Drivers and Challenges of Imprisonment in NSW

Luke Grant
Assistant Commissioner
Offender Services and Programs
Prisons .... "that darkest region in the apparatus of justice"

Foucault
10,220 Full time custody
690 Periodic Detention Orders
18,000 Community based orders
Working credo’s of correctional practitioners

**Punishment**
- Moral condemnation
- Dislike of offenders
- Degradation
- Unfettered discipline
- Expressive function of sanctions

After Alison Liebling 2004
19th-20th Century

**Efficiency**
- Pragmatism
- Management
- System based
- Smooth administration
- Process oriented
- Lack of correctional ideology
- Separation of action from beliefs or sentiments

**Care**
- Liberal
- Humanitarian
- Empathy with offenders
- Optimistic
- Inclusive
- Belief in constructive work
- Open and accountable procedures
- Links with social policy
Effectiveness
Standards for all aspects of work
Protection of public a key ideology
Regimes and programs subject to accreditation
Reducing re-offending as a key outcome
Best value from resources
Links with other agencies to maximise effectiveness
Statement of Purpose

Corrective Services NSW delivers professional correctional services to reduce re-offending and enhance community safety

Corporate Plan 2009-2012
Planned Results

Reduced Risks of Re-offending
Safe, secure and humane management of offenders
Community Support and Successful re-integration
Effective corporate governance systems and resource management

Corporate Plan 2009-2012
Values

Regard for Community expectations and public interest

(Justice & Equity)

Corporate Plan 2009-2012
BOCSAR Study into Public Confidence in the NSW criminal Justice system

• 66% believe that sentences imposed on convicted offenders are either a “little too lenient” or “much too lenient”

• Younger, better educated those on higher incomes and those who knew more about the criminal justice system were more satisfied

• Those who got their info from broadsheets, Govt information bulletins and internet were more satisfied and better informed than those who relied on television and tabloids
# Imprisonment scorecard

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Punishment/retribution/</td>
<td>☑</td>
</tr>
<tr>
<td>just deserts</td>
<td></td>
</tr>
<tr>
<td>Specific and general</td>
<td>☑</td>
</tr>
<tr>
<td>deterrence</td>
<td>☒</td>
</tr>
<tr>
<td>incapacitation</td>
<td>☑</td>
</tr>
<tr>
<td>Longer term improvements to</td>
<td>☒</td>
</tr>
<tr>
<td>community safety</td>
<td></td>
</tr>
<tr>
<td>Prevents re-offending</td>
<td>☒</td>
</tr>
</tbody>
</table>
Key Performance Indicators

- Rates of – Escapes, serious assaults, unnatural deaths, offenders returning to corrective services,
  - Average out of cell hours per day
    - % offenders employed
    - Rate of re-offending
- Successful completion of community based orders

Corporate Plan 2009-2012

Note: no reference to increasing the incarceration rate
NSW Prison Population 1896-2010

Source: CRES, NSW Dept of Corrective Services
Imprisonment Rate
(per 100,000 adult population)
NSW 1999-2009

Source: CRES - National Correctional Indicators – ROGS 2005 & ROGS 2010
AVERAGE DAILY PRISON POPULATION
NSW 1999-2009

Source: CRES - National Correctional Indicators – ROGS 2005 & ROGS 2010
AVERAGE DAILY PRISON POPULATION BY GENDER NSW 1999-2009

Source: CRES - National Correctional Indicators – ROGS 2005 & ROGS 2010
AVERAGE DAILY INDIGENOUS PRISON POPULATION
NSW 1999-2009

Source: CRES - National Correctional Indicators – ROGS 2005 & ROGS 2010
TRENDS IN FULL-TIME POPULATION

Sentenced* population as at 30 June each year

* - Includes appellants
TRENDS IN FULL-TIME POPULATION

Remand population as at 30 June each year
Average Number of Offenders on Community Supervision Orders
NSW 1999-2009

Source: CRES - National Correctional Indicators – ROGS 2005 & ROGS 2010
COST PER PRISONER PER DAY
NSW 1999-2009

Source: National Correctional Indicators – ROGS 2005 & ROGS 2010
Crime Rate stable but inmate population increasing largely due to increase in unsentenced population

**Trends in crime and imprisonment**  
(Jan 2000-Mar 2008)

![Graph showing trends in crime and imprisonment](image)

**Source:** NSW Bureau of Crime Statistics and Research (2007)  
NSW Department of Corrective Services (2007)
Why is the prison population increasing?
The percentage of offenders refused bail is increasing
Percentage Refused Bail In NSW Higher Courts 1993-2007

Lulham and Fitzgerald BOCSAR 2008
Percentage Refused Bail In NSW Lower Courts
1993-2007

Lulham and Fitzgerald BOCSAR 2008
The percentage of offenders found guilty who are sentenced to imprisonment is increasing
Increased utilisation of imprisonment

Percentage of offenders imprisoned by offence type and year

- High range PCA
- Property damage
- Assault
- Fraud, forgery or false financial instruments
- Breach of domestic violence order
- Theft (except motor vehicles)
- Sexual assault and related offences
- Deal or traffic in amphetamines
- Robbery
- Deal or traffic in opiates
- UEWI/burglary, break & enter

Source: Lulham and Fitzgerald (2008)
Length of sentences have increased for some offences
Average length of Prison Sentence for Murder
(in Months)

Lulham and Fitzgerald BOCSAR 2008
Average length of Prison Sentence Motor Vehicle Theft and related offences - Higher Courts

Lulham and Fitzgerald BOCSAR 2008
Average length of Prison Sentence for: High Range PCA, Breach of Domestic Violence Order, Deal Traffic or Cultivate Illicit Drugs - Local Court (Months)

Lulham and Fitzgerald BOCSAR 2008
Trends in the proportion of offenders held for violent offences in NSW 1982-2008

Source: NSW Dept of Corrective Services Inmate Census 2008
Stock Versus Flow data

In 2009  average inmate numbers =10,250
Total number of individuals received = 29,254
Full-time sentenced custody population; 30 June 2009
Profile by aggregate sentence length

- Under 6 months
- 6 months to 1 year
- 1 to 5 years
- Over 5 years
- FP and Life
Reception Flow Data

Sentenced male receptions 2008-09 (flow)
Profile by time to serve to EDR at time of conviction
## Remandees Released Without Conviction

<table>
<thead>
<tr>
<th>Reception year</th>
<th>Total remand receptions</th>
<th>Total released as unconvicted</th>
<th>Released as unconvicted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>&lt;1 month</td>
</tr>
<tr>
<td>2005-06</td>
<td>10,488</td>
<td>6098</td>
<td>72%</td>
</tr>
<tr>
<td>2006-07</td>
<td>10,830</td>
<td>5971</td>
<td>64%</td>
</tr>
<tr>
<td>2007-07</td>
<td>10,981</td>
<td>5635</td>
<td>66%</td>
</tr>
<tr>
<td>2008-09</td>
<td>10,719</td>
<td>5134</td>
<td>60%</td>
</tr>
</tbody>
</table>
Length of time spent on remand (*total flow figure for unsentenced inmates* = 10,830 per year)

- 50% spent less than 30 days in custody
- 50% spent 30 days or more in custody
Key Performance Indicators

- Rates of – Escapes, serious assaults, unnatural deaths, offenders returning to corrective services,
- Average out of cell hours per day
- Completion of community based orders
- % offenders employed
- Successful completion of community based orders

Corporate Plan 2009-2012
Minor Assaults by prisoners on prisoner (per 100 prisoners per year)

Source: Report on Government Services 2010
Serious assaults by prisoners on prisoner (per 100 prisoners per year)

Source: Report on Government Services 2010
Serious Assaults by prisoners on staff (per 100 prisoners per year)

Source: Report on Government Services 2010
Minor Assaults by prisoners on staff (per 100 prisoners per year)

Source: Report on Government Services 2010
Death rates from apparent unnatural causes (per 100 inmates) 2000-2007

Source: Report on Government Services 2009
Sexual coercion in gaol: perception and reality

From SHAAP Study 2009
(incidence of sexual coercion one sexual assault every 61 prisoner years)
Escape numbers and rates – Calendar Years

(Source: CRES)
What about re-offending??
Percentage of NSW Prisoners who return to DCS within 2 years of release (ie get either a new prison sentence or a community based order)

Source: Report on Government Services 2009
The doctrine of “nothing works”

“With few isolated exceptions the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism. Does nothing work?”

Robert Martinson (1974)  
What Works? Questions and answers about prison reform

“Contrary to my previous position, some treatment programs do have an appreciable effect on recidivism…. Some programs are indeed beneficial. New evidence from our current study leads me to reject my original conclusion… the evidence is simply too overwhelming to ignore.”

Robert Martinson (1979)  
New findings - new views
Meta-analysis and effect size

- Meta-analysis or ‘statistical review’ has been used extensively in many fields since the 1970s
- It entails pooling data from a series of studies and analysing them collectively
- Different elements in separate studies are ‘coded’ as common variables
- The procedure can cope with variations in design, sample size and specific outcome variables in primary studies
- The key outcome indicator is **EFFECT SIZE**
- It provides an indication of trends amongst changes in ‘treatment’ and ‘comparison’ groups
Examples of meta-analyses of the effects of specific treatment types on recidivism - Juveniles

From Lipsey and Cullen (2007)
Examples of meta-analyses of the effects of specific treatment types on recidivism – Adults and Juveniles

From Lipsey and Cullen (2007)
## Comparative effects sizes for selected interventions

<table>
<thead>
<tr>
<th>Intervention</th>
<th>Target</th>
<th>Effect size</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aspirin</td>
<td>Risk of myocardial infarction</td>
<td>0.034</td>
</tr>
<tr>
<td>Chemotherapy</td>
<td>Breast cancer</td>
<td>0.08 - 0.11</td>
</tr>
<tr>
<td>Bypass surgery</td>
<td>Coronary heart disease</td>
<td>0.15</td>
</tr>
<tr>
<td>Psychological therapy</td>
<td>Mental health problems</td>
<td>0.32</td>
</tr>
<tr>
<td>Treatment of offenders</td>
<td>Recidivism: overall</td>
<td>0.10</td>
</tr>
<tr>
<td>Recidivism:</td>
<td>appropriate service</td>
<td>0.29</td>
</tr>
</tbody>
</table>

This table developed by James McGuire shows that the effects of correctional treatment programs are modest but appreciable. The data come from published meta-analyses. When efficacy is compared with medical and other treatments appropriately targeted correctional programs work as well or better. It is unreasonable to expect that these programs will be 100% successful.

A score greater than 0 indicates a positive effect.
Principles for effective programmes

Adapted from McGuire, Andrews, Gendreau, Lipsey, Hollin, Lösel, and others

- Theory and evidence base
- Program intensity matched to participants risk level
- Dynamic risk factors are the targets of change (needs)
- Breadth – Multimodal programs are best
- Responsivity
- Program integrity
- Readiness
- Community based
Dynamic Risk Factors

Chronic accommodation problems
Alcohol and other drug misuse
Inability to manage money and debt
Education, training and employability problems
Poor services for mental health and intellectual disability
Poor emotional state, inability to cope
Distorted and irrational thinking and behaviour
Unstable or problematic relationships
Criminal lifestyles and criminal associates
Pervasive pro-criminal attitudes
Lack of structured leisure and recreational pursuits

Dynamic factors are amenable to change through program interventions. Their relative importance for a given offender can be assessed using well-validated predictive instruments. This enables agencies to target offenders at greatest risk of re-offending, with intervention strategies that address those factors that are directly related to re-offending.
INTEGRATED OFFENDER MANAGEMENT FRAMEWORK

Manage offenders in a safe, secure and humane manner and reduce the risks of reoffending.

Throughcare

Risk Assessment
Dynamic Risk

Case Planning
Case Work

Accredited Programs
Program Integrity

Exit Planning
Transitional Support

Evidence
## Total Offenders

<table>
<thead>
<tr>
<th><strong>Strongest</strong></th>
<th><strong>Weakest</strong></th>
</tr>
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<tbody>
<tr>
<td>Criminal History</td>
<td>Emotional/Personal problems</td>
</tr>
<tr>
<td>Alcohol/Drug problems</td>
<td>Family/Marital</td>
</tr>
<tr>
<td>Education/Employment (male)</td>
<td></td>
</tr>
<tr>
<td>(male offenders only)</td>
<td></td>
</tr>
<tr>
<td>Companions</td>
<td></td>
</tr>
<tr>
<td>(female offenders only)</td>
<td></td>
</tr>
</tbody>
</table>
Program Suites – Custody & Community

- Aboriginal Programs
- Aggression & Violence
- Alcohol Drugs and Addictions
- Cognitive skills
- Community engagement
- Harm Reduction
- Readiness
- Sexual Offending
- Programs for Women Offenders
- Education
- Work readiness
- Faith based programs
Cost of Offender Services and Programs

- Correctional Centre Program Staff: $54,563,400
- AEVTI (admin): $1,511,000
- Disability Services: $1,243,000
- Assessment Unit: $1,000,000
- Restorative Justice: $606,000
- Offender Programs Unit: $1,681,000
- Sex Offenders (CUBIT staff and FPS): $2,796,000
- Sober Driver Program: $1,200,000
- Restorative Justice: $595,000
- Indigenous Family Violence: $946,000
- COS Psychologists: $2,311,664*
- Program Facilitators: $1,039,636 *
- Chaplains: $2,400,000
- Personality Disorders Unit: $450,000
- Compulsory Drug Treatment CC: $2,935,000

Total: $75,277,7000
Offending associated with drug use

- Inmate Health Survey (2009)
  
  51.5% of men said current sentence linked to drugs
  65.4% of women said current sentence was linked to drugs
Corrective Services NSW response to Drugs

- CSNSW recognises drug misuse as a dynamic risk factor for re-offending
- Has adopted harm reduction, supply and demand reduction strategies but continues to have unresolved issues with regard to therapeutic role and role as law enforcement agency
There is a widespread community and media perception that drugs are freely available and frequently used in prisons in NSW and that supply reduction strategies have failed.

Injecting drug use is believed to be particularly rampant.
Injecting Drug Use in Custody Vs community

- Inmate Health Survey (2009)
  - 40.1% men said they had ever injected drugs
  - 52.4% of women said they had ever injected drugs

  - 16.4% of men had ever injected in prison
  - 16.9% of women had ever injected in prison

  - 87% of IHS participants with a history of injecting drug use reported their most recent injection was longer than 4 weeks ago, only 2.8% had injected in the preceding week
Percentage of Inmate who said they had ever injected drugs in prison (Inmate Health Survey 2009)
Inmate’s term extended

AN INMATE found in possession of a syringe to inject illicit drugs has had his stay behind bars extended by two months.

Relieving magistrate, Michael Allen said on Monday that only a full time custodial sentence was appropriate for Paul Adrian Stewart, 32, who had been due for release to eight months parole on Friday, July 16.

Mr Allen said Stewart “made a mockery of what custodial sentences were all about.”

Police prosecutor Sergeant Brett Donaghy tendered a statement outlining how prison officers had discovered the syringe wrapped in plastic hidden inside a kettle.

Stewart admitted he brought the syringe from Parramatta to Bathurst jail, police said.

Stewart had told officers he did not have a drug problem until he had been jailed.

While Mr Allen accepted Stewart’s early guilty plea as a sign of his regret and remorse he imposed a two months’ jail sentence to expire on September 11, 2010.
NSP’s


