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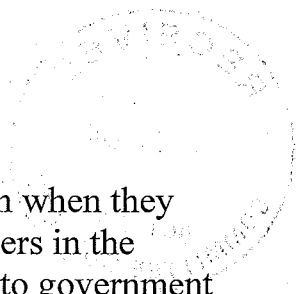
Prisoners Aid (ACT)

Submission
to the
Standing Committee on Justice and Community Safety
Inquiry into sentencing in the ACT
ACT Legislative Assembly

Prisoners Aid (ACT) [PA] is a charitable organisation run by volunteers that has been operating in the ACT since 1963. We have one full-time and, as from May 2014, one part-time staff member together with 25-30 volunteers. Our budget is currently around \$160,000 a year, mostly in the form of grants from the ACT government.

Prisoners Aid (ACT) performs four principal functions:

- 1. assisting prisoners on their release.** PA was created in 1963 to help ACT-sentenced prisoners released from NSW jails to find accommodation, employment, make social contacts, obtain financial assistance and so on – at the time when any ex-prisoner is most vulnerable and most likely to re-offend. This remains a key activity of PA, especially now that Canberra has had its own jail since 2009. PA gets to know most prisoners before their release with a view to working out what they need, including such apparently simple things as driving licences and birth certificates. We also meet prisoners at the time of release if they do not have family or friends to assist. We support and participate in the ACT government's Throughcare program.
- 2. supporting prisoners while they are in jail.** PA provides ongoing support for prisoners during their sentence. For example, PA staff or volunteers visit prisoners who have no other visitors or take up issues that concern detainees.
- 3. helping the families of those in jail.** While the causes of crime are complex and much debated, all research indicates the importance of prisoners maintaining family connections in reducing the likelihood of a return to crime after release. This has been a major activity of PA since 1963.



Our support for families focuses on making contact with them when they arrive at AMC for a visit. We have a roster of trained volunteers in the waiting area who provide: information of all kinds, referrals to government and non-government agencies, assistance with phone calls and transport, and sometimes simply reassurance and comfort over a chat and a cup of tea. Visiting prisoners has become much easier for families since the opening of AMC though we sometimes provide transport for the most needy families (including occasionally to visit prisons outside the ACT).

4. Court assistance and referral service (CARS). In 1989 PA set up a service in the ACT courts building to assist all those involved in the court system – particularly those charged with offences but also victims of crime, witnesses, and the families of these people. Our office is open every weekday morning when the courts are functioning – which is most days of the year. The office is also a convenient point of contact for released prisoners.

CARS also assists people ordered by the court to undertake drug rehabilitation within or outside the ACT to travel to the institution concerned. There are no official arrangements to do. CARS will provide bus tickets and in some cases ensure clients get on the bus.

In summary, PA operates at the grass roots level. By and large we do not take positions on major policy matters (the main exception was our long-term advocacy for a prison in the ACT) but focus on practical assistance to those in need. Nonetheless, we subscribe to certain principles that are relevant to sentencing practice:

1. Courts should have range of sentencing options that is as wide as possible to best ‘make the punishment fit the crime’ and to maximise the prospects of rehabilitation.

(a) we support any move to give weight to the prospects for rehabilitation in determining sentences. We recognise that courts cannot require rehabilitation programs, but the likelihood that a convicted person will not re-offend should be an important mitigating factor in sentencing.

(b) we support the use of non-custodial sentences such as Community Service Orders to the maximum extent possible. We would also like to see the extension of approaches such as circle sentencing, intensive corrections orders and restorative justice to a wider range of clients. We do not, however, see value in returning to home detention which has proven to be seriously unequal in its impact and an undue burden on families.

(c) we oppose the introduction of mandatory sentencing which removes from the court's discretion what could be viable alternative sentences that might improve prospects of rehabilitation. Mandatory sentences also threaten to increase the size of the prison population if courts would otherwise impose a lesser term of imprisonment or possibly a non-custodial sentence.

(d) we oppose any reduction in sentencing options unless they can be justified in detail. Thus we believe that the case to abolish periodic detention (PD) in the ACT has not been fully argued by the government. This would require:

(i) figures on the recidivism rate of those who undergo periodic detention compared with full-time incarceration and/or intensive corrections orders; and

(ii) the relative cost of PD compared with full-time incarceration and/or intensive corrections orders, noting that even a high cost might be justified by high effectiveness.

It is reported that the abolition of PD in New South Wales has led to an increase in full-time imprisonment. [ACTCoSS submission no. 6, p. 6] This is of particular concern in the ACT as the AMC is now operating at or near capacity and any expansion of accommodation is some years away.

2. The Throughcare program should be adequately funded to fully prepare prisoners for their release and to assist them in the 6 – 12 months after their release.

We note that the ACT has the lowest rate of imprisonment per 100,000 population in Australia and believe the courts by and large make sound and fair decisions in relation to sentencing. If the number of prisoners in AMC is

to be reduced, this is likely to come not from fewer first offenders going to jail but from a reduction in the number re-offending after release. The ACT has the highest rate of return to corrective services in Australia at 56% [Lorana Bartels, submission no. 1, p. 11]. This suggests that it may be particularly worthwhile to target Throughcare assistance at first-time offenders. More specifically within this group, the most likely to re-offend appear to be women [79% of ACT female prisoners have previously offended compared with the national average of 44%: Lorana Bartels, submission no. 1, p. 5] and those with longer sentences [ATODA submission no. 5, p. 8].

Consideration should be given to extending the Throughcare program to male remandees as soon as possible. Results from its application to sentenced prisoners may or may not be relevant to its efficacy in relation to remand prisoners. The fact that remandees in the ACT spend almost as much time in detention as sentenced prisoners [52 months compared with 5.7 months: ATODA submission no. 5, p. 4] indicates the importance of paying equal attention to this group.

Recidivism rates are important measures of the success or otherwise of post-release programs but need to be approached with care:

- (a) given that the ACT has the lowest imprisonment rate in Australia this means that those actually incarcerated are more likely to be hard-core, habitual or institutionalised offenders. Such prisoners are inherently more likely to re-offend after release. The chief measure for the ACT should be a reduction in recidivism over time rather than comparison with other states and territories.
- (b) recidivism rates need to be measured for both those on the ACT's Throughcare program and those not participating. It is possible that those who choose to go on the program are inherently less likely to re-offend. Rates also need to be measured for different types of offender e.g. males and females, remand and sentenced, and first sentence and multiple sentences.

Conclusion

Post-release support for prisoners is generally justified on the grounds that it will reduce recidivism. PA believes that such support is also justified on

grounds of equity – even in the face of rising recidivism. A prison sentence is intended to be punishment in itself but in reality often extends well beyond the point of release: employment is almost always harder to find and accommodation harder to secure, while family relations may be broken or disrupted, a prisoner's self-esteem may be damaged and so on.

We believe there is an obligation on the government and the judiciary to ensure that punishment is as far as possible limited to the term of incarceration imposed by the courts and is limited to the offender himself or herself.

(Dr) Hugh Smith
Secretary

30 April 2014

