

Submission

to

Economic Regulation Authority

on

**THE EFFICIENCY AND PERFORMANCE OF WESTERN
AUSTRALIAN PRISONS**

by

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1. Background

I am a Member of the Legislative Assembly in the Western Australian Parliament and represent the electors of Southern River.

My interest in corrective services is not only due to the fact that there are 2 prisons in my electorate (Hakea Prison and the Banksia Hill Youth Detention Centre) but also because I have developed a strong interest in justice issues through serving for more than 25 years as a Minister of Religion, prior to entering parliament. As a Pastor my work included facilitating a drug rehabilitation support group for recovering addicts and another group for their families. I was also involved in counselling women wishing to leave prostitution. As a significant proportion of our prisoners are serving sentences related to drug issues, I believe I have some insights as to how recidivism might be reduced.

2. Recidivism.

The ERA Discussion Paper acknowledges that recidivism is high in Western Australia, and that in order to reduce the cost to tax payers of operating our prison system, we need to improve our effectiveness at rehabilitating prisoners.

This submission will limit itself to addressing the recidivism issue.

The ERA discussion paper informs us that “currently, around 45 per cent (or almost half) of all prisoners are returning to corrective services (prison or community corrections) within 2 years of their release” and that “thirty-nine per cent of prisoners who are released return to prison within 2 years.”

According to the discussion paper, “in total, the prison system spends over \$1million per day on prisoners who have previously served sentences and were not effectively rehabilitated.”

The Commissioner for Corrective Services, Mr James McMahon, is seeking to reduce recidivism rates by six per cent per year. In a recent paper on recidivism trends published by his Department¹, he outlines his general strategy as follows:

“... I have embarked on an ambitious reform program that aims to radically change the way we do business. The Department is now working to build the

¹ Recidivism trends in Western Australia with comparison to national trends, Government of Western Australia, Department of Corrective Services, October 2014

evidence base needed to design and deliver programs that are tailored to, and proven to be effective for, different offender groups and offence types. This evidence has already told us the programs needed to be delivered within an integrated, individualised, case management framework that extends beyond the structural confines of the Department and provides greater support for offenders upon release.”

This submission seeks to highlight some systemic issues relating to rehabilitation programs, the importance of post release support, and explores several programs that have proven to be successful and which could be adopted on a large scale in Western Australian prisons at minimal cost.

3. The effectiveness of the current programs

3.1 Low Completion Rates:

While statistics often suggest that a large proportion of prisoners complete rehabilitation programs while in prison², the fact is that many do not even commence them because they know that they will be moved from one prison to another. When I served on the Education and Health Standing Committee’s inquiry into illicit drugs and alcohol issues in 2010 this was drawn to our attention in every prison that we visited. People currently working in corrective services inform me that the situation is still largely unchanged.

Another factor that limits participation in programs is that many prisoners have quite short prison terms. By the time they are taken to Hakea, assessed and then moved initially to a maximum security prison and before being moved to possibly a regional prison, much of their sentence is already behind them. They then need to wait till a program commences in the prison to which they have been allocated. This may be months away, and then the prisoner’s release date looms – and no program has yet been completed.

The number of prisoners who completed prison programs in 2014 accounted for 36% of the total number of prisoners released in that year.³

As regards training and employment programs, only approximately 30% of all prisoners in 2014 were enrolled in accredited courses. Only 69% of these enrollees achieved a completion rate across adult basic, vocational and tertiary studies.

² E.g. Changing Patterns in Illicit Drug use , Education and Health Standing Committee of WA Parliament, Report 9, 2011, p 145

³ Annual Report 2013-2014, p. 137

When a prisoner is assessed at Hakea, thought should be given to immediately developing a possible program to assist the prisoner in his rehabilitation; consideration should also be given to the prison to which he/she is sent in the light of the type of programs available there and their commencement dates.

3.2 Evaluating the effectiveness of programs

Evidence suggests that some of the current programs have only a marginal positive impact on recidivism.

The rate of return to Corrective Services within two years of prison release by prisoners who have completed at least one prison program is high.

In 2014, it stood at 40.2%; which is only 9.2% less than what it was in 2001 and 12% less than in 2010⁴.

Consequently, although there have been some improvements in recent years, the rate of return for program completers (40.2%) is nearly the same as for all prisoners (program completers and non-program completers: 45.2%).

3.3 Mental Health Issues

The ERA Discussion Paper has identified that the current programs are inadequate insofar as the 59% of adult prisoners, who have mental issues, are not the beneficiaries of adequately and appropriately resourced mental health support.

Given the high incidence of Foetal Alcohol Syndrome Disorder (FASD) in some sections of the Aboriginal community, it may be appropriate to consider alternative ways of addressing affected persons offending. FASD affected people (depending on the severity of their condition) who appear normal, often are unable to make simple “cause and effect” connections. For such people prison should be seen as a last resort.⁵

If we wish to address the rate of recidivism, we need to address the issue of alcohol consumption within our community, and get the message out that during pregnancy one should avoid all alcohol.

⁴ Recidivism trends, op.cit. p. 28

⁵ See Education and Health Standing Committee, *Alcohol Restrictions in the Kimberley: A Window of Opportunity for Improved Health, Education, Housing and employment*, Parliament of Western Australia, Perth 2011, p 80ff and references provided there.

3.4 Drugs and Alcohol

The ERA reported that 80% of prisoners have an alcohol and/or drug dependency but that the current alcohol and drug rehabilitation programs are both ineffective and under resourced.

While in Sweden for the Education and Health Standing Committee Inquiry into illicit drugs and alcohol issues, we learnt that under Swedish legislation it is an offence to be *under the influence of an illicit substance*. If one is arrested, one is taken not to the police station, but to a Government Rehabilitation facility, where one is tested. If one tests positive, the choice is given: Agree to participate in a rehabilitation program, or you go into the court system, with the consequence that you end up with a criminal record. Some 98% of people opt for the rehabilitation (which results in no criminal record or conviction) and 70% of these never come into contact with the judicial system again, indicating a high rate of success in rehabilitating the drug affected person.

The Swedish legislation has moved that nation from having the highest illicit drug usage rate in the mid-1980s, to now having the lowest drug use rate in the Western World;⁶ one would therefore hope that if Western Australia introduced similar legislation, it would have the effect of reducing our prison population over time. While consideration of such legislation is beyond the remit of the current inquiry, such “alternative” approaches to addressing the drug issue in our society will need to be considered if we are to reduce the number of persons in prison.

Given the ERA finding that 80% of prisoners have a drug/alcohol dependency, all prisoners with such a dependency should be required to participate in a drug/alcohol rehabilitation program in the prison system.

Greater efforts also need to be made to keep our prisons drug free. If prisoners can have access to drugs while incarcerated, any rehab program is futile.

4. Two proven programs worth adopting/expanding throughout the prison system

There are two low cost programs that could contribute to a lowering of the recidivism rates in our prisons.

- The Sycamore Tree Program
- The Inner Change Program

⁶ http://www.unodc.org/pdf/research/Swedish_drug_control.pdf page 5, accessed 16/04/2015

Both of these programs are run internationally by Prison Fellowship, the largest organised prison ministry in the United States.

5. The Sycamore Tree Program (STP)

STP is a restorative justice program that is currently delivered in 6 prisons in Western Australia with an unusual high rate of success.

The program has been operating in Perth since 2005. Since its inception to 2013, a total of 73 courses have been conducted involving 782 prisoners and 411 participating victims of crime.

The program provides an opportunity for offenders to examine their attitude towards crime through listening, understanding and engaging with the views and feelings of victims of crime.

The program covers 4 x 1 hour sessions each week over a period of 8 weeks (total 32 hours for the program) under the auspices of Prison Fellowship WA.

Independent consultants *Shawn Boyle and Associates* were engaged recently to undertake a review of STP Australia.

The consultants found that the demand for the program far outstripped the capacity of Prison Fellowship WA to provide the course in prisons in Western Australia. All of the prison officials interviewed stated that they would like to see the program made available more extensively and regularly in their prisons. There are waiting lists for the program in all the prisons where STP is in operation.⁷

This program has also experienced a similar degree of success overseas.

Sheffield Hallam University, in conjunction with Manchester Metropolitan University, were commissioned in 2009 to undertake an evaluation of the Sycamore Tree Programme by Prison Fellowship England and Wales.⁸

Their evaluation was a follow up on a previous report published by Sheffield Hallam University in 2005, which undertook a similar analysis and identified a positive impact on prisoners who had completed the programme. In 2005, 2197

⁷ Review of Sycamore Tree Program 2015, Shawn Boyle & Associates, Bayswater, WA; undated.

⁸ An evaluation of the Sycamore Tree Programme based on an analysis of Crime Pics II Data, Simon Feasey & Patrick Williams, Hallam Centre for Community Justice, Sheffield Hallam University, Sheffield UK, Aug. 2009

pre- and post-programme questionnaires were analysed. In 2009, a further 5007 were reviewed.

The evaluation measured the following attitudes among prisoners

- General attitude (G Scale) towards offending
- The offender's own anticipation of future offending (A Scale)
- Victim empathy (V Scale) i.e. the offenders' attitude towards his victims
- Evaluation of crime as worthwhile (E Scale) i.e. whether the prisoner considers the cost of crime to be greater than its rewards
- Problem inventory (P Scale) i.e. the offender's perceptions of his current problems (money, relationships, housing etc.)

The results of the evaluation revealed that a statistically significant shift occurred on each scale among Sycamore program participants. The programme had a positive impact on all participants irrespective of gender. Significantly, the extent to which prisoners anticipate committing future offences decreased as result of completing the Sycamore Tree program. This attitudinal change was found to have occurred irrespective of age, gender and the prison system within which the Sycamore Tree program was delivered.

The Shawn Boyle consultants have proposed a funding model that would ensure the sustainability of the Sycamore Tree program, facilitate growth and maintain a substantial in-kind and voluntary contribution. This funding model includes proposals for regional expansion and program evaluation and research⁹.

Contact should be established at Departmental and ministerial levels with Shawn Boyle to facilitate meaningful consideration of their proposals.

Recommendation 1: That the Sycamore tree program be extended to all WA prisons.

⁹ Shaw Boyle & Associates, op.cit. The study showed that for an annual cost of \$60,000 paid for logistics and a coordinator, some 6-8 programs could be delivered per year, with in kind contribution by volunteers of \$225,000.

6. The Innerchange program¹⁰

Innerchange is a voluntary correctional program developed by Prison Fellowship in the United States. It was first implemented in Texas in 1997 and has been run in the Minnesota's prison system since 2002. It is privately funded and relies heavily on highly trained volunteers.

The program delivers educational values-based programming that connects spiritual development with educational, vocational and life skills training.

Inmates begin participating in the program 18-24 months prior to their release from prison. The program covers 3 phases.

Phase 1 lasts 12 months and includes 3 hours of instruction each weekday morning followed by work or compulsory educational programming in the afternoon and additional programming in the evening.

During phase 1, participants are introduced to the core value of the program and to cognitive skills. They also deal with re-entry and addiction issues, chemical dependency, education and relapse prevention.

Phase 2 lasts for a minimum of 6 months and is made up of work and classes. Offenders are then matched with a mentor from the community. At the conclusion of phase 2, inmates are released from prison under a supervised release/work program.

Phase 3, is the final phase. It begins upon final release from prison and normally lasts 12 months. Mentors and re-entry team staff work with the participants to provide them with support groups, peer mentoring, one-on-one counselling and interaction with volunteers. Relationships are developed with employers, housing providers and other re-entry service providers.

Although it could be argued that the Innerchange program shares some of the current practices used in the Department of Corrective Services, it follows a much more systematic and integrated approach and makes extensive use of trained volunteers. Phase 3 also involves a widespread network of agencies, volunteers and supporters who assist with the reintegration process, as well as providing on-going support post release.

¹⁰ The material in this section is extracted from the following source:

"Estimating the Benefits of a Faith-Based Correctional Program; Grant Duwe & Byron R. Johnson, International Journal of Criminology and Sociology, 2013, 2, 227-239 and from personal discussions with Prison Fellowship staff.

6.1 Evaluation

The program has been widely hailed as being particularly successful to date, and this has now been verified by the research of Duwe & King¹¹ who published their findings in 2013. They evaluated the effectiveness of the Innerchange program in Minnesota by comparing the recidivism outcome among 366 Innerchange participants and 366 non participants from the Minnesota prison system between August 2003 and December 2009.

They found that participation in Innerchange lowered the hazard of recidivism by 26% for arrest, 35% for reconviction and 40% for new offence re-incarceration.

They reported that the best recidivism outcomes were observed for the Innerchange participants who received mentoring support from the institution to the community stages.

81% of Innerchange participants obtained employment following their releases from prison compared to 67 per cent in the comparison group.

Innerchange participants were convicted of 134 offences during the follow-up period compared to 260 for offenders in the control group.

Recommendation 2: That the DCS enter into discussions with Prison Fellowship to explore the possibility of several pilot groups of longer term prisoners undertaking the Innerchange program, and to establish mechanisms for evaluating its effectiveness, and explore how it might be delivered on a private funding model similar to the one currently in operation in the US.

7. The Warburton Work Camp

In January 2015, I had the opportunity to visit the Warburton Prison Work Camp.

I met with the local Community Development Officer as well the Officer-in-Charge.

¹¹ "Can Faith-based Correctional Programs Work? An Outcome Evaluation of the Innerchange Freedom Initiative in Minnesota". Duwe Grant & Michelle King, 2013; International Journal of Offender Therapy & Comparative Theology 57: 813-841

Both were of the opinion that the camp was under-utilised because of an internal DCS policy that stipulates that only the last 50% of a prisoner's sentence can be served in work camp such as Warburton.

As result, the camp which has a capacity for 24 inmates only averages 4 to 6 inmates at a time.

Most of the inmates at the camp are Aboriginal people who have committed crimes related to unlicensed driving and other driver related offences such as drink driving. Others are serving time for domestic violence – usually done while under the influence of alcohol or drugs.

Substantial savings could be achieved by the Department of Corrective Services if the policy were amended to allow such prisoners to spend all (or most) of their sentence in the Work Camp, rather than having to spend half of it in Casuarina or Kalgoorlie prison.

As many are repeat offenders, it was suggested to me that the policy could be changed to allow a person who has been a good work camp inmate previously, or who is assessed as a minimum risk prisoner, to be moved immediately to the Warburton Work Camp upon conviction in Kalgoorlie or other court.

This would save substantial prisoner transport costs, ease the pressure/capacity on other crowded prisons, such as Casuarina and facilitate relationship building with a local mentor.

Currently, with only four to six inmates at a time, the cost of providing training and re-entry programs is prohibitive. However if the camp was running closer to capacity, this would be much more feasible.

The high security wing of the work camp has never been used, as 24/7 staffing would be required, which is not viable with the current low occupancy rate.

However, given that a newly arrested prisoner or newly convicted prisoner must be initially treated as a high security inmate, consideration should be given as to how the high security wing at the Warburton camp could be utilised more efficiently, and possibly also serve as the local "lock up".

Since Aboriginal prisoners generally are not violent within the prison system, it would seem that upon conviction, they could be sent to the work camp high security area, processed there and then transferred straight away to the main part of the facility.

The current practice of flying prisoners convicted in Warburton all the way to Perth is a very costly exercise and this alternative approach has the potential to reduce costs, and allow the camp to be better utilised, which would allow some programs to be run at the camp.

Having visited Warburton almost every year (with a team running a holiday program for the local children) since 2000, I can testify to the very positive impact on the Warburton Community through the work done by the work crews coming from the Work Camp. When doing a cost/benefit analysis of the Warburton Work Camp, the benefit to the Warburton community arising from the work the crews do in the town, should not be discounted.

Recommendation 3: That the policy of only allowing prisoners to serve the last 50% of their sentence in a work camp be abolished.
Recommendation 4: That the occupancy rate of the Warburton Work Camp be increased by changes in policy, and once higher occupancy is achieved appropriate programs be offered.

8. Post Release Support

It is imperative that appropriate post release support services be provided since most prisoners have, or have had drug and alcohol issues.

Persons who have or have had a drug or alcohol addiction, need trusted people to keep them accountable for their behaviour. Failure to provide support in terms of regular support group meetings, have a person available to them 24/7 by phone when they are struggling and toying with the idea of taking drugs or beginning to drink again, sets prisoners up for failure.

The work done by Jade Lewis and Friends Inc in the Bandyup prison has demonstrated the value of running support/education programs in the prison, but it also shows the value of having several mentors who make themselves available to have daily contact with the newly released prisoner, and helps them to connect to appropriate other persons and groups.¹²

9. CONCLUSION

The ERA's Discussion Paper suggests that greater autonomy be granted to Prison Superintendents and suggests that all prisons should be made more

¹² I understand that Jade Lewis is providing her own submission to the inquiry. I also wish to advise that I serve as the chair of the Board of Jade Lewis & Friends Inc.

accountable through the execution of Service Level Agreements which would clearly outline the expectations placed on all parties.

If this was implemented, the Superintendent would also be accountable for the quality of the rehabilitation services on offer in the prison, and allow him to use local volunteer based programs to assist in reducing recidivism.

From a recent study tour I made to three nations of various political inclinations and cultures, it was interesting to note that government officials in all jurisdictions acknowledged that the NGO sector, and especially the faith based ones, such as the Salvation Army, have far better outcomes in rehabilitation work than government owned and operated facilities.

The ERA's recommendations blend in well with my suggestions above because they highlight the importance of outsourcing some of the key programs.

The 2 programs recommended in this report, viz the Sycamore Tree and InnerChange, are both managed by Prison Fellowship, a charitable organisation funded by donations, which has a notably successful track record in prisoner rehabilitation work.

Adoption of these two programs on a State wide basis would require some financial input on the part of the State. However, both Sycamore and InnerChange rely on a delivery model which involves a high degree of in-kind/voluntary contribution, thus providing a multiplier effect for every taxpayer funded dollar.

Furthermore, in the light of independent research carried out so far, it seems that these programs also generate substantial cost savings in opportunity costs to the State. In particular, the findings of the Duwe & Johnson evaluation¹³ shows that during its first six years of operation in Minnesota, InnerChange produced an estimated benefit of US\$ 3 million, nearly \$8,300 per participant. Much of this benefit stemmed from costs avoided as a result of the program's impact on reoffending.

Respectfully submitted

PETER ABETZ MLA

¹³ Duwe & Johnson, op.cit. p 227.