

# The Labyrinth of Resistance: How Correctional Bureaucracies Minimize Penal Reform

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Andres F. Rengifo, Don Stemen, and Ethan Amidon. [\*When Policy Comes to Town: Discourses and Dilemmas of Implementation of a Statewide Reentry Policy in Kansas\*](#). 55 **Criminology** 603 (2017).

We live in the midst of a great wave of reforms of the penal state. Much of it seeks a sharp break with recent decades of penal policy aimed at supersizing imprisonment in the name of incapacitation and control. Some observers, including this one, have been optimistic about this wave of reform for a variety of reasons. For the first time in decades reform is being normatively backed up both by social movements and federal court orders (although after Justice Kennedy's departure the future of the federal courts are in doubt). Growing fiscal demands on states, magnified during the Great Recession, have finally forced a reckoning with correctional costs. Correctional officials in many states are talking about education, rehabilitation, and reentry with an enthusiasm not seen since the 1970s. *When Policy Comes to Town* by Andres Rengifo, Don Stemen and Ethan Amidon is a sobering reminder of the power frontline correctional workforces and their supervisors have to resist reform and how many discursive resources they have to define away that resistance.

The research grew out of an important change in Kansas correctional philosophy intended to reduce the state's reliance on mass incarceration in favor of more effective rehabilitation and reintegration guided by risk assessment. The reform, dubbed the Kansas Offender Risk Reduction and Reentry Plan (KOR3P), was promoted as a change in orientation shaping the whole system. The rhetoric associated with the program was a sharp break from the model of control and containment that had guided Kansas (and many states) during the era of mass incarceration. Nor was the reform only about rhetoric, new staff focused on reentry were hired, and frontline staff, particularly parole agents, were encouraged to be more innovative in connecting released prisoners to their communities. The authors took advantage of real-time access to Kansas correctional staff (frontline, supervisory and management) to explore how correctional workers thought about reform and how they articulated their own relationship to it. They were given unprecedented access to prisons and parole offices throughout the state, where they undertook extensive qualitative interviews and focus groups with Kansas correctional staff and managers, ultimately gathering data from over 500 informants (far larger than the typical qualitative study of corrections). The result is the closest look ever at a correctional system going through what its leaders view as a paradigm shift.

Working in the broad narrative tradition of sociological criminology associated with the likes of Erving Goffman, the researchers develop a productive schema for mapping how the discourse of resistance takes shape over time in a correctional bureaucracy in transition. The researchers were also able to gain some insight into the success of the reform program through examination of documentation and interviews with supervisors and managers. Resistance discourses among Kansas staff took three major forms: denial, dismissal, and defiance. Deniers tended to assert that the reform was nothing new at all and suggested no change would be necessary in how they did their jobs. Others recognized that reform implied change but dismissed reform as certain to fail for a variety of reasons (too narrow, too superficial, won't last). Finally, those prone to defiance recognized that reform might actually happen but opposed it as wrong (usually because it would undermine public safety or the security of the institutions).

In probing their qualitative data, the authors recognized a variety of different frames within each mode of resistance. Some resistance is pragmatic, framed in terms of how the institution and its agents would actually cope with reform. Other expressions are framed normatively, assailing reform for its misguided values. Finally, much resistance, and particularly at the bottom of organizational structures, is mostly expressive, designed to produce emotional release but ungrounded. Perhaps not surprisingly, the resistance frame that the authors found to be most connected to actual obstruction of reform was pragmatic, while expressive resistance seemed unrelated to action.

The research, like all empirical research, especially in a correctional setting, has important limitations. The authors were not able to directly observe or measure resistance to implementation, but had to rely on interviews with their informants and some observations to draw associations. Race and gender are unmentioned (one assumes as a condition of access). Even so, “When Policy comes to Town” provides us with unusually sophisticated access to the thinking of a group of actors whose power will undoubtedly shape the future of any major reforms of criminal justice in our time, i.e., frontline justice system workers and their supervisors and managers.

There are also some substantive lessons for reform that may well apply to other parts of the carceral state in addition to corrections. While emphasizing change, the Kansas program also embraced risk assessment as a crucial continuity with the old model of control and containment. Risk was now supposed to be used to identify services and interventions that could overcome them to achieve reintegration, rather than just to set levels of confinement. But the language of risk also allowed for denial and dismissal of change. Risk assessment today looks like a winning way to package reform as safe and secure (not just in reentry but bail, policing and many other issues), but in reinforcing the underlying logics of mass incarceration risk tools may be no exit at all. Second, reforms that are big on rhetoric and short on operational changes are most vulnerable to resistance. The Kansas policy shift was filled with very broad pronouncements and which addressed the whole organization but its most significant changes and interventions in actual practice fell narrowly on a much smaller portion of prisoners, parolees and staff. The resulting gap fueled both denial and dismissal. This is another lesson that applies across the carceral state. If you want to achieve buy-in from always cautious frontline workers and supervisors, provide them clear guidelines on what doing a good job looks like under the new regime. Telling people to innovate may work well in start-up culture, but in bureaucracies shaped by strong fears of criticism for failing to prevent crime, measurable metrics of reform success are indispensable.

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