

EVALUATING THE SUCCESS OF OREGON'S
NORWEGIAN-INSPIRED PRISON REFORM

by

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This thesis aims to understand Oregon's progress towards prison reform through the Amend program. Inspired by the Norwegian prison model, the Amend program provides trainings and support to correctional officers and staff with the goal of increasing wellness for the staff as well as the adults in custody. Since 2016, Oregon correctional staff and policymakers have been on two Amend-led trips to Norway. According to the chief program officer, Oregon is the state that has embraced the Norwegian model the most. I will evaluate the success of the Norwegian model for Oregon's prison reform. This thesis focuses on the Oregon Department of Corrections as they are directly enrolled in the Amend program. Through interviews, I have gathered information on specific changes several prisons have made. Overall, the Norwegian model has been successful at shifting the perspectives of officers and improving conditions for officers and adults in custody. On the other hand, local non-profits suggest prison reform in Oregon needs to be more radical. I will conclude that the Norwegian model in and of itself is not enough to address root causes of incarceration in Oregon.

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Glossary

This is a compilation of the abbreviations I will be using in the thesis.

- ODOC: Oregon Department of Corrections
- DOC: Department of Corrections
- AIC: Adults in Custody
- OJRC: Oregon Justice Resource Center
- PSJ: Partnership for Safety and Justice
- ACLU: American Civil Liberties Union
- CJC: Criminal Justice Commission
- NGO: Non-governmental Organizations
- RJ: Restorative Justice
- NCS: Norwegian Correctional Service
- UCSF: University of California San Francisco
- SRCI: Snake River Correctional Institution
- SHU: Special Housing Unit

Chapter 1: Introduction

Purpose of Study

As a prospective law student, I wanted to use this thesis to explore my personal interest in prison reform. I am also fascinated by international models of which I have learned about in my global studies major. One such international model is comparative penology. International studies scholars have always explored other countries and cultures to learn about and improve their own. For instance, the field of comparative penology evaluates the origins and functions of other penal systems. Beyond the scholarly world, some American organizations have turned to progressive prison models to learn how to reform our own prison system.¹ One such program is the Amend program which actively works with Norwegian correctional officials to implement reforms in the US. Currently, they work with the department of corrections in California, Oregon, Washington, North Dakota, and Minnesota. The program takes correctional officers, policymakers, and other practitioners to Norway. On the trip, they visit prisons, receive training from Norwegian correctional officers, and build relationships. The idea is to see a different way of doing things. Reforms vary between facilities, but the overarching goal is to reduce the harm done to adults in custody and create an environment that is rehabilitative. This is done by increasing humanization in jails and prisons by giving adults in custody more autonomy and treating them with respect. I also had the privilege to study abroad in Norway myself where I visited prisons, attended conferences, and made connections with prison reform practitioners.

¹ See Delaney, Ruth, et al. "Reimagining Prison."

After returning, I connected with staff in the Oregon Department of Corrections (ODOC) to understand their involvement in the Amend program. My research was originally guided by the question, *what should Oregon do to reform the prison system?* The Amend program was one of three reform types I wanted to evaluate. I was also interested in prosecutorial reform and policy reform. Once I started researching, though, I discovered there was more than enough material to write my whole thesis on Oregon's work in Amend. It was also the subject I knew the most about already.

While the Amend trainings are informed by Norwegian principles, they are adapted to Oregon's specific context. Moreover, ODOC is responsible for making their own reforms, while Amend simply offers a Norwegian-inspired ideology. While I will analyze the Amend program, this thesis is concerned with the Norwegian model they present. Some policymakers did attend the Norway visits, but in Oregon, Amend primarily worked with the correctional staff. Thus, I will not be investigating if the visits inspired changes in policymaking. Additionally, these reforms are executed on a state level, so I will not be evaluating reforms in jails or juvenile facilities. That is not to say that changes are not happening in either systems, it is just beyond the scope of this paper. After thoroughly evaluating the changes ODOC has made, I will analyze how successful the Norwegian model has been to prison reform according to ODOC's goals. To widen my scope slightly, I will also discuss the goals of prison reform according to prominent prison reform non-profit organizations. This will frame the research question both in the perspective of the correctional facilities themselves and the larger community.

I hope to combine theory with practice by providing a scholarly analysis of the Norwegian penal model and a practical understanding of Oregon's prison reforms. I knew from the beginning of the thesis process that I wanted to be able to use my thesis to expand my own knowledge and help others. By becoming an expert on the use of the Norwegian model in Oregon, I have a deep understanding of the vision for prison reform inside ODOC facilities. I hope to offer this knowledge to other prison reform practitioners interested in Oregon's work. I believe that my research can also provide clarity to practitioners that have not yet encountered the Norwegian model. This type of reform is promising and is already being used in other states. By analyzing its success in Oregon, other states can learn about the successes and shortcomings of the model.

Ultimately, I want to answer how successful the Norwegian model has been to prison reform efforts in Oregon. This will have implications for the future of prison reform in Oregon. To answer this question, I first ask, *what is the Norwegian model?* Then, *what changes has the Norwegian model inspired Oregon to make?* which I will evaluate through Oregon's engagement with the Amend program. Finally, I will answer *what is success in Oregon prison reform according to ODOC?* and *what is success in Oregon prison reform according to other prison reform practitioners?*

As a student, I have the luxury of being able to study. I can spend months, even years, studying one topic and learning about all its nuances. Considering all the events of the past year, I cannot imagine ODOC staff or other prison reform practitioners had the same luxury that I did. They had to respond to crises and did not have the same sort of time to stop and research. There is still so much more that I could have researched, but I hope that all the time and effort I put into this thesis can help those practitioners

that do not have time to do this research themselves. I am writing this thesis knowing full well that I do not have the same expertise in prison reform as those in the workforce doing the real work. I do not presume that I know better than them. I only hope that my research can offer a different and helpful perspective. This thesis is as much for others as it is for me. I have learned a ton from this process and am thankful for the time that I had to do the research.

Lastly, this thesis is written with the assumption that Oregon's prisons need to be reformed. I am not arguing why they need to be reformed because I think at this point, most people understand why the US prison system in general needs reforming. If one is interested in learning more about why Oregon should pursue prison reform, they can look at the bibliography or appendix 1 for further sources.

Materials & Methods

As a global studies thesis, my work is inherently interdisciplinary. I will be pulling from various fields such as criminology, international studies, political science, and history. The background of my research will rely on an understanding of existing literature. For instance, I rely on scholarly literature and personal experiences to define the Norwegian model and its shortcomings. On the other hand, there is no published research that aims to answer how Oregon's prison reform has been affected by the application of the Norwegian model. Thus, my analysis also relies on interviews with the ODOC staff directly involved in the Amend program. Some of them went to Norway and some only received training about Norwegian principles, but all of them are involved in Norwegian-inspired reforms. By talking with them, I have learned how

the Norwegian model affected Oregon's prisons. These are the questions that I asked all ODOC interviewees:

1. What changes did you or your facility make after the Norway trips?
2. What is the end goal of these reforms? How do you measure it?
3. What are some barriers to success?
4. How successful was the Norwegian model to Oregon prison reform?

Through these interviews, I attempted to learn about the specific reforms that ODOC facilities made since enrolling in Amend. Altogether, scholarly literature, personal experience, and interviews offer a holistic answer to my research question. I wanted my work to explain exactly what the Norwegian model looks like in practice, which is best done through asking the people involved in implementing it (in this case ODOC). To offer another perspective, my personal experience can corroborate or challenge the information from interviews and research. In a sense, I am collecting evidence from multiple sources to fact-check and supplement one another. Unfortunately, though, I was unable to capture all perspectives, such as that of those currently incarcerated. I will be discussing this limitation further in the conclusions chapter.

Definitions

Before beginning my analysis, I need to set the framework for a handful of essential words. I define these words based on common knowledge and personal experience.

System

The agencies and institutions involved in criminal justice work are typically referred to as one large conglomerate—the criminal justice system. Because most

readers are used to this phrase, I will be using it throughout my thesis. However, it is worth noting that the phrase “criminal justice system” implies there is one, unified system. That is simply not the case. The police department is separate from the prosecutor’s office, which is separate from the public defender’s office, and so on. There is a plethora of agencies involved in the front-end and back-end of incarceration. It is rare to find a system in which all these agencies communicate and collaborate harmoniously. That is why it is best to think of these agencies as separate and this field as the criminal justice systems. Because of precedence and for clarity, I will just be referring to it as the criminal justice system. Sometimes I may say “justice system” to mean the same thing.

Prison vs jail

There is a key difference between prisons and jails. People that are sentenced to a year or more typically go to prisons. If one is sentenced to less than a year, they go to jails. The jurisdiction is different because prisons are run and funded by the state while jails are run and funded by counties. Sometimes I will use “prison,” but most times I will use the term correctional facilities/institutions. These are interchangeable.

Adults in Custody

Titles matter. People that are living in a prison are no different from you and me. They are humans and how we refer to them should reflect that. Finding a word or phrase that is empowering, accurate, and concise is difficult. Many use the word “criminal” to refer to people that have committed a crime. Labelling someone as a criminal assumes that is all they are—a criminal. Assuming this defines them by a bad choice they made instead of considering the whole person. It separates them from

everyone else, making them a vulnerable group. Others have used phrases such as “people affected by the criminal justice system” or “people involved in the criminal justice system,” which is simply too wordy for a thesis. Words such as “prisoner” and “inmate” have been historically used, but they are degrading. Recently, ODOC has officially switched to using the term adults in custody (AIC), which aims to be less stigmatizing. This phrase refers to incarcerated people as adults that are simply located in custody. It is unclear to me if all correctional staff use this term in practice or if it is simply a formality. Moreover, I wonder if referring to someone by an acronym (AIC) is dehumanizing. It reduces a person to just three letters instead of recognizing their individuality. On the other hand, acronyms can be useful to quickly refer to a community of people, such as the LGBTQ or BIPOC community. While AIC is not perfect, I think it is more humanizing than most other terms and accurate. Thus, I will be using AIC wherever possible. Norway has not adopted the use of AIC but for simplicity, I will also use it when referring to those incarcerated in Norwegian prisons.

Correctional officers and staff

Typically, people refer to them as prison guards, but in this paper, I will be using “correctional officers.” This is because ODOC is shifting towards normalizing the language they use. “Guard” implies the duty of the officer is only to watch over the AICs. ODOC is now emphasizing the importance of healthy relationships between the prison staff and AICs. Thus, the staff should not be seen as guards, but as officers

instead. Correctional staff include all the people working for ODOC while correctional officers are the people working in the prisons directly with the AICs.

Reform vs. abolition

In this thesis, I will be using the phrase prison reform to represent work being done to improve prison conditions or reduce the reliance on incarceration. This work is incredibly diverse and can be anything from reducing the length of sentences to planting trees within prison walls. Reform is focused on working within the parameters of the current system. That means prison reform is not traditionally concerned with dismantling the prison system. Instead, reform typically promotes the existence of the prison system with improvements. This is in direct contrast with the idea of abolition. Allegra McCleod defines abolition as both decarceration and implementing rehabilitative services in place of current punitive methods.² Many associate the term abolition with destruction, which implies the reduction or elimination of incarceration. However, establishing new services is an essential piece of abolition. Typically prison abolitionists, such as Michelle Alexander, argue that the current prison system is not failing but rather functioning exactly how it was created to function. Inequality and dehumanization are not a sign of failure, but rather success because the prison system was made to oppress and segregate.³ Of course the line between reform and abolition can blur and there is a spectrum. Generally speaking, though, Amend is an example of prison reform work.

² McCleod, Allegra. "Prison Abolition and Grounded Justice."

³ Alexander, Michelle. *The New Jim Crow*.

Personally, I find this argument compelling because of the history of punishment. Steeped in racism, punishment was designed to discriminate, isolate, and traumatize offenders. No matter how many reforms practitioners make, the prison will function as designed. That is not to say that prison reform is ineffective. In fact, prison reform movements in Oregon have helped reduce incarceration and improve conditions for AICs and staff. However, I should be clear that I am personally inclined towards prison abolition, which will affect how I interpret the success of ODOC's reforms.

Prison reform

Typically, the phrase "prison reform" is used to describe efforts to improve the criminal justice system. It is not just limited to change in prisons; it can include reforms to parole and probation, policies, sentencing, etc. Thus, it is important to note that while "prison reform" suggests it only refers to prisons, it applies to correctional facilities and the broader criminal justice system.

The Norwegian Prison Model

Another phrase I will use frequently is "Norwegian model" or "Norwegian prison model." I will use these interchangeably. Norwegian model, in this case, only refers to their prison system. In other fields, the Norwegian model may refer to their welfare state and political system. However, this thesis is not concerned with those topics and thus Norwegian model in this case only refers to their prison system.

Successful

My research question revolves around the word "successful," which is paramount to understand. To determine if something is successful, we must first

understand the objectives. The Norwegian model is meant to rehabilitate AICs through treating them with human dignity and creating a prison environment that reflects the outside world as much as possible. Oregon became involved with the Norwegian model to improve the wellness of the staff and AICs, which I will be discussing more in chapter 5. Thus, the Norwegian model is successful if it helps Oregon achieve these goals. I will be identifying these specific goals and along with others in chapter 6. Of course, success is subjective to an extent. There is no single way to measure if a program has achieved its goals. For this, I rely on my interviewees and the Amend program to determine if the program was successful to them.

Roadmap

The next chapter will provide the background on Oregon's prison system and highlight some major prison reform movements. Then I will discuss how Oregon's prison system compares to Norway's as seen in recidivism rates. This will help clarify the differences between the two areas. Chapter 3 is the literature review section where I aim to identify what research has already been done on my topic. Since my topic is so narrow, I decided to do a literature review on research done on Oregon prison reform in general. This will help give context to Oregon prison reform work overall. Chapter 4 will discuss the Norwegian model from a theoretical and practical standpoint. First, I will address the scholarly literature on the model and then include my personal experiences visiting two famous Norwegian prisons. Material from conferences I attended will also supplement this section. Chapter 5 is "The Oregon Way," which defines the Oregon prison model and the state's engagement in the Amend program. Then I will be discussing the specific reforms ODOC facilities have made according to

my interviewees. Chapter 6 will attempt to directly answer the research questions.

Finally, in chapter 7, “Conclusions,” I will discuss the significance of this research and possibilities for further research.

Chapter 2: Background

The State of Oregon's Prisons

Oregon's prison and jail population has increased drastically from 5,655 people in 1983 to 20,334 in 2015.⁴ This is a 260% increase over the course of slightly over 30 years. This is not the direction Oregon should be going in. Predictions in 2012 suggested that the Oregon's prison population was to grow by 2,300 people over the next ten years which would require \$600 million and the construction of a new prison.⁵ In response, Oregon Governor John Kitzhaber invested in the Justice Reinvestment Initiative, or HB3194, that would financially support alternatives to prison.⁶ While this bill has been influential, Oregon still has a lot of work to do.

People of color in Oregon are most affected by mass incarceration. While black people made up only 2% of the population in 2015 and 2017, they made up 9% of the population in both local jails and state prisons.⁷ Other people of color are also disproportionately incarcerated. Native Americans are incarcerated 1.6 times the rate of white people.⁸ The rate at which women are incarcerated has increased by 1,223% between 1980 and 2017.⁹ The female experience is typically overlooked yet is a topic outside the scope of this thesis.

⁴ "Incarceration Trends in Oregon." Vera.

⁵ Shames, Alison and Ram Subramanian, "Common Ground"

⁶ Ibid.

⁷ "Incarceration Trends in Oregon." Vera, 1.

⁸ "Incarceration Trends in Oregon." Vera, 2.

⁹ "Incarceration Trends in Oregon." Vera, 1.

Beyond state level trends, county-level patterns show disparities as well. For instance, “...the highest rates of incarceration are in smaller cities and rural counties.”¹⁰ In 2015 the rate of incarceration in Oregon’s rural counties was 208 per 100,000. In comparison, Multnomah County (a dense urban county) was 153 per 100,000.¹¹ The issue of incarceration in Oregon is not uniform and cannot be fixed with one method. That is why a plethora of reform movements exist in Oregon, some of which I will highlight below.

A Brief Introduction to Prison Reform in Oregon

Prison reform is manifested in several different fields from ODOC to non-profits to grassroots efforts. In Oregon, there are a handful of non-profit organizations actively working on prison reform. These include but are not limited to Partnership for Safety and Justice (PSJ), Oregon Justice Resource Center (OJRC), American Civil Liberties Union Oregon (ACLU Oregon), Oregon Citizens United for Rehabilitation of Errants (CURE), Critical Resistance PDX, Oregon Innocence Project, Oregon Prison Project, Disability Rights Oregon, and Restorative Justice Coalition of Oregon (RJCO). It is stunning that this incredible list of organizations does not even capture all the prison reform efforts. I am certain there are more organizations, grassroots efforts, and communities fighting for prison reform. While I cannot capture all the reform efforts, I hope this section can shed some light on the precedent in Oregon’s prison reform movement. This will better help position ODOC’s reforms among the other reform efforts.

¹⁰ “Incarceration Trends in Oregon.” Vera, 3.

¹¹ Ibid.

One major type of prison reform in Oregon is educational campaigns or raising awareness. For instance, the Oregon Criminal Justice Commission (CJC) is assigned to reporting on the demographics and trends in prisons and jails. This organization frequently presents at conferences, such as the Women in Prison conference held by the OJRC. The CJC also hosted the Justice Reinvestment Summit where policymakers, prison officials, and leaders in prison reform convened to discuss Oregon's progress in prison reform. ACLU Oregon has also published reports on Oregon's prison system and suggested specific changes.¹² The OJRC and PSJ publish reports on barriers to justice in Oregon and how to overcome them. Raising awareness about the need for prison reform is incredibly vital to increasing public support for these changes. These organizations are also actively involved in several internal projects not reported to the public. Many of these organizations have convened on one effort—the Justice Reinvestment Initiative.

The second theme is policy reform. In July 2013, the Governor John Kitzhaber passed Oregon HB 3194 which had three main goals: slow the prison population growth; avoid spending an extra \$326 million on prisons; and support investment in effective programs for reducing recidivism, increasing accountability among offenders, and improving public safety.¹³ This initiative is funded by the US Department of Justice's Bureau of Justice Assistance (BJA) and in partnership with the Pew Charitable Trusts. Many non-profits worked closely with Oregon citizens to ensure the policy reflected common values.¹⁴ PSJ was one of them. In fact, I was an intern for PSJ in 2018 and worked on the implementation of HB 3194. As a result of this bill, Oregon has

¹² See ACLU Smart Justice. "Blueprint for Smart Justice Oregon."

¹³ Shames, Alison and Ram Subramanian, "Common Ground."

¹⁴ Ibid.

avoided building a whole new male prison and saved over \$250 million.¹⁵ This bill is much more than a money-saver, though. It supports data collection on incarceration, promotes community alternatives to incarceration, and fosters collaboration between counties and the Oregon Criminal Justice Commission.¹⁶ I sat in on one of the monthly meetings and was really impressed to see people working together from all different fields. Bills like JRI are one of many¹⁷ promising approaches to prison reform.

Restorative justice is the last main theme I want to highlight. The Restorative Justice Coalition of Oregon is a state-wide organization that convenes practitioners from all different justice-involved agencies and programs. They hold discussions on implementing restorative justice (RJ) in the criminal justice system and beyond. I have been to one of their meetings in 2018 and saw the power of this movement. Other examples of RJ include dispute resolution organizations, of which there are many across the state.¹⁸ On a county level, criminal justice agencies are implementing RJ into their processes. Deschutes County is one of many counties that use RJ in their juvenile system by engaging the community in the sentencing and rehabilitation process.¹⁹ The move towards RJ in Oregon offers hope for a new prison paradigm.

This thesis will look at changes that ODOC has made since 2017 when they enrolled in the Amend program. Prior to Oregon's enrollment in the program, the

¹⁵ "Justice Reinvestment." Criminal Justice Commission.

¹⁶ Shames, Alison and Ram Subramanian, "Common Ground."

¹⁷ More recently, Oregon Measure 110 was passed. It decriminalizes small amounts of drugs and invests money into rehabilitation services. Read more at: [https://ballotpedia.org/Oregon_Measure_110,_Drug_Decriminalization_and_Addiction_Treatment_Initiative_\(2020\)](https://ballotpedia.org/Oregon_Measure_110,_Drug_Decriminalization_and_Addiction_Treatment_Initiative_(2020)).

¹⁸ See <http://rjoregon.org/what-is-rj/rj-by-county> for specific organizations and dispute resolution programs.

¹⁹ Maloney, Dennis, and Deevy Holcomb. "In Pursuit of Community Justice Deschutes County, Oregon."

Department of Corrections was engaged in improving the prison environment for staff and AICs in special housing units (SHU).²⁰ Later that year, Oregon decided they needed a bigger change and enrolled in the UCFS (University of California San Francisco and Santa Cruz) culture change program, also known as Amend. This is the reform that I will be discussing more in-depth in chapter 5, “The Oregon Way.”

Comparative Recidivism Rates

The Amend program is inspired by the Norwegian prison model. Thus, I find it necessary to briefly compare the Oregon and Norwegian prison model. Knowing how similar or different these systems are will set the stage for a later discussion on how successful the Norwegian model is in Oregon. Recidivism is widely regarded as the most relevant and common method to compare the efficacy of prison systems. Later, I will detail alternatives to recidivism, but for now, I will use recidivism as the standard. This rate measures how often a previously incarcerated person commits another crime. However, each state defines recidivism slightly differently. In Oregon, the CJC is tasked with recording data related to crime and presents at major criminal justice conferences.²¹ The CJC defines adult recidivism as specified in Oregon House Bill 3194 section 45 as a re-arrest when fingerprinted, a reconviction of a misdemeanor or felony, and/or a re-incarceration of a new felony crime.²² These three factors are tracked separately, meaning one individual can account for three recidivism instances. Federal, or out-of-state recidivism, cannot be measured because the CJC simply does not have

²⁰ Ahalt, et. all, “TRANSFORMING PRISON CULTURE TO IMPROVE CORRECTIONAL STAFF WELLNESS.”

²¹ Such as Women in Prison hosted by OJRC, Lobby Day hosted by PSJ, and the Justice Reinvestment Summit 2019.

²² Schmidt, Mike, et al. “Oregon Recidivism Analysis,” pp. 5.

access to other state databases.²³ Measuring recidivism is reliant on databases so if an arrest, conviction, or incarceration is not entered into the database, it will not be counted towards recidivism.²⁴ This means that if anything, the estimate for Oregon’s recidivism is lower than the true value.

The most recent CJC report suggests that Oregon’s recidivism rate may not be much different from that of Norway. In May 2020, the CJC completed tracking the recidivism of a 2016 cohort.²⁵ There were two groups: one for people in post-provision supervision (PPS) and the other on probation sentences. Each group included any released AICs between July and December. Typically, the CJC evaluates six-month cohorts. Each study follows the cohort a different amount of time, but three to five years is the golden standard.²⁶ The CJC followed the 2016 cohort for three years, which means the data met the standard.

The University College of Norwegian Correctional Service, on the other hand, measures recidivism after only two years. Not only is this a short period but it is not comparable to Oregon’s recidivism study. Also, recidivism was defined as a new prison sentence or community sanction that became legally binding within the two years studied. Thus, the study does not include re-arrests, which is included in the CJC report. This may mean that the true recidivism for Norway is higher than the reported value. Nonetheless, the study determines that the recidivism rate for the people released from prison is 20% and 21% for those on probation.²⁷ After three years in Oregon, 17% of

²³ Ibid.

²⁴ Schmidt, Mike, et al. “Oregon Recidivism Analysis,” pp. 5-6.

²⁵ McAlister, Siobhan, et al. “Oregon Recidivism Analysis.”

²⁶ Goldstein, Dana. “The Misleading Math of ‘Recidivism’.”

²⁷ Kristoffersen, Ragnar. “Recidivism among persons.”

those on PPS were reincarcerated and 16% of those on probation were reincarcerated.²⁸ After two years in Oregon, both cohorts have even lower recidivism rates.²⁹ These studies would suggest that Oregon, in fact, has a slightly lower recidivism rate for reincarceration. However, these rates may not give the full picture of either system.

According to Mike Schmidt, previous executive director of CJC, recidivism is a “blunt force instrument.”³⁰ For instance, recidivism does not measure the severity of the crime that was committed. It does not measure if a person committed a less severe crime when they reoffended. According to recidivism, if a person re-committed a crime, then they have recidivated and thus failed. However, if prison helped that person reduce the severity of crimes committed, that is a success. On the other hand, if a person is released from prison but five years later has no home and no job, recidivism rates will not reflect that. Unless a person commits a new crime, recidivism would not detect this failure on part of the prison system. Recidivism by itself does not depict the actual outcomes of prison. It does not detect the well-being of individuals after release. These are clearly harder to measure. Nonetheless, if the goal of prison is to help AICs successfully re-enter society, then these success indicators would be logical factors to measure.

Despite the limitations of recidivism, Oregon can clearly still learn from Norway. For starters, Oregon incarcerates at a rate nearly eleven times that of Norway.³¹ Beyond learning how to decrease its reliance on incarceration, Oregon can learn how to rethink the prison system. The changes that Amend supports are cultural.

²⁸ McAlister, Siobhan, et al. “Oregon Recidivism Analysis.”

²⁹ “Recidivism Dashboard.” *Criminal Justice Commission*.

³⁰ Schmidt, Mike. Personal interview.

³¹ “Oregon Profile.” *Prison Policy Initiative*. And “Norway.” *World Prison Brief*

The program focuses on how staff treat AICs. This cannot be captured by recidivism rates. Norway is a model in humanizing AICs and the prison environment, which is why Oregon can turn to them for inspiration.

Chapter 3: Literature Review

Purpose

This section will provide an answer to the following question: *what research has already been done to answer the question of what Oregon should do to reform its criminal justice system?* While my research questions pertain to the success of the Norwegian model through the Amend program, I have decided to expand my scope in the literature review. Only Amend and ODOC have published reports on the use and success of the Norwegian model. Thus, I find it useful to evaluate what other organizations and scholars have suggested for prison reform in Oregon. Many of these sources will also assist me in writing my conclusions on efficacy and steps forward. Besides scholarly literature, there are many grassroots reform movements in Oregon that work towards prison reform. These organizations have their own ideology on best practices, but most do not publish peer-reviewed content. I have chosen to address five prominent reports published by Oregon non-profit organizations. Those are the ACLU, the Oregon Justice Resource Center (OJRC), and Partnership for Safety and Justice (PSJ). While their publications are not traditional scholarly literature, I find it necessary to review their work as it is directly related to mine. This is not a traditional thesis, so I believe it is appropriate to consider the contribution of these publications.

Primary Reports

The Oregon Justice Resource Center (OJRC) published a powerful report that highlighted the prominent actors behind mass incarceration. The report encourages individuals to engage in grassroots efforts towards prison reform. To do so, individuals

must be aware of the nine main actors in the criminal justice field: circuit court judges, county sheriffs, city council, county commissioners, county advisor, city auditor, county district attorney, city mayor, and school board members.³² Lobbying, phone banking, boycotting, and more are all forms of active engagement towards reform, meaning reform can be accessible to all citizens. The OJRC is one of many NGOs that are working to mobilize the public. Their work among others have pushed for progressive district attorneys with a rehabilitative stance on crime.³³ Considering that 61.4% of Oregonians support preventative and rehabilitative approaches to crime, grassroots efforts are a powerful part of prison reform.³⁴

The “Blueprint for Smart Justice: Oregon,” published by the ACLU, also identifies main actors in the criminal justice system. Their list includes judges, prosecutors, parole boards, and state lawmakers.³⁵ This is more limited than that of OJRC because the report emphasizes policy reform over grassroots reform. The three main policy reforms they evaluate are alternative incarceration programs (such as restorative justice), sentencing reform, and racial equity policies.³⁶ Specifically, the sentencing reform should address the psychological difference between children and adults by removing automatic waivers and increasing earned time and second look chances.³⁷ If these changes were implemented, the ACLU forecasts a 50.33% decrease in prison population and total cost savings of \$584,716,240 by 2025.³⁸ The advantage of policy reforms is that efficacy is easier to measure. That is not to say, however, that

³² Gonsalves, Kate. “Disrupting Mass Incarceration.” pp. 8.

³³ Gonsalves, Kate. “Disrupting Mass Incarceration.” pp. 7.

³⁴ Ibid.

³⁵ ACLU. “Smart Justice.” pp. 13.

³⁶ ACLU. “Smart Justice.” pp. 11-13.

³⁷ ACLU. “Smart Justice.” pp. 12.

³⁸ ACLU. “Smart Justice.” pp. 17.

reforms such as those suggested by the OJRC, are not effective. These are two very different approaches that must be measured differently.

Partnership for Safety and Justice introduces a more visionary solution to Oregon’s prison system—restorative justice (RJ). In their “Moving Beyond Sides” report, they argue that “...criminal justice reform organizations must develop a vision for change that benefits people directly harmed by crime and should collaborate with, if not incorporate, crime victims and victims’ service providers into their advocacy work.”³⁹ This idea follows the indigenous concept of restorative justice as reiterated by Howard Zehr.⁴⁰ The focus is on holding offenders accountable for the harm they caused the victim(s) and community. RJ emphasizes dialogue between offenders and victims, which have traditionally been adversarial groups. PSJ suggests both groups must work together to create community values around safety, prevention, accountability, justice, redemption, and healing.⁴¹ This new paradigm would empower communities to take matters into their own hands and thus be more satisfied with the resolution. In addition to finding common ground, PSJ suggests increasing funding for support services towards victims and formerly incarcerated people.⁴² This could help prevent crime and heal the community after crime has occurred. Like OJRC, PSJ also emphasizes grassroots movement. For example, they suggest communities should engage in conflict resolution instead of relying on the legal system. This is known as parallel justice.⁴³ Additionally, communities of color should be intentionally involved in safety and

³⁹ Rogers, David and Kerry Naughton. “Moving Beyond Sides.” pp. 4.

⁴⁰ Zehr, Howard. *The Little Book of Restorative Justice*.

⁴¹ Rogers, David and Kerry Naughton. “Moving Beyond Sides.” pp. 18.

⁴² Rogers, David and Kerry Naughton. “Moving Beyond Sides.” pp. 17.

⁴³ Rogers, David and Kerry Naughton. “Moving Beyond Sides.” pp. 18.

justice conversations.⁴⁴ Lastly, PSJ supports policy reform. They propose the abolishment of the death penalty and a better debt system for the courts.⁴⁵ This report combines the call for grassroots efforts and policy reform.

PSJ worked with several other NGOs to publish the final report I will evaluate called “Bridging the Divide.” The report calls for a new paradigm in the criminal justice system with a focus on California and Oregon. Firstly, they suggest that more services need to be accessible and equitable to victims and offenders.⁴⁶ To do so, communities need to organize grassroots, non-adversarial support services.⁴⁷ These communities should also have more power to influence policy reform. Secondly, the report identifies one of the main issues of the current system is accountability.⁴⁸ Restorative justice, again, is proposed as a solution.⁴⁹ This report explicitly offers a three-phase model for creating a paradigm shift: create a foundation of shared language and infrastructure; prove the concept of RJ through tests, discussions, and improvements; and build movement through creating long-term strategies and incentives.⁵⁰ These steps must be accomplished through policy change, public education, relationship-building, and infrastructure-building.⁵¹ Instead of simply focusing on policy reform, like the ACLU report, PSJ offers a holistic alternative to Oregon’s current system.

⁴⁴ Rogers, David and Kerry Naughton. “Moving Beyond Sides.” pp. 21.

⁴⁵ Rogers, David and Kerry Naughton. “Moving Beyond Sides.” pp. 22.

⁴⁶ Clark, Pat, et al. “Bridging the Divide.” pp. 10.

⁴⁷ Ibid.

⁴⁸ Clark, Pat, et al. “Bridging the Divide.” pp. 15.

⁴⁹ Clark, Pat, et al. “Bridging the Divide.” pp. 17.

⁵⁰ Clark, Pat, et al. “Bridging the Divide.” pp. 21.

⁵¹ Clark, Pat, et al. “Bridging the Divide.” pp. 22-23.

Other Literature

Besides these four reports, there are four more papers on Oregon-specific reform. Thomas O'Connor et al. suggests that religious services, like Oregon's program Home for Good, can enhance criminal justice efforts. The program's focus is on engaging offenders in meaningful services to foster reflection and accountability.⁵² The result is community safety and justice.⁵³ While the paper suggests a mode of reform in Oregon, it does not address the other areas of reform, such as policy reform.

The Deschutes County Department of Juvenile Community Justice published a report on their juvenile community justice system in Oregon. This report is different from my research, because it is on a county level and pertains to the juvenile system. It discusses community justice at large and then the success of the county's program. The suggested reform is community justice, because it empowers the local people affected by crime.⁵⁴ While the authors do not suggest Deschutes' program is exactly replicable, they point out that community justice is modifiable to local conditions.⁵⁵ This solution is essentially grassroots activism integrated into the justice system. It resembles the suggestions of PSJ in many ways.

Another report evaluated the efficacy of community-based sanctions in Oregon. ODOC defines community-based sanctions as work crews, community service, electronic monitoring and house arrest, day reporting centers, work release centers, and jails.⁵⁶ Each program aims to reduce prison population and thus is prison reform to

⁵² O'Connor, Thomas, et al. "Home for Good in Oregon." pp. 73.

⁵³ O'Connor, Thomas, et al. "Home for Good in Oregon." pp. 76.

⁵⁴ Maloney, Dennis and Deevy Holcomb. "In Pursuit of Community Justice." pp. 312.

⁵⁵ Ibid.

⁵⁶ Martin, Ginger. "The Effectiveness of Community Based Sanctions in Reducing Recidivism," pp. 26.

some extent. Efficacy was measured by recidivism and community safety.⁵⁷ After evaluating the efficacy of each program, the study concludes that treatment and rehabilitation are more effective than surveillance and enforcement.⁵⁸ In fact, community-based sanctions do not increase harm but rather lower recidivism rates.⁵⁹ The study offers several tangible reforms for Oregon. First, local jurisdictions should include alternatives to incarceration and increase the amount of rehabilitation services.⁶⁰ Also, community service work should be used whenever possible because of its efficacy.⁶¹ Lastly, jail sentences should be cost-effective and when they are not, they must be reduced.⁶² This is the most extensive report I found on prison reform recommendations for Oregon. While this report focuses on ODOC programs, my scope pertains to the Norwegian model, which is not covered here.

Amend published a report on ODOC's goals and the results of the program. The publication includes qualitative surveys on staff wellness and violence in the prisons before and after the program. This is a primary source for my research but does not detail many of the specific reforms in facilities. It also does not attempt to answer how successful the Norwegian model is to Oregon's prison reform as a whole. The publication is rather focused on proving the effect the program had on staff. My work will look at the effect of the Norwegian model in Oregon rather than the Amend program itself. I will also address how successful the model is according to ODOC's and the broader community's goals.

⁵⁷ Ibid.

⁵⁸ Martin, Ginger. "The Effectiveness of Community Based Sanctions in Reducing Recidivism," pp. 27.

⁵⁹ Martin, Ginger. "The Effectiveness of Community Based Sanctions in Reducing Recidivism," pp. 28.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² Ibid.

While there are no specific reports with my research questions, it is clear that scholars and practitioners are engaging in meaningful discussions about reform. Their reports are incredibly helpful to understand the different goals of prison reform in Oregon. I will be evaluating these goals later in chapter 6.

Chapter 4: The Norwegian Model

This section will first define the Norwegian model conceptually through scholarly literature and then practically through personal experiences. I will also address some shortcomings of the model. The focus of this thesis is not on Norway itself, so this discussion will not be comprehensive. Also, the section will not address the historical origins of the Norwegian model. This chapter aims to provide the reader with a sufficient understanding of how scholars have defined the model and what it looks like in two case studies. When I was abroad, I was able to interview a couple of practitioners on the Norwegian model and visit two prisons, so I will be incorporating that information here. The two prisons I visited (Halden and Bastøy) are some of the most visited and were part of the Amend program. After defining the model academically and practically, I will address recent criticisms. This is relevant because the Norwegian model is what inspires the Amend program, and thus several US states.

Scholarly Definitions

Scandinavian exceptionalism identifies Finland, Norway, and Sweden as exceptional in their incarceration rates and prison conditions. These countries, while each different, have shockingly low rates of incarceration and humane prison conditions.⁶³ As of 2007, Norway incarcerated 66 people per 100,000.⁶⁴ Only Italy and Denmark are comparable with an incarceration rate of 66 and 67 per 100,000 respectively.⁶⁵ Sweden has an incarceration rate of 82 per 100,000 which is higher than

⁶³ Pratt, John. "SCANDINAVIAN EXCEPTIONALISM." Pp. 119.

⁶⁴ Ibid.

⁶⁵ Ibid.

that of Ireland (72 per 100,000) and Switzerland (79 per 100,000).⁶⁶ Nonetheless, the Scandinavian countries still have low incarceration rates compared to all other European countries. As for prison conditions, Scandinavian countries generally perceive a prison sentence as the punishment in and of itself. Thus, there is no need for further punishment inside prison. This makes for more humane conditions that aim to resemble the outside world as much as possible.⁶⁷ In Norway, this is known as normalization.

Norway has become the global model for prison reform and hinges on four main concepts: normality, the import model, reintegration, and dynamic security.⁶⁸ Normality is the idea that prisons should resemble social equality, mutual respect, and high quality of living like the outside world.⁶⁹ This means that AICs should have the same rights as people living outside prison.⁷⁰ They can work, practice religion, move around freely, vote, etc. The import model helps to achieve this goal through “importing” local community resources inside to the AICs. This ensures AICs have support services on the outside when they transition back into society—the ultimate goal of the prison system. Finally, dynamic security is the idea that building relationships between staff and AICs will increase trust and thereby decrease violence.⁷¹ Altogether, the four principles create the progressive and humane prison model seen in Norway today.

This model could not be successful without correctional officers. Officers are trained for two years and encouraged to work individually with AICs, treating them

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Waerum, Erlend. “Norwegian Correctional Service.”

⁶⁹ Pratt, John. “SCANDINAVIAN EXCEPTIONALISM IN AN ERA OF PENAL EXCESS.”

⁷⁰ Høidal, Are. “Normality behind the Walls: Examples from Halden Prison.” pp. 61.

⁷¹ Strømnes, Jan. “The humane prison system of Norway presented to staff at Attica Prison.”

with respect.⁷² The first year of their education is theory and the second is practice.⁷³ In many ways, Norwegian officers are social workers. Of course, though, necessary security measures are still taken.

The main theme in the Norwegian model is a humanistic approach. The idea behind normality, the import model, and dynamic security is to treat AICs like humans. The Norwegian prison system is grounded in the idea that prison should resemble the outside world as much as possible. Essential to this key concept is the basic value of human dignity. Prison is not seen as a place to continue to punish AICs. Simply the restriction of their liberty is enough punishment. Consequently, Norwegian prisons aim to be a place for rehabilitation.

Statistically speaking, Norway is indeed exceptional compared to other European countries. Scholar Tapio Lappi-Seppälä confirms that Norway's incarceration rates are indeed lower than the rest of Europe. Lappi-Seppälä does note, however, that incarceration rates do not capture how many people are entering the corrections system. It only measures how many are already in the system. After evaluating this statistic, Norway along with the other Nordic countries still have a lower rate of incarceration than the European average.⁷⁴ Beyond superior statistics, qualitative surveys show Norway's system is more humane.

Scholar Ben Crewe measured the experiences of Norwegian AICs compared to those in England and Wales and confirmed the exceptionalism theory. To do so, Crewe used six measurements: depth, weight, tightness, breadth, penal consciousness, and

⁷² Strømnes, Jan. "The humane prison system of Norway presented to staff at Attica Prison."

⁷³ Abrama, Liene. Personal interview.

⁷⁴ Lappi-Seppälä, Tapio. "Penal Transformations in the Nordics."

shame.⁷⁵ Depth is how different the prison experience is from the outside world. Weight is the feeling of oppression in the prison. Tightness is the invasiveness of the conditions. Breadth is the impact beyond the prison, sometimes known as collateral consequences. The penal consciousness is the sense of self. Finally, shame is measured based on the feelings of the AICs. After extensive surveys and interviews, Crewe found out that on all but two factors, Norwegian AICs had a better experience than those of England and Wales. This study also showed that the other Nordic countries ranked higher than England and Wales. The study is limited in only using England and Wales as a point of comparison. However, their prison system is based on similar punitive ideals as seen in the US. Thus, both statistics and qualitative studies corroborate the idea of Scandinavian exceptionalism in Norway.

The Norwegian Model in Practice: Halden and Bastøy Prison

On March 1st, 2010, Halden Prison became the first prison intentionally constructed to reflect the core principles of the Norwegian model (normality, the import model, and dynamic security).⁷⁶ This modern, maximum-security prison has now been widely acclaimed as the most humane prison in the world.⁷⁷ Bastøy is similarly popular but it is a low-security open prison.⁷⁸ The prison has no walls and is located on an island. This unique setting makes for an interesting case study. Also, Oregon officials visited both Halden and Bastøy prison during their Amend-led trips to Norway. These two prisons are usually referred to as quintessential examples of the Norwegian model. I

⁷⁵ Crewe, Ben. "Laissez-faire Inclusion."

⁷⁶ Høidal, Are. "Normality behind the Walls." Pp. 62.

⁷⁷ See "How Norway turns criminals into good neighbours"; Libell, Henrik and Matthew Haag. "New York's Jails Are Failing. Is the Answer 3,600 Miles Away?"; Adams, William. "Sentenced to Serving the Good Life in Norway."; Adams, William. "Norway Builds the World's Most Humane Prison."

⁷⁸ Eberhardt, Tom. "Bastøy Prison."

fully realize, though, that these prisons are not representative of the 43 other Norwegian prisons.⁷⁹ Nonetheless, due to their popularity in literature and media, it is worth evaluating them.

Even if some of Norway's prisons do not look like Halden and Bastøy, the Norwegian principles apply universally. Two parliamentary reports published in 1997 and 2008 set the foundation for the Norwegian model and act as the standard for the Norwegian Correctional Service (NCS).⁸⁰ I do not have space to analyze whether all of Norway's 43 prisons accurately and effectively use the Norwegian model. Nonetheless, Norway's model can still be used as a theoretical standard for others, such as Oregon. Evaluating Halden and Bastøy will help dissect this essence of the Norwegian model.

Halden Prison

Visiting Halden Prison typically requires months (sometimes years) of waiting, but I was privileged to be able to visit it within a month of my request. The warden, Are Høidal, is accustomed to touring foreigners and practitioners regularly. He spent over two hours giving me a private tour. I am extremely grateful for this. The best way to describe Halden is as a small city. There is a grocery store (known as the commissary), a gym, a restaurant (run by AICs), a religious center, a library, employment, and education. During the visit, I saw some AICs perform Christmas music in a musical band. Halden has a plethora of workshops where AICs can take classes, get certifications, or find a hobby. I toured many of them including the auto shop, the ceramics/art studio, the print shop, the radio station, the woodworking shop, the music

⁷⁹ Høidal, Are. "Normality behind the Walls." pp. 59.

⁸⁰ Ibid.

recording studio, and the culinary school. As a visitor, Halden was a stunning prison compared to those I have seen in Oregon.⁸¹

The common thread throughout the whole visit was normalization and human dignity. From the environment, Halden has clearly captured the essence of normalization. Høidal described normalization as the goal that “...life inside prison should be as close as possible to life in the community...”⁸² The idea behind normalization is to help ease the transition from prison back to society, addressing the goal of reintegration. The import model is also seen in Halden as teachers, doctors, and volunteers all come from the outside community. None of them are contracted by the prison itself. As for dynamic security, Halden is described as an “iron fist in a silk glove;”⁸³ enforcing the necessary safety measures without making the prison look and feel oppressive. Treating AICs like humans and keeping the community safe are not directly opposed in Norwegian prisons. Halden is proof of that.

While I do not believe Halden is perfect, I do think it acts as a model for designing a prison around normalization and rehabilitation. I cannot speak to the experience of living in Halden, though. I was able to briefly talk with some AICs, but they were not representative of the general population. The intentional design of the prison makes it feel like a small town. However, the thick wall around the buildings constantly reminds you that this is a prison. In this sense, I could imagine the depth (as defined by Crewe) is quite low, but the weight of the prison could still be high. From the outside, there seems to be a lot of programs for the AICs, which indicates

⁸¹ I spent 20 weeks in Oregon State Penitentiary taking an Inside Out class and I have been inside Oregon State Correctional Institution.

⁸² Høidal, Are. “Normality behind the Walls.” pp.58.

⁸³ Strømnes, Jan. “The humane prison system of Norway presented to staff at Attica Prison.”

opportunities to grow. On the other hand, I am unsure of how many AICs engage in these opportunities and how accessible they are to the general population. There are many components of Halden that others can learn from, but I would be cautious in using Halden as a model without criticism.

There are signs that this progressive prison model may not last. When I was talking with Are Høidal, he mentioned that state budget cuts have impacted the prison systems.⁸⁴ To support all the services in a prison like Halden, significant state support is needed. Budget cuts could mean that less services are imported into the system, which would decrease opportunities available for AICs. Additionally, the election of a right-wing politician for the Minister of Justice may decrease support for the humanistic prison model.⁸⁵ Besides the threat of losing political support, there have been scholarly criticisms of Halden, of which I will address later.

Bastøy Prison

It was December 10th, 2019, and I had just exited a large ferry that took me from the city of Moss, Norway to Horten, Norway. I had no idea where I was, but I knew I had a visit at Bastøy prison. Everyone that got off the boat seemed to know where they were going and for the most part, it was not to Bastøy. In fact, there were no signs for the last boat I had to take to get to the prison. I wandered around the dock until I saw a very small ferry with a couple of men standing around it. I approached and asked them if this would take me to the prison. Fortunately, it did. In fact, it was the only ferry that went from Horten to Bastøy prison. In other words, if you got on that

⁸⁴ Høidal, Are. Personal interview.

⁸⁵ Ibid.

ferry there was only one place you were going—Bastøy. Considering the size of Bastøy, everyone knew one another, so I stuck out like a sore thumb. However, this did not keep the ferry workers (who are all AICs at Bastøy) from talking with me. The ferry is a perfect example of normalization. It is completely run by the AICs, giving them practical work experience. It is one of many things led by the AICs at Bastøy.

Bastøy is a unique location with buildings dating back to the 1900s and an ecological farm. It requires constant upkeep which translates into agricultural jobs for AICs. While at Bastøy, AICs can learn a plethora of skills such as milling, caring for Norwegian horses, and working in the greenhouse.⁸⁶ The prison prides itself in its ecological values; much of the food is produced on-site and the surrounding nature is carefully preserved.⁸⁷ Like Halden, the AICs have many opportunities for work, education, and leisure all of which are an example of normalization.

As a low-security prison, Bastøy only admits low-risk AICs typically serving the end of their sentence. There are no prison walls here; the surrounding water as the natural boundaries. In this way, officers must rely even more on dynamic security, or trusting relationships between the AICs and officers. Even before the tour, I did not have to go through a metal detector. The prison runs on a three-strike system: after three violations you are sent to a high-security prison.⁸⁸ Thus, Bastøy is a regulated environment without the same issues of violence one may see in a higher security prison. Thus far, there has been no need for solitary confinement at this prison.⁸⁹

⁸⁶ Eberhardt, Tom. Personal interview.

⁸⁷ Wild animals on the island have become so comfortable with the people that I was even able to feed a wild fox from my hand!

⁸⁸ Eberhardt, Tom. Personal interview.

⁸⁹ Ibid.

Overall, Bastøy exemplifies the Norwegian principles of normalization, dynamic security, and import model.

It is clear to me that I do not have the full picture of either prison. Unless I was an AIC at Halden or Bastøy, I cannot authentically capture the experience of living there. However, with what I have, the Norwegian model is straightforward. Even though it may not be the case at every Norwegian prison, the intent to uphold the normalization, dynamic security, and the import model is universal. In fact, Are Høidal helped write the first parliamentary report that I mentioned earlier.⁹⁰ The Norwegian model is not just an idea; it is written into the very concept of the NCS. Nonetheless, no model is perfect. The Norwegian model has several shortcomings. If Oregon and other states are going to model their system after Norway, there needs to be an awareness of the flaws in the model so that we do not inherit them.

Recent Criticisms

Norway's prisons have been idolized in the eyes of many news outlets and falsely characterized as the solution to the US prison problem.⁹¹ *Time* and *The New York Times* called Halden Prison the "world's most humane prison."⁹² Others describe shock when they see "murders, rapists, and drug smugglers"⁹³ doing normal things, such as walking around or working. In my opinion, normalization should not be

⁹⁰ See Høidal, Are. "Normality behind the Walls." and Høidal, Are. Personal interview.

⁹¹ See Benko, Jessica. "The Radical Humaneness of Norway's Halden Prison"; Slater, Dashka. "North Dakota's Norway Experiment."; "How Norway turns criminals into good neighbours."; Libell, Henrik and Matthew Haag. "New York's Jails Are Failing. Is the Answer 3,600 Miles Away?"; Adams, William. "Sentenced to Serving the Good Life in Norway."; Adams, William. "Norway Builds the World's Most Humane Prison."; Moore, Michael. "Norwegian Prison-Michael Moore."

⁹² See Adams, William. "Norway Builds the World's Most Humane Prison." and Libell, Henrik and Matthew Haag. "New York's Jails Are Failing. Is the Answer 3,600 Miles Away?"

⁹³ "How Norway turns criminals into good neighbours." BBC News.

portrayed as surprising. On its face, there is nothing revolutionary about treating others with respect. This is not to say that American prison staff have nothing to learn from Norway. It is just that treating others with human dignity is not new nor a Norwegian innovation. I present these criticisms to encourage American prison staff to adapt the Norwegian model to their needs instead of attempting to replicate it exactly. No model should or can be replicated exactly.

In a conference on Nordic punishment, criminologist and prison researcher, Yvonne Jewkes, keenly emphasized that scholars should not be uncritical of Halden just because it looks modern from the outside.⁹⁴ She emphasized that Halden is still a high-security prison that deprives individuals of their liberty no matter what it looks like. Even scholars have started to shift from glorifying the model to criticizing it for its increasing punitive policies, racial discrimination, and oppressive atmosphere.⁹⁵ Halden's unit A, for instance, is a temporary unit used for AICs before they are assigned to long-term unit B or C. However, some AICs remain here for months or even years.⁹⁶ Unit A is isolated from the general population of AICs and has limited activities. There is no clear data on how many AICs are affected by this and to what extent. Also, Jewkes' qualitative study of AICs at Halden demonstrated the oppressive prison environment. AICs described it as grey and bringing up feelings of darkness, death, and decay.⁹⁷ While this may just be a result of the lack of color in the buildings, it is important to note this commonly untold perspective. At the end of the day, Jewkes

⁹⁴ Jewkes, Yvonne. "Exporting the 'fantasy prison.'"

⁹⁵ Shammass, Victor. "The Rise of a More Punitive State."

⁹⁶ Jewkes, Yvonne. "Exporting the 'fantasy prison.'"

⁹⁷ Ibid.

claims that no matter the design, “a prison is only as good as its operation.”⁹⁸ Arguably, the Nordic prison operation is grounded in more effective and humane methods than that of many US prisons. Nonetheless, “a cage is still a cage.”⁹⁹

In my opinion, not all prisons are equal. To say a cage is still a cage implies there is no difference between Halden and San Quentin, for example. This would clearly be a stretch. However, Jewkes emphasizes something important about all prisons—they still feel like prisons. This may sound simple, but it is important to recognize. If the basic idea of a prison is to confine someone, then all prisons, no matter how progressive, will do so. AICs will still experience the depth and weight of a prison. Clearly the experience of AICs can be significantly better in some correctional facilities than in others. However, no prison can totally feel normal. If this is true, the question then becomes whether prisons should be reformed or abolished. I will discuss this more in my conclusions.

Jewkes is not the only scholar criticizing the Norwegian model, though. In 2015, Norwegian sociologist, Victor Shammass published “The Rise of a More Punitive State” in which they claim that the Norwegian prison state is becoming increasingly stricter.¹⁰⁰ Changes in the political field have led to more discussions on law and order, shifting the focus from rehabilitation to punishment. The influx of immigrants has also created differentiation between Norwegian services and foreign services for AICs.¹⁰¹ In Halden, alone, 40% of the AICs are foreign-born.¹⁰² In Bastøy, a quarter of the AICs are

⁹⁸ Ibid.

⁹⁹ Ibid.

¹⁰⁰ Shammass, Victor. “The Rise of a More Punitive State.”

¹⁰¹ Ibid.

¹⁰² Høidal, Are. Personal interview.

foreign-born.¹⁰³ The large presence of foreign-born AICs gives rise to questions of equal opportunities. In Halden, for instance, there is a family house that can be used for unsupervised overnight family visits. The family members must be given a background check before their visit and because Norwegian officials cannot access foreign security systems, foreign-born AICs cannot use this service.¹⁰⁴ I imagine this is one of many examples of differentiation in the Norwegian prisons. In other words, implementing normalization does not necessarily guarantee all AICs will be treated equitably. This is something correctional staff need to be very aware of.

I should note, however, that these criticisms are from Norwegian scholars that are very familiar with the model. Of course, any model is complicated and has shortcomings, but the above criticisms do not suggest that the Norwegian model is a failure. It is far from it. From an American perspective, the Norwegian model is revolutionary. The US prison system does not embrace these progressive values and yet still struggles with efficacy. Despite these relevant criticisms, the Norwegian model is still very relevant to US correctional staff.

When I was studying in Norway, I had the chance to talk with a previously incarcerated person. If I had more time in Norway, I would have conducted many more interviews to get perspectives from people that have been directly affected by the prison system. Nonetheless, the interview with them¹⁰⁵ was incredibly informative. The interviewee has spent time in multiple facilities and thus offers a holistic perspective. They claimed that while Norwegian prison officials mean well, it does not translate into

¹⁰³ Eberhardt, Tom. Personal interview.

¹⁰⁴ Høidal, Are. Personal interview.

¹⁰⁵ The interviewee would like to stay anonymous.

a perfect prison system. They explained, “Every system is made of small cogs—here’s one nice person, here’s another, but when it comes out, it is not so good.”¹⁰⁶ Good intentions are not enough. Prison reform must address root issues causing incarceration.

When asked how the success of the prison system should be measured, the interviewee suggested psychological evaluations of AICs immediately after prison and five years after release. They suggested the goal should be successful reintegration into society and finding meaning in life.¹⁰⁷ I agree with them; recidivism is not a holistic measurement of efficacy. Prison should not just be about incapacitation, but also about preparing AICs for a successful life outside of prison. Even though Norway’s prisons are focused on rehabilitation and re-entry, there is still room for improvement. This should signal to American correctional staff that there is no quick fix to our prison problems. Yes, the Norwegian model can help improve prison conditions significantly. However, this model is not sufficient in and of itself. Correctional staff must work with the social-political context within their prison environment to ensure equity.

At the same time, I am left to wonder how much can be improved within the confines of a prison. I think limiting change to internal reforms can prop up the prison system instead of questioning its very existence. Reforms inspired by the Norwegian model do not dismantle the prison system. That is simply not their purpose. Nonetheless, I still think there is extreme value in what the model has to offer for Oregon prisons. I will discuss this more in my conclusions section. Overall, the Norwegian model offers a new paradigm for incarceration that is grounded in human

¹⁰⁶ Anonymous. Personal interview.

¹⁰⁷ Ibid.

dignity. The US cannot claim to do the same. Clearly, we have a lot we can learn from this model.

Chapter 5: The Oregon Way

This section will discuss Oregon’s engagement in the Amend program through the University of California San Francisco (UCSF) Correctional Culture Change Program.¹⁰⁸ Oregon is one of a handful of states that have sent prison officials to Europe. Participants work with Norwegian prison staff to learn how to integrate normalization and human dignity into their prisons and penal policies. To describe Oregon’s work in this program, I will use interviews, an Amend publication, and conference notes from the Justice Reinvestment Summit.

The Amend Program

Amend is run out of the department of medicine at UCSF, meaning it is grounded in a public health background.¹⁰⁹ According to the chief program officer, Cyrus Ahalt, this background informs their vision: “Jails and prisons as institutions can and should be transformed into public health institutions.”¹¹⁰ In our interview, he described Amend as abolition-leaning, meaning the program is not flat-out abolitionist, but they are closer to abolition than reform. The main goals of their work are health, healing, and rehabilitation.¹¹¹ This is done by improving conditions for both the AICs and the correctional officers. Staff wellness is meant to improve job performance and thus the experiences of the AICs. Amend focuses on three aspects of corrections: improving the conditions of confinement, humanizing adults in custody, and reducing the overall use of incarceration.¹¹² Ahalt clarified that Amend is “not trying to turn

¹⁰⁸ Ahalt, et. al, “TRANSFORMING PRISON CULTURE.”

¹⁰⁹ Ahalt, Cyrus. Personal interview.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ahalt, et. al, “TRANSFORMING PRISON CULTURE.”

correctional officers into health workers...but they should have a grounding in health and well-being.”¹¹³ Amend’s vision is modelled after Norway. The Amend program offers a set of correctional principles that combines Norway’s humane prison model with a public health approach adapted to the conditions in the US.¹¹⁴ Ahalt emphasized that “you can’t really copy and paste...from any other place,” meaning the program is not trying to exactly replicate Norway.¹¹⁵

According to ODOC, the goal of enrolling in the program was to humanize the prison environment for staff and AICs and reduce the use of special housing units.¹¹⁶ ODOC’s goals aligned well with Amend’s mission and thus Oregon enrolled in 2017. The Amend program has five phases: policy leader immersion program, correctional staff immersion program, US-based training in Norwegian correctional principles, UCSF program for sustained transformation, and UCSF evaluation.¹¹⁷ Both the policy leader and correctional staff immersion program happened at the same time in 2017. Selected policymakers and correctional staff travelled to Norway for ten days to visit and learn from multiple correctional facilities. Then in 2018, a team of ten ODOC employees and four corrections administrators travelled to Norway for another immersion program with job-shadowing and training.¹¹⁸

Each of the people I interviewed were deeply moved by their time in Norway. On this trip, they visited six Norwegian prisons and the Norwegian Correctional Service headquarters. Rob Persson, the Assistant Director of Operations for the DOC, described

¹¹³ Ahalt, Cyrus. Personal interview.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ “The Oregon Way.” Issue Brief.

¹¹⁷ Ahalt, et. al, “TRANSFORMING PRISON CULTURE.”

¹¹⁸ Ibid.

the trip as “eye-opening.”¹¹⁹ Brandon Kelly, superintendent of OSP and now the Oregon ambassador of the Amend program, was incredibly passionate about the Norwegian model in our interview.¹²⁰ At first, he said that he and other staff responded to the model thinking ‘we can’t because...’ and now they think ‘we can and *should* because...’ Staff became more open to reform and accepting help from Norwegian correctional officers. After their visit, both Lieutenant Joy McLean and Captain Toby Tooley felt like quitting because the Norwegian system showed them that how they had been doing their jobs was harmful.¹²¹ Similarly, Lieutenant Mike Real from SRCI thought, “I can’t go back and be doing the same thing.” Each person that I interviewed was transformed by their experiences with the Norwegian model.

Reforms

In 2019, Norwegian officials visited Oregon twice, thus initiating the third phase of the Amend program. The Norwegian officials provided training at the Oregon State Penitentiary (OSP), Snake River Correctional Institution (SRCI), Two Rivers Correctional Institution (TRCI), and Eastern Oregon Correctional Institution (EOCI).¹²² Staff from these institutions have gone on to train staff at the rest of the ODOC institutions. Ahalt claimed that of the states involved in the program, Oregon was one of the most progressive in reforming their prisons.¹²³ I was able to interview correctional staff from OSP, SRCI, Columbia River Correctional Institute (CRCI), South Fork Camp, and Coffee Creek Correctional Facility (CCCF). The Norwegian officials helped

¹¹⁹ Persson, Rob. Personal interview.

¹²⁰ Kelly, Brandon. Personal interview.

¹²¹ Tooley, Toby. Personal interview. And McLean, Joy. Personal interview.

¹²² Persson, Rob. Personal interview.

¹²³ Ahalt, Cyrus. Personal interview.

ODOC employees make tangible changes in their institutions and present them at the 2019 Justice Reinvestment Summit. I will highlight some of the changes that the staff explained in my interviews.

ODOC did not prescribe any specific reforms meaning each facility could adapt the Norwegian principles to their specific facility. It also means that I am unable to capture all the changes that each ODOC facility has made because each facility did something different. Nonetheless, many facilities have made similar changes and all facilities have the same goal: following the Oregon Way. The Oregon Way refers to ODOC's long-term model for prison administration and conditions. This model was created before the Norwegian trips but has been further developed because of them.¹²⁴ Its mission is to help transition AICs back into society as seamlessly as possible.¹²⁵ To do so, the prison environment must be safe for both officers and AICs alike. This will create trust and better relationships between the two groups. The hope, in Kelly's opinion, is to make the environment a better place to work and live.¹²⁶ This is manifested in staff wellness activities, increasing the autonomy of the AICs, reducing the use of isolation, and changes to staff training.

The focus on staff wellness is justified by the reasoning that supporting staff will help them better support AICs. Some of these changes include remodeling the staff break room to promote social engagement and relaxation, providing a staff gym for use throughout the day, and creating outdoor walking paths for active breaks.¹²⁷ These types of improvements help staff be more energized and prepared for the job. Changes were

¹²⁴ Persson, Rob. Personal interview.

¹²⁵ Ibid.

¹²⁶ Kelly, Brandon. Personal interview.

¹²⁷ Ahalt, et. all, "TRANSFORMING PRISON CULTURE," pp. 132-133.

also made to the physical environment in some institutions, such as painting walls lively colors and adding murals.¹²⁸ Lastly, ODOC worked to foster a culture of staff wellness that promotes things like healthy snacks and exercise during work. The culture of staff wellness extends out to the families of employees, as well.¹²⁹ To recognize the demands correctional work has on employees' families, ODOC created social wellness events and emotional support.¹³⁰ Improving the relations between the staff and families builds a strong community of trust and understanding. Happier staff will provide better care to the AICs.

Another similarity among the facilities is including the AICs in decision-making processes. Modelled after Bastøy prison, several Oregon correctional facilities have created AIC-led councils. These councils are places where AICs can raise concerns or suggestions about programming.¹³¹ At OSP, for instance, leaders of the AIC clubs meet with officers monthly.¹³² AICs from the general population can also attend a separate community forum to discuss needed improvements.¹³³ Other ODOC institutions such as SRCI, are holding similar AIC-led meetings.¹³⁴ However, Trevor Walraven, previously incarcerated at OSP, suggested that a power dynamic still existed between the officers and the AICs in these meetings.¹³⁵ Considering that these councils are relatively new and prison officers have historically held power over AICs, it is reasonable to assume

¹²⁸ Ahalt, et. all, "TRANSFORMING PRISON CULTURE," pp. 133.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Persson, Rob. Personal interview.

¹³² Kelly, Brandon. Personal interview.

¹³³ Ibid.

¹³⁴ Persson, Rob. Personal interview. And Real, Mike. Personal interview.

¹³⁵ Walraven, Trevor. Personal interview.

that most AICs may not speak freely. Nonetheless, Persson is committed to this new model and was taught by Norwegian officials to be “proud, but never satisfied.”¹³⁶

Lastly, the correctional facilities all strive towards improving the conditions for AICs particularly in special housing units (SHU). SHU (also known as segregated housing or Intensive Management Unit) is where AICs with mental health issues that put them or others at risk are incarcerated. The housing unit is isolated and the AICs do not typically get as much social interaction with others. They are restrained and accompanied when they are let out of their cells, which is not often. Oregon officers are striving to improve these conditions by turning to Norway for help. During their visit, some officers, such as Toby Tooley, were able to visit Ila Prison which specializes in mental health.¹³⁷ The visit and trainings were able to help officers connect with AICs with mental health issues. At OSP, the officers created a mental health therapy room where AICs can make art and music, take language classes, and participate in cognitive behavioral therapy.¹³⁸ Similarly, SRCI created a transition program called Step-up to help AICs in the Intensive Management Unit safely return to the general population. The program includes dialectical behavioral therapy and education.¹³⁹ Beyond adding programs, officers are working to shift their perspective of AICs in mental health units.

The new concepts of normalization and humanization are being reinforced through organizational meetings and trainings. Pre-COVID, all ODOC facilities met monthly to discuss their development towards the Oregon Way.¹⁴⁰ These meetings

¹³⁶ Persson, Rob. Personal interview.

¹³⁷ Tooley, Toby. Personal interview.

¹³⁸ “Exchange Officer Panel — Norway and Oregon.”

¹³⁹ “The Oregon Way.” Issue Brief.

¹⁴⁰ Persson, Rob. Personal interview.

reinforce ODOC's commitment to change. Also, ODOC created a work plan and a resource team that is dedicated to the Norwegian principles. Norwegian officials trained these staff on de-escalation and the philosophy of normalization in officer-AIC relationships.¹⁴¹ Shifting the way officers view AICs and their jobs is essential in creating a more human prison system. Change starts with the individual. OSP is practicing this when onboarding new staff or working with current staff. New staff go through an orientation in which they review the goals and principles of the Oregon Way. Every month, there is a meeting with the Officers in Charge (OICs) to check in on their progress. If staff struggle with these new concepts, OSP officials will simply sit down with them and talk about how things have changed.¹⁴² This type of open communication holds staff accountable in a compassionate way.

Traditionally, prison officers have not been trained to work with people with mental illnesses. Officers are trained in safety protocols and risk management, but very little time is spent on understanding how to work with diverse people.¹⁴³ This is shifting as younger officers join the workforce and mental health becomes destigmatized nationally. Tooley said correctional officers need to “[shift] the way we think about mental illness” and that “we have to work with their mental illness.”¹⁴⁴ After his trip to Norway, the OSP officers identified a couple of AICs in SHU whom they wanted to help. He then proceeded to recount the same story to me that Oregon officers had presented at the JRI summit. Mr. G was an AIC in SHU because he was suicidal, engaged in self-harm behaviors, and flung his feces. The officers knew that art was

¹⁴¹ Ibid.

¹⁴² Kelly, Brandon. Personal interview.

¹⁴³ Tooley, Toby. Personal interview.

¹⁴⁴ Tooley, Toby. Personal interview.

important to Mr. G and so they took him out of his cell unrestrained and sat down in the therapy room and drew. This type of interaction is unheard of in most prisons. They took the time to simply talk with him and treat him like a human. They also got Mr. G a musical instrument. These activities transformed his behavior. He stopped throwing feces and opened up to the officers. This story shows the power of humanization and normalization.

In many ways, the Oregon Way is less about tangible reform and more about the culture of corrections.¹⁴⁵ It is about how officers and AICs feel in the prison environment and how they react to one another. This model comes back to treating each other with respect, dignity, and compassion. While there are many visible changes among the Oregon correctional facilities, there is also a huge paradigm shift that is much more difficult to measure. Persson explains, the Oregon Way is “not about tangible items, but rather the culture of corrections and how people feel about the prison.”¹⁴⁶ The changes are about “how we interact with one another and how we respond to situations.”¹⁴⁷ In the next chapter, I will be discussing if these reforms were successful or not.

Willingness to change can be seen both on the individual and policy level in Oregon. The assistant director of ODOC himself supports the idea of normalization and helping AICs re-enter into society safely.¹⁴⁸ The superintendent of Oregon’s only high-security prison believes “We [correctional staff] can change the world one interaction at

¹⁴⁵ Kelly, Brandon. Personal interview.

¹⁴⁶ Persson, Rob. Personal interview.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid.

a time.”¹⁴⁹ This mindset is progressive and committed to normalizing the prison environment. The fact that reform is supported by leaders of ODOC is incredibly important. When political leaders align with reform movements, change can happen and last. In fact, it was Colette Peters, the ODOC agency director, herself that initiated and supported Oregon’s enrollment in the UCSF program. For now, Oregon is in an opportune time to make real changes to the prison system.

The biggest similarity among all the reforms ties is the focus on humanizing the AICs. For instance, at the state-level, ODOC has stopped calling incarcerated individuals “inmates” and now uses “adults in custody” or AICs.¹⁵⁰ This change in language humanizes the AICs by not defining them as an inmate first. Instead, they are defined as an adult that is currently placed in custody. While the difference may seem minute, it signifies a shift in perspective among the correctional staff. This is a clear step towards humanization. Many facilities have also given more autonomy to AICs. At OSP, for instance, AICs can now wear baseball caps and shorts.¹⁵¹ This may seem like a small change, but it indicates that officers are loosening unnecessary restrictions to make AICs feel more normal. In the same vein, prison guards are now called correctional personnel or officers because their role is less about “guarding” and more about building relationships.¹⁵² The shift in language indicates intent to humanize incarcerated people and normalize correctional officers. Humanizing the AICs is an essential step towards improving prison conditions.

¹⁴⁹ Kelly, Brandon. Personal interview.

¹⁵⁰ Walraven, Trevor. Personal interview.

¹⁵¹ Kelly, Brandon. Personal interview.

¹⁵² Ibid.

Through the Amend program, ODOC was inspired to rethink the way they manage correctional facilities and AICs. The trips to Norway gave many correctional staff the ability to envision a different prison paradigm. This new vision is rehabilitative and focused on normalization and human dignity. Each facility implemented unique reforms, and all are striving towards embracing the new Oregon Way.

Chapter 6: The Success of the Norwegian Model in Oregon

When answering the question of how successful the Norwegian model is to Oregon's prison reform, I will first address what it means to be successful. In the definitions section, I defined successful as something that achieves its purpose. This then requires a clear definition of the purpose of Oregon prison reform. It makes the most sense to look to ODOC for this purpose because the focus of the thesis is on their work. However, ODOC is not the only group working on reforming Oregon's prison system, so the success of the Norwegian model also applies to other prison reform organizations. If the reforms met the goal, they are successful. This section aims to directly answer the research question, *how successful is the Norwegian model to Oregon prison reform?* I will do so by first defining success according to ODOC and then according to other prison reform practitioners. Then, I will compare the goals of each groups and the actual achievements of the Norwegian-inspired reforms. After assessing this, I will conclude whether Norway's model was successful in Oregon.

Success According to ODOC

ODOC's goals are focused on rehabilitation and safety. According to their website, their mission is "to promote public safety by holding offenders accountable for their actions and reducing the risk of future criminal behavior."¹⁵³ In other words, the three main goals are public safety, accountability, and crime prevention.¹⁵⁴ To better fulfill these goals, ODOC focused on humanizing the prison environment for staff and AICs.¹⁵⁵ I also confirmed ODOC's goals by asking the ODOC staff that I interviewed

¹⁵³ "About Oregon DOC." Oregon.gov.

¹⁵⁴ Ibid.

¹⁵⁵ "The Oregon Way." Issue Brief.

“What is success?” or “What is the end goal of these reforms?” Rob Persson stated that ODOC’s mission in prison reform is to achieve the “Oregon Way,” or “...no matter what the sentence is...making their [AICs’] transition back into society as seamless as possible.”¹⁵⁶ They strive to do so by promoting normalization and staff wellness. Persson explained that “if [prison is] not a safe environment, this will not work.”¹⁵⁷ Safety looks like less staff assaults and a normalized environment for AICs. The less violence, the better the staff wellness which means the better services staff can provide to the AICs. Similarly, the superintendent of OSP believes that increasing community safety is the ultimate goal.¹⁵⁸

Normalization is also key to helping AICs transition back into society. Inspired by Norway, ODOC is focused on making AICs better neighbors.¹⁵⁹ To do so, ODOC officers try to support AICs close to release by taking them out on field trips to grocery stores, banks, etc. According to Nichole Brown who has been with ODOC for 23 years, the end goal is to “build a culture within the agency...that speaks to normalizing and humanizing in such a way that the effort is less intentional and more of a way of doing business.”¹⁶⁰ Brown envisions a prison system in which normalization is second nature. Captain Tooley answered my question of “What is the end goal?” with one word—“Norway.”¹⁶¹ We laughed and then he explained that he wants all correctional staff to see the value of the Norwegian model. He hopes that OSP can be a place where AICs

¹⁵⁶ Persson, Rob. Personal interview.

¹⁵⁷ Ibid.

¹⁵⁸ Kelly, Brandon. Personal interview.

¹⁵⁹ Persson, Rob. Personal interview.

¹⁶⁰ Brown, Nichole. Personal interview.

¹⁶¹ Tooley, Toby. Personal interview.

grow as people and ultimately re-enter society with skills and success.¹⁶² Similarly, Lieutenant Joy McLean at Snake River Correctional Institution (SRCI) believes that the end goal is rehabilitation of AICs.¹⁶³ Success to ODOC is creating a safe prison environment and community through rehabilitation.

Interviewees identified several different ways to achieve these goals. Tooley suggested that the path to success is to follow the Norwegian model and give the AICs more liberties. Doing so will make the prison environment more normal and a place for rehabilitation.¹⁶⁴ McLean believes there needs to be more training for staff so that correctional officers are invested in the rehabilitation of AICs. She also mentioned how important staff wellness is for success. Being a correctional officer is a stressful job which can hinder the staffs' relationships with the AICs. Staff wellness could be measured qualitatively through the number of staff assaults, AIC assaults, and usage of sick leave.¹⁶⁵ Amend conducted qualitative surveys to track these indicators and measure the success of the program.¹⁶⁶

According to Amend's survey, Oregon staff wellness and prison conditions have improved significantly after the program. 73 ODOC employees that participated in the training took the survey and showed a significant improvement in openness to the new concepts.¹⁶⁷ The policy reforms that ODOC implemented also resulted in fewer incidents of violence and use of forceful correctional methods, such as solitary confinement.¹⁶⁸ It is incredibly meaningful that these changes happened so promptly

¹⁶² Ibid.

¹⁶³ McLean, Joy. Personal interview.

¹⁶⁴ Tooley, Toby. Personal interview.

¹⁶⁵ See personal interviews with Kelly, Persson, and McLean, Joy.

¹⁶⁶ Ahalt, et. all, "TRANSFORMING PRISON CULTURE."

¹⁶⁷ Ahalt, et. all, "TRANSFORMING PRISON CULTURE," pp. 138.

¹⁶⁸ Ibid.

after the UCSF program. In my opinion, this is a sign that correctional culture change is not only well-received by most ODOC employees, but also effective in creating a safer environment for everyone.

By improving the prison environment for staff and AICs alike, many ODOC institutions have seen an increase in staff wellness. These changes help alleviate some of the weight of the environment. In many ways, staff wellness is linked with AIC wellness which depends on both the culture of corrections and physical environment. The Assistant Director of Operations for the DOC corroborates this by suggesting that staff wellness and fewer assaults indicate improvement.¹⁶⁹ Continued support for staff and AIC wellness will allow for better prison conditions in many ODOC facilities.

Nonetheless, qualitative surveys of staff are not sufficient to measure success. The experience of AICs needs to be considered. After all, they are the people directly affected by these reforms. AICs have some voice through monthly council meetings, but as I mentioned previously, there are power dynamics that can inhibit honest conversations. Quantitative measurements like staff assaults are also valuable as they can reveal the quality of relationships between staff and AICs. According to the superintendent of OSP, success is both measured by numbers and the atmosphere of the prison.¹⁷⁰ He said that he can tell how the prison is running simply by the way it feels. Some days there is tension in the air and AICs may express it, others there is little to no tension.¹⁷¹ Measuring something like cultural change is inherently difficult. That is not to say, though, that the Norwegian model was not successful in Oregon.

¹⁶⁹ Persson, Rob. Personal interview.

¹⁷⁰ Kelly, Brandon. Personal interview.

¹⁷¹ Ibid.

ODOC has explicitly stated on their website and in interviews that their goal is safety and rehabilitation. That being said, the Norwegian model directly helps them achieve this. It has reduced staff assaults and improved the general environment of many facilities. This can create a safe environment where AICs can feel supported in their rehabilitation. The program has also transformed the way many staff view their role as a correctional officer. Visiting Norwegian prisons showed staff that a model based on human dignity and respect was possible. This has dramatically shifted the way some correctional officers interact with AICs.

The Norwegian model will continue to inspire change in the ODOC facilities. In most of my interviews with ODOC staff, they mentioned how COVID has put much of their reforms on hold.¹⁷² For instance, Persson noted how before COVID, ODOC held monthly meetings with all facilities to discuss their progress towards the Oregon Way. This has been a lower priority while facilities responded to COVID cases, vaccination distribution, and wildfires. However, once COVID is over, says Lieutenant McLean, “Oregon will make strides.”¹⁷³ For instance, Captain Tooley is actively working on bringing more Norwegian ideas to OSP like having an AIC-led grocery store on site with fresh food.¹⁷⁴ As long as there is institutional support, I have no doubt that ODOC will continue to improve. If the ODOC Director of Operations becomes strongly opposed to ideas of rehabilitation, it is possible that ODOC facilities could regress. However, considering that ODOC’s long commitment to rehabilitation, I must imagine

¹⁷² See McLean, Joy. Personal interview.; Persson, Rob. Personal interview.; Kelly, Brandon. Personal interview.

¹⁷³ McLean, Joy. Personal interview.

¹⁷⁴ Tooley, Toby. Personal interview.

that any drastic shift towards increasing punitiveness would be met with great resistance.

Success According to Non-profit Organizations

The last question remaining is *how successful is the Norwegian model to Oregon prison reform in general?* According to the missions of the ACLU Oregon, OJRC, and PSJ, the Norwegian model is not sufficient. The model was mainly used by correctional officers and not the other stakeholders that influence incarceration rates, such as district attorneys. Of course, no reform will address all the issues. The Amend program may be the moderate reform that correctional officers needed to realize that larger systemic changes are needed. Many of the ODOC staff have been working in the prison system before rehabilitation was the standard.¹⁷⁵ I imagine that change in ODOC will have to be slow as to garner as much internal support as possible. For other organizations, though, the model has been limited.

I should note that there are far more non-profits and local grassroots efforts in Oregon than I will be able to address here. I tried to find the largest efforts and particularly ones that had published reports on prison reform in Oregon. This is not to say that small-scale efforts are not important. I think they are crucial to prison reform. Due to the lack of space and time, though, I had to narrow my research. The organizations I will focus on are those I analyzed in the literature review (the ACLU Oregon, OJRC, and PSJ).

Each organization wants to increase community safety and decrease crime, but they have different ways of getting there. The ACLU Oregon and OJRC emphasize the

¹⁷⁵ Kelly, Brandon. Personal interview.

need to disrupt mass incarceration by decreasing incarceration rates.¹⁷⁶ That means that successful reforms would be those that actively aim to reduce the use of incarceration. However, the Norwegian model focuses on people that are already incarcerated and thus lacks influence on this goal. While the ACLU Oregon and OJRC may approve of the Amend program, it does not directly address their vision for Oregon prison reform.

PSJ's vision is centered on safety and accountability for both the offenders and victims. They strive for a criminal justice system that promotes:

“...more proactive and thoughtful collaboration between crime survivor advocates and criminal justice reform advocates who have a shared stake in creating a system focused on long-term, evidence-based, policies best equipped to create safe and healthy communities.”¹⁷⁷

This vision is based in restorative justice principles where both the offender and victim are part of a healing process. The Amend program does not focus on collaboration between these two parties. However, the reforms ODOC has made to its correctional culture are long-term, evidence-based policies with the goal of increasing the safety and health of the staff and AICs. Additionally, creating a more supportive prison environment can aid AICs in creating a safe and healthy community upon re-entry. The Amend program may partially address PSJ's vision and therefore is only successful to a certain extent.

The larger movement for prison reform in Oregon shows that the Norwegian model is limited. Organizations like PSJ, the OJRC, and the ACLU Oregon, call for systemic reform. They suggest that processes like restorative justice need to replace reliance on incarceration. In this sense, the Norwegian model is not successful. On the

¹⁷⁶ ACLU. “Smart Justice.” And Gonsalves, Kate. “Disrupting Mass Incarceration.”

¹⁷⁷ Rogers, David and Kerry Naughton. “Moving Beyond Side.” pp. 1.

other hand, it will take time to dismantle the prison system and the Norwegian model can act as a short-term solution. AICs should be treated with respect and prison conditions should be humane. The Norwegian model can help achieve this immediate concern even if it is insufficient for the long-term goals of prison reform organizations.

Barriers to Success

Oregon faces specific social and political barriers to achieving normalization. One major barrier is the architecture of prisons.¹⁷⁸ Many of the facilities are large and dark. Unlike Halden prison, they were not built to resemble the outside world. Without rebuilding them all, ODOC will have to get creative to make the environment feel more normal. This can be anything from painting walls bright colors to planting trees in the prison yards which OSP has already begun.¹⁷⁹ In fact, the minimum-security facility, South Fork Forest Camp, is trying to emulate Bastøy prison.¹⁸⁰ Increasing facilities that are open and normalized will better help AICs reintegrate into society upon the end of their sentence.

The prison officers that interact with the AICs are the most influential in the success of the Norwegian-inspired reforms. If they do not support the concepts, they will not change their ways. More senior officers particularly struggle with adapting to a new way of interacting with AICs.¹⁸¹ Lieutenant Mike Real at SRCI says there is a stigma of “if it’s not broke why fix it” particularly among older officers.¹⁸² Cultural change is about shifting perspectives, which can take a long time. However, Kelly mentioned that

¹⁷⁸ Persson, Rob. Personal interview.

¹⁷⁹ Ibid.

¹⁸⁰ Brown, Nichole. Personal interview.

¹⁸¹ Kelly, Brandon. Personal interview. And Tooley, Toby. Personal interview.

¹⁸² Real, Mike. Personal interview.

many officers are retiring which means a new generation of younger, more open-minded officers are being hired.¹⁸³ Ahalt argues the internal resistance stems from a “broader discourse around people who commit crime...suggesting that if you commit crime, you are somehow...irredeemable.”¹⁸⁴ This tough-on-crime perspective seems to be fading out with the generational turnover, though. The increase of young staff will bring new perspectives with possibly greater interest in a rehabilitative approach.

Another major concern is the lack of resources and funding. Part of this is out of ODOC’s control. Policymakers decide the corrections’ budget and thus how much money ODOC receives to implement reforms. Increased funding is needed for hiring and training more staff which would allow for a better officer to AIC ratio.¹⁸⁵ However, according to Ahalt, “corrections are places where legislators look to cut not to add.”¹⁸⁶ If the goal is to decrease reliance on incarceration, it is only intuitive to decrease funding for correctional facilities. If ODOC is going to receive more funding, they need to prove that the new reforms work and are worth the investment. The more Oregon works on creating a rehabilitative approach, the more proof they will have that it works. An increased budget could mean ODOC is better able to provide a rehabilitative environment for AICs.

Around 30 Oregon staff have gone to Norway and/or been trained through the Amend program and all facilities are committed to adapting a Norwegian-style model. This type of commitment is promising because it indicates that change can happen from the inside out. If ODOC continues to show successful reforms, the public discourse

¹⁸³ Kelly, Brandon. Personal interview.

¹⁸⁴ Ahalt, Cyrus. Personal interview.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

around crime may change. In the next chapter I will be discussing my conclusions on this program and its implications for prison reform in Oregon.

Chapter 7: Conclusions

There is no doubt that the reforms ODOC has made have had positive results on staff wellness and the prison environment. However, the model is not sufficient to solve Oregon's larger prison problems. Shifting the way officers treat AICs will not reduce Oregon's reliance on mass incarceration or the disproportionate effects it has on people of color. Besides, Norway incarcerates 54 individuals per 100,000 while Oregon incarcerates 582 individuals per 100,000.¹⁸⁷ Not only does Norway have far fewer AICs to manage, but they have wide-spread support for rehabilitative approaches. In the US, though, there is no universal support for rehabilitation and racism is deeply intertwined in the prison system. To effectively address these issues, Oregon needs to reduce the prison population, garner bipartisan support, and dismantle racism. No single model can fulfill all these goals. I will discuss more specific limitations of the model and what prison reform/abolition practitioners can do moving forward.

Limitations of the Norwegian Model

By idolizing Norway's model, US correctional staff are missing the point. To genuinely reform Oregon's prison system, correctional staff need to approach reform from several different angles. The Norwegian model is only one of them. Despite the differences between the countries, I still believe Oregon can adopt normalization. Embracing this idea can shift the mentality of correctional staff and improve the current prison conditions. This is just the start, though. Prison reform movements will also need to actively dismantle racism along with tendencies to over incarcerate. The Norwegian

¹⁸⁷ "Norway." *World Prison Brief*. and "Oregon Profile." *Prison Policy Initiative*.

model will not inherently address these underlying systemic issues. Even though insufficient in and of itself, the Norwegian model is one important step towards prison reform.

On the other hand, the Norwegian model props up the prison system instead of dismantling it. It is commonly known that the prison system was built to oppress and discriminate. Thus, it only seems logical to abolish the system and create a more effective and community-oriented alternative. This is not to say that ODOC should not try to improve current prison conditions. It would be unnatural to ask correctional staff to try and dismantle their very own form of employment. That is why I think prison *abolition* efforts need to come from outside prison walls. One way this can happen is by supporting services that work to prevent incarceration in the first place. These include mental health, family support, drug rehabilitation, financial support, counseling, and housing services. While ODOC has shown commitment to the Norwegian model, it will not transform the prison system as we know it.

Moreover, the Norwegian prison model may only be truly successful in a strong welfare state. According to Norwegian criminologist, Victor Shammas, the welfare state is inherently linked to the penal state.¹⁸⁸ The Norwegian welfare state is founded on a basic idea of equality.¹⁸⁹ This means that AICs and citizens alike are equal and should have equal opportunities. In the US, though, there is not a strong welfare state. Services are not provided universally. AICs are widely seen as undeserving of services. This may be due to punitive beliefs around crime and punishment. Another aspect may be the

¹⁸⁸ Shammas, Victor. "Penal Elitism: Anatomy of a Professorial Ideology."

¹⁸⁹ Shammas, Victor. "The Rise of a More Punitive State."

welfare system. This would suggest that massive cultural and political reform would need to take place before the Norwegian model can be successful.

On the other hand, Norwegian scholar, Peter Scharff Smith, says there is no connection between social democracy and support for normalization in a prison system.¹⁹⁰ Of course policy makers and prison officials will need to support normalization, however Smith argues no certain political system is necessary. That means that a state does not need to be democratic socialist to have success with the Norwegian model. While Oregon may be able to embrace normalization in their prisons, I do not think this is enough. Simply changing the way officers treat AICs will not address the root issues of mass incarceration. Transforming the justice system may not be possible within Oregon's political structure. No matter how many people support prison reform, there is a limitation to how far Oregon can get without addressing larger political issues.

Despite what many correctional staff believe, Norway is not the answer to Oregon's prison problems. It is true that the Norwegian prison model can be successful in improving prison conditions. However, it is not news that systemic racism and mass incarceration are major drivers of the US's prison problems, Oregon included. By itself, the Norwegian model is insufficient to address these issues. Colorful walls, gardens, and small liberties for the AICs may seem well-intentioned, but they do not address root issues such as the war on drugs, racial discrimination, and the lack of mental health services. Of course, changing the way correctional staff treat AICs is essential. On the other hand, these reforms are futile if the prison institution itself needs to be abolished

¹⁹⁰ Smith, Peter. Personal interview.

and replaced with community justice programs. Lieutenant Mike Real confirmed that “we’re not trying to be Norway, but they are doing things right. They are doing things better.”¹⁹¹ This is reassuring yet does not necessarily guarantee that all ODOC staff believe more reform is necessary.

According to ODOC’s own goals, abolition is not the goal. Safety is. Programs like Amend work to improve the prison environment while maintaining public safety. In this sense, the Norwegian model is incredibly useful. It teaches correctional officers to engage with AICs in a more humane way. Ideally, correctional officers would treat all AICs with respect. Even if this were the case, I return to Jewkes’ concerns. Can anything really be “normal” behind bars? I do not think so. That is not to say that ODOC should not pursue the Norwegian model. I think it will take a long time for the prison system to be completely abolished. In the meantime, correctional staff should be trying to improve the current conditions. If we compare the prison problem to a medical patient, addressing immediate concerns is a form of triage. ODOC staff can address urgent issues within prisons, while prison reform practitioners work on long-term solutions.

While Oregon may face great barriers to genuine prison reform, I am optimistic about the future. Political leaders across the spectrum seem to support prison reform in some manner. While they may not be interested in prison abolition, political consensus is an incredibly important prerequisite to any form of change. According to a Portland State University report, in 2012 most Oregonians supported rehabilitation in sentencing.¹⁹² When there is consensus between the public and policymakers, major

¹⁹¹ Real, Mike. Personal interview.

¹⁹² Sundt, Jody, et al. “Oregonians Nearly Unanimous in Support of Reentry Services.”

change can be made. Secondly, the Black Lives Matter and defunding the police movements have raised massive awareness about the issue of mass incarceration. Conversations about the racist foundations of our justice system have been widespread and led to massive momentum for prison and police reform. However, this energy will be wasted if Oregonians do not have a public reckoning with our racist history. Without addressing racism, the justice system will never be just. Michelle Alexander also sees the opportunity in this moment in history, urging the American public to use this chance to make some real change.¹⁹³ The fight for justice and safety does not happen overnight, so Oregonians need to be committed to long-term change.

Next Steps

The Norwegian model is incredibly useful to ODOC if the staff continue to support reforms. If ODOC staff become satisfied with their work, the prison conditions will not change. I believe that massive improvement is possible even with the differences between Oregon and Norway. Of course, Oregon does not have the same economic and political systems as Norway, but that does not mean that prisons cannot embrace humanization and normalization. To embrace these concepts is to treat AICs better. In theory, this does not require more resources. However, in practice, Oregon does need a better staff to AIC ratio to create meaningful relationships with each AIC. More staff would require more funding for corrections. Additionally, the training needs to be more responsive to mental health and trauma. A longer and improved corrections training would also require more money. ODOC will need better training and more

¹⁹³ Alexander, Michelle. “America, This is Your Chance.”

staff. These changes are reliant on internal support from staff and external support from the public.

The next logical question is *how should Oregon achieve reform?* While this question is too large to fully address here, I will offer some ideas. Countless scholars have attempted to answer the question of how to achieve prison reform. Mirko Bagaric and Daniel McCord suggest there are five major reform types: scholarly reports, mainstream media, opinion polls, political action, and reducing prison numbers. Even though each of these are valuable, they argue that sentencing reform is the most comprehensive. So long as sentences are disproportionately long, the cycle of mass incarceration will continue. This is corroborated by reports by both the ACLU Oregon and the Sentencing Project that recommend the reduction of certain sentences to improve Oregon's system. Other scholars point to powerful positions in the system, such as parole boards, that need reform. This type of reform is typically known as back-end reform because it has to do with procedures around the end of a sentence and reintegration into society. Finally, as mentioned in Oregon, reports can be a powerful tool of reform. According to Peter Scharff Smith, academic research can be combined with activism to encourage systemic change. Thus, research can be a catalyst for prison reform. None of these methods alone are the answer. Change will need to come from all different directions.

I think that ODOC should continue with its Norwegian-inspired reforms while also being informed by community needs. There is a lot that Oregon can learn from Norway. Correctional facilities can still give AICs more autonomy and improve the prison environment. More can be done to reach the diverse population of people in

prisons and build community with outside families and friends. ODOC needs to address racial inequities and strive towards justice and healing. Most importantly, Oregonians need to work together to advocate for a better justice system. They need to work with ODOC and non-profits to implement reforms. I cannot suggest a certain reform type because reform must come from community values and goals. One thing is for certain, though, prison reform practitioners must never give up. Creating a better prison system that serves its community is an ongoing process.

Challenges & Limitations

I faced several challenges when writing this thesis. The first is one I think most researchers face—the never-ending nature of research. I could have spent several more years interviewing ODOC staff, visiting ODOC facilities, conducting qualitative surveys, interviewing adults in custody, and more. Unfortunately, I had a time limit and therefore was unable to pursue these interests. However, the unfinished quality of most reports is what perpetuates and inspires future research. I see this thesis as a jumping off point for myself and others that are interested in the use of the Norwegian model and Oregon prison reform.

COVID also acted as a huge barrier to conducting my research. After returning from Norway, my plan was to visit different Oregon prisons to see the changes they have made first-hand. Unfortunately, I was unable to do so. Also, COVID and the Oregon wildfires meant that ODOC staff were overloaded. If it were not for these unpredictable circumstances, my research would not be as dependent on ODOC staff testimony alone. I could have visited Oregon correctional facilities and conducted more interviews. These factors also meant that I could not visit any AICs. I was only able to

talk with one previously incarcerated person in Oregon. Speaking with more AICs would have deepened my understanding of the reforms. They would have been able to tell me what these reforms felt like from personal experiences. The lack of their perspective in this thesis is possibly the biggest limitation of my work. With that being said, I am still incredibly grateful for all the ODOC staff and other interviewees that made the time to talk with me during this unusual year.

Further Research

Like I mentioned in my introduction, this paper is just the starting point for many other research opportunities. More research could be done on other prison reform movements in Oregon, such as prosecutorial reform as seen in the election of progressive district attorney, Mike Schmidt. The Justice Reinvestment policy has also had huge impacts on the distribution of correctional funds to counties which could be researched. I was reminded in one of my interviews about the incredibly diversity between each Oregon county.¹⁹⁴ There are a total of 36 counties in Oregon each of have different policies and standards. My research focused on state institutions, but jails are just as important. Understanding changes on this small of a scale would shine light on how these staff are thinking about prison reform.

Another interesting research topic is how Norway developed their current prison model. I discussed this with a handful of Norwegian correctional staff but did not have space to include it. It would be interesting to know why Norway's prisons changed so drastically and if Oregon could follow the same trajectory. Lastly, each component of the Norwegian model could be studied with even more depth. A whole thesis could be

¹⁹⁴ Holcomb, Deevy. Personal interview.

dedicated to the idea of normalization and how to implement it in Oregon correctional facilities. Another thesis could be done on dynamic security and yet another on the import model. Writing this thesis has made me realize all the possibilities for further research. I hope that it also inspires others to continue asking these questions.

Appendix 1: Further Reading & Media Recommendations

I want to provide readers with an accessible guide to further information about prison reform in general and in Oregon. While this is not a comprehensive list, it is a great place to start if you are interested in learning more about this topic. These resources have been instrumental in my journey of learning about prison and prison reform.

Books

- *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* by Michelle Alexander
- *Until We Reckon* by Danielle Sered
- *Are Prisons Obsolete?* By Angela Davis
- *Discipline and Punish* by Michael Foucault
- *Exiled Voices: Portals of Discovery* by Susan Nagelsen
- *Life Without Parole: Living and Dying in Prison Today* by Victor Hassine
- *Lethal Rejection: Stories on Crime and Punishment* edited by Robert Johnson and Sonia Tabriz
- *Just Mercy* by Bryan Stevenson
- *The Little Book of Restorative Justice* by Howard Zehr

Podcasts

- Ear Hustle
- Criminal
- Radiolab

- More Perfect
- Serial
- Strict Scrutiny by The Appeal
- Trailblazing Justice by the OJRC

Organizations

- American Civil Liberties Union Oregon
- Partnership for Safety & Justice
- Oregon Justice Resource Center
- Vera Institute of Justice
 - Specifically see their webumentary on reimagining prison:
<https://www.vera.org/reimagining-prison-webumentary>
- Criminal Justice Commission
- Amend
- Restorative Justice Coalition of Oregon
- Oregon Citizens United for Rehabilitation of Errants (CURE)
- Critical Resistance PDX
- Oregon Innocence Project
- Oregon Prison Project
- Bioneers
- The Appeal
- Disability Rights Oregon

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