



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

Inquiry into Community Corrections

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**Submission
to the
Standing Committee on Justice and Community Safety
ACT Legislative Assembly
Inquiry into Community Corrections
August 2021**

Prisoners Aid (ACT)

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to the

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Prisoners Aid (ACT) is a charitable organisation run by volunteers that has been operating in the ACT since 1963.¹ At present we have one full-time and one part-time staff member, together with two to three occasional workers and about 15 volunteers. Our main income for 2021-22 is a grant from the Community Services Directorate (CSD) of around \$232,000 plus minor grants and donations expected to total about \$5,000. Staff wages and associated costs take up approximately 80 percent of our total income.

The activities of Prisoners Aid (ACT) cover four principal areas:

1. assisting prisoners on their release. Prisoners Aid was originally created there was no prison in the Territory and its purpose was to help ACT-sentenced detainees released from NSW through accommodation, employment, social contacts, financial assistance etc on their return to Canberra. The period immediately after release is when the ex-prisoner is most vulnerable and most likely to re-offend.

Supporting released prisoners has remained a key aim of Prisoners Aid since that time, and especially once the ACT opened its own jail in 2009. Prisoners Aid staff and volunteers get to know prisoners before their release and are able to assist with many of the needs mentioned above as well as specific requirements such as work training courses, driving licences and birth certificates. We also meet

¹ See Hugh Smith, *'Fair Go': A History of Prisoners Aid (ACT)*, Prisoners Aid (ACT), Canberra, 2021.

prisoners at the time of release from the Alexander Maconochie Centre (AMC) if they do not have family or friends to collect them.

At the same time, we actively cooperate with Corrective Services' Throughcare program for released prisoners – for example, we purchase and issue mobile phones to them, the cost of which is reimbursed by Throughcare.

2. supporting prisoners while they are in jail. Prisoners Aid provides support for sentenced and remand detainees during their incarceration. For example, Prisoners Aid staff or volunteers take up issues that concern detainees, visit prisoners who have no other visitors or assist with paperwork. A free phone line to the main office of Prisoners Aid is available to prisoners in AMC who are also permitted to email us directly.

We have also recently secured a small infrastructure grant from CSD to set up a service which will store prisoners' belongings for up to three years while they are in AMC.

3. helping the families of those in jail. While the causes of crime are complex and much debated, numerous studies have shown the importance of prisoners maintaining family connections in reducing the likelihood of a return to crime after release.² One UK study, for example, found that prisoners who receive family visits are 39 percent less likely to reoffend than those who do not. Encouraging and supporting prison visits by family and friends has been a major focus of Prisoners Aid activity since 1963.

² See for example: Michael Farmer (Baron) (2017), *The Importance of Strengthening Prisoners' Family Ties to Prevent Reoffending and Reduce Intergenerational Crime* (Final Report, Ministry of Justice, UK, 10 August 2017), accessed at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/642244/farmer-review-report.pdf

See also William D. Bales and Daniel P Mears (2008) 'Inmate Social Ties and the Transition to Society: Does Visitation Reduce Recidivism?', *Journal of Research in Crime and Delinquency*, vol. 45 no. 3.

Since the opening of AMC our support for families often begins with making contact with them when they arrive at the prison for a visit. We have a roster of staff members and trained volunteers in the waiting area who can provide information of all kinds, referrals to government and non-government agencies, assistance with transport to and from AMC, and sometimes simply reassurance over a chat and a cup of tea. As well, we offer a program called 'Participate' which pays for the children of detainees to take part in after-school activities such as ballet classes, swimming lessons, scouts and guides.

Prisoners Aid also assists with travel for ACT families visiting relatives held in NSW prisons and for non-ACT families visiting relatives in AMC. All financial assistance is on a needs basis.

4. Court Assistance and Referral Service (CARS). In 1989 Prisoners Aid 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 the families of prisoners and for released prisoners who may telephone or visit to seek assistance.

CARS also fills a glaring gap in the implementation of drug and alcohol treatment orders. At present a person ordered by the court to undertake drug or alcohol rehabilitation is expected to make his or her own way to the institution concerned which may be within or outside the ACT (quite commonly Sydney). This often presents difficulties for an individual who may have little or no money, no mobile phone and no other support. In such cases Prisoners Aid will confirm arrangements with the institution concerned, provide inter-state or local bus tickets, book overnight accommodation if required, and whenever possible ensure that the client gets on the bus.

In addition, CARS provides support to offenders who are on the newly established Drug and Alcohol Sentencing List (DASL).

Prisoners Aid and Research

Individuals and families caught up in the justice system constitute our main business. However, we also support research by offering internships to students from the Canberra Institute of Technology (CIT) undertaking social work studies, the Australian National University (ANU) Law School, the University of Canberra (UC) Health Sciences School and the Canberra Law School. In most cases internees are required by their institution to complete a research project on an issue relevant to Prisoners Aid and the criminal justice system more broadly.

Recent research topics examined by our interns have included: experiences of children with incarcerated parents (which includes a study of recent changes at AMC)³, prisoners with intellectual disabilities, managing older prisoners and obtaining employment with a criminal record. These projects have not only provided valuable insights for Prisoners Aid but have also been recognised more widely. For example, the Office of the ACT Inspector of Correctional Services cited the research paper on managing older prisoners in its 2019 Healthy Prison Review of the AMC.⁴ It was also published in the academic journal *Current Issues in Criminal Justice*.⁵

At the same time interns find their experience a rewarding one and often comment on the value of coming in direct contact with offenders and their families in contrast to their academic learning. A particular benefit to Prisoners Aid has been that a number of these interns stay on as volunteers after their internship has finished.

³ Joanna Cui (2021) *Rethinking prison visitation in a post-pandemic world: the experiences of children with incarcerated parents*, Australian National Internships Program (ANU).

⁴ ACT Inspector of Correctional Services (2020) https://www.ics.act.gov.au/_data/assets/pdf_file/0011/1463681/10606R-ACT-ICS-Healthy-Prison-Review-Nov-2019_FA-TAGGED.pdf

⁵ Isabella Jackson, Caroline Doyle & Lorana Bartels (2020) 'An awful state of affairs for you': managing the needs of older prisoners – a case study from the Australian Capital Territory. *Current Issues in Criminal Justice* vol. 32 no. 2, pp. 243- 251.

Recidivism in the ACT

The measurement of recidivism is complex and variable. It may focus on the percentage of detainees being admitted to prison who have been in prison before, or on the percentage of prisoners who return to prison within a given time after release. Each approach faces difficulties. For example, the former may not capture the complete history of every prisoner newly admitted to prison. The latter may depend on the length of time after release which is to be used (though two years is a common measure).

Also in question is whether the definition of recidivism used requires actual imprisonment after release or extends to the commission of offences which result in non-custodial punishments. It might be argued that it should even extend to a person who is charged with a serious offence. In Australia the existence of nine jurisdictions each of which may adopt different approaches further complicates matters.⁶

Nevertheless, it can be noted that across Australia various measurements of recidivism in terms of re-imprisonment within two years have in the past produced results between 35 – 41 percent.⁷ These numbers have varied little over time which suggests that whatever the definition employed recidivism is resistant to change. It is perhaps unwise to expect any great improvement in recidivism rates whatever rehabilitation measures are taken.

Moreover, a critical problem with using recidivism as a measure of success or failure of attempts at rehabilitation is that it also depends on sentencing practices. A jurisdiction which prefers community corrections may lock up only the more hardened criminals who may be difficult to rehabilitate. As a result, recidivism in the form of return to jail may be at a high level. The converse may also apply. A harsher

⁶ See, for example, Australian Bureau of Statistics, Corrective Services, Australian methodology. <https://www.abs.gov.au/methodologies/corrective-services-australia-methodology/mar-quarter-2021>

⁷ Jason Payne (2007) *Recidivism in Australia: findings and future research*, Australian Institute of Criminology, Research and Public Policy Series No. 80, p. xi.

jurisdiction that eschews community corrections may lock up many people who are likely to learn a lesson from one term of imprisonment and hence not re-offend. This will in fact lower the rate of recidivism.

It is significant that the ACT has one of the highest levels of recidivism among Australian jurisdictions however it is measured. According to the Australian Bureau of Statistics in 2020 almost 78 per cent of detainees in the AMC had been imprisoned before – this is compared to almost 60 percent on a national level. Using a different methodology, the Australian Productivity Commission reported in 2020 that 46 percent of those released from prison in Australia returned within two years whereas the figure for the ACT was 42 percent.⁸ If the calculations include those who returned to prison or received a community corrections order within two years, then at the national level almost 55 percent were re-engaged with corrections within two years. The ACT at 71 percent had the highest rate of people returning to corrections within two years.

We recognise that the ACT Government is currently implementing a Justice Reinvestment Strategy with the goal of ‘reducing recidivism by 25 per cent by 2025’.⁹ Paradoxically, however, such a reduction may be best achieved by imprisoning more people who do not need to be incarcerated. As suggested above, the high rates of recidivism in the ACT may reflect the effort by judges and magistrates to find alternatives to imprisonment whenever this seems appropriate. Community Service Orders, for example, were established in the first place with the intention that they apply only to offenders who would otherwise be incarcerated.

This is not to argue for or against community-based corrections but simply to suggest that recidivism rates need to be interpreted with caution. This is especially true when seeking to assess the effectiveness of various methods of prisoner rehabilitation. Nor are

⁸ Australian Productivity Commission (2020) <https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/justice>

⁹ ACT Government (2020) https://justice.act.gov.au/sites/default/files/2020-08/Plan-RR25by25-Plan-for-printing-web-Final_0.PDF

dramatic changes in recidivism rates to be expected. The causes of crime are many and complex whether first offences or second and subsequent offences are concerned.

Prisoners Aid does not attempt to keep statistics on the number of its clients who return to prison. This is beyond our capability and we doubt whether it would provide us with useful information. What we can point to, however, is the many former prisoners who have come to us seeking help because they feel under pressure for reasons such as mental health, social isolation, relationship difficulties, financial straits, lack of accommodation, difficulty finding work and so on.

They come to Prisoners Aid because they feel they have nowhere else to go and in some cases because we had assisted them earlier when they appeared in court or were in prison. We can almost always provide help of some kind. Whether this diverts them from future crimes we can never be sure. What is clear is that our support often alleviates a client's short-term difficulties and may give him or her some hope that they can make a go of things in future.

Prisoners Aid and Community Corrections

The focus of Prisoners Aid remains on detainees and their families. Those serving non-custodial sentences such as community service and intensive corrections orders do not fall in our normal remit. Nonetheless, we do have significant contact with individuals engaged in community corrections:

1. in some cases those due to appear before the courts seek our help for a variety of reasons and are subsequently given non-custodial sentences;
2. we provide critical assistance to individuals who are ordered by the courts to attend an alcohol and/or drug rehabilitation centre;
3. we support individuals in the community who are on the Drug and Alcohol Sentencing List (DASL);

4. we assist those on parole after release, particularly if we have had prior contact with them.

In principle, we are willing to assist anyone involved in community corrections in some way but at present do not have the resources to actively seek them out. Prisoners Aid is willing to pro-actively extend our assistance to all those serving non-custodial sentences.

Prisoners Aid, it should be noted, is able to provide the kind of support which is difficult for government agencies to undertake:

1. we are often able to secure the trust of those in the community who are under sentence or subject to court orders precisely because we have no formal power over them – such as breaching them for breaking parole conditions. We always encourage clients to observe the conditions imposed on them and believe that this informal pressure helps in ensuring compliance.
2. we can be flexible in the type of support given, including financial support. We must be careful in making expenditures on a limited budget but can often be creative in giving financial support and are able make decisions on the spot.

If it were decided to expand the range of Prisoners Aid activities to include the full range of community corrections, we could advertise our services more widely and cooperate closely with community corrections agencies. Our experience in working with Throughcare for those released from AMC has been positive and has won endorsement from Throughcare staff. We could also arrange for one of our interns to undertake a research paper on an issue relating to community corrections. As is evident, however, our resources are constrained and any expansion of activities would need to be appropriately funded.