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## **How to cite this publication**

Please cite the final published version:

Kolind, T. (2015). Drugs and discretionary power in prisons: The officer's perspective. *International Journal of Drug Policy*, 26(9), 799–807. DOI: [10.1016/j.drugpo.2015.04.014](https://doi.org/10.1016/j.drugpo.2015.04.014)

## Publication metadata

<b>Title:</b>	<i>Drugs and discretionary power in prisons: The officer's perspective</i>
<b>Author(s):</b>	<i>Torsten Kolind</i>
<b>Journal:</b>	<i>International Journal of Drug Policy</i>
<b>DOI/Link:</b>	<a href="https://doi.org/10.1016/j.drugpo.2015.04.014">10.1016/j.drugpo.2015.04.014</a>
<b>Document version:</b>	Accepted manuscript (post-print)

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## **Title page**

**Title:** Drug and discretionary power in prisons: The Officer's Perspective

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## **Drug and discretionary power in prisons: The Officer's Perspective**

**Keywords:** Prison officers, discretion, drugs, cannabis, power, Denmark

### **Abstract:**

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. Based on observational data, qualitative interviews and survey data, this study examines the role of drugs in the way Danish prison officers exercise power. 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. 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.

## **Drug and discretionary power in prisons: The Officer's Perspective**

### **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 et al., 2013). In the Nordic countries<sup>1</sup>, 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 et al., 2006). Inside prisons in many European countries, drug use is common (Singleton et al., 2003, EMCDDA 2012). Furthermore, people who inject drugs commonly have a history of imprisonment (Stöver and Michels, 2010). Over the past two decades, the proportion of offenders sentenced for drug offences has increased markedly in the Nordic countries (Kolind et al., 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 et al., 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 2006, 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; Swann and James, 1998; Cope, 2003; Ritter et al., 2013; Keene, 1997). Almost no studies, however, have focussed on the experiences and role of prison officers in relation to inmates' drug use (Ritter et al. 2013, Carlin 2005). 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 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, 1957), if only because officers often do not fully know these

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<sup>1</sup> Denmark, Finland, Iceland, Norway and Sweden

rules and regulations (Liebling, 2011). Social order in prison, which may on the surface appear rather rigid, will be analysed as a process in 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 et al. 2009; Nylander 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 et al. 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 (Owen, 1988; Crawley, 2004a: 94-127). 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 (Mathiesen, 1965; Kristoffersen, 1986). 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 (Shapira and Navon, 1985; Nielsen 2010).

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' (Lipsky 1980; Evans 2010). That is, officers can elect to do things 'by the book', or they can use their 'common sense' (Liebling and Price, 1998; Liebling, 2011). Typically, officers downplay or adjust the use of control, as too rigid a deployment of control measures, which in turn may generate conflicts (Sykes 1956; 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 (Crawley, 2004a: 95-96, 111; Bennet et al., 2008). 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 and 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 et al., 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 et al., 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 population of approximately 4,000 prisoners (75 individuals pr. 100.000 inhabitants Hildebrandt, 2012). Open prisons are not fenced and therefore control is less strict than in closed prisons. Drug smuggling in open prisons is therefore easier in comparison with closed prisons, and the prevalence of drug use is higher (Heltberg, 2012). In an international context, the material conditions of Danish prisoners is

relatively high, as are standards of inmates' health and their individual security. This had lead some researchers to talk about a 'Scandinavian exceptionalism' characterised by a low prison population, relatively humane prison conditions, and an ideology of normalisation implying that life inside should resemble life outside as closely as possible (Pratt 2008): However, such exceptionalism should not be overrated.

Researchers have qualified Pratt's argument (see: Ugelvik and Dullum 2012), arguing, for instance, that Nordic prisons are still delivering 'pains of imprisonment' (Mathiesen 2012; Shammas 2014) and reveal a Janus-faced character that includes infringements of individual rights (Barker 2012).

The analysis is based on data from a mixed method study conducted between March and September 2009, with the aim of integrating findings and drawing inferences using both quantitative and qualitative data (NAD, 2011; see e.g. van Nunen et al., 2014). This original data is supplemented by additional qualitative material collected in 2012-2013 as part of the project *Prison-based drug treatment in the Nordic countries* (see e.g.: Kolind et al., 2014).

The quantitative data consist of an anonymous web-based survey created in SurveyXact (response rate=51%, n=457) distributed by a link via e-mail to all registered officers (n=889) in Danish prisons, with follow-up e-mails (see Table 1).<sup>2</sup> The e-mail provided information about the purpose of the survey. Officers' e-mail addresses were provided by the Danish Prison Service, who also approved that officers could use their working hour to fill out the questionnaire. The survey focused on four themes: background information, drug treatment, drug enforcement, and drug use (in prisons). In this article, data was collected from seven of the survey questions. The questions included the following: "In general, what is your attitude towards prison drug control?", and "In general, what is your attitude towards prison based drug treatment?" These questions were rated using a 5-point Likert scale from 'Clearly positive' to 'Clearly negative'. The question: "To what extent do you use your individual discretion and experiences when imposing drug-related sanctions towards inmates" was rated using a 5-point Likert scale from 'to a strong degree' to 'not at all'. Questions: "Do you find that prison's inspection measures prevents the inmates from hiding drugs?", and "Do you think the inmates cheat when conducting the urine tests?" were rated with 'Yes', 'Partly', 'No', and 'I don't know'. The question: "How much time do you have during your workday to carry out control tasks?" were rated: 'Enough', 'Partly enough', and 'Not enough'. Finally, officers were asked: "Which of the following drugs are, to your knowledge, present in your wings?" and given a list of substances including alcohol, anabolic steroids, hard drugs (e.g.: cocaine, heroin, amphetamine), cannabis and different kinds of pills. Answers were categorized under the headings: daily, weekly, monthly, yearly, never and don't know. Resulting data were analysed using Stata v13. In addition to the survey, observational studies and semi-structured qualitative face-to-face interviews were conducted in four prisons (two open and two closed). Five days of observational work, based on a standardised observational protocol, were conducted in each prison, the goal of which was to gain an impression of the officers' daily tasks as a background for developing the interview guide and facilitating interview arrangements. Following this, 22 individual interviews were conducted focusing on the

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<sup>2</sup> The prison *Anstalten ved Herstedvester* where inmates are in psychiatric or sexiological treatment, and *Copenhagen's Prison* which is primarily a remand prison, were not included in the survey.

following issues: managing of work tasks; attitudes towards drug control and drugs in prisons; interactions with inmates; and issues of institutional corporation. During the observational work, officers were asked whether they were interested in taking part in an interview. In choosing our sample of prison officers, our aim was to have as broad a representation of officers as possible. Of the 22 interviewed, eleven were women, ten worked in open prisons, ten in a drug treatment wing/contract wings, one in the prison infirmary, and two in prison wings for voluntary single cells.

The data from the larger Nordic qualitative research project used in this analysis consists of three months of observational studies and interviews with 12 officers (six male) in three Danish prisons (six in open and six in closed prisons). The prisons chosen in the second study were different from those in the first. The observations, based on a standardised observational protocol, focused on the atmosphere at the wings, personal relations among officers and between officers and inmates, daily work routines, and control measures. The same procedures regarding recruitment and selection of interviewees outlined above were also used in this study. The interview guides focused on the control and disciplinary sanctions related to illegal drug use and relations between different professional staff members. All qualitative interviews were carried out by experienced interviewers and were based on the principle of informed consent. Moreover, the anonymity of the respondents was guaranteed. Both research projects were approved by the Danish Data Protection Agency. All 34 interviews lasted about an hour, were conducted in an isolated location within the prison during the officers' working hours, and were subsequently transcribed and coded in NVivo together with the observational data. The data was coded partly on the basis of the interview questions and partly inspired by the method of schematic standardization, in which analytical categories develop in a process of circular exploration of the empirical data (Glaser and Strauss 1967, Strauss and Corbin 1997). In this article all data has been grouped and relevant Nvivo codes extracted with the aim at focussing on aspect related to inmates' drug use and officers' discretionary practices.

### **Results: Officers' use of discretion and inmates' drug use**

Recent changes in Danish prison drug policy have led to an intensification of the existing dilemma in the officers' work between having both to control and rehabilitate at the same time, making the practice of discretion even more important (Kolind et al., 2014). On the one hand, there have been a tightening of drug control, as stipulated in the governmental drug action plans: *Fight against drugs* (Regeringen 2003, 2010) giving rise to such measures as mandatory urine tests on all prisoners, intensified searches, and increased use of sniffer dogs. Also, the disciplinary sanctions for drug offences (including drugs detected by urine tests) have intensified. Heavier fines, increased use of isolation cells and most importantly, withdrawal of inmates' leaves and parole have all been enforced. On the other hand, prison drug treatment has been upgraded, both in scale and in variation. Prisons now offer substitution treatment, cannabis treatment, treatment wings and individual counselling, and a treatment guarantee offers inmates drug treatment within two weeks from the first inquiry (Kolind et al., 2010). As an example of how this dual drug policy was experienced as a dilemma by the officers in our study we see that most (66%, n=270) answered that they were clearly positive or predominantly positively disposed towards the increased drug control, as they saw drug use as a general

societal problem that also created problems in their daily work. However, at the same time, prison officers did not see more intensive drug inspection as the solution, as they were afraid this would create a too confrontational, non-rehabilitative prison environment. As expressed by this officer:

If you really want to eliminate the drugs, you have to crack down harder. But if you choose that path, it will create other social problems... In the end, it will give greater re-socialisation problems when the inmate has to get out into the real world again. (*Male officer, treatment wing*)

Consequently, 78% (n=316) of the officers stated that they used their individual discretion and experiences 'to a strong' or 'to some degree' when imposing drug-related sanctions towards inmates<sup>3</sup>. Officers for instance tell that they have to continually weigh their use of sanctions against the interests of the inmates, relations between the inmates, interests of colleagues, different work tasks, different types of drugs, as well as other aspects of importance for the atmosphere in the prison wing. Therefore, when officers interpret rules and adjust them to concrete situations, they see it as a way of balancing opposing expectations. As one female officer explains:

When we search the cells each day and take urine tests, it's done because they [the administration] can get some numbers and statistics they need to have... But it could well be that it was more important that day that I talk with Hans [inmate] out in the hallway because we had had a fight with each other, and this took up a lot of my workday. And that this was more important than going in and turning some cell upside down [...]. Yes, sometimes things become a bit too stiff in a system like this one. (*Female officer, regular wing*)

Four themes, which are important for understanding the officers' discretionary practices and everyday power in relation to inmates' drug use emerged during our analysis of the data: 1) the atmosphere in the prison wing, 2) considerations towards individual inmates, 3) 'the unfairness of drug policy' and 4) role expectancies.

#### *The atmosphere in the prison wing*

A central concern in the officers' daily work relates to the atmosphere in the prison wing. Their concern is that peace and order should prevail and that conflicts be kept at a minimum. As argued above, this is seldom achievable only by the use of force. Instead, the exercise of power has to be perceived by the inmates as relatively legitimate in order to work effectively. This depends on power being exercised respectfully, so that the two parties respect each other's roles and internal hierarchies, and that the inmates have some kind of interests in complying with the officers' orders (Liebling 2011, Sparks and Bottoms 1995). Therefore, when officers exercise drug inspections, they often consider how and when to do so, how intensive their control should be, and towards which inmates it should be directed. In the following passage, an officer explains how he tries to maintain a level of general well-being in his wing:

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<sup>3</sup> There are no significant difference across: gender (chi<sup>2</sup> p=0,59), seniority (chi<sup>2</sup> p=0,35), work approach (mostly control or mostly rehabilitation oriented) (chi<sup>2</sup> p=0,77), working in an open or closed prisons (chi<sup>2</sup> p=,53), or working in a treatment or regular wing (chi<sup>2</sup> p=0,35).

For me it is important that I can vouch for the work I do. I am first and foremost an officer, so I have to respect the limits that we have...So it may well be that I make a circle inside, and that's the one that I work according to [...] So, if you are constantly the one who follows the rules, who sits down to write a report right away, that there is something or other or some hash, you quickly get the label that you are strict, and that no one can come to you with different things and talk and such.. (*Male officer, regular wing*)

The same officer offers an example of how he deals with the inmates' smoking of cannabis:

If you go down the hallway and you go passed a door where it smells of hash, it's not like you go in and say, 'I need a urine sample from you'. If I happen to open the door [to an inmate's cell] and there is a bong flask [used for smoking hashish] sitting there or something, and it's the third time that same day, then it may well be that I begin to write a report. If it's the first time that day, I think somehow that I get more out of just taking the flask from them and maybe even get them, if it's just a crumbled mess, to flush it down the toilet. Well, I don't get anything out them giving them a 50 [Dkr] fine. (*Male officer, regular wing*)

As the above example illustrates, the stipulated drug sanctions are only partly relevant in the officers' attempts to maintain a quiet atmosphere. In their everyday work, officers may at times downplay their control measures toward the inmates in order to prevent conflicts.

According to the officers, the presence of different kinds of drugs in the wings also plays a role in influencing the atmosphere. When officers were asked in our survey whether certain kinds of drugs were available in their wings on a regular basis (daily/weekly), 72% (n=294) stated that cannabis could be found, 39% (n=151) stated that heroin, cocaine and amphetamine were available, 4% (n=18) alcohol, and less than 1% (n=3) stated that different kinds of 'pills' could be found. These figures can be compared to the officers' evaluations of which drug they perceive as the most problematic, in which various 'pills' and alcohol were perceived as more difficult to deal with than cannabis. Hence, officers tell of inmates who are 'climbing the walls', meaning that they react violently and unpredictably, with the potential for conflict. According to our informants, cannabis use seldom leads to conflicts or safety issues for employees. In fact, several officers stress that cannabis has a calming and softening effect on the individual inmates and consequently on the atmosphere in general. As one respondent explained: 'The guy who has smoked hash, he thinks that everything is pleasantly relaxing, and he doesn't come round and give problems of any kind'. However, not all officers approve of being lenient towards inmates cannabis use despite the calming effect of the drug:

We cannot just let go and say: 'Well, it's OK they smoke cannabis in the prisons, because it makes them calm and biddable'. To me and with my experience, this is a cliché, and it's sad if someone has this approach. (*Male officer, regular wing*)

Overall, some officers explain that they have no objection to inmates smoking cannabis in the prison, but that they feel they must intervene in order to observe regulations (see also: Keene, 1997). Other prison officers

oppose inmates use of cannabis as both illegal and because it offends them personally. Nevertheless, it appears that tacitly allowing inmates' cannabis use is part of some officers' everyday control repertoire when trying to maintain order in their wing (see also: Carlin, 2005; Crewe, 2009; Ritter 2013).

### *Considerations towards individual inmates*

Officers also take the individual inmates' situation into consideration when applying the drug regulations. Such discretionary considerations can help increase the officers' personal authority. Furthermore, this can also be viewed as emotional labour, characterised by a process of both emotional engagement in and tactical withdrawal from inmates' lives (Crawley, 2004b; Nylander et al., 2011). Consequently, the work of being a prison officer is primarily that of *interacting* with inmates, such that *social control* or disciplinary measures are only a by-product (Gilbert, 1997; Crewe, 2011).

Our data show that officers react differently to a drug-related offense depending on whether they believe the inmate is dealing drugs and has already been asked to stop, whether they find the inmate provocative and disregardful of the prison's' implicit *modus vivendi*, whether they know an inmate is just about to go on a long-awaited weekend leave, whether the inmate is a heavy drug user and is unable to cease his or her drug use, or whether the inmate has participated in a drug rehabilitation program. Besides this range of considerations, some officers relate that when carrying out drug inspections, they also acknowledge that inmates should have the right to some degree of private life inside their cells. As expressed by this officer:

Well, it's damn bad enough to go to prison, you can relate to it in some way. I have never taken drugs, so I wouldn't be able to that, but if they do it within their own four walls, which really is ... it's their home you know. If I cannot see or smell it, well then I can't do anything, and I don't have interest in it either.  
(*Male officer, regular wing*)

Furthermore, several officers explain that it is their impression that many inmates take drugs and especially smoke cannabis in order to better endure imprisonment and prison life as such, and that especially cannabis is used by inmates in order to kill time, curb anger, and deal with restlessness and sleeplessness. These impressions seem to align with studies of inmates' motives for using cannabis in prisons (see e.g. Ritter et al. 2013, Dahl et al., 2008). Some officers seem to understand such motives, as this officer explains:

I think that hash causes some of them to calm down. So it really can do some good in terms of if they use it for self-medication. Those who are about to climb the walls because they just don't like being here or can't bear to be locked up at night, and those who use it to calm down. It just gives more quiet in the wing. (*Female officer, regular wing*)

Overall, some officers turn a blind eye to inmates' drug use because they have a degree of empathy for the inmates' situation in prison, respect their private life, and because such consideration can be converted into officers' personal authority. Officers also think that when inmates use cannabis they are then pacified and peace and order is easier to maintain (see also above). However, there is another twist to the predicament. A great deal of the officers in our study were positive towards the drug treatment programs implemented in the

prisons (60% (n=263) were generally positive towards day treatment programs and 78% (341) were generally positive towards treatment wings). Consequently, they find it important to discover inmates' illegal drug use so as to be able to motivate them to begin treatment. However, in order to obtain reliable information from the inmates, some officers say that they try to establish a level of trust in their relations with the inmates, which means that they cannot impose sanctions on all violations that they know about.

### *'The unfairness of drug policy'*

Most officers approve the political vision of a drug-free prison and would ideally like to see that inmates terminate their drug use. In consequences they approve of the recent strengthening of prison drug policy. Some officers would even like to see the implementation of additional control measures. At the same time, however, most officers express in interviews that this control has an unbalanced impact on the weak and affects drug users most heavily. Officers explain that these inmates are often forced by stronger inmates to act as drug couriers and dealers and are those most subjected to risk. Hence, they risk not only being punished by the prison regime but are also at risk – in case of seizure – from reprisals by fellow drug-dealing inmates who 'own' the drugs they are carrying. According to the officers, these 'weaker inmates' are often drug dependent, but they can also be inmates who do not dare resist the stronger inmates, who, by use of threats and violence, compel them to carry out the most risky courier and drug distribution tasks. An officer explains the drug situation in prisons:

I found 75 grams on a man. And it was a pity for the poor man. Because it was not his, and he was just holding it. And can I say - not only do I fill out a slip on him, he is reported to the police, he receives a verdict for it when it is so much, and he has to be moved [transferred to a closed prison]. Plus - he owes for 75 grams of hash to those he was holding it for. So you can say that such a little guy, all of a sudden ...he's screwed. And the only thing he can do to pay back the money is to take a shotgun, and then go in to the nearest bank when he is released. If they aren't out there waiting for him to give him the hunting rifle and say, 'So it's this way!' (*Male officer, regular wing*)

Officers also experience that the strengthened drug-related disciplinary sanctions, such as fines, isolation cell and revocation of leave privileges predominantly impinge on the most heavily affected drug users, those who do not manage to terminate their drug use. As a consequence, most officers find that they lack clearer guidelines, not about how to conduct drug inspections, but regarding the aims of the drug control and who it is supposed to target. According to the officers, the prison contains a group of weak and socially marginalized drug users who, because of their drug dependency, are not paroled, not allowed on leave, subjected to a range of disciplinary measures, and who are often harshly exploited by stronger inmates. Some of these drug-using inmates may manage to stop their use of harder drugs, but they still smoke considerable amounts of cannabis. Other inveterate cannabis smokers may reduce their use, but not enough to be able to produce a clean urine test, which is the precondition for being granted leave or parole. An officer offered this description of how prison sanctions can add to this downward spiral.

The more you continue to hunt and hunt [for drugs], the more you also keep people inside [imprisoned]. Before [tougher penalties were introduced], we also knew well that some of those who went home for the weekend had tested positive in the urine sample, but they went home and had contact with the outside world, where now ... Well, you keep them here you know [ ...] [T]he man who has smoked for 30 years, well, you deprive him of any right to come home to his family, he won't stop smoking hash, damn it. Maybe it's his way of functioning, and no one is saying that he's running around completely stoned all the time. Maybe he smokes a pipe before he goes to bed at night. That doesn't make him a bad person. It doesn't make him more violent or anything, maybe almost the opposite. And now he has one revocation [of leave] on top of the other. So it's a long time to sit around here and mope and not come out to see anyone, if you don't have too much family and too many friends who come and visit you either. (*Male officer, treatment wing*)

As some officers in their daily work encounter what they believe are unjust consequences of a stricter drug enforcement policy, their own situationally-based judgments become important. Therefore, if drug enforcement is to be meaningful in the officers' everyday interaction with inmates, they might decide to condone or tolerate some types of drug use, especially when they feel that stricter sanctions will affect inmates too unjustly. These kind of discretionary acts are not so much rule or task oriented. Rather, they can be seen as examples of 'value discretion', in which notions of fairness and justice are central (Taylor and Kelly 2006). However, they also add to the officers' personal authority vis a vis the individual inmates, that is, if the officer manage to carry out his value discretion in a way experienced meaningful and just for the inmates.

Related to understanding officers' view on drug control is the amount of time they have at their disposal for carrying out drug inspections. Overall, 28% (n=112) feel they do not have enough time to carry out the necessary drug inspections, 43% (n=176) feel they have partly enough time, whereas only 26% (n=105) feel they have enough time. Consequently, in the interviews, several officers explained that they often have to prioritize between the different kinds of control tasks, such that some tasks will be overlooked or postponed. One officer describes how work tasks are prioritized:

There will always be plenty of things [control tasks] you could do, but at the same time, there is still a lot of case processing on a daily basis in relation to the inmates, who must also be looked after. So we don't have the time for what we feel we could use [...] If there is any air once in a while, where you can prioritize what you need, should I then go down and conduct a search, or should I take the two urine samples that we are lagging behind? (*Female officer, treatment wing*)

Such necessary balancing is influenced by the officers judgements of what they feel is important. Moreover, feeling that they do not have enough time can also be used by officers to justify their choices. If they tolerate inmates' use of cannabis, for example, they can argue that by so doing so they have more time for other, more important control tasks.

### *Role interpretations*

As part of understanding the officers' strategies of power and use of discretion in relation to inmates' drug use, this final section will examine the officers' role interpretations. As stated, officers and inmates tend to accept that each group has their roles to play. Therefore, inmates tend to respect officers who, when carrying out their jobs, play down the control tasks and respect the integrity of the inmates (Crawley 2004, Nielsen 2010). Some officers, for instance, emphasize that they are conscious about not conducting drug inspections any more intrusively than necessary. Such concern is displayed by putting the inmates' possessions back in place after their cell is searched or by examining the inmates' food before shuffling through their dirty laundry. Also, officers tend to accept that inmates, because of their incarceration and the normative expectations associated with the inmate culture, sometimes act a bit confrontational. By partly accepting such institutionally generated inmate roles and culture, the officers add to their own personal authority, which is central for exercising power and keeping order.

A part of the inmate culture and the two groups' mutual expectations is the widespread experience among officers that the intensified drug control regime has given rise to a 'cat-and-mouse' game between officers and inmates. The inmates hide drugs and try to cheat with their urine tests. Officers search for the drugs and try to expose the inmates' hiding schemes and the methods they use. According to the officers, both parties are aware of the cat-and-mouse game. For instance, 69% (n=284) of the officers believe that the inmates cheat on their urine tests, and 65% (n=241) do not believe that the inspection measures hinder the inmates from hiding drugs. Below, an officer tells about the excitement related to the drug search 'game' between inmates and prison officers:

My job is to figure out when they are doing something illegal. They should try to cheat me, and I'll try to catch them cheating. And if you then have the prisoner high on drugs, and then you perhaps take a urine sample from him and it's negative, you think, 'What the hell?' Now maybe you try other things, so you think, 'Well, we'll catch him one day when he doesn't know that he has to give a sample.' And you can still not figure out why it continues to be negative, then it becomes almost a great game so that at the end you must be able bust him because you know he's taking one thing or another. The fact is that when you have caught him, you can almost feel completely, 'Yes man, we got him.' Then you go around and laugh about it for a few days, but then things go onward. It's not something like that now you become more strict with him than with the others, it's just because you've discovered how the hell he does it. (*Male officer, regular wing*)

Drug enforcement however, does not always proceed without tension. It is especially urine tests that can cause conflicts, and particularly so if something is at stake for the inmates, such as his weekend leave or parole. The random urine tests can cause tensions if inmates feel that the tests, despite the officers' assurances, are not done randomly. Besides, officers who are especially zealous and meticulous in their drug searches and thus discover more drugs, can lead to a generally tense relation between inmates and officers.

When it comes to officers' internal differences, they are generally aware of and also often accept that some are more control-minded and others more focused on rehabilitation. In general, however, it appears that local drug enforcement cultures develop in the prison wings and can accommodate these differences. One officer explains these local drug enforcement cultures:

So the general attitude is that they [the inmates] should not sit out in the public area smoking, so that the smoke vapours float around. I am quite convinced that most [officers] would intervene in and say, 'That's enough!' But there are probably some who might snoop around in the corridors and sniff at the doors, while there are others who say, 'They live in there, right?' (*Male officer, regular wing*)

Another officer explains:

If they [officers who focus less on control] are on shift with an officer who, when the inmates are sitting down there smoking cannabis, want to go down and take it away from them, then they have to follow suit, because, it is a part of the job. And you cannot just back out if another officer takes the initiative. (*Female officer, regular wing*)

The local drug control cultures among officers, however, are not static. It is something that the individual officer must continually take into consideration in his daily work. Important here is that in the cat-and-mouse game there are still local and implicit ground rules that, for instance, officers should not carry out inspections 'unnecessarily', they should not sanction 'too hard' or go after inmates who are not 'worthy opponents' (weak inmates). The existence of such ground rules is confirmed by the officers' statements that in their everyday interaction with the inmates, the officer can tell by the inmate's appearance, demeanour and state of their cell if they are using drugs. Hence, officers could, if they wanted, carry out searches and urine tests on these inmates continuously, which they do not.

## **Discussion**

It is not the aim of this article to present Danish officers as heroic resisters trying to contest or ameliorate the effects of the present drug policy. The officers' partial leniency towards some prisoners' drug use (mainly cannabis) in certain situations is not necessarily a sign of officers' sympathy for the inmates. As argued, such practices are examples of the guards' exercise of power in everyday prison life, where power should be viewed much more as an ongoing negotiation between inmates and officers rather than the simple exercise of brute force or threat of force (though the latter is certainly also a part of prison life). Moreover, there is also a great deal of pragmatism involved in officers' discretionary practices; hence, officers explain how inmates under the influence of cannabis are easier to control. Furthermore, even though most Danish prison officers use their individual discretion when imposing drug-related sanctions on inmates, there is some variation in their discretionary approaches. Hence, some officers state that they never ignore inmates' drug use, others do not mention being considerate towards the individual inmates' situation, and still others do not perceive the present drug policy to be 'unfair'. One could expect that such differences in approach among the prison

officers would reflect gender or seniority factors, or whether the guard is working in a treatment wing or a regular wing, in an open or a closed prison, or whether the guard places a higher value on control over rehabilitation. In our study, officers working in the treatment wings tend to be stricter about inmates' use of drugs in these wings; they also have a stronger faith in the value of drug control sanctions (see also: Kolind et al., 2014). This is in spite of the fact that some of these officers also work partly in the regular sections of the prison, which then blurs the picture. Also, it seems as though older officers are slightly stricter in terms of increased drug control. However, aside from these characteristics, the picture is not all that clear. It seems that most officers, in some way or another, need to apply their situationally-based discretion towards inmates' drug use. Finally, the practices of the officers analysed in this article resemble practices of front-line workers in other welfare institutions. Front-line personnel are constantly faced with having to decide whether to do things 'by the book' or to use their 'common sense'. They must weigh 'what's right' with 'what works' (Liebling 2011). This situation applies to drug treatment (Carr 2012), assisting clients in debt relief (Larsson and Jacobsson 2013) and in police responses to domestic violence situations (Grant and Rowe, 2011). By drawing a parallel to other 'street level bureaucrats', the intention is not to excuse those officers who turn a blind eye to inmates' drug use, but rather to understand that discretionary practices are always institutionally anchored. Therefore, in order to reduce the presence of drugs in prisons, the approach must include the institutional arrangement of the prison as well as the individual officer. Furthermore, though recent prison studies have shown a decrease in prison officers' discretionary power due to the rise of managerialism and risk thinking (Bullock 2011; Seddon, Williams and Ralphs 2012), the present study contests the overwhelming importance given to pervasive managerialism (see also: Evans, 2010). Prison officers still have a considerable amount of discretionary power at their disposal. They can still decide to act in a strict manner, allow some measure of drug use, or look the other way. Discretion continues to play an important role in the prison officers' everyday work.

## **Conclusion**

The article has aimed at providing a sociological explanation for the fact that some officers tend to turn a blind eye to inmates' drug use, even though, such practices are legally unacceptable (Gilbert, 1997) and even though, it may be tempting to explain these practices as examples of neglect, laziness or personal idiosyncrasies. Instead our findings suggest, that officers' unspoken acceptance of inmates' drug use can be explained by the specific characteristics of power relations in prison settings and the specific nature of the officers' work. In general, social order in prisons is maintained both by the officers' ongoing and situationally-based utilisation of everyday institutional power, which is the officers' means of sanctioning and rewarding inmates in everyday prison life, and by personal power based on the officers' skills in downplaying the more intrusive aspects of the control. These forms of power are applied by officers' use of discretion, with the main objective that of maintaining peace and order in the prison wings. Furthermore, the officers exhibit a close relationship with those whom they control, a tight in-group solidarity with colleagues, the need to balance conflicting political rationales, and the demand to meet the expectations of management in possessing multiple personal competences. All of these factors suggest an increased need for the use of

discretion in their work. Recent changes in Danish drug policy towards both a stricter drug control regime *and* increased drug treatment over the last years have intensified the dilemma between punishment and rehabilitation inherent in the prison and also in the dual role of officers (see also Kolind, Frank & Holm 2014). On the one hand, officers perceive the intensified drug control regime as inadequate. On the other hand, many fear that exerting more control will create a tougher and less rehabilitative atmosphere in the prison. In addition, some officers find that the intensified drug control tends to impinge on the weaker inmates. This development has also added to an increased need for officers' use of discretion. In practice, this means that officers' discretionary reactions to inmates' drug use (including a degree of leniency or toleration) are related to other issues interwoven in the everyday prison world. Officers must take account of the atmosphere in their workplace (the prison wing), the situation of the individual inmate, inmates' hierarchies and internal relations, cooperation with colleagues, their workload, the effect of different types of drugs on inmates, and the perceived fairness of the drug policy. As argued by Liebling, the moral quality of prison life is enacted by officers (2011: 485).

### **Study limitation**

The relatively low response rate of the survey (51%) is a limiting factor. However, this should be related to the fact that many Danish officers explicitly have noted (in this and previous studies conducted by the author) that they are tired of what they see as an increasing demand for documentation in the Prison Service; and a research survey can easily be equated to increasing documentations.

The survey and the interviews have deliberately focused only on regulated officers. It could be argued that apprentices would be more likely to be more rule abiding than more experienced officers. On the other hand, it also appears that officers' (as with other professionals) develop professional representations which socialize newcomers into their work culture.

### **Acknowledgement**

This work was partly supported by the Joint Committee for Nordic Research Councils for the Humanities and Social Sciences (NOS-HS) [210305]. Thanks to Vibeke Frank, Mie Haller, Karina Holm, Louise Nielsen, Bjarke Nielsen and the late Helle Dahl who have assisted in data collection and valuable discussions. There are no conflict of interest.

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