

Debt as a Criminal Risk Factor in Denmark

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Abstract

Existing studies of crime preventive factors have illustrated that ex-prisoners who began a course of education, obtained employment and/or had permanent housing were less likely to relapse into crime. However, this study shows that the aforementioned crime preventing factors became less effective due to the ex-prisoners' debt. Those convicted in Denmark are personally liable for their own legal costs. Thus, we must regard most ex-prisoners as being highly indebted to the state. The debt of ex-prisoners was generally understood as being the cause of financial problems, but legal regulation and informal punishment, as unintended consequences of indebtedness, were still poorly explored. This research indicates that legal regulation and informal punishment based on indebtedness may serve as an argument for considering debt as a criminal risk factor which has made the preventive factors less effective and has driven ex-prisoners farther from legitimate socio-economic advantaged affiliations and invited criminal behaviour.

Key words

Criminal risk factors; ex-prisoners; debt; informal punishment; re-entry

Resumen

Estudios existentes sobre factores de prevención de delitos pusieron de manifiesto que era menos probable que los ex presos que iniciaron un curso de educación, consiguieron un empleo y/o tenían una vivienda permanente, recayeran en la delincuencia. Sin embargo, este estudio demuestra que los factores de prevención de delitos anteriormente mencionados resultan menos efectivos debido a la deuda de los ex prisioneros. En Dinamarca, los condenados deben hacerse cargo de sus propios costes legales. Por lo tanto, debemos considerar que la mayoría de los ex presos han contraído una alta deuda con el Estado. Generalmente, se entendía que la deuda de los ex prisioneros era causa de problemas financieros, pero había pocos estudios sobre la regulación legal y el castigo informal, como consecuencias no intencionadas del endeudamiento. Esta investigación indica que la regulación legal y el castigo informal basado en el endeudamiento pueden servir como argumento para considerar la deuda como un factor de riesgo penal, que ha hecho que los

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factores preventivos sean menos efectivos y ha alejado a los ex convictos de una situación socioeconómica ventajosa, invitando a un comportamiento delictivo.

Palabras clave

Factores de riesgo penal; ex prisioneros; deuda; castigo informal; reingreso

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1. Introduction

The Danish imprisonment rate is among the lowest in Western democracies. In 2014 the prison population rate in Denmark was 67,1 per 100,000 of the national population (Council of Europe Annual Penal Statistics 2014). Alternative methods of punishment such as community service, electronic monitoring and different terms and conditions of supervision undertaken by the Probation Service are frequently used and expanded as supplementary to incarceration (The Annual Report of the Danish Prison Service 2013).¹ In spite of the relatively low incarceration rate in Denmark and the expanded use of alternative punishment, the prison population has increased during the last few decades (The Danish Prison Service 2011). In 2013, the occupancy rate of Danish prisons stood at 97.1%, which was 6.3 percentage points higher than in 2001. The average daily number of prisoners also increased from 3,236 prisoners in 2001 to 4,008 prisoners in 2013 (The Annual Report of the Prison Service 2013, p. 12). Compared to previous decades, the visible results of political actions can be seen due to more convictions and longer sentences. The total number of incarcerations each month has increased following the recent implementation of harsh sentencing policies and the punitive approach to drug regulation and gang-related offences (Legal Affairs Committee 2009–10). Despite the implementation of the “tough-on-crime policies” (see Wacquant 2009a), the use of prison sentences as punishment mainly consists of shorter sentences. Consequently, 61% of convicts were sentenced to four months or less in prison, while 7% of convicts were sentenced to two years or more in prison in Denmark in 2013 (The Annual Report of the Prison Service 2013, p. 6). The effect of the keen use of shorter sentences caused more people to be in contact with the prison system, even though various studies have indicated that being incarcerated increased the risk of recidivism (e.g. Nilsson 2003, Kyvsgaard 2003). In 2013, 14,423 new offenders were incarcerated in Danish prisons and jails (The Annual Report of the Prison Service 2013, p. 6). Moreover, a waiting list for offenders to serve a prison sentence was estimated to consist of approximately 2,600 people (The Danish Prison Service 2011, p. 18). The use of short sentences often implied that the informal punishment² experienced after prison was the prisoners’ main concern. A reoffender from a Danish prison who would soon be released remarked, *“The ‘bill’ for being sentenced to a term of imprisonment goes on after release – and you’ll often continue to repay that ‘bill’ for the rest of your life (...)”*.³ The comment from this reoffender and similar comments from many other reoffenders from Danish prisons could be used as an argument for opening a discussion about informal punishment of ex-prisoners in a wider sense. Literally speaking, the remark could also be an invitation to an analysis concentrated around the aforementioned “bill”. The “bill” symbolises the fact that convicts in Denmark are personally liable for the costs of their criminal case. This means that prisoners re-entering Danish society are most often highly indebted to the state. The widespread imposition of informal punishment (including legal indebtedness) transforms punishment from a temporally limited experience to long-term status. The different legal barriers faced by ex-prisoners are of critical importance – but often unnoticed in the criminological and socio-legal literature. This reflects the lack of empirical data questioning the implications of certain laws and policies which affect the living

¹ The expanded use of alternative methods of punishment was caused by lack of space, cost savings and consideration for rehabilitation.

² A number of alternative terms, such as “invisible punishment” or “hidden punishment” etc., could be used to describe the form of “punishment” that was not formal punishment in legal terms but was experienced as punishment. The difference between written law and experiences of law seen from the ex-prisoners’ point of view was analysed in Olesen (2013a); see also Travis (2002, pp. 15–36, 2005, p. 64).

³ All quotations have been freely translated into English.

conditions of ex-prisoners and also the outcomes of well-intentioned rehabilitation programmes.⁴

The aim of this study was to examine the effects of ex-prisoners' indebtedness by establishing an empirical connection between the ex-prisoners' indebtedness and their affiliation to education, employment, and housing. The paper is organised into five main sections. The first section offers a discussion about the theoretical approaches and existing empirical findings considering the relationship between education, employment, housing and recidivism. In the second section, the research questions, materials and methods used to analyse the empirical data based on qualitative interviews and follow-up interviews with reoffenders in Denmark are presented. In the third section the law concerning legal costs and the situation of ex-prisoners' indebtedness in Denmark are discussed. Section four presents how indebtedness of ex-prisoners in Denmark impacts on the factors of education, employment and housing. A discussion based on the findings and concluding remarks on some of the lessons to be drawn from this study are given in the last section.

2. Theoretical background and existing empirical findings: factors preventing criminal recidivism

In this section, the relationship between education and recidivism, employment and recidivism and, finally, housing and recidivism will each be considered in turn. The outlines draw on existing empirical findings from scholars who have used a number of theoretical perspectives that offer different explanations for criminal activities and criminal behaviour. The theoretical approaches of the studies outlined below vary widely and include social learning theories (e.g. Burgess and Akers 1966, Akers 1973), rational choice theory and routine activity theory (e.g. Becker 1968, Ehrlich 1973, Felson and Cohen 1980), social control theory (e.g. Gottfredson and Hirschi 1990), labelling theory (e.g. Becker 1963, Goffman 1963), and development and life-course theory (e.g. Moffitt 1993, Laub and Sampson 1993, Sampson and Laub 1993).

2.1. Education and recidivism

Several studies suggest that the prison populations of the Scandinavian countries were less educated compared to the majority of the populations (Kyvsgaard 1989, Skardhamar 2002, Nilsson 2002). Looking at the lack of prisoners' schooling could give rise to the belief that individuals were attracted to criminal activity in order to improve their limited living conditions, which was why academic skills were needed to be successfully (re)integrated into society after prison. Several theoretical reasons have been developed to presume that education reduced crime. Among other things, education created the framework for development of positive peer effect and pro-social relations (Farrell *et al.* 2004) which occupied and thereby time-limited the obtainability for contribution to criminal activity (Tauchen *et al.* 1994). Also, educational attainment and human capital investments may improve skills and hence further improve the expectations of earnings derived from official work-activity, which at the same time made incarceration a costly affair (Lochner 2004). A common disadvantage that could be linked to almost all of the mentioned studies was the difficulty in pointing out the direction of causality between education and crime.

Examples from the economic, educational and criminological literature on the relationship between education and crime include those of Farrington and Gallagher (1986), Horney *et al.* (1995) and Stevens (2006) who illustrated that schooling in

⁴ Enhancing ex-prisoners' job marketability, connecting them to educational/vocational training programmes, and housing programmes are on the priority list of numerous rehabilitation programmes (e.g. Turner and Petersilia 1996, Sherman *et al.* 1998, Wilson *et al.* 1999, Wilson *et al.* 2000, Harrison and Scheher 2004).

general reduced criminal involvement. Several other studies have indicated that extended time in school had a crime preventive effect. Machin *et al.* (2011) examined the effects of a law that changed the compulsory school leaving age in England and Wales. The result of their study showed that the affiliation to and extended time in school had a negative correlation to property crime. Similar results were found by Lochner and Moretti (2004) and Sabates (2008, 2010) who also illustrated that extension of schooling reduced antisocial behaviour.

A consistent finding was that unschooled and untrained prisoners were more likely to relapse into crime (e.g. Nuttall *et al.* 2003, Vacca 2004, Blomberg *et al.* 2012). A meta-analysis showed that general education and vocational training during incarceration supported the ex-prisoners in their re-entry period and helped them stay out of prison (Davis 2013). Davis showed that the odds of reoffending were 43% lower for the prisoners who participated in correctional education programmes compared to non-participants. The same positive effect was decisive when academic or vocational education during incarceration was related with employment after release. The employment rate rose by 13% among participants compared to non-participants, and vocationally trained prisoners increased their likelihood of employment after release by 28% more than non-vocationally trained prisoners. The meta-analysis complemented most of the findings from the correctional education studies by Wilson *et al.* (2000), Aos *et al.* (2006) and MacKenzie (2006). Another survey, based on a 5-year longitudinal study of 6,561 prisoners released from the Indiana (US) Department of Correction custody during 2005, showed that the education level of the released prisoners – and its impact on employment and recidivism – was critical for a successful re-entry. In conclusion, Nally *et al.* (2012) identified education as the most important indicator of recidivism.

Taken together, these results suggested that education and vocational training of the relatively less-educated prison population reduced the risk of recidivism. To put it briefly, as the level of education rose, the likelihood of employment and legal achievement of goals increased, while the risk of relapsing into crime was reduced.

2.2. Employment and recidivism

In relation to education, the criminological literature has also considered employment as one of the best prognostic factors of post-release success and one of the key institutions of social control in the transition to a stable and conforming adulthood with routine activities, an official income and frequent contact with conventional peers (Sampson and Laub 1993, Warr 1998, Laub and Sampson 2003, Harrison and Scheher 2004, Bushway *et al.* 2007). Consequently, several scholars have examined the relationship between official employment and recidivism. Visser *et al.* (2008), for instance, explored 740 male ex-prisoners' experiences in the labour market after being released from prisons in Illinois, Ohio, and Texas (US). Interviews were collected two and eight months after release as part of a longitudinal study of effective and ineffective factors for a successful re-entry into society (see also Visser *et al.* 2004). In this study, the ex-prisoners' primary "income source" was family, friends and unreported work eight months after being released. The findings also indicated that official work before being incarcerated, and earning an official income early after release, minimised the risk of reoffending during the first year out and improved reintegration success in the long run (Visser *et al.* 2004, 2008). Another example of the relationship between employment and recidivism was a study by O'Connell (2003). O'Connell investigated the life-course of 577 incarcerated drug users by conducting interviews during a drug treatment follow-up. The respondents were interviewed pre-release from prison, and follow-up interviews were conducted 6 and 18 months post-release. Findings indicated that, after 18 months of release, the ex-prisoners who were connected to the labour market were significantly more likely to stay crime-free compared to their counterparts who more prevalently became engaged in drug use and crime. Correspondingly, the results of Skardhamar and Telle's (2012) study of

employment and recidivism in Norway illustrated a negative association between employment and resorting to crime when using a sample of 7,476 respondents released from Norwegian prisons in 2003 with monthly follow-up measures up until 2006. Furthermore, employment and recidivism were connected to age in the study by Uggen (2000). Uggen re-analysed the National Supported Work Demonstration from the late 1970s which concerned a group of more than 3,000 subjects from the American underclass with an official arrest history who were randomly assigned to experimental and control conditions. The self-reported arrest data showed that even marginal employment opportunities seemed to be a transition into the life-course and a factor helping to prevent recidivism among criminal offenders over 26 years of age. By contrast, the experimental employment programme did not have the same positive transition effect on the criminal activities of offenders under the age of 26 years.

Focusing on delayed recidivism may be seen as a more sensitive measurement of the behavioural transition of offenders (see Brownell *et al.* 1986, Tripodi *et al.* 2010, Benda *et al.* 2005). In the study by Tripodi *et al.* (2010) the relationship between employment of 250 Texas male parolees and time to reoffend was examined and showed that parolees' motivation, incitements or opportunities to live crime-free seemed to diminish over time. Thus, obtaining employment did not generally significantly reduce the likelihood of reoffending. However, the results indicated that ex-prisoners who obtained employment took longer to reoffend (on average it took 31 months before being re-incarcerated, with a range of 9 to 60 months) than ex-prisoners who did not hold a job (who on average took 17 months before being re-incarcerated, with a range of 4 to 47 months) (Tripodi *et al.* 2010, p. 713). The relationship between employment and time to reoffend was also analysed in a study of offenders who graduated from an adult boot camp (Benda *et al.* 2005). This study could not be generalised to the prison population, but it still showed that the boot camp offenders who obtained full-time employment after release increased their crime-free time before backsliding into criminal activities.

In summary, the studies supported the hypothesis that employment was a key factor for a successful re-entry into society, or at least that the employment factor served to postpone recidivism rather than reducing it.

2.2.1. Informal punishment related to the labour market

While analysing employment connected to recidivism, informal punishment related to the labour market should be mentioned. Informal punishment should be seen in the light of the difficulties facing the often financially, culturally and socially unprivileged ex-prisoners compared to the population that did not have any prison-experience (Kyvsgaard 1989, Skardhamar 2002, Nilsson 2002, Friestad and Hansen 2004). The disadvantaged position was seldom improved during time in prison. On the contrary, ex-prisoners' living conditions were often more challenging than pre-incarceration (Tranæs *et al.* 2008). Criminological research also argued that the many ex-prisoners were re-incarcerated within a few years post-release (e.g. Petersilia 2003) and suggested that the first year after release was a very vulnerable and high-risk time period of recidivism (Roxell 2009, pp. 93–94, Graunbøl *et al.* 2010, pp. 38–39).

Several studies have shed light on ex-prisoners' difficulties that were triggered by, for example, having a criminal record, reduced wage mobility, disrupted careers, gaps in their employment history or no/little employment and educational histories, poor employment prospects, few if any social connections to the official labour market, health problems, and other personal characteristics that made them difficult to employ.

The consequences of having a criminal record were examined back in 1962 by Schwartz and Skolnick in an experimental study that indicated that criminal records were systematically associated with decreased opportunities for employment

(Schwartz and Skolnick 1962). Pager (2003) has also offered evidence of employer aversion to ex-prisoners by adopting an experimental audit approach that matched pairs of individuals applying for actual entry-level employment. A callback rate by the employer after a job interview with ex-prisoners at only one-half of the control group's callback rate illustrated the substantial negative effects of a criminal record for the employment outcome. Holzer *et al.* (2006) reported that some employers counterbalanced the absence of criminal background checks with a statistical discrimination against those with poor employment history. Following on from this, Raphael (2011) added that employers discriminated against men from demographic groups known for representing a high level of crime and incarceration rate and used formal and informal screening tools to avoid ex-prisoners' job applications. The studies of the collateral consequences of criminal records all indicated that even low-skilled employment opportunities were reduced for ex-prisoners (see also Visser *et al.* 2008, Holzer 1996, 2009).

Visser *et al.* (2004, 2008) showed that high wages were correlating negatively with recidivism, but in contrast to positive wage mobility and increased earnings, ex-prisoners often experienced a reduction in earnings compared to their official income before incarceration (Visser *et al.* 2004, 2008, see also Tranæs *et al.* 2008). Some studies examined the relationship between incarceration and wage mobility by linking criminal records to earnings data from unemployment insurance reports (Waldfoegel 1994, Grogger 1995, Lott 1990) and found that incarceration resulted in loss of earnings. Western's regression analysis of wage mobility indicated that imprisonment caused a decrease in wages among ex-prisoners of 10–20%. Moreover, Western found that incarceration reduced the rate of earnings growth by roughly 30% (Western 2002). Waldfoegel (1994) also found that incarceration had a depressing effect on income in particular for well-educated ex-prisoners and those who had a job that required trust.

2.2.2. The welfare state's compensation of the informal punishment related to the labour market

We maintain the focus on the abovementioned findings to discuss how the support system of the welfare state may influence decreased wage mobility and reduced earnings of ex-prisoners in a Danish context. The Danish welfare state is known for its rather generous social security, even though there has to some extent been a development in political discourse in Denmark away from the previous paradigm of support and "welfare" to a paradigm of activation and "workfare"⁵ (Torfing 2003, Larsen and Møller 2004, Ejrnæs 2007). Focusing on the still existing generosity of the Danish state, we could expect the exclusion mechanisms of the labour market to go hand in hand with dependency on public assistance and welfare. An analysis comparing the unemployment rate of convicts from Danish prisons before and after being incarcerated has been reported by Tranæs *et al.* (2008). The prisoner sample consisted of first-time convicts who stayed crime-free after release from prison in the 5-year-long observation period. In Tranæs *et al.*'s study, long-term prisoners (serving more than six months in prison) were separated from the short-term prisoners (serving less than six months in prison). Each group was compared to a control group of unpunished citizens. The results showed that the social security dependency rate for the short-term prisoners was around 100 percentage points higher than the control group. Meanwhile, the social security dependency rate for the long-term prisoners was around 150 percentage points higher than the control group (Tranæs *et al.* 2008, pp. 121–127). The study also found that, after a post-release period of four to five years, the Danish social security system partly

⁵ The policy of workfare was, and still seems to be, an answer to a combination of moral and financial challenges. The two variations of workfare consist of 1) a workfare system which encourage unemployed people to get a job to save costs for the social security system; and 2) a workfare system that is aimed at increasing the recipients' human capital by "offering" compulsory educational/job training (Peck 1998).

compensated the ex-prisoners' decreased earnings prompted by their diminished labour-force participation. The result of social security was that gross income reduced by the financial down-cut of long-term prisoners' earnings of 40% actually only decreased their net income by 24%. The gross income earnings of short-term prisoners dropped by 23%, but again social security evened out the wage lowering so that their net income dropped by 15% (Tranæs *et al.* 2008).

The crime prevention factor of employment was challenged by the negative effects of incarceration that stigmatised and negatively labelled the ex-prisoners on the labour market, weakened their labour force participation, decreased their wage mobility and also reduced their earnings. To some extent the welfare state could compensate for the financial down-cut that came with being excluded from the labour market, but social security dependency and unemployment, on the contrary, were not as effective crime prevention factors as much as employment (Chiricos 1987, Edmark 2005, Tranæs *et al.* 2008, pp. 72–80).

2.3. Permanent housing and recidivism

Another component of the multiple complex problems facing ex-prisoners was precarious housing or even homelessness (Bradley *et al.* 2001, Nilsson 2002, Skardhamar 2002, Petersilia 2003, Dyb 2009), which among other things fostered stigmatisation and social exclusion. Bradley *et al.* underlined the far-reaching consequences of homelessness and the wide-ranging importance of housing arrangements after release by expressing that:

“Housing is the linchpin that holds the reintegration process together. Without a stable residence, continuity in substance abuse and mental health treatment is compromised. Employment is often contingent upon a fixed living arrangement. And, in the end, a polity that does not concern itself with the housing needs of returning prisoners finds that it has done so at the expense of its own public safety.” And Bradley *et al.* concluded that, “Housing is the cornerstone of re-entry: the indispensable and fundamental basis upon which ex-prisoners begin to build new lives” (Bradley *et al.* 2001, pp. 1, 11).

Despite the importance of having a stable residence, little was known about housing arrangements of released prisoners.

One of the exceptions was the contribution by Dyb (2009) to the study of incarceration and homelessness in Norway, which concluded that 2/3 of the prisoners were homeless on release. Dyb elaborated her findings by showing that 1/3 of the respondents were homeless pre-incarceration while 1/3 became homeless pre-release. Thus, the homelessness rate increased during incarceration and the result thereby supported other studies which also connected homelessness and incarceration (Gowan 2002, Hickey 2002, Dyb *et al.* 2006). Carlisle (1996) actually concluded in her qualitative follow-up study of pre- and post-released prisoners from the UK that those who did not find acceptable accommodation on release were more likely to relapse into crime. Gowan (2002) has also explored crime and recidivism – in this case among homeless men in San Francisco and St Louis (US) – using street ethnography supplemented by interviews and participant observation studies. Homelessness was found to reinforce alienation, negative labelling, social exclusion from the labour market and other social institutions. Gowan indicated that homelessness was experienced as social isolation very similar to life in prison. Therefore, homelessness and incarceration could be seen as a cycle:

“Once living on the street, crimes of desperation, rabble management, and the close proximity of many former convicts made incarceration and re-incarceration far more likely than it would have been for the same people if they were not homeless” (Gowan 2002, p. 529).

Another exception to the limited literature was the contribution by Williams *et al.* (2012) and their study of the relationship between housing situation and recidivism.

15% of the 1,435 incarcerated respondents from England and Wales reported being homeless pre-incarceration. Apart from the previously homeless prisoners, the study illustrated how precarious accommodation also was in everyday life among many prisoners not defined as being homeless. 44% reported that prior to incarceration they had only stayed in their residence for less than a year, and 28% for less than six months. Moreover, the respondents were asked about the importance of housing on release, and 63% of the reoffenders and 54% of the first-time offenders reported that they found this issue very important. Also, Williams *et al.* identified the prisoners' understanding of housing and recidivism, which suggested that 87% of the pre-homeless prisoners and 55% of the pre-accommodated prisoners agreed that having a place to live would be important in stopping them from relapsing into crime. It could be expected that the pre-homeless prisoners faced more wide-ranging challenges finding a home on release compared to the pre-accommodated prisoners (Dyb 2009). Not surprisingly, connecting accommodation background, recidivism rate and time illustrated that in the first year of release the pre-homeless prisoners were more likely (79%) to be re-incarcerated than the pre-accommodated prisoners (47%). In the second year, the pre-homeless prisoners were still more likely to be re-incarcerated (84%) compared to the pre-accommodated prisoners (60%). Williams *et al.* performed the same comparison between prisoners who had been in precarious accommodation for less than a year and more than a year. During the first year of release, 52% of the prisoners who had been in precarious accommodation for less than a year were re-incarcerated, compared to 43% of the prisoners who had been in precarious accommodation for more than a year. In the second year, the recidivism-rate was 67% compared to 57%.

Despite the limited criminological literature on the subject, studies have indicated two close links between incarceration/homelessness and homelessness/recidivism. Permanent housing could therefore be seen as a factor helping to prevent criminal behaviour. In short, a substantial body of evidence has indicated that time spent in prison contributed to the accumulation of different disadvantages but factors such as education, employment and permanent housing played an important role in preventing recidivism.

3. Research question

The aforementioned empirical indications have suggested that we could presume a reduction in the likelihood of recidivism when ex-prisoners were educated, employed and/or had a stable housing situation. However, with the exception of, for example, Harris *et al.* 2010⁶ and 2011, Harris and Beckett 2011 and Holzer *et al.* 2005⁷, Bannon *et al.* 2010, Pogrebin *et al.* 2014, indebtedness was an almost overlooked impact factor in the criminological and socio-legal literature concerning the living conditions and legal regulations of ex-prisoners. For example, comprehensive studies of penal practice and post-prison practice (see e.g. Garland 2001, Wacquant 2009a, 2009b, Travis 2005 and Petersilia 2003) did not cover legal debt caused by convictions or indebtedness in general. Neither had it been recognised that criminal justice agencies were important sources of a specific deleterious type of debt. Mostly, the literature has examined how different forms of monetary penalties were used as alternative sanction methods (e.g. Martire *et al.* 2011, O'Malley 2009, Nagin 2008, Ruback and Bergstrom 2006).

⁶ Based on data from 500 randomly selected convicted felons in Washington State superior courts and interviews with 50 ex-prisoners, Harris *et al.* showed the disadvantages of monetary sanctions. The findings indicated that indebtedness of ex-prisoners reproduced poverty and inequality, created a disincentive to find work, and increased the risk of criminal relapse (Harris *et al.* 2010).

⁷ Holzer *et al.* (2005) argued that debt to child support payment was discouraging official earnings. They merged state-level data on blacks' incarceration rates, enforcement of child support policies and Outgoing Rotation Groups of the Current Population Survey to show how incarceration and strict child support policy enforcement reduced the labour force participation of black men between 25 and 34 years of age with little education.

This current study was therefore one of the very few that included follow-up qualitative data on the indebted position of ex-prisoners and provided knowledge concerning the relationship between debt and education, employment, and housing. To address the discussion that concerned debt and its effect on the mentioned three well-established and mostly accepted preventive factors, this study employed a qualitative method based on interviews and follow-up interviews. The analysis clarified the complexity and legal barriers that ex-prisoners faced during and after release.

3.1. Materials

The analysis was based on 77 interviews and several informal conversations with and observations of 41 reoffenders.⁸ The follow-up-interviews were gathered over approximately 2.5 years from June 2010 to November 2012. The interviews lasted from one to three hours, and were digitally recorded and transcribed for analysis. The selection criteria of those interviewed were that they should all be men,⁹ 18 years of age or more,¹⁰ able to speak and understand Danish¹¹ and reoffenders with former pre-prison, in-prison and post-prison experience.¹² The general characterisation of the interviewed reoffenders is listed below:

- Their average age was 34¹³ (the youngest was 20 and the oldest was 60 years of age)
- 26 had spent part of or their entire childhood in institutions, foster families, or been under special pedagogical observation
- 14 had not completed secondary schooling
- 12 had secondary schooling as their highest level of education
- Four had an upper secondary education as their highest level of education (and two of them had also taken practical training)
- Eight had undergone practical training (e.g. as a cook or bricklayer)
- Three had started or completed a higher education
- 13 had worked officially as unskilled employees
- Two had worked self-taught/self-employed
- 11 had worked officially as skilled employees
- 15 had never held official employment

The first interview with three of the 41 reoffenders was conducted post-release, and the first interview with the remaining 38 was conducted in a minimum-security state prison and a high-security state prison in Denmark. The reoffenders, who were serving a sentence of less than two years at the time of the first interview, were asked whether they would participate in another interview immediately after their release. More than half of the participants agreed to do a follow-up interview, 21 of which were carried out. Of the 21 followed ex-prisoners, 11 were interviewed

⁸ The names of the interviewees were anonymous and replaced by pseudonyms, which were randomly selected via a name database with traditional and non-traditional names, cf. <http://1001line.dk/navne>.

⁹ The reason for the male criterion was that more men than women formed the prison population and the criminological literature argued that the living conditions of men and women were distinct from each other with respect to important parameters (Højgård and Snare 1993, Vegheim 1994, Nilsson 2002, Mathiassen 2011).

¹⁰ The age of 18 was the legal age in Denmark and legislation was mostly directed to subjects of age or under age, which argued for the age criterion.

¹¹ The reasons for the language criterion were, among others, to build on the arguments found in the study by Cowan (2004). The study showed that homeless people in England who did not understand or speak English experienced their legal position differently from their counterparts who spoke and understood English.

¹² The analysis builds on both the present and the retrospective experiences of the reoffenders' living conditions during the time periods pre-prison, in-prison and post-prison (Olesen 2013a, pp. 64-66).

¹³ The average age in this study was a little higher compared to the annual report (The Danish Prison Service 2013).

twice, six were interviewed three times, three were interviewed four times and one ex-prisoner was interviewed five times. The follow-up interviews were conducted individually in a variety of public spaces all over Denmark, including drop-in centres for released prisoners, at pubs and coffee bars and furthermore in the homes and cars of the interviewees. The formal interviews were supplemented by unstructured conversations conducted via telephone calls, text messages and e-mails.

3.2. Methods

This study adopted a theoretical approach to Bourdieu's Reflexive Sociology and Theory of Practice (Bourdieu 1977, 1990, Bourdieu *et al.* 1991, Bourdieu and Wacquant 1992), and it also paid particular attention to legal consciousness as a theoretical concept and as a topic of empirical research (Ewick and Silbey 1998). The concept of habitus formed the core of the analysis of the reoffenders' legal consciousness and the strategies of action that the reoffenders developed as a response to the way they experienced the legal barriers concerning indebtedness, education, employment and housing. It was argued that Bourdieu's idea of "a sociology of practice" and his concept of habitus offered a theoretical framework for understanding legal consciousness as part of a reciprocal process, whereby the reoffenders' habitus shaped social actions. Through the reoffenders' habitus, the objective structures tended to shape structured subjective dispositions of the meanings which were given to their social world. These subjective dispositions produced structured actions which again tended to reflect the objective structures (Bourdieu 1977). Instead of talking about experience as an individualised process, it was argued that within a given social position there were a limited number of mental structures and categories of perceptions for assigning experience to things and events. Moreover, it was argued that the reoffenders were free to create strategies of action based on their experiences of law, but the reoffenders did not choose the principle of these strategies of action (see also Wacquant 1989, p. 45).

Signs of legal consciousness have been collected by studying how reoffenders described their decision making, problem solving, meetings and interactions with the police, bailiffs, prison officers, social workers, employers, landlords, friends and families. Specifically, the interview questions explored how the interviewees experienced their connection to the education system, labour market, housing situation, financial situation and social relations in five time periods: pre-prison, in-prison, just before release, just after release and 6–24 months after release.

In Bourdieuan terms, I endeavoured to base my interviews on "active and methodical listening", as an attempt to limit the symbolic violence exercised through the interviewer–interviewee relationship as much as possible (Bourdieu *et al.* 1999, p. 608). Applying the relative field as a "thinking tool" to understand and distinguish the reoffenders on the basis of their living conditions, capital and criminal proficiency, I averted examining the reoffenders as a homogeneous social group. Additionally, the interviews were not analysed as personal life stories but as a collective biography of lifestyles and habitual dispositions of released prisoners – indicative of the underlying structures reflected in the prison system, the education system, at the labour market, of political strategies of homelessness and temporary accommodation, in employment policy and social policy, etc. (see also Bourdieu *et al.* 1999, p. 618).

3.2.1. In the footpath of released prisoners

It was a great challenge to collaborate with and follow subjects who were not previously known and who were going through a very turbulent and socially, financially and mentally difficult post-release time in their lives. Nevertheless, these were the conditions that formed the basis for the collection of the data. 11 of the 41 interviewees were not released in the interview period, but there were nine released prisoners I never managed to reconnect with, and the explanations were various. In some situations the released prisoners, their family members or friends

directly or indirectly informed me about the reason for the communicational disconnection. Even though the stories appeared as unique and individual, they still supported the divergent view of the living conditions of the post-released.

One of the interviewees I did not manage to re-connect with after his release was 20-year-old Therman. After our first interview in prison, Therman told me that he had received death threats because he had testified against some members of an outlaw motorcycle gang. Therefore, Therman had to assume a new identity – which precluded follow-up interviews. Another released prisoner called Niklaus announced directly during a telephone conversation that "(...) *I'm already doing a pretty good job ruining my life again, you know what I mean. So I don't need you hanging around listening*". I also received an indirect explanation as to why the communication was broken with a former drug user called Dargo when I tried to follow up at a scheduled interview. After several unsuccessful calls, Dargo's friend picked up Dargo's phone. The friend sounded surprised that Dargo had agreed to meet for an interview because, as he said, "*Dargo cashed in his NA-coin [Narcotics Anonymous], you know, he relapsed to the needle... You'll not get fucking shit out of him*". My experiences with Roger may also depict some of the external circumstances that could challenge the completion of follow-up interviews with released prisoners. It puzzled me that, around six months after my follow-up interview with Roger, a very friendly and committed released prisoner, I failed to get in touch with him. My ignorance about what had happened to Roger lasted until a conversation with Sinus (one of Roger's former fellow inmates) when I was asked if I still was in contact with Roger. After I confirmed that I was not, Sinus said "*That's not a bad thing, 'cause he is on the run. Dear Roger has gone into hiding, completely. None of us know where he is, even though quite a few of us would like to get our hands on him*".

The post-prison time period could be seen as a social, mental, practical and legal minefield which the released prisoners have to navigate on the basis of their resources, living experiences and the opportunities and constraints that were framed and visible to them through their habitual disposition (see also Wacquant 1989, p. 45, Bourgois 1995, Bourdieu *et al.* 1999, Sandberg 2008). As we have seen, many different factors could disturb and challenge the complex situation of re-entering society – which made qualitative follow-up-interviews in this time period with a high risk of recidivism problematic.

4. The situation in Denmark: indebted by legal costs

According to the Danish Administration of Justice Act of 1916, the state has a right of recourse against criminal offenders to recover the necessary costs of their criminal proceedings (legal costs).¹⁴ The necessary costs are, among others: the expenses of their appointed defence lawyer, technical investigations such as DNA tests and investigations concerning accounting data, etc.¹⁵ The Danish state does not take the income level of the convicts into consideration when calculating the legal costs and does not have a common practice of remitting the convict's legal costs (Olesen 2013a, pp. 126–138, 2013b, 2014). Convicts in Denmark are therefore ordered to repay the legal costs regardless of their income level.

The current study showed that in most cases the reoffenders were not aware of which item of expenditure they were charged to cover (Olesen 2013a, 2014). In a legal sense the legal costs were not categorised as a punishment (as imprisonment

¹⁴ Legal costs (cf. The Danish Administration of Justice Act 2013, chapter 91) should be distinguished from legal financial obligations (LFO) or monetary sanctions which cover a broad spectrum of different costs for court proceedings and punishment (such as fees, fines and restitution orders that the courts and other criminal justice agencies may impose on the subject accused of criminal activity).

¹⁵ Previously, prisoners in Denmark were also obliged to pay the financial costs of serving their sentence, which amounted to DKK 100 (EUR 13.4) per day. Based on rehabilitation considerations, this legislation was repealed on 1 June 1994. For wide-ranging fees and charges of inmates in some states of the US, see e.g. Anderson (2009) and Harris *et al.* (2010, pp. 1758–1760, 1784–1785).

or fines) but, from a socio-legal perspective, the legal costs could be analysed as an extra, informal punishment. The total amount of imposed legal costs and the average amount per criminal case were unknown, but according to a statement from the Danish Internal Revenue Service (IRS) made on 18 January 2013, the IRS had arrears in their favour from legal costs that amounted to DKK 2,028 million (EUR 272 million) at the end of December 2012. The debt was spread over approximately 60,000 debtors and 113,349 claims. The average claim amounted to DKK 17,892 (EUR 2,397). Specifically, the amount of legal costs assessed for the reoffenders I interviewed ranged from DKK 72,000 (EUR 9,646) to multiple millions of DKK.¹⁶

4.1. Recovery of debt stemming from a criminal conviction

Most of those interviewed for this study did not make regular payments to the IRS, which was a general pattern among the debtors of legal costs (The Criminal Law Committee, The Danish Bar and Law Society 2012). Until 2005, the police were responsible for the recovery of the debt of legal costs. The practice of the police was to recover only a symbolic amount. Since 2005, the IRS has taken over this task. As a result, the debt recovery practice has been intensified. The legal costs can now be recovered from gross income.¹⁷ As a result, the indebted released prisoners could not regulate the size of their retained earnings (unless they were lucky enough to make a favourable instalment agreement with the IRS). This meant that the take-home pay (after monthly payments to the IRS) from working compared to receiving social security did not have any (present) effect on the released prisoners' financial flexibility.¹⁸ The pay-out was calculated on the basis of a fixed disposable amount. Thus, the amount of the pay-profit which exceeded the disposable amount was sent directly to cover the debt. The welfare-poor got a temporary reprieve to defer repayment of their legal cost. So the financial line between the welfare-poor released prisoner and the workfare-poor released prisoner was unclear, and the lives of a large number of ex-prisoners in Denmark were profoundly shaped by the IRS and legal regulation of indebtedness. A 30-year old prisoner called Jeremias described the living conditions caused by his public debt to legal costs:

"When I get out, I'll pay off DKK 2,000 [EUR 268] in debt a month. I owe DKK 700,000 [EUR 93,950], so you can work out when I'm done repaying. I might as well forget about repaying. (...) I'll soon have served 10 years in prison, but financially I'm punished for life. The debt certainly keeps you down and makes it hard to start all over again (...) If I was really going to repay my debt and get out of this situation... I can't even cope with the thought of living like that for so many years. I might be able to repay more than DKK 2,000 [EUR 268], but I still have to live on oatmeal without getting anywhere. (...) You can't go on vacation with your girlfriend for the next 10 years, you can't buy anything, and you can't own anything. (...) I could get a job. I know I could. But I also know that the IRS will be there as soon as I get a job. So, after my release, I'll once again cash in my social security (...) I would prefer to earn "good" [official] money (...) I'm aware that my chances for going back to prison increase if I don't get a job. But if I do get a job it's still uphill. It's still not the life you want. You want to be able to buy stuff. You're soon cheating your way around – if you want something, another guy will have to sign for it – stuff like that, all the time. It's a vicious circle. (...) I don't really feel like working for a week and then giving away my salary. I don't get any of the money, and I'll never get done repaying."

Indebtedness caused social and material deprivation, family instability, financial stress, poor credit ratings, and reduced household wealth, decreased the

¹⁶ Indeed, the majority of the interviewed reoffenders with debt to legal costs were also obligated to make payments to public and private creditors for e.g. child support, claim for damages, deposit loans, subscriptions, leasing and personal loans.

¹⁷ The wide-reaching methods of recovery cannot be used by private creditors.

¹⁸ It should be mentioned that the debtors of legal costs cannot be incarcerated for non-payment; neither can the debtors repay legal costs through an alternative sentence such as imprisonment.

opportunities to accumulate savings, eliminated investment plans and the chances to purchase assets and took a severe toll on health and mental resources, etc.¹⁹ Jeremias' future prospect as an indebted released prisoner illustrated the transformation – how the formal punishment was a temporally limited experience followed by an informal punishment that put constraints on daily life and had a long-lasting and wide-ranging effect.

It should be noted that Danish processing of the legal costs differed from other claims because the costs stemmed from a criminal conviction. Attention to the enforcement of the law was in evidence in the practice of debt relief. This meant that debt relief in respect of legal costs was only being carried out in practice in very special circumstances. In the enforcement of the law of legal costs, it was said to be important that the exact amount was charged and recovered effectively. Using the population's *sense of justice* in assessment of debt relief of the legal costs, most applications for debt relief were refused (Olesen 2013b). The Danish Recovery Act 2008, section 13, subsection 2 (3), which was specially developed to give marginalised citizens in Denmark remission of their debt to the state, states: "*The remission cannot generally take place if a considerable debt has been incurred due to conditions of legal costs or claim for damages.*" The chances of ex-prisoners being given remission by the Arrears Recovery Authority or debt relief under the Bankruptcy Act were therefore minimal (Olesen 2013b). The legal costs imposed a particularly burdensome and consequential form of debt on the interviewed ex-prisoners. Thus, the debt position due to legal costs was different than other types of debt. The IRS has outlined that the debtors should have a "*simple standard of living and a simple home*" until they become debt-free.²⁰ If the debtor buys property or expensive goods, the IRS has the right to seize the assets (The Danish Guidance and Directions for Recovery 2010). This can be carried out as a part of an intersectoral authority's co-operation between the IRS and the police, e.g. in connection with a police raid and visitation by the police.

Below, I draw on my interview and follow-up interview data to identify the consequence patterns that flow from the often long-lasting situation of indebtedness and the effect of the indebtedness on the education, employment and housing situation of reoffenders from Danish prisons.

5. Findings

The findings suggest that indebtedness of prisoners had adverse effects on the debtors during imprisonment and after release. The findings are organised into three main sections which analyse how the education, employment and housing situations of reoffenders were affected by their experiences of and reactions to their indebted position. The findings also indicate the difference in the reoffenders' experiences and reaction patterns dependent on their law-abidingness or criminal behaviour post-prison.

5.1. Education and indebtedness

This first section presents the main findings of indebted reoffenders' experiences with, and attachment to, the education system. The data showed that the reoffenders interviewed were less educated than the majority of the population in

¹⁹ Harris *et al.* (2010, pp. 1774–1777) also found that legal debt (LFO) in general was rather substantial relative to the expected incomes of male ex-prisoners, and that regular monthly payments will pursue them for many years.

²⁰ The IRS does not have a written definition or guidance to decide the scope of the terms a "simple standard of living" or a "simple home".

Denmark and that reflections and considerations regarding education were almost absent in their post-release discussions about everyday life and future prospects.²¹

5.1.1. Unofficial income through (re)education and (re)training

Education and training was to some degree important during imprisonment. During the interviews it became obvious that reoffenders were familiar with the legal barriers they faced after release and were able to identify the financial consequences caused by their indebtedness. Consequently, the indebted released prisoners knew that an education would not necessarily improve their chances for future employment and reasonable incomes. As an alternative, several of the interviewees indicated that they used their prison time to become (re)educated or trained into working fields that were more open-minded towards substantial cash payment that could leave their gross income under-reported. 28-year old Franch, who received a course certificate for demolition and removal during incarceration explained:

“I was a shop assistant for a while, but when I get out [of prison], I have to get work as a workman to earn some money paid in cash. It’s impossible for me to live on the IRS’s disposable amount (...) This way I can pay my rent with my salary and use the money paid in cash to live with. If I don’t commit any new crime, I think this is the only way to live a decent life.”

The reoffender’s explanation suggested that to stay crime-free (re)education and cash payment was the options visible to him and his dispositions (*habitus*), because money paid in cash was not reported as earnings to the welfare office or on any tax forms. The ex-prisoners often framed their recent work history and earnings in such a way that rent and utilities were covered by the official income and the unreported earnings were used to make ends meet (and in some occasions also for unreported luxurious consumption).

5.1.2. The well-educated ex-prisoners’ hide-and-seek with the IRS

A smaller group of the reoffenders explained a less common way to transform their education into a beneficial position despite their indebtedness. Hemming, a well-educated prisoner, owing legal costs of approximately DKK 1 million (around EUR 133,966) explained his future plan: “*I have to leave Denmark to earn money, otherwise the IRS recovers all of my pay-profit and I’ll end up with the same disposable income as social security.*”

Another reoffender called Asmund elaborated on why he had chosen to study for an internationally recognised master’s degree during his prison time,

“I would prefer to find work overseas (...) I know it’s my own fault that I owe money for legal costs but I’ve served my time in prison. I’ve also obtained an education, and I don’t want to be knocked down financially. It’s their [the IRS’] own fault if I manage to find a job overseas (...). Some choose to turn over a new leaf and then we have to pay because we work and suddenly get more than the disposable amount. And then there are some who stay on the wrong track who can’t pay their debt because they simply don’t have the money because they don’t want to pay. I think it’s wrong (...) I know my education is publicly funded, I know that, but you would also like a pat on the shoulder for turning over a new leaf, and that’s definitely not what you get.”

The statement that an education, paid for by the state and used overseas, could be one of the few options for transforming educational capital into official economic capital was an interesting point of view in relation to the economy of Danish society. Moreover, the quotations illustrate how the ex-prisoners who put effort into developing or extending their educational capital and getting a job were also the ones to face the legal responsibilities that an employee (who earns more than the

²¹ Education (including higher education) in Denmark is free for students from the EU/EEA and for students participating in an exchange programme. The Danish government also provides students with a monthly State Education Grant and Loan Scheme.

fixed disposable amount) had to claim as debtor, whereas ex-prisoners on social security in general were offered a temporary reprieve on legal costs repayments.

In summary, the largest group of the interviewees reported that their indebtedness was one of several factors (combined with e.g. having a criminal record and gaps in their employment history, cf. Olesen 2013a, pp. 296–301) that deterred them from taking an education. As for the smaller group of reoffenders who were interested in obtaining an education, the debt also had a major impact, and they were considering the best visible way for them to use their education and at the same time circumvent the legal regulation entailed by the indebted position. Their strategies included (re)education and (re)training within working fields where substantial cash payment was possible, or international educations that could result in work overseas to avoid the IRS' "recovery radar". Both of these strategies would have a negative impact on the Danish economy.

5.2. Employment and indebtedness

This second section presents the main findings of indebted reoffenders' experiences with the labour market. A Danish political catchphrase runs as follows: "Working should be worthwhile". That catchphrase could easily have been coined by an ex-prisoner. However, their economic incentives to work were limited due to recovery of debt, taxes, transfer incomes and social policies. Following on from the previous analysis of the relationship between debt and education, the follow-up in-depth insights into the ex-prisoners' living conditions also indicated that ex-prisoners shared a passive attitude towards the official labour market. An older reoffender called Torgot propounded a general view among the ex-prisoners: "(...) *you'll not make people work by taking their money (...)*." Subsequently, he left the following questions hanging in the air, which I have since heard repeatedly from many other ex-prisoners:

"(...) when they [the IRS] knock you out with all that extra debt (...) Why the fuck should you make a fresh start? Why would anyone earn a lot of money if they [the IRS] recover it? Nobody would bother to work then. Do they actually think that we would do that?"

The lack of economic incentive to enter the labour market was vital for most of the ex-prisoners.

The data identified four overall reaction patterns in the indebted ex-prisoners' relationship to the labour market: 1) their main income came from official employment supplemented with an unofficial income, 2) their main income came from unofficial employment supplemented with an official income, 3) they received social security and supplemented their transfer income with an unofficial income, and 4) they supported themselves exclusively with an unofficial income. The vast majority of the interviewees supplemented their official earnings or social security with an unofficial income (unreported earnings or property crime).

5.2.1. Official employment and its drawbacks

The ex-prisoners who wanted to live crime-free and hold an official job mostly remarked that before they turned down unofficial earnings and conformed to the legal regulations they needed to be informed by the IRS about the details of the payment plans and instalment agreement. An ex-prisoner called Jonathan noted,

"(...) I might as well just draw on social security like all the others when I get out of jail. Draw on the social security and work unreported. But now I'll try to do the right thing, try to get a job and see if it can work out. I sure hope so (...) If I can't make ends meet I'll do it my own way, because you have to have enough money to live on."

There was a difference between the ex-prisoners who had established a payment plan and instalment agreement with the IRS and the ex-prisoners who were still waiting for their fixed monthly repayment rate to be calculated in terms of solvency

by the IRS. As mentioned, Jonathan was still unaware of the size of his net income and therefore uncertain whether an unreported or under-reported income became necessary.

The majority of the interviewees had at some point (for a shorter or longer time period) tried to (re)establish a law-abiding lifestyle with an official income. A reoffender called Hassi clarified a common experience of the IRS' instalment agreements and recovery of the difference between the monthly payment and the fixed disposable amount,

Hassi: "(...) first of all, my chances for getting a job were limited because I've spent 8–9 years in prison and I had no job history. I tried to restart my apprenticeship as an electrician, but my training was completely out of date because I've been away from the field too long. So I had to start from scratch. It was very difficult for me to find a job due to my criminal record, but finally it paid off and I got a job."

Interviewer: "Did you like your job?"

Hassi: "Yes, the job was fine, but as I said earlier, I had no money (...) Quite a few times I thought to myself that receiving social security would leave me with more or less the same amount of money. I made some calculations to see whether it was worthwhile to work or not and I found out that I would get paid the same by doing nothing. After that I started to consider my opinions, because if I didn't do anything I wouldn't spend 40 hours a week working and instead I could spend that time making money on something else..."

After the interview, Hassi was once again sentenced to serve time in prison and remarked that he would not look for official employment to provide for himself and his family after his release. Hassi explained that the only difference between his living conditions before and after his recent incarceration was that his debt had increased.

A young reoffender called Elimar, who earned a living from dealing drugs, also described how he had previously tried to enter the labour market:

Elimar: "(...) once I worked as a road worker. I tried to get myself together and worked hard for a month and earned DKK 14–15,000 [EUR 1,943]. When I checked my account, I saw that I only received DKK 5,000 [EUR 670] because the IRS had recovered everything. After that episode, I didn't bother to work at all. I haven't worked ever since (...)"

Interviewer: "Do you think you would have been motivated to continue working if you had received the expected payment of DKK 14–15,000 [EUR 1,943]?"

Elimar: "Yes. They [the employers] were satisfied with me and I enjoyed working there."

Interviewer: "So the reason why you don't bother working is all about the size of the pay cheque?"

Elimar: "The IRS is responsible for me being demotivated to work. They recovered my money without saying a word. I was with my girl on my way to the city and I wanted to withdraw some money, and then suddenly I discovered that I only had DKK 5,000 [EUR 670]. What have I been working for for the last four weeks from 6 am to 5 pm? What have I been working for? You work as a road worker and then you get flipped off – so now I just want to return the favour."

Hassi's and Elimar's experiences from entering the labour market were comparable to those of many other ex-prisoners. They both found that the recovery of their debt and reduced payments eliminated their motivation to stay employed. As an alternative to their reduced payments, they both chose an unofficial income.

5.2.2. Social security and unofficial income

The majority of the interviewees received social security after they were released from prison which they supplemented with earnings from unreported work or property crime. Their official income remained below the IRS' fixed disposable

amount, and in general they therefore qualified for a temporary reprieve to defer repayment of their legal costs. This legal setting benefited the social assistance recipients, which could be one of the explanations for Tranæs *et al.*'s results which showed that released prisoners were more dependent on social security compared to the majority and that their social security dependency stayed significantly high throughout the 5-year observation period (Tranæs *et al.* 2008).

I met Andi a few months after his release. Andi was one of the released prisoners who had a combined income of social security and unreported earnings. He reported that, straight away after his release he had received

"(...) start help. I received DKK 5,000 [EUR 670] on 2 April which had to last until 1 May (...) and started my unreported work on 4 April and I've been working every day, seven days a week ever since (...)" Andi remarked about his income source that "I would like to have an official job, but I do know what comes with an official job and all the instalment agreements and creditors. But at the same time you don't earn much by working unreported, because your employer know very well that you also receive social security (...) therefore unreported wages are very low."

The employer's knowledge about Andi's vulnerable living conditions and combined income gave the employer the upper hand in their wage negotiation, which resulted in a humble wage rate. Based on Andi's social position as an indebted ex-prisoner, he indirectly outlined the benefits and disadvantages of having an official and unofficial economy. The discrepancy between the IRS' fixed disposable amount and the living conditions that the ex-prisoners desired was a problem for both the workfare-poor and the welfare-poor ex-prisoners.

5.2.3. Unofficial income and a couldn't-care-less-attitude

The ex-prisoners who only supported themselves with unreported work or property crime mainly explained these income sources due to an economic disincentive to find work. One of them noted,

"(...) you don't have to think about what's going to happen to your bank account (...) I'll not let them [the IRS] take my money (...)."

An ex-prisoner called Konrad emphasised: "(...) I've always had unreported work (...) The municipality has tried to enrol me into job-activation programmes without any luck."

The ex-prisoners who were not reliant on social security (or any official income) minimised the stress from the IRS and avoided being forced to participate in labour market programmes and activation. What some of the ex-prisoners articulated as powerlessness, disinterest and resignation towards the official labour market concealed an underlying desire to fight what they believed to be unjust. The interviews showed that this group of ex-prisoners was constantly frustrated by the sense that from their habitual dispositions there was no visible alternative to their indebtedness and living conditions. Some of them were very creative and used their unfavourable situation and immense debt to find the loopholes in the legislations to take advantage of all possible situations to cash in at the expense of the state. A reoffender called Patrick illustrated his couldn't-care-less-attitude towards his government debt:

"When I signed the divorce decree, I wrote that we had not lived together for eight months even though it was a lie. But this way she [the ex-wife] got eight months of child support. I just did it to get as much money out of the public purse as possible. And afterwards we split the amount fifty-fifty (...) I still pay child support to my ex-wife even though the kids live with me. She might as well get the money, because it doesn't affect my financial situation."

Another reoffender remarked, "The state steals from me so I steal from them. I know it's bad but what should stop me? I owe so much money I'll never be debt free. So why not borrow some more?"

The Danish state pays the public expenses in advance for citizens that cannot afford to pay, and consequently the state has legal recourse to demand payment by the debtors of their government debt. For the interviewed ex-prisoners, the debt often seemed immense and the motivation to repay the debt was limited. Therefore, some of the indebted ex-prisoners decided to minimise their official income, get a temporary reprieve to defer repayment of their government debt, while in the meantime they increased their government debt purely to enrich themselves, family or friends. In summary, the collected data indicates that legal regulation connected to curtailed living conditions of financially and socially unprivileged subjects at the bottom of society can backfire negatively on the macro-economy of Danish society.

5.3. *Permanent housing and indebtedness*

This third section presents the main findings of reoffenders' housing status and discusses how indebtedness relates to the housing status and social exclusion. The section is in two parts. First, I identify the prisoners' difficulties in holding on to their residence and ensuring an acceptable place to live after release. Secondly, I examine the difficulties for the indebted ex-prisoners in having or not having an address listed in the Danish national register (DNR).

5.3.1. Re-housing based on compromises

Most of the interviewees had no fixed residence prior to imprisonment or had lost their homes during arrest. In general, the housing problem mostly occurred during the transition period – when, as average citizens, they were registered as remanded in custody. Often the evictions (which happened when they were not present) also resulted in their loss of furniture and other assets. Even though wide-ranging problems occurred during the interviewees' time in custody, most of the collateral consequences of the legal problems did not become apparent to them until just before or just after they were released.

In general, prisoners were eligible for release on parole after serving 2/3 of their sentence, but they needed to have an address or a temporary place to stay. The collected interviews revealed that the about-to-be-released-prisoners were making great compromises to ensure they met the demand of housing. The most common compromises identified in this data influenced the size of the rent, the location of the house and the move-in date. It was difficult to find a home that matched the released prisoners' living conditions, and often the prisoners only got a single chance to make a deal with a landlord. Consequently, their limited choice made them accept the housing offer they got – even though the rent might be too high, the house might be located in a ghetto area influenced by drugs and they had just become clean, or the move-in date was not even close to matching the release date. The interviewees explained that they mostly accepted the housing offer believing that they could just move away from the expensive residence or the unpleasant neighbourhood after they had been released on parole. Thus, they were often surprised when they found that their creditors put a charge on their deposit, prepaid rent or loan for a security deposit. Once a charge had been applied, the ex-prisoners, with little or no scope for taking out a loan for another security deposit, were more or less "chained" to their new residence, or homeless (see also Bourdieu *et al.* 1999, p. 127).

5.3.2. Released to homelessness

In contrast to the parolees, there were no demands made of prisoners who served full time with regard to having an address or a temporary place to stay. Consequently, an unknown number of prisoners in Denmark were released to homelessness. Nevertheless, this study showed that re-entering society without a DNR address complicated the establishing of an official income and housing, because housing problems often caused chains of challenging events and regulation

by laws that were interrelated. To serve as an example, all payment received from the public sector was transferred to a person's Easy Account (bank account). Setting up an Easy Account at a bank required a DNR address. Additionally, the absence of an Easy Account meant that the ex-prisoners could not receive social security. Putting down a deposit for a home (DNR address) became a great challenge for the ex-prisoners who did not receive social security, and the municipality could not take out a loan for a security deposit for the ex-prisoner because, mostly, in previous situations they had already taken out such a loan without repaying it (public loans for security deposits are restricted to a maximum of one per person). Hence, the re-entry process illustrated the complexity and close-knit nature of the legal barriers connected to indebtedness and homelessness.

5.3.3. Intersectoral collaboration and action on official addresses

The housing challenges of the newly-released prisoners were not only visible and costly for the ones who did not have a place to stay. Ex-prisoners with an official address, in contrast to the homeless ex-prisoners, received bailiff's notices and became familiar with visits from the bailiff who pursued them and made a claim on their property and unnecessary living expenses. Hasan, an ex-prisoner, explained it simply: *"You can't own a thing. That's the problem."* Another ex-prisoner called Georg put his frustrations about the unclear rules for the bailiff visits into words, *"Ah, hell they [the bailiffs] aren't going after my pots and pans are they?"* The quotation illustrates how difficult it may be to define the difference between necessary/unnecessary property and living expenses. This led to doubt and insecurity among many of the interviewees and their families about their rights (see also Olesen 2013a, pp. 262–264).

The bailiffs in the IRS also had coordinated collaboration with the police to collect unpaid debts, and the police were able to visit the indebted ex-prisoners who had an official address and conduct a search of the home, with the aim of confiscating any larger sums of money or objects of a certain value, to cover their debt. The interviewees' general experiences of a police search in their home were expressed by an ex-prisoner called Gudman:

"(...) I would like all citizens in Denmark to learn what it means to have a police search in your home (...) to say it straight to your face – you wouldn't believe such bastards. The way they speak to your wife, the way they speak to your kids, just look how they ruin your home. They don't give a fuck. And they'll always find something illegal, a knuckle-duster or a knife that's two mm too long. Even if you explain to them that it's an old heirloom or something ... 'cause if they find something illegal they don't have to replace the things they broke. I tell you, man, they trampled around, knocked my CDs to the floor, trampled on them and whoops the television suddenly also got a dent and a scratch. I tell you, such bastards."

The stories of Gudman and most of the other interviewees were not consistent with the law prescribing that "A search should be carried out as carefully as the circumstances allow and to the extent possible avoid destroying or damaging, and without the interference giving rise to undue attention due to timing or method" (The Danish Administration of Justice Act 2013, chapter, 73, section 798). However, the ex-prisoner called Rene also noted how the police search affected both him and his girlfriend:

"(...) it's insulting. (...) the door gets kicked in at 5 am and four policemen are putting their dirty hands on your woman and are asking her how much money she is hiding. And what she is doing with a guy like me? And how much money do I owe? (...)."

From Rene's perspective, the police were not only physically breaking in to his house, they were also crossing the line into his personal space and for a while he felt captured in his own home. The interview with Rene went on, and we discussed the consequences of the police's focus on Rene and his girlfriend's financial situation during the searches:

Interviewer: "Have you been in contact with the IRS?"

Rene: "Yes."

Interviewer: "Did you contact them or did they contact you?"

Rene: "Well, I contacted them because they use other methods to get in contact with me. They use the police and I don't want that to happen."

Interviewer: "Did they leave you alone after you got your instalment agreement?"

Rene: "Actually they did... Well, almost."

Interviewer: "How had your situation been before your agreement?"

Rene: "Well, before, the police took me to the police station and bailiff's court every second day – back and forth, and they searched my home."

Interviewer: "Is that one of the explanations why you got an unofficial address so they can't drop by and search your house?"

Rene: "Exactly, of course. (...) today all public debt is collected by the IRS (...) that means that the police have become the IRS' henchman. Don't get me wrong, but they are a kind of gang. They're just as unpleasant as the gangs that go around threatening with blackmail. The only difference is that the IRS has the law on its side."

First, the regular visits from the police and bailiffs had made Rene feel that he was forced to make an instalment agreement. Secondly, the visits forced him to obtain an unofficial address. The address where Rene did not live was listed in the DNR, while Rene's actual address was not. This strategy of double addresses expressed by Rene and many other ex-prisoners was arranged to try – for a certain period of time – to prevent the bailiff from visiting and applying a pre-emptive charge and also to discourage the police from searching their home and confiscating their assets.

In summary, the findings of how indebtedness related to the housing status of reoffenders showed that most of the interviewees did not have permanent housing prior to imprisonment or had lost their homes during arrest. For the about-to-be-released parolees, it seemed to be very difficult to find an acceptable place to stay. Often they had to make compromises on the rent, location and move-in date. Consequently, they only had limited chances to move after getting their parole because of their creditors' right to apply a pre-emptive charge to their deposit/prepaid rent. Post-release, the homeless ex-prisoners encountered the challenges of receiving social security without an Easy Account and a DNR address. By contrast, the ex-prisoners with an official address revealed how they attracted both bailiffs, who wanted to impose a pre-emptive charge on their money and unnecessary belongings, and the police, who searched their home with the aim of confiscating any larger sums of money or objects of a certain value, to cover their debt. The difficulties in finding a proper home and the following consequences caused by registered housing and indebtedness meant that many of the interviewed ex-prisoners used unofficial addresses.

6. Discussion

Taken together, this interview and follow-up interview data supported two conclusions regarding indebtedness of convicts.

6.1 Indebtedness - extra burdensome for the law-abiding ex-prisoners

First, the study clarified that the law was very influential and dominating in the lives of the ex-prisoners, whose personal living conditions and daily events were repeatedly regulated by, e.g. the police, the Supervising Authorities, the local authorities, the job centre, the Tax Authority, the Authority Debt Recovery, and the bailiffs. The data suggests that the experiences of the legal barriers to re-entry into

society and the informal punishment related to the labour market were primarily affecting and impacting the law-abiding ex-prisoners negatively compared to the criminally active ex-prisoners. The law-abiding ex-prisoners pursued (re)entering the labour market, fully aware that they would be confronted by potential employers with their criminal record, lack of or non-attractive employment history, and few marketable skills. The few law-abiding ex-prisoners I followed who succeeded in finding a job tried in different ways to compensate for their former wrongdoings and went the "extra mile" at work to prove successful without getting rewarded financially (except from their debt depreciation). The IRS recovered their pay-profit, so they ended up with a net income comparable with social security. The effects of the informal punishment and indebtedness were not limited to the law-abiding ex-prisoners themselves but were also affecting their families. Their financial distress meant that the indebted ex-prisoners (with or without an instalment agreement with the IRS) could not own anything of value or save up money to invest in assets, a vacation, etc. This study suggests that ex-prisoners who had an official job and a DNR address were more likely to get visits from the bailiffs, who wanted to make a claim for their money and possessions, as well as the police, who would search their home and confiscate money and valuable assets – visits that could put financial and emotional stress on all family members and not only the ex-prisoner. Existing studies have suggested that punishment was likely to be more costly for well-educated people and high earners because imprisonment implies time out of the labour market (see, e.g. Moretti 2007, Lochner 2004, Waldfogel 1994). In comparison, the informal punishment and indebtedness could also be considered as more financially, emotionally and socially costly for the law-abiding ex-prisoners, because they had made an attempt to (re)invest time and money in the official institutions of society.

In contrast, the findings suggests that the ex-prisoners who continued their criminal career only experienced the mental, social and practical effects of, for example, their debt and criminal record to a minor degree, because they had often established an alternative lifestyle outside "mainstream society". An ex-prisoner called Anders who had re-established his criminal career post-release explained,

"(...) I live as a pusher, so I haven't really felt the impact of legal costs. I live in that lawless society – education and that kind of stuff doesn't matter, because I've got the money I need. You know, when you walk on a golden path you don't consider the other stuff. You live a decent life, you've got no problems. I can live as I want if I just sell a few grams of weed. You don't have that many concerns."

Their alternative lifestyle was, for example, based on the development of an unofficial economy and occupation, an alternative safety net, alternative ownership and temporary housing conditions or an unofficial address to compensate for the abovementioned negative consequences of the complexities of indebtedness and legal barriers which the law-abiding ex-prisoners faced during their re-entry process. Moreover, this data indicates that the wide-ranging burden of substantial legal costs and debt in general may encourage antisocial rather than pro-social behaviour. In particular, the interviewees reported that indebtedness created a disincentive to be (re)integrated into mainstream society and instead encouraged them to establish an alternative lifestyle underground – outside the "radars" of society's main institutions and registration systems. Taken together, the consequences of the informal punishment and indebtedness were far-reaching and more burdensome for the law-abiding ex-prisoners than they were for the ex-prisoners who continued their criminal activities.

6.2 Debt - a direct and indirect criminal risk factor

Second, the analysis of the relationship between indebtedness of ex-prisoners and their affiliation to education, employment and housing may help us to see crime preventive factors and risk factors in a new light. Most ex-prisoners in Denmark must be regarded as highly indebted to the state, and this data with indebted ex-

prisoners indicates that debt was a contributing factor in heightening the risk of recidivism. Legal costs and debt in general could thus be regarded as a direct criminal risk factor. Furthermore, the studies of crime preventive factors such as education, employment and permanent housing reported above illustrated that the ex-prisoners who started or completed an education, became employed and/or were released with access to permanent housing were less likely to find their way back to a criminal path. However, the data analysed for this study shows that these preventive factors against criminal relapse became less effective due to the ex-prisoners' debt. The debt was negatively influencing the motivation for starting or completing an education. Likewise, the ex-prisoners shared a passive attitude towards the labour market. The pay-profit of having a job, compared to receiving social security, did not have any (present) effect on the indebted ex-prisoners' financial flexibility. Accordingly, the financial boundary between the welfare-poor and the workfare-poor ex-prisoners was unclear. Their passive attitude towards the labour market was partly connected to the welfare state's financial compensation of unemployment and undermined the labour market policies and the dominating way of thinking of workfare and self-supporting as the way out of social problems. The debt also impacted the decision and opportunity for the ex-prisoners to register with an official address, because, as soon as they were registered with an address, the bailiff could pursue them and make a claim on their property. The police would also be informed of where they lived, and were thereby able to visit the address and conduct a search of the home, with the aim of confiscating any larger sums of cash or belongings of a certain value, to cover their legal debt. In summary, legal regulation based on indebtedness served as an argument for considering debt as a direct and indirect criminal risk factor, which made the preventive factors less effective, and drove the indebted ex-prisoners farther from the legitimate socio-economic advantaged affiliations because of their debt to the state.

In short, the two conclusions regarding indebtedness of convicts suggest, first, that the consequences of the informal punishment and indebtedness were less burdensome for the criminally active ex-prisoners in contrast to the law-abiding ex-prisoners. Secondly, it is argued that debt was a direct and indirect risk factor for relapsing into crime.

7. Conclusion

Ex-prisoners who could not pay their legal costs were burdened with this substantial debt – one which lay heavily on their already burdensome living conditions and weakened their ability to sever their affiliation to the criminal environment. By placing the ex-prisoners on an income level comparable with the IRS' disposable amount and thereby demotivating them to get an education, find employment and/or establish an acceptable housing agreement, as well as limiting their access to credit, transportation, savings possibilities and ownership and increasing the risk of ongoing criminal behaviour and entanglement with the criminal justice system, legal costs and debt in general considerably intensified and extended the informal punishment and legal barriers that the ex-prisoners faced after incarceration. Like other forms of informal punishment, the imposition of legal costs affected not only the ex-prisoners but also their non-convicted family members (see also Comfort 2007, 2008).

Penal, employment, social and housing policies constitute separate sectors of the Danish welfare state. Crime and penal policies are defined as focus points for the control system, while employment, social and housing policies are the crux of the matter in the support system of the welfare state. However, the disparate sectors and their appertaining legislation should indeed be examined as complex and interrelated legislation areas that have a major impact on each other and the lives they are affecting and regulating (see also Wacquant 2009b, Piven and Cloward 1971, Rusche and Kirchheimer 1939).

Legal costs and legal indebtedness have important implications for the criminological and socio-legal understanding of formal and informal punishment connected to rehabilitation programmes and crime-prevention initiatives. While keeping legal debt to a minimum and dealing with ex-prisoners' debt is only one among a number of challenges for re-entering society, it can have a great impact on the success of ex-prisoners in reducing the risk of recidivism and improving their living conditions. This study serves to underline the complexity of ex-prisoners' indebtedness, a matter that requires more attention and further investigation.

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