

## **What Works in Reducing Recidivism in NSW: A Justice Reform Initiative Policy Position Paper**

### **About the Justice Reform Initiative**

The Justice Reform Initiative is an alliance of people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system, further supported by a movement of Australians of goodwill from across the country who believe jailing is failing and that there is an urgent need to reduce the number of people in Australian prisons.

The Justice Reform Initiative is committed to reducing Australia's harmful and costly reliance on incarceration. Our patrons include more than 100 eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges including High Court judges, and many other community leaders who have added their voices to end the cycle of incarceration in Australia.

We seek to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven alternative evidence-based approaches that break the cycle of incarceration.

We are committed to elevating approaches that seek to address the causes of contact with the criminal justice system including responses to housing needs, mental health issues, cognitive impairment, employment needs, access to education, the misuse of drugs and alcohol, and problematic gambling. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

### **Background**

On the eve of the COVID-19 pandemic, Australia's imprisonment rate had soared to its highest level in over a century. Rising imprisonment rates are almost a uniquely Australian story – only two countries in the world, Turkey and Colombia, saw a greater growth in imprisonment between 2003 and 2018.<sup>1</sup>

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<sup>1</sup> Melanie, J., et al, 2021, Australia's prison dilemma, Productivity Commission, <https://www.pc.gov.au/research/completed/prison-dilemma/prison-dilemma.pdf>

Over the last ten years the New South Wales prison population has risen by more than 38 per cent.<sup>2</sup> 68.9% of people in New South Wales prisons today have been there before.<sup>3</sup>

There is no causal relationship between imprisonment rates and crime. That is, crime reduction is not able to be explained by higher rates of incarceration but rather by a series of interrelated shifts in economic, cultural and social and justice policy.<sup>4</sup> A recent in-depth analysis of crime in Australia, shows that imprisonment has no significant impact on crime rates.<sup>5</sup>

The cost of incarcerating an adult in New South Wales for a year including capital costs is \$107,310.<sup>6</sup> Estimates of the cost of providing intensive, specialist community-based services with proven ability to keep people out of prison range from \$8,000 to \$15,000 per year.<sup>7</sup> The proposal here is at the lowest end of this cost. Residential treatment is more expensive, but still far cheaper and more effective in reducing recidivism than incarceration.

In New South Wales, the current total operating expenditure on prisons per annum is more than \$1.1 billion (\$1,158,930,000).<sup>8</sup> In 2016, \$3.8 billion in capital expenditure was committed over four years for extension of the capacity of the prison system.

Our over-reliance on incarceration as a default response to both disadvantage and offending has resulted in a situation where too many people in the justice system are unnecessarily trapped in a cycle of harmful and costly incarceration. Instead of reducing the likelihood of reoffending, prison entrenches existing disadvantage and increases the likelihood of ongoing criminal justice system involvement, often over generations. Many people leave prison homeless, jobless, and without the necessary supports to build healthy, productive, connected, and meaningful lives in the community.

While policies from governments of both political persuasions have historically led to poor outcomes in the criminal justice system, the failures of our justice system are *not* inevitable. There are compelling examples of evidence-based programs, policies and services that are working to disrupt criminal justice system involvement, both in New South Wales and nationally.

There are opportunities to build pathways *out* of the justice system and improve our service delivery response at every justice system contact point. There is the need to significantly scale up programs in the community and expand the capacity of the community sector to enable people who are caught in the justice system a range of opportunities to genuinely re-build their lives.

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<sup>2</sup> Productivity Commission, Report on Government Services (ROGS), Corrective Services Data (2021), Corrective Services Data Tables, Table 8A.6

<sup>3</sup> Corrections NSW, NSW Inmate Census (2019)

<sup>4</sup> Weatherburn, D & Rahman, S (2021) *The Vanishing Criminal*, Melbourne University Press, Australia

<sup>5</sup> Weatherburn, D, (2021) Imprisonment, reoffending and Australia's crime decline, *Judicial Officers Bulletin*, September 2021, Vol. 33, No. 8

<sup>6</sup> Productivity Commission 2021, *Australia's prison dilemma*, Research paper, Canberra, pg.65, <https://www.pc.gov.au/research/completed/prison-dilemma/prison-dilemma.pdf>

<sup>7</sup> See Sotiri, McCausland, Reeve, Phelan and Byrnes (forthcoming) 'They're there to support you and help you, they're not there to judge you' *Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centres AOD and Reintegration Programs*; NSW Health Report

<sup>8</sup> <https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/justice/corrective-services>

Instead of committing to additional expensive prison beds, there is an opportunity for the NSW Government to focus attention and resources on evidence-based programs that work to reduce incarceration and decrease recidivism. f

### **What works in keeping people out of prison?**

While there is no single 'reform fix' to reduce prison numbers, there are multiple proven, cost-effective reforms that can work together to make progress. Many of these reforms are already catalogued in an abundance of government and non-government reports and reviews.<sup>9</sup> In addition, there are clear examples and case studies both Australian and internationally that point to approaches led by the community and health sectors which can make a profound difference in disrupting entrenched criminal justice system trajectories.<sup>10</sup> There is also a growing body of more formal research exploring the impact of various models of support.<sup>11</sup>

While there is clearly the need for early intervention, and community-based support and services that work to *prevent* people at risk from entering the justice system, this paper is focused on the need for diversionary and post-release services focused on supporting people who have already experienced justice system involvement and are at risk of ongoing justice system involvement.

### **Summary of recent research into 'what works in NSW'**

In New South Wales (and nationally) there are excellent examples of successful evidence-based practice in the community in both post-release and diversionary programs. These programs have demonstrated ability to achieve significant reductions in recidivism as well as other improvements in health and wellbeing. There is a need to look at evidence-based, cost-

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<sup>9</sup> For example, as detailed in <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/social-determinants-of-incarceration/>

<sup>10</sup> See: WEAVE, *Creating Futures* (Evaluation report, April 2020); Women's Justice Network, *Adult Mentoring Program* (Evaluation report, 2016); Community Restorative Centre, *Alcohol and Other Drugs Transition Program* (Evaluation report, 2016); Sotiri, M (2016) Churchill Fellowship report ; M Sotiri and S Russell, 'Pathways home: How can we deliver better outcomes for people who have been in prison?', *Housing Works*, Vol. 15, No. 3, 2018, 41; M Borzycki and E Baldry, 'Promoting integration: The provision of prisoner post-release services', *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology: Canberra, No. 2, 2003; J Gilbert and B Elley, 'Reducing recidivism: An evaluation of the pathway total reintegration programme', *New Zealand Sociology*, Vol. 30, No. 4, 2015, 15–37; B Angell, E Matthews, S Barrenger, A Watson and J Draine, 'Engagement processes in model programs for community re-entry from prison for people with serious mental illness', *International Journal of Law and Psychiatry*, Vol. 37, 2014, 490–500; B Hunter, A Lanza, M Lawlor, W Dyson and D Gordon, 'A strengths-based approach to prisoner re-entry: The fresh start prisoner re-entry program', *International Journal of Offender Therapy and Comparative Criminology*, Vol. 60, No. 11, 2016, 1298–314; D Padgett, L Gulcur and S Tsemberis, 'Housing first services for people who are homeless with co-occurring serious mental illness and substance abuse', *Research on Social Work Practice*, Vol. 16, No. 1, 2006, 74–83; S Kendall, S Redshaw, S Ward, S Wayland and E Sullivan, 'Systematic review of qualitative evaluations of re-entry programs addressing problematic drug and alcohol use and mental health disorders amongst people transitioning from prison to communities', *Health and Justice*, Vol. 6, No. 4, 2018; Sotiri, M (2020) Building Pathways Out of the Justice System: Supporting Women and Reducing Recidivism, in Precedent Issue 161, November/December 2020

<sup>11</sup> McNeill, F., Farrall, S., Lightowler, C., and Maruna, S. (2012) Re-examining evidence-based practice in community corrections: beyond 'a confined view' of what works. *Justice Research and Policy*, 14 (1) UNSW Sydney.

effective alternatives to prison in terms of 'what works' to improve community safety and to reduce recidivism.

This overview provides brief summaries of recent compelling community-led research and evaluation in New South Wales.

#### **a. Community Restorative Centre Evaluation (released 2021)<sup>12</sup>**

This UNSW/CRC evaluation, undertaken over two years, explored outcomes for 483 CRC clients who participated in intensive, case-work, post-release and diversionary programs between 2014 and 2017. An interrupted time series analysis examined criminal justice system trajectories over ten years (including post-participation in programs), and found that for participants:

- The number of new custody episodes fell by 62.6% following CRC support
- The number of days in custody fell by 65.8% following CRC support
- The number of proven offences fell by 62.1% following CRC support.

The report also undertook a comparison analysis with clients from the MHDCD linked administrative dataset at UNSW, comparing their outcomes to CRC clients. This analysis found engagement in CRC programs dramatically reduced contact with the justice system when compared to a similar group who did not receive support. The research also showed savings to the criminal justice system of up to \$16 million over three years for an intake of 275 new clients (not including institutional and community savings).

#### **b. Housing post-release evaluation – UNSW (released 2021)<sup>13</sup>**

This evaluation included an interrupted time-series analysis and matched comparison analysis of 623 people who received public housing after leaving prison and 612 people who received rental assistance only. It found that public housing improves criminal justice outcomes when compared to rental assistance only. It found that public housing 'flattens the curve' and sees reductions in predicted police incidents (down 8.9% per year), custody time (down 11.2% per year) and justice system costs (down \$4,996 initially, then a further \$2,040 per year). The evaluation found that there was a net-benefit in dollar terms of housing people on release from prison in public housing (between \$5,200 and \$35,000) relative to homelessness services or private rental assistance.

#### **c. Intellectual Disability Rights Service – Justice Advocacy Evaluation (released 2021)<sup>14</sup>**

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<sup>12</sup> Sotiri, McCausland, Reeve, Phelan and Byrnes (2021), 'They're there to support you and help you, they're not there to judge you' Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centres AOD and Reintegration Programs; NSW Health Report, <https://www.crcnsw.org.au/wp-content/uploads/2021/11/CRC-AOD-Evaluation-final-report-1Dec21.pdf>

<sup>13</sup> Martin, C., Reeve, R., McCausland, R., Baldry, E., Burton, P., White, R. and Thomas, S. (2021) Exiting prison with complex support needs: the role of housing assistance, AHURI Final Report No. 361, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/361>, doi: 10.18408/ahuri7124801.

<sup>14</sup> EY, Evaluation of the Justice Advocacy Service Department of Communities and Justice Final Report 4 February 2021, <https://www.justice.nsw.gov.au/diversityservices/Documents/evaluation-of-the-justice-advocacy-service-report.PDF>

This independent EY evaluation of the support provided by the Intellectual Disability Rights Service's Justice Advocacy Program concluded it improved access to justice, improved understanding of court processes, and improved outcomes for people with cognitive impairments in police and court settings. The evaluation noted that people who received JAS support were more likely to understand and follow court orders, more likely to understand cautions and bail conditions, less likely to be found guilty and more likely to receive a section 32 diversion order.

The evaluation noted that when the JAS program operated at full capacity, the program would deliver \$3.37 in return for every dollar invested. The report also recommended exploring the value of case management for people participating in the JAS program.

**d. Weave (Creating Futures) Evaluation (released 2020) <sup>15</sup>**

This independent three-year evaluation of the WEAVE Creating Futures program (which provides intensive, culturally safe case work support to Aboriginal young people on release from custody) found that only 4.11% of the 93 young people engaged in the program over the period of the evaluation re-offended. This was compared to BOCSAR reoffending rates for young Aboriginal people which are 57.3% for a comparable cohort.

**e. Backtrack Youth Services impact report (released 2020) <sup>16</sup>**

Over the last ten years, the intensive, holistic and relational case work provided by Backtrack Youth Services has supported 1000 children and young people at risk of criminal justice system involvement or entrenched in the justice system. An impressive 87% of the young people who leave Backtrack transition into employment or education. A UNSW report of the impact of the program on the local community in Armidale found a 35% reduction in crime because of the engagement of young people in the program.

**f. Miranda Project Evaluation (released 2020) <sup>17</sup>**

This CRC program entails intensive case work, diversionary support, and post-release support for women at risk of both domestic violence and justice system involvement. A recent evaluation found that of the 90 women participating in the program during the evaluation period, 14% returned to prison, 62% reported improved housing stability, and 62% reported improved safety in terms of domestic and family violence.

**g. Barnardos Beyond Barbed Wire Evaluation (released 2019) <sup>18</sup>**

The Beyond Barbed Wire program (based in Central West New South Wales and part of Barnardos) evaluated the outcomes of the intensive case work and support service for women

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<sup>15</sup> Schwartz, M., & Terare, M., (2020) Creating Futures: Weave's intensive support services for young people leaving custody or involved in the criminal justice system, Evaluation report, Sydney, [https://www.cclj.unsw.edu.au/sites/cclj.unsw.edu.au/files/Creating%20Futures%20Evaluation%20Report%202020%20\\_%20with%20images.pdf](https://www.cclj.unsw.edu.au/sites/cclj.unsw.edu.au/files/Creating%20Futures%20Evaluation%20Report%202020%20_%20with%20images.pdf)

<sup>16</sup> Backtrack Annual Report 2020, [Backtrack\\_AnnualReport\\_2020.pdf](#)

<sup>17</sup> [https://www.crcnsw.org.au/wp-content/uploads/2020/09/2020\\_CRC\\_FDVS\\_SUBMISSION\\_24\\_JULY.pdf](https://www.crcnsw.org.au/wp-content/uploads/2020/09/2020_CRC_FDVS_SUBMISSION_24_JULY.pdf)

<sup>18</sup> Baldry, E. et al., A Future Beyond the Wall: Improving Post-release Employment Outcomes for People Leaving Prison, 2018, <http://unsworks.unsw.edu.au/fapi/datastream/unsworks:51556/bin0ae90f8c-51ca-48a6-87bc-c78f5e32cb3b?view=true>

released from prison who were also mothers. Only 6% of the 52 women participating in the program returned to prison.

#### **h. Intellectual Disability Rights Service – Criminal Justice Support Network Economic Evaluation (released 2018)**<sup>19</sup>

An economic evaluation of the Criminal Justice Support Network (run by the Intellectual Disability Rights Service) found CJSN generates a net benefit of at least \$1.2 million per annum. That represents a return of \$2.5 for every \$1 invested in the service.<sup>20</sup>

#### **i. Maranguka Evaluation (released 2018)**<sup>21</sup>

The KPMG report into the work undertaken in the Aboriginal led Maranguka Project at Bourke in 2016/17 found reductions in domestic violence offending and justice system involvement, alongside increased rates of school retention and estimated savings of \$3.1 million over the course of a year.<sup>22</sup> There are also promising outcomes and case studies in terms of reduction of justice system involvement in the Yuwaya Ngarra-li partnership between the Dharriwaa elders group in Walgett and the University of New South Wales.

#### **j. Women's Justice Network Evaluation (released 2016)**<sup>23</sup>

This internal evaluation of the program that provided intensive support to women leaving custody found that of the 59 women supported over the course of a year, only 4 women (6.7%) returned to custody (3 for parole breaches and one for a new offence).

#### **k. Institutional Costs Research (released 2013)**<sup>24</sup>

Costings research conducted by UNSW in partnership with PwC looked at linked administrative data to gauge the life-course institutional costs associated with people with mental illness and disabilities in the criminal justice system. It found that more than \$1 million was spent on many individuals each year through prison and crisis responses. It also noted the value of targeted, holistic support, finding that for every dollar spent on early investment, between \$1.40 and \$2.40 is saved in the longer term.<sup>25</sup>

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<sup>19</sup> Reeve, R., McCausland, R., Dowse, L., & Trofimovs, J. (2017). Economic Evaluation of Criminal Justice Support Network. Sydney: Intellectual Disability Behaviour Support Program, UNSW Sydney. [https://idrs.org.au/site18/wp-content/uploads/2018/10/Economic-Evaluation-of-Criminal-Justice-Support-Network\\_2017.pdf](https://idrs.org.au/site18/wp-content/uploads/2018/10/Economic-Evaluation-of-Criminal-Justice-Support-Network_2017.pdf)

<sup>20</sup> [https://idrs.org.au/site18/wp-content/uploads/2018/10/Economic-Evaluation-of-Criminal-Justice-Support-Network\\_2017.pdf](https://idrs.org.au/site18/wp-content/uploads/2018/10/Economic-Evaluation-of-Criminal-Justice-Support-Network_2017.pdf);

<sup>21</sup> KPMG, Maranguka Justice Reinvestment Project (2018), Impact Assessment, <https://www.justreinvest.org.au/wp-content/uploads/2018/11/Maranguka-Justice-Reinvestment-Project-KPMG-Impact-Assessment-FINAL-REPORT.pdf>

<sup>22</sup> <https://www.justreinvest.org.au/wp-content/uploads/2018/11/Maranguka-Justice-Reinvestment-Project-KPMG-Impact-Assessment-FINAL-REPORT.pdf>;

<sup>23</sup> Women's Justice Network, Adult Mentoring Program (Evaluation report, 2016) [https://www.shineforkids.org.au/documents/2015-11\\_lsj\\_women\\_in\\_prison.pdf](https://www.shineforkids.org.au/documents/2015-11_lsj_women_in_prison.pdf)

<sup>24</sup> McCausland R, Baldry E, Johnson S & Cohen A. (2013). *People with Mental Health Disorders and Cognitive Impairment in the Criminal Justice System: Cost-benefit Analysis of Early Support and Diversion*, PwC & UNSW

<sup>25</sup> McCausland R, Baldry E, Johnson S & Cohen A. (2013). *People with Mental Health Disorders and Cognitive Impairment in the Criminal Justice System: Cost-benefit Analysis of Early Support and Diversion*, PwC & UNSW

## Good Practice Principles in Service Delivery: How to build a service that works to reduce recidivism

The majority of people incarcerated in New South Wales have a history of mental illness (63%)<sup>26</sup>, a disproportionate number have a cognitive impairment (between 10% and 30%)<sup>27</sup>, and more than 60% have a drug and/or alcohol problem.<sup>28</sup> Half of the people in prison were homeless before entering custody<sup>29</sup> and a disproportionate number come from a small number of 'postcodes of disadvantage' where access to education, health-care, support, and employment are all comparatively lacking.<sup>30</sup>

The fact of disadvantage<sup>31</sup> cannot be used to discount the consequences of crime. However, it is crucial to understand the context in which most crime is committed<sup>32</sup> to build and implement effective policy to reduce the numbers of people in custody and strengthen genuine alternatives to prison.

The successful programs that have been evaluated and noted above share a remarkably consistent service delivery model. It should be noted that there are multiple other small-scale programs using similar principles in New South Wales which are reporting anecdotally similar successes but have not yet undertaken evaluation.

The principles underpinning successful services have been noted across multiple academic research reports into 'what works'<sup>33</sup>, as well as in these evaluations. All of them acknowledge the importance of acknowledging the social drivers of over- incarceration, working holistically with people leaving prison, ensuring a flexible and person-centred approach to service delivery, and working with people long-term to address the significant challenges in 'staying out' of prison. The research recognises the centrality of relational casework, the importance of housing, and the necessity of long-term support.

Models that work are very much about 'meeting people where they are at' and recognising the enormous challenges faced by people leaving prison. Programs that work do not require people

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<sup>26</sup> <https://www.nswmentalhealthcommission.com.au/content/justice-system>

<sup>27</sup> McCausland R, Baldry E, Johnson S & Cohen A. (2013). *People with Mental Health Disorders and Cognitive Impairment in the Criminal Justice System: Cost-benefit Analysis of Early Support and Diversion*, PwC & UNSW

<sup>28</sup> <https://adf.org.au/insights/prison-aod-use/>

<sup>29</sup> <https://www.aihw.gov.au/reports-data/population-groups/prisoners/overview>

<sup>30</sup> <https://dote.org.au/findings/state-chapters/>

<sup>31</sup> <https://www.aihw.gov.au/reports/prisoners/health-australia-prisoners-2018/summary>; For example see literature reviewed in <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release#prisoner-characteristics-australia>; <https://www.aihw.gov.au/reports-data/population-groups/prisoners/overview>; <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/social-determinants-of-incarceration/>

<sup>32</sup> For example, see analysis in Cunneen, Baldry, Brown, Schwartz, Steel and Brown (2013) *Penal Culture and Hyperincarceration: The Revival of the Prison*, Routledge.

<sup>33</sup> Melanie Schwartz, Sophie Russell, Eileen Baldry, David Brown, Chris Cunneen, Julie Stubbs, Obstacles to Effective Support of People Released from Prison: Wisdom from the Field (Rethinking Community Sanctions Project, UNSW, 2020). <https://apo.org.au/sites/default/files/resource-files/2020-02/apo-nid274951.pdf>; Kendall, S Redshaw, S Ward, S Wayland and E Sullivan, 'Systematic review of qualitative evaluations of re-entry programs addressing problematic drug and alcohol use and mental health disorders amongst people transitioning from prison to communities', *Health and Justice*, Vol. 6, No. 4, 2018

leaving prison to fit into models that are appointment-based, require abstinence, or have limited flexibility. The successful programs also recognise the referral fatigue experienced by so many people leaving prison and recognise the importance of non-siloed service provision; that is, services that are able to work with people around a range of issues (housing, mental health, drug and alcohol use etc).

The programs and principles for good practice in post-release and diversion (long term, holistic, housing first, wrap-around, culturally safe, person centred, flexible) differ significantly in scope and approach to the 'Risk, Needs, Responsivity models' that NSW Corrections has committed to for the last decade. This distinction is important when designing community-led programs. It is also important when considering the results of the significant investment the NSW Government has made over the last decade into programs that are designed to reduce offending, with very limited impact.

The NSW Corrections-funded 'criminogenic' approaches are primarily focused on addressing individual offending behaviour (for instance things like anger management and impulsivity) rather than addressing the social drivers of incarceration. The programs that have noted success in reducing recidivism, note the importance of looking outside of 'offending behaviour' when working with people at risk of justice system involvement. Successful programs work with people holistically around a whole range of issues, including housing, drug and alcohol treatment, employment, mental health and disability, and cultural and community connection alongside the formulation of a sense of identity and belonging outside of the justice system.

Too many people at risk of re-incarceration are not able to access the kinds of support that they require at the time that they most need it. This is especially critical for people at the point of release from prison, and for people who are keen to participate in diversionary options at the point of court. There is significant research noting that for many people who are 'caught' in the cycle of justice system involvement, it is in fact much easier to return to prison than it is to survive in the community. There are multiple reasons for this. Most people leave prison in New South Wales with no meaningful community-based supports, nowhere safe to live, minimal financial stability, and limited employment opportunities. Although, as noted above, there are some highly effective specialist services that work to support people with connecting to community, they are chronically under-resourced.

In addition to specialist services, there are of course mainstream welfare, homelessness and other support services that should theoretically be available for people leaving prison. However, there are multiple barriers to accessing mainstream welfare services for people leaving prison. There are many reasons for this, including a lack of specialist knowledge, a lack of resources, and a lack of structural capacity for already stretched organisations to take on the complexity and time resources of working with incarcerated populations. Most mainstream welfare services will not do 'in-reach' into prisons. Many services (including many homeless, AOD and DV services) will not take people straight from prison. Many services will not take people with a criminal record, and many will not take people who have any history of violence.

In addition, multiplicity and complexity of need means many people from prison are excluded from support. For instance, many people are not able to access drug and alcohol services if they have a complex mental health condition. Many people are not able to access mental health services if they have an ongoing drug and alcohol problem. There are almost no residential services that will take people who are in active addiction, and for many the group and literacy requirements of many rehabilitation services means that they are very challenging to access.



For Aboriginal people, the absence of Aboriginal-led culturally safe services acts as another barrier to accessing the necessary support.

There is a need for multiple specialist services throughout New South Wales that can cross geographic boundaries, recognising the fact that 80% of people incarcerated in New South Wales prisons are not incarcerated anywhere near their intended place of residence in the community. There is a need for services that are resourced and able to incorporate the critical element of pre-release engagement and in-reach into the correctional centres. Workers must be able to visit clients and begin the process of engagement *prior* to release in order to sustain connection during the extremely chaotic post-release period. There is a need for services that are long-term – building sustainable pathways outside of the criminal justice system takes time, particularly for people who have survived trauma and have spent their lives being managed in such settings. Services must have the capacity to be intensive, and primarily outreach. This often means picking someone up from prison on the day of release and working intensively over the first high-risk three months, and then slowly and flexibly tapering support down over 12 months or more. Services must also have housing front and centre of their service delivery design.

In summary, we outline the key principles for good practice below. Please note these principles have been published in a number of previous publications, including most recently *Precedent* (issue 161, Nov/December 2020).

1. **Reintegration framed outside of the lens of rehabilitation.** There is a need to create and facilitate pathways for people leaving prison that focus on addressing systemic barriers to reintegration and creating a strong sense of identity outside of the justice system. This means explicitly addressing barriers to reintegration including discrimination, poverty and homelessness. For Aboriginal and Torres Strait Islander populations, identity is often related to culture, family and community. ‘Non-prison’ identities might also be accessed in the form of employment, volunteering and educational opportunities. The critical point here is that reintegration should not just be framed in terms of addressing offending, but rather about building a life *outside* of the prison environment.<sup>34</sup>
2. **Service delivery incorporating systemic advocacy.** Service delivery must include a significant advocacy component that addresses structural barriers for individuals (such as access to housing, employment, education, health and social security benefits), and advocates systemically for change when it is required (for instance, in the case of discriminatory employment practices). Systemic advocacy sees workers walking alongside people leaving custody and challenging the multiple forms of perpetual

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<sup>34</sup> See Sotiri, McCausland, Reeve, Phelan and Byrnes (forthcoming) 'They're there to support you and help you, they're not there to judge you' Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centres AOD and Reintegration Programs; NSW Health Report  
ee Sotiri et al (2021), 'They're there to suWEAVE, *Creating Futures* (Evaluation report, April 2020); Women's Justice Network, *Adult Mentoring Program* (Evaluation report, 2016); Community Restorative Centre, *Alcohol and Other Drugs Transition Program* (Evaluation report, 2016); Sotiri, M (2016) Churchill Fellowship Report;

punishment experienced by people with criminal records and those who have experienced imprisonment.<sup>35</sup>

3. **Pre-release engagement.** Meeting and working with people prior to release, where possible, is extraordinarily useful when it comes to building the engagement necessary to sustain the casework relationship, building trust between the person in prison and the community organisation on the outside, and practically planning for re-entry into the community with complex needs populations.<sup>36</sup>
4. **Holistic, relational, intensive and long-term casework models.** People should not be excluded from services on the basis of complexity or on the basis of criminal records or past offending behaviour. That is, services should be resourced to work with people with multiple and complex support needs. People with long histories of trauma, combined with the 'referral fatigue' often experienced by this group, require long-term support to build engagement and trust. Long-term support also allows people the opportunity to develop the skills required to navigate frequently hostile or unwieldy service systems. Services that can work with people around their various support needs, rather than simply referring on, are also critical in terms of building engagement, trust and providing meaningful support. Although there is the need for specialist services (for instance specialist mental health support), the role of the case worker is to genuinely support this engagement (not just make a referral). This might mean, for example, assisting people with getting to appointments (at least initially), and where appropriate attending appointments to support the development of the connection.<sup>37</sup>
5. **Community-based and community-led outreach.** Services that work with people with long histories of involvement in the criminal justice system need to operate outside of the criminal justice system and within the communities in which people are living. Services should be outreach in focus - that is, workers should travel to where clients are 'at' rather than relying on appointment-based systems (at least initially).<sup>38</sup>

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<sup>35</sup> M Sotiri and S Russell, 'Pathways home: How can we deliver better outcomes for people who have been in prison?', *Housing Works*, Vol. 15, No. 3, 2018, 41; Sotiri (2016) Churchill Fellowship Report

<sup>36</sup> M Borzycki and E Baldry, 'Promoting integration: The provision of prisoner post-release services', *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology: Canberra, No. 2, 2003; J Gilbert and B Elley, 'Reducing recidivism: An evaluation of the pathway total reintegration programme', *New Zealand Sociology*, Vol. 30, No. 4, 2015, 15–37; B Angell, E Matthews, S Barranger, A Watson and J Draine, 'Engagement processes in model programs for community re-entry from prison for people with serious mental illness', *International Journal of Law and Psychiatry*, Vol. 37, 2014, 490–500.

<sup>37</sup> Gilbert and Elley, 15–37; Angell et al, 490–500; B Hunter, A Lanza, M Lawlor, W Dyson and D Gordon, 'A strengths-based approach to prisoner re-entry: The fresh start prisoner re-entry program', *International Journal of Offender Therapy and Comparative Criminology*, Vol. 60, No. 11, 2016, 1298–314.

<sup>38</sup> D Padgett, L Gulcur and S Tsemberis, 'Housing first services for people who are homeless with co-occurring serious mental illness and substance abuse', *Research on Social Work Practice*, Vol. 16, No. 1, 2006, 74–83; S Kendall, S Redshaw, S Ward, S Wayland and E Sullivan, 'Systematic review of qualitative evaluations of re-entry programs addressing problematic drug and alcohol use and mental health disorders amongst people transitioning from prison to communities', *Health and Justice*, Vol. 6, No. 4, 2018.

6. **Housing first approaches.** Support must be practical, and people need somewhere safe and secure to live. Regardless of the 'focus' of the service provider, the majority of people leaving prison or at risk of justice system involvement require assistance with housing, and this should not be something that is 'referred out'. People require a solid base from which they can make the changes required to stay out of prison<sup>39</sup>.
  
7. **Genuine collaboration with people with lived experience of incarceration at all levels of program delivery.** The expertise of people who have themselves been to prison is critical in both the design and delivery of community-based reintegration services.<sup>40</sup>

## Conclusion

There is a proven pattern of success from programs that provide effective, holistic, community-led and evidence-based diversion and post-release support.

Significantly increasing investment in programs such as these which work to reduce recidivism, we would see improvements in community safety, reduced recidivism and accrue significant cost savings – delivering a tangible benefit for individuals, families and communities across the state.

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<sup>39</sup> Padgett, L Gulcur and S Tsemberis, 'Housing first services for people who are homeless with co-occurring serious mental illness and substance abuse', *Research on Social Work Practice*, Vol. 16, No. 1, 2006, 74–83; Sotiri and S Russell, 'Pathways home: How can we deliver better outcomes for people who have been in prison?', *Housing Works*, Vol. 15, No. 3, 2018, 41; Johnson, G., Parkinson, S. and Parsell, C. (2012) Policy shift or program drift? Implementing Housing First in Australia, AHURI Final Report No. 184, Australian Housing and Urban Research Institute Limited, Melbourne,

<sup>40</sup> Doyle, C, Gardner K, Wells, K (2021) The Importance of Incorporating Lived Experience in Efforts to Reduce Australia's Incarceration Rates, in *International Journal for Crime, Justice and Social Democracy*, Vol. 10, No. 2; Sotiri, M (2020) Building Pathways Out of the Justice System: Supporting Women and Reducing Recidivism, in *Precedent Issue* 161, November/December 2020;

## APPENDIX A

<b>Specific Services for people leaving custody 2020/2021 (Non-Gender Specific)</b>				
<b>Project</b>	<b>Client # p/a</b>	<b>Funding p/a</b>	<b>Funding Stream</b>	<b>Beds</b>
<b>Initial Transitional Support (Various service providers)- 26 locations</b>	960 (total) 144 women (15%)	3,003,000 (total) \$450,450 (Women)	Corrections NSW	0
<b>ERS (CRC) Corrective Services funded</b>	20 total- 2 women (10%)	352,000 (total) \$35,200 (Women)	Corrections NSW	Negotiated with FACS
<b>Penrith Nepean (CRC) GSH FACS funded</b>	40 total 7 women (17.5%)	183,182 (total) 32,056 (Women)	FACS/SHS	3 (1 for women, 2 for men) Negotiated transitional GSH beds
<b>Newtown BHOP (CRC) GSH FACS funded</b>	40 total 5 women (12.5%)	105,988 (total) 13,248 (Women)	FACS/SHS	0
<b>Indigenous transition Broken Hill (CRC) (Federal Indigenous Advancement funding)</b>	107 total 27 women (25%)	660,345 (total) 165,086 (Women)	Indigenous Advancement Strategy (FEDERAL)	0
<b>AOD Transition support (CRC)- 4 funding streams NSW (health and federal health)</b>	115 total 30 Women (26%)	1,015,948 264,146	NSW Health, Federal Health, Wentwest PHN, CESPAN	0
<b>Samaritans Recovery Point (NSW Health funding)</b>	233 total 21 women (9%)	336,661 (total)- estimate from AR 30,299	NSW Health	0
<b>TOTAL</b>	<b>236 Women</b>	<b>\$990,485 (for women)</b>		
	<b>1615 Total</b>	<b>\$5,657,124 (total)</b>		<b>3</b>
<b>Men's Specific Post-Release Services</b>				
<b>Project/Program</b>	<b>Client # p/a</b>	<b>Funding p/a</b>	<b>Funding stream</b>	<b>Beds</b>
<b>Specialist Men's TSA (Glebe House, Rainbow Lodge, Adele, Namatjira)</b>	100	\$2,000,000	Corrections NSW and some GSH	25 Glebe- 7 Rainbow- 8 Adele- 5 Namatjira- 3 Samaritans- 2
<b>Friendship House (Samaritans)</b>	2-10	Unclear (self funded)	Self-funded	2

<b>Crisis beds (in Matthew Talbot, Hope Hostel and Foster House)</b>	Unclear	Unclear	Unclear if specific funds for people leaving prison	Between 0 and 6 (different pilots have had different numbers of beds allocated)
<b>TOTAL</b>	<b>110 Total</b>	<b>\$2,000,000</b>		<b>27-32</b>
<b>Women's Specific Specialist Services for people leaving prison</b>				
<b>Project</b>	<b>Client # p/a</b>	<b>Funding p/a</b>	<b>Funding Stream</b>	<b>Beds</b>
Miranda Project (CRC)	58	348,178	FACS/Women NSW/Philanthropic	0
Inner City Women's Transition (CRC)	82 (40 long term)	247,904	FACS/SHS	3 (GSHS negotiated)
Guthrie House	34	1,071,536	FACS/Corrections NSW/NSW Health	5
Rosa Coordinated Care	50	520,000	FACS/SHS	0 (But negotiating beds as part of casework)
Beyond Barbed Wire (Barnardos)	25	120,000	FACS/SHS	0
Success Works (Dress for Success)	20 (growing)	206,345	Philanthropic	0
Central Coast Women's Moving Forward	10	20,000	Central Coast Social Enterprise Grants	0
Women's Justice Network	70-100	470,000	FACS/Philanthropic	0
<b>TOTAL</b>	<b>379 Clients</b>	<b>\$3,003,963 funded</b>		<b>8</b>
	<b>TOTAL CLIENTS</b>	<b>TOTAL GOVERNMENT FUNDING</b>		<b>TOTAL BEDS</b>
<b>TOTAL</b>	<b>2104</b>	<b>\$10,434,000</b>		<b>38-42</b>

## APPENDIX B

### Looking Beyond Risk Needs Responsivity: The need for a new framework when addressing cyclical incarceration.

There are a number of programs that have been funded within New South Wales that have been shown at evaluation to have little or no success. These programs tend to be based on short-term approaches (12-16 weeks) which stress the importance of addressing individual 'criminogenic need' factors. Criminogenic factors (which form part of the 'Risk Needs Responsivity' framework of programming), relate to non-static factors that individuals are able to change and are conceived as related directly to offending behaviour (for instance anger management or impulse control). The programs that are based on this framework and have been evaluated in NSW have to date shown no impact in terms of reducing recidivism. A more detailed overview of the shortcomings of criminogenic programs in the Australian context can be found [here](#).

- a. **ITS**<sup>41</sup>: This is a Corrections-funded short term support program focused on addressing criminogenic needs. The impact evaluation of ITS recommended more intensive and housing focused support and found no impact between matched comparison groups in terms of reoffending as a consequence of the short-term support provided to ITS clients.
- b. **OnTracc**:<sup>42</sup> This was a Social Benefit Bond Post-Release Program based on short-term support and addressing criminogenic needs. It was intended to cost \$17.7 million over five years but was stopped after three years. Based on a similar model to ITS, OnTracc provided short term support with a focus on criminogenic factors. No difference was found between the control group and the participant group in terms of reoffending.
- c. **Extra Offender Management Service (EOMS)**:<sup>43</sup> This program was intended to provide short term criminogenic programs to thousands of people at the point of court, with \$32 million committed to this service in 2017. Workers at court were funded to funnel people into criminogenic groups run by Corrections, but there was almost no take-up of the project. Only 94 people participated on the program over the course of one year and it was discontinued.

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<sup>41</sup> <https://correctiveservices.dcj.nsw.gov.au/documents/research-and-statistics/rb43-its-impact-evaluation.pdf>

<sup>42</sup> <https://www.bocsar.nsw.gov.au/Publications/CJB/2020-Social-impact-investment-and-recidivism-CJB234.pdf>

<sup>43</sup> <https://www.justice.nsw.gov.au/Pages/media-news/news/2017/eoms-targets-repeat-offending-causes.aspx>  
<https://www.northerndailyleader.com.au/story/5457598/axe-falls-on-counselling-program-that-aims-to-break-crime-cycle/>