

## **Recidivism and the role of social factors post-release**

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Tens of thousands of persons released from prison in Australia this year will be back inside in a year or two. The bulk of returnees are short term prisoners from highly disadvantaged suburbs, with poor educational and social backgrounds and who are on the prison conveyor belt. A minority of prisoners are sentenced for serious crimes. Some like those convicted of murder are highly unlikely to offend again, whilst 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 discussion.

This article addresses recidivism from a particular perspective – that of the role of social factors post-release. It will not address the whole array of other matters associated with recidivism.

### **Recidivism**

How is recidivism defined and used? Does it refer to re-offending, re-conviction or re-imprisonment?

Recidivism occurs when persons convicted by the courts return to prison or receive a community corrections order.<sup>i</sup>

In this definition, the Auditor General of NSW, like most Australian agencies, measures recidivism using a return to Corrective Services within two years of release.

This though 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 time frame considered and whether one is concerned about particular offences, rearrest rates or reimprisonment. Nonetheless, approximately 60% of those in custody in Australia have previously served a period of imprisonment<sup>ii</sup>

When ‘ever having been in custody before’ is used as a recidivism measure instead of ‘two years after release’ the rate increases considerably as just indicated.

This return to corrections measure of recidivism also 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 are in need of revising. But as the ‘2 year return’ or the ‘ever having been in prison before’ measures are the only consistently gathered measures 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 continuing, no matter what the eventual outcome, it is evident that serving time in prison greatly increases the chance of being re-incarcerated somewhere down the track compared to not ever having been incarcerated. Having served a term in prison is far from a deterrence to 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 – ~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 persons with mental illness, cognitive disability, dual diagnosis, Indigenous women<sup>iii</sup> and remandees, a significant number of who do not end up receiving a custodial sentence at the end of their remand period.<sup>iv</sup> 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 persons imprisoned, the more will return to prison; prison itself is criminogenic.<sup>v</sup>

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

### **Post-release and Throughcare**

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.<sup>vi</sup> These figures do not give an accurate picture though of the numbers flowing through the prison and community correctional systems. As most persons are given a sentence of less than one year, more than double the numbers of people flow through Australian prisons and community corrections every year, than is indicated by the census figures.<sup>vii</sup>

Justice and Corrective Services Departments across Australia have over the past decade introduced throughcare policy 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<sup>viii</sup>

The post-release aspect of throughcare requires that justice and human service agencies cooperate and coordinate their activities prior to release, during transition and for some period after release to assess and assist persons 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.<sup>x</sup>

Throughcare is an excellent concept but is poorly implemented.<sup>x</sup> It requires high level and consistent liaison amongst all agencies involved in working with offenders before, during and after a sentence, especially after time in prison. Community Correctional Officers (Probation and Parole), post-release non-government agencies and releasees themselves have extreme difficulty in most jurisdictions finding the resources needed post-release.<sup>xi</sup> There is often poor communication between prisons and community corrections. The majority of prisoners who have done programs in prison find there is no complementary program in the community, and parole officers find liaising with some departments and agencies difficult, as ex-prisoners are seen to be unworthy or to be too difficult to work with.<sup>xii</sup> 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.<sup>xiii</sup> And as all criminal justice agencies are required, in this risk-averse climate<sup>xiv</sup>, 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.<sup>xv</sup> 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 being socially included and to avoiding re-offending.<sup>xvi</sup> Health surveys of prisoners suggest very high levels of mental illness (30-45%) and intellectual disability (up to 12%) with many prisoners having both. These figures do not necessarily take into account the much higher numbers with 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. These persons are coming back to disadvantaged and poorly resourced communities with serious needs that they are unlikely to be able to address themselves. A key question for the criminal justice system is why such people are imprisoned in the first place.

Jones et al<sup>xvii</sup> point out that a significant number of parolees are re-arrested or are breached for parole violations and returned to prison. Although little is known about why parolees in particular fail<sup>xviii</sup> 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.<sup>xix</sup> Given that there are such 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**

Secure accommodation is a serious problem for those being released from prison. Adequate housing is essential to participating fully in society. 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 persons are more likely to be imprisoned than those with housing.<sup>xx</sup>

A study by Baldry et al<sup>xxi</sup>, completed in 2003, exploring prisoners' housing and social integration post-release followed a sample of prisoners (n=339) being released from prison in NSW and Victoria over a 3 month period. Participants were interviewed before release and followed up at three, six and nine month intervals post-release with the final number of participants being 238 (70% of the original sample). At 9 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 who had been returned to prison 9 months post-release.

Participants were more likely to stay out of prison if they were living with parents, 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 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 felt the support was unhelpful; had an increase in the severity of alcohol and other drug problems; were Aboriginal or a Torres Strait Islander; a woman; and/or had debt or 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 return to prison. Half the sample was in a state of 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 in comparison to their rate of 2% of the general NSW female population. They have higher rates of return to prison, have 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.<sup>xxii</sup> They also return to highly disadvantaged communities or suburbs with little in the way of housing support, protection from violence, employment opportunities or appropriate health care.<sup>xxiii</sup> 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.<sup>xxiv</sup> Any post-release service supporting them would need to be fashioned in an holistic, culturally appropriate and sensitive manner so as to understand and work with these multiple and compounding issues.

## **Discussion**

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.<sup>xxv</sup>

Walsh<sup>xxvi</sup> points out, in reference to Queensland, that policies and programs that promote:

- employability ie prisoners to 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 methods of gradual release such as parole, home detention and furlough, and/or release to community residential facilities such as halfway houses<sup>xxvii</sup>

are required to provide a reasonable context in which persons released from prison can move towards community integration.

From the research results cited in this article, it is doubtful that any one intervention alone is going to be effective, particularly for those with complex needs. Indications are that combinations of support and rehabilitation programs in the community appropriate to the circumstances and needs of the person are necessary. This and a human relational approach that takes into account the impact of things like returning to violent and abusive relations or isolation and loneliness, have the best chance of assisting people being released from prison to reduce re-offending.

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<sup>i</sup> The Audit Office of NSW 2006 The Auditor General's Report to Parliament 2006 Vol4:83

<sup>ii</sup> Drabsch, T. (2006). *Reducing the risk of recidivism*. Sydney, NSW Parliamentary Library Research Service, pi.

<sup>iii</sup> NCOSS (2006). "Closing the revolving door of prison." A fairer NSW - fact Sheet. A roadmap for Justice Reform, Sydney.

<sup>iv</sup> Thompson, B., *Remand Inmates in NSW – Some Statistics*. Research Bulletin NSW Department of Corrective Services., 2001(20).

<sup>v</sup> See: Haney, C. (2005). *Reforming Punishment: Psychological Limits to the Pains of Imprisonment*. Washington DC, APA Books; Tonry, M. & Petersilia, J. (1999). *Prisons Research at the Beginning of the 21st Century*, National Institute of Justice; Weiman, D. (2007). *Barriers to Prisoner Reentry: A Labor Market Perspective*, Columbia University, Institute for Social and economic Research and Policy.

<sup>vi</sup> Australian Bureau of Statistics (2007). Corrective Services December quarter 2006: 1

<sup>vii</sup> Borzycki, M. (2005). *Interventions for prisoners returning to the community*. Canberra, Attorney General's Department; Baldry, E., McDonnell, D., Maplestone, P. & Peeters, M. (2006). "Homelessness, ex-prisoners and the state." *The Australian and New Zealand Journal of Criminology* 39(1): 20-33.

<sup>viii</sup> Clay, C. 2002. *Case Management and Throughcare – Can it Work?* Accessed 13.05.05: [www.corrections.sa.gov.au](http://www.corrections.sa.gov.au)

<sup>ix</sup> Borzycki, M., *Interventions for prisoners returning to the community*. 2005, Canberra: Attorney General's Department.

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- <sup>x</sup> Sutherland, S., *Throughcare: Rhetoric or Reality*, in *Social Science and Policy*. 2005, UNSW: Sydney. p. 103.
- <sup>xi</sup> Borzycki op cit
- <sup>xii</sup> Sutherland op cit
- <sup>xiii</sup> Kinner, S., Williams, M. 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.
- <sup>xiv</sup> See Kemshall, H., *Understanding risk in criminal justice*. 2003, Berkshire: Open University Press.
- <sup>xv</sup> NCOSS, *Closing the revolving door of prison*. A fairer NSW - fact Sheet. A roadmap for Justice Reform, Sydney, 2006.
- <sup>xvi</sup> Baldry, E., & Maplestone, P. (2003) "Prisoners' post-release homelessness and lack of social integration." *Current Issues in Criminology* **15**(2): 155-169.
- <sup>xvii</sup> Jones, C., Hua, J., Donnelly, N., McHutchinson, J. & Heggie, K., *Risk of re-offending among parolees*. Crime and Justice Bulletin, NSW Bureau of Crime Statistics and Research, 2006(91).
- <sup>xviii</sup> ibid
- <sup>xix</sup> Baldry et al. (2006) op cit
- <sup>xx</sup> Baldry, E., *The effect of post-release housing on prisoner re-integration into the community* in *Correctional Criminology* S. O'Toole, Eyland, S., Editor. 2005, Hawkins Press: Sydney. p. 180-186.
- <sup>xxi</sup> Baldry et al (2006) op cit
- <sup>xxii</sup> Lawrie, R., *Speak out, Speak strong*. 2003, Sydney: Aboriginal Justice Advisory Council; Butler, T., Allnutt, S., *Mental Illness among New South Wales Prisoners*. 2003, Sydney: NSW Corrections Health Service.
- <sup>xxiii</sup> Baldry, E., Maplestone, P., (2005). Women ex-prisoners post-release: where to from here? *Out of Sight, Out of Mind*. B. Foundation. ACT, Gininderra Press: 75-88.
- <sup>xxiv</sup> Lawrie op cit
- <sup>xxv</sup> Borzycki op cit
- <sup>xxvi</sup> Walsh, T., *Is corrections correcting? An examination of prisoner rehabilitation policy and practice in Queensland*. The Australian and New Zealand Journal of Criminology, 2006. **39**(1): p. 109-133.