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Efficacy, accessibility and adequacy of prison rehabilitation programs for Indigenous offenders across Australia

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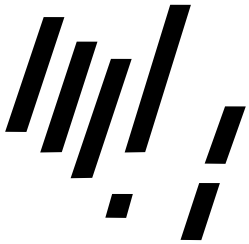

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The AIJA Secretariat, which has been in operation since February 1987, is funded substantially on a composite government funding basis through the Law, Crime and Community Safety Council (LCCSC).

Published June 2016
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ISBN: 978-1-875527-15-1

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ABOUT THE AUTHORS

Dr Clarke Jones is a research fellow based at the Regulatory Institutions Network (RegNet) in the Australian National University (ANU). Dr Jones' research covers violent extremism, radicalisation and prison radicalisation, de-radicalisation and intervention, prison reform and prison gangs. Internationally, Dr Jones has advised the Royal Canadian Mounted Police on the development and implementation of police-led intervention strategies. Over the past eight years he has also advised the Philippine Government on appropriate management of terrorist offenders, prison gangs, corruption and prison reform. In 2002, Dr Jones was the Chief of the Australian Defence Force Fellow and, based on this fellowship, completed his PhD at the University of New South Wales in 2008. He also holds a master's degree by research in criminology from RMIT University.

Dr Jill Guthrie is a descendant of the Wiradjuri people of western NSW. She is a graduate of the Master of Applied Epidemiology Program at the National Centre for Epidemiology and Population Health (NCEPH) at The Australian National University. Following graduation from the MAE Program, she worked as an academic member of the MAE staff and continues to work in that program. She is a former Research Fellow at the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS), and a former Senior Fellow at the National Centre for Indigenous Studies at The Australian National University. She has researched and written extensively on Justice Reinvestment in the Australian context. Currently she is a Visitor at NCEPH and at the Kirby Institute for Infection and Immunity in Society at The University of New South Wales.

FOREWORD

The AIJA has had and continues to have an interest in Indigenous justice directed through its Indigenous Justice Committee which has conducted a number of conferences on Indigenous Justice and Courts.

Some time ago, the AIJA commissioned a report from Dr Troy Allard at Griffith University which was to be conducted in two stages identified by Dr Allard, namely:

1. A review focused on the availability of programs for adult Indigenous offenders; and

2. Commentary upon the adequacy of programs for the assistance of adult Indigenous offenders.

Several subsidiary issues and questions were identified in relation to both stages.

A report was received from Dr Allard which, in the result, seemed to merge the two stages. His report was discussed by the AIJA Council which noted that:

1. Except for New South Wales, the report contained no information about participation rates of Indigenous prisoners in programs; nor did the report provide information about completion rates; and

2. The report did not provide any information on where, in each jurisdiction, specific programs were available, for example, if programs are only offered to Indigenous prisoners housed in metropolitan prisons, then that should be stated.

The view of the AIJA Project and Research Committee was that the work proposed was important work relating to the Indigenous Community. The AIJA was fortunate to obtain funding through the Commonwealth Attorney-General's Department for the further research. It was also fortunate to secure the assistance of Dr Clarke Jones and Dr Jill Guthrie to conduct the necessary research and prepare the report.

The recommendations made in the report are extremely valuable. In particular, I draw attention to the recommendation that Correctional Jurisdictions should be more transparent in relation to the collection, analysis and dissemination of evaluations of their rehabilitation programmes and the databases that underpin those evaluations. It will be apparent from the report (and from my involvement in the project, I am aware) that there is an apparent dearth of statistical information in relation to prisoner rehabilitation programmes for Indigenous offenders.

I am grateful to the Advisory Committee for the project which consisted of:

The Hon Justice Jenny Blokland, the Hon Brian Martin AO, his Honour Judge Michael Shanahan and Mrs Mary Ann Yeats AM.

I commend the report.

The Honourable Justice Robert Mazza
President
Australasian Institute of Judicial Administration

EXECUTIVE SUMMARY

In Australia, as elsewhere in the world, prisoners are among the most stigmatised and often socially excluded citizens in the community, characterised by extreme socio-economic and psychological disadvantage. Typically, those exposed to the criminal justice system are poorly educated, unemployed, socially isolated and financially dependent with high levels of physical ill health, psychiatric illness, violence and engagement in risky behaviours such as alcohol, tobacco and other drug use. The prisoner population is predominantly male (92% compared with 49% of the general adult population) and relatively young, with over two-thirds (68%) being aged under 40 years, compared with approximately 38% of the general adult population. In just one year, since 2013, the imprisonment rate has increased 10%. Indigenous offender numbers contributed significantly to those rates, accounting for 27% of the total prisoner population, which at 2,241 per 100,000 represents a rate of more than 16 times higher than that for non-Indigenous Australians.

Recidivism is one of the reasons for Australia's increasing prison population. Recidivism is a technically complex term; however, it is well documented that it can be influenced by many external factors including poor education, limited or no employment, mental illness and bad physical health, drug and alcohol misuse. Inside prison, contributing factors include lack of access to rehabilitation programs, the inability of offenders to meet the selection criteria of programs and lack of access to appropriate offender specific programs. It also places enormous pressures on the prison system, resulting in overcrowding in most jurisdictions.

For this project we were asked to examine the efficiency, accessibility and adequacy of prison rehabilitation programs for Indigenous offenders in Australia. In doing so, we have also considered the appropriateness of those programs. We have found that – where they are provided – there were insufficient programs or too few places available in them, and over-subscribed. In addition, there are significant issues with access to courses and lengthy waiting lists, although there are variations across jurisdictions and individual prison locations.

It is a truism that cultural support and culturally appropriate programs are critical in preventing reoffending, as well as improving outcomes for all Indigenous prisoners and their communities. Therefore, there is a need to ensure that the issues facing Indigenous prisoners are carefully considered in the planning and delivery of programs, not only in prisons, but also in their communities following release. Additionally, Indigenous cultural practices and observances should be respected in a similar way to how religion is observed with other offenders.

The 1991 Royal Commission into Aboriginal Deaths in Custody is a key historical report that examined the over-representation of Indigenous Australians in prison. It identified that the measures of disadvantage common in the general prisoner population are significantly more prevalent for Indigenous offenders. Little has changed since the report was released, with its findings of 'clear evidence' that Indigenous people were disproportionately imprisoned for minor offences such as re-occurring fine defaults, drunkenness and 'other good order' offences. More than two and a half decades on, Indigenous people are more likely than ever to be incarcerated. Alarmingly, the imprisonment rate for Indigenous people has risen 52% in the past decade.

Research over the last 30 years has shown that some programs are more effective than others; however, there is much documentation, which records the fact that good evaluation of prison rehabilitation programs, whether Indigenous-specific or not, are not available. Authors of a national review of the effectiveness of prison-based offender rehabilitation programs in 2009 commented that a comprehensive review was not possible given the paucity of evaluations and research reports available. They also noted that all jurisdictions recognise the need to evaluate the effectiveness of their rehabilitation programs and that most jurisdictions state that they had commenced evaluations (process and/or outcome) since a previous review. The authors also observed that a challenge for jurisdictions is to devise appropriate and consistent methodologies for undertaking evaluation of their programs, thereby enhancing the knowledge base of program outcomes and promoting further good practice in offender rehabilitation practices in Australia.

As Australia's prison population is reaching record levels, more emphasis is required to urgently address these issues. Imprisonment is expensive. Adult prison beds cost between $250,000 and $500,000 for infrastructure and around $100,000 to run each year. Youth justice beds cost around $200,000 per year. In the 2013-14 financial year, direct costs of imprisonment increased nationally by about $1million every day.

An innovative policy idea that is gaining traction is Justice Reinvestment (JR). JR can be conceived as both a philosophy for justice reform and a set of strategies that examine spending on incarceration. The philosophy is that funds, which might be spent on incarceration, are instead reinvested into health and social interventions that reduce offending in communities with the sociodemographic features that disproportionately contribute to prisoner populations. The idea springs from an understanding that over-incarceration affects communities in ways that perpetuate cycles of crime. Its theoretical foundation is in research that shows how a policy of mass incarceration is itself a generator of crime problems, occurring when certain neighbourhoods, already stressed by poverty and disadvantage, reach a point where crime rates spiral upwards. As a systems-based approach, JR encompasses a comprehensive range of areas such as health, housing, employment, justice, family support, mental health and substance misuse services. It impels policymakers to consider the implications of current punitive policies that result in more incarceration, particularly Indigenous Australians, and instead, fund initiatives that redress the social determinants of incarceration.

Upon these foundations, we make a number of recommendations:

- All correctional jurisdictions should consistently evaluate rehabilitation programs offered to indigenous offenders.
- Correctional jurisdictions should be more transparent in relation to the collection, analysis and dissemination of evaluations of their rehabilitation programs and the databases that underpin those evaluations.
- It is critical that a greater effort is made across all jurisdictions for the enhancement and promotion of more culturally-relevant rehabilitation/intervention programs. These must be informed by cultural practices and include content that reflects the experiences of Indigenous people. Jurisdictions also need to consistently evaluate rehabilitation programs and ensure an evaluation framework is included at the start of

any new program being developed.

- Jurisdictions should develop specific programs targeting family/spousal violence, an issue which is often at the core of many different types of offending among Indigenous people. Programs must focus on addressing the problems that led to criminal behaviour to prevent a person constantly returning to prison.
- There should be increased numbers of identified positions for Indigenous Liaison Officers, and Indigenous case managers, consistent with the rates of Indigenous incarceration, as well as ongoing cultural awareness training for all staff in prisons, and those delivering services to Indigenous prisoners.
- It is imperative that inmates know how to behave ethically and morally. This understanding makes true reform possible. In this regard, we set out a number of programs that are known to have been successful.
- Programs need to be developed for Indigenous prisoners sentenced to less than six months, appreciating by their nature, those programs will be limited. Also, there should be investigation into whether 'Throughcare' programs could be extended to short-term prisoners. Attention should also be given to the development of appropriate rehabilitation programs for remandees.

Finally, although measures to reduce the high levels of Indigenous imprisonment do lie outside of the criminal justice system, change within the criminal justice system is also very important. Imprisonment should be a last resort. More efforts need to be made to run out-of-custody rehabilitation programs for offenders who can be managed out of the prison system – if consistent with community safety. Changes aimed at diverting Indigenous offenders from the criminal justice system are fundamental, as is an awareness of the laws and principles in operation, which may be reinforcing systemic bias, racial discrimination and institutionalised racism.

SCOPE AND STRUCTURE OF THIS REPORT

This report concentrates on Indigenous prison rehabilitation programs, and not diversionary programs[1]. We stress that rehabilitation in this report does not refer to interventions that aim to repress criminal involvement through specific deterrence strategies. This means that we have not examined punishments that make offenders "fearful of sanctions to recidivate" (Cullen and Gendreau, 2000: 112). The report focuses on the Indigenous adult prisoner population in Australia, but not those in juvenile detention.

Initially the project sought to collect and analyse primary data and information from the relevant state and territory corrective services on the:

1. availability and accessibility of data and information surrounding the participation and completion rates of Indigenous offenders in the various rehabilitation programs;

2. types, distribution and availability of Indigenous offender rehabilitation programs across different state or territory correctional facilities and across the various security levels within these facilities;

3. participation and completion rates of Indigenous offenders in the various rehabilitation programs; and

4. extent to which the various types of Indigenous offender rehabilitation programs have been subjected to formal evaluations and, the outcomes of these evaluations.

However, primary data was not provided by the correctional jurisdictions around Australia. Over the past four years, several approaches have been made by the Australasian Institute of Judicial Administration (AIJA) to the Corrective Services Administrators' Council (CSAC) (including the National Corrections Advisory [Working] Group (NCAG) to obtain permission to approach the various correctional jurisdictions for support and cooperation, however, all were unsuccessful. This included one approach made by another external research organisation back in 2012.

Corrective service representatives of the Council raised a number of issues in relation to supporting the project. These included:

1. the requirement for significant resources to obtain the data sought for a five-year period, especially for jurisdictions that identified this data would need to [be] manually collected;

2. difficulties with the scope of the project where the definition of 'rehabilitation programs' is unclear. The delivery of these programs varies significantly between jurisdictions in terms of (a) the assessment

1. For example, the NIDAC report, An economic analysis for Aboriginal and Torres Strait Islander offenders' analyses the costs and benefits of addressing Indigenous problematic alcohol and drug use with treatment, particularly residential rehabilitation, as compared to the costs of imprisoning those same people.

and eligibility criteria, (b) the service and treatment pathways and (c) their design and structure; and

3. more developed consultation with agencies was required.

Noting the CSAC's concerns, we simplified the research objectives to provide a compromise, i.e. data collection was shortened to a period of two years rather than a five-years; however, endorsement by CSAC was still not forthcoming.

It is important to note that several jurisdictions were prepared to cooperate. However, given the CSAC's lack of endorsement of the project, no further efforts were made to obtain data from those jurisdictions who were willing to participate. The unfortunate lack of cooperation by CSAC meant that we were unable to record some of the more positive strategies being developed and implemented by several jurisdictions that we have become aware of since this report was compiled.

Several personal interviews were conducted with external service provider groups (government and non-government) that support Indigenous offenders. However, our research relied largely on secondary data sources, which created limitations for accurate evaluation of Indigenous rehabilitation programs around Australia. We were limited to reviewing and analysing a range of publically available texts and information including government and non-government reports, websites, academic and journal publications, as well as databases about prison and prisoner rehabilitation programs. In our research we have searched the literature for those principles that distinguish effective rehabilitation initiatives from ineffective ones. In an academic sense, we have been necessarily strategic in our efforts to target sources where we believe the greatest insights can be found.

Overall, as a result of the lack of endorsement by the CSAC, we see this as only a preliminary report to demonstrate the dire need for transparency of Indigenous rehabilitation programs across all jurisdictions. A more robust evaluation is vital so that better ways to address the gross overrepresentation of Indigenous people across all correctional jurisdictions in Australia can be found.

INTRODUCTION

As more people enter Australia's prison system, almost a third of them Indigenous offenders, we must ask ourselves two, correlated questions: are rehabilitation initiatives having any impact on Australia's Indigenous offender population and should efforts towards examining alternatives to their incarceration be intensified?

As Australia's prison population is reaching record levels, more emphasis is required to urgently address these questions. In 2014, adult prisoner numbers climbed to a ten-year high of 33,791 - a national imprisonment rate of 185.6 prisoners per 100,000 adult population. This means that - in just one year, since 2013, the imprisonment rate has increased ten%. Indigenous offenders contributed significantly to those numbers, accounting for 27% of the total prisoner population (Australian Bureau of Statistics, 2014).

Although effective strategies to reduce the Indigenous imprisonment rate may lie outside of the criminal justice system, changes within the criminal justice system is also very important - imprisonment should be a last resort. Changes aimed at diverting Indigenous offenders from the criminal justice system are fundamental, as is an awareness of the laws and principles in operation, which may be reinforcing systemic bias, racial discrimination and institutionalised racism.

One of the reasons for Australia's increasing prison population is the high rate of reoffending or recidivism. Recidivism can be influenced by many external factors, including poor education, limited or no employment, mental illness and bad physical health, drug and alcohol misuse. Inside prison, contributing factors include lack of access to rehabilitation programs, the inability of offenders to meet the selection criteria of programs and lack of access to appropriate offender specific programs. It also places enormous pressures on the prison system, resulting in overcrowding in most jurisdictions included in this report.

A number of key studies captured in this report have considered the factors contributing to the over-representation of Indigenous people in prisons. One significant report was the 1991 Royal Commission into Aboriginal Deaths in Custody. The Royal Commission identified that the measures of disadvantage common in the general prisoner population are significantly more prevalent for Indigenous offenders. It found that the fundamental causes for the over-representation did not generally lie with the criminal justice system itself but in those factors that contribute to Indigenous people coming into contact with the criminal justice system in the first place. Disadvantage and inequality in Australian society as a whole is likely to be the key contributing factor behind the greater exposure.

In a report by the Victorian Ombudsman's office, *Investigation into the rehabilitation and reintegration of prisoners in* Victoria, they identified "extensive data showing high levels of disadvantage including:

- of the 19% of Indigenous people who consume alcohol, the intake is twice that of non-Indigenous people;
- nearly one in every three Indigenous people reported high levels of psychological distress, particularly among victims of violence, discrimination or removal from families;

- only 21% of all Indigenous people between the ages of 15 and 64 have completed Year 12 or equivalent;
- 17% are unemployed; and
- 23% of Indigenous people accessed specialist homelessness services in the 2013-2014 financial year (p. 75)."

Prison expansions

In recent years, Australian governments of all political persuasions have signalled new or expanded prisons in their jurisdictions. In some cases, there has been a desire to improve the quality of old facilities in order to deliver more effective programs and reduce the level of overcrowding; however, overall it appears that governments see incarceration as the main solution to crime. For example, in Victoria in 2013-14, $131.5 million was spent across a number of prison projects; in Western Australia in 2012, some $665 million was spent to add more than 2600 beds to that state's prison system including three new prisons and four new work camps; in the Northern Territory in 2011, some $495 million was spent on a new prison at Holtze to house up to 1000 prisoners; in New South Wales in 2010, the Premier opened a $155 million 600-bed prison near Nowra (that state's 36th correction facility) proclaiming it would 'continue to deliver strong, positive economic benefits …'; in Queensland in 2013, a $445 million redevelopment of the Lotus Glenn facility near Cairns was opened, increasing the facility's size from 496 cells to 690 cells. In the Australian Capital Territory in 2013, $3 million was to be spent on designs for an expanded ACT jail, and a further $6 million would be spent to help increase service demand and train new guards' (Guthrie, Levy, & Fforde, 2013).

A recurring theme in each of these announcements was the fanfare alluding to fiscal responsibility and claims that prison construction brings benefits to the local economy. The rhetoric is characterised by enthusiasm and opportunity, rather than regret about the expanding prison population and its attendant social and economic consequences for particular sections of the population. Such exuberance for prison building and expansion reflects the continuing dominant perspective that incarceration is an acceptable response, at least politically, to addressing criminal justice and community safety issues (Guthrie, Levy, Fforde., 2013).

The Australian prisoner population

In Australia, as elsewhere in the world, prisoners are among the most stigmatised and socially excluded citizens in the community, characterised by extreme socio-economic and psychological disadvantage. Typically, those exposed to the criminal justice system are poorly educated, unemployed, socially isolated and financially dependent with high levels of physical ill health, psychiatric illness, violence and engagement in risky behaviours such as alcohol, tobacco and other drug use. Inmate Health Surveys in New South Wales, Victoria, Queensland and the Australian Capital Territory and New Zealand consistently demonstrate the link between alcohol and other drug use and incarceration. Mental illness is another key social determinant of incarceration. Living in a crowded household increases the likelihood of imprisonment. A lack of access to appropriate accommodation has also been identified as one of the factors driving high youth remand, with indications that some young people who otherwise would not be on remand are spending time in

detention due to lack of suitable accommodation. The dynamic relationship between homelessness and involvement in the justice system is also strongly evidenced. People who have spent time in prison are overrepresented in the homeless population, and homelessness in turn increases the likelihood of re-offending (Guthrie, Levy, Fforde., 2013).

The Australian Indigenous prisoner population

Indigenous Australians' experience must be understood in the context of a history strewn with dispossession and colonialism, with the understanding that these events gave way to high rates of Indigenous poverty as well as exclusion from many types of health care. The impact of Australia's colonial history as a social determinant of health for Indigenous Australian populations is recognised (Guthrie, Levy, Fforde., 2013). Little has changed since the 1991 Royal Commission into Aboriginal Deaths in Custody, which found 'clear evidence' that Indigenous people were disproportionately imprisoned for relatively minor offences, such as an accumulation of fine defaults[2], drunkenness in public spaces and 'other good order' offences. More than two and a half decades on, Indigenous people are more likely than ever to be incarcerated.

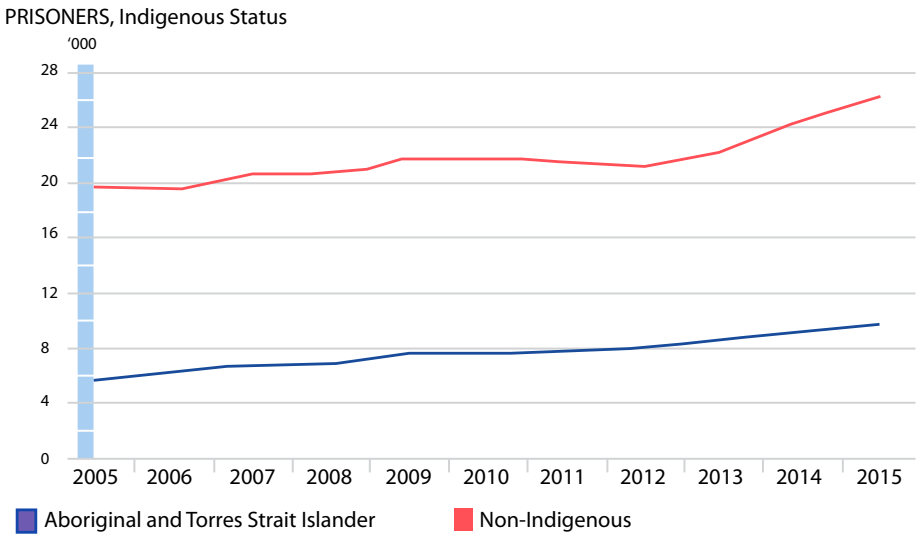
Weatherburn believes that Indigenous peoples' "contact with the criminal justice system has probably lost much of its deterrent effect", which is contributing to their over-representation (Weatherburn 2014: 7). Entering the criminal justice system, through either arrest, prosecution and incarceration, has become "a rite of passage" for many young Indigenous people "rather than a source of shame or embarrassment. Sometimes imprisonment becomes a better option for some Indigenous people, particular the ageing population, as it offers free food, accommodation, health care and social contact (Weatherburn, 2014: 7). Similar observations have been made by Jones, Narag and Morales (2015) in their studies of prison gangs in the Philippines where people experiencing extreme poverty find life better on the inside than out in the free community.

The over-representation of Indigenous offenders within the criminal justice system has reached epidemic proportions, with an imprisonment rate rising above 52% in the past decade (Collins Peter & Kalisch David, 2011), which is a rate of more than 16 times higher than non-Indigenous people (see chart below). This figure represents an imprisonment rate for Indigenous people of 2,241 per 100,000 (Jeyaratnam, 2012).

There are numerous socio-economic factors that contribute to an over-representation of Indigenous people in Australia's corrective system. Indigenous Australians have suffered a long history of social disadvantage and cultural displacement and remain seriously disadvantaged compared to other Australian communities in terms of living standards and mental and physical health (Weatherburn, 2014). For example, Indigenous Australians die at much younger ages, have lower levels of educational attainment and income, have higher rates of unemployment and live in poorer housing conditions (National Indigenous Drug and Alcohol Committee, 2013).

2. Many states have now developed 'fine recovery units'. This means that very few Indigenous people are incarcerated for defaulting on fines.

This social disadvantage, including a history of upheaval culminating in trauma and grief, clearly contribute to a high level of Indigenous incarceration. Previous research has demonstrated that Indigenous offenders were more likely to have been imprisoned if they had not attained Year 12, were unemployed, had financial stress, lived in poor crowded conditions or in remote areas, were part of or had a relative from the stolen generation, and/or consumed harmful levels drugs or alcohol (Weatherburn, Snowball and Hunter, 2006). Other studies have also found that contact with the justice and correctional systems can intensify pre-existing disadvantage.



Australian Bureau of Statistics, 2016

Western Australia has the highest rate of imprisonment for Indigenous Australians (3,772 per 100,000) while Victoria has the fastest growing rate of Indigenous incarceration around the country (Australian Bureau of Statistics, 2014). Indigenous prisoners also face a higher risk of morbidity and mortality compared to non-Indigenous offenders (Australian National Council on Drugs, 2013).

The over-representation in Australia's justice system is not restricted to adults – Indigenous children make up more than half the juvenile detention population. The rate of Indigenous young people aged 10–17 under supervision on an average day in 2013–14 was 189 per 10,000, compared with 13 per 10,000 for non-Indigenous young people. Indigenous young people aged 10–17 were therefore about 15 times as likely as non-Indigenous young people to be under supervision on an average day. This level of Indigenous over-representation was higher in detention (24 times as likely) than in community-based supervision (14 times). Indigenous young people were also over-represented in youth justice supervision within each state and territory. The rate of Indigenous young people aged 10–17 under supervision on an average day was lowest in Tasmania (35 per 10,000) and highest in Western Australia (334 per 10,000). Similarly, the level of Indigenous over-representation

(rate ratio) was lowest in Tasmania, where it was only slightly higher than the non-Indigenous rate, and highest in Western Australia (29 times) (Australian Institute of Health and Welfare, 2015b).

Twenty-five years on from the Royal Commission, such incarceration rates may lead one to conclude that Australian authorities still broadly believe that imprisonment is the key to reducing Indigenous crime. While the rate of Indigenous recidivism goes some way to refuting that notion, there is a concomitant imperative for the rehabilitation programs in our correctional system to be made more accessible and attuned to the cultural characteristics of this particular offender category (Mals, Howells, Day, & Hall, 2008:122). This will be critical in ensuring that prison-based rehabilitation efforts can contribute to long-term and permanent remedies to reduce the recidivism rate of Indigenous offenders.

Effectiveness of Prison rehabilitation programs

Research on offender rehabilitation over the past 30 years or more has shown that some programs are more effective than others. The effectiveness of prison-based rehabilitation programs, for any offender category, has been a controversial issue among penologists and correctional practitioners for some time (Andrews Don Arthur et al., 1990; Mals et al., 2008). In Australia, some senior correctional administrators continue to question the effectiveness of rehabilitation programs in the often harsh and overcrowded prison environments where inmates have difficulty accessing programs (Personal Communication, 2015). Early studies by Robert Martinson (1974) provide a similar pessimistic assessment about the prospects for successful rehabilitation of both juvenile and adult offenders.

However, we simply can't incarcerate our way out of various social problems and this study takes the position that rehabilitation programs are more likely to have a positive impact on recidivism and community safety than simply locking people away without help or intervention (Heseltine, Day, & Sarre, 2011).

So, what aspects of a program are effective, what is counter-productive and what are the measurements of success? Naturally programs tend to vary nationally and internationally and some will lead to greater successes than others. This has led to research to determine "principles that distinguish effective treatment interventions from ineffective ones". Research has also shown that rehabilitation is more likely to be effective if it matches the type of treatment with an offender's specific needs and cultural differences and is delivered in ''a style and mode that is consistent with the ability and learning style of the offender'' (Andrews Donald Arthur & Bonta James, 1994: 177). Prison-based offender rehabilitation, which will be described in more detail later in this report, usually include programs like violence / domestic violence, sex offender, anger management, drug and alcohol, cognitive skills, victim awareness, relapse, prevention, etc. (Heseltine et al., 2011).

Much of this evidence-based practices in offender rehabilitation have generally arisen from the "what works" literature (Wilkinson, 2010). Arising from this literature was the Risk-Need-Responsivity (RNR) model (see appendix A.), which is possibly the most influential model for the assessment and treatment of offenders (Blanchette & Brown, 2006; Ward, Mesler & Yates, 2007). The model was first formalised in 1990 by Andrews, Bonta & Hoge (1990); however, it has since been expanded and contextualized within a general personality and cognitive social

learning theory of criminal conduct (Andrews & Bonta, 2006).

The RNR model can be summarised into three core principles:

- *Risk principle*: Matching the level of service to the offender's risk of re-offending;
- *Need principle*: Assessing criminogenic needs and targeting them in treatment; and
- *Responsivity principle*: Maximising the offender's ability to learn from a rehabilitative intervention by providing cognitive behavioural treatment and tailoring the intervention to the learning style, motivation, abilities and strengths of the offender.

Since 1990, a number of principles have been expanded to enhance or strengthen the design and implementation of effective rehabilitation programs or interventions. These additional principles describe, for example, the importance of establishing collaborative and respectful working relationships between staff and offenders, along with correctional agencies and administrators providing policies and leadership that facilitates and enables effective programs, and ensuring intervention programs are delivered as they were intended (program integrity).

Importantly for this project, there are certain cultural nuisances that are also critical for effective intervention with Indigenous offenders. For many Indigenous communities, "learning and healing occurs in the presence and at the interest of the group or community, rather than of the individual" This means that generalist Western methods of treatment often fail to understand or include the nuances surrounding Indigenous cultural, which can result in negative consequences. Macgregor (2008: 5) found in a Western Australian study that "juvenile Indigenous offenders were more likely to reoffend sexually after receiving custody-based treatment than non-Indigenous juveniles". In Canada, research has found that Indigenous offenders who undergo rehabilitation in the criminal justice system are more likely to reoffend than non-Indigenous offenders. These examples lend weight to evidence that suggests rehabilitation programs that fail to acknowledge language, culture, traditions and current life situations of Indigenous offenders are unlikely to be effective and could also contribute to further offending (Macgregor, 2008).

Therefore, the specific aspect of 'fine tuning' cognitive behavioural intervention, which takes into account strengths, learning style, personality, motivation, and bio-social (e.g., gender, race) characteristics of the individual, has also been a critical addition to the RNR model.

Some important aims of the risk-need approach are to reduce an offender's risk of re-offending, reduce recidivism and therefore protect the community from further harm. Cullen and Gendreau maintain that, "there is theoretical and empirical support for the conclusion that the rehabilitation program that achieve the greatest reductions in recidivism use cognitive-behavioural treatments, target known predictors of crime for change, and intervene mainly with high-risk offenders (2000: 110)."

Another primary goal is addressing the criminogenic risk factors. A criminogenic risk factor is something that has been demonstrated to be associated with offending behaviour. These risk factors can be historical (i.e. static) and therefore unchangeable, such as age of first conviction - or dynamic and therefore changeable,

such as lack of employment. To date social scientists have consistently identified eight criminogenic risk factors, including:

- a history of offending;
- antisocial personality pattern (e.g. impulsive, novelty-seeking, aggressive);
- antisocial attitudes, values, beliefs, rationalisations and identity;
- antisocial associates;
- substance abuse;
- unsatisfactory family and/or martial situation (dysfunctional or supportive of crime);
- poor performance at and/or lack of education/employment; and
- lack of involvement and satisfaction in prosocial recreational/leisure activities (Wilkinson, 2010).

Additional risk factors may be identified on an individual basis. However, dynamic risk factors or criminogenic needs, such as anti-social attitudes and substance abuse are generally the primary targets of intervention.

Previous research has shown that Cognitive Behavioural Therapy (CBT) is effective in reducing recidivism among offenders. CBT is designed to teach individuals about the relationship between thoughts and actions that lead to offending and places significant emphasis on individual responsibility. It should be noted, however, that these findings are a product of research largely conducted with non-Indigenous populations (Queensland Corrective Services).

Best practice in rehabilitation programs for Indigenous populations is significantly under-researched. What is known is that the rehabilitation and treatment needs of Indigenous populations are distinct from those of non-Indigenous populations. For example, among Australian Indigenous peoples there is a clear need for programs that recognise the contribution of colonisation processes (e.g., de-culturation, separation and displacement, discrimination, and disconnection from ancestral lands), social disadvantage and offence-specific factors to offending behaviour (Queensland Corrective Services).

Indeed, the existing literature has proven to be better at identifying what is *not* known about the treatment and rehabilitation needs of Indigenous offenders than what is. For example, it is *not* known how Indigenous people define rehabilitation or at what point they would consider an offender to be rehabilitated. It is also *not* known what impact returning to often economically disadvantaged, violent, and socially fragmented communities has on any rehabilitative gains obtained whilst incarcerated. This conundrum is not unique to Indigenous offenders and remains a challenge for any prisoner released back into society.

While it is known that male and female offenders have different rehabilitative needs as a result of differences in their carer responsibilities, offending pathways and rates of victimisation, it is *not* known how the rehabilitative needs of female, Indigenous offenders differ from those of non-Indigenous females and Indigenous or non-Indigenous males. The rehabilitative needs of Indigenous females are expected to differ because they report higher rates of violent offending and alcohol dependency than non-Indigenous females (Queensland Corrective Services).

While the debate over correctional effectiveness will continue into the future, those attempting to evaluate and measure the effectiveness of various correctional rehabilitation programs will continue to face challenges in determining best practice. Unfortunately, recidivism remains the primary measure by which we gauge the effectiveness of a correctional program (Andrews et al., 1990; MacKenzie, 2000). However, using recidivism as a key measure is problematic (see recidivism section below). Even if recidivism is not reduced, there are other benefits that can accrue from correctional programs, such as addressing idleness or prison boredom. Much of the literature around 'effectiveness' of programs seek to ascertain whether the program has helped change offender behaviour and if those who completed a program are less likely to reoffend or recidivate than those that did not complete a program.

There is little doubt that recidivism, no matter how it is defined, should remain a criterion of effectiveness; however, the need to measure additional outcomes should remain critical. We should also attempt to ascertain more basic or fundamental measures, such as whether an offender liked a program, if they felt better about themselves as a result, or even whether they completed the program itself.

Recidivism

Evaluating the effectiveness of rehabilitation programs in correctional settings is generally based on the measurement of reconviction or recidivism. The various measures of recidivism tend to set different criteria for labelling a person as a recidivist. The most commonly used measure of recidivism is whether someone has returned to prison within a given period of time. The measurement of two years following incarceration is the generally accepted measurement nationally and internationally. One can return to prison for an arrest that will result in a new conviction and a prison sentence, and one can return to prison after violating a rule of the offender's probation or parole. Re-offending can be measured using self-report data or data collected by the police, court or corrective services; each data source has its strengths and weaknesses.

However, as measuring recidivism is not straightforward and does not really give an accurate picture of the true successes or failures of correctional rehabilitation programs, it remains a problematic undertaking. Comparing recidivism rates and drawing appropriate conclusions from them is a difficult process. There is also no consistent definition of recidivism and there are many ways of measuring it (King's College, 2004).

King's College lists several problems with measuring recidivism. First, the actual number of new crimes committed by all released prisoners is never really known because such actions are rarely disclosed, so "re-offending rates can never be measured satisfactorily". Second, rarely is the statistical base good enough to accurately discover and measure the number of arrests and reconvictions of released prisoners. Furthermore, comparisons between the various jurisdictions' reconviction rates are difficult because data on reconviction rates are collected in different ways and over different durations. For example, some jurisdictions may count a technical violation of parole as a re-offense while others may not. Finally, statistics are not easily compared or interpreted. Thus, a reduction in the recidivism rates of prisoners could be due to many factors, such as a change in the intake to lower risk offenders, a change in the circumstances outside prison, or a change in police practices (King's

College, 2004).

The Australian Institute of Criminology also highlights that measurements of recidivism can be inaccurate and/or misleading for several key reasons. These include:

- "although a decrease in rates of recidivism might reflect a genuine decrease in reoffending, this might also reflect other unrelated factors, such as offenders committing less detectable offences, or delays in the processing of offenders;
- rates of recidivism can be influenced by many factors and therefore cannot accurately reflect the performance of a particular criminal justice intervention. That is, many of the factors that influence recidivism are not able to be controlled by criminal justice authorities;
- the length of time over which recidivism is measured impacts on the extent of recidivism uncovered. Generally speaking, the longer the period of time, the higher the rate of recidivism;
- focusing on recidivism renders other (perhaps equally important) outcomes redundant. Criminal justice interventions may be effective at improving a range of indicators for offenders (e.g. health and wellbeing; educational and/or employment opportunities), without reducing recidivism. These measures may have an impact on offending trajectories in the longer term and may therefore provide a better assessment of the performance of criminal justice services;
- measures of recidivism assume a steady rate of offending. That is, to say that the recidivism of a cohort of offenders has 'increased' or 'decreased' by a particular percentage following a criminal justice intervention assumes that without the intervention, the cohort would have continued offending at the same rate as prior to the intervention. This may not, however, always be the case (AIC, 2016)".

Regardless of measurement, a return to prison does not necessarily correlate with a failure in prison based rehabilitation programs. For example, with significant levels of alcohol and substance abuse, lack of community services, high unemployment, low levels of education, endemic child abuse and domestic violence, etc., in Indigenous communities, repeat offending and re-incarceration rates are correspondingly high. While re-offending is not the only outcome of interest or importance, it is an outcome commonly used to evaluate a program's effectiveness.

In NSW, for example, the re-conviction rate within two years was 74% of non-Indigenous people, and 86% for Indigenous people. The reoffending rate of jailed Indigenous male juveniles in WA is 80%, Indigenous female juveniles is 64% and adult Indigenous males is 70%. Australia-wide, about one in four prisoners will be convicted again within three months of their release from prison and between 35 and 41% within two years. Nearly three-quarters (74%) of Indigenous prisoners had a prior adult imprisonment under sentence, compared with just under half (48%) of non-Indigenous prisoners (Australian Bureau of Statistics, 2012).

A study of incarcerated women revealed that 67% of all Indigenous women in prison had been incarcerated previously, while almost half this number of non-

Indigenous women had a history of incarceration (Australian Bureau of Statistics, 2012). The lack of housing and support women receive upon release contributes to the high levels of re-offending.

Even though it is possible to point to specific aspects of programs that may lead to success, access to prison rehabilitation programs is becoming increasingly difficult because of Australia's growing inmate population. The effects of this overcrowding disturb all parts of a prison system and put pressure on utilities and access to programs such as work, education and sports. Overcrowding (covered in more detail below) can also worsen or adversely affect the mental health of inmates and seriously affect the ability to control crime and violence within the prison walls. It can therefore create a dangerous environment for both inmates and prison staff, which becomes counter-productive for any rehabilitation efforts.

Accessibility of programs

A report by the Victorian Ombudsman found that there are issues with access to courses and lengthy waiting lists, although there are variations across prison locations (Victorian Ombudsman, 2015). Programs are often over-subscribed, there are insufficient programs or too few places available in them for Indigenous offenders (Personal Communication, 2015).

A report undertaken by the Audit Office of NSW found several reasons behind why a prisoner may not be able to access or complete a program. These included:

- the prisoner refused to participate or denies any wrong doing;
- the prisoner was appealing his or her conviction;
- the prisoner was not of the correct classification or reoffending risk level;
- there were limited places available, particularly in offence-based programs;
- the prisoner was transferred to another prison due to accommodation pressures or behavioural problems;
- the prisoner was to attend court for other offences;
- the prisoner's sentence was too short to complete a program, particularly intensive offence-based programs;
- the program or service was not available at his or her prison; and
- the prisoner spent the majority of his or her time on remand (Audit Office of NSW, 2006).

Allard, Ogilvie and Stewart found that accessibility was frequently determined by a prisoner's offence or offending history that was indicative of needs that could be addressed by the program. Access to programs also tended to be restricted to prisoners who had been sentenced and who were serving a minimum sentence. Such restrictions are justified based on the premise that people should not be undertaking programs until there has been a finding of guilt and based on the practical realities of delivering programs. Further, access to some programs was limited to prisoners who were assessed as having medium or high risks/needs (Allard, Ogilvie & Stewart, 2010). Additionally, as many come from some of the most disadvantaged and underprivileged people in society, they simply are not interested in seeking help to improve their situation.

In these categories, access to intensive offence-based programs is of particular concern. While not all prisoners may need these more intensive programs, demand far exceeds available places. Many prisoners also spend less than six months in prison and are often released without addressing their rehabilitation needs. As rehabilitation takes time, it becomes increasingly difficult to rehabilitate prisoners who have complex needs by addressing their offending behaviour in short time frames.

During 2004-05, the Audit Office of NSW found that over 50% of prisoners had six months or less to serve in prison at the time of sentencing. Yet at any one point in time only about eight% of prisoners had a sentence of six months or less. This shows the high volume of people moving through the system with short sentences and who do not have time or access to rehabilitation programs. For this group, corrections tend to focus focuses on factors that aid reintegration into the community. For example, it focusses on addressing prisoners' immediate health and welfare needs and provides access to education programs and work programs. However, due to their short time in prison, they do not access the more intensive offence-based program designed to reduce reoffending (Audit Office of NSW, 2006).

Research suggests that without targeted interventions, this group is 'churned' in and out of prison as short sentences constantly destabilise their housing, work and social links. This increases their likelihood of reoffending. As many inmates have been in prison before, it is probable that a large part of this group represent 'churn' rather than new offenders. 2And as sentences of less than six months do not include parole, this group is more likely to be released without parole support (Audit Office of NSW, 2006).

The prison / rehabilitation culture clash

As with other prisoners, Indigenous people leaving prison after a long prison sentence can exhibit certain institutionalised behaviours that are usually related to surviving in a custodial setting. These behaviours can appear to be in direct conflict with reintegration strategies back into communities and result in a greater likelihood of reoffending. A cultural clash can result in several issues, including:

- a difficulty in adjusting to routines, structure and rules;
- a mistrustful and defensive approach to correctional staff;
- a difficulty or inability to participate in group activities;
- a lack of understanding of the rules or expectations;
- being fearful that information will be used against them;
- a perceived lack of commitment and lack of motivation in programs;
- being asked to leave prior to the completion of a program because they cannot break offending habits; and
- being ostracised by others in a program.

When taking into consideration the culture clash between expected behaviour in a prison setting compared to rehabilitation or ongoing treatment in an outside setting, the reasons behind these perceived barriers for ex-offenders becomes evident. Using drug and alcohol programs as an example, case workers identified several barriers to providing services specific to ex-prisoners in their treatment agencies are:

- *Pacing* - is a typical response to being in a confined space and the need for exercise. Often ex-prisoners are unaware they are doing it and are prepared to stop when asked.
- *Withholding emotions* - is a survival mechanism in prison. It usually involves an inmate being outwardly compliant, while experiencing internal withdrawal and emotional shut down. People who have spent time in prison usually take longer than other program participants to feel comfortable expressing emotions, particularly in group work and similar situations.
- *Withholding personal information* - is also a survival mechanism in prison. In prison, offenders can use a person's personal information against them. Information is power and is traded among inmates and officers for control over others. Divulging information can at times place the prisoner and their family at risk.
- *Withholding information about other clients in the service* - in prison culture, under no circumstances do you pass on information to staff about another person. This is considered the worst betrayal among prisoners and can result in someone being seriously injured or killed. In a rehabilitation setting, peer support is a vital part of treatment. Residents are asked to help other residents by informing staff if someone is going to use drugs, or break agency rules in some way.
- *Being overwhelmed by the program's expectations* - in prison, people have a lot of time to themselves in their cells where they have to spend the majority of their day. Participating in a treatment / rehabilitation service program and having to be part of group work, rosters and having other responsibilities can initially be overwhelming.
- *Having less family contact* - prisons usually allow frequent phone contact and family visits without an eligibility waiting time. When participating in a rehabilitation program, family contact can be more restricted than prison and this can be distressing.
- *Addressing legal worries* - a person may have a court appearance or other legal worries on their mind. Sometimes just making or receiving a phone call from their lawyer can greatly reduce this stress.

See: [http://www.nobars.org.au/prison-rehab-culture-clash.html]

Prison overcrowding

Overcrowding can impact on all aspects of custodial life, from reception right through to transition back into the community. In overcrowded facilities, even non-violent inmates can become problematic as a coping mechanism for survival (Jones et al., 2015). An increase in infractions has direct and indirect consequences on staff and inmates, such as reduced safety for both inmates and staff (Goetting & Howsen, 1986). When inmates fear for their personal safety, successful treatment can become problematic and, under certain conditions, long term psychological harm can result (Maitland & Sluder, 1998). Furthermore, research suggests that offenders released from facilities with high rates of misconduct are more likely to reoffend (Eichenthal & Blatchford, 1997).

Indeed, many prison systems have increased their rated capacity without

commensurate increases in access to rehabilitation, sporting and educational / vocational programs or medical and psychological services. Prisons in the Philippines and, in other developing countries, provide examples where overcrowding can reach up to 300%, which results in significant stress on inmates, staff and services. This increased scarcity of resources also increases the chances for competition and conflict to acquire and retain them. Even though each inmate reacts differently to overcrowding, it commonly has a detrimental impact on behaviour. There is therefore a significant correlation between overcrowding and prison violations, and, Jones[3] also draw a correlation between overcrowding and the formation of inmate sub-groups or gangs (2014).

Overcrowding is generally covered by three criteria: rated capacity, operating capacity and design capacity. All three have limitations, with operating capacity being the most problematic in that capacity can be increased without increasing resources and services (e.g. by moving a bunk bed into a cell the capacity doubles and overcrowding disappears). It is also premised on the notion that inmates spend most of the day outside their cells. It is therefore measured by more than just the ratio of prisoners to rated capacity. It also includes the extent to which a prison, or prison system, houses more prisoners than its infrastructure can humanely accommodate. In simple terms,

> "overcrowding occurs when custodial facilities exceed the maximum number of people they were originally designed or built to hold, and where there is no corresponding growth in the supporting infrastructure (NSW Inspector of Custodial Services, 2015: 23)."

Overcrowding in NSW prisons provides an interesting case study of how it can reduce the chances of access to suitable rehabilitation programs and successful rehabilitation more generally. In 2015, the NSW Inspector of Custodial Services compiled a report titled 'Full House', which examined the effects of overcrowding in NSW prisons. It concluded "(t)he system … is moving in the direction of simply warehousing inmates (NSW Inspector of Custodial Services." The Inspector found that:

- the risk of overcrowding was exacerbated by inadequate bedspace;
- dysfunctional geographical configuration of the estate due to poor estate planning;
- accommodation in 19th-century facilities; institutionalisation of doubling up;
- excessive inmate movement;
- inefficient staffing arrangements;
- budget pressures and savings targets that result in increasing lock-up periods;
- facilities/services not keeping pace with inmate population growth (with no surplus to enable maintenance); and insufficient program provision (Inspector of Custodial Services, 2015: 67).

3. See also the work of Pizzaro and Narag, Supermax Prisons, The Prison Journal (88(1), 2008, Pgs 23-42.

All of this was found despite CSNSW having the lowest operating and capital cost per prisoner per day of any Australian correctional jurisdiction (Inspector of Custodial Services, 2015: 67).

With 70% of public sector prison budgets consumed by staff costs, NSW's response to budget pressures is usually directed at staffing levels and deployments, which impact most notably on prison regimes and time out of cell.

As at February 2015, there were 11,022 inmates and an operating capacity of 10,960 beds in the NSW correctional system. Three centres were selected: Parklea CC (operating at 51% over capacity), MSPC 2 (71%), and MRRC (4.5%). The inspection contained in this report examines overcrowding with recourse to three broad areas.

1. Security and safety

As the state with the lowest out-of-cell hours, NSW's average has dropped from 11.4 hours in 2010-11 to 8.2 hours in 2013-14, well below the 10-hour benchmark. This means that both convicted and unconvicted persons can't access fresh air, recreation or contact with their families for up to 16 hours a day. MRRC, which houses unconvicted inmates, can muster only 5.5 hours. Such limited hours outside cells means that rehabilitation and education are impeded. The report notes that overcrowding should not limit access to the centre's recreation, activities or services. Where this does happen, it impacts most harshly on inmates who work and find they may only have one hour left out-of-cell to make phone calls etc. As one inmate commented "for the privilege of working we feel like we lose our rights". Overcrowding has also contributed to assaults (rising approximately 2% from 2011 to 2014) (NSW Inspector of Custodial Services, 2015: 47).

Despite the growth in prison populations, access to resources and services has not kept up. This is reflected in shared amenities being at a premium (e.g. one telephone shared by 48 inmates); inadequate facilities for family visits; no access to ovals due to maintenance and staffing issues; inability to ensure inmates complete relevant courses so that they can be considered for parole (e.g. drug & alcohol programs met only 51% of assessed need in 2013-14, aggression and violence programs 27%); no increase in health infrastructure but lengthy waiting periods for health care[4]; and a 10% decrease in work opportunities over the past three years. The latter will be compounded with the NSW Government no longer recognising inmates as disadvantaged learners in 2015, thereby resulting in even fewer inmates accessing vocational training courses[5].

Managing bedspace compromises classification and placement, leading to over 82%

4. Page 61 of the report notes that 51% of cancelled medical appointments were cancelled by the inmate. This was due both to no longer needing to see a GP (where the wait period may have been up to one month for a cold) and the inmate fearing that they would lose their bed.

5. Page 72 of the report notes that it will cost CSNSW $490,000 per year to ensure that the 82% of inmates no longer recognised can access training. The saving to the NSW Government will likely be outweighed by the longer-term cost of recidivism and return to prison.

of inmates currently being placed outside their home region[6]. It also means correctional administrators are increasingly less able to provide separation areas to those requiring special management. Placement can also result in incorrect allocation of security classification status (meaning inmates may neither be housed in suitable facilities nor have access to appropriate programs). For example, while 54.5% of the inmate population is classified as minimum security, only 36% of beds are in minimum security. Accommodating low threat populations in high security facilities is costly and could undermine the *NSW 2021* recidivism target (of 5%).

Movement can also undermine the rehabilitation goals of the system, with 39% of inmates not completing drug and alcohol-related programs due to transfers or release.

2. Health and wellbeing

Physical and mental health are compromised when two inmates are placed in a cell designed for one; when there is little ability to exercise, socialise and participate in activities; a lack of privacy; and limited exposure to fresh air and sunlight. When overcrowding occurs, all of these elements are constrained and they all contribute to a perceived lack of respect for the inmates' privacy and dignity, undermining their sense of personal worth and diminishing an already impoverished quality of life in prison.

The rate of self-harm in NSW has increased by over 10% in the period 2010-11 to 2012-13. In recent years, the state's unnatural death rate has been marginally higher than the average but decreased from 0.10 in 2010-11 to 0.04 in 2013/14.

Some relatively simple measures could help alleviate the pressures of overcrowding: additional phones; more tables and chairs in shady areas outdoors; access to ovals; reasonable access to IT and a library or at least cart that regularly renews its stock; allowing interstate families to visit consecutively; and family video contact.

3. Resources and services

The link between the rapid increase in the prison population and the reduction of access to resources and services can have a negative impact on post-release outcomes.

Offender Services & Programs (OS&P) have not ensured that inmates have the opportunity to be released at the earliest possible time. Inmates failed to complete programs in custody in advance of their earliest possible release date, meaning they were held in custody for potentially unnecessary periods at a cost both to the system and the rehabilitation endeavour. The group that may contribute the greatest proportion of recidivism in this sense is short-termers (with sentences of 6 months or less), who account for more than half the prisoners released each year and who do not have the benefit of accessing offence-based programs. With a high churn rate in and out of prison, this means destabilisation in housing, work, families and social links, as well as no community support or supervision post-release, all of which

6. This despite previous advice that inmates be placed as close as possible to their family and community of interest (e.g. Royal Commission into Aboriginal Deaths in Custody, 1991, and Inspection Standard 13, 2014).

increase the likelihood of reoffending.

The pressures on OS&P staff are high. They have large geographic areas to cover and a range of responsibilities. Budget constraints mean that some vacancies are not filled (meaning staff could deliver only 51% of assessed need drug and alcohol programs in 2014-14, and only 27% of assessed need aggression and violence programs). OS&P staff shortages are exacerbated when lockdowns reduce access to inmates.

On education, participation figures dropped from 36% in 2012-13 to 33% in 2013-14. Student contact hours delivered could have been greater had not 16,040 teacher hours been lost in 2013-14 due to lockdowns (among others). Importantly, only one-third of inmates eligible for education and vocational training are participating in their chosen course. Completion rates at Parklea CC are very low due to its high proportion of remand inmates transferred to another centre or released before course completion.

On access to technology, access varies due to staff shortages and lockdown times, but total inmate computers did rise from 663 in 2006 to 1134 in 2010. It is important to ensure that future facility designs include in-cell learning technology and that current provisions are fully utilised if inmates are to be better prepared for their release.

Work also plays a vital role in building employability skills and work ethics, but the number of available jobs has significantly decreased in the three years leading up to 2015. This decline, combined with the growth in the prison population, has resulted in a ten% decrease in work opportunities.

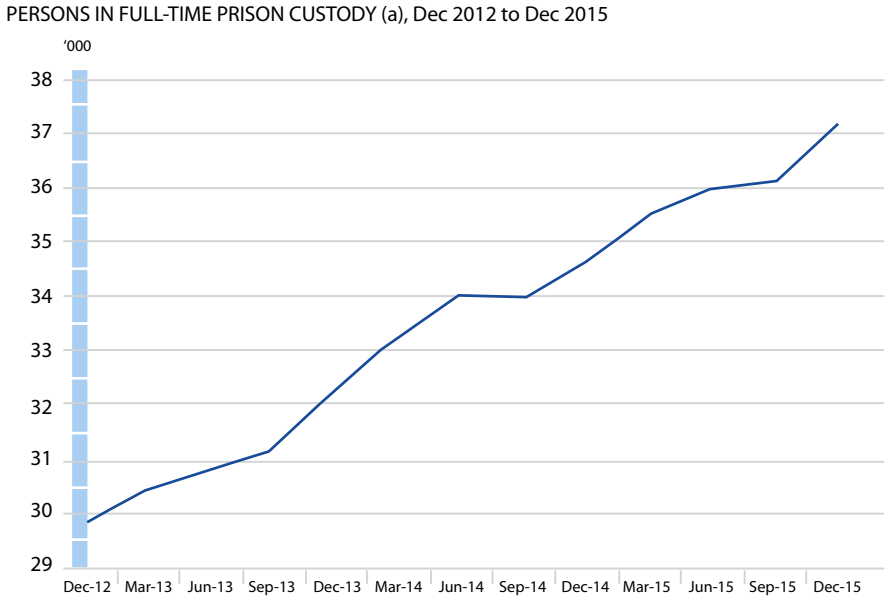
As the growth continues, maintenance of facilities is also major detractor of wellbeing. Overcrowding leads to a rise in tensions and vandalism, with an approximate rate of one toilet and one hand basin destroyed each week. Limited resources mean that most of the minor capital projects cannot be funded and that the maintenance backlog will keep growing. Meanwhile, more inmates will be housed in crowded and inadequate accommodation. For maintenance to occur, a surplus of cells is necessary – and almost impossible in the current climate.

One option that alleviates overcrowding is refurbishing old prison stock – and NSW has more people incarcerated in 19th-century facilities than anywhere else in Australia. There are 975 beds in the MSPC (1909), 471 beds in Bathurst CC (1888), 321 beds in Goulburn CC (1885); 34 in Tamworth CC (1881), 176 in Grafton CC (1893) and 160 beds in Cooma CC (1873). Such stock may not have any of the design features that complement operational philosophy or objectives. Further, once certified by the local fire authority, such approvals are rarely revisited when overcrowding takes place, meaning that the amount of property each inmate is permitted to have in a shared cell is reduced.

In November-December 2012, a CSNSW audit revealed that 33% of its cells were non-compliant with facility standards and not fit-for-purpose.

Australian prisons and rehabilitation programs by jurisdiction

In 2013-14, on average, 32,683 people per day were held in Australian prisons — an increase of 8.6% from 2012-13. Nationally, 18.5% of the total prisoner population (excluding periodic detainees) were held in privately operated facilities. Males comprised 92.2% of all prisoners in prison custody and 7.8% were females. Indigenous prisoners comprised 27.6% of the total prisoner population. Nationally, corrective services agencies operated 111 custodial facilities at 30 June 2014 - 85 government-operated prisons, nine privately operated prisons, four transitional centres, one periodic detention centre (ACT), and twelve 24-hour court-cell complexes (under the responsibility of corrective services in NSW) (Australian Government Productivity Commission, 2015).



Australian Bureau of Statistics, 2016

An analysis of the Australian Institute of Health and Welfare together with the Australian Productivity Commission, the Australian Bureau of Statistics collect Australian prison data, nationally and by jurisdiction, reveals that Australia's prison population is increasing in both numbers and rate, with an imprisonment rate of 187.3 per 100,000 adults during 2013–14, an increase from 172.4 in 2012–13.

The imprisonment rate in 2014 was the highest since at least 2004. The 30 June snapshot prison population increased by 10% between 2013 and 2014, compared with an increase of less than 2% in the Australian general population during 2014 (Australian Institute of Health and Welfare, 2015a).

Australia's prison population is fluid: many enter and/or leave each year; they may be either sentenced or on remand while awaiting trial and sentencing. Those on

remand represent about one-quarter of the prison population on an average day, but comprise over one-half of prison entrants. This flow of prisoners means that the number of prisoners in custody on any given day is not the same as the number in prison over the course of a year. For example, during 2013, the number of people released from prisons in Australia was estimated at 125% of the number in prison on 30 June (Australian Institute of Health and Welfare, 2015a).

The prisoner population is predominantly male (92% compared with 49% of the general adult population) and relatively young, with over two-thirds (68%) being aged under 40 years, compared with approximately 38% of the general adult population (Australian Institute of Health and Welfare, 2015a).

Indigenous Australians are significantly over-represented in the prison system. Indigenous people represent approximately 2% of the general adult population, however, on 30 June 2014, represented 27% of the prisoner population. Indigenous Australians were imprisoned at an age-standardised rate of 1,857 per 100,000 of the adult population, 13 times that of the non-Indigenous population (144 per 100,000). The over-representation of Indigenous Australians in prison (and youth detention) is well established with some of the recognised pathways into prison for Indigenous people including poor schooling and employment, social exclusion and isolation, poor physical and mental health, drug and alcohol issues, unstable housing, family history of incarceration, being a member of the Stolen Generation, and a lack of support during childhood (Australian Institute of Health and Welfare, 2015a).

The first table below shows the number of prisoners - in custody, received into prison, and released from prison - by State and Territory as at 30 June 2014.

Table 2.1: Number of prisoners, states and territories, 2014

	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	TOTAL
Number in prison custody 30 June 2014	10,521	6,109	6,970	5,233	2,172	435	327	1,403	33,170
Number received into prison 2014	15,504	7,192	12,531	6,614	4,201	1,262	543	3,133	50,980
Number released from prison 2014	15,087	6,801	12,073	7,602	4,855	1,268	508	3,115	51,309

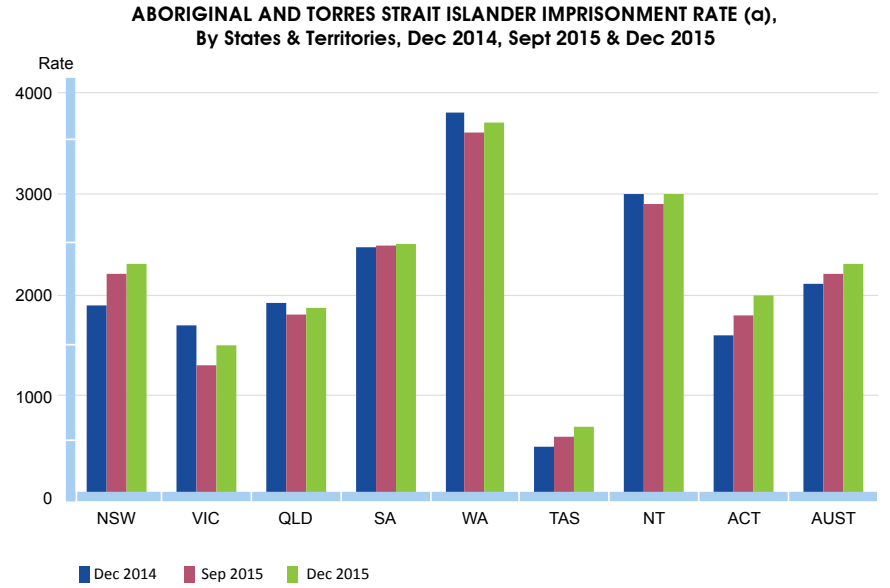
Notes

1. Number received into prison was defined as the number of people received into the prison within the year. The number of people rather than the number of receptions was counted, so persons received into prison more than once within the one year were only counted once.
2. Number released from prison was defined as the number of people released within the year. The number of people rather than the number of releases was counted, so persons released from prison more than once within the one year were only counted once.
3. Reception and releases data from Queensland include prisoners aged 17 and over.
4. Reception and releases data from New South Wales counts events rather than individual people.
5. Number in prison custody on 30 June 2014 differs from published ABS data because the NPHDC excludes police cells and court cells administered by Corrective Services, periodic detention centres, and those aged under 18, and due to ABS randomisation for confidentiality purposes.
6. Number in prison custody from customised data report provided by ABS.

Sources: Number received into prison 2014 and number released from prison 2014 - Supplementary data 2015 NPHDC number in prison custody 30 June 2014 - AIHW analysis of ABS 2014e.

Australian Bureau of Statistics, 2014

This second table below show the imprisonment rate of Indigenous offenders by state and territory from 2014 to 2015.



Australian Bureau of Statistics, 2016

Prisons entrants

The following table sets out characteristics of prison entrants by State and Territory as at 30 June 2015.

Table 2.2: Characteristics of prison entrants, states and territories, 2015

Characteristics	NSW[(a)]	VIC	QLD	WA	SA	TAS	ACT	NT	TOTAL
Prison entrants (number)	206	206	319	78	122	43	19	18	1,011
Male (percent)	60	96	92	83	95	91	100	56	92
Indigenous (percent)	43	11	24	45	25	21	11	100	24
Median age (years)	33	32	31	33	30	35	35	31	32
Age range (years)	18-69	18-67	18-67	18-75	19-76	18-54	18-68	20-49	18-76
Been in juvenile detention (percent)	26	17	20	28	24	12	37	6	21
Been in prison before (percent)	54	63	75	62	69	70	68	61	66
Been in prison in previous 12 Months (percent)	32	36	50	24	40	53	37	17	40
Currently on remand (percent)	44	71	32	78	83	91	79	44	56

(a) Totals for males and indigenous exclude New South Wales because the Inmate Health Survey in New South Wales, from which these data are taken, over-sampled women and indigenous entrants.

Notes

1. Totals include 6 prison entrants with unknown age, 5 with unknown indigenous status, and 16 whose prison/detention history was unknown.
2. There were 6 transgender entrants.
3. Numbers represent the number in this data collection, not the whole prison population.

Source: Entrant form, 2015 NPHDC

Australian Bureau of Statistics, 2015

Prison dischargees

Several factors contribute to difficulties surrounding the capture of data about when prisoners are discharged from prison. Prison releases occur in a variety of ways, including:

- being released at the end of a sentence;
- being released from a parole hearing;
- being released from a court hearing;
- or being granted bail from a court hearing.

This means that it is more difficult for prison authorities and health professionals to know ahead of time that a prisoner is going to be released, and often make it difficult to schedule a pre-release health assessment and plan for discharge and Throughcare[7]. In addition, there are different processes and systems in place in each State and Territory, hence variations in how information about discharges is captured.

The following table sets out characteristics of prison discharges by State and Territory as at 30 June 2015.

Table 2.3: Characteristics of prison dischargees, states and territories, 2015

Characteristics	NSW	VIC	QLD	WA	SA	TAS	ACT	NT	TOTAL
Prison dischargees (number)	NA	95	175	38	54	37	5	33	437
Male (percent)	NA	91	78	97	93	76	100	82	84
Indigenous (percent)	NA	12	25	42	41	19	0	97	30
Median age (years)	NA	36	32	35	35	33	33	33	34
Age range (years)	NA	20-84	19-74	19-58	21-61	20-62	28-40	19-57	19-84
Been in prison/juvenile detention before (percent)	NA	67	66	74	72	78	80	58	68
Length of most recent prison stay less than 3 months (percent)	NA	18	40	8	49	62	40	48	36
Length of most recent prison stay more than 2 years (percent)	NA	11	9	21	7	3	0	6	9

Notes

1. Excludes New South Wales, as data were not provided for dischargees.
2. There was 1 transgender discharge.
3. Totals include 4 prison dischargees of unknown age, 14 whose Indigenous status was unknown, 4 whose juvenile detention and prison history was unknown and 5 whose length of stay in prison was unknown.
4. Numbers represent the number in this data collection, not the whole prison population.

Source: Discharge form, 2015 NPHDC

Australian Bureau of Statistics, 2015

7. Throughcare is a system which emphasises continuity of care or supervision beyond (and sometimes throughout) the time spent by an inmate in a prison.

National Research

Overview

The Australian Institute of Criminology (AIC) produces an electronic overview of all Australian custodial services which can be found at:

http://www.aic.gov.au/criminal_justice_system/corrections/facilities.html.

Each State and Territory is further hyperlinked to a list of its correctional facilities with information on classification/security, gender, capacity, function and ownership.

The AIC states that the pages have been compiled from publicly available information for convenience, and although it reviews the information periodically, the AIC cannot guarantee its accuracy or completeness. This lack of current, comprehensive, official listing of all Australian prisons, we believe, is reflective of the fact that there is no concerted national oversight of the Australian prison estate.

REHABILITATION PROGRAMS

There is an abundance of documentation that records the fact that good evaluation of prison rehabilitation programs, whether Indigenous-specific or not, are not available: work by Heseltine and colleagues exemplify that lack of an evidence base.

Authors of a national review of the effectiveness of prison-based offender rehabilitation programs in 2009 (Heseltine et al., 2011) commented that a comprehensive review was not possible given the paucity of evaluations and research reports available. However, they note that all jurisdictions recognise the need to evaluate the effectiveness of their rehabilitation programs and that most jurisdictions state that they had commenced evaluations (process and/or outcome) since a previous review. The authors also observe that a challenge for jurisdictions is to devise appropriate and consistent methodologies for undertaking evaluation of their programs, thereby enhancing the knowledge base of program outcomes and promoting further good practice in offender rehabilitation practices in Australia. The authors provide a brief description of the status, as of 2009, of evaluation efforts by State and Territory departments of Corrective Service:

- **ACT Corrective Services** is committed to future evaluations of offender programs. As they have recently opened their first prison, rehabilitation efforts, including programs are being implemented with a view to future evaluation.
- **NSW Corrective Services** has developed an evaluation framework, which will be used to inform further partnerships with local and interstate universities. Evaluations of offender rehabilitation programs have been undertaken. Unfortunately, these data were unavailable for the current report.
- **Northern Territory Correctional Services** has undergone an external review of its offender rehabilitation framework and is currently responding to the recommendations of the reviewers. The sex offender

programs underwent an external review to assist in the development of their framework for the treatment of sex offenders. Finally, the department is developing an overall offender rehabilitation program framework that it aims to implement with involvement from a local university.

- **Queensland Corrective Services** have undertaken internal and external evaluations of all intensive programs. While the findings are in their infancy, they highlight pre–post changes that are likely to be positively correlated with reductions in recidivism. Ongoing evaluation is focusing on the impact of program participation on recidivism.
- **South Australia Department of Correctional Services** has created internal evaluation positions. These staff are currently evaluating the department's intensive sex offender, violent offender and drug and alcohol programs.
- **Tasmanian Department of Justice** has commissioned an audit of the sex offender programs, with nearly all of the recommendations for change implemented. They note that since 2003, no sex offender who completed the Sex Offender program has returned to prison for a sexual offence.
- **Victorian Department of Justice** has a high level of commitment to external and internal evaluation and in turn, have commissioned several external reviewers and undertake regular internal reviews of offender treatment programs. The development of the 'Evaluation Toolkit' further enhances the department's commitment to ongoing evaluation by providing staff information on, but not limited to, locating existing evaluations and how to undertake and report evaluations.
- **Western Australia Department of Justice** continues to be committed to external evaluation. The partnership with Edith Cowan University is ongoing, with researchers actively investigating the appropriateness of measures of change and program outcomes.

In an overview of intensive interventions for moderate to high risk offenders, Heseltine Karen, Sarre Rick, & Day Andrew (2011) observed that similarities in service provision between states and territories is high, with most, if not all, offering programs that are dedicated towards reducing risk in sexual and violent offenders as well as addressing more general causes of offending. They describe changes that have occurred to service provision since 2004 and some of the differences between jurisdictional approaches to offender rehabilitation. They conclude that some programs rolled out since 2004 are of a generally high standard, are well-embedded within correctional case management systems and are consistent with evidence-based principles of offender rehabilitation. However, they make the point that while it seems likely that these programs will have a positive impact on recidivism, rigorous evaluation of program outcomes still needed to occur.

Work by Day and colleagues on the rehabilitation of Indigenous prisoners illustrates the point that 'contemporary researchers are less concerned with establishing whether a program is effective, and more concerned with identifying the characteristics of an effective program' (Day, Howells & Casey, 2003: 118). An important issue they explore is " … whether Indigenous offenders have the similar risk markers as non-Indigenous offenders, one must also keep in mind the ways in

which a good proportion of Indigenous offenders enter prison in the first place" and that many are taken into custody for the non-payment of a fine, so that in evaluating whether risk measures are culturally sensitive it has to be remembered that many of the 'crimes' for which Indigenous offenders are imprisoned are likely to be for economic reasons (Day, Howells & Casey, 2003: 119).

In separate analysis, Day has also contributed important work around the 'what works' debate for rehabilitation of Indigenous offenders and how the positivist approach to evaluation has not necessarily been helpful in this field. Day also points out that this approach makes a number of theoretical assumptions, primarily that conclusions are made that what might be effective within one culture are presumed to be universally valid and generalizable across different groups and for different cultures. Day makes the important point that within this context the question to be asked should not be 'What works?' but rather, "What works *for whom*?" (Day, 2003:4).

AUSTRALIAN CAPITAL TERRITORY

Overview

The Australian Capital Territory (ACT) has one adult prison, the Alexander Maconochie Centre (AMC).

The AMC administered through the ACT Justice and Community Safety Directorate, is the ACT's prison for persons who are sentenced to full-time imprisonment and remand. Accommodation includes cell-blocks, domestic style cottages, a medical centre and crisis support unit, a 14-bed management unit and a transitional release centre. Male, female, remand and sentenced detainees from low to high security classifications are accommodated. The AMC is an open campus style design with accommodation units around a central facilities area. Included within it are a health building, an education and programs building, an admissions building and a visits centre. Approximately 50% of the accommodation is in five bedroom cottages. There are no female cells. The self-contained cottages are for lower security detainees. These are designed to enable detainees to develop and practice living skills; a model aimed at facilitating normalisation. For example, on week days detainees rise, shower, dress, have breakfast and leave their accommodation to undertake daily activities, returning to their units for meals between activity sessions (ACT Corrective Services).

Rehabilitation programs

Men in the AMC

A 2015 report by the ACT Auditor General of the rehabilitation of male detainees at the AMC found that:

> Planning and managing rehabilitation in the AMC is particularly complex and challenging due to the AMC being relatively small and an all-purpose prison.

and further that:

> … with respect to rehabilitation, [ACT Corrective Services officers advised that] their planning priority has been on activities and services for detainees with substance abuse and mental health issues, and vocational education and training.

The Auditor General points out:

> While these are important areas, there is a need for rehabilitation planning to be better integrated and guidance material provided to direct activities and services. The out-dated 2007 delivery strategy needs to be replaced with rehabilitation *(Australian Capital Territory Auditor-General, 2015: 2)*

The report also described four programs offered specifically for detainees who identify as Aboriginal and Torres Strait Islander peoples. These include the Indigenous art program, the Elders and Community Leaders Visitation program, Yarning (involving Relationships Australia) and the Conservation and Land Management program. All other programs available at AMC are also available to

Aboriginal and Torres Strait Islander detainees (Australian Capital Territory Auditor-General), 2015: 131).

The table below, sourced to the ACT Corrective Services Report on Aboriginal and Torres Strait Islander AMC Education and Training 2014, sets out participation in education programs at the AMC by (all, not just male) Indigenous detainees (Cooper Maxine (Australian Capital Territory Auditor-General), 2015: 132).

A review of the operations of the AMC concluded, inter alia, an analysis of 'the effectiveness of programs provided to detainees aimed at assisting facilitating rehabilitation including:

- cognitive change leading to detainees developing personal skills to modify behaviour;
- education;
- work skills training;
- social and living skills;
- employment;
- the Throughcare model;
- preparation for return to family and community life;
- review of detainees' progress against objectives set in sentence plans; and
- transition from AMC to community corrections or to the community'.

The review also found that in relation to the effectiveness of programs available to detainees aimed at assisting and facilitating rehabilitation - inter alia - rooms and equipment made available for programs were of high quality. In relation to sex offender programs, there may be a need to consider more sophisticated and intensely focused programs covering preparation, medium intensity, high intensity as well as a program for the cognitively disadvantaged. While detainee participation rate was low, detainee evaluation of programs was generally high. A longitudinal evaluation by ACT Corrective Services of the effectiveness of programs on detainees had not commenced, but at that stage was under consideration by ACT Corrective Services. Therapeutic programs were generally empirically based with appropriate psychometric and evaluative feedback to meet the needs of the detainee population (Knowledge Consulting, 2011). It is not known whether any subsequent evaluations as foreshadowed in the report have occurred.

Aboriginal and Torres Strait Islander participation in education and training in 2014

Course / program type	Total number of detainees involved
Working Safely in the Construction Industry (White Card) Certificates awarded (NB some detainees had completed the training in previous years)	37
Conservation and Land Management	43, 12 gained training qualifications
Art classes	71, 17 contributed art works for exhibition and / or sales
Foundation Skills Training Package	21 completed units
Hospitality – Barista or Kitchen Operations	7 completed units
Retail Training Package	1 completed a unit
Asset Maintenance (Cleaning Operations)	1 completed 6 units
Hairdressing Statement of Attainment	1 (enabling employment within the AMC)
Information Technology Statement of Attainment	7
Business Services Training Package Full Certificate II in Business	1
Life Skills Course	73
Blood Borne Virus Awareness and Blood and Body Spills	6
ACT RTA compliant Road Ready course (driving licence preparation)	11
ACT Traffic Infringement Office Work or Development Program	2 detainees (resulting in paying off traffic fines)

Source: ACTCS Report on Aboriginal and Torres Strait Islander AMC Education and Training 2014

Women in the AMC

An audit of the conditions of detention of women at the AMC was prepared under sections 17(1), s42(1) and s87 of the Human Rights Commission Act 2005, and s41 of the Human Rights Act 2004 (Watchirs, McKinnon, Costello, Thomson & Hobbs (Editor), 2014). Primarily, the report found that rehabilitation services available to women at the AMC are considerably less than those available to men.

> … the Commissioner is concerned that rehabilitation services available to women detainees are in some respects more limited than those available to male detainees. In particular, women detainees have significantly less access to structured employment opportunities within the prison than men. Women are also not able to access some programs and facilities available to men such as the Solaris Therapeutic Community, and the Transitional Release Cottage. While there are quality educational courses and programs offered to women, these are not sufficient to fill their days with purposeful activity. Activities and programs that are available are also disrupted by operational issues, and the women's cottages appeared to be locked down more often than other areas of the prison as a result of staffing shortages. The Commissioner considers that more could be done to foster a culture within the women's area where women are expected to follow a routine and participate in daily activities that are conducive to rehabilitation' (Watchirs et al., 2014: 6).

NEW SOUTH WALES

Overview

Corrective Services NSW is responsible for the management of 31 facilities for adult detainees. Dilwynia Women's Correctional Centre and Emu Plains Correction Centre are female-only prisons. Eight facilities – Broken Hill, Cooma, Grafton, Long Bay, Mannus, Silverwater, Nowra and Wellington have both male and female detainees. The remaining 21 are male only facilities. Junee Correctional Centre is the only privately run facility in NSW.

See http://www.aic.gov.au/criminal_justice_system/corrections/facilities/nsw.html

Rehabilitation programs

Corrective Services NSW (CSNSW) provides treatment programs and services to offenders to reduce their risk of re-offending (Corrective Services NSW 2016). Direct services are provided to offenders in custody and in the community. Many services are specific to the environment of custody. The need for treatment programs is identified through a formal assessment process for the following purposes: to promote health, safety and wellbeing; to reduce the risk of re-offending, and to integrate them back into the community.

Within the promoting health, safety and wellbeing purpose, CSNSW has the further aims:

- Provision of access to basic human rights of health, education (including libraries) and religious, spiritual and pastoral services, particularly for inmates in custody;
- Assistance to integrate and adjust to custody or supervision whilst remaining engaged with community;
- Critical incident support services following traumatic incidents that occur while offenders are in custody;
- Assistance and preventive strategies for offenders identified as 'at risk' of suicide and /or self-harm;
- Assistance for offenders with cognitive, physical and sensory disabilities including frail aged;
- Assistance to offenders identified as having a mental health impairment to ensure their well-being;
- Assistance to offenders with challenging behaviours who pose a security threat to others to promote their safety and the safety of others;
- Maintenance and improvement of health, fitness and wellbeing for the promotion of a healthy lifestyle through provision of sports, hobby and recreational activities, particularly for inmates in custody;

- Prevention of drug related harm through environmental strategies, health information and education programs, and workforce development strategies.

In order to help reduce the risk of re-offending CSNSW has the further interventions:

- for offenders identified as having a mental health impairment to enhance their ability to participate in programs that reduce risk of re-offending;
- for offenders identified as having a cognitive, sensory or physical disability to ensure that they can access and participate in programs that reduce risk of re-offending;
- for offenders with challenging behaviours who pose a security threat to others to enhance their ability to participate in programs that reduce risk of re-offending;
- within a harm minimization framework for offenders identified as abusing substances in custody to enhance their ability to participate in programs that reduce risk of re-offending;
- Ongoing basic skills development in literacy and numeracy access to industrial and vocational training of offenders;
- for other responsivity factors to enhance offenders' suitability and readiness to participate in programs that reduce their risk of re-offending.

Within the integrating offenders into the general community and desisting from crime purpose, CSNSW has the further aims of.

- Assistance to adjust to conditions of community supervision in order to promote the successful completion of community-based Orders;
- Assistance to improve, develop and maintain family contact and relationships assistance to access community service providers such as community health, education and training, housing and social security agencies, immigration agencies;
- Assistance to families of inmates in relation to issues that arise as a result of incarceration e.g. visits, child care and contact issues, travel, offender accounts, illness and death in custody etc.;
- Assistance with pre-release activities for inmates to reintegrate to the community and desist from crime;
- Assistance to offenders identified as having a mental health impairment to access appropriate service agencies;
- Assistance to offenders identified as having a cognitive, sensory or physical disability including frail aged, to access appropriate service agencies;
- Assistance to offenders with challenging behaviours who pose a security threat to others to promote community safety.

CSNSW reports that the implementation of the program and services module in 2011 within the Offender Inmate Management System (OIMS) has provided the platform for improved reporting and evaluation of programs and services (Corrective Services NSW 2016), stating major improvements as:

- An electronic referral system, providing the basis for greater continuity of services and programs delivery;
- Capacity for prospective program scheduling; and
- Development and implementation of operational reports, including needs analyses, to assist staff in prioritising resources to target offenders with

> high risks and specific needs, including for: offenders with disabilities; Aboriginal and Torres Strait Islander offenders; culturally and linguistically diverse offenders; female offenders, and young adult offenders (Corrective Services NSW 2016).

CSNSW notes that it delivers some offence-specific programs particularly in relation to violent and sexual offences. It also offers programs which target addictions, aggression or domestic violence. In addition to these programs and based on the results of vocational and core skills assessments, CSNSW provides inmates with education, training and employment opportunities. It also provides psychology and disability services. CSNSW also manages specialised units such as the Personality and Behavioural Disorders Unit, the Intensive Drug and Alcohol Treatment Program, and programs specifically for female offenders and Aboriginal and Torres Strait Islanders (Corrective Services NSW 2016).

Lack of evidence about Aboriginal offender rehabilitation

There is no evidence on the CSNSW website of independent evaluation of any rehabilitation programs, including the effectiveness of programs for Indigenous offenders. Reinforcing this point, the NSW Corrective Services Assistant Commissioner (Mr Luke Grant) laments that in NSW there is lack of evidence about Aboriginal offender rehabilitation:

> 'There is a paucity of evidence-based research to guide our approach to Aboriginal offender rehabilitation but we have extensive information on the life experiences of Aboriginal offenders highlighting their lower levels of education attainment, higher levels of unemployment and unstable accommodation, greater exposure to violence and higher likelihood of being separated from parents who themselves may have experienced incarceration. Our own data from literally thousands of standardised assessments tells us that education, employment and attitudes should be the focus of our case management and intervention efforts for Aboriginal offenders *(Corrective Services NSW, 2016).*

NORTHERN TERRITORY

Overview

The Northern Territory Department of Correction Services is responsible for the management of four adult correctional facilities – Alice Springs Correctional Centre, Darwin Correctional Centre, Barkly Work Camp (Tennant Creek) and Datjala Work Camp (Nhulunbuy) - and two youth detention facilities- Alice Springs Youth Detention Centre and Don Dale Youth Detention Centre in Darwin (Northern Territory Government Department of Corrective Services).

As with most states and territories, the imprisonment rate for Indigenous people in Northern Territory is increasing. This is partly due to an increase in the arrest rate for offences, such as driving under the influence and for multiple offences at high-readings and for failing to attend court hearings. The increasing arrest rate for minor offenses also continues to be a significant issue for Indigenous Australians living in the Northern Territory. This over-policing, together with the fact that Indigenous people are generally more likely to attract police attention, and the failure of policymakers to deal with the multiple sources of disadvantage that exist in Indigenous communities, such as inadequate housing, preventable chronic health issues, mental illness, low-levels of education, high unemployment, cultural alienation, racism, substance abuse and family dysfunction are significant causes of the high incarceration rate in the Northern Territory (Northern Territory Council of Social Services, 2014).

Without addressing these issues, any effective prison rehabilitation initiatives and programs aimed to reintegrate offenders back into their communities will be fruitless. This is particularly the case when you have to put them back into difficult home environments where substance abuse and mental illness are the consequences of such situations. A high-proportion of Indigenous offenders has serious mental illnesses or are dependent on alcohol or other substances. People are therefore likely to reoffend as any further contact between them and police will inevitably lead back to prison. With a re-offence rate of over 70%, the second highest in Australia, it is clear that prisons simply do not work (Australian Bureau of Statistics, 2015).

These combined factors often contribute to high rates of domestic or family violence. Domestic violence offences are a significant contributor to the high incarceration rate of Indigenous people in the Northern Territory. In situations where domestic violence offenders are sentenced to terms of imprisonment, or where a prisoner is otherwise identified as a domestic violence perpetrator, it is critical that the prisoner is engaged in culturally appropriate rehabilitation and therapeutic programs at the earliest opportunity and continues to receive support post-release. Prisoners require long-term, targeted and holistic support to address the range of issues contributing to their offending behaviour and to address entrenched attitudes towards domestic violence. The prisoner's family and community also need support to assist them to deal with the prisoner's reintegration into the community post-release. Prisoners, their families and their communities do not receive this kind of support in Central Australia (Northern Territory Council of Social Services, 2014).

Along with the lack of availability, the submission highlights that people with alcohol dependence or prior convictions are excluded, effectively precluding Indigenous offenders from participating in rehabilitation programs.

Rehabilitation programs

The Northern Territory Department of Correctional Services is implementing and delivering new initiatives and rehabilitation programs aimed at reducing the Northern Territory's imprisonment rate by 15-20 percent and the re-offending rate by 10 percent. New initiatives already introduced include: two community-based sentencing options (the Community Custody Order and the Community-Based Order) to divert offenders from the prison system into rehabilitation; a significant increase in community work; additional funding for better reintegration and support for offenders; the introduction of the Traffic Offender Intervention Program; more rehabilitation options; and the expansion of alcohol and other drug treatment facilities.

Over the next two years the department is also committed to delivering the following initiatives: the construction of the new Darwin Correctional Precinct; establishing post-release supported accommodation facilities in Darwin; and establishing partnerships with non-government organisations to manage, operate and deliver rehabilitative and reintegrative programs for offenders (Northern Territory Government Department of Corrective Services).

There are two programs available for prisoners in Alice Springs Correctional Centre that specifically target violent offending. The first is the Family Violence Program of which there are two components – the correction centre based program and a community based program. The correctional centre based program is a psycho-educational (meaning that it aims to provide participants with knowledge and skills about domestic violence and how to live violence free) program.

The community based program delivers to urban and remote centres across the Northern Territory over a period of five days. Northern Territory Correctional Services are currently working to make this program more accessible to prisoners in Alice Springs Correctional Centre by combining resources across custody and community. The *Indigenous family violence offender program* (IFVOP) has operated in the Northern Territory (NT) since 2005, and aims to work with Indigenous offenders to educate and provide alternative strategies for addressing issues that result from family violence. The program is currently run in 20 communities in the Northern Territory and has also been run in the Anangu Pitjantjatjara Yankunytjatjara (APY) lands in South Australia.

The IFVOP is a 50-hour group program, delivered by respected local Indigenous facilitators. Participants are perpetrators of family violence who are on court orders to take part in the program. The program raises awareness about family violence and its impact on the offender, as well as their victims, families, and community as a whole. Other concepts addressed during the program include:

- responding appropriately to anger
- resolving conflict without violence
- alcohol and other drug use
- cultural context of violence
- change
- Aboriginal spiritual healing.

The second program that targets violence is the high intensity violent offender treatment program. This program can include perpetrators of domestic violence, and is designed to address the treatment needs of offenders who require intensive therapeutic intervention to address violent offending.

See https://correctionalservices.nt.gov.au/programs/rehabilitation-and-indigenous-initiatives

Sentenced to a Job

An innovative initiative emerging in the Northern Territory is the Sentenced to a Job Scheme. The Assistant Parliamentary Counsel at the Office of Parliamentary Counsel in the NT, describes the Sentenced to a Job scheme which commenced in 2013 as part of an overall reform of the Northern Territory prison system. Through the scheme, the NT government encourages local businesses that specialise in food services, laundry, horticulture, mechanical, textiles, upholstery, metal fabrication, number plate production, screen printing, furniture products, construction, maintenance, and packaging and assembly to recruit prisoners while they are serving their sentence. Eligible prisoners are assessed by the Department of Correctional Services and are usually within the last 12 months of their sentence of imprisonment. Prisoners who perform paid work are paid an award wage, but contribute five per cent of their salaries to support victims of crime, pay rent (in turn, reducing the cost of their incarceration) and pay taxes; they keep a small amount of money from their salary, while the rest is held in a trust and released to them on completion of their sentence; prisoners have the opportunity to develop skills and qualifications and may gainfully return to the workforce after they have served their sentence or may continue being employed with their employer from the scheme. Because of the high rate of unemployment with prisoners - for some, their first job is through the Sentenced to a Job scheme (Erickson, 2014: 140).

Erickson points out that anecdotal evidence has shown that prisoners appreciate the structure of being employed and see employment as an opportunity to save some money; the employment also assists them in obtaining employment after their release. The scheme has received support from stakeholders such as the North Australian Aboriginal Justice Agency ('NAAJA') and the Northern Territory Legal Aid Commission support the scheme, with NAAJA suggesting that offenders who commit minor offences (sentenced to three months imprisonment or less) could be sentenced to a job by a magistrate as an alternative to imprisonment as a type of diversion (Erickson, 2014: 140).

QUEENSLAND

Overview

Queensland Corrective Services is responsible for the management of 13 facilities for adult detainees. Brisbane Women's Correctional Centre, The Helana James Correctional Centre and Niminbah Correctional Centre are female only facilities; Townsville Correctional Centre houses male and female detainees; the other nine facilities are male only.

See http://www.aic.gov.au/criminal_justice_system/corrections/facilities/qld.html

In 2014, Queensland's rate of imprisonment reached 193 prisoners per 100,000, an increase of 21% since 2002. Given this increasing prison population, Queensland Corrective Services (QCS) has progressively accommodated inmates in high-security prisons rather than low-security ones. The increase in prison populations and the greater use of high-security facilities might indicate that Queensland Government is becoming more punitive, with tougher and longer sentences. However, evidence suggests that the rise in prison numbers may be due to higher levels of recidivism. For several years, Queensland has had the highest recidivism rate compared to all the state and territories, i.e. Queensland's rate of returns to prisons was 34.1% compared to the Australian average 24.8% (Fitzgerald and Cherney, 2015).

Indigenous people remain grossly overrepresented in the system. While they make up less than 4% of the state's population, they account for 31% of the total inmate population, which stands at 7,049 offenders (Australian Bureau of Statistics, 2014). A total of 2,243 Indigenous inmates are in custody. Indigenous prisoner numbers rose from 1,915 on 31 March 2013 to 2,243 a year later and then 2,319 on 31 March 2015. Total prisoners rose from 6,017 to 6,897 and 7,280 over the same periods (Robertson, 2015).

As in other states, the causes of over-representation of Indigenous prisoners in Queensland's criminal justice system are complex, involving a range of interrelated factors, such as socio-economic disadvantage, trauma, social exclusion, cultural differences, legislation, and availability of alternatives to arrest, which influence offending patterns, policing, and sentencing outcomes (Heffernan, Andersen, Dev and Kinner, 2012).

Given this vast overrepresentation of Indigenous people in prison, their frequent transition between prison and the community, and the high prevalence estimates of mental disorder, Heffernan, Andersen, Dev and Kinner state that the consequences of inadequate health care in prison also inevitably affect Indigenous communities. The prevalence of depression and anxiety disorders, especially posttraumatic stress disorder, was high in their research sample highlighting the critical need for adequate mental health services in prison settings. Their study, like others before it, identified a high rate of substance use problems among Indigenous prisoners (Heffernan, et al., 2012: 40).

Rehabilitation programs

The QCS is developing cognitive-behavioural programs to meet the specific needs of Indigenous offenders. Indigenous offenders access to several cognitive behavioural-based intervention programs targeting offending behaviour and thought processes. These cognitive behavioural-based programs are designed to assist offenders to confront and understand their past criminal behaviour, and to develop pro-social skills and techniques to control their behaviour and avoid situations that may lead to further offending when released from supervision or custody. These programs can be emotionally intensive and target specific offence types such as substance abuse, violence and sexual offences.

Education and Vocational Programs

The QCS delivers a range of education and vocational programs, which provide all inmates with skills and training to improve literacy and educational levels, and to improve employment opportunities, regardless of background. Evidence suggests that inmates who receive general education and vocational training are significantly less likely to return to prison after release and are more likely to find employment than peers who do not receive such opportunities (Davis, 2013). Participation in educational programs depend on the prisoner's assessed needs but can include one-to-one literacy, literacy and numeracy, secondary, tertiary and traineeships/apprenticeships. There are also a range of vocational education and training courses, such as furnishing, construction, engineering, hospitality, horticulture, and sport and recreation, computer/information technology studies, first aid and occupational health and safety, indigenous studies in art, culture, environment and community studies.

QCS also offers a range of programs designed to target the criminogenic needs of offenders. These programs include sex offending programs, violent offending programs, substance misuse programs and general offending programs. These programs use motivation and cognitive behavioural approaches and involve sessions that are intense in duration and frequency. Some of these programs have been designed for specific delivery to Indigenous offenders.

Sexual Offending

QCS provides a culturally-specific sexual offending program for Indigenous offenders. Sexual offending programs aim to address issues related to sexual offending, such as motivation, arousal and offender accountability. Sexual offenders are referred to these programs after undergoing specialised assessment to determine their risk of sexual re-offending. A comprehensive range of intervention programs for sexual offenders is available, including preparatory programs (Getting Started), medium and high intensity programs (New Directions and Crossroads) and maintenance programs (Staying on Track). Maintenance programs ensure offenders continue to sustain the progress they have achieved from the programs. In addition, the Inclusion Program is available for intellectually low functioning sexual offenders. The assessment process and delivery of sexual offender programs is monitored by a dedicated Sexual Offender Programs Unit to ensure consistency with best-practice principles. Sexual offending programs are delivered across custodial and Probation and Parole locations.

The Indigenous Sexual Offending program accommodates offenders with both high and medium risk. The program targets the psychological, social and lifestyle factors associated with sexual offending, and it has been specifically designed to accommodate cultural, custom or language considerations relevant to Indigenous offenders.

This Indigenous specific program is only offered at the Lotus Glen Correctional Centre in northern Queensland, where there is the most demand. In most cases, Indigenous sex offenders located at other Queensland centres are moved to Lotus Glen correctional centre for the duration of a program. The program runs between three and nine months (depending on individual treatment needs and risk levels). Lotus Glen offers a rolling version of the program to accommodate new participants throughout the year, but also offers closed versions of the program, to be completed by the same individuals with similar needs and risk levels.

Substance Misuse

Substance misuse treatment programs are available to offenders in all QCS centres and offenders serving community-based orders. There are three programs treating substance misuse. This includes a high intensity program (Pathways), moderate intensity program (Getting Smart) and a maintenance program (Smart Recovery).

The Ending Offending program is a cognitive behavioural program designed to meet the needs of Indigenous offenders in a culturally appropriate manner. The overall aim of this program is to modify the drinking and offending behaviour of Indigenous offenders. Furthermore, it can prepare Indigenous offenders for additional intensive intervention appropriate to their level of risk of re-offending.

An Indigenous Peer Education program is also available in northern Queensland to support early referral and access to substance misuse treatment. The Ending Offending program is a 12-hour intervention, made up of six sessions, and delivered over three to six weeks (but can be delivered in as little as three days). Due to the short length of the Ending Offending program, Indigenous prisoners in custody for less than 12 months can be enrolled. However, this is dependent on the program demands of high-risk offenders (generally in prison under sentence for longer than 12 months). The program is run through a number of Queensland correctional centres and Probation and Parole offices. Indigenous offenders may be transferred to another correctional centre for the program if it is not available where they are serving their sentence.

Violent Offending

A Cognitive Self Change program addresses the thinking patterns, attitudes and beliefs that support, promote or precipitate violent behaviour. In this program, offenders learn to recognise non-violent ways of responding to situations, feelings, people and events. Offenders who have completed the program can be referred to a Making Choices program to address outstanding needs related to violent offending.

An Ending Family Violence program is a program for Indigenous offenders who have been convicted of offences related to domestic or family violence. Using a cognitive behavioural model, it aims to raise participants' awareness of the impact of violence on the family unit and to investigate options to assist offenders to change their behaviour. The program targets attitudes that support this type of offending,

cognitive distortions, anger/hostility issues and awareness of how substance misuse can contribute to family violence. Furthermore, it can prepare Indigenous offenders for additional intensive intervention appropriate to their level of risk of re-offending. The program is made up of 10 sessions and is generally delivered over five weeks. As with the Ending Offending program, the Ending Family Violence program is delivered over a short timeframe and may therefore be offered to Indigenous offenders in prison under sentence for less than 12 months (but this is dependent on the program demands of high-risk offenders). The Ending Family Violence program is available at a number of Queensland correctional centres and Probation and Parole offices. If required, Indigenous offenders can be relocated to centres where programs are run.

General Offending

A Making Choices program is designed to address aspects of offending, substance misuse and violent behaviour. The program aims to reduce recidivism by developing problem solving skills, techniques to regulate impulses and thinking processes. Making Choices is based on a New Zealand program that incorporates Indigenous concepts within the program content. There are male and female specific versions of this program. It is available at all Queensland correctional centres. The program runs for 100 hours. Dependent on the number of sessions per week, it runs over ten to 13 weeks.

Other Indigenous-Specific Programs

QCS provides a range of initiatives and services specifically aimed at Indigenous offenders. They include the Elders Visitation Scheme, the Murri Chaplaincy, the Wundurra Koolin Men's Group, access to Indigenous Cultural Centres and the provision of Cultural Liaison and Cultural Development Officers.

The Elders Visitation Scheme provides an informal opportunity for Indigenous offenders to maintain positive cultural connections, receive culturally appropriate advice and counsel, and to yarn about family issues. The scheme was implemented in response to the Royal Commission into Aboriginal Deaths in Custody report, which highlighted the importance of supporting Indigenous offenders to maintain cultural and family linkages. The Murri Chaplaincy service provides spiritual care to Indigenous offenders. Relationships Australia conducts the Wundurra Koolin Men's Group to assist male Indigenous offenders address personal issues, such as cultural identity and family relationships in a supportive environment.

Indigenous Cultural Centres exist at selected correctional centres, including Arthur Gorrie, Townsville Women's, Brisbane and Maryborough. A further centre is currently being built at the Lotus Glen Correctional Centre. These purpose-built centres provide indoor and outdoor areas to hold Indigenous events, meetings and activities, such as art workshops and traditional dances. Indigenous Elder visits also take place in these cultural centres. QCS encourages the use of this facility by all prisoners to promote cross cultural understanding. Correctional centres without a purpose-built facility provide a dedicated area for Indigenous offenders to have visits from Elders and conduct other cultural activities, such as National Aboriginal Islander Day Observance Committee (NAIDOC) week.

Indigenous Cultural Liaison and Cultural Development Officers are employed by

QCS to support Indigenous offenders. These officers provide culturally relevant information and referrals to Indigenous offenders. They also coordinate centre activities and facilitate the Ending Offending and Ending Family Violence programs where needed.

Finally, many correctional centres have implemented initiatives to respond to the local needs of Indigenous offenders at the centre level. Some examples of these initiatives include working with local Indigenous Justice Groups to deter Indigenous youth from offending in the community, promoting healthy cooking skills and eating behaviours to reduce diabetes among Indigenous offenders, and conducting Indigenous prisoner induction sessions.

See
http://www.correctiveservices.qld.gov.au/Publications/Corporate_Publications/Miscellaneous_Documents/QCS.pdf

SOUTH AUSTRALIA

Overview

The Department of Correctional Services South Australia is responsible for the management of nine facilities for adult detainees. Adelaide Women's Prison is for females and remandees; Port August Prison and Yatala Labour Prison are for males and females; the remaining seven prisons are for male detainees. The Mount Gambier prison is privately run.

See http://www.aic.gov.au/criminal_justice_system/corrections/facilities/sa.html

The 2011 Report on Government Services indicates that in 2013-14, the daily average prisoner population in South Australia increased by 10.3%. Between 2012-13 and 2013-14, there was a 15% increase in the female daily average prisoner population. South Australia has the lowest rate of return to prison in comparison to other Australian jurisdiction. This was despite the South Australian rates for 2013-14 reflecting changes to the legislation introduced in August 2012 that provides opportunity for parole to be cancelled for breach of any condition of parole resulting in the parolee serving the remainder of their sentence(s) in prison. It is noted that South Australia exceeds the Australian national average of eligible prisoners participating in accredited education and vocational programs (Australian Government Productivity Commission, 2015).

Rehabilitation programs[8]

The South Australian Department for Correctional Services (DCS) 'strives to deliver an integrated and seamless approach in the delivery of programs and services for sentenced prisoners and offenders, from initial to final contact with the department. This approach, called Integrated Offender Management, provides for the dynamic and culturally appropriate management and rehabilitation of prisoners and offenders. It is underpinned by a specialised risk/needs assessment process, which is used to target the case management and interventions required for certain categories of prisoners and offenders.'

Offence specific programs provided by DCS, in conjunction with interventions such as employment, vocational education and training, health and nutrition education and life and social skills, contribute to rehabilitation and a reduction in re-offending behaviour. These programs include the Violence Prevention Program, the Sexual Behaviours Clinic, Making Changes Program, Domestic Violence and Literacy and Numeracy Programs that are delivered across a range of locations, both in prisons and Community Corrections. DCS provides a wide range of services to Aboriginal prisoners including access to all programs developed for all prisoners; and access to special programs specific to Aboriginal prisoner needs such as Violence Prevention Program - modified to ensure culturally appropriate; spiritual programs involving Aboriginal Elders to promote healing; and Aboriginal Health Services through the Department's partnership with Nunkuwarrin Yunti.

8. Information on rehabilitation programs in South Australia is sourced from the South Australian Department of Corrective Services website.

Culturally sensitive rehabilitation programs have been developed by the DCS address the needs of Indigenous prisoners and offenders in the South Australian correctional system. The Aboriginal Services Unit and the Aboriginal Liaison Officers "… play a valuable role in ensuring that prisoners and offenders remain connected with their community whilst in custody and/or if they are on a community based order". In relation to rehabilitation the Department states, "… there is a clear expectation from Government and the community that the Department provide a means for offenders to contribute to the community, to acknowledge the impact of their crime on victims and to provide their victims with the opportunity to be involved in the sentencing and correctional process."

The Aboriginal Services Unit (ASU) was established in 1995 as a result of the Royal Commission into Aboriginal Deaths in Custody. It is responsible for advising and developing the provision of culturally appropriate services to Indigenous prisoners and offenders, and is a significant contributor to policy development for the management and rehabilitation of Indigenous offenders. The Unit actively participates in the development of partnerships and support for Indigenous community organisations and other Government departments, in the provision of services for Indigenous offenders. The ASU develops and implements policies and practices applicable for managing these offenders and liaising with key advocacy groups. The ASU also coordinates the Prevention of Aboriginal Deaths in Custody Forum, held every six weeks at different prisons, focused on achieving better outcomes in reducing reoffending and ensuring ongoing commitment to the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

As at May 2011, DCS reports that it has 67 Indigenous employees, which is approximately 4.1% of all Departmental employees, well above the State's Strategic target of 2%. DCS also has a number of strategies in place:

- providing programs for rehabilitation that are culturally competent;
- the employment of Aboriginal Liaison Officers;
- the construction of 'Pakani Arangka', an Indigenous accommodation unit at Port Augusta Prison;
- focusing on literacy and numeracy;
- recruitment and retention strategies for Indigenous staff; and
- maintaining an Aboriginal Services Unit.

TASMANIA

Overview

The Tasmanian prison system has six facilities: Risdon Prison Complex (RPC); Ron Barwick minimum security prison (RBMSP); Mary Hutchinson women's prison (MHWP); Hobart and Launceston reception prisons; and Hayes prison farm.

Offender numbers and demographics

Overall offender numbers

In the 2008-09 financial year, the average daily number of persons supervised by the Tasmanian corrections system was approximately 1800, with 65%t under Community Corrections orders and 29% in prison. A further 6% were managed in the community under the Court Mandated Diversion of Drug Offenders Program.

In the last ten years, the number of offenders dealt with by the Tasmanian Corrections system has increased significantly. Between 1997-98 and 2004-05 the average daily prisoner population increased by 94%, from 269 to 521; however, that growth in average daily prisoner population slowed in recent years, reaching 539 in 2007-08, and decreasing to 522 in 2008-09. Currently the combined accommodation capacity of the Tasmanian prison system is 645.

Female offenders

The average number of women in prison increased five-fold between 1997-98 and 2007-08, from 7 to 37. This equates to a 2.3-fold increase in the proportion of prisoners who are female, from 2.6% to 6.9% of the total prisoner population. There has also been an increase in the proportion of Community Corrections offenders who are female, from 16.7% in 1999-2000, to 20.7% in 200708.

Indigenous offenders

While 3.6% of the Tasmanian population identify as Indigenous, Indigenous people currently comprise about 12-13% of the offender population (approximately 70 prisoners and 130 offenders). Indigenous Tasmanians are 3-4 times more likely to be involved in the corrections system than non-Indigenous Tasmanians. In contrast to the rest of Australia, Tasmania's Indigenous imprisonment rate has been largely stable in recent years.

Region of origin of offenders

Tasmania has the most regional and dispersed population of any state in Australia, with almost 60% of the population living outside the capital city. While the distances involved are not as great as in other states, issues of regional service provision are important in Tasmania. As shown in Figure 4, about 60% of offenders live in the Southern region of Tasmania, and about 20% each in the North and North-West regions.

Recent reforms

A key document guiding Tasmania's prison policy and procedures is "Breaking the Cycle Tasmania Corrections Plan 2010-2020'' published in 2010. The plan was underpinned by a series of stakeholder consultations and identifies seven goals, namely, to:

- reduce re-offending by providing rehabilitation and reintegration services to address issues which contribute to offending;
- provide infrastructure to meet the goals of the corrections system;
- support an appropriate range of sentencing options;
- provide more effective and accessible service delivery through better integration with service providers;
- increase community engagement with the corrections system and the rehabilitation of offenders;
- provide appropriate workforce development, training and support, and improve oversight, governance and research function (Tasmanian Department of Justice, 2010: 9).

In relation to rehabilitation - both within the prison service and community-based corrections – the Plan indicates that while some interventions are provided directly by the Tasmania Prison Service and Community Corrections, many are delivered by partner organisations. It is also noted that the transition from prison to the community is a key time in an offender's rehabilitative pathway, and that supporting the reintegration needs of offenders by expanding transitional services, such as accommodation, assisting in engagement with education and employment, and increased assistance with reconnecting with family and support networks, would help to reduce an offender's risk of re-offending on release and will enhance community safety. These gaols are aspirational. There is no indication of how they are to be measured or evaluated. There is very little attention to the specific needs of Indigenous detainees, other than providing staff with training and resources to allow them to deal confidently and sensitively with offenders of culturally and linguistically diverse backgrounds, including Indigenous offenders, and with gay, lesbian, bi-sexual, trans-sexual and inter-sex offenders (Tasmanian Department of Justice, 2010).

VICTORIA

Overview

Corrections Victoria is responsible for 14 facilities for adult detainees. The Dame Phyllis Frost Centre and Tarrengower Prison are female only facilities. The remaining 12 are male only facilities.

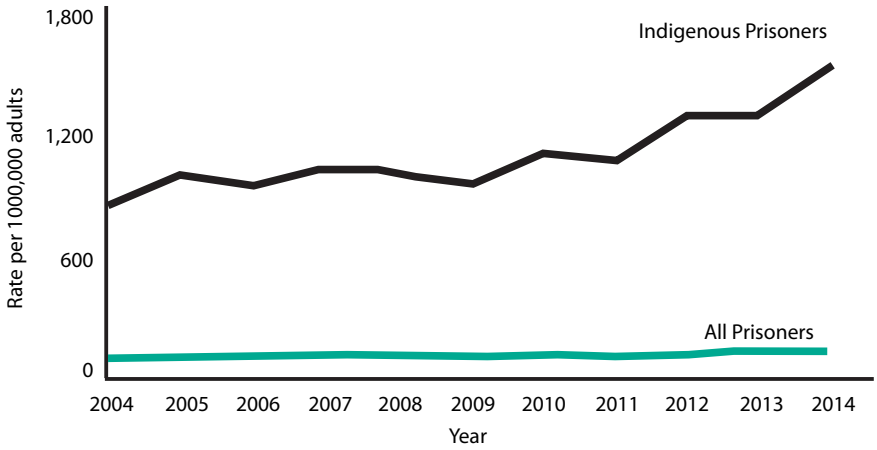
See

http://www.aic.gov.au/criminal_justice_system/corrections/facilities/vic.html

In Victoria, Indigenous people are 11 times more likely to be incarcerated than the state's general population, and nationally the figure is 13 times more likely. The Victorian Indigenous imprisonment rate (per 100,000 Aboriginal adults), increased by around 28% between March 2013 and December 2014, from 1,329.1 to 1,703.1. This compares with a 19.5% increase for the total Victorian imprisonment rate (per 100,000 adults), from 117.9 to 140.9 (Australian Bureau of Statistics, 2016).

Released Indigenous prisoners are also more likely to reoffend and to return to prison than the rest of the prisoner population. According to Australian Bureau of Statistics (ABS), data released last year on prisoners in Australia, 67% of Victoria's Indigenous prisoner population had previously served a term of imprisonment. Nationally, 77% of Indigenous prisoners have previously been incarcerated compared to 52% of non-Indigenous prisoners. The recidivism rate of Victoria's Indigenous prisoner population in the 2013-2014 financial year was 55%. This means that more than half the Indigenous prisoner population in 2013-14 had served a term of imprisonment in the preceding two years (Australian Bureau of Statistics, 2016).

While the number of prisoners can fluctuate on a regular basis, there are around 700 Indigenous prisoners being managed by Corrections Victoria. This figure includes approximately 550 male offenders and 150 female offenders, which represents 7% of all offenders. For the December quarter 2014, the Victorian Indigenous imprisonment rate was the third lowest of all States/Territories (after Tasmania and ACT) and was below the national average (1,703.1 compared with 2226.0) (Australian Bureau of Statistics, 2016).



While the majority of non-Aboriginal offenders were located in the metropolitan regions, Indigenous offenders were concentrated in the non-metropolitan regions. For example, about one in five Indigenous offenders, were located in the Loddon Mallee, with 18.5% in Gippsland. A greater proportion of them were female - 24.5% compared with 17.5% of non-Indigenous offenders. On the same date in 2014, 27.1% of Indigenous offenders were female. A greater proportion (44.2%) of Indigenous offenders was aged under 30 compared with non-Aboriginal offenders (38.9%). 48.2% of Aboriginal offenders were under 30 years of age (Australian Bureau of Statistics, 2016).

Rehabilitation programs

Corrections Victoria currently offers five voluntary rehabilitation programs for Indigenous offenders, whether sentenced or on remand – see below.

List of cultural programs tailored to Indigenous prisoners	
Program name	**Program outline**
Aboriginal Cultural Immersion Program	A week-long intensive program that encourages prisoners to reconnect with their culture, strengthen their identity, and build the confidence to re-examine their responsibilities to themselves, others and the community.
Marumali	A week-long intensive program focusing on long-standing trauma and loss associated with the issues of the Stolen Generation.
Koorie Faces	A program targeted at parents that aims to strengthen family ties by building on prisoners' confidence as parents and carers.
Dardi Munwurro	A men's behavioural change program focusing on family violence, cultural identity, leadership and the role of an Aboriginal man in the family.
Men's Yarning Circle	An Aboriginal Men's Group Program which provides prisoners with an opportunity to discuss issues they are experiencing in a culturally sensitive environment.

Cultural Programs

It was noted in a Victorian Ombudsman report (2015) that culturally appropriate and specific programs are critical to preventing reoffending and improving outcomes of Indigenous offenders. While the Commonwealth Attorney General's Department were positive in their evaluation of these programs, – "well-designed and that participants were positive about their involvement" - several shortcomings were identified by the Ombudsman, including that:

- programs were designed to encourage participation in further programs, but Corrections Victoria did not have capacity to monitor participation to evaluate this;
- programs were not run frequently enough to include all prisoners who wanted to participate;
- funding constraints meant that programs were not run in prisons for extended periods of time, for example the Marumali program was not run at any prison during the 2008-09 and 2010-11 financial years;
- additional cultural programs were needed to address Aboriginal and Torres Strait Islander people's needs in education, parenting, relationships, family violence and drug and alcohol issues; and
- external providers had limited capacity to advocate for participants, and

connect with other programs and services delivered in and out of prison (Victoria Ombudsman, 2015: 82).

Indigenous Services

Aside from Indigenous specific rehabilitation programs, Corrections Victoria also provide Aboriginal Wellbeing Officers, Aboriginal Liaison Officers and Indigenous Service Officers, whose duties include to:

- "provide information, support and assistance to Aboriginal and Torres Strait Islander prisoners as needed;
- meet with Aboriginal and Torres Strait Islander prisoners within 24 hours of their admission to a prison to provide them with information about cultural programs and engagements and facilitate referrals as needed;
- assist in the development and facilitation of Aboriginal and Torres Strait Islander specific programs and services and sit in on their delivery;
- liaise with:
    - prison management and staff to streamline services and transition for Aboriginal and Torres Strait Islander prisoners, and
    - Aboriginal and Torres Strait Islander peer prison workers;
- Assist in case management including attending Case Management Review Committee meetings; and
- assist Aboriginal and Torres Strait Islander prisoners in their preparation for release, including 'accommodation, social contracts, finances, contact with children, as well as facilitating referrals (Victorian Ombudsman, 2015)."

With many rehabilitation programs, whether they be conducted inside a correctional facility or outside of the criminal justice system, a crucial element often overlooked for effective intervention is relationship and trust building. The inclusion of the Aboriginal Wellbeing Officers and Aboriginal Liaison Officers by Corrections Victoria, suggests that this aspect is taken seriously in their programming. They recognise that involving Indigenous workers in rehabilitation efforts means that the critical cultural nuisances required for effective rehabilitation are included. Corrections Victoria has also developed a 'cultural wrap around' model to help facilitate Indigenous offending behaviour programs. This involves "coupling each offending behaviour program with three supplementary sessions before, during and after the offending behaviour program to further support Aboriginal and Torres Strait Islander prisoners (Victorian Ombudsman, 2015).

WESTERN AUSTRALIA

Overview

The Western Australian Department of Corrective Services is responsible for the management of 16 facilities for adult detainees. Bandyup Women's Prison and Boronia Pre-Release Centre for Women are female only; Broome Regional Prison, Eastern Goldfields Regional Prison, Greenough Regional Prison, Roeburn Regional Prison and West Kimberley Regional Prison house male and female detainees; the remaining eight prisons are male only.

See

http://www.aic.gov.au/criminal_justice_system/corrections/facilities/wa.html

Western Australia has the highest imprisonment rate of Indigenous people in the country. On any one night, one out of 15 adult Aboriginal males in WA will spend the night in prison. Indigenous people comprised 38% (2,113 prisoners) of the adult prisoner population, which stands at 5,555 as of 30 June 2015. The Indigenous age standardised imprisonment rate was 17 times the non-Indigenous age standardised imprisonment rate (3,772 prisoners per 100,000 Aboriginal and Torres Strait Islander adult population compared to 181 prisoners per 100,000 adult non-Indigenous population). Aboriginal women are the fastest growing demographic group in Australian prisons and in Western Australia comprise 50% of adult female prisoners (Australian Bureau of Statistics, 2014).

The adult imprisonment rate in WA is 278 prisoners per 100,000. From June 30 2014 to June 30 2015, this was an increase of 6% (314 prisoners) and an increase from 265 prisoners per 100,000 adult population. Three in five prisoners (60%, or 3,307 prisoners) had previously been imprisoned under sentence. Western Australia has the highest recidivism rate, with 40 to 45% of people returning to prison within two years of being released. The figures are worse for some groups, especially Indigenous adults and juveniles. Aboriginal young people comprise between 75% and 80% of those in juvenile detention. They have more than 50 times higher chance of being in juvenile detention than a non-Indigenous child.

Western Australia also continues to have the highest level of juvenile incarceration in Australia outside the Northern Territory, and by far the highest rate of Indigenous juvenile detention in Australia. Indigenous children comprise 70-75% of the total detention centre population. The younger the child, the more likely it is that he or she will be Indigenous (Office of the Inspector of Custodial Services, 2015: 7).

Amnesty International shows Indigenous children in Western Australia are 53 times more likely to be jailed than their non-Indigenous peers. Around six% of young people aged between 10 and 17 in WA are Indigenous, but they make up almost 80% of offenders in the state's prison system (Amnesty International, 2015).

If outcomes are to be improved and, these numbers reduced, there needs to be a stronger strategic focus, combined with practical initiatives to improve Indigenous prisoners' access to rehabilitation and positive re-entry support programs. This will require innovative partnerships with non-government organisations.

REHABILITATION PROGRAMS

Recidivism

Aside from the Northern Territory, as at 2014, Western Australia had one of the highest recidivism rates compared to all other states and territories. Over the past decade, 40-45% of people have, on average, returned to prison within two years of being released – figures are worse for younger and Indigenous people. For every ten prisoners who do not return to prison for just one year, the projected saving in direct costs is around $1 million. If these ten prisoners never return to prison, the savings are multiplied many times. Therefore, to ensure proper targeting of resources, it is crucial to have a good understanding of what measures work for which prisoner and why.

Three factors are most strongly linked to recidivism: age, prior admissions, substance abuse. Prisoners with low levels of education also more likely to reoffend. The younger an offender, the more likely they are to return to prison. The potential to break the cycle is highest for young people – but they are under-represented in accessing opportunities.

Young Aboriginal people are 25 percentage points more likely to reoffend than non-Aboriginal offenders. 26% of Aboriginal prisoners under 24 were in prison for the first time compared to 74% of non-Aboriginal prisoners.

Key factors that increase the risk of reoffending include: Younger age; Prior prison admissions; Gender (males); Aboriginal status; Maximum security prisoners, with declining rates for medium, then minimum; Educational attainment; and Substance abuse. Not significantly associated with recidivism: mental illness; intellectual disability; and violent offending risk rating. Prisoners classified as high risk on the sex offender checklist were less likely to reoffend than other prisoner groups.

Research has found that women are less likely to commit serious crimes and are less likely to receive terms of imprisonment when sentenced, which may result in fewer women returning to prison and being counted as recidivating (Ross and Forster, 2000). Moreover, the female recidivism rate has been declining since the mid-2000s, while the male rate has been generally stable. The rate among Aboriginal women has been the primary driver behind the overall declining rate, but this is not due to service provision as program participation for this group is lower than the average. Alternative options than custodial sentencing for Indigenous women may also play a role in the declining rate.

The role of prisons

Recidivism rates vary but it is clear that, after accounting for differing prisoner characteristics and risk factors, the prisons that performed poorly during OICS inspections were also the prisons where rates were much higher than expected. It is also clear that the Department is missing opportunities to target prisoners who are most likely to return to prison. In the case of corrections, strategies related to reducing recidivism may not be as highly valued as the resources needed for managing the day to day running of facilities even though the long term benefits can alleviate pressure on these resources. Benefits must therefore be clearly demonstrated.

A key conclusion here is that prisoners are more likely to reoffend when they are released from prisons that have identified deficiencies in service provision. This is particularly the case in mainstreams prisons that do not meet the needs of young adults, particularly young Indigenous adults, for whom there are no specific strategies in place. Young people generally are specifically excluded from some programs due to their cognitive immaturity and due to concerns of the influence of older participants. This is despite research finding that education and training programs can reduce reoffending among younger prisoners. Younger prisoners typically learn faster and, the report argues, you get more 'bang for your buck' targeting young people with such programs. It finds that a targeted approach in reducing recidivism among the 18 to 24-year cohort will have exponential benefits in later years and consequently the greatest impact in long-term reduction in recidivism rates.

While mainstream prisons lack targeted services for young adults in prison, Wandoo (which began in 2012) has been explicitly developed for this group. However, despite representing 55% of the 18 to 24-year old cohort, Indigenous prisoners represented only 30% of Wandoo's population. This could be partly due to the fact that Wandoo is low-security and Indigenous prisoners across the state are less likely to attain this rating. The under-representation of Indigenous prisoners here therefore reflects system-wide inequity in security ratings. The low recidivism rate at this facility could therefore be a product of how prisoners are designated (by the Department's security classification tool, which is strictest on this age group), rather than its specially designed interventions. Increasing the age limit to 25 and 26-year olds could be a low risk, low cost option to address the under-use of Wandoo.

Broadly speaking, well-run facilities are more likely to return lower rates of recidivism; it is therefore likely that increasing prisoner numbers without increasing supporting infrastructure and services will trigger a higher rate of return to prison.

Treatment programs

Research has shown that a prison sentence increases the likelihood of reoffending but that reoffending is less likely if a person undertakes a relevant treatment program. There are other proven rehabilitative measures, like prison-based educational and vocational training programs (as well as employment programs), post-release services and drug courts. Some studies have shown that, generally, prisoners released on parole and under supervision are less likely to reoffend and that, if they do, there is a longer period before reoffending (e.g. William and Pease, 1991).

Treatment programs that are incorrectly allocated or delivered can be harmful, increasing the likelihood of reoffending, as evidenced by prisoners released in 2008/09 and 2009/10. A 2008 review showed that most prisoners were allocated the wrong program or not allocated at all. Since then, things have improved but there are still too few programs for women prisoners and people held in Indigenous-dominated prisons (Broome, Roebourne, Greenough and Eastern Goldfields). Also, despite 20 years of program delivery and long-standing criticisms, the department does not have any robust evaluations that explain what works best, for whom and why.

Psychologically-based programs guided by 'what works' principles (which include

risk, need and responsivity) seem to be most effective. If those principles are ignored, treatment programs increase the likelihood of recidivism. Program allocation accuracy has improved since 2008. Despite improvements, some prisoners are still being allocated to unsuitable treatment programs, and treatment readiness is also critically important. Further, not everyone who is recommended to a program is able to get access, nor is access equitable across the state. Prisoners in predominantly Indigenous regional prisons have a higher proportion of unmet treatment needs due to program unavailability than prisoners in metro prisons. Female prisoners also have less access than males.

In terms of program completion rates, 37% of the prison population released in 2010/11 completed a program. Prisoners released from 'Aboriginal' prisons, however, were far more likely to have treatment needs unaddressed due to programs being unavailable. Women are highly disadvantaged in access to programs, which is compounded by not getting access to the right program.

The 'soon to be built' new Eastern Goldfields prison represents an opportunity to remedy this current state of inequity between 'Aboriginal' and 'non-Aboriginal' prisons.

In line with Maori-specific programs in NZ, developing programs specific to Indigenous prisoners would be a positive step in line with the 'responsivity' principle in What Works, provided they are attuned to the different Aboriginal cultures across WA.

A program with interesting results was one designed for medium-risk sex offenders, to which high-risk sex offenders were incorrectly allocated. It found that reoffending increased among medium-risk offenders but decreased among high-risk offenders. The program ceased immediately.

Comprehensive program evaluation

International research has shown that treatment programs are effective if the right program is targeted at the right person – if not, they can be harmful. But, despite more than 20 years of program delivery and ample criticism about the lack of evaluations, there are no robust evaluations of successful targeting in WA. Where there have been evaluations, they have been short term, meaning that there can be no meaningful review or adaptation of programs to maximise success.

But, without a comprehensive, outcome-based evaluation of programs, WA will never know whether any of the programs delivered by the department works as intended or makes prisoners more likely to reoffend. This issue was raised as far back at the Mahoney Inquiry in 2005. Further, evaluations must include long-term impacts. Only one treatment program has been subject to long-term evaluation, and no evaluation study has been publicly released. Without good evaluations, scarce resources cannot be effectively targeted.

A new policy response – Justice Reinvestment

Imprisonment is expensive. Adult prison beds cost between $250,000 and $500,000 for infrastructure and around $100,000 to run each year. Youth justice beds cost around $200,000 per year. In the 2013-14 financial year, direct costs of imprisonment increased nationally by about $1million every day (Australian Government Productivity Commission, 2015).

An innovative policy idea that is gaining traction is Justice Reinvestment (JR). JR can be conceived of as both a philosophy for justice reform and a set of strategies that examine spending on incarceration so that funds that might be spent on incarceration are instead reinvested into health and social interventions that reduce offending in communities with the sociodemographic features that disproportionately contribute to prisoner populations. The idea springs from an understanding that over-incarceration affects communities in ways that perpetuate cycles of crime. Its theoretical foundation is in research that shows how a policy of mass incarceration is itself a generator of crime problems, occurring when certain neighbourhoods, already stressed by poverty and disadvantage, reach a point where crime rates spiral upwards. As a systems-based approach, JR encompasses a comprehensive range of areas such as health, housing, employment, justice, family support, mental health and substance misuse services. It impels policymakers to consider the implications of current punitive policies that produce in more incarceration, particularly of Indigenous Australians and, instead, to fund initiatives that redress the social determinants of incarceration (Guthrie, Levy, Fforde., 2013).

In practice, JR involves all levels of government (Commonwealth, State and local), non-government organisations, service providers and the education, health, commercial and justice sectors in reaching agreement of how one might re-think the criminal justice system. At a broad level, it requires a shift in policy and social outlook from that of incarceration to that of non-incarceration, with the investment of the savings otherwise spent in the criminal justice system, instead being directed back into the community (Guthrie, Levy, Fforde., 2013).

While JR has not yet been adopted by any Australian jurisdiction – consequently local evidence of its effectiveness is not yet available – preliminary work is being undertaken in several regional locations, including Bourke and Cowra in NSW, Ceduna in South Australia and Katherine in the Northern Territory. In 2014, the Australian Capital Territory Government announced a commitment to developing a JR strategy, using data-driven evidence to guide stakeholder consultations across human, health and justice services systems (Krieg, Guthrie, Levy, & Segal, 2016).

Proponents of JR do not claim that it is the only solution in the Australian context, nor that it will solve problems of racial disparity. However, they do acknowledge that it has the potential to offer a shared framework for government, non-government organisations and other services to explore and commit to holistic community investment and solutions (Brown, Cunneen, Schwartz, Stubbs, & Young, 2015).

CONCLUSION

To begin assessing the efficacy, accessibility and adequacy (or even appropriateness) of Indigenous offender rehabilitation program around Australia, it is important to acknowledge that there are many factors that are outside the control of the various corrective services that lead to the high levels of imprisonment and recidivism. From relevant research identified in this paper, we are broadly of the view that treatment programs are still an effective method of preventing reoffending and reducing recidivism "if the right program is delivered to the right person" and at the right time. What's more, rehabilitation programs that are inappropriate for Indigenous offenders can actually be harmful and increase the likelihood of them reoffending (Office of the Inspector of Custodial Services, 2015: 21).

Notwithstanding privacy legislation and confidentiality issues, it would benefit correctional jurisdictions if they were more open and transparent in relation to the collection, analysis and dissemination of evaluations of their rehabilitation programs and the databases that underpin those evaluations. This report would have been far more effective if we had been given the approval to engage the correctional jurisdictions. The lack of long-term analyses and evaluations is reiterated throughout this report, and we recommend for the development of a comprehensive plan and timeline for the long-term evaluation of programs, while ensuring that changes/reviews to the suite of programs do not stifle the ability to measure effectiveness.

If outcomes are to be improved and Indigenous prisoner numbers reduced, there needs to be a stronger strategic focus, combined with practical initiatives, to improve their access to rehabilitation programs. With increasing levels of overcrowding in most jurisdictions around Australia, it is not uncommon for Indigenous prisoners to be either housed in a security classification other than that originally sentenced, allocated to a wrong program or not being assigned to any program at all.

Therefore, we suggest it is critical that a greater effort is needed across all jurisdictions for the enhancement and promotion of more culturally-relevant rehabilitation / intervention programs. These need to be informed by cultural practices and include content that reflects the experiences of Indigenous people. All jurisdictions also need to consistently evaluate rehabilitation programs and make sure an evaluation framework is included at the start of any new program being developed. We also see the need for jurisdictions to develop specific programs targeting family/spousal violence, which is often at the core of many different types of offending among Indigenous people. On that note, programs must focus on addressing the problems that led to criminal behaviour to prevent a person constantly returning to prison (Victorian Aboriginal Legal Service, 2014).

We have also observed that many prisoners spend less than six months in prison and are often released without addressing their rehabilitation needs. As rehabilitation takes time, it becomes increasingly difficult to rehabilitate prisoners who have complex needs by addressing their offending behaviour in short time frames, including making programmes available to remand prisoners and prisoners who are sentenced to less than six months.

Remandees have limited access to a very narrow range of programs that may assist them to transition from detention back to the community; to provide them with the

skills development to help them manage their mood and emotions, communication, conflict resolution, problem solving and anger management. While recognising the limitations on program participation by remandees, but also recognising the high numbers of Indigenous remandees in all jurisdictions, we believe it is important that consideration be given to development of appropriate rehabilitation programs for remandees.

Although measures to reduce the high levels of Indigenous imprisonment do lie outside of the criminal justice system, change within the criminal justice system is also very important. Imprisonment should be a last resort. Changes aimed at diverting Indigenous offenders from the criminal justice system are fundamental, as is an awareness of the laws and principles in operation, which may be reinforcing systemic bias, racial discrimination and institutionalised racism.

RECOMMENDATIONS

We recommend the following:

- That Justice Reinvestment is implemented as policy, both at the national and at each jurisdictional level, and programs and projects be designed and implemented.
- That Correctional jurisdictions consistently and rigorously evaluate rehabilitation programs offered to Indigenous offenders, and ensure an evaluation framework is incorporated at the commencement of any new program. Further, jurisdictions should be more transparent in relation to the collection, analysis and dissemination of evaluations of their rehabilitation programs and the databases that underpin those evaluations. It is critical that a greater effort is made across all jurisdictions for the enhancement and promotion of more culturally-relevant rehabilitation/intervention programs. These must be informed by cultural practices and include content that reflects the experiences of Indigenous people. Programs, such as Throughcare, need to be incorporate prisoners with short-term sentences.
- That an increase in the recruitment of Aboriginal Wellbeing and Aboriginal Liaison Officers, which is consistent with the rates of Aboriginal and Torres Strait Islander incarceration, be considered. Further, that additional positions be identified for Indigenous case managers to work with prisoners in order to build trust which in turn leads to greater investment by the Indigenous offender in their own rehabilitation. Ongoing cultural awareness training for all Corrections staff, and those delivering services to prisoners is crucial, together with support for maintaining and observing Indigenous cultural practices, and recognition of broader kinship and familial relationships within Indigenous communities.
- That inmates are provided with the skills to behave ethically and morally. This understanding makes rehabilitation achievable. Some of these include Learning Improvement, Communication Tools, Coping with Negative Influences, and Conditions of Life. Further, any cultural materials developed as part of a prisoner's time incarcerated should

become part of the prisoner's property – this includes artwork that is created through an art course, because of the significant contribution such work makes to cultural ties and rehabilitation, and the intellectual property invested by the prisoner in their work.

- That programs specifically for Indigenous women prisoners be designed and implemented.
- That rehabilitation programmes for offenders who can be managed out of the prison system, if consistent with community safety, be designed and implemented.
- That attention be given to the development of appropriate rehabilitation programs for remandees.
- That specific programs targeting family/spousal violence - an issue often at the core of many different types of offending among Indigenous people - be designed and implemented.

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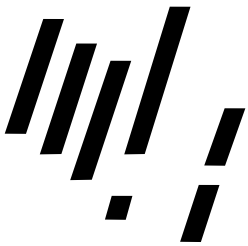
APPENDIX A

The RNR model of offender assessment and rehabilitation

Principle	Statement
Overarching Principles	
Respect for the person	Services are provided in an ethical, legal, just, moral, humane, and decent manner.
Theory	Use a general personality and cognitive social theory.
Human service	Introduce human service delivery rather than relying on the severity of the penalty.
Crime prevention	The theoretical and empirical base of RNR-based human service should be disseminated widely for purposes of enhanced crime prevention throughout the justice system and beyond (e.g., general mental health services).
RNR	
Risk	Match the level of service to the offender's risk to re-offend.
Need	Assess criminogenic needs and target them in treatment.
Responsivity	Maximize the offender's ability to learn from a rehabilitative intervention by providing cognitive behavioural treatment and tailoring the intervention to the learning style, motivation, abilities and strengths of the offender.
General	Use cognitive social learning methods to influence behaviour.
Specific	Use cognitive behavioural interventions that take into account strengths, learning style, personality, motivation, and bio-social (e.g., gender, race) characteristics of the individual.

Structured assessment	
Assess RNR	Use structured and validated instruments to assess risk, need and responsivity.
Strengths	Assess personal strengths and integrate them in interventions.
Breadth	Assess specific risk/need/responsivity factors as well as non-criminogenic needs that may be barriers to prosocial change but maintain a focus on the RNR factors.
Professional discretion	Deviate from the RNR principles for specified reasons.
Program delivery	
Dosage	Engage higher risk cases and minimize dropout from programs that adhere to RNR.
Staff practices:	
Relationship skills	Respectful, collaborative, caring staff that employ motivational interviewing (stages 1 and 2).
Structuring skills	Use prosocial modelling, the appropriate use of reinforcement and disapproval, cognitive restructuring, motivational interviewing (stages 3-6).
Organizational	
Community-based	Services that adhere to RNR are more effective when delivered in the community although residential or institutional services that adhere to RNR can also reduce recidivism.
Continuity of service	Provision of services and ongoing monitoring of progress.
Agency management	Managers select and train staff according to their relationship and structuring skills, provide clinical supervision according to RNR, ensure that there are organizational mechanisms to maintain the monitoring, evaluation and integrity of assessments and programs.
Community linkages	The agency within which the program is housed will maintain positive relationships with other agencies and organisations.



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