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Before the Next Storm

Some Evidence-Based Reminders About Temporary Release

Leonidas K. Cheliotis

Queen Mary, University of London

This article offers a long overdue comprehensive review of the literature on the effectiveness of temporary release programs for prisoners. Following an account of how the public and criminal justice workers view temporary release, and against the “nothing works” proposition, it is shown that while in the community, prisoners tend to spend their time constructively and comply with the rules and regulations of temporary release; both home leave and work release schemes can be effective in reducing recidivism rates, and work release in particular may also enhance postrelease employment prospects.

Keywords: *temporary release; prison furlough; home leave; work release; rehabilitation; crime reduction*

First introduced by Captain Alexander Maconochie at the notorious prison colony of Norfolk Island back in the 1840s, the temporary release scheme, also known under terms like “release on temporary license” and “furlough,” provides for short periods of authorized absence from the prison establishment, most usually granted when nearing the end of the custodial sentence or release on parole. The eligibility criteria usually vary with offense type and sentence duration. In most cases, the scheme takes the form of either a few days’ home leave or work release, whereby prisoners undertake paid work in free-world settings during the day while spending nonworking days and nights in custody. Study release is another form of temporary release, affording prisoners the opportunity to attend instructional programs, including vocational and technical schools, high school, colleges, and universities. Temporary release programs may be housed in either institutional or community facilities. In theory, temporary release is designed to ameliorate the practical and emotional harms of institutionalization (e.g., idleness, isolation, low self-esteem), facilitate prisoners’

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transition to civilian life, and help them abstain from criminal and other risk-prone activities (e.g., use of illicit substances) in the period following permanent release. While on home leave, prisoners are given the opportunity to strengthen or reestablish family and social ties and make arrangements for accommodation, work, education, and/or training on final discharge. In the case of work release, prisoners may also make some modest savings, contribute to the financial needs of their dependants, and maintain or acquire vocational skills, thus also enhancing their postrelease employment prospects. In most cases, a proportion of the prisoners' wages are withheld as a contribution to the cost of their confinement, and parts of it can also be deducted to clear debts and pay court-ordered compensation or income taxes (for further details, see Cheliotis, 2007).¹

Nowhere is the interplay between politics, mass media, popular will, and penal policy said to be more pronounced than in the recent history of temporary release schemes. Most famously, the 1988 U.S. presidential campaign of the Republican candidate, George Bush Sr., was marked by the airing of the so-called furlough ad, which linked the Democratic nominee, Michael Dukakis, with the supposed threats of the prison furlough program and thus with a dangerous breed of "soft-on-crime liberalism" (Jamieson, 2003). The furlough ad focused on Dukakis's governance in Massachusetts during which William Horton, a Black convicted murderer, absconded from a weekend furlough and 9 months later raped a White woman and stabbed her companion in Maryland. Dukakis, who had vetoed a bill to ban furloughs for first-degree murderers in 1976, soon also became an easy target for the media. His "persistence in speaking the language of net prevention in defense of his furlough policy" was in direct contrast with "the logic of the situation [which] demanded an avowal, a declaration that he understood and participated in people's pain" (Sparks, 2000, p. 101; see also Anderson, 1995; McLeod, 1999). Thus, although the Horton incident was far from being typical of the Massachusetts furlough program, it was said to have a grave impact on both the Dukakis campaign (see, e.g., Gwiasda, 2001), and also on the penal policy of the day (Sasson, 2000). A national survey, for instance, indicated that high success rates for furlough programs were quickly overshadowed, thus forcing several states to restrict furloughs and three states to discontinue them altogether (Perk Davis, 1991; see also Anderson, 1995, pp. 247-249; compare Bagdon & Ryan, 1993; Herrick, 1989; Marks, 1993; Mendelberg, 1997; National Center on Institutions and Alternatives [NCIA], 1989). Following Garland (2001), Newburn and Jones (2005) go so far as to argue that the impact of the "Willie Horton affair" on electoral and criminal justice politics has not been confined to the United States, but has been felt in the more specific arena of the mediated politics of crime control on the other side of the Atlantic as well. Indeed, in 1995, England and Wales, like most (if not all) jurisdictions where temporary release or similar schemes have been utilized, knew an analogous case, when the then home secretary, Michael Howard, tightened the eligibility criteria for temporary release with the aim to appease the concerns voiced at the scheme by the mass media of the day (see, e.g., Penal Affairs Consortium, 1995).

Yet, despite this negative legacy or what has come to be called “William Horton’s long shadow,” and against the background of rapidly rising prison populations and high recidivism rates in a vast number of jurisdictions (see, e.g., Cuppleditch & Evans, 2005; Langan & Levin, 2002; Walmsley, 2007), recent years have seen an impressive revival of interest in the use of programs dealing with the punishment, treatment, or supervision of offenders in the community. The prisoners’ temporary release scheme has been at the center stage of this movement. In the United States, for example, a recent nationwide survey of 45 correctional agencies showed that all but New Jersey had a formal reentry program in place. Approximately one third of the state systems surveyed used halfway houses, prerelease facilities, and day reporting centers for those preparing for reentry. The proportion of prisoners placed in so-called transition detention ranged from 3.5% in West Virginia to 90% in New Hampshire, whereas provisions were made for all prisoners in North Dakota (American Correctional Association, 2004, pp. 8-24). In reference to the federal system, a snapshot report for November 2004 showed that the rate of participants in a social furlough program (which most often entailed placement onto a community service project) was slightly more than 7 per 100 eligible inmates, and each participant received approximately 5 furloughs (B. Saylor, personal communication, February 2, 2005). Although not fully comparable, the view from Europe has been more striking. In England and Wales, there was an all-time high of 287,732 temporary release grants in 2002, up from 164,521 in 1995, amounting to a rise of 75% (Home Office, 2003a, 2003b). In Germany, the average number of home leaves (*Hafturlaube*) granted per 100 prisoners rose from 243 in 1977 to 649 in 1996. Likewise, the rate of short or day prison leaves (*Ausgänge*) increased from 219 to 1,069 per 100 prisoners. Work releases (*Freigänge*) also increased from 32 to 43 per 100 prisoners (Dünkel & Rössner, 2001). In 2003, there were 285,392 home leave grants, and 569,235 short prison leave grants; also, 17,263 prisoners were placed onto work release (Feest & Lesting, 2005; see also Bammann & Feest, 2004). In France, a total of 33,786 permissions to leave the prison (*permissions de sortir*) were granted in 2003; of these, 24,267 afforded prisoners the opportunity to maintain family ties. Also, 6,261 offenders participated in a partial-release scheme (*semi-liberté*) that enabled them to have a professional occupation, take courses or vocational training, or receive medical treatment outside open prison establishments (Ministère de la justice, 2004, p. 7).²

Whether this development signals a renewed flirtation with a liberal penal project across various jurisdictions or subtly helps widen the net of social control (see, e.g., Cohen, 1979), or even simply constitutes an atheoretical response to urgent administrative concerns like prison overcrowding and associated costs (e.g., Bottoms, 1980), it is impossible to fully ascertain on the basis of the research evidence available.³ The aim of this article is more modest in analytical scope, but perhaps equally fundamental in its practical ramifications: to engage in what Cullen (2005) terms “technology

transfer,” that is, systematically to gather and accessibly to convey the scientific knowledge on what is successful practice of temporary release, both in terms of guarding public safety and facilitating the process of offender reentry into the community.⁴ For unless equipped with the evidence necessary to identify correctional interventions that truly meet their promising rhetoric, the criminal justice system and its practitioners (or, at least, its liberally minded practitioners) will be more likely to continue fighting a lost battle against media scorn and popular disdain every time Horton-like discretionary misgivings occur. A recent process evaluation of the prisoners’ home leave scheme in Greece, for example, reported that selection onto the scheme was mostly reserved for a relatively small number of disciplined, low-risk prisoners, and less for those in greater need of contact with the outside world. This was because of such exogenous factors as media pressure, mounting demand for rationality and accountability, and populist considerations on the part of the superior officers at the Ministry of Justice, subsequently reflected on personal concerns like the possible adverse consequences for decision makers were they to exhibit “unwarranted leniency” (Cheliotis, 2006a). All in all, as Van Voorhis has put it, there is a “high cost in ignoring success” (Van Voorhis, 1987, cited by Cullen, 2005).

After briefly touching on how the public and criminal justice workers view temporary release, this article offers a comprehensive review of the pertinent “what works” literature, focusing on a range of short- and long-term outcomes. Against the “nothing works” proposition, the findings suggest, amongst other things, the following: while in the community, prisoners tend to spend their time constructively and to comply with the rules and regulations of temporary release; both home leave and work release schemes can truly serve their originally intended rehabilitative purpose.

Public and Professional Views on Temporary Release

A survey of the literature indicates that, back in the 1960s and early 1970s, when the rehabilitative ideal was at its apogee, temporary release naturally enjoyed considerable support, both amongst the general public and criminal justice professionals. To give but a flavor of this, a survey conducted in Pennsylvania to examine public attitudes toward community-based corrections showed that the majority endorsed home leave as a means to help prisoners adapt to the outside world after prolonged institutionalization (Adams, 1973; see also Smith & McCurdy Lipsey, 1976; compare Duffee & Ritti, 1977). Similarly, in a study of sheriffs’ views of the work release program in 42 American states, Grupp (1967) found that the majority favored work release by a 5:3 ratio, mainly because of the rehabilitative potential of the program (see also Bennett, 1970; Moore & Grupp, 1979). Concurrent research on employers’ views of work release yielded mixed results, often revealing a trend toward prioritizing security and business concerns over offender rehabilitation. For

instance, a survey of potential employers in the United States indicated that, while the majority was sympathetic toward hiring work releasees, those who had either been victimized or had employed an ex-offender in the past were less responsive (Atkinson, Fenster, & Blumberg, 1976). In view of such reservations, Sacks (1975) conducted a survey of work release program administrators to identify the most effective ways to convince potential employers that prisoners can make safe and reliable employees. Suggestions ranged from appealing to employers' social conscience by stressing the benefits of work release to both the prisoners and the community, to adopting a more pragmatic "good business sense" approach. The latter point was underscored in a study of tobacco farmers' attitudes toward the work release program in Ontario, Canada, where work release was accepted not as a rehabilitative measure, but rather as a means for employers to secure low-cost labor, guarantee full crew, and arrange labor earlier in the year (Boydell, Startup, & Teevan, 1981).⁵

In recent years, however, although the link between public opinion and penal policy is believed to be stronger than it was perhaps in the past, to the point that risk assessment of temporary license applicants in England and Wales now formally involves an examination of "whether the purpose of release is likely to be acceptable to reasonable public opinion" (Creighton & King, 2000, p. 139), research has yet to be focused on public and penal agents' attitudes toward temporary release. One can only speculate that, just as the public has become skeptical toward the utility of non-custodial penalties like probationary supervision and community service (see, e.g., Cullen, Fisher, & Applegate, 2000; Roberts, 2002), and as penal agents are increasingly subjugated to the pragmatic dictates of a "strong centre of calculation," as Rose (1996) would call it, so too are they ambivalent toward temporary release, at least as concerns its rehabilitative aspirations. But there is also a considerable corpus of literature suggesting that the public is not as punitive as policy makers and public officials think they are (e.g., Roberts & Stalans, 1997; see also Maruna & King, 2004), and that a significant number of penal professionals often still cling to the traditional notion of rehabilitation of individual offenders, notwithstanding the constraints of action imposed on them (see Cheliotis, 2006b). For example, in the latest available public opinion survey touching on temporary release, conducted in New York in 1987 (i.e., at a time when punitiveness had already gained ascendancy over rehabilitation as the guiding narrative of the criminal justice system, yet before the Horton case came into light), two thirds of respondents supported the use of minimum security work release programs, both at the state and the county levels, for prisoners nearing their permanent discharge (see Cheliotis, in press).

Prisoners' Activities While on Temporary Release

One cannot exaggerate the importance of prisoners' contacts, activities, and accomplishments during the temporary release, as well as their related perceptions of

the usefulness and functionality of the scheme. To borrow Hans Toch's (1967) words, "it is client perceptions that determine client reactions and hence make the difference between success and failure . . . [and] it is precisely this picture that we must explore if we are to increase the benefits of the practice as much as possible" (p. 249). Past research, however, has little to offer in this respect. There is some evidence that, while on home leave, most prisoners prioritize contact with their families and partners, aiming mainly to reaffirm emotional bonds or resolve relationship crises. Other activities include seeking future employment or visiting an employer to firm up an existing offer, receiving training not available in prison, obtaining a driver's license, and/or contacting the parole agent or some social agency (see, e.g., Crispino, 1974; Holt, 1969; Rodgers, 1978; Toch, 1967; Whitehead, Turner, & Wheatley, 1991). But although the majority of home leave participants naturally regard participation in the scheme as beneficial, from an emotional and a practical point of view (see, e.g., Lipton, Martinson, & Wilks, 1975; Rodgers McCarthy, 1980; Toch, 1967; Whitehead et al., 1991), a variety of dysfunctions have also been reported.

Indeed, because of prisoners' unrealistic expectations and inadequate prerelease preparation for both them and their families, temporary release sometimes leads to interpersonal crises. Prolonged isolation from the free community may prevent prisoners from coming to terms with changes that have taken place to their families in the meantime (e.g., some prisoners find it difficult to adjust to the idea that the women in their lives have become more independent; see Monger, 1967), while the family also has to reintegrate someone who has unavoidably changed because of institutionalization (King & McDermott, 1995; see also Jürgensen & Rehn, 1980).⁶ Other problems include alienation from society and negative attention from civilians, and more practical concerns related to transportation, the availability of material resources, and the duration of the leave (Holt, 1969). Also, prisoners often undergo severe distress when returning to the establishment after the termination of the leave (e.g., Rodgers McCarthy, 1980; Toch, 1967). Particularly with regard to work release participants, feelings of frustration or resentment may be caused by placement in an under- or overstructured setting, nonavailability of jobs fitting the prisoner's skills, frequent searches to prevent smuggling of contraband into the institution, wage deductions disproportionate to the quality of accommodation and food supplied in the work release setting, and labor exploitation (Pooley, 1974).

A few researchers have also tried to assess the home leave experience through the lens of prisoners' families. For example, in a survey of prisoners' wives in Vermont, Fishman (1988) found that home furloughs enhanced family morale, promoted feelings of well-being for both husbands and wives, reaffirmed marital and family commitments, and eased wives' own sense of imprisonment. But home leaves did not expose prisoners to the duties and responsibilities of freedom, as wives avoided placing domestic pressures on them (on this issue, see also Rodgers McCarthy, 1980, pp. 208-211). Also, in her study of the home leave program in Israel, Hassin (1977) found that, though both prisoners and their families viewed home leave as the

greatest benefit one could receive in prison, its perceived usefulness was limited to alleviating the pains of imprisonment (see also McEvoy, O'Mahony, Horner, & Lyner, 1999).

Breaches of Temporary Release Conditions

Turning to program rule violations and revocations—the most common outcome measures of short-term temporary release effectiveness—previous research has consistently shown that late returns to the institution and absconding are only rare (see, e.g., Cheliotis, 2005; Dünkel & Rössner, 2001; Grant & Millson, 1998; Grosch, 1995; McEvoy et al., 1999). By the same token, troublesome behavior (e.g., alcohol consumption to the point of intoxication, fighting) and reoffending while on leave are observed in a small minority of cases (see Osborne, 1995; Smith & Sabatino, 1990; Turner & Petersilia, 1996; Whitehead et al., 1991). Taking the analysis of program rule violations one step further, some researchers have attempted to identify variables predictive of success or failure on temporary release. For example, in a study of furlough revocations in Vermont, Ryan (1997) found that the offender most likely to fail was a younger offender, with a misdemeanor assault or property crime as a current offense, more prone to having problems with authority, and with a history of rule infractions. Also, a study of work release participants in Virginia showed that the most significant predictors of work release performance were previous commitments, age of offense, time on the street, prior misdemeanor convictions, time in work release, year of work release, and institutional drug or alcohol violations (Osborne, 1995; see also Turner & Petersilia, 1996).

A number of caveats should be issued at this point. First, the bulk of analyses are based on official records, a source famously influenced by factors such as underreporting and underrecording (on which, see Coleman & Moynihan, 1996). Conversely, it could be argued that official statistics on revocations overstate the problem of failures, for they largely reflect technical violations, particularly in the case of intermediate sanctions featuring a heavy surveillance component (Bagdon & Ryan, 1993; MacKenzie & DeLi, 2002; Petersilia & Turner, 1993; but see also Motiuk & Belcourt, 1996). In addition, most studies compare the rate of temporary release rule violations and revocations only against the annual total of license grants, and not against the corresponding number of licensees, thereby inflating the level of successful completion of the program (for a relevant discussion, see Cheliotis, 2005, pp. 204–207; see also Grant & Millson, 1998). On a related point, there is a considerable lack of research on whether, and the extent to which, the aforementioned positive findings stem from an underlying selection bias. Such bias may relate to the process of volunteering for participation in the scheme and/or the risk assessment of license applicants. Likewise, previous research has failed to explore the link between the quality of contacts sustained and activities undertaken during the leave and success or failure on the program or after final discharge.

The Postdischarge Effectiveness of Temporary Release

Turning briefly to the long-term, postdischarge effectiveness of temporary release, a recent comprehensive and systematic review of the available research evidence on both home leave and work release programs, also conducted by the author of this article, licenses a renewed sense of optimism, at least with regard to recidivism reduction. Systematic reviews of the literature, it may be recalled, use rigorous methods for locating, assessing, and synthesizing all evidence from prior evaluation studies. They require clear objectives, explicit criteria for inclusion or exclusion of studies, thorough searches for eligible studies, careful extraction and coding of key features of studies, and a structured and detailed report of the methods and conclusions of the review (on the methodology of systematic reviews, see Farrington & Petrosino, 2001).

The review at issue covered more than 40 years of research and extended across a range of outcome measures. Twenty-three studies, all focused on American institutions, and published or reported up to the end of February 2005, met the minimum methodological standards set and were included in the review: 5 evaluated home leave schemes, 12 evaluated work release schemes, and the rest assessed the effectiveness of the CREST Outreach Centre, which is an integrated therapeutic community work release program for male and female substance-abusing criminal offenders in Wilmington, Delaware. In sum, and despite limitations such as varying follow-up periods and poor information on program implementation, it was concluded that both home leave and work release schemes can be effective in decreasing return to custody and postrelease arrest rates of ex-offenders. Work release programs also showed considerable promise in lowering reconviction rates and were found to be effective in enhancing postrelease employment prospects. Interestingly, therapeutic community treatment, particularly when combined with work release, proved to be more effective than mere placement in a conventional work release program (see Cheliotis, *in press*).

Concluding Remarks

It is no hyperbole to argue that striking the right balance between the pursuit of crime control constraints and due process rights, between public security and respect for the liberty and dignity of the offender, has never been as strenuous an undertaking as it is today. That is to say, in an era where the public is bombarded with an unprecedented amount of mass-mediated portrayals of offenders as wild, undeserving savages that urgently have to be controlled and contained for prolonged periods of time or even permanently, and where penal policy making and practice increasingly follow ballot box principles, concern for security is often said to overshadow concern for liberty (see Hudson, 2003, pp. 40-77).

If criminology is to contribute to preempting or overturning such disheartening developments, and thence to influence the penal policy debate to a more significant extent than has been possible in the past, then the least it can do is to provide practitioners and policy makers, as well as the wider public, with more and more solid evidence-based knowledge about what works and what does not work in corrections. Particularly with regard to prisons, the scope of such an enterprise should not be exhausted to the question of how to increase and maintain the quality of human services in the institution—an important question in and of itself; it should also encompass the more crucial question of how, in the first place, and the conditions under which, to divert offenders from the harmful effects of imprisonment (on which see Liebling & Maruna, 2005). As this article has gone to some lengths to show with regard to temporary release, if used as a means to humanitarian goals (as opposed to widening the net of social control), there are strong grounds on which to argue that decarceration should be more desirable than incarceration, not just from the point of view of libertarianism, but from the point of view of public security as well.

Notes

1. On a related point, Maruna and LeBel (2002, p. 168) argue for the plausibility of a “strengths-based” reentry model that stretches beyond seeking a remedy for the offenders’ needs, rather encouraging them “to make amends, demonstrate their value and potential, and experience success in support and leadership roles.” This approach, Maruna and LeBel suggest, promotes a “relational reintegration,” as it assigns prisoners a meaningful role in the community (e.g., through active parental responsibility and voluntary community service work), thereby also symbolically destigmatizing them in the eyes of the free society.

2. A necessary distinction should be drawn between the annual number of temporary license grants within a given jurisdiction and the respective number of licensees, for many eligible prisoners receive licenses as frequently as 3-6 times a year. Unfortunately, many correctional agencies maintain statistics only on the totals of home leaves or work releases granted annually (i.e., if they distinguish between different types of temporary release) and not on the number of prisoners placed onto the programs (see further Cheliotis, *in press*).

3. As Tonry (1990, 1997) argues, however, intermediate sanctions often exacerbate prison overcrowding, particularly when featuring intensive community supervision, because of the increased number of returns to imprisonment for breaches of release conditions.

4. Admittedly, the use of buzzwords such as reintegration, resettlement, or reentry is potentially misleading, for they largely assume that prisoners, albeit socioeconomically disadvantaged in their vast majority, were once integrated into the community.

5. For studies showing some employer support for the rehabilitative potential of work release, see Jensen and Geigold (1976) and Saipé (1973).

6. In response, Hassin (1977) calls for temporary release opportunities at an earlier stage of one’s sentence. At the same time, it is argued that prisoners should be offered the opportunity to participate in prerelease courses oriented toward positive preparation for release through training in social skills and practical advice on matters relating to housing, employment, budgeting, and family problems (see, e.g., Rodgers McCarthy, 1980, p. 211; also Freedman & Rice, 1977). Liebling (1989, p. 53) also proposes that such schemes “should be encouraged and supplemented by home-based projects” (see also Fishman, 1988, pp. 62-63).

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