

Trends & issues

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Foreword | *The number of prisoners in Australian prisons has been increasing over the past decade. In Western Australia the number of female offenders has increased by 40 percent over the past five years. One contributing factor to this increase may be the re-incarceration of parolees who have violated parole.*

This research used the publicly available decision documents from the Prisoners Review Board in Western Australia to investigate the background details of offences, and the details of the parole violations of 41 women released in 2013–14.

Data revealed that a high proportion of women returned to prison after a very short time in the community as a result of illicit drug use. The high cost of re-incarceration is considered against a background of rehabilitation and extra support in the community that might assist released women negotiate their complex lives on release without resorting to further drug use. The paper includes a number of recommendations to consider in an effort to reduce the recidivism of female offenders.

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Director

Parole in Western Australia: An analysis of parole cancellations of female offenders

Dr Catherine Ferguson

Most prisoners at some time re-enter the community. Petersilia (2003) indicates that 93 percent of American prisoners will at some stage be released into the community. Internationally, parole violators inflate the number of inmates in prisons, many of which are already overcrowded (Steen, Opsal, Lovegrove & McKinzey 2013). Several researchers have highlighted the challenges of meeting the release needs of prisoners (Halsey 2010) especially female prisoners (Davies & Cook 1999) for whom most programs are adapted from those designed for men (Baldry 2010). The lack of attention to female offenders is well-documented (Davies & Cook 1999; Hannah-Moffat & Yule 2011; Petersilia 2003; Van Voorhis 2012; Wright, Van Voorhis, Salisbury & Bauman 2012) despite the re-incarceration rates for females equalling that of males (Ostermann & Herschaft 2013; Ross & Guarnieri 1996 cited in Drabsch 2006).

In Western Australia the number of female prisoners has increased by 40 percent over the past five years (2009–14) and has placed the resources for female prisoners under pressure (Office of Inspector of Custodial Services 2014a). Poor prison resources has been identified as a potential influence on recidivism (Office of Inspector of Custodial Services 2014b). As at 26 June 2014 the Western Australian Department of Corrective Services reported that 477 women were in custody—9 percent of the total prisoner population.

This paper investigates the nature of parole violations among female offenders in Western Australia, and adds to the knowledge of this topic. It also notes the length of time spent in the community before returning to prison. The financial cost of reincarceration to the West Australian Department of Corrective Services was calculated based on the remaining time to serve. The paper concludes with recommendations on cancelling the parole of female offenders.

The operation of parole and the PRB in WA

Bartels (2013) provides an in-depth analysis of issues surrounding parole across Australia. The following short introduction to the West Australian processes for sentencing offenders and parole, gives context to the findings of the research presented in this paper.

In Western Australia, offenders with an effective sentence of six months or more imprisonment have an integrated management plan (IMP) developed within 28 days of sentencing. The IMP includes an assessment of education and a rehabilitation program needed for a smooth reintegration into the community (www.correctiveservices.wa.gov.au).

Offenders whose effective sentence is six months or less do not generally have an IMP nor access to treatment programs. There are several reasons for this:

- those with a short sentence have committed a less serious offence;
- the process of accessing programs and their availability is difficult to manage in the short term; and
- the offering of inappropriate programs based on the risk, need, responsivity structure (Andrews & Bonta 2010) can do more harm than no program (Office of Inspector of Custodial Services 2014b).

Parolees released under supervision in Western Australia are subject to standard obligations under s 29 of the Sentence Administration Act 2003 (WA). These conditions are: the parolee must report to a Community Corrections Centre within 72 hours of being released, or as otherwise directed by a Community Corrections Officer (CCO); the parolee must notify a CCO of any change of address or place of employment within two clear working days after the change; and the parolee must comply with s 76 of the Act (this includes a range of appropriate behaviours in relation to how the parolee treats and works with criminal justice staff). Under s 30 of the Act, the Prisoners Review Board (PRB) can place additional requirements on parolees. These may be related to the criminogenic needs of

the individual or applied to enhance public safety, which is the prime objective of the PRB (Bartels 2013).

The responsibility of reporting violations to the decision-making body (in WA, the PRB) lies with the CCOs whose role is to protect the community by appropriately managing offenders in the community (WA Department of Corrective Services [WADCS] 2013). A heavy workload may result in a focus on risk management where violations are reported to the detriment of rehabilitation and the offender's potential success on parole (Steen et al. 2013).

Method

In Western Australia the PRB makes decisions on parole and posts decision documents on its website. These documents include a range of information about the original offence, the sentence applied and data about the initial parole decision, as well as details of the parole violation that has caused the cancellation of the parole. These documents can be used to help understand the actions of female offenders that lead to their parole cancellation and reincarceration.

Data taken from these documents were noted, categorised and include:

- the nature of the offence for which the offender was originally incarcerated;
- the sentence duration and length of supervised release;
- whether the parole was mandatory or discretionary;
- the reason for which the parolee was reincarcerated;
- the number of days living in the community; and
- the range of additional conditions under which parolees were released.

Where the parole cancellation resulted from drug use, the nature of the drug was noted. Mandatory parole in WA applies where an offender is sentenced for a non serious offence, has not been previously sentenced within five years, and the sentence is 12 months or less. These parolees are not required to prepare a parole plan and are not assessed by the PRB with the same

scrutiny as those being released under discretionary parole. However, the PRB can place additional conditions on the mandatory parolee, such as urinalysis testing for the use of illicit substances or breathalyser tests for alcohol use.

The decision documents are publicly available on the PRB website. This website was reviewed weekly for a year to obtain the data for this project.

Sample and Descriptive Data

The data for 41 female parole cancellations were placed on the PRB website between 1 August 2013 and 31 July 2014. The information included in the decision document is limited in terms of demographics and, apart from gender, does not include information on age and ethnicity. The nature of offences for which the parolees were originally incarcerated ranged from 'no authority to drive' (disqualified/suspended) which ranked 141 under the 2009 National Offence Index (NOI) (Australian Bureau of Statistics 2009) to manufacture of illicit drugs (NOI ranking: 18). Some individuals had a cluster of offences and where this was evident the most serious offence was noted. These serious offences were then categorised in terms of the Australian and New Zealand Standard Offence Classification (ANZSOC) code. The most serious offences for which women were incarcerated are shown in Table 1.

As Table 1 reveals, almost half the offences originally committed by the parolees fell into two ANZSOC categories: 27 percent had originally committed an offence of 'unlawful entry with intent/burglary, break and enter' and a further 20 percent for 'illicit drug offences'.

The length of original sentences ranged from four months and 14 days to five years and two months and the supervised parole periods ranged from two months and six days to two years (the maximum parole period in WA under the Sentencing Act 1995). Twenty (48.8%) of the cases analysed were mandatory parolees.

Table 1 Most serious offence	
ANZSOC division title	Number of offenders in sample
Homicide and related offences	0
Acts intended to cause injury	1
Sexual assault and related offences	0
Dangerous or negligent acts endangering persons	5
Abduction, harassment and other offences against the person	1
Robbery, extortion and related offences	2
Unlawful entry with intent/burglary, break and enter	11
Theft and related offences	3
Fraud, deception and related offences	2
Illicit drug offences	8
Prohibited and regulated weapons and explosives offences	0
Property damage and environmental pollution	1
Public order offences	0
Traffic and vehicle regulatory offences	5
Offences against government procedures, security and operations	2
Miscellaneous offences	0

Based on the length of their sentences, only 16 of these offenders were likely to have had an IMP. The practicality and availability of appropriate programs makes it difficult for those offenders with short sentences (usually under 12 months) to access programs while still in prison. Program availability is more challenging for female offenders where smaller numbers of potential participants render it less economic to provide regular programs. It has been recognised that women in WA prisons are not being provided with appropriate programs (Office of Inspector of Custodial Services 2014b).

Data Analysis

The reasons for the cancellation of parole were extracted from the decision document, together with the date of release and the date of the CCO report that led to the parole cancellation. The number of days spent within the community was calculated to include the day of release but not the day of the report that caused the cancellation. It is acknowledged that this may not be a precise date for the failure, which could have been either a new offence or, as in most cases in this research, a breach of a condition of parole (as the individual may have engaged in previously unnoticed behaviour). It represents the date that the criminal justice system observed the failure. Data analysis involved both descriptive statistics and thematic analysis of the content of the decision documents. A statistical comparison is also provided between those offenders with mandatory parole and those with discretionary parole.

Results and findings

Results are presented in the following order: the nature of parole violations among female offenders in WA; the length of time spent in the community before returning to prison; and the financial cost of re-incarceration to the West Australian Department of Corrective Services. Supplementary data includes the number and nature of additional conditions of parole and the drugs used that led to the parole cancellation. For the most part only descriptive statistics are appropriate as a result of the similarity of the reasons for parole cancellation.

Additional parole requirements

In the cases analysed in this research, the number of additional requirements beyond those included in the Sentence Administration Act 2003 (WA) to which these parolees were subject ranged from one to 12. The average was six. Additional requirements are designed to address the specific individual needs of the parolee and can be categorised according to criminogenic needs as suggested by Andrews and Bonta (2010). In Table 2

the number of conditions under each criminogenic need is presented together with the percentage representing the proportion of the total number of additional conditions imposed.

Table 2 Additional conditions of parole		
Criminogenic needs	No. of needs	Percent of total needs
Accommodation	25	10
Education/employment	15	6
Mental health	58	24
Issues with drugs and/or alcohol	124	52
Family issues	3	1
Specific individual needs/conditions	16	7
Total	241	

Reasons for parole cancellation

The most common reason for cancelling parole was a urinalysis/breathalyser test that revealed illicit drug or alcohol use respectively, with 31 of the 41 cases in this category (76%). Another seven cases (17%) were failure to attend the urinalysis test in conjunction with failure to attend substance abuse counselling or supervision with their CCO. If these latter seven cases are considered as being related to drug use, the percentage for drug issues increases to 93 percent, although it should be noted that two cases related to alcohol rather than illicit drugs.

Table 3 Reasons for cancellations		
Action leading to cancellation	Number of parolees	%
Illicit alcohol/ drug use	31	76
Failure to attend urinalysis (2), substance abuse counselling (1), supervision appointments and urinalysis (4)	7	17
Reoffending	1	2.3
Failure to attend supervision	1	2.3
Failure to attend program	1	2.3
Total	41	99.9

Thirty eight of the 41 cases had parole cancelled as a result of urinalysis or some aspect of substance use. Details of the new offence for the reoffender were not provided, however the individual was originally incarcerated for fraud offences

and was just over 30 days away from completing her parole which was originally for 13 months.

Drugs used by the parolees resulting in re-incarceration

Those prisoners who returned to prison as a result of a urinalysis indicating drug use (excluding the two individuals who had an issue with alcohol) had used the following drugs, in order of most use:

- methylamphetamine (17);
- amphetamines (10);
- alcohol (5);
- cannabis (4);
- benzodiazepine (no prescription) (2); and
- codeine (1).

One of the decision documents noted that the parolee admitted to amphetamine use on her first day of release.

In several cases specific drugs were not included in the detail and there were also a number of instances where polydrug use was noted.

Number of days in community before failure

The number of days that the parolees remained within the community ranged from four to 365, with an average of 65 days. The reoffending case accounted for the maximum 365 days. If this case is excluded (as it is clearly different from the others), the average days for parolees remaining in the community was 58. Table 4 shows the spread of days in community.

Number of days	No of fails	%	Cumulative %
<30 days	15	37%	37%
<90 days	19	46%	83%
>90	7	17%	100%

An independent t-test conducted using the Statistical Package for the Social Sciences (SPSS, Version 22) revealed a significant difference in the number of days in the community for those released under mandatory parole and those released under discretionary parole. Mandatory parolees averaged 41 days in the community

compared with 88 days for those released on discretionary parole. Levene's Test for equality of variances indicated a significant difference in the variability of the groups. Independent t test results revealed t (df23.99) = 2.07, $p < 0.05$.

Days left to serve of sentence

The total number of days remaining on the sentences of these parolees is 5,292. This number is based on the assumption that their breach of the conditions of parole will make it more difficult for them to regain parole and that they will serve the remainder of their sentence in prison (Robert Cock, Chairman of PRB WA personal communication 26 Mar 2014). The PRB expects offenders to complete an appropriate program or programs in prison or be registered to attend a community program before being reconsidered for parole. Based on an average daily cost of \$317 for each prisoner incarcerated (WADCS 2013), this means that the cost of re-incarcerating the 41 women included in this research is approximately \$1.68 million, or an average \$41,000 each.

Discussion

This research sought to investigate what events result in a return to prison for female parolees. Background information about the nature of the offences originally committed, length of sentence and length of supervised parole was provided for context and to facilitate information for further calculations such as time spent in the community before observed failure.

The reason for returning to prison (in all but three cases) was a urinalysis test that revealed the use of illicit drugs or alcohol where such use was prohibited, or a failure to attend the urinalysis. The prime reason for reincarceration was therefore some interaction or action in relation to drug use. Only one offender or 2.3% of the sample was reincarcerated for a new offence.

The average time in the community for this sample was 58 days, with one parolee admitting to the PRB that she had used an illicit drug on the day of her release. This implies that the prisoner did not return to a

pro-social environment where appropriate support was available to meet her immediate needs. Additionally, this offender had a sentence of less than 12 months and was not on mandatory parole. This suggests that she may have been a repeat offender. Knowing the full circumstances of such early violation would assist in determining the needs of women released on parole. This gap in current knowledge should be addressed in future research.

The use of drugs has been linked to poor coping skills (Brodbeck, Bachmann & Znoj 2013). Steen et al. (2013) suggest that additional support rather than re incarceration may be appropriate to assist parole success. However, a recent initiative in Hawaii (HOPE) uses deterrence and has implemented a range of short-term consequences for parolees who violate parole (Lawrence 2010). This program appears to have been well accepted in practice, a situation that has been criticised by others (Duriez, Cullen & Manchak 2014). The program provides support for parolees but also includes swift and certain punishments for parole violations. These punishments are generally short, but for offenders who consistently violate parole conditions, the final punishment is the return to prison to complete their sentence. While this program has claimed success, it is not based on proven treatment conditions. Its deterrence effect may be short-term rather than address the long-term needs of the offenders, and developing opportunities for a prosocial life and long term desistance from crime (Duriez et al. 2014). HOPE may therefore be a bandaid solution for the short term. Taking a longer-term approach, it may be more economically beneficial to provide programs that address substance abuse and support offenders towards desistance from crime.

The substance abuse of female offenders may be linked to a range of psychological issues. Programs that help the offender to recover from historical issues may be an important aspect for treatment. A lapse may indicate that the parolee is not coping with some aspect of their life (Brodbeck, Bachmann & Znoj 2013) and additional support may help them through this

particularly difficult time (Steen et al. 2013). Given evidence showing that community-based programs can reduce recidivism (Aos, Miller & Drake 2006), programs that may start within prison and continued in the community should be provided to support parolees.

Drugs of choice for these parolees were methamphetamine and amphetamine, which can have more harmful effects for the user than cannabis (Nutt, King & Phillips 2010). In research analysing and ranking the harmful effects of various drugs, methamphetamine was more harmful than alcohol, which was in turn more harmful than amphetamine for the user. However, when both users and others were taken into consideration, alcohol was the most harmful of all the substances considered (Nutt et al. 2010). The data in this research indicated that just over 40 percent of the parolees had used methamphetamine, placing themselves at risk of harmful effects.

A number of the sentences were short and as a result many of these female offenders would not have been eligible to participate in prison-based programs that could help them to address their addictions and mental health issues. That said, many of the requirements of the parole release did include attendance at programs (including for substance abuse), counselling, or working with their general practitioner and/or mental health professional to address mental health issues. Of the 241 additional parole requirements (see Table 2), 52 percent related to drug and alcohol issues and a further 24 percent to mental health issues. It may be that the lack of attendance at an in-prison program is less important than participation in a community-based program. Community-based programs have been reported to be more effective than in-prison programs (Aos, Miller & Drake 2006). As an example, in their analysis of 291 programs, Aos et al. (2006) examined the effectiveness of drug treatment programs. In-prison programs provided reduced rates of recidivism between 5.3 percent and 6.9 percent. Community-based treatment was found to be more effective, with a reduced recidivism rate of 12.4 percent. Perhaps

women parolees need a more intensive treatment program that also addresses coping with other life events. However, further investigation of this issue is required. Review of drug and alcohol use by female offenders is important as most of the female parolees were returned to prison as the result of a parole violation relating to drug and alcohol use.

As one of the considerations for approving parole is the offender's behaviour while on parole, a parole cancellation will affect the offender's opportunity for a further release on parole. Additionally, the average number of remaining sentence days for these offenders is 129, or just over four months. This is possibly too short a time to successfully reapply for parole, especially when the PRB expects the offender to have addressed the cause of their breach. For most cases in the present research, this translates to the completion of a substance abuse program, which may extend over a number of months. The timing or availability of such programs does not allow adequate time for offender participation.

Some of the additional conditions of parole expect that the offender has time available once released (for supervision, urinalysis and program participation) and yet these conditions may affect employment opportunities (Buck 2000). In some cases both attendance and employment conditions were mandated. However employment conditions were only mentioned in 15 cases and represented 6 percent of the total requirements. It may be that a significant proportion of the women were returning to the community to take care of children, making a condition of education and/or employment redundant.

Most of the specific requirements of parole fit with Andrews and Bonta's psychology of criminal conduct, but are based in the practicalities of everyday life and on situations that may affect the individual's decision whether or not to reoffend.

Mandatory parole may not be beneficial in terms of preparation for release as evidenced by the significant difference between the length of time in the community

between mandatory and discretionary parolees. Those on discretionary parole lasted on average seven weeks more than those on mandatory parole before observed failure. There may be some positive effects in terms of motivation to succeed related to the increased planning that those seeking discretionary parole undertake compared with those provided with mandatory parole. Recent research indicates that supervision reduces the commission of new offences (Wan et al 2014) and further investigation of the effects of supervision on adherence to parole conditions may also be appropriate.

The WADCS has estimated that the cost of supervising an offender in the community is \$49 a day, compared to \$317 a day in prison. On this basis, the cost of community supervision for the remaining days of the women's sentences would be \$260,000 (plus the additional cost of increased support to facilitate parole success or additional substance abuse programs), considerably less than the financial cost of re-incarceration. Furthermore, additional programs that support the parolee can have personal benefits for the individual, family, and community as the cycle of recidivism is more likely to be broken.

Appropriate accommodation and employment have been identified as important precursors of successful reintegration (Linney 2013; Lockwood et al. 2012). However, for this sample of female parolees, employment was not as highly relevant to their criminogenic needs as demonstrated in Table 2 where the number of additional conditions has been outlined. The specific needs for good mental health and the ability to desist from substance abuse have been recognised, with almost all of the cases having specific requirements.

The fact that 52 percent of the total additional conditions referred to drug and/or alcohol use indicates the degree of attention being paid by the PRB to such use as a precursor to offending behaviour. In many of the decision documents the connection between previous offending and substance use is mentioned as the reason for the re-incarceration. Mental health issues were the second highest category of

additional conditions at 24 percent of the total conditions applied by the PRB. Vogel, Stephens and Siebels (2014) recognising the importance of risk management of offenders in the community, also indicate that supportive comprehensive re-entry programs should be available in addition to increased supervision. These suggestions are provided in the spirit of supporting parole success.

Conclusion and Recommendations

This research has provided some insight into the re-entry challenges faced by female offenders. It is clear from the reasons for parole cancellation that a more effective approach is needed for substance abuse to better address these issues either within the prison walls or once the individual has moved back into the community. The reasons for returning to substance use require further investigation. Further research is also needed to investigate the coping mechanisms of females released on parole and the life events that may lead to parole violation.

The following recommendations are based on the findings in this paper.

- While remaining true to their role in managing offenders in the community, CCOs also need to have the flexibility to provide support and/or have more extensive referral systems in place when the offender is experiencing difficult life events.
- The difference between lapses and relapses for substance use needs to be considered and additional support provided to prevent lapses from becoming relapses.

- An increased focus is needed on making programs available that provide prosocial support to help parolees succeed in the community.
- The cost effectiveness of community programs should be considered in view of the high financial cost of reincarceration borne by the Department of Corrective Services.

Although breach of parole conditions is complex, lack of attention to these recommendations is likely to result in the continuation of the cycle of re-offending from which it is difficult to escape without appropriate support.

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