WOMEN EXITING PRISON: SUPPORTING SUCCESSFUL REINTEGRATION IN A CHANGING PENAL CLIMATE

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Abstract

The rise in the number of women caught up in the criminal justice system draws attention to what distinct and distinctive strategies are needed to divert women away from the courts and support them to address the risk factors that propel them into offending. This paper discusses how Corrections Victoria in Australia identified particular risk factors that propel women into offending and developed a specialised response to women offenders, with particular emphasis on supporting their reintegration into the community. The Better Pathways Strategy developed in 2005 by Corrections Victoria identified the key importance of housing, employment and family connections to successful reintegration of women offenders into the community. Participation in offender based programmes as well as intervention in physical and mental health concerns, and in alcohol and other drug use problems also influenced women’s self efficacy and thus confidence in their community reintegration. However gender based programmes and diversion responses for women offenders are increasingly being challenged by the rise of the risk paradigm, where surveillance and monitoring draw resources away from therapeutic and community based responses. Women are particularly affected given the nature of their social problems brings contact with criminal justice: intellectual disability, mental health, dual diagnosis, drug and alcohol related behaviour problems and homelessness, all of which are classified as high risk. Yet where ‘joined-up’ services have been implemented, they have successfully facilitated transition from prison to community, and reduced reoffending. However, constrained budgets and community disfavour challenge the successful partnerships developed and policy attention which have positively supported this group of marginalised and vulnerable women.

Keywords
women offenders; community reintegration; risk; corrections policy
**Introduction**

The Better Pathways strategy was launched in 2005 by Corrections Victoria in response to a growing number of women entering the Victorian corrections system. In 2011, the Victorian female prisoner population was 322 compared to 248 in 2001, a 30% increase in the population size over this decade (ABS, 2011). In 2012, around 2,200 women were imprisoned across Australia, forming 7.1% of Australia’s prison population (ABS, 2012). This proportion reflects international statistics which demonstrate that women tend to comprise a low percentage of the total prison population. For example, the UK Ministry of Justice reported that women accounted for about 5 per cent (or 3,869) of prisoners in England and Wales in March 2013 (UK Ministry of Justice, 2013).

The implications of women’s imprisonment are far-reaching. Social and economic costs are incurred not only by the women themselves, but by their families - especially their children - who may experience dislocated and disadvantaged lives. The Better Pathways strategy is a gender-responsive strategy for women offenders, responding to factors both associated with women’s offending behaviour and those which affect women’s reintegration after their release from prison. Its overarching goals are to reduce women’s offending and re-offending, to reduce women’s imprisonment, and to reduce women’s victimisation. To achieve this, Corrections Victoria committed considerable resources to partnerships between government and non-government sectors to cater for women after their release from prison or on community orders (Corrections Victoria, 2009b). The Better Pathways strategy identified a different approach to managing women’s correctional obligations giving greater focus to community supports to assist them with their resettlement in the community for women, and to delivering a more ‘holistic’ response to women, integrating programmes and interventions with the responsibilities women may have (e.g. carer responsibilities) (Corrections Victoria, 2005). The strategy placed great emphasis on community-based court orders and educating the legal and court systems about the utility of community orders, and their ‘fit’ with women and offending.

This article reports on the impact and effectiveness of the Better Pathways programmes in reducing women’s re-offending. Central to Corrections Victoria assessment of the progress of the Better Pathways strategy is a post-release survey of women exiting the two women’s prisons (one, the maximum security prison; the second, a minimum security, regional-based prison). The survey involved interviews with women just prior to release, and at three months, six months and 12 months post-release, commencing with women exiting prison during the six months October 2011 to April 2012. The study aimed also to better understand the characteristics and issues relevant to women released from prison, the breadth of contributing factors that influence successful reintegration, their service use, and their health (including mental health and substance use) and psychosocial outcomes (including housing, employment, family/child custody).

There is negligible research into women exiting prison in the Australian context; but it believed that although the study is Victoiran, and Australian, in its focus, the women’s experiences of prison and post - release are typical of women leaving prison and resonate across the established literature (see Bloom, 2005;2009). The initial findings flagged in this article offer insights into a range of domains and factors that influence outcomes for women after prison: offending behaviour, reintegration with networks in the community,
employment, housing, participation in post-release programs, reported physical and mental health issues, alcohol and other drug use (Condon, Hek & Harris, 2008). These are insights which lay the groundwork for policy service provision for women and how these might be funded by government. In a climate of reducing and privatising resources and a swing away from committing to gender specific initiatives, it is important to provide evidence about the significance of distinctive responses to women offenders; where these are not heeded there are increased demands on the criminal justice system and the criminalisation of women extended (Bergseth et al., 2011).

**Women exiting prison**

The proportion of women in prison has grown from 5.4 to 7.5 per cent of all individuals in prison (Australian Bureau of Statistics, 2011). In Victoria, by August 2011, when there were 322 women in prison in Victoria (ABS, 2012), overwhelmingly, these women were either on remand or on short sentences. In the years 2009-10, 36% of women in prison were on remand, 7% were on sentences of less than one month, 10% had sentences of one to three months, and 13% of the women had sentences of three to six months (Corrections Victoria, 2010). Between June 2008 and March 2009, there was an increase of 35% in women placed in prison, and factors associated with this increase speak to the distinctive nature of women’s incarceration and the challenges posed for their transition to the community. In Victoria, during the 12 months 2008-09, there was a 41% increase in unsentenced women prisoners remanded in the women’s prison. During the same period there was also a significant increase in women aged less than 25 years (n=35) entering prison, forming 13.1 per cent of the female prisoner population in March 2009.

What this demonstrates is not only an increase in women in prison and thus a greater number of women for whom support is needed after prison. The increased use of remand, and short sentences, points to a decline in the use of diversion and the use of prison as a ‘last resort’ option, some of which flows from the increased offences in drug trafficking and cultivation and the assumed risks of flight associated with such offending. This response to women’s offending and the use of incarceration reflects also shifts in community thinking and sentencing practice and the carefully considered gender specific approaches to women and their offending, the development of which characterised criminogenic policy and research throughout the 1990s and early 2000s.

The use or remand and short sentences compromise women’s opportunities to engage in programmes which encourage desistance. In Victoria, in October 2010 women in remand were one-third of the female prison population, and as a group they are rarely eligible for the programmes provided for women in custody. Remanding women in custody and or giving them short sentences disrupts their resettlement, relationships with children and families and reduces the opportunity to have accommodation or employment in place, creating more problems for women after release and turning away from offending behaviours. Shorter sentence lengths is a particular issue for Indigenous women who generally serve shorter sentences than their non-Indigenous counterparts (ABS, 2011) (as at August 2011 there were 22 Indigenous women of the 322 women in prison in Victoria). Indigenous women are imprisoned more than others for public order offences (ATSISJC 2002). It is an approach which heightens their vulnerability; as a group of female
prisoners, Indigenous women have serious psychiatric issues and are over-represented among prisoners at risk, and at risk of hospitalisation for mental health concerns (Behrendt, Cunneen & Liebesman 2009; SCRCSP, 2009b).

The impact of drug offending is seen in an increase in women in custody with such offences or charges; in March 2009, 39.4 per cent (n=46) women were in custody for a drug offence and 31.6 per cent (n=25) women with robbery offences (Corrections Victoria, 2010). This peak in offences of violence signals a shift in the nature of women’s offending and a changed profile of women in custody, with resulting impacts on programmes to support women reduce re-offending and to manage in the community after prison. The nature of supports for women and the policy developed to provide these is challenged by the changes in the cohort of women coming into prison and what has propelled them into offending. The increase in offences associated with drug use and trafficking are a feature in offending by Vietnamese women, very often associated with males involved in criminal activity, and believed to be linked to settling debts incurred as a result of problem gambling (Reynolds, 2010); and there is a general increase in women prisoners from CALD (Culturally and Linguistically Different) communities. By October 2011 Vietnamese-born women in prison custody in Victoria had increased to 48, forming 15% of women in custody. Not only does this pose particular challenges for support for women and their families, it also reduces any opportunity for diversion from custody and meaningful transitions from custody to community, as up to two-thirds of these women will be deported to their country of origin once their time in custody has expired (DCPC, 2010).

**Risk factors**

Corrections Victoria (2006, p. 7) identified key risk factors influencing the escalating use of custody for women, factors consistent with international research around women and offending (see Bloom, 2005; 2009). Factors relating to health, addiction, trauma, victimisation, debt, family issues and homelessness all created a high level of personal and social need in the women, needs which remained unaddressed both by the community and by customary prison services, and predisposing women to ‘risk’ of offending and imprisonment (McIvor & Burman, 2011; Van Voorhis et al., 2010; Corston, 2007; AIHW, 2010). What was also clear was that the increased use of remand for women with inadequate accommodation and complex treatment and support needs increased risk for women; risk associated with the latter clearly identified by the concerning extent of mental illness and self-harm in the female prison population (Ogloff & Tye, 2007; Tye & Mullen, 2006).

Thus **Better Pathways** focussed on a gender-responsive strategy with close attention to partnerships between government and non-government sectors to meet the needs of women after their release from prison or whilst serving community orders. Particular attention was given by **Better Pathways** to offering practical supports to women, with funding to support women with long-term, affordable, secure housing, together with a suite of wrap around services that assisted them directly with legal and court issues; with family reunification and parenting skills; access to drug and alcohol support; to education, training and employment; with financial management (and debt management-particularly with managing utility bills for water/gas/electricity which women may not have paid and
then be unable to access); and importantly, with independent living skills for those who have been incarcerated for some time and struggle to re-engage with living away from a highly structured, routinised, congregate care setting such as prison (Corrections Victoria, 2007a).

Programmes for women in Victoria’s prisons

The Better Pathways strategy developed a range of programmes for women in prison, primarily for sentenced prisoners, with a particular focus on offending behaviour, although there is a range of support/treatment programmes as well as transitional services for women on release. The programmes attend to personal, family and social relationships (mothers and children; dealing with family violence; sexual assault counselling), to specific treatment and support needs (drug and alcohol treatment), as well as to offending behaviour (exploring change; anger management). The transitional programmes focus on case management for women exiting prison with a holistic service aim to incorporate psychological intervention, drug treatment, housing, income support, employment and other related services (Sheehan, 2011). The provision of mentoring from the community is a key component, recognising the considerable support women need to either achieve reintegration or maintain community orders. Investment in this approach was hoped to reduce the number of women coming into prison, thus reducing re-offending and consequent inter-generational exclusion which draws prisoners’ children into a cycle of disadvantage, recognising the harm that comes from loss of housing, contact with families, and exclusion from employment. It was considered that this approach offered a social return on investment, enhancing better outcomes for women and their children (Corrections Victoria, 2007a).

Housing

It is well established that that the lack of secure and appropriate housing for women exiting prison results in costly impacts (Malin, 2007; Baldry, 2007). For example, women prisoners may not be able to be granted parole if they have no accommodation, and remain in prison past their parole date. Alternatively, women may be released with no parole conditions but have no suitable accommodation, making it difficult to assist them during the crucial transition period. The Corrections Victoria Housing Project (CVHP) developed transitional housing for women on bail, including Indigenous women, as well as for women after their release from prison, both to divert women from being remanded into custody and assist women after prison transition to appropriate long term accommodation (Corrections Victoria, 2007a).

Family and children

It is also well established that where family integration is strengthened, and where accommodation is stable, women transition to community living in a more sustained way (Sheehan & Flynn, 2007; Brown & Bloom, 2009; Wright et al., 2012). Central to this also is financial security, a more challenging prospect for women who very often have been largely unemployed prior to prison, have lower formal education rates and little formal training that qualifies them for work (Goulding, 2007). The Better Pathways strategy pays particular attention to community work programmes for women offenders, given that many women have orders directing them to work in community settings; thus
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concentrating on work settings for women which offered skill development that could be transferred to paid employment (Corrections Victoria, 2008). The same principle has been applied to women on community-based orders, where the requirement to fulfil unpaid community work hours as part of orders as well as participating in rehabilitation programs are both directed at enhancing women’s life skills and employment chances (McPherson, 2007). Offering practical support to women offenders on community-based orders is essential to achieve both meeting conditions on orders and negotiating housing, employment etc. Corrections Victoria has implemented specific childcare and transport subsidies to support women with child care responsibilities and access to appointments associated with their orders.

Fundamental to family integration is personal and family safety and the Better Pathways strategy funds a family violence programme to assist women to understand nature of family violence, how it impacts on them and their children and their ability to parent (Stathopoulos, 2012). This programme works with women while they are still in custody so that when they return to the community they have some sense of control over their circumstances, hoping to avoid being drawn back into violent relationships believing there are no other realistic options or support (Corrections Victoria, 2008). Mentoring is highlighted as key to assisting women to transition to the community after prison and women on community based orders; mentors offer practical assistance, and importantly, friendship, and this is a key component of the personal and social supports women need for life after prison (McIvor, Trotter & Sheehan, 2009; Corrections Victoria, 2008).

Responding to women’s needs
Evaluation of the Better Pathways strategy (PriceWaterhouse, 2009) found women offenders and prisoners identified accommodation and family reunification as their highest priorities, with health, education and employment as subsequent needs (Burgess and Flynn, 2013). The women commented that programmes which provided them with supports in these areas or facilitated contact with family had the greatest impact, and the integrated services which indeed assisted with housing, finance and employment were positively rated. The success of the Better Pathways Strategy supported the ongoing reduction in the rate of women in prison with rates of imprisonment reducing during the five years from 2003 to 2008. Both absolute numbers of women in prison and rates of imprisonment reduced over these five years (Corrections Victoria, 2010). Preliminary findings from the post-release survey of women exiting prison 2011-2013 (conducted by Monash University and Department of Justice, Victoria) support these earlier findings; where holistic services offer practical supports and opportunities for changing behaviour, women’s offending is reduced (Trotter, McIvor & Sheehan, 2012; NOMS, 2005; Pearce, 2007). The challenge is to maintain these services in an increasingly complex funding, political and offending context (Gelsthorpe et al., 2007).

The risk paradigm
The tension between risk versus rehabilitation remains a constant challenge. The risk paradigm challenges therapeutic and community based responses to women offenders. Women are particularly affected, their social problems bringing contact with criminal justice: intellectual disability, mental health, dual diagnosis, drug and alcohol related
behaviour problems and homelessness, classified as high risk (Hannah-Moffat, 2005; Stenson & Sullivan, 2001). Risk undermines rehabilitation, imposes a surveillance framework on people and services, draws resources away from therapeutic and rehabilitative programs.

A key consideration in terms of assessment procedures is that given the multiple and complex needs of women offenders, their levels of risk on an assessment tool are likely to be rated as relatively high, which disadvantages women in a system that punishes higher risk offenders (Trotter, 2007). In other words, it is important not to directly equate high need with high risk (Martin, Kautt & Gelsthorpe, 2009). There appears to be widespread concern about this issue and that the distinct and distinctive needs of women offenders have been inadequately accommodated or researched in the development of risk classification instruments (Hardyman & Van Voorhis, 2004; Martin, Kautt & Gelsthorpe, 2009; Orbis Partners Inc., 2006). However, some studies propose that the principle of risk is equally applicable to women and that tools based on studies of mixed populations such as the LSI (Level of Supervision Inventory Revised) risk-assessment tool, used in Australia and other English-speaking countries, could even more successfully predict recidivism for women than for men (Ross et al., 2005; Raynor & Miles, 2006; Andrews & Dowden, 2006; Trotter, 2007).

**Political context**

Joined up services are clearly essential to facilitate transition from prison to community, and women offenders confirm their positive benefit in terms of reducing re-offending and community reintegration. However, such an approach is dependent on a ‘joined-up policy’ commitment across probation, health and housing sectors (Sheehan, 2012). Equally, it is important to challenge increasing calls for more punitive responses to women and offending, and to re-assert the use of diversion and community re-integration. It is important to give community provision prominence, in order to avoid courts thinking the only place women’s needs can be met is in prison, so that prison is not seen ‘as the new social services’ (Gelsthorpe et al., 2007, p. 13). However, despite the commitment from and to Better Pathways, legal and court responses to women have turned away from ‘community first’ approaches; suspended sentences have recently been removed in Victoria (in 2012), which is particular affects women. There is renewed political attention to growing the prison estate, with increased government funding for prison accommodation and less prominence to the community based approaches which women identify as key to their successful transition away from offending (Hedderman, 2004a). Corrections Victoria has committed considerable resources to catering for women offenders, but constrained budgets and community disfavour challenge the successful partnerships developed and policy attention to this group of marginalised and vulnerable women.
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