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Editor's choice

Drugs and discretionary power in prisons: The officer's perspective

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ABSTRACT

Background: Drugs play an increasing role in contemporary prison life. Prisoners' drug use, drug smuggling and drug selling have also had a growing impact on the work routines and practices of prison officers. This has led to critiques that prison staff have become 'too lenient' regarding drug use.
Methods: Based on observational data, qualitative interviews and survey data, this study examines the role of drugs in the way Danish prison officers exercise power.
Results: Two forms of power are analysed: institutional power, by which the officers can sanction or reward inmates in everyday prison life, and personal power, by which the officers' personal authority and skills can reduce the more intrusive aspects of prison control. These forms of power are applied by officers' use of discretion in order to maintain what they consider to be adequate levels of peace and order in the prison wings. It is shown that officers are highly ambivalent towards the presence of drugs in prisons. On the one hand, they support the stricter drug policies implemented over the past two decades. On the other hand, they are aware that drug use can have a positive function in the everyday running of the prison. Officers' acceptance of inmates' drug use (mainly cannabis), therefore, is not necessarily a sign of leniency but one way in which prison officers exercise their power in prison settings.
Conclusions: It is concluded that discretionary power is still very central to the officers' work. This conclusion contradicts recent arguments that prison officers' agency is being threatened or restricted by 'neoliberal' management reforms. The prison officers' discretion and informal power is the key to understanding their acceptance of inmates' drug use.

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Introduction

Drugs play an increasing role in contemporary European prison life. The proportion of the prison population who use drugs is much higher than in the general population (Ritter, Broers, & Elger, 2013). In the Nordic countries,[1] approximately 60% of inmates report drug use prior to imprisonment (Heltberg, 2012). Similar proportions are found in other European countries and in North America (Fazel, Bains, & Doll, 2006). Inside prisons in many European countries, drug use is common (EMCDDA, 2012; Singleton, Farrell, & Meltzer, 2003). Furthermore, people who inject drugs commonly have a history of imprisonment (Stöver & Michels, 2010). Over the past two decades, the proportion of offenders sentenced for drug offences has increased markedly in the Nordic countries (Kolind, Frank, Lindberg, & Tourunen, 2014; Kolind, Frank, & Holm, 2014). As a consequence of these developments, the daily prison routine is in many respects dictated by drug-using inmates and drug-related problems, including a growth in drug treatment programs and in control measures aimed at preventing drug trafficking and drug-related violence (Kolind, Frank, Lindberg, & Tourunen, 2013). Despite the fact that drug use in prison and drug-related problems have been relatively well documented, only a few studies have examined the role of drugs in the everyday life of prisons (Crewe, 2009). These studies have mainly focussed on the inmates and the inmate culture, showing, for instance, how drug dealing makes up the most important illegal economy – and even a reciprocal gift economy (Mjåland, 2014) – among inmates in present days prisons. Also, drug dealing can be part of the inmates' attempt to build personal respect and reputation (Crewe, 2007, 2009). Studies show that drugs are used strategically by inmates as a kind of self-medication, as a way to cope with imprisonment, and as a means of relieving insomnia and boredom (Boys et al., 2002; Cope, 2003; Keene, 1997; Ritter, Broers, & Elger, 2013; Swann & James, 1998). Almost no studies, however, have focussed on the experiences and role of prison officers in relation to inmates' drug use (Carlin, 2005; Ritter, Broers, & Elger, 2013). This article uses quantitative and qualitative data to discuss Danish officers' attitudes towards inmates' use of drugs in prisons. Especially, it will be explored whether officers' tacit acceptance of inmates' drug use is a means

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by which they attempt to create and maintain social order in the prison. In this respect, it will be relevant to discuss if prison power is dependent on the officers' discretionary enactment in concrete situations.

Analytical perspective: everyday power in a prison setting

In order to understand how Danish officers' allowance of inmates' drug use is related to social order in prisons, it is important to look into how prison power is legitimized *in practice* by officers' discretionary acts. Such an analytical focus on *practice* implies that social order should not be viewed solely as an outcome of the functional arrangements of the institution (Goffman, 1961), or linked merely to the historical or structural organisation of the prison (Foucault, 1991; Garland, 2001). Nor can it be explained only by the rules and regulations of the institution (Sykes, 1971), if only because officers often do not fully know these rules and regulations (Liebling, 2011). Social order in prison, which may on the surface appear rather rigid, will be analysed as a process which both inmates and employees continuously have to create (Day, 1977).

In order to construct an everyday social order, officers have certain kinds of power available to them, mainly *institutional power* and *personal authority* (Hepburn, 1985; Liebling, 2000). Institutional power relates to the range of tangible punishments and rewards officers can utilize. They include officers' legal decisions in coercing inmates, as might occur in cell searches or urine tests, locking up inmates in cells, or depriving them of weekend leaves. They also refer to unauthorized use of punishments, such as violence, harassment, and threats, which are common parts of prison life (Crawley, 2004a: 117–119; Sim, 2008). Institutional power may also involve officers giving inmates rewards such as a recommendation that they be transferred to a low security prison, allocating them the right to be together with other inmates, or supporting inmates' right to weekend leave or parole. These rewards also extend to informal or unauthorized privileges as well, such as granting inmates an extra hour of visiting time, refraining from locking the inmate's cell door, and, specifically relevant for this article, turning a blind eye to inmates' use of drugs. In sum, in return for acting orderly, inmates can expect either to receive authorized and unauthorized privileges or lack of use of authorized and unauthorized punishment. This form of power is culturally and collectively anchored and therefore institutionalized as commonly accepted repertoires of action (Arnold, Liebling, & Tait, 2009; Nylander, Bruhn, & Lindberg, 2008). Moreover, this becomes a platform from which the officer may use his/hers personal power or authority, which, contrary to institutional power, is based not so much on what the officers do, but *how* they do it. Officers gain authority when they appear just, impartial, honest and respectful to the inmates (Sparks, Bottoms, & Hay, 1996). The working of this personal power depends on the inmates' degree of respect for the officer. Hence, inmates often distinguish between the officer as a person and as a role. They acknowledge that the officer has a job to do, if s/he carries it out in a respectful way (Crawley, 2004a: 94–127; Owen, 1988). The creation of personal authority however, often places officers in a role conflict. On the one hand, the officers must not get too close to the inmates, as they then risk being exploited and not being able to assess situations objectively. On the other hand, they must exhibit some degree of empathy and must take the inmate's personal situation into consideration (Goffman, 1961), in other words they have to be capable of softening the more offensive elements of their control (Crawley, 2004a). At times, officers can even feel they have to mitigate some of the measures they themselves impose on the inmates (Kristoffersen, 1986; Mathiesen, 1965). Officers who manage this balancing act (downplaying the aspect of control) will often gain some legitimacy in the eyes of the inmates, and hence can use this 'capital' to maintain peace and order (Nielsen, 2010; Shapira & Navon, 1985).

Taken together, officers' adjustment of their institutional power to the concrete situations with an eye to enhancing their personal authority and constantly weighing 'what is right' or 'what works', can be seen as central elements in their discretionary power as 'street-level bureaucrats' (Evans, 2010; Lipsky, 1980). That is, officers can elect to do things 'by the book', or they can use their 'common sense' (Liebling, 2011; Liebling & Price, 1998). Typically, officers downplay or adjust the use of control, as too rigid a deployment of control measures, which in turn may generate conflicts (Sykes, 1971; Liebling, 2000: 344).

In order to fully understand officers' use of discretion, one has to acknowledge two distinctive aspects related to their work. First, officers are often faced with conflicting demands by the administration. Besides having to implement an ambivalent prison policy of control and rehabilitation, they are also often expected to exhibit a wide range of personal skills: empathy, professionalism, calm, persistence, maturity, adaptation, reflexivity, and humour. Furthermore, it is often expected that such qualifications cannot really be learned but must be part of the officer's personality (Bennet, Crewe, & Wahidin, 2008; Crawley, 2004a: 95–96, 111). Such ambiguous expectations encourage officers to personal discretion when carrying out their work and interpreting institutional ideals, values and rules (Arnold et al., 2009). Second, officers tend to develop a strong group solidarity as a result of their work being deeply dependent on their colleagues' support in dealing with inmates. Moreover, prison officers are often criticized both by inmates when carrying out control and by the administration, who suspect that their work may lead them to becoming too close to the inmates. As a consequence, the officer-culture can function as a 'shield' that enables the officers to resist outside criticism, recommendations and new demands from either above or below. This work-culture itself tends to stimulate the use of a locally based discretion (Crawley & Crawley, 2008; Nylander, 2011). Finally, officers' use of discretion is also influenced by structural changes in their institutions and more generally in the prison's management philosophy. Increased institutional focus on the formal assertion of control through procedures, routines and structure, for instance, will tend to limit the use of discretion (Drake, 2008). Intensification of drug control measures due to new government policies may require officers to suddenly impose daily random urine tests on inmates. At the same time, this may require increased use of tactfulness in order to ensure that daily life on the wings runs smoothly (Kolind, Frank, & Dahl, 2010; see also: Liebling, 2000: 342). The introduction of cognitive-based rehabilitative programs in prisons, where officers are also involved, can affect the way they balance the contradictory demands of rehabilitation and control (Smith, 2006). Increased focus on individual risk management (Seddon, Williams, & Ralphs, 2012) in which liberal 'soft power' and 'neo-paternalism' play an increasingly important role in officer-inmate relations (e.g. inmates being encouraged to regulate their own behaviour, engage with the prison in a positive way and take responsibility for their own failures) tends to discourage officers from pursuing informal relationships with prisoners (Crewe, 2011).

Throughout the article, the analytical framework, outlined above, will be used in order to explain officers' tacit tolerance of inmates' drug use. More specifically, the aspect of discretion seen as officers' situationally based utilisation of institutional power and personal authority will be examined more fully.

Data and background

Denmark has five high security (closed) prisons, eight low security (open) prisons, and 36 remand prisons with a total prison

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