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Back to Churchill – An Old Vision for Prisoner Reintegration

We cannot impose these serious penalties upon individuals unless we make a great effort and a new effort to rehabilitate men who have been in prison and secure their having a chance to resume their places in the ranks of honourable industry. The present system is not satisfactory.

Extract from Winston Churchill's speech to the House of Commons,
29 July 1910 (Churchill, 1910)

During his brief reign as Liberal home secretary in 1910, Winston Churchill embarked upon an ambitious reform of the English prison system. His first principle of prison reform was 'to prevent as many people as possible getting there at all'. He believed that there should be a just proportion between crime and punishment, and that even convicted criminals had rights against the state. Underlying Churchill's prison reforms was a real understanding of the nature of imprisonment from the perspective of the prisoner, which drew from his having been a prisoner during the Boer War.

His progressive thinking extended to the issues of prisoner reintegration, and his speech of 1910 contains three principles that could form an important part of prisoner reintegration policy today. They are:

- 1 That the state must invest in supporting ex-prisoners in order that they make a useful contribution to society.
- 2 That the focus must be on a system of support and accountability rather than compliance and control – prisoner reintegration is a transition from formal state control to informal community support.
- 3 That diverse community organisations and volunteers

should be supported to take up the work of prisoner reintegration.

It is remarkable that in the 99 years since then there has been no political or public support for a comprehensive prisoner reintegration strategy in New Zealand. Around 9,000 prisoners are released into the New Zealand community every year, two-thirds of whom will reoffend within two years. State funding of prisoner reintegration is negligible, and the Department of Corrections recently deferred the development of a comprehensive reintegration strategy until 2010–11.

Equally as remarkable is the lack of a coherent theory to inform prisoner reintegration. Joan Petersilia's recent book *When Prisoners Come Home* (Petersilia, 2003) articulates a clear and refreshing vision for the reform of the US system of ex-offender release and re-entry (for a similar British effort

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see Farrall, 2000). Nonetheless, these works of reintegration theory remain aberrant exceptions in a research field that is dominated by descriptive and atheoretical evaluative research. That is, we often ask ‘what works’ but too rarely ask ‘how’ or ‘why?’ (Palmer, 1994).

The ‘stick and carrot’ model – the odd couple

Until around 1995 there had developed in New Zealand a ‘mixed model’ culture within the Community Probation service of the management of ex-prisoners. The prevailing assumption was that Community Probation should assert control over ex-prisoners, and also provide opportunities for treatment. The provision of support to prisoners would make the task more interesting, and, in those days, politically acceptable. The model had some inherent difficulties. In summary:

- The result, in other than the most experienced hands, was ‘muddle’ (Dickey and Smith, 1998).
- The history of crime control suggests that when both tools (i.e. the therapeutic and the punitive) are available, the latter will almost always win out or at least undermine the former. More often than not, interventions premised on a combination control–deficit model end up ‘almost all stick and no carrot’.
- Theoretically, control strategies encourage instrumental compliance during the supervisory period, while the treatment strategies are designed to help participants internalise new moral values. That is, the therapy or the job training is what is really going to work, but without heavy coercion ex-prisoners will not show up for the treatment. This hypothesis has some empirical support (MacKenzie and Brame, 2001). Persons coerced into drug treatment programmes fare equally as well as those who enter voluntarily (Farabee, Prendergast and Anglin, 1998).
- However, while consistent coercion produces minimal levels of criminal behaviour, it also produces very low levels of pro-social behaviour (Colvin, Cullen and Vander Ven, 2002, p.28). Punishment only trains a person what not to do. If one punishes behaviour, what is left to replace it? – in the case of high-risk offenders, simply other antisocial skills. This is why punishment scholars state that the most effective way to produce behavioural change is not to suppress ‘bad’ behaviour but to shape ‘good’ behaviour.
- The operant conditioning implied in the carrot and stick metaphor confuses blind conformity with responsible behaviour. Clark writes: ‘Compliance makes a poor final goal ... Obedience is not a lofty goal. We can teach animals to obey’ (Clark, 2000, p.42).
- According to Taxman et al. (2002, p.8), offenders’ past experiences with law enforcement, supervision agencies and treatment providers ‘left them dubious about the real

intentions of these agencies and staff. Any further efforts to find fault, increase revocations, or speed a return to the justice system will only undermine the goals of reintegration.’

The model has one other major deficit. It focuses almost exclusively on the ex-prisoner as an individual. If reintegration is to be a meaningful concept, it implies more than physically re-entering society. It should also include some sort of ‘relational reintegration’ back into the moral community.

Winston Churchill understood well the dilemma of combining the stick and the carrot. In his day the police were responsible for providing post-release support. In his famous speech, and with his tongue firmly in his cheek, he had this to say:

I have a great admiration for the way in which the police conduct the business of police supervision of prisoners who have been released on licence. It is not a bit true to say they harry a man and hunt him down. At the same time, it is a great impediment to a man to have to go and report himself repeatedly to the police, and to have the police coming repeatedly inquiring after him, in obtaining his position in honest industry again.

It wasn’t until 1999 that the department sought to conduct research which identified the key needs of prisoners on release, and investigated how other jurisdictions dealt with released offenders

Corrections and prisoner reintegration – risk, needs and responsivity

Until around 1995 the role of New Zealand Community Probation Service in prisoner reintegration combined the functions of compliance and support. While the Prisoners’ Aid and Rehabilitation Society (PARS) was funded by the Department of Corrections to provide services to prisoners, the emphasis was on the provision of welfare services to prisoners and their families: assistance with family visiting, provision of clothes and TV sets to prisoners, and limited assistance with housing, employment, relational issues and financial matters. The PARS ‘halfway houses’ were very much places where semi-formal supervision was applied. It wasn’t until 1999 that the department sought to conduct research which identified the key needs of prisoners on release, and investigated how other jurisdictions dealt with released offenders (de Joux, 1999)

The late 1990s saw responsibility for prisoner reintegration shift from the Community Probation Service toward the Public Prisons Service, as an extension of the developing Integrated

Offender Management System (IOMS). The prisoner in the community was at that time, and still is, regarded as the passive recipient of departmental support and services.

In May 2004 the Minister of Corrections, Paul Swain, held a ministerial forum on offender reintegration, issuing a challenge for New Zealand to be a ‘world leader in reintegration’. The framework he presented at that forum was based on the following key ideas:

No one wants the separation of prison and parole more urgently than do prisoners. ... Many would prefer to serve their full sentence in prison rather than be faced with high levels of supervision.

- Reintegration is the ‘cornerstone’ of the department’s approach to integrated offender management.
- The principles of *risk*, *need* and *responsivity* will tell the department how to work with offenders, based on their risk of re-offending, their level of need, and responsivity factors:

Risk: by being able to identify those who are most at risk of further offending, and provide services to mitigate against that risk, the department can have a significant impact.

Need: services should be targeted at specific needs, and in dealing with reintegrative needs the department may have to target a multiple range of needs and how those needs relate to each other.

Responsivity: there is no point in attempting to either deliver a service to someone who doesn’t want it or delivering it inappropriately without taking into account their response. (Swain, 2004)

The ‘needs-based’ approach to reintegration was an extension of the department’s approach to in-prison rehabilitation. By 2008 the department had expanded prison-based reintegration services, with the intention of assisting prisoners to re-enter their communities and the labour market. Unfortunately, investment in additional in-prison reintegration staff was not matched by investment in community provision. A prisoner needs analysis ensured that some prisoners were released with a ‘reintegration plan’. For most prisoners, tangible reintegrative support stops at the prison gate.

The Community Probation Service – left holding the stick

The development of a prison-based reintegrative service left the Community Probation Service without a significant role in prisoner reintegration, other than with parolees. Over the last ten years they have shifted to a model of parole compliance and control. Barry Matthews, chief executive of

the Department of Corrections, made that clear in a recent public statement:

Culture change was the main factor in improving parole management, but took time, he said. ‘We have some staff that still believe the role of a probation officer is like a social worker and that sentence compliance should take a second step. We’ve been emphasising ... sentence compliance is the No 1 issue in terms of public safety.’ (Matthews, 2009)

Underlying the ‘risk management’ approach is the belief that released prisoners will respond best to the constant threat of sanctions. Turning that belief into policy has led to a range of sentence measures, including electronic monitoring, intensive supervision (i.e. additional home and office visits), random drug testing, home confinement, extensive behaviour restrictions, strict curfews and expanded lengths of supervision. The basic idea is that tough community controls can reduce recidivism by thwarting an offender’s

criminal instincts (Gordon, 1991; Cullen, 2002).

There is no evidence to support that. What evidence there is tells us that:

- Additional controls increase the probability that technical violations will be detected, leading to greater use of imprisonment and higher taxpayer costs. Petersilia and Turner’s nine-state random-assignment evaluation found no evidence that increased community surveillance deterred offenders from committing crimes (Petersilia and Turner, 1993).
- Prisons do not serve as an effective deterrent (Gendreau, Goggin and Cullen, 1999).
- Power-coercive strategies are the least likely to promote internalisation and long-term change (Chin and Benne, 1976). Kelman (1958) discusses three means of changing behaviour: change via compliance, change via identification, and change via internalisation. Power and coercion may achieve instrumental compliance, Kelman says, but is the least likely of the three methods to promote ‘normative re-education’ and long-term transformation once the ‘change agent’ has been removed (Bottoms, 2000).
- In MacKenzie and De Li’s rigorous study of intensive supervision probation they write:

The disappointing factor is the possibility that the offenders may be influenced only as long as they are being supervised. ...When probation is over, these offenders may return to their previous levels of criminal activity because the deterrent effect of arrest may wear off when they are no longer under supervision (MacKenzie and De Li, 2002, pp.37-8).
- Heavy-handed control tactics serve to undermine respect for the Probation Service (Tyler et. al, 1997). Parole conditions that include prohibitions against association with criminal associates or entering licensed premises, both of which are impossible to enforce, are often viewed

as evidence that the entire parole process is a joke. Persons returning from prison with few resources and little hope become defiant when they are faced with a pile of sanctions (Sherman, 1993; Blomberg and Lucken, 1994). Constant threats that are not backed up can lead to a form of psychological inoculation (Colvin, Cullen and Vander Ven, 2002).

- Ex-prisoners consider they have paid their debt to society: when they ‘get out’, they want to ‘be out’. Mobley and Terry (2002) write:
No one wants the separation of prison and parole more urgently than do prisoners. Any compromise or half-measure, any ‘hoops’ or hassles placed in their path, breeds resentment. Many would prefer to serve their full sentence in prison rather than be faced with high levels of supervision.
- The traditional public view is that imprisonment equates to punishment and control. Alternatives are therefore only suitable when neither punishment nor control are necessary. Parole cannot compete with prison when it comes to ensuring compliance (Camp and Camp, 1997; Bottoms, 2000, p.93; Colvin, Cullen and Vander Ven, p.23).

What next? Moving beyond risk and needs

Churchill must have known something. In his 1910 speech he proposed another way:

The proposal I make is that we should establish a new central agency of a semi official character, half official members representing the authorities and half the representatives of all these prisoners’ aid societies. That would combine official power with what I think essential: that there shall be an individual study of every case; that all convicts shall be distributed by the central agency between different prisoners’ aid societies of all the different denunciations, and all the different charitable societies; that the whole business of police supervision shall be absolutely suspended and the whole system of ticket of leave come to an end completely; and that except in the case of refractory persons, a convict, when he leaves prison, will have nothing more to do with the police. They need not see them nor hear of them again, but will be dealt with entirely through the agency of these societies, working under the central body, whose only object will be to do the best for the convict.

What would these societies do? How would they behave to towards ex-prisoners? The clue we have is contained within Churchill’s speech when he proclaimed belief in the possibility of redemption. He spoke of

an unflinching faith that there is a treasure if only you can find it, in the heart of every man – these are the symbols which in the treatment of crime and criminals mark and measure the stored-up strength of a nation, and are the sign and proof of the living virtue in it.

The Singaporean Prison Service has a prison poster which says: ‘We are trained to look for the spark, not just the flaw.’ Churchill would have supported that idea: the idea that all humans have gifts, skills or strengths that if acknowledged and nurtured can make a difference. Success comes not through treating an offender as someone to be corralled like a wild horse or understood through clinical analysis. It comes not from an image of an offender as a motor car, with defective parts, which ‘needs’ attention, but as a vibrant human being who, if treated with dignity and respect, has the potential to change.

‘released prisoners find themselves “in” but not “of” the larger society’ and ‘suffer from a presumption of moral contamination’

‘Restorative reintegration’ – a strengths-based approach to prisoner reintegration

Strengths-based or restorative approaches focus on the positive contribution the person can make rather than on their deficiencies. It is not a new idea in prisoner rehabilitation, but its re-emergence throughout the social service sector has resulted in increased research and understanding about how this approach could work with offenders.

Targeting strengths

Strengths need to be assessed and ‘targeted’ in the same way that risks and needs traditionally have been. To do so one simply asks: ‘How can this person make a useful and purposeful contribution to society?’ Jeremy Travis puts it this way: ‘Offenders are seen as assets to be managed rather than merely liabilities to be supervised’ (Travis, 2000, p.7).

The strengths narrative assumes that ex-prisoners are stigmatised persons, and that is what makes them likely to re-offend. As Johnson writes, ‘released prisoners find themselves “in” but not “of” the larger society’ and ‘suffer from a presumption of moral contamination’ (Johnson, 2002, p.319).

The strengths-based narrative combats stigmatisation by deploying a range of strategies. They include:

- Providing opportunities for ex-prisoners to make amends, demonstrate their value and potential and make positive contributions to their communities. The goal is to ‘devise ways of creating more helpers’ (Pearl and Riessman, 1965, p.88). These accomplishments lead to ‘a sense of hope, an orientation toward the future, and the willingness to take responsibility’.
- Providing public recognition, including rituals of certification which symbolically ‘de-stigmatise’ the stigmatised person and send a message to the community that the offender is worthy of further support and

investment (Bazemore, 1999). The offender is transformed from a taker into a giver.

- Devising situations in which ex-prisoners produce things the community wants, such as gardens, graffiti-free neighbourhoods, a less dangerous community, habitable housing for the homeless (Dickey and Smith, 1998, p.35).
- Active engagement in parenting provides a ‘stability zone’ for offenders which ‘softens the psychological impact of confinement’ and may help reduce recidivism and ‘transmit pro-social attitudes to a future generation’ (Toch, 1975; Lanier and Fisher, 1990, p.164). That may include programmes specifically designed for prisoners and ex-prisoners.

It is only in recent times that there has been official recognition that whānau continue to be a key cultural institution for Māori and are therefore a key (and potentially highly effective) site of intervention and/or development.

- Developing a role for ‘wounded healers’ or the ‘professional ex-’, defined as a person who desists from a ‘deviant career’ by ‘replacing it’ with an occupation as a para-professional, lay therapist or counsellor (Brown, 1991). Although it is impossible to measure the true extent of the ‘professional ex-’ phenomenon, Brown estimated that around three-quarters of the counsellors working in the more than 10,000 substance abuse treatment centres in the United States are former substance abusers themselves. Describing female ‘wounded healers’, Richie writes:

Most services that are successful in helping women reintegrate into the community have hired (or are otherwise influenced by) women who have been similarly situated. The extent to which women have a peer and/or mentoring relationship with someone whom they perceive is ‘like them’ is critical. (Richie, 2001, p.385)

- Encouraging mutual efforts at reconciliation, where offender and society work together to make amends – for hurtful crimes and hurtful punishments – and move forward (Johnson, 2002, p.328).

There is evidence that nurturing behaviour is inconsistent with a criminal lifestyle. Sampson and Laub found that one-time offenders who were employed and took responsibility for providing for their spouses and children were significantly more likely to desist from crime than those who made no

such bonds. It is a common reason for desistance by gang members (Sampson and Laub, 1993). Roy Dunn, leader of the Notorious chapter of the Mongrel Mob, put it this way in a speech to the Prison Fellowship Conference in May 2008:

At the end of the day, I have been thinking, what’s the meaning to life? There must be more to this, you know, there must be more to life. As a parent, a Rangatira, you have to look at all those angles, eh, and to me it was about – well, enough was enough. Keep going the way we are, we will live in the past and we will stay there. So, it was all about time to change. That was my vision. When I came out of jail, I was looking for people in the society to help direct and put me on that way, not for my journey but for our kids and our whānau. In the old days, it was about our patch, we couldn’t see nothing else. But now, time’s changed. It’s time to build their future; not let them go down the paths we’ve been.

The role of families and whānau

The strengths of youths, families and communities are the most commonly wasted resources in the justice system. It is only in recent times that there has been official recognition that whānau continue to be a key cultural institution for Māori and are therefore a key (and potentially highly effective) site of intervention and/or development. The recent emphasis on whānau in social policy acknowledges that changes in the well-being of individual Māori can be brought

about by focusing on the collective of whānau – something Māori have always known.

The extent to which the state responds positively or negatively to the concept of whānau or family has a significant potential impact on our capacity to promote community-based prisoner reintegration. One recent promising intervention is La Bodega de la Familia in New York City. Support is provided not to the individual under criminal justice supervision, but rather to the person’s family – the people who will be supporting the individual when he or she returns from prison. Initial evaluation research has been very promising (Sullivan et al., 2002). Travis writes: ‘We should recognize that a strong family can outlast any program and can work in ways that no one else can’ (Travis, 2003, p.4).

The impact of strengths-based reintegration

In 2003 Prison Fellowship, in partnership with the Department of Corrections, established a faith-based unit at Rimutaka Prison. Described as a Christ-focused, community-centred environment, the programme provides for each prisoner to be mentored by a community volunteer eight months before release and for up to two years following. It is based on the belief that reintegration starts on the first day of the sentence, and the programme includes the elements described above as restorative reintegration.

The unit has yet to be formally evaluated by the department. We know that one useful measure of the effectiveness

of a prison unit in rehabilitation is the level of prisoner misconduct. Gendreau and French have established that prisoners released from those units with a low level of prison incidents are more likely to achieve significant reductions in reoffending (French and Gendreau, 2006). As can be seen in Figure 1, covering the period 1 May 2007–30 April 2008, the faith unit (Unit Seven) fared well in comparison with the other residential 60-bed units at Rimutaka.

Reintegration beyond the prison walls - handing it back to the community

What would restorative reintegration look like beyond the prison walls? Maruna (2006) considers there are four elements:

Restorative reintegration is community-led

Whereas reintegration is typically characterised by an insular, professionals-driven focus on the needs and risks of offenders, restorative reintegration needs to draw on and support naturally occurring community processes through which informal support and controls traditionally take place (Farrall, 2004). Citizens, not professionals, would be the primary agents of reintegration. Circles of support and community-led mentoring are key elements of a community-led process (Petrunik, 2002). Efforts by groups such as Prison Fellowship, PARS, Pillars and other organisations to offer direct support and assistance to the families of offenders before and after incarceration is also central to restorative reintegration (Sullivan et al., 2002). It is these family members (and not the over-worked probation officer with an over-stretched caseload) who will be counted on to do the real work of aiding and befriending the ex-prisoner upon release (Bobbitt and Nelson, 2004).

Restorative reintegration is reparation-based

Peacemaking needs to begin almost immediately in any restorative framework (Marshall, 1999). The fact that so many victims are still angry, afraid or punitive toward their assailants five to ten years after the event and at the point of the prisoner’s release shows just how much more work needs to be done in this regard in terms of healing the pain of the criminal event, apologising and making amends for these acts.

Central to the restorative model is the notion of ‘making good’, or ‘earned redemption’ (Maruna, 2001; Brazemore and Erbe, 2004). Traditionally, this is won by actively making positive contributions to one’s community in a reparative fashion. This abstract ‘wider community’ is often the primary victim of many of the crimes in our justice system. In civic community service work, individuals are offered an opportunity to volunteer their talents on projects meant to meet community needs, build community capacity and repair the harm caused by crime. They take on leadership roles within these projects and often work side by side with volunteers from the wider community who are not involved in the criminal justice system. Again, the community would lead this process.

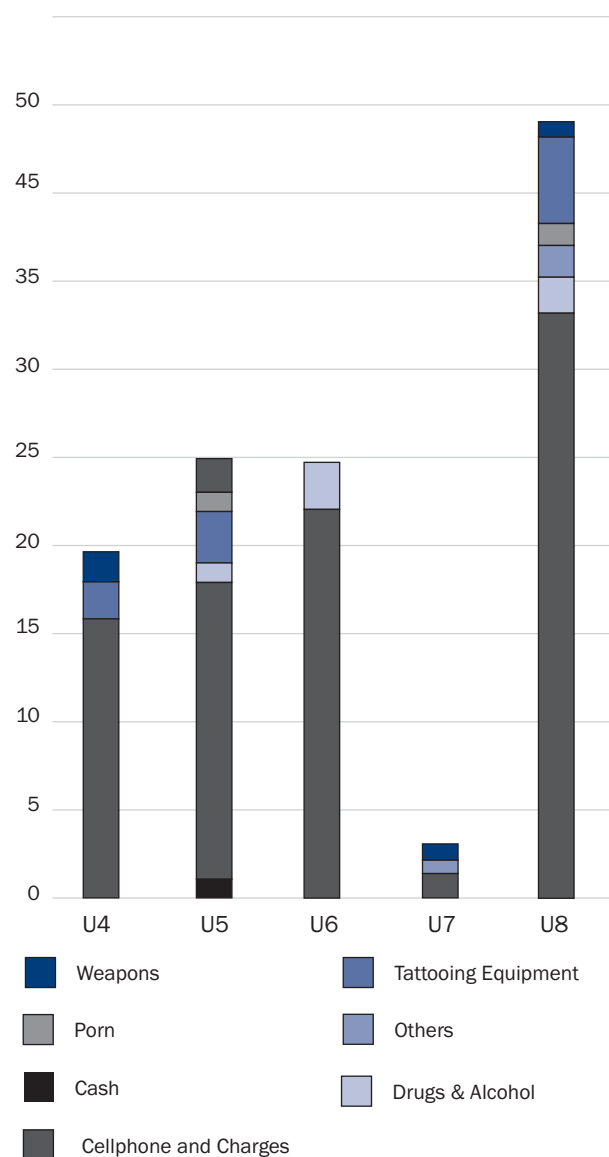
Restorative reintegration should be symbolically rich

New Zealanders make quite an impressive show or ritual of punishment – from the drama of the courtroom to descending into the cells, to prisoner uniforms, the barred windows and a preference for ‘boot camps’ and ‘three strikes’. As a society we have become masters of what are called status degradation ceremonies (Garfinkel, 1956). If we are going to ritualise the process of exile, we need to do the same for the return. A number of theorists have started to write about what ‘status elevation ceremonies’, or ‘reintegration rituals’, might look like (Braithwaite and Mugford, 1994; Maruna, 2001).

Restorative reintegration needs to eventually involve wiping the slate clean

Perhaps the strongest form of symbolic de-labelling an offender could receive from the state is the chance to officially wipe the slate clean and literally alter his or her past as recognition of these forms of restitution and social contribution. This sort of permission to legally move on from the stigma of

Figure 1



one's past is a key component of the amnesty process that has been central to peace and reconciliation processes worldwide. More use could be made of this important last step in the reintegration process for ordinary offenders.

The role of the community

Churchill realised that to shift responsibility for prisoner reintegration to the community there would need to be resources to accompany it:

The Chancellor of the Exchequer has been good enough to assign me £7,500 a year for the development and strengthening of the methods by which we are to enable prisoners, on release from penal servitude, to have a fair chance of taking their place in the ordinary life of the country.

The emerging view is that the state does not have a role in reintegrating ex-prisoners. Criminal justice professionals cannot reintegrate anyone into the community, regardless of their training. Ex-prisoners can reintegrate themselves and communities can reintegrate ex-offenders. The most the state can do is to facilitate and support the community in its efforts (McNeill, 2006). Reintegration happens in the community, by the community and for the community.

As the reach of criminal justice and social services expand, the impact is to weaken historically stronger community nets and inadvertently undercut the role and responsibility of citizens, neighbourhood institutions and community groups in socialisation and informal sanctioning (Braithwaite, 1994; McKnight, 1995). As Clear and Karp (1999, p.38) observe:

When agents of the state become the key problem solvers, they might be filling a void in community; but just as in interpersonal relationships, so in community functioning, once a function is being performed by one party it becomes unnecessary for another to take it on ... parents expect police or schools to control their children; neighbors expect police to prevent late night noise from people on their street; and citizens expect the courts to

resolve disputes ... informal control systems may atrophy like dormant muscles, and citizens may come to see the formal system as existing to mediate all conflicts.

From criminal justice to social development

The recent work of the Ministry of Social Development in strengthening families and communities suggests that if there is to be state support for ex-prisoners and their whānau/families, it would be most appropriately located within Family and Community Services, in the Ministry of Social Development. The excellent work it is doing in strengthening families and communities, and supporting community groups in such areas as family violence prevention, positive parenting and after-school activity, gives it an entrée into and relationship with community organisations. It has the capability to engage effectively with 'hard to reach' families, including the families and whānau of ex-prisoners. It is a service familiar with the strengths-based approach, and understands the importance of building community resilience and social cohesion. Most importantly, it understands that its role is not to deliver those services itself, but to build community capacity and capability in order for that to happen.

Agreement on how the state and the community should work together to support ex-prisoners and their whānau /families will not depend solely on the extent to which stakeholders can reach agreement. The future of effective prisoner reintegration lies in the government's willingness to move beyond the existing preference to control ex-prisoners, on one hand, and on the other to respond to their perceived individual needs. It lies not in an obsession with managerialism and the culture of control. Instead, it must be based on a vision for prisoner transformation that has at its heart concern for the social advancement of all New Zealanders.

That was Churchill's vision.

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