

Prisons: overview

- **Community Justice Forum 5.09.09**
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 - **UNSW**
 - **with Leanne Dowse & Melissa Clarence**

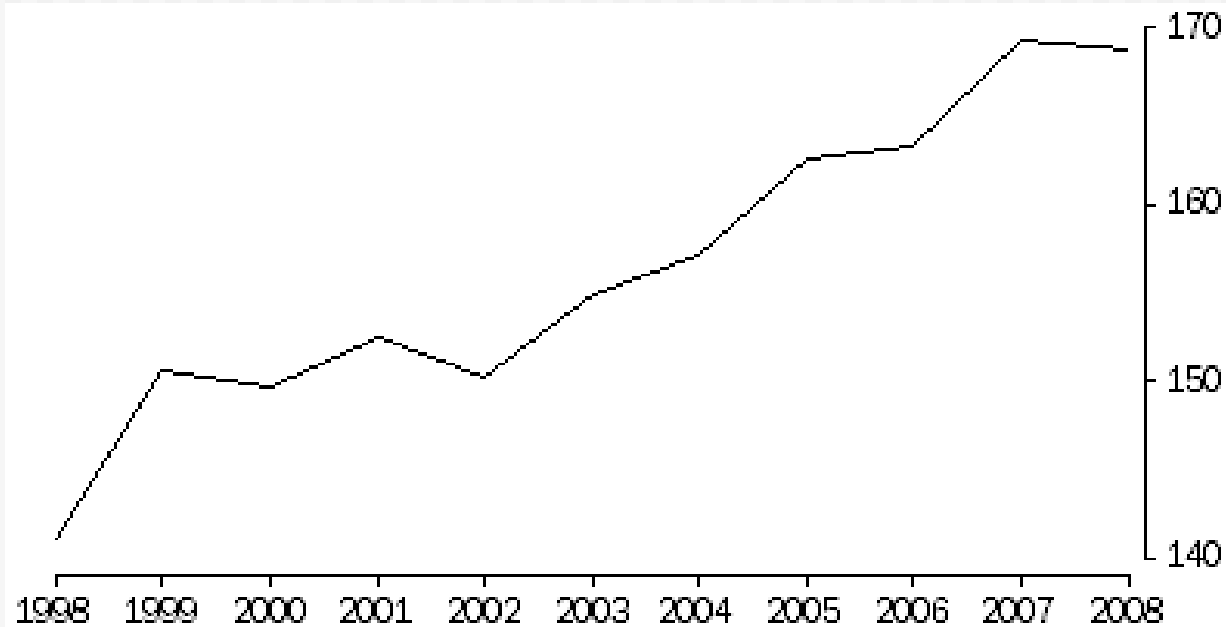
Key contextual factors

- Continuing growth in rate full-time imprisonment
- Particular increase in
 - Remand
 - Women
 - Indigenous
 - Those with mental health disorders
- More prisons
- Risk management
- Intensive post-release supervision

Snapshot of Australian prisoners

- Today ~ 27,800 f/t prisoners
- Flowthrough ~46,000 pa (Baldry et al 2006)
- 1998 - 2008 prisoner numbers increased by 39%; rate of imprisonment increased by 20% from 141 to 169 per 100,000 (adult population) (ABS 2008)

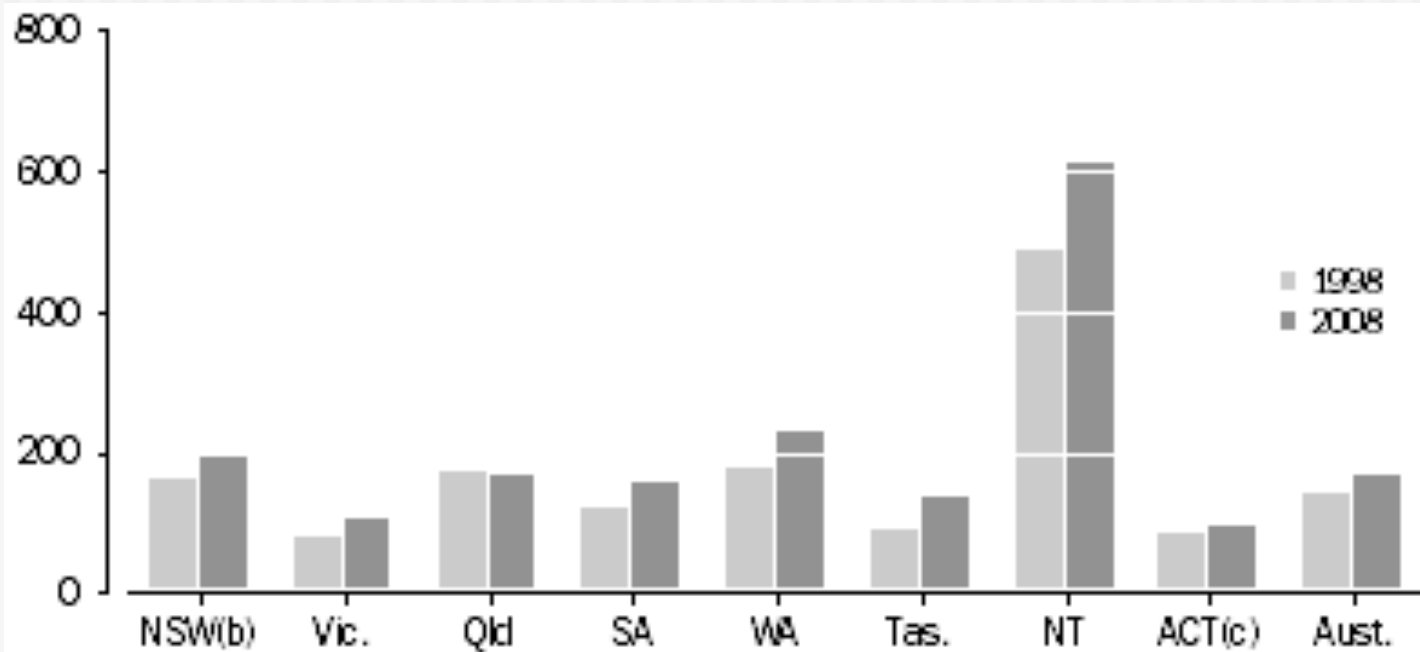
Australian prisoner growth rate (ABS 2008)



(a) Rate per 100,000 adult population.

Change in imprisonment rates

(ABS 2008)



(a) Rate per 100,000 adult population.

(b) Data for NSW exclude ACT prisoners held in NSW prisons.

(c) Data for ACT include ACT prisoners held in NSW prisons.

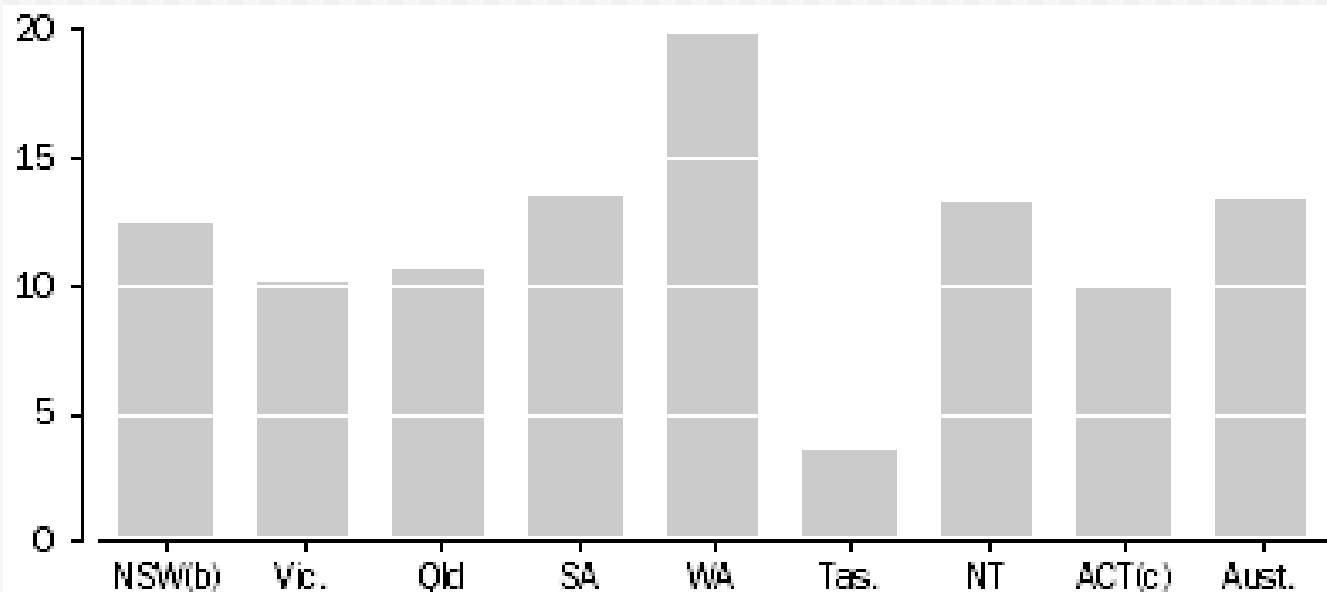
Australian prisons snapshot (cont)

- Most growth in remand (ABS 2008): from 14% in 1998 to 23% 2008; rate more than doubled- 18 to 36 per 100,000
- Over 50% in for under 6 months
- ~35% re-incarcerated in two years; ~55% reincarcerated at some time in their lives
(Steering Committee for the Review of Government Service Provision 2009)

Indigenous prisoners (ABS 2008)

- 1998-2008 Indigenous prisoners from 16% prison population to 24%.
- The rate - 13 times more than non-Indigenous (age standardized rate).

Ratio of Indigenous to Non-Indigenous Age Standardised Rates of Imprisonment (ABS 2008)



(a) Rate per 100,000 adult population.

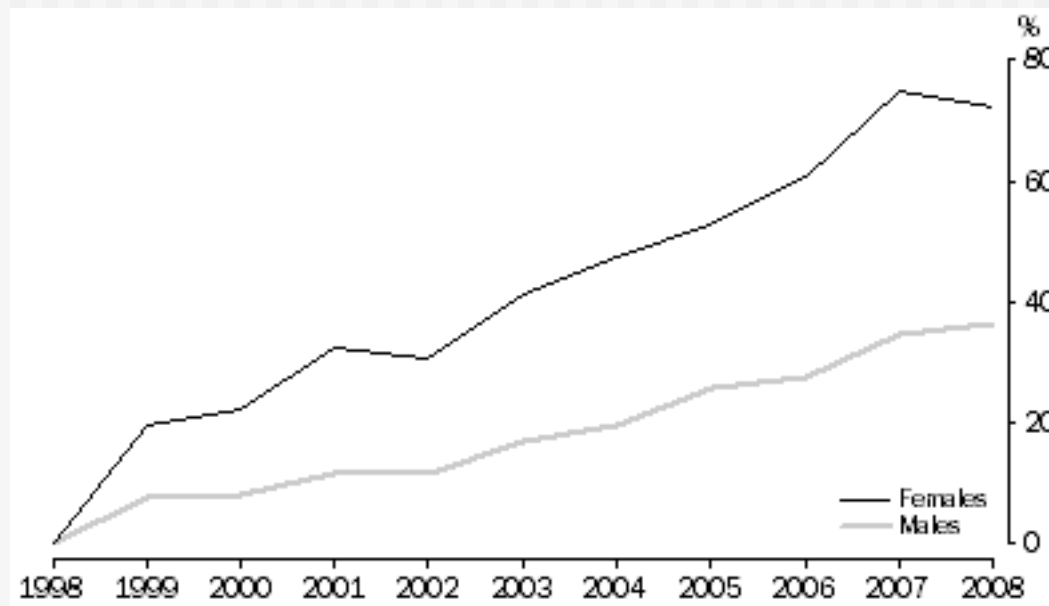
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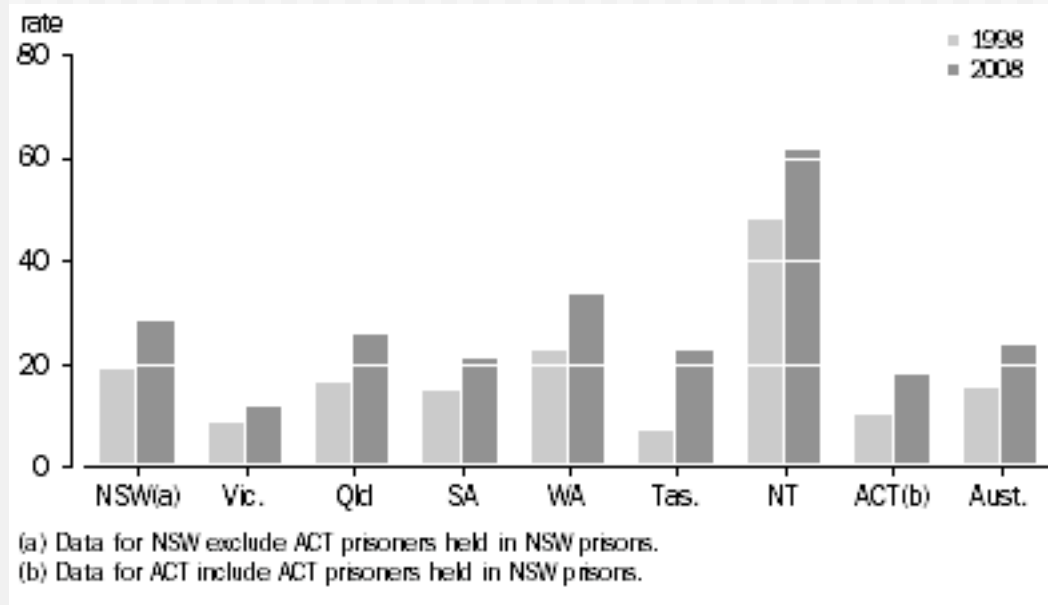
Women (ABS 2008)

- 1998-2008 women prisoners increased by 72% compared with 37% for men
- Rate from 16 to 24 prisoners (per 100,000 adult women)

% Change in numbers (ABS 2008)



Female imprisonment rates (ABS 2008)



Women (cont)

- Much of increase accounted by Indigenous women
- **Indigenous women** 21% in 1996 to 30% in 2006 of all women prisoners (ABS 2006, Social Justice Commissioner 2006)
- Rate: 364 per 100,000 of adult Indigenous females compared with 16 for non-Indigenous (ABS 2008)

Australia – Costs

- Financial and social costs increasing.
- Expenditure on prisons in Australia 2007/2008 was \$2.4 billion (SCRGSP 2009) - increase of 5.4% on previous year. NT highest, then WA then NSW.
- Costs per prisoner per day \$269 (recurrent & capital); real recurrent increased from \$193 to \$207 per day
- The annual growth rate in expenditure between 2003/2004 and 2007/2008 was 5.1% and was the fastest growing expenditure within the justice area – the only justice area to increase in real terms.
- (Steering Committee for the Review of Government Service Provision 2009)

Snapshot of NSW prisoners

DCS NSW Prisoner Census (2008)

- Represents well over 1/3rd Australian prisoners
- ~10,200 in prison today
- Rate: ~180 per 100,000 adult pop.
- ~18,000 flowing in and out in a year
- Over 50% less than 6 months custody per episode
- 23% remand
- Males ~92.7%; females ~7.3%
- Indigenous Australians = 20% of male; 29% female prisoner population (DCS NSW Prisoner Census (2008))
- ~43% return in 2 years; ~ 68% return at some time
- Time out of cells lowest in Australia (Steering Committee for the Review of Government Service Provision 2009)

Where's the Growth in NSW

(DCS NSW Prisoner Census 2008)

- Indigenous prisoners increased from 1091 (13.9%) in 1998 to 2150 (20.4%) in 2008;
- Female Indigenous from 26% (of female prisoners) to 30% in same period.
- Female f/t prisoners increased from 372 (5.7% all f/t prisoners) in 1998 to 722 (7.3%) in 2008

Where's the growth? (DCS NSW Prisoner Census 2008)

- Remand increased from 1048 (13.4%) in 1998 to 2469 (23.4%) of total f/t prison population in 2008
- Offences against justice highest rate of increase - almost 3 fold over last 10 years

Profile

- 60% of inmates are not functionally literate or numerate;
- 60% did not complete year 10;
- 64% have no stable family;
- 60% of males and 70% of females history of illicit drug use.

(Increase in Prisoner Population Report 2001; Prisoner Health Survey 2003)

NSW Costs (DCS NSW Snapshot 2009)

- ~\$69,000 pa open custody
- ~\$82,000 pa secure custody
- 32 prisons
- 2 transitional centres
- Nowra under construction
- #? COSPs (Community Offender Support Program)

MHD&CD: The Study

(Baldry, Dowse, Clarence with McComish & Snoyman)

Title:

People with Mental Health Disorders and Cognitive Disabilities in the Criminal Justice System in NSW

Objectives:

- Create criminal justice life course histories, highlighting points of agency interactions, diversion and support
- Identify gaps in policy, protocols and service delivery and areas of improvement for Criminal Justice and Human Service agencies
- Describe individual and group experiences

The Study

Method:

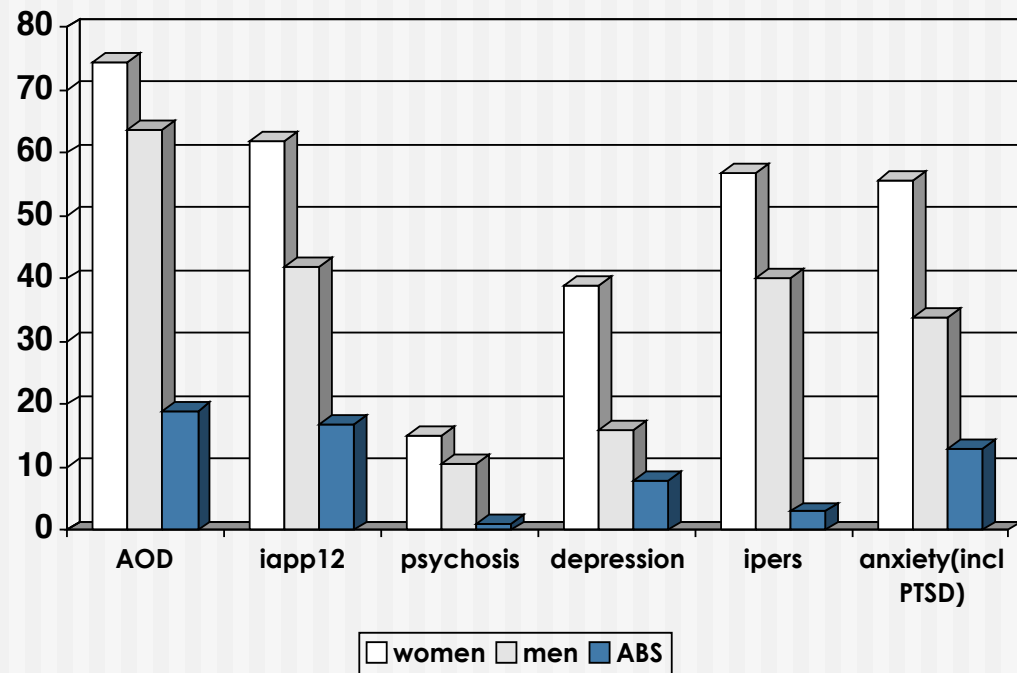
- Nature of sample – purposive and not representative
- From Prisoner Health Survey & DCS SDS ID database
- Detailed data set on the life-long CJ & HS involvement for cohort of prisoners using linked but de-identified extant administrative records from CJ & HS agencies - Police, Corrections, JH, Courts, JJ, Legal Aid, MH, DoCS, Disability, Housing, other Health services.
- Pathway and multilevel analysis

Cohort - Summary

- Full Cohort N=2,731
- Intellectual disability N=680
- Borderline cognitive disability N=783
- Mental health N=965
- No MHCD diagnosis N=339
- Substance abuse disorder = 1276
- Women = 11% N = 313 (30% Indigenous)
- Indigenous Australians = 25% N = 676; Females N = 93
- Not representative - purposive sample

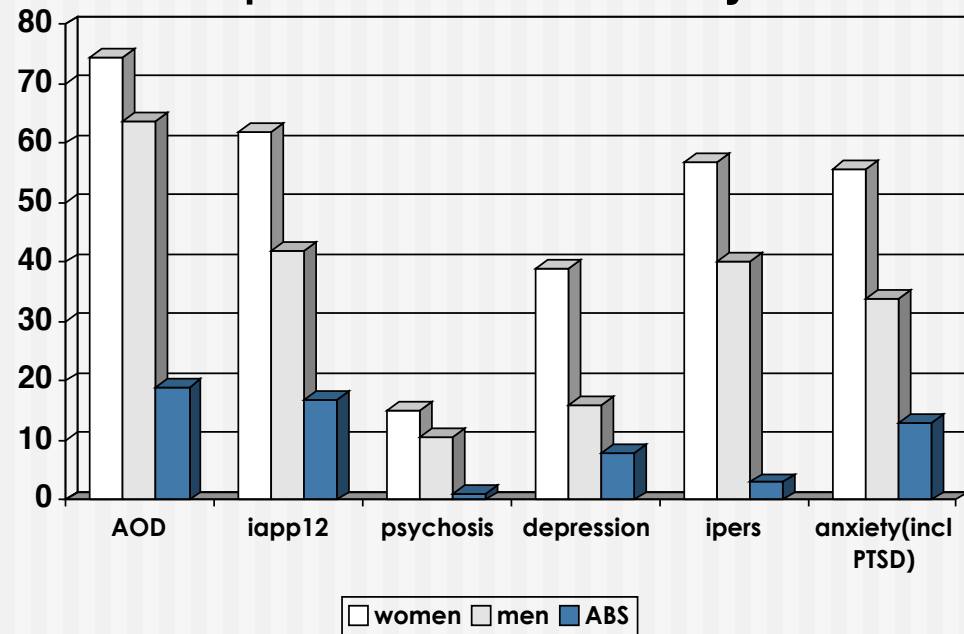
Mental Health (derived from *Mental Health of NSW Prisoners 2003*)

- 12 month occurrence any psychiatric disorder (psychosis, anxiety, affective, substance use, personality) 74% amongst prisoners (86% for females; 72% for males) compared to 22% in the general population.



Mental Health cont

- 50% reception inmates and 30% sentenced inmates had MHD (9% prisoners Vs 0.42% general population suffered psychosis, 22% Vs 6% affective disorder (eg bipolar, major depression), 43% Vs 10% anxiety disorder) in the 12 months prior to the survey



Cognitive Disability

- Estimates between 2-12% have ID
- Much higher for borderline - ~44% in UK prison research borderline or full ID (Hayes et al 2007)
- High Acquired brain injury (over 40% multiple serious TBIs Australia research) (Schofield et al 2006)
- High co-occurring disorders - ID, BD, MH & AOD

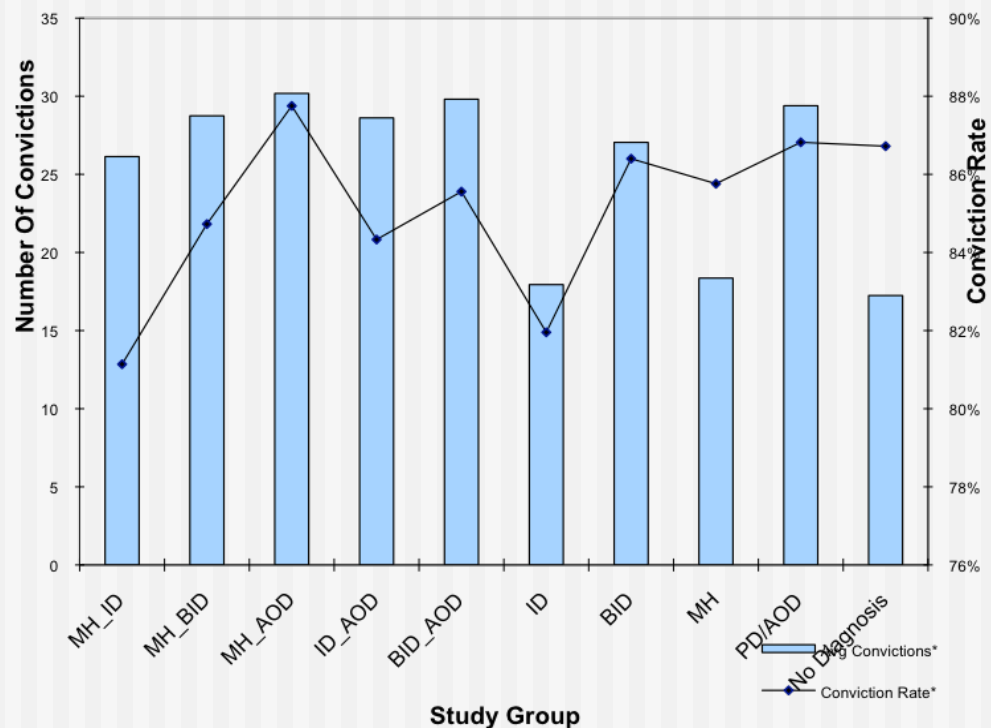
MHD&CD study

- MH&CD cohorts significantly higher numbers of convictions (77% more); custodial episodes (38% more); & alerts in custody; shorter custodial episodes (52% less) than no diagnosis
- High road traffic, theft, offences against justice, acts intended to cause injury & public order offences
- Significantly educationally disadvantaged ~11% completed school

Convictions for MHD&CD

- Significantly higher convictions for those with dual or co-occurring disorders (complex needs) than for those with a single diagnosis or no diagnosis
- Indigenous persons have a significantly higher number and rate of convictions than non Indigenous people

Number Of Convictions And Conviction Rate By Study Group



Convictions

- People with a history of substance use have a higher proportion of convictions than those with no history
- People with a borderline intellectual disability (BID) have a higher number of convictions than people without intellectual disability or those with an IQ < 70
- There is a significant difference in overall rate of convictions with females having a higher rate of conviction than males
- Indigenous women have significantly higher rates of convictions than non-Indigenous

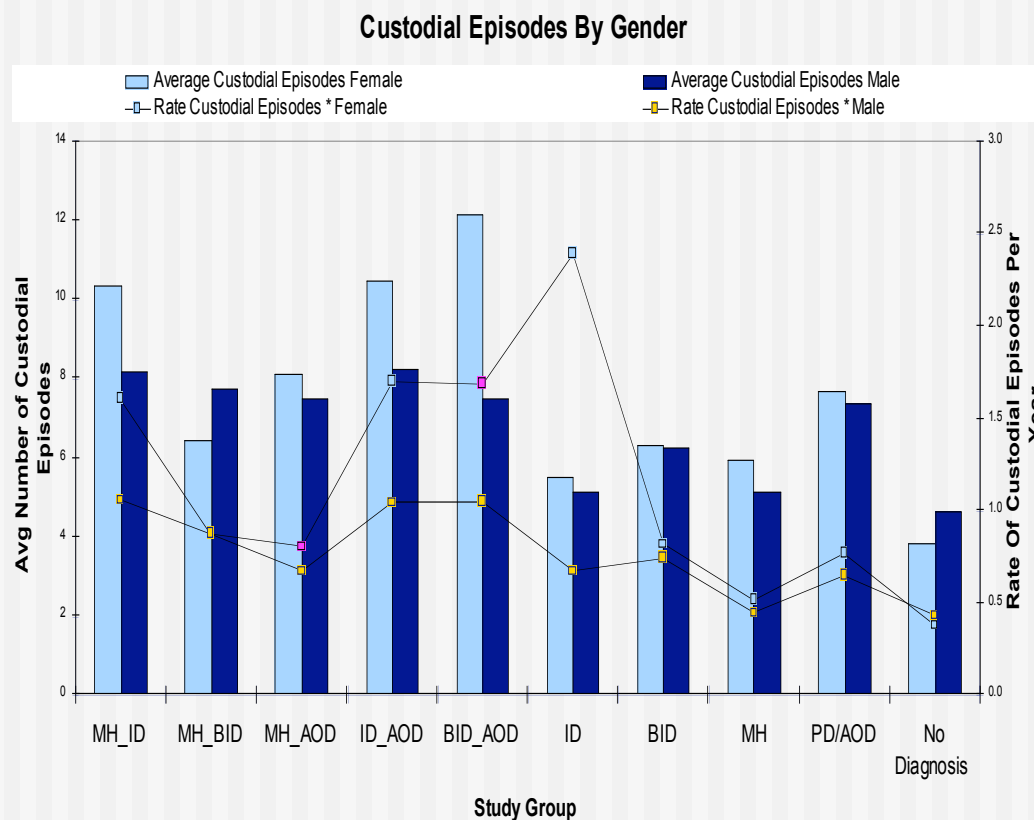
Custodial episodes

Individuals with complex needs have significantly higher number of custodial orders than those without complex needs

Women have a higher rate of custodial episodes per year than men

Women with complex needs higher number and rate of custodial episodes than men

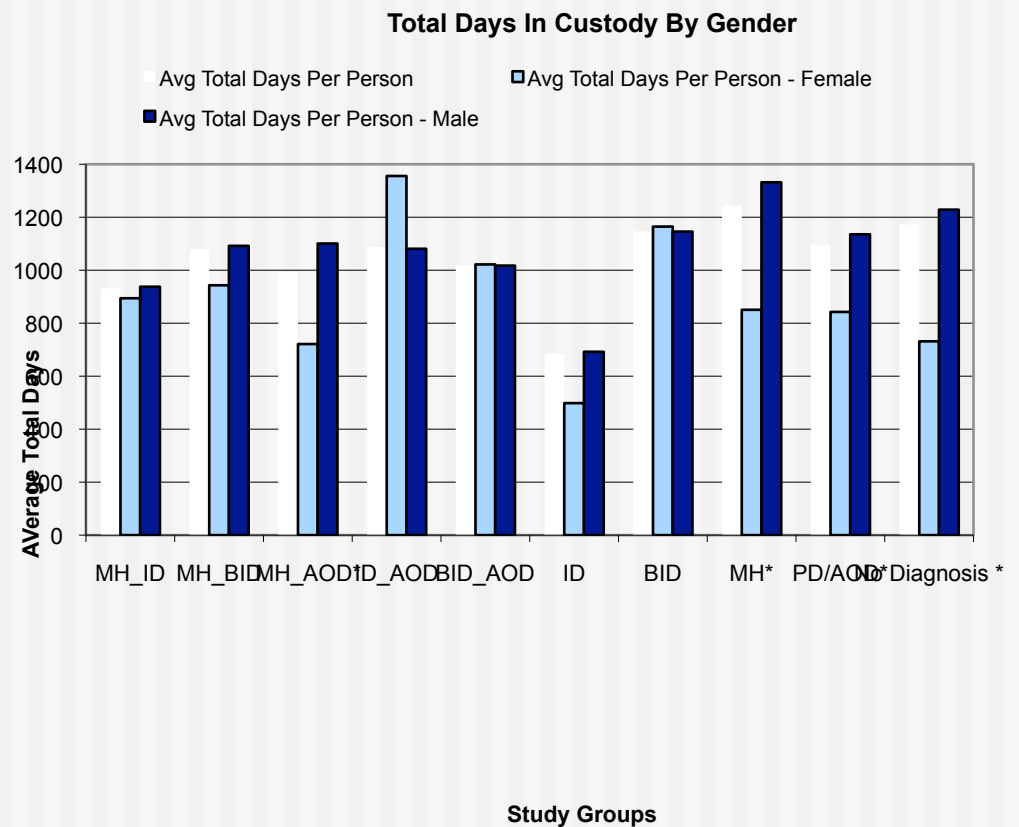
Indigenous women have the highest number & rate



Time in custody

Men across the cohort categories spend a significantly **greater number of days in custody** than females in the cohort

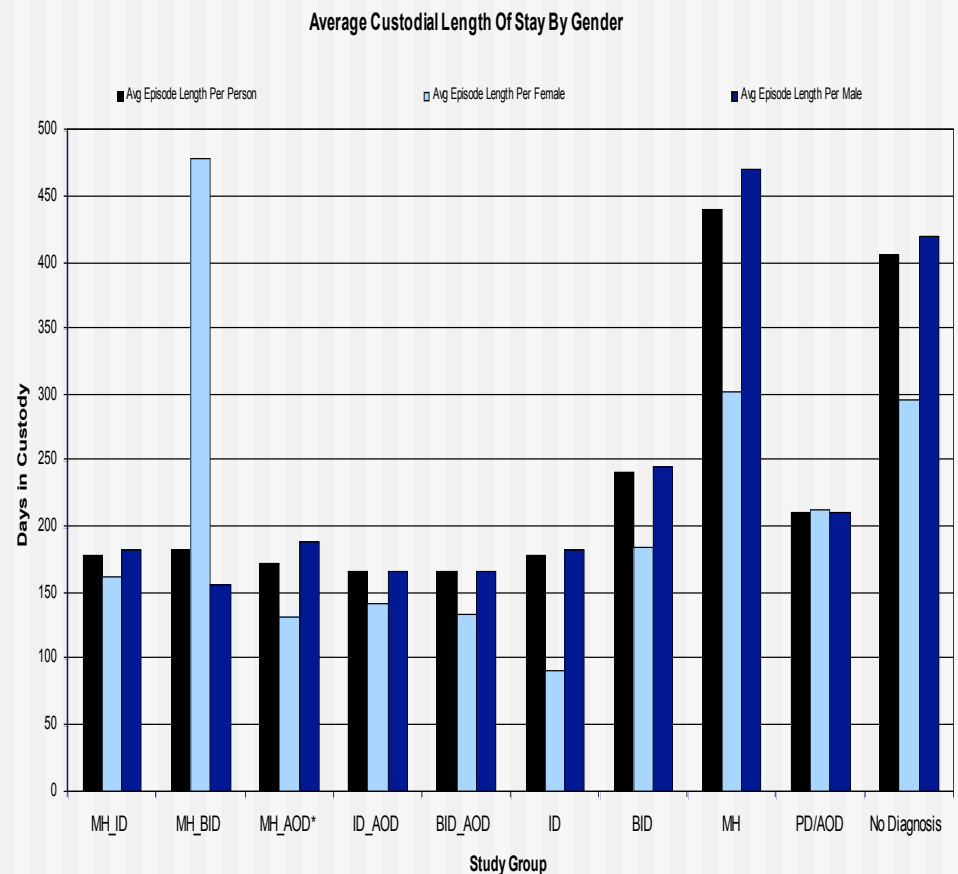
So although **women** have **more custodial episodes** these are **shorter** in duration - greater rate of cycling in and out of prison for women with complex needs



Days per custodial episode

Those with **complex needs** spend a significantly **shorter** time on each custodial episode than those with a single or no diagnosis

Although they have more episodes in prison, the av. length of stay for **Indigenous women** is sig. **shorter** than for non-Indigenous suggesting these may be remand episodes



Meaning ...

- Persons with complex needs have more episodes but spend shorter time in custody than those with single or no diagnosis.
- Persons with complex needs have no suitable service support upon release and cycle back into prison quickly
- Prison repositioning as punishing 'therapeutic' institution
- Diversion not reducing prison population

Growth in risk management

■ Risk management

- changes to bail eligibility;
- changes in administrative procedures and practices;
- changes in parole and post-release surveillance;
- restrictions on judicial discretion
- Changes in sentencing law and practice - Between 1 January 2003 and 31 July 2006 there were over 230 major changes to law and order legislation in Australian states and territories (Roth: 2006) over 50 in NSW.
- Negative impact on vulnerable groups like persons with MHD&CD

Post-release surveillance & management

- Increased police targeting of repeat offenders
- Change in Parole - intensive surveillance
- Particular impact upon MH&CD & Indigenous (women especially) releasees
- Undermine diversion, transitional & throughcare
- Introduction of COSPs – impact unclear but appears to be extension of the prison into the community
- DADHC justice program positive impact
- But continued severe lack of community level resourcing & of multi-agency coordination