



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

Submission Number: 008

Date authorised for publication: 17 November 2021

From Criminal to Law Abiding Citizen:

Effective Pathways Through Transitional Release

to Promote Reintegration

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21 October 2021

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20 October 2021

Justice and Community Safety Committee
Legislative Assembly of the Australian Capital Territory

Honourable Members of the Committee,

please may you consider the attached information as you conduct your Inquiry into Community Corrections and related matters. The impetus for providing this submission is the systemic under-utilisation of the Transitional Release Centre (TRC) over many years, evidence of which you can formally obtain from ACTCS. I anticipate that the low rate of placement will be justified as resulting from stringent security reviews of candidates, that many were simply not found to be suitable. Although this is a plausible explanation, I argue that such low utilisation is impacting on released detainees' prospects to rebuild their lives and to remain law-abiding; it devalues the original purpose of the TRC as an effective strategy for transition and reintegration; and most importantly, enabling skills training, employment and pro-social connections for offenders in the last years of their sentence will improve community safety and reduce recidivism.

In the following document, I hope to adequately demonstrate the truth of this. My reasoning extrapolates from anecdotal experience to available literature, to show that an emphasis on reintegration is both best practice and an appropriate priority after 12 years' operation of the AMC. I respectfully submit that the lack of preparation for release is a crucial shortcoming in current efforts to rehabilitate detainees, affecting both their psychosocial and practical abilities to achieve normative goals in the community. It is common knowledge for many detainees that they "got out with nothing"; attempting to then rebuild, to gain employment while having a criminal record, has so often failed and they return to prison for a breach of parole or more crime. I recognise that individuals are responsible for their own actions upon release, however we must question why the recidivism rate in the ACT is higher than for other jurisdictions. The current emphasis on rehabilitative programs is not achieving behavioural change; nor will it without structured pathways and incentives that enable criminals to contribute within the community and establish pro-social identity and purpose. ACTCS is responsible to maintain such an overarching strategy, within a framework of transparency and continuous improvement.

I am humbly grateful for the opportunity to assist the Committee's deliberations. My own circumstances are that I have spent almost 10 years in the AMC, 7 of which I worked as an area 'Delegate' mediating between inmates and officers, and attempting to optimise beneficial outcomes for both parties. The anecdotal evidence provided herein results from in-depth discussions with countless detainees, and Corrections' staff of all ranks and positions. I have taken personal responsibility for my rehabilitation, and I am accessing opportunities for growth including studying a Bachelor of Arts (Social Justice) at USQ. I deserved the lengthy sentence that I am serving, I accept unreservedly the right of the Courts and ACTCS to incarcerate me following my heinous crimes, that I will be trying to make amends for to my final days. Lastly I strive to be fair and balanced in my appraisals, which I hope is apparent in the work which follows.

Respectfully Yours,



RECOMMENDATIONS

1. That the Transitional Release Centre (TRC) be utilised at full operational capacity with appropriate specialist staff, to facilitate sustainable employment within the community and positive community connections as intended in the original design of the Alexander Maconochie Centre. AMC Management cannot ignore that inadequate usage of the TRC removes a meaningful incentive and discredits any purported pathway of reintegration.
2. The current Classification Policy and Procedure should be amended to recognise and encourage positive behaviour by detainees, particularly progress through Sentence Management objectives, absence of disciplinary Charges, trusted employment within the Centre and duration of fulfilling the requirements of trusted Cottage placement. These measurable achievements would not be a discretionary factor but necessarily included in the Security Classification Checklist, which is unfit for purpose in its current form and purposefully reduces the proportion of detainees awarded Minimum Classification. Following Policy amendments a systematic reclassification of detainees ought be undertaken.
3. That detainees be allowed to engage in the Transitional Release Program, inclusive of being placed in the TRC, in the timeframe 2 years before their earliest release date. This accords with the current TRP Policy which permits Minimum 2 (open) Classification to be awarded in the same 2 year timeframe. Discretionary power to approve detainees with over 2 years until earliest release depending on significant merit should also be allowed; and the timeframe reviewed for possible extension once the Reintegration Centre is operational.
4. That access to Vocational Education and Training be prioritised for detainees accepted into the Transitional Release Program and the TRC, at all qualification levels up to Diploma and Apprenticeship.
5. At the present time there is no Education provider in the AMC. Management should implement a new provider as soon as possible, with a key criteria being provision of manual skills training and work-ready qualifications in trades with work opportunities in Canberra (as per Appendix C).
6. That access and induction into appropriate rehabilitative Programs be improved to allow timely completion which demonstrates Sentence Management Planning initiative and action.
7. Given the high rate of unemployment in prison jobs, it is recommended planning be undertaken from the Minister down and in consultation with stakeholders, to embed prison industries in the AMC. Further, these employment opportunities be provided to detainees housed in 'Block' placement as well as 'Cottages', and that security protocols be amended to allow this enhancement to the majority of detainees' 'structured day and purposeful activity'.
8. That a systematic review be conducted on suitable programs to aid rehabilitation of detainees, given the withdrawal of Cognitive Self Change, the non-implementation of the Violence Intervention Program, and the superficial depth of AOD programs excluding the Solaris Therapeutic Community.

INTRODUCTION

Imprisonment is the harshest form of sanction for an offence, an intervention for multiple purposes including punishment, denunciation, vindication of victims' rights, specific and general deterrence, community protection, and to promote the rehabilitation of the offender (Crimes (Sentencing) Act 2005). Imprisoned offenders (hereafter referred to as detainees) are then managed under statute by the *Crimes (Sentence Administration) Act 2005* (CSA Act), and *Corrections Management Act 2007* (CM Act). Both these Acts stipulate that powers must be exercised to, among other things:

"promote the offender's rehabilitation and reintegration into society" (at s 7 & s 7, respectively)

The CM Act explicitly states:

"The main objects of this act are to promote public safety and the maintenance of a just society...

Correctional services must be managed so as to achieve the main objects of this Act, particularly by-

(a) ensuring that public safety is the paramount consideration in decision-making about the management of detainees;" (at s 7 & s 8)

In the complex field of corrections and community protection there are many competing priorities, not least being the difficulty of rehabilitating detainees while punishing them appropriately for their crimes. Preventing any future offence is the goal of rehabilitation and an evident priority for ACT Corrective Services (ACTCS). If reforming of abnormal attitudes and behaviour is unsuccessful, it is probable the detainee will re-offend when released into the community. It follows that the post-release transition phase is of critical importance, to assess whether the detainee is managing their decisions and circumstances more appropriately than they did at the time of offence. This is the very reason that release on parole is an embedded strategy for most Western nations. Therefore, rehabilitation and reintegration are two sides of the same coin: one cannot be achieved without the other, and combined they best reduce future risk to public safety. Accordingly, both Acts recognise the role of reintegration.

This paper will argue that utilising the Transitional Release Centre (TRC) at greater capacity is a necessary improvement to ACTCS' current operations, which will promote reintegration and reduce recidivism. I am advocating a shift in tactics rather than overall strategy, as reintegration is already emphasised by ACTCS, for example on their website:

"We provide adult correctional services which promote the rehabilitation and successful reintegration of offenders into the community.

Our Vision: To be recognised as a leader in the provision of effective corrective services which positively change lives, reduce re-offending and prevent future victims.

Our Mission: We contribute to a safer community through:

- the safe, secure, decent and humane management of offenders both in custody and the community; and

- the *provision of sustainable opportunities* for offenders to lead law abiding and productive lives in the community through rehabilitation and reintegration." (emphasis added)

Then again, in the description of the Transitional Release Centre:

"Transitional release commences *from the start of a detainee's custodial period* and continues throughout their sentence to identify goals and work towards a planned program of reintegration into the community.

[ACTCS] is committed to ensuring that minimum security detainees are eligible to apply for transitional release to participate in activities outside the Alexander Maconochie Centre that directly contribute to their gradual return to the community.

Transitional release supports rehabilitation and prepares detainees for return to the community and aims to reduce the disadvantage that custody provides [sic] to securing employment.

The *transitional release program assists in preventing reoffending* and provides benefits to detainees in terms of:

- enhanced vocational skills;
- employment outcomes on release; and
- ability to earn income while in custody to discharge debt and acquire savings." (emphasis added)

In this paper I will firstly describe the present under-utilisation of the TRC, a cause of long-standing concern and frustration to both detainees and staff of increasingly senior ranks. It will be shown that despite the specific objectives under the CSA Act and the ideals espoused by ACTCS, demonstration of good behaviour to even be eligible for the TRC with a Minimum classification is not valued under the new *Classification Policy* (NI2020-638). The range of risk factors contributing to recidivism will be outlined both situational and individual, within the AMC context. The systemic failure to improve employable skills and outcomes will be shown as negligent under ACTCS' own *Rehabilitation Framework*, that identifies employable skills and outcomes as a criminogenic need/ risk factor requiring intervention to reduce reoffending (2019, p. 12). Evidence-based arguments and research for the effectiveness of rehabilitation will be examined and an ecological model described which emphasises development and growth rather than chronic deficits. Lastly transitional release will be presented as a reformative strategy upon both outdated correctional practice of "throw away the key", and within individual offenders themselves.

The ACT prides itself as being a progressive jurisdiction with clear-sighted focus on human rights for victims, and even for law-breakers attempting to rebuild their dignity and purpose in the community. To those with concerns that detainees are held less securely, they may inform themselves with greater resources than I possess, on the rationale for Minimum classification goals in other States. The majority of well-experienced Corrections Officers are in favour of TRC being fully utilised, as their Union is advocating. If 1 Breach occurs, is that reason to shut down the entire TRC's operation when scores of offenders may transition with greater prospects to sustain themselves lawfully in the community? I ask Honourable Members to support this vital realignment in the formative stages of ACT's first prison; I am certain that the reductions to community harm - and the improvements to offenders who are genuinely seeking to reform - will be real and beyond measure.

1. PRESENT USAGE OF THE TRANSITIONAL RELEASE CENTRE

It is common knowledge in the AMC that it is nearly impossible to be Approved a placement in the TRC. For several years only 1 Unit for 5 people was utilised, although the building has capacity for 20. Over the lifespan of the AMC, perhaps 20 - 30 offenders have transitioned through the TRC (exact data can be obtained from ACTCS). This may sound a moderate and reasonable proportion of the many hundreds who finish their sentence or are released on parole, however our concern is that in recent years the placement rate has fallen dramatically. In the past 2 years, I believe there was little more than 6 approvals, and it has been empty for 6 months well before the recent COVID-19 outbreak impacted Canberra. Without accountability and oversight from official bodies outside ACTCS, it is highly likely this unexplained operational preference will continue.

That TRC is not being utilised for its intended purpose is also a cause of frustration for Corrections staff, particularly senior officers. They are openly expressing their agreement with detainees, an unusual breaking of ranks which advertises their dissatisfaction with upper management. An Area Commander with over 20 years' experience in Corrections and dealing with offenders stated: "We don't have any carrot. All we've got is stick". The evident lack of incentive to transition to a truly Minimum classification area, with outside work opportunities as is accepted practice in jurisdictions such as NSW and Victoria, is atrophying detainees' motivations to work toward something better. Officers recognise this negatively affects good order and security in the Centre. Recently a group from senior management (names are suppressed to mitigate reprisals against this author) advocated for 15 - 20 detainees to be approved whom were suitable. The proposal was refused by upper management. While paperwork of approval has been provided to a number of detainees, there is no timeframe or certainty about action. This situation is so compelling, the CPSU is actively advocating that TRC be reopened. Another source advises that TRC is actually closed, for up to 3 years.

Recently the Deputy Commissioner advised that when the ACT "moves back a stage" in pandemic restrictions, TRC will be reopened from a "temporary closure". The ACT was at that time in full lockdown, which has now been eased. It follows that the TRC ought be open for new placements. If COVID-19 is provided as an ongoing reason for non-placement of "Approved" detainees, I submit this would be deliberate obfuscation, especially if such a justification is used for 6 to 12 months as part of AMC's containing a potential outbreak in the Centre. Certainly it is appropriate for questions to be asked now, so that when COVID ceases to be a confounding factor, placements are approved and actioned without delay.

There are only a few realistic motivations for why TRC is not being utilised as intended, or at anything near capacity: the risk of public outcry and being held accountable if someone escapes custody, the risk of illicit substances being smuggled from outside leave, the risk of offending while on leave, the uncertainty of determining who will abide by the rules and who might seek to break them. Yet none of these risks were unforeseen when the TRC was embedded in the design of the AMC; further, they are appropriately managed every day in low-security institutions in other States. The risk profile of AMC detainees will be similar to 5 years ago, meaning that Minimum security detainees who have completed offence-specific courses and lived in trusted Cottage placement do meet selection criteria. I suggest that the reduced rate of placements arises from the decision-maker/s themselves.

In their Healthy Prison Review of 2019, the Inspector of Correctional Services (ICS) reported that "there is a widely held perception amongst detainees and staff that positive behaviour is not recognised and supported" (p. 40). This paradigm is entrenched and far broader than the barriers to TRC placement, nor will a new Policy on Incentives and Earned Privileges guarantee consistent benefits for good behaviour. It is beyond the scope of this paper to map problems or solutions especially without in-depth knowledge of operational dynamics and decisions, and many difficulties do stem from the AMC's complex role as a multi-classification goal with overlapping offence categories (sentenced mingling with remandees, protections with mains after signing an "Integration Agreement" to obtain work, for example). However, the amended *Detainee Classification Policy* and procedure (NI2020-638; NI2020-637) are utterly relevant to this examination of TRC placement, as they skew Classifications to the more serious range and fail to measure good behaviour in the scoring metric.

This *Security Classification Checklist* is located in Appendix 2. Depending on sentence length, severity of offending, assaults within the Centre and 9 other fields, the offender is accorded a score to determine their Classification. The scores are not shown to detainees. Under the *Transitional Release Program Policy* (NI2020-746), a detainee is only eligible to reside in the TRC with a Minimum 2 (open) Classification; this requires a score of 14 or less. They may apply with a Minimum 1 (closed) Classification, that results from a score of 15-24. As you will see from the Appendix, there are many serious offenders whose non-parole period and sentence length (and even outlaw motorcycle gang involvement) alone place them well higher than 24, let alone 14.

One conclusion from this Classification Policy is that only detainees with short sentences will be eligible for TRC placement, not "long-termers" whose length of sentence and serious offending make re-entry into society far more problematic. Of equal concern, is that the only criteria in this checklist to lower a score (based on good behaviour), is to be over 40 years old, to have a recent clean urine test, or to have been released from a low-classification prison in *another State*. Where is credit allotted for months or years working in a trusted job moving around the Centre, meeting the requirements of a trusted Cottage placement, or even for the central priority in sentence management and offender engagement - completing programs to address offending behaviour? Such a glaring omission renders the whole assessment questionable, at least previous "Sentence Planning Group" decisions on Classification assessed detainee submissions, and determined "Classo" on a judgement basis as to whether good behaviour (including programs participation) had been shown over a sustained period of time.

Almost as an afterthought, s5.6 of this Policy does allow "Discretionary adjustment" to a higher or lower Classo by the General Manager or above, depending on how appropriate it is for "community safety and security reasons" (p. 6). Yet by not including demonstrable good behaviour or even programs' completion in the scoring checklist, this Policy patently dismisses the value of pursuing appropriate goals within the AMC. I am aware of many detainees who have abided by the rules, done their programs and lived in trusted Cottages with trusted jobs, who changed from Minimum to Medium the moment they were assessed under this new Policy. These are exactly the candidates who would have been approaching a Minimum (open) classification under the previous regime of assessment, and whom experienced officers recognise as suitable for TRC placement.

These criticisms of the Classification Policy are not unique to the author. Detainees saw straight away that their positive progress and behaviour was not even a factor in the scoring checklist, and true to their predictions a multitude of detainees went to a higher Classo - the opposite direction than what their case history warrants. Sentence Management Officers who regularly meet with detainees accept this is a problem, but their vague claims someone "higher up" will fix it, have turned out (predictably) to have been ill-informed misdirection.

2. RISK FACTORS AND CAUSES FOR RECIDIVISM

Behaviour which breaches the law leading to imprisonment stems from a wide range of human motivations. As a result the field of criminology is vast with analysis from theoretical disciplines, government agencies and social progressives. With respect for Members' time, only key concepts pertaining to recidivism and reintegration are described in the following sections of this paper. While recognising limits to available resources, all efforts have been made to minimise bias or inaccuracy.

Offender management and rehabilitation in the AMC is informed by the Risk Needs Responsivity (RNR) model (Rehabilitation Framework 2019, p. 9), an approach resulting in measurable reductions to recidivism and considered best practice in many countries (Looman & Abracen, 2012). Higher risk offenders are prioritised, criminogenic risk/ needs are addressed, and individual responsiveness to interventions should be increased through effective engagement and a constructive environment. As reported to the United States Congress:

The RNR model is based on the social psychology of offending, which posits that individuals and social/situational factors intersect to create values, cognitions, and personality orientations that are conducive to criminal conduct. These ways of thinking and responding are learned and become reinforced through feedback, and eventually result in individual differences in the propensity for criminal behaviour (James 2018, p. 5).

Utilising actuarial tools to determine static (unchanging) and dynamic (changeable) risk factors/ criminogenic needs, the RNR model identifies 8 fields which are prioritised for intervention. These 8 fields have been on the first page of every detainee's Case Plan for the past 12 years - they are so relevant to rehabilitation that the definitions are presented below.

Table 1. MAJOR RISK AND NEEDS FACTORS: THE "CENTRAL EIGHT"

Risk / Need Factor	Indicator	Target for Intervention
THE BIG FOUR		
History of antisocial behaviour / criminal activity	Includes early involvement in a number and variety of antisocial and criminal activities. Major indicators include being arrested at a young age, a large number of prior offences, and rule violations while on conditional release	History cannot be changed, but targets for change include developing new non-criminal behaviours in high-risk situations and building self-efficacy beliefs supportive of pro-social behaviour
Antisocial/ pro-criminal thoughts and attitudes	Attitudes, values, beliefs and rationalisations that justify criminal behaviour; cognitive emotional states of anger, resentment, and defiance; negative attitudes to the law and justice system; beliefs that crime will yields rewards; criminal versus anti-criminal identity	Reducing antisocial thinking and feelings through building and practising less risky thoughts and feelings; develop a pro-social identity and attitudes
Antisocial/ pro-criminal associates	Criminal friends; immediate social support for crime; relative isolation from pro-social others	Reduce association/ replace pro-criminal friends and associates with pro-social friends and associates

TRANSITIONAL RELEASE TO PROMOTE REINTEGRATION

Antisocial/ pro-criminal personality pattern	Impulsive, adventurous, pleasure-seeking, involved in generalised trouble, restlessly aggressive, irritable, and showing a callous disregard for others	Build skills to address self-management, anger management, coping and problem-solving
THE MODERATE FOUR		
Family/ marital relationships	Poor-quality relationships within family, or with spouses, in combination with either neutral or pro-criminal expectations	Reduce conflict, build positive relationships, teach parenting skills, enhance monitoring and supervision
Education/ work performance	Low levels of performance and involvement and low levels of rewards and satisfaction	Enhance work/ study skills, involvement, rewards, and satisfaction; support interpersonal relationships within the context of work and school
Substance abuse	Problems with abusing alcohol and/ or other drugs.	Reduce substance abuse, reduce the personal and interpersonal supports for substance-oriented behaviour, enhance supports and alternatives to substance abuse
Levels of pro-social recreation	Low levels of involvement in and satisfaction from non-criminal leisure pursuits	Encourage participation in and satisfaction from pro-social recreational activities, hobbies and sports

While this model provides structure in sentence management objectives and interventions, it appears to be having little effect in preventing recidivism or ensuring parole compliance. The Inspector's 2019 Report noted 75% of AMC detainees have previously been incarcerated compared to a national rate of 56.7% (p. 26); it is reasonable to infer the majority of those prior imprisonments were in the AMC (specific trends of recidivism are unavailable to this author). Given completion of programs is strongly encouraged throughout a detainee's sentence, and especially important to the Sentence Administration Board (SAB) in any parole application, it must be questioned why this best practice approach is so ineffective at deterring further crime?

I submit that programs participation would be most effectively complemented by a structured routine with clear incentives and rewards for positive behaviour, as learning and reinforcement are fundamental to behavioural change. The lack of employment through prison industries contributes significantly to the stagnation and boredom prevalent in the AMC. Indeed, in 2016 the Committee recognised this and recommended that industry programs be boosted "as a matter of urgency" since "employment ... must form a key part of the structured day and the rehabilitation effort overall" (Canberra Times, August 2016). Such concerns followed similar findings in the Auditor-General's report of 2015, that prisoners were active for 5 hours a week and only 2 in 5 were employed (for Block detainees, their jobs are cleaning or food distribution which take less than half an hour). The much-lauded expansions in the laundry and bakery are of little comfort to the 250-odd detainees in Block placement who are ineligible for jobs outside their accommodation area. Has this inactivity in the Blocks contributed to the serious gaol disturbances and arson within the past 12 months?

Unfortunately, the inability to achieve pro-social goals within the AMC is more entrenched than even the insufficient employment opportunities would indicate. Being unable to attain valuable work or trades qualifications has long been a cause of frustration and despair, especially to detainees doing a few years and more. Such vocational training is routinely offered in other States, and was a clear emphasis when the AMC

was designed (ACT prisoners in NSW received paperwork describing the combined work and VET approach of the new prison). While the Inspector's 2019 Report noted detainee concerns, the education was considered to be viable and appropriate. A new Director previously employed by Victorian Corrections swiftly realised that mid-range qualifications of Certificate II up to Diploma were wholly lacking from this contracted provider's offerings to detainees. A few weeks ago, Foresite's contract has been cancelled within AMC. Clearly their provision and delivery was not fit-for-purpose to improve employable prospects of detainees upon release. Given the inertia common to any prison environment regarding structural changes, I think this reasonably demonstrates that educational options in the AMC have been inadequate for *a prolonged period of time*.

Without meaningful employment to provide a sense of productivity, or skills training appropriate for the detainee cohort and their likely post-release work opportunities, the provision of programs ought one would hope be an area detainees could address personality deficiencies as outlined in the "Central Eight" above. The reality is not so optimistic. The Therapeutic Community of some 4 months' duration has a full suite of attitudinal and behavioural modules, for detainees with substance abuse issues and correlated offending. This is available to a few dozen inmates per year. Shorter courses of 3 - 6 weeks (First Steps for AOD management, Anger Management, Stress Less) rotate in availability so a detainee may typically complete 1 or 2 in a year. Other offence-related programs were the Real Understanding of Self Harm and SCHEMA Therapy, both which provided therapeutic benefits, neither of which have been running for many years. Despite sustained requests through case officers, detainees are often not inducted into required programs for long periods of time, or even until close to their parole date, impairing any sense of progress toward rehabilitative goals.

Offence-specific programs to address the Pro-criminal Cognitions and Personality Patterns in Table 1 are the Sexual Offender Treatment Program, the Cognitive Self Change Program (CSC), the now-ceased Domestic Abuse Program, and the often promised but never actioned Violence Intervention Program. For a medium-classification detainee in for typical offences of violence, robbery, burglary or property crime, the expected requirement was to complete the CSC. Some detainees advised they completed this course 3 or more times, once every time they returned to custody. Not only did it not lessen their propensity to commit crime, it has been deemed so *ineffectual* and unfit that it also was cancelled this year. This was the course most regularly offered to detainees to reform their thinking and behaviour, and it has been withdrawn as unsuitable.

As anecdotal evidence of the torpor and futility that is endemic in the AMC, over the 7 years I worked as an area Delegate in a Block (5 of which I declined "better" Cottage placement, to continue in the role), there were no more than 16 jobs (as for all Blocks, only cleaning and food distribution) in a Maximum Wing of 38 men. I endeavoured to not advocate through a lens of entitlement, so my requests for more jobs were always firmly directed at more industries being started so we as detainees could actually reduce costs and contribute to the bottom line. Most individuals inside or out want to feel they are being productive and doing something to earn their keep; but over my whole time in AMC this shortfall in employment has persisted. The 70% employment rate quoted by ACTCS was inflated by not counting remand detainees in the sample, as they are not required to work. Currently for Blocks there has been a realignment so a work "crew" of similar numbers clean before lockdown each day. The whole Wing can be cleaned in 30 minutes flat. That is their sum of productive labour throughout the day - for those who have jobs.

This brief description demonstrates that any intended structured pathway of opportunities and activities to promote rehabilitation, is defective throughout a detainee's sentence. Trusted Cottage placement offers improved work opportunities and living conditions, but no difference to the education/ programs situation.

Without even the few most privileged being awarded placement in the TRC to build assets and skills for reintegration, the substandard experience of rehabilitation within the AMC is what released detainees rely on when released to attempt rebuilding a life. Furthermore over the course of often many years, they are enmeshed with anti-social peers, attitudes, and a subculture hostile to authority bodies, clear risk factors within the Central Eight that would normally be mitigated via transition into lower-security placements with other self-disciplined and improved detainees.

While the deterrent effect of incarceration itself upon future crime cannot be discounted, I contend that the failure to actually develop competencies and a pro-social identity when so much time is available to do so is inhibiting detainees' post-release prospects; what detainees describe as "being set up to fail". Occasionally this hopelessness is expressed to the SAB during a parole Hearing, so deeply it is felt. The difficulties in accommodation in the ACT are I hope familiar to the Committee (be it emergency, short-term, long waiting list for ACT Housing, high private rental prices), while evidence from Baldry (2003) and others indicates lack of stable housing contributes to a higher probability of recidivism and rearrest. To assess wider indicators of disadvantage for ex-prisoners, Members may refer to the attached essay, "The intersection of social inequalities and incarceration outcomes in Australia" also by this author. It is not to this paper's standard but for brevity the statistics are not included herein.

Presented below is a conceptual map (Tables 2 and 3) which describes a constellation of characteristics and maladjustments within individuals, and a broader context of situational challenges they must handle after release. It is not as elegant as other flowcharts in the literature (eg the Generalised Aggression Model by Anderson & Bushman in Appendix 5), however it provides some overview of circumstances which so often lead to reoffence, relapse into substance use, and breach of parole. It represents a mid-point between a humanistic or holistic understanding, and the criminogenic needs/deficiencies model of the RNR approach. Each element of this map is grounded in either experience within the AMC, research through in-depth forums and documentaries on Radio National, the BBC, ABC or SBS, reviews of the prison including by the Inspector, course workbooks, or literature in psychology, community development, criminology, and substance abuse.

It is suggested to Honourable Members that they apply a perspective of selective interpretation when viewing this map. No one individual has all elements, for example even in the legal sub-field not all are affected by responsibilities to Children and Young People protection Services or for that matter Family Court Proceedings; but from taking a half-dozen potential shortcomings of the Individual and matching a similar number of situational stressors, you may well be looking at an exact reoffence trajectory. Nor is it an intention to seek sympathy for the criminal cohort in this Territory or elsewhere, committing a crime warrants due punishment and all people have problems to deal with. Frontline workers in the AMC and community corrections will recognise the majority of this map as intrinsic to their daily engagement with criminals. There are many success stories, those with better social capital/ educational background and those who overcome evident barriers to gain a foothold in society again. But for the voiceless many who cannot describe their problems before your Committee, this illuminates the paradigm of the "revolving door".

This wide range of contributing factors does not assist with focussing resources and effort toward interventions, which has been a strength of the RNR approach. However, the RNR theory has been criticised as not being fit for populations with mental disorder or disease, and for not being trauma-informed (which the ACTCS claims is a focus) despite clear evidence of neurological and behavioural impacts. RNR does not address "vague feelings of personal distress" or "low self-esteem", as rehabilitative benefits are not empirically shown.

Table 2. INDIVIDUAL Characteristics [INTRA-PERSONAL Causes for Recidivism]	
PSYCHOLOGICAL	SOCIAL CAPITAL / "OFFENDER"
<p>Poorly Adjusted Emotional States [underlying and situation specific] [often clustered as 'personality disorders' eg: narcissistic, antisocial] [resentment, other-blaming, catastrophising]</p>	<p>Aggression / Violence / Abuse [anger as a coping strategy - behavioural option] [hostile or instrumental aggression - motive to cause harm, or collateral harm caused in pursuit of other goals eg property]</p>
<p>Mental Health Conditions</p> <p style="padding-left: 40px;">Schizotypal Anxiety Depression Autism Spectrum Disorder Bipolar / Borderline Personality Disorder [especially females with abuse histories] Post-Traumatic Stress Disorder Chronic Maltreatment [in childhood] Attention Deficit & Hyperactivity Disorder Self-harming [intensely distressing emotional states] Self-destructive tendencies [overt or subliminal]</p>	<p>Internalised Impediments from Perceptions of Discrimination [degrade self-esteem, confidence & purpose, and intra-personal / interpersonal coping skills] [alienation / isolation / resentment]</p> <p style="text-align: center;">INDIGENOUS PEOPLES NON-ENGLISH SPEAKING BACKGROUND / MINORITY CRIMINAL / OFFENDER / UNDERCLASS / "OTHER"</p>
<p>Substance Abuse / Dependency [often as a coping strategy / 'self-medicating'] [evidence of executive function- decision making / neurological deficiencies in some criminals] [debate of addiction as criminality or disease]</p>	<p>Low Education and Employable Skills</p> <p style="padding-left: 40px;">Literacy and Numeracy Trades Qualifications Low Social Capital and Network Working With Vulnerable People prohibitions</p>
<p>Conflicted Self-Concept / IDENTITY [heavily influenced through juvenile → adult experiences of criminality] [identification as defective / antisocial with resultant institutional pressure & community dislocation / stigma]</p>	<p>Issues with Trust / Attachment / Security [degrade engagement with partner, family, and authorities eg Probation and Parole, Courts and Police]</p>
<p>Poor History & Development of Decision-making Skills [commonly through social learning - inadequate modelling by parents and peers]</p>	<p>Disability or Health Conditions</p>
<p>Low Affect / Emotionality [temporal lobe ~ cortisol reaction correlated with sociopathy] [during situations of threat / conflict / harm to others]</p>	<p>SUBSISTING COMPETENCIES</p> <p>Resilience Adaptability Self-sufficiency [in some context] Criminal skillset (!!) Desire for kids to have better life</p>
<p>Impulsivity / Recklessness / Low Self-Control</p>	
<p>Low Competence in Medium or Long Term Planning</p>	

Table 3. SITUATIONAL Adversities [LIFE STRESSORS as Potential Triggers for Recidivism]	
SUBSISTENCE	FAMILY / SOCIAL
<p>Unstable Housing / Homelessness [unstable residence with family or friends] [requirement to leave crisis or short-term accommodation] [pro-criminal area with substance abuse eg Ainslie Village] [ACT Housing residence cancelled in prison] [ACT Housing not offered medium term post-release] [potentially homeless if released at full term]</p>	<p>Family Breakdown / Separation from Partner [isolation, depression, trigger for substance abuse] [division of assets / custody of children] [potential criminal acts or violence to reassert control] [imposition of protection orders / breach or re-breach]</p>
<p>Lack of Employment / Income [criminal history / stigma as barrier to employment] [lack of employable skills / referees / workforce absence] [working with vulnerable people prohibitions] [many professions Ineligible with criminal record] [temptation to resort to crime for material gain]</p>	<p>Non-supportive Family Connections [dysfunctional parental relationships] [relatives with criminal histories or substance abuse] [potential relationship breakdown if co-residing on Parole] [separation from children / multiple partners] [relatives disabled, aged or ailing requiring care]</p>
<p>Transport [lack of driving licence] [cost of purchasing vehicle / registration] [often Charged for driving without registration or licence] [new Offence is automatic breach of parole]</p>	<p>Pro-criminal Associates [majority of associates with pro-criminal attitudes] [peer pressure to return to crime / use drugs] [reactions to crimes against self/ partner/ relatives]</p>
FINANCIAL	LEGAL
<p>Debts and Centrelink [poor financial situation / outstanding debts] [family members unable to assist] [possible breaches from Centrelink as trigger for offending]</p>	<p>Care and Protection Services Involvement [releasee or partner or both deemed unsuitable parent] [Family / Childrens' Court orders, applications and Appeals] [depression, helplessness, as triggers for crime or drug use] [sporadic contact permitted while trying to re-earn custody]</p>
<p>Living Costs [cost of sustaining oneself, children, rent] [unable to afford clothes or travel to job interviews/ worksite] [theft from other criminals who know residence] [property, furniture or vehicle lost or stolen during gaol]</p>	<p>Court and Charges [fresh charges including driving, bail, fail to appear] [missed SAB appointments to account for breach behaviour] [missed Parole appointments when using / working] [regular interactions with police - mutual hostility]</p>

While these examples illustrate (but not exhaustively) the chaotic circumstances and pressures external to the released criminal, the complex and often dysfunctional coping mechanisms described on the previous page often affect their ability to handle multiple stressors calmly, rationally, free from AOD use, or in the best way.

3. THEORETICAL BASIS FOR REINTEGRATION

There are evidently complex intersections between personal characteristics and life stressors, which can lead to recidivism. While criminal propensities are a convenient explanation for high rates of reoffending, no forward-thinking correctional system charged with enhancing public safety can ignore the pivotal role of the transition phase to released prisoners' prospects of success. It is for this reason that post-release support services are favoured in applications before the SAB, for example continuing programs through Community Corrections, or by accessing AOD supports and other counselling. The Throughcare program for released offenders is an example of tailored and effective support, reporting at one stage only 12% of participants had returned to prison. Mr Rosenberg of the Governance Group observed, "There's lots of evidence that if they don't get the support they need, they're much more likely to reoffend and even have serious health consequences" (Canberra Times, September 2013).

This paper argues that reintegration requires for released detainees to develop an identity and self-concept better than their criminal past, and establish pro-social connections and purpose. ACT's human rights ethos to "positively change lives" within the prison is unfortunately not borne out by the rehabilitation experience, and I do not believe there is much re-identification with pro-social attitudes upon release. This deficiency is described aptly by Harmes, Hopkins and Farley of USQ:

Imprisonment does more than immobilise and isolate an 'offender' for a period of time; it also changes a person's life chances and identity choices over a lifetime ... The assumption of the modern rehabilitative project is that a reform of the individual from criminal to disciplined and employable citizen is possible and desirable through reflection, work, and education. The problem is, however, that incarceration will affect identity in other unintended ways, for example through the stigma, discrimination and disadvantage that typically follows an inmate even after release (2019, p. 1-4).

Furthermore, the dislocation and disadvantage resulting from imprisonment was likely considered when the ACT Government legislated for Intensive Corrections Orders to be a sentencing option, in addition to the high costs of full-time imprisonment. Even the Justice Reinvestment strategy has a clear objective of keeping people out of the prison system, as evidence is growing that prison itself increases criminogenic risk in offenders.

In contrast to the psychological model of deficiencies in cognition or emotional regulation, many criminologists have sought explanations in the motives underlying offending behaviour. Lewis from Stanford University (2016) contends that incentives to commit crime are higher when "primary goods" are difficult to obtain through normative means: these goods include material assets, wealth, and status. The higher their incentive, the less weight they will accord to a potential victim's rights. He adds that those in disadvantaged circumstances have less *disincentive* to commit offences, as stigma and social demotion are of less concern. It follows that improving transitioning prisoners' ability to earn goods through normative means, such as through stable employment and income, is an empowering strategy that develops strengths and a pro-social identity. The adage of "teach a man to fish, he'll eat for a lifetime" is wholly relevant to individuals attempting to rebuild some kind of life, and to remain free from crime.

An attempt to utilise positive psychology as a means for effective rehabilitation is the Good Lives Model developed by Ward and others (see for example, Ward & Brown 2004). Dynamic risk factors or criminogenic

needs are conceived of as distortions in offender's capabilities to achieve primary human goods (which everyday citizens also pursue), such as intimacy, self-efficacy, agency and productivity through work. Promoting offender's core competencies through correctional interventions enables them to manage their decisions in more pro-social ways. Based on humanistic principles of dignity and self-worth, the GLM nonetheless has less empirical support for reductions in recidivism than does the RNR approach.

What is significant is the GLM correctly identifies the "Central Eight" risk factors above are not *integrated* conceptually toward any overall rehabilitation of the offender, nor do they account for broader life goals such as vocational achievement or community reintegration. In fact, they are statistically derived results to direct interventions for reducing risk; they are not a holistic or strengths-based approach to an individual's reform. Yet if only a few disparate programs is all the AMC can offer for rehabilitation, even that is barely being implemented. Over so many years, while the rate of reoffending is deeply disappointing, it is not surprising. A standing ironic joke among officers and prisoners is how long a released detainee will last in the community. Most appear to return within 3 - 6 months.

This situation is however not unique to the AMC. Through examining case histories and in-depth interviews of young male offenders Mark Halsey, of Flinders Law School, reports:

- The routines and attitudes required to successfully negotiate custodial environments are vastly distinct to those required for negotiating challenges in the general community following release with the subsequent problem that persons released are generally psychologically and socially ill-equipped to make the best of post-release life.
- There is a perceived lack of *relevant* programs and activities within custody capable of meaningfully contributing to residents' and prisoners' capacity to desist from further offending upon release.
- The unambiguous desire to do good when next released appears to be seriously (and sometimes irrevocably) undermined by the failure of authorities to adequately address issues pertaining to post-release accommodation, drug and alcohol use, peer group dynamics, financial/ employment matters, and the (inflexible) nature of conditional release.
- There are major disjunctions concerning the lived experience of confinement and release as against institutional and administrative discourses on rehabilitation and models of offender re-integration.
- The 'rehabilitation' of offenders (reduced to gauging 'criminogenic needs') does not sufficiently address the social, economic and cultural dimensions of pathways into *and* out of custody.

Instilling confidence and a sense of productive agency to effect positive life changes, is particularly important for long-term prisoners. From prolonged immersion in an antisocial and hostile environment, researchers have identified a cluster of psychological symptoms known as post-incarceration syndrome (Liem & Kunst, 2013). Symptoms are similar to PTSD but with additional features, such as distrusting others, difficulty engaging in relationships, hampered decision-making, emotional numbing and the sense of not belonging in social settings; adaptations suitable for prison life can be maladaptive in society, traits which at the extreme end include hypervigilance, estrangement, denial of intimacy, withdrawal, self-isolation, suppression of emotion and a distrust of the world (Hulley, Crewe, & Wright, 2016). Such dehumanised attributes would no doubt be of concern to community members - as well as this author - when long-term prisoners are released. There has to

be an available pathway to appropriately transition them into lawful community behaviour, to ameliorate the negative mentality instilled by prison.

The reductions in returning to "the system" by providing assistance with employment, education, housing and other pro-social interactions are identified by many criminologists, including Hardcastle, Bartholomew and Graffam in the Deakin Law Review (2011). Baldry et al. (2002) defines social reintegration as -

the introduction/return of the ex-prisoner to functional, personally fulfilling and responsible participation in wider society ... [comprising] ... factors such as secure housing, adequate income, and supportive relationships.

By gaining fulfilment in such broader community connections, the released prisoner develops a sense of progress and self-efficacy: that they have the competency to make decisions which are actually improving their lives and building some sense of pride or self-esteem. Members will comprehend this is hindered over the course of many years in gaol, and it does not arise instantly upon release. An expert in social cognition, Albert Bandura of Stanford University explains as follows:

Efficacy beliefs influence whether people think erratically or strategically, optimistically or pessimistically; what course of action they choose to pursue; the goals they set for themselves and their commitment to them; how much effort they put forth in given endeavours; the outcomes they expect their efforts to produce; how long they persevere in the face of obstacles; their resilience to adversity; how much stress and depression they experience in coping with taxing environmental demands; and the accomplishments they realise (2000, p. 75).

While such self-belief is vital for detainees transitioning into the community and through the TRC, the lack of a structured pathway of achievement from the time they arrive in the AMC has been demonstrated. As a result there is limited opportunity to learn and practice appropriate decision-making skills. One consequence of this is that for individuals habituated to chaotic lives before their sentence, with multi-factorial unresolved stressors (and correspondingly erratic emotional reactions), the AMC does not provide an environment with meaningful incentives to apply new thinking skills and receive reinforcement.

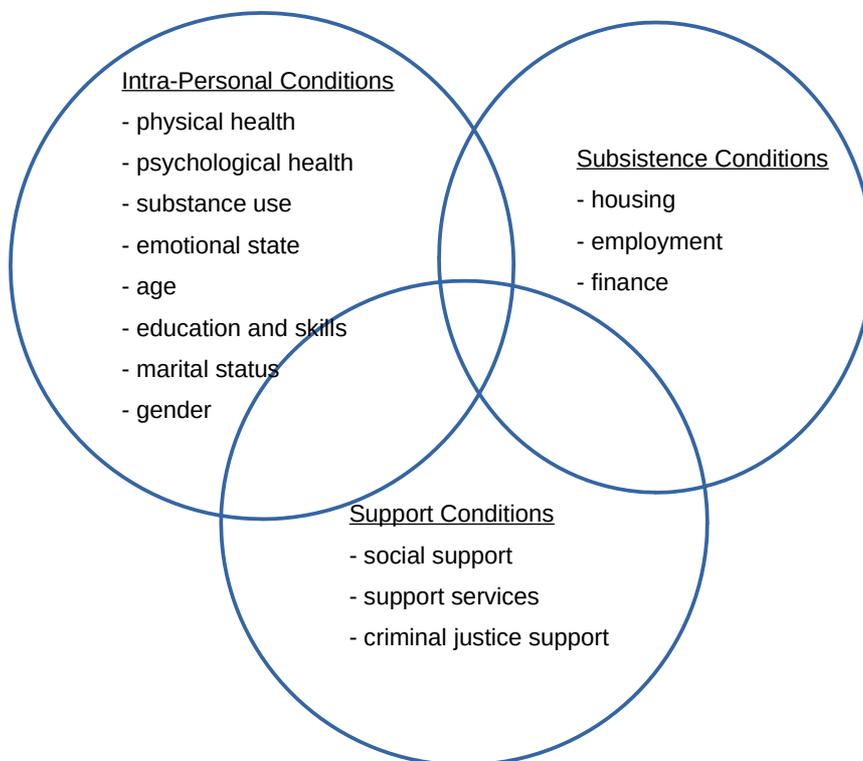
This author proposes therefore that their ability to successfully negotiate problems in the community is little better after incarceration, than it was before. How much embedded change can 10 - 50 hours of program participation instill, compared to many years of practising goal-oriented thinking through a constructive framework within the prison, particularly through VET training and employment? It is these frustrations which lead the majority of prisoners to believe "this place is doing nothing for me". Such structural oversight will do nothing to remedy the criminogenic effects of imprisonment, or the consequent rates of reoffending.

It is relevant to also consider the prevalence of mental health conditions in the AMC and prisons generally. Mention of this was not made earlier as there is some ancillary information in the attached Essay, and the AIHW reports various data including of entrants and dischargees, as well as self-reports which may affect accuracy. However, Lorana Bartels cites AIHW (2019) data that 29% of Australian prisoners entrants report a long-term health condition or disability impacting on daily activities or employment, 22% had Hepatitis C, 40% have been told by a medical professional they had a mental health disorder, and 21% reported self harm. She further notes 33% were homeless prior to entry, 54% were unemployed and 33% had only completed schooling up to Year 9. For dischargees, only 22% had organised paid employment within 2 weeks of release, while 78% were expecting to receive government welfare. This snapshot is broadly consistent with other available data.

The effects of such significant mental health issues within a custodial setting have been discussed by numerous authors and bodies. They are highlighted in Table 2 above but not, pertinently, in Table 1's listing of risk factors. The compounding effect of anxiety, depression or borderline personality disorder for example, on impaired decision-making, substance abuse issues and emotional regulation, is self-evident. Unfortunately, the mental health or therapeutic assistance provided in the AMC is limited only to clients with acute mental symptoms; previously in the Crisis Support Unit of around 12 beds, now also in a specialist Wing of a further 19 beds. General mental health engagement for non-acute patients is effectively non-existent; it is certainly not "a standard of health care equivalent to that available to other people in the ACT" (CM Act, at s 53 (1) (a)).

The issues with mental health assistance for non-acute patients struggling with persistent disorders over a lengthy time in prison have been known for many years. Knaus (Canberra Times, August 2016) notes that "strong mental health support is critical to the operation of the ACT's jail; both to prevent self-harm and suicide, and to address issues before they are released back into the community". He further reports that psychiatrist Deon Gee criticised the AMC as appearing to be an "unstructured mental health prison where acute mental health pathology can be placed anywhere within the prison." The under-resourcing has not been addressed in the years since, with the Inspector's Report (2019) finding "There is only one psychologist position at the AMC to provide general (as opposed to forensic) psychological services to some 500 detainees. This staffing level is *grossly inadequate and must be addressed as a matter of urgency.*" (emphasis added, p. 21)

The following conceptual map illustrates an ecological model of intersecting circumstances during reintegration, from the Deakin University EASE Research Group (Graffam & Shinkfield, 2006).



While rehabilitation programs are intended to improve some of the intra-personal conditions, there is not an integrated approach to the majority of other circumstances for released detainees. Various Sentence Management Officers even advise detainees to search around for accommodation themselves, failing to recognise that making "a few calls" is much easier for a non-criminal with internet access, and an office phone.

CONCLUSION: TRANSITIONAL RELEASE AS A REFORMATIVE STRATEGY

In 2009, Corrections Minister John Hargreaves wrote: "The pre-release Transitional Release Centre (or TRC) is another service which is designed to assist prisoners in their rehabilitation. It has a valuable place in the rehabilitation, reintegration and resettlement of prisoners. It provides opportunities for prisoners to establish or re-establish support systems in the community. This expands the opportunities available to prisoners to exercise appropriate discretion and decision-making. The TRC concentrates on life skills and programs that enhance prisoners' prospects of restoring and maintaining the family unit, finding employment and generally readjusting to life in the community."

12 years after being established, the operational decisions at the AMC fall short of these common-sense aspirations. The rhetoric of "sustainable opportunities for offenders to lead law abiding and productive lives in the community" also seems to be describing somewhere else. This paper has described systemic and entrenched shortcomings which distort and degrade the presumed correctional experience within these walls. A lack of productive routine commences from the day of induction, in particular a paucity of work options or educational opportunities which would meaningfully contribute to a sense of progress. The inertia is intermittently broken by a program offering, although the much-attended Cognitive Self Change course appears to have done little to deter recidivism and was recently cancelled. Better employment is available once a detainee reaches Cottage placement, but after many years of good and orderly behaviour their hopes of transitioning into the TRC for truly Minimum placement and practical work or family connections - hit a brick wall. TRC it seems, is not for changing.

There has been a sequence of bad news in this quasi-report, but it isn't the end of the road. In many respects the AMC is still in its formative stages. Surely now is an appropriate time to investigate all data on what has been working and what hasn't, and apply this knowledge to reinvigorate what was intended to be progressive rehabilitation, purposeful and human rights focused. If this submission is a useful sounding of inmate concerns and insights, why ought that be any less relevant to ACTCS' endeavours to improve? They are charged with promoting community safety and if as this paper has shown, programs cannot accomplish behavioural change on their own without a suite of purposeful activities to enable detainees' self-sufficiency post-release, then the rehabilitative project has failed. Then the AMC cannot be seen as best practice, but as negligently substandard.

Nowhere in this writing and at no time, have the real and incalculable costs of trauma and loss to community members been forgotten. For the recidivism rates to remain so high (44% return within 2 years) demonstrates that this is a matter of sufficient urgency for me to provide a thorough analysis to Honourable Members. Nor are the hundreds of millions of dollars being spent on this facility, and through the Courts, a trivial matter. Inmates in this prison drily remark "without us, the officers wouldn't have a job"; the fact is, even the target of 25% reduction in recidivism by 2025 would be a fantastic improvement on the status quo. This author does not claim actioning all 8 Recommendations would prevent every released detainee from reoffending, but if more expert minds can agree on the suitability of even some of them, we will be heading in the right direction. I can guarantee a ground-shift in the Centre if dedicated industries and vocational training is implemented, and I can assure the Committee even the first step of reopening the TRC will empower many detainees to live a life free of crime. We were told the vaunted Reintegration Centre of some 80 - 100 beds was denied by the Minister, given that the TRC was not even being fully utilised. How much lobbying, even from officers, will remedy this?

Even if the powers that be pre-empt the inevitable questions following your involvement, by moving a number of inmates into the TRC within weeks, it is still fully appropriate that you are apprised of the situation and the rationale for why reintegration is so vital. The Victorian Ombudsman in 2015, the Queensland Productivity Commission (2018), the Australian Institute of Criminology (2007) and many others have stressed the role of disadvantage in contributing to recidivism, with the QPC reporting:

It is likely that a range of issues are affecting the high rate of reoffending. Possible causes include:

- untreated mental, drug or other issues that result in a high predisposition to offend
- a loss of skills, support networks and financial assets that make it difficult for prisoners to reintegrate into society after their release
- difficulty finding employment after being released
- a lack of housing and other support services for offenders leaving prison

It is for precisely these reasons that the TRC is an embedded facility upon the AMC's grounds. We are not seeking to reinvent the wheel, the infrastructure is already in place. I accept some of the broader recommendations may incur a financial outlay particularly the long-standing call for prison industries (a priority of your same Committee in 2016), but the benefits of structural reform to ACT Corrections will be for fewer victims which I cannot put into words. The ancillary benefit to detainees' productivity and the atmosphere of the prison will be of course a much needed improvement. It could be reasonably inferred that incidents within the prison especially gaol disturbances will abate, leading to unseen financial benefit.

Among this paper's key aims is to convey to Honourable Members that in contrast to being inactive defeatists with little initiative, there is a considerable even majority population of detainees who want the structured opportunities to demonstrate progress and productivity that a well-functioning prison would normally provide. All stakeholders both inside and outside the fence know that prison is not meant as a "paradise" but that hard work and self-discipline lead to better opportunities, for placement, employment, and release. Quite simply, we want the better deal as was intended in the AMC's design. If not a new way, than at least something which resembles the standard one! The facilities are less oppressive than elsewhere, and prisoner-staff relations are generally as good as one would hope; but until there are marked improvements to incentives and routine, including remedying the defective *Classification Policy*, there is a palpable belief that things are going backward. Especially as regards vocational and skills training, this needs to be fixed without delay.

The TRC represents the zenith of AMC's rehabilitative strategy, to actually have offenders working off-site and earning substantive income. But this is not an exceptional practice in other States, for Minimum detainees. Nor is leave to visit family or cultural connections, or attend apprenticeships and develop skills. The benefits of pre-release preparation, building a pro-social identity and connections, as well as discharging debt and improving employable prospects, are evident through this paper and can easily be supplemented through further research. It would be nonsensical to claim that actioning TRC for its intended purpose will *increase* recidivism. All efforts must be made to enhance community safety and encourage reform. Intransigence on this matter particularly as your Committee conducts the Inquiry, would indicate a deeper disaffection with work responsibilities than I hope is the case. By some fate your Inquiry on Community Corrections occurs as I and others seek to renew the intended options for reintegration: if a significant proportion do become law abiding citizens, perhaps that is the best we can achieve to truly make amends for the sins of the past.

Appendix A:

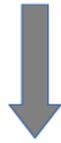
SWOT Analysis

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> ✓ Infrastructure / building already serviceable and established ✓ Protocols are established of operational practice for housing detainees and coordinating external leaves ✓ Receiving income from external employers reduces expenditure per inmate ✓ Demonstrates focus on reintegration for detainees, meeting objectives of reducing recidivism through best correctional practice ✓ Develops a network of appropriate and collaborative employers for future placements and sustainable opportunities ✓ Enhances pro-social connections of detainees approaching release, especially family, cultural and community bonds ✓ Improves pro-social purpose and identity, material assets and social capital for individuals likely facing disadvantage upon release 	<ul style="list-style-type: none"> ✗ Requirement to maintain staffing and supervise movements within security parameters ✗ Logistical issues if apprenticeships or VET training is conducted on-site ✗ Necessity of determining which detainees are suited to TRC placement ✗ Greater movement of detainees increases opportunity for engaging in non-approved activities / contraband / crime ✗ Increased workload for Sentence Management Officers and Administration processing or declining Applications

OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> ✓ Can improve detainees' post-release prospects, especially supportive community connections and employment options to build savings and reduce debts (and support dependants) ✓ Broader community sentiment may improve toward AMC and detainees through seeing them engage in productive behaviour to improve and to "earn their keep" ✓ Frameworks can be developed for greater engagement with training providers, allowing regular training pathways moving forward 	<ul style="list-style-type: none"> ✗ Antisocial behaviour or contraband smuggling while on external leave ✗ Incidents outside the AMC including offending or a detainee escaping from custody can raise community concern and hinder continued operation ✗ Low supervised environment means conflict between detainees cannot be monitored (but not to a much greater degree than other cottage placement) ✗ Illicit substances use by detainee while on leave

Appendix B:

Security Classification Checklist [extract from Detainee Classification Procedure / NI2020-637]



Column A specifies Criteria for assessment - please consider if the positive behaviours described above are recognised in this Checklist

SCORES IN "ANNEX A" CAN BE SOURCED FROM ACTCS

Assessment	Remand	Sentence
<p>1. Age</p> <p>Detainee's age at the date the assessment is undertaken</p>	<p>Apply a score relevant to the detainees age as indicated on the detainee's electronic record and the date of assessment</p>	<p>Apply a score relevant to the detainees age as indicated on the detainee's electronic record and the date of assessment</p>
<p>2. Length of Non-Parole Period</p> <p>Disregard any backdating of sentencing, use the full NPP that has been handed down by the courts.</p>	<p>Do not apply a score</p>	<p>Check the sentence calculation to determine the length of time from the date the sentence commenced to the earliest release date and apply the corresponding score. The NPP can also be calculated by counting the days between the sentence commencement date and the earliest release date. For those that do not have an NPP applied by the court, the length of the NPP is equivalent to the head sentence or the commencement date to the latest release date. Apply the corresponding score.</p>
<p>3. Head Sentence</p> <p>The difference between the Head Sentence and the NPP.</p> <p>Calculate: $\frac{\text{Head Sentence} - \text{NPP}}{\text{X years}}$</p>	<p>Do not apply a score</p>	<p>Check the sentence calculation to determine the length of time between the earliest release date and the latest release date. The head sentence can also be calculated by counting the days between the earliest release date and the latest release date. For those that do not have an NPP applied by the court, the length of the NPP is equivalent to the head sentence or the commencement date to the latest release date. Apply the corresponding score.</p>
<p>4. Type of Current Sentenced Offence</p> <p>The type of offence is calculated on the severity of the most serious offence for which the detainee is currently sentenced.</p>	<p>Do not apply a score</p>	<p>Using the offence severity scale, determine the type of the most serious offence listed on the current order/s of imprisonment and apply a score.</p>

<p>Use the <u><i>Annex A – Offence Severity Scale</i></u> to determine.</p> <p><u>NOTE: Do not score REMAND detainees on this item – refer Item 5.</u></p>		
<p>5. Remanded / Further Charges</p> <p>Further charges are any additional offences the detainee has been Remanded for or has listed for pending court hearings (irrespective of whether bail is granted). Score only the most serious offence. Pending court hearings MUST be taken into account.</p> <p>Use the <u><i>Annex A – Offence Severity Scale</i></u> to determine.</p> <p>NOTE: DUAL status detainees should be scored on both items 4 & 5.</p>	<p>Using the offence severity scale, determine the type of the most serious offence listed on the current order/s of remand and apply a score</p>	<p>Using the offence severity scale, determine the type of the most serious offence listed on the current order/s of remand and apply a score</p>
<p>6. Escape History</p> <p>Includes escapes or attempted escapes within the last five (5) years including those as a juvenile and prior to the current imprisonment.</p>	<p>Using the criminal history record and order/s of remand identify any charges of escape or attempted escape in the past five (5) years. Determine whether the escape or attempted escape is from open custody such as absconding from police during arrest, or secure custody such as from within a secure perimeter of a correctional centre and apply a score.</p>	<p>Using the criminal history record and order/s of remand identify any charges of escape or attempted escape in the past five (5) years. Determine whether the escape or attempted escape is from open custody such as absconding from police during arrest or secure custody such as from within a secure perimeter of a correctional centre and apply a score.</p>
<p>7. Criminal History</p> <p>Score the most severe prior conviction within the last 10 years (irrespective of the detainee receiving a sentence of imprisonment).</p>	<p>Using the criminal history record and offence severity scale determine the most serious prior conviction within the past ten (10) years irrespective of the sentence given and apply a score.</p>	<p>Using the criminal history record and offence severity scale determine the most serious prior conviction within the past ten (10) years irrespective of the sentence given and apply a score.</p>
<p>8. History of Violent or Threatening behaviour whilst in ACTCS custody/under supervision</p> <p>Score the most serious documented incident in the past five (5) years. This should also include threatening/</p>	<p>Using ACTCS electronic records review relevant documents such as incident reports, disciplinary reports and case notes to determine if the detainee is the perpetrator of violent or threatening behaviour within the</p>	<p>Using ACTCS electronic records review relevant documents such as incident reports, disciplinary reports and case notes to determine if the detainee is the perpetrator of violent or threatening behaviour within the past five (5) years and apply a</p>

<p>assaulting Community Corrections staff.</p> <p>Positive scores should only be recorded if the detainee was identified as the perpetrator (not the victim).</p>	<p>past five (5) years and apply a score consistent with whether the matter was referred to police regardless of the outcome.</p>	<p>score consistent with whether the matter was referred to police regardless of the outcome.</p>
<p>9. Parole Status</p> <p>Where the detainee has breached current Parole. This does not include Bail breaches.</p>	<p>Review the detainee's electronic file and determine if the detainee on remand has an existing parole order that has not yet been cancelled.</p>	<p>Review the detainee's electronic file and determine if the detainee has returned to custody for a breach of parole and is held on a parole order or has an existing parole order that has not yet been cancelled. Apply the appropriate score.</p>
<p>10. OMCG Membership</p> <p>Where the detainee has a current Intelligence alert on CIS for OMCG involvement</p>	<p>Review the classification assessments on the detainee's electronic record to determine if there is an intel alert or entry indicating Outlaw Motorcycle gang membership or association and apply a score.</p>	<p>Review the classification assessments on the detainee's electronic record to determine if there is an intel alert or entry indicating Outlaw Motorcycle gang membership or association and apply a score.</p>
<p>11. Previous Low Security Placements</p> <p>Score the detainee's security rating at the time of their last release (count terms of sentenced imprisonment only – do not count remand only periods).</p>	<p>Review previous episodes where the detainee was held under sentence. Do not include any episodes where the detainee was held unconvicted awaiting court on a remand order. Determine the previous classification rating on the day of release. A classification of Maximum is equivalent to High, Medium equivalent to Medium and any Minimum classification is equivalent to Low. Apply the corresponding score.</p>	<p>Review previous episodes where the detainee was held under sentence. Do not include any episodes where the detainee was held unconvicted awaiting court on a remand order. Determine the previous classification rating on the day of release. A classification of Maximum is equivalent to High, Medium equivalent to Medium and any Minimum classification is equivalent to Low. Apply the corresponding score.</p>
<p>12. Urinalysis Testing</p> <p>Has the detainee had any Urinalysis Tests done during this custody period? What was the most recent result?</p>	<p>Review results indicated in the detainee's electronic record for the most recent drug test and determine the result as either: Not yet tested; Negative; or Positive. Apply a score.</p>	<p>Review results indicated in the detainee's electronic record for the most recent drug test and determine the result as either: Not yet tested; Negative; or Positive. Apply a score.</p>

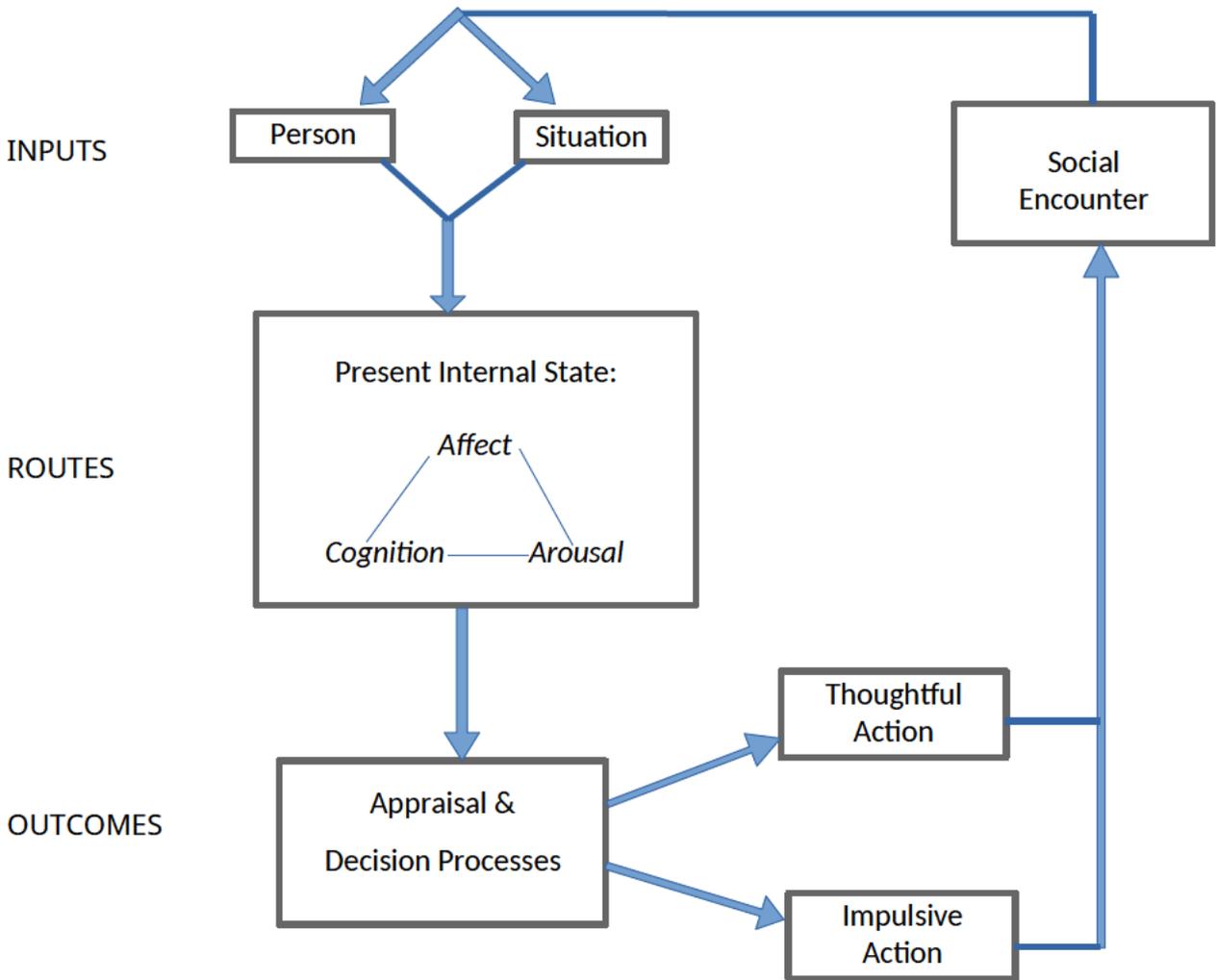
Appendix C:

Possible Careers in the Community / with progressive qualifications

Airconditioning	Fitness Instructor	Fitter / Welder
Automotive Electrician	Gym Assistant	Excavator Operator
Bricklayer	Motor Mechanic	Bobcat Operator
Labourer	Civil Foreman	Interior Decorator / Design
Fashion Designer	Crane Driver	Metal Fabricator
Builder	Traffic Control Operator	Landscaper
Cabinet maker	Smash Repairer	Cement Renderer
Carpenter	Spray Painter	Window Cleaner
Receptionist	Cherry Picker Operator	Stonemason
Cleaner	Tyre Fitter / Wheel Aligner	Arborist
Painter	Glazier	Tiler
Panelbeater	Electrician	Asbestos Removal
Shopfitter / Joiner	Concreter	Plasterer & Gyprock
Plumber	Fencing	Catering
Forklift Driver	Cook / Apprentice Chef	Retail Assistant
Gasfitter	Gardener	Florist
Hairdresser / Barber	Butcher	Beautician / Nails
Sewing Machinist	Swimming Instructor	Childcare
Hospitality / Service	<small>working with vulnerable people clearance</small> Upholstery	<small>working with vulnerable people clearance</small> Carer / Disabled / Senior
Community Services	Musician	Warehousing / Logistics
Barista	Computer Qualifications	Sound Technician

Appendix D:

General Aggression Model



The general aggression model episodic processes (Anderson & Bushman 2002, p. 34)

Being goal-directed and developing self-control from engaging in productive behaviours and receiving reinforcement, it is suggested will positively influence the Routes and Outcomes stages within this model.

The Intersection of Social Inequalities
and Incarceration Outcomes in Australia

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One of the primary purposes of incarcerating an individual is to prevent future offending (Crimes (Sentencing) Act 2005, ACT, at s7). However, there is wide-ranging evidence that individuals who experience social disadvantage are over-represented in the prison system (AIHW, 2015; Halsey, 2010; Victorian Ombudsman, 2015). From a social justice perspective, addressing these areas of disadvantage is of key concern, to improve individuals' opportunity for pro-social engagement both before and after incarceration. As a cohort, people incarcerated have low levels of education, high rates of mental illness and substance abuse, and come from socio-economically disadvantaged backgrounds (AIHW 2015, as cited in RACGP, 2019). Indigenous peoples are significantly over-represented, comprising 27% of incarcerated persons yet only 2% of the Australian population (ALRC, 2018); arguably as a result of institutionalised discrimination and trauma over many generations (ALRC, 2018; Burchill, Higgins, Ramsamy, & Taylor, 2006). Some authors contend that inequalities both incentivise offending behaviour, and enable the development of anti-social mentalities (Lewis, 2016; Wikstrom & Rydgren, 2016). Instead of relying on deviance or psychological explanations for crime which lay the blame squarely on the individual, sociologists have examined social conditions and inequalities which promote criminal activity (Brezina, 2010; Messner, 2010). This essay will argue that persistent social inequalities contribute to the commission of crime, and that failure to address these leads to increased recidivism.

The pursuit of social justice is to achieve "equality in having the full rights to citizenship of a nation, including the same opportunities, rights and services as others" (Green & Saggars, 2007). Prilleltensky contends that both distributive and procedural justice are essential to people's dignity and wellbeing, and that in conditions of inequality the principle of need should take precedence over merit (2012, pp. 6-7). Focusing on individual empowerment may not address problems stemming from inequality, rather an emancipatory and human rights based approach is needed to reduce discrimination and oppression in society (Pitt, 2020). As incarceration sanctions the degradation of human rights of the imprisoned by society, it must be evaluated whether social injustice is a contributing factor to the incidence of crime and resultant incarceration.

Early sociological explanations for crime emphasise the tension between social structure of relative disadvantage, and a lack of normative means to achieve advantage

(Merton, 1938, as cited in Messner, 2010; Marx, 1853, as cited in Osmond, 2012). Criminologists have since developed coherent theories which explain individual motivations as arising from subcultures that are deviant from the social norm, therefore crimes stemming from socio-economic disadvantage are not limited to property crime alone. For example, Matza and Sykes argue that underlying values present in delinquent subcultures can take priority over dominant cultural values in mainstream society, motivating people in certain contexts to act recklessly, for immediate gain, or with violence (1961, as cited in Konty, 2010). Agnew broadened this concept in general strain theory, which holds frustrations and hostility can emerge when expected or just outcomes cannot be achieved, such as material security or social inclusion; and further where there is a lack of coping abilities or social resources to manage the stressors experienced (1992, as cited in Brezina, 2010). Under this framework, it follows that the most marginalised and disadvantaged communities in Australia are more likely to be incarcerated for social deviance, as the evidence demonstrates.

The Australian Institute of Health and Welfare (AIHW) has found high levels of social disadvantage in the Australian prison population (2013, as cited in RACGP, 2019). It reports that 48% were unemployed in the 30 days before prison; 32% had an educational attainment below year 10; 49% had been identified as having a mental illness, with 27% taking medication for this, and 23% having self-harmed; and that 58% had experienced alcohol-related harm, while 67% had used illicit drugs in the past year (2013, as cited in RACGP, 2019, p. 4). These serious figures indicate a complex interaction of dis-empowering and debilitating circumstances among many prisoners prior to incarceration, and demonstrate that severely marginalised communities such as the unemployed and mentally ill are highly represented. The AIHW further reports that the youngest entrants under 25 were most likely to be unemployed, at 62%; and that Indigenous entrants were more likely to be unemployed than non-Indigenous (AIHW, 2015, p. 24). In Victoria, 63% of male prisoners and 45% of female prisoners were unemployed prior to entering prison (Victorian Ombudsman, 2015).

In a time when imprisonment rates in Australia are at record highs both in overall numbers and per capita (Pitt, 2020, p. 2), it is relevant to consider prisoner experiences after release. Significantly, the data indicates previous incarceration does not prevent returning to custody, with 66% of entrants having been in prison before and 26% of them having been in at least 5 times before (AIHW, 2015, p. 19). The Productivity

Commission reported in 2009 that an average of 38% of prisoners return to prison within 2 years to serve a fresh custodial sentence, but the rate rises to 44% when including breaches of corrective services orders such as parole (as cited in Halsey, 2010, p. 546). From acknowledging social disadvantage prior to initial imprisonment, it is reasonable to conclude that it persists after incarceration, and may indeed become entrenched as a consequence of being a released offender. Halsey notes that many prisoners are released with "little improvement in their educational qualifications or skill set ... with unresolved drug and alcohol problems ... [a]nd many have little prospect of attaining stable and safe accommodation" (2010, p. 551). The objective of reducing future crime is unlikely to be met if the socio-economic and mental challenges faced by an individual are effectively the same after incarceration.

The Victorian Council of Social Services argues that in particular Indigenous, disabled and women prisoners, many with histories of abuse and mental illness, have "multiple and complex layers of disadvantage" which require individual targeted responses to prevent them reoffending and returning to prison (2015, as cited in Victorian Ombudsman, 2015, p. 32). From a general strain theory perspective, the compounding effect of mental stressors and weak social resources is more likely to result in crime, especially if there are existing predispositions such as a past history of offending, extensive associations with criminal peers, and few motivations for conformity (Agnew, 1992, as cited in Brezina, 2010). However, analysing crime from a social justice standpoint requires broader evaluation of social circumstances than focusing on individual propensities alone. Social disorganization theory for example, as proposed by Shaw and McKay, sought to explain why crime and delinquency co-occur with social problems such as poverty, dilapidated housing and residential instability in particular urban communities (1942, as cited in Kubrin, 2010). The Victorian Ombudsman found similarly, reporting that half of Victoria's prisoners come from just 6% of the State's postcodes, indicating an over-representation of certain communities (2015, p. 5).

By contrast, modern positivist criminology seeks to explain crime in the motivation, character, and background of offenders, and views them as fundamentally different from law-abiding people (Currie, 2010). Rehabilitative practices are based on the "Risk-Needs-Responsivity" (RNR) model developed by Canadian researchers Bonta and Andrews, which target "criminogenic needs" defined as "dynamic risk factors that are directly linked to criminal behaviour" (2007, p. 5). While social factors are listed among

these criminogenic needs, such as procriminal associates, school/work, and family/marital relationships, the emphasis is on antisocial characteristics of the offender themselves such as procriminal attitudes, personality pattern and substance abuse (2007, p. 6), including "attitudes, values, beliefs, and a personal identity favourable to crime" (Looman & Abracen, 2013). Addressing these risk factors through cognitive-behavioural therapy (CBT) and parole conditions form the foundations for what is considered best practice. Pitt notes "these models of intervention are highly individualistic and do not incorporate understandings of community, culture or underlying causes of criminality" (2020, p. 10). The socio-economic circumstances of the released prisoner attempting to reintegrate in the community are given little importance in the RNR model, which attributes blame for reoffence or parole breach clearly on the individual (Halsey, 2010). Further, this model only poorly addresses the high rates of mental illness in prison populations, with up to 13.5% of male and 20% of female prisoners having been admitted into psychiatric care, compared to under 1% of the general population (Mullen, Holmquist, & Ogloff, 2003, as cited in Ogloff, Davis, Rivers, & Ross, 2007, pp. 1-2).

The shortcomings of individual explanations for crime are apparent when addressing the severe over-representation of Indigenous people in the prison system. The ABS reported a rate of Indigenous imprisonment of 4,379 males per 100,000 adult Indigenous population in 2009, compared to 320 non-Indigenous males per 100,000 adults (ABS, 2010). As a proportion of the overall prison population, Indigenous people are grossly over-represented, at 29% or 12,092 out of the total 41,060 (ABS, 2020). Earlier figures cited by the Australian Law Reform Commission (ALRC) had the rate of Indigenous prisoners as 27%, despite constituting just 2% of the Australian adult population, and further the incarceration rate increased 41% over 2006 to 2016 (ABS, 2016, cited in ALRC, 2018, pp. 89-90). The ALRC also reported that Aboriginal and Torres Strait Islander (ATSI) women comprised 34% of the female prison population, and that ATSI peoples were 7 times more likely than non-Indigenous to be charged with a criminal offence and appear before the courts. They were then 12.5 times more likely to be sentenced to imprisonment than non-Indigenous people (ALRC, 2018, pp. 90-93).

Multiple authors have examined the causes for entrenched social inequality experienced by ATSI peoples, including poorer health outcomes, lower educational attainment, children in out-of-home care, and a legacy of Indigenous disadvantage and institutional oppression since colonisation in 1788 (ALRC, 2018; Burchill, Higgins,

Ramsamy, & Taylor, 2006; Maddison, 2012; Van Geelen et al., 2018). As put by Burchill et al., "this level of trauma is dependent on the individual circumstances and how individuals have coped and/or managed their lives within the context of racist and oppressive policies and practices over time" (2006, p. 51). Even assimilating into mainstream Australian society was fraught as protectionist policies were removed, as Hogg argues (2001):

The stable social fabric, including traditions of property ownership, education, stable employment and so on, which might have allowed Aboriginal people to assume a place in that society was almost totally lacking, because it had been the purpose of segregationist policies to destroy it. (as cited in ALRC, 2018, p. 60)

The social injustice experienced by Indigenous peoples over successive generations, preventing their self-determination and degrading their human rights, has contributed to their high rates of imprisonment and offending. Social disadvantage affects whether they have a residence to go when applying for bail (ALRC, 2018, p. 27), and the cumulation of multiple terms of imprisonment makes it more likely they will receive a custodial sentence (p. 28). As argued by Maddison (2012), progress must be made by increasing Indigenous input into policy-making that affects their communities, to improve ownership, better inform practice, reduce marginalisation, and increase self-determination and social inclusion.

From a sociological perspective, Lewis (2016) contends convincingly that disadvantaged people can find lawbreaking to be strategically adaptive. In this model, having low ties to normative social structures - being, for example, part of a marginalised minority - or means of attaining primary goods such as opportunities, wealth and social respect, creates a greater incentive or "pay-off" for engaging in law-breaking behaviour (p. 162). This stronger incentive to commit crime therefore diminishes the relative priority given to the victim/s' rights to safety, property, autonomy and so on (p. 165). In essence, the less disadvantaged are less likely to commit crime and thereby receive a custodial sentence, as they have greater access to normative and acceptable means of achieving primary goods.

Alternatively, Wikstrom and Treiber (2016) in their study found that disadvantage does not automatically cause crime, but it is a factor if individuals have developed a high crime propensity and been exposed to criminogenic settings. These characteristics are, in turn, more common in disadvantaged communities. This is consistent with the

theories of social learning espoused by Agnew and others. From this perspective, social injustice creates a greater likelihood of offending and consequent imprisonment, but it does not predict it. On this issue, most criminological theories tend to agree: the incidence of crime is multi-factorial, resistant to simple explanations, and it requires a multi-disciplinary approach to reduce rates of offending.

Recent emphasis has been given to post-release supports and planning to improve housing and other opportunities following release, a transition phase known as reintegration (Hardcastle, Bartholomew, & Graffam, 2011). This follows dissatisfaction at the rates of reoffending and evident failure to effectively rehabilitate imprisoned individuals (p. 112). However, community support for reintegration has been moderate and it is regularly considered the least important priority of the sentencing process (p. 127-129). Borzycki and Baldry (2003) similarly note community reticence to support reintegrative services, as example of stigmatisation and discrimination. There is growing focus and development of individualised, case targeted supports and strategies to promote reintegration, although in Victoria around 20% of prisoners get any form of post-release through Corrections Victoria (Victorian Ombudsman, 2015, p. 7). Given multiple and overlapping areas of disadvantage experienced by many prisoners, and the high cost of imprisonment across Australia, reducing systemic inequalities following release must be of benefit.

In conclusion, incarcerated individuals exhibit a range of social disadvantages that are egregious to the principles of social justice, which seeks to combat exclusion, inequitable distribution of resources, and to promote equality of opportunity, participation and wellbeing in communities. These disadvantages range from inequality as Indigenous First Peoples, to mental illness, insecure housing, substance abuse and addiction, unemployment and disability, and poor educational attainment and skillsets. Crucially, the prevalence of these inequalities is both high among those entering prison, and for individuals ("offenders") who are seeking to reintegrate into the community and start a new life. The reasonable inference from this perpetual disadvantage is that many prisoners are no better off after release, than when they started their sentence. Emphasis given to individual rehabilitation through the RNR model squarely places the responsibility for any future offence, upon the released prisoner; their socio-economic disadvantage may be apparent, but it is given less weight than changing their pro-criminal attitudes and personality. Unfortunately, by further diminishing their ability to

achieve social integration and meet their primary needs through normative means, the propensity to resort to deviance remains operant, and this is a compelling explanation for why the rates of recidivism and re-entry to prison remain so high.

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