Post-Release: The current predicament and the potential strategies
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Foreword
In early 2001 the Criminology Research Council initiated a series of roundtables in Queensland, Victoria and Western Australia examining the difficulties facing prisoners post-release and identifying the potential for policy initiatives which could contribute to easing the transition from custody to community in ways that promoted rehabilitation and re-integration. Given the diversity of participants and contexts (see Appendix for list of participants) it is not possible to give equal attention to all of the different perspectives offered at these roundtables. Instead, this paper aims to provide an overview of the key themes that emerged during the roundtables and provide a sense of how these issues could be addressed. This report should therefore be seen as the sole responsibility of the author and not any or all of the participants or the Criminology Research Council or the Australian Institute of Criminology. The contributions of all those who participated in the various sessions are however very gratefully acknowledged.

Abstract
Martinson (1974) once argued that in terms of rehabilitation strategies, “nothing works”. Although he later came to reconsider this view (see Raynor, Smith and Vanstone, 1994 cited in Worrall, 1997: 22) his original perspective with respect to rehabilitation has subsequently been extensively criticised (see Gendrew and Ross, 1987; McKenzie, 1997). In more recent years the importance of directing resources towards pre and post-release programs has been advocated not only by criminologists, but also by those most directly involved in the implementation of such programs, i.e. departments of corrective services.

This paper outlines the critical issues currently associated with post-release programs. The paper begins with an overview of key issues affecting prisoners post-release and then argues that the way in which we understand post-release programs needs to be broadened both conceptually and practically. In particular, it is argued that we need to move beyond the idea that because we are dealing with newly released prisoners it is corrective services who must take carriage of post-release program development, delivery and evaluation.

Introduction
The difficulties faced by prisoners when attempting to re-integrate back into the community are substantial. It has been noted in the United States that “people getting out of prison, like soldiers returning from battle, often experience post-traumatic stress disorder. More than five hundred thousand people are released each year from state and federal penitentiaries and most are filled with fear and the numbness of alienation, rage and guilt” (Watterson, 1996: 311).

The relevance of this observations is not restricted to America, with research in the United Kingdom documenting that 9 out of 10 female prisoners experience problems
upon release, of a personal, financial or domestic nature - with money, accommodation and dealing with depression being the main difficulties encountered (Hamlyn and Lewis, 2000:xiii). Likewise, in Australia, the return from prison to the wider community involves dealing with the negative experiences of imprisonment in contexts all too often characterised by isolation, accommodation difficulties, financial and material constraints and a lack of significant emotional support (Aungles, 1994: 206-210).

Certain populations are especially vulnerable to the impact of a lack of post-release resources. This is particularly the case for women and the mentally ill, but also for other groups traditionally disadvantaged in terms of accessing resources, such as Indigenous groups, NESB groups and young people. In drawing attention to the special needs of these groups, we should not lose sight however of the fact that the largest group of prisoners facing difficulties post-release is that of males lacking either family or partner support networks.

**Post-release issues facing prisoners**

It is important to note at the outset that all newly released prisoners have the same rights to access community social welfare programs as any other citizen. However, in acknowledging this, the special needs of prisoners frequently make accessing programs of one sort or another difficult. For example, many domestic violence shelters exclude people with drug problems, and many hostels exclude women with children. Given that for women prisoners, coping with drug related issues and motherhood are often critical to their re-integration back into the community, these sorts of exclusions can seriously impede successful re-integration into the general community.

It should also be noted here that although the term re-integration is being used, many newly released prisoners have never been effectively integrated within the broader (law-abiding) community and the issue is not so much re-integration but rather the challenge of integration as a ‘new’ experience.

Policy makers now generally accept that post-release programs are essential in assisting prisoners to re-establish themselves within wider society. However, the issues affecting prisoners post release are neither simple nor uniform. On the one hand, the matters that ultimately led to imprisonment may be unresolved and so still capable of influencing the life of the newly released prisoner, and on the other hand, the very fact of imprisonment may itself have given rise to altogether new problems that need to be addressed. These two categories of factors may of course work together thereby traumatically compounding the difficulties of prisoners upon release from custody.

**Drug Use**

Recent drug use monitoring data indicate that 22 percent of men (on average) and 39 percent of females (on average) who were detained and brought to a police station/watch-house tested positive for opiates (Makkai, 2000: xi-xii). Of those male detainees whose most serious charge was property offending, 43 percent tested positive to opiates (Makkai, 2000: xiv) and it is known that drug offences directly contribute to approximately 10 percent of all prisoners in Australia (Carcach and Grant, 2000). Upon leaving prison, the likelihood of a return to drug-use is high for
many prisoners. This is particularly so given that individuals may have come to the attention of the criminal justice system in the first place as a consequence of ‘self-medicating’ with drugs such as heroin in order to “help them cope with the often overwhelming stresses of lives that frequently include homelessness or unstable housing, abusive relationships, poverty, loneliness and a lack of meaningful employment and other social opportunities” (McGrath, 1999: 3). We can hardly be surprised if returning prisoners to a more severe version of the lifestyle that led to their imprisonment in the first place quickly proves to also be a return to drug use.

**Financial Resources/ Employment**

Sarno, Hearnden and Hough (2000) note that 21 percent of prisoners on parole have employment, compared with 60 percent of the general population (2000: 1). In particular it has been noted that “women face immediate poverty upon release. Within Australia, for the first two weeks people coming out of jail [sic] are entitled to a two week DSS payment, but the following fortnight they are only eligible for one week’s payment. With this level of financial means it is impossible for women to access any reasonable housing” (Carnaby, 1995 see also Cook and Davies, 1999; McGrath, 1999).

The simple fact of poverty is one of the most immediately obvious causes of criminality, especially when linked with substance abuse. Illicit drugs (especially opiates) are expensive and require individuals who are drug dependent to seek out social contexts in which crime is accepted as a legitimate resolution of the strain between needs and available resources. Addressing factors relating to being able to support oneself (and often dependants) is a critical issue for ensuring that crime is not resorted to as a ‘quick fix’ for more deeply entrenched long term problems.

**Accommodation**

The issue of accommodation is central to any genuine attempt at re-integrating newly released prisoners. The cost of four weeks bond, one months rent up front, plus connecting the electricity and a phone, is more often than not beyond the financial capacity of people immediately leaving prison. Not surprisingly, men who do not have the support framework of family or partners are often completely isolated in terms of ‘where to go’ once released from prison (Aungles, 1994). Similarly, research indicates that around one-fifth of all women leaving prison have no address to go to (Hamlyn and Lewis, 2000: 79).

At present, housing assistance for prisoners post-release is plagued with difficulties. Within Victoria it has been noted that even though prisoners may have been suffering housing crises of homelessness prior to incarceration, they are “not currently able to apply for public housing through any of the priority Segmented Waiting List (SWL) categories because they are not deemed to be ‘homeless’ in prison” (Victorian Homelessness Strategy (a), 2001: 2). Additional difficulties are also involved in prisoners being cut off waiting lists for public housing, through being incarcerated and hence under ‘state care’ already and the fact that prisoners currently inside incarceration are often not aware of the exact time they may be released (pending parole etc) and so are unable to apply for public housing while within prison. These service difficulties are compounded for women as a range of additional factors come

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1 In the course of the roundtables even this entitlement was disputed by the community groups participating in the roundtable discussions.
into play, most particularly in relation to the needs of their children. As noted by the Victorian Homelessness Strategy, for women, issues of housing usually have to take account of factors such as the number of children, access to schools, and (often) child-protection agencies (Victorian Homelessness Strategy (b), 2001: 1).

What we are being reminded of here is the obvious fact that issues such as stable accommodation can have significant consequences in other areas of the prisoners’ life. For example, satisfactory accommodation arrangements are crucial with respect to women regaining access to children who have been placed in ‘care’ situations of one type of another. This can mean that in the absence of any alternative, some women may feel compelled to return to violent partners post release (Cook and Davies, 1999). Quite apart from the extent to which these sorts of issues can be implicated in criminality – we also need to recognise the extent to which they are associated with poor health and premature death.

**Mortality**

The high death rate of those serving community corrections orders is an issue that is receiving increasing attention. In 1989, Haege noted that the death rate of people serving community corrections orders was 6 times that of people in a comparable age group, with the most common cause being suicide, and the most common period being a few weeks after release from prison (Haege cited in Aungles, 1994: 207). Similar research conducted by Biles, Harding and Walker (1999) notes that deaths of people on community corrections orders exceed both prison populations, and those of the general community, and Cook and Davies (1998) report that the mortality rate for women on parole is three times higher than that for men.

**Who is Responsible?**

The issues touched upon here are obviously not the only issues impacting upon people post-release, and a wide range of other factors could also have been cited, such as alienation, unemployment, low self-esteem etc. The manner in which these issues might be effectively addressed is not simple however. No single agency can realistically be expected to assume responsibility for meeting such a diverse set of needs. Clearly, partnerships drawing together the government and non-government sectors are necessary. The non-government sector has long been active in attempting to cater to the special needs of post-release prisoners. For example, organisations such as Flat Out and VACRO in Victoria, Sisters Inside, the Catholic Prison Ministry and Second Chance in Queensland, Taryn House in South Australia and OutCare in Western Australia all aim to support prisoners post-release. While these initiatives are commendable, necessary and important, they survive on the bases of rather precarious base funding, inadequate resourcing, and a concerning dependence on volunteer labour.

It is important to note here that many Health and Housing Services also recognise ex-prisoners as a ‘needs’ group, with the Victorian Institute of Forensicare and the Western Australian State Forensic Mental Health Services specifically providing services to prisoners who have been diagnosed with a mental health problem. Similarly, Homelessness organisations have often focussed upon ex-prisoners as one of their identifiable groups of ‘clients’ (Victorian Homelessness Strategy, 2001: a, b). For the most part however, it is the government funded community corrections sector
that is expected to ‘carry the load’ with respect to post-release programs and re-integrating newly released prisoners back into the community.

Community Corrections provide a range of non-custodial programs, with post custodial orders including parole, release on licence, pre-release orders and some forms of home detention (Productivity Commission, 1999). These orders vary in terms of the extent and nature of supervision, the conditions of the order, and the restrictions on the person’s freedom of movement in the community. Indeed, the Productivity Commission has argued that “there is no single objective or set of characteristics common to all community corrections programs, other than that they generally provide either a non-custodial sentencing alternative or a post-custodial mechanism for re-integrating prisoners into the community under continued supervision” (2000: 733).

**Key Issues for Consideration**

It is not at all surprising that it is difficult to ‘pin down’ who is responsible for prisoners post-release. While housing has a responsibility to provide access to suitable and accessible housing, its clients are characterised by a wide array of disadvantages that mean dealing with ex-prisoners can only ever be one of a variety of priorities. Similar issues are raised in Health, where ex-prisoners may well be among the client base in relation to drug use or mental health, but rarely as a specific ‘needs’ population. This means that it is again Corrections which is most obviously identified with the needs of ex-prisoners, and means that it is not surprising that such an association is frequently translated into contradictory policy responses, given that the response of the Criminal Justice System to offending is always an uneasy (and shifting) reconciliation of the competing imperatives variously associated with punishment, rehabilitation, deterrence and denunciation.

As a society, we have yet to determine what we think is the best possible ‘mix’ of these four possible responses to criminality (either in general or in terms of very specific offence types). It is therefore not surprising that Community Corrections embodies some of the inherent contradictions and lack of clarity associated with trying to simultaneously (if differentially) punish, rehabilitate, deter and denunciate.

At the risk of sounding trite, it is useful to remind ourselves here of the old cliché that people are sent to prison ‘as’ punishment not ‘for’ punishment. The way in which we can reconcile the four divergent goals of prison (punishment, rehabilitation, deterrence, and denunciation) is to recognise that the removal of partial freedom entailed in a custodial sentence is *in itself* punishment, deterrence and denunciation. In constituting an imposed and coercive environment for people, prison should therefore be providing the forum, or arena, in which the rehabilitative objective of prison can be given substance. Or, put another way, once imprisoned, people are already made the subject of punishment, deterrence and denunciation and so the sole remaining purpose of the exercise is rehabilitation.

However, and crucially, genuine rehabilitation simply *cannot* be undertaken solely within the prison environment and *must* be undertaken at the post-release phase. Once we acknowledge that factors such as employment, accommodation, drug abuse and so on are deeply implicated in offending, we are compelled to accept that it is these factors that we need to address in our rehabilitation programs and the extent to which
these factors can be meaningfully addressed prior to release is markedly limited (and all too often tainted by a certain unreality or artificiality).

The question that obviously arises at this point is, so what? The difficulty here is that for more than a century we have so completely garbed the Criminal Justice System in a language of rehabilitation that it has become difficult to actually speak about the issue at all without it sounding like everything that has been said a thousand times before with remarkably little discernible benefit (recidivism levels remain one of the great constants in life that can be relied upon to remain stable irrespective of whatever else changes). Whilst we have arguably become experts in the language of rehabilitation, we quite clearly remain amateurs in the practice of rehabilitation. One result of this is that it is not at all easy to explore new ways of interrupting criminal careers without sounding like an advocate for already tried (and tired) ideas. However, and at the risk of recycling already aging buzzwords, one promising avenue we might usefully explore is that of whole of government partnerships (involving both government and non-government sectors).

If we accept that interrupting criminal careers cannot be achieved without post-release interventions, and that these interventions need to address a series of diverse but interrelated factors then the logical next step is to co-ordinate the activities of a very broad range of agencies with respect to the special needs of prisoners post-release. What this means is that we relinquish the idea that post-release prisoners are the sole responsibility of departments of corrections and instead embrace the idea that departments such as Education, Health, Employment and Training, all play central roles in the process of transforming trajectories characterised by criminality into lives characterised by successful re-integration into the wider community. The challenge here is to overcome the feeling that post-release prisoners somehow do not serve extra services and remember that post-release prisoners do not deserve to be doubly punished and need extra services if the punishment they have already experienced by being imprisoned is to serve any useful purpose at all.

**What needs to be done?**

In summary terms, there are two categories of initiatives that need to be dramatically enhanced. First, the nature and scope of the programs directed towards newly released prisoners needs to be reconceptualised – and second – the (new and existing) programs need to be ‘evidence-based’ and (relatedly) the subject of rigorous and ongoing evaluation.

Given the reasonably substantial amounts of money involved in post-release programs it is remarkable just how little attention is given to evaluating the effectiveness of the programs being funded. In part, this failure is a consequence of attempts to ensure that every possible dollar is directed towards service provision. This is understandable and perhaps commendable, however, until we can establish that program goals are actually being met it is always possible that we are abrogating our fiscal responsibilities to both prisoners and tax payers. The more pessimistic or cynical amongst us might point to our apparent inability to reduce recidivism levels as a telling indication that there is something seriously awry with our current approach. It should also be remembered however that addressing recidivism is, whilst essential, still only one aspect of post release goals. Simple objectives such as addressing the many alienating experiences inmates confront post-release are also critical. Issues
such as dealing with domestic violence, accessing appropriate accommodation and addressing drug and alcohol issues are important in attempting to re-integrate prisoners into the community in a manner which is socially just, independent of their potential impact in reducing further offending behaviours.

The Evaluation of Post-release programs

When we view post-release programs as providing rehabilitation from prison and [re]connection to the community, the benefits seem substantial, and are integral in terms of contributing to what is primarily a crime prevention role, both with respect to ensuring that prisoners themselves will not be further victimised, and that they will not in turn re-offend. There is a need then to better evaluate current programs aimed at prisoners post-release. And it should be noted that many jurisdictions are taking this task seriously, most particularly Victoria, where the Bridging the Gap program is something of a ‘flag-ship’ example of Corrections working with Community groups in order benefit both the clients and the community.

In general however, there is a disturbing lack of any credible evaluation of programs within the Australian context, either within Corrections or in other relevant agencies, such as Housing, Employment etc. Evidence from elsewhere suggests that this ‘lack’ is of very substantial importance. For example, in the United Kingdom, Lewis reports that “of 220 programmes studied by Underdown and Ellis in 1998, barely a dozen of them had been run well enough to be called successful. Many of them were very good programmes, imported from North America, but few had kept their integrity of enthusiasm for long enough to yield any success” (Lewis, 2000).

As with the United Kingdom, Australia appears to have numerous examples of well–intentioned programs. There is however a lack of sufficient documentation across the jurisdictions and we simply do not know of how well these programs are working, whether they are fulfilling their intended goals, or whether they work at all. Given this, the trend from both the United States (Sherman et al, 1997) and the United Kingdom (Lewis, 2000) seems an important one to follow in terms of evaluating programs, in order to effectively implement them. One promising line of research is one organised by the United Kingdom Home Office. This involves setting up a tri-partite arrangement which includes:

- a programme for developing and implementing good offender programmes
- a system of accreditation by which bad programmes would be discouraged
- a system of evaluation, to make sure that the results of this work are known

(Lewis, 2000)

The accreditation system aims to encourage the development of evidence-based programmes which would both reduce re-offending and encourage co-operation between those who work in Corrections, and those who work in the community. The final intended goals for this approach include: lower rates of reconviction (Lewis notes that programmes following ‘what works’ principles have reduced reoffending by 10-20 percentage points); the encouragement of good practice (and by extension, the discouragement of “bad practice”); the communication of “what works” programs

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2 There are also additional issues regarding the actual implementation of programs, which have not been addressed in this paper, but are recognised as similarly critical with respect to ensuring that post-release programs are effective.
to those responsible for sentencing offenders; and, as a result of this, greater community confidence in community based sentences and programs.

Ultimately, these are eminently desirable goals that should be striven for in the Australian context. It is regrettable that Australia has not advanced as far as other countries and we need to begin by more clearly understanding what is actually happening in Australian jurisdictions before we can move to the next stage of developing policy and implementation frameworks drawn from evidence-based approaches to what works and what doesn’t.

In summary, any serious examination of the current state of post-release programs in Australia indicate that we are “behind the game”. There is thus a clear need for research which focuses upon three key criteria, these being:
1. identifying what purpose we want post release programs to serve,
2. identifying how best to achieve our specified goals and;
3. identifying how best to work across organisations in order to achieve these goals

It is critical to remember at this point that Corrections is not the only department with the potential to alleviate the difficulties facing prisoners post-release, with Health, Housing, Employment and Education Services all having a critical role to play in addressing the multitude of difficulties which impact upon newly released prisoners. Similarly, it is important to remember that international research suggests that cooperation between governmental and community organisations has enormous benefits in terms of ensuring that the needs of prisoners post-release are met.

Finally, it is important to recognise that it is not being suggested that current post-release programs are presently being implemented with anything but the best of intentions. However, any genuine appraisal of the current situation forces us to the conclusion that sometimes doing our best is not good enough. If our post-release programs are to prove capable of achieving their full potential, they need to be far better resourced so that in turn they can be better implemented and better evaluated. Such a process would in turn yield better results for both discharged prisoners and the wider community alike.
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