Submission to the Queensland Productivity Commission’s Inquiry into Imprisonment and Recidivism

INTRODUCTION

1. Together Queensland, Industrial Union of Employees (Together) is the leading industrial union representing the interests of the employees of Queensland Corrective Services (QCS). Together represents over 2000 of the Custodial Corrections staff employed in the publicly run correctional centres.

2. Together Queensland is an entity in both the state and federal systems:
   - Together Queensland, Industrial Union of Employees is an Industrial Organisation of Employees under the Industrial Relations Act 2016 (Qld);
   - The Australian Municipal, Administrative, Clerical and Services Union (ASU) Central and Southern Queensland Clerical and Administrative Branch, Queensland Together Branch is a branch of the ASU. The ASU is a registered organisation under the Fair Work (Registered Organisations) Act 2009 (Cth) (FWRO Act).

3. Together delegates and members support the measures and functions performed by the Queensland Productivity Commission (QPC) and, in particular, this review of how government resources and policies can be best used to reduce imprisonment and recidivism and improve outcomes for the community over the medium to longer term.

BACKGROUND

4. Correctional facilities house a particularly challenging sector of society. Individually and collectively prisoners present challenges to the order and functioning of correctional facilities. Many prisoners have disadvantaged backgrounds, come from marginalised groups in society and have a range of highly complex and constant needs.

5. The recent Human Rights Watch report, Abuse and Neglect of Prisoners with Disabilities in Australia, noted that people with disabilities, particularly a cognitive or psychosocial disability, are overrepresented in the criminal justice system in Australia—comprising around 18 percent of the country’s population, but almost 50 percent of people entering prison.  

6. This already dangerous and difficult environment is made even more so as a result of the current capacity problems. The Issues Paper released by the Queensland Crime and Corruption Commission’s Taskforce Flaxton noted that, “in a number of high-security correctional facilities, this has resulted in people “doubling-up” in a cell originally built for one person”. That observation actually understated the gravity of the problem. Double ups are occurring in every state run centre (other than the low security centres), in some there are insufficient facilities for all prisoners to sit.

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1 Human Rights Watch (2018), Abuse and Neglect of Prisoners with Disabilities in Australia
https://www.hrw.org/report/2018/02/06/i-needed-help-instead-i-was-punished/abuse-and-neglect-prisoners-disabilities,
down to eat at the one time and access to scarce industry programs designed to assist in rehabilitation is further reduced. Only recently, with the changes to the housing of female prisoners at the Southern Queensland Correctional Centre, has this issue been alleviated for female prisoners.

7. It is also important to note that barring substantial and serious crimes, no one will go to prison for a first offence. The judicial system invariably tries to find alternatives to incarceration, be it fines, community service, probation and so forth. This means that by the time a judge remands an offender to prison it is because that offender has consistently demonstrated a disregard for the dignity of law and the society it serves. When an offender arrives in prison for the first time, he/she already has a history of repeat offending.

8. The prison population is a society; and like all societies, there is a culture that dictates behaviours and a social hierarchy. The things a prisoner has to do to learn to survive and cope within this “society” are adding building blocks to the criminal psyche. Prisoners are “hardened” within. The networking and support systems they establish within the prison culture contribute to the crimes they are likely to commit when they are released back into the community.

9. This is exacerbated by the current capacity issues. Our members report that their capacity to engage with prisoners in a meaningful way that assists rehabilitation has diminished to being virtually non-existent.

10. There is also a percentage of the prisoner population that does want to straighten themselves out when they are released. Some of these have taken advantage of the educational and job-skills resources available within prisons to help them change the course of their lives. However, they too tend to end up back in prison. This is due to the toxic and/or desperate neighbourhoods they live in, the lack of gainful employment opportunities, the broken homes they come from, the unstable and tenuous relationships they form all contribute to the likelihood of reoffending.

“...any officer that has been around a short time can tell a true story about a prisoner that likes prison; how the prisoner admits he lives better in jail than he does on the outside. That is completely wrong! A man shouldn’t be leaving prison worse off than he arrived, but a man shouldn’t prefer to live in prison! The only “good” that prisons do is keep offenders off the street for a while. In fine, prisons are terrible places that only make people worse.”

Joe, CCO, Maryborough Correctional Centre

Submission development

11. This submission has been developed based on input from delegates and members around the State, in response to the QPC Issues Paper. The Terms of Reference as set out below were disseminated to the membership for their input. While many of the issues lend themselves to statistical analysis and review of academic papers, our members are in a position of having a level of daily interaction with prisoners that is far greater than any other. They alone can provide a unique insight into some of the issues being considered by the QPC as can be seen by the anecdotes throughout the submission.

Factors driving imprisonment and recidivism

12. Aboriginal and Torres Strait Islander imprisonment and recidivism. Aboriginal and Torres Strait Islander adults make up around 2% of the national population, and yet constitute 27% (10,596)
of the national prison population (38,845).

This level of incarceration is driven by a range of factors identified in a range of reports over the years. The Productivity Commission report *Overcoming Indigenous Disadvantage: Key Indicators 2016* summarises these as follows: disadvantage caused by a lack of education and low employment rates; inadequate housing, overcrowding and homelessness; poor health outcomes, including mental health, cognitive impairment including Foetal Alcohol Spectrum Disorders (FASD) and physical disability; and alcohol and drug dependency and abuse.

13. One of the key issues raised by members is the cycle of incarceration. Previous reports have considered this in the context of incarceration itself having a compounding effect on all of the above disadvantages. This is supported in the feedback provided by our members:

> “From experience - many of the younger inmates come from families that have at least one relative that’s been to prison. I can think of several inmates that are closely related and serving time together. In some cases grandfather, father and son are all working in the laundry industry. Many of them have untreated mental issues that are related to alcohol abuse or drug abuse or other domestic violence issues that result in a high predisposition to offend - a perpetual motion.”

*Ron, Trade Instructor, Townsville Correctional Centre*

14. Our members report that the issue goes further than that to the extent that prison is no longer a real deterrent but a place of refuge for some relaying comments such as:

> “some remote communities in the North Queensland consider that it is a rite of passage (manhood) to serve time”

> “I’ve come back to clean myself out boss”

> “I missed my brothers” or “it was boring on the outside boss”

> “Most of the inmates from out west and further north have expressed to me their fear of tribal punishment. For them it is a much worse penalty to face a meeting of elders than it is to face the local Magistrate.”

*Ron, Trade Instructor, Townsville Correctional Centre*

15. Our members even report that some indigenous prisoners have deliberately offended so as to come into jail. This may be to provide support to a relative, for example, a younger brother who has been incarcerated for the first time or even as a result of seasonal factors.

> “wet season if you’re homeless. Why would you sleep in parks etc, when you can come to jail”

*Ben, CCO, Lotus Glen Correctional Centre*

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2 Australian Bureau of Statistics, Prisoners in Australia, 2016, Cat No 4517.0 (2016)
4 Ibid [4.1]–[4.110]. See further ch 2
5 Australian Law Reform Commission, Pathways to Justice—An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples (2017) at 2.101
“But what used to surprise me was the attitude of those returned time and time again, not sad or remorseful, but mostly happy and relaxed. Having come to terms with residing within a Correctional Centre, or worse still, feeling a sense of “being home”!

When I talk to those women and I confess to them, I don’t understand their acceptance to this situation, there is a collective of the following:

- I feel/am safer here than I was on the outside and I can sleep knowing I’m ok.
- I like coming here cause I like coming to work with the other girls. It’s nice to be part of a positive group.(we all want that).
- I need to “get healthy”, I guess from alcohol, drugs and related health issues, being in custody prevents the abuse of such habits.”

Mark, Trade Instructor, Townsville Correctional Centre

The effectiveness of programs and services in Correctional Centres

In the years I was at Sir David Longlands CC the programs were only 6 months long. They were all short term and had no discernible way of validating their effectiveness on rehabilitation of prisoners. Courses need to be effective and address some of the issues that prisoners reoffend and end up in jail. They need to give the prisoner skills that will help them when they get out. Borallon training and Correctional Centre has some courses, but they must be long term to have an effect. Some prisoners are forced by courts to do certain courses to get early parole or even to get out of jail. This is mostly with sex offences. The prisoner must want to do the course otherwise it’s a waste of time. Most sex offenders just jump through the hoops as they have done it all before and it’s only to help them get out of jail earlier then they normally would have. There are no courses for prisoners serving less than 12 months that are of use to them when they get out.

Scott, CCO, Borallon Training and Correctional Centre

16. Our members report on the effectiveness of programs and industries within correctional centres.

“We had an inmate who was notorious for officer assaults (16) when we took him into the laundry he was very aggressive. We focused on his behaviour and gave him the opportunity to operate an industrial machine (on his own). He was trained and left to do his job with minimal supervision. Inmate *** was one of the better machine operators we had – he retained that position for 4 years and his behaviour greatly improved, both in and out of the laundry – be active and engage with offenders as a unit. Stay consistent and monitor them, you may be preventing an officer assault.”

Ron, Trades Instructor, Townsville Correctional Centre

17. Empirical evidence suggests that education directly reduces the rate of recidivism. An NCVER Report, Vocational education and training provision and recidivism in Queensland correctional institutions found that offenders who have been involved in VET programs before initial release had a recidivism rate of 23%, compared with 32% for offenders who do not participate in VET programs.6

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“Many of the younger inmates have no skills, no support networks (dysfunctional families) and little or no finances that make it difficult for them to reintegrate into the community after their release.”

Ron, Trades Instructor, Townsville Correctional Centre

18. Current legislative requirements for education within Queensland corrections, is drawn from the Corrective Services Act 2006. The Act states that the chief executive must establish education programs or services to rehabilitate prisoners so they can reintegrate back into the community.

19. Despite the recognised benefits of education (formal and vocational) in reducing recidivism⁷, in the past decade in Queensland, prisoner access to programs and industries has significantly reduced.

20. Under the Newman Government, Industries in Centres were reduced from seven days a week to 5 days, as a cost saving measure. There was also a reduction in programs staff across the State. This has been exacerbated by the significant increase in prisoner numbers which has meant less programs and industries are available and there are a greater number of prisoners seeking access.

21. Despite the change of Government there has not been a resumption of seven day industries.

22. A significant barrier to effectiveness of current industry and education programs is the disjunction between the correctional system and the outside community.

“If low custody prisoners were given access to paid employment in the community with real wages held in trust, the financial security provided to these prisoners upon release would significantly reduce recidivism by removing fiscal stress. This in turn provides greater protection to the community, reduced pressure on infrastructure and budgets, and greater self-esteem to the prisoner upon release.”

Darryl, CCO, Palen Creek Correctional Centre

23. Prisoners who are undertaking training in attempt to turn their life around need to continue to be supported in continuing that training when they get out.

“One example I can think of actually comes from TAFE through the Student Support Coordinator for SEQ

The Student Support Coordinator had a student come to her a few weeks back, whilst the student was in Borallon he completed his Certificate I in construction (White Card) and a Certificate II in Engineering Pathways but he was discharged before it was all signed off as Completed and handed out.

When she contacted BTCC about getting him his Certificates their education staff stated he couldn’t have it as he was no longer in custody and his file had been closed off as incomplete due to discharge.”

One of her students is 4 weeks off graduation in a Cert IV Adult Tertiary Preparation. He has now been incarcerated and thus forgoes the last year of study as he can’t continue his studies inside. If he could have continued his studies inside, when he gets out he’d be able to go to university.”

Darren, CCO, Brisbane Correctional Centre

24. If this does not occur, then there is a risk that the process is actually counter-productive and the ex-inmate is left feeling that society really doesn’t care.

For so many of the prisoners it’s a question of what happens post release. A huge number of them quite literally have nowhere to go.

The lucky ones end up crowding into a limited number of facilities catering to men and women in their situation but even that is not ideal, throwing together a large number of unskilled, unemployed former prisoners with a drug habit is simply a recipe for re-offending.

We also require a genuine attempt at vocational and educational training. It may be a short-term expense but the long-term savings for the community and the economy will eventually more than offset any initial outlay.

Jason, CCO, Woodford Correctional Centre

Barriers to potential improvements and how these barriers could be lowered

25. Our members report current structural barriers to reducing recidivism, those barriers are captured below.

“It has become well known within Corrective Services ranks that one of the reasons that prisoners breach their parole conditions, ‘on purpose’ (28 day sanction or less), is to bring ‘banked’ drugs into the Centres. Some prisoners do this to pay off debts, some do it because they [or their families] are owed money on the outside, others do it solely for income. As corrective services officers have restricted powers to undertake removal of clothing searches let alone cavity searches, corrective services dogs have limited ability to smell/identify synthetic drugs, and/or there are no personal x-ray chairs/machines in prisons, some prisoners are more than confident in beating the system for personal gain. Some prisoners even brag about the money that they make! It is a business.”

Stephen, CCO, Maryborough Correctional Centre

As I have been employed as here for so long, I got the chance to witness the days where the centre had employment for everyone and everyone worked.

They worked during the day and they slept at night. They didn’t sit up all night watching non-stop TV, eating and disturbing the others that did work. They didn’t just wander out of the airconditioned unit for a couple of minutes to answer their names during the day, then back to bed.
Even the small number of female offenders we had in custody (by fading memory, 18) the female centre had many employment options such as car detailing and an ironing service.

So, Industries and employment for offenders works, we know this and they knew this when they built this centre last century. It just needs support and infrastructure and direction.

Mark, Trade Instructor, Townsville Correctional Centre

“One of the main reasons why corrective services officers have lost control of prisoner behaviour and officer assault is of an all time high, is largely due to Court ordered Parole! I realise overcrowding is also a huge factor however prisoners no longer fear bad case notes or breaches due to unacceptable behaviour because they know that they will be released at the date set by the Court regardless of them abiding by Corrective Services rules, policies and/or procedures. Prisoners taunt staff to breach them. They don’t care as there are no repercussions. They no longer have to answer to a Parole Board.”

Stephen, CCO, Maryborough Correctional Centre

Stop the automatic progression of prisoners. Prisoners ought to be accommodated solely based on their behaviour and cooperation with us. Prisoners that want to be criminals will get to live like criminals. If they want to stand over other prisoners, threaten staff, fight, steal, smuggle drugs, deal in contraband etc. they will be kept in secure accommodation areas and have only the minimum legal standards of privileges. This way we can better ensure that prisoners that want to improve and change their lives are able to get away from the most negative influences, and can earn their way to better accommodation areas and access resources and privileges.

We need a graduated system of accommodation and access to privileges. Currently, a newly incarcerated prisoner is able to have every privilege that a “reformed” prisoner can have, regardless of his behaviour and attitude. Essentially, we let them have everything as early as possible and then take things away as part of the discipline process. This ought to be reversed. A new prisoner should be able to have very little to begin with. Then, as a reward for proper behaviour and cooperation with us, he/she can earn their way to full privileges and more comfortable accommodation areas.

Joe, CCO, Maryborough Correctional Centre

The Queensland government could continue with the current policy while making education compulsory only for those inmates who have not completed Year 12. Doing so would require less budgetary funding and fewer changes to prison infrastructure than making education mandatory for all offenders. This option would provide the government with a way to improve recidivism rates, education and employability of offenders while limiting the strain on Corrective Services and government resources. If
successful, this option could provide a benchmark for making further courses compulsory in the future giving the state time to plan for this.

Adrian, CCO, Woodford

26. Two detailed submissions received from our members has been included in full at Annex A.

CONCLUSION

27. The Queensland Correctional System is under unprecedented stress. The extreme overcrowding is seeing a surge in assaults and incidents and the work of our members has never been more dangerous and stressful; nor has it been less rewarding.

28. Any meaningful attempt to reduce recidivism must include a reduction in over-crowding. Reducing imprisonment rates where appropriate may form part of the solution but it is unrealistic to think that the system will continue to function with its current capacity constraints. Additional prison infrastructure must be part of the solution.

29. Together members and delegates welcome any review that introduces changes that improves their safety and satisfaction in the workplace.

30. We appreciate the opportunity to make this submission and are happy to assist the inquiry further as necessary.
Submission by Ron Wadforth
My submission is substantially more than a couple of paragraphs - I apologise, but could not resist the opportunity to provide feedback about a workplace I have been part of for many years.

That aside, I would like to thank the Inquiry team for the opportunity to put forward a submission about my experiences on what works and what doesn’t in a system in which I have been employed for 31 years.

Prison crowding has and continues to pose problems for Correctional Officers. It prevents the effective management of the offender population. It must also have a flow on effect in such areas as recidivism, the safety of staff and offenders, the availability and effectiveness of main stream programs, and certainly the costs of incarceration for the Queensland tax payer.

I would like to make three points, most of which have already been raised: -

The first is that we know prisons can shape the people who enter them - I’m talking about both staff and offenders.

When our prisons became overcrowded they also became harmful. Custodial staff have to manage it while prisoners carry the effects or consequences of it.

Eventually that harm goes back into the local community. Some say a perpetual motion.

Overcrowded prisons are not only unpleasant or uncomfortable for offenders, they can be destructive, both physically and psychologically for our staff.

That said the effects of imprisonment presently focus very little on how much benefit could be produced with more different and innovative approaches.

I have drawn on discussions with custodial staff and my own experience as a front-line officer to put some reasonable ideas forward for consideration. I hope they contribute towards reducing recidivism, assaults in our prisons and stabilising communities.

My second point concerns some of the most important factors that I understand are the cause of problems associated with recidivism and current assaults on officers. They include a lack of effective programs, crowded and deprived conditions of confinement, the use of potentially damaging techniques of control, widespread availability of drugs, the lack of intervention prior to being received into prison and the overcrowding that has plagued our complex.

As I mentioned earlier – prisons are shaping people through its environment. It is presently a toxic one.

The influx of offenders continues and overcrowding and problems associated with it increase. I believe things have worsened because of our approach towards managing staff and offenders in overcrowded conditions.

Unlike previous mindsets overcrowding in prisons should not only be measured by the ratio of prisoners to rated capacity, it also includes the extent to which a prison houses more prisoners than its infrastructure can humanely accommodate. I accept some steps have been taken to support the system but believe not enough.

I don’t think I would be wrong by saying prisons have increased their rated “capacity” without commensurate increases in quality programs (Industries), vocational, medical, and mental health resources. If we were to correct this by taking organisational steps perhaps we can alleviate some of the pressures of recidivism.
The final preliminary point is that the problems we now face were repeatedly predicted by delegates, our members and some levels of management and certainly could have been avoided if the many early warnings had been heeded.

I and colleagues from all positions have cautioned about the evils of “double-celling,” which is as we know the practice of housing two prisoners in a single cell designed to hold one person. From the early stages when we were forced to double-cell, frontline staff understood that it was problematic and that there would be consequences.

Overcrowding not only changes the dynamic of a prison it creates unhealthy and potentially violent environments. It also leads us as an institution to adopt problematic policies and practices that may worsen rather than alleviate many other aspects of the prison experience. Most everyone who is locked up now is going to be set free one day. If we incarcerate them in a dangerous and unhealthy environment, offer minimal education, industries or programs the whole time they are locked up, that’s what we’ll get when they’re back on the streets, dangerous individuals.

Among other things, the higher influx of prisoners and the levels of overcrowding have compromised the evaluation of prisoners.

Our present system does not allow for inmates to be meaningfully screened or given a careful diagnostic evaluation. The task of assigning prisoners to facilities turns largely on whether and where there is available bed-space rather than matching individual prisoner needs with available programming resources.

I am aware we are not able to provide a majority prisoner with programs or vocational education – we simply do not have the resources. I know our staff have been pressured to achieve a quota, but let’s not talk about reaching targets - this is superficial and offers no real solutions to our issues.

What about a needs assessment? Also, the quality of the programs to which prisoners have access is often undermined by the scarce resources devoted to them or the time in which to deliver them. Bored offenders are dangerous.

Several conditions greatly weaken the efficacy of vocational programs, most important, the lack of funds and resources.

Instructors report that they have difficulty obtaining needed equipment, that their rosters are not adequate, and programs (industries) are regularly interrupted by lockdowns during which prisoners cannot be released.

From my experience, even by the most conservative calculations, there are many prisoners (my workplace) who are badly in need of counselling and treatment for a variety of cognitive, emotional, and psychological problems but do not actively seek it because they have tried and been unsuccessful before.

This is due in part to the numbers of incoming prisoners compared to the resources available to devote to offenders. Our systems do a poor job at identifying such persons, let alone in allocating the necessary resources to treat them.

At the same time, our overburdened correctional systems continue to attach low priority to addressing the needs of mentally ill prisoners until an event/incident occurs. Our frontline management of offenders must improve if we are to reduce risks of assaults on staff, recidivism rates and improve communities. This, in my mind, includes actively and strategically engaging with offenders.
Volatile prison environments, ones that house too many people with too little to do and whose basic needs are not being addressed, present us with many volatile and potentially explosive situations. This type of negative environment is not a deterrent but rather creates dynamics from which individuals are forced to join other prisoners in similar circumstances (gangs). The relationships in these groups are fostered by our system and continue once released into the community. I have experienced such explosions before and would rather prevent any such explosions in the future.

I believe our approach is exacerbating already dangerous situations. In the face of increases in the number of prisoners, many prisons are pressed for new security tools with which to control and contain them.

I believe most have given up any pretence of carefully managing the prison “careers” of inmates or effectively monitoring the quality of the conditions under which they were kept while the prisoner population expands.

Prisons are more than a dangerous population that need to be herded; rather as individuals they can be shaped. The system “behaves” in response to prison overcrowding in ways that sometimes make its long-term consequences worse.

One overarching theme that continues to emerge in discussions is the importance of correctional staff. Indeed, the success of any intervention ultimately rests on staff’s ability to conduct their jobs with consistency, accountability, and professionalism. I believe we need to look inwards if we are to reduce the assaults on officers, recidivism and improve our communities.

I believe we must mature our workforce to recognise how to identify the underlying causes of violence, how to manage overcrowding, improve the tone and rhythm of our centres and develop ways to address them within the larger context of the prison culture.

Consider a four-step process:

(1) Identify offenders with potential on reception, categorise them into one of three groups.

(2) Divide the centre into 3 components by using evidence-based strategies that address the prisoner’s behaviour, skills, needs and vulnerabilities.

A) Non-compliance.

B) Programs/Industries.

C) Vocational/Education.

Match accommodation to fit those strategies into an overall system of best practices for supervising and managing inmates.

(3) Continually evaluate the intervention and make changes as needed.

Some points to support consideration for three strategic areas: -

Cells are high-risk locations for violence and contraband. Cells are the only places not under constant supervision or surveillance.

This strategy will promote security and help to prevent contraband.

With Trans gender’s in the population I believe consensual sex between inmates has increased. Both are potential triggers for violence/assaults and can mask more serious sexual coercion or force.
Inmates’ inability to get access to mental health care leads to violence or assaults on officers, so we should improve the quality of and access to correctional health care.

If I was asked what changes could lead to a safer prison environment, a reduction in recidivism and retention, I would recommend improving the quality of staff by improving pay, entitlements and conditions.

We should seek ways to train and motivate officers to act professionally but sadly I no longer believe (at all levels of office) we have achieved a mature work force by not properly developing and implementing accountability and performance measures.

If we are to succeed in achieving our goals, particularly those in relation to prisoner employment and rehabilitation, it is essential that greater co-operation is achieved between vocational education and the industries units.

Our sentence management planning should also recognise the benefits of providing skills to prisoners through industries and based on behaviour, prisoners should be afforded the opportunity to stay at the one Correctional Centre and workshop for as long as required to complete that training. The individual offender (based on behaviour) should also be domiciled in Industries accommodation.

A detailed plan developed and implemented conjointly between the Department of Employment and Vocational Education and Training (TAFE) and each Correctional Centre with the aim of providing comprehensive training opportunities to prisoners. These would range from certificates to short courses. Sometime ago one such plan was briefly initiated in the laundry at TCC; an external accreditor delivered a course in certificate 2 laundry practices.

In providing meaningful employment we should also ensure that we are preparing the prisoner for eventual reintegration into society. Therefore, work must be complemented by clearly defined vocational and educational training. Such training should be part of the overall budget and strategy.

There is a need to set realistic and workable remuneration levels that more adequately reflect the duties undertaken by prisoners with a clear demarcation between fully employed prisoners (full day) and ‘split shift workers’. The employment committee should be removed with the responsibility of employment/suspension given to those on the “coal face”. This has been effective in the past and returns ownership to those in direct contact with offenders.

A prisoner’s chance of gaining employment on release will be maximized by reflecting as far as possible a real world work environment. A strategy which will combine input from custodial, programs and industrial staff is a possible future initiate. I sincerely believe this will help towards improving the overall prison experience.

My hope (one day) is that we get the entire offender population to work thus improving the experience in prison which hopefully will translate back into the community.

But for those offenders that we would class as intractable, those individuals that choose to be non – compliant, refuse to acknowledge wrong doing and refuse to participate in institutional programs there needs to be a separate strategy. Segregation will be the consequence of their behaviour and attitude. They present a very real danger to the orderly operations of a Correctional centre.

These individuals devote a large amount of their time to disruptive activities that threaten the safety of offenders and staff alike, they are predatory offenders that should be segregated from the main population.
We can achieve separation with a three tier prison system that separates, accommodates and provides meaningful work/education to those that want and earn it.

However, our families remain the first tier of government. What happens in the family unit resonates into the community. Without stable families we will not achieve stable communities.

I hope I have presented the Inquiry Team with an insight into some aspects of the prison experience but more importantly bring us closer to providing our communities with a greater sense of stability.

Sincerely

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Queensland Corrective Services  |  Queensland Government
Submission by Adrian Burke
BRIEFING NOTE

TO: The Premier
FROM: Adrian Burke
DATE: 08 May 2015
SUBJECT: Improving Education and Employability of Prisoners

PURPOSE

To advise you of suitable options to improve education and employability of offenders, and to seek an indication from you, which if any, of the options provided would be suitable?

BACKGROUND

This briefing note has been submitted to provide suitable measures to improve education levels and employability of offenders and to reduce the costs of recidivism to the state. As of December 2014 there are 7,194 prisoners in full-time custody in Queensland, costing the state $301.55 per prisoner per day which is an increase from $280.21 in 2008-09, at a current total daily cost of $2,169,350.70. Almost half of these costs can be attributed to recidivism with research showing that 44.7% of adult offenders released from prison during 2011-12 had returned to corrective services within two years which is an increase from 43.3% in 2006-07. Empirical evidence suggests that education directly reduces the rate of recidivism with a study on Vocational Education Training (VET) reporting a reduction of 28% in recidivism. Additionally, international studies state that education may reduce recidivism by between 50-85%. Current legislative requirements for education within Queensland corrections, is drawn from the Corrective Services Act 2006. The act states that the chief executive must establish education programs or services to rehabilitate prisoners so they can reintegrate back into the community. Additionally, prisoners may choose whether to participate in education programs. Jurisdictions within Australia such as Western Australia have focused heavily on education of prisoners, however, maintaining the right of prisoners to choose to educate. International jurisdictions such as South Africa and the United States have implemented mandatory basic education for those prisoners who have not achieved education to a year 12 standard. Staff and stakeholders such as social workers from these countries state that mandatory education has positive effects on recidivism rates.

ISSUES

The issue of recidivism in Queensland is that the rate of re-offending has increased along with the financial and social costs associated with repeat offenders. Furthermore, education rates in Queensland are declining from 27.1% in 2008-09 to 26.4% in 2014. Compounding the issue of recidivism is the fact that Queensland has one of the lowest participation rates in the country, along with media and public campaigns highlighting Queensland’s current situation. Therefore, the issue under consideration is what steps should be taken now in relation to improving education and employability of prisoners.

OPTION 1: Maintaining current policy

By continuing with the current policy of allowing prisoners the choice of whether to enrol in educational programmes in prison would not have any direct impact on the state budget, infrastructure of correctional facilities or demand for skilled teachers. Education will continue to be offered to offenders as it is now and for those who choose to participate, their chances of re-offending are significantly improved. The success of this option will depend on correctional centres motivating prisoners to engage with education by illustrating the benefits
to them and their families. Subsequently, pragmatic consideration must be employed to combat the steadily increasing rates, financial and social costs of recidivism.

**OPTION 2: Mandatory education for all prisoners**

If the government was to make education for all prisoners compulsory, this would require amendments to legislation. Doing so directly targets the issue of increasing recidivism rates, the present small percentage of inmates choosing to enrol in educational courses, and low education levels. Additionally, this will remove the choice to educate, whilst this may be seen as a coercive use of power it should in fact be utilised as a positive and supported opportunity to educate rather than the negative associations with education that offenders have experienced during school. However, this option requires increased funding to Corrective Services to cater for the increased number of programs that will be required, teachers and resources, not to mention changes to infrastructure within prisons that will be needed with the adoption of this legislation.

**OPTION 3: Mandatory year 12 education**

The Queensland government could continue with the current policy while making education compulsory only for those inmates who have not completed Year 12. Doing so would require less budgetary funding and fewer changes to prison infrastructure than making education mandatory for all offenders. This option would provide the government with a way to improve recidivism rates, education and employability of offenders while limiting the strain on Corrective Services and government resources. If successful, this option could provide a benchmark for making further courses compulsory in the future giving the state time to plan for this.

Option 1 of maintaining current policy is unlikely to improve recidivism rates on its own given that currently the majority of prisoners do not choose to participate in programmes. Option 2 which outlined making participation in educational programs compulsory for all inmates will most likely not be feasible in practice with the funds required and changes to the prisons themselves too cumbersome. Option 3 of legislating compulsory attendance in education in prison only for those offenders without Year 12 achievement standard allows a means for recidivism to be addressed without impacting negatively on Corrective Services. This option minimises disruptions to prison facilities whilst ensuring that more prisoners are educating themselves, and thus contributing to improved employment outcomes for themselves and fewer costs to society if they do not reoffend as a result. Therefore, option 3 is the most viable option to improve education and employability of offenders in the current climate.

**RECOMMENDATION**

To seek an indication from you which, if any of the following three options, provided would be suitable to reduce recidivism.

Option 1: Maintaining current policy  
Option 2: Mandatory education for all prisoners  
Option 3: Mandatory year 12 education

Recommendation: option 3.

Adrian Burke  
Policy Officer
APPENDIX A

OPTION 1: Maintaining current policy

Maintaining the current policy, whereby education for offenders in prison is optional rather than mandatory, would suggest that the Queensland Government would not need to make any changes to legislation nor would Corrective Services need to adapt any infrastructure. While recommendations will continue to be made to prisoners in regards to educational programmes available to them in prison, ultimately it will continue to be up to the offender whether or not to participate. Essentially the state will continue to incur recidivism costs associated with offenders will low levels of education. Furthermore, media campaigns and public pressure may also lead to further issues for the government through inaction.

An advantage of this option is that prisoners will maintain the freedom of choice to educate or not. Research suggests that adults learn best when the decision to educate is their own and that compulsory training for offenders may replicate the resistance to education experienced by many inmates at school (Sims 2008, 2). A disadvantage of this option is that it does not address the current issue of low participation rates in education programs. At present only a quarter of inmates choose to participate in programs leaving a large percentage of offenders without employable skills upon release from prison (Steering Committee for the Review of Government Service Provision [SCRGSP] 2015). The research that links recidivism with low education rates is extensive and maintaining current policy does not address this issue (Callan & Gardner 2005, 34). Moreover, during a tour of Queensland prisons by the Catholic Prison Ministry a significant sample of offenders stated they want education as it has numerous benefits to them as reported by Martin & Alexander (2011, 16). Therefore the continuance of this option is essentially disregarding the requests and opinions of prisoners. Finally, the financial costs to the state incurred through repeat offenders are extensive and increasing as well are the costs of crime on society.

Not changing current policy would be the simplest way to avoid amending legislation and infringing on the individual rights of the prisoners. However, these advantages need to be weighed up against the considerable disadvantages of this option. Empirical evidence suggests that this approach has not had a positive effect on recidivism; rather rates have increased along with financial and social costs (SCRGSP 2015). By continuing this approach the government must consider the possible implications arising from the negative outcomes of recidivism and offending in general. For example, the government may be required to divert funds from other essential services such as education and health to fund the increasing costs of incarceration and offending. The result of this may see a decline in services and staff at hospitals and schools, limiting the ability for these organisations to upgrade facilities and technologies in line with best practices, job security, and employee conditions will also be affected. Political implications stemming from these negative outcomes may lead to a decline in support by voters through a perceived inaction coupled with the media campaigns highlighting Queensland issues surrounding recidivism and employability of offenders. On the other hand, continual promotion of education and its benefits to prisoners and their families may eventually lead to an improvement in education participation and subsequent improvements in employability. Therefore, the costs to the budget essentially are far more significant than that of the disadvantages to society.

Although this option allows prisoners the freedom of choice to educate which is recognised as a basic right in the corrective services legislation, maintaining the current approach will continue to significantly affect Queensland’s budget with the daily cost of incarceration in 2014 being $2,169,350.70 (ABS 2014). With recidivism steadily increasing and the subsequent social costs to the community, the continuance of this approach only places a large portion of the public at a disadvantage due to the wide ranging and extensive consequences of crime to the Queensland community.
**APPENDIX B**

**OPTION 2: Mandatory education for all prisoners**

This option would require amending legislation so that upon incarceration, offenders would be enrolled in an education program suitable to them that best enhances their employability and ability to re-integrate. This would be the most direct way to increase participation rates in education in prison. A similar approach to this has been adopted in a number of places overseas such as the United States and South Africa. This option would require restructuring prison routines to incorporate an education focus, and an increase to funding to cater for the increase of prisoners participating in educational programmes.

The main advantage of this option is the increase in offenders participating in education programs rising from 26% (SCRGSP 2015) to essentially 100% of inmates. This will no doubt lead to higher post release employment levels of prisoners and lower recidivism rates. Many prisoners have had bad experiences within mainstream schooling and therefore often have poor self-esteem in relation to their ability to learn and negative attitudes towards education in general (Martin & Alexander 2011, 16). As a result, given the choice to educate themselves in prison many offenders do not. A further advantage is that it will enable the government to re-distribute resources from funds saved as a result of this option to other essential services including education and health. Moreover, it will address the media campaign for the state government to reduce the effects of recidivism especially as the Courier Mail reports that the previous Liberal government withdrew funds for programs, and that a briefing note to Minister Jack Dempsey stating that additional investment and a re-prioritisation of work readiness and education would improve re-offending. The disadvantages of this option include the changes to infrastructure in Queensland prisons and the short term costs associated with this. The size and number of classrooms available would need to be increased as well as hiring additional teachers and purchasing more resources. Prison routines would need to be changed to accommodate the education programs with prison employment commitments to be reduced as a result.

This option will no doubt increase participation rates and as such should be considered. Not only will making education compulsory for prisoners improve employment outcomes for offenders but research has shown how those who participate in educational programmes are statistically less like to reoffend. Furthermore, Chapel concluded in a meta-analysis on post-secondary education and recidivism that the higher the level of education achieved during incarceration the more likely the parolee was to obtain a job (2004, 2), which in turn will reduce recidivism rates and the associated costs to the state. Furthermore, the long term savings from this approach will allow the government to improve health and education services that will have direct positive impacts to patient waiting lists, quality of education and teaching resources. However, the disadvantages of making education mandatory for prisoners are an important consideration. For example, it may not be feasible for each correctional facility to build or extend infrastructure to manage the increased levels of offenders in education, moreover it may not be a viable method of teaching due to the amount of skilled teachers required. In many other countries were prisoners are obliged to participate in educational programs they have no guarantees that suitable programmes will be available. This option may require an unsustainable demand on staffing and economic resources for Corrective Services and training providers thereby meaning that it cannot be supported in practice, thus the costs associated with the advantages will outweigh disadvantages.

Although this option would be the most direct way to improve education and employability in prison, it may not be feasible to achieve for all correctional facilities, thus limiting it to certain centres that have the ability to cope with the requirements of this option. Therefore, due to the impractical integration of this option to all facilities in Queensland, dictates that this option would require further investigation.
APPENDIX C

OPTION 3: Mandatory year 12 education

This option prescribes that attendance in education programmes would be compulsory for offenders who have failed to achieve Year 12 competency. This option would necessitate for amendments to legislation whereby corrective services are required to enrol all offenders who have identified as having a deficiency in literacy, numeracy, or language into mandatory education programs aimed at addressing these deficiencies. The purpose of this option is to address the worryingly low rates of education amongst offenders with research indicating that 60% of prisoners did not proceed past year 10 and that recidivism is closely related to low education (Drabsch 2006, 15).

An advantage of this option is that it will improve participation rates by a minimum of 60% which in turn will lead to lower levels of recidivism, improve employability of offenders, and allow offenders to contribute to the community. Furthermore, adopting this option provides the government with a practicable alternative to reduce recidivism as there would not be any requirements for additional infrastructure or significant financial resources to incorporate this strategy. The result of this approach will deliver similar end goal results as that of option B, without the additional strain on the budget that option B would create. Thus, the cost benefit analysis for this approach would deliver fiscal, social, legal, and political savings. Moreover, integrating this option with additional costs saving strategies, specifically a self-paced module approach to teaching (Callan & Gardner 2005, 20), will ease budgetary concerns in providing additional skilled teachers. A disadvantage of this option is that is does not specifically address resistance to education that may be displayed through removing the freedom of offenders to choose whether or not to educate.

This option will increase education rates, reduce recidivism, and is cost effective, therefore option 3 should be considered. Moreover, this option is manageable in terms of financial, legal, and amount of offenders to be targeted. Additionally, this also allows the government to tackle a specific group of offenders who are most at risk, being younger and with low education levels, before they enter a life of offending, thus becoming recidivists. For example, the report on government services (SCRGSP 2015) reported that in 2012-2013, 29.3% of offenders were proceeded against by police 2 or more times, with 4.2% of those being more than 5 times. With ongoing research, evaluation and improvement, this approach could become a benchmark for future mandatory education programs. Combining this option with a self-paced or external style module approach would help solve problems in accessing skilled teachers and would allow prisoners to complete studies during lockdowns or essentially completing homework to bring back to the classroom the following day. This would allow for additional classes and offenders to access education without costing Corrective Services or the government any significant additional funds, resources or infrastructure. A possible disadvantage is resistance to education from inmates. Whether or not the decision to incorporate mandatory year 12 education into correctional facilities is popular given that certain human rights groups may argue that inmates basic freedoms have been impinged, the long term benefits to offenders, their families, the economy, and community, would far outweigh any debate over the appropriateness of this option. Therefore, costs relating to advantages far outweigh costs or issues arising from the disadvantages.

This option is the most viable as it addresses the issue of recidivism and low education amongst offenders, is cost effective, will benefit other essential services provided by the government, the community, the economy, without placing any further adverse impacts on correctional facilities throughout Queensland. This option minimises disruptions and services within prisons whilst still demonstrating that the government is committed to reducing recidivism and the negative effects this has, thus making this a suitable option.
REFERENCES


