



Supplementary comments

High economic and social cost of the decade long “law and order” campaigns, Failure to reduce crime. 4

The Greens will also actively campaign to deliver on the promise of justice reinvestment and other schemes which can move resources from the criminal justice sector to the community sector to address the causes of crime rather than deal with its consequences.

Lack of incentives to rehabilitate 4

The Greens support restorative justice programs across the community. ICO's must be properly assessed to determine their effectiveness. Clearly if rehabilitation, diversion and restorative justice programmes are to have the best chance of success, then they cannot be used in a coercive fashion as an alternative to a mandatory increase in sentence.

High recidivism rates and inadequate pre release programs . 5

While we answered yes to point 2 in this part of the questionnaire, the agreement is to commit to supporting relatively more non-custodial sentences. The overall aim of the Greens is to greatly reduce the overall number of sentences together with the level of crime in the community. This would hopefully lead to an absolute drop in all categories of sentences in the NSW criminal courts.

There are currently insufficient prisoner support services for inmates both when in gaol, and when they are released back into the community. This is a prime cause for social dysfunction when prisoners are eventually released leading to substantial personal, financial and legal difficulties for those who have been released. This can often have a significant impact on their families, especially their partners and children.

The inevitable result of poorly preparing inmates for their release, and not supporting them when they are out in the community, is the extraordinarily high recidivism rate we have in NSW of greater than 39%.

Indigenous issues . 6

The high level of Aboriginal imprisonment in NSW is matter of shame for this State. The injustice in fact starts with the juvenile justice sector in which 49% of inmates are indigenous. These figures are indescribable.

Justice reinvestment is the best available tool the Greens are aware of for addressing this. Moving resources from imprisoning and punishing Aboriginal communities to working with Aboriginal communities and Aboriginal offenders to solve the root causes of their social



dislocation is the only moral response to this epidemic of imprisonment of our Aboriginal citizens.

The Greens also support increased funding for the ALS to ensure adequate representation of Aboriginal and Torres Strait Islander people. The Greens also support developing criminal justice policies relating to their communities in collaboration with Aboriginal and Torres Strait Islander people.

Women prisoners 8

The Greens would also highlight the need to include programs to identify and assist women who are or have been in violent domestic relationships. In relation to support for women prisoners and their families the Greens strongly support the work of Shine for Kids and are committed to its continued growth to help families stay connected once a child's parent is in gaol.

A significant part of the long term solution to the number of women prisoners in NSW is greatly reducing the number of people being criminalised by antiquated drug laws. The Greens policy is to decriminalise the possession of small amounts of illegal drugs that are being held for personal use. This of itself would deliver significant benefits to many women and many more children in NSW who would otherwise suffer the dislocation and stresses of a mother being sent to gaol.

Aboriginal women prisoners. 9

The Greens would also highlight the need to include programs to identify and assist Aboriginal and Torres Strait Islander women who are or have been in violent domestic relationships.

Children of prisoners 11

Note as well the support for Shine for Kids above.

Justice health 11

Agree. The State owes to prisoners a high duty of care. This includes the duty to attend to their physical and mental health.

The Greens note that there is a need to ensure needle and syringe program trials and any eventual programs do not increase the risk to staff of needlestick injuries or blood borne disease transmission. Changes in this area would need to be made in full collaboration with staff and their unions and based on evidence.



Mental health. 13

Support for transition between prison and the community should be provided for all prisoners, but particularly those with mental health issues.

In large part our prisons have become de-facto mental health detention units. This is failing the inmates who should be being treated in the community before they offend and it is failing society because once citizens with mental health issues offend and are incarcerated, the prison system exacerbates rather than treats their underlying mental illness, leading to re-offending and lack of integration on release.

Bail Act & Remand issues 15

Given the large increases in the numbers of people held on remand and the time they are held clearly this is an area in which significant change is required. The Greens are committed to a serious review of the bail system in NSW which will reintroduce presumptions in favour of bail. We will also support special bail provisions for juveniles, people with a mental illness, Aboriginal and Torres Strait Islander people and other communities identified as vulnerable so as to ensure that these people are able to access bail without conditions on that bail which are so stringent that they will lead to inevitable breach and imprisonment.

Juveniles in custody 16

The welfare of young people and the need to keep them out of the criminal justice system as much as possible should be a primary consideration. The Bail Act is failing juveniles. Bail conditions are often set at impossibly stringent levels that lead to inevitable breaches and as noted above there is an extraordinary over-representation of Aboriginal children in our gaols.

Perhaps the most telling statistic to highlight the failure of the NSW juvenile justice regime is that we gaol our children at 4 times the rate they do in Victoria.

As noted above, the Greens support a justice reinvestment approach to deal with the root causes of juvenile crime.

Bail Act & Juveniles 17

The Greens support a presumption in favour of bail for all juveniles who are charged with all offences. We must drastically reduce the number of juveniles held in our prisons on remand, especially when 80% of those held on remand are either found not guilty or not given a custodial sentence (accepting of course that in some circumstances when a non-custodial sentence is given there may be some credit given for time spent on remand).

Refugees and the Criminal Justice system. 18



Assessment, case management, mental health and education should be provided for all refugees in the corrective and juvenile justice systems. Recognition of the requirement for ongoing specialist support is also necessary, particularly for those refugees who have been subject to torture or significant hardship, and those who face substantial cultural and linguistic barriers.

Education/skills and training 19

If prisons really are to have a positive rehabilitation outcome then education is essential. Quality educational resources, well paid and well resourced teaching staff and the ability for prisoners to continue their training at TAFE or other accredited institutions in the community on their release are all essential parts of delivering a rehabilitative prison system. It seems strange these matters are the subject of debate.

Better education, training & career opportunities for prison officer . 22

Prison Officers should have the same access to work plans as dictated by public service best practice – this will allow them to develop their skills and use their experience to its maximum benefit. Publicly employed, well paid and highly trained prison officers are essential elements in any humane prison system.

Addressing health & safety concerns of prison officers 22

The Greens support in principle the introduction of NSP programs pending successful trials in appropriate prisons. However to be successful these must be introduced in collaboration with staff and accompanied by significant education programs and every appropriate safeguard.

Privatisation of prisons 23

The Greens further support returning prisons which have been privatised to public hands to ensure transparent management and high standards of prisoner care and support.

Safety .24

While the Greens support in principle all these points, there must be real review mechanisms in place to ensure that these safety or threat assessments are not used in a punitive fashion against inmates.

Domestic and International prison transfers . 24

The need for bilateral agreements is particularly acute in situations where conditions in overseas prisons may put those Australians held in them at risk.



Before being in a position to commit to bilateral subcommittees on parole the Greens will require further consideration of the resources required to put in place such a system, although in principle it appears attractive.

Value for money 25

The Greens also support the use of research (especially current BOCSAR data) to evaluate the current operation of corrective services and to play a role in improving prisoner outcomes.

Addressing these issues is becoming a matter of real urgency. Unfortunately since 2006 the number of people in NSW prisons has increased. In 2009 the number was 11,127.

Governance and transparency in the prison system . 26

The recent trend of increasing the power and reducing the oversight of the Commissioner must be reversed.

Conclusion . 27

The Greens believe the above responses, together with the above comments, provide a fairly comprehensive overview of the Greens position on the criminal justice system.

Perhaps the one area that is not addressed above is the need to review and monitor prisoner relocation which requires greater oversight and transparency than is presently the case. The Greens have had many reports of prisoners being reclassified and relocated overnight causing significant disruptions to their family who have often relocated to be near them when they were first incarcerated.

There are also concerns that there is not sufficient and clear oversight to ensure that existing rules and procedures are followed to ensure the health and safety of prisoners during transportation.

Thank you for taking the time to put together this survey and please feel free to contact us should you require any further information on any aspect of the above.

Sincerely

A handwritten signature in black ink, appearing to read "David Shoebridge". The signature is fluid and cursive, written over a light grey rectangular background.

David Shoebridge, Greens MP