

**Inquiry into Imprisonment and Recidivism**  
**Submission to the Queensland Productivity Commission**

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17 April 2019

It is unfortunate that the draft report only focuses on the criminal justice system. Our research (and research in public health and criminal justice) is increasingly focusing on the overlaps among the welfare, housing, mental and physical health and criminal justice systems. It will require a whole of government approach to prevent offending, reoffending and reduce the prison population. Our recent research (Stewart, 2019) indicates that the majority of prisoners (52%) under the age of 25 were maltreated, had a mental health disorder or both (19% substantiated child maltreatment; 17% hospital admission with a mental health diagnosis; 16% maltreated and mentally ill). The overlap with the child protection system is particularly evident for Indigenous prisoners (35% of prisoners had contact with the child protection system for maltreatment) and women in prison (46% of Indigenous female prisoners and 38% on non-Indigenous female prisoners had a hospital admission with a mental health diagnosis). Further, prior to their first imprisonment, most had contact with the child protection system (98% of maltreated prisoners) and the mental health system (80% of prisoners with a hospital admission for a mental health diagnosis). These findings indicate that a whole of government approach to imprisonment is required to intervene appropriately and prevent the 'churn' of vulnerable people through the systems and into prison.

Understanding the overlaps among the systems is important for three reasons.

1. It is important for managing individuals who have been incarcerated. Prison may exacerbate a pre-existing mental health problem. Drug and alcohol treatment programs in prison appear to provide an opportunity for intervention.
2. It is important for managing people 'at risk' of being imprisoned. It may be that treatment programs for post traumatic trauma, alcohol and substance and other mental health issues can be valuable for preventing offending (and incarceration).
3. Individuals who have contact with multiple government systems need an integrated response to address their complex needs. Such interventions have the potential to prevent offending and reoffending.

These findings have implications for the decision-making architecture proposed in the report – Draft Recommendation 17 and 18. Importantly the scope of agencies involved needs to be expanded to include Child Safety and potentially both Health and Education. Early interventions delivered via those agencies have far more potential preventive effect than criminal justice responses which are essentially reactive.

Previously we have carried out research and our findings indicated that offending (and disadvantage) are spatially concentrated (Allard et al, 2017). This is particularly evident in discrete Indigenous communities. Many Indigenous men (29% of all men by age 25 years)

and increasing numbers of Indigenous women (8% of all women by age 25 years) experience at least one term of imprisonment. They are often imprisoned many kilometres away from their homes limiting the ability to maintain contact with family and community. The social, emotional and economic impact of constantly removing adults from homes on children, partners, families and communities is under explored and intergenerational.

These findings have implications for the prevention and early intervention draft recommendation 14.

Our recent research examined the criminal justice system costs of offending trajectories for both Indigenous and non-Indigenous Queenslanders to age 31 years (Allard et al, Under review). Overall, the system costs associated with offending by Indigenous people was 40% of the total cost to the system (\$1.8 million) despite Indigenous Queenslanders making up only 2.7% of the birth cohort. Our research found that both Indigenous and non-Indigenous Queenslanders had similar offending trajectory patterns. However, Indigenous Queenslanders were more frequently classified as chronic offenders and the Indigenous chronic offender trajectory had a much higher frequency of offending. Of offenders identified on a chronic trajectory, 82% of Indigenous offenders were incarcerated compared to 37% on non-Indigenous offenders. Consequently, the costs associated with chronic Indigenous offending (to age 31 years) were an average of \$381,000 compared with \$75,000 for non-Indigenous chronic offenders.

These findings highlight the need to make prevention programs available and to deal with any biases in the system to reduce offending by Indigenous peoples. Such programs should target risk and protective factors for offending early in the life-course as well as after individuals have offended. Such programs may have short-term goals, such as aiming to increase protective factors and reduce risk factors for offending, which may result in reductions in offending over the longer term. Programs also need to ensure that timeframes are appropriate to achieve goals, some of which may be intergenerational in nature. Given the high cost of many Indigenous offenders, programs that can effectively reduce offending and reoffending are likely to be economically efficient.

These findings have implications for draft recommendation 14, particularly for measures designed to address long term economic, social and cultural disadvantage experienced by Indigenous people, that likely produces these differential trajectories.

Police cautioning is available for young people under the Youth Justice Act and used extensively by police (Allard et al, 2014). Research (Thompson et al, 2014) indicates that in Queensland many young adults would be eligible for a police caution if this option was more widely available and used. This will not only divert people from the criminal justice system but also provide a large cost saving to police and the adult court system. This response needs to be encouraged among police to ensure all eligible offenders receive a police caution.

These findings have implications for draft recommendation 16 aimed at modifying police use of discretion.

In summary, the inquiry's recommendations on system-level change are important and have the potential to achieve lasting change. However it will be important to ensure the involvement and engagement of all relevant agencies, not just criminal justice organisations, and to broaden the scope of interventions and levers used to reduce and address chronic offending.

## References

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