



Submission to the Victorian Ombudsman's enquiry into rehabilitation services post prison

February 2017



Jesuit
Social Services
Building a Just Society

Table of Contents

Jesuit Social Services: Who we are	2
Our recommendations	4
Introduction.....	5
Disadvantage, complexity, substance use and offending	6
Continuity of care	7
Access to services	8
Housing.....	10

For further information, contact:

Sally Parnell
Chief Operating Officer, Jesuit Social Services
T: 03 9421 7600
E: sally.parnell@jss.org.au

Jesuit Social Services: Who we are

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities.

Jesuit Social Services works where the need is greatest and where it has the capacity, experience and skills to make the most difference. Jesuit Social Services values all persons and seeks to engage with them in a respectful way, that acknowledges their experiences and skills and gives them the opportunity to harness their full potential.

We do this by working directly to address disadvantage and by influencing hearts and minds for social change. We strengthen and build respectful, constructive relationships for:

- **Effective services** – by partnering with people most in need and those who support them to address disadvantage
- **Education** – by providing access to life-long learning and development
- **Capacity building** – by refining and evaluating our practice and sharing and partnering for greater impact
- **Advocacy** – by building awareness of injustice and advocating for social change based on grounded experience and research
- **Leadership development** – by partnering across sectors to build expertise and commitment for justice.

The promotion of **education, lifelong learning and capacity building** is fundamental to all our activity. We believe this is the most effective means of helping people to reach their potential and exercise their full citizenship. This, in turn, strengthens the broader community.

Our service delivery and advocacy focuses on the following key areas:

- **Justice and crime prevention** – people involved with the justice system
- **Mental health and wellbeing** – people with multiple and complex needs and those affected by suicide, trauma and complex bereavement
- **Settlement and community building** – recently arrived immigrants and refugees and disadvantaged communities
- **Education, training and employment** – people with barriers to sustainable employment.

Currently our direct services and volunteer programs are located in Victoria, New South Wales and Northern Territory, and include:

- **Brosnan Services:** supporting young people and adults in the justice system, and assisting them to make a successful transition from custody back into the community. Within the suite of services are Perry House, Dillon House and Youth Justice Community Support Services.
- **Jesuit Community College:** increasing opportunities for people constrained by social and economic disadvantage to participate in education, work and community life and reach their full potential.
- **Settlement Programs:** working with newly arrived migrants and refugees across metropolitan Melbourne, including the African-Australian and Vietnamese communities.

- **Connexions:** delivering intensive support and counselling for young people with co-occurring mental health, substance and alcohol misuse problems.
- **Artful Dodgers Studios:** providing pathways to education, training and employment for young people with multiple and complex needs associated with mental health, substance abuse and homelessness.
- **The Outdoor Experience:** offering an alternative treatment service through a range of outdoor intervention programs for young people aged 15 – 25 years, who have or have had issues with alcohol and/or other drugs.
- **Support After Suicide:** supporting people bereaved by suicide, including children and young people.
- **Capacity building** activities in NSW (Just Reinvest project in Bourke) and the Northern Territory with Aboriginal communities to improve their situation and to have more control over their lives.

Research, advocacy and policy are coordinated across all program and major interest areas of Jesuit Social Services. Our advocacy is grounded in the knowledge, expertise and experiences of program staff and participants, as well as academic research and evidence. We seek to influence policies, practices, legislation and budget investment to positively influence participants' lives and improve approaches to address long term social challenges. We do this by working collaboratively with the community sector to build coalitions and alliances around key issues, and building strong relationships with key decision-makers and the community.

Our Learning and Practice Development Unit builds the capacity of our services through staff development, training and evaluation, as well as articulating and disseminating information on best practice approaches to intervening with participants across our programs.

Our recommendations

- We recommend the Victorian Government invest in long-term place-based and therapeutic services that address disadvantage and respond to the complex needs of people involved in the justice system
- We recommend the Victorian Government invest in an end-to-end approach to manage people in prison that integrates comprehensive assessment, sophisticated planning, and high quality case-management
- We recommend the Victorian Government provide resources to increase the availability of alcohol and drug treatment services, and ensure that the complex needs of people involved in the justice system are met
- We call on the Victorian Government to invest in a diverse range of housing and support options for people with complex needs exiting prison

Introduction

Jesuit Social Services welcomes the opportunity to contribute to the Victorian Ombudsman's enquiry into rehabilitation services post prison.

People exiting prison in Victoria are some of the most vulnerable and disadvantaged members of our community, yet the limited support that is available to them means they often get stuck in the revolving door of the justice system.

A tendency of governments to pursue punitive rather than therapeutic policies for people involved in the justice system has led to the significant and rapid growth of Victoria's prison population, overwhelming the system's capacity to deliver consistent and effective rehabilitation and reintegration for prisoners.

Our rehabilitative response must be based on the understanding that complexity, disadvantage, substance use and offending behaviours are linked. There must be coordinated efforts across government and the community to tackle the disadvantage that underlies offending and investment in services that respond to people with complex needs.

Preparing people to transition from prison to the community should commence the moment they enter custody, followed by an end-to-end approach that integrates comprehensive assessment, sophisticated planning, and high quality case-management.

Post-release rehabilitation services must be well-resourced to ensure they can respond to the complex needs of a large volume of clients, and a diversity of housing options (along with support to sustain tenancy) is required to enable people exiting prison to successfully reintegrate into the community.

Jesuit Social Services supports the Victorian Ombudsman's current enquiry and believes that a formal investigation into post-release rehabilitation services is warranted. We believe that by providing the proper supports to this highly vulnerable group of people, we can help create a safe and just society where all people can reach their full potential and flourish as human beings.

Disadvantage, complexity, substance use and offending

The complexity and disadvantage of people involved in the justice system influences the capacity of services to support their rehabilitation and reintegration back into the community. Before addressing the capacity of services, we must recognise the link between complexity, disadvantage, and substance use, and understand the context within which offending behaviour and our subsequent response sits.

The complexity and disadvantage of Victoria's prison population has been well documented by the Victorian Ombudsman, with the 2015 report into the rehabilitation of prisoners noting that 48.5 per cent of prisoners had two or more characteristics of 'serious disadvantage' prior to admission to prison.¹ It is also important to note that disadvantage faced by prisoners often extends to their communities, many of which are characterised by high levels of disadvantage. In 2015, Jesuit Social Services along with Catholic Social Services Australia released the findings of its *Dropping off the Edge 2015* report into locational disadvantage, which found that six per cent of postcodes in Victoria accounted for half of all prison admissions.²

Our experience delivering the ReConnect program for people exiting prison provides further insight into this complexity, particularly when we consider the connection between substance use and offending. Of those ReConnect participants in 2016 that reported problematic substance use since referral to the program:

- 99 per cent gained their primary income from government benefits
- 64 per cent were homeless
- 8 per cent had completed Year 12 or equivalent
- 77 per cent indicated mental health issues (67 per cent diagnosed)
- 69 per cent had child protection involvement at some stage in their life
- 16 per cent were Aboriginal and/or Torres Strait Islander.

ReConnect

The ReConnect program supports high risk and high profile men and women to transition from prison to community. ReConnect provides targeted (up to four weeks) and intensive (up to 12 months) reintegration outreach services for serious violent or sex offenders, Aboriginal and Torres Strait Islander, women prisoners, and prisoners with high transitional needs.

ReConnect aims to: create individual transition plans for people exiting prison; provide assertive outreach and practical assistance to people exiting prison; assist people exiting prison to address the underlying causes of their offending; facilitate community reintegration and reduce re-offending.

Jesuit Social Services delivers ReConnect across Melbourne's north and western regions, as part of the Corrections Victoria Reintegration Pathway.

For more than 13 years the Australian Institute of Criminology has been conducting research into the link between substance use and offending. Findings released in 2012 showed that nearly half of all police detainees attributed their offending at the time to alcohol or drugs. Of this group, 25 per cent attributed their crimes to drug-related economic factors, and 40 per cent attributed their crimes to being intoxicated.³

From our 40 years' experience working with people involved in the justice system, Jesuit Social Services has witnessed first-hand the interplay between complexity and disadvantage, and their contribution towards substance misuse and offending behaviours. We have also witnessed in Australia a tendency to pursue punitive rather than therapeutic policies in response to these behaviours. Jesuit Social Services' recently released *States of Justice* publication - drawing together data from around Australia - provides a fuller picture of the effects of these policies.

Our research found that since 2010, the number of people committing crimes in Australia has remained essentially the same (the offender rate has risen just 1 per cent in that time). The rate of offences has increased by just six per cent nationally—and has actually reduced in three of the eight jurisdictions. While the offender rate has remained relatively unchanged, our national imprisonment rate has risen by 25 per cent since 2012.⁴

If we look at recidivism to measure the effectiveness our criminal justice system, we are going backwards. Forty four per cent of prisoners in Australia today returned to prison less than two years after release, up from 39.9 per cent just five years earlier.⁵ This indicates that in many cases prison does not prevent crime—it may well nurture it.

There must be coordinated efforts across government and the community to tackle the disadvantage that underlies offending and investment in place-based and evidence based services that respond to people with complex needs.

We recommend the Victorian Government invest in long-term place-based and therapeutic services that address disadvantage and respond to the complex needs of people involved in the justice system

Continuity of care

The significant and rapid growth of the number of people in Victoria's prisons has overwhelmed the system's capacity to deliver consistent and effective rehabilitation and reintegration for prisoners.⁶ Case management procedures do not provide prisoners with the necessary consistency throughout their sentence, and only around 20 per cent of prisoners in Victoria receive any form of post-release support.⁷

These pressures undermine the capacity of the criminal justice system to identify specific needs and provide supports and services that reinforce behaviour change among people in prison. The work of preparing people to transition from prison to the community should ideally commence the moment they enter custody. This requires:

- comprehensive and high quality assessment as early as possible in custody, with particular attention required regarding cognitive ability, mental health, gender, cultural factors, and history of offending
- thorough planning, including placement in an appropriate environment, identifying offending risk and vocational and other needs
- consistent high quality and strengths-based case management from a single case manager with low caseloads, with capacity to follow people through the justice system.

Jesuit Social Services calls on the Victorian Government to provide appropriate resources to strengthen an end-to-end approach to rehabilitating and transitioning prisoners in Victoria.

We recommend the Victorian Government invest in an end-to-end approach to manage people in prison that integrates comprehensive assessment, sophisticated planning, and high quality case-management

Access to services

Post-release rehabilitation services are critical for highly vulnerable people exiting prison who are subject to an increased risk of death and drug overdose when compared with the general population.⁸ Services must be well-resourced to ensure they can respond to a large volume of clients, who often have complex needs.

Current transitional support services for people exiting prison with substance misuse issues are inadequate, and limited community based supports are struggling to keep up with increased demand.⁹ A recently released report by the Victorian Auditor-General shows that alcohol and drug treatment conditions were attached to more than 85 per cent of Community Correction Orders in 2015-16,¹⁰ however average wait times for alcohol and drug programs ranged from 13 to 22 days, and only 46 per cent of forensic clients completed an episode of treatment in 2015-16.¹¹

In addition to pressure brought on by the high volume of clients, rehabilitation services must also be able to respond to the complexity and disadvantage that underlie an individual's offending and substance use behaviours. Research into how to effectively work with people with multiple and complex needs, as well as our own programmatic experience, indicates that:

- people exiting prison commonly have relatively chaotic lives and do not successfully engage with appointment-based supports
- the development of relationships promotes successful access and is an essential pre-cursor to more formal therapeutic engagement
- substance misuse, family relationships, housing and other needs must be addressed alongside mental health issues.

Jesuit Social Services delivers the Connexions program, working with marginalised young people aged 16-28 years experiencing high and complex needs, particularly individuals struggling with concurrent mental health and substance misuse. The Connexions program seeks to engage young people in relationships of trust and understanding, providing a professional service of counselling, casework and advocacy. Participants of the Connexions program have faced great difficulty in accessing alcohol and drug rehabilitation programs pre- and post-release from prison.

Connexions: Jason's story

Jason* has been participating in the Connexions program since January 2014, predominantly to access counselling. He is currently serving a prison sentence in Ararat, is due for a straight release with no supervision, and is subject to reporting obligations on the Register of Sex Offenders.

Jason has a significant history of homelessness and alcohol dependence and reports that he has only ever offended whilst intoxicated. He expressed his desire to access a residential rehabilitation program upon release as a 'step-down' from custody, to reduce his likelihood of a relapse and to build his living skills.

Jason's Connexions worker referred him to alcohol and drug rehabilitation services via the central intake, requesting a referral to a residential program. This process was difficult to navigate due to Jason's current incarceration, the regional nature of referrals and Jason's lack of specificity regarding his likely location upon release.

Jason's worker was able to refer him to residential program waitlists, although the worker was advised that Jason would only be able to be placed on the waitlist for one program at a time. Eventually a residential program with a place available was identified, however Jason's referral was unsuccessful as result of a number of co-occurring issues, including:

- difficulty obtaining information from Jason due to his current incarceration
- lack of flexibility around the need to have stable housing secured pre-release
- lack of capacity to provide support to a person with a history of sexual offences.

Further to this, the inability for Jason to be placed on more than one waitlist for a residential program reduced the likelihood of a successful outcome.

As a result of the difficulty involved with accessing an alcohol and drug rehabilitative program, Jason has lost motivation to engage with services and will be released from prison without this support.

*not his real name

Our experience delivering the ReConnect program also reflects the aforementioned concerns. Participants of the program have been subjected to lengthy and problematic wait times for services, and staff have received responses from services indicating that referrals have been waitlisted due to high demand. Appointments with alcohol and drug service providers must be made over the phone, however our participants often lose their phones, change numbers, or have no credit, which results in loss of contact and a breakdown in the continuity of the support.

ReConnect: Daniel's story

Daniel* has recently been engaging with the ReConnect program, however his participation has been sporadic as a result of his transient accommodation and continued substance use.

Daniel has a history of substance misuse. He has overdosed a number of times in his life, once since his engagement with ReConnect, and has previously been admitted to hospital to treat a blood disease resulting from the shared use of 'dirty' needles.

On three occasions, Daniel has requested alcohol and drug counselling as he identifies that his substance use is highly problematic. These requests have been voluntary as Daniel exited prison on straight release, without any alcohol and drug treatment conditions.

On multiple occasions, Daniel has completed over-the-phone self-referrals with the assistance of his ReConnect worker and made appointments for the earliest day available – normally in around eight days' time. On each occasion, by the time Daniel's appointment came to pass, he was using substances again and was generally unable to be contacted.

The ReConnect worker states that Daniel's chaotic lifestyle, combined with his transient accommodation, difficulty with using phone-based communication and lengthy wait times, has resulted in a breakdown of the continuity of support for Daniel.

*not his real name

Jesuit Social Services calls on the Victorian Government to provide appropriate resources to increase the availability of alcohol and drug treatment services for people involved in the justice system. To ensure an appropriate response is provided to these vulnerable members of our community, alcohol and drug services must incorporate the following elements:

- the centrality of relationships
- a person-centred, strengths-based and whole of needs approach
- a 'no wrong door' model of access, and
- a flexible approach towards service delivery.

We recommend the Victorian Government provide resources to increase the availability of alcohol and drug treatment services, and ensure that the complex needs of people involved in the justice system are met

Housing

We know that 40 per cent of Australia's prisoners expect to exit custody into homelessness,¹² and that those with complex needs experience greater homelessness and housing disadvantage.¹³ For people with complex needs, homelessness is both a trigger and compounding factor in contributing to involvement in the justice system.

From our experience delivering the ReConnect program, Jesuit Social Services understands the significant role secure accommodation plays in enabling a person exiting prison to access rehabilitative

services. The uncertainty of stable housing contributes to the often chaotic lifestyles of our participants post-release. Unsafe housing conditions makes it more difficult to remain abstinent from alcohol and other drugs during challenging times.

Safe, affordable and supported housing is fundamental to people's ability to get their lives back on track. It is therefore vital that housing issues are resolved prior to prison release. A combination of housing and intensive support is particularly crucial for people with complex needs, providing the security and stability of housing with intensive support to help them develop independent living skills and networks of support. For many of our program participants, developing independent living and interpersonal skills, and building confidence, are the building blocks to recovery. A whole-of-person approach is critical in addressing the unique mix of intersecting and overlapping issues that each individual faces.

Jesuit Social Services' Perry House offers one such model of supported housing. It provides housing and one-on-one support to people aged 17 – 25 years with an intellectual disability who are exiting the justice system and at-risk of homelessness, for up to 12 months. Perry House is staffed 24 hours a day and supports people to develop independent living skills through a range of activities. Like other supported housing options, demand is high, with only one out of five referrals being accepted.

Perry House workers facilitate the development of independent living skills from a strengths-based approach which promotes resilience and a 'can do' attitude in life. Each resident is supported to develop a 12 month program plan which aims to optimise their capacity to live independently in the community. Activities may include reconnection to family, engagement in employment, training or education, financial management, good communication and use of technologies.

One of the greatest barriers we experience to supporting people at Perry House is a capacity to exit our participants into safe, appropriate and affordable housing. To meet the varying needs of people exiting prison, a diversity of housing options is critical. Housing options can include transitional, supported living arrangements such as residential programs, lead tenant housing, step down models, and approaches that support an individual's entry into the private housing market through housing first models and head-leasing.

To better enable people exiting prison to access rehabilitative services, Jesuit Social Services call on the Victorian Government for more investment to expand housing programs for people with multiple and complex needs.

We call on the Victorian Government to invest in a diverse range of housing and support options for people with complex needs exiting prison

¹ Victorian Ombudsman. 2015, Investigation into the rehabilitation and reintegration of prisoners in Victoria, Victorian Ombudsman, Melbourne. <https://www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17>

² Vinson, T & Rawsthorne, M. 2015, Dropping off the Edge 2015, Jesuit Social Services and Catholic Social Services Australia, <http://www.dote.org.au/findings/full-report/>

³ Payne, J. & Gaffney, A. 2012. How much crime is drug or alcohol related? Self-reported attributions of police detainees - Trends & issues in crime and criminal justice no. 439, Australian Institute of Criminology, Canberra.

⁴ Jesuit Social Services, 2016. States of Justice: Criminal justice trends across Australia. Jesuit Social Services, Melbourne. <http://jss.org.au/wp-content/uploads/2016/12/States-of-Justice-December-2016-FINAL-1.pdf>

⁵ ibid

⁶ Victorian Ombudsman. 2015, Investigation into the rehabilitation and reintegration of prisoners in Victoria, Victorian Ombudsman, Melbourne. <https://www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17>

⁷ *ibid*

⁸ *ibid*

⁹ *ibid*

¹⁰ Victorian Auditor-General's Office, 2017. Managing Community Correction Orders - PP No 225, Session 2014–17. Victorian Auditor-General's Office, Melbourne. <http://www.audit.vic.gov.au/publications/20170208-Community-Corrections/20170208-Community-Corrections.pdf>

¹¹ *ibid*

¹² AIHW, 2015. The health of Australia's prisoners 2015. Cat. no. PHE 207. AIHW, Canberra <http://www.aihw.gov.au/publication-detail/?id=60129553527>

¹³ Baldry, E., Dowse, L., McCausland, R & Clarence, M. 2012, Life course of institutional costs of homelessness of vulnerable groups, Report to FaHCSI, UNSW, Sydney. <https://www.mhdcd.unsw.edu.au/sites/www.mhdcd.unsw.edu.au/files/u18/Lifecourse-Institutional-Costs-of-Homelessness-final-report.pdf>