

Desire of Reintegration of ex-prisoners – A Universal Approach

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Abstract

The rehabilitation of the offender and re integration of the offender are two main concepts which the criminal justice system demand of the day. Among the other forms of punishment, imprisonment is the most common punishment in most countries in the world. Rehabilitation of the offender is the main objective of imprisonment and without a successful mechanism for the reintegration of the ex-prisoners it is hard to achieve that main objective; rehabilitation of the prisoners. Failing in achieving the above said objective it is also hard to control the increase of reconvicted and recidivism rate of the offenders. Therefore it is essential to pay the attention on reintegration of the offenders into the society as an integral part of the theory of rehabilitation and after-care service should form as final step of correctional work in order to control the increasing reconvicted/recidivism rate of convicts in a country. This article deals with a discussion on the importance of the concept of reintegration of the offenders along with after care service for the ex-prisoners as a successful mechanism which we may use to reach the above said goal, Sri Lankan situation with regard to after-care service and some successful measures that have been taken by the other countries to facilitate the ex-prisoners to re start their new life after the release.

Concept of reintegration of the offender

Reintegration of the offender means re-entry of the offender into community life as a whole, to become a contributing, productive person.¹ This means more than simply tolerating the person's presence in the community - after all, he/she served his or her punishment and requires a relationship characterized by respect, commitment and

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¹ Van Ness Daniel, Strong Keren Heetderks, 1997, *Restoring Justice*, New York, Anderson Publishing Co. p. 116.

tolerance. Understanding the reasons for the offenders conduct, the community will be better able to assist in the ex-prisoners reintegration.²

According to John Braithwaite, a social reformer, reintegration of the offender means not only helps with re-entry into society, although that may be needed, but it means more than that. It means permitting the offender to rejoin the community as a full member, instead of being an outcast.³ According to Braithwaite, reintegration of the offender requires that we view ourselves as a complex mixture of good and evil, weaknesses and strengths, and that while we resist and disparage the evil and compensate for our weaknesses, we also recognize and welcome the good, and utilize our strengths.⁴ He says, that for reintegration of the offender to take place the relationship between the offender and the reintegrating community must be characterised by at least three traits, i.e. mutual respect for one another, mutual commitment to one another, and intolerance for -- but understanding of -- deviant behaviour. It means to help and permit him to re-enter society as a law-abiding person and repenting his criminal offence.⁵ In Braithwaite's work on *Crime Shame and Reintegration* he attempts to focus on how to respond to ex-offenders, and how to help them re-enter society when they return to the community after they have served their punishment. Moreover, in that same work he argues that there is a correlation between low crime rates and reintegration of the offender, which plays a great role in any penal system.⁶ J.P. Martin, a prison reformer in England, also pointed out that

*"an effective penal system must aim for the reintegration of prisoners into society."*⁷

² *Ibid.*

³ John Braithwaite, 1989, *Crime, Shame and Reintegration*, New York: Cambridge University Press, pp. 64-65 and 74-75.

⁴ *Ibid.*

⁵ John Braithwaite, *Crime, Shame and Reintegration*, *op. cit.* p. 81.

⁶ *Ibid.*, 84-85.

⁷ Martin J.P., 1964, 'After-Care in Transition', in Siddique Ahmad, *Criminology: Problems and Perspectives*, *op. cit.* p. 181.

Further he says reintegration of prisoners into society should form as an integral part of the rehabilitation process conducted by prisons.

The necessity of reintegration

In considering the necessity of reintegration, offenders may face personal and societal obstacles after being imprisoned. Among these, stigmatization is one of the problems⁸ they have to face. They are treated as outcasts by the community. Offenders who served a period of imprisonment as their punishment suffer more than the other offenders, because non-custodial offenders are with the community when serving their punishment while imprisonment isolates the offender. Therefore non-custodial offenders do not need re-entrance to society. But prisoners who are exiled from ordinary community life while in prison need society's help to re-start their (new) life in the community when they come back to society. This is essential for ex-prisoners who were in prison for a long period. Although not all offenders face the same issues, it is certainly true that large numbers of them are coming out of prisons daily; and they tend to represent the most stigmatized group and those perhaps most in need of reintegration. Since frequently offenders are stigmatized by the public and rejected by the community, when they come back to society they are sometimes isolated within their families and among their friends, and they have difficulty in sharing their problems. All this increases a sense of shame and rejection. It is for this reason that a number of ex-prisoners commit crimes recurrently after they return to society.⁹ Irwin John, a modern American social and prison reformer, criticized the attitude of the present society vis-à-vis ex-prisoners. He states:

⁸ Salasin Susan E., 1986, 'Introduction: A Blow of Redirection,' in Shelley Neiderbach, *Invisible Wounds: Crime Victims Speak*, New York: Harrington Park Press, p. 3.

⁹ John Irwin and James Austin, 1994, *It's About Time: America's Imprisonment Binge*, New York: Oxford University Press, p. 84.

*"The general society has always held convicts in some contempt, but in earlier decades there was a greater willingness to forget their past and, once they had served their time, to 'give them another chance'. In the 1960s, there was a large outpouring of sympathy for convicts're immersion into conventional society. For a short period ex-prisoners were folk heroes and many strutted around, loudly proclaiming and capitalizing on their ex-convict status. This period ended by the late 1970s, and once again the convict and ex-convict became a widely hated and feared pariah. In recent years, whenever an ex-convict is in the news, the media focus negatively on that status. Politicians harp on criminal acts committed by released prisoners. Legislators and policy makers, usually with dramatic public display, have passed laws or established policies against hiring ex-convicts for a growing number of jobs. Consequently, most prisoners are acutely aware that they are among society's leading pariahs, and this awareness has greatly increased their alienation from conventional society."*¹⁰

According to Daniel Van Ness, the recidivism rate for prisoners indicates that far too few individuals establish themselves in productive, crime-free lives following their prison sentence because of the lack of this proper reintegration.¹¹

Released prisoners often meet immediate discrimination by society, nor do they have access to resources for overcoming obstacles. According to Harvey L. McMurray, many released prisoners are not aware of either public or private agencies on which they can call for help and few of those who are aware actually do seek help, even where there is a reintegration procedure.¹² According to some social reformers such as Hartzel L., Black,

¹⁰ *Ibid.*

¹¹ Van Ness Daniel, Strong Keren Heetderks, *Restoring Justice*, *op. cit.* p. 114.

¹² McMurray Harvey L., *High Risk Parolees in Transition from Institution to Community Life: Journal of Offender Rehabilitation*, 19 1993, p. 159.

¹³ Robins Carl, *Finding Jobs for Former Offenders*, *Corrections Today*, Aug. 1993, p. 140; Robison Clay, *Jobs for Ex-Offenders a Crime Issue Too*, *Houston Chronicle*, 17 July 1994, p. 2; Anderson Dennis B., Randall E.

one of the most difficult challenges ex-prisoner encounters is finding employment.¹³ According to Bill Kole, a large percentage of ex-offenders also report that they lack money to start a new life, for food and clothes, suitable shelter, reliable transportation, adequate education, psychological counselling, and medical treatment. They need societal acceptance or approval and positive role models.¹⁴ Other difficulties include peer pressure, low self-esteem, unrealistic expectation by society, an excessive or deficient sense of sin and guilt, fear of failure, a distrust of others, hopelessness and the lure of the drug culture. According to Bill Kole's study, which relates to the necessity of reintegration, more than one-half of all prisoners would have to rely on somebody else for support and a place to live in when discharged from prison.¹⁵ Creasia F. Hairston says that ex-prisoners who live alone or with their parents generally have more problems than those who live with their spouses and children.¹⁶ Offenders may have weak social skills that hinder relationships with their family as well as with friends, neighbours and employers. The experiences of many former prisoners have fostered inappropriate relationships, antisocial values and ethical insensitivity, destructive habits and an inability to make decisions or plan ahead. Therefore reintegration plays a most important role in any penal system.

Schumacker and Sara L. Anderson, *Release Characteristics and Parole Success: Journal of Offender Rehabilitation* 17, 1991, p. 136.

¹⁴ Hartzel L. Black, Pam G. Turner and James A. Williams, *There Is Life after Prison: Successful Community Reintegration Programs Reduce Recidivism in Illinois*, *Common Ground*, Spring 1993, 51; Harvey L McMurray, *High Risk Parolees in Transition from Institution to Community Life*, *Journal of Offender Rehabilitation*, op. cit. p. 154.

¹⁵ Bill Kole, *Freed Convicts Say They Don't Even Get Lunch Money*, *Los Angeles Times*, 14 Feb. 1993.

¹⁶ Creasia F. Hairston, *Family Ties During Imprisonment: Important to Whom and for What?* *Journal of Sociology and Social Welfare*, 18 1991, 99.

The expectation that offenders can emerge as law-abiding citizens ready to assume a responsible place in the community, even if the community were prepared to accept them as such, is in fact fanciful. Offenders are isolated from the community by their own problems and issues, as well as by a public that is distrustful and cynical about them. Therefore offenders experience alienation that is often the result of emotional distress, family tension, physical dislocation, loneliness and stigmatization. It is an injustice to offenders who have paid their debt to society but find that they are still excluded from their communities, and these offenders essentially need society's help to start a new life to live like other citizens. In practice, reintegration of the offender is done through a programme called after-care service^ø

Successful Approaches to After-care service of Ex-Prisoners

From the sociological point of view, no correctional or rehabilitative scheme can be effective unless opportunities exist for the after-care of prisoners and an after-care programme should be commenced from the time of their release from prison.¹⁷ After-care has two connotations. In its narrow sense, it is somewhat like probation i.e. the released person is put under the care of a probation officer performing the role of a social worker. In its wider sense, after care implies all efforts to enable to prisoner to overcome all the various social, economic and physiological problems after his release. According to Ahmad Siddique,¹⁸ after-care implies all efforts to enable the prisoner to overcome the various social, economic and psychological problems he faces after his/her release, and under the treatment policy. He says that the after-care work should commence as soon as the convict begins prison life (i.e. not only after his or her release).¹⁹ Moreover, he states²⁰ that this does not simply mean that at the time of leaving prison the prisoner is given some money by the State or the savings from the wages earned in the prison, and a

¹⁷ Mc Clean and Wood, 'Criminal Justice and Treatment of Offenders', at p. 142 in Sirohi, J.P.S., *Criminology and Criminal Administration*, op. cit. p. 138.

¹⁸ Siddique Ahmad, *Criminology: Problems and Perspectives*, op. cit. p. 178.

¹⁹ *Ibid.*

²⁰ Siddique Ahmad, *Problems and Perspectives*, op. cit. p. 178.

set of clothes to equip him or her for the new life. 'After-care service' means a practical programme of proper assistance and supervision over the ex-prisoner, which assists the offender to reintegrate into society.

The international community accepted the necessity of an after-care service, and introduced some rules in the resolution on Standard Minimum Rules for the Treatment of Prisoners adopted by the first United Nations Congress on the Prevention of Crimes and the Treatment of Offenders, held at Geneva in 1955.²¹

There is a great tendency to enforce after-care services for ex-prisoners, especially in developed countries like the United States of America and the United Kingdom. Similarly, some Asian countries like India also started a programme as an integral part of the rehabilitation of prisoners.

Experience in India

Various Indian jail committees in their reports emphasized the need for having effective after-care programmes.²² In considering the importance of the after-care service for ex-prisoners, the India jail Manual Committee, 1957 observed,

"After-care is the released person's convalescence. It is the process which carries him or her from the artificial and restricted environment of institutional custody to satisfactory citizenship, resettlement and to ultimate rehabilitation in the

²¹ Rule No. 80 – 81: Rule No. 80 from the beginning of a prisoner's sentence consideration shall be given to his future after release and he shall be encouraged and assisted to maintain or establish such relations with persons or agencies outside the institution as may promote the best interests of his family and his own social rehabilitation. Rule No. 81(1) Services and agencies, government or otherwise, which assist released prisoners to re-establish themselves in society shall ensure, so far as is possible and necessary, that released prisoners be provided with appropriate documents and identification papers, have suitable homes and have sufficient means to reach their destination and maintain themselves in the period immediately following their release. Rule No. 81(2) The approved representatives of such agencies shall have all necessary access to the institution and to prisoners and shall be taken into consultation as to the future of a prisoner from the beginning of his sentence. 81(2) It is desirable that the activities of such agencies shall be centralized or coordinated as far as possible in order to secure the best use of their efforts.

²² Siddique Ahmad, *Problems and Perspectives*, op. cit. p. 179.

*free economy. Institutional training, treatment and post-release assistance is a continuous process."*²³

As a result, in India after-care work was started by church-based philanthropic organizations. Additionally, at present some public agencies (non government organizations) in various States in India other than the above-mentioned church-based philanthropic organizations also started after-care services. For example, in Uttar Pradesh one of the functions of the Crime Prevention Society is to maintain an after-care service through its district committees. The district committees not only provide money or clothing, to the released prisoners but they also arrange for food and shelter, and finds employment for released prisoners who need help. Moreover, in some other States of India such as Tamil Nadu, Maharashtra, and West Bengal there are also after-care services, which are functioning in a successful manner.²⁴

From the sociological point of view, rehabilitation of the offender is also important in the process of after-care service. Ahmad Siddique points out that according to the All Indian Committee, in 1957 the after-care service has become an integral part of rehabilitation (correctional work) of prisoners.²⁵ Therefore, one may argue that without rehabilitation of the prisoner in prison itself it is pointless to initiate an after-care service for ex-prisoners. If they do not realize their criminality, and are without real repentance, they may again become criminal when returning to society. The rehabilitation of the offender is important during the imprisonment period, as is the after-care service once the offender has left prison.

Experience in England

The need and philosophy of after-care programmes has been convincingly summed up by J.P. Martin, a prison reformer in England,

²³ *Ibid*, P. 179.

²⁴ *Ibid*, p. 180.

²⁵ Siddique Ahmad, *Criminology: Problems and Perspectives*, op. cit, p. 179.

“An effective penal system must aim for the reintegration of prisoners into society. In the last resort this is because there is a moral argument for after-care. It is simply that no man is so guilty, nor is society blameless, that it is justified in condemning anyone to a life--time of punishment, legal or social. Society must be protected, but this is not done by refusing help to those who need it far more than most of their fellow citizens.”²⁶

In England, the Central After-Care Association, which is entirely funded by the State, is responsible for statutory supervision, to assist re-entry into society, primarily of prisoners (male offenders) who have served imprisonment for four years or longer, and those who have been sentenced to corrective training and preventive detention. Under the Criminal Justice Act 1961, supervision over ex-prisoners is compulsory for prisoners who are sentenced to four years' imprisonment and over, and also for those serving sentences of imprisonment of six months or more who are recidivists, or under twenty-six years of age at the date of sentence.²⁷ There are two more developments in the prison system in England, which have some bearing on the question of after-care. Firstly, home-leave of up to five days may be granted to prisoners on corrective or long term imprisonment, and this gives the prisoner an opportunity to contact those responsible for his after-care, and also to look for potential employers. Secondly, there are pre-discharge hostels, which are meant for carefully selected prisoners serving preventive detention. These prisoners go out to work in a local establishment and have to pay for their upkeep out of the wages earned.²⁸

Experience in United States of America

In considering the after-care service in the United States of America, ex-offenders are organizing themselves to assist other ex-offenders with the challenges of reintegration. The Network for Life is a group of ex-offenders functioning in cities across America

²⁶ Martin J.P., 'After-Care in Transition' - 1964, in Siddique Ahmad, *Problems and Perspectives*, p. 181.

²⁷ Martin J.P., *After-Care in Transition* - 1964, in Siddique Ahmad, *Problems and Perspectives*, op.cit. p.180.

²⁸ *Ibid*, p. 181.

specifically for this purpose, and is supported by businesses, service agencies and churches for the express purpose of assisting those who are coming out of prison, and reintegrating them. These groups are service-oriented rather than support-oriented, and their aim is to help with the very real, practical and personal needs of ex-offenders in a holistic and organized way. The Network for Life^ø is an explicitly Christian organization, although assistance is offered to anyone in need, regardless of their religion or lack of religious faith.

According to Daniel Van Ness²⁹ in many churches in the United States of America volunteers are at present involved in reaching out to offenders. Much of this work is going on in prisons, but a great deal of it is also happening within communities. All over the United States, churches and church members are stepping forward to help those coming back from prison who are willing to accept help, and work hard. For example, job training and placement efforts, drug and alcohol treatment programs, life skills training and monitoring are all ways in which church members are getting involved.³⁰

According to Joseph P. Shapiro, there are some 258,000 churches, synagogues and mosques in the United States of America which have started these after-care services to help ex-prisoners who need the community's help to re-start their life after they come back to society.³¹ These religious institutions offer hope of reintegration for offenders who are faced with issues, albeit in very different ways, that could benefit from a touch of the 'faith factor.'³² In Detroit, Michigan, a demonstration project, called 'Detroit Transition of Prisoners' has been initiated (TOP). In the United States of America, TOP is a church-based, non-residential after-care programme. Its purpose is to help selected prisoners overcome personal, economic and societal barriers in order to lead productive,

²⁹ Van Ness Daniel, Strong Keren Heetderks, *Restoring Justice*, *op. cit.* pp. 122-123.

³⁰ *Ibid.*

³¹ Shapiro Joseph P., *Can Churches Save America?* U.S. *News and World Report*, 9 Sept. 1996, 49.

³² This term has been popularized by Dr. David Larson of the National Institute for Healthcare Research, based on several meta-analyses and systematic reviews of the research literature on faith and health: Quoted from, Van Ness Daniel, Strong Keren Heetderks, *Restoring Justice*, *op. cit.* p. 126.

crime free lives following their return from imprisonment. TOP engages and equips community churches and volunteers to encourage, assist and strengthen accountability for ex-prisoners.

Other approaches

In addition to the above said three countries Canada has introduced some after care-care service programmes which are similar to the programmes conducted by United States of America. Other European countries such as Germany, Belgium and France also conduct programmes which are similar to England. Some other developments are to be found in many countries. In these countries more and more community groups such as 'prison visitor organizations' are provided hostels and half-way houses for convicted prisoners. But this does not obstruct the range of co-operation between the community and the State in correctional work. These organizations conduct some programmes to the ex-prisoners to overcome their problems. Ideal example is Ghana where provision is made in both the prisons and the industrial school (penal institution for young offenders) for visiting committees consist of ordinary citizens of the country. Their functions are to visit the relevant institutions to look into welfare problems which may be beyond the scope of administration. Even after the release these organizations continuously assist to the ex-prisoners to solve their problems.

After-care service in Sri Lanka

After the release of prisoners from the jail, many ex prisoners face social discrimination, loss of jobs, loss of family ties and alienation from friends or other known people etc..³³ This helpless situation may press on them to commit crimes recurrently. A service such as 'after-care' should be established to offer them adequate opportunities to overcome their inferiority complex and save them from being ridiculed as 'convicts'.

³³See, Chapter 6, Reintegration of the Offender, A Critical Review of Punishment in Some Aspects of Criminal Law in Sri Lanka, a research done by Jeeva Niriella, Attorney-at-Law, in 2002. Further, this factor has been revealed at workshops on Prison administration conducted by the Sri Lanka Foundation Institute to the prison officers in 2004/5.

In considering the after-care service in Sri Lanka, it is hard to find any public agency which will undertake this as an organized group. But with the assistance of Sri Lanka Prison Department some individuals including Buddhist Monks, Priests and Nuns help the ex-prisoners those who need assistance according to their capacity. They provide counseling service, food and clothing, help them to find job opportunities etc.. According to prison representatives, lack of a proper after-care service system is one of the reasons for the increase in the reconvicted/recidivist rate.³⁴ Therefore, Sri Lanka should start these after-care service programmes to assist ex-prisoners who really need society's help, to re-start their lives after they return to society.

As mentioned earlier our country does not have either public or private agencies which carry out after-care service programmes in formal manner. Therefore, some sociologists in Sri Lanka argue that statutory provisions should be introduced as to institutionalize this service. However, what is most needed is the provision of increased opportunities for public participation in the practical correctional work through community volunteers efforts. Industry, labour organizations, other civil organizations such as religious centers may formally organized and actively play a great role in such programmes as social defence programmes.

It is true that provide employment to ex-prisoner or trust them is a difficult task. Most of the employers, including government are unwilling in employing a person with a record of conviction, specially who had committed heinous crimes such as murder, rape etc.. Certainly this problem is further aggravated by large number of unemployment in Sri Lanka and many law abiding citizens also find it difficult to get employment. It is also true to some extent why should civil society provide food, cloths, shelter and other needful to the persons who did harm to the society by violating law very seriously. But it

³⁴ See, the Annual Prison Statistic Reports published by the Department of Prison . Sri Lanka.

is important to state it is a social responsibility of the law-abiding people providing their contribution for the wellbeing of the society, and it is also a responsibility of the State to work for the maxim benefit of its members. If the civil society and the State disregard their responsibility, they may have to collide with unnecessary social problems such as increasing the reconvicted or recidivism rate of convicts. Similarly it is a responsibility of the society to grant them an opportunity to re-start their life as law-abiding citizens after they have paid their owed to the society through the punishment, suffered during the period of imprisonment and rehabilitated during that period. Therefore this concept should be applied to the ex-prisoners those who need some kind of aid to re-enter to the society and start a (new) life after undergone a successful rehabilitation process during the period of imprisonment.

Besides emphasizing the role of voluntary agencies, following recommendations also could be made for a successful after-care service system.

*Journey expenses or financial assistance for reaching their destination to be provided to them at the time of release.

*After-care service programmes should be a statutory function of Department of Prisons.

*These programmes should conduct under the supervision of the justice ministry, at district level there should be district committees established as government agencies who may jointly work with private volunteer agencies and there should be a (district) officer is to be in charge of these programmes. These district officers should meet the Welfare Commissioner of the Department of Prison to review the progress of the programmes conducted by the committees and the Magistrates and the high Police Officials also can participate in these meetings.

*The committee may provide them food, clothing or even shelter (those who need) on their release.

*There should be a proper counseling system for the prisoners at the latter part of the imprisonment period and after their release, enabling them to face for any situation

(social discrimination) after their release. This also could be conducted by the committees.

*The committee may provide the legal assistance those who need to solve the legal problems.

*There should be a special attention for the women.

*After-care and follow-up units should be created for the assessment of the needs of the released prisoners.

*This committee may get the support from following government agencies such as Legal Aid Department attached to the Attorney General Department, Ministry of Samurdhi, Department of Police, Ministry of Public Service and Social Welfare, Ministry of Home Affairs etc..

Conclusion

Offenders (ex Prisoners) wrestle with stigmatization and other issues (finding an employment) as they face their future. Therefore they need an after care service to help them to re-entry to the society with confidence. The important point is that for restoration to occur, offenders need to find wholeness and establish themselves in the community as participating members. To achieve this, each has barriers to overcome, and it is part of the community's role to take some responsibility for assisting with the needed reintegration. Therefore offenders (ex-prisoners) need attention and assistance from the community in order to re integrate them to the society.
