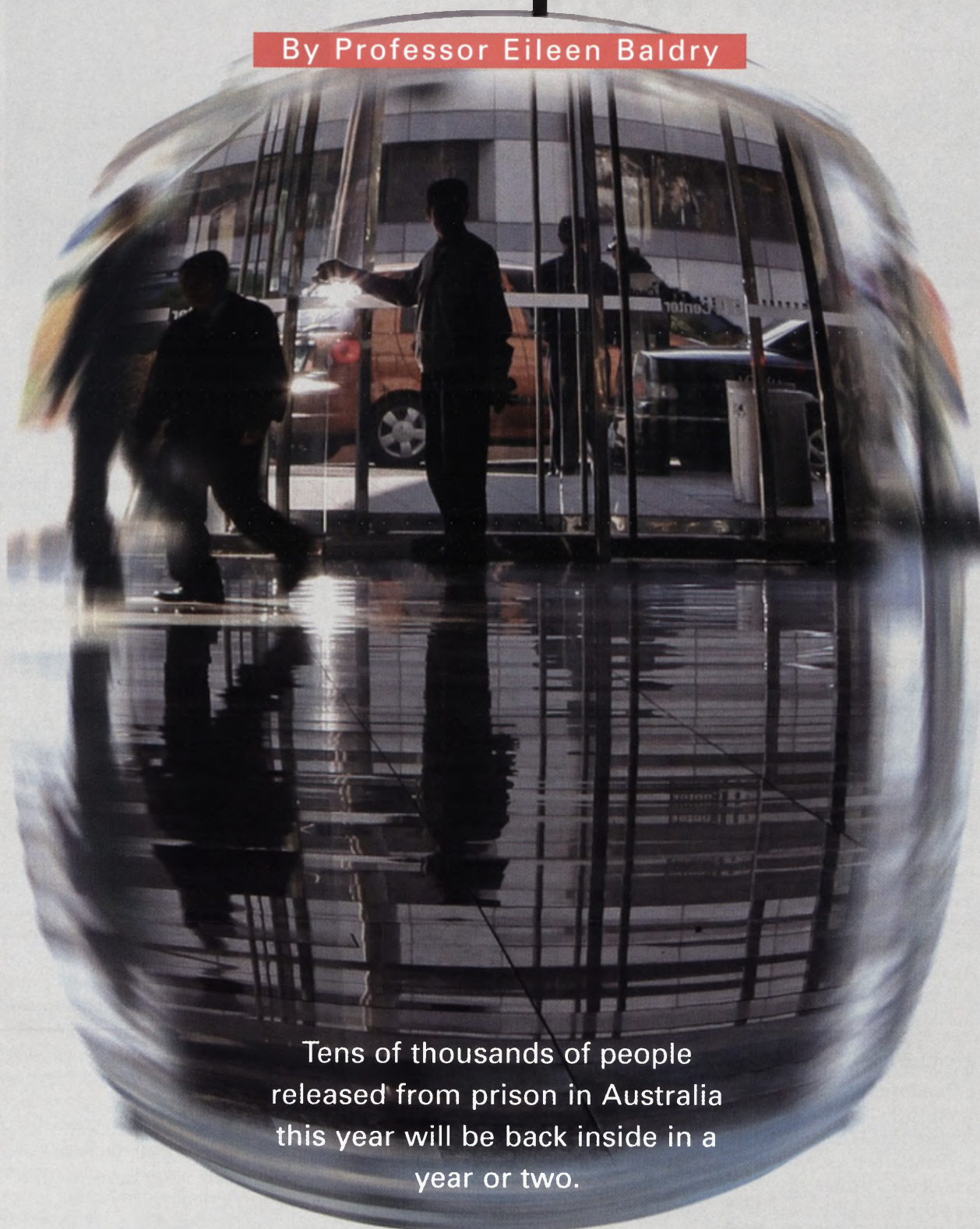


Recidivism and the role of social factors post-release

By Professor Eileen Baldry



Tens of thousands of people released from prison in Australia this year will be back inside in a year or two.

Most returnees are short-term prisoners from highly disadvantaged suburbs, with poor educational and social backgrounds, who are on the prison conveyor-belt. Only a minority of prisoners are sentenced for serious crimes. Some like those convicted of murder are highly unlikely to offend again, while others like drug-traffickers and armed robbers are. It is that first group though – the majority caught in the ‘recidivist revolving door’ – that is the focus of this article.

This article looks at recidivism in terms of the role of social factors post-release. It does not address the whole array of other matters associated with recidivism.

RECIDIVISM

How is ‘recidivism’ defined for the purposes of official statistics?

‘Recidivism occurs when persons convicted by the courts return to prison or receive a community corrections order.’¹ Using this definition, the auditor-general of NSW, like most Australian agencies, measures recidivism as a return to Corrective Services within two years of release.

But this does not reflect undetected, unreported, unconvicted or unsolved crime:

‘A precise figure for the rate of recidivism cannot be ascertained, as much crime goes unreported and the courts do not convict all offenders for various reasons, including lack of evidence. Rates of recidivism also depend on what measures are used in terms of the timeframe considered and whether one is concerned about particular offences, re-arrest rates or re-imprisonment. Nonetheless, approximately 60% of those in custody in Australia have previously served a period of imprisonment.’²

Whenever recidivism is defined as ‘having been in custody before’, instead of ‘two years after release’, the rate increases considerably.

Moreover, the return-to-corrections measure of recidivism does not indicate whether someone has committed a more or less serious crime, or whether they breached an administrative requirement or were arrested under old warrants upon release, rather than for committing a new crime.

So measures of recidivism in Australia are currently crude and blunt and in need of revising. But as the ‘two-year return’ or the ‘ever having been in prison before’ measures are the only ones that have been consistently gathered over time, and the only ones that are reasonably easily accessed by researchers and the public, they are the most commonly used, especially for longitudinal comparison.

PRISON IS CRIMINOGENIC

Although the debate over what constitutes recidivism is important and ongoing, there is no doubt that serving time in prison greatly increases the chance of being re-incarcerated somewhere down the track, compared with never having been incarcerated. Serving a prison term does not effectively deter further offending. This may sound facile, but it is an important observation, as those who are included in these recidivism figures include the large percentage of those who


serve full-time prison on remand (between 18 and 20% of the prison population – about 30% of women) and those who serve short sentences (more than half of those who flow through prisons every year). Included in these numbers are people with mental illness, cognitive disability, dual diagnosis, indigenous women³ and remandees, a significant proportion of whom do not end up receiving a custodial sentence at the end of their remand period.⁴

Many of these individuals could, and should, be kept out of prison in the first place. This is salient because in the current policy and legislative climate of building more prisons to manage risk and therefore to deal with difficult social problems, more people with little capacity to negotiate the criminal justice system will be imprisoned, and the more who are imprisoned, the more will return to prison; prison itself is criminogenic.⁵

Although there are many ways and points at which to intervene to help prevent offending or re-offending – including during early childhood, by supporting disadvantaged families, parenting support, court diversion, restorative justice approaches and alcohol and other drug rehabilitation – post-release is a particularly crucial period.

POST-RELEASE AND THROUGH-CARE

At the end of 2006, there were 25,800 persons in full-time custody – an increase of around 50% over the decade – and 51,690 persons in community-based corrections.⁶ However, >>



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these figures do not give an accurate picture of the numbers flowing through the prison and community correctional systems. As most people are sentenced to less than one year, the number of people passing through Australian prisons and community corrections every year is more than double that indicated by the census figures.⁷

Justice and corrective services departments across Australia have over the past decade introduced throughcare policies in an attempt to reduce re-offending. 'Throughcare' is the continuous, co-ordinated and integrated management of offenders:

'from the offender's first point of contact with correctional services to their successful reintegration into the community and completion of their legal order.'⁸

The post-release aspect of throughcare requires the co-operation and co-ordination of justice and social service agencies prior to release, during transition and for some period after release to assess and assist those with multiple needs. The first month or two is a crucial time during which releasees – especially those with mental health, intellectual disability and drug problems – are often re-arrested or breached for parole infringements.⁹

Throughcare is an excellent concept but it is poorly implemented.¹⁰ It requires high-level and consistent liaison between all agencies involved in working with offenders before, during and after a sentence, especially after time in prison. In most jurisdictions, community correctional officers (probation and parole), post-release non-government agencies and releasees themselves have extreme difficulty in finding the resources they need post-release.¹¹ Poor communication between prisons and community corrections often compounds the problem. The majority of prisoners who have undertaken programs in prison find that there are no complementary programs in the community, and parole officers find liaising with some departments and agencies difficult, as ex-prisoners are seen to be unworthy or too difficult to work with.¹² Those with dual and multiple diagnoses have little chance of securing mental health, alcohol and other drug and cognitive disability services linked with other social support.¹³ And as all criminal justice agencies are required, in this risk-averse climate,¹⁴ to guarantee no risk (a complete nonsense, of course), more and more high-needs prisoners are assessed as high risk and locked into the criminal justice revolving door.¹⁵ The risk management paradigm overwhelms throughcare by taking the lion's share of the resources and relegating post-release support to a poor second place.

Research internationally and in Australia indicates that upon release most ex-prisoners face multiple and significant challenges to social inclusion and to avoid re-offending.¹⁶ Health surveys of prisoners suggest very high levels of mental illness (30-45%) and intellectual disability (up to 12%), with many prisoners having both.¹⁷ These figures do not necessarily take into account the much higher numbers with

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mental health disorders, borderline intellectual disability and acquired brain injury. All these rates are far above those found in the general community. Prisoners with such difficulties do not magically shed them when released. They typically return to disadvantaged and poorly resourced communities, where their serious needs are unlikely to be adequately addressed. A key question for the criminal justice system is why

such people are imprisoned in the first place.

Jones et al¹⁸ point out that a significant number of parolees are re-arrested or breached for parole violations and returned to prison. Although little is known about why parolees in particular fail¹⁹ it is clear, as noted earlier, that prison reproduces prisoners; that is, one of the strongest predictors of being sentenced to prison is having been in prison before.²⁰ Given the large numbers of prisoners with disorders and disabilities, it is not surprising that many cannot manage to meet parole requirements. In an era of reduced systemic support for those with serious social deficits, they may well be being set up to fail.

HOUSING POST-RELEASE

Adequate and secure housing is essential to participating fully in society – and is a serious problem for those released from prison. Insecure and poor housing, and primary homelessness, are forms of social exclusion.

Homelessness has a number of forms: primary homelessness – living on the street or in squats or cars; secondary – transience, moving often; and tertiary – accommodation but without the security of a lease. Ex-prisoners are over-represented in all forms of homelessness, and homeless people are more likely to be imprisoned than those with housing.²¹

A study by Baldry et al,²² completed in 2003, which explored prisoners' housing and social integration post-release, followed a sample of 339 prisoners being released from prison in NSW and Victoria over a three-month period. Participants were interviewed before release and followed up at three, six and nine month intervals after release, with the final number of participants being 238 (70% of the original sample). At nine months, approximately 36% of the participants had been returned to prison. There was a significant difference between male and female recidivism, with women going back at a higher rate than men. This was almost entirely due to the indigenous women in the sample, almost 70% of whom returned to prison nine months after release.

Participants were more likely to stay out of prison if they were living with parents, a partner or close family; had employment or were studying; or had contact with and support from helpful agencies post-release. But a majority of the participants did not have family or friends upon whom they could depend. Many of the men hoped to stay with their parents, usually their mother, or with friends, but such arrangements quickly broke down. Loneliness was a common experience. Participants were more likely to return

to prison if they were homeless or transient; did not have accommodation support or found the support unhelpful; experienced an increase in the severity of their alcohol and other drug problems; were Aboriginal or a Torres Strait Islander; a woman; and/or had debts. Moving often (more than twice in a three-month period immediately post-release) and/or experiencing worsening problems with heroin use were *predictors* of a return to prison. Half the sample was homeless post-release. Being transient made tackling drug and alcohol problems almost impossible.

When a particularly disadvantaged group – Aboriginal women prisoners in NSW – is examined more closely, the difficulties they face post-release are even more starkly highlighted. Aboriginal women represent approximately 30% of the NSW women's prison population but comprise only 2% of the general NSW female population. They have higher rates of return to prison, higher numbers of dependent children, higher rates of mental health disorders, experience higher rates of domestic and sexual violence and higher rates of homelessness than their non-Aboriginal counterparts.²³ They also return to highly disadvantaged communities or suburbs with little in the way of housing support, protection from violence, employment opportunities or appropriate healthcare.²⁴ These women also experience the intergenerational and direct effects of decades of exclusionary policies such as removal of children, removal from land, inferior education, housing and health services; and institutionalisation in state care, in juvenile detention, in psychiatric institutions and in prisons.²⁵ Any post-release service supporting them would need to be fashioned in an holistic and culturally appropriate manner so as to acknowledge and deal with these multiple and compounding issues.

CONCLUSION

These findings suggest that assisting ex-prisoners to find stable housing immediately post-release should be a priority for state government corrections departments and support agencies. Victoria is the only jurisdiction that has responded to this need in any significant way.²⁶

Walsh²⁷ points out, in reference to Queensland, that a reasonable environment in which releasees can move towards community integration requires policies and programs that promote:

- employability – that is, prisoners have access to prison work and vocational training, as well as access to job search and job-matching services;
- access to educational programs to maximise post-release employment opportunities;
- maintenance of relationships with families throughout incarceration;
- facilitation of partnerships between prisons and government and non-government community organisations;
- meeting the immediate welfare needs of prisoners at the time of their release (money for clothes, food, household items, medication, telephone calls, and transportation home);

- provision of aftercare services, whether through a drop-in centre, halfway house or other option; and
- gradual reintegration of prisoners into the community through gradual release mechanisms such as parole, home detention and furlough, and/or release to community residential facilities such as halfway houses.

No single intervention is likely to be effective, particularly for those with complex needs. Combinations of support and rehabilitation programs in the community appropriate to the circumstances and needs of the person are required. This, and an approach that takes into account the impact of returning to violent and abusive relationships or isolation and loneliness, have the best chance of assisting people being released from prison and therefore reduce re-offending. ■

Notes: 1 The Audit Office of NSW, *The Auditor General's Report to Parliament*, 2006, Vol. 4:83. 2 T Drabsch (2006) *Reducing the Risk of Recidivism*, Sydney, NSW Parliamentary Library Research Service, p1. 3 NCOSS (2006) *Closing the Revolving Door of Prison: A Fairer NSW*, factsheet, Sydney. 4 B Thompson, *Remand Inmates in NSW – Some Statistics*, Research Bulletin, NSW Department of Corrective Services, 2001, (20). 5 See C Haney (2005) *Reforming Punishment: Psychological Limits to the Pains of Imprisonment*, Washington DC, APA Books; M Tonry, & J Petersilia (1999) *Prisons Research at the Beginning of the 21st Century*, National Institute of Justice, Washington; D Weiman (2007) *Barriers to Prisoner Re-entry: A Labor Market Perspective*, Colombia University, Institute for Social and Economic Research and Policy. 6 Australian Bureau of Statistics (2007) *Corrective Services*, December quarter 2006:1. 7 M Borzycki (2005) *Interventions for Prisoners Returning to the Community*, Canberra, Attorney-General's Department; E Baldry, D McDonnell, P Maplestone, & M Peeters (2006) 'Homelessness, Ex-prisoners and the State', *The Australian and New Zealand Journal of Criminology*, 39(1): 20-33. 8 C Clay (2002) *Case Management and Throughcare – Can It Work?*, www.corrections.sa.gov.au (accessed 13 May 2005). 9 M Borzycki, *Op cit.* 10 S Sutherland, *Throughcare: 'Rhetoric or Reality'*, in *Social Science and Policy*, 2005, UNSW, Sydney, p103. 11 Borzycki, *Op cit.* 12 Sutherland, *Op cit.* 13 S Kinner & M Williams, 'Post-release Experience of Prisoners in Queensland: Implications for Community and Policy', in *Social Change in the 21st Century Conference*, 2006, Queensland University of Technology. 14 See H Kemshall, *Understanding Risk in Criminal Justice*, 2003, Berkshire, Open University Press. 15 NCOSS, *Op cit.* 16 E Baldry, & P Maplestone (2003) 'Prisoners' Post-release Homelessness and Lack of Social Integration', *Current Issues in Criminology* 15(2): 155-69. 17 See Amanda George, 'Discipline and Discrimination: Women Prisoners and Human Rights' in this edition, p22. 18 C Jones, J Hua, N Donnelly, J McHutchinson, & K Heggie, 'Risk of Re-offending among Parolees', *Crime and Justice Bulletin*, NSW Bureau of Crime Statistics and Research, 2006, (91). 19 *Ibid.* 20 Baldry et al (2006) *Op cit.* 21 E Baldry, 'The Effect of Post-release Housing on Prisoner Re-integration into the Community', in *Correctional Criminology* (eds S O'Toole & S Eyland), 2005, Hawkins Press, Sydney, pp180-6. 22 Baldry et al (2006) *Op cit.* 23 R Lawrie, *Speak Out, Speak Strong*, 2003, Sydney, Aboriginal Justice Advisory Council; T Butler, S Allnut, *Mental Illness among New South Wales Prisoners*, 2003, Sydney, NSW Corrections Health Service. 24 E Baldry & P Maplestone (2005) 'Women Ex-prisoners Post-release: Where to from Here?', in *Out of Sight, Out of Mind*, B Foundation, ACT, Gininderra Press: 75-88. 25 Lawrie, *Op cit.* 26 Borzycki, *Op cit.* 27 T Walsh, 'Is Corrections Correcting? An Examination of Prisoner Rehabilitation Policy and Practice in Queensland', *The Australian and New Zealand Journal of Criminology*, 2006, 39(1): pp109-33.

Eileen Baldry is associate professor, Social Work Program, School of Social Sciences and International Studies at the University of NSW. PHONE (02) 9385 1878 EMAIL E.Baldry@unsw.edu.au