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Demystifying risk management:

A process evaluation of the prisoners' home leave scheme in Greece

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Abstract

This article explores the factors considered by the Greek prison authorities in administering the home leave scheme. It is shown that the administration of the programme is significantly guided by exogenous factors like media pressure, mounting demand for rationality and accountability and populist considerations on the part of the superior officers at the Ministry of Justice, subsequently reflected upon personal concerns like the possible adverse consequences for decision-makers were they to exhibit 'unwarranted leniency'. Support is lent to the arguments: that the scheme is used primarily as a means of maintaining institutional control; that the selection of participants onto the programme is largely decoupled from their needs, but rather depends mostly on their risk profile, which, however, is not determined by means of any sophisticated actuarial technique; and that the various categories of risk are greatly associated with race/ethnicity-linked knowledges or assumptions. Notwithstanding the constraints of action imposed upon decision-makers, it is concluded that rehabilitative impulses have not been completely supplanted by disciplinary and actuarial considerations, and that criminal justice agents still play a considerable, albeit attenuated, part in forming penal currents in prison. No clear indication of bias towards non-Greek prisoners was found in processing licence applications.

Key Words

Greece • home leave • prison • race • risk management

Introduction

In line with the liberalizing trend followed by most western countries after the Second World War, Law 3312, introduced in 1955, was the first piece of legislation in Greece to envisage the release of prisoners on temporary licence, in the form of home leave. However, mainly due to political reluctance to challenge what has long been seen as punitive public opinion, it was only in 1990 that the Greek authorities decided to take action towards testing this penal provision on the ground. The scheme has been providing for short periods of authorized unescorted leaves of absence from the establishment, usually granted during the late stages of the sentence or when nearing release on parole. These are meant to alleviate the deleterious effect of the prison on prisoners and their families, facilitate their gradual resettlement into the community and help them abstain from criminal activities in their post-institutional life (see, for example, Toch, 1967; Alper, 1974). The use of the home leave scheme has been greatly expanded in recent years. In the Male Prison of Korydallos, for example, which is the largest establishment in the country, there was a nearly 50-fold increase in the granting of licences within 12 years, from just 20 in 1990 to 991 in 2001. That being so, one wonders whether the Greek authorities have been engaging in a late, yet welcome, flirtation with a liberal penal project. The optimism of such a claim, however, seems to contrast sharply with what has been widely described as the collapse of the rehabilitative ideal in the western penal world from the 1980s onwards, as well as with the cynical penal logics (i.e. 'law and order' and managerialism) that are said to have supplanted it (see, for example, Garland, 2001a; Newburn, 2002).

This article focuses empirically on the procedural dimensions of the home leave scheme, attempting to shed light on the factors considered by the prison authorities in administering the programme, as these may relate to prisoners, the authorities themselves and certain macro-social structures. Particular attention is paid to the concept of risk, its moral and political-populist aspects and the differential impact of actuarial risk claims upon populations of different ethnic/racial backgrounds. I first attempt to sketch the amalgam of punitive and managerial shifts in penal sensibilities, at least as theorized by various scholars with regard to Anglophone jurisdictions, while also distilling from that body of work a set of alternative accounts for the upsurge in the implementation of the home leave scheme in Greece. Brief contextual information is then offered on prison law and home leave provisions in Greece. I describe a study of the home leave scheme in the Male Prison of Korydallos and present the main findings. It is shown that home leave and the agency of its administrators are to a great extent subordinated to the pragmatic considerations of contemporary penality, particularly to the pursuit of institutional order and the management of risk, considerations that carry important macro-social implications. The good news is that, albeit shrunk, the rehabilitative and reintegrative possibilities of the programme remain part of its utilization, with the equal

treatment of foreigners meriting special attention. The concluding section draws theoretical and empirical conclusions, and a picture of how the ideal home leave scheme would look, thus also addressing an open-ended invitation to policy-makers, practitioners and criminologists.

Theoretical framework of the study

Numerous observers have suggested that recent years have seen the demise of the optimistic post-war penal vision and of the criminological truth it claimed. Whether referred to as ‘rehabilitative’ (Allen, 1981), ‘penal welfarist’ (Garland, 1985), ‘Kennedyan’ (Burgess, 1988, cited by Maruna, 2001) or otherwise, the idea of ‘normalizing’ offenders by instilling moral values and producing behavioural change, while also facilitating their gradual resettlement into the community ‘seem[s] utopian . . . [and] little is done in practice nowadays to implement [it]’ (Morris, 2002: 195–7; see also Bottomley, 1984). Rooted in the 1970s, this decline was triggered by a kaleidoscope of factors, ranging from theoretical objections (Bottoms, 1980), adverse research findings (e.g. Martinson, 1974; Lipton et al., 1975; Brody, 1976), and fiscal worries (Bottoms, 1995), to then increasing crime rates and a disproportionate escalation of victimization fear (Bottomley and Pease, 1986).

Instead, in an epoch where fear of crime is viewed as an urgent problem in and of itself, to the point that Beck (1992) and other theorists speak of the dawn of a ‘risk society’, the state and, within its context, the criminal justice authorities, have restored the ‘law and order’ ideology as ‘a commanding gesture of lordship and popular reassurance’ (Garland, 2001a: 142; see also Bottoms, 1995). To take but a few examples, the return of a strident rhetoric about lawbreaking and offenders (Downes, 1998), the introduction of harsher sentencing laws (e.g. the ‘three-strikes-and-you’re-out’ measures and mandatory minimum sentencing laws; see Tonry, 1998), the apotheosis of imprisonment (see Langan and Farrington, 1998; Garland, 2001b) and the revival of the ‘less eligibility’ doctrine with regard to prison conditions (see Sparks, 1996), have all coalesced to form a new foundation for contemporary penalty.

Alongside the reinvigoration of the law and order ideology, the last two decades have also known the rise of managerialism, that is, a pragmatic, technologically supported and quantification-oriented political rationality ‘that has subjected the police, courts, probation, and prisons to a regime of efficiency and value-for-money, performance targets and auditing, quality of service and consumer responsiveness’ (Loader and Sparks, 2002: 88). Within that context, prisons and their performance are no longer evaluated by reference to individual offenders or any intractable social purposes like rehabilitation and resocialization, but rather depend upon more feasible and measurable targets like the proper allocation of resources, streamlined

case processing and the reduction of overcrowding. At the same time, prisoners are viewed as aggregates or mere statistical units within a framework of policy. In other words, the system employs probabilistic risk calculations and statistical distributions applicable to aggregates of offenders, with a view to assorting them by levels of dangerousness and eventually placing them under respective control mechanisms (see Feeley and Simon, 1992; Bottoms, 1995). On the one hand, high-risk bearers are to be removed into prisons and be incapacitated for as long as possible, in the name of public protection. On the other hand, those classified as low-risk offenders are distributed in a plethora of community-based sanctions that, cut loose from their original rehabilitative and reintegrative aspirations, serve as low-cost surveillance mechanisms, often by means of frequent drug testing (Feeley and Simon, 1992, 1994; Garland, 1997). In fact, this 'twin-track' or 'punitive bifurcation' strategy, as Cavadino and Dignan (1997: 26) call it, bares the close links between punitiveness and risk management: the first step towards 'render[ing] docile the unruly domains over which government is to be exercised' (Rose, 1996: 45) is to distinguish the 'dangerous' from the ordinary 'run-of-the-mill' offenders through actuarial prediction techniques (see O'Malley, 1992; Garland, 1995; Rigakos and Hadden, 2001).

But how is risk defined in the contemporary penal context? It has been widely argued that, in the wake of neo-liberal socio-economic policies, particularly on the two sides of the Atlantic, recent years have seen the emergence of what is conveniently viewed as a chronically marginal, and thus irredeemably dangerous subpopulation, better known as the 'underclass' (e.g. Feeley and Simon, 1992; Young, 2002). Owing to its putatively pathological dysfunction, the underclass is treated as the main high-risk group to be controlled and contained; a phenomenon that has been described as the 'penalization of poverty' (Wacquant, 2003; see also Irwin, 1990). Yet, although poverty purports to know no race/ethnicity differentiation, many observers suggest otherwise. This theme has been present in the Anglo-American literature for some considerable time, with black people being identified as those continually excluded from the socio-economic arena and most discriminated against in the criminal justice system (see, for example, Cook and Hudson, 1993; Tonry, 1994). Pursuing this line of thought within the European context, Wacquant maintains that Western European countries may soon experience an analogous situation where 'foreigners and quasi-foreigners would be the "blacks" of Europe' (1999: 216).

Because such suggestions take on a particular urgency in the contemporary Greek context, some further comments by way of elaboration are in order here. Massive inflows of immigration into Greece from the 1990s onwards have engendered an array of socio-economic changes, while also dramatically altering, either in public conception or in reality, the landscape of crime, order and control. In short, migrant populations, originating

mainly from Albania and Poland, are not only perceived as the new underclass, but (as detailed later) have also come to constitute nearly half of the imprisoned population in the country. Although immigrants fill an important gap in the informal labour arena of Greece by acquiring low-paid jobs disdained by the native population (e.g. unskilled labourers in agriculture, animal husbandry and the construction business), they are seen as a dispensable segment of 'usual suspects', the first to be held responsible for the various ills of society and be declared *personae non gratae*, should the politico-economic needs dictate so. They are thus subjected to a sacrificial mechanism which deploys their increased needs for legalized status, stable employment, higher income, better living conditions and education in a two-fold manner: either as a basis for labour exploitation, or as attributes of high-riskiness that urgently call for their control and often their prolonged containment (and eventual deportation), at least as concerns the most disruptive among them (for a relevant discussion, see Karydis, 1998).

With these observations in hand, we are now in a position to explore the current role of rehabilitation programmes. This question is timely, given both the recent wake of meta-analyses that challenge many of the pessimistic research conclusions of the 1970s (e.g. Gendreau and Ross, 1987; Gaes, 1998), and a (consequent?) growth of community corrections (Raynor, 2002). Notwithstanding the rapidly rising imprisonment rates in the western world from the 1980s (Garland, 2001b), the use of probation and parole has increased at a proportionate or even faster rate (Feeley and Simon, 1992). Similarly, in England and Wales, there was an all-time high of 287,732 temporary licence grants to prisoners in 2002, up from 164,521 in 1995, amounting to a rise of 75 per cent (Home Office, 2003). Even so, Garland maintains, 'rehabilitation programmes no longer claim to express the overarching ideology of the system, nor even to be the leading purpose of any penal measure' (2001a: 8). Instead, it has been widely argued that early release, pre-release and other kinds of treatment programmes are subordinated to a mixture of populist political motives and risk-management considerations (May, 1994), or even to the goal of drawing more people into the net of social control measures (Cohen, 1985), while also being deployed as a hidden means to optimize institutional order (Fox, 1977). To these, one might add a more pragmatic trend, that is, the increasing use of community corrections as means to relieve prison overcrowding (see, for example, Bottoms, 1980).

Under this prism, the authorities are inclined to disqualify high-risk offenders from such schemes, with a view to maintaining long-term custodial control over them and, consequently, achieving significant, albeit still temporary, reductions in crime rates—a practice often referred to as 'selective incapacitation' (see Greenwood, 1982; Auerhahn, 2003). By contrast, low-risk offenders are regarded as least prone to fail and thus more likely to shroud community-based programmes in a veil of success

(Grant and Millson, 1998). At the same time, it is suggested, decision-makers often abuse their discretionary power, disproportionately favouring well-behaved prisoners, thereby turning rehabilitative and reintegrative measures into means of institutional control (Wilkins, 1969; Glaser, 1973). Garland (1997: 191) uses the term 'technologies of the self', or 'responsibilisation strategies' (Garland, 1996: 452) to describe such procedures that 'subjectify' and 'responsibilise' the individual, 'either by stimulating new forms of behaviour or by stopping established habits' (Riley and Mayhew, 1980: 15). In other words, the governance of prisoners is no longer conceptualized as solely the responsibility of the state; instead, it is also perceived as the responsibility of offenders themselves. In the institutional context, however, 'responsible' behaviour translates into strict observance of prescribed conducts, rather than into any kind of truly autonomous or empowering choices, while, most importantly for this article, it is mobilized through rewards like selection onto rehabilitative and reintegrative schemes (Hoggarth, 1991; Garland, 1997; see also Hannah-Moffat, 2001).

If we pause to take stock at this point, the analysis of how power is exercised within the contemporary penal complex has focused on the interplay between macro-level and seemingly inescapable forces like the state, politics and the mainstream society. Yet, as Garland argues in his critique of Foucault's *Discipline and Punish*, power is not a 'kind of empty structure, stripped of any agents, interests, or grounding, [nor can it be] reduced to a technological scaffolding' (1990: 170). Surprisingly, in attempting to fill this void in the 'strangely apolitical' Foucauldian logic, Garland himself reaches a no less dispiriting conclusion: that 'individuals and agencies play a crucial, but by no means controlling part' in the formation of penal strategies (Garland, 1985: 208). While this approach is overstated (see, for example, Gordon, 1990; Lemert, 1993; Brownlee, 1998; Lucken, 1998; Liebling, 2004), nevertheless it contains an important element of truth. It is clearly the case that a new form of penal 'government-at-a-distance' has gained ground in recent years. This seeks to subjugate the agency of the deliverers of justice into the pragmatic, often cynical goals of a strong 'centre of calculation' (Rose, 1996), either through curtailing their discretionary powers and homogenizing decision-making processes (e.g. via sentencing guidelines), or, more indirectly, by employing powerful mechanisms of accountability like quantifiable key performance indicators (Hood, 1991; Simon, 1993; Garland, 1995). In fact, the logic and function of these techniques resemble the 'responsibilization strategies' applied to imprisoned populations. Although heavily restricting individual autonomy, the state still allows for the exercise of a small degree of localized judgement on the part of the professionals, through which to pursue their private objectives (e.g. upward career mobility), objectives, however, that are only met if in full alignment with the interests of the centralized government.

The home leave scheme in practice

This article is not intended to offer a general theory of how institutional power is exercised in contemporary times, not even with regard to the wider Greek penal currency. Indeed, one has to acknowledge the differential impact that varying administrative regimes can have on penal micro-cultures (see Jacobs, 1977; Adler and Longhurst, 1994). The aim is to appreciate the competing perspectives in the prison institution—put bluntly, those of the captors and the kept respectively—as each try to walk their own, but eventually intertwined tightropes, and to assess the function of the home leave scheme within this peculiar complex, and its macro-social implications (see Liebling, 2001). In this light, two primary questions guided the analysis: first, which were the factors valued by the prison board in assessing (and rejecting) licence applications and how did they correspond to different reasons for application rejection (risk factors)? And second, to what extent, if any, was risk defined differently for populations of different racial/ethnic background? Before dissecting these themes, however, it is necessary briefly to explicate the prison legislation, imprisonment rates and home leave provisions in Greece.

The prison law in Greece

The major piece of legislation to address the prison system in Greece is Law 2776. Enacted in 1999, it was the last in a series of revisions that have taken place over the last 15 years, and aimed, on paper at least, to reinforce the basic principles of the so-called ‘justice model’. Rooted in the ‘just deserts’ rationale (on which, see von Hirsch, 1976), the ‘justice model’ de-emphasizes the rehabilitative ideal, rather calling for fairness and protection of prisoners’ entitlements without regard to any biological or social construct, for their consensual participation in any sort of prison treatment or work programmes, and, if possible, the minimization of their stay under conditions of captivity (see Bottomley, 1980; Plant, 1980). Within that conceptual framework of client support, law-makers attempted to enhance prisoners’ contact with the outside world through redefining the relevant provisions, thus aiming to reduce the isolating and debilitating effect of the prison on prisoners, and facilitate their re-entry into the wider society.

However, with the striking exception of the home leave scheme, most of these provisions have yet to be translated into practice (e.g. halfway houses, intermittent custody), the rest being used only rarely (e.g. community service). This has been due to an array of factors, ranging from the lack of financial resources and populist considerations on the part of the officials in the Ministry of Justice, to the inability uniformly to apply policies imported from jurisdictions elsewhere. Also, in recent years, the judiciary, perhaps wishing to appear in tune with the clamour of politicians and the media, have been making excessive use of custody, thus inflating the rate of imprisonment and exacerbating prison overcrowding. In fact, neither the

option of converting custodial sentences into community-based sanctions, nor parole have proved adequate to divert the flows of convicted offenders from prisons and to engender any significant decrease in the average length of the sentence served respectively (see Tournier, 1999). From the mid-1980s onwards, there has been a considerable overall growth in the imprisonment rate, rising from 6198 in 1985 to 8841 in 2003, which amounts to a 43 per cent increase. This largely reflects the upsurge in the incarceration rate of foreigners. For example, the imprisonment rate of non-Greeks rose 66 per cent in 8 years, from 2253 in 1996 to 3750 in 2003, as compared to a 23 per cent fall in the rate of their Greek counterparts (from 6632 in 1996 to 5091 in 2003). In 2003, foreigners comprised 42 per cent of the total prison population, which is four times higher than their estimated proportion in the general population of the country.¹

Home leave provisions

Articles 54 to 58 of the Law 2776 spell out the rules concerning the release of prisoners on temporary licence. From the outset, an explicit provision is made against discrimination on the basis of race or ethnicity. The primary form of temporary release is essentially a home leave, and is intended to enable prisoners to maintain family ties and links with the community, thereby also smoothing their transition to civilian life after permanent release.² This kind of licence counts towards the length of the sentence to be served and may be granted for between one to five consecutive days at a time, and for a total of no more than 40 days a year. Prisoners who have served two-fifths of their sentence, or 12 years of incarceration in the case of lifers, may be granted a leave of up to eight days. Moreover, there must always be a gap of two months between each grant of a licence. Eligibility to apply for this type of leave is determined by length of sentence, i.e. prisoners must have served one-fifth of their sentence and no less than three months in custody, while lifers must have been in custody for a period of eight years. By contrast, prisoners awaiting resolution of further felonious charges are not entitled to home leave.

Before any release on licence can be granted, a thorough risk assessment must be undertaken. The main factors to be considered in completing this assessment are the risk of further offending while on leave, and whether the licence will be adhered to, particularly as concerns absconding or engaging in activities that contravene the purpose of release (what is later referred to as 'risk of improper use of the licence'). Such activities may include disturbing family members or the victim(s), and re-establishing connections with criminal peers. In classifying applicants by levels (and types) of dangerousness, the authorities must examine a number of criteria. These range from some obvious areas such as prisoners' response to past licences, their custodial behaviour and home circumstances, including the availability of suitable accommodation, to some less straightforward ones like

the extent to which release on licence is likely to prove beneficial for their personality and future development. It is important to note at this point that there is no explicit reference to home leave as any kind of privilege earned by inmates in exchange for good custodial conduct. Nor is there any special provision for those foreign inmates subject to deportation proceedings after permanent release from prison or release on parole.

The assessment is carried out within the premises of the establishment by the Disciplinary Prison Board (hereafter referred to as the 'prison board'). This consists of the prison adjudicator, who presides over the meetings,³ the prison governor and the senior social worker. Prisoners must fill in an application form, where, among other things, they are asked to justify their request and specify their address while on leave. Furthermore, it is the responsibility of the applicant to submit a statement signed by the person who undertakes to host and care for him/her during the leave. Strangely, there is no requirement for a detailed itinerary or plans. Once an application for a temporary licence is made, a social worker who knows the applicant prepares a preliminary assessment report offering a recommendation (either positive or negative) with regard to the request. This report may be based on information relating to the prisoner's institutional conduct or to the people that will host him/her while on leave. In turn, the board considers all papers along with the personal file of the prisoner. It is noteworthy that, although not stipulated by the law, the members of the board often also seek the co-operation of the chief warden or another prison officer acquainted with the applicant. The prisoner or any other related third party may be invited to attend the meeting, if more information is deemed necessary.

Prisoners released on temporary licence may be subject to particular conditions specified in their licence and to recall at any time, should they be believed to be in breach of them or to have committed further offences. There is, however, no provision for any kind of community supervision, save for prisoners' obligation to have their warrants countersigned by the local police authorities. Equally paradoxically, the law draws no distinction between failure to return to prison at all and returning late, rather punishing both breaches with deprivation of the right to a licence grant for a one-year period following prisoners' eventual return or arrest.

Data and methods

The setting

A study was conducted with the permission of the Greek Ministry of Justice in the Male Prison of Korydallos (hereafter referred to as 'MPK'), which is located in a south-western suburb of Attica (Athens). This establishment should be typically receiving only remand and short-term prisoners, but in practice houses a great number of long-term prisoners as well. The maximum baseline capacity of MPK is 640 prisoners, but, on average, it

was hosting 2103 prisoners in 2000, 2185 in 2001 and 2131 during the first 6 months of 2002. Foreigners comprise almost half of the population held in MPK.

Data collection and analytical techniques

The main fieldwork phase lasted from June to September 2002, and consisted of daily visits to the establishment totalling over 300 hours. A content analysis of the annual home leave records was conducted by recording all 2283 cases of licences granted from 1 January 2000 through 30 June 2002. All data were derived from hand-written sources. The recording of each case covered details such as the country of origin of the inmate, his compliance with the terms of licence and, whenever applicable, the kind of breach. Moreover, I set out to analyse all personal files of the 115 Greek and 47 non-Greek prisoners whose licence applications were rejected during the period from 1 January 2002 through 30 June 2002.⁴ However, due to transfers of prisoners to other establishments or their permanent release, access to all files was not possible. The analysis was thus limited to the files of 67 (58 per cent of the) Greek and 30 (64 per cent of the) non-Greek unsuccessful licence applicants. The following details were recorded: ethnic origin of the inmate, age, marital status and fatherhood at time of application, familial or social supporting environment, availability of suitable accommodation, employment status at arrest, most serious current offence, sentence length, time already spent in custody and proportion of sentence already served (estimated later), future deportation, allocation to work in prison at time of application, disciplinary offences and prior release(s) on temporary licence. Furthermore, I recorded the information provided in the social workers' recommendation sheets that only occasionally included a detailed rationale, as well as the final decision sheets completed by the prison adjudicator after the meetings of the board. These sheets provided only the reason for the rejection of the application with no further explanation (e.g. 'rejected due to absconding risk'). To complement the findings of the research, discussions were held with members of the board, the specialist staff of the establishment and with several prisoners on an informal basis, as well as with prisoners' legal advisors, their visiting friends and relatives and with members of various charities and non-governmental organizations who visited the prison on a regular basis.

At a later stage, in April 2004, semi-structured interviews were conducted with members of the prison board and the chief warden of the establishment. Moreover, both qualitative and quantitative data were extracted from the aforementioned 97 personal files of prisoners, and analysed subsequently through non-parametric techniques. The groups of Greek and non-Greek unsuccessful licence applicants were combined for bivariate analyses. These were conducted using chi-square tests for inde-

pendence, in order to examine the significance of relationships between variables. Also, Cramér's V and, whenever applicable, the phi-coefficient were employed to determine the strength of correlations. Data were analysed using SPSS for Windows Version 11.0.1 (Statistical Products and Service Solutions, 2001). There were no missing data and statistical significance was set up at $p < 0.05$.

Sample characteristics

Within the sample at issue, 69 per cent were Greeks and 31 per cent were non-Greeks.⁵ The average age of prisoners in the sample was 37. More than half of the inmates were not married (57 per cent) and had no children (57 per cent). Yet, 83.5 per cent had some sort of familial or social ties outside prison. The vast majority (88 per cent) were serving a sentence of more than 5 years, while only 8 per cent had been in custody for more than 5 years. Similarly, a minority (13 per cent) had served more than two-fifths of their sentence (i.e. the time of parole eligibility for most offences). Moreover, most inmates in the sample (67 per cent) were sentenced for a drug-related offence, the rest having been convicted mainly of property offences (19.6 per cent). It must be noted that there were no statistically significant differences between Greek and non-Greek inmates, except in three instances (i.e. age, familial/social ties at time of application and future deportation which can only be imposed on foreign nationals; see Table 1).

Limitations

There are four main limitations associated with this study that should be noted. First, the sample was not randomly selected. While this limits the generalizability of the findings, I do not believe that the sample is systematically biased to any significant extent, at least as concerns the comparison between Greek and non-Greek unsuccessful licence applicants. Not only are the characteristics of the two groups impressively similar, but also their numbers reflect greatly their true proportions in the total population of unsuccessful licence applicants.⁶ Second, due to time restrictions, the study did not include a comparative component, that is, an analysis of the personal files of those prisoners who were granted licences during the same period. Third, I was not given permission to attend the meetings of the prison board. Both those techniques would have allowed for a more rounded insight into the ways in which the board members process licence applications (see, for example, Padfield and Liebling, 2000). Fourth, record-based information tends to be incomplete, incorrect or selective (see Liebling, 1992: 90–3). Every effort was made to compensate for these

Table 1. Characteristics of Greek and non-Greek prisoners contained in the sample

<i>Characteristic</i>	<i>Greek inmates (n = 60)</i>	<i>Non-Greek inmates (n = 37)</i>	<i>Significance (between-groups)</i>
Average age (years)	38.3	34.3	*
Employment status at arrest (in percentages)			NS
Manual worker	38.8	63.3	
Self-employed	26.9	16.7	
No professional activity	13.4	3.3	
Employee	20.9	16.7	
Marital status at time of application (in percentages)			NS
Married	37.3	53.3	
Single/divorced/separated/widowed	62.7	46.7	
Had children at time of application (in percentages)			NS
Yes	43.3	43.3	
Had familial or social ties at time of application (in percentages)			***
Yes	95.5	56.7	
Availability of suitable accommodation at time of application (in percentages)			NS
Yes	98.5	93.3	
Most serious current offence (in percentages)			NS
Drug-related offence	65.7	70.0	
Property offence	19.4	20.0	
Other	14.9	10.0	
Sentence length (in percentages)			NS
12–60 months (1–5 years)	11.9	13.3	
61–120 months (5–10 years)	32.8	43.3	
More than 120 months (more than 10 years)	55.2	43.3	
Time already spent in custody (in percentages)			NS
Less than one year	16.4	13.3	
One to five years	76.1	76.7	
More than five years	7.5	10.0	
Proportion of sentence already served (in percentages)			NS
Between one fifth and two fifths	86.6	86.7	
More than two fifths	13.4	13.3	
Subjected to deportation proceedings (in percentages)			***
Yes	–	70.0	

Table 1. *continued*

<i>Characteristic</i>	<i>Greek inmates (n = 60)</i>	<i>Non-Greek inmates (n = 37)</i>	<i>Significance (between-groups)</i>
Released on temporary licence in the past (in percentages)			NS
Yes	6.0	–	
Had committed disciplinary offence(s) at time of application (in percentages)			NS
Yes	29.9	16.7	
Allocated to work in prison at the time of application (in percentages)			NS
Yes	31.3	36.7	

The significance level for the age variable was obtained through a *t*-test.

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$; NS = non significant.

drawbacks through employing a variety of research methods and conducting semi-structured interviews with board members in particular.

Findings

Relying on professional intuition and judgement, and using no numeric scoring system whatsoever, the authorities risk-assessed licence applicants in terms of four main factors: level of institutional discipline, risk of absconding, risk of reoffending and risk of improper use of the licence. While more than one risk factor could well be applicable in a given case, licence applications were always rejected on the basis of what the prison board prioritized as the single most important factor. Of the 97 home leave refusals studied, 11 per cent were related to poor institutional discipline, 37 per cent to risk of absconding, 16 per cent to risk of reoffending and 36 per cent to risk of improper use of the licence. With the exception of institutional discipline, which related explicitly to the prisoner's behaviour within prison walls, all other factors had a social referent. All results relating to the statistical significance and the strength of correlations between individual characteristics of licence applicants and the reasons for application rejection are shown in Table 2.

Prison discipline

Consistent with the available literature, a major concern of the prison board in processing licence applications was found to be the consolidation of institutional order, a goal that knew no formal racial or ethnic differentiation. It soon became apparent that the scheme served as a response to

Table 2. Statistical significance and strength of correlations between individual characteristics and reason for application rejection

<i>Variables</i>	<i>Reason for application rejection (n = 97)</i>				χ^2	<i>Cramer's V</i>	<i>P <</i>
	<i>Abscinding risk (n = 36)</i>	<i>Reoffending risk (n = 15)</i>	<i>Disciplinary conviction (n = 11)</i>	<i>Improper use of the licence (n = 35)</i>			
Greek/Non-Greek					51,27	0,727	0.001
Greeks (<i>n</i> = 67)	10 (27.8)	15 (100)	7 (63.6)	35 (100)			
Non-Greeks (<i>n</i> = 30)	26 (72.2)	–	4 (36.4)	–			
Greek/Non-Greek (controlled for most serious current offence)							
Drug-related offence					37,48	0,759	0.001
Greeks (<i>n</i> = 44)	7 (25.9)	12 (100)	5 (83.3)	20 (100)			
Non-Greeks (<i>n</i> = 21)	20 (74.1)	–	1 (16.7)	–			
Property offence					9,97	0,725	0.05
Greeks (<i>n</i> = 13)	2 (40.0)	1 (100)	1 (25.0)	9 (100)			
Non-Greeks (<i>n</i> = 6)	3 (60.0)	–	3 (75.0)	–			
Other offence					8,77	0,822	0.05
Greeks (<i>n</i> = 10)	1 (25.0)	2 (100)	1 (100)	6 (100)			
Non-Greeks (<i>n</i> = 3)	3 (75.0)	–	–	–			
Most serious current offence					6,27	0,180	NS
Drug-related offence (<i>n</i> = 65)	27 (75.0)	12 (80.0)	6 (54.5)	20 (57.1)			
Property offence (<i>n</i> = 19)	5 (13.9)	1 (6.7)	4 (36.4)	9 (25.7)			
Other (<i>n</i> = 13)	4 (11.1)	2 (13.3)	1 (9.1)	6 (17.1)			

Table 2. *continued*

Variables	Reason for application rejection (<i>n</i> = 97)				χ^2	Cramer's V	P <
	<i>Abscinding risk (n = 36)</i>	<i>Reoffending risk (n = 15)</i>	<i>Disciplinary conviction (n = 11)</i>	<i>Improper use of the licence (n = 35)</i>			
Age at time of application (years)					12,93	0,211	NS
18–30 (<i>n</i> = 27)	10 (27.8)	4 (26.7)	4 (36.4)	9 (25.7)			
31–40 (<i>n</i> = 40)	16 (44.4)	4 (26.7)	7 (63.6)	13 (37.1)			
41–50 (<i>n</i> = 20)	9 (25.0)	3 (20.0)	–	8 (22.9)			
50+ (<i>n</i> = 10)	1 (2.8)	4 (26.7)	–	5 (14.3)			
Marital status at time of application					4,48	0,215	NS
Single/divorced/separated/widowed (<i>n</i> = 56)	17 (47.2)	8 (53.3)	6 (54.5)	25 (71.4)			
Married (<i>n</i> = 41)	19 (52.8)	7 (46.7)	5 (45.5)	10 (28.6)			
Had children at time of application					0,26	0,052	NS
Yes (<i>n</i> = 42)	16 (44.4)	7 (46.7)	5 (45.5)	14 (40.0)			
No (<i>n</i> = 55)	20 (55.6)	8 (53.3)	6 (54.5)	21 (60.0)			
Sentence length					19,22	0,315	0.01
12–60 months (1–5 years) (<i>n</i> = 12)	2 (5.6)	–	5 (45.5)	5 (14.3)			
61–120 months (5–10 years) (<i>n</i> = 35)	15 (41.7)	3 (20.0)	2 (18.2)	15 (42.9)			
120+ months (10+ years) (<i>n</i> = 50)	19 (52.8)	12 (80.0)	4 (36.4)	15 (42.9)			
Sentence length (controlled for Greek/Non-Greek variable)							
Greeks					9,19	0,262	NS
12–60 months (1–5 years) (<i>n</i> = 8)	1 (10.0)	–	2 (28.6)	5 (14.3)			
61–120 months (5–10 years) (<i>n</i> = 22)	2 (20.0)	3 (20.0)	2 (28.6)	15 (42.9)			
120+ months (10+ years) (<i>n</i> = 37)	7 (70.0)	12 (80.0)	3 (42.9)	15 (42.9)			

Table 2. *continued*

<i>Variables</i>	<i>Reason for application rejection (n = 97)</i>				χ^2	<i>Cramer's V</i>	<i>P <</i>
	<i>Abstonding risk (n = 36)</i>	<i>Reoffending risk (n = 15)</i>	<i>Disciplinary conviction (n = 11)</i>	<i>Improper use of the licence (n = 35)</i>			
Sentence length							
Non-Greeks					15,521	0,719	0.001
12–60 months (1–5 years) (<i>n</i> = 4)	1 (3.8)	–	3 (75.0)	–			
61–120 months (5–10 years) (<i>n</i> = 13)	13 (50.0)	–	–	–			
120+ months (10+ years) (<i>n</i> = 13)	12 (46.2)	–	1 (25.0)	–			
Subjected to deportation proceedings					34,45	0,596	0.001
Yes (<i>n</i> = 21)	19 (52.8)	–	2 (18.2)	–			
No (<i>n</i> = 76)	17 (47.2)	15 (100)	9 (81.8)	35 (100)			
Subjected to deportation proceedings (controlled for proportion of sentence served)							
Between one-fifth and two-fifths					32,77	0,625	0.001
Yes (subjected to deportation proceedings) (<i>n</i> = 19)	17 (56.7)	–	2 (20.0)	–			
No (not subjected to deportation proceedings) (<i>n</i> = 65)	13 (43.3)	13 (100)	8 (80.0)	31 (100)			
More than two-fifths					2,75	0,461	NS
Yes (subjected to deportation proceedings) (<i>n</i> = 2)	2 (33.3)	–	–	–			
No (not subjected to deportation proceedings) (<i>n</i> = 11)	4 (66.7)	2 (100)	1 (100)	4 (100)			

Table 2. *continued*

<i>Variables</i>	<i>Reason for application rejection (n = 97)</i>				χ^2	<i>Cramer's V</i>	<i>P <</i>
	<i>Abscinding risk (n = 36)</i>	<i>Reoffending risk (n = 15)</i>	<i>Disciplinary conviction (n = 11)</i>	<i>Improper use of the licence (n = 35)</i>			
Proportion of sentence served					0,624	0,080	NS
Between one- and two-fifths (<i>n</i> = 84)	30 (83.3)	13 (86.7)	10 (90.9)	31 (88.6)			
More than two-fifths (<i>n</i> = 13)	6 (16.7)	2 (13.3)	1 (9.1)	4 (11.4)			
Time already spent in custody					6,07	0,177	NS
< 1 year (<i>n</i> = 15)	3 (8.3)	2 (13.3)	4 (36.4)	6 (17.1)			
1–5 years (<i>n</i> = 74)	29 (80.6)	12 (80.0)	7 (63.6)	26 (74.3)			
5+ years (<i>n</i> = 8)	4 (11.1)	1 (6.7)	–	3 (8.6)			
Allocated to work in prison at the time of application					10,41	0,328	0.05
Yes (<i>n</i> = 32)	12 (33.3)	10 (66.7)	2 (18.2)	8 (22.9)			
No (<i>n</i> = 65)	24 (66.7)	5 (33.3)	9 (81.8)	27 (77.1)			
Had committed a disciplinary offence at the time of application					37,09	0,618	0.001
Yes (<i>n</i> = 25)	4 (11.1)	2 (13.3)	11 (100)	8 (22.9)			
No (<i>n</i> = 72)	32 (88.9)	13 (86.7)	–	27 (77.1)			
Social worker's recommendation					8,22	0,291	0.05
In favour of a licence grant (<i>n</i> = 59)	24 (66.7)	12 (80.0)	3 (27.3)	20 (57.1)			
Against a licence grant (<i>n</i> = 38)	12 (33.3)	3 (20.0)	8 (72.7)	15 (42.9)			

Table 2. *continued*

<i>Variables</i>	<i>Reason for application rejection (n = 97)</i>				χ^2	<i>Cramer's V</i>	<i>P <</i>
	<i>Abscinding risk (n = 36)</i>	<i>Reoffending risk (n = 15)</i>	<i>Disciplinary conviction (n = 11)</i>	<i>Improper use of the licence (n = 35)</i>			
Employment status at arrest					9,01	0,176	NS
Manual worker (<i>n</i> = 45)	18 (50.0)	6 (40.0)	5 (45.5)	16 (45.7)			
Self-employed (<i>n</i> = 23)	9 (25.0)	2 (13.3)	2 (18.2)	10 (28.6)			
No professional activity (<i>n</i> = 10)	3 (8.3)	1 (6.7)	3 (27.3)	3 (8.6)			
Employee (<i>n</i> = 19)	6 (16.7)	6 (40.0)	1 (9.1)	6 (17.1)			
Familial or social ties at time of application					9,19	0,308	0.05
Yes (<i>n</i> = 81)	25 (69.4)	14 (93.3)	9 (81.8)	33 (94.3)			
No (<i>n</i> = 16)	11 (30.6)	1 (6.7)	2 (18.2)	2 (5.7)			
Availability of suitable accommodation					1,56	0,127	NS
Yes (<i>n</i> = 94)	34 (94.4)	15 (100)	11 (100)	34 (97.1)			
No (<i>n</i> = 3)	2 (5.6)	–	–	1 (2.9)			
Prior release on temporary licence					3,03	0,177	NS
Yes (<i>n</i> = 4)	1 (2.8)	–	–	3 (8.6)			
No (<i>n</i> = 93)	35 (97.2)	15 (100)	11 (100)	32 (91.4)			

Notes: Entries are absolute numbers for each variable. Variable proportions within reason for application rejection are in parentheses. NS = non significant.

an explosive mixture of prolonged containment, complete idleness, excessive overcrowding, escalating ethnic/racial tensions, antiquated buildings, deteriorating facilities and inadequate staffing—a mixture that had engendered a series of violent riots from the late 1980s onwards in various prisons in the country. As the Greek public was becoming transfixed by widely broadcast pictures of prisoners shouting from the roofs of several establishments that they were dismantling, prison order soon turned into a social good in its own right and the home leave scheme developed into one of the few available and no-cost means to pursue it.⁷ Against this background, the board of MPK exhibited a clear inclination towards favouring disciplined prisoners, namely prisoners who adhered to the rules of the establishment, thus indirectly but firmly communicating its message to the rest of the prison population. Both the chief warden and the prison adjudicator prioritized the incentive function of the scheme. Of particular interest was the adjudicator's definition of the purpose of home leave that revealed the slippage between the concepts of right, power and privilege: 'Release on temporary licence is a powerful right that forces prisoners to behave well and not to create problems to the prison officers. [. . .] It is a strong incentive, just like parole and allocation to work within the establishment' (Interview, April 2004).

If seen through the lens of prisoners, however, the scheme functioned primarily as a punitive mechanism for those who did not abide by the rules. In fact, breach of the prison rules no longer merely constituted one of the criteria for assessing the various types of risk provided by the law (i.e. absconding risk, risk of reoffending, risk of improper use of the licence), but rather it had been elevated to a peculiar security category in itself, explicitly referred to as disciplinary conviction. This largely explained why prisoners who had committed a disciplinary offence rarely proceeded to apply for a licence grant. To give a flavour of this, no more than 26 per cent ($n = 25$) of the 97 inmates whose applications were rejected from 1 January 2002 to 30 June 2002 had committed a disciplinary offence (see Cheliotis, 2005). Not surprisingly, the statistical analysis revealed a strong association between breach of the disciplinary rules of the prison and the reason for application rejection ($\chi^2 = 37,09$; Cramér's $V = 0,618$; $p < 0.001$). Indeed, nearly half of prisoners (44 per cent) who had committed a disciplinary offence had their home leave applications rejected due to their past misbehaviour.

Even so, it is important to note that the authorities sometimes appeared willing to deviate from this method of classification, for it might well lead to excessively unjust decisions in specific cases and jeopardize institutional order in the long run. In those cases, the board made exceptions to adjust breaches of disciplinary rules to what was deemed most appropriate, whether this was to classify applicants as posing other kinds of risk (e.g. improper use of the licence), or, conversely, to grant them release on temporary licence. In doing so, they scrutinized an array of information relating to the institutional behaviour of the prisoner, particularly the

seriousness, frequency and recency of his misconduct, while also taking into consideration other personal particularities (e.g. familial conditions). Yet, this flexibility was bound to be narrow, thereby often giving rise to inconsistency in decision making and undermining prisoners' perception of fairness in the administration of the scheme.

Risk of absconding

As expected, the prison board also displayed enormous concern over minimizing rates of absconding. Unlike recidivism, failures to return to the establishment at all can be estimated with precision from the home leave records of the prison. In fact, prison authorities were required regularly to submit relevant (yet rather elementary) internal reports to the Ministry of Justice; such data were in effect treated as performance indicators. This move was mainly in response to a series of press stories about notorious prisoners who had failed to return to MPK and other establishments at all, thereby undermining public confidence in the administration of the scheme and causing trembles in all levels of the criminal justice system. It thus came as no surprise that the preliminary findings of the study were greeted with enthusiasm by the prison governor; during the period from 1 January 2000 through 30 June 2002, failures to return to prison on time were found to be negligible, while failures to return to prison at all amounted only to 2.19 per cent of the total number of licences granted (see Cheliotis, 2005). Yet, in meeting these informal but significant targets (minimizing the rate of absconds, in the main), the authorities tended to reserve the scheme for a relatively small number of prisoners who were believed to pose little to no risk of absconding. Thus, while an impressive 2283 licences were granted from 1 January 2000 to 30 June 2002, the number of licensees was no more than 824.

In practice, the risk of absconding was operationalized mainly on the basis of race/ethnicity-linked knowledges and assumptions. A strong relationship was found between the dichotomous variable of being either a Greek or a non-Greek prisoner and the reason for application rejection ($\chi^2 = 51,27$; Cramér's $V = 0,727$; $p < 0.001$). In particular, 72 per cent of the prisoners who were denied licence on the grounds of absconding risk from 1 January 2002 to 30 June 2002 were non-Greeks. This was related to the fact that the absconding rate of foreigners was disproportionately high in comparison with their proportion among licensed inmates. During the period from 1 January 2000 through 30 June 2002, for example, foreigners constituted only 13 per cent of the total licensed population, yet their rate among absconders reached up to 42 per cent (see Cheliotis, 2005).

Moreover, the vast majority of foreign licence applicants (70 per cent) were subject to deportation proceedings after permanent release from prison—a kind of punishment provided *de jure* only for foreign nationals. The statistical analysis showed that deportation was strongly related to the

reason for application rejection ($\chi^2 = 34,45$; Cramér's $V = 0,596$; $p < 0.001$). Indeed, 90.5 per cent of future deportees were classified as posing an absconding risk. In other words, the members of the board held that future deportees might find it reasonable to take their chances and seek either a prompt exit independently through the insufficiently guarded borders of the country, or even to stay in Greece clandestinely, particularly when nearing permanent release from prison or release on parole.⁸ When I controlled for the proportion of sentence served, the relationship between deportation and the reason for application rejection was found to be even stronger for those having served between one-fifth and two-fifths of their sentence (i.e. the parole eligibility date for the bulk of offences; $\chi^2 = 32,77$; Cramér's $V = 0,625$; $p < 0.001$). More specifically, 89.5 per cent of future deportees who had served between one-fifth and two-fifths of their sentence were classified as posing an absconding risk.⁹ In all cases, it was believed that punishment for absconding was of limited deterrent effectiveness.

On a related point, the authorities also examined the length of the applicant's sentence. The correlation between sentence length and the reason for application rejection was found to be moderate ($\chi^2 = 19,22$; Cramér's $V = 0,315$; $p < 0.01$). Yet, when I controlled for the dichotomous variable of being either a Greek or a non-Greek applicant, the correlation increased dramatically for foreigners ($\chi^2 = 15,521$; Cramér's $V = 0,719$; $p < 0.001$), while slightly decreasing for Greeks. This was due to the future deportation and proportion of sentence served variables. Once again, it was believed that the mild sanction for failing to return to the establishment weighed much less than avoiding the pains of long-term imprisonment.

Other criteria used to evaluate risk of absconding included previous escapes or attempts to escape from either MPK or other establishments in the country, and any breaches of prior temporary leaves. The board also appeared reluctant to grant licences to prisoners, particularly of non-Greek origin, who had never been released temporarily in the past, since most failures to return to prison at all had taken place during the first leave. For example, 45 per cent ($n = 14$) of the prisoners who failed to return to prison at all during the period from 1 January 2001 through 30 June 2002 were on their first leave, with 58 per cent ($n = 7$) of foreign absconders belonging to that category.¹⁰ In this case, it was believed that, unlike Greeks, foreign absconders most usually intended to leave the country, thus not having to spend their first leaves in building up a reliable network that would help them avoid arrest from the Greek police at a later stage (see Cheliotis, 2005).

As with disciplinary offences, however, the board sometimes used 'overrides' to reach a more legitimate decision. In certain cases, for instance, home leaves were granted to future deportees whose family members resided and worked in the country on a permit. Yet, the most impressive example has been taking place in MPK since 2001, when the prison board disregarded media outrage and decided to grant licence to

Kostas Samaras, one of the most notorious burglars and robbers in the country and five-times escapee from various establishments. Ever since, Samaras has received many temporary leaves during which he has been attending university courses, perhaps offering those distanced from prison micro-politics a useful lesson.

The risks of reoffending and improper use of the licence

Naturally, the members of the prison board also placed great emphasis upon pre-empting further offending on the part of licensees, and ensuring that the leave would not be used improperly. This, however, was not only due to their obvious desire to protect the public, but also it was linked to personal concerns. Although cases of reoffending brought to police attention were only rare, even less so for improper use of the licence (partially due to the complete absence of community supervision for licensees), it was feared that their exaggeration by the media might well rouse public anger and, consequently, endanger professional careers. In relation to this, the prison adjudicator mentioned:

The media are waiting to accuse us, whenever we grant a licence to someone who is deemed dangerous. [. . .] Imagine what would happen if a licensee raped a woman [. . .] All these make us doubly cautious. [. . .] But we still try to be fair.

(Interview, April 2004)

In point of fact, there being no other agency involved in the delivery of the programme, and with the dearth of any data on breaches of licence conditions, prison authorities were vulnerable to even greater criticism, should such incidents arise. In these respects, recidivism retained its social referent and remained a key criterion for determining success or failure of the scheme, but also of the authorities in charge, even if assessed on the basis of highly irrelevant, largely distorted and certainly not actuarial indicators like media reactions to isolated cases and abstract notions of the popular will. Suffice here to note that the home leave scheme was not found to function as a mechanism of policing prisoners while on licence.

The statistical analysis showed that the main factor considered in assessing the risks of reoffending and of improper use of the licence was race/ethnicity. In this case, both risk categories were populated solely by Greek prisoners. Indeed, 22 per cent and 52 per cent of the Greek unsuccessful licence applicants were believed to pose a risk of reoffending and of improper use of the licence respectively. Several explanations could be offered for this striking finding. Clearly, it was related to the fact that most foreigners were classified under the risk of absconding category. Also, the board members held that Greek licensees were more likely to locate and re-establish contact with deviant peers, as compared to their foreign counterparts whose compatriots were most usually mobile between different places all over the country or abroad.

Moreover, when I controlled for the most serious current offence, the correlation between the dichotomous variable of being either a Greek or a non-Greek licence applicant and the reason for application rejection became even stronger ($\chi^2 = 37,48$; Cramér's $V = 0,759$; $p < 0.001$). Particularly as concerns Greek prisoners convicted of a drug-related offence, 27 per cent and 45 per cent of them were classified under the risk of reoffending and risk of improper use of the licence categories respectively. This was linked to the widespread belief that offenders convicted of drug-related offences are highly likely to reoffend or, at least, engender troublesome situations. For example, all five deaths of prisoners that occurred while on leave during the period from 1 January 2000 through 30 June 2002 were due to drug overdose. In addition, it was feared that prisoners of that offence category were more prone to smuggle drugs into the prison on their return from the leave.¹¹ Although most foreign licence applicants (70 per cent) had also been convicted of a drug-related offence, it was believed that future deportation was more likely to increase their likelihood of absconding, more so than a drug-related offence would do for reoffending or for creating any other kinds of problems.

Other factors examined by the board in assessing the risks of reoffending and of improper use of the licence included the prisoner's involvement in violent incidents in the community, the use of a weapon, the harm caused and the offender's role. Furthermore, as the senior social worker mentioned,

Social workers try to evaluate the extent to which the prisoner hides any anger and hostility towards others. [. . .] Often, we can understand this quite easily, sometimes even by the way he behaves, the negativity he exhibits during the discussions we hold. [. . .] In all cases, we try to exhaust the limits, to test them for as long as possible.
(Interview, April 2004)

Serious attention was also paid to third-party information about whether a prisoner would reoffend or create other kinds of problems to civilians. Interestingly enough, protective factors, namely factors that relate to a reduced probability of offending like being married and having children, correlated only moderately to the reason for application rejection. What is more, there was a statistically significant inverse relationship between the availability of familial or social supporting environment and the reason for application rejection. That is, 93 per cent of those classified as posing a reoffending risk and 94 per cent of those under the improper use of the licence category had familial and/or social ties on the outside ($\chi^2 = 9,19$; Cramér's $V = 0,308$; $p < 0.05$).

Once again, the prison board appeared willing to judge cases on their own merits and make exceptions to routine classification rationales with the aim to reach better decisions. For example, they often attempted to relax decision making for those convicted of possessing only a small

quantity of drugs. Even so, the pre-eminence given to security had undoubtedly led to the withering of the reintegrative dimension of the home leave scheme, which was thus administered mainly to run-of-the-mill offenders with no obvious social problems. It was against this background that the positive recommendations from social workers often 'fell upon deaf ears'. To take an example, in 80 per cent of the applications rejected on the grounds of reoffending risk, social workers had argued in favour of a licence grant.¹²

Conclusions

Penological history has taught us that reformative initiatives have often fallen prey to what Rothman (1980) terms 'administrative convenience', that is to say, they have been mostly utilized as means to deal with operational difficulties like prison overcrowding or institutional order, and less to promote their originally intended rehabilitative aims. The home leave scheme in MPK would appear to be no exception to this disheartening trend. Reflecting upon the findings from the present study, the scheme served primarily to control or even punish inmates within the institutional setting. Selection onto the programme was mostly reserved for a relatively small number of disciplined, low-risk prisoners, and less for those in greater need of contact with the outside world. Put differently, the promotion of institutional order and risk prediction were found to have gained ascendancy over the assessment of individual needs. Risk classifications were executed through a peculiar ensemble of practical, as opposed to complex actuarial, knowledges on aggregates of offenders and occasional judgements of the merits of individual cases. Albeit defined differently for Greek and foreign prisoners, the concept of risk did not mirror the xenophobic stereotypes adopted and cultivated by Greek society. Still, the administration of the scheme was significantly guided by exogenous, macro-social factors like media pressure, mounting demand for rationality and accountability and populist considerations on the part of the superior officers at the Ministry of Justice, as these were reflected upon personal concerns like the possible adverse consequences for decision-makers, were they to exhibit 'unwarranted leniency'.

Notwithstanding those mundane, powerful constraints of penal agency and their negative implications for prisoners, the reflexivity of the board members, even if restricted to a handful of cases, licenses a note of hope. In other words, there was evidence that the goals of rehabilitation and reintegration had not been fully usurped by punitive and managerialist considerations, with the equal, more or less, treatment of foreigners meriting particular attention. But that said, are such exceptions enough to reverse the trend towards overemphasizing security and resorting to punitiveness? To what extent can they rejuvenate rehabilitation as the guiding narrative of the system? It is following from these urgent questions that the

last section outlines some of the directions future home leave policies and practices should take.

To begin with, in a truly progressive correctional system, complex ideas like justice and reintegration would not be 'lost in the translation' of slippery, vague and open-textured words like 'dangerousness', needs would not be interpreted as risks and rights would not be confounded with privileges. Emphasis would also be placed upon the particular needs of offenders, both in relation to collective variables like race/ethnicity, gender or age group, and their individualities (see Hannah-Moffat, 2004). To this goal, official discretion should be demarcated, as opposed to curtailed, by general guidelines that would allow penal agents to be 'defensibly' flexible in the application of rules, that is, to judge cases rationally on their own merits without being overcautious of the adverse consequences of possible errors (see Bottoms, 1998; Kemshall, 1998). For the line between such a flexible style of individualized decision making and arbitrariness is quite thin, however, 'the best judgment is not just about one case in isolation, but is sensitive to the possible implications of that judgement on other cases' (Harrison, 1992: 122). While the mechanical operation of the law may indeed bolster consistency, it is parity (i.e. treating like cases alike) that can establish fairness on a more stable footing (Liebling and Price, 2003).

On a related point, any attempt to effect behavioural changes has to rely upon the voluntary co-operation of offenders in accepting the relevant requirements, thus serving therapeutic functions without disrespecting the values of individual liberty and legal rights. This kind of support should extend beyond prison walls. That is, the home leave scheme should provide for the supervision of offenders in the community. Alas, one should take care not to confuse community supervision with tough, intensive surveillance. The latter, it has been consistently shown, leads to an amassing of technical violations and, therefore, to an increased use of imprisonment, while neither reforming nor helping the individual to resist the lure of crime (see, for example, Petersilia and Turner, 1993; MacKenzie and De Li, 2002). Instead, a social support agency would care for the observance of a relatively detailed itinerary suited to the needs and wishes of the offender, with a separate social control agency making discrete spot checks on him/her. It is crucial to decouple the welfare aspect of home leave from the supervision element this, of necessity, entails, since interventions premised on the simultaneous delivery of the two most usually tend to over-emphasize the control dimension and, consequently, to engender feelings of resentment and hostility on the part of licensees (Sherman, 1993).

As a prerequisite to such considerations, of course, penal policy making and practice should be informed by detailed criminological research. Despite the extensive use and the current surge of evaluations of intermediate sanction programmes, the home leave scheme has yet to receive proper research attention. There is a pressing need for assessing the impact of the scheme on prisoners' institutional and post-release life, as this would relate not only to measures such as recidivism rates, but also to community

reintegration (see, for example, Waldo et al., 1973). Crucially, however, empirical light should *first* be thrown on the superordinates and their decision making, and on the hidden social functions of the prison (on which, see Duff and Garland, 1994). As discussed throughout this article, it is misleading to presume, as most researchers and policy-makers do, that temporary release and other pre-release programmes are uniformly implemented as designed, i.e. pursuant to the aims of offender rehabilitation and social resettlement. Before it is possible to dismiss or praise the rehabilitative potential of a programme, one must identify whether or not the intervention in question is actually delivered as planned to the target population. A more holistic evidence-based approach to policy and practice requires that we 'understand how the interaction between programmes and their context redefines programmes from prison to prison, and ultimately how it affects their success' (Lin, 2000: 32). It follows that greater research attention should henceforth be devoted to: (a) the structures of knowledge, experience, values and meanings that individual decision-makers bring to a decision, and which eventually coalesce to form organizational routines; (b) the extent to which 'distributive justice' policies translate into practice across varying time periods, jurisdictions and organizational settings; and (c) the pertinent implications for future training of decision-makers.

Rather than ending on a note of despair, I want to restate my trust in the 'reflexive agency of the human actor and the capacity for well placed charismatic individuals to influence the policy debate, notwithstanding the structural and cultural constraints of action' (Brownlee, 1998: 325). Donald Clemmer once wrote about prisoners' pre-release expectations of the free community that 'life without hope is half-life and mere vegetablism' (1959: 248). To give these hopes some foundation, I contend, we have to keep our hopes high.

Notes

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- 1 In the absence of long-term time series data on imprisonment, prisoner numbers referring to different years have been compiled from various sources (e.g. the International Centre for Prison Studies, King's College, London, and the National Statistical Service of Greece) that often employ dissimilar data collection and analytical techniques. Present comparisons should thus be treated as mostly of an indicative nature (see also Lambropoulou, 2005). Interestingly, if one excludes perpetrators of motoring offences (e.g. parking fines and failures to comply with driving regulations), there has been a 12.5 per cent fall in the overall number of offenders known to the police within 11 years, from 205,573 in 1990 to 179,799 in 2000.

Moreover, while the proportion of foreign offenders rose five-fold, from 3369 in 1990 to 19,056 in 2000, as compared to a 20 per cent decrease in the corresponding rate for Greeks, from 202,204 in 1990 to 160,743 in 2000, it turns out that the rate of offending by foreigners has always been at least nine times lower than that by Greeks. Also, it is not clear from these data the extent to which the offences perpetrated by foreigners concern illegal entry and/or work in the country, that is, phenomena of little criminological interest. Karydis suggests that 'three out of four of the offences committed by migrants [in Greece] concern violations of the Law for Aliens' (1998: 357). In 2000, the percentage of foreigners among perpetrators of high-profile crimes such as homicides (intentional and unintentional, completed and attempted), assaults and drug-related offences was lower than their estimated proportion in the general population of Greece. Not surprisingly, it was significantly higher in thefts (all types included) and robberies, a phenomenon greatly attributable to their harsh living conditions, rather than to any kind of special propensity for unlawful conduct and deviance. In this case, data were compiled from the *Greek Police Statistical Yearbook 2000*, which was the most recently published official source of information on crime trends and offenders in Greece at the time this article was drafted.

- 2 The law provides for another two types of licences that are granted less frequently. The first is reserved for prisoners facing exceptional personal circumstances (e.g. death of a close relative), while the second provides inmates with the opportunity to attend educational courses outside the establishment. Both count towards the length of the sentence to be served, but the eligibility criteria and the granting procedures differ. For similar provisions in other European countries, see van Zyl Smit and Dünkler (2001); also van Zyl Smit (1988); Ruggiero et al. (1995); Creighton and King (2000: 138–42).
- 3 The prison adjudicator represents the judiciary within the establishment and is responsible for reviewing the application of legal principles to the exercise of power in prison. Among other things, s/he may appeal against decisions of the prison authorities.
- 4 The time-frame of the sample could not be extended, for it was only in October 2001 that the Prison Secretariat started keeping record of rejected home leave applications. Of the 608 licence applications made during the period from 1 January 2002 through 30 June 2002, 418 (69 per cent) were successful.
- 5 Of the 30 non-Greeks in the sample, 18 (60 per cent) were Albanians, the rest originating from Italy, Armenia, Chile, Egypt, Iraq, Lebanon, Nigeria, Romania, Tanzania, England and Abkhazia.
- 6 For example, while the true proportion of foreigners among prisoners whose licence applications were rejected from 1 January 2002 through 30 June 2002 was 29 per cent, their proportion within the sample under study was 31 per cent.

- 7 It might as well be hypothesized that the expanded utilization of the home leave scheme in Greece has been a no-cost alternative to curb prison overcrowding. In MPK, however, the number of licensees was much lower than the number of licences granted (i.e. most eligible inmates were granted licences as frequently as three to six times a year), thereby disproving such a hypothesis.
- 8 Whether released permanently or on parole, deportees are automatically subjected to removal proceedings. To this goal, they are held in detention centres until their eventual repatriation.
- 9 At least as concerns foreign inmates, then, the home leave scheme did not serve an evaluative function, that is, as a means to test offenders' behaviour in free-world settings and thus their appropriateness for release on parole.
- 10 No earlier data were available on the temporal order of home leaves on which prisoners failed to return to the establishment.
- 11 While all returning licensees were subjected to a rigorous body search by prison officers, drug offenders were also removed to special cells for a period not exceeding three days, where they were monitored through CCTV surveillance cameras and had their faeces inspected by the custodial staff. This was in response to a series of attempts to smuggle drugs into the prison via the method of swallowing balloons or condoms stuffed with heroin or cocaine, to be retrieved later naturally.
- 12 It could be argued that this finding reflects, to a certain degree at least, the marginalized status of social workers vis-a-vis the prison governor and the prison adjudicator, as well as the diminishing role of the rehabilitative ideology within the establishment. Albeit an important issue, the place of different groups of prison professionals within MPK and the related implications for inmates is not analysed here for reasons of space.

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