

Abstract

This chapter traces the attempt, going back for many decades, to manage people in prison in a way which helps them to prepare for crime-free living on release. It both outlines common problems encountered in achieving this and reviews examples of positive offender management practice in prisons from Europe (including Britain) and from advocates of effective through-care, resettlement, and re-entry in the US and elsewhere. Effective through-care practice depends on appropriate relationships with staff, continuity of contact, planning and management, the maintenance and development of appropriate contacts with the outside world, and effective early linking with the people and organizations that will be responsible for support and guidance on release. Some examples of evaluative research and recent inspection findings are reviewed to assess how far the principles of good through-care are applied in practice. Identified obstacles include overcrowding, 'silo' thinking, and staff shortages; however, opportunities also exist for the development of improved practice.

Chapter 42

Preparing prisoners for release: Current and recurrent challenges

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Introduction

The bulk of academic literature and research on imprisonment focuses on issues such as prison conditions, the treatment of prisoners, staff-prisoner and intra-prisoner relationships, inmate and staff safety, and so on; in other words, on 'life behind walls' (for example Liebling and Arnold 2004; Crewe 2009). However, essential as it is to keep shining a light on what is a largely hidden world with a highly vulnerable population, it can be easily forgotten that nearly everyone sent to prison will be released at some point and resume life outside, in most cases within quite a short time. This makes it equally important to pay close attention to efforts to maintain links with the outside world and prepare prisoners for life after custody: in short, to activities concerned with 'rehabilitation' and 'resettlement'.

The above terms tend to be associated with two apparently different aims – reduction of the risk of future offending, and reintegration of ex-prisoners into community life – and this distinction is reflected to some extent in institutional structures whereby separate departments and groups of staff are responsible for each. In very broad terms, rehabilitative interventions typically set out to challenge antisocial thinking and attitudes and to help prisoners build and sustain motivation to change, while resettlement work is largely concerned with addressing the immediate practical problems they will face on release. However, it should be emphasized that there are close links and overlaps between these aims and activities. For example, key elements of successful resettlement, such as stable housing and employment, are also associated with reduced reoffending. Vice versa, ex-prisoners are more likely to keep a job and sustain a more settled lifestyle if they have internalized the necessary determination and resilience to overcome setbacks and avoid crime. In short, the two should be regarded as interconnected parts of a larger process.

In this chapter, we first identify necessary ingredients of an effective system for the delivery of rehabilitative and resettlement services to prisoners, in custody and 'through the

gate'. We then look at some of the fundamental barriers to achieving this and at various attempts to overcome them. Our main focus will be on recent such attempts in prisons in England and Wales. These include reforms to the system of 'offender management', which usually refers to the planning and delivery of rehabilitative work with individual prisoners throughout their sentence. They also include the establishment of 'resettlement prisons', together with new 'resettlement teams' to work with prisoners shortly before their release. Finally, we shall look briefly at practice in other European countries, before drawing some broad conclusions.

Ideals and barriers

American researchers have been particularly clear about how prisons could in principle contribute to more effective resettlement (or 're-entry', as it is called in the US). A central conclusion has been that it should be seen as a process that starts well before release, and includes work with the offender throughout his or her sentence. In her authoritative overview of the subject, Joan Petersilia (2003) argues that improvements in re-entry require attention to four key areas. Although these are discussed under the heading of re-entry, they actually provide guidance for the whole process of offender management through and beyond the prison sentence; resettlement is part of offender management and should not be separated from it. Her four areas are:

- 1 Alter the in-prison experience (by creating a prison environment which focuses consistently on rehabilitation, education, and work; promotes life skills rather than allowing criminal attitudes and subcultures to dominate; and, ideally, is permeated by a pro-social offender management process);
- 2 Change prison release and revocation practices (by which she primarily means introducing a system of discretionary release and recall based on consistent guidelines and risk assessments – some of which is already present in the UK);
- 3 Revise post-prison services and supervision (targeting by risk and need);
- 4 Foster collaborations with the community and enhance mechanisms of informal social control (this resembles some of the conclusions of current British research on desistance from offending, which points out that the 'what works' focus on thinking and attitudes needs to be accompanied by building social capital and access to opportunities – see, for example, Bottoms and Shapland 2011).

A similar understanding of resettlement as a multi-stage process beginning well before release is set out by Faye Taxman in her work on engaging offenders' active participation in reintegration (Taxman 2004). Her 'five-step offender active participant model' includes:

- 1 The 'message to the offender' (concerning personal responsibility, the key decisions are in the offender's own hands, and risk and need assessment must include 'sharing information from the assessment with the offender' to help in action planning);
- 2 Institutional treatment (during the sentence, including reintegration goals, transitional planning, and motivation);
- 3 Institutional pre-release (active planning for release, with a focus on survival needs: 'a place to live, a place to work, food on the table, people to love' (Taxman suggests starting this phase 90 days before release, while one of the programmes commended by Petersilia recommends an earlier start);
- 4 Post release (basically the first month at liberty: learning to survive without offending, and overcoming initial obstacles); followed by
- 5 Integration (up to two years of 'maintenance and crisis management' and eventual consolidation of a crime-free life in the community).

Both of these American examples show how resettlement is, in effect, an offender case management process which begins early in the sentence and continues through and beyond release, and in which each stage builds on the last. Neither specifies exactly how the process should be managed, but continuity of assessment, planning, and implementation are clearly required. It has also become increasingly emphasized in more recent UK literature that a further vital ingredient is the development and maintenance throughout of trusting relationships between offenders and those working with them (see, for example, McNeill and Weaver 2010).

In very broad terms, then, the research literature suggests that an effective system requires a combination of a rehabilitative prison culture; the development of trusting relations with well-trained staff (before and after release); well-planned case management throughout the whole sentence; work on offenders' thinking, attitudes, and management of emotions; and effective links with mainstream community services to assist them with practical problems.

All of this is, of course, much easier to state than it is to deliver. Many jurisdictions now recognize the need for continuity of case management and services 'through the gate', but find this difficult to deliver because of the separation of prison and community services. As will now be demonstrated, this is nowhere more evident than in England and Wales, where the fundamental problem of 'joining up' these two 'silos' has plagued successive efforts at reform over many years. Such problems are exacerbated by an under-resourced and overcrowded prison system.

Changing arrangements in British prisons

Three sets of major organizational changes to prison and probation services have been introduced in England and Wales since the mid-2000s, in each case heralded by government as a solution to recurrent problems of coordination and continuity in the resettlement of prisoners. Numerous independent commentators, including Inspectorates, agree that two of these have largely failed to achieve this goal (the third is in its early stages of implementation).

The first, the creation of the National Offender Management Service (NOMS) – now renamed Her Majesty's Prison and Probation Service (HMPPS) – took place in 2005 following the publication of the Carter Report (2004). The main problems identified in the report – prisons and probation as separate 'silos' with a lack of continuity in the management of individual offenders – were seen by Carter as primarily organizational issues, to be addressed by shared high-level management; his proposed solution, as might be expected from a management expert, was system-centred rather than based on a view of offender management as a human process. NOMS, a new executive agency of the Ministry of Justice, was made responsible for commissioning and providing both prison and probation services in England and Wales, thereby offering the prospect that, in the case of people sent to prison, the planning and delivery of rehabilitative work in custody and after release would be effectively coordinated. Under the NOMS Offender Management Model, which was developed to achieve this, community-based probation officers, re-badged as 'offender managers' (OMs), were tasked with the 'end-to-end' management of prisoners sentenced to 12 months or over. Ideally, the same community-based probation officer would prepare the initial court report, devise, and oversee the prisoner's sentence plan while he/she was in custody, and supervise him/her after release. The OM was assisted by a prison-based 'Offender Supervisor', normally a prison officer based in the Offender Management Unit, who oversaw the implementation of the sentence plan (NOMS 2006).

However, within just a few years this arrangement began to attract serious criticism, it being pointed out that, in reality, communication between outside probation officers and prison staff was often poor, and many OMs failed to visit their supervisees and had little knowledge about what they had done in prison. This culminated in a series of damning reports from the Inspectorates of Prisons and Probation. In their final report the Inspectorates 'reluctantly' concluded that:

the Offender Management Model, however laudable, is not working in prisons. The majority of prison staff do not understand it and the community based offender managers, who largely do, have neither the involvement in the process nor the internal knowledge of the institutions, to make it work. It is more complex than many prisoners need and more costly to run than most prisons can afford. Given the Prison Service's present capacity and the pressures now facing it with the implementation of *Transforming*

Rehabilitation and an extension of ‘Through the Gate’ services, we doubt whether it can deliver future National Offender Management Service expectations. We therefore believe that the current position is no longer sustainable and should be subject to fundamental review.

(HM Inspectorates [of Probation and Prisons 2013](#): 4)

An internal NOMS review was set up in response, leading to plans for significant changes to the offender management system which are currently in the course of implementation. These will be described presently below.

The second major reorganization affecting preparation for release and ‘through the gate’ arrangements was the Transforming Rehabilitation (TR) initiative, beginning in 2013 (see Ministry of Justice 2013). This included a policy to enable as many prisoners as possible to spend the last few months of their sentence in an institution as close to their home as possible, thereby making it easier to make meaningful links with local agencies to assist their resettlement. To this end, numerous establishments have been designated as local ‘resettlement prisons’, each of which has a ‘resettlement team’ tasked with making such links and helping all prisoners to meet their practical needs. These teams are managed by Community Rehabilitation Companies (CRCs), largely private companies to which much of the work of probation services was outsourced as part of TR. In addition, a ‘through the gate’ system has gradually been introduced, whereby mentors managed by the CRCs (many of them volunteers) meet prisoners as they are released and accompany them to their first appointments with probation, housing agencies, and so on.

It is still early, so implementation of the above arrangements may yet improve, but the signs are not encouraging. Commentators broadly agree that resettlement teams have so far been ineffective in terms of providing help to prison leavers. They have been seriously handicapped by shortages of resources, large caseloads, difficulties in building close links with outside agencies, and heavy demands in terms of process targets which often lead them to prioritize bureaucratic tasks (completing assessments, recording information, etc.) over meaningful work with prisoners. In addition, the through-the-gate system allows very little time for mentors to develop any rapport with those they are meeting, or to do anything beyond the day of release (see, for example, Taylor et al. 2017).

The third major re-organization, which is still underway, resulted from the aforementioned internal review set up in response to the serious concerns expressed by the Inspectorates about the ineffectiveness of the NOMS Offender Management Model and its underpinning concept of ‘end to end’ offender management by community-based probation officers. This concept has now been largely abandoned. Instead, responsibility for the offender management of prisoners will fall entirely to prison-based staff, passing to external probation staff only after release (NOMS 2017). This can be understood as moving from an ‘end to end’ to a ‘handover’ model (Maguire and Raynor 2017). In addition, full-blown offender management will be offered only to prisoners assessed as high risk. To provide this, a considerable number of OMs from the National Probation Service are being appointed to posts inside prisons, where they will work alongside prison staff to plan and oversee high risk prisoners’ ‘rehabilitative journeys’ (devising a sentence plan, engaging in individual supervision sessions with them, referring them to offending behaviour programmes, and so on). On release, responsibility for the case will be handed over to a new OM based in the community. Ideally, the latter will earlier have attended at least one three-way meeting with the prison-based OM and the prisoner, at which he or she will be informed about progress to date and will begin to get to know the prisoner.

However, by contrast, the great majority of prisoners will no longer be subject to ‘offender management’ in custody as generally understood; rather, they will receive periodic advice and support from a prison officer in a new role of ‘key worker’. The intention is that, over time, the majority of prison staff will be trained to undertake this role and thereby help motivate and empower prisoners to take more responsibility for their own rehabilitation. Each key worker will take on a small caseload of prisoners (NOMS 2017).

Of course, whether this new system will improve the rehabilitation of prisoners remains to be seen. The arrangements for high-risk prisoners have a certain amount of promise, and it is possible that the disadvantages brought about by removing the potential for productive ‘end to end’ relationships with external OMs are more than offset by the advantages of regular contact with a well-qualified custody-based OM. The effectiveness of the key worker system for the bulk of prisoners is considerably less certain. It is in many ways a positive and evidence-informed idea, in accord with the concept of a ‘rehabilitative

prison' in which all staff play a part in assisting prisoners to desist from offending (Maguire and Raynor 2017). The obvious practical concerns, however, are that many current staff may not have the skills or willingness to undertake such a role effectively, and that as prison culture takes a long time to change, the aim of 'empowering' prisoners may be frustrated by the traditional tendency of prison life to suppress individual agency. In the meantime, there is a risk that many medium-term (and even long-term) prisoners will 'drift' through their sentence with little being done to address their rehabilitative needs.

Resettlement systems in other European countries

Having undertaken a review of recent literature and research on resettlement systems in other European countries, including corresponding with a number of researchers, the authors concluded that near-universal difficulties have been experienced in attempts to 'join up' services 'through the gate'. For example, one correspondent might be said to have stated the whole problem in a nutshell:

In Germany oftentimes the released prisoner meets his probation officer only weeks after the release and many times probation officers know the prisoner from a former probation period but are not integrated in the sentence and the release planning for this prisoner.

(I. Pruin, personal communication, 2014)

Another wrote:

I visited the prison in X [a major English city] to see how end-to-end management works. In theory the model looks very attractive but in reality it is quite impossible to implement in an accurate way. However, . . . it helped to develop some links between the inside and the outside world.....I went to Denmark to see how it works.....In most cases the prisoner file goes out to probation only a few weeks prior to release, if not after release.

(I. Durnescu, personal communication, 2014)

A correspondent in France reported that they have probation staff located in prisons and in the community, but communication between the two is often not good, and is hampered by lack of an agreed-upon risk assessment process and by the existence of pools of unallocated cases due to system overload. The result can be that offenders wrongly assessed as low risk are unallocated and unsupervised, which has led to some notorious cases of serious reoffending. This happens in spite of a system of judicial oversight through re-entry courts (M. Herzog-Evans, personal communication, 2014). Various forms of early release are in fact widely practiced in Europe (Padfield et al. 2010), sometimes with supervision and sometimes without; a recent overview by Dünkel (2017: 646) states, 'I would.....not defend a policy of just releasing prisoners without the necessary support of the prison and probation services in an integrated model of transition management'. The almost universal problem is how to manage this integration successfully.

The CEP resettlement project (Durnescu 2011) surveyed resettlement practices in a number of European countries and also included a literature search, mainly but not entirely of English language sources. The final report and a related article (Durnescu and Descarpes 2014) aimed to sum up the current state of research on resettlement (using Taxman's five-stage model outlined previously) and to point to some promising developments. There was general agreement that resettlement should be a 'through the gate' process in which prisons try to help prisoners to acquire some of the skills, attitudes, and thinking which will help them to succeed after release; and in which post-release resettlement supervision helps them to apply what they have learned, supplements it, facilitates access to community resources, and provides personal support and guidance where needed. In addition, there is a generally recognized public protection responsibility where ex-prisoners are judged to present a risk. However, the authors found little evidence of case management approaches which ensure continuity and consistency of engagement with the offender in both prison and community. The project leader's summary was:

I don't think there is a system in Europe that has a coherent prisoner management combining inside with the outside inputs.

The EU-funded DOMICE project covered 40 jurisdictions in 34 countries, involving the production of 'system maps', a literature review (Institute for Criminal Policy Research 2011), and a series of meetings and conferences. The overall conclusion summarized on the DOMICE website (www.domice.org/default.asp?page-id=137) is:

Nowhere is case management designed and delivered as an integrated, system-wide function; nowhere does a single plan for case management span the pre-sentence and post-sentence, and custody and community stages.

However, the project team point to some promising developments: for example, they report that Sweden and Turkey have integrated IT systems covering custody and supervised release. They also describe an approach in Northern Ireland which is not so much a case management innovation as a retention of some very long-standing traditional practices designed to maintain relational continuity:

In Northern Ireland pre-trial reports are viewed and managed as the start of the case management process rather than as a separate task; wherever possible whoever prepared a pre-sentence report retains responsibility for a case after sentence.

Similar approaches can be identified in other jurisdictions (usually small, whereas England and Wales have the largest penal system in Europe). For example, Jersey in the Channel Islands allocates a probation officer to each prisoner at the start of the sentence, who maintains contact during the sentence and also undertakes the post-release work with the prisoner (B. Heath, personal communication, 2014). In Guernsey, a nominated probation officer is actively involved in offenders' sentence planning from the start of their time in custody and follows through after release (A. Guilbert, personal communication, 2014). Clearly these examples benefit from the high degree of localism and collaboration possible in small communities; it is to be hoped that the development of resettlement prisons in England and Wales might eventually allow the development of a similar focus on the connection between local prison and local community.

A final example from Europe is the 'reintegration guarantee' used in Norway (mentioned under this title in the CEP report, and as the 'return guarantee' in the English version of the relevant Government policy statement: Norwegian Ministry of Justice and Police 2008). This is not directed at case management as such, but at the rehabilitation of the ex-prisoner as a citizen able to access services and resources on the same basis as other citizens. The aim is to identify needs for services well before release and to put into effect a plan to facilitate access to them. This is a clear recognition of the multi-agency support required for successful resettlement, and in effect gives the ex-prisoner a right of access to all normal services and resources. It is emphasized that the aim is to put the prisoner who has served a sentence on an equal footing with other citizens rather than to create special privileges.

Overall the two surveys of European practice, together with a review of other literature, offer no general solutions for the problems and barriers to successful resettlement identified earlier. There are interesting examples of good practice (for example, Finland had 105 Prison Sanctions Officers overseeing the implementation of sentence plans for a prison population just over 3,000 at the time of DOMICE) but there is also evidence of a common set of systemic problems centred around (1) the management of prison sentences in such a way as to meet offending-related needs and (2) the management of transition between prison and community on release. These problems are rooted in social structures: prisons are a sub-system of society which is characterized, for obvious reasons, by separation from normal community life, and effective methods of managing reintegration after the sentence have to try to overcome this. There is some evidence that this is easier to do in jurisdictions where prison is used sparingly, and where regimes are designed to rehabilitate and prepare for release (as in the example from Finland above). Obviously, high-quality regimes are in general more affordable when prisoner numbers are low.

Concluding comments

Achieving the effective rehabilitation and resettlement of prisoners is a goal that has eluded almost all penal systems throughout their history. Knowledge about what is needed to achieve it is not in short supply. An accumulation of research over many years offers a number of key messages, which can be summarized, following Maguire and Raynor (2017) as:

- 1 Case management in prisons should be seen by all those involved (including the offender) as part of a coherent process, beginning early in the sentence and continuing after release.
- 2 It should be understood as a 'human service' rather than simply a management system, and founded upon trusting relationships between offenders and those working with them.
- 3 Sentence planning and its implementation should be seen as collaborative exercises, involving offenders in decisions about how best to progress their rehabilitation.
- 4 As far as possible, interventions should be tailored to individual risks, needs, strengths, and opportunities rather than 'one size fits all'.
- 5 To maximize its chances of success, case management requires a holistic approach, with attention both to practical 'resettlement' issues (housing, employment, etc.) and to offending behaviour, thinking, attitudes, and emotions.
- 6 It should be undertaken as far as possible by skilled practitioners.
- 7 It is most likely to succeed in a prison environment characterized by a rehabilitative culture throughout the establishment and with sufficient time and resources for staff of all kinds to engage and work with individual offenders.

Clearly, to be effective, rehabilitation and resettlement have to be based on a coherent, holistic process in which attention is paid systematically to a combination of practical, emotional, and cognitive issues. The NOMS Offender Management Model is rightly built around the idea of such a process, which is represented by the acronym ASPIRE, meaning Assess, Sentence Plan, Implement, Review, and Evaluate (NOMS 2006). But while this summarizes the management process, it misses the key point that the change process should be a collaborative, 'human' process, based on *offender-centred* thinking, rather than system-centred thinking. If a new acronym would be helpful to emphasize this point, we would suggest EPICS:

Engage and assess;
Plan together;
Influence and motivate;
Connect to pro-social community resources; and
Support.

However, as we have shown, attempts to turn such principles into practice are confronted by huge obstacles. In the UK, as in many other jurisdictions, these include the perennial practical problems of prison overcrowding, limited facilities and staff shortages, as well as institutional cultures resistant to change. Currently, too, the organizational upheaval caused by the splitting and part-privatization of the probation service has led to more fragmentation and problems of communication within the system, while many community-based OMs in the CRCs are burdened with very high caseloads, leaving them little time to develop more than superficial relationships with their supervisees after release, let alone visit those still in prison (Dominey 2016). There are also indications that the competitive market in services to offenders created by Transforming Rehabilitation has fostered distrust between providers (Burke and Collett 2016), making it more difficult for OMs to coordinate multi-agency work with released prisoners.

On the positive side, there is reason to hope that, if they can overcome the problems that have marked their first few years, the advent of resettlement prisons (and prison-based resettlement teams) will make it easier to join up service provision inside and outside

custody. However, these arrangements – which do not necessarily involve close liaison with offender managers outside – are focused mainly on immediate practical assistance. Important as this is, they do not address the need for continuity of personal relationships and broader rehabilitative work which research suggests is important to successful resettlement in its fullest sense: what might be called ‘rehabilitative resettlement’.

In conclusion, even if current problems of high caseloads and shrinking resources are ameliorated, the fundamental problem remains of how to design and implement an effective coordinated system of offender management ‘through the gate’ and – equally important – how to ensure that it will be experienced by service users as a coherent and ‘human’ process, built on trusting relationships with those assisting them. A great deal more innovative thought is needed on this question.

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