

*PERRIE LECTURES 1997*

# *WHAT HAPPENS AFTER RELEASE*

I have been a probation officer for thirty years, so my credentials for talking to you today start with the fact that my career coincides with a period that the Probation Service has had statutory responsibility for throughcare work with prisoners. In 1967, when I qualified, the Probation Service had just been asked to take on voluntary aftercare and parole and responsibility for prison welfare work. (Before that, we had undertaken statutory license work but the numbers involved were very limited). From 1970 to 1973, I was research assistant on a Home Office funded study of work with prisoners' families. In 1988-9 I was

a member of the Carlisle Committee which reviewed the parole system in England and Wales. Since 1993 I have been lead officer for throughcare issues on behalf of the Association of Chief Officers of Probation.

Although I have never worked in a prison, that series of events and experiences have given me a certain perspective on probation work with prisoners, which I intend to share with you today. I plan to consider three questions: what is or has been expected of probation officers working with prisoners? Why are probation officers seconded to prisons? What would release be like for prisoners if throughcare had not been invented? Along the

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way, I promise you some real life stories.

### What is expected?

In 1967, the decision to involve the probation service in work with prisoners was taken at a time of great optimism about our potential; but also of great commitment to the welfare of prisoners. There was a strong belief, for example, that prisons could reform, and that parole could be used to release the prisoner at the optimum point for capitalising on that reform process, by underpinning it with planned release arrangements. Care and welfare were respectable terms, and seconded probation officers were called prison welfare officers; while after-care officers replaced the work of the Voluntary Prisoners' Aid Societies. The aim was to create a strong link between work within and outside prisons, by giving the responsibility to the same agency. Definitions of prison welfare work focussed on the strengthening of community ties and the resolution of problems which might impede resettlement.

However, as a practitioner at that time, I worked only with women and children, and recall only one or two borstal license and approved school after-care cases on my caseload in a couple of years.

In 1970, when I started work on the Nottingham Prisoners' Families Project, the idea of throughcare was well-established. For the probation service, this meant a focus on resettlement from the day the sentence began, pursued consistently until the last day of supervision or voluntary after-care contact. The focus of the Project was quality of throughcare and the extent to which contact during sentence could be co-ordinated between prison and outside probation officers; work with the families and the extent to which this supported resettlement; the effects on young children, and on the marital relationship, of the men's imprisonment; and so on. The level of reconvictions was not the focus of the study, and casework help was seen as the ideal means of contact, with practical support a close second.

The findings of the study remain relevant:

The duration of voluntary after-care contact was closely correlated to the amount of contact by the home probation officer with the prisoner and the prisoner's family during sentence.

There was a clear trend for prisoners' wives to become more capable and independent as a result of coping with the family, while many prisoners appeared to become disconnected from the responsibilities of the family, and preoccupied with their own

concerns. Skilled casework help could counteract this effect. One quarter of the marital relationships broke down during sentence, and the level of breakdown increased with the number of prison sentences served. There was a high level of disturbed behaviour among the children of prisoners, and the experience of travelling to visit the prisoner was a complex and exhausting one for many families - in those days it was relatively rare for the family to have the use of a car.

In 1974, an important research study by Margaret Shaw, called '*Social Work in Prisons*' was published. Note the title - politically incorrect today as a way of describing prison probation work! Margaret Shaw demonstrated a clear link between counselling help for prisoners and a lower level of reconvictions following release; for a long time this study remained one of the few contradictions to the emerging doctrine that 'nothing works' to reduce reoffending. Few of us understood its significance at the time.

Through the 1980s, confidence in the effectiveness of interventions of a helping nature declined somewhat, as did confidence in the parole system. In the latter case, however, this was as a result of the extension of parole to those serving relatively short sentences, and the effect on the length of time actually served. The advantage of reducing the prison population by letting prisoners out sooner drove this change; but the increase in numbers overwhelmed the parole machinery, and the Carlisle Committee was appointed. For the first time, I encountered strong opinions among some of those who gave evidence to the Committee, that parole should be abolished in favour of a non-discretionary approach to release. This view may have had less to do with the effectiveness of parole than with concerns about the use of prison to reform prisoners; but I was struck with the absence of recognition of the successful work of the probation service in supervision parolees.

However, the Carlisle Committee debated the important concept that the power of imprisonment should be mirrored by a duty to resettle prisoners on release from custody. The argument was that a custodial sentence not only removed liberty, it had the potential to return the prisoner to less satisfactory circumstances and less able to cope with them. The Committee noted that

*'...it should be one of the prime concerns of our prisons to prepare inmates for their eventual release.'* (para. 228)



Thus the rehabilitative ideal was reaffirmed, in the late 1980s, just as thinking at the Home Office was developing legislation with a strong 'just deserts' philosophy.

This is a curious state of affairs, but the explanation may simply be that the costs of abolishing parole, in terms of prison disorder and the increased population, could not be contemplated. Abolition of discretionary release was again mooted recently - and indeed the Crime (Sentences) Act provides for it - but I doubt whether it will be implemented, and I suspect the explanation may be the same.

Together, the Parole Board and the Probation Services have maintained the resettlement focus in the parole process, although the assessment and management of the risk which parolees represent remains an important element of the decision and supervision process. But the Carlisle Committee also recommended the introduction of post-release supervision for those serving sentences below the parole threshold, from 12 months to four years:

*'...we see positive value in ensuring that as many prisoners as possible do not simply emerge from custody cold but are required on release to submit themselves to the supervision of a probation officer. Amidst all the gloom of recent years about whether anything in the realm of penal policy actually works, one positive conclusion which seems to emerge is that the most success is achieved by efforts to help offenders become reintegrated into law-abiding communities. The object of a period of supervision following release **but before the end of the sentence** (my bold) is two fold: it ensures that the ex-prisoner is offered the help and support which he may need in trying to reestablish himself after a spell in the highly structured and artificial world of the prison; it also provides a framework for exercising a measure of control over where he lives and how he spends his time so as to reduce the risk that he will lapse into old ways.'* (para. 249).

*'...It follows from our wish for some waning to be restored to the totality of the sentence that simply relying on voluntary after-care is not sufficient...'* (para. 250).

So the Carlisle Committee in fact sought to extend post-release supervision to all those serving 12 months or more with the aim of resettling, controlling **and** giving more meaning to the sentence as pronounced in Court. The role of the probation service with released prisoners had

moved a long way in twenty years, but it was to move further yet.

After the 1991 Criminal Justice Act introduced the provisions designed by the Carlisle Committee, the climate of opinion about crime and offenders began to harden. National Standards governing the main tasks of the probation service were introduced in 1992, and revised in 1995, prescribing procedures and levels of contact. The overall aims of work with offenders in custody and after release are stated as: rehabilitation of the offenders, the protection of the public and the prevention of further offending. However, the focus is distinctly punitive, as in:

*'All activities should be carefully assessed to ensure that their location or nature could not give the impression of providing a reward for offending.'* (s.35).

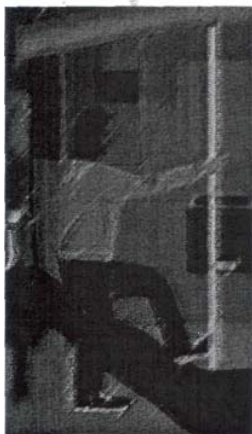
Similarly, whereas before the 1991 Act decisions about travel abroad by parolees were relatively flexible and based on perceptions of how well parolees were settling down, now travel abroad became an exceptional privilege for any prisoner released on supervision. So post-release supervision now appears to be not just part of the sentence, but part of the punishment.

### Why probation officers work in prisons

I have tried to give a summary of shifts in expectations of probation service work in throughcare, and by association, of our work in prisons. A useful perspective on our work in prisons is offered by the Parole Board, whose members appear to place strong reliance on the advice of both prison\* probation officers and those who will supervise prisoners on release. They have commented upon the special expertise which probation officers bring to the assessment of risk and the formulation of plans to manage risk in the community; and it was at their insistence that the provision of a report by the prison probation officer was reintroduced into the parole decision process, when it had somehow lapsed as a result of the introduction of the 1991 Criminal Justice Act. Only probation officers, they said, could comment authoritatively on the behaviour and progress of prisoners during sentence, and derive reliable observations about the prospects of resettlement following release.

Interestingly this echoes the rationale for prison probation work which I recollect from the early 1970s, and my recent experience of working with the Prison Service because of my ACOP role has tended to reinforce this analysis. It was said that the probation service took a community perspective into prisons, somehow represented





that perspective within each institution. It is only in recent years that I have fully appreciated how impossible it is for prisons to be other than institutions. It is characteristic of institutions that they are inward looking, that they create their own community isolated from the outside world, and with different norms and values. Add the preoccupation with security and with managing the escalating population, and it becomes difficult to see how prisons can attend to anything outside the wall, given the demands that must be contained within them. So probation officers, and some of the other people who represent the outside world within prisons, such as chaplains and teachers, are better placed to look toward the prisoner's eventual release than are those who have not had the experience of how offenders function in the community.

Although the prison population has risen dramatically in recent years, the level of prison probation staff has fallen by around 20 per cent. This is a consequence of devolution to governors of control over the budgets for probation staff in prisons, and it has been the main focus of much of my work with the Prison Service in the past couple of years. At times I have wondered what stands in the way of the complete disappearance of probation officers from prisons; and it is a short step from there to wondering what difference it would make!

### **Prisons without probation officers**

I Last August a very unusual sequence of events occurred, and they may provide something of an answer to that question. In the week before

the Bank Holiday, rumours began to surface that a number of prisoners were about to be released earlier than expected. By the Thursday, it was confirmed that the Prison Service thought it might have made a mistake in calculating the effect of time served remanded in custody upon remission; and that recalculation was going to lead to the immediate release of several hundred prisoners. I was involved on the periphery of this sequence of events, and decided, perhaps in an effort to make sense of an unusual situation, to collect the stories of the prisoners who were involved. I may also have given the probation officers involved a useful opportunity to offload their views of events. However, I would like to stress that my purpose in recounting this situation is *not* to embarrass the Prison Service, but to illustrate what happens when prisoners are not prepared for release, and therefore what the work of probation officers involved in throughcare is aimed to achieve.

Many of the prisoners were released on the Friday before the Bank Holiday, without prior warning either to them or the probation officers who had expected to supervise them on release. In my ACOP role I collected as much information as I could about these cases, because I was so concerned that the Prison Service had kept this problem to itself, and not alerted probation officers so that they could make preparatory arrangements. Fortunately the Home Secretary stopped the releases late on the Friday, but the stories I collected still give a clear picture of what would happen to prisoners if systems for planning for release and assisting them to resettle did not exist:

**Case 17:** This man is a dangerous and highly manipulative individual who was sentenced to a total of five years imprisonment for a number of offences including impersonation of a doctor... He was released from prison without any preparatory contact with this office and prior to any decision having been made about parole... Blankshire Probation Service attempted to find accommodation for him but was unsuccessful. He complied with a request to return to the office on 28th August but BPS was still not able to find him any accommodation... He subsequently indicated that he had found some temporary accommodation in Blackpool but declined to supply the precise address. There has been no contact with him since 30th August 1996...

**Case 141:** ...There was a train strike and he was issued with a bus warrant - due to rail strike all buses were fully booked. He

spent the night on the street in D... He eventually arrived in H... by train at 12.30 p.m. Saturday, when the probation office was closed. With difficulty on the Friday we had arranged B and B at a local hotel, but because of his non-arrival these arrangements fell through... Mr Z did report first thing on the Wednesday... whilst happy to have this unexpected early release was most unhappy with the way he was left to fend for himself.

**Case 142:** ... a high risk Schedule 1 offender...

**Case 144:** ... unstable and volatile man...

**Case 145:** ...very vulnerable may harm self or others ... I hear rumours that he has a gun...

**Case 146:** Recall by Home Office for assaulting partner...

**Case 147:** This prisoner poses a

serious risk in the community to other teenage boys. Does not co-operate with supervision. Loss of control when taking large amounts of alcohol or drugs.

**Case 131:** Mentally disordered offender who because of release early due to recalculation is not on supervision but has contacted voluntarily.

**Case 135:** Completely shell shocked mentally. The prison provided him with a travel warrant, took him to the station but did not check whether there was a rail strike and no trains running that day. As a result of unexpected release he walked into a potentially volatile family situation.

**Case 140:** This was particularly concerning as there were domestic violence issues. He was discharged NFA to London and we were not informed... The first we knew was a phone call from a London office to ask about him. His ex-partner got a

phone call from the police to tell of his release and she immediately went into bed and breakfast. All in all a planned piece of work to avoid potential domestic violence was thrown into disarray and was very nearly scuppered completely.

**Case 95:** Man with learning difficulties who spend the night of release sleeping rough...

**Case 104:** He found himself in the Bristol area with no train service to South Wales until the following day.

**Case 110:** ... was released on Friday before the Bank Holiday. There was a train strike. Most of these people had difficulty getting home and spent most of 23.8 and the Monday at a local public house.

**Case 111:** ...slept in a school bicycle shed over the weekend ...

**Cases 121, 125, 126, 127, 128:** Homeless.

**Case 129:** He has a long term drugs problem and we were arranging for him to enter drugs rehab on release. This of course could not be arranged at short notice and the subsequent loss of contact has probably led him to lose his motivation.

**Case 86:** I had arranged for Z to live at accommodation supervised by QQ Housing Association. He had to stay with his heroin addicted girlfriend initially - did not arrive in the city until the evening so reported to me on 28th after the Bank Holiday weekend with only a week left on his license. Was given a bedsit by the housing association but lost it almost immediately by failing to apply for housing benefit... we might have made some progress if the license period had been of normal duration.

**Case 93:** Schedule 1 offender released without any release plan or checking of intended address which turned out to be occupied by relatives who were registered foster parents. Fortunately due to prompt follow-up ... prisoner now resident at an acceptable address and complying with licence.

**Case 94:** (also a schedule 1 offender)

**Case 81:** He arrived unannounced ... reported to the duly officer, was homeless and was given an appointment for the following week which he never kept ... The worst thing about this case is that the PO had seen him a few days before his unexpected release to discuss a drug rehabilitation hostel. They were just trying to sort out the funding and that whole plan has now had to be shelved.

**Case 83:** No special concerns - just the usual ones if a prisoner is released

without the usual planning/reporting process.

**Case 84:** He has mental health problems and arrangements had been made for him to see a psychiatrist - early release meant that he was longer in the community before he had contact with the mental health service.

**Case 85:** His past history and offending indicate that the risk of him possibly reoffending are relatively high although the offences are not the most serious ...

**Case 67:** He was released without notice late on 22nd August and had to stay at his mother's at very short notice. This did not work out and caused great distress to his mother and stress to him. Things have improved since and he has been allocated a council flat.

**Case 68:** It is worrying that because of changes in the calculation of consecutive sentences, his licence is very short... as potentially he is a high risk offender - although difficult to assess his risk because not very co-operative.

**Case 70:** Currently NFA.

**Case 72:** ... had no settled accommodation on release.

**Case 76:** ... he had to sleep in a friend's car until 1.9.96

**Case 77:** Difficult family life, serious offending history.

**Case 63:** He was released on Friday 23rd August at 5 p.m. from a Kent prison. As Monday was a Bank Holiday he could not make contact with probation until four days later. He was NFA and given the lower discharge grant - very disorientated on release. No family support - long term alcohol problem ...

**Case 64:** Not seen pre-release and quite unprepared for release. Long standing drug dependency and no release address ... PO is liaising voluntarily on behalf of client to get funds etc for rehousing.

**Case 65:** We are still struggling to find appropriate accommodation ...

**Case 66:** Homeless - considerable time spent (approximately 4 hours) attempting to find accommodation. Eventually transported to another part of the county for interview at voluntary hostel.

**Case 50:** Negotiating entry to a drug rehab hostel also serious child care issues and housing matters. All was pre-empted by being released 2 months before expected. He now has not gone to drug rehab centre, has sole charge of five children and may well not cope...

**Case 59:** Informed of release by

telephone call from prison probation officer. Mr X has not reported or made contact on release and a warrant has been issued for breach of license ... The probation officer had wanted extra license conditions to address heavy drug abuse. The prisoner was NFA on release and relatives have informed the officer that Mr X is sleeping rough and back on drugs...

**Case 42:** I am at present exercising temporary supervision of this license from Newtown Probation Office. Mr J. who was on the Drug Unit in Sackville Prison, arrived here homeless and seemingly traumatised by his sudden and unexpected release - he was being prepared for a rehab previously. He soon commenced the use of heroin, has admitted to reoffending regularly in order to sustain this and has expressed a desire to return to custody as he is unable to cope.

**Case 44:** Planned release was particularly important in his case. He has a history of violence - some against partners. I had been working closely with prison probation officer on his offending behaviour. Accommodation on release was also unwise. His partner did not know of his early release - there could have been serious repercussions. Fortunately all was well - but very chaotic first few days.

**Case 148:** ... released without accommodation...

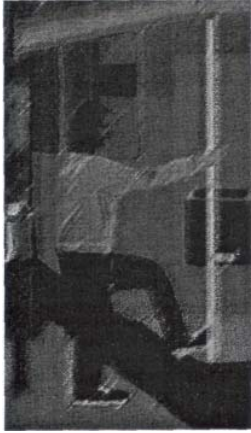
**Case 149:** ...(drug offender needing rehab hostel)

**Case 151:** Homeless and previously a drug addict he was released at 6.00 p.m. with a full discharge grant and extra cash for fares...

**Case 204:** Was receiving medication for epilepsy while in prison ...but was discharged from prison without any supply of medication to cover him for the weekend. By great good fortune he found a pharmacist who was prepared to prescribe without a prescription on the understanding that Mr Y would ask his GP for a retrospective prescription...

**Case 25:** Released Friday, reported Monday NFA. Spent discharge grant over the weekend. Keen to consider rehab plans. Efforts made to find accommodation locally. Subsequent failure to contact.

**Case 31:** There are very significant concerns. Plans were in hand for him to attend a drug and alcohol rehab. The early release aborted this. On return home he found his wife had left him and had to sleep in the shed. An illiterate man, he took to drinking, lost contact with us within three weeks. Licence revoked.



I emphasise that am not focussing on the merits of the legal opinion about these early releases; my sole purpose is to illustrate that without release planning, prisoners are vulnerable to early failure; that they need help and support; that the extent to which they present a risk is clearly a preoccupation of the Probation Service; that many of them have little in the way of community ties and resources upon which to draw. Some are vulnerable; others are dangerous, and some are both vulnerable and dangerous.

Despite the chaos and confusion surrounding these events, the level of reporting was remarkably high; and this mirrors the successful completion rate of prison license which is generally very high

indeed. It would appear that prisons teach conformity

I apologise for spending so long on the stories, but I think they illustrate very clearly the answers to questions about probation work in prisons and following release, by demonstrating what happens when it cannot be done properly. One of these days, I hope to check the reconviction levels in these cases, to test whether it is prison that works, or the resettlement that holds the key to success. Many of the studies of boot camps in the USA suggest the latter; the great irony is that the focus of debate about sentencing is never upon what happens after release, but upon what happens in custody •