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The Victorian Ombudsman

Investigation into the rehabilitation and reintegration of prisoners in Victoria: Discussion Paper

Thank you for the opportunity to comment on this Discussion Paper. This is a very important and timely investigation, and of particular significance in Victoria at this time.

I begin my brief comments with the observation that imprisonment is a very expensive response to crime, and is recognised in much of the national and international research not to be a particularly effective solution to the phenomenon. Imprisonment also causes its own difficulties for people imprisoned and can exacerbate their pre-existing problems. It is therefore important that a government which relies on imprisonment to address crime also properly resources its prisons, to minimise the harm caused by imprisonment and to maximise the opportunities for the prison itself to help offenders not to reoffend, and to successfully (re)integrate into the community as productive citizens.

On this basis my submission highlights areas where fully resourced and sustainable programs and systems are needed, and which I would argue governments have an obligation to provide.

Staff/prisoner relations/ case management (DP 3.2)

Respect: Managing the welfare/ custodial role can be difficult for staff. All research in this area highlights the importance of respectful treatment of prisoner by staff, for the best experience and outcomes for prisoners. Research in the UK by Alison Liebling has shown, for example, that prisons ranked highly for respect, good staff-prisoner relationships and fairness show lower levels of recidivism. Ensuring a respectful prison environment should therefore be a priority for managers.

Training: Prison officers are vital to a well-functioning prison. At the same time, as noted in the DP, it can be difficult to fill positions in prisons. Staff recruitment and training are not the focus of the DP, but are significant issues to consider more broadly. The importance of the role of the prison officer and its challenging and diverse nature should be acknowledged and its standing supported. This might be done by, eg, ensuring that entry standards are high, providing substantial and recognised training in the range of issues confronting staff, and offering appropriate salary commensurate with training and skill. As a possible point of comparison, it may be noted that prison officers in Norway are required to complete a wide-ranging 2-year tertiary training course, and as a consequence have high levels of skills across the diverse range of work required of prison staff.
Education in prison (DP 3.3)

The DP has noted the low levels of education and other difficulties of many people entering prison. It also notes a range of problems with the provision of education services in prisons, some heightened by current overcrowding and others arising from policies around the type of education made available, and the groups of prisoners entitled to programs.

I support the identification, as discussed in the DP, of literacy and numeracy issues on reception and the effective attention to these issues during the prison term. The period of imprisonment offers a unique opportunity to redress earlier failures to support people in the community, with well-resourced and accredited education and training programs broadly available. The fact that prisoners routinely move across the system should be taken into account to ensure continuity of prison education and training programs as a management priority.

It should specifically be recognised that prisoners as students need internet access. Without internet access much distance education is – realistically – inaccessible; information taken for granted outside the prison is inaccessible; and the prisoner is woefully unprepared for life after prison where they have no knowledge of using the internet (including the many ways in which welfare and other services presuppose internet expertise and internet access). Other countries have no difficulty setting up appropriate filters and security; Victoria should be able to do this too.

Transition from prison (DP 3.4 and 3.5)

Links to health and other services: Prisons must provide seamless links for prisoners leaving prison to medical and other services which prisoners have been accessing in the prison. The DP highlights the high levels of mental and other illhealth of prisoners, and their levels of drug and alcohol addiction. Strong prison programs to make the most of the ‘window of opportunity’ to address these issues will be wasted if the links are not then made with community provision on release.

For example local doctors and other service providers should link up with the prisoner in prison, and continue service provision outside the prison. The period directly after release from prison is vital to setting up supportive networks of doctors, drug counsellors, psychologists etc and those links should be made and sustained by the prison system into the community. My research with women leaving prison has highlighted the problems where this is not done.

Service providers: As noted in the DP, much service provision for people leaving prison is contracted to a range of private/ NGO providers. In recent years this model has included regular and disruptive changes in service providers on the basis of competitive tendering. Services to prisoners are human services, and relationships between providers and prisoners are central. Highly skilled and experienced staff develop constructive trusting relationships with clients, and this is vital to the
effectiveness of the program. Regularly reallocating contracts, with the consequent loss of staff and skills, and severance of the staff-client relationship, is counterproductive. It makes it more difficult for ex-prisoners to trust and engage, it makes it difficult for staff to build and develop expertise and to continue working in the sector for any period of time, and it is economically inefficient. Excellent service providers need to be given some guarantees of realistic contract lengths to justify investing in staff and training, over a sustainable period of time, and for clients to feel safe to fully engage and gain from the service.

Crucial transition issues, as noted, are housing and employment.

Housing: Appropriate housing (of a good quality, and properly located) can support and motivate a law-abiding lifestyle and avoidance of old associates with criminal and drug-using habits. The DP highlights the high levels of homelessness of prisoners, the scarcity of appropriate housing available for people leaving prison, and the time that is consumed by service providers in battling for a share of the small pool of public housing. Governments must therefore reverse the historical trend and reinvest in public housing at levels that will genuinely address this issue.

Employment: Fulfilling employment is then vital to desistance from crime and to becoming a productive citizen. Prison education programs, vocational programs, and industries must be properly resourced and offer genuine education and training towards real jobs. At the same time the government must address a major hurdle for people leaving prison – the criminal record. People with a criminal record are often excluded from jobs before being given the chance to succeed. The government should at the very least legislate for an effective spent convictions scheme (Victoria being the only state without such a scheme). It must also work to reduce the stigma and risk associated with irrelevant criminal records, and offer greater incentives and support to employers to give people a chance to start life afresh with a good job. Government could support and liaise with employers such as Toll Holdings (with their Second Step program) which actively and successfully employ ex-prisoners.

Parole

Most comparable jurisdictions have programs of early release for prisoners on parole. This is seen as vital primarily to provide prisoners with close contact and support as they navigate the challenges of re-entry. It also ensures close supervision and control where needed, to protect the community. The 2013 parole reforms have clearly led to a significant reduction in the availability of parole, as evidenced by the statistics noted in the DP, and in the Annual Report of the Parole Board (2013-2014).

It is undoubtedly essential that prisoners access appropriate and effective offending behaviour and other programs. This is an issue that the government must take seriously as outlined earlier and in the Callinan Review itself. However the parole system then needs urgent reconsideration. Not only
are prisoners now not receiving the benefits of supervised release; as noted in the DP, prisoners are increasingly being released with no controls or supervision, putting the community (and the person him/herself) at risk. Further, the increase in the length of time served by prisoners as a result has contributed to the rapid rise in the prison population.

The need therefore is for a fully resourced and accessible parole system, to ensure the greatest protection of the community and the timely reintegration of prisoners as contributing citizens.

**Women prisoners (DP 4)**

As identified in the DP and elsewhere women who come to prison have different needs and a different profile to the male prison population. These features can make transition from prison more difficult, and I would strongly support the establishment of a half-way centre for women, along the lines of the very successful Judy Lazarus Centre for men.

However the government should also rethink its corrections policy for women. This includes the current trend to sentencing increasing numbers of women despite the evidence that women overall commit less serious crimes and represent a lower risk to the community. In particular it should look at the research underpinning the recent decision of the Scottish government to close a major women’s prison and focus on more therapeutic and local dispositions for women. As highlighted in the commentary on that decision, ‘imprisoning low-level female offenders does not reduce crime – it just makes nomads of women and children’.¹ Further, as the Scottish statistics showed, ‘women serving short prison sentences are much more likely to reoffend than those given a community sentence.’

**Concluding note:** As outlined in the DP and in this submission it is vital that governments provide the best supports to prisoners, in prison and after release, to maximise their rehabilitation and reintegration. It would however also be valuable for a government to aim to spend some of the large sums currently being used on imprisonment (a) to pre-empt criminal behaviour (for example with improved mental health, drug and alcohol addiction, education, and family violence provision); and (b) to resource strong community-based sentence options. The adoption of such ‘justice reinvestment’ policies offers real potential in the face of the current levels of overincarceration and overcrowding.

I would be happy to discuss these comments in more detail, and can provide relevant references for the points I make, if useful.

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¹ Scottish Labour Leader Jim Murphy in http://www.theguardian.com/commentisfree/2015/jan/18/scottish-women-jail-offenders-crime-children

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