

## Submission to Queensland Productivity Commission Inquiry Into Imprisonment And Recidivism in Response to Draft Report

15<sup>th</sup> April 2019

I welcome this opportunity to submit a response to the Draft Report of the Queensland Productivity Commission's inquiry into imprisonment and recidivism. I write as a concerned member of the Queensland community who once worked as an Official Visitor for five years (2000-2006) with Corrective Services NSW in their Metropolitan Remand and Reception Centre (MRRC), in Sydney, in the court cells at Surry Hills Police Station and the then Silverwater Men's Correctional Centre, now Dawn de Loas Correctional Centre, a low security correctional centre for men in the Silverwater complex.

Since my introduction into the corrections system in New South Wales in 2000, I have developed a significant interest in ways to make the correctional aspect of incarceration work. Since moving to Brisbane in 2010, I have written numerous letters to Ministers for Corrections in Queensland, particularly focussing on justice reinvestment.

I now live in Inala, one community that possibly provides an over-representative proportion of inmates in Queensland correctional centres (The Satellite, 2017). My concern for my neighbours' wellbeing continues to fuel my passion for changes that will decrease incarceration rates while giving people the opportunity to address their social, economic, substance abuse and mental health issues without attracting the stigma attached to incarceration.

In preparing to respond to the Draft Report I spent time searching for signs of progress in investigations such as this. I found a "Draft Aboriginal and Torres Strait Islander Justice Strategy 2011-2014: For consultation." It stated,

*Our commitment On 23 February 2010, the Queensland Parliament made an historic decision to amend the Preamble to the Constitution of Queensland to honour Aboriginal and Torres Strait Islander people as the First Australians and Queenslanders. The amended preamble articulates a vision of tomorrow's Queensland as a society based on democracy, freedom, inclusiveness and peace, and describes what our Constitution stands for—responsible and representative government with the purpose of fostering peace, prosperity and good government. This Strategy acknowledges that the continuing over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system remains a significant impediment to progressing true equality of opportunity and experience between Indigenous and non-Indigenous Queenslanders.*

(<https://cabinet.qld.gov.au/documents/2011/Apr/Draft%20Qld%20Aboriginal%20and%20Torres%20Strait%20Islander%20justice%20strategy/Attachments/draft%20indigenous-justice-strategy-2011-2014.pdf>)

I sought further information about the implementation and outcome of this strategy but found only this, an assessment of an agreement that predated the justice strategy:

*Assessment of the Aboriginal and Torres Strait Islander Justice Agreement 2000-2010  
Why didn't the Agreement achieve its central aims? A combination of factors that relate to the Agreement's fundamental strategic approach and its implementation has resulted in the limited success achieved under the Agreement.*

*Such factors include:*

- *an insufficient focus on preventing/reducing crime*
- *a lack of focus on what works to reduce offending*
- *a failure to target effort*
- *fractured governance and accountability.*

### *Conclusion*

*It is recognised that the Justice Agreement did not achieve its intended outcomes for a number of reasons, including a lack of a strong focus on reducing offending, the broad-brush approach taken to implementation across the state and across the justice system rather than targeting areas of most need, and the lack of strong and consistent leadership and governance in overseeing implementation and progress. Any future Indigenous justice strategy must recognise and address these past deficiencies.*

(<https://cabinet.qld.gov.au/documents/2011/Apr/Draft%20Qld%20Aboriginal%20and%20Torres%20Strait%20Islander%20justice%20strategy/Attachments/draft-assessment-justice-agreement-2000-2010.pdf>)

After reading this, reading the Draft Report with a view to responding made the effort involved in responding seem pointless but I skimmed the Draft Report and realised that I still cared about the many perpetrators of crime who in turn become victims of a system that could, in fact, help them to address the issues that led to their poor decision-making and criminal actions. I therefore read the Draft Report's findings and requests for more information in greater depth and offer the following comments for your consideration.

### **Recommendations**

**Recidivism:** I commend the work of Sydney-based, non-government Community Restorative Centre (CRC) to you for research into gathering data on recidivism:

*The Community Restorative Centre provides a range of services to people involved in the criminal justice system and their families. CRC is the lead provider of specialist throughcare, post-release, and reintegration programs for people transitioning from prison into the community in NSW. All CRC programs aim to reduce crime and break entrenched cycles of disadvantage, offending and imprisonment (www.crcnsw.org.au).*

When I volunteered with CRC (from 2006-2010) recidivism rates in NSW were approximately 39 per cent. CRC clients had a recidivism rate of 6 per cent. CRC has a strong research basis, with academic and law support from people such as Professor Eileen Baldry, Dr Mindy Sotiri and the Hon Michael Kirby AC.

**Prevention and early intervention:** From 1968-1999 I lived in the Northern Territory. For four years, I lived in remote Aboriginal communities. My interaction with Aboriginal people in the NT continued until I left. I am sure this has been said many, many times before but one significant deficiency in prevention and early intervention strategies is lack of consultation with communities – Aboriginal and non-Aboriginal: sitting and listening to the concerns, needs and suggestions of community members is a requisite first step. Community designed programs that suit their needs will encourage support and eliminate stigmatisation, that is, justice reinvestment.

**In-prison rehabilitation:** During my time as an Official Visitor at both correctional centres in Silverwater, NSW, the most perplexing issue was the one where inmates enrolled in programs were suddenly moved from the centre offering those programs to a centre where continuation of those programs was not possible. When parole consideration depended on completion of these programs, the level of frustration was understandably high. When no reason for the move was forthcoming, that frustration increased. Stability, access to libraries and computers, and financial remuneration for people studying encourage participation in rehabilitation programs. (In NSW, program participation often coincided with work opportunities: workers received payment, students didn't. For many, choosing work above studies/ program participation was non-negotiable.)

Lock-downs and library inaccessibility due to staff shortages also significantly inhibited program participation. In 1990, Tony Vinson presented a paper at the Third Sino-American Criminal Prevention Conference entitled, "Can Prisons be Human? A Comparative Approach and Reflections." Vinson compared Dutch and Swedish correctional approaches. Addressing staffing levels to allow positive custodial staff involvement in inmate rehabilitation was a significant characteristic of overseas approaches. Vinson sought to humanise "our prison systems" (p 9). Despite his best efforts and the support of the Royal Commission findings, Vinson failed to convince staff and consequently failed to gain their support. Changing custodial staff culture probably remains a significant challenge to reform in correctional centres.

**Reintegration of prisoners:** All aspects of Draft Recommendation 12 are important. Again, I refer the Commission to the Community Restorative Centre (CRC). They receive referrals from non-custodial corrections staff as well as requests from inmates pre-release for assistance with reintegration. I refer you to their website ([www.crcnsw.org.au](http://www.crcnsw.org.au)) and publications.

Communities undertaking justice reinvestment processes could be encouraged to engage in reintegration of people exiting correctional centres. Hopefully, all involved would have participated in restorative justice actions, especially if a person's offence occurred within the community.

### **Coordinating rehabilitation and reintegration**

When should throughcare begin in the adult correction system? On entry.

My observations of entry into the corrections system is that it is designed to dehumanise all who enter, especially where people are strip searched, receive a number, a classification, uniform clothing, accommodation that allows little privacy and limited access to natural light, a routine over which they have no control, meals over which they have no say, and limited access to time and space for exercise, expression of their own personality, and exploration of interests. Dehumanisation is a significant difficulty to overcome in the correctional setting. Where do we begin the rehabilitation process when we strip people of their humanity?

Professor of Criminology, Eileen Baldry, evaluated the Alexander Maconochie Centre (ACT) Throughcare project. Her interview with Hamish McDonald on ABC Radio National is encouraging: [https://abcmedia.akamaized.net/rn/podcast/2017/03/bst\\_20170317\\_0651.mp3](https://abcmedia.akamaized.net/rn/podcast/2017/03/bst_20170317_0651.mp3)

**Conclusion:** In 1976, the Royal Commission into New South Wales Prisons, also known as the Nagle Royal Commission identified five principles for corrections:

1. *the loss of liberty is the extent of the punishment;*
2. *the inmate should lose only his liberty and such rights as expressly or by necessary implication result from the loss of that liberty;*
3. *imprisonment should only be used as a last resort;*
4. *those who are gaoled should remain there for as short a time as possible;*
5. *inmates should be housed in the "lowest appropriate" security classification.*

Of 16 other recommendations I highlight five because of their relevance to the recommendations I offer:

- contact visits should be allowed in all prisons;
- food, libraries, clothing, sporting facilities and outdoor shelter should be improved;
- pre-release and after-care programs should be improved;
- imprisonment of fine defaulters should cease; and
- courts should be empowered to impose community service obligations in lieu of imprisonment ([https://en.wikipedia.org/wiki/Royal\\_Commission\\_into\\_New\\_South\\_Wales\\_Prisons](https://en.wikipedia.org/wiki/Royal_Commission_into_New_South_Wales_Prisons)).

I attach three papers from the Australian Institute of Criminology published in 2003:

- Approaches to understanding crime prevention (20 May 2003 No 1).
- Developmental and early intervention approaches to crime prevention (1 July 2003 No 4).
- Working with communities to prevent and reduce crime (15 July 2003 No 5).

I provided these papers for two reasons: their content, and to provide evidence that people have been encouraging restorative justice, justice reinvestment and throughcare for many years. While research such as that undertaken by the Productivity Commission is important for policy building and program shaping, the hard work involved in gathering information gains value only when it leads to decisions being made and actions being taken. I commend the Productivity Commission for its thorough investigation. As stated in the Draft Report "in the longer term, it is the quality of decision-making that will determine the success of any reform agenda (p232).

To achieve positive outcomes for all participants in the corrections system three stumbling blocks require special attention:

- correction centre staff attitudes to change (How will the decision-makers convince and motivate staff to support change? ; and
- as noted in the *Assessment of the Aboriginal and Torres Strait Islander Justice Agreement*, "a failure to target effort" (changing focus takes time and patience); and
- "fractured governance and accountability" ( As with encouraging change in communities, engaging all involved in the corrections process in decision-making and implementation, that is, encouraging ownership, could be an important first step).

"Insanity is doing the same thing over and over again, but expecting different results."  
(1983, *Sudden Death* by Rita Mae Brown, Chapter 4, p 68, Bantam Books, New York.)

I sincerely hope that the decision-makers will accept the challenges presented in this report and begin the work to solve the 'wicked problems' (p 231) crime and incarceration present to society today.

Submission by Margaret Holm (MLitt)



# AIC *Crime reduction matters*



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## Approaches to understanding crime prevention

Effective crime prevention is any action that causes a reduction in the level of criminal activity and the resulting harm, or in the number of criminal offenders and their victims:

- the *focus* is on the causes of crime rather than its effects;
- the *goal* is to significantly reduce or eliminate the factors that can lead to crime.

Crime prevention can be described in terms of three stages or levels—primary, secondary and tertiary prevention.

**Primary crime prevention** is directed at stopping the problem before it happens. This could involve:

- reducing opportunities for crime;
- strengthening community and social structures.

Primary prevention focuses on *social* and *situational* factors.

*Social crime prevention* addresses factors that influence an individual's likelihood of committing a crime, such as poverty and unemployment, poor health and low educational performance. Examples of prevention include school-based programs (for example, truancy initiatives) as well as community-based programs (for example, local resident action groups which promote shared community ownership and guardianship).

*Situational prevention* addresses the environment (for example, the design of buildings and landscapes, and the products we purchase).

**Secondary crime prevention** seeks to change people, typically those at high risk of embarking on a criminal career. The focus can be on:

- rapid and effective early interventions (for example, youth programs);
- high-risk neighbourhoods (for example, neighbourhood dispute centres).

**Tertiary crime prevention** focuses on the operation of the criminal justice system and deals with offending after it has happened. The primary focus is on intervention in the lives of known offenders in an attempt to prevent them re-offending. Examples include community youth conferencing schemes, incapacitation and individual deterrence through community-based sanctions, and treatment interventions.

There are many refinements and variations on this simple model for crime prevention. The three levels of prevention are sometimes divided into four sub-categories:

- situational;
- developmental and early intervention strategies;
- community development initiatives; and
- criminal justice.

Future issues of *AIC Crime Reduction Matters* will cover these topics.



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## **Developmental and early intervention approaches to crime prevention**

Developmental and early intervention strategies for the reduction and prevention of crime can operate across all three levels of prevention: primary, secondary and tertiary.

Developmental prevention is intervention early in developmental pathways that may lead to the emergence and recurrence of criminal behaviours and other social problems. It does not just mean early in life, although inevitably many of the critical moments for effective intervention will occur during the early years.

Developmental prevention emphasises investment in strategies and programs for creating "child friendly" institutions and communities. It also focuses on the manipulation of multiple risk and protective factors at crucial transition points across a lifetime. Such points can be around birth, the preschool years, the transition from primary to secondary school, and subsequent transitions to higher education, employment, and so on.

In Australia, developmental prevention programs typically cover areas such as parenting and early childhood support, health care assistance and home help, literacy training and alternative learning programs, anti-bullying initiatives in schools, programs addressing violence reduction, self-esteem and self-empowerment development and training, job skills training and development, establishment of theatre and arts groups, sport and youth centres for recreation, and early school-leavers' programs.

The growing interest in developmental and early intervention for the prevention and reduction of crime is mainly driven by two closely related factors:

- frustration at the apparent failure of conventional strategies to prevent the long-term growth and recurrence of crime in the community; and
- evidence from a small number of well researched and evaluated initiatives which strongly suggest that significant long-term benefits (particularly financial) will accrue from effective developmental and early intervention programs.

The most significant challenge for developmental and early intervention crime prevention remains moving the research evidence into effective everyday programs.

### *Source*

Homel, R. et al. 1999, *Pathways to Prevention: Developmental and Early Intervention Approaches to Crime in Australia*, Commonwealth Attorney-General's Department, Canberra, <http://www.ag.gov.au/www/nepHome.nsf/Web+Pages/B78FEDFB9A1D980ACA256B14001A096E?OpenDocument>



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# AIC *Crime reduction matters*

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## Working with communities to prevent and reduce crime

Community crime prevention is a mixture of primary and secondary approaches. Typically a combination of developmental and situational crime prevention, it is intended to change the social conditions that are believed to sustain crime in communities. There are four closely related approaches to community crime prevention.

**1. Overcoming community disorganisation:** Under this approach, offending behaviour is seen as a result of the breakdown in community social order or organisations (usually maintained by institutions such as the family, church and school). Typically three structural factors are identified as giving rise to this disorganisation: low socioeconomic status, multiple ethnic groups and high rates of residential mobility.

Interventions take the form of the physical rehabilitation of disadvantaged areas through measures such as improving housing stock and so on, although more recently the emphasis has been on the empowerment or mobilisation of community residents to take preventive action to reduce crime in their neighbourhoods through the formation of local community action groups, for example.

**2. Responding to community disorder:** This approach is an extension of the first approach and is rooted in the "broken windows" argument—that is, physical decay attracts undesirables who commit crime. Disorder is considered to be largely an urban problem marked by social and physical dysfunction.

Interventions focus on efforts to tackle the disorderly behaviour/conditions before they take root in the community and lead to more serious offending and social decline. Preventive action often involves a partnership between police and local community residents.

**3. Community empowerment** enables residents to take part in decision-making processes and management of activities that impact, either directly or indirectly, those social conditions believed to sustain crime in residential settings.

Programs to empower communities can take many different forms, including services such as after-school recreation programs.

**4. Community regeneration** includes crime prevention as part of a concept of overall community "wellness", particularly economic wellbeing. It involves warding off the onset of factors conducive to delinquency and crime, such as middle-class flight, economic disinvestment and increases in the number of rental properties.

A key goal of community regeneration programs is the transfer of a combination of economic and political resources to local institutions and residents as a way of contributing to the empowerment of communities, helping to integrate marginalised youth, and enabling the community to tackle key community-level risk factors of delinquency.

### Source

Welsh, B. & Hoshi, A. 2002, "Communities and crime prevention", in L. Sherman, D. Farrington, B. Welsh & D. Layton Mackenzie (eds), *Evidence-Based Crime Prevention*, Routledge, London.



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