

## *Dear Students of Social Work,*

Social work in the criminal justice system and in particular in aftercare is crucial work although it takes place in a secondary setting.

### **What has been the trend in the other side of the world?**



In recent years, Americans who have for decades filled their prisons, have begun to weigh more categorically the price of mass incarceration. There is comparison of the stark equivalent in some instances of the annual per-inmate cost of prison with that of the tuition at a good college. Such comparisons although coming from a cost perspective reiterate the risk that prisons can feed a cycle of poverty, community dysfunction, crime and hopelessness. There is also a rise in support for a more diversified way of rehabilitating prisoners in the States instead of focusing on punishment. Central to the call for reform is the need to have fewer nonviolent offenders in prison. Punishing crime or criminal justice policy is a difficult subject as there are so many constituents involved in deriving the policy – ranging from law enforcement groups, businessmen, social workers to advocates for crime victims. Each country, state and city has its own history and method of how to prevent crime, how to punish crime and increasingly how to help those who have gone the wrong way to behave in a pro-social manner.

Even while lobbyists win the argument for less punitive measures and against long incarceration, the important question remains: How do we punish and deter criminals, protect the public and improve the chances that those caught up in the criminal justice system emerge with some hope of productive lives?

We read of many experiments in states and localities in the States, and of researchers trying to determine what works. Although the government has stepped up evaluation of all these programs (see the National Institute of Justice's impressive CrimeSolutions.gov website), most of the evidence is still tentative. A study<sup>1</sup> released in January 2014 by the Urban Institute examined 17 states, testing an approach called Justice Reinvestment - reducing prison costs and putting some of the savings into alternatives. But the jury is still out from a pure research point of view even after decades of experiments about what works. This is partly because of the lack of control groups, lack of sustained experimentation and impatience in wanting to try out yet another strategy. Despite these qualifiers, there are several broad strategies that seem promising.

#### ***Revisiting Sentencing***

America which has been tough-on-crime has in more recent years begun to revisit sentencing. We see them in some instances, stepping back from the three-strikes law, mandatory minimum sentences and the requirement that prisoners serve a minimum portion (often 85 percent) of their sentence in lockup. It is evident that the length of imprisonment has had modest effect on crime rate and that there are other considerations in tackling crime rate.

<sup>1</sup> The Urban Institute. (2014, Jan). Justice Reinvestment Initiative State Assessment Report. Retrieved from <http://www.urban.org/uploadedpdf/412994-Justice-Reinvestment-Initiative-State-Assessment-Report.pdf>

### ***Revisiting Supervision to avoid a revolving door***

There was beginning appreciation that probation and parole with good casework was helpful. This was especially so when it came to developing a helping relationship beyond supervising the probationer or parolee on violations of conditions. The aim in some areas is for parole and probation to be less of a revolving door back to prison. In some areas, the focus is on offenders who are considered most likely to commit crimes and to work harder with these cases. They use technology (ankle bracelets with GPS, etc) as part of the supervision. The approach is to respond promptly with a punishment for missing an interview or failing a drug test. The punishments start small and escalate until the offender gets the message and changes his behaviour, preferably before he has to be sent back to prison. Some will see this as basically applying the principles of parenting to probation.

### ***Revisiting Diversion***

There is now a range of specialist courts that handle offences by categories. For example, drug offenders may be sent to special courts that divert non violent drug abusers to treatment instead of prison. Drug courts have led to the formation of others such as domestic violence courts that aim to address problems rather than dispense punishment. These are attempts at addressing the underlying causes of offenders committing a crime.

### ***Revisiting Policing Strategies***

Over the years, police work has also gotten more sophisticated and more targeted. Police in many cities and areas do more than just policing of “bad neighbourhoods” and stopping and frisking residents. They target micro hot spots, such as drug corners, and small groups of violent actors, such as gang members. Police in these cities have become more selective about who gets arrested and put into the criminal justice system.

### ***Revisiting Re-entry***

For a long time, prisoners were released into society and it was thought that the reflection and isolation in prisons would have done the work of leading them to repentance. In the US, as many as two-thirds of prisoners were rearrested within three years. A number of programs aim to improve the odds that a released prisoner will have other options besides unemployment, homelessness and a return to crime. Some feature pre-release counselling and the enlisting of family members to ensure a safe landing. To increase the chances of employment, there was an initiative called “Ban the box” to encourage employers to eliminate the box on job applications that asks if you have ever been arrested. A criminal history can still count against the person in hiring, but it doesn’t eliminate the person from consideration.



## **The Importance of Aftercare and Re-entry**

To begin to speak about aftercare, we need to consider some of the goals of our criminal justice policy as they give the precursor to the discussion about reintegration into the community. Broadly, one could say that the goals of our criminal justice policy are to provide sentencing laws and correctional practices with continuing emphasis on non-incarceration and community-based alternatives to incarceration.

Unlike many other areas of social policy where we have learned from others what works and what we should do, we have in the case of our criminal justice policy the advantage of learning lessons from others about what not to do and what does not work. Hopefully, much of what we currently do is born out of applying research and evidence to determine swift investigation, justice, trial, sentences, and terms of probation. Such efforts should tap into analyzing theories of violence and reviewing recidivism.

Big data or research is increasingly helping to determine how many individuals are incarcerated, and of those incarcerated, who can be placed in less secure settings while maintaining public safety. This must continue alongside investments in preventing crime. We must not compromise on justice and take cognizance of the rights of victims and public safety. But we also want to learn from research to deepen our understanding of the lives and experiences of those involved in the criminal justice system. It is also useful to understand the extent of multi-faceted damage inflicted by excessive incarceration.

Where aftercare comes in is when the level of punishment is already determined and meted out. Justice has taken its course and the length of prison stay has been decided. Aftercare, or re-entry as it is called in some places, must be part of the whole process of seeing the prisoner through the system of induction into prison, the stay in prison and the eventual re-entry into society. Aftercare does start with entry into prisons especially when the period of incarceration is disruptive and breaks family and job relationships. In the case of long incarceration, aftercare does not feature very much. However, with prison stays being calibrated at comparatively shorter periods combined with other measures, aftercare must take center stage in much of the work done with prisoners if we are to see less eventful entry back into society.

So what is the urgency of aftercare? It is urgent because the distress of disrupted relationships and disappointment, especially with or of family members, should be harnessed for change. It will be good if good caseworkers are assigned to work alongside the inmate to turn the self-reflection towards change. Aftercare is also now more critical because more will qualify for community based rehabilitation with shorter periods of incarceration. These measures all heighten the work of aftercare aimed at the successful re-entry of these individuals to our community. For most, this will mean avoiding crime and gainful employment when released.

### **Re-entry Initiatives that have had Positive Impacts**



When we look at programs developed over the years both here and overseas, there are several components in the re-entry initiatives that have had a positive impact. These include employment, education, mentoring, avoiding substance abuse and mental health treatment for those who need it. The programs demonstrate the diversity of approaches that can help to address recidivism and increase public safety.

### ***Supporting employment and job readiness***

Employment is widely seen by practitioners, researchers, policymakers, and formerly incarcerated individuals as crucial to successful reintegration into the community and decreasing the risk of recidivism. Yet the stigma of incarceration and having been out of the workforce for a period of time often contribute to the challenges individuals face when trying to find a job after release. In the US, individuals who have been incarcerated have been shown to earn 40 percent less annually than they had earned prior to incarceration and are likely to have less upward economic mobility over time than those who have not been incarcerated.

Meaningful employment can help individuals succeed in the community after release from incarceration because it refocuses their time and efforts on pro-social activities, making them less likely to engage in risky behaviours or meet up with criminal associates. Re-entry programs that focus on preparing individuals in prisons for employment can have a significant impact on those individuals, their families, and their communities.

### ***Catching up on literacy and education***

Contributing to the challenges involved in re-entry is the fact that individuals in the criminal justice system often have had limited education. It is not surprising to find that the majority of prisoners have not completed their secondary school education. Because education is strongly tied to a person's employment opportunities, financial stability, and quality of life, providing educational and vocational programs to adults and youth during incarceration is critical. We have done well here in this area as we are critically attuned to improving literacy and education especially for younger offenders. In the case of improving literacy for adult offenders, we can perhaps do better by paying greater sensitivity to adult learning especially in a setting where the individuals are already highly self-conscious of their limitations.

A study<sup>2</sup> by the RAND Corporation in the US found that, on average, individuals who participated in correctional education programs were 43 percent less likely to go back to crime upon release than those who had not participated. In addition, connecting individuals to these programs when they return to their communities after their prison term can set them on the path to obtaining employment and having the tools they need to succeed upon their release.

### ***Fostering Positive Relationships and Facilitating Services through Mentoring***

I will now touch on the youth population as they can benefit most from mentoring. Research has shown that youths who have at least one meaningful, caring relationship with an adult are twice as likely as youths without a meaningful adult relationship, to have healthy family and social relationships, to be financially self-sufficient, and to be engaged in their communities. So for youths involved in the juvenile justice system, the need for positive role models and pro-social activities is even greater.

The concept of mentoring as a means of support and guidance is increasingly applied to adults involved in the criminal justice system. While it is difficult to measure the impact of interpersonal relationships on behaviour, it is believed that mentors can provide important support during the transition from incarceration to the community.

<sup>2</sup> RAND Corporation. (2014). How Effective Is Correctional Education, and Where Do We Go from Here?. Retrieved from [http://www.rand.org/pubs/research\\_reports/RR564.html](http://www.rand.org/pubs/research_reports/RR564.html)

Mentoring services can also help a program apply responsivity principles. A mentor can address an individual's low motivation or unpreparedness for change, enhance pro-social thinking and behaviour through modelling, and engage the participant in avoiding substance abuse or accessing mental health treatment, education, or family-based support services.

#### ***Addressing Substance Abuse and Mental Health Needs***

Substance abuse and mental illness are issues among some prisoners. Some meet the criteria for substance dependence or abuse even though they may not have been picked up for a related offence. Some have mental health needs. It is a dilemma to consider addressing these needs while they are incarcerated. Ideally of course, addressing these needs before and after release from incarceration is crucial in promoting recovery and decreasing the likelihood of criminal behaviour and returning to prison. However, the identification process and the treatment have cost considerations.

#### ***Supporting Youth to Avert Future Involvement in the Criminal Justice System***

While the number of youths in juvenile rehabilitation facilities has declined significantly in recent years, there is still a steady population. Many of these young people struggle with challenges such as low levels of education, experimenting with drugs and alcohol, lack of stable accommodation and past trauma. The challenge is winning the trust of these youths to work with them on their personal issues and encourage them to aspire. Building a trusting relationship takes time and is often challenged by the impatience of society to see results. Communities have a unique opportunity and responsibility to ensure that these youths are given the chance to overcome barriers to success, avoid crime, and ultimately thrive in society.

#### ***Addressing the Distinct Needs of Women***

Women involved with the criminal justice system have a distinct set of issues, including substance abuse, mental health issues, victimization and past trauma, financial instability, and challenges in maintaining child custody. Re-entry programs should be tailored to their needs. Re-entry programs that focus on these needs will better assist women returning home from incarceration, as well as their children and families.

#### ***Supporting the Strengths and Needs of Families***

Children and family members of those incarcerated often face significant consequences such as financial difficulties, housing instability, loss of emotional support and guidance, or social stigma. Children of incarcerated parents have an increased risk of poor school performance, substance use, and mental health issues. At the same time, family support can be a key factor in successful re-entry. Some research has shown that people who regularly interact with their families while incarcerated are more likely to succeed when returning to their community than those who do not. Many re-entry initiatives address the needs of the children and families of incarcerated individuals, while building on the strengths of these networks to help support the individuals during incarceration and through the transition of returning home.