



OARS S.A.

Offenders Aid & Rehabilitation Services of S.A. Inc.

**Incarceration:
Unsustainable Costs and Diminishing Benefits**

August 2008

Report prepared by



South Australian Council of Social Service
Marjorie Black House
47 King William Road
UNLEY SA 5061
T. 08 8305 4222
F. 08 8272 9500
E. sacoss@sacoss.org.au
www.sacoss.org.au

© SACOSS, OARS 2008
ISBN 978-0-908293-50-6

Written by Richard Cannon and Karen Grogan, SACOSS,
with intellectual property contributed by Leigh Garrett, OARS.



South Australian Council of Social Service
Justice, opportunity and shared wealth for all South Australians

Executive Summary	1
Introduction.....	5
Theoretical underpinnings of the South Australian criminal justice system.....	7
Causes of crime	7
Financial costs of incarceration	9
Cost projections to 2018	9
Cost of accommodating prisoners annually	10
Prisoner profile	12
The numbers of people in prison.....	13
Remand.....	15
Ability to meet bail conditions.....	15
Overcrowding	16
Health and wellbeing	16
Hepatitis C and HIV	17
Mental Illness	17
Cost to the health system.....	18
The impact on the family	19
Levels of disadvantage for post-release individuals.....	19
Alternatives to incarceration	20
In Sum.....	22
References	23

Blank page

Executive Summary

The purpose of this report is to outline the enormous cost burden being carried by the community of South Australia to maintain an increasingly ineffective criminal justice system. The Rann Government's hardline focus on retribution and punitive sanctions is having a major impact on the current budget, and will clearly strain future budgets if current increases in prisoner numbers continue. In this report, estimations of prisoner numbers and the costs of accommodating increased numbers of prisoners based on average increases are demonstrated. Further, the report highlights and explores the social costs of overincarceration, prison overcrowding, and the effects on the families of people sent to prison that have the potential to negatively impact our communities for generations. Further, the report explores the health implications of our current system and the resultant burden on the South Australian health system and the health budget.

The current 'tough on crime' rhetoric is a populist retributive measure that is not producing positive results in a number of significant crime sectors, therefore this report advocates a progressive approach based on early intervention, prevention and restorative justice recognising the complex circumstances that increase the risk factors of criminal behaviour. It is abundantly clear that the current reactionary and expensive system is not fulfilling community expectations of justice, nor is it deterring the occurrence of crime in our society. We are simply creating more victims of crime. We need a dramatic shift in government ideology and public policy surrounding law and justice.

There needs to be a balance between protecting society from the worst offenders and the implementation of more appropriate restorative and diversionary punishments which have a much greater chance of reducing recidivism and promoting greater reintegration to the community. Directing public money to prevention rather than increased capacity for incarceration would seem logical and fiscally responsible, and one would hope, politically attractive.

Projections of prisoner numbers and associated costs up to 2018:

- In 2006 it cost \$170 per day to house a prisoner in **South Australia**. By 2007, that figure had risen over 8% to \$185 per day and \$67,525 per annum. The percentage increases in 2005, 2006 and 2007 were 1.9%, 5% and 8.82% respectively giving a three year average of 5.24%. Therefore a conservative estimate **to house a prisoner in 2018 will be approximately \$124,633 per prisoner per year**. This means that the dollar amount to house a prisoner annually will almost double over the next ten years.
- At current rates we can expect an increase of an extra 120 prisoners per year. Therefore in 2018 there will be approximately 3082 prisoners in South Australia. **To accommodate 3082 prisoners at an annual cost of \$124,633 per prisoner, will amount to \$384,118 million** of the Law and Justice Budget.

Key findings:

- The overall cost of crime in Australia has been estimated by Mayhew (2003) at \$32 billion per year.
- In South Australia the 2008/09 South Australian Budget indicated that planned Justice System expenditure would rise from the previous year's expenditure of approximately \$900 million to a total of \$1.060.298 billion.
- In South Australia, 2008 figures show that there were 1882 prisoners in South Australian prisons. This figure had increased from 1521 individuals in 2005.
- The remand rate between 1984 and 2004 rose by 12-20% of the total prisoner population.
- In a study in NSW prisons it was found that 74% of prisoners suffered from a psychiatric disorder compared to just 22% in the wider community.
- In a Queensland study it was found that 57% of female prisoners had been diagnosed with a psychiatric disorder.
- In an Australian study into Hepatitis C (HCV) prevalence in Australian prisons it was found that 42% of prisoners had tested positive for HCV. This rate is compared to just 1.2% in the general population.
- Unemployment is a significant issue for post-release prisoners with two studies demonstrating that only 16% of participants (ex-prisoners) in one study and 11% of participants in a similar study had achieved full-time employment post release.
- Housing opportunities for post-release prisoners is inadequate and has been linked to ex-prisoners turning to transitory lifestyles, drug and alcohol use and re-arrest and re-incarceration.
- There is a substantial cost saving for government to develop, maintain and appropriately resource restorative justice processes and diversionary processes.
- International studies have demonstrated a lower recidivism rate in those offenders who have attended restorative processes than in those who received more traditional forms of punishment.

Policy implications:

- Significant resource allocation for the increasing numbers of prisoners.
- Significant resource allocation to reduce prison overcrowding.
- If the current increases in prisoner numbers continue, South Australia will experience a more critical crisis in post-release support, accommodation, employment and health care. This is already in crisis. The South Australian Government will therefore need to commit significant resources to providing post-release support for the inevitable influx of ex-prisoners into the community.
- Increases in public housing stocks for ex-prisoners.
- Increases in resources to identify and treat mental illness while under an order of correctional services, and community support to link with available services to integrate more effectively in society.
- Increases in employment and skills based programs for prisoners within the prison system and as part of post-release care.
- Increases in funding to provide fully trained case workers for each and every ex-prisoner.
- The creation and long term funding of transition programs that begin well before the release of prisoners into the community.
- The funding of support programs for the family and children of prisoners while they are incarcerated and post-release.



South Australian Council of Social Service
Justice, opportunity and shared wealth for all South Australians

Blank page

Introduction

Incarceration in South Australia is escalating, and our already overextended criminal justice system is beginning to shudder under the weight of prison overcrowding and the skyrocketing costs of over-incarceration and longer sentences. There is significant reliance on a retributive focus both to control and deter criminal behaviour, without any corresponding evidence demonstrating its effectiveness. Unfortunately, and despite the lack of empirically sound underpinning evidence to the success of any such system, the current South Australian Government is maintaining and promoting an increasingly punitive criminal justice system.

The system's failure to acknowledge and address the sociological contributors to criminal behaviour is only exacerbated by these increasing pressures. The current approach ignores well-researched and defined issues of the cycle of crime and disadvantage, increased incidence of poor physical and mental health, and risk of communicable disease. The system is also reticent in providing early intervention and prevention strategies to reduce the development of criminal behaviour (Sanson, Montgomery, Gault, Gridley and Thomson 1995). This is a frightening indictment of the state of our current system, and testament to why introducing more and more prisoners into this environment is both dangerous and inhumane.

The cost associated with the criminal justice system will continue to rise, affecting government expenditure in other areas, and shaping future public policy. The 'tough on crime' approach upon which South Australia has embarked is affecting our communities now, with the potential for negative financial and sociological effects extending well beyond the current Government's term in office.



South Australian Council of Social Service
Justice, opportunity and shared wealth for all South Australians

Theoretical underpinnings of the South Australian criminal justice system

Through the use of the adversarial system, prisoners in South Australia are marginalised as a matter of course. Many people see this as a necessary part of punishment, and the isolation created by the perpetrator's removal from their family, support networks and community is seen as 'just deserts'. It is thought that the isolation prison offers will be a valuable learning experience and a significant deterrent to recidivism. However this retributive focus and reliance upon incarceration as a social deterrent is not reducing the incidences of crime.

While there is some support for the Government's stance, there is also a growing concern in the community regarding this 'get tough' approach. This type of approach is popular with governments as it demonstrates a commitment to making communities safer, which will always sound a bell with voters. Neo-conservative ideology informs this agenda where a return to 'old fashioned family values' and traditional forms of punishment for criminality are mooted and encouraged as a way to reduce crime. It is unfortunate that the foundations of this focus is so exclusionary and retributive that explorations into early intervention and prevention are forgotten in favour of a greater number of sanctions and longer prison terms (Cashmore, Gilmore, Goodnow, Hayes, Homel, Lawrence, Leech, Najman, O'Connor, Vinson and Western 2002). This approach has historically failed in regards to the prevention of crime or in deterring recidivism.

Moreover, there is a marked disconnect with the policies of various departments within government, and ideological clashes have become manifest between policies and positions. Professor Rick Sarre (2008) writes in his paper delivered to the 2008 South Australian Social Innovation Conference, that in a speech on the 21st of April 2008 Premier Rann called for action so that "those with disabilities, Aborigines, people from jobless households and those in rural and remote communities should get a slice of the action (the mining boom)". Sarre drew the curious but noticeable parallel between the marginalised groups that Rann was calling on the Government to assist through the boom to the same marginalised groups that are overrepresented within causal factors of offending. If government is calling for disadvantaged groups to be assisted in order to reap the rewards of the mining boom then proactive strategies to ameliorate or mitigate social disadvantage to prevent criminality in the longer term would seem a sensible first step.

Causes of crime

There is not a simple and clear set of conditions or factors that directly lead to criminal behaviour; rather there are complex circumstances that increase the risk factors of criminal behaviour. Identifying the causes of crime, however, should not be caught up in a desire to apportion blame or marginalise those most at risk of such behaviour.

While individuals have a responsibility for their own actions, society has a corresponding responsibility to address the social, economic and environmental conditions that contribute towards levels of criminality. Research is abundant on the causes of crime and it is no secret that crime is significantly connected to adverse social, cultural, economic and family conditions. The circumstances that children find themselves in can adversely shape the risk of them coming into contact with the criminal justice system in the future. Social and developmental statistics show that issues of poverty and disadvantage indicate a 56% higher risk of offending behaviour where these factors are present, and 57% of juvenile crime is

committed by those exposed to child neglect. These links between criminal justice issues, poverty and social conditions are highlighted in many publications, including *Blueprint for the eradication of poverty* (SACOSS, 2007) and the *Pathways to Prevention* report (National Crime Prevention, 1999).

Weatherburn (2001) estimates that the onset of involvement in crime ranges from 12 to 16 years; White et al (1990) claim prediction of involvement is possible at a much younger age. Children are extremely vulnerable to the conditions of family and environment at a time when they have no control over them. Any adverse circumstance in early childhood can contribute towards the development of social, behavioural and emotional issues. Development of these issues in early childhood can increase the risk of attachment issues, mental health problems and substance abuse; this can shape the future of the child and increases risk of criminal behaviour.

While the moral argument for tackling the causes of crime is clear, there is also a growing and powerful economic argument.

Financial costs of incarceration

When the government in power takes the 'tough on crime' stance and promises to increase police numbers, increase incarcerations and increase funding to the court system, they are also implicitly making a statement that an increase to the tax burden of every tax payer will occur in order to fund these initiatives (Waller, 2006).

The cost of crime in financial terms in Australia is vast. Mayhew (2003) estimates that the overall cost of crime in Australia amounts to an incredible \$32 billion per year. When broken down, this figure equates to approximately \$1,600 per person and 5% of our National GDP. Out of this overall figure, violent offences make up the largest proportion, with the cost of homicide amounting to \$930 million dollars per year, assaults amounting to \$1.4 billion per year and sexual assault costing \$230 million per annum. The total cost of burglary is \$2,410 million, robbery accounts for \$600 million and thefts of vehicles costs \$880 million overall per year.

The cost of the Criminal Justice System in South Australia in 2006/07 was approximately \$795 million. This figure is an extrapolation of the costs of the Police, Courts, and Corrections (South Australian Department of Treasury and Finance, 2007, cited in Garrett, 2008). In 2007/08 this operational budget had risen by \$70 million dollars to \$865 million. In addition, plans for capital expenditure across the justice system over the 2007/08 period of \$37.266 million raised this figure to approximately \$900 million. The 2008/09 South Australian Budget has shown Justice System expenditure to have risen to a staggering total of \$1.060.298 billion¹.

Cost projections to 2018

Using the available ABS figures between 2004 and 2008, calculations in this section have been based on an average of the previous three years' available data. Projections do not take into account any inflation or CPI increases.

Calculating the average number of prisoner increases in South Australia over the last four years helps us to arrive at a figure of 120 extra prisoners per year (based upon ABS figures of daily prisoner numbers in South Australia between 2005 to 2008). Taking this into account, an estimation of prisoner numbers can be calculated over the next ten years. Figure 1 demonstrates an estimation of prisoner numbers by 2018, should current average increases continue.

¹ Figure calculated from South Australian Budget Papers 2008/09.

<i>Agency</i>	<i>2008/09 Budget</i>
South Australian Police	607 918
Attorney General's Dept.	94 908
Courts Administration Authority	78 917
Department for Correctional Services	172 455
Capital Investment Program in Justice	106 100

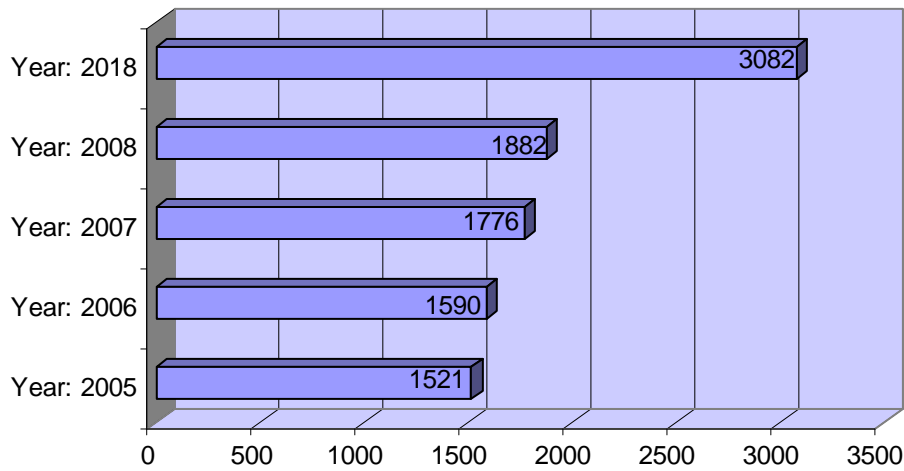


Figure 1: Estimation of prisoner numbers in South Australia.

Cost of accommodating prisoners annually

According to the *2006 Australian Crime: Facts and Figures (AIC, 2006)*, it cost an average of \$170 per day to house a prisoner in Australia. By 2007 that figure had risen by over 8% to \$185 per day. Annually this calculates at \$67,525 per prisoner. The percentage increases in 2005, 2006 and 2007 were 1.9%, 5%, and 8.82% respectively, giving an average of 5.24% over the past three years. If we then apply this figure to the number of prisoners we expect within the justice system over the next ten years, should current increases continue, the estimated cost to house one South Australian prisoner will be \$124,633 per year.

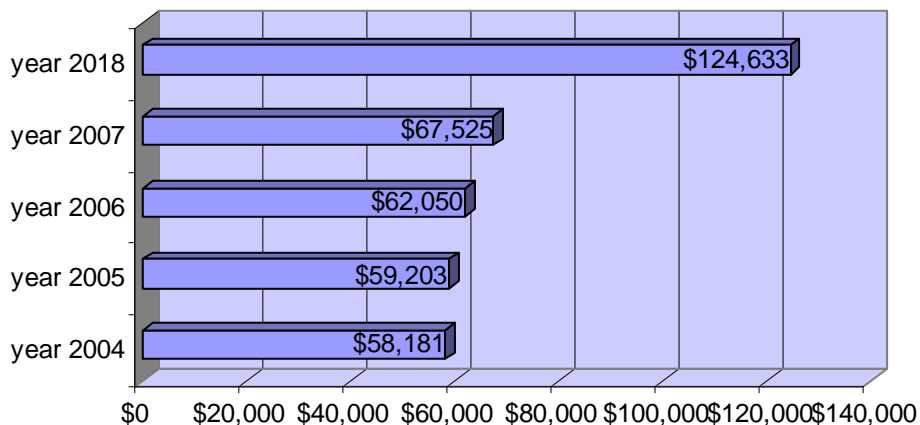


Figure 2: The cost to house one prisoner annually.

Source: ABS up to 2007; SACOSS projection.

Adding the increases in prisoner numbers together with the average cost increases to house prisoners annually (3082 prisoners x \$124,633) reveals **the annual cost to house the increases in prisoner numbers estimated in 2018 will be \$384,118 million.** Figure 3 demonstrates a forward estimate to 2018 of the cost to accommodate one prisoner per day.

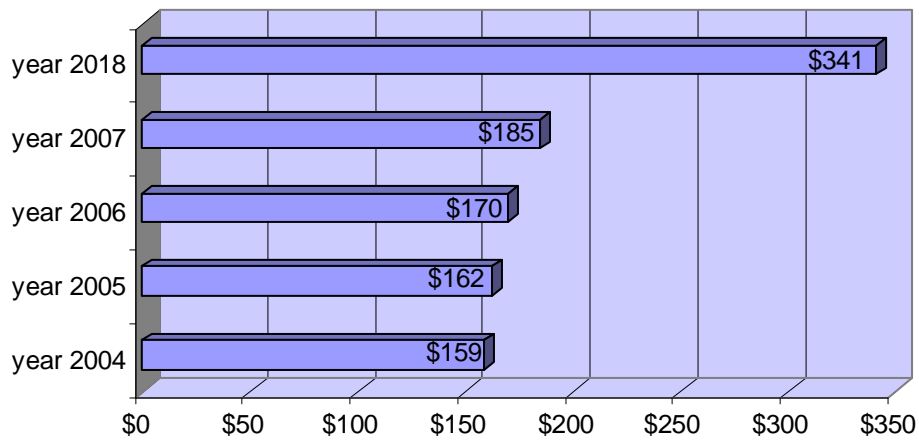


Figure 3: Cost to house one prisoner per day.

Source: ABS up to 2008; SACOSS projection.

There is also a social cost resultant from denying liberty to an individual. Incarceration involves disconnection from the family, disconnection from the community and disconnection from support networks. The ramifications of sending an individual into the prison system has the potential to expose that person to a negative social environment in which emotional, behavioural and psychological issues can be exacerbated (ABS 2003, cited in Heggie date unknown).

Prisoner profile

In attempting to ameliorate these costs we need to understand the profile of our prison population and the common entry demographics. The table below provides a brief profile of our prison population.

Men	Women
<ul style="list-style-type: none"> ▪ 56% of all male prisoners are between 20 and 35 years of age. ▪ These men are characterised by social and economic disadvantage as well as generational unemployment. ▪ They often have drug and alcohol addictions. ▪ A significant proportion are functionally illiterate. ▪ Estimates exist that suggest 20% of inmates in NSW have an intellectual disability. ▪ 6% of Indigenous males are in prison compared to 0.6% of non-Indigenous males. ▪ In a NSW study it was found that 39% of men in prison had been diagnosed as having a psychiatric illness at some time in their life. ▪ Almost all male sex offenders were themselves sexually abused as children. 	<ul style="list-style-type: none"> ▪ Women in prison are usually under 25 years of age. ▪ They come from economically and socially disadvantaged backgrounds. ▪ They often have drug and alcohol addictions. ▪ Most female prisoners are the mothers of dependent children. ▪ The children of incarcerated women are usually young themselves (60% of children are under the age of 10 years). ▪ They have experienced sexual or physical violence sometime in their life. ▪ They have also experienced unstable housing, low incomes and social isolation. ▪ In a NSW study it was found that 54% of women in prison had been diagnosed as having a psychiatric illness at some time in their life.

Sources: Woodward (2003), *Beyond Bars* (2007) and Sarre (2008).

The younger a person is when they first enter the system the more likely they are to re-enter the system. The most recent data from the Australian Institute of Health and Welfare regarding juvenile justice (August 2008) shows that 6,000 young people were under supervision on any given day over the period 2003/04 to 2006/07, with 12,765 young people in total under supervision in 2006/07. This figure is said to be increasing at 6% on an annual basis and 12% as an average daily figure. This report states that “*This indicates that more young people are being detained and that they are in detention for longer*”. The other factor in this recent data is that the balance of supervised young people is changing, with an increase in detention and a decrease in community-based supervision.

The numbers of people in prison

Globally, prison populations are increasing more rapidly than general population growth. In an international census of prison populations it was found that 73% of countries across the globe have had substantial increases in their prison population. This marked growth in recent years has increased the world's prison population to over 9.25 million individuals. Australia has a prison population of 163 people per 100,000, which places Australia into a median position in relation to other countries (Kinner 2007). This has increased by 43% in the past decade, leaving Australia now spending 2.6 billion per year on the prison system (Sarre, 2008).

Information from the Australian Bureau of Statistics (2008) demonstrates that while community-based correction rates have fluctuated, imprisonment rates have steadily increased since 2005.

Year	Full time custody	Community corrections	Total number
2005	24,152	52,227	76,379
2006	24,260	53,893	78,153
2007	25,801	51,680	77,481
2008	26,268	54,185	80,453

Figure 4 demonstrates the steady rise in prisoner (full time custody) numbers nationally between 2005 to 2008.

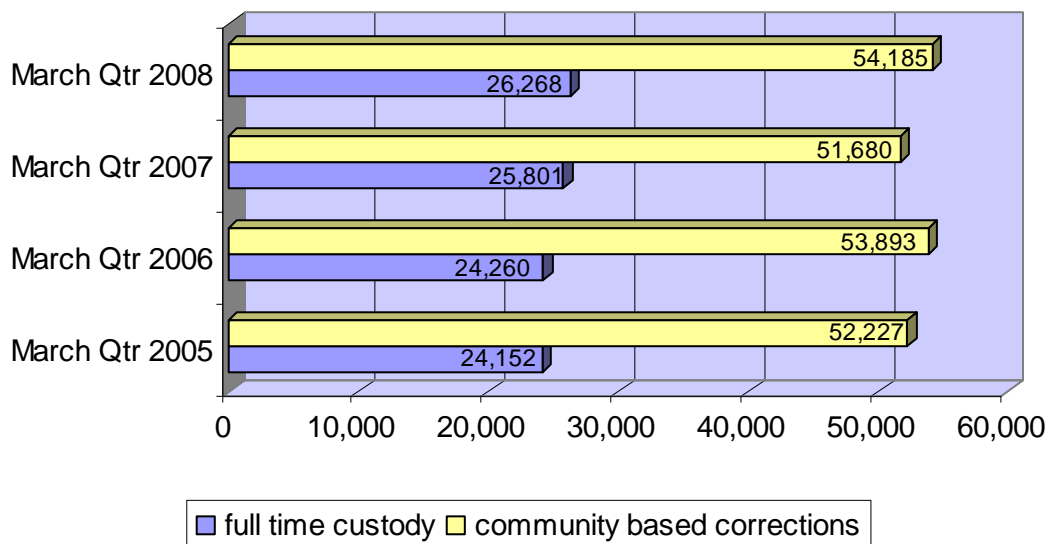


Figure 4: Prisoner numbers in Australia

Source: ABS

Based upon the increases that these national figures demonstrate, it is fair to predict that unless there are radical changes to social policy surrounding correctional services the rates will steadily increase to unsustainable levels. Even using one of the lowest levels of increase (between 2007/08 of around 500 individuals) the numbers of full-time prisoners in Australia by 2018 will be well over 31,000.

Moreover, according to the Australian Bureau of Statistics (2008) the largest proportional increase in imprisonment rates from the March quarter 2007 to the March quarter 2008 were recorded here in South Australia, an increase of 8%. In 2005 there were 1521 people imprisoned in South Australia and ABS figures show that this number increased to 1882 in 2008.

South Australia also demonstrates a relatively high proportion of imprisonments per 100,000 people: in the March quarter of 2008, South Australian recorded a figure of 154.5 incarcerations per 100,000 of the population. What is interesting is this figure is increasing steadily on preceding years and is substantially higher than the more densely populated state of Victoria which recorded a figure of 102.3 per 100,000 of the population. The incarceration rate in Victoria has remained steady since 2005. The steady rise in prisoner numbers in South Australia is demonstrated in Figure 5.

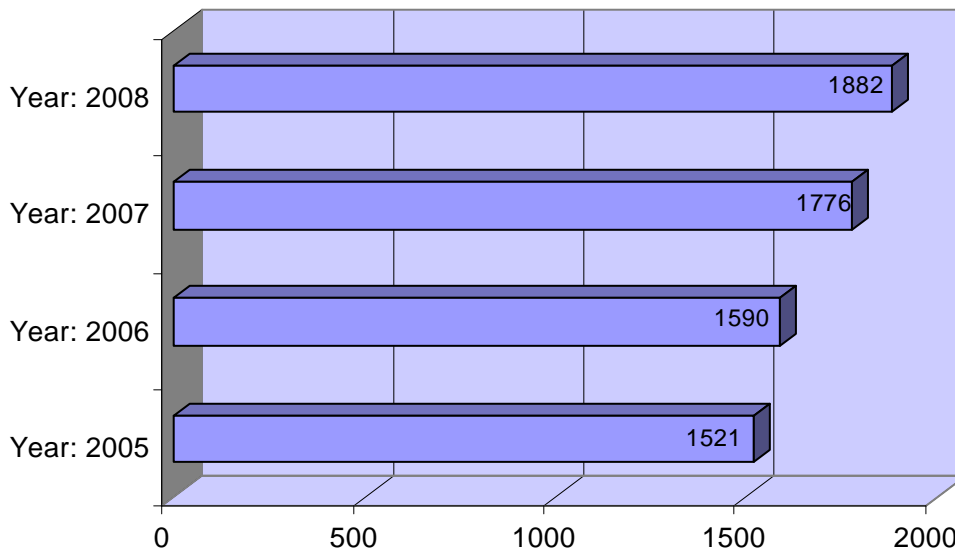


Figure 5: Annual prisoner numbers in South Australia

Source: ABS

Remand

The decision whether to remand a person in custody is contingent on two variables: firstly a judgement is made as to the potential threat or risk to the community of re-offending, if the offender is bailed. If this condition is satisfied and the risk to the community is very low, a further judgement is then made about the relative risk of the offender returning to court for further hearings. If this condition is satisfied as well then bail is offered.

Ability to meet bail conditions

According to Sarre et al (2006), while the national remand rate of 20% compares to similar jurisdictions such as England and Wales (16.9%), New Zealand (18.3%), the USA (20%), Canada (21.1%) and Germany (21.2%), when the states are compared South Australia has a higher remand rate, second only to the Northern Territory. The international comparison is demonstrated in Figure 6.

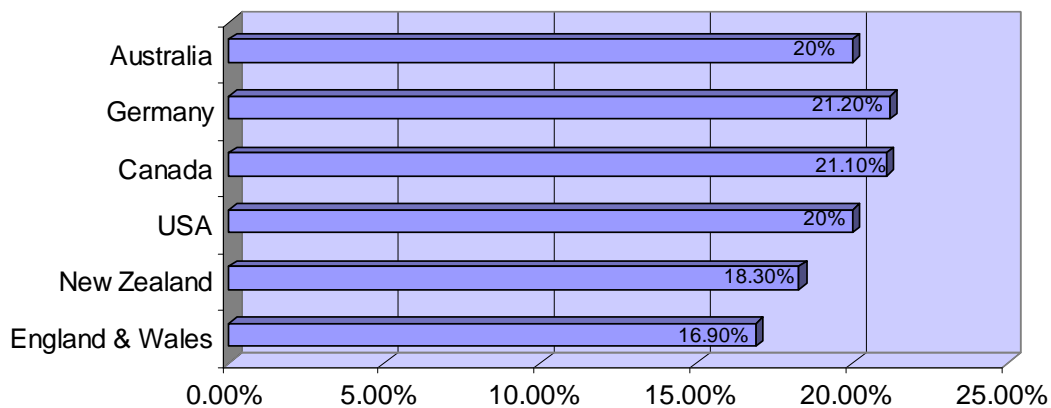


Figure 6: The remand rate in international jurisdictions

Source: Sarre, King & Bamford, 2006

Over the 20 year period between 1984 and 2004 the proportion of remanded prisoners rose from 12 to 20% of the total prisoner population, and the rate of individuals remanded into custody increased threefold (Sarre, King and Bamford 2006).

The remand process has consequences not only for the individual taken into custody but also for society, the operation of the justice system, and the financial cost of incarceration. For society there are high financial costs involved with incarceration and costs associated with enforcing court decisions and attendance, as well as possible delays in the court process (Sarre, King and Bamford 2006).

The social outcomes for those on remand include social disruption from their family, friends and support networks. Remanding an individual into custody also disrupts their ability to

assume family and social responsibilities and leaves it for others to care for children and other dependents. It is further recognised that individuals are placed into remand at a psychologically vulnerable time and this may increase the chances of potential self harm (Sarre, King and Bamford 2006).

Sarre, King and Bamford (2006) suggest that high remand rates can be contributed to by changes in legislation associated with the criminal justice system. In a Victorian study it was found that a rise in prisoner numbers could be directly linked to changes in social policy and legislation related to the criminal justice system.

Overcrowding

The 'tough on crime' agenda, including tougher and longer sentences, appear to be based upon erroneous and populist notions (Fox 1998). The current Government's agenda is creating a crisis of overcrowding in South Australia's prison system, due to the combination of both increased incarcerations and longer sentences.

The prison environment is quite distinct from any other social environment affecting the individual well beyond the loss of personal liberty. Prisons can invariably be characterised by crowded living conditions, low social² and spatial density³, the forced cohabitation of people who exhibit anti-social behaviour, boredom, idleness, aggression, despair and an absence of personal control. This loss of control, coupled with displacement from family and social supports as well as living in an aggressive and hopeless environment can lead to more aggression, competition for resources and psychological disturbances (John Howard Society of Alberta, 1996).

The effects of overcrowding on prisoners have been extensively researched and are well known, encompassing impacts on both the physical and mental health of the prisoner. Heidesohn and Farrel (1991 cited in Fox, 1998) argue that links between prison overcrowding and increased incidences of violence (manifested as attacks against other prisoners, prison staff and riots) have been positively established. Further, there is also a positive correlation between the effects of prison overcrowding and psychological disorders such as anxiety, depression and post traumatic stress disorder. Other behavioural indications include aggression, erratic behaviour, the emergence of gangs and suicidal ideation (Jones 1976, cited in Fox, 1998).

Health and wellbeing

While international studies have highlighted that the physical health of prisoners in good health while incarcerated will remain high post-release (La Vigne, Visher and Castro, 2004, cited in Graffam and Shinkfield, 2007), other large scale studies reveal that compared to the general population there is a significant risk of chronic and infectious diseases (such as Hepatitis B and C, HIV etc) in post-release prisoners. This has important policy implications for the public health system, with prisoners being exposed to communicable diseases whilst in the prison system.

² *Low social density* refers to the number of individuals sharing a housing unit (John Howard Society of Alberta, 1996).

³ *Low spatial density* refers to the amount of space available to an individual in a housing unit (John Howard Society of Alberta, 1996).

Hepatitis C and HIV

Over 10% of all Hepatitis C (HCV) notifications in South Australia in 2002 were from prisons. Of those notifications diagnosed as new infections rather than newly diagnosed cases of chronic infections, 25% were notified from South Australian prisons and this made up 40% of all male cases from that year (STD Services of SA, cited in Miller 2006).

Further, in a study conducted by Miller in 2006 it was found that in South Australia's prisoners there was a Hepatitis C prevalence rate of 42%. In the general population approximately 240,000 Australians are living with Hepatitis C - a prevalence rate of just 1.2% (Hepatitis C Council of SA, 2008). This means that the prevalence rate within the South Australian prison system is 40 times higher than in the national general population. In addition the study found that 70% of people who enter the prison system in South Australia have a history of injecting drug use. While injecting of drugs is seldom reported in the prison system it was found that the usage of contaminated needles and equipment was more likely in those who were already infected with Hepatitis C. This means that there is a significant threat to increased exposure due to needle sharing for those inmates who are not yet infected with the virus. Tattoos also account for 5% of newly notified cases of Hepatitis C within the prison system, with a majority of these tattoos applied while incarcerated. The study was conducted in South Australia's eight publicly operated prisons with a cohort of 700 inmates (Miller, 2006).

The incidence of HIV in prisons is a much more contentious one in the available literature. It is generally recognised that the prison environment is has potential for the spread of HIV due to sexual activity, sexual assault, drug injecting, overcrowding and high stress. In a study conducted at Yatala Prison (Douglas et al 1989) it was estimated that up to 44% of prisoners were at least occasional injecting drug users and 16% of prisoners voluntarily admitted injecting drugs while incarcerated. The same study reported an estimation of up to 34% of prisoners engaged in occasional anal intercourse. The potential contraction of HIV and Hepatitis C in the prison system has huge financial implications for the health system with the cost of care for a person with HIV predicted at \$10,000 per year (NCHECR, 2007).

Miller (2006) argues that upon release into the community, the contraction and the long term necessary care of Hepatitis C or HIV is often compounded by the psychological effects of being incarcerated. While imprisoned the effects of isolation, deprivation and strict social control act to erode the social skills and self-control that prisoners may have possessed before they were incarcerated. This loss of personal agency markedly affects the psychological makeup of prisoners and the post-release experience is affected accordingly (Rhodes, 2005).

Mental Illness

For decades there has been debate regarding the relationship between mental ill health and criminality. Recently research has been undertaken that highlights the strong correlation and co-morbidity between mental ill health and criminal behaviour. Further, it has been empirically demonstrated that high numbers of people in incarceration are suffering from a mental illness (Mullen, 2001). Among prisoners in NSW, a study by Butler and Allnutt (2003, cited in Kinner 2007) noted the prevalence of psychiatric disorders over a twelve month period was 74%, a staggering statistic when compared to just 22% in the wider community.

In another study, conducted in Queensland, Hockings et al (2002) reported that 57% of female prisoners had been diagnosed with a mental disorder. They concluded that drug

abuse, mental health and a history of sexual abuse were three significant issues which characterise many women who are incarcerated (Kinner 2007).

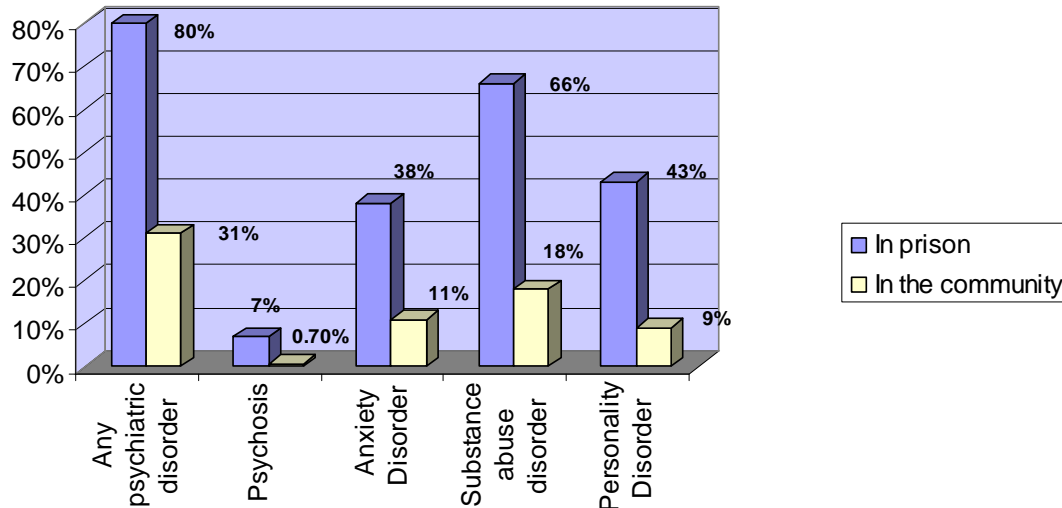


Figure 7: Prevalence of psychiatric disorders in the Australian prison system compared to the community

Source: White and Whiteford, 2006.

Cost to the health system

The difficulties experienced by post-release prisoners returning to society are immense. In research conducted in the USA post-release prisoners were compared to soldiers returning from battle. Post-release prisoners often leave prison with feelings of alienation, isolation, guilt, rage and experiencing mental health issues such as post traumatic stress disorder (Watterson 1996, cited in Ogilvie, date unknown).

With the South Australian Government forging ahead with its 'tough on crime' agenda and the inevitable influx of post-release prisoners, an already burdened system will need more and more taxpayer funded resources to cope with demand. Concern must be expressed at where these resources will come from and what other essential services will suffer to facilitate this extra expenditure? Within the South Australian 2008 Budget, new money earmarked for the health system was \$462 million. This compares to \$173 million earmarked for the justice system (South Australian Government, 2008). This means that new money for the justice budget was 37% of that pledged for the health system in South Australia. While the prison system and the courts in South Australia need extra resources to function properly, the money that is being utilised on extra police, correctional facilities and the infrastructure necessary to run the expanding prison system will undoubtedly affect spending in other areas. For example for every staff post, within a prison at least two people would be needed to staff that post over a 24 hour period. Thus for every rostered position required in a prison, it would take similar funds to pay two full-time nurses.

Calculating the costs of health/mental health of post-release prisoners in the community is difficult to quantify as data is generally not collected on the access patterns of post-release prisoners to health and mental health facilities. Further, there is a dearth of research and empirical evidence into this area so it is impossible to both detail the current costs of post-

release health services as well as making projections of health costs of a rising prison population into the future.

The impact on the family

Information regarding the parental status of prisoners is scarce therefore it is difficult to know just how many families/children are affected by imprisonment in Australia. However there have been several studies undertaken regarding the effect of imprisonment of a parent on their children. Johnston (1995, cited in Tudball, 2000) argues that the normal developmental stages of a child can be severely influenced by the trauma associated with the imprisonment of a parent. There can be significant disruption to care when a primary caregiver is incarcerated, including but are not limited to negative changes in economic circumstances, forced relocation to other accommodation, unfamiliar caregivers, foster placements, separation from familiar surroundings (school, home, social groups), friends and other family members in addition to separation issues from being apart from the parent.

Families and children may also witness the arrest of the loved one and experience confusion and a loss of control over the situation. There may also be media coverage which may heighten feelings of helplessness, shock and embarrassment. These are common experiences for the children of prisoners (Cunningham, 2001).

The experience of families and children visiting loved ones while in prison can be difficult at best. Prisons are not the most welcoming of environments and in many cases prisoners' families report that they have been made to feel like criminals when attempting to visit loved ones. Visiting family members in a prison located in a geographically remote region is a further barrier to maintaining links with family (Cunningham, 2001). This distance and the potential for prisoners to lose links with family and support networks will unfortunately be a feature of the new prisons that are planned to be built in Murray Bridge. This is a vitally important issue to address when research indicates that offenders who maintain links with their families and support systems are much less likely to re-offend when released from prison (Cunningham, 2001).

Levels of disadvantage for post-release individuals

Many post-release prisoners experience chronic disadvantage upon release, serving to perpetuate many of the social experiences that contributed to the offending in the first place (Kinner, 2007). In a study conducted by Baldry et al (2003) it was found that a significant correlation could be drawn between recently released prisoners and homelessness. The same study found that the housing opportunities for post-release prisoners are grossly inadequate, and participants in the study qualitatively linked the lack of long-term, stable accommodation to the re-adoption of transitory lifestyles, drug and alcohol use and eventually re-arrest and re-incarceration.

Borzycki and Baldry (2003) argue that literature demonstrates that post-release prisoners face significant systemic and personal challenges while attempting to re-integrate back into the community. These challenges include but are not limited to; poverty, poor education, poor physical health, unemployment, alcohol and drug abuse and mental health issues. Furthermore social and communication skills are often significantly diminished during a period of custody. These factors have been shown to be contributing factors to recidivism and reimprisonment as well as being barriers to employment.

To illustrate the difficulties that post-release prisoners have in obtaining employment and the importance of the connection between employment and reduced recidivism, a study conducted by the Australian Housing and Urban Research Institute (Baldry, McDonnell, Maplestone and Peters 2003) explored this nexus. Of the 227 post-release prisoners who participated only 16% had employment of any kind or were full-time students. What is of interest is that of those who had gained employment or were in full-time study only 8% returned to prison compared to 46% of those who were not employed or studying.

In an evaluation of the 'Bridging the Gap Program' undertaken by the Melbourne Criminology Research and Evaluation Unit (2003, cited in Graffam and Shinkfield, 2007) only 21 (11%) of 198 ex-prisoner participants had achieved full-time employment at six months post-release or at the completion of the program. Only 18 (9%) of the participants were in casual employment. In addition the study found that participants were identified as having drug and alcohol issues and high support needs which further decreased their chances of employment. This experience of unemployment is not just an issue for post-release prisoners; unemployment is an established contributing factor to offending in the first instance (Sarre, 2008).

Alternatives to incarceration

In his book *Less law, more order*, Irvin Waller (2006) maintains the need for a dramatic shift in government ideology and public policy surrounding law and justice. Waller strongly argues the need for all levels of government to invest in early intervention and prevention programs rather than squandering taxpayers' money on reactionary and expensive law enforcement and criminal justice processes. Weatherburn and Lind (1998) are clear in their report *Poverty, Parenting, Peers and Crime Prone Neighbourhoods* about the three elements they believe to reduce the supply of potential offenders: reduce the level of economic stress on families; prevent geographic concentration of poverty; and introduce family and child support programs designed to prevent social and economic stress exerting disruptive effects on the parenting process. Directing public money to prevention rather than increased capacity for incarceration would seem logical, if not politically attractive.

There are several alternative methods to punitive sanctions that can punish offending behaviour without increasing the number of people who come into contact with our prison system. Many of these alternatives are already in use within South Australia. These penalties can include fines, community based probationary orders, periodic detention, home detention and diversionary and restorative justice processes (ACT Prison Project Office, 2002). While diversionary processes are utilised in South Australia such as in the Youth Court and the Drug Court, restorative justice processes have not been utilised to anything like their full potential.

In the United Kingdom the Ministry of Justice (2008) released a report into the evaluation of three restorative justice schemes implemented in three sites across the country. The schemes were funded by the Home Office under its Crime Reduction Programme that began in mid-2001. The three schemes were called: CONNECT, the Justice Research Consortium (JRC) and REMEDI. For the purposes of these schemes, 'restorative justice' was defined as 'a process whereby parties with a stake in a specific offence collectively resolve how to deal with the aftermath of the offence and its implications for the future' (Marshall, 1999 cited in Shapland, Atkinson, Atkinson, Dignan, Edwards, Hibbert, Howes, Johnstone, Robinson and Sorsby, 2008).

Because of the difficulties of actually measuring re-offending (due to the impossibility of knowing how many offences someone has actually committed in a specific period), the measure utilised by the authors was the extent to which an offender has been reconvicted (or received a caution, reprimand or final warning) during a two year period after the sentence for the original offence. For the purposes of the study the individuals who took part in the restorative justice schemes were directly compared to that of a control group (Shapland, et al, 2008).

The study found that:

- Across all three schemes, the offenders who participated in restorative justice committed fewer offences (in terms of reconvictions) in the two years after their original convictions than the offenders in the control group. 66% of those sentenced to prison re-offended in the two years subsequent to their release, compared with a 53% re-offending rate for those given a community sentence.
- Across all three schemes there was a lower cost of convictions versus the control group. These costs included the costs to potential future victims and the costs to the criminal justice system (Shapland, et al, 2008).

This report highlights the substantial cost benefit of instituting restorative justice schemes. In isolation, the cost benefit relates to decreased costs in incarceration and decreased costs associated with potential victims of crime. However, because in practice restorative justice processes run alongside the traditional criminal justice system, the cost savings will be related to decreases in re-convictions and decreases in potential victims (Shapland, et al, 2008).

In Sum

Government and community reliance upon traditional forms of punishment will be difficult to dismantle. Calls to reform our justice system and decrease our reliance upon punitive sanctions are usually greeted with derisive howls of 'bleeding hearts', 'civil libertarians' and accusations of being out of touch with community expectations and standards. Despite this, it is clear that the adversarial system is not fulfilling community expectations of justice nor is it deterring the occurrence of crime in our society. The cost of crime both nationally and in South Australia is increasing every year and the projections in this report attest to the financial burden for the future.

Individuals who are incarcerated face systemic, social and personal barriers as a result of their period of incarceration. The experiences of poverty, poor education, poor physical and mental health, unemployment, alcohol and drug abuse, intellectual disability and poor social skills are often exacerbated during a period of custody which makes integration back into the community much more difficult. This difficulty in re-integration can contribute greatly to recidivism and re-imprisonment, thus fuelling the cycle of disadvantage-crime-disadvantage. In fact our current criminal justice system could be said to be perpetuating crime.

While prisoner numbers across the world are increasing more rapidly than general population growth, it is the significant rises in South Australia due to policy and legislation changes that have given South Australia the dubious title of having one of the highest incarceration rates in the country. The increases, should they be allowed to continue unabated, will incur immense costs for future generations in both financial and social terms. As such it is not financially or socially sustainable for a society or government to place such a high regard on policy decisions based upon tougher penalties and longer prison sentences.

This Government - in collaboration with the community sector, prisoner and victim advocacy groups and stakeholders - needs to develop more considered and constructive approaches for offenders that are based upon more than populist, traditional and retributive notions of punishment. There needs to be a balance between protecting society from the worst offenders and the implementation of more appropriate restorative and diversionary punishments which have a much greater chance of reducing recidivism and promoting greater reintegration back into the community.

References

ACT Prison Project Office (2002), 'From Exclusion to Inclusion: a report on the role of the local community in the rehabilitation and reintegration of prisoners', ACT Prison Project Office, November 2002.

Australian Bureau of Statistics (2008), 'Corrective Services Australia', (Cat. 4512.0), viewed 18 July 2008,
[http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/BCA72D0F4EB1D31BCA25746C001C171F/\\$File/45120_mar%202008.pdf](http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/BCA72D0F4EB1D31BCA25746C001C171F/$File/45120_mar%202008.pdf)

Australian Bureau of Statistics (2007), 'Corrective Services Australia', (Cat. 4512.0), viewed 18 July 2008,
[http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/2C494C3A9FBD2C11CA257300001AE02/\\$File/45120_mar%202007.pdf](http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/2C494C3A9FBD2C11CA257300001AE02/$File/45120_mar%202007.pdf)

Australian Bureau of Statistics (2006), 'Corrective Services Australia', (Cat. 4512.0), viewed 23 July 2008,
[http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/32F6E90DE9E228ABCA25719400137217/\\$File/45120_mar%202006.pdf](http://www.ausstats.abs.gov.au/Ausstats/subscriber.nsf/0/32F6E90DE9E228ABCA25719400137217/$File/45120_mar%202006.pdf)

Australian Institute of Criminology (2007) 'Australian Crime: Facts and Figures', viewed 7 August 2008, http://www.aic.gov.au/publications/facts/2007/facts_and_figures_2007.pdf

Australian Institute of Criminology (2006) 'Australian Crime: Facts and Figures', viewed 7 August 2008, http://www.aic.gov.au/publications/facts/2006/facts_and_figures_2006.pdf

Baldry, E., McDonnell, D., Maplestone, P., Peeters, M (2003), 'Ex-prisoners and accommodation: what bearing do different forms of housing have on social reintegration?', for the Australian Housing and Urban Research Institute: RMIT NATSEM Research Centre, August 2003, AHURI Final Report No. 46.

Beyond Bars: Alternatives to Custody (2007), 'Mental Illness and the Criminal Justice System', Fact Sheet 9, viewed 26 July 2008,
<http://www.beyondbars.org.au/BBA%20FINAL%20FACTS/MentalIllnessfinal.doc>

Cashmore, J., Gilmore, L., Goodnow, J., Hayes, A., Homel, R., Lawrence, J., Leech, M., Najman, J., O'Connor, I., Vinson, T., Western, J (2002), 'Pathways to prevention: developmental and early intervention approaches to crime in Australia', National Anti-Crime Strategy, National Crime Prevention Towards a Safer Australia, Commonwealth of Australia.

Cunningham, A (2001), 'Forgotten families - the impacts of imprisonment', in *Family Matters*, No. 59, Winter 2001.

Fox, TA (1998), 'Tougher criminal legislation means prison overcrowding: The end of the road for prisons as agents for rehabilitation', Queensland University of Technology.

Garrett, L (2008), 'The Cost of Justice', viewed 13 August 2008,
<http://www.oars.org.au/Downloadable%20Documents/THE%20COST%20OF%20JUSTICE.pdf>

Gout, H, (2008), 'Rack 'em, Pack 'em, Stack 'em: Jail Comments Outrage', *The Independent Weekly*, 9 May 2008. Viewed 14 July 2008,
<http://www.independentweekly.com.au/news/local/news/political/rack-em-pack-em-stack-em-jail-comments-outrage/767466.aspx>

- Hepatitis C Council of SA (2008), 'About Hepatitis C', viewed 12 August 2008, http://www.hepccouncilsa.asn.au/factsheets/about_hep_c/whatishepc.html
- John Howard Society of Alberta (1996), 'Prison Overcrowding', viewed 2 July 2008, <http://www.johnhoward.ab.ca/PUB/C42.htm>
- Kelly, A (2006), 'Tough on crime populism not as popular anymore', in *Online Opinion*, Thursday the 2nd of November 2006, viewed 18 July 2008, <http://www.onlineopinion.com.au/print.asp?article=5082>
- Kinner, SA (2007), 'Passports to advantage: Health and capacity building a basis for social integration', *Flinders Journal of Social Reform*.
- Miller, ER (2006), 'HCV Infection in South Australian Prisoners: Prevalence, Transmission, Risk Factors and Prospects for Harm Reduction', PHD thesis, University of Adelaide.
- Mullen, P.E (2001), 'A Review of the Relationship between Mental Disorders and Offending Behaviours and on the Management of Mentally Abnormal Offenders in the Health and Criminal Justice Services', Prepared for the Criminology Research Council. Viewed 15 August 2008, <http://www.criminologyresearchcouncil.gov.au/reports/mullen.pdf>
- Ogilvie, E (no date) 'Post-Release: The current predicament and the potential strategies', *Australian Institute of Criminology*, viewed 17 July 2008, <http://www.aic.gov.au/crc/reports/ogilvie.html>
- Rhodes, L (2005), 'Pathological Effects of the Supermaximum Prison', in *American Journal of Public Health*, vol. 95, number 10, pp. 1692 – 1695, October 2005.
- Sanson, A., Montgomery, B., Gault, U., Gridley, H., Thomson, D (1995), 'Punishment and behaviour change', *The Australian Psychological Society Ltd*, November 1995.
- Sarre, R., King, S and Bamford, D (2006), 'Remand in custody: critical factors and key issues', *Australian Institute of Criminology*, Trends and Issues in Crime and Criminal Justice, May 2006.
- Sarre, R (2008), 'Social Innovation, Law and Justice', Paper presented to the Social Innovation Conference, Adelaide, Australia, 19-21 June 2008.
- South Australian Government (2008), 'Budget Overview: Action now for the Future, budget paper 1 2008/09'.
- Tudball, N (2000), 'Doing it hard: a study of the needs of children and families of prisoners in Victoria', Presented by Judith Lazarus & Anne Rosewood, A VACRO *Initiative*.
- Waller, I (2006), '*Less law, more order: the truth about reducing crime*', Praeger, United States of America.
- Woodward, R (2003), 'Families of prisoners: literature review on issues and difficulties', Occasional Paper No. 10, *Australian Government Department of Family and Community Services*, September 2003.