

RESEARCH PAPER

Identity, Discourse, and Rehabilitation in Parole Hearings in the United States

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Abstract: *Research on parole in the United States has primarily followed a deterministic approach, favoring an examination of variables contributing to release. However, a great deal of prior research neglects a central aspect of the parole process: mainly the hearing. Adopting an ethnographically informed conversation analytic approach, this article addresses one tactic offenders utilize to appeal to a state parole board for release—claiming rehabilitated status. Offenders appealing for parole attempt to establish, in a performative space, their identity as rehabilitated. More globally, this article addresses how individuals manage, assert, and negotiate identity in the course of interaction. The achievement of “rehabilitation” is substantiated when it results in early release from prison.*

Keywords: *rehabilitation, parole hearing, ethnography, identity, discourse*

Parole hearings in the United States have traditionally been characterized as perfunctory or purely ceremonial events in which parole boards simply reveal mutually agreed upon backstage decisions or justify predetermined outcomes based on officially mandated criteria (Cavender & Knepper, 1992; Conley & Zimmerman, 1987; Garber & Maslach, 1977). However, some qualitative research has portrayed parole hearings as a series of interactive exchanges dedicated to establishing the identity of offenders and assessing their suitability for release (Martel, 2010; Silverstein, 2006, 2001; Lavin, 2002; Radelet & Roberts 1983; Watson, 1982). We treat the concept of a rehabilitated “identity” much like Silverstein (2006, 2001), Holstein (1988), and Snow and Anderson (1987) treated identity in their respective studies: as a multifaceted construct that is invoked, alluded to, or expressly formulated in and through interaction. Though one person can occupy many different identities within one interaction, a concept Goffman (1979) refers to as changes in footing, the management and presentation of identity in people processing systems such as the parole system involves the strategic presentation of a particular identity. However, given the nature of parole hearings as interactive, discourse-based events, identities are negotiated in the context of a performative space, where one side possesses significantly more institutional power (Wright, 2014; Butler, 1988; Foucault, 1977).

Decisions to release offenders are made in situ, and as such parole hearing proceedings can be described as venues where identity assessments and decisions about what to do with offenders are literally “talked into being” (Heritage, 1984, p. 290); offenders and parole board members debate facts contained in official records, counter and ratify accounts, and make and modify claims collaboratively such that offenders come to be seen either as deviants (deserving of continued incarceration) or as rehabilitated (meriting parole release). Thus, one way in which offenders structure claims is by assembling a case for their own rehabilitated identity. However, the accomplishment of a rehabilitated identity is not unilateral. For inmates’ claims to be effective, they must be accepted by parole board members, who rely on the discursive strategies of offenders, a theory of office (Drass & Spencer, 1987), experiential knowledge, official records, and interactional resources to make their assessments.

This article has three main objectives, which all bear on the more general question of how parties to



an interaction assert identity and create and sustain a sense of order: (1) to illuminate the process whereby offenders make a claim to rehabilitation; (2) to illustrate how the rehabilitated identity is constructed, modified, and altered through real time interaction in the hearing and during the deliberation; and (3) to examine how offenders come to be seen, or not seen, “for all practical purposes,” as rehabilitated and ready for release. Given the complexity of interactions in parole hearings, we seek to analyze potential parolees’ presentation of self, the reaction(s) of the parole board, the interaction between parolees and the parole board, and the consequences of these interactions.

Parole in the United States

At yearend in 2015, there were approximately 870,500 adults on parole in the United States, eighty seven percent of whom are male (Kaeble & Bonczar, 2016). While the majority of parolees are whites (44%), African Americans and Hispanics collectively make up over half of the parolee population at fifty four percent (Kaeble & Bonczar, 2016). The increasing number of parolees in the U.S. has meant that many post-release release programs do not have sufficient resources to keep pace with the growing need for surveillance, and the frequency of technical violations of parole rules (Massoglia & Warner, 2011). In 2015, almost thirty percent of parolees were reincarcerated, either due to revocation of their parole, assessments of a need for additional treatment, or via a new sentence (Kaeble & Bonczar, 2016).

Despite the status of parole as a significant gateway to reentry, public perceptions of parole, primarily based on media representations and high-profile cases, remain largely negative (Caplan, 2012; Petersilia, 2001). Due to public pressures, parole decisions are often considered to be more political, and based on retribution, than professionally informed and tied to rehabilitation (Paparozzi & Caplan, 2009). Moreover, a lack of consistency in the decision-making processes of state parole boards and vastly different procedures only serve to reinforce these claims (Caplan, 2012). For instance, some jurisdictions use a mandatory sentencing system, while others use a discretionary system. Major differences in the constitution of paroling authorities, including board size and member qualifications, exist between states as well, suggesting that there is no average parole board (Paparozzi & Caplan, 2009).

Relevant Literature

Like the work of actors in most institutions, operations in the various facets of the justice system in the United States are inevitably the production of interaction (Schegloff, 1986). And, like other people processing institutions, much of this work involves determining facts and assessing identities insofar as case disposition requires. In legal proceedings especially, identity can determine outcome. For instance, if defendants in a criminal trial construct their identity as an innocent, law-abiding citizen, they effectively deflect the criminal label. The construction of non-criminal identities during trial can be linked to: the capacity of defendants to manage accusations (Komter, 1994; Atkinson & Drew, 1979), the way in which the prosecution manages victims (Frohmann, 1998), the ability of attorneys to contest evidence by designing questions that discredit witnesses and instill doubt (Conley & O’Barr, 1998; Drew, 1992; O’Barr, 1982), or even experts’ skills in documenting individual interpretation as factual evidence (Matoesian, 1999).

Likewise, in plea bargaining, lawyers’ personal descriptions of clients can convince judges and prosecutors to accept a plea bargain (Maynard, 1984). Furthermore, prominent features of discourse in involuntary commitment hearings can document the competence or incompetence of patients, whether testimony is in alignment or at odds with the facts of the case (Holstein, 1988, 1993). Psychiatrists routinely describe patient behavior as unstable. During direct examination, lawyers bolster patients’ claims to sanity by limiting incoherent or unintelligible talk, and structuring questions to elicit simple yes/no answers, while lawyers in cross examination elicit nonsensical talk, producing contradictions and conversationally allowing and encouraging “crazy talk” (Holstein, 1988). Thus, trial processes and other criminal justice system outcomes can depend wholly or in part on “which side best wields language as an instrument of persuasion, of domination” (Matoesian, 2001, p. 30). In these cases, identity matters; more importantly, it is through the nuances of language and negotiation that identity is created and sustained, and outcomes decided (Matoesian, 2001; Maynard, 1984; Wodak, 1980; Atkinson & Drew, 1979).

Searle (1969) explains that “speech acts,” or the context of a conversation, should be considered the unit of analysis for communication, rather than words or sentences. In this paper, we discuss the conversations

that occur between the parole board and offenders, and the success or failure offenders have in establishing their promise to be law abiding upon release. If the point of a promise is “to undertake an obligation” (Searle, 1992, p. 20), then offenders undergo the task of convincing board members they can fulfill this promise. Parole board hearings occur in a context of a “performative space” for convincing work. As defined by Wright (2014), a performative space is ideally “a social and physical space where persons experience freedom to present or perform new identities and/or creatively reshape old ones” (p. 35). Central to identity formation is dialogue, which allows for collaboration. However, in liminal spaces, such as prison, institutional identity may conflict with attempts to establish a new identity, and the contestation of identity threatens the very ability to change, or rehabilitate (Wright, 2014). Butler’s (1988) application of performative spaces further underscores the role of collaboration in shaping identities and membership categories. Though much of Butler’s work focuses on the construction of gender identity it parallels the construction of identity for offenders during parole hearings because gender also exists as “...a constructed identity, a performative accomplishment which the mundane social audience, including the actors themselves, come to believe and to perform in the mode of belief” (1988, p. 520). Clearly, gender represents only one such social category that exists as an accomplished element of identity. However, in the context of prison, freedom to construct new identities is limited by stigma and the discourse of institutional authorities. In the case of the incarcerated or formerly incarcerated, institutional definitions and roles allow for overt challenges to identity performance, the relevance and production of which cannot be abstracted from the interactional context. These interactional events also suggest more intentional displays of performativity, where individuals endeavor to actively perform or become the category or identity (Austin, 1962).

Indeed, officials within the parole system rely on interaction, assessment, and negotiations of identity to accomplish their work. For example, parolees and their supervisors negotiate explanations of criminal behavior, using offenders’ accounts and parole officers’ assessments of plausibility (Spencer, 1983). While parole officers utilize official records to make assessments and judgments of parolees (McCleary, 1977; Spencer, 1983), face to face interaction nonetheless influences their impressions. Similarly, parole boards can and do base decisions on identity attributions made prior to and during the hearing, with potentially dire consequences. As Radelet and Roberts (1983) note, although attributions of identity are a component of interaction in general (Telles, 1980), “there are few comparable situations in which individuals are judged as explicitly or comprehensively” (p. 145) as in the parole hearing. The basis for identity attributions is inextricably linked to assessments of character, impression management (Radelet & Roberts, 1983), and determinations of dangerousness (Pfohl, 1977). Inmates seeking early release “face a situation in which their future depends on the assessments that are made of them and on their ability to meet official expectations concerning appropriate character and appropriate being” (Watson, 1982, p. 245), substantiated through interaction between officials and offenders.

The construction of inmates as bad or dangerous in criminal justice processes and agencies has received substantial academic attention. This literature, along with the classic work of Goffman (1961) in the area of impression management and identity construction, also frame the present analysis. When inmates are incarcerated, they often go through a process of prisonization. During this process, they adapt to the unique values, beliefs, and norms of prison life (Clemmer, 1940). Typically, these run counter to the values and norms found in mainstream society, and are often viewed as criminogenic, deviant, or negative. Moreover, the status of prisoner, in and of itself, is a stigmatized identity. As members of the public, actors in the criminal justice system, and even prisoners themselves pathologize incarcerated individuals, their identity is fundamentally transformed. Thus, the social construction of the self is frequently tied to factors entirely external to the self, culminating in a stigmatized label of bad or dangerous for prisoners (Goffman, 1968). Within the confines of the total institution, Goffman (1961) also notes how inmates’ defense mechanisms differ from their reactions when in the community; when threatened, the “protective response to an assault upon self is collapsed into the situation; he cannot defend himself in the usual way by establishing distance between the mortifying situation and himself” (p. 141). The correctional response to this distance may be to “directly penalize inmates for such activity, citing sullenness or insolence as grounds for further punishment” (p. 141). The prison experience itself, then, challenges efforts toward a rehabilitated identity.

As Mitford (1974) notes in her discussion of criminal types, “those suspects who fit the concurrent so-

cial type of the criminal are most likely to become objects of police suspicion and of judicial decision making” (p. 53). Similarly, those appealing for parole, by way of already being judicially identified, represent the criminal type, an identity they fight against during hearings. The indexical nature of the constructs of dangerousness and psychopathy suggest that “once the deviant identity of the patient is known... other aspects of the record are ‘reflexively’ seen as additional supports to this conclusion” (Pfohl, 1977, p. 130). Parole board outcomes may depend on the determination of whether offenders are rehabilitated, but the concept of rehabilitation may in fact be more of a construction of the interaction between the board members than the actions of the offenders themselves. But, both inside and outside of the institutional setting, it is challenging for offenders to shed their dangerous criminal identity.

Some of this difficulty can be traced to power. Foucault (1972) posits that discourse is focused on power and social agents involved may choose to either resist or exercise power within the context of conversations. However, these power relations are not simply embodied in massive structures or macro-level forces, but in micro processes of mundane discourse as well (Wooffitt, 2005). While parole hearings are far from mundane for the parolee, parole board members may see them as routinized. Board members and paroling authorities hold more power than those requesting release and can readily contest the presentation of identity. Because individuals who have been convicted of a crime possess a “spoiled identity,” where their behavior has violated social expectations, they are forced to manage this identity (Goffman, 1963). Silverstein’s (2001) investigation into parole hearing discourse finds just this, that offenders appealing for parole are most successful when they convince the parole board that they embody a non-spoiled identity. Thus, having caring family relationships provides parole board members with a testament to offenders’ positive identity and a support network, as well as their potential manageability once released (Silverstein, 2001). Emotion also plays a role in transforming identity. Even when risk assessment instruments reveal a low risk of reoffending, parole release can be withheld if inmates do not display remorse, which is an essential component of truth creation within the hearing, and a rehabilitated identity (Martel, 2010; Weisman, 2009). Equally important is the acceptance of responsibility and the admission of guilt. According to Medwed (2008), “a prisoner’s willingness to ‘own up’ to his misdeeds—to acknowledge culpability and express remorse for the crime for which he is currently incarcerated—is a vital part of the parole decision-making calculus” (p. 493).

What is said and how it is said is not only a function of the offender and the parole board, but also the local context or setting of the parole hearing (Lavin-Loucks & Levan, 2015). Discourse that occurs in parole hearings differs both from the talk that characterizes some other more formal legal proceedings (e.g. courtrooms) and everyday talk. Although parole board members inform inmates that this is their opportunity to speak, talk is constrained insofar as the board controls turn taking and can determine topic, prevent offenders from speaking, and terminate the interaction. However, in contrast with more formal courtroom interaction, offenders in parole hearings exert considerable control over the subject of their appeals. Questions are often open ended, and offenders determine the strategy of their appeals. And yet, parole hearings remain adversarial. Offenders attempt to assure board members that their status as undesirables has changed, even in the face of potential evidence to the contrary.

This paper examines the discursive work inmates perform in hearings and how parole officials react to rehabilitative claims. In doing so, the present analysis documents how inmates build a case for a rehabilitated identity and further how this case building serves as an interactional resource for parole boards in their deliberation.¹ We are not concerned with hearing outcomes per se, or the quantification of instances,² but rather with the collaborative evolution of rehabilitation and identity in the black box process that is the parole hearing. Excerpts of parole board-offender interaction serve as illustrations of the various speech practices that contribute to the failure/success of a rehabilitative identity. In hearings and deliberations, inmates’ claims are often cited as evidence of deservedness of release or retention. Thus, the speech practices that offenders use are capable of illustrating components of an overall strategy or complex Gestalt that claiming rehabilitation consists of during the hearing.

Data and Methods

Our data come from audio and video recordings as well as systematic observations of a medium sized Midwestern state’s parole board. The first author spent six months following the board, observing discretion-

ary parole hearings and parole violation hearings conducted in penal institutions and via a video conferencing system. In addition, the first author conducted in depth interviews with parole board members about how they make assessments. Thus, the corpus of data for this article consists of (1) detailed field notes from 438 parole revocation hearings and regular parole cases (2) 40 video/audio taped hearings (15 regular parole cases and 25 revocation hearings) selected from the original 438 cases³ and (3) interviews and consultations with parole board members. Although the state records all hearings to serve as public record, they do not videotape the deliberation.⁴ Thus, the board temporarily stops recording, asks inmates to leave the room, deliberates, and then brings inmates back into the room to hear their decision.

The first author's role in the hearings was as an observer. However, she sat with the board, and at their table if the size accommodated. Although regular parole hearings and parole revocation hearings were open to the public, individuals must "sign up" to attend the hearings if they are held at a penal institution. Most individuals who attend hearings do so on behalf of the petitioner/parole violator, or on behalf of the victim. While members of the general public rarely attend if they are unrelated to the case, anyone can attend, request hearing videos, and review cases. Given this, gaining access to hearings required very little.⁵ In contrast, gaining access to the parole board itself required the formation of relationships and continual assurances of confidentiality. The first author was introduced to the chair of the parole board by a colleague, who provided the initial contact and attended the first meeting. Following this, the first author met with all parole board members, explained the goals of the project, and secured willingness to participate in the project.

For hearings conducted at penal institutions, the first author was frequently described as an intern to personnel. At some of the institutions, the board explained to security screeners that she was "with them." To inmates, her role was never explained, which was required as part of her research relationship with the parole board. Some could have believed that she was a board member, although she was considerably younger than the other board members, or they could have assumed an administrative role. Either way, when individuals made their appeals, they were also directed to the first author. The only key difference was that she was not allowed to interview or speak to any of the offenders.

Persons appearing before the board included regular parole applicants, in addition to parole violators; both male and female applicants were included. The parole board conducted between 100 and 125 hearings per month,⁶ the majority of which were parole violation hearings or regular parole hearings resulting from violation and revocation. In the state under investigation, after parole is revoked cases become discretionary parole cases, eligible for yearly review. In addition, over 200 old code⁷ offenders remained incarcerated in institutions across the state, which should have translated into slightly less than one hearing per week, although most weeks the board saw between five and ten old code offenders. Typical hearings lasted between ten and fifteen minutes, and in the corpus of data, the hearings range from five minutes to over an hour. The parole cases ranged from minor drug possession and burglary to rape and murder.

The parole board studied here handled 24 penal institutions (divided into eight parole districts). Originally, the board consisted of five members, appointed by the governor—three regular members, one chairperson, and one vice chairperson, but for most of the study period only four members were present.⁸ Regardless, the board needed only three voting members to render a decision. Members of the parole board included: a lawyer, a social worker/family therapist, a former local politician, and local businessman/former lawyer. Board members retained equal power in decision making and voting.

By law, the parole board must consider four official criteria.⁹ First, officials consider the nature and circumstances of the original offense. Second, they evaluate the prior criminal history, including juvenile offenses. Third, they take into account offenders' conduct while incarcerated. Penal institutions issue conduct reports as part of case files, yet the board often asks questions about the details of specific reports, whether they be particularly egregious or innocuous. Fourth and finally, the board contemplates what is in the "best interest of society"—an intentionally vague criterion that affords the board significant leeway in decision-making.¹⁰

While parole denial can adopt any of the aforementioned criteria, the decision to grant parole requires no technical justification, nor does it follow pre-specified parole guidelines. Decisions to revoke parole in parole violation hearings are undertaken by the board after the violator enters a plea on the violation and explains the transgression. As a result of parole violation hearings, inmates are either re-released, given the balance of

time remaining on their original sentence, or turned over to a new sentence (in cases where they “catch a case” or get a new felony). For many “technical violations,” or minor non-criminal infractions, parolees are reinstated to parole. However, the board does not need to formally justify any decision to re-commit an offender to the institution after a documented parole violation.

Our approach to parole hearings combines ethnographic fieldnotes with detailed transcripts. The ethnographic portion of the study centers on the boards’ deliberative process, which was not taped, and hearing observations. Given the lack of recorded data for deliberations, the decision to use ethnographic methods was a practical one. During hearings and the accompanying deliberations, the first author documented what was said, how both board and inmate responded to one another, what the outcome of the hearing was, and how the board reached their decision interactively. Moreover, to capture the intricacies of the parole hearing setting, ethnography served as an invaluable tool in assessing the local contingencies, specialized vocabulary, and organization of the hearings.

For the detailed analysis of discourse, we randomly selected 40 of the 438 hearings attended for in depth analysis. All forty cases were transcribed verbatim. In the data, board members are denoted by the letter B and a number (1-4). The numbers were assigned randomly with the chair of the parole board denoted by B4 and the vice chair signified by B1; IN signifies the individual appealing for parole. The inclusion of specific cases in the sub-sample of 40 hearings (15 regular parole hearings and 25 parole revocation hearings) was not done systematically, but was an attempt to gather a large enough dataset to allow for comparisons between cases in terms of the different conversational practices offenders employed in building their case. One central goal of the analysis was to reveal the ways in which inmates attempt to convince board members of readiness or deservedness of release. Utilizing the analytic method detailed by Schegloff (1996), we assembled a collection of instances where offenders made claims to rehabilitation and used a modified conversation analysis to analyze the excerpts. We focus on the design of board members’ questions that occasion such claims, the ways in which offenders fashioned their claims to rehabilitation, the sequential location of the claims, and the response of parole board members to the claims. For practical reasons, what we present here is an illustration of instances of claiming a rehabilitated identity.

Findings

Board Members’ Perspectives on Rehabilitation

Although the correctional system in the United States moved away from a rehabilitative model toward a more punitive model of punishment based on “just deserts” (Petersilia, 2003; Lynch, 2000; Allen, 1981; Galvin & Polk, 1981; Martinson, 1974; Cavender, 1978), rehabilitation remains salient in parole hearings and for parole boards (Lavin, 2002; Medwed, 2008; Radelet & Roberts, 1983; Watson, 1982). In the state under investigation, the constitution declares that the penal system should be based on principles of reformation, not vindictive justice. Whether this goal is fully realized, or whether the system is interested in reforming inmates, are questions not undertaken here. However, parole board members’ orientations toward rehabilitation show a sincere interest in seeing inmates change. Further, the concept of rehabilitation and its constituent components appear in collaborative constructions of inmate identities across a number of hearings. This type of analysis can provide some insight into what constitutes “rehabilitation” in the eyes of those who determine it.

Department of Corrections’ (DOC) files contain little information on rehabilitation other than to corroborate the absence of conduct reports or substantiate participation in programs. So, these characteristics of offenders are discussed in the hearing. Additionally, board members, like other individuals who use records to accomplish their work, are aware of the inaccuracy and incompleteness of official records (Garfinkel, 1967). Even when records reflect conduct reports or other evidence of problematic behavior, officials ask for specific details. Moreover, when records reflect major accomplishments, officials still inquire into details, thereby relying on offenders’ renditions of their case to confirm or compliment the information contained in the file. In short, board members seldom take records as incarnations of the entirety of a case.

In interviews, parole board members conveyed the significance of hearings for making character and identity assessments. Likewise, they reveal what they consider to be components of rehabilitation. As one parole board member remarked:

I look at what he has done to prepare himself for the free world in terms of the educational component of his life, the spiritual component of his life. If there is any remorse. If the individual has accepted his responsibility in the offense that was committed. I also look at if- if whether or not individual has any- has learned compassion. These things you can't get from the file.

Offenders must exhibit in the interaction that they have made efforts, during their incarceration or on the outside (for parole revocation cases), to come to terms with and change their behavior. As another board member commented, *vis a vis* the specific considerations that weigh most heavily on decisions to deny parole:

An absolute lack of remorse, for me, is an immediate reason to deny parole or rescind parole for the violators. In my mind, that indicates that they have made no attempts at rehabilitation. I mean and obviously, when an offender is in and out of disciplinary or has psychiatric issues that he hasn't dealt with in therapy. Or, in some cases the offenders can't even acknowledge the offense so then ya know. I think all of these things need to be- to be taken into account.

Yet, it appears not to be enough to declare remorse or rehabilitation, nor simply renounce past behavior. Instead, board members are interested in seeing evidence of change:

I think the is he truly reformed question bears heavily on my mind. I mean any Joe schmo can come in here and say that he is reformed you know. But, what specifically has he done? Are there numerous conduct reports and why? Have they joined any groups or made any efforts at all?

Clearly, parole boards espouse beliefs in alignment with inmates' rehabilitative efforts and ascertain a sense of rehabilitation through interaction with offenders. Offenders themselves also view their impression in the face-to-face interview with parole board members as integral to achieving release because it allows them a chance to discuss what they have done to prepare themselves for freedom – an indicator of rehabilitation (Irwin, 1974). This requires prisoners to, among other things, “translate vague notions such as ‘rehabilitation’ and ‘non-criminality’ into concrete, observable indicators...that authorities look for in a prisoner who merits a release recommendation” (Watson 1982, p. 248). Parole violators confront a special task since their violation can be taken as evidence of non-rehabilitated identity. Regardless, offenders consider involvement in programs, such as self-help programs, trade skill classes, and education as fundamental to securing early release (Muhammed, 1996).

Failed Claims: The Spoiled Identity

How offenders fashion their appeals reveals a commonsense knowledge of the importance of rehabilitation and its constitutive components. Yet, the techniques through which this knowledge should be enacted during appeals is nowhere specified for offenders. Assertions of rehabilitation can characterize an entire hearing but are most marked at the opening and the closing when the board requests additional information or closing comments. The notion of rehabilitation can be invoked directly (by proclaiming “I am rehabilitated”) but is more frequently alluded to by supplying evidence of a change in character, normative accomplishments, or realizations of the wrongness of criminal behavior. Additional components of claims of rehabilitation include expressions of personal responsibility and remorse for the victims and crime (Martel, 2010). These elements, in concert, can present the image of change and reformation. However, parole board members assess inmates' rehabilitated status not only on the merit of what is said, but also *how* it is said, which requires board members to evaluate emotional displays, judge rhetorical skills, and examine how inmates respond to questioning.

Direct invocations of the term rehabilitated in appeals to the board occur in a distinct sequential environment—by way of answering the “anything else” type of question common to closing sequences of hearings. Because they appear during closings, overt proclamations of rehabilitation exist as simple summary statements, rarely taken up as topic. That is, inmates appear to take the “anything else” opportunity to formulate the final upshot of their claim to a rehabilitated identity.¹¹ However, failed attempts at collaboratively constructing a rehabilitated identity become evident when board members view the statement as an ad hoc, stand-alone proclamation, devoid of evidence. Excerpt 1, involving an old code offender serving a life sentence for kidnapping, illustrates a direct rehabilitative appeal.

Excerpt 1: Kidnapping- Denied/Mr. Parker

- 1 B2: Is there anythin' else that you'd like to add?
 2 IN: An- I feel that I have uh since being in here I have rehabilme- rehabilitated myself.
 3 ((Cough))
 4 IN: If not more than anybody I keep tryin' to do better.
 5 ((Inmate looks up at board))
 6 B2: Well thank you sir. Uh this will conclude it then and we'll be voting on this shortly.

B2's inquiry into "anything else" in the first line solicits a yes or no answer, yet it permits the offender to issue his case summation as a rehabilitative claim, potentially topicalizing his reformed status.¹² Furthermore, this statement is quite possibly his last of the hearing, and so a synopsis of his claim is warranted. However, throughout the hearing, he has given little in the way of evidence that supports this identity. While Mr. Parker makes a direct claim that he is rehabilitated (line 2), he also assumes personal responsibility for his rehabilitation by using "I have" to begin his appeal. In assuming the actor-agent role in his appeal (Pomerantz, 1987), he establishes himself as accountable for his own actions – positive actions of rehabilitating.

In ordinary conversation, a claim often occasions agreement or disagreement (Sacks, 1992), but in this case, agreement/disagreement appears to be withheld by the board, which displays neutrality (Atkinson, 1992). When Mr. Parker coughs, this may indicate a first position where there is no response or uptake from the board, and in line 4, Mr. Parker heightens his rehabilitation claim by asserting that it is ongoing, directing his gaze toward the board (line 5). At the same time, he also appears to exhibit modesty about his accomplishments insofar as "if not more than anybody" precedes his commitment to doing better. B2 merely thanks him (line 6), and moves to close the hearing, acknowledging but not accepting/rejecting the claim.

In his claim to a rehabilitated identity, this parole applicant indicated to the board that he has 1) changed 2) done so himself and 3) done possibly more than others in becoming rehabilitated and finally 4) will keep trying to do better. Yet, the identity construction remains contested, with the board withholding additional commentary. Excerpt 2 demonstrates another example where an old code offender, convicted of first degree murder and given a life sentence, directly invokes the concept of rehabilitation during a closing. He too fails to establish himself as changed when the board refuses to topicalize his claim.

Excerpt 2: Murder- Denied/ Mr. French

- 1 B2: M'kay. Okay is there anything else that you would like to say Mister French?
 2 IN: Nope.
 3 B2: Okay.
 4 IN: I'm just doing the best I can.
 5 B2: M'kay.
 6 IN: And I- feel that I've rehabilitated myself.
 7 B2: Alright.
 8 IN: My hearts right.
 9 B2: Are there any questions from any other board members?

After being prompted for "anything else," Mr. French initially declines the invitation to speak. The preliminary "Nope" in line 2 acquiesces to hearing termination, however, after B2 acknowledges his declination, the inmate reopens the exchange with "I'm just doing' the best I can" (line 4), a belated answer to the "anything else" question. What follows the brief acknowledgment in line 5 is an unmistakable appreciation of the importance of rehabilitation, delivered as an actor-agent (Pomerantz, 1987): "And I- feel that I've rehabilitated myself" (line 6).

Mr. French's claims are met with only brief acknowledgment tokens and neutrality (Atkinson, 1992). Although he provides a final positive self-assessment that his "hearts right" (line 8), there is no praise, nor even acknowledgement. Instead, there is a move to close the hearing by asking for board questions in line 9. A board member does raise a question, and what follows is a discussion of why Mr. French committed the crime and what was happening in his life. Effectively, board members deny his rehabilitated identity by withholding acceptance of his claims, pursuing an explanation for the crime, and proposing candidate accounts (Pomer-

antz, 1988) for his involvement in a burglary that eventuated in a murder. During the deliberation, which was not recorded, board members further contest his identity and assertions, referencing details of the crime and discounting his authenticity by calling it “all an act”

Overt claims of rehabilitation occur near the close of the hearing, in response to the closing implicative question, “anything else.” When inmates produce such a claim, it is also closing implicative, because whatever the merits of the claim, parole board members usually just thank the inmate and finalize the closing. If board members opt to question inmates or dispute claims, the hearing can re-open. While withholding acceptance of a claim is predictive of an unsuccessful bid for parole, board members also may discount the claim during deliberation. The appeals in Excerpts 1 and 2 failed, in the sense that the offenders were not able to collaboratively construct their identities as rehabilitated and were denied parole, thus reifying the inmate label. Yet, these extracts are significant insofar as they illustrate the ineffective practice of rehabilitation claiming in a summary fashion at their last opportunity to speak.

In revisiting official records, the board may open with an inquiry into the crime and the offender’s role. Opening questions that deal with original crime(s) constrain potential answers; details and an acceptance of a minimal amount of responsibility are implicit in the structure of the question. Further, this type of a question assumes offenders indeed played a role in the crime. An illustration of this sequence occurs in Excerpt 3 with an offender convicted of murder and sentenced to life with the possibility of parole.

Excerpt 3: Murder – Denied/Mr. Greg

- 1 B4: Right so basically what we have to do is go over this whole thing again. Uh first of all
 2 tell us about the crime and your role in it.
 3 IN: Well (how many ways can I say this). Something I’ve said every time ya know I accept
 4 my responsibility for things, for what I’ve done ya know. I’ve always admitted to it.
 5 B4: It was a very brutal murder.
 6 IN: Yes it is. I agree with you.
 7 B4: Beating with a tire iron and stabbed him.
 8 IN: Nope.
 9 B4: There was some indication he was stabbed.
 10 IN: I’ve disagreed with that every time I’ve come before you. (0.2) Ya know.
 11 B4: Okay.
 12 (0.8)
 13 IN: But the rest of it I’ll- (0.2) I’ve accepted the res[ponsibility for it
 14 B4: [Now Steve Steve wu- your brother has been
 15 out for what five or six years?
 16 IN: Mmmm no. He got out January the twenty second nineteen ninety three.
 17 B4: Okay and what was the- what was his role in this and what was your role in it (0.3) or were ya
 18 both=
 19 IN: =It was both equally and- I’ve always accepted the responsibility and I still accept- accept=
 20 B4: =You kind of accepted the more responsibility cuz you were older.
 21 IN: Yessir.
 22 B4: Yeah.

In lines 1-2, B4 indicates to Mr. Greg what information they are seeking, framing it as something they are required to do “again.” In response, Mr. Greg produces an accentuated claim of responsibility— “how many ways can I say this,” implying that he is searching for the words to make his claim. He also reinforces the consistency of his assertion with “Something I’ve said every time...I’ve always admitted to it,” suggesting that he has never failed to take responsibility. Instead of attending to the responsibility taking, a component of a rehabilitated identity, B4 offers an assessment of the crime (Pomerantz 1984) as a “very brutal murder,” shifting the focus back to his criminal identity and skipping over his admission. Although Mr. Greg agrees twice to the characterization of the crime as brutal, B4 elaborates on the crime details in line 7, potentially entrenching his identity as a dangerous, violent felon. However, the parole petitioner latches onto one characterization with an overt disagreement (“Nope”), contesting the account of beating and stabbing. This strong rejection occasions

a downgrade of the account to “some indication” of stabbing (line 9), as opposed to the fact-like description proposed earlier. Countering B4’s proposed version of the crime again, Mr. Greg overtly disagrees with the details of the crime, and corresponding identity, while simultaneously indicating ongoing disagreement (line 10). Though this is acknowledged in line 11, it is not topicalized, and is effectively dismissed as non-legitimate (Davidson, 1984). Mr. Greg and B4 both produced competing versions of the same event, and both parties vied to have their versions officially ratified (Spencer, 1983).

After a pause, Mr. Greg returns to his strategy of responsibility taking (line 13). In overlap with this sequence, however, is a new question sequence about his brother, a co-defendant (lines 14-15), and his release, which Mr. Greg corrects in line 16. B4 also inquires as to his brother’s role in the crime. In his first formulation of respective roles, Mr. Greg asserts equal responsibility (line 19), but later reiterates, “I’ve always accepted the responsibility and I still accept,” the completion of which is upgraded by a board member in line 20. The new account suggests that Mr. Greg accepted more responsibility because of his age, which aligns with Mr. Greg’s identity construction and claims of responsibility. The proposal of a lesser role in the crime is met with an agreement token on the part of Mr. Greg in line 21. Despite the collaboration near the end of this excerpt, however, his parole petition is denied. The chair of the parole board asserts, “He really hasn’t done much with himself in here, not nearly as much as other offenders.” Two other members alluded to his level of disputatiousness over the facts of the case.

Mr. Greg admits responsibility three separate times in this exchange, showing one way to address difficult questions regarding crime while concurrently accentuating responsibility taking, by emphasizing the duration and repetitiveness of this act. While opening sequences pose tough questions regarding crimes, or less incriminating questions about activities since incarceration, they occasion allusions to and demonstrations of rehabilitative efforts. In this case, even though overt acceptance of responsibility constitutes an element of a rehabilitated identity, it cannot overcome the brutal nature of the crime, which transfers to the offender’s character. The way in which offenders structure their claims and discuss the magnitude of the crime must attend to their location on the implied index of evil and dangerousness (Pfohl, 1977). Here, he downplays the evilness of the act, and partially acquiesces to a lower level of responsibility following board member prompting. Moreover, disagreement with essential facts of the case makes it difficult for him to appear entirely committed to accepting responsibility.

When board members withhold acknowledgment, as they did in the first two excerpts, or propose alternative accounts as in the third excerpt, they can avoid forceful disagreement. However, board members can, and do, actively oppose inmates’ claims to rehabilitated status and dismiss their accomplishments— even when they reveal activities the board finds important. In contrast with declarations of rehabilitation or acceptance of responsibility, built upon through the performance of the new identity, Excerpt 4 illustrates how offenders discuss their accomplishments in a “list” fashion, and allows the board to draw the upshot of their claims. Convicted of fraud but brought back before the board for violating a “no contact” order,¹³ this case involves a relatively minor technical violation that generally occasions reinstatement to parole. Prior to this extract, the board read the paroling charges and rule violations, followed by the offender’s entering of a not guilty plea for the violation. The entering of the not guilty plea in this case likely contributes to negative reactions because it abdicates responsibility.

Excerpt 4: Fraud (original) & Parole Violation of a No Contact Order – Revoked/Mr. Conner

- 1 B1: Okay, do you wanna explain?
 2 (0.4)
 3 IN: Uhm.
 4 ((Sniff))
 5 IN: I’d like to start back at something that I feel is pretty important. Uh, March fifteenth
 6 nineteen ninety seven, I quit smoking. I vowed to give up drugs and alcohol. I vowed to
 7 do something with my life.
 8 B1: M hm.
 9 IN: I worked hard in college. I made the dean’s list three times. I became shy of one semester
 10 from graduating. When I got out, I went straight to work. I also went to school. My child

- 11 support is paid. I'm a law abiding citizen. I'm very clean and I do good things for people.
 12 B1: All that's well and good.
 13 IN: These people are- I cannot control-
 14 B1: Mister-Mister Conner, let's talk about this allegation. Okay? We don't wanna know about
 15 all you're doin' in the community.

Initially, the board solicits an explanation of the violation, and after a pause and an "uhm" Mr. Conner begins his answer in line 5. However, he shifts away from the violation with the device, "I'd like to start back," thereby proposing a different topic (line 5). At the same time, the skip move potentially ties his chosen topic to the original topic (Sacks, 1992) because he interjects a rehabilitation claim as a backdrop to projectably answering the initial question. In lines 5-7, Mr. Conner details changes in conduct and his avowal to do "something with his life," assertions that are met with weak acknowledgment in a quiet, flat, breathy tone (line 8). Notwithstanding weak acknowledgment, he lists additional accomplishments in employment, supporting children, and abiding by the law (lines 9-11). He completes his inventory with a claim about being "very clean" and doing "good things for people," never topicalizing the violation.

This listing is received with "all that's well and good," a formulaic phrase that precedes B1's call to "this allegation," and an explicit rejection of his proposal (Davidson, 1984) of a new identity. Moreover, the assertion of being law abiding, in the face of the violation, rejects the allegation altogether. After the board overtly denies his strategy, Mr. Conner returns to the original question and adopts a different tactic, neutralizing the blame for the offense (Lavin-Loucks & Levan, 2015). In line 13, in overlap with a dismissal, he removes himself as actor-agent and refers to "these people" in his utterance. "These people" are the subjects of the no contact order, who he begins to blame for the contact. While he reformulates this assertion to "I cannot control," he maintains himself as powerless regarding the violation. In overlap (line 14), a board member rejects his neutralization as adequately representative of "talk about this allegation." Perhaps the clearest reassertion of his spoiled identity emerges in B1's use of sarcasm to mock his accomplishments and all he is "doing in the community" in line 15.

The failure to effectively negotiate a rehabilitated identity is visible in the discourse. The opening question about the offense dictated a specific order of accounts. While the board can be interested in changes inmates and parole violators have undergone and programs they have participated in, when this downplays the proposed topic, it occasions strong disagreement or dismissal. What ensues in the continuation of this case is an extended argument sequence, concluding with one board member telling the parolee that she "hopes he brought his toothbrush." Thus, he is remanded back into custody for the time remaining on his original sentence, despite the board's private assessment prior to the hearing that this case would involve a "slap on the wrist" and parole reinstatement.

Because parole boards consider a multitude of factors in their determinations, inmates listing a host of commendable activities and accomplishments also fall victim to external concerns. "High profile" cases, because of media attention or community impact, are deliberated with external concerns that may overshadow claims of rehabilitation even when they involve extraordinary accomplishments (Cavendar & Knepper, 1992). For example, the offender in Excerpt 5 was convicted of murder almost thirty years ago and returns to the board for a case review.

Excerpt 5: Murder - Denied/Mr. Lucas

- 1 B4: What have you done in here to better yourself, if anything?
 2 IN: Well in the twenty eight years I been down, I've got my high school education. I've
 3 gotten two year associate's degree from _____. I've got a technical certificate from the Ford
 4 Motor Company. I've got uh certificates from nursing training. Uh, I'm a CPR instructor,
 5 first aid instructor. I go to prison services uh church and I was a trustee for ten years-
 6 traveled all over the state of _____ driving trucks and equipment for the state. And since
 7 I've been at this institution, all I've done is worked at the laundry.
 8 (0.5)
 9 B4: And what are your parole plans?
 10 IN: Well I have to be perfectly honest with you, at the time I have em' but I don't have em'

11 because with the way my parole hearing was changed my dad is- get- is going to Florida
12 so that knocks out my ____ home.

Here, Mr. Lucas responds to a question regarding betterment, a clear reference to rehabilitation. However, appended to the request for rehabilitative evidence is the modifier, “if anything.” The board has seen Mr. Lucas before, and one member holds his case file as he asks questions. After addressing his time incarcerated (line 2), Mr. Lucas itemizes his achievements, reporting on education (high school, associate’s degree), and technical and health-related certificates received. In lines 5-6, in a stepwise progression, he references religion, as well as his former status as a trustee, a prestigious position because it allows for work release. Finally, he minimizes his current work for the laundry as “all” he’s done since being transferred, a potential complaint about his current access to programming (lines 6-7). The totality of his list of rehabilitative activities occurs within a single uninterrupted stream of talk, with no acceptance or declination of his claims, a potential withholding of a response by the board. Following a 0.5 second pause, which in ordinary conversation may signal trouble, B4 changes topic to parole plans, denying ratification of his attempts at rehabilitation, yet addressing a final requirement of the parole process- a detailed parole plan¹⁴ (line 9).

In all, Mr. Lucas provides seven “activities” related to betterment. However, he does not link these activities to any associated change in character or a new identity. Instead, he allows the board to draw conclusions as to their meaning. B4’s topic shift to plans for parole is closing implicative, not of the hearing, but of the achievements topic. The decision in this case is to deny the petitioner parole, pointing to external concerns and elements of the offender’s original crime that the parole board cannot overlook despite his rehabilitative efforts. The board reasons, during the deliberation, that the nature and circumstances of his offense outweigh attempts at rehabilitation. However, the board agrees to see him in one year– four years earlier than his next scheduled parole hearing. During their discussion, board members consider his potential for success and determine that his case merits reconsideration and a community investigation.

Not all components of rehabilitation are as “objective” as educational attainment and program participation. Appropriate emotional components of rehabilitation are equally important to constructing this identity. In demonstrating and announcing remorse for victims and/or the crime itself, inmates enact reformation, providing evidence of readiness for reintegration (Ten Brinke et al., 2012; Ruback & Hopper, 1986). Remorse, however, is not merely an assertion; rather, it is a production or a doing that separates an offender’s conduct from his/her character (Wesiman, 2009). Martel’s (2010) work on remorse and parole demonstrates how the lack of sufficient remorse, delivered discursively, derails parole even when risk assessments point to a low probability of reoffending. Part of the task undertaken by parole boards then is to evaluate whether inmates truly feel remorse for their crime(s) and victim(s). In Excerpt 6, Mr. Barber holds a conviction for molestation and murder, and B1 moves to close the hearing with the common “anything else” refrain in line 1.

Excerpt 6: Child Molestation and Murder – Denied/Mr. Barber

1 B1: Do you have anything else you’d like to tell us?
2 IN: Hhh well just that uh again I repeat that-that I still hurt from it I’ve- I’m- I’ve really hurt from-
3 from what happened I- I’ve-. I can’t- sorry- bein’ sorry can’t bring her back but I can- like one of
4 the lawyers told me or was it. Mark English the prosecutor told me that I could be rehabilitated I
5 could make uh a martyr out of her. Well that’s not bringin’ her back but at least if I can make
6 something of myself and- benefit society by what I’ve made of myself then I haven’t wasted, these
7 thirty eight- thirty three years that I’ve spent in this- this system.
8 B1: M’kay. Are there any other questions from the board?
9 B2: I have none.
10 B4: No questions.
11 B2: Thank you.
12 B3: I have none.

In contrast with overt proclamations of rehabilitation, Mr. Barber displays remorse for his crimes during his summary statement. He approaches his case building in line 2 with the phrases “again” and “I repeat,” showing continuing remorsefulness and a summation of his claims,¹⁵ coupled with emotional claims of “I still hurt” and “I really hurt.” However, instead of focusing on the victim, he focuses the remorse appeal on

himself. Later, in disclaiming “being sorry” because it “can’t bring her back,” he demonstrates a moral orientation toward the consequentiality of his act (for others), and the insufficient nature of remorse as a corrective. In a way, Mr. Barber attempts to show himself as sorry in the very denial that it is legitimate for him to be sorry. He quotes authority figures—lawyers and a prosecutor— as telling him that and how he could be rehabilitated, admitting in lines 5-6 that elevating his victim to martyrdom will not bring her back either, but suggesting that he can “make something” of himself. Finally, in lines 6-7, he asserts that he has not wasted time in prison, an assurance to the board that he has changed. Despite multiple stops and restarts, word searches, and delay devices, board members do not overlap with his talk, nor provide acknowledgement during his unbroken stream of talk. Instead, a board member merely acknowledges his remorsefulness with a neutral “M’kay” in line 8, and a subsequent move to close the hearing.

Mr. Barber vacillates between emphasizing the emotional impact of the crime, exhibiting his remorse, and reminding the board about his long (potentially wasteful) time locked up in prison. In deliberations, the board admonishes him for not being sorry and further addresses the selfishness of his comments, including his focus on the length of incarceration. Selfishness, especially in emotional displays, is one metric the board uses to assess the veracity of claims to remorse. Additionally, they conclude that the “only reason he feels bad is because he’s in here.” In this way, he comes to be seen as not only unremorseful, but also undeserving of parole.

Notably, all the failed claims to rehabilitation depicted here involved offenders convicted of serious violent crimes, with the exception of the “no contact order” parole violation hearing. The identity of murderer, child molester, and other such categories of criminal labels are stickier, and may be less amenable to rehabilitative identity constructions because of their gravity. The difficulty in reconciling the “weight of a criminal past with the potential for a redemptive future” is an issue that is subjective in nature, requiring parole boards to assess the level of insight offenders possess, their risk level, and the veracity of emotional expressions (Paratore, 2016, p. 121).

Successful Claims to a Rehabilitated Identity

Establishing a rehabilitated identity in a liminal performative space involves reformation assertion, but also proper displays of remorse, corresponding evidence of character change, a documentary reality reflected in case files, and the counteraction of concerns over dangerousness or public backlash. What distinguishes successful claims to rehabilitation from failed attempts is the nature of the original offense, how the offense is managed in the interaction, and the collaboration in the exchanges. References to changes in conduct, lifestyle, employment, program participation, stable relationships, and other “socially desirable” activities can attest to and provide evidence of a rehabilitated identity. Moreover, in cases where offenders have been on parole several times, parole boards can solicit evidence of change, structuring questions that conversationally encourage these claims. Such openings provide an environment amenable to claims of rehabilitation because they probe inmates’ activities while in prison, as well as why they deserve parole. Excerpt 7, involving a repeat offender convicted of assault with prior paroling charges of burglary and criminal mischief, demonstrates one such question-answer sequence. Mr. George, recommitted for a parole violation, returns to the board as a regular parole case. His appeal illustrates how offenders allude to a change in character and conduct, even when it does not occur by way of institutional programming.

Excerpt 7: Burglary, Criminal Mischief, Assault - Granted/Mr. George

- 1 B2: Tell us a little bit about what you’ve been doing since you been back and why we ought to
- 2 consider paroling you now and not next month.
- 3 IN: Well uhm I tried to get in like anger management.
- 4 B2: Uh hah.
- 5 IN: I signed up for it, but they had no class for me at the time.
- 6 B4: For what?
- 7 IN: My anger. That’s what got me in trouble the first time.
- 8 B2: Yep.
- 9 IN: I feel that I got my anger under control: now I don’t find myself getting mad like I used
- 10 to- throwing tempers and-

- 11 B2: Okay.
 12 IN: Its very much under control now. I would like to- I wish I coulda got in anger
 13 management to get myself together but I wasn't-
 14 B2: Well y- you must be doin' better because your conduct was good. I think you've had
 15 clear conduct- no conduct reports and I know there's plenty of opportunities to get angry.
 16 IN: Yes.

When prompted for details of his reincarceration activities and why the board should parole him (lines 1-2), Mr. George references an attempt at joining anger management classes (line 3). However, following an acknowledgment (line 4), he gives an account for why he could not take the class (line 5). The later request for a clarification elicits a referential reason for Mr. George's prior problems, designating "anger" as the cause of his problems (line 7). He sets up a problem-solution sequence, which concludes later in lines 9 through 10, but not before B2 agrees with his problem assessment with "yep." Mr. George's claim that his anger is "under control" comes with evidence that he no longer "gets mad like he used to" or is "throwin' tempers." Following this characterization is an acknowledgment token (line 11), which allows an upgrade of his assertion to "very much under control" in line 12. Appended to this is also an added expression of regret over the anger management group, plainly anticipating board member disapproval of lack of program involvement. However, his appeal straightforwardly admits his prior problems and makes claims to their resolution. The compliment "you must be doin' better," by B2 along with an evidentiary claim from official records that supports that assessment (lines 14-15), demonstrates acceptance of Mr. George's rehabilitated identity. B2 adds to this that "opportunities to get angry" in prison are plentiful.

Clearly, evidencing change and rehabilitated identity was collaboratively accomplished in this case; the board not only acknowledged and agreed with the parole applicant's claim to have resolved his anger problem, but also complimented him, referencing conduct reports contained in the DOC file. Elements of his file supported his problem diagnosis, and thus, his solution was ratified as appropriate. While the endorsement of Mr. George's claim occurs in second position relative to his own assessment, the validation lends credence to his claims and is predictive of a successful parole bid and a transformed identity. The board votes unanimously to grant him parole.

While excuses and justifications are generally dispreferred tactics in parole hearings, if they follow sequentially appropriate responses to board questions, and involve minor offenses, they allow parole violators to provide a context for their transgression, and a remedy. Ms. Johnson (in Excerpt 8) previously violated parole for drug use, with no new charges. The original charge, dealing in cocaine, occasioned special stipulations for parole (scheduled drug testing and additional appointments). Her parole was violated when she failed a urinalysis and did not report to her parole officer.

Excerpt 8: Dealing Cocaine - Granted/Ms. Johnson

- 1 B2: Tell us a little bit about uh- uh- what you've been doing since you uh- uh have been here
 2 and why we ought to consider paroling you now and not next July.
 3 IN: I had uhm- I've got- I've got uh in the n a group since being here.
 4 B2: Uh hah.
 5 IN: Uh I lost my grandfather. That was one of the reasons why I violated.
 6 B2: I'm sorry.
 7 IN: Uh he died uh ah July the fourteenth. Naw uh June fourteenth, ((Sniff)) He died June
 8 fourteenth and so uhm I got into the uhm people lost group.
 9 B2: Uh hah.
 10 IN: He was like a father to me and like I said that was one of the reason why I violated. And I
 11 went to Monroe. I got treatment as I said before and I got down and I started getting high
 12 and being in NA has really helped me out a lot. And uhm, I don- I don't wanna keep
 13 coming back and forth to prison. I wanna change my life and if you would give me
 14 another chance I can prove to you that I can do that.
 15 B2: M hm well that's- that's uh- important. Your conducts been good here which is- which is
 16 good to see. I think you've had clear conduct which is- which has been good. Uh- uh so

- 17 you think you can stay out of bars and not drink any alcohol and go to your substance
 18 abuse counseling. I think crack was your primary drug wasn't it?
 19 IN: Yeah- yeah.
 20 B2: Yeah okay well it's.
 21 IN: And they got a- at the parole office in New Grove. They got a- uh a substance abuse
 22 group there and I can talk to my parole officer about getting in that group. It's a sixteen
 23 week session, this group ya know?
 24 B2: M hm, well that'll be really important and-
 25 IN: I wanna go to group.

Responding to an inquiry, Ms. Johnson mentions a Narcotics Anonymous (NA) group (line 3). B2 acknowledges this with a continuer (Schegloff, 1982; Jefferson, 1984), allowing for her explanation that she “lost” her grandfather, which is a troubles telling (Jefferson, 1988). B2 offers a sympathetic expression (line 6), yet the affiliative move in response to her trouble stands in contrast to the board’s reactions to troubles and complaints in other hearings. Following Silverstein’s (2006) conclusion that parole boards are more likely to accept accounts of victimization from female parole petitioners, while requiring male petitioners to acknowledge blameworthiness, it may be that board members perceive her claim as culturally allowable and legitimate. Later, Ms. Johnson elaborates in lines 7-8 about her grandfather’s death and shows evidence of dealing with it through a “people lost group,” a counseling program at the prison. Again, B2 acknowledges her account (line 9), which allows her to continue providing more details, upgrading the relationship to “like a father,” and heightening the magnitude of the impact of his death on her (line 10).

At the same time as she is furnishing a reason for her violation, she provides for a resolution. She points out that she received treatment (line 11-12), but then got “down” and started using again, thus depicting a failed attempt. She relates to the board that NA has indeed “helped her out,” evidence of recovery from her addiction and rehabilitation. Juxtaposed with her appeal is a declaration that she does not “wanna keep coming back and forth to prison,” and a plea for “another chance” coupled with an affirmation of being able to prove herself (lines 12-14).

Her attempts are endorsed as “important,” as B2 supports her assertions by referencing clear conduct reports (lines 15-16). In lines 17-18, B2 mentions several special stipulations for drug offenders and inquiring whether she can comply, which allows B2 to delicately assess the manageability of parole. She affirms with two “yeah” tokens (line 19), in overlap with B2’s inquiry about her “primary drug.” B2 begins another utterance (line 20) but stops as Ms. Johnson discusses a program she is aware of through the parole office (lines 21-23), providing additional evidence of rehabilitation via treatment awareness. B2 ratifies her suggestion as “really important” in line 24, to which Ms. Johnson reiterates her desire to go to group, showing her commitment to dealing with addiction.

In deliberations, three board members strongly support her portrayal as genuine, referencing sincere attempts at betterment. One board member dismisses her positive urinalysis test because “every addict falls off the wagon,” consistent with their theory of office that allows leeway to those battling addiction (Drass and Spencer, 1987). Another board member comments, “What else can we ask her to do? She’s jumped through all of the hoops.” The fourth board member rejects her appeal, saying “she’s gunna be back,” but with a 3-1 split vote parole is granted. In claiming a new identity, the parole applicant here is successful in achieving the parolee label, with board members actively working to contribute to her construction. In foreshadowing a continued commitment to rehabilitation after release, she also effectively convinces the board that her efforts will persist. Interactionally, this is exhibited in the affirmative and complimentary responses to her claims.

Although the board generally requests explanation or mitigation of an offense, especially in violation hearings, the most desirable response is to reject this and assert individual responsibility (Lavin, 2002). In the following example (Excerpt 9), Mr. Bradshaw is a three-time parole violator. His violation involves dealing cocaine and possessing a handgun with an obliterated serial number, which he pleads guilty to, but has already served time for while awaiting his hearing. Nonetheless, it is common for new crimes involving weapons to occasion the rescinding of parole. This excerpt begins as B1 asks for an explanation.

Excerpt 9: Dealing-Cocaine, Possession-Cocaine, Handgun - Released/Mr. Bradshaw

- 1 B1: You certainly have a lot of explaining to do so we're listening.
 2 (0.3)
 3 B3: You're a real parole success story.
 4 IN: Uh well see I- I take full responsibility of what I did- uhm I wasn't caught for uh- I was
 5 working. I had a good job and-
 6 B1: Where were you working?
 7 IN: I was- I worked in master environmental.

B1 solicits Mr. Bradshaw's account in line 1 by referencing the sheer amount of explanation due. However, before he responds, B3 chastises him by suggesting sarcastically that he is a "real parole success story." This degradation occasions a claim of full responsibility, but also what appears to be an excuse; though, he repairs this utterance and provides evidence of his positive character by referencing that he was "working" a "good" job (line 5). The topicalization of employment, a primary parole board concern when assessing parole readiness, evidences normative conduct and a non-criminal identity. And, unlike the parole violator in Excerpt 4, who failed to discuss the offense, the initial acceptance of responsibility allows Mr. Bradshaw to introduce details of his life on the outside.

Later, he shows accountability near the close of the hearing, setting up his willingness to accept responsibility (Excerpt 10).

Excerpt 10: Dealing & Possession-Cocaine, Handgun - Released/Mr. Bradshaw

- 1 B3: Was- was he on parole er or was he a former offender?
 2 IN: Yes, he was so I really jus' ya know I- like I said I take full responsibility of everything I
 3 did and ya know I- even though I ran myself up into some stuff that you know uh I really
 4 can't help it. But I gotta do it but ya know like I said I take full responsibility of what I did.
 5 B1: Is there anything else you wanna tell us to take into consideration?
 6 IN: Naw, other than you know I'm just really try to make the best of this time and ya know just let
 7 this be a lesson well taught.
 8 B4: Okay.
 9 B1: M'kay step out for a minute.

Although Mr. Bradshaw accepts responsibility for the charges twice in the hearing, the introduction of another potential blameworthy party conversationally allows him to mitigate his own blame. This exchange, which follows detailed discussion of the crime, is dedicated to assessing the role of the vehicle passenger. In line 1, B3 asks about the criminal status of the passenger, who accompanied him on the drug pickup, but fled and eluded authorities. He affirms the board member's suspicions, and appends to this "like I said," showing that this is not the first time he has made the forthcoming claim of responsibility.

He continues building his case for a rehabilitated identity by taking full responsibility for "everything" (lines 2-4). Although he uses the formulation of "I ran myself up into some stuff" (line 3) which allows him to designate himself as the actor-agent, he also contends "I really can't help it," which is a reference to his drug addiction. He later returns to accepting "full responsibility" in line 4. The board does not officially ratify his attempts at identity construction, and instead moves to close the hearing, asking the offender for "anything else" he wants the board to consider (line 5). Mr. Bradshaw first declines the invitation to summarize his case (line 6), but then tells the board that he is: 1) trying to make the best of his time and 2) that he considers it a lesson well taught. In effect, he portrays himself as responsible, willing to serve his time, and as having learned a lesson. In this way, despite his return for a violation of parole, he convinces the board that he is ready to take responsibility and make a change. The board votes to reinstate his parole after parole plan approval. In the deliberation, they focus on the issue of responsibility and agree that he got himself in a "spot," referencing drug use as a key factor in his offense.

Discussion and Conclusion

If rehabilitation is what wins parole hearings as inmates believe (Irwin, 1974), then offenders are charged with the responsibility of 1) claiming to be rehabilitated, and 2) supporting this claim with evidence.

Parole boards must evaluate offenders' claims of rehabilitation in light of other external concerns, as well as documented information about prior criminal history, and offense severity. Presumably, these facts remain static during the offenders' time in prison, such that if decisions to release were based solely on offense severity and prior criminal history, parole boards would decide in the same manner each year and few offenders, if any, would achieve early release. Moreover, boards consider offenders' accounts in light of institutional conduct, which can provide evidence for or against claims to rehabilitation. And finally, because the parole board is required to examine the best interest of society, undoubtedly this is best served by the release of rehabilitated parolees. Despite the changing tide in corrections and the associated rhetoric, rehabilitation becomes explicitly or implicitly a part of release decision, and consequently the day to day work of parole boards (Lynch, 2000) and part of their orientation toward risk management (Lacombe, 2013).

Parole hearings involve elaborate exchanges dedicated to establishing whether offenders deserve early conditional release, and to use Orbuch's (1997) assessment of the importance of these collaborative narratives, the "accounts count." That is, the stories people tell, especially in institutional contexts, matter and can nullify negative character attributions and transform identities. For offenders appealing for parole release, the transformation of their spoiled identity within a performative space has important implications for their release. If parole petitioners overcome the spoiled identity, through strategic presentation of self and accounts that explain their behavior while also accepting responsibility, then they achieve supervised "freedom." While these conversational and relatively unstructured hearings can represent an opportunity for assembling a case for their rehabilitated identity, the cases that are produced can be ratified, altered, and challenged by members of the board as well, such that they are modified into distinct claims.

We argue that a successful case for "rehabilitation" exists as an interactional accomplishment. The influence of rehabilitation on the decision to release or retain an offender is not based on an objective rendering of their efforts toward rehabilitation, which could be more easily ascertained through an examination of an offender's documented accomplishments, conduct reports, and criminal background information contained in their file. Rather, the impact of rehabilitated status is substantiated through representations provided by offenders and the board in conjunction with supporting documentation contained in their records. The collaborative construction of inmates as rehabilitated relies on identity characterizations, negotiated by inmates and parole officials, and influenced by person and case characteristics.

The rhetoric of rehabilitation, however, retains power only insofar as it is able to neutralize the original crime or the parole violation while still conforming to the "truth" of the crime reflected in official records (Martel, 2010). In other cases, rehabilitation-based case building backfires, especially in cases involving violent felonies, and parole hearings revert back to a classic example of Garfinkel's (1956) degradation ceremonies. How language is used affects how parole cases are disposed of, thus it is not simply the assertion of a rehabilitated identity, but the skillful maneuvering of such an identity through potentially hazardous discussions with the board. In this way, it can be argued that the parole board exercises conversational power over the appropriateness of forms of discourse (Foucault, 1977), and those offenders who take part in parole hearings are engaging in what Goffman (1952) referred to as "cooling out the mark."

Rehabilitation based case building in parole hearings involves a repertoire of complex speech practices utilized to produce positive person descriptions that claim a reformed identity or change in character. To obtain release it is not enough for offenders to employ such practices without regard for their consequences. To have an impact on board members' decisions, inmate's claims and emotional displays must be accepted as relevant to the work of board members and as valid depictions of the inmate's changed character (Silverstein, 2001). Affirmation and endorsement of offenders' identity claims are predictive of successful bids for parole, whereas unsuccessful attempts at securing parole are responded to with minimal acknowledgments, disagreements, or withholding. The performative space that allows for the fluid construction of identity is thus limited by the potential for clashing identities or contested constructions (Wright, 2014).

Elsewhere, it has been explained that visiting rooms within prisons are "liminal temporal sites where trajectories of past and present identities intersect" (Wright, 2014, p. 34). Parole hearing settings require offenders to negotiate their acquired inmate label and identity (Wright, 2014), all the while bargaining for their freedom. The tenets of the inmate subculture (Wright, 2014; Sykes, 1958) counter those that must be success-

fully demonstrated for parole release (rehabilitation, remorse, etc.). Wright (2014) justly describes correctional settings as lacking a place for prisoners “to rehearse” or “a back stage” (p. 34). Inmates must constantly be immersed in whatever role they have adopted within the facility. As such, a major policy implication from this study is to provide a performative space, as well as transitory spaces within the institution prior to parole hearings.

There is quite a bit at stake for offenders, institutions, parole boards, and communities in parole hearings, and their ability to result in reasonably predictive decisions. Because “the form and content of the hearing is largely determined by the hearing officers” (Garber & Maslach, 1977, p. 275), parole boards may benefit from additional guidelines regarding questions and prompts given to offenders. Given the lack of consistency across jurisdictions in parole in the United States, this could help create a system of efficiency, training and accountability among parole boards and assist in the decision-making process.

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Notes

¹We include in this analysis representations of both parole violation and regular parole cases because rehabilitation is of salience in each type of hearing; in each case the board must decide whether to release or retain the offender. In parole violation hearings, the board votes on the parole violation and how to dispose of the case independently.

²See Schegloff (1993) for a complete discussion of the difficulties of quantification in conversation analysis.

³In the state under investigation, parole was technically abolished in that inmates are given mandatory parole after they have completed a portion of their sentence. Thus, the only applicants for regular parole are either old code offenders incarcerated before the legal statute was changed or parole violators who have had their parole revoked and were consequently assessed the balance of time remaining on their sentence. Parole violations for offenders who were granted mandatory parole after their minimum sentence was served far outnumber regular parole cases. However, in both cases parole is discretionary.

⁴The first author was allowed to observe the deliberation portion of the hearing and take ethnographic notes on the discussions that emerged. Despite the desire to video tape the deliberation, in the interest of the boards' anonymity and liability this was not possible.

⁵This project was approved by the IRB of the host university. Access to the inmates appealing for parole was not granted, per the parole board's request, because they believed it would be disruptive to the parole process.

⁶The parole board was also responsible for conducting pardon and clemency hearings which have been excluded from this analysis.

⁷Old code offenders come up for review every five years. They were incarcerated prior to the legal change that made parole mandatory. Hence, they fall under the old discretionary system of parole.

⁸Sadly, one of the parole board members died early on in the study.

⁹Official criteria for parole decisions are mandated by the state. However, the board retains a great deal of discretion in parole cases and may weigh the different factors according to the specific case at hand. Interviews with parole board members reveals a number of additional criteria that are not contained under the rubric of official guidelines.

¹⁰As a matter of practice, the “best interest of society” criterion is used as justification for parole denial only in conjunction with one of the other criteria. It is generally retained for only the most “violent” or “hideous” crimes and criminals according to board members.

¹¹When the anything else question is not present at the end of the hearing, the board closes using a different device: by asking the board members if they have any other questions for the inmate. Nevertheless, in hearings where the “anything else” inquiry is posed, only two offenders in my corpus rely on overt proclamations of rehabilitation in their reply. In most cases, the offender declines the invitation to summarize his/her case. In other cases, the offenders admit they were wrong, take responsibility, ask for another chance, or claim innocence of the charges.

¹²Robinson (2001), in his examination of the medical interview, terms this sequence a “final concern pre-closing sequence.” When closing or terminating the medical interview, doctors prompt patients for any additional topics not broached during the interview. Similarly, in parole hearings, the board prompts both other board members and the offenders themselves for anything else. Robinson (2001) contends that this type of closing constrains the recipient to a yes or no answer. In the case of an affirmative answer to the anything else question, however, the recipient then elaborates on any concerns.

¹³The no contact order was issued by the parole board as one of the contingencies of the offender’s early release. Accordingly, the offender, originally convicted of defrauding an elderly woman, was to have no contact with Miss Kelley (an older woman who had just inherited a large sum of money).

¹⁴Before leaving the penal institution, inmates are required to have plans approved by a parole officer and the institution. After the inmates submit their plans, a parole officer in the field conducts an investigation into living quarters, employment, social networks, family, and the community sentiment about the inmate. If the parole plans are approved then the inmate, after being granted parole, can be immediately released into the community.

¹⁵As a display of remorse earlier in the hearing (IN32-1:RP), he remarks: “but uh even now I mean when it comes around to her birthday and uh the short time between that when this happened its uh- I hafta get some medication just tuh be able tuh get through it peacefully.”

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