

## Reconsidering Post-Release Risk

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➤ **SLIDE 1:**

- Title
- Name
- Affiliation

My name is Diana Johns, and I'm doing a PhD as part of the Australian Prisons Project, based here at UNSW and the University of Melbourne. Today, in 'Reconsidering Post-Release Risk', I'm going to talk about some elements of the post-prison experience which make life risky for people getting out – and trying to stay out – of jail.

I'll start by outlining my study then sketch a statistical picture of imprisonment in Victoria. I'll talk briefly about different conceptions of risk and then I'll draw on my interview data to flesh out Halsey's idea of 'risky systems', specifically in relation to housing and homelessness.

➤ **SLIDE 2: My PhD Research**

- "Getting out Fitting in Getting on..."

My PhD research is entitled, *Getting out, Fitting in, Getting on – The Culture of Prison Release: Post-release theory, practice and lived experience in Victoria*. It is a qualitative study, concerned with understanding the experience of prisoners' release into the community: how it is lived and understood by released prisoners themselves; how these understandings relate to those of post-release support workers; and how it is accounted for in policy and procedural terms. In this way, the research aims to construct a layered depiction of what it means to be released from prison, and to live and facilitate life in the community under the rubric of so-called reintegration.

- A 'culture of prison release'

What the study construes as 'the culture of prison release' is this layered set of meanings and understandings, together with the language and symbols by which they are conveyed, and how these relate to what people do, their actions and behaviours. This construal is not one of 'culture' as a fixed frame or social entity into which its participants enter; rather, it follows Garland's (2006) notion of culture as an analytical dimension of social relations. In applying such a lens, the research takes up the challenge for cultural analysts to "make visible differences of interests, access, power, needs, desires, and philosophical perspective" (Fischer, 2007: 1); to shed light into the spaces between dominant and less visible worlds or realities.

- Adult men released in Victoria

My focus is on the experience of adult men released from prison in Victoria, firstly because it is men – specifically those without strong social ties (Ogilvie, 2001: 2) – who comprise the greatest number facing difficulties following imprisonment. Secondly, there are peculiarly male dimensions to this phenomenon with which this study seeks to engage, including the extent to which the hyper-masculine culture of the prison seeps into and inflects the post-release experience.

- 30 face-to-face semi-structured interviews

The study involves face-to-face, in-depth, semi-structured interviews with fifteen recently released prisoners and fifteen post-release support workers. The interviews have been transcribed and thematic analysis commenced.

The title of my thesis – *Getting out, Fitting in, Getting on* – implies a progression, a neat series of stages or steps leading to reintegration. This belies, however, the nature of the post-release experience for many prisoners: more a chaotic swirl than an even track; adjusting, adapting, surviving the transition to life in the community can be a day-to-day, week-to-week proposition. ‘Getting on’ can mean finding a way to live in relative harmony, staying out of jail. But in drug users’ lingo, it means ‘getting on the gear’, ‘scoring’, having a ‘hit’ of their drug of choice: inevitably this leads back to prison and becomes part of the cycle of reimprisonment, familiar to more than one in three prisoners in Victoria. A fuller understanding of this cycle and how it is lived, how it manifests day-to-day for people caught in it, requires delving into their subjective experience.

- Attending to the subjective...

Attending to the subjective – listening to these men’s voices – allows us a different understanding of post-release risk. First, though, some background...

➤ **SLIDE 3: Imprisonment in Victoria 2008-09**

- Daily average of 4042 men in prison
- 51% previously imprisoned
- 5051 receptions of 4542 individuals, i.e. 509 returns to custody

This figure includes remand prisoners who are often released straight from court cells, with no preparation or planning for their release...

- 3150 (62%) men received unsentenced

The largest proportion of unsentenced prisoners are those remanded from Magistrates Courts, who have already served at least 3 months in custody; the flow of prisoners is thus dominated by short sentence prisoners who have served most of their time on remand and have therefore been ineligible for programs and pre-release preparation (though the Transitional Assistance Program is available to remand prisoners on request, it is unclear how many are aware of this to make the request).

- 4,939 discharges
- 1534 released on parole
- Around 3000 men on straight release

This number alone gives us reason to seek to understand the experience of people leaving prison, besides the public safety and economic costs of a large proportion of this group cycling in and out of the criminal justice system.

➤ **SLIDE 4: The cycle of imprisonment... Risky populations, risky systems**

There is nothing new about the cycle of imprisonment and release, and its self-perpetuating nature. As Soothill wrote in 1974:

Whatever is happening or failing to happen in prison to prepare a man for his release, the age-old gap between him and society widens rather than narrows while he is in prison (p.22).

“Detention causes recidivism”, writes Foucault in 1977 (1979: 265), reminding us that the nineteenth century critique of the prison as an institution persists virtually unchanged: in 1831, Monsieur de Rochefoucauld reported in the French Parliament that 38% of released prisoners were reconvicted; the figure today is almost identical (ABS, 2009), and Weatherburn (2010) finds “evidence that prison increases the risk of re-offending”<sup>1</sup>. The cycle continues, amplified by increasing numbers of people imprisoned, released and returning to prison each year.

- A ‘risky population to be efficiently and prudently managed’...

Current correctional thinking views offenders as “a risky population to be efficiently and prudently managed” (Hannah-Moffat, 2005: 30; also Garland, 2001). Implied is the riskiness of the system, the criminogenic effect of imprisonment. Yet it remains unspecified. The emphasis on an actuarial approach to risk management diverts attention away from the social, political and economic conditions that give rise to – and compound – the causes of offending, including the prison itself. Instead the focus is on the ‘offender’: on their ‘risk/needs’ profile; on the task of identifying, measuring and managing the potential dangerousness of that individual. Embedded in the very tag ‘offender’, after all, is the possibility of further offence, the expectation of continued criminality.

- ‘Risky systems’

Halsey’s (2007) notion of ‘risky systems’ turns the current risk orthodoxy on its head. By conceiving risk as systemic rather than located in the individual, Halsey brings to the fore the impact of imprisonment (and release) on post-prison behaviour and post-release adjustment. In relation to parole, for example, Halsey talks about “risky systems of post-release administration” which “assemble the conditions for recidivism and reincarceration” (2007: 1212). He argues that by requiring compliance and reliability from an inherently unreliable group, released prisoners are set up to fail, to breach parole conditions, and thus risk being returned to custody. Willis (2008: 5) also writes about this problem in an Indigenous context, particularly for people living in remote communities, for whom geographical distance adds to the burden of parole. Without a restructuring, a re-imagining of the correctional system, the penal machine – or what Halsey (2007: 1249) calls the ‘reincarceration assemblage’ – these self-perpetuating effects will continue.

Part of this re-imagining involves attending to the subjective post-release experience: understanding different ways risk may be perceived; how post-release ‘success’ may be judged; and the rupture between the custodial subject and the desired societal subject, who is responsible, law-abiding, productive. The custodial subject is controlled,

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<sup>1</sup> In that, offenders [charged with non-aggravated assault] who received a prison sentence were slightly more likely to re-offend than those who received a non-custodial penalty (Weatherburn, 2010: 1).

classified; locked up, locked in, locked down; told when to get up, when to eat; Foucault's (1979) 'docile body' to be 'transformed and improved'. Yet the routine and regimentation of prison is the antithesis of lives lived on the outside; lives punctuated only, perhaps, by parole appointments, Centrelink payments, NA meetings and Methadone queues. The very real risks of homelessness, drug abuse and return to prison inhere less in the prisoners themselves – as individuals or a population – than in the systems they find themselves entangled.

- Aspects emerging from interviews...

These are some of the themes emerging from my research interviews with released prisoners and post-release support workers. Though I use aliases to protect their anonymity, these men's voices – their stories – bring Halsey's 'risky systems' to life.

➤ **SLIDE 5: 'Scott'**

- Age 35, 17 years in and out ... 'it's like a merry-go-round'

'Scott' is thirty five and, with 220 convictions, has spent most of the last seventeen years in prison. For him – and for many of the men I've talked to – completing parole is a huge achievement, the first time he has managed to stay out of jail for more than three months. Prior to that, as he describes it, "*it's like a merry-go-round*":

- *'I was out two days then I was out five days...'*

*... 'cause I had nowhere to go, so I just got out, got stoned off my head, done a burg, got pinched, went back to jail for another year and a half or two. Got out, nowhere to live again, got pillled off my head, done another burg, got pinched, done another year or two...*

For someone like 'Scott' – living the 'criminal' life – life on the outside is risky. But where does the risk arise? Certainly, his law-breaking way of life constitutes a risk to himself and to the community: he is a drug user, a former dealer and a thief, familiar with violence as a means of responding to a challenge or resolving a conflict; and through his continued drug use, he risks returning to old ways. Beyond Scott's predilections, prior knowledge, associations and patterns of behaviour, however, there are systemic constraints and structural factors circumscribing and impinging on his criminality: the risk of homelessness due to limited options for stable accommodation; the criminalisation of some drug use; the effects of post-prison culture; and the paradox of parole. As I don't have time to explore all of these in detail today, I'm going to focus on the risks of homelessness...

➤ **SLIDE 6: Risks of homelessness**

...which are many and pervasive.

- Limited post-release housing options

The limited options for stable post-release accommodation mean that, for released prisoners, homelessness is a very real risk.

- Transitional housing is scarce

Transitional housing is scarce: there are around 40 units, and Link Out alone has roughly five hundred clients a year; it comes down to who can tell the saddest story...

- Public housing waiting lists are long

The waiting lists for public housing are long and are disrupted by incarceration. Frequently, too, the accrual of debt for rent incurred while they are locked up can haunt prisoners after they get out and stymie their access to priority housing.

- Private rental market inaccessible

The struggle to find employment – often with limited skills, training or experience, a patchy résumé, poor work history and a criminal record – is a perennial one for ex-prisoners. A lack of income – combined with a poor tenancy record – makes the private rental market largely inaccessible.

- A room in a boarding house

A room in a boarding house is frequently the only option available to prisoners upon release: a boarding house typically shared by other ex-prisoners, drug users and the mentally ill; characterised by instability, volatility, and vulnerability to theft and violence. These are risky places. The bleak and often squalid surroundings do little to inspire hope or confidence in a life beyond the familiar patterns of doing drugs and doing crime. And reliance on Centrelink payments – around \$500 a fortnight – renders remote the possibility of independent living. For all these reasons, as one post-release worker asserts of the men she works with:

- *‘Those that do go into boarding houses are more likely to re-offend...’*

➤ **SLIDE 7: Straight release, nowhere to go...**

Many prisoners released straight to the community, without the support of family or friends find themselves, like ‘Scott’, with ‘nowhere to go’, ‘nowhere to live’. In his words:

- *‘When you get out on a straight release you got no support, like if you got nowhere to go, it doesn’t matter mate, it’s out the door, bad luck, you got nowhere to live – “oh, here y’are, I can give you three days in a hotel...”’*

‘Ben’ has two kids with whom he is actively involved. At one point, post-release, he found himself with nowhere to go but a boarding house, which made it impossible for him to parent effectively, as he relates:

*in the boarding house I couldn’t have my kids ... I had to go and pick them up and take them to the park ...*

‘Ben’ struggles to account for the lack of housing support, even for men with family responsibilities, as he explains:

*I had an 18 month sentence, I thought I'd give them plenty of notice and they could help me with housing when I get out, if I just had that basis of seeing my kids and somewhere to see them ...*

- *'I was telling them I had nowhere and still all they did was get me a hotel for the first two days I was out.'*

This approach of seeing a prisoner through the first two or three days following their release appears token, at best: an interim solution acknowledging the obvious risk of homelessness, yet dismissing it as someone else's responsibility. A blunter appraisal suggests the failure of a duty of care, and a disregard for the concept of 'throughcare'. A supposed 'continuum of care' that provides two nights post-release accommodation might as well include a return ticket back to prison.

Reoffending usually involves drug use, which in 'Scott's' case can only be described as risky: he has a liking for 'getting stoned off his head' on heroin, coke, speed, whatever's available. He describes how he prefers to take his Methadone – injecting it after swallowing a few Valium tablets – so as to invoke a feeling akin to a 'heroin stone'. For 'Scott', and users like him, drugs are a remedy for the pain of life, his way of avoiding the monotony of waking each day not knowing what else to do, where else to go, and the fear of not knowing how else to be. The risks are plain: 'Scott' has Hep C through sharing needles and non-sterile equipment; he has nearly lost his arm to septicaemia after days using ice, scraping at imagined 'bugs' under his skin; he has been robbed and overdosed by so-called 'druggie friends'; and the combination of his prescription drugs – for depression, epilepsy and anxiety – with his illicit ones, mean that every hit is a potentially lethal cocktail.

While there is much more to say about the risks inhering in addiction and drug abuse, (since time is limited this morning) I want to briefly point out the 'positive' functional aspects of drug use as a strategy for dealing with pain, loneliness, boredom. Another interviewee, 'John', paints a picture of how this manifests as an intrinsic part of the cycle of reimprisonment...

➤ **SLIDE 8: Post-prison cycles**

*Other times I've been released and I had all good intentions and I felt serious in myself, felt good about it, you know, very resolute and stuff like that...*

- *And I'd come out and I'd just have no-one, nothing to do, and I'd go nuts, I'd go stir crazy.. [and] sure enough after months or a year or whatever it just got too lonely and too boring and ... I'd go back to that life to find friendship and someone to talk to and something to do, and sure enough ... before I know it I'm in jail again.*

'John' has managed to break the cycle: he has found good support; he's found a job; he's not using heroin; and he's found a way to be free. 'Scott' too seems to have turned a corner...

➤ **SLIDE 9: Breaking the cycle**

- 'Scott' was released on parole this time...

...for the minimum period of three months intensive supervision; though he was sentenced to fifteen months with a minimum of seven, his history of non-compliance (through drug use and non-attendance) and high rate of recidivism meant that 'Scott' "ended up doing 12 months":

*...because the more you go to jail the more they don't trust you on the street.*

This highlights the paradox inherent in the release/post-release system that those in greatest need of support are most likely to be denied parole, serve their entire sentence, and be released with no support.

'Scott' was paroled this time chiefly because he had an address, albeit temporary, and he had volunteered for (and been accepted by) Link Out. (A Department of Justice funded program, run by four agencies across Melbourne, Link Out offers 3 months pre-release and up to 12 months post release support; for men deemed at high risk of returning to custody.

- Out nine months, longest time ever...

'Scott' has been out for nine months this time, the longest time ever, which he attributes to having support: somewhere to live, and his Link Out worker. He was able to sleep on his sister's couch while he completed the three months of intensive parole, and now he has a 'studio apartment' in an outer-suburban hostel for homeless people. He has his own bathroom, toilet and kitchenette. He is managing his drug use through moderation, trying to only use on weekends, and not robbing to pay for it. He's maintaining a healthy weight, when previously he'd be down to forty-odd kilograms through drug use and lack of nutrition. And he feels a sense of responsibility for his niece and nephew, as he says:

*Now that I am getting older and ... people are dying around me ... it puts things in perspective... I don't want to die man and leave me bubbas with no uncle.*

**In conclusion...** the risky nature of the life 'Scott' has been living is clear: homeless, drug abusing, lacking support, and caught in the proverbial 'revolving door' of the prison. Ironically, it is on the inside that many prisoners experience the health and stability they lack on the outside: regular meals, a bed, access to the gym, and a routine, albeit imposed. The sense of resolve and hope that so many share upon their release quickly dissolves in the haze of housing instability, poverty, loneliness and boredom. While 'Scott' – a hardcore recidivist – represents the extreme end of the spectrum, even for prisoners released with a low risk of return to custody, the same risks apply: difficulty finding somewhere to live; the struggle to find employment; loneliness, boredom, disengagement.

Parole – though predominantly a control and compliance mechanism – can in fact provide vital structure and routine; it can anchor otherwise chaotic lives. The paradox of parole is that the higher a man's risk of return to jail, the less likely he is to be granted parole, instead serving out his sentence to be released without supervision or support. I would argue that a system that provides a degree of 'care' to a man while he is locked up, acknowledges his need for transitional support, then fails to meet that need, is a risky system indeed.