

Legislative Council Government Administration Committee ‘B’

Inquiry into Tasmanian Adult Imprisonment and Youth Detention Matters.

“It is said that no one truly knows a nation until one has been inside its jails. A nation should not be judged by how it treats its highest citizens, but its lowest ones.”

Nelson Rolihlahla Mandela.

Dear Committee Members,

Returning citizens are multifaceted especially when crime is associated with homelessness, low socio-economic and education status, poverty, and unemployment, mental health, drug and alcohol, pathological diagnosis, acquired brain injuries and exposure to sexual, domestic, inter-partner abuse, family violence and stigmatization. I will be addressing two of the terms of reference in this submission; points 1 and 3.

The Salvation Army for approximately 125 years have been working in the Australian Justice system by assisting citizens exiting incarceration; we acknowledge that a multifaceted approach incorporating experience with empirical evidence, case management and restorative practice in reducing recidivism rates in the state of Tasmania are fundamental.

The Salvation Army are of evangelical faith organisation that values, integrity, compassion, respect, diversity and collaboration. Since 2011 the Salvation Army in Tasmania have run two programs called; Reintegration of Ex-Offenders (REO) and Beyond the Wire (BTW). While both programs are equal in delivery, the funding stream was different. REO;’ s funding stream meant Housing Tasmanian was invested in housing this cohort. In 2018 the Tasmanian Department of Justice has partnered with the Salvation Army in delivering reintegration support called BTW.

On area of research in reducing recidivism is accessing stable affordable housing. The link between homelessness and prison rates is largely due to the inequitable scope of the state’s current social housing policy.

I have been employed and volunteered for the Salvation Army for Eight years in various roles; culminating in the last five years as a specialist case manager for [re] integration of men and women exiting the Risdon Prison Complex, into the Tasmanian community. In 2016 I have invested considerable time and energy with organisations such as Justas, the Red Cross Justice Forums, Onesimus Foundation Men's Network Group and Connect 42's steering committee.

Further to this I have assisted Honours student's researching their thesis in varied Justice Topics, and delivered talks at the University of Tasmania for students studying Criminology. For the purpose of [re]integration one needs to be non-judgmental, holistic and empathetic of citizens needing specialist post-release support.

BTW guarantees walking alongside the client to achieve their goals. The program seeks to achieve the best possible outcomes for the client in expanding and identifying their potential and support our funding bodies, by liaising with prison authorities, Housing Connect and housing providers for efficient service provision. Accessing appropriate housing is a barrier case workers face in 2023 for the process of desisting from offending.

Reintegration Guarantee.

In 2005 Norway implemented program called the reintegration guarantee. This program is specific for the reduction to the barriers of desisting from crime by the community connection to government ministries; such as health, housing, and employment. The 'Reintegration *Guarantee.*' tackles all aspects of Stigmatisation and barriers exiting citizens can face. Barriers and stigmatisation are causes of high recidivist rates.

A reintegration guarantee creates pathways from prison into the community; for critical re-entry access to employment and housing agencies. Incarceration without purpose inhibits the capacity to change; highlighted in the Custodial Inspectorate Report 2021-2022 in point 6.2, *areas of concern*, highlighted. '*Insufficient and inadequate assistance is provided to prisoners pre and post release*'.

In contrast to the (Corrections Act 1997; part 1; s4) where it's noted: (d) Individuals are capable of change, ' points to "(e) people subjected to this Act continue to be members of the community, should be assisted to become socially responsible.¹ A reintegration guarantee strategies pathways from prison into the community where housing is addressed holistically in order to facilitate parole and assimilation into the community.

Case study 1.

Geoff (not his real name) was eligible for parole in 2014; Geoff aged 76 was referred to BTW in 2020, and accepted into the program that year. BTW advocated to all supportive housing options; it was the salvation Army's Common Ground site that understood the particular needs of Geoff's, detailed in the referral. Common Ground and BTW worked collaboratively for an offer of a parole address for Geoff. Geoff had to sign a lease to secure his Unit while still incarcerated. Geoff understood that he had not been granted parole from the parole Board until his hearing date and therefore he had a rental debt. Geoff was successful in parole in August 2021. What set Geoff apart was the fact that over two decades of incarceration he saved his prison pay and was allowed to invest this money in a high interest savings account. Geoff has been successful on parole for the last 18 months culminating in being reunified with his adult daughter.

The case study outlines the difficulties this cohort can face if not for BTW establishing a clear legitimate link with the justice system and housing for reintegration purposes.

A reintegration guarantee legitimatises collaboration between, judicial sentencing, corrective services, welfare and civic responsibility of the prison community.

The Risdon Prison complex runs up 30 programs across the site. The justice system needs to target criminogenic risk by allowing prisoners consistent access to prison programs. Lock downs

¹ JUSTAS, 'Scaling up Justice'. *Reintegration Guarantee: A Way Forward for Tasman Corrections*. 2021. Prepared by the foundation members of Justas.

and operational issues block access to programs offered in prison. Criminogenic risk is offending associated with the need to continue their offending. For example, crimes connected with addictions, such as drug and alcohol or gambling. Access to programs to address Criminogenic need, addresses offending patterns; this is the first stage of [re]integration. The system needs to be flexible when dealing with the causes of crime.

Making society safer is a process of a whole of community effort, linking the corrections system with external services. I acknowledge there is a need for prisons as last resort, breaking the law must be condoned in a civil society, therefore, people's actions when encountering the Criminal Justice system must be just and appropriate.

Reintegrations guarantee approach; offers the tax payer ownership of the system by value adding to any Justice expenditure. The result of an effective reintegration guarantee is safer societies with less crime. Prisoners can become tax payers, volunteers and entrepreneurs as returning citizens.

Recommendation.

An example of how a reintegration guarantee implemented in the TPS for prisoners eligible for parole (PED) may look like; would consist of planning officers liaising with Housing connect, the peak housing body, participating in meeting with the in-mates for their housing application and introduction to a housing support worker through Teams or Zoom while they are already serving their sentence.

Linking housing workers from the housing sector with the in-mates reduces uncertainty for the in-mate. Too many men and woman are being release with their housing application and nowhere to go except homelessness.

A hearing at the parole board without an approved address impacts reintegration unless they can be classified as 'SINE DIE', pending an approved address. The non- parole period, time served before you are eligible for parole allows housing workers access to the client and connection to community services more efficiently.

Reintegration from prison straight into housing is important in reducing recidivism.

Beyond the Wire

BTW is specialist service which has been drawn from experiences gained from the REO program and employers with experience in networking and criminology. These specialist services require knowledge of this cohort in understanding social dynamics people exiting prison face as a result; offending is dynamic because it is attributed to economic changes and social barriers, stigmatisation, marginalisation, chronic behavioural issues, mental health and physical health issues.

Participants of BTW have cited that Housing Connect does not have these specialist qualities needed to work with people exiting custodial sentences. The longer the time served out of the community the larger the barrier to [re] integration. Consequently, when young offenders are criminalised and sentenced to a period of incarceration, their maturation is constrained and underdeveloped, within a system that inhibits any imitation or connection to the community. Youth will end up in the adult system.

Connection to the community while in prison normalises connections to family, and non-governmental services such as Housing Connect and housing service providers who allocate housing.

Case Study 2.

BTW worked with a client for approximately 14 months for the purposes of working on a parole address through Centacare Evolve Housing and the Prisoner Rapid rehousing initiative. A vacancy became available once the parole eligibility date was passed and approved by Community Correction and the parole board. After a period of two months, I advocated for the client's 22-year-old daughter for the purposes of family reunification. CEH was informed and approved the daughter to sign a joint lease with her mother. The daughter had not physically seen her mother while serving her five-year sentence, until the mother was released in the community. Further family reunification continues.

REO and BTW, are holistic for the process of desisting from offending to occur. Pro-social connection of the citizen becomes inadequate when the bonds to services are inhibited; they face the harm from stigmatisation. Stigmatising citizens serves to reinforce their deviant behaviour.

An area of empirical validity in challenging deviant behaviour and stigma, for the purposes of positive change is Restorative Justice. RJ is a process of facilitation. Facilitation assists offenders to awaken a new pro-social identity (Jacqueline Larsen, 2014).² Housing is an environment where, wrap around supports allows productive circles to form for restorative and desistance practice purposes..

This is important for cost savings in reducing reoffending because, Tasmania's recidivism rates are the highest in Australia. Nationally the rate of 45.2 % compares favourably to Tasmania recidivism rate of 50.4 % with 59.3 % returning to corrective services within two years after release.

An evaluation of REO in 2013 reported that Tasmania's recidivism rate was 60.5%. REO had a 95 % success rate in reducing recidivism because of the funding stream and coordination with Housing Tasmania. Further to this the department of Health and Human Services evaluation of REO research, found a cost –efficiency factor of \$1 to \$4 saving to the Tasmanian Government which equated to \$1 million in savings, excluding police or court costs³.

BTW will be evaluated late in 2023, anecdotally, BTW would save the Tasmanian government cost. In 2020 BWT was evaluated utilising the Specialist Homelessness Integrated Platform (Ship) database; reporting a 10% recidivist rate measured against clients' parole revocation or suspension. BTW was 90% successful in keeping citizens from reoffending.

These statistics confirm that case managing this cohort through a reintegration guarantee model is advisable. Further to this, statistics from the Australian institute of Health and Welfare (AIHW) report into citizens entering prison, are 66% times more likely to be homeless than people in the general public.

²Australian Government Institute of Criminology, 'Restorative Justice in the Australian Criminal Justice System', AIC Research and Public Policy Series 127.2014.

³Critical Criminology' A real gap'; consequences of Removing Reintegration Support in Tasmania, Australia'. Ebb Herr lander Birger son & Angela Dwyer. 2022.

"I might as well go back inside; it's all too hard out here" , is a common statement experienced case managing this cohort in Tasmania.

Housing is security, dignity and stability for the citizen; it makes efficient case work measurable because of the cost benefits for citizens exiting the prison system directly into housing. Further costs saving to the Tasmanian government are attributed when clients receive case management; incorporating practises of desistance with restorative justice principles.

Desistance and Restorative Justice.

Cited in Hannah Grahams and Rob whites (2015) book '*Innovative justice*', there are three theoretical perspectives of the *desistance paradigm*⁴.

- 1- Age- crime curve or maturation.
- 2- Change in social bonds for life course transition, and
- 3- Identity theory,describes this subjective process in human development for agented reconstruction of a new person emerges whoseattitudes are Primary; that is long term desistance from offending. ⁵

BTW incorporates each element and principle when case managing this cohort because the research has evaluated the connection between restorative Justice and the desistance paradigm.

Desistance complements Restorative Justice.

Restorative Justice, according to Tim Chapman (Chapter 7, Rehabilitative Work in Criminal Justice(2020)⁶ argues that RJ is the means of engaging people harmed by crime; in determining how the harm should be repaired. RJ is therefore a process of reparation of harm by restoring justice to the community. It focuses on crime causes, accountability of the perpetrators obligations to gain the resources of strengthening relationships for a good life in a facilitated

⁴ Innovative Justice, Hannah Graham and Rob White, Routledge2015.

⁵ A Desistance paradigm for Offender Management; Fergus Mc Neil University of Glasgow and Strathclyde, UK2006 Sage publishing.

⁶Routledge Companion to Rehabilitative Work in Criminal Justice, Pamela Ugwu-dike, Hannah Graham, Fergus McNeil, Peter Raynor, Faye S. Taxman and Chris Trotter. 2020.

space. This process is formal and active in purpose, because it brings the perpetrator and victim together. There is all so a cost benefit to the tax payer with RJ and Desistance.

Both processes function when citizens are stable with their accommodation. Case managing citizens, is an informal RJ approach where the case manager utilises discourse, coordination, language and sound communication for the purpose of pros-social ideals. Therefore, accountability leads to desistance with further engagement with families, communities, civil society and the state itself.⁷ It is the goal of RJ and Desistance to return conflict resolution by committing victims and community into the justice process⁸.

These processes work because of the psychological interactions that human beings, *Care*. Care is an integral part of case management. Care is a discipline grown into what is known as the Affect Script Psychology. Affect is wired into the human brain comprising of nine affects. Positive affects are *intense-excitement and enjoyment*, neutral affects are *Surprise-startle* and Negative affect are *distress -anguish, fear -terror, anger-rage, shame-humiliation, disgust and dissmell*. This is and over view of what is known as triggers from our sensory system in a particular environment. It is important to understand how agencies such as the housing system can either be a positive experience or a negative triggering point; housing services need to be positive and responsive.⁹ Housing must be a positive encounter and solution focussed.

I detailed the cost benefit of REO and BTW have on reintegration through case management grounded in RJ and desistance practises. Further savings are attributed in Frank Brimsey Jones and Lucy Harriss (2022) research, on the cost benefit analysis of RJ of similar measurable results to REO and BTW for a significant benefit in reducing cost in the state government¹⁰. The results in the United Kingdom's financial return on investment for the CJS was £4 pound saved per£ 1 Pound invested.

⁷University of Glasgow, 'How and why people stop offending; discovering desistance. Other. Institute research and innovation in social sciences, 2012. Mc Neil, F., Farrell, s., Lighttower, c., and Maruna, s.

⁸ Setting standards for Restorative Justice, John Braithwaite, the Centre for crime and Justice Studies 2002 41 563-577.

⁹ The psychology of Emotion in Restorative Practice.' *How Affect Script psychology explains How and Why Restorative Practice Works*. Vernon C. Kelly, JR. and Margaret Thorsborne.2014.

¹⁰An Economic evaluation of restorative Justice, Frank Grimsley Jones and Lucy Harris 2022.

It is clear when incorporating specialist reintegration case management as part of a reintegration guarantee approach delivers costs saving if we have access to housing.

BTW has access to 12 properties state wide under the ‘*Rapid Rehousing Initiative*’, providing 2 full-time and 1 part-time employee access to these transitional properties. The properties are managed by Centacare Evolve Housing. Caseloads for the BTW program are reached at approximately 50 clients in Tasmania. The discrepancy within BTW client numbers accessing housing is clear even through the program, is a cause of concern. While BTW workers look for all housing options to include shelters, couch surfing, family and friends this makes case managing clients problematic.

The United Nations standard minimum rules for the treatment of prisoners (the Nelson Mandela rules) outlines in rule 108,

‘services and agencies, governmental or otherwise, which assist released prisoners in re-establishing themselves in society shall ensure, so far as possible and necessary, that released prisoners are provided with appropriate documents and identification papers, have suitable homes and work to go to, are suitably and adequately clothed having regard to the climate and season and have sufficient means to reach their destination and maintain themselves in the period immediately following their release’.¹¹

This parallel with a reintegration guarantee as a basic human right and building upon the inquiry into the extent and nature of poverty in Australia Feb 2023, the data specific to Tasmania, clearly indicates that the state housing policy for the most needed in our community is not been met. From 2019-2022 there have been no citizens housed exiting custodial arrangements in public or community housing. Failure to house these citizens will put further strain on the cost of the Justice system¹².

¹¹ UNODC. ‘*The United Nations Standards Minimum Rules for the treatment of Prisoners. ‘The Nelson Mandela Rules.*’ www.undoc.org.

¹² Community Legal studies Tasmania and Justus Inquiry into the extent and nature of poverty in Australia. 2023. Benedict Bartle and Don McCrae.

People on the Housing Register exiting custodial arrangements and housed into public or community housing

	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Housed	7	14	6	<5	<5	0

Housing reduces barriers of stigma and builds on maturation and self-actualisation, which underpins the desistance paradigm. Moreover, comments made in the Custodial Inspectorate Report 2021-2022 in point 6.2, where areas of concern have been highlighted as.¹³

‘Insufficient and inadequate assistance is provided to prisoners pre and post release’. Stated by one inmate.

Put simply while incarceration numbers are increasing, agencies and staff within the prison system struggle to keep up with the demand placed upon them unless service are integrated. A Reintegration Guarantee implantation model would reduce these concerns of inadequate assistance to in-mates and citizens accessing vital support because it links community with the

Case Study 3.

Jane Not her real name was released from Mary Hutchins prison on the 19/12/2021; Jane was spent 6 weeks in the South Hobart women’s Shelter before been approved for prisoner rapid rehousing property in Bridgewater, she spent a further 6 weeks before been offered a forever home. This study proves that pathway into more stable accommodation work, however the question needs to be asked why the housing system has not been able to bridge this step process in a system where an individual must be placed form prison into stable property quicker.

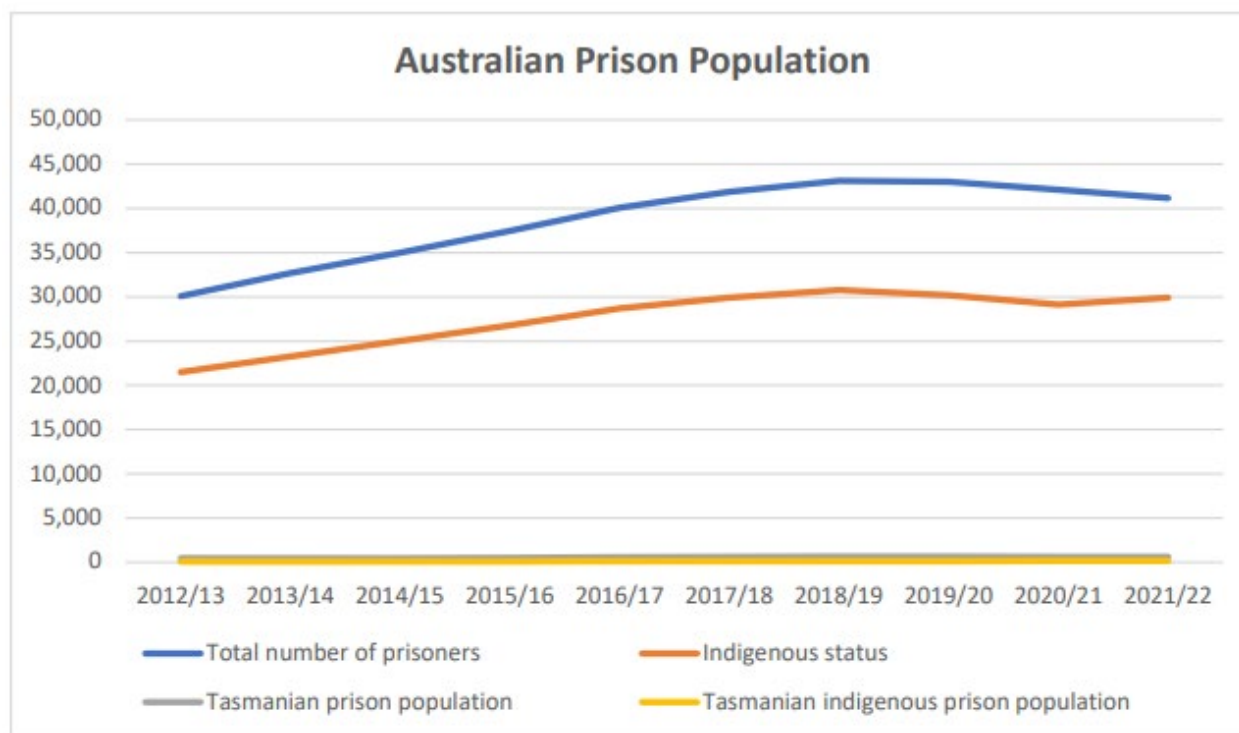
justice system. Programs such as BTW need long term funding for service delivery to tackle the increase in prison numbers.

Prison Population

¹³ Community Legal Centre & Justas, *‘inquiry into the extent and nature of poverty in Australia’*. Benedict Bartle & Don McCrae. 2023.

The Australian prison Population graph represents the increase in prison populations nationally; although Tasmania's population does not fit the prison populations represented, we know the Tasmania prison population has increased from 473 to 642.¹⁴ Anecdotal evidence for March of 2023 report prison numbers have increased to over 700 sentenced or on remand.

Tasmania indigenous population has increased from 73 to 153¹⁵ despite the increase with incarceration levels in Tasmania, the housing sector has not keep up with the increase. The Specialist Homelessness Integrated Platform (SHIP) data base classification of incarcerated in-mates; housing status as *no tenure*, meaning there is no clear link to building or housing occupancy. Therefore in-mates are held in limbo with no real housing outcome unless they have been assessed and accepted into the specialist program like BTW. We can extrapolate further the disparity of with in-mate numbers and low housing support.



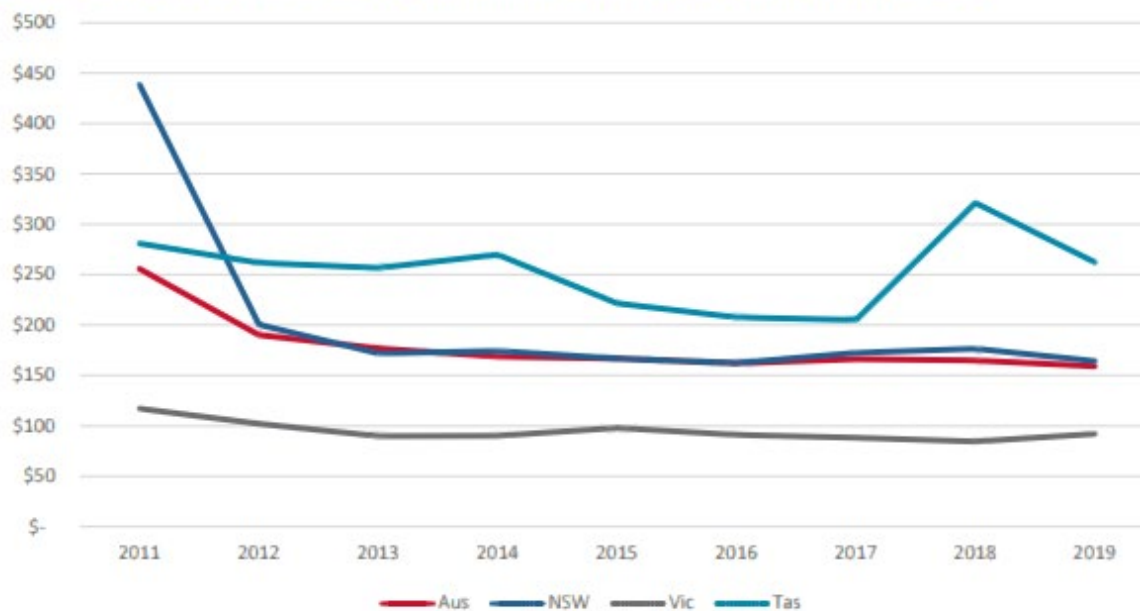
¹⁴Community Legal centres Tasmania & Justas, inquiry into the extent and nature of poverty in Australia. 2023.

¹⁵Productivity commission, report on Governmental services 2023-Part c justice (Australian Government: 2023), table 84.4 and 8A.6.

According to the AHURI report 2021 for exiting prison with complex support needs: the role of housing assistance states the level of funding in this sector of social housing is indexed to sector wage increases and not to population growth.¹⁶ The correlation of increased prison numbers needing social housing shows a deficit of the social housing model as represented by the graph.

Low social investment to population growth means greater wait times for in-mates listed through housing connect in Tasmania since 2018 shows a reduction in housing expenditure. Many citizens are released to homelessness despite having a eligible housing application.

Figure 12: Real per capita social housing expenditure, Australia, NSW, Victoria, Tasmania, 2019



Source: The authors, drawing on SCRGSP data (2020: Table 18A.1).

The Tasmanian budget for 2012-2022 outlines the current government housing strategy expenditure details that, *315M has been allocated into social and affordable housing and homelessness across the state, bringing total investment to over \$615M, building a total of 3,500 new social houses by 2027*. While this is going towards addressing some of the social housing shortages we are still lagging behind housing citizens exiting prison.

¹⁶AHURI, 'Exiting prisoners with complex support needs: the role of Housing assistance' Chris Martin, The University of New South Wales Rebecca Reeve, The University of New South Wales Ruth McCausland, The University of New South Wales Eileen Baldry, The University of New South Wales Pat Burton, University of Tasmania Rob White, University of Tasmania Stuart Thomas, RMIT University. <https://www.ahuri.edu.au/research/final-reports/361>

People leaving prison are not of greatest need, while their housing eligibility is in priority transitioning from prison into a property is rare and the government must commit to housing all citizens in a timely manner.

Summary

The Tasmanian community would benefit for a Reintegration model, by linking the community services with the in-mates and the Justice system prior to their eligibility of parole. A reintegration guarantees prepares in-mates when exiting the system by integrating the justice system with external services and agencies. I have detailed the need for social housing for the citizen exiting prison is addressed.

Social housing expenditure has not kept up with prison population increases or population growth. Housing for desistance purpose is crucial for the citizen when supported by BTW programs. Any savings can be reinvestment back to the Tasmanian Government for other community purposes. Applying the Reintegration guarantee model for housing men and women exiting prison is prioritising the reducing recidivism levels and cost to the State government and community.

Recommendation.

The state government re-commit to a policy of social housing investment for citizens returning to the community from incarceration.

The state government commit to a reintegration guarantee for the purpose of integrating internal and external services for citizens exiting custodial system.

Thank you

Ian Wilkinson Case Manager for the beyond the Wire program. 2023.

