxiety. That is, the inherent sources of stress and the anxiety experienced from the bureaucratic process were made worse by the behavior of some COs.

All the fences and all the gates you have to walk through, and the guards are rude most of them are, not all of them. But they kind of look at you like, how dare you’re here and you’re only here because your son’s horrible and you know all that kind of stuff.
The participants often described the COs as being rude or unkind. These participants felt that COs should have made a better effort to be professional and understanding of the situation. Because they failed to do so, the COs made a bad situation unnecessarily worse. There was a segment of the sample, however, who felt that the COs' behavior was more than unkind. Some COs were described as intentionally sadistic. These participants described them as engaging in abhorrent behavior in a conscious attempt to torment them.

A security officer comes back and she goes, “we’re canceling visitation tonight. Y’all can all go home.” She turned around and walked out of the room. And so literally, if you had a job you would have taken off time from work, come up there, waited there for three-and-a-half or four hours only to be told to go home for no reason. Then, she comes back after we’re gathering our stuff and started to walk out and, really a lot of grumbling, really, the whole room amplified in talking, and she comes back and she says, “Ha, ha. I’m just kidding. I’ve got to entertain myself somehow.”

The results of our thematic content analysis show that these features – the inherent qualities of visiting loved ones in prison, the bureaucratic process, and mistreatment by the guards – established a context that shaped the need for and function of helping behavior. The following section describes the major features of the participants’ helping behavior and how it was shaped by the experiences with visitation described above.

**Helping Behavior**

The overwhelming features of visitation shaped why visitors helped each other, who gave and received help, and what they helped each other with. The results of the analysis show four subthemes in the participants’ narratives about helping behavior at visitation. The first three subthemes relate to the characteristics of social exchange stated just above – “why help,” “who helps,” and “help with what.” The fourth subtheme – “reciprocity” – describes a temporal process whereby receivers of resources become providers over time.

The results show that the overwhelming experience of visitation is why visitors engage in helping behavior with each other. That is, all visitors confront an intimidating environment of state power, governed by a long list of seemingly arbitrary rules they struggle to follow, and the behavior of the COs exacerbated the visitors’ tension and anxiety. The participants’ comments indicate that they feel similarly situated in this experience, which creates an “us versus them” mentality. They developed a shared sense of empathy and a tendency to identify with one another. Helping behavior became a way of establishing a sense of community and togetherness. In this vein, helping behavior was described as a necessary or natural response to overwhelming conditions.

It was a bond made with people during that period of time. You were all in that together you were all in the same situation it didn’t matter. Race, economic, nothing; you were all wanting to get into to see your love ones. So [helping each other] was just the normal thing we did. You knew it was you against them that was
the reality of it. The overwhelming experience of visitation also shapes who provides and receives help.

Receivers are generally inexperienced visitors who are relatively new to visitation. Providers are generally people who have more experience with visitation. In this dynamic, new visitors were much more anxious and overwhelmed by visitation relative to their more experienced counterparts. They were more unaware of the rules that governed visitation and the formal and informal processes that must be traversed in order to interact with their loved ones. The more experienced visitors were savvier and less intimidated. The experienced visitors explained that novice visitors were easy to identify, and the former offered resources in an effort to mitigate the stress and anxiety that the latter experienced. As one participant said, “You could always tell the new ones. Everyone knew about the quarters except the new people.” Another participant elaborated:

Oh absolutely. You could see if someone was new. When you stand in those lines, waiting to get in, sometimes it could be hours, and you learn to just share with people. You learn to say things like, “is this your first time”? “Yeah.” “Okay, when you come back in, you can’t do this.” You tend to give them the rules and regulations. They’ll give you basic rules but we’ll tell you the rules that really work and don’t work.

The third subtheme of helping behavior related to resources that the visitors exchanged. The results of our analysis showed that helping behavior involved exchanges of socioemotional and minor material and practical support. The material support that was provided mostly involved providing money for vending machines to new visitors. As the participants described to us, visitors are allowed to bring money to buy snacks from the vending machine in the visitation room, and snacks are very important to the inmates. As with all things, however, bringing quarters was governed by various rules that are not clearly explained to people prior to visitation. These rules were commonly (a) visitors could bring only quarters, not paper money or other coins; (b) visitors could bring no more than fifteen to twenty dollars in quarters; and (c) quarters must be in a clear plastic bag. More experienced visitors would often give some of the quarters they brought to newer visitors who did not know they could bring money or had violated one of these rules.

And we would take about $15.00 worth of quarters so we would have a snack with him and we would buy him whatever he wanted, a soda. There were times when we would go and we would see somebody that was new and was there for their first time and they’re sitting there with their loved one and didn’t have a quarter to their name because they didn’t know. They didn’t know that they could bring in quarters so we would always go and just lay down like $3.00 worth of quarters on the table and say, “for your visit.” You could always tell the new ones. Everyone knew about the quarters except the new people. You know, first visits, they don’t tell you a lot.

Although no single material good was involved in helping behavior as much as quarters, various other material goods were exchanged among visitors. Participants discussed sharing extra chairs,
jackets in the winter, and neutral color shirts with other visitors. The quote below came from a participant who explained she kept wireless bras in her trunk to share with other visitors. Bras with underwire are prohibited at visitation.

I keep wireless sports bras in my trunk. They call it my “bra-ministry.” I looked at the website very carefully and, you know, read it like four times and highlighted it just because I’m anal and a teacher, and even I forgot once and I had to go out in the parking lot with a pair of clippers and take the stupid wires out of my bra. So, I always keep some in the trunk that are new, that I just get from Wal-Mart and if somebody gets stuck then I give them one. Just tell them to keep it.

Helping behavior also included advice and socioemotional support. Advice commonly involved savvier, more experienced visitors helping newer visitors traverse the process and rules of visitation. More experienced visitors would explain to novices where they must go, what they could do, and what they should expect from the COs. As previously discussed, participants regularly described to us that they did not know the rules in the beginning and that the system does little-to-nothing to educate them. Experienced visitors took it upon themselves to help teach newer visitors.

Everything is a learning experience and they don’t do anything to try and help you beforehand. I actually created a Facebook page and tried to update people at various prisons as we went and learned. I would put knowledge out there for people so they would know, so they would know what they had to do in order to pass, to get in and visit their loved one. Helping them understand what they could and couldn’t wear. Helping them know what documents they needed to bring. Helping them know that they need to be on a visit list. Just a host of things that you have to know that no one tells you about.

Much of the helping behavior can be described as socioemotional support. This was a clear response to the overwhelming and anxiety-inducing experience of visitation. Participants shared stories of them giving and receiving encouragement from more experienced visitors. The socioemotional support served to lessen the stress and anxiety they experienced. They were told that “things get better,” that they had to be strong for their loved ones, and that they were not alone.

You learn to become family with other families that come because you are all in the same boat. I remember several times just going to the restroom, just having to hold another woman because it was her first visit or something bad happened and she had to tell him bad news and just holding women in the bathroom. We would just hold each other and cry because nobody understood our pain. They just don’t make it easy for you and they degrade you and they talk bad about you and they humiliate you because they treat you like they treat him inside there.

The last subtheme of helping behavior was reciprocity. Participants often described an informal system of “paying it back” wherein helpees become helpers over time. More experienced visitors explained that seeing new people at visitation conjured memories of what it
felt like to be in this place and process in the beginning. They described helping new people in part because they remembered receiving help when they were new.

Some places you go you have to stand in line before you get checked in, and when you see people that are standing there with their purse or they don’t have their quarters in a baggy, you know, you try to let them know because I know people did that for us.

In sum, a total of 19 of 35 participants described being involved in helping behavior while visiting their loved ones in prison. Visitation and their experiences therein established a context that created the need for and helped shape the form and function of helping behavior. In this context, the participants formed a sense of community wherein older, more experienced visitors helped newer visitors by exchanging a variety of resources. This sense of community and resource exchange was reciprocal in that helpees became helpers as they gained more knowledge and experience.

**DISCUSSION**

This study explored family members’ and significant others’ experiences during visitation with their incarcerated loved ones. Respondents recounted negative experiences during prison visitations with incarcerated loved ones. It was difficult to see their loved one locked in a secure facility. However, the process of learning the rules and navigating the bureaucracy of pre-visitation security was a particularly overwhelming and intimidating experience for respondents. The long list of seemingly arbitrarily written and implied rules and perceived rude and ill-treatment by COs only made visits more challenging and stressful. Visitors perceived judgment from COs, and the treatment they experienced made them feel subhuman. Navigating the difficulties of visitation, many individuals who were previously strangers came together through the shared experience of visiting an incarcerated family member and formed a community focused on helping one another. They offered one another practical advice, material goods and money, and emotional support and communication.

The findings reported here show that visitors help one another in a way consistent with social exchange theory. Respondents offered help to neophytes and/or received assistance from others who had more experience visiting a prison. Exchanges of help among visitors to prisons reproduced itself as new visitors attempted to learn the process for entering a secure facility and spending meaningful time with incarcerated loved ones. Reciprocity is fundamental to social exchange theory in that it ensures that exchanges continue over time. Indeed, the findings reported here mirror the results of research on social exchanges in various communities, including knowledge sharing on the internet (Jinyang, 2015), volunteerism at work (Jones, 2010), and resident support for tourism in their areas (Nunkoo & Ramkissoon, 2012). All these communities engage in reciprocal models of social exchange. Individuals who at one point received help from others eventually “paid it back” to newer visitors. Whether there was an expectation of reciprocity, sympathy for new visitors, or a sense of obligation to help others learn the process of visitation, reciprocal exchanges contributed to the development of a communal relationship among visitors to prisons. Communal relationships expanded and reproduced social exchanges with each new visitor learning how to traverse prison visitation and receiving help.
from more experienced visitors. Experienced visitors helped newer visitors, and as new visitors became more familiar with the process over time, they transitioned to the role of helpers.

Visitors are not always in a position to offer help to others because they may lack the resources or knowledge that would benefit others. Helpers must have a surplus of resources (information, money) to offer assistance and receivers must have a deficit and a need for these resources. Our finding that givers have a surplus of knowledge from their learned experience visiting prisons or extra money or material goods needed for visitation to help others supports Meeker’s (1971) assertion that continued social exchange depends on those with surplus resources contributing to the larger community of those in need.

Our findings reflect the importance of trust in social exchange relationships. Visitors relied on each other for emotional support and tangible resources, and many felt that they could only trust other visitors because of their similar experiences visiting an incarcerated loved one, their mutual feelings of denigration at the hands of COs when attempting to enter the facility, and the intimidation that many experienced during the process of visitation. Trust is essential to forming a sense of community in and around social exchanges (Buchan, Croson, & Dawes, 2002). Among our respondents, trust facilitated the exchange of information and resources and contributed to the building of communal relationships among visitors.

Psychological research has posited a range of explanations for the motivation to help others. Motivations for helping are categorized into three primary categories: learning how and why to help others, social and personal norms regarding helping behavior, and the emotional arousal that people feel when helping others (Dovidio, Piliavin, Schroeder & Penner, 2017). Respondents in this study demonstrated components of all three motivations. As recipients of help, they learned from their helpers when and how to provide help. Helpers were, in part, influenced by norms of "us versus them" in regards to correctional officers; because COs were unwilling to help them, visitors band together to help one another. Offering help to others reflects empathy and concern for others (Davis, Hall & Meyer, 2003). After helping others, they experienced positive emotions and felt good about themselves. People who receive positive feedback after helping feel better about themselves for having provided help (Dovidio & Penner, 2003). Feelings of gratitude explain the reciprocal helping exchanges exhibited during prison visitation. People who experience the emotion of gratitude are more likely to display prosocial or helping behavior to others, including strangers (Bartlett & DeSteno, 2006).

Social exchange between visitors is almost necessary for first-timer visitors to learn the intricacies of the process. First-timers face a number of obstacles as they attempt to visit a secure facility. Prior to their first visit, they have to arrange to be on a visitor list, and many facilities require them to fill out a visitor's application and submit to a background check. There is a dress code, restrictions on items allowed inside the facility, and visitors are searched before entering the jail or prison. Visitation hours are limited, so that delays in the pre-visitation process will reduce the time that visitors can spend with their incarcerated loved ones. Rules vary across facilities but are extensive, often detailed, and not well-publicized for visitors to learn and prepare for them in advance. Learning facility rules for visitations can be a frustrating experience that unites others to understand and navigate them collectively. Exchanges of help among visitors with greater and lesser levels of experience in this learning process can empower novice visitors to have more control over their visits.

Visits between inmates and loved ones are beneficial to both parties for several reasons. Visits contribute to maintaining relationships, ameliorating the prison environment, and preparing individuals for reentry. Prison managers allow visitation in prison in part to improve
the demeanor of inmates and facilitate rehabilitation through relationship building with family members and loved ones (Maruna & Toch, 2005). The more positive the visitation experience, the greater the benefits. Constructive interactions between COs and visitors can diminish perceptions of threat and demonstrate that COs are helpful and serve a vital purpose inside jails and prisons (Casey-Acevedo & Bakken, 2002). This finding is particularly relevant to first-time visitors and children visiting their parents in a secure facility because first impressions have enduring consequences that can affect encounters during subsequent visits. Receiving visitors may lessen the negative effects of being socially isolated (Cochran & Mears, 2008). Visitation can also have long-term effects, as pleasant contacts during repeated visitations facilitate post-release adjustment for the inmate and family members and reduce recidivism (Schafer, 1994; De Claire & Dixon, 2017).

The purpose of thematic content analysis is to identify similar experiences across multiple respondents. However, several differences between the participants and their experiences became apparent during the analysis that might help the reader interpret the results. First, helping behavior during visitation mainly involves family members demonstrating agency and resilience in the face of adversity. Some participants in the analysis were more resilient than others. Confronted with the ominous experience of visiting their loved ones in prison, some participants were extremely intimidated, overwhelmed, and scared. Others expressed anger and frustration. All of these various emotional reactions lent to engaging in helping behavior, but there were clear personality differences involved. Second, the participants’ experiences with visitation, in general, were somewhat varied. Some participants included in the analysis described persistent feelings of anxiety and emotional pain at having to visit their loved ones in prison. Others described a mix of emotions. They explained that the process required to gain access to their loved ones was a source of anxiety, but the time they spent together was a positive, exciting, emotional experience. Again, all of these participants engaged in helping behavior, and, importantly, they all cared deeply for their loved ones. We encountered no instances of extreme hostility and resentment toward their incarcerated loved ones. However, the way participants related to their experiences varied somewhat. These issues – the differences between people and their experiences visiting family in prison – were beyond the scope of the current study but should be explored in future research.

Despite the number of benefits associated with positive visitation experiences, visitations to prisons do not occur frequently. A study of 247 family members of incarcerated persons found that half of intimate partners and over 70 percent of blood relatives never visited their incarcerated family members (Naser & Visher, 2006). Other studies have found that more than 50 percent of inmates do not have any visitors or have no visitors in the year leading up to their release (Glaze & Maruschak, 2008; Bales & Mears, 2008). There are many reasons for not visiting an incarcerated family member. Distance, cost, time conflicts, nature of the relationship, and barriers associated with facility visitation rules could all play some role in discouraging visits.

Many of the participants in the current study were recruited through groups that provide support to family members of incarcerated persons, such as Texas Inmate Families Association. One important facet of this sampling strategy that is pertinent to the current study is participation in these groups likely fostered helping behavior and shaped respondents’ attitudes about helping behavior. In a way, involvement in support groups mirrors helping behavior during visitation. Support groups offer socioemotional and practical support to inmates’ families. It is also likely that there is a reciprocal process involved in support group participation. Family members who
are new to the experiences of having a loved one incarcerated may receive help. As they become more experienced, family members may transition to providing support in support groups. Sampling through support groups may have biased the results, however. People who participate in support groups may be more likely to engage in helping behavior than the general population of families of the incarcerated. They also may be more likely to offer substantial and material support, such as money for vending machines and clothing. Including a disproportionately large number of participants from support groups may thus have inflated the findings. The following section discusses other limitations of the current study.

**Limitations and Future Research**

The findings of the current study are limited in several respects. The sample size is somewhat small, and results may be biased. This, of course, is not atypical of qualitative research, but it is worth noting that the generalizability of the findings cannot be assumed. A larger sample size might yield different results that are more accurately representative of people’s experiences visiting loved ones in prison. The participants almost exclusively lived and visited prisons in Texas and New York. It is possible that prison systems in other states manage visitation in different ways that are not so detrimental to the emotional and material well-being of families. Some of the participants' experiences were driven by the rules and processes of visitation. These rules and processes are governed mainly at the state level. Thus, we cannot determine whether the results reported here are representative of people's experiences visiting loved ones in other states.

Moreover, the financial cost and emotional toll that traveling to prisons to visit loved ones may be higher in Texas, given the geographic size of the state, than in other states. Also, we did not ask the participants about the offenses that their loved ones were convicted of. Some of the participants volunteered that information, but we have no way to determine if the sample is overrepresentative of certain types of offenses. This could bias the results because people convicted of certain offenses and their families may have different experiences with visitation and interactions with correctional officers. The sample is also over representative of parents. Of the 35 total participants, 23 were parents of an incarcerated loved one. It seems certain that parents would have different experiences with visitation and social exchanges than other family members. Thus, the results reported here are skewed toward the experiences parents have visiting their children in prison.

One other limitation of the current study is that we were unable to contextualize the findings in the visitation environments. It is plausible that various characteristics of the prisons, such as security levels or the configuration of visitation rooms, influence helping behavior among visitors. We were unable to include such variables in our analysis for several reasons. First, we did not design the study at the outset to analyze helping behavior during visitation. The study was designed to explore the collateral effects of incarceration on families. Helping behavior emerged during our talk with the respondents. Second, many of our respondents visited their loved ones' in several different facilities through the duration of their incarceration. They often visited loved ones in county jails prior to their conviction. After their conviction, loved ones were routinely transferred to different facilities around their respective states, something the respondents referred to as "catching chain." Moreover, some loved ones in our sample were convicted of federal offenses and were transferred to different facilities around the country. This
would have made any attempt to capture detailed information about the institutional context of visitation, and analyze how those contexts shaped helping behavior, practically problematic.

Future research should attempt to gather data from a potentially more generalizable sample. Whether this would involve a larger sample size, participants from diverse geographic areas, and whose loved ones were convicted of various types of offenses or different family members and significant others should be based on the interests of the researchers and it certainly resource dependent. However, any measure to increase the external validity of results would be valuable to understanding the general experiences of people visiting loved ones in prison and, ultimately, how to improve their experiences. Future research might also incorporate both qualitative and quantitative data and conduct mixed-methods analyses. Doing so would allow researchers to identify causal relationships and provide a richer, more detailed account of family members and significant others’ experiences with visitation specifically and having a loved one in prison generally.

**Policy Recommendations**

Visitation between inmates and their family members and loved ones should be encouraged, and facility superintendents and correctional officers should make visitations as painless and positive as possible. Sturges (2002) argues that correctional officers overseeing visitations should be trained from a human services rather than a security-oriented perspective so they can deal with the trauma of prison visitation and address other issues that may arise. This training could be provided for all guards overseeing visitation, or a specialized few. One advantage that training a specialized few in human services could provide is that these officers could leave most if not all security-oriented issues to other officers and focus instead on facilitating visitation among families. The quality of care afforded to families could be considerable if it were the sole or primary focus of a few officers.

One major source of anxiety experienced by the participants that could be quite easily addressed was not knowing the rules that govern visitation and a concomitant fear that they might not be allowed to see their loved ones if they unwittingly violated a rule. One simple remedy is that facility administrators could create an online and printed version of a visitor guide that explains the rules and procedures for visiting prisons. Correctional officers should discuss the most important rules, especially with first-time visitors, to ensure that visitation proceeds smoothly. Facility staff trained in counseling or social work could also be available during visitations for social support. To be sure, there is little that can be realistically done about the inherent qualities of visiting a loved one in prison. However, these and any other seemingly minor policy changes could have a significant and positive impact on the families and significant others who come to prisons to visit loved ones.

**REFERENCES**


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