



Legislative Assembly for the ACT

STANDING COMMITTEE ON COMMUNITY  
SERVICES AND SOCIAL EQUITY

**The forgotten victims of crime:  
families of offenders and  
their silent sentence**

June 2004

**REPORT 06**

## Committee membership

Mr John Hargreaves MLA (Chair)

Ms Roslyn Dundas MLA (Deputy Chair)

Mrs Cross MLA

Mr Cornwell MLA

Secretary: Ms Jane Carmody

Administration: Mrs Judy Moutia

## Resolution of appointment

To examine matters related to municipal, family and youth services, services for older persons, housing, poverty, children at risk and multicultural and indigenous affairs.<sup>1</sup>

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<sup>1</sup> Legislative Assembly for the ACT, *Minutes of Proceedings, No 2, Fifth Assembly*, p 12

## Terms of reference

Inquire into and report on:

1 The effectiveness of support services for families of people in custody from the ACT with particular reference to:

- availability;
- services to families while the family member in custody;
- support for partners anticipating the return of the other partner from custody, specific support for children anticipating the return of a parent and general support for the family unit anticipating the return of a family member from custody;
- services to families following the release from custody of the family member;
- co-ordination of services.

2 The availability and effectiveness of services to assist young people in the transition from Quamby into the community with particular emphasis on:

- co-ordination and co-operation between the government and non-government sectors in the provision of relevant programs; and
- co-ordination and co-operation within and between the government agencies in the provision of relevant programs.

3 Any other related matter



## Preface

In 1997, the NSW Legislative Council Standing Committee on Social Issues tabled a report into children of imprisoned parents. To avoid any misunderstandings about the purpose and intent of their inquiry, the NSW committee stated the following very early in the report:

In undertaking these analyses the Committee emphasises that this Inquiry is not about the rights of prisoners. It is not about absolving prisoners who are parents of their offending conduct. Rather, the Report is about the rights of children to be spared unnecessary hardship, trauma and discrimination because of their parent's imprisonment.<sup>2</sup>

The above statement captures this Committee's focus and intent in undertaking this inquiry, except that we have focused on families not just the children.

In the contemporary literature on restorative justice principles, there are three prongs.

- The first is rehabilitation of the offender in a corrective services institution, or other rehabilitative mechanisms.
- The second is the restoration of a rehabilitated offender into the community with every hope of successful acceptance by the community of the former offender as a valued member of that community.
- The third is the restoration of the community for the harm perpetrated upon it by the offender. These processes involve reparation and support.

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<sup>2</sup> NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, p 3

The families of offenders are integral members of the community who have suffered harm, indirectly, resulting from the offence. It is the third part of the restorative justice principle, which the Committee has addressed in its deliberations.

I am aware that in many ways this would have been an easier inquiry if we had just focused on the children of those in custody. Children are more easily seen as ‘innocent’ victims.

While to do so would have been easier, the Committee believes that it would have been short sighted. If we are concerned about the children then we must recognise that they do not exist in isolation but in relation to their whole families.

More fundamentally, the Committee believes that ‘families’ matter – and that the concern of a mother whose son is incarcerated is no less worthy of our considered attention than concerns about the child of a person in custody.

In many respects, this inquiry and report comes closest to capturing the essence of this Committee’s work. We are the Committee for Community Services and Social Equity – responding to the needs of families of people in custody is at the coalface of a truly equitable society.

John Hargreaves MLA  
Chair

7 June 2004

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## Summary of recommendations

### RECOMMENDATION 1

5.24. The Committee recommends that the Government develop a policy framework for services for families of people in custody as outlined in Chapter 5 of this report, which acknowledges the need for:

- specialist not general services;
- services responsive to the changing needs of families over time;
- separate services for major crimes;
- services that recognise the parental status of people in custody; and
- services that are culturally appropriate; and

which includes a specific plan for enhancing support services for these families.

### RECOMMENDATION 2

5.25. The Committee recommends that the Government ensure appropriate funding is allocated to implement the policy framework referred to in Recommendation 1.

### RECOMMENDATION 3

6.14. The Committee recommends that the Government develop and/or make available brochures that provide information about:

- what happens to people who are in custody from the ACT;
- how to make contact/visit people in custody in the ACT;

- the range of services available to assist people to visit their family members in custody in NSW;
- the likely emotional impact of incarceration and support services that are available to deal with the impacts of incarceration; and
- what/how to tell children about having a family member in custody.

#### **RECOMMENDATION 4**

6.16. The Committee recommends that the information brochures referred to in Recommendation 3 be:

- freely and widely available including at the courts, remand centres, Quamby, police stations, refuges, community organisations and on the internet; and
- produced in a range of community languages.

#### **RECOMMENDATION 5**

6.21. The Committee recommends that the Government develop a strategy for proactively providing free copies of the Jailbreak Families CD to the families of people incarcerated in NSW.

#### **RECOMMENDATION 6**

6.31. The Committee recommends that the Government fund an organisation to provide a family support worker to:

- provide welfare assistance to families of people in custody; and
- develop targeted information, in conjunction with relevant service providers (e.g., the Hepatitis C Council, Mental Health Foundation), relating to the health and well-being of family members of people in custody.

## **RECOMMENDATION 7**

**6.33. The Committee recommends that the Government provide specific, additional funding to Winnunga for the family support work that it does with indigenous families of people in custody.**

## **RECOMMENDATION 8**

**6.45. The Committee recommends that the Government fund the following services on a two-year pilot project basis, with a view to assessing the level of need and establishing a permanent service:**

- professional counselling specifically for families of people in custody; and**
- the establishment of a peer support group.**

## **RECOMMENDATION 9**

**6.46. The Committee recommends that the family support worker proposed in Recommendation 6 collaborate with Prisoners Aid and other relevant organisations to develop a larger network of volunteers.**

## **RECOMMENDATION 10**

**6.56. The Committee recommends that, in relation to pre-release planning and programs for the new ACT prison, the Government ensure:**

- a key aim is the restoration of families;**
- the process for developing individual plans starts on the day the person is received into custody; and**
- the portfolio containing corrective services is responsible for developing a collaborative approach with other agencies to the needs of families post release.**

## **RECOMMENDATION 11**

**6.63. The Committee recommends that the Government ensure in policy and practice, eligible inmates who are the primary carers of children, are considered for an out of turn allocation by Housing ACT on their release from custody.**

## **RECOMMENDATION 12**

**6.73. The Committee recommends that the Government provide for units in the new ACT prison that allow primary caregivers, whether on remand or sentenced, to maintain children up to pre-school age with them, where that is assessed as being in the children's best interests.**

## **RECOMMENDATION 13**

**6.76. The Committee recommends that the Government approach the Commonwealth Government requesting that they fund a long-term study into the effects on children of residing in prison.**

## **RECOMMENDATION 14**

**6.81. The Committee recommends that the Government include parent education programs in the core set of programs available to inmates in the new ACT prison.**

## **RECOMMENDATION 15**

**6.84. The Committee recommends that the Government commit to providing regular family leave for suitable prisoners once a prison is established in the ACT.**

## **RECOMMENDATION 16**

**6.89. The Committee recommends that the Government develop and implement a system for keeping data on the**

parental status of those in custody from the ACT and other relevant information about their children.

#### **RECOMMENDATION 17**

6.96. The Committee recommends that as a matter of priority the Government appoint a Children's Officer within ACT Corrective Services to:

- promote the needs of children of people in custody in the development of corrections policy and practice;
- review and develop protocols regarding children of people in custody including protocols for:
  - visits by and searches of children; and
  - the care and treatment of children present during arrests;
- act as a liaison point for relevant government and non-government stakeholders (including the police and independent statutory offices such as the Office of the Community Advocate); and
- develop and coordinate a network of the agencies that interact or are likely to have contact with these children in the ACT.

#### **RECOMMENDATION 18**

6.100. The Committee recommends that the Government allow access to support services to families in the ACT with a person in custody, regardless of whether the person in their family has committed or is alleged to have committed an offence in the ACT or interstate.

#### **RECOMMENDATION 19**

7.19. The Committee recommends that the Government ensure the new ACT prison has a visiting centre designed to

accommodate the needs of child visitors including access to toilet facilities in the visiting room.

#### **RECOMMENDATION 20**

7.20. The Committee recommends that the Government review current regulations in ACT corrections facilities to ensure that:

- inmates can read books to their children during visits;
- inmates can receive pictures from their children during visits which have been cleared by security;
- there are a range of toys and activities for children (e.g., colouring, puzzles, chalk board); and
- inmates can wear 'normal' prison clothing and not overalls.

#### **RECOMMENDATION 21**

7.22. The Committee recommends that the Government incorporate in the design of the new ACT prison the need for waiting visitors to have adequate shelter outside the prison and for there to be a sufficiently large reception area.

#### **RECOMMENDATION 22**

7.27. The Committee recommends that the Government make provision for older children to have overnight and day stays in the new ACT prison.

#### **RECOMMENDATION 23**

7.31. The Committee recommends that the Government review visiting hours at BRC and the Symonston Temporary Remand Centre to provide for a later afternoon mid-week visiting time.

## **RECOMMENDATION 24**

**7.32. The Committee recommends that the Government ensure visiting times for the new ACT prison enable families to have contact with inmates both during the week and on weekends.**

## **RECOMMENDATION 25**

**7.35. The Committee recommends that the Government ensure there is adequate public transport to the new ACT prison.**

## **RECOMMENDATION 26**

**7.47. While acknowledging inmates may be strip searched, the Committee recommends that the Government commit to a policy of not strip searching visitors to the Belconnen Remand Centre, Symonston Temporary Remand Centre, Quamby or the new ACT prison once it is built.**

## **RECOMMENDATION 27**

**7.51. The Committee recommends that the Government ensure current and future regulations for ACT corrections facilities do not result in visits being used as a behaviour management tool.**

## **RECOMMENDATION 28**

**7.55. The Committee recommends that the Government develop training for current and future corrections staff on the importance of family contact and visitors' experiences.**

## **RECOMMENDATION 29**

**7.65. The Committee recommends the Government commit to assisting the families of people in custody in NSW by:**

- reviewing the adequacy of the current subsidy offered to families travelling to interstate prisons;
- putting on a regular bus service to the main institutions (eg once a month to Goulburn and Junee); and
- investigating the possibility of bringing back ACT prisoners to an ACT remand centre for short periods where family circumstances are such that there are extreme difficulties visiting them in NSW.

### **RECOMMENDATION 30**

9.17. The Committee recommends that the Government develop and implement a strategy for supporting the families of young people in Quamby that includes the provision of services to families on a proactive basis when the young person is incarcerated and after they are released.

### **RECOMMENDATION 31**

9.18. The Committee recommends that the Government develop a range of culturally appropriate information brochures and posters for families of young people in Quamby advising them of where to get help and how the incarceration of their young people may be affecting their family.

### **RECOMMENDATION 32**

9.19. The Committee recommends that the Government consider funding a non-government organisation to work with the young people at Quamby to produce a CD about Quamby (similar to the Jailbreak Families CD referred to in Recommendation 5) targeted at families, particularly siblings.

### **RECOMMENDATION 33**

**9.20. The Committee recommends that the Government provide a specific notice board at the Children’s Court for information about family support services.**

### **RECOMMENDATION 34**

**9.26. The Committee recommends that in relation to families maintaining contact with their young person in Quamby the Government:**

- review the visiting times to provide for day visits on weekends;**
- inform families at the outset that assistance can be provided to enable them to visit Quamby; and**
- establish, as part of the upgrade of Quamby, a phone system that would allow detainees in Quamby longer and more outgoing calls.**

### **RECOMMENDATION 35**

**9.31. The Committee recommends that the Government work collaboratively with government and non-government agencies to establish procedures for providing support and education to expectant mothers and other parents in Quamby.**

### **RECOMMENDATION 36**

**10.10. The Committee recommends that the Government incorporate into an evaluation of Home Detention Orders the specific assessment of the impact on families.**

### **RECOMMENDATION 37**

**10.18. The Committee recommends that the Government review the adequacy of existing diversionary programs and non-**

**custodial sentencing options, with particular attention on offenders who may require substance abuse rehabilitation and re-lapse prevention options.**

#### **RECOMMENDATION 38**

**10.24. The Committee recommends that the Government ensure a preventative and proactive approach is taken to the healthcare needs of inmates in the new ACT prison.**

#### **RECOMMENDATION 39**

**10.28. The Committee recommends that if the new ACT prison accommodates NSW inmates, then the Government should:**

- establish and maintain a dialogue with NSW Corrections *specifically* in relation to the needs of NSW families;**
- create a mechanism for monitoring and responding to any increase in the demand for services in the ACT, particularly indigenous services; and**
- consider the cross-border financial implications of families transferring into the ACT.**

#### **RECOMMENDATION 40**

**10.41. The Committee recommends that the Government:**

- develop and make publicly available a plan for including the local community in the design process for the new ACT prison; and**
- establish a community advisory group to provide input into the prison, which includes a sub-group specifically tasked to provide input on the needs of families of those in custody.**

## **RECOMMENDATION 41**

**10.45. The Committee recommends that the Government write to the Commonwealth Minister for Justice concerning:**

- the inclusion of support services for families of people in custody on the Ministerial Council on the Administration of Justice's agenda; and**
- the establishment of an internet clearinghouse focused on support services for families of people in custody, which is accessible to both government and non-government agencies.**

## **RECOMMENDATION 42**

**11.8. The Committee recommends that the Government consider implementing the recommendations in this report in the context of immediately establishing a family support centre next to Quamby, to provide services to families of the young people in Quamby and the inmates in the Symonston Temporary Remand Centre.**

# 1. Introduction

## Scope of the inquiry

1.1. The first term of reference for this inquiry was to examine support services for families of people in custody from the ACT. There are two key aspects to this reference: the first is 'families' and the second is 'people in custody'.

1.2. The Committee adopted a reasonably broad approach to each of these terms throughout the inquiry. Under the umbrella of 'families' the Committee has considered:

- immediate family (ie partner, children, mother, father)
- extended family (eg grandparents)
- close friends (who may play a significant role in their life)

1.3. In regard to 'people in custody', the Committee has considered both adults and children who are in either:

- police custody;
- remand; or
- prison.

1.4. The Committee did not specifically consider the needs of those people who are subject to mental health treatment orders and as such, are considered to be in custody within a hospital.

## Conduct of the inquiry

1.5. The Committee advertised the inquiry in *The Canberra Times* and *The Chronicle* in September and October 2002. In addition, letters inviting input were sent to organisations expected to have an interest in the inquiry.

1.6. A total of 11 submissions were received. A list of submissions received is at Appendix 1.

1.7. The Committee conducted public hearings and the details of those who appeared are at Appendix 2. The Committee also heard from a number of people in-camera.

1.8. The Committee inspected the visiting centres and discussed the visit processes for the two prisons/corrections centres which detain most of those who are in custody from the ACT – the Goulburn Corrections Centre in NSW and the Belconnen Remand Centre in the ACT.

1.9. The Committee also visited a number of Western Australian prisons. This was primarily to inspect their unique model of *visitors'* centres that are collocated with their metropolitan prisons. (These visitors' centres are the first port of call for people visiting the prisons and are run by a non-government organisation.)

1.10. The Committee would like to thank all who participated in this inquiry. Many organisations and individuals gave generously of their time. In particular, the Committee would like to thank the Department of Justice in Western Australia for hosting the Committee during its visit and Outcare for showing the Committee their visitors' centres.

1.11. Lastly, the Committee would like to record its appreciation to the individuals who gave in-camera evidence to the Committee about their experiences as family members of someone in custody. The Committee thanks them for their courage in coming to speak about such personal issues.

## Focus of this report

1.12. This report deals with the *first* term of reference for this inquiry. The second term of reference, which is to examine the services that assist young people in transition from detention to the community, will be reported on separately.

1.13. While there is relatively little Australian research on the effects of incarceration on families, there have been three, relatively recent, comprehensive studies.

1.14. They are:

- a 1997 report of the NSW Legislative Council Standing Committee on Social Issues - *Children of Imprisoned Parents*;
- a 2000 report by the Victorian Association for the Care and Resettlement of Offenders - *“Doing it hard” – A Study of the Needs of Children and Families of Prisoners in Victoria*; and
- a masters thesis published in 2004 by Mr Simon Quilty - *The health of the family and children of prisoners*, from the Department of Public Health in the Faculty of Medicine at the University of Sydney.

1.15. The Committee’s aim in this report is not to duplicate their research or findings, but rather to build on them and contribute to the ongoing policy discussion on these important issues from an ACT perspective.



## 2. The impact on families

2.1. Some people might ask – why help the families of offenders? Why have an inquiry into the needs of families of those in custody when the victims of crime are more worthy of our attention?

2.2. The Committee strongly believes that it is important for those who have crimes perpetrated against them to receive adequate support and services. At the same time, the Committee believes that it is also important for society and policy makers to look at the effect of incarceration on the families of those in custody.

2.3. This inquiry has therefore been a process of considering two major issues:

1. the impact of incarceration on families; and
2. the kinds of services and availability of those services that might lessen the impact.

### Families as ‘tertiary’ victims

2.4. In considering these issues the Committee formed the view that the families of people in custody are what may be classified as ‘tertiary’ victims of crime.<sup>3</sup> (The primary victims of crime are those who have crimes committed against them and the secondary victims of crime are family members of the primary victim and witnesses to crime.)

2.5. The Committee notes that the Victims Of Crime Assistance League (ACT) Inc. (VOCAL) supports the concept of families also potentially being victims of crime. In its brochures VOCAL defines a victim of crime as someone who has suffered harm

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<sup>3</sup> Transcript of Evidence, 16/10/03, p 103

because of a criminal act and explicitly includes “family members or close friends of the person who committed the crime.”<sup>4</sup>

2.6. While as a society we have come some way in recognising the needs of primary victims and, to a lesser extent secondary victims, the needs of families of those who are incarcerated, or the tertiary victims, have received very little attention.

2.7. There are a number of reasons why this may be so, not least of which are some of the community attitudes and beliefs about offenders and their families.

2.8. For example, some people believe that families themselves ‘breed’ criminals or that they are ‘guilty by association’. The effect of this belief can be reluctance by politicians to address the issue for fear of appearing ‘soft on crime’. As one commentator has noted:

It would be political suicide to build up one picture of crime and criminals to the voting public, instilling fear and prejudice and present a law and order platform and then contravene it by aiding prisoners’ families.<sup>5</sup>

2.9. In relation to the perceptions of these families in the context of broader law and order debates, the Committee notes the following statement by the Hon Mr Justice David Harper:

If truth is the first victim of war, one of the first victims of crime is objectivity in the debate about punishment. No topic of general interest is tackled with less reason or reasonableness. No subject is more vulnerable to rank political opportunism, media irresponsibility or meanness of spirit. And it is the latter which particularly

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<sup>4</sup> Victims Of Crime Assistance League (ACT) Inc. brochure

<sup>5</sup> Smith, S., quoted in Larman, G, & Aungles, A. (1991) ‘Children of prisoners and their outside carers: the invisible population’, proceedings ‘Women and the law’ conference convened by the Australian Institute of Criminology, p 264

affects the families, including the innocent children, of prisoners. They, too, are the victims of crime...<sup>6</sup>

2.10. Research does show that there are often disturbing patterns of a family history of imprisonment<sup>7</sup> but no evidence was provided to the Committee that suggests families are inherently criminal, (i.e., that there is a genetic basis to crime) or that they should not be given support.

2.11. The reality of family histories of imprisonment is one of the reasons the Committee is concerned about the impact of incarceration on families.

Supporting children and families is an investment in the future, particularly for children who potentially become the next generation of offenders without appropriate early interventions and supports to ameliorate the impact of parental imprisonment.<sup>8</sup>

2.12. The Committee also notes that there are some very pragmatic reasons why society should consider ways to reduce the impact of incarceration on families. The most obvious is the large amount of literature, which shows that maintaining family and community bonds, in particular being re-connected with their families after they are released is a key factor in reducing recidivism.<sup>9</sup>

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<sup>6</sup> Foreword to Tudball, N., (2000), *“Doing it hard” – A Study of the Needs of Children and Families of Prisoners in Victoria*, Victorian Association for the Care and Resettlement of Offenders, p v

<sup>7</sup> See for example Tudball, N., (2000), *“Doing it hard” – A Study of the Needs of Children and Families of Prisoners in Victoria*, Victorian Association for the Care and Resettlement of Offenders, p 32

<sup>8</sup> Salomone, J., (2003), ‘Issues Paper 1 – Prevention of suicide and self-harm’ in *Towards Best practice in Women’s Corrections: the Low Security Prison for Women 2001-2004*, Department of Justice, Western Australia, p 8

<sup>9</sup> See for example NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, p 95; evidence from the NSW Corrective Services’ Research and Statistics Division from 1978 cited in ‘Kids do time too!’ Factsheet Number 9 of the South

2.13. As Prisoners Aid noted in their submission:

The greater the contact between prisoners and their families, the better the prospect of their successful reintegration into the community and the lower the risk of their committing further crimes. There is a business case for supporting the families of prisoners.<sup>10</sup>

2.14. Where support services for families do exist (and this is rare) this is often the stated rationale for the funding of these services.

2.15. While acknowledging the importance of reducing recidivism, this inquiry's focus has in many ways been simpler. The Committee's focus has been more on the human cost to families of people in custody, rather than seeing them as a vehicle for preventing the re-offending of a family member.

2.16. The following section looks briefly at the human cost of incarceration.

## The impact of incarceration on families

2.17. Few people can imagine what it would be like to get a call in the middle of the night informing them that their child is in police custody, or that their partner is on remand. Or what it would be like to be in the court while their partner gets handed a jail sentence as they hold onto the hands of their children so they can see their parent one more time (and because there is no one else to look after them).

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Australian Anti-Poverty Working Group, July 2000 and Salomone, J., (2003), 'Issues Paper 6 – Family and community visits' in *Towards Best practice in Women's Corrections: the Low Security Prison for Women 2001-2004*, Department of Justice, Western Australia, p 4

<sup>10</sup> Submission 7, Prisoners Aid (ACT) Inc., p 3

2.18. The following gives a small window into what it might be like.

Imagine, you are sitting watching TV one night and the Police knock on your door to arrest your partner. You have no idea of your rights, your house is searched, you and the children are scared and crying and your man is taken into custody. You are told he will appear in court the next day. Where, can I see him? Can he take anything with him? What does the inside of the court look like? What should I wear? Should I take the children? Should I tell the children what has happened? Should I tell my family or wait to see what happens in court? Who will be in the court room? Can I speak? How do I get a lawyer?

Then he gets sentenced and then you have to cope with the first visit. How do I organize the visit? How long can I see him? What can I take in? What can I wear? Can the kids come? What sort of identification do I need? Can I touch him? Can he hug the kids? How do I get to the prison? Can I give him some money?

Then you can bet that once she has learned how to cope with that prison, he will no doubt be transferred elsewhere and the family will have to learn new rules and adjust to more changes.<sup>11</sup>

2.19. Lives are literally turned upside down when a family member is taken into custody – whether that is police custody, remand or as a prisoner serving a sentence.

2.20. The Invisible Sentence Project being conducted at the Central West Women's Health Centre in NSW has been looking at the impact on women who have a family member in prison. The

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<sup>11</sup> O'Keefe, L., (2000), 'The Partners of Prisoners: Their reality, how they contribute to the criminal justice system and prisoner rehabilitation and how we can assist', paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology, p 4

women who participated were primarily partners of the inmate with children but the group also included mothers and a sister.

2.21. The project has found, not unexpectedly, that most women reported psychological trauma as a direct result of the imprisonment of their family member. The range of impacts being experienced by these women included:

...grief and loss, loneliness and isolation, stigma, worry about the inmate, anger about perceived injustice and a sense of helplessness, increased responsibility, distress in trying to deal with the children's issues, frustration and difficulty in dealing with the gaol system, practical difficulties with accessing affordable transport or accommodation and financial hardship.<sup>12</sup>

2.22. This project described the way in which women's roles change as a result of a family member's incarceration and that they can become "visitors, providers and counsellors, as well as the main breadwinners".<sup>13</sup>

2.23. Although the Committee believes that some men, particularly those who are left to be the primary carer of children could also experience a similar change in their roles, there are some aspects that are unique to women.

...while prison increases the importance men place on emotional toughness and power they become increasingly emotionally dependent on women outside.<sup>14</sup>

Most women experience being controlled and/or manipulated by their partners who are serving a prison sentence.<sup>15</sup>

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<sup>12</sup> Scott, P., (2003), 'The Invisible Sentence Project', Central West Women's Health Centre, Bathurst NSW, p 4

<sup>13</sup> *ibid* p 11

<sup>14</sup> *ibid* p 11

<sup>15</sup> *ibid* p 12

2.24. In addition to dealing with changes in circumstances such as becoming a sole carer, losing a partner and increased family distress and conflict, families must also confront the social impact of incarceration.

...families must survive the day to day practicalities of life while coping with disenfranchisement, and dismemberment, discrimination and stigma.<sup>16</sup>

2.25. For the families, negative community attitudes and beliefs can mean that they are reluctant to share with their friends what is happening and therefore lose access to their natural support networks.<sup>17</sup> It can also mean that they do not want to disclose the changes in their circumstances to service providers (such as Centrelink, Housing ACT, schools, childcare centres - who may need to know) for fear of the outcomes/impacts.

2.26. There are also the economic or financial impacts of incarceration. This is often considered by the families of people in custody as one of the major problems resulting from incarceration.<sup>18</sup>

2.27. In South Australia, the Partners of Prisoners Program has identified what they refer to as the two-month “trough” that partners fall into when one partner is incarcerated and the household income changes. While there is one less mouth to feed, this does not balance with the reduction in lost income and the

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<sup>16</sup>O’Keefe, L., (2000), ‘The Partners of Prisoners: Their reality, how they contribute to the criminal justice system and prisoner rehabilitation and how we can assist’, paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology, p 3

<sup>17</sup> See for example Scott, P., (2003), ‘The Invisible Sentence Project’, Central West Women’s Health Centre, Bathurst NSW, pp 8-9

<sup>18</sup> Aungles, 1994; Bakker et al., 1978; Ferraro et al., 1983 cited in Scott, P., (2003), ‘The Invisible Sentence Project’, Central West Women’s Health Centre, Bathurst NSW, p 17

costs of supporting and visiting the partner in prison.<sup>19</sup> Even when it is the primary carer that is incarcerated (as opposed to the 'breadwinner') the household still loses "vital economic resources as well as social and emotional capital".<sup>20</sup>

## The special needs of children of prisoners

2.28. While the effects on adult family members is difficult enough, it is arguable that the children in these families are in a far more concerning situation when their parents are incarcerated.

2.29. The Victorian Association for the Care and Rehabilitation of Offenders (VACRO) published a study in 2000 of the needs of children and families of prisoners in Victoria. The research was undertaken to identify specific areas of need of prisoners' children. It included a literature review and discussions with over 200 prisoners and caregivers from 6 men and women's prisons across the state.<sup>21</sup>

2.30. The key findings of the literature review were that children whose parents are incarcerated experience a range of behavioural and emotional effects including fear, anxiety, anger, guilt and confusion.

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<sup>19</sup> O'Keefe, L., (2000), 'The Partners of Prisoners: Their reality, how they contribute to the criminal justice system and prisoner rehabilitation and how we can assist', paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology, p 5 and Scott, P., (2003), 'The Invisible Sentence Project', Central West Women's Health Centre, Bathurst NSW, p 17

<sup>20</sup> Watts, H., cited in 'Kids do time too!' Factsheet number 9, South Australian Anti-Poverty Working Group, July 2000.

<sup>21</sup> Tudball, N., (2000), *"Doing it hard" – A Study of the Needs of Children and Families of Prisoners in Victoria*, Victorian Association for the Care and Resettlement of Offenders, p xi

2.31. Incarceration can also lead to physical symptoms, regressive behaviour (e.g., bed-wetting) and developmental delays in their children.<sup>22</sup>

2.32. The study also noted:

Many children experience disruption in their care when a parent is incarcerated. This may be the result of the primary caregiver being arrested or going to prison or a consequence in changes in economic circumstances for the family that can result in forced re-location for the children and family. Multiple placements, care provided outside the child's normal community, with unfamiliar caregivers, or in fostercare, or loss of the family home, were found to be common experiences for children of incarcerated parents (Zalba, 1964, Baunach, 1979, Koban, 1983, Johnston, 1991&1992, the Howard League for Prison Reform, 1993).<sup>23</sup>

2.33. The impact on children is not simply short term. Children with incarcerated parents are more likely to experience a range of serious long-term impacts including:

- adverse mental health outcomes;
- increased exposure to infectious diseases; and
- increased likelihood of contact with the justice system.<sup>24</sup>

2.34. The range and significance of the impacts on children cannot be overstated. It should also be borne in mind that the number of

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<sup>22</sup> *ibid* p xiii and Larman, G., (2000), 'Raising the profile of children of prisoners', paper presented at the World Forum 2000 Children First Conference, pp 5-6

<sup>23</sup> Tudball, N., (2000), *"Doing it hard" – A Study of the Needs of Children and Families of Prisoners in Victoria*, Victorian Association for the Care and Resettlement of Offenders, p xiii

<sup>24</sup> Quilty et al., (2003), 'Impact of prisons on the wider community: children in the first line of fire', presentation to the Public Health Association of Australia Incarceration Conference.

children within our community and across Australia who experience parental incarceration is not insignificant either.

2.35. It has been estimated that approximately 145,000 children under 16 years of age have experienced parental incarceration in Australia at some point in their lives. In NSW in 2001 the number of children 16 years and under *who has ever experienced* parental incarceration was estimated to be about 60,000 children. This figure represents 4.3% of all children in NSW and 20.1% of all indigenous children. Of these 60,000 children, 60% experienced parental incarceration before they turned five.<sup>25</sup>

2.36. At the very least, these estimates reflect what should, in the Committee's view, be considered an extremely serious public health issue. Despite this, comparatively few resources are made available to address the public health consequences of parental incarceration and the burden on the community remains uncoded.

2.37. While it is not possible to obtain exact figures on how much is spent on the health and welfare needs of children of people in custody across the country, the general lack of programs across all jurisdictions is in itself evidence of minimal funding. In NSW total spending by the Department of Corrective Services on community organisations for the 'Families of Offenders Support Stream' was \$776,217 in 2002-2003.<sup>26</sup>

2.38. By way of contrast, one could consider the public health burden of meningococcal disease and the community's response. In 2001 there were 670 cases of meningococcal disease reported to health authorities across *the whole of Australia*. About 32%, or 214 of these cases, were caused by meningococcal C.<sup>27</sup> In response to concerns about meningococcal C, the Commonwealth Government

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<sup>25</sup> *ibid*

<sup>26</sup> Correspondence from Mr Ron Woodham, NSW Commissioner for Corrective Services, dated 23/4/03

<sup>27</sup> <http://www.health.gov.au/pubhlth/strateg/communic/factsheets/mening.htm> accessed 7/5/04

is now funding a free vaccine to those most at risk. This national vaccination program cost \$41million to implement in its first year.<sup>28</sup>

2.39. While few would argue against the funding for the meningococcal vaccine, the Committee believes resources should also be prioritised for the 145,000 children potentially suffering significantly poorer health outcomes due to their parents' incarceration.

If the mark of a civilised society is the treatment of its prisoners, then we must ask ourselves what kind of a society are we condoning when the rights of children of prisoners are continually marginalized and rendered invisible.<sup>29</sup>

## Indigenous families

2.40. In addressing the fundamental issue of why the families matter, the Committee is particularly aware of the effects of incarceration on indigenous people and their families. In the last twenty years there has been considerable research into the often-disastrous impacts of incarceration on indigenous people.<sup>30</sup>

As numerous reports have highlighted, Aboriginal people's incarceration is intergenerational. It is not uncommon for generations of the same family to have experienced incarceration and for parents and their children to be incarcerated at the same time. Issues surrounding the incarceration of Aboriginal people are complex and not just merely linked to offending

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<sup>28</sup> <http://www.health.gov.au/mediarel/yr2002/kp/kp02077.htm> accessed 7/5/04

<sup>29</sup> Larman, G, & Aungles, A. (1991) 'Children of prisoners and their outside carers: the invisible population', proceedings 'Women and the law' conference convened by the Australian Institute of Criminology, p 268

<sup>30</sup> For example the *Report of the Royal Commission into Aboriginal Deaths in Custody, Indigenous Deaths in custody 1989-1996, Keeping Aboriginal and Torres Strait Islander People Out of Custody and Bringing Them Home: the Report of the Human Rights and Equal Opportunity Commission into Stolen Children.*

behaviour...involvement by Aborigines in the criminal justice and penal system is related to discrimination, poverty and disadvantage and the destruction of Aboriginal culture since European settlement.<sup>31</sup>

2.41. The Committee heard from the Winnunga Nimmityjah Aboriginal Health Service (Winnunga) that it is not uncommon for several members of the one family to be incarcerated in the ACT and NSW at the one time.

Within Quamby we've had families in at a time. We've had the older brother, the younger brother, the younger sister. I have also been to Symonston and BRC where we've got families in there—it might be two brothers and a cousin—and the same with BRC. Half the time when you go into Quamby or BRC or Symonston, they're all linked in some way. Although they might all be in there with their brothers and their sister, then you'll see that their cousins are in there, and then their second cousins are in there.<sup>32</sup>

2.42. The Committee has already noted the impact on families when *one* member of the family is incarcerated. These impacts can only be compounded with the incarceration of multiple members of the one family.

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<sup>31</sup> NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, p 42

<sup>32</sup> Transcript of Evidence, 2/10/03, p 52

### 3. Current services and support for families of people in custody from the ACT

3.1. In light of the impact on families of people in custody, particularly the children, it was disturbing for the Committee to find that there are very few services targeted at this vulnerable group in the ACT, despite the Government's acknowledgement of the importance of providing these services.<sup>33</sup>

3.2. This chapter discusses the services available in the ACT for families where it is an adult in custody. The Committee notes that in its submission the Government has used the term *people in custody* to refer to adults unless specified otherwise.<sup>34</sup> However the submission states

...the Office of the Community Advocate has indicated that it would prefer the term to explicitly refer to children and young people as well as adults, in order to highlight a perceived gap in service provision for the families of young people in custody.<sup>35</sup>

3.3. This "perceived gap" – services provided to families when a young person is detained in Quamby – is discussed separately in Chapter 9.

#### Support services to families while the family member is in custody

3.4. The Committee notes that there is one non-government organisation specifically funded to provide support services to families of people in custody. That organisation is Prisoners Aid ACT (Prisoners Aid), which provides services to prisoners, released prisoners and families of prisoners.

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<sup>33</sup> Submission 10, ACT Government, p 3

<sup>34</sup> *ibid* p 4

<sup>35</sup> *ibid* p 4

3.5. The Government indicated that Prisoners Aid provides:

- assistance to families of people in custody to support prison visits, including visits to remand prisoners, assistance with the cost of accommodation and assistance to support children to visit their family member in custody;
- voucher and financial assistance for costs associated with food, clothing, emergency temporary accommodation, employment, health travel and educational expenses. Volunteers provide the assistance to the family home of the prisoner; and
- the Court Assistance and Referral Service. This service provides information, support and referral to people involved in the criminal justice system and their families, and works in partnership with other stakeholders in the criminal justice system including ACT Corrective Services.<sup>36</sup>

3.6. In addition to Prisoners Aid, families have access to some services provided for remandees and prisoners by ACT Corrective Services.<sup>37</sup>

- Families of *remandees* can access the ACT Corrective Services Welfare Officer. Services provided by the Welfare Officer include being a point of contact, crisis counselling/support, referrals to other government and community agencies and support before and after visits at the Belconnen Remand Centre (BRC).
- Families of *remandees* can access the ACT Corrective Services Indigenous Liaison Officer for information, support and referral.

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<sup>36</sup> *ibid* p 5

<sup>37</sup> *ibid* p 6

- Families of indigenous prisoners *sentenced to NSW* can access support from the ACT Corrective Services Indigenous Services Unit. The Unit can assist families to ascertain where their family member is as well as their welfare. Assistance is also provided in negotiating issues with NSW corrections such as prisoner leave to attend funerals or visit seriously ill family members.

3.7. The Government also noted in their submission the capacity of staff in the ACT Corrective Services Offender Intervention Programs to refer offenders and their family members to other government and community agencies for assistance.

3.8. The Committee notes that ACT Housing has procedures in place to manage the potential impact of incarceration on their tenants.

...ACT Housing would arrange for a Housing Manager, and where appropriate, a Housing Manager Specialist (HMS), to interview the family and advise them of support services they could consider accessing. If the family requires it, the involvement of the HMS may be long-term and they would be prepared to contact the support services on their behalf, accompany them on interviews, and so on.<sup>38</sup>

## Support for children

3.9. In its submission the Government provided information about targeted support for children while their parents are in custody. This support consists of:

- Policies and procedures to ensure that breastfeeding mothers in remand can continue to breastfeed.
- The capacity of Child Protective Services to arrange alternative care for children when their sole parent (or both

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<sup>38</sup> *ibid* p 8

parents) is in custody and to assist with coordinating visits for those children.<sup>39</sup>

3.10. In public hearings, the Committee was also advised that:

- Existing legislation enables a child up to the age of three to stay with their imprisoned mother at BRC – but it is highly unlikely that Family Services would approve such an arrangement given the state of BRC.<sup>40</sup>
- During 2003, around 19 families that Family Service already had contact with had a parent/s incarcerated.<sup>41</sup> (Children whose parents are incarcerated do not automatically come to Family Services' attention, they only come to their attention "through the normal reporting process".<sup>42</sup>)

### Support services for families anticipating the return of a family member and post release

3.11. The terms of reference for the inquiry specify that among other things the Committee is interested in:

- support for partners anticipating the return of the other partner *from custody*, specific support for children anticipating the return of a parent and general support for the family unit anticipating the return of a family member from custody; and
- services to families following the release from custody of the family member.

3.12. The Government's submission only provides information about services for families where the person returning to the family is a sentenced prisoner.

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<sup>39</sup> *ibid* pp 8-9

<sup>40</sup> Transcript of Evidence, 30/10/03, p 153

<sup>41</sup> *ibid* p 141

<sup>42</sup> *ibid* p 141

3.13. In terms of anticipating that return, the Government suggested that the ACT Corrective Services Sentence Administration Board provides an indirect service to families, particularly where the released offender and victim have a familial relationship.<sup>43</sup>

3.14. With regard to support for families after release the Government indicated that although there is capacity for parole and probation managers to provide information and referral, the “Probation and Parole Unit has minimal ongoing contact with family members”.<sup>44</sup> (The Committee notes that many prisoners are released without being subject to parole or probation supervision.) Some services may be provided by Child Protective Services to support families when a parent is exiting custody. These services include assistance in reintroducing the parent back into family life and assistance for families to relocate if the person returning is a threat to the safety of the family.<sup>45</sup>

## Unfunded support

3.15. The Committee is aware that Winnunga supports indigenous families of people in custody and notes that this information was not included in the Government’s submission. The Chief Executive of Winnunga told the Committee:

My staff, the Aboriginal counsellors, youth workers and Gugan Gulwan staff, spend a lot of time in...BRC, Symonston, supporting inmates, taking family to see their people on the inside, and also taking money out for them to have buy-ups and all those sorts of things. We have become a transport service. When they’re about to go into court we make sure that the family is there on the

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<sup>43</sup> Submission 10, ACT Government, p 11

<sup>44</sup> *ibid* p 11

<sup>45</sup> *ibid* p 11

day and there's a staff member from Winnunga or Gugan there to support that family.<sup>46</sup>

3.16. Along with this practical support, the Committee notes that Winnunga and Gugan Gulwan staff play a key role in supporting families in a way that non-indigenous service providers probably would not – they actually become part of their extended family.<sup>47</sup>

### **Adequacy of these services**

3.17. The Committee is concerned that the current range of services is grossly insufficient to meet the needs of families with someone in custody. This view seemed to be shared by all witnesses, including the Government and public service.<sup>48</sup>

3.18. For example, the Chief Executive of the Department of Justice and Community Services said, "It is probably fair to state that we do not have a service point that is directed specifically at the family needs of offenders who come into the system."<sup>49</sup>

3.19. The Director of ACT Corrective Services stated:

...we fall down in the provision of support to the families of those inmates who are sent to New South Wales. We make an effort, through our liaison units, in particular on the indigenous and multicultural side within Corrective Services on London Circuit, but that is not as intensive as it should be or will be, if and when we get prisoners back into the ACT.<sup>50</sup>

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<sup>46</sup> Transcript of Evidence, 2/10/03, p 41

<sup>47</sup> *ibid* p 44

<sup>48</sup> See for example Submission 5, WIREDD, pp 3-4; Submission 7, Prisoners Aid (ACT) Inc., p 8; Transcript of Evidence, 2/10/03, pp 3-4

<sup>49</sup> Transcript of Evidence, 30/10/03, p 147

<sup>50</sup> *ibid* p 148

3.20. And later:

I am not even sure that I could say exactly how extensive the problem is, but I would have to admit that there is a problem.<sup>51</sup>

3.21. The Government's submission to this inquiry included references to a significant number of general support services that "while not specifically directed to families of people in custody, are both accessible and available to this group."<sup>52</sup>

3.22. The Committee would dispute the access and availability of these services for this group especially in light of the stigma felt by families and notes that these general services can only provide, at best, reactive rather than proactive support. The need for proactive, targeted, specialist services for these families is discussed further in Chapter 5.

3.23. The Committee acknowledges there is one service provider out in the community that is funded to provide targeted support – Prisoners Aid. However the Committee is concerned that it cannot meet the demand for services with its current resources and structure.

3.24. Prisoners Aid's objectives and focus are split between supporting prisoners, released prisoners and supporting their families. The Court Assistance and Referral Service provided by Prisoners Aid has an even wider mandate and assists anyone in need in the ACT Courts including victims of crime.

3.25. It is not clear to the Committee that one organisation can, or should be expected to deliver services and support to such a diverse client group.

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<sup>51</sup> *ibid* p 155

<sup>52</sup> Submission 10, ACT Government, p 8

3.26. Where Prisoners Aid is able to support families, the Committee understands that this support is severely limited due to lack of human and financial resources.

- Prisoners Aid only has a small number of volunteers who, numbers permitting are allocated to those families that make contact with the organisation.<sup>53</sup> Prisoners Aid estimated their client load at approximately 40 cases at any given point in time, or 35% of all ACT offenders sentenced to NSW prisons.<sup>54</sup>
- Most cases involve assistance to the families of prisoners in the form of friendship, counselling and financial support to assist with prison visits. Support for prison visits is normally given once a month to about 15 families. This support covers some, but not all of the costs involved.<sup>55</sup>

3.27. The Committee also notes that the name 'Prisoners Aid' does not indicate that it is an organisation providing services to the families of people in custody – particularly where those families are not in contact with the 'prisoner'.

3.28. It is of considerable concern to the Committee that in the absence of appropriately funded services, organisations such as Winnunga are left to pick up the pieces without any dedicated funding for providing this support.<sup>56</sup>

3.29. The following example, provided by the Chief Executive of Winnunga, illustrates how they work to fill in the gaps and support the families.

We had a young man a couple of years ago that OD'd and was taken into the Canberra Hospital into emergency. Two of his brothers were incarcerated. One

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<sup>53</sup> Submission 7, Prisoners Aid (ACT) Inc., pp 3 - 6

<sup>54</sup> *ibid* p 4

<sup>55</sup> *Fortieth Annual Report July 2002 - June 2003*, Prisoners Aid (ACT) Inc., p 3

<sup>56</sup> Transcript of Evidence, 2/10/03, pp 41-42

was out at the remand centre, one was in Goulburn jail. Another one was in prison in Queensland and there was a fellow up the north coast. That mother has got six sons and five of them are users. And this young fellow actually died. But in that process, at the Canberra Hospital we supported that family.

I actually rang James Ryan over at Corrections on a Saturday afternoon to see whether he would give permission for that boy in BRC to come over to the hospital to visit his brother. I've got a very good relationship with James and Frank and Corrections. He had made a decision earlier that he wasn't going to allow that to happen but once I contacted him and asked him would he revisit that decision he actually changed his mind and said he could come. On the Monday I got into the hospital.

At midnight on Sunday night I got a call from a really desperate mother who was really, really upset. I actually made arrangements for the next day regarding the boy in Goulburn. The social worker left the office in the hospital and let us move in. So in a lot of ways they abrogated their responsibility. It wasn't my responsibility as a chief executive of the Aboriginal Health Service to actually have to do all those things. But we do do those things and it was really important for the boy in Goulburn jail to be able to come and see his brother. So that's just a bit of a snapshot of what we do. What happened to that family is not an isolated case in this community. We've got lots of families in the same position—no transport, no telephone.<sup>57</sup>

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<sup>57</sup> *ibid* pp 42-43

3.30. In its submission to the inquiry the Government stated:

In its 2001 election platform, the government committed to review support services for families of incarcerated people and to develop an action plan to provide that support.<sup>58</sup>

3.31. The Committee asked the Chief Executive of the Department of Justice and Community Safety (appearing for the Attorney General) what stage this review had reached and its timeline. The response, contained below, indicated to the Committee that perhaps this was one of the few promised reviews that had been forgotten.

The document [the Government's submission] refers to a number of programs that are not subject to an omnibus review. I think they tend to be reviewed individually. For example, a sentencing review is under way at the moment to examine the sentencing or disposition options for the courts. That is one way of acquitting that obligation. I suppose that the emphasis is on the efficacy of the option and whether it is meeting its objectives. I do not necessarily know whether they will be directed at familial or other consequences.<sup>59</sup>

3.32. The Committee hopes that the Government will not delay the introduction of new services by now conducting a review and that it instead will draw on the findings of this report and the recommendations in the following chapters to improve current services.

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<sup>58</sup> Submission 10, ACT Government, p 3

<sup>59</sup> Transcript of Evidence, 30/10/03, p 146

## 4. Support services for families in Western Australia – a jurisdiction on the right track

4.1. As part of the inquiry, the Committee sought information from each State and the Northern Territory about the support services they provide for families.

4.2. Responses from each jurisdiction indicate that across the country there are a few services that focus on families and children, with the larger jurisdictions such as New South Wales having bigger and more established community organisations providing services (e.g., VACRO in Victoria and Community Restorative Centre in NSW).

4.3. It appeared to the Committee that Western Australia is in many respects leading the way in the support it provides to families of people in custody. As mentioned in the introduction to this report, the Committee visited Perth to see first hand some of their services and meet with officials from the Department of Justice to discuss the policy and practical issues associated with supporting families.

4.4. The Committee came away from its visit with the strong impression that Western Australia is largely on the right track where families are concerned compared to other jurisdictions. Policies and practices within their justice system seem to be, on the whole, recognising the importance of families in their own right and in relation to inmates while they are incarcerated and after their release.

4.5. This was evident in the new reform measures being implemented across corrections in Western Australia. For example, in the initiatives for managing women in prison in Western Australia, one of four parts to the guiding philosophy is family

responsibility.<sup>60</sup> Of note, in listing the key outcomes of the change in how women will be managed in prison (in addition to positive outcomes for the community, prisoners and staff) they specifically note outcomes for children and families of adopting more innovative practices in managing women prisoners.

4.6. They listed these outcomes as:

- Improved family life and parenting skills;
- Effective early intervention and prevention of personal and social exclusion issues;
- Improved life chances;
- Reduced disruption to education and social connections;
- Maintenance of family and community ties;
- Improved health and wellbeing;
- Healthier relationships; and
- Reduced sense of abandonment.<sup>61</sup>

4.7. While the Committee would argue that family responsibility does also apply to male inmates (though in different ways) – it is a significant step for any corrective services agency to recognise, in such an upfront way, those in custody as being part of a family unit.

4.8. This focus on families is also contained in Western Australia's new Community Re-entry Program for prisoners. The program has a number of elements including the establishment across the state of re-entry coordination services to support

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<sup>60</sup>[http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS\\_0\\_2\\_323\\_201\\_0\\_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/Women\\_in\\_prison.pdf](http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS_0_2_323_201_0_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/Women_in_prison.pdf) accessed 3/5/04, p 1

<sup>61</sup> *ibid* p 4

prisoners, and their families *as secondary clients*, in the lead up to and for six months post release.<sup>62</sup>

4.9. This service is being provided by non-government agencies and the service agreements specify that data related to families be provided, on a quarterly basis, to the Department of Justice. This data includes:

- the total number/hours of family work for clients (prisoners); and
- descriptive information about the family status of clients (e.g., number of clients with children, number who have dependent children post release).<sup>63</sup>

4.10. The Committee also notes that another initiative under the Community Re-entry Program are possible legislative amendments to increase prisoners' access to home leave options and other leave of absence provisions to enhance family and community contact.<sup>64</sup>

4.11. By far and away the most significant service that is provided to families are the family support centres co-located with each of the metropolitan prisons in Western Australia. The Committee is unaware of any other jurisdiction in Australia that has similar centres at the majority of its prisons and visited Perth specifically to see how these centres operate.

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<sup>62</sup> Department of Justice, WA (2004), User Information - Community Re-Entry Coordination Services in the following regions: Metropolitan Area, Midwest, Murchison-Gascoyne, pp 3-4

<sup>63</sup> During its visit to Perth, the Committee was briefed on the program and provided with a copy of one of the service agreements.

<sup>64</sup> [http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS\\_0\\_2\\_323\\_201\\_0\\_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/Reentry\\_program.pdf](http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS_0_2_323_201_0_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/Reentry_program.pdf) accessed 3/5/04, p 3

## Outcare family support centres

4.12. Family support centres are located at all of the metropolitan prisons in Perth.<sup>65</sup> All visitors to these prisons are required to check in with the centres before visiting. The centres are operated by an independent non-profit agency called Outcare, which has been providing rehabilitative and supportive services for offenders, ex-offenders and their families for over 40 years.

Outcare's mission statement for the centres is:

To reduce the impact of imprisonment on prisoners families, children and visitors and to improve their quality of life while increasing their independence and positive functioning in the community.<sup>66</sup>

4.13. The Committee visited four of these centres in Perth, which were located at the following prisons:

- Bandyup Prison (maximum security for women)
- Nyandi Prison (minimum security for women)
- Hakea Prison (maximum security remand and assessment prison for men)
- Casuarina Prison (maximum security prison for men)

4.14. The Committee was able to observe several of the Outcare centres while they were operating and was extremely impressed by the professionalism of the staff and their capacity to create what amounts to a refuge for those visiting.

4.15. One issue that the Committee had not considered fully until it visited the Outcare centres was how families feel *after* their visits. This was brought home to the Committee when it spoke with a woman at one of the centres who was visiting her son. In addition

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<sup>65</sup> These prisons are: Casuarina, Hakea, Bandyup, Nyandi (now called Boronia), Wooroloo and Karnet.

<sup>66</sup> <http://www.outcare.com.au/pages/servicesframe.html> accessed 5/4/04

to general praise and thanks for the services provided by the centre, she spoke about how much she appreciated being able to come back to the centre at the end of the visits when she needed some support for “the cry afterwards”.

4.16. As well as being a warm and welcoming starting and finishing point for visits, the centres provide a range of services for families. These services include:

- Information about the prison, visiting rules, transport (including copies of bus timetables)
- Counselling
- Material assistance (e.g., clothes, toys, books)
- Emergency assistance
- Transport assistance
- Practical assistance (e.g., in paying bills)
- Child care
- Referrals/liaison with other agencies
- Toilets
- Public telephones
- Lockers (to secure personal possessions during visits)
- Parenting facilities
- Kitchen facilities
- Complaint forms

4.17. Simple brochures, designed both for families and visitors as well as inmates (who receive them in their reception information), explain the range of services.

## Cost of the family support centres

4.18. The cost of running these centres is very little. The total cost for the six centres (which do not all run full time and which are accommodated in a range of buildings from demountables to purpose built) is \$691,800 per annum.<sup>67</sup>

4.19. The busiest centre operates seven days a week at Hakea Prison, which houses over 750 inmates. On average the centre sees 5000 visitors/month with up 90 visitors per hour. Funding for the centre is \$275,600 per annum.

4.20. In contrast, one of the smaller centres Nyandi (now called Boronia), which is only open for a few hours on Saturday and Sunday during visiting times, receives \$24,600 in funding.

4.21. While the Committee has no doubt that Outcare would welcome increased funding in order to enhance the number and quality of the services they provide, these centres demonstrate that providing targeted and specialist services to families of people in custody need not be prohibitive in terms of cost.

## Why the Outcare model works

4.22. The Committee believes that there are a number of factors critical to the success of the Outcare model.

- Perceived and actual independence from the corrections centre.
  - In physical terms, the Outcare centres sit 'outside' the prison gates – even if only by 10-15 metres. The Committee believes this physical separation is important.<sup>68</sup>

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<sup>67</sup> Correspondence from Ms Donna Herdsman – Manager, Service Agreements, WA Department of Justice (email to Secretary) dated 12/5/04

<sup>68</sup> The exception to this is at the Nyandi minimum security prison and the new low security prison being built to replace it. Currently at Nyandi the Outcare centre is within the prison gates and the new prison will again have Outcare

- Outcare as an organisation has a long history of delivering services to prisoners and their families. They are known for being independent advocates for prisoners and their families.
- Being embedded into the visiting process and therefore automatically accessing family members
  - To gain entry to a prison, all visitors must go through the relevant Outcare centre. This results in the services that Outcare offers at the centre being effectively 'mainstreamed'. This is particularly important for a population group that is generally invisible and hard to access.<sup>69</sup>
- Available at all the metropolitan prisons
  - Having a similar centre at each prison means inmates and their families have access to a consistent support service even as an inmate is transferred. This is beneficial in a number of ways including building the profile and acceptability of drawing on the centres' services.
- Obvious value for money
  - As discussed above, these centres provide an incredible range of services and support at a low cost. The Committee observed that it did not matter whether the building was a demountable or purpose built, what really mattered was the philosophy of the centres and the attitude of the staff.

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located within the prison. Although recognising the positive intentions behind this move in terms of integrating support for prisoners and their families, the Committee is of the view that this may be a retrograde step.

<sup>69</sup> See for example Transcript of Evidence, 30/10/03, p 147

- Inclusive service name
  - It was noted in the previous chapter that Prisoners Aid, though providing services to families as well as prisoners, it is not an obvious point of contact for families. In contrast, 'Outcare' does not imply services to prisoners (though they do provide them) and suggests care for those on the 'outside'.
- Cooperative relationship with Government
  - The Committee observed that Outcare seems to have very cooperative relationships with both prison management and the Department of Justice. The services they provide appear to be recognised as an integral and respected component of overall corrections service delivery.

4.23. The Committee believes that there is a strong potential for transporting this model to the ACT either before or after the establishment of a prison. Should such a model be introduced to the ACT, the above factors would need to be taken into account for it to be successful.

## 5. Developing a framework for services

5.1. Chapter 2 discussed some of the impacts on families when they have a family member in custody. This chapter looks at some of the issues that need to be considered in developing and implementing a package of measures to reduce the negative effects of those impacts. The chapters following contain recommendations about the specific sorts of services that should be provided for families.

### Key considerations in the development and provision of services

#### Specialist not general services

5.2. It is clear to the Committee that families of people in custody need targeted, specialist services. The stigma of having a family member incarcerated means that families are unlikely to even try and access general community resources.

5.3. Were families to try and access these resources and services, assuming they are able to get on the waiting lists, there is still the question of whether or not the service would have the relevant expertise and knowledge regarding prison culture and the impact of incarceration.<sup>70</sup>

5.4. The Victorian Association for the Care and Rehabilitation of Offenders (VACRO) published a study in 2000 of the needs of children and families of prisoners in Victoria. A key finding of the study was that children of prisoners are a group with specific needs and these needs are as a result of their parents' incarceration. Further, addressing these specific needs requires

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<sup>70</sup> Tudball, N., (2000), *“Doing it hard” – A Study of the Needs of Children and Families of Prisoners in Victoria*, Victorian Association for the Care and Resettlement of Offenders, p xix

specific service responses, rather than promoting access to 'generalist' programs.<sup>71</sup>

## Services responsive to the changing needs of families over time

5.5. Families' needs are likely to change over time, generally depending on what stage of the justice system their family member is in and how long they will be detained. For example, when someone is arrested and placed in police custody, the most pressing need might be to know when they can see that person. In this case easy to understand information regarding custody procedures might be the most appropriate response. Alternatively if the person placed in custody is a sole carer of children then other relatives may need information urgently about care options for the children.

5.6. For those whose family members are convicted, there is then coming to terms with the family member being in prison, preparing for pre-release and lastly adjusting to when they are released. One commentator has categorised it as the families of prisoners also 'doing time' and that this involves three elements:

1. 'coming to terms'
2. 'keeping in touch'; and
3. 'surviving the sentence'.<sup>72</sup>

5.7. The Invisible Sentence Project conducted at the Central West Women's Health Centre in NSW identified that for many women on the outside, the initial period of a sentence of a family member

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<sup>71</sup> *ibid* p 83

<sup>72</sup> Light, R., as cited in O'Keefe, L., (2000), 'The Partners of Prisoners: Their reality, how they contribute to the criminal justice system and prisoner rehabilitation and how we can assist', paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology, p 3

was generally the most difficult. For them it was a time of 'coming to terms' and led to disturbances in their eating patterns (to the point of having an eating disorder for one) as well as sleeping patterns.<sup>73</sup>

5.8. It is also recognised that 'first time' families – families who are experiencing incarceration for the first time – are a special group who may need to be targeted to ensure that they do not become overwhelmed and unable to function. This is different to the kinds of services and support a family may need that has had to deal with repeated incarceration over many years.

5.9. While the Committee does not presume to know what each family may or may not need at any given time, there is sufficient evidence to suggest that there are likely needs at particular points in the justice process. The Committee believes that a service response for these families must, if it is to be effective, be responsive to these changing needs.

### **Separate services for major crimes**

5.10. The Committee is aware that the types of crimes committed or alleged to have been committed by a family member can lead to particular forms of discrimination and harassment. This is over and above the stigma associated with offending generally.

5.11. For example, the women partners and children of child sex offenders often live with enormous shame and secrecy. In South Australia, the lack of resources specifically for these women and their children led to the development of a specific manual for workers and agencies that support them.<sup>74</sup>

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<sup>73</sup> Scott, P., (2003), 'The Invisible Sentence Project', Central West Women's Health Centre, Bathurst NSW, p 6

<sup>74</sup> O'Keefe, L., (2000), 'The Partners of Prisoners: Their reality, how they contribute to the criminal justice system and prisoner rehabilitation and how we can assist', paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology, p 6

5.12. In Victoria, VACRO provides a specific support program for families of those charged with major crimes (including sex offences) in recognition that these families must negotiate a range of offence-specific consequences (e.g., media scrutiny and public vilification).

5.13. The Committee believes that it is important that the unique needs of these families are recognised.

### **Services that recognise the parental status of people in custody**

5.14. Throughout this inquiry the Committee has been particularly concerned about the plight of the children of those held in custody. The Committee is firmly of the view that a service framework for families must target the children *and* their parents – both inside and outside the prison walls. The Committee believes it is not enough to sustain the children and the parent/care giver outside custody if nothing is done to support parents in custody to develop and/or maintain a healthy relationship with their children.

5.15. The Committee recognises that the impact for parents in custody and their children is likely to be very different if mum is incarcerated rather than dad. This is because mothers are usually the primary carers of children and when they go to prison this means their children, in contrast to an imprisoned father, are less likely to receive stable care.

Women are less likely to have their children being cared for by a co-parent or other family member. The children are less likely to be in the continuous stable care of one household. Women are more likely to have their children separated and cared for by different carers, less likely to have the children brought on regular visits by another family member, and less likely to have letters and telephone calls from their children. Unsurprisingly, therefore, women are more likely to return on release to a

splintered family than are men prisoners (Koban 1983; Hounslow et al. 1982).<sup>75</sup>

5.16. While there is some recognition of the importance of primary carers in custody who are mothers to spend time with their children and develop their parenting skills, there seems to be very little recognition that it is as important, for the children and the family unit, for fathers to have access to these programs. In its visits to corrections centres the Committee observed that there are fairly different approaches by corrections management to mothers compared with fathers, which are not necessarily in children's best interests.

5.17. The Committee believes that when primary carers are incarcerated (either male or female) special attention should be paid to ensuring their relationship with their children is not fractured.

### **Services that are culturally appropriate**

5.18. The Committee observed throughout the inquiry that the needs of families of people in custody from diverse cultural backgrounds are rarely met. The Ministerial Advisory Council on Multicultural Affairs submitted to the Committee that:

There is strong indication of unmet need for support services for families of people in custody who are of linguistically and culturally diverse backgrounds.<sup>76</sup>

5.19. The Committee saw for itself when it visited corrections centres that very little information is provided to visitors in different languages. What's more, a reasonably sophisticated level of English literacy is required to understand the rules and regulations governing visits and to fill out the forms necessary to

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<sup>75</sup> Larman, G, & Aungles, A. (1991) 'Children of prisoners and their outside carers: the invisible population', proceedings 'Women and the law' conference convened by the Australian Institute of Criminology, p 266

<sup>76</sup> Submission 8, Ministerial Advisory Council on Multicultural Affairs, p 1

undertake a visit. This is potentially a problem not just for people who have English as a second language but also for those with low levels of English literacy.

5.20. The Committee supports the Ministerial Advisory Council's recommendations that support services be made available to families of people in custody by culturally appropriate trained staff and that written information about support services (particularly visiting times, transport and child care assistance) be made available in a variety of community languages.<sup>77</sup>

### A coordinated inter-agency approach

5.21. The Committee is aware that in NSW, following an independent evaluation of the Department of Corrective Services Community Grants Program, the 'Children of Offenders and Families of Offenders Working Group' was established to develop a plan for enhancing services to families of people in custody. This plan is part of a broader 'Framework for the Provision of Community Support Services to Offenders, Ex-Offenders and their Families'.<sup>78</sup> This framework and the plan represent recognition by NSW Corrective Services of the need to work collaboratively with other agencies for the benefit of the families of people in custody.

5.22. The Committee believes that ACT Corrective Services and other relevant government and community agencies need to work collaboratively to develop a similar policy framework as soon as possible for the ACT.<sup>79</sup> This framework could include the development of a plan for enhancing support services for families.

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<sup>77</sup> *ibid* p 2

<sup>78</sup> Correspondence from Mr Ron Woodham, NSW Commissioner for Corrective Services, dated 23/4/03, Attachment A

<sup>79</sup> Relevant agencies might include the Departments of Justice and Community Safety; Health; Disability, Housing and Community Services; Chief Minister's; the Office of Children, Youth & Family Support; the Office of the Community Advocate; the new Office of the Commissioner for Children

5.23. In proposing that such a framework and plan be developed, the Committee stresses that it does not believe it is necessary to await its development (or any further reviews) before actioning the recommendations in this report.

### **Recommendation 1**

5.24. The Committee recommends that the Government develop a policy framework for services for families of people in custody as outlined in Chapter 5 of this report, which acknowledges the need for:

- specialist not general services;
- services responsive to the changing needs of families over time;
- separate services for major crimes;
- services that recognise the parental status of people in custody; and
- services that are culturally appropriate; and

which includes a specific plan for enhancing support services for these families.

### **Recommendation 2**

5.25. The Committee recommends that the Government ensure appropriate funding is allocated to implement the policy framework referred to in Recommendation 1.

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and Young People; and relevant non-government organisations such as the Youth Coalition of the ACT.



## 6. Services and support required by families

6.1. This chapter contains most of the Committee's recommendations on the services that should be provided for families to reduce the impact of incarceration. It covers families generally, children and young people specifically and the issue of access to services for families of people whose crimes are committed interstate. Readers should note that because the issue of maintaining contact and visiting is so significant it is addressed separately in a subsequent chapter.

6.2. In developing the following recommendations the Committee took into account the work of the Victorian Association for the Care and Resettlement of Offenders (VACRO) in its 2000 study, where the following service needs were identified through their research:

- Specialist counselling services for children
- Specialist counselling and support for caregivers of prisoners' children
- Relationship counselling that can be conducted in the prison
- Family-oriented visiting centres within the prison
- Support groups for children of prisoners
- Support groups for prisoners who are parents
- Support groups for caregivers of prisoners' children and families
- Child development education for prisoners
- Practical parenting education for prisoners, with opportunities to learn and develop with their children as part of the program
- Opportunities for prisoners and their children to play together in a supportive environment

- Support for children to visit their parents in prison without their caregiver, and to spend time alone with their parent
- Opportunities for prisoners to participate more fully in decision-making for their children and to take more responsibility for their care.<sup>80</sup>

6.3. The Committee has conducted this inquiry, and considered these issues, under the assumption that there will be an ACT prison in the future – though perhaps not for another three to four years. Some of the recommendations that follow therefore are in relation to a new ACT prison.

6.4. Notwithstanding the building of a prison, the Committee believes that the needs of families can and should be addressed in a number of ways. Accordingly, recommendations are also made that the Committee hopes will be implemented over the coming years in parallel to the development of a new prison.

## Information

6.5. One of the interesting findings from the VACRO study was that the *most* frequently raised need for support was the opportunity to speak with an independent person who understood the prison system.<sup>81</sup>

6.6. The Committee is aware that VACRO operates a Prison Information and Helpline for Victorian prisons. This helpline provides practical information about the prisons as well as telephone support and referrals.<sup>82</sup> The Western Area Health Service in NSW has developed support packs, which contain

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<sup>80</sup> Tudball, N., (2000), *“Doing it hard” – A Study of the Needs of Children and Families of Prisoners in Victoria*, Victorian Association for the Care and Resettlement of Offenders, p 82

<sup>81</sup> *ibid* p 63

<sup>82</sup> *129<sup>th</sup> Annual Report 2001*, Victorian Association for the Care and Resettlement of Offenders, p 7

information about the gaol system and services available in the community. These are made as widely available as possible including at the court.<sup>83</sup>

6.7. The Committee discovered, by accident<sup>84</sup>, that separate guides produced by the ACT Government for ACT men and women being sentenced to a NSW facility were produced in 1995. These guides, 'What you need to know about NSW gaols', provide information about the NSW Corrections system and include a brief reference to the family support provided by Prisoners Aid.

6.8. The Committee understands that these guides are currently being updated but is unsure what the procedures are for giving them to prisoners and/or their families in any systematic way. When they are updated (and if there is a systematic process for making them available) they could provide a useful source of information for both the prisoners being sent to NSW and their families about the NSW system.

6.9. The Committee notes however that they are by their nature 'offender focused' resources. They are not sufficient in meeting the needs of families for information about support services *they* can access.

6.10. Other key information needs for families include having access to information about the likely emotional impact of having a family member in custody and what/how to tell children that their parent is in custody.

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<sup>83</sup> Correspondence from Ms Scott from the Central West Women's Health Centre NSW (email to Secretary) dated 29/4/04, p 1

<sup>84</sup> The Government did not draw the Committee's attention to these guides in its submission or during public hearings. They were brought to the Committee's attention by a non-government organisation.

6.11. The Committee notes that a number of organisations have already produced resources that could potentially be adapted or simply used in the ACT.

6.12. For example:

- VACRO has pamphlets on how and why to tell children their parent is in custody.
- Sisters Inside Inc in Queensland has developed a set of children's booklets written by a young aboriginal boy whose mother was in prison. These booklets are aimed at both informing caregivers and children of the effects while validating children's ongoing experiences of the trauma, loss and grief when their mother is incarcerated.<sup>85</sup>
- Outcare in Western Australia has produced two booklets – one a guide for parents and the other especially for young people, providing information about how to cope when a parent/close family member goes to prison. These are available at their family support centres.

6.13. The Committee notes the willingness of the Minister for Disability, Housing and Community Services to participate in the development of a 'show bag' of information for families of people in custody.<sup>86</sup>

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<sup>85</sup> See <http://www.sistersinside.com.au/resources.htm>, accessed 18/11/03

<sup>86</sup> Transcript of Evidence, 30/10/03, p 121

### **Recommendation 3**

**6.14. The Committee recommends that the Government develop and/or make available brochures that provide information about:**

- **what happens to people who are in custody from the ACT;**
- **how to make contact/visit people in custody in the ACT;**
- **the range of services available to assist people to visit their family members in custody in NSW;**
- **the likely emotional impact of incarceration and support services that are available to deal with the impacts of incarceration; and**
- **what/how to tell children about having a family member in custody.**

6.15. To reach their audience, these brochures would need to be widely available and promoted to a range of government and non-government agencies. As the Minister for Disability, Housing and Community Services noted:

It's the case that the group we're talking about are not as knowledgeable or aware of what's available around the place. I would think that a large part of the Canberra community is instantly able to seek out the information it wants, but not the people that we're talking about here today.<sup>87</sup>

### **Recommendation 4**

**6.16. The Committee recommends that the information brochures referred to in Recommendation 3 be:**

- **freely and widely available including at the courts, remand centres, Quamby, police stations, refuges, community organisations and on the internet; and**
- **produced in a range of community languages.**

6.17. Another means of providing information that is particularly appropriate for people with low levels of literacy is through CDs.

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<sup>87</sup> *ibid* p 126

CDs may also be a more attractive source of information for young people.

6.18. The Community Restorative Centre in Sydney has developed a CD aimed at 'first time families' called Jailbreak Families. The CD contains all the basic information that these families might need ranging from information about what happens when people go into prison, the classification system, what inmates do in prison through to a lot of information about visiting and keeping in touch. The CD has an indigenous welcome and language introductions in Arabic, Vietnamese, Mandarin and Spanish.

6.19. As well as factual information, the CD contains recordings of people's own experiences. The voices of young people talking about their experience of losing a parent to gaol and what it's like to visit them are very powerful.

6.20. The Committee considers that this CD should be included in any show bag of information for families.

### **Recommendation 5**

**6.21. The Committee recommends that the Government develop a strategy for proactively providing free copies of the Jailbreak Families CD to the families of people incarcerated in NSW.**

## **Practical support and services**

### **Welfare assistance**

6.22. As described earlier in this report, families can become extremely vulnerable when someone is taken into custody in terms of the changes to their life circumstances. Families' capacities to pay rent, remain in housing, pay bills and provide childcare are some of the areas that can be affected. They may require emergency as well as ongoing assistance.

6.23. A significant aspect of the services provided by the Outcare centres in Western Australia, is that qualified staff are available to assist with a wide range of welfare issues and also have the

capacity to provide emergency financial assistance. The Committee considers that this should be an integral component of a service response for families in the ACT.

## Health and well-being

6.24. Recent research on the health and well-being of parents in custody provides reasons for concern about the potential flow on effect to their families. This research shows that parents in prison have significantly worse health and well-being than parents in the community. This is particularly so in terms of mental health, substance issues and infectious diseases. It has been estimated that:

- Female parents in NSW prisons are 4.4 times more likely to have a mental disorder than women in the community (for male parents in prison it is 3.5 times).
- The prevalence of Hepatitis C in female parents in NSW prisons is 62 times greater than in the community (for male parents it's 42 times).<sup>88</sup>

6.25. More broadly, it has been recognised that:

The health of the community is also under threat from blood-borne communicable diseases that can be passed on by offenders. Families of offenders are most at risk.<sup>89</sup>

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<sup>88</sup> Quilty, S., (2003), *The health of the family and children of prisoners*; Thesis, Masters of Philosophy, Public Health; University of Sydney, Faculty of Medicine; (in print 2004), p 102

<sup>89</sup> [http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS\\_0\\_2\\_323\\_201\\_0\\_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/Drugs\\_in\\_prisons.pdf](http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS_0_2_323_201_0_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/Drugs_in_prisons.pdf) accessed 3/5/04, p 2

6.26. In addition, studies have shown that family members can suffer health impacts as a result of the psychological trauma associated with their family member's incarceration. For example, a 1983 study found that:

1/3 of the women in their study with a partner imprisoned experienced recent health problems (physical or mental). These problems actually doubled from the time of arrest to 18 months confinement, suggesting that compounding emotional and psychological stress may result in deteriorating health.<sup>90</sup>

6.27. The higher incidence of physical and mental illnesses in parents in prison poses considerable risks to families.<sup>91</sup> The Committee believes these risks need to be factored in to any suite of services provided to those families.

6.28. The Committee notes that some jurisdictions are starting to address these specific health needs. For example, in Western Australia Outcare (which runs the family support centres) also has a Partners and Families of Prisoners Blood-borne Virus Project. As part of this project there is a confidential information and counselling phone line.

6.29. While it is unlikely that specific services such as these are warranted in the ACT due to its size, the Committee believes that it is important for families to be aware of the possible health risks associated with a family member's incarceration and where to get further information, support and services.

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<sup>90</sup> Scott, P., (2003), 'The Invisible Sentence Project', Central West Women's Health Centre, Bathurst NSW, p 5

<sup>91</sup> Quilty, S., (2003), *The health of the family and children of prisoners*; Thesis, Masters of Philosophy, Public Health; University of Sydney, Faculty of Medicine; (in print 2004), p 103

6.30. The Committee is of the view that practical support and information about health issues is best placed coming from a non-government organisation (similar to the Western Australian model of a non-government organisation providing the family support centres).

### **Recommendation 6**

**6.31. The Committee recommends that the Government fund an organisation to provide a family support worker to:**

- **provide welfare assistance to families of people in custody; and**
- **develop targeted information, in conjunction with relevant service providers (e.g., the Hepatitis C Council, Mental Health Foundation), relating to the health and well-being of family members of people in custody.**

6.32. It was noted earlier that Winnunga provides support to indigenous families with a member in custody, although it is not funded to do so. The Committee is of the view that these services ought to be recognised by the Government and funded accordingly.

### **Recommendation 7**

**6.33. The Committee recommends that the Government provide specific, additional funding to Winnunga for the family support work that it does with indigenous families of people in custody.**

6.34. In making the above recommendations the Committee notes that the NSW Department of Corrective Services funds family support workers in NSW.<sup>92</sup>

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<sup>92</sup> Correspondence from Mr Ron Woodham, NSW Commissioner for Corrective Services, dated 23/4/03, Attachment B

## Emotional/Relationship Support

### Professional counselling

6.35. To cope with the psychological trauma associated with a family member being incarcerated, the Committee believes it is important that families can access counsellors with specific experience and knowledge of the prison system.

6.36. This is particularly important for those who become sole carers due to the incarceration of a partner. Looking after what are most likely to be the 'left behind mothers' helps ensure that they are then able to continue looking after their children. As one participant in the Invisible Sentencing Project put it:

...the children are going through exactly what the mother's going through. Like my kids go through so much. Not having dad around and they miss him. And so do I. And to see my kids hurt that hurts me and then that hurts him. And it keeps going round and round...<sup>93</sup>

6.37. The Committee notes the long-term imperative for early intervention:

Women experiencing separation from a partner/family member because of prison are typically in a situation of crisis and need an opportunity to mourn the losses associated with this in order to prevent later mental health problems.<sup>94</sup>

6.38. The Committee is aware that in NSW, families of people in custody can access a confidential 24 hour helpline run by Corrections Health Services.

6.39. Another important benefit of providing specialist professional counselling is that it is probably one of the few

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<sup>93</sup> Scott, P., (2003), 'The Invisible Sentence Project', Central West Women's Health Centre, Bathurst NSW, p 12

<sup>94</sup> *ibid* p 4

avenues of support for families who do not wish to stay in touch with the family member who is incarcerated.

6.40. The Committee acknowledges that not all families will want to stay connected with the person in custody (for any number of reasons). These families will still need access to support services and their choice to not remain in contact may make it even harder for them to find out about and access services.

### Peer support

6.41. While access to professional counselling is important, peer support can also play an important role in the ongoing support of families. A number of jurisdictions have such groups. For example:

- In Victoria, VACRO runs a Partners Group and a Parents' Group.
- In NSW there has been a Children of Prisoners' Support Group (COPSG) since 1982. The group provides assistance, information and referrals for families who are affected by parental incarceration.<sup>95</sup>

6.42. The Committee also heard about a very successful support group in Western Australia that had been run by the current Indigenous Liaison Officer at BRC. The officer told the Committee that around 50 people would attend the weekly meeting that was catered for by the prison. She thought a similar group would be desirable here in the ACT.

It would be ideal if we could get something like that happening because it would involve a lot of people coming together who probably would not meet in or mix with the community but who would have one thing in

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<sup>95</sup> See <http://www.national.com.au/Community/0,,33774,00.html#child>, accessed 22/04/04

common, that is, the fact that their family members are incarcerated.<sup>96</sup>

## Volunteer support

6.43. Appropriately trained and selected volunteers can also support families. As noted earlier in the report, Prisoners Aid in the ACT has a small number of volunteers who numbers permitting, are allocated to those families that make contact with the organisation.<sup>97</sup> These volunteers befriend the families and provide personal support, advocacy and advice. As Prisoners Aid noted in their submission

While financial support is important, the value of simple human contact cannot be underestimated...the support of volunteers who are non-judgemental and who are not connected with the corrections process is often greatly welcomed.<sup>98</sup>

6.44. COPSG mentioned above also draws on a network of volunteers to offer a range of programs including mentoring and a transport service to facilitate visits.

## **Recommendation 8**

**6.45. The Committee recommends that the Government fund the following services on a two-year pilot project basis, with a view to assessing the level of need and establishing a permanent service:**

- **professional counselling specifically for families of people in custody; and**
- **the establishment of a peer support group.**

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<sup>96</sup> Transcript of Evidence, 30/10/03, p 152

<sup>97</sup> Submission 7, Prisoners Aid (ACT) Inc., pp 3 - 6

<sup>98</sup> *ibid* p 5

## **Recommendation 9**

**6.46. The Committee recommends that the family support worker proposed in Recommendation 6 collaborate with Prisoners Aid and other relevant organisations to develop a larger network of volunteers.**

### **Pre-release planning and programs**

6.47. In light of the impact family members will have on release from custody (and the potential of a stable family to reduce recidivism) the Committee believes that a key aim of pre-release planning and programs should be, where appropriate, the restoration of families.

6.48. To do this, there would need to be a shared focus on the person in custody *and their family* in pre-release planning and for such planning to start on the day a person is received into custody (whether it is on remand or as a sentenced prisoner). An example of how it could start on the very day a person is received into custody is ensuring primary carers are able to make emergency arrangements for their children through access to telephones and support agencies.

6.49. The Committee notes that the Director of ACT Corrective Services stated that with a new prison:

We intend to manage the interaction between families and prisoners in the ACT in a way that is not being done anywhere else in the country by closely integrating families and prisoners *at the minimum-security stage and when they are approaching release* (added emphasis).<sup>99</sup>

6.50. While the Committee applauds the intention of integrating families, waiting until they are at the minimum security stage and approaching release is too late. The Committee believes that

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<sup>99</sup> Transcript of Evidence, 30/10/03, p 148

prisoners and families need to be supported to stay connected from the very beginning of the judicial process.

6.51. In the Committee's view, the department responsible for pre-release planning is also responsible for ensuring that where necessary, other relevant agencies (government or non-government) are onboard to support the family as a whole. It is not sufficient for those responsible for incarceration (which in the ACT is the Department of Justice and Community Safety) to focus solely on the inmate in the development of pre-release plans with a belief that other departments (such as the Office of Children, Youth and Family Support and Disability, Housing and Community Services) will somehow be able to address the whole family's needs.

6.52. The Committee acknowledges that there is a tension regarding who is responsible for supporting families. For example, where does the justice portfolio's responsibility begin and end and where does it become the role of a community or family services portfolio? Part of the tension is that it is probably not desirable to keep families involved in a cycle with justice agencies and yet these agencies are the ones that have the ready contact with families.

6.53. The answer is the much talked about whole-of-government service delivery in partnership with non-government agencies and the community. At the end of the day though someone has to be responsible for getting that partnership happening and the Committee believes that responsibility lies with the Department of Justice and Community Safety.

6.54. In relation to pre-release planning the Committee notes its concern that the majority of those in custody will not have any proper plans or programs in place on their release. This is because pre-release plans and programs are generally only provided for prisoners being released on parole and/or probation and who are therefore the responsibilities of the state.

6.55. The Committee believes that it is short sighted to provide services only to those on probation/parole and notes that the Western Australian government is specifically addressing this anomaly through its Community Re-Entry Coordination Services. The Services' focus is on those prisoners being released without supervision (i.e., have no mandated contact with the Department of Justice).<sup>100</sup>

### **Recommendation 10**

**6.56. The Committee recommends that, in relation to pre-release planning and programs for the new ACT prison, the Government ensure:**

- **a key aim is the restoration of families;**
- **the process for developing individual plans starts on the day the person is received into custody; and**
- **the portfolio containing corrective services is responsible for developing a collaborative approach with other agencies to the needs of families post release.**

### **Access to priority housing**

6.57. In the 1997 report by the NSW Legislative Council Standing Committee on Social Issues *Children of Imprisoned Parents*, the NSW Committee recommended that those inmates who are the primary carers of children receive priority housing from the Department of Housing once they are released from prison.

6.58. In light of the evidence presented this does not seem to be an unreasonable proposition, for example:

- the difficulties all ex-inmates have in securing accommodation after they are released (particularly women whose living arrangements often disintegrate during incarceration); and

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<sup>100</sup> Department of Justice, WA (2004), 'User Information - Community Re-Entry Coordination Services in the following regions: Metropolitan Area, Midwest, Murchison-Gascoyne', p 4

- the need for secure and stable accommodation to decrease the chance of re-offending and to regain custody of their children.<sup>101</sup>

6.59. The Committee notes that the NSW Government did not support this recommendation and stated:

If implemented, it would entitle offenders who are primary carers of children to be approved for priority housing purely because they are recently released from prison...It is not considered that it would be appropriate for priority housing to be approved on the grounds of being released from prison alone. No other applicants are able to access public housing purely because they belong to a specific client group.<sup>102</sup>

6.60. The Committee believes that the need to protect and promote the needs of their children should override any concerns about making them a 'special group'. This is in addition to the obvious benefit of reducing recidivism through stable housing arrangements post release.

6.61. The Committee notes that an amendment last year to the *Housing Assistance Act 1987* provided the Commissioner for Housing with the capacity to make 'out of turn' allocations.<sup>103</sup> The Director of Housing ACT told the Committee that this new flexibility in the program could potentially be utilised in the

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<sup>101</sup> For the discussion on these issues see the NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, pp 98 - 102

<sup>102</sup> New South Wales Government Response to the Report of The Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, March 1998, p 20

<sup>103</sup> *Disallowable Instrument No DI2003 – 121*, Clause 9 (2B), <http://www.legislation.act.gov.au/di/2003-121/current/pdf/2003-121.pdf> accessed 11/5/05

situation of a person needing urgent housing following a period of incarceration.<sup>104</sup>

6.62. The explanatory memorandum for the amendment provides examples of applicants who have a need arising directly from a state of emergency or participation in a Witness Protection Plan. The Committee would like to see Housing ACT policy documents explicitly provide for its use for eligible inmates being released that are also primary carers.

### **Recommendation 11**

**6.63. The Committee recommends that the Government ensure in policy and practice, eligible inmates who are the primary carers of children, are considered for an out of turn allocation by Housing ACT on their release from custody.**

### **Services and programs targeted at supporting children**

6.64. Over twenty years ago, the then Family and Children's Services Agency of NSW conducted a survey of children of prisoners. Sadly, many of their conclusions, about the service changes needed to help children with a parent in custody, are still relevant today.

Children almost invariably suffer, though to greater and lesser degrees, when their parents are imprisoned. Some of the problems they face are inevitable by-products of the simple fact of parental removal. Many, however, are **not** inevitable. They are caused by structural inadequacies in the prison, legal and welfare systems – inadequacies that could be rectified by changes in public

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<sup>104</sup> Transcript of Evidence, 30/10/03, p 121

policy, if only the will to do so existed.<sup>105</sup> (emphasis theirs)

6.65. This section makes a number of recommendations aimed at reducing some of these structural inadequacies.

### **Babies born in prison and separate units for inmates who are the primary caregivers of infant children**

6.66. The Committee recognises that there are divergent views about the appropriateness of having babies and children in custody. For example while countries such as the UK, the Netherlands, Canada, Switzerland, Spain and Germany accommodate mothers and children together in prisons, countries such as Sweden, New Zealand and the US generally do not.<sup>106</sup>

6.67. In relation to babies born in custody specifically, despite the obvious benefits of maintaining the mother/baby bond, some studies paint a disturbing picture of the potential impact of incarceration on babies.

Infants of incarcerated women are more likely to have life-threatening problems at birth, contract serious illness, and be exposed to a negative social environment as they grow into childhood.<sup>107</sup>

6.68. The Committee has considered this issue carefully and while not a desirable outcome in itself, can see that there may be times when it is *in a child's best interests* to remain with their primary caregiver – particularly where continuity of care is at stake. This may be the case for expectant or breast-feeding mothers and their

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<sup>105</sup> Hounslow et al quoted in Larman, G., (2000), 'Raising the profile of children of prisoners', paper presented at the World Forum 2000 Children First Conference, p 7

<sup>106</sup> Salomone, J., (2003), 'Issues Paper 2 – Mothers and children/babies' in *Towards Best practice in Women's Corrections: the Low Security Prison for Women 2001-2004*, Department of Justice, Western Australia, p 4

<sup>107</sup> Huft et al, 1992 quoted in NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, p 40

babies as well as for those who are the primary caregiver of pre-school age children (for whom no stable care arrangements can be made).

6.69. Where incarceration is the only option, the Committee believes there should be facilities available in the new prison for young children to stay with their parent/caregiver. The Committee is of the view that these facilities should be available to sentenced prisoners and those on remand who are primary carers. Court attendance and uncertainty of the length of time in remand (and possible sentencing) should not disqualify remandees from these units.

6.70. The Committee believes that the welfare and best interests of the child should be paramount in the design, regulations and support provided to such units. The Committee agrees that:

...if the sanction of imprisonment is to be used for mothers or mothers to be, then facilities for infants in prison should approximate free world conditions..., be accessible to community facilities and community contact, with educational and vocational programs for mothers, an access to day care or play groups for children.<sup>108</sup>

6.71. In addition, in light of the evidence of potentially poor health outcomes, dedicated resources for the health of these infants must be a priority. While infants in prisons are the responsibility of their parents/caregivers the Committee believes that it is incumbent on the state to ensure that the health of innocent children is not compromised due to their parent's incarceration and a consequent lack of access to services.

6.72. The Committee notes that the NSW Committee report *Children of imprisoned parents* referred to a mixed gaol in Denmark

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<sup>108</sup> Hartz-Karp, 1983 quoted in NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, p 126

that includes a unit for female and male inmates and their children (up to three years of age).<sup>109</sup>

### **Recommendation 12**

**6.73. The Committee recommends that the Government provide for units in the new ACT prison that allow primary caregivers, whether on remand or sentenced, to maintain children up to pre-school age with them, where that is assessed as being in the children's best interests.**

6.74. In recommending the provision of family units the Committee is concerned that there needs to be more research into the effects on children of residing in prison.

6.75. The Committee is of the view that given the relatively small numbers of children who reside in prisons in each state/territory, the Commonwealth is best placed to coordinate and fund a study.

### **Recommendation 13**

**6.76. The Committee recommends that the Government approach the Commonwealth Government requesting that they fund a long-term study into the effects on children of residing in prison.**

### **Parent education programs for inmates**

6.77. Although the vast majority of this report is focused solely on the families, it is clear to the Committee that families are well served by inmates having access to programs that build their relationship and parenting skills. The Committee believes that in particular, inmates who are parents need specific programs on parenting.

Prisoners can lose touch with their children. When they are not involved in the day-to-day issues of their

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<sup>109</sup> NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, p 145

children's lives, it is easy to misunderstand their children's reactions and to respond inappropriately. In addition to this, the research has highlighted the high proportion of prisoners who lived apart from their own families as children. This may impact on their ability to understand and respond to their children's needs, due to a lack of consistent parenting role models.<sup>110</sup>

6.78. The Committee is aware of the Commonwealth funded 'Good Beginnings' program which aims to help the children and families through early childhood development training programs for parents in prison and other measures. This is currently being piloted in six states and in the Northern Territory. An evaluation of the program is underway and is due for completion by June 2004.<sup>111</sup>

6.79. On its trip to Perth the Committee was told about the parent education programs (primarily for women) run by non-government organisations. For example at the Bandyup Women's Prison, Outcare conducts 'theraplay' sessions where mums in the prison have supervised play sessions with the children and where positive parenting is modelled by a facilitator.

6.80. The Committee considers these programs to be an important part of looking after the families and children of people in custody.

#### **Recommendation 14**

**6.81. The Committee recommends that the Government include parent education programs in the core set of programs available to inmates in the new ACT prison.**

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<sup>110</sup> Tudball, N., (2000), *"Doing it hard" – A Study of the Needs of Children and Families of Prisoners in Victoria*, Victorian Association for the Care and Resettlement of Offenders, p 81

<sup>111</sup> <http://www.ag.gov.au/www/ncpHome.nsf/Alldocs/RWP8B2E9C82BD9A4B02CA256B1200838DA3?OpenDocument&highlight=good%20beginnings>, accessed 23/4/04

## Leave entitlements

6.82. The Committee is aware that some jurisdictions in Australia and overseas have extensive programs that allow for day/weekend release for low or open security prisoners. For example:

- Victoria has Custodial Community Permits that allow prisoners to take part in a program that is designed to facilitate the maintenance of the prisoner's family ties through absences from prison.<sup>112</sup>
- Denmark allows prisoners to return home every third weekend to spend time with their family.<sup>113</sup>
- Norway allows prisoners 18 days' leave per year and an additional 12 days per year where this would benefit their children.<sup>114</sup>

6.83. These entitlements are subject to a risk assessment and are for a variety of purposes including education, employment and family contact. The Committee believes that with the establishment of a prison in the ACT, the availability of this kind of leave for family contact should be a priority and included in the regulations for the prison.

### **Recommendation 15**

**6.84. The Committee recommends that the Government commit to providing regular family leave for suitable prisoners once a prison is established in the ACT.**

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<sup>112</sup> Correspondence from Mr Kelvin Anderson, Victorian Correctional Services Commissioner dated 3/1/03

<sup>113</sup> 'Report on a visit to England, Norway, Denmark, Belgium and France: Reducing Reoffending – focusing on re-entry to the community', Attorney General Jim McGinty MLA; Minister for Justice and Legal Affairs, 2002, p 21

<sup>114</sup> *ibid* p 21

## Other considerations relating to the children of people in custody

### Keeping track of the children

6.85. One of the difficulties in developing appropriate services for the children of people in custody is the lack of data about them. For example, two basic questions would be how many people in custody from the ACT are parents and how many children do they have? Other questions about the children might be how many have an indigenous background? Who is caring for them? How many have English as a second language? How old are they? Do they have major health problems?

6.86. Having a system in place for answering these questions is vital not only to developing appropriate services and tracking their efficacy, but also in raising the profile of these children from 'invisible' to 'visible' in the public policy sphere. The Committee is unaware of any jurisdiction that keeps this information – despite various reports and organisations requesting that it be done.<sup>115</sup>

6.87. As one advocate has commented:

In a world where statistics are quoted and relied on for making a range of decisions affecting our lives and the world around us daily. It must be asked, **Why do we still not know how many children of prisoners there are?**<sup>116</sup> (their emphasis)

6.88. The advent of a prison in the ACT provides government with an opportunity to ensure data collection processes are in place from the beginning. That said there is no reason why this data could not start to be collected now if it was incorporated into standard arrest and remand procedures. Establishing a body of evidence prior to a prison would provide a useful comparison on

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<sup>115</sup> See Larman, G., (2000), 'Raising the profile of children of prisoners', paper presented at the World Forum 2000 Children First Conference, p 3

<sup>116</sup> *ibid* p 4

the numbers of families and children affected by incarceration once a prison is established. (One of the perceived consequences of having a prison in the ACT is that its proximity may impact on the use of different sentencing options. i.e., that concerns about separation from family will no longer be seen as being as relevant and therefore result in a possible increase in incarceration rates.)

### **Recommendation 16**

**6.89. The Committee recommends that the Government develop and implement a system for keeping data on the parental status of those in custody from the ACT and other relevant information about their children.**

#### Promoting the needs of children of people in custody

6.90. To ensure that the needs of children of people in custody are fully integrated into corrections and other relevant policy decisions, the Committee believes that it is important to appoint a designated Children's Officer, within ACT Corrective Services, whose chief responsibility is to keep these children on the public policy radar.

6.91. In the absence of a dedicated officer the Committee is concerned that issues related to the children of people in custody are easily being overlooked.

6.92. For example, one of the concerns held by the Committee was that in order to make sure children are safe and cared for, the parental status of someone in custody needs to be determined very early on. The question for the Committee was who would know whether someone who was arrested had children. What processes are in place to ensure that the question was even being asked?

6.93. The Committee understands that people may not want to reveal that they have children or where those children may be for fear of them being taken into care. It is a question that needs to be asked sensitively in order to maximise the chances of disclosure by

people who may have had bad experiences with authorities taking their children.

6.94. In New York, by law, police must inquire whether a suspect has children at the time they are arrested.<sup>117</sup> The Committee is unaware of any similar requirement in the ACT.

6.95. The Committee believes that although such an officer should have close contact with the Senior Policy Officer responsible for women's correctional issues, it is *not* appropriate for this job to be included as part of that role. This is to ensure that there is an equal focus on the children of both mothers and fathers in custody and to avoid, for example, simply focusing on mothers and their babies in prison.

### **Recommendation 17**

**6.96. The Committee recommends that as a matter of priority the Government appoint a Children's Officer within ACT Corrective Services to:**

- **promote the needs of children of people in custody in the development of corrections policy and practice;**
- **review and develop protocols regarding children of people in custody including protocols for:**
  - **visits by and searches of children; and**
  - **the care and treatment of children present during arrests;**
- **act as a liaison point for relevant government and non-government stakeholders (including the police and independent statutory offices such as the Office of the Community Advocate); and**
- **develop and coordinate a network of the agencies that interact or are likely to have contact with these children in the ACT.**

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<sup>117</sup> NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, p 21

## Services for families of people whose crimes are committed interstate

6.97. The terms of reference for this inquiry specifically refer to the effectiveness of support services for “families of *people in custody from the ACT*”. However the issue of services for families who live in the ACT, but whose family members have committed offences (or are on remand) interstate was raised with the Committee.

6.98. The Committee’s broad view is that as taxpayers in the ACT, these families should have access to the services recommended above. The fact that an offence has occurred interstate does not lessen the impact on the family and may in fact exacerbate some of the impacts.

6.99. The Committee is also acutely aware of the ACT’s regional nature and close boundaries with NSW. In the Committee’s view it would not make sense to deny a family living in the ACT access to support, simply because their family member committed a crime in Queanbeyan rather than Fyshwick.

### **Recommendation 18**

**6.100. The Committee recommends that the Government allow access to support services to families in the ACT with a person in custody, regardless of whether the person in their family has committed or is alleged to have committed an offence in the ACT or interstate.**

## 7. Maintaining contact

7.1. Maintaining contact with a family member while they are in custody is, for many families, one of the most important aspects of surviving a period of incarceration.

7.2. Families can maintain contact with the person in custody through receiving telephone calls, exchanging letters and visiting. The Committee received a number of submissions and heard evidence about the difficulties associated with visiting people in custody.

7.3. Accordingly, this chapter focuses on how to improve visiting processes and centres, with a particular focus on children's needs during visits.<sup>118</sup>

### Committee observations about visiting the Goulburn Corrections Centre and the Belconnen Remand Centre

7.4. As mentioned in the introduction to this report, the Committee visited a number of corrections centres. The Committee first went to the Goulburn Corrections Centre (Goulburn) and the Belconnen Remand Centre (BRC). The Committee has previously visited the Quamby Youth Detention Centre. The Committee went to these centres to see first hand what it might be like for families in the ACT when they visit someone in custody.

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<sup>118</sup> There is a lot of research that shows the importance of maintaining parent/child relationships and the need for physical contact to do this (see for example Larman, G., (2000), 'Raising the profile of children of prisoners', paper presented at the World Forum 2000 Children First Conference, p 7). While the Committee does not think contact (particularly unsupervised contact) is appropriate if there is any potential for a child to be harmed, it understands that cases like these are likely to be quite rare (Hounslow et al 1982 quoted in NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, p 4).

7.5. The Committee found the visiting facilities at both centres to be inadequate and notes that corrections staff shared this view. (A new visiting centre at Goulburn is currently being built.) At Goulburn the area for receiving and processing visitors is crowded and small, the building itself is dark and gloomy (there is almost no natural light) and the visiting areas are caged. At BRC, the area for receiving and processing visitors is also the front entrance and is consequently extremely busy and lacks privacy. The visiting room itself is very cramped. The Committee wondered how normal conversations could take place if the room was full.

7.6. Physical infrastructure aside, the Committee was concerned that a number of the processes involved in visiting were either unduly difficult or potentially traumatic for visitors. For example:

- At Goulburn, the screening of visitors prior to entry involves at least five security checks:
  1. Photographic ID checked at boom gate entry.
  2. Screened by Passive Alert Detection Dogs (PAD Dogs) before entering visiting centre.
  3. Photographic ID checked again in centre.
  4. Biometric scanning (thumbprint and photograph taken).
  5. Walk through metal detection.

On leaving visitors are biometrically checked again.

- Identification requirements, particularly for first time visitors, could be difficult to meet for people who do not have a driver's licence or passport.
- Visitors at both centres are locked into small transitional corridors between the reception area and the visiting room. These corridors are small and claustrophobic. One Member of the Committee was told by a visitor that they had been

forgotten by staff and had been left in the locked corridor at BRC for an extended period of time.

- Visitors without reasonable levels of English literacy would have difficulty understanding the posters outlining the rules for visits and there did not seem to be any translations available. At each centre the Committee saw only one poster advising of the availability of general interpreting services.
- Visits are terminated if visitors need to go to the toilet – this is difficult to manage with young children.
- Visits may be terminated for ‘inappropriate’ touching or close physical contact – but there seems to be a grey area of accepting close contact at the beginning and end of visits.
- There are extremely limited facilities for children who are unlikely to want to stay sitting on a chair bolted to the floor. Neither centre has a corner where children can go and play. (The Committee notes that the facilities for children at BRC were better than at Goulburn with a wider range of toys available and a chalkboard.)

7.7. The Committee recognises that concerns about the visiting centre and processes at BRC and Goulburn are not dissimilar to concerns held about other corrections centres. For example, the Victorian Association for the Care and Rehabilitation of Offenders (VACRO) study of the needs of children and families of prisoners in Victoria identified:

The most difficult aspect of visits identified by both prisoners and caregivers was that children get bored during visits. Other concerns included:

- no or limited access to play equipment
- lack of access to an outdoor area
- lack of privacy with the prisoner for caregivers

- lack of opportunity for the prisoner to spend time alone with his/her children
- atmosphere of visits creating tension
- prison restrictions on movement of the prisoner
- transport difficulties – cost, distance, access, time.<sup>119</sup>

## Community views

7.8. Submissions to the Committee indicated high levels of concern about families’ capacity to maintain contact and negotiate visiting processes.

7.9. Families and Friends for Drug Law Reform stated “there are formidable barriers to families maintaining a continuing relationship with members on remand or in prison.”<sup>120</sup> The following extract from their submission is a first hand account of visiting a remandee at BRC.<sup>121</sup>

**A visit to Belconnen Remand Centre**  
by a member of Families and Friends for Drug Law Reform

I present myself at the reception area of the Belconnen Remand Centre. I am lucky.

On the wall is a barred pigeon hole. There’s a voice behind it and part of a human figure. I say who I have come to visit – a young woman, I’ll call her Christine, for whom from time to time I have provided foster care. I am early enough and lucky enough – early enough because I’m within the quota of about 5 visitors allowed this visiting session – there are two sessions a day - and

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<sup>119</sup> Tudball, N., (2000), *“Doing it hard” – A Study of the Needs of Children and Families of Prisoners in Victoria*, Victorian Association for the Care and Resettlement of Offenders, pp 49 & 76

<sup>120</sup> Submission 11, Families and Friends for Drug Law Reform, p 29

<sup>121</sup> *ibid* pp 30-32

I'm the only one who has wanted to see Christine that day. Inmates are allowed only one a day. Will the young mother, baby in pram, who comes in after me be so lucky? At least I've got a car. Goodness knows how many buses she has had to wait for to get here with that child.

I am given a key to a locker because you are not allowed to take anything in with you – not some lollies, not a magazine, not even postage stamps and certainly not your handbag. You must empty all your pockets. What's going to happen if the baby needs a bottle or its nappy needs changing?

I must then fill out a form about who I am and why I want to visit so and so. I must produce identity to prove that I am who I say that I am. I see an elderly woman (Italian I guess) who's obviously nervous and not finding this form filling easy. You've got to present yourself at least 15 minutes before the designated visiting time to allow for all these procedures.

By now there's about seven of us for the five visits. That doesn't count the baby and a couple of other young mothers with small kids in tow. We're told we now have to go to a waiting room. We walk down a long corridor and are scanned by a metal detector. It's very small room, about 2 x 3 metres. We're all standing crammed together – the young mums, me (I'm alone), the elderly Italian woman, and some pretty rough looking types – male. We're strangers to each other. There's no window. Everyone's tense. I'm glad I'm not claustrophobic. I understand that the room is used as an interview room for inmates to see their lawyer. None of the staff have been welcoming. No one is glad that we have come.

They locked us in the room while they collect the inmates. We wait and wait. Eventually someone unlocks the door and tells us to follow. We enter a room that seems much larger – about 5 x 7 metre – and there they are. They're all in green from neck to knee - overalls zipped down the back. All the feet are wearing thongs. I forget that these figures are not convicted prisoners. Christine is one of them.

The welcoming is as tense as everyone feels. Everyone is self-conscious. We spread around the room. It's bare except for some chairs and a desk. The floor is vinyl. Christine and I find a space and a couple of the chairs. A warder at the desk is watching us all. The side of the room beside the corridor is glass.

What do we say to each other in this goldfish bowl? She's not really interested in the outside world. I know she feels like shit. She's detoxing. I can sense the same is true for most of the others dressed in green. We, the visitors, don't feel much better. I see that some of the young women are hanging out for a smoke but, of course, it's no smoking.

We've been told that no physical contact is allowed but I'm glad that they do not seem to enforce that strictly. A couple are canoodling in a corner. There are some embraces but the atmosphere doesn't relax. The baby starts crying. There's no tea, no coffee, just a 5 x 7 metre bare room for 45 minutes. We had to arrive together and we've got to leave together. It's hard filling up time with words in that atmosphere. Other kids are howling by now.

I've been told that I can't give Christine lollies or the magazine that I brought. Back out the front I ask about money? Yes, that would be possible but, it is evident that that's not easy either. I have to hand it in at the barred pigeon hole at the front. They've got to open an account for Christine. All this takes time. I learnt that it was three days before she got access to it.

7.10. Families and Friends for Drug Law Reform recommended that the practices/facilities for visits, as well as the culture of custodial officers, be changed to improve visiting.<sup>122</sup>

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<sup>122</sup> *ibid* p 32

7.11. Women's Information, Resources and Education on Drugs and Dependency (WIREDDD), which works with women incarcerated at BRC, had a number of concerns about visiting arrangements at BRC, including:

- Women often discourage visits from their family and children “ to spare them the effect of strip-searching and watching the treatment the woman herself receives”.
- There are no facilities for children at BRC – eg there are no toys, nappy changing facilities or toilets (the Committee notes that when it visited BRC there were toys in the visiting room).
- Inconsistent rules among officers regarding contact between children and their mothers (eg some allow sitting on the lap, others don't – the children don't understand why this changes from one visit to the next).
- Cancellation of family visits at the last minute due to staff shortages at BRC.<sup>123</sup>

## Making visits family friendly

### Child friendly visiting centres

7.12. Having seen better visiting centres in Perth, the Committee believes that it is possible to make these centres more visitor and child-friendly, in ways that do not compromise security.

7.13. For example, the visiting centre at the maximum security Hakea Prison is bright and airy with natural light. There is a corner specially set up for children that is carpeted and has a video, games and toys. Inmates can make their visitors tea, coffee or cordial. The Committee also noted that there was no requirement for visitors to take off all their jewellery despite it being a maximum security facility.

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<sup>123</sup> Submission 5, WIREDDD, pp 3-4

7.14. Inmates at Hakea wear their normal prison clothing for visits. The Committee saw this as a positive step in ‘normalising’ visits and notes that none of the prisons the Committee visited in Perth required inmates to wear overalls zipped up at the back for visits. This is in contrast to the procedures at BRC and Goulburn Corrections Centre where they must wear overalls.

7.15. Another aspect of normalising contact at visits is the capacity for more relaxed contact and interaction.

7.16. The Indigenous Liaison Officer at BRC told the committee:

Pressure is placed on me to try to get family days happening. Family members want family days and they want to see inmates over Christmas. We do not have the facilities to provide family support days or to enable them to interact freely with their children over the Christmas period. When I worked in Western Australia families were permitted to visit inmates over the Christmas and Easter periods because the space and the resources were available.<sup>124</sup>

7.17. Once a month at Hakea there are ‘family incentive days’ where the visits are more relaxed. The Committee was told there are light refreshments and children are allowed to play in the adjoining grassed area outside. The prison has also organised for inmates to be able to purchase flowers for their visitors for Valentine’s and Mother’s Day visits.

7.18. The Committee accepts that for the time being there is very little that can be done to improve the physical infrastructure at BRC for visits. The Committee notes however that the Director of ACT Corrective Services has indicated that in the new prison there will be an area for “decent visits” with an adequate play area and facilities for children and the possibility of more normal interactions such as barbeques for selected prisoners.<sup>125</sup>

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<sup>124</sup> Transcript of Evidence, 30/10/03, p 149

<sup>125</sup> *ibid* p 153

### **Recommendation 19**

7.19. The Committee recommends that the Government ensure the new ACT prison has a visiting centre designed to accommodate the needs of child visitors including access to toilet facilities in the visiting room.

### **Recommendation 20**

7.20. The Committee recommends that the Government review current regulations in ACT corrections facilities to ensure that:

- inmates can read books to their children during visits;
- inmates can receive pictures from their children during visits which have been cleared by security;
- there are a range of toys and activities for children (e.g., colouring, puzzles, chalk board); and
- inmates can wear 'normal' prison clothing and not overalls.

### Waiting and reception area for visits

7.21. In its visits to prisons the Committee observed that visitors spend a considerable amount of time either waiting to enter the prison or being processed for a visit. Waiting can involve prolonged exposure to the weather and this needs to be factored into the design of a prison. Equally, the reception area, once visitors are inside the prison, needs to be able to accommodate the business of both holding and processing visitors.

In designing any new prison for the ACT much thoughtful consideration must be given in the design process to ensure that, if visitors are to be held externally for a period before entry to a reception area, there is adequate covered shelter for visitors on arrival at the prison (cool in summer and warm in winter). Equally every care must be taken to ensure there is a sufficiently large and comfortable processing area for visitors, while waiting entrance to the visiting area of the prison itself,

during processing, and in transit areas within the prison.<sup>126</sup>

## **Recommendation 21**

**7.22. The Committee recommends that the Government incorporate in the design of the new ACT prison the need for waiting visitors to have adequate shelter outside the prison and for there to be a sufficiently large reception area.**

### **Access to extended visits**

7.23. Some states allow children to have day stays and overnight stays. In Perth, the Committee heard that in the school holidays there was no reason a woman's children might not come each day for a large part of the holidays.

7.24. In the context of family units in a new prison, the Committee believes that these extended visits are a positive option provided there are specific programs in place for the children to ensure they are not simply 'locked in'.

7.25. The Committee also notes that in some countries 'family visits' are allowed. In Canada there is a family visiting program that allows private visits once every two months for up to three days in special units. These visits allow whole families to reconnect rather than just the mother and the child. Partners, children, parents, siblings, grandparents and those with a close bond with the prisoner can participate.<sup>127</sup>

7.26. The Committee sees value in considering a family visit scheme for sentenced prisoners who meet eligibility criteria (i.e., low risk, assessed to be in inmate and family's best interests). Such

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<sup>126</sup> Submission 1, p 2

<sup>127</sup> Salomone, J., (2003), 'Issues Paper 6 – Family and community visits' in *Towards Best practice in Women's Corrections: the Low Security Prison for Women 2001-2004*, Department of Justice, Western Australia, p 12

a unit could be included or near to any units for parents with their dependent children.

### **Recommendation 22**

**7.27. The Committee recommends that the Government make provision for older children to have overnight and day stays in the new ACT prison.**

#### Appropriate scheduling of visits

7.28. The Committee notes that it is important for visit times to take into account the needs of both inmates and their visitors in order to maximise both parties' capacity to maintain contact.

7.29. In regard to inmates it is important that the times for visits do not place them in a position of having to choose between programs and a visit. The Committee was told that at Goulburn inmates often have to decide on competing priorities such as a shower or a visit, or a 'buy up' or a visit.

7.30. Visit times should also take into account the capacity of visitors to attend who may have work or children to consider. The Committee notes that the visiting hours at BRC are currently every day between 9am and 11.15am and 1pm and 4.30pm (except Tuesdays and Thursdays when there are no visits). This means that it would be extremely difficult for school age children to visit during the week (unless they were at school very close to the centre).

### **Recommendation 23**

**7.31. The Committee recommends that the Government review visiting hours at BRC and the Symonston Temporary Remand Centre to provide for a later afternoon mid-week visiting time.**

## **Recommendation 24**

**7.32. The Committee recommends that the Government ensure visiting times for the new ACT prison enable families to have contact with inmates both during the week and on weekends.**

### **Adequate public transport**

7.33. In addition to well thought through visiting times, families need access to public transport that will get them to the prison at least half an hour before the visit and take them home shortly after the visit finishes.

7.34. At BRC this is not a significant issue as the centre is located close to a major bus route. However adequate public transport is likely to be an issue for a new prison. The Committee notes that this may require the provision of a subsidised bus service from a central location if the prison is not located on a normal route.

## **Recommendation 25**

**7.35. The Committee recommends that the Government ensure there is adequate public transport to the new ACT prison.**

### **Use of Passive Alert Detection Dogs for drug searches of visitors**

7.36. In many jurisdictions there is now an increased and routine use of dogs for what are termed 'passive searches' of visitors for drugs. These searches involve visitors standing in a line and the dog running in front and behind the visitors up and down the line (the dogs noses are generally pressed into the crotch of visitors). The dogs 'indicate' by sitting in front of any person where they have 'detected' any drugs.

7.37. In response to an indication, visitors may be subject to a search of their property, pat down search and/or strip search. They may be only offered a non-contact visit, refused entry to the prison and the police may also be called.

7.38. While the Committee understands the rationale for these searches, it makes the following points:

- Reference to these as ‘passive’ searches is perhaps misleading – one might ask how passive is it having an Alsatian invading your physical space.
- Indications cover a wide range of scenarios from discovering actual drugs on a person (extremely rare) to detecting the result of incidental contact with someone who has used or is carrying drugs.
- In light of the uncertainty as to what an indication means, it is difficult to provide a consistent and appropriate response framework for corrections officers.

7.39. In Western Australia, if a dog indicates, by law visitors can only be offered a non-contact visit – regardless of whether a further search reveals that there are no drugs. The Committee considers that this is an unduly inflexible approach and one that should be avoided in an ACT prison.

### Strip searching visitors

7.40. The Committee is firmly of the view that no visitor – regardless of whether it is an adult or a child – should be subject to a strip search. The Committee believes that it is inappropriate for corrections officers to assume a police like role and decide that persons are “suspicious” and should be searched.

...the dehumanising and potentially traumatising practice of strip searching of inmates and visitors, including children, is particularly problematic. Of particular concern is the impact on those individuals who have been subject to prior sexual and physical abuse, which among some populations, including the female prisoner population, is endemic.

As well, the disrespect implied for Aboriginal visitors such as Elders and family members, as well as for ethnic minority visitors, cannot be underestimated...

Many prisoners understandably would rather forgo visits than subject their loved ones and members of their communities to such practices. This may also be true if prison staff are unwelcoming, intimidating or hostile.<sup>128</sup>

7.41. The Committee notes that there is precedent for not permitting strip searches, particularly on children. In Canada, children who participate in the mother/child program (which ranges from regular visiting to on site care), are not permitted to be frisked or strip searched.<sup>129</sup>

7.42. The Committee also notes that the Western Australian Department of Justice, in researching best practice in women's prisons has, in relation to strip searching, stated that:

...it is not considered appropriate that the possibility of misconduct by a minority should dictate practices that affect the majority, as well as impacting on members of the public and children in particular.<sup>130</sup>

7.43. Apart from the inappropriateness of strip searching, the Committee has not received any evidence that strip searching is actually effective in detecting contraband. On the contrary, the evidence seems to suggest that strip searching is largely ineffective in the detection of contraband.<sup>131</sup>

7.44. For example, a study of *strip search results of visitors* to Western Australia's maximum women's prison showed that over a 9 month period in 2002, *no contraband was found* as a result of the 77

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<sup>128</sup> *ibid* pp 8-9

<sup>129</sup> *ibid* p 11

<sup>130</sup> *ibid* p 21

<sup>131</sup> Salomone, J., (2003), 'Issues Paper 8 – Strip search, drugs and related matters' in *Towards Best practice in Women's Corrections: the Low Security Prison for Women 2001-2004*, Department of Justice, Western Australia, p 7

strip searches and 26 searches by drug dogs conducted on visitors.<sup>132</sup> Interestingly, drug dog indications were the reason for the search in 72 of the above cases, which illustrates the difficulty in relying on drug dog indications when these can result from incidental prior contact with a drug some time before the visit (rather than any drugs on the person during the visit).

7.45. If the only 'positive' impact from a corrections perspective of strip searching is deterrence, then the Committee believes it is legitimate to trial a policy of no strip searching of visitors.

7.46. Where there are specific concerns about contraband then individual inmates can be screened at the termination of a visit prior to re-entering the prison population. The Committee believes that this option appropriately places the responsibility for accepting contraband with the inmate who receives it. In the Committee's view, this is a more rational approach to the problem. Screening the inmate, rather than the visitor, is also representative of a corrections philosophy that values families and visitors and does not seek to create unnecessary obstacles for them in their efforts to maintain contact with people in custody.

### **Recommendation 26**

**7.47. While acknowledging inmates may be strip searched, the Committee recommends that the Government commit to a policy of not strip searching visitors to the Belconnen Remand Centre, Symonston Temporary Remand Centre, Quamby or the new ACT prison once it is built.**

### **Visits as a 'privilege'**

7.48. The Committee is aware that in many corrections centres in Australia and overseas, visits are used to control inmates' behaviour. Inmates can be threatened with visits either being cancelled and or non-contact visits for 'bad' behaviour.

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<sup>132</sup> *ibid* pp 9-10

Alternatively, inmates can be rewarded for 'good' behaviour by being granted access to additional visits or extended visits.

7.49. The Committee was concerned that visits might be being used as a behaviour management tool in NSW when in Western Australia the approach seemed to be more one of recognising the importance of visits to families and inmates.

7.50. The Committee considers that it is inappropriate for visits to be utilised as a behaviour management tool because of the adverse consequences a loss in visits has to children and families.

### **Recommendation 27**

**7.51. The Committee recommends that the Government ensure current and future regulations for ACT corrections facilities do not result in visits being used as a behaviour management tool.**

### **Staffing**

7.52. The Committee recognises that staff have a critical role in the success or otherwise of visits.

7.53. This has also been recognised in the development of the new low security facility in Western Australia where the Department of Justice has stated that:

...the quality of community and family interactions with the prison and residents will be underpinned by progressive and supportive attitudes and approaches by staff to their every day work.

A supportive staff will ensure that prison visitors – whether professional, family or community members, are supported and encouraged in their roles and in their contacts with residents.<sup>133</sup>

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<sup>133</sup> Salomone, J., (2003), 'Issues Paper 6 – Family and community visits' in *Towards Best practice in Women's Corrections: the Low Security Prison for Women 2001-2004*, Department of Justice, Western Australia, p 20

7.54. The Committee believes that all staff at BRC and Symonston Temporary Remand Centre should receive some training about the importance of family/visitor contact and the experiences of visitors. Such training could consist of a half-day workshop where those who have been visitors are invited to provide their input in addition to staff having an opportunity to talk about their experiences supervising visits.

### **Recommendation 28**

**7.55. The Committee recommends that the Government develop training for current and future corrections staff on the importance of family contact and visitors' experiences.**

### **Closing the gap for families of prisoners sent to NSW**

7.56. Until there is a prison in the ACT, the issue of the cost and time it takes to visit sentenced prisoners will continue to be a significant concern for their families.

7.57. A number of submissions to the inquiry advocated more needs to be done, by the ACT Government, to assist families visiting prisoners in NSW.

7.58. Prisoners Aid submitted that many of the problems for prisoners and their families maintaining contact and relationships stem directly from prisoners being sent to NSW facilities. Prisoners Aid noted that an ACT prison is some years off.

In the meantime, there is a moral obligation on the community and the ACT government to minimise the disadvantages of sending prisoners outside the ACT, especially as far as the harmful effect on family relationships is concerned.<sup>134</sup>

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<sup>134</sup> Submission 7, Prisoners Aid (ACT) Inc., p 3

7.59. The ACT Council on Social Services (ACTCOSS) reiterated this view.

...the use of interstate facilities should entitle families to increased support during an incarceration, and that this support is the responsibility of the imprisoning authority – ACT Corrections.<sup>135</sup>

7.60. The Committee is aware that Prisoners Aid is funded to assist families (on a means tested basis) to undertake prison visits once a month. However these grants do not cover the total cost of visits.<sup>136</sup>

7.61. Prisoners Aid pointed out some of the difficulties and costs associated with visiting for ACT families, which include:

- the cost of travel to a prison which may extend to an overnight stay as well as food and incidental expenses, particularly if children are involved.
- the difficulty of visiting many prisons by public transport which is often infrequent and inconveniently timetabled. Travel to Tumbarumba for Manus prison, for example, means catching a bus from Canberra at 10 a.m. and arriving at 5 p.m.; the return bus leaves at 9.45 a.m. so that two nights accommodation is required. As a consequence the only real option is to make visits by car which may prove difficult for families of prisoners who do not possess a registered or roadworthy vehicle.<sup>137</sup>

7.62. While the Committee accepts that some NSW families are in a similar position and also have to travel considerable distances to visit their family members in prison, the Committee is of the view

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<sup>135</sup> Submission 9, ACTCOSS and Youth Coalition of the ACT, p 7

<sup>136</sup> Submission 7, Prisoners Aid (ACT) Inc., p 5

<sup>137</sup> *ibid* p 1

that more should still be done by the Government to assist ACT residents to visit their relatives.

7.63. The Committee notes that most prisoners from the ACT are sent to Goulburn or Junee.<sup>138</sup> One option would be to provide a regular bus service to these prisons for families and other visitors.

7.64. Another option would be to consider bringing prisoners back to the ACT to enable families to have a period of intense visiting. The Committee learnt that this could be done in Western Australia for prisoners who are incarcerated long distances away from their families. Authorities can arrange for a prisoner to go to a prison closer to their families for a couple of weeks via the prison transport system.

### **Recommendation 29**

**7.65. The Committee recommends the Government commit to assisting the families of people in custody in NSW by:**

- **reviewing the adequacy of the current subsidy offered to families travelling to interstate prisons;**
- **putting on a regular bus service to the main institutions (eg once a month to Goulburn and Junee); and**
- **investigating the possibility of bringing back ACT prisoners to an ACT remand centre for short periods where family circumstances are such that there are extreme difficulties visiting them in NSW.**

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<sup>138</sup> Transcript of Evidence, 30/10/03, p 155



## 8. Commentary on the findings of the ACT Prison Community Panel

8.1. The ACT Prison Community Panel (the Panel), in its report *An ACT Prison "Getting it Right"*, canvassed issues relating to families of people in custody.

8.2. While the Committee agrees with most of their recommendations there are some areas of difference. Accordingly, the Committee thought it important to comment, briefly, on the Panel's key findings and explain the reasons behind the Committee's differences of opinion.

### Visits

8.3. Chapter 8 of the Panel's report is on family and community involvement and includes the following recommendation:

Recommendation 21: In relation to prison visits:

- (i) the importance of families and the role they play in the rehabilitation of a prisoner must be recognised and suitable visiting times and facilities provided;
- (ii) residential visits should be considered as a feature of an ACT prison. There would be significant costs and risks involved and such arrangements would require careful management;
- (iii) provision must be made for visits by professionals (e.g., lawyers) and other persons (e.g. support during times of crisis); and

- (iv) visitor arrangements, associated facilities and transport need to be integrated with prison operations.<sup>139</sup>

8.4. Later in the report it is also recommended that visitor induction programs should be provided for all first time visitors, particularly women.

8.5. The Committee endorses this recommendations as can be seen by the conclusions and recommendations in the preceding chapters.

## Family support

8.6. The Panel's report stated that there should be education programs aimed at families to encourage them to stay involved. The report proposes a Prisoner Support Program that would both assist prisoners with rehabilitation and support and provide some assistance to families.

Facilities for families with children are essential, and child-minding facilities should be available. The Prisoner Support Program could operate a centre for visitors, which provides public telephone, lockers for valuable items, mothers' room, tea and coffee facilities, light snacks and cold drinks.<sup>140</sup>

8.7. The Committee considers that although the above closely matches some aspects of the visitors' centres provided by Outcare in WA, the key difference is that Outcare provides these purely as 'family/visitor support centres' rather than as an adjunct to prisoner support services.

8.8. The Committee believes that this is an important difference. It is inevitable that at times the objectives and focus of prisoner support may not be compatible with the needs of their families.

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<sup>139</sup> *An ACT Prison "Getting it Right"*, Report of the ACT Prison Community Panel, 2000, pp 67 - 68

<sup>140</sup> *ibid* pp 66 - 67

The Committee believes it is therefore necessary to be able to separate the support provided to prisoners and the support that needs to be provided to their families/visitors.

8.9. The Committee acknowledges that Outcare in Western Australia does provide support to prisoners (pre and post release) but their name 'Outcare' makes it clear that they are not solely an organisation looking after 'prisoners'. By comparison, 'Prisoner Support Program' does not suggest a focus on families. The Committee's concerns here mirror those expressed earlier about Prisoners Aid, due to its name, being the only provider of services to families.

8.10. In the section on addressing the specific needs of women prisoners, the Panel's report states that support groups for children/families of women in prison should be available.<sup>141</sup> As stated earlier, the Committee believes that support groups should be available for the children and families of all inmates, regardless of their gender. The Committee is of the view that society forgets the role of fathers at its peril and that although the forms of support may vary, it is equally as important to support men's families and their children, as it is those of women in custody. The Committee believes that emotional and practical support will be far more beneficial to families trying to stay in touch and involved than educational programs.

## Children and young people in the prison

8.11. The Committee notes that the panel's report suggests that "care units for children may be included in the design of the ACT prison" and that another option is also to provide an overnight visiting facility for older children.<sup>142</sup>

8.12. The panel's report talks about these in the context of women prisoners and the Committee again makes the point that the focus

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<sup>141</sup> *ibid* p 88

<sup>142</sup> *ibid* p 94

should be on inmates who are *primary care givers*, regardless of their gender, and that the planning for the prison should take into account the possibility of both male and female inmates having residential access to their children.

## 9. Services for families of young people in Quamby

9.1. As noted earlier, the Government submission provided almost no information about specific supports for families with a young person in Quamby.

9.2. During public hearings the Committee learnt that Family Services only makes contact with families as a matter of course if the child going into Quamby is already known to them or on care order.<sup>143</sup> In other words there is no pro-active support offered to families when a young person goes into Quamby. Where a child is on an order it was unclear what specific support is provided to the families beyond assistance with visiting.<sup>144</sup>

9.3. The Committee specifically asked the Government what support is provided to siblings of the young people in Quamby in light of the potential for them to be influenced by the behaviour of their siblings in Quamby or otherwise at risk. Although the Committee was told that Youth Justice try and work with the young person holistically, which includes their families,<sup>145</sup> it does not appear that there is a pro-active approach to reaching out to the siblings of young people in Quamby.

9.4. The Committee was told that in part this was because it was not possible to require people to participate in services.<sup>146</sup> The Committee makes the point that the issue of not being able to force people to participate is not actually related to pro-actively offering them support in the first place.

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<sup>143</sup> Transcript of Evidence, 30/10/03, p 131

<sup>144</sup> *ibid* p 136

<sup>145</sup> *ibid* p 132

<sup>146</sup> *ibid* p 132

9.5. In terms of support for families anticipating the return of a young person from Quamby, the Committee was advised that “all relevant people who are going to be involved with the young person when they exit Quamby” are invited to participate in the exit planning process, which commences about six weeks before they leave.<sup>147</sup> The Committee assumes that families are considered in this group and routinely involved in the process.

9.6. In addition to any support services, the Committee was keen to assess the level of information provided to parents when their young person is in Quamby.

9.7. The Committee was told:

When they [the parents] first arrive into the centre, they are met by the unit manager on duty or myself [the Manager of Quamby] or the operations manager. We explain to them what the system is about. We provide them with the parent information handbook, also with the residents’ handbook, which is the code of conduct and so on. We explain to them about the case management system, that the young person will be case managed; there will be a care plan put into place to look after that young person; the education that they will be required to undertake while they are actually in custody; that they can work towards and aim towards a year 10 certificate.<sup>148</sup>

9.8. The Committee received a copy of the parent information handbook and notes the view of the department that these handbooks are “very user-friendly to fathom”.<sup>149</sup>

9.9. In relation to information generally, the Committee notes that there is a stand containing Parentlink Guides and a community notice board at the Children’s Court. The notice board

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<sup>147</sup> *ibid* p 138

<sup>148</sup> *ibid* p 136

<sup>149</sup> *ibid* p 136

has everything on it from advertisements for commercial operations (e.g., Animal Action Tours) and youth sports to information about support services. The range and volume of information can however make it difficult to locate information about support services and emergency contacts.

9.10. The Committee explored the supports provided to families to help them visit their young person when they have been sent interstate. The Committee was told that families are offered accommodation in a nearby motel and receive a subsidy allowance.<sup>150</sup> (The number of young people transferred to NSW is very small.<sup>151</sup>)

9.11. For families who may have difficulty visiting Quamby the Committee was assured that staff at Quamby go out of their way to assist them to visit.

If any of the families have any difficulty visiting the centre, we will provide transport for them. We will go out and bring them into the centre and allow them their visit and social time with the young person. We will go out of our way to make sure that these visits occur. If the young person has not received a visit for some time, we will contact the families and ask if there is any difficulty in attending the centre. We will certainly go out of our way to make sure that the families can get into the centre.<sup>152</sup>

9.12. In terms of the actual visiting facilities at Quamby, the Committee notes that as part of the \$20m upgrade of Quamby the visiting area will be “completely rebuilt” with “specific areas set aside for children visiting the centre”.<sup>153</sup>

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<sup>150</sup> Transcript of Evidence, 25/3/04, p 166

<sup>151</sup> *ibid* p 171

<sup>152</sup> *ibid* p 171

<sup>153</sup> Correspondence from Ms Katy Gallagher MLA, Minister for Education, Youth and Family Services dated 5/5/04

## Adequacy of these services

9.13. In its submission to the inquiry the Youth Coalition of the ACT was concerned that little attention and support is given to the needs of families of young people in Quamby.<sup>154</sup>

We are unaware of any programs/services targeted at supporting the involvement of the families, and working with families of young people incarcerated in Quamby to strengthen family supports and assist in the young person's transition back into the community. On a specific level, current policies in Quamby (such as those related to strip-searching) and visiting facilities must also be reviewed in regard to supporting the facilitation of positive family contact.<sup>155</sup>

9.14. Similar concerns were raised by the Office of the Community Advocate (OCA) who is unaware of any support services specifically for the families (including parents, siblings, partners and/or children) of young people in custody.<sup>156</sup>

9.15. During public hearings the OCA stated:

The families themselves are often left in isolation. The families of young people who are in Quamby are rarely contacted or engaged in any sort of discussion or planning by the department. Sometimes families do not want to be. Not only does that affect the child who is in the custodial system, but it also affects that child's siblings.<sup>157</sup>

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<sup>154</sup> Submission 9, Youth Coalition of the ACT, pp 52-53

<sup>155</sup> *ibid* p 53

<sup>156</sup> Submission 2, Office of the Community Advocate, line 40

<sup>157</sup> Transcript of Evidence, 2/10/03, p 8

9.16. The Committee notes that the parent information handbook does not contain any information at all about possible support services for the parents or other members of the young person's family. (It also doesn't include any information about the impact the young person's incarceration may have on parents or the rest of the family.)

### **Recommendation 30**

9.17. The Committee recommends that the Government develop and implement a strategy for supporting the families of young people in Quamby that includes the provision of services to families on a proactive basis when the young person is incarcerated and after they are released.

### **Recommendation 31**

9.18. The Committee recommends that the Government develop a range of culturally appropriate information brochures and posters for families of young people in Quamby advising them of where to get help and how the incarceration of their young people may be affecting their family.

### **Recommendation 32**

9.19. The Committee recommends that the Government consider funding a non-government organisation to work with the young people at Quamby to produce a CD about Quamby (similar to the Jailbreak Families CD referred to in Recommendation 5) targeted at families, particularly siblings.

### **Recommendation 33**

9.20. The Committee recommends that the Government provide a specific notice board at the Children's Court for information about family support services.

## Maintaining contact

9.21. The Committee received evidence that some indigenous families find visiting Quamby difficult. The Committee heard:

...some of the staffs' attitudes just aren't the best. A lot of our community members do feel that they're getting looked down upon, which is not a nice feeling for anyone.<sup>158</sup>

9.22. In relation to visiting, the Committee notes that its earlier recommendations regarding no strip searching and the provision of staff training also apply to Quamby.

9.23. The Committee also examined the visiting times for Quamby. General visiting times are 6-8pm Tuesday, Thursday and Saturday however males aged 16-18 years in Quamby have visits on Wednesday, Friday and Sunday from 6-8pm.<sup>159</sup> The Committee believes that it would be more family friendly for the times available on the weekend to be during the day.

9.24. The Committee also notes that young people in Quamby are subject to very strict controls about how often they can make outgoing phone calls. While they can receive up to four incoming calls per week (one per day on four designated days), they are limited to only six outgoing phone calls per week (two per day on three designated days).<sup>160</sup>

9.25. The Committee does not consider this adequate access and further notes that phone calls are limited to five minutes. The Committee observes that despite an overwhelming need for these young people to be able to stay in contact with the outside world the telephone regime is more restrictive than that in most adult prisons.

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<sup>158</sup> *ibid* p 47

<sup>159</sup> Quamby Youth Detention Centre 'Information for parents/guardians', p 4

<sup>160</sup> *ibid* p 3

## **Recommendation 34**

**9.26. The Committee recommends that in relation to families maintaining contact with their young person in Quamby the Government:**

- **review the visiting times to provide for day visits on weekends;**
- **inform families at the outset that assistance can be provided to enable them to visit Quamby; and**
- **establish, as part of the upgrade of Quamby, a phone system that would allow detainees in Quamby longer and more outgoing calls.**

### **Support for young parents in Quamby**

9.27. The issue of young people who are parents and in Quamby does not seem to have received the attention it ought to have by the responsible departments. The Youth Coalition stated in their submission:

We are currently unclear as to how the issues particular to young parents in Quamby are being met, or the availability of services to assist in maintaining positive contact with their children, and to address parenting issues.<sup>161</sup>

9.28. During public hearings the Committee was given anecdotal information by the Youth Coalition about one young person's experience as a parent in Quamby.

...there have been a number of young people whose children have been placed into the care and protection system, so they've been fostered out, because the parent has been deemed unable, unwilling, or whatever to provide care for their child, which was an incredibly traumatic experience for the young person that I know of. I'm just trying to remember what it was. I think that there

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<sup>161</sup> Submission 9, Youth Coalition of the ACT, p 55

was a breaching and then something else, so it was a limited crime that they were going in for. They couldn't see how that correlated to their care of their child, so it was an incredibly traumatic experience and one that needed to be addressed.<sup>162</sup>

9.29. While there may be very few young people who are parents in Quamby, there needs to be established policy and identified service options in the event that there are any. Interestingly, during the course of the inquiry the Manager of Quamby told the Committee that they were "only just down the road from having a baby born in custody" with a young girl in the centre who was almost nine months pregnant.<sup>163</sup>

9.30. The Committee notes that in Western Australia, Family Planning presents a parenting course to young female and male detainees (separately) who have or are expecting children.<sup>164</sup>

### **Recommendation 35**

**9.31. The Committee recommends that the Government work collaboratively with government and non-government agencies to establish procedures for providing support and education to expectant mothers and other parents in Quamby.**

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<sup>162</sup> Transcript of Evidence, 16/10/03, p 77

<sup>163</sup> Transcript of Evidence, 25/3/04, p 162

<sup>164</sup> The Committee was briefed on these initiatives/programs by the A/Director of Juvenile Custodial Services in the Department of Justice Mr Jim Dunstan.

## 10. Big picture issues

### Alternatives to incarceration – Home Detention Orders

10.1. In looking at the impact of incarceration on families, particularly the children, one can wonder about the overall efficacy of imprisonment.<sup>165</sup> If incarceration is not appropriate what are the alternatives and their impacts?

10.2. One commonly considered alternative is a greater use of Home Detention Orders. This is available as an option in the ACT, however to date, limited use has been made of home detention for either sentenced prisoners or those on remand.<sup>166</sup>

10.3. The Attorney General has stated that

Home detention has been proven to be a successful sentencing option and is approximately 25% of the cost of maintaining an adult in remand per annum.<sup>167</sup>

10.4. While there is clearly a reduced economic cost to the Government in terms of immediate imprisonment costs, it is less clear what the cost is on the families or the Government over the longer term.

10.5. The Government advised the Committee in its submission that officers from ACT Corrective Services “maintain regular contact with the Home Detainee’s family and when required provide assistance and support including referral to appropriate human services.”<sup>168</sup>

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<sup>165</sup> See, for example, Brookes cited in Larman, G., (2000), ‘Raising the profile of children of prisoners’, paper presented at the World Forum 2000 Children First Conference, p 10

<sup>166</sup> Submission 10, ACT Government, p 7

<sup>167</sup> The Canberra Times, 5/10/03, ‘Stay at home law for villains’.

<sup>168</sup> Submission 10, ACT Government, p 7

10.6. The Committee heard during public hearings from the Director of ACT Corrective Services that families have been reluctant to participate in Home Detention Orders. The Indigenous Liaison Officer at BRC agreed with this assessment and stated:

That could be one of the reasons especially in relation to black fellows. It is hard for family members to take on the responsibility of having someone at home full time...A lot of family members are tired and exhausted and they do not have the courage to say no, so they blame it on the system. I can understand that. They do not want to come across as family members who do not really care.<sup>169</sup>

10.7. The Committee also notes the evidence given by Winnunga about the potential cost to families and the apparent lack of preparation prior to a Home Detention Order.

We had a lad on home detention and his mother didn't even have a home. We were told by the courts to find him a home in two weeks for that mother. What happened was his mother's sister moved to Queensland, she moved into her government house and then we had to get the phone on for her so that that boy could have home detention. For respite he came over to Winnunga on Wednesdays and he just hung around with our mob and stuff over there so that his mum actually got out of the house and did some things that she wanted to do. I mean, it's not an ideal situation but it's the best that we can do at this time.<sup>170</sup>

10.8. Experiences in other States do not necessarily inspire confidence that the needs of the families are being taken into account with Home Detention Orders. For example in South Australia, the experience of women, whose partners are being put on home detention, has been reported as an area that needs to be

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<sup>169</sup> Transcript of Evidence, 30/10/03, p 152

<sup>170</sup> Transcript of Evidence, 2/10/03, p 43

addressed due to the poor information, feedback and support they receive.<sup>171</sup>

10.9. The effect on children when the home becomes a prison, with one parent effectively the 'prison officer', also needs to be considered.

### **Recommendation 36**

**10.10. The Committee recommends that the Government incorporate into an evaluation of Home Detention Orders the specific assessment of the impact on families.**

**Why are these mothers, fathers, brothers and sisters in custody in the first place?**

10.11. In addition to exploring alternatives to incarceration, one might also ask the deeper question of why people are involved in the criminal justice system *at all*.

10.12. One of the key themes in the submission from the Families and Friends for Drug Law Reform (ACT) Inc. is the need to look at the context for crime in considering the supports needed for families of people in custody. From their perspective, the choice by society of criminalizing substance mis-use and abuse has serious ramifications. They note that substance abuse is a high risk factor for crime and heightens other risk factors.<sup>172</sup> They further note that

...illicit drug usage will lead to the entanglement within the criminal law system of a significant number of young

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<sup>171</sup> O'Keefe, L., (2000), 'The Partners of Prisoners: Their reality, how they contribute to the criminal justice system and prisoner rehabilitation and how we can assist', paper presented at the Women in Corrections: Staff and Clients Conference convened by the Australian Institute of Criminology, p 7

<sup>172</sup> Submission 11, Families and Friends for Drug Law Reform (ACT) Inc., p 8

people from families displaying *few if any* of the risk factors commonly associated with crime.<sup>173</sup>

10.13. The Committee noted with great interest that over five years ago, in the report by the NSW Legislative Council Standing Committee on Social Issues *Children of Imprisoned Parents*, a number of the recommendations were around expanding the availability of detoxification and treatment services for drug and alcohol dependent people both within and outside custodial settings.<sup>174</sup>

10.14. In the foreword to the report the Chair wrote:

Most of them [women] are drug affected and their offending behaviour can be directly linked to their drug use. The Committee was critical of the practice of imprisoning these women rather than providing a treatment based community sanction. For those that do serve a prison sentence it is essential that when they are released there are appropriate systems of support. Faced with inadequate housing, financial insecurity and often a family unit in tatters, it is little wonder that many of these women re-offend.<sup>175</sup>

10.15. The report also noted that there is now a large pool of evidence that shows female inmates, in addition to having substance abuse issues, have often experienced physical and/or sexual abuse as children and domestic violence as adults.<sup>176</sup>

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<sup>173</sup> *ibid* p 13

<sup>174</sup> New South Wales Government Response to the Report of The Legislative Council Standing Committee on Social Issues 'Children of Imprisoned Parents', March 1998, pp 5 - 8

<sup>175</sup> NSW Legislative Council Standing Committee on Social Issues, *Children of Imprisoned Parents*, Report Number 12, July 1997, p i

<sup>176</sup> *ibid* p 8

10.16. The Executive Officer of the Children of Prisoners' Support Group has said:

There is enough research and evidence from workers in the field who work daily with these children to see the real harmful effect on them. Organisations can strive to provide services to make it a little easier and less disruptive for children, however the best medicine of all would be to reunite these children with their parents and support them in their family situation to address the underlying issues of why the parent committed the crime in the first place.<sup>177</sup>

10.17. The Committee notes that the Government of Western Australia has, as part of its reforms to the justice portfolio, adopted a similar view:

Prison is not the most effective form of rehabilitation. This is proven by the high rate of re-offending by people released from prison. Only about 1/3 of people in our prisons have **never** been to prison before. Research demonstrates that keeping people in the community to attend work and rehabilitation programs and to maintain connections with their families achieves more effective rehabilitation and greater safety for the community.<sup>178</sup>  
(their emphasis)

### **Recommendation 37**

**10.18. The Committee recommends that the Government review the adequacy of existing diversionary programs and non-custodial sentencing options, with particular attention on offenders who may require substance abuse rehabilitation and re-lapse prevention options.**

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<sup>177</sup> Larman, G., (2000), 'Raising the profile of children of prisoners', paper presented at the World Forum 2000 Children First Conference, p 12

## Impact on families of corrections policy for inmates

10.19. Another issue raised during the inquiry was the way in which corrections policy relating to prisoners (as opposed to that concerning visitors), can affect families. For example, the point was made by a number of witnesses that inadequate or poor medical treatment of their family member in custody results in considerable distress.

10.20. The need to look at these issues holistically was raised by Winnunga.

Support services for families of people in custody is one of many issues that we are faced with every day at Winnunga. It's difficult for us just to focus on a particular issue. We are big on families but also when people are incarcerated we also like to know that they are getting properly cared for on the inside, and so do their families on the outside. So we can't separate inmate from the family because that's the way that we do our business. We take the holistic approach to whatever we do.<sup>179</sup>

10.21. When relatives emerge from prison in poor physical or mental health this has a serious impact on families as they struggle to manage that on top of the many difficulties involved in integrating someone back into the family.<sup>180</sup> It is an additional burden that vulnerable families should not have to face.

10.22. If as a community we are serious about supporting these families then we cannot pretend that their well-being is not closely linked to that of their family member in custody. In this regard the policies and practices in corrections towards inmates affects their families.

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<sup>178</sup>[http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS\\_0\\_2\\_323\\_201\\_0\\_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/reducing\\_imprisonment\\_program.pdf](http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS_0_2_323_201_0_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/reducing_imprisonment_program.pdf) accessed 3/5/04, p 1

<sup>179</sup> Transcript of Evidence, 2/10/03, p 40

<sup>180</sup> Submission 11, Families and Friends for Drug Law Reform (ACT) Inc., p 46



10.23. The Invisible Sentencing Project identified that:

An aspect of the loss for some women was their perception that their partner or family member was dehumanised by being in gaol and being subject to degrading procedures such as strip searches...Another participant spoke about the grief she felt for her partner being imprisoned: [when she said]

*It rips me apart to have him in gaol locked up like an animal.*<sup>181</sup>

### **Recommendation 38**

**10.24. The Committee recommends that the Government ensure a preventative and proactive approach is taken to the healthcare needs of inmates in the new ACT prison.**

### **Support for NSW families with members in an ACT prison**

10.25. The Committee is concerned that the inherent problems for ACT families with a member in custody in NSW will be reproduced for NSW families if they face having a family member in the new ACT prison.

10.26. There are a number of issues that this situation presents – not least of which will be how the two jurisdictions negotiate agreements to ensure that families do not end up unable to access either ACT or NSW services.

10.27. Another potential issue is an influx of indigenous families with high support needs moving to the ACT to be close to their family member. The Chief Executive of Winnunga raised the issue of resources to assist these families with the Committee.

Say there is a 450-bed prison. If we don't have the present population here in the ACT there will be New South

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<sup>181</sup> Scott, P., (2003), 'The Invisible Sentence Project', Central West Women's Health Centre, Bathurst NSW, p 7

Wales prisoners that will want to come to the ACT. The majority of the prisoners are Aboriginal, so we're going to end up with families from all around. Where are we going to put them? Where are they going to live?

...We all know about the Royal Commission on Aboriginal Deaths in Custody and one of those recommendations was that the prisoner be located as closely as possible to their family. If their family is relocated to Canberra and you get a sympathetic minister then they will say, "We want that person moved to the ACT." So how are we going to support all this, what sort of infrastructure is going to be in place? This is what really concerns me.<sup>182</sup>

### **Recommendation 39**

**10.28. The Committee recommends that if the new ACT prison accommodates NSW inmates, then the Government should:**

- **establish and maintain a dialogue with NSW Corrections *specifically* in relation to the needs of NSW families;**
- **create a mechanism for monitoring and responding to any increase in the demand for services in the ACT, particularly indigenous services; and**
- **consider the cross-border financial implications of families transferring into the ACT.**

### **Community attitudes**

10.29. It was noted earlier in this report that community attitudes can have a significant impact on the families of people in custody. While there isn't a magic wand to remedy this situation, the Committee believes that the construction of a prison in the ACT presents opportunities to chip away at misconceptions regarding people in custody and their families.

10.30. These opportunities primarily lie in the involvement of the community in building the prison. A community that participates

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<sup>182</sup> Transcript of Evidence, 2/10/03, p 49

in the development of its own prison is a community that becomes involved in this aspect of the justice system in a way not likely except for those with a family member in custody.

10.31. The Committee observed how good community involvement could change broader attitudes with the building of Boronia - the new low security women's prison in Perth.<sup>183</sup>

10.32. This prison sits on a site close to the heart of the city with aged care residences and the university surrounding the site. There were concerns about the potential impact on the community, how it would look, as well as the usual real estate and local planning issues.

10.33. These concerns were addressed head on through extensive and inclusive consultation processes. Up to date information about the prison project and these consultations process has been available on the relevant departmental website and through newsletters

10.34. A key component of this consultation was the formation of a Community Advisory Group comprising local residents, and business operators. This group was established to ensure that the local community plays a role in the prison during and after the expansion project.<sup>184</sup>

10.35. The Committee notes that the terms of reference for this group included an explicit statement on the philosophy of the prison.

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<sup>183</sup> The Committee was briefed on the development of Boronia during its visit to Perth by the Superintendent of the prison, Ms Christine Ginbey.

<sup>184</sup> Further information about the Community Advisory Group can be found at [http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS\\_0\\_2\\_323\\_2\\_01\\_0\\_43/http://justicecontent.extranet.justice.wa.gov.au/displayPage.asp?StructureID=85793105&ResourceID=89958433](http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS_0_2_323_2_01_0_43/http://justicecontent.extranet.justice.wa.gov.au/displayPage.asp?StructureID=85793105&ResourceID=89958433) accessed 18/5/04

10.36. The philosophy states:

We value our connection with, and will actively encourage community participation and shared responsibility in our endeavours.

...Preparing women for release into the community requires that they are able to integrate with society. This integration is a critical function of the prison. It involves a robust 'throughcare' model including establishing links with family, community and other government organizations that provide opportunities for direct participation by community members in prison activities.

The community will be encouraged and welcomed as an integral part of the prison. These positive social networks and a high level of involvement with the community will be essential to the success of the prison.<sup>185</sup>

10.37. In addition to the Community Advisory Group, the Committee understands that there were also public forums and regular community updates delivered to local residents. There was also a standing invitation for concerned residents to come and speak with the superintendent at any time about the development.

10.38. The Committee believes that this genuine consultation, where the local community are seen as partners in the prison, can result in significant changes to people's attitudes about prisons, prisoners and their families.

10.39. The Committee notes that there has been extensive community consultation in the lead up to the decision to build a prison in the ACT. The Committee is also aware that normal planning processes in the ACT require community consultation.

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<sup>185</sup>[http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS\\_0\\_2\\_323\\_201\\_0\\_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/nyanditor.pdf](http://www.justice.wa.gov.au/portal/server.pt/gateway/PTARGS_0_2_323_201_0_43/http://justicecontent.extranet.justice.wa.gov.au/content/files/nyanditor.pdf) accessed 18/5/04

10.40. The Committee encourages the Government to consider the positive flow-on effects of open and transparent consultation and to embrace a community partnership approach to the building and running of the new ACT prison.

#### **Recommendation 40**

**10.41. The Committee recommends that the Government:**

- **develop and make publicly available a plan for including the local community in the design process for the new ACT prison; and**
- **establish a community advisory group to provide input into the prison, which includes a sub-group specifically tasked to provide input on the needs of families of those in custody.**

#### **Inter-jurisdictional cooperation**

10.42. As noted earlier in this report, while some jurisdictions have a number of programs in place for the families of people in custody others do not.

10.43. Given that it is an emerging area of policy focus the Committee considers that it would be useful to establish some formal mechanisms for information sharing between jurisdictions (and between government and community organisations). A relatively low cost means of information sharing would be the establishment of an internet clearinghouse.

10.44. The Committee also believes that it would be useful for the issue of supporting families of people in custody to receive a higher profile in the political arena through discussion at the Ministerial Council on the Administration of Justice.

## **Recommendation 41**

**10.45. The Committee recommends that the Government write to the Commonwealth Minister for Justice concerning:**

- **the inclusion of support services for families of people in custody on the Ministerial Council on the Administration of Justice's agenda; and**
- **the establishment of an internet clearinghouse focused on support services for families of people in custody, which is accessible to both government and non-government agencies.**



## 11. Concluding comment and recommendation

11.1. During the inquiry a prison superintendent – by way of explanation for their innovative approach – recalled that one definition of insanity is to keep doing things the same way expecting a different outcome.

11.2. The Committee trusts that this report offers some constructive ways forward to break such a cycle in how the community and governments look after the families of people in custody.

11.3. Chapters 5-10 provide a series of recommendations that individually have the potential to improve the lives of these families and lessen the impact of incarceration.

11.4. The Committee hopes, however, that the Assembly and Government will see these recommendations as a coherent package of measures that if implemented together will have a significant and lasting effect. The Committee believes the best way of achieving this would be to consider these recommendations in the context of establishing a family support centre (as discussed in Chapter 4).

11.5. While the Committee recognises it would be easier to delay the establishment of a family support centre until there is a new ACT prison, the Committee is of the view that these families cannot wait for this to occur.

11.6. Given the lack of support provided to families of young people in Quamby, the Committee considers that it would be appropriate to establish a family support centre close to Quamby as a first step.

11.7. There is no reason why such a facility could not also be utilised by families of remandees at the Symonston Temporary Remand Centre.

## **Recommendation 42**

**11.8. The Committee recommends that the Government consider implementing the recommendations in this report in the context of immediately establishing a family support centre next to Quamby, to provide services to families of the young people in Quamby and the inmates in the Symonston Temporary Remand Centre.**

John Hargreaves MLA  
Chair

7 June 2004

## Appendix 1 – Submissions received

1. Maureen & Tom Campbell
2. Office of the Community Advocate
3. Confidential
4. Mrs Susan Cattoi
5. WIREDD
6. Australian Institute of Criminology
7. Prisoners Aid (ACT) Inc.
8. Ministerial Advisory Council on Multicultural Affairs
9. ACTCOSS & Youth Coalition of the ACT
10. ACT Government
11. Families and Friends for Drug Law Reform (ACT) Inc.



## Appendix 2 – Witnesses at public hearings

### **2 October 2003**

#### For the Office of the Community Advocate

Ms Heather McGregor – Community Advocate

Mr Alasdair Roy – Deputy Community Advocate

#### For the Women’s Information, Resources and Education on Drugs and Dependency

Ms Bridie Doyle – Coordinator

Ms Paulina Hellec – Drug and Alcohol Worker

#### For ACTCOSS

Mr Daniel Stubbs – Director

Ms Karen Nicholson – Senior Policy Officer

#### For Winnunga Nimmityjah Aboriginal Health Service

Ms Julie Tongs – Director

Ms Kacey Boyd – Youth Worker

#### For Prisoners Aid

Mr Hugh Smith – President

Mr Bill Aldcroft – Court Assistance and Referral Service

### **16 October 2003**

#### For the Youth Coalition of the ACT

Ms Meredith Hunter – Executive Officer

Ms Susan Pellegrino – Policy Officer

Mr Tim Moore – Sector Development Officer

#### For the Families and Friends for Drug Law Reform (ACT) Inc.

Mr Brian McConnell – President

Mr Bill Bush – Member

#### Mr Simon Quilty - Researcher

### **30 October 2003**

#### **Mr Bill Wood MLA - Minister for Disability, Housing and Community Services**

##### For the Department of Disability, Housing and Community Services

Ms Maureen Sheehan – Director, Community Development

Ms Helen Fletcher – Director, Housing ACT

Ms Roslyn Hayes – Director, Disability ACT

Ms Sarah King – Senior Manager, Community Services

#### **Ms Katy Gallagher MLA - Minister for Education, Youth and Family Services**

##### For the Department of Education, Youth and Family Services

Mr Frank Duggan – Director, Youth Services

Ms Barbara Baikie – Director, Family Services

Mr Charlie Shore – Manager, Quamby

#### **Mr Tim Keady – Chief Executive Officer, Department of Justice and Community Safety (representing the Attorney General)**

##### For ACT Corrective Services

Mr James Ryan – Executive Director, ACT Corrective Services

Ms Victoria Bradley – Indigenous Liaison Officer, BRC

### **25 March 2004**

#### **Ms Katy Gallagher MLA - Minister for Education, Youth and Family Services**

##### For the Department of Education, Youth and Family Services

Mr Frank Duggan – Director, Family Services

Mr Charlie Shore – Manager, Quamby

Ms Anne McGrath – Director, Youth Services