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RESEARCH ARTICLE/ARTICLE DE RECHERCHE

(Dis)Guised Punishment: Examining the Consequences of Post-Release Management Programs

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Abstract

This paper examines the consequences of post-release management programs, arguing that these initiatives extend penal power beyond formal sentencing through mechanisms such as surveillance, discretionary policing, and information sharing. While prolific offender programs are framed as risk-management strategies rather than punishment, they operate in ways that mirror carceral control, restricting autonomy and increasing individuals' susceptibility to criminalization. Drawing on qualitative interviews with crime analysts and police officers, I analyze how the prolific label structures police interactions, justifies heightened scrutiny and reinforces recidivist assumptions that shape sentencing and enforcement decisions. The findings challenge clear-cut distinctions between carceral and non-carceral interventions, highlighting how penal control functions fluidly across legal and administrative domains. By linking empirical findings to broader theoretical discussions of punishment, surveillance, and risk governance, this study contributes to ongoing debates on the expansion of state power in contemporary criminal justice.

Keywords: punishment; crime analysts; policing; surveillance; risk governance; prolific offenders; penal power

Résumé

Cet article examine les effets des programmes de gestion post-libération et argue que ces initiatives étendent le pouvoir pénal au-delà de la peine formelle par le biais de mécanismes tels que la surveillance, le pouvoir discrétionnaire des policiers et le partage d'information. Bien que les programmes ciblant les délinquants récidivistes soient conçus comme des stratégies de gestion des risques plutôt qu'une punition, ils opèrent malgré tout de manière à reproduire le contrôle carcéral en restreignant l'autonomie et en augmentant la vulnérabilité des individus à la criminalité. M'appuyant sur des entrevues

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qualitatives menées auprès d'analystes de la criminalité et d'agents de police, j'examine comment l'étiquette de « récidiviste » structure les interactions policières, justifie une surveillance accrue et renforce les présomptions de récidive qui façonnent les décisions en matière de condamnation et d'application de la loi. Mes résultats de recherche remettent ainsi en question la distinction apparente entre interventions carcérales et non carcérales et mettent en évidence comment le contrôle pénal opère aussi aisément tant dans les sphères juridiques qu'administratives. En mettant en relation les résultats empiriques et les débats théoriques sur la punition, la surveillance et la gouvernance du risque, cette étude contribue aux discussions actuelles sur l'expansion du pouvoir étatique dans le système de justice pénale contemporain.

Mots clés: punition; analystes de la criminalité; police; surveillance; gouvernance du risque; délinquants récidivistes; pouvoir pénal

Scholarship on punishment has long centred on incarceration as the primary site of penal power, examining its expansion, consequences and social functions (Garland 1991; Whitty 2011; Pfaff 2013; Phelps 2017). However, this focus has sometimes obscured how punishment operates through noncustodial, administrative and discretionary mechanisms that extend beyond prison walls (Robinson 2016; McNeill and Beyens 2013; Brown 2020). Increasingly, scholars argue that penal governance is decentralized, operating through regulatory control under the guise of prevention and risk management (Cohen 1979; Simon and Sparks 2013; Joh 2016). These interventions contribute to a "shadow carceral state" (Beckett and Murakawa 2012), where punishment is imposed not through formal legal sanctions but through discretionary policing, surveillance and administrative control. To fully grasp the evolving nature of penal power, research must further examine how preventive criminal justice measures expand state control (Joh 2016; Kerr 2019; Brown 2020). Building on this scholarship, I examine the accretion of techniques, practices and rationales of crime control agents that produce "prolific offenders"—individuals labelled as high-risk based on predictive policing, criminal history and behavioural profiling (Ballucci 2023).

While framed as crime prevention, prolific offender programmes impose surveillance and compliance measures that blur the boundary between prevention and punishment. Those designated as prolific offenders are subject to heightened police attention and monitoring, effectively extending state control beyond formal sentencing. These programmes grant police officers and crime analysts broad discretion in determining how to regulate individuals post-sentencing, often with minimal oversight (Cope 2004; Myers 2017). As a result, individuals who have completed their sentences remain entangled in a system that continues to police their behaviour based on the presumption of future criminality.

This paper investigates the implications of prolific offender management through qualitative interviews with crime analysts and police officers involved in these programmes. By constructing information networks around designated offenders, these actors reinforce the likelihood of continued surveillance, control and punishment. I argue that prolific offender programmes function as an

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extension of penal power, shaping individuals' experiences of state control and perpetuating their entanglement with the criminal justice system. By analyzing how these labels are produced, disseminated and acted upon, this study contributes to debates on punishment, surveillance and risk governance. It also challenges rigid distinctions between carceral and noncarceral interventions, highlighting the hybrid mechanisms through which contemporary penal strategies operate. Ultimately, I emphasize the importance of greater accountability in the discretionary power exercised by police agencies and crime analysts in determining punishment.

The expanding boundaries of punishment: surveillance, risk and penal expansion

Traditionally, punishment has been centred on incarceration, with imprisonment serving as the primary form of state-sanctioned penal control (Garland 1991; Whitty 2011). However, scholars increasingly recognize that punishment extends beyond custodial settings into the community through surveillance, probation, bail conditions and risk-based interventions (Robinson 2016; McNeill and Beyens 2013). While penal practices vary across social, political and cultural contexts (Simon and Sparks 2013), they share a common feature: imposing constraints on liberty and autonomy. These alternative forms of penal power do not rely on incarceration but function as mechanisms of control through restrictions, monitoring and behavioural conditions (Tonry 2014; Zedner 2016).

Cohen's (1979) concept of the "punitive city" captures this expansion, highlighting how penal control has dispersed into everyday spaces through regulatory mechanisms that constrain movement, impose visibility and heighten suspicion. Similarly, Beckett and Murakawa's (2012) notion of the "shadow carceral state" describes how noncustodial interventions operate as de facto punishment by reinforcing individuals' entanglement with legal and administrative systems. These perspectives challenge rigid distinctions between formal and informal punishment, framing penal governance as a flexible system extending across legal, administrative and discretionary domains. As such, criminal justice sanctions (Weinrath and Doerksen 2015; Robinson 2016; Zedner 2016; Myers 2017; Brown 2020) and their procedural and administrative practices require further empirical examination (Eife and Kirk 2020).

Scholars have demonstrated how noncustodial responses extend punishment in subtle yet significant ways. Individuals on probation or bail, for example, are subject to stringent conditions that regulate their movements through surveillance technologies, curfews and reporting requirements (Staples and Decker 2008; Schaefer et al 2016; Russell et al 2020). Compliance is further reinforced through regular monitoring, random home visits, drug testing and personal device tracking (McCahill and Finn 2013; Myers 2017; 2019). These measures, while framed as rehabilitative, function as tools of extended penal control.

Community supervision programmes, such as Integrated Offender Management (IOM), represent a broad category of police-led initiatives that involve collaboration

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between multiple agencies to manage offenders. These programmes aim to reduce recidivism and facilitate reintegration but often impose surveillance and regulatory measures similar to those faced by individuals on bail or probation. Examples include intensive supervision programmes (ISP), long-term supervision orders (LTSO) and prolific offender programmes (Ballucci 2023).

Although community sanctions emphasize reintegration, they effectively *widen the net of social control* (Weinrath and Doerksen 2015, 258) by expanding the reach of criminal justice actors (Piché and Larson 2010; Sexton 2015). These initiatives frequently involve restrictive and punitive measures designed to modify behaviour, often under the justification of preventing recidivism (McCahill and Finn 2013; Aebi et al 2015; Xing and Ballucci 2022; Eife and Kirk 2021). The suspicion of future offending legitimizes ongoing surveillance, granting law enforcement broad discretionary power over those classified as high-risk (Cram 2020). However, a disconnect exists between the rehabilitative rhetoric of IOM policies and their actual implementation. In practice, officers routinely stop and question IOM participants under vague suspicions of unlawful activity (Cram 2020), reinforcing hierarchical power dynamics and discretionary policing authority.

Beyond their regulatory function, community sanctions also reproduce punishment by producing what Sykes (1958) and Christie (1981) describe as *pains of punishment.* Recently, these pains have been categorized into four distinct types: *direct pains, oblique pains, contextual pains and unrelated pains* (Hayes 2018, 24). Here, pain is not merely incidental but a by-product of the legal institution, experienced in varying degrees—physically, emotionally and psychologically (Hayes 2018). The unique ways punishment manifests for each lead to diverse consequences, including isolation and deteriorating mental and physical health (Hayes 2015; 2018). Additionally, community supervision can exacerbate existing economic and social vulnerabilities (Hayes 2015), further entrenching individuals in cycles of hardship. This aligns with Feinberg's (1970) argument that punishment is inherently "unpleasant" and unwanted, reinforcing its coercive nature even in noncustodial forms.

As a result, these programmes create adverse environments for participants, who often experience their conditions as hostile or coercive. Rather than offering an alternative to punishment, community sanctions reinforce penal control in unregulated and discretionary ways (Doherty 2016; Phelps 2017). For those subjected to these regimes, adjudicators can impose restrictive sentencing conditions—limiting freedoms and opportunities—even in the absence of a formal conviction (Durnescu 2011; Kemshall 2008). My analysis of a police-led initiative, such as prolific offender management, further illustrates how these programmes are expanding and, more specifically, the role of crime control agents, including police officers and crime analysts, in this process.

Prolific offender designation: differentiating surveillance strategies

In Canada, a prolific offender, although the specifics vary, is generally an individual identified by police and crime analysts as highly likely to reoffend

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based on past criminal charges, frequent police contact and behavioural indicators. This label is not a legal status but an administrative designation made by law enforcement using discretionary and predictive methods (Ballucci 2023; Brown and Ballucci 2022). Once labelled, these individuals are subject to heightened monitoring, including frequent curfew checks, street stops and information sharing across police districts (McCahill and Finn 2013). Prolific offender programmes are multiagency policing strategies designed to manage these individuals through preemptive interventions. Officers may detain individuals for technical breaches (e.g. missing curfew) and use detailed personal profiles to argue for remand or stricter bail conditions, even in the absence of new criminal activity (Durnescu 2011; Cram 2020).

Similar logics are found in the United States,[1] where many police departments maintain chronic offender lists, focus on deterrence programmes or employ predictive policing systems (see Brayne 2014; Ferguson 2017). Internationally, these programmes reflect a broader shift toward actuarial justice and risk-based governance (Feeley and Simon 1992). They raise critical concerns about discretionary policing, legal accountability and the disproportionate impact on racialized and marginalized communities (Benjamin 2019; Goff et al 2014). Whether in Canada or the United States, these practices blur the lines between formal punishment and administrative policing, extending penal power into everyday life through predictive, preemptive and often opaque mechanisms (Harcourt 2007; Joh 2016). As many countries adopt similar models, the North American experience offers a cautionary example of how crime prevention rationales can justify expansive and enduring systems of surveillance and control.

The designation of someone as a prolific offender is not a formal legal status but an administrative label shaped by risk assessments and predictive policing practices. Although the specific criteria vary across jurisdictions (Ballucci 2023), the process consistently involves collaboration between law enforcement officers and crime analysts. These professionals rely on tools such as police databases, predictive analytics and intelligence-sharing networks to assess individuals with extensive criminal histories who are deemed at high risk of continued offending (Hannah-Moffat 2016; Brayne 2014). Key indicators include offence frequency and severity, repeated police contact and intelligence-based predictions (Ballucci 2023). While local definitions may differ, they typically target individuals with established recidivism patterns and ongoing surveillance (McCahill and Finn 2013; Russell et al 2020).

Risk assessments used to justify this classification often incorporate nonconviction intelligence, surveillance data and informal police interactions, rather than being limited to documented criminal convictions (Brown and Ballucci 2022).

[1] For example, the Chicago Police Department's Strategic Subject List and the LAPD's chronic offender bulletins assigned individuals "risk scores" based on social networks, police contact and past behaviour—often without formal convictions (Brayne 2014; Ferguson 2017). These individuals were then subjected to targeted monitoring, surveillance and preemptive interventions. US courts and police also rely on algorithmic tools such as COMPAS, which assess the risk of reoffending to shape pretrial detention and sentencing, despite widespread concerns about racial bias and due process (Eubanks 2018).

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As a result, the prolific offender label reflects a convergence of predictive policing, discretionary decision-making and administrative classification practices, rather than purely legal determinations.

Although no specific offence type guarantees this designation, research suggests that individuals involved in property crimes, repeat drug offences and violent incidents—such as domestic violence or weapons-related crimes—are more likely to be labelled prolific (McCahill and Finn 2013; Weinrath and Doerksen 2015). However, the discretionary nature of the process allows law enforcement to classify individuals based on perceived risk rather than formal legal status. This raises significant concerns that the use of prolific offender lists reinforces existing systemic biases by disproportionately targeting marginalized populations and those frequently in contact with police, even in the absence of formal charges or convictions (Ballucci 2023; Benjamin et al 2019).

A defining characteristic of prolific offender management is the intensity and scope of surveillance to which labelled individuals are subjected. Because the strategy prioritizes preventive over reactive policing, those designated as prolific often face heightened monitoring, more frequent police stops (i.e. curfew and street checks) and stricter release conditions—regardless of whether they pose an immediate threat to public safety (McCahill and Finn 2013, 28). For instance, the development of "electric tagging" can lead to a "revolving door" effect (Padfield and Maruna 2006), whereby "prolific" offenders can end up in prison for violating the terms of the license (Parent and Snyder 1999). These violations are much more likely to be detected due to the growth of multiagency interaction, intelligence-led policing and the use of "new surveillance technologies" (McCahill and Finn 2013, 36). For repeat offenders, punishments for violations are often more severe, as limitations tend to be lacking in this regard (Gordon and Glaser 2017). Often, police begin an investigation by comparing current crimes to previously committed crimes to identify and link perpetrators (Gordon and Glaser 2017; Mungan 2010). This move toward surveillance in private and public spaces, in turn, widens both the field of visibility and the opportunity for suspicion (Brighenti 2006, 330; McCahill and Finn 2013). The extensive knowledge gathered on these offenders and intense supervision results in a "spoiled identity" (McCahill and Finn 2013, 34), which is often difficult to separate from.

Moreover, this intensified surveillance contributes to a broader framework of punitive governance, where individuals labelled as prolific offenders face increased barriers to employment, housing and community reintegration. Studies indicate that the extensive data sharing between law enforcement agencies reinforces a cycle of perpetual monitoring, effectively creating a class of individuals who are never entirely free from the carceral gaze (Jefferson 2020). In contrast, despite having criminal records, nonprolific offenders are less likely to face the same level of continuous oversight and restrictions on their daily lives.

Overall, penal powers are expanding through correctional programmes and initiatives that justify practices that mirror punishment in the name of prevention and public protection. Such discourses increase the participation of those involved in the governance of offenders (Lecoq et al 2020) and create consequences for targeted individuals. In combination with growing technological

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capabilities, noncarceral forms of punishment are progressively expanding their reach within the discourse of community safety, where legal agents face minimal accountability for their decisions. To contribute to this knowledge gap, the following analysis details the consequences for those deemed prolific. In doing so, I illustrate that the distinct surveillance strategies applied to prolific offenders function as an extension of punishment, operating beyond the traditional boundaries of the justice system. These strategies not only reinforce social control mechanisms but also contribute to long-term socioeconomic marginalization, raising critical concerns about the ethical implications of data-driven policing and risk-based classification systems.

Methodology

To investigate how prolific offender management programmes function as mechanisms of penal control, I conducted a qualitative case study in a Canadian province with the assistance of crime analysts. Crime analysts typically hold undergraduate degrees in fields such as criminology, sociology, criminal justice, geography (with a focus on GIS) or public administration and many possess graduate-level training in these or related disciplines. Increasingly, these roles require proficiency in data analysis, mapping technologies and risk assessment, with some analysts also trained in computer science or statistics (Santos and Taylor 2014).[2] Analysts must interpret large volumes of crime data and produce actionable intelligence under time constraints, often balancing professional objectivity with institutional goals (Ratcliffe 2004; Cope 2004). In the Canadian context, recent research has shown that crime analysts often occupy hybrid roles as both technical experts and discretionary actors, drawing on academic foundations while receiving on-the-job training in intelligence gathering and surveillance practices (Ballucci 2023; Brown and Ballucci 2022; Sanders and Condon 2017). This aligns with findings from this study, in which analysts described having a range of educational backgrounds, from college diplomas to bachelor's degrees from universities, reflecting diverse pathways into the profession.

The study focuses on crime analysts and police officers who design, implement and oversee these programmes, as their discretionary power plays a crucial role in shaping post-release management. Based on sixteen in-depth, semi-structured interviews—thirteen with crime analysts and three with police officers—the study examines how intelligence is compiled, disseminated and applied in policing practices. Crime analysts were interviewed for their role in identifying prolific offenders and sharing intelligence, while police officers provided insight into how this information informs enforcement strategies. Interviews were open-ended, allowing participants to describe their decision-making processes, experiences and perceptions of prolific offender

[2] Professional organizations, such as the International Association of Crime Analysts (IACA), outline core competencies and offer certifications that complement formal education (International Association of Crime Analysts 2020). International Association of Crime Analysts, Home, IACA, accessed September 6, 2025, https://www.iaca.net/

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management. All interviews were audio-recorded, transcribed verbatim and anonymized, with participants assigned pseudonyms to maintain confidentiality. They were conducted between 2013 and 2014 with the requisite university Research Ethics Board approval.

Data were analyzed using thematic coding in NVivo, grounded in concepts from punishment, surveillance and risk governance literature. Thematic analysis initially produced nine broad codes, with "punishment" serving as a central category. These were subsequently refined into subcodes that reflect key aspects of offender management, including surveillance techniques, court processes and investigative strategies. Additionally, I explored crime analysis practices, officers' operational strategies and the broader management process to comprehend how prolific offenders are monitored and regulated. The "management practices" code was particularly significant in illustrating how intelligence-sharing mechanisms foster a continuous cycle of knowledge production and enforcement. These themes were examined through theoretical perspectives on carceral expansion (Beckett and Murakawa 2012), risk-based policing (Ericson and Haggerty 1997) and the penal state (Garland 1991). The analysis investigates how prolific offender management constitutes a hybrid form of punishment—operating outside formal sentencing while imposing conditions, surveillance and constraints similar to traditional penal measures.

While this study offers valuable insights, it has certain limitations. First, the sample size is relatively small ($n = 16$) and participants were drawn from a single jurisdiction, which limits the generalizability of the findings to other contexts where prolific offender programmes may operate differently. Second, the study captures only the perspectives of crime analysts and police officers. While these professionals play a critical role in managing prolific offenders, their views do not fully represent the broader institutional practices. Given the discretionary nature of police work, interpretations and implementations of prolific offender policies likely vary across agencies, regions and individual officers. Future research should include perspectives from legal professionals, policymakers and individuals directly affected by these programmes to develop a more comprehensive understanding of their effects.

Additionally, extensive research demonstrates that racialized individuals are disproportionately affected by risk-based policing strategies (Goff et al 2014; Benjamin 2019). Predictive algorithms and risk classifications often rely on historical crime data, reinforcing rather than mitigating racial disparities (Harcourt 2007; Joh 2016). While this study does not explicitly analyze race and ethnicity due to the absence of these themes in participant interviews, this silence is analytically significant. Rather than a neutral omission, it may reflect how carceral actors operate within liberal ideological frameworks that normalize *colour-blind* approaches to surveillance and control. Drawing on Murakawa's (2014) theorization of the *racial innocence* of the carceral state, this absence can be understood as part of a broader discursive strategy that disavows racial bias while reproducing racialized outcomes under the guise of neutral categories such as "risk" or "prolific offender." In this context, race remains structurally embedded even when it is not explicitly named. Future research should therefore examine how prolific offender programmes may contribute to racialized

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patterns of criminalization not only through their outcomes, but also through the language, silences and logics that underpin their operation.

You've made the prolific offender list, now what? Consequences of the label

To produce a prolific offender list, crime analysts in this jurisdiction apply specific criteria to their local police database to identify individuals currently committing either the most frequent or severe criminal activity. Once an offender has been designated as prolific, crime analysts act as an information broker, sharing the names of these individuals with police officers in their district via email, debriefing meetings and posting the names in the police department's meeting room. Officers are provided with the prolific offender's "pictures, names, date of birth, address, and any current court activity or conditions that they're on" (Interview #2), such as any court orders and restrictions concerning who they can associate with or where they can reside. Additional information includes their criminal history, the most recent offences and their known motives and familiar places they frequent. Once designated, the initial focus is to gather additional information.

> I distribute it [the list] to the members. I update the [police database-PROSE files]. If someone from outside our jurisdiction, for example, if someone from [police district name] would arrest him, if they check his CPIC (Canadian Police Information Centre) they would see to advise me if they have dealt with him. I get some information from others, well from here there's not that many, but I get some information from other police departments. I also check them every once in a while to see if they are still at the same address. If they have conditions, I update them if they change. I keep track of their court dates, so if they go for trial and [are] found guilty and sent to prison, I will update the list and let the members know. Every two weeks I update the members through a bulletin on what kind of contact we've had with them, if we've received any information that they've left a place, or if we had calls about them, so that every member in the district is up to date on our offenders. (Interview #8)

Crime analysts play a pivotal role in the identification and ongoing surveillance of individuals classified as prolific offenders. Once a person meets certain administrative risk thresholds, analysts record their profile in local police databases. In some cases, this information is also uploaded to national platforms such as the Canadian Police Information Centre (CIPIC), making it accessible across jurisdictions. This system enhances interagency communication and facilitates seamless information sharing, enabling law enforcement to monitor high-risk individuals across municipal and provincial boundaries.

Once designated as prolific, individuals become subject to intensified scrutiny. Analysts track their movements, monitor release conditions and routinely update officers on their whereabouts. This process exemplifies the scale and persistence of surveillance embedded within routine police work. Analysts often

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describe their practices as bureaucratic and detached—relying on structured risk flags, standardized reporting templates and automated data flows. Yet this procedural framing masks the discretionary judgments and structural biases embedded in the designation process. The routinization of surveillance through data entry and classification lends the system an appearance of neutrality and objectivity, even as it quietly reinforces preexisting inequalities. The following quote illustrates how these processes unfold in practice: "If we have new prolific offenders being released and that kind of stuff, I will send an email to everyone saying FYI, so and so is coming out, this is their MO [modus operandi], this is where they are living, are they under any conditions, that kind of stuff" (Interview #2).

Such updates exemplify how surveillance is enacted through mundane administrative acts. These communications circulate individual profiles as risk artefacts, ensuring that frontline officers are primed to respond. Rather than passive data collection, this is an active form of knowledge production that shapes police action in real-time. Importantly, the flow of information is not unidirectional. Officers contribute to the surveillance apparatus by feeding intelligence back into the system, as the following account demonstrates:

> The officer has contact with the client and they will say "I had contact with this client," they will come back to the computer, inform me, inform their profile, and if I get some more information elsewhere, from the jail, from sources or whatever, my job is to go out and find out anything I can [...] about this specific person. That's kind of what we do. (Interview #6)

Information is gathered, updated and redistributed through both formal channels and informal interactions, reinforcing a constant state of visibility for those labelled as prolific. This feedback loop of surveillance sustains a networked policing architecture in which the prolific offender is perpetually monitored, regardless of current criminal activity. The result is a system that not only increases police presence in the lives of certain individuals but also legitimizes pre-emptive interventions that mirror carceral logic.

Here, the designation of a prolific offender functions as a mechanism of pre-emptive exclusion, maintaining individuals in a condition of perpetual suspicion. As Foucault (1975) theorized, this reflects the operation of disciplinary power—where individuals are continuously observed, classified and managed not based on what they have done, but on what they are predicted to do. This actuarial logic aligns with Harcourt's (2007) critique of risk-based governance, which warns that predictive policing cloaks systemic discrimination in the language of statistical objectivity. In this context, administrative classifications such as "prolific offender" serve not only as tools of social control but as techniques of governance that naturalize inequality through data.

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Street and curfew checks

Crime analysts identify street and curfew checks as among the most frequently used conditions for managing individuals classified as prolific offenders. These practices are framed as legitimate tools of behavioural control—described by one analyst as a "way to control the population" (Interview #8)—because they ostensibly promote compliance and facilitate enforcement. Curfew checks, in particular, serve a dual function: they both restrict movement and generate real-time intelligence. By documenting an individual's location at specific times, these checks produce a spatial and temporal map of their behaviour that can be later used to support investigative claims.

As one analyst explained, "when a crime is committed that shares similarities in a known motive or method with a past offence by someone with a criminal record, police may 'check on' that individual" (Interview #8) to assess potential involvement and either confirm or dispel suspicion. In this way, curfew enforcement extends beyond mere compliance monitoring—it becomes a mechanism for preemptive suspicion. The formal imposition of curfew conditions institutionalizes surveillance in everyday space and time, rendering certain individuals continuously available to police attention. These practices reinforce the broader surveillance infrastructure by transforming physical checks into opportunities to collect data, build profiles and justify ongoing police scrutiny. As such, they reflect the logic of disciplinary power: individuals are managed not only through confinement but also through constant observation and the normalization of their visibility to the state: "I just send an email to the members and tell them, okay, he's active, that's what he does, that's where he lives, he's got a curfew—go check on him, he's our problem that's in [location] right now" (Interview #3).

As indicated above, once an offender deemed prolific is released, officers are notified, resulting in increased monitoring of crimes that resemble past offences or occur within the offender's area of residence. The "curfew" is used as an enforcement tool that enables officers to surveil individuals who have served their time. Such preventive practices are a form of punishment that govern when and where an individual can go. This form of control is another example of how prolific offender management mirrors the "shadow carceral state" (Beckett and Murakawa 2012), where noncustodial interventions serve as de facto punishment by entangling individuals within legal and administrative constraints. One analyst notes:

> We put a list together of all the people we have on curfew, and we have a calendar. The ones that are really well-known to be active, we'll check them sometimes 3-4 times a week, sometimes twice in one night just to make sure that they are complying. Make sure that they are off the streets. The past couple of years we've had like a 98% compliance, it's been a good result. (Interview #12)

Although these surveillance practices increase compliance with the terms of an offender's conditions, whether recidivism is reduced due to lack of opportunity or if the individual has chosen to disengage from criminal activity remains

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unknown. Those deemed prolific must conform or else they will be remanded. The imposition of curfews and the consequence that lingers for their noncompliance are indicators of punishment; despite no new crime being committed, an individual deemed prolific can receive punishment for a technical violation, which then places them back into the hands of the carceral state.

Another popular policing strategy used for regulation is street checks. In the Canadian policing context, street checks—also referred to as *carding*—involve police officers stopping individuals in public to request identification and gather personal information, even in the absence of suspected criminal activity (Wortley 2020). These encounters are officially considered voluntary, but many individuals, particularly from racialized communities, report feeling compelled to comply. Research has shown that Black and Indigenous people are disproportionately targeted by street checks, raising serious concerns about systemic racism and the erosion of civil liberties (Ontario Human Rights Commission 2017). Here, details provided by analysts afford officers knowledge of prolific offenders' conditions, whereabouts and criminal histories. This, in turn, becomes useful in engaging in targeted surveillance, including street patrols and visits to establishments frequented by these offenders. The result of such measures is a consistent reminder of the overarching police presence in the day-to-day lives of prolific offenders. The consistent gaze that results from the prolific designation again reflects punishment, reinforcing Sexton's (2015) argument that noncustodial penalties increase the power of state actors to regulate individuals' lives.

These practices align with Zedner's (2016) notion of penal power extending through restrictions, monitoring and behavioural conditions. Curfews, community supervision and street checks function similarly to probation and bail conditions, which Myers (2017) describes as stringent forms of release that regulate movement and subject individuals to technological surveillance, reporting and compliance checks. Community-based control mechanisms, such as street and curfew checks, thus act as a widening net of social control (Weinrath and Doerksen 2015), expanding punishment into spaces beyond incarceration.

Moreover, the information generated from street checks is also helpful for future investigations, as described by analysts from various agencies.

> You see a guy walking on the side of the road, you know he is a client of interest—he's wearing black jeans, grey hoodie, red cap. Sometimes down the road, after one month you have a break and enter at the pharmacy, the guy was wearing red hat, grey hoodie, so you've got a good starting point. (Interview #3)

Again, this example illustrates how police officers are familiar with the "persons of interest" in their district. This familiarity partly arises from their high profile, which increases the likelihood of these individuals being questioned or stopped due to their greater visibility on police radar. The effect of this high profile, particularly regarding police response, is further highlighted by the following comment:

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> If they see him walking at night, they would of course do a street check on him to see what he's up to and what he's doing and would mention it in the system. We saw him walking here and here and here, would be a good suspect if we have any thefts or any break and enters. (Interview #9)

In this way, street checks become a proactive measure. However, the offenders themselves face the challenges of increased susceptibility to criminalization[3] and an inability to remove themselves from the gaze of the state. Scholars such as Cram (2020) have highlighted how assumptions of recidivism justify persistent surveillance, a practice that illustrates how the central state exercises power. This, in turn, exacerbates feelings of coercion and hostility among those subjected to these measures, demonstrating how penal control remains unrestrained (Doherty 2016; Phelps 2017):

> So, they'll be out and about, see the kid—let's say John Smith—at the [Pizza business name] and go talk to him: "Hey John, how's it going, you keeping your nose clean?" And they record, "I saw Johnny at this place, at this time, he was wearing this". Because I have, in the past, solved crimes based on a street check where it matched the offender description to the description, you know what I mean. (Interview #4)

What emerges from this account is a form of everyday surveillance rooted in familiarity and repetition. As described by one participant, officers encounter known prolific offenders in public places and initiate casual interactions—"Hey John, how's it going, you keeping your nose clean?"—before formally documenting the encounter: noting location, time and even appearance. While seemingly benign, these moments reflect a deeper form of surveillance—a mode of policing in which long-term, close-range familiarity with individuals facilitates discretionary monitoring and the normalization of suspicion. This intimacy blurs the line between relational contact and risk governance, positioning officers and analysts as both watchers and narrators of a person's life course.

Prolific offenders are not simply surveilled; they are *known*—through repeated observation, prior charges, institutional histories and personal details. This deep familiarity is treated as an asset: it increases confidence in predictive assessments and reinforces the classification of certain individuals as inherently risky. This confidence is instrumental in how crime analysts share information, as suggested in the following account:

> Once you get to know who are they linked to [and what their] MO [is, when they're coming out of jail,] that's when your partners become very important. [...] [For instance,] some of my offenders are in [F], [but] they'll go to the bar in [L] on the weekends. They're not supposed to drink, so PD knows who

[3] I am aware that several other categories of offenders are also likely to receive a greater amount of police attention and that individual officers may also engage in practices that increase their interactions with particular offenders. This, however, does not negate the fact that the prolific offender designation has this impact.

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> they are [and, as a response, will] breach them. I [then] get a call Monday morning, "We breached them for drinking." So, it lets them know that they're not just dealing with any regular offender, that it's an offender that's causing us a lot of [problems], and they'll make sure to try to remand them [...]. So, it's very important. And we've had some arrests, too. Like a couple of my offenders moved into [L]'s area, [so] the analyst emails me: "I got a few break and enters, it's a weird MO, their breaking the screen this way, do you know anything?" I said, "I know exactly who it is [...] You might want to consider these people as persons of interest." They did some surveillance, caught them red handed. So, there's a lot of that. But it comes [from identifying] them as [part of] getting to know your offenders. (Interview # 9)

This quote illustrates how knowledge of offenders' past behaviours and personal routines becomes a key currency in the analyst's work. The ability to "know exactly who it is" translates into targeted policing responses that rely less on current criminal acts and more on behavioural expectations derived from past infractions. Such predictive and informal assessments frequently result in remand or breach charges for violations of conditions—such as drinking or curfew violations—rather than new offences per se.

These assumptions and expectations do not only shape how offenders are managed, but also define the role of the analyst as a proactive actor in the broader surveillance network. Analysts do not passively interpret data—they direct attention, coordinate responses and legitimize punitive outcomes through their accumulated knowledge of individuals. The rapid escalation from condition violation to remand exemplifies how prolific offender programmes align with contemporary theories of penal expansion (Durnescu 2011; Kemshall 2008). These programmes normalize the belief that certain individuals are *inevitably* criminal, thereby justifying continuous surveillance and discretionary intervention as preventive rather than punitive. In this sense, surveillance becomes both a technique of governance and a form of epistemic authority: knowing more about someone is not neutral—it structures how, when and why they are punished.

"Sometimes it's just a matter of time": surveillance, suspicion and the bureaucratization of risk

One analyst captures the predictive logic underpinning prolific offender surveillance: "sometimes it's just a matter of time before they commit another offence, right?" (Interview #1). This statement exemplifies the underlying assumption of inevitable recidivism that justifies proactive and continuous monitoring. Within this framework, surveillance is not simply reactive but anticipatory— designed to manage individuals before future harm occurs. Information-gathering and intelligence-sharing practices are thus framed as noninvasive but necessary strategies that serve both pre-emptive control and evidentiary utility in legal proceedings.

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This assumption of persistent risk also extends into the correctional response when a prolific offender breaches conditions. Analysts describe a clear policy preference for remand over release, reinforcing the idea that prolific status warrants more punitive outcomes. One analyst explained: "The policy in place is that, if you are dealing with someone who is flagged as a prolific offender for an arrestable offence, you keep them for bail. So, you don't release them on conditions" (Interview #5).

Here, risk designation becomes an informal but operationally powerful mechanism that influences pre-trial detention decisions. Although not a codified legal mandate, the prolific offender programme effectively institutionalizes a sanctioning framework rooted in incapacity and containment. Another analyst clarified this rationale: "The list gives them, [maybe not] a reason, but the policy to remand them. So, the goal is to reduce criminality. If that person keeps being a prolific offender, it means they keep reoffending. So the big way to reduce that is to have them incarcerated" (Interview #8).

This reasoning reveals how the prolific designation legitimizes differential treatment by positioning incarceration as a crime-reduction strategy. The classification not only amplifies an individual's visibility to police but also accelerates their path into custody. In practice, the more "known" a person is —through accumulated intelligence, predictive flags and surveillance records— the more likely they are to be subjected to immediate and increasingly punitive responses, particularly for breaches of conditions.

Crucially, these practices are not only framed as data-driven or procedurally neutral. While much of the work is carried out through standardized forms, automated alerts and risk scoring, analysts and officers often invoke a parallel narrative of public protection. They portray their actions as necessary interventions to keep communities safe, reinforcing a sense of moral responsibility. In this way, the bureaucratic infrastructure of prolific offender management is infused with a "heroic" logic: acting decisively, even punitively, is seen as safeguarding society. This dual framing—bureaucratic detachment on one hand, moral urgency on the other—enhances the system's legitimacy by presenting discretionary governance as both objective and ethically justified.

These practices support the broader argument that contemporary penal systems do not move away from punishment but instead reconfigure it across institutional boundaries. As Tonry (2014) and Zedner (2016) argue, the reach of penal governance now extends beyond custodial settings, operating through flexible forms of control such as surveillance, conditional release and remand. In this context, the prolific offender designation functions as both a justification for state intervention and a technique that naturalizes inequality through risk-based classification and carceral logic.

Potential of criminalization increases for prolific offenders and then some

Detailing and logging all encounters with the police is particularly useful in criminal investigations and sentencing practices. As one analyst explains, "the

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main thing that is going to change once that person is labelled as a prolific offender [is that], if a member deals with that person, he's going to be expected to keep them for court" (Interview #5). In other words, the information gathered and recorded provides police officers with greater resources to build strong court cases, not only to remand offenders for any violations but also to increase instances of incarceration or harsh sentences.

> So basically, the analyst will prepare a folder on each of these prolific offenders, so if they are arrested for something, the officer can come get this "show cause" folder from the analyst, take it down to the judge, and this will contain everything about their history: their criminal record, all their prior violations, anything that indicates that they're a flight risk, or that they have previous fail to attends, [or] breaches of probation. Pretty much anything that says, "This person should be locked up." And say, "Here you go." Just to increase the likelihood that these people will be kept in jail. (Interview #7)

The "show cause" file, as mentioned in the quote above, consolidates a substantial amount of information regarding an offender's criminal history and current behaviours. This includes any legal involvement and condition violations following release. Up-to-date profiles that provide such documentation are utilized to build the case that the offender poses a risk of reoffending. The extensive information collected and presented in these files reflects a shift towards managing populations through actuarial and risk-based assessments rather than individualized justice (Feeley and Simon 1992). Overall, the prolific status offers the means and justification to categorize an offender as high-risk and, ultimately, creates circumstances for reentry into the criminal justice system. As one analyst explains, this is the goal of the programme:

> I know it's not pro-active in a "solving a problem" way for the police if we notice so-and-so's coming up on the list and that kind of stuff, [but] we're able to target them fairly easily and put them away earlier. Again, I realize it doesn't solve the problem, but it does put them away and reduce the crime. (Interview #4)

Despite analysts' acknowledgment that this way of managing prolific offenders is not effective in reintegrating them, they maintain a high level of confidence in the programme's success in reducing crime due to its capacity to incapacitate these individuals. The primary objective of this programme is to decrease crime through incapacitation. With information networks provided reliably by crime analysts, officers can remove offenders from the streets, a goal that is based on the assumption that these (prolific) offenders are incapable of change. As one analyst summarizes, "[t]he courts say you're a criminal, your record says you're a criminal, and this is your score [in the prolific risk assessment], you're a criminal" (Interview #2). However, this surveillance extends beyond those simply on the list. Analysts also keep an eye out for individuals who exhibit potential for prolific status as a means of engaging in proactive policing to ensure

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community safety (Interview #3). In other words, just because an individual did not make the initial list does not mean they have gone unnoticed.

Overall, the prolific offender designation programme establishes the conditions for punishing both individuals on the list and those who are not. It is essential to examine the power wielded by police agencies to run programmes like prolific offender management, especially since they operate independently with minimal oversight. Utilizing the language of "crime prevention" and "public safety," these programmes justify pre-emptive policing strategies that closely resemble the restrictive conditions of incarceration. Consequently, they exemplify the theoretical ideas of penal expansion articulated by scholars like Garland (1991) and Beckett and Murakawa (2012), demonstrating how punishment extends beyond formal legal institutions and into the widespread regulatory mechanisms of contemporary risk governance.

The expansion of penal power beyond the prison

This study demonstrates that prolific offender management programmes operate as a form of dispersed and often disguised punishment, extending penal power beyond the prison through surveillance, discretionary policing and bureaucratic classification. While officially framed as risk-management strategies to prevent future harm, these programmes impose constraints and surveillance mechanisms that mirror traditional punitive measures. Crime analysts and officers do not merely enforce existing rules—they actively construct and circulate risk through administrative processes, determining who becomes visible to police, who is monitored more closely and who is subjected to pre-emptive control.

The findings highlight how these practices are legitimized through a dual framing: as neutral, data-driven procedures and as morally justified interventions in the name of public safety. Analysts describe their work in technocratic terms—managing information, flagging risk, updating files—yet also articulate a sense of purpose grounded in protecting communities and preventing harm. This convergence of bureaucratic detachment and heroic self-perception allows state actors to present their discretionary decisions as both objective and ethically necessary, reinforcing the legitimacy of intensified policing.

By integrating empirical data with punishment theory, this study contributes to a growing body of work that challenges rigid boundaries between carceral and noncarceral forms of control (Robinson 2016; Beckett and Murakawa 2012). Rather than serving as rehabilitative or supportive alternatives, prolific offender programmes perpetuate cycles of criminalization by embedding individuals in a surveillance infrastructure that extends beyond any single offence. They transform prior criminal history and perceived risk into ongoing grounds for suspicion, aligning with critiques of actuarial justice that show how risk-based policing expands the reach of the penal state (Feeley and Simon 1992; Harcourt 2007; Lecoq et al 2020).

In this context, the prolific offender designation functions as a form of preemptive governance, justifying legal intervention not on the basis of present

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criminal behaviour but on the presumption of future offending. This reflects Valverde's (2012) argument that contemporary penal governance is shaped less by punishment in response to harm and more by the management of uncertainty through anticipatory control.

This study also challenges the prevailing assumption that community-based sanctions are inherently less punitive than incarceration. While prolific offender management may occur outside prison walls, it imposes restrictions that severely constrain individual autonomy. The use of curfew checks, routine contact and condition enforcement subjects individuals to persistent scrutiny. These mechanisms reflect Cohen's (1979) "punitive city"—a regime in which penal power is decentralized, mobile and embedded in everyday routines.

Perhaps most significantly, this research underscores the discretionary authority wielded by crime analysts and officers in classifying individuals as prolific. These classifications—often based on loosely defined or subjective criteria—are not subject to judicial oversight, yet they carry serious consequences, including denial of bail, enhanced surveillance and increased likelihood of incarceration. Without proper oversight, there is a significant risk that prolific offender programmes will reinforce existing biases and disproportionately target marginalized communities.

Although race and ethnicity were not explicitly mentioned in interviews, the well-documented racial disparities in policing and surveillance suggest that prolific offender programmes likely reproduce systemic inequalities (Goff et al 2014; Brayne 2014; van Eijk 2017; Benjamin 2019). Future research should critically examine how risk-based classifications intersect with race, class and other structural vulnerabilities, particularly in shaping who is subjected to intensified scrutiny under the guise of risk.

Prolific offender management programmes illustrate how contemporary penal power extends beyond formal incarceration. By institutionalizing risk, embedding it in bureaucratic procedures and justifying it through both data and moral rhetoric, these programmes expand the boundaries of punishment while masking their coercive effects under the language of prevention and safety. Understanding how these programmes operate as both bureaucratic and moral instruments of pre-emptive control is crucial for exposing the hidden mechanisms through which punishment is normalized, expanded and disproportionately directed at those already subject to systemic disadvantage.

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