



REPORT OF THE

STANDING COMMITTEE ON

ESTIMATES AND FINANCIAL OPERATIONS

PROPOSAL TO TRAVEL

Presented by the Hon Mark Nevill MLC (Chairman)

STANDING COMMITTEE ON ESTIMATES AND FINANCIAL OPERATIONS

The Standing Committee was established on 21 December 1989 with the following terms of reference:

1. There is hereby appointed a Standing Committee to be known as the *Estimates and Financial Operations Committee*.
2. The committee consists of 5 members.
3. The functions of the Committee are to consider and report on:
 - (a) the estimates of expenditure laid before the Council each year; and
 - (b) any matter relating to the financial administration of the State.
4. The Committee shall report on the estimates referred under clause 3 by or within one sitting day of the day on which the second reading of the *Appropriation (Consolidated Revenue Fund) Bill* is moved.
5. For the purposes of clause 3(a), the House may appoint not more than 6 members at any stage of its examination.
6. A reference in clause 3 to "estimates of expenditure" includes continuing appropriations, however expressed, that do not require annual appropriations.
7. The Committee may initiate investigations under clause 3(b) without prejudice to the right of the Council to refer any such matter.

Members of the Committee:

Hon Mark Nevill MLC (Chairman)
Hon Muriel Patterson MLC (Deputy Chairman)
Hon Edmund Dermer MLC
Hon Simon O'Brien MLC
Hon Bob Thomas MLC

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1. INTRODUCTION

- 1.1 The Standing Committee on Estimates and Financial Operations was first appointed on 21 December 1989. Under its Terms of Reference, the Committee is required, *inter alia*, to consider and report on any matter relating to the financial administration of the State.

2. BACKGROUND

- 2.1 On 19 August 1998 the Deputy Chair of the Committee tabled Report 23 being a proposal to travel. The Report set out an itinerary for the Committee to travel from 24 September 1998 to 12 October 1998. Events intervened which prevented the Committee travelling at this time. The Committee has now rescheduled its travel itinerary which has been expanded in certain respects.

- 2.2 In February 1998, the Committee resolved to commence an inquiry into the financial administration of the Ministry of Justice in response to the resignation of the Director General of the Ministry of Justice, Mr Gary Byron, and the alleged removal of the Executive Director of Offender Management, Mr Kevin Payne. The Committee believed that the apparent disruption at the higher echelons of the Ministry of Justice had a clear impact on the financial administration and efficient day to day running of the Ministry of Justice.

- 2.3 In view of the evidence which came to light, the Committee expanded its inquiry to include such issues as the allocation and expenditure of financial resources in relation to prison over-crowding, deaths in custody, recidivism rates, prison management, availability of medical facilities within prisons, training of prison officers and staff, rehabilitation services and drug dependent prisoners.

- 2.4 For the 1997/98 financial year the total cost of keeping Western Australia's prisoners in prison was approximately \$143 million¹. The Committee considers that in return for the money made available, the public has a right to expect that prisons will be made to work as well as possible. The prison system must not only serve the public by keeping in custody those committed by the courts but must also ensure that those committed to the prison system are treated fairly and are assisted to lead law-abiding and useful lives in custody and after release. As the State Ombudsman noted; "What happens to inmates while in prison does matter."²

¹ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998. Extract taken from Summary of Consolidated Fund Appropriations and Revenue Estimates for the year ended 30 June 1998:

| Offender Management Sub-Program Details | 1997-98 | | 1996-97 | |
|--|--------------------|------------------|--------------------|------------------|
| | Estimate \$'000 | Actual \$'000 | Estimate \$'000 | Actual \$'000 |
| Adult Offenders Custody | 115,036 | 128,958 | 106,612 | 116,158 |
| Juvenile Offenders Custody | <u>16,957</u> | <u>14,284</u> | <u>16,615</u> | <u>15,389</u> |
| Total Custody Cost | 131,993 | 143,242 | 123,227 | 131,547 |

² Quoted from the 27th Annual Report of the Parliamentary Commissioner for Administrative Investigations 1998 tabled in Parliament on 19 November 1998.

- 2.5 As part of the expanded inquiry, the Committee has heard evidence from numerous witnesses including:
- Mr Murray Allan, Parliamentary Commissioner for Administrative Investigations;
 - Professor Richard Harding, Director of the Crime Research Centre at the University of Western Australia;
 - Mr John Kirton, Director of Prisons, Offender Management Division, Ministry of Justice;
 - Mr Peter Moore, Director of Operational Standards, Offender Management Division, Ministry of Justice;
 - Mr Ric Stingemore, Secretary, Prison Officers Union;
 - Mr Brian Rankin, Acting Manager/Operational Standards Directorate, Offender Management Division, Ministry of Justice;
 - Mr Jock McNaughton, Manager, Internal Investigations Unit, Canning Vale Prison Complex; and
 - Mr Athol Jamieson, Acting Executive Director, Offender Management Division, Ministry of Justice.
- 2.6 In response to requests, the Committee has been provided with numerous documents relating to the financial administration and infrastructure of prisons within the Western Australian system.

3. TERMS OF REFERENCE

- 3.1 The Committee believes that travelling to the United Kingdom, the Netherlands, Germany and the United States of America would enhance the inquiry and provide Members with a comprehensive understanding of the relevant issues which will be presented to Parliament in a substantial report allowing the ventilation of alternative strategies “to address comprehensively the way prisons can and should operate in this State.”³ The Committee agrees with the Ombudsman’s remark that; “there is a long way to go.”⁴
- 3.2 The Committee’s Terms of Reference are to conduct an inquiry into the allocation and expenditure of financial resources within the Western Australian prison system in relation to -

³ Quoted from the 27th Annual Report of the Parliamentary Commissioner for Administrative Investigations 1998 tabled in Parliament on 19 November 1998.

⁴ Quoted from the 27th Annual Report of the Parliamentary Commissioner for Administrative Investigations 1998 tabled in Parliament on 19 November 1998.

- (i) Alternative sanctions to prison sentences.
- (ii) The role of an external auditor and/or independent inspectorate.
- (iii) Strategies aimed at reducing the recidivism rates of prisoners.
- (iv) Strategies to deal with drug dependent prisoners.

3.3 The Committee considers the Terms of Reference are sufficiently broad to encompass the numerous issues in which enquiries have been made to date. The Committee notes the comments of the Ombudsman in his 1998 Annual Report to Parliament, on the urgent need to address the state of the Western Australian prison system⁵, which he concluded had “fallen into serious disrepair”⁶. Particular concerns identified by the Ombudsman included:

- Pressures from overcrowding;
- Overtaxed and inadequate recreational and work facilities;
- The proper medical treatment of prisoners (often drug related) conditions; and
- The inability of the prison system to cope with an influx⁷ of more people imprisoned for longer periods “within a system that is already over-extended to a dangerous degree.”⁸

The Committee agrees that these are important issues to be addressed and has resolved to embark on an extensive inquiry into the allocation of expenditure in the existing prisons system and an examination of programs and alternative policies which are directed at alleviating the above concerns.

⁵ The number of complaints rose by 150 percent from 1996/97 to 1997/98 from 198 complaints to 297 complaints. Source: 27th Annual Report of the Parliamentary Commissioner for Administrative Investigations 1998 tabled in Parliament on 19 November 1998.

⁶ 27th Annual Report of the Parliamentary Commissioner for Administrative Investigations 1998 tabled in Parliament on 19 November 1998

⁷ Commenting on the *Sentence Administration Bill* and *Sentencing Legislation Amendment and Repeal Bill* both currently before the Parliament the Ombudsman in his 27th Annual Report states:

“New proposals in relation to sentencing, parole and remission for prisoners will almost certainly see more people imprisoned for longer periods.”

⁸ 27th Annual Report of the Parliamentary Commissioner for Administrative Investigations 1998 tabled in Parliament on 19 November 1998.

4. ANALYSIS OF TERMS OF REFERENCE

- 4.1 As indicated, the Committee has conducted extensive enquiries into the allocation and expenditure of financial resources in relation to specific areas of the Western Australian prison system. The following is an outline of the relevant issues in relation to the specific items of the Terms of Reference.

ALTERNATIVE SANCTIONS TO PRISON SENTENCES

- 4.2 The Committee notes that Western Australia's prison population for the 1997/98 year averaged 2,255⁹. This equates to approximately 130 prisoners per 100,000 residents. In May of this year, the Ministry of Justice estimated that the total prison population would¹⁰ rise to 2,300 in 1998-99.¹¹ This figure already appears to be greatly exceeded with reports that the prisoner number Statewide has already reached 2,641, well in excess of the standard bed capacity of 2,242.¹² This equates to approximately 150 prisoners per 100,000 residents, representing an increase in the prison population of 15 percent. The Committee considers that proposals to amend the sentencing regime¹³ will result in the prison population growing even faster in Western Australia. The Committee notes that the Parliamentary Commissioner for Administrative Investigations is also of the same view.¹⁴
- 4.3 Across Western Australia the prison population already exceeds the prisons system's design capacity by 8 percent and in metropolitan regions the demand for prison

⁹ Ministry of Justice 1997/1998 Annual Report tabled in the Parliament on 19 November 1998:

"A daily average prison muster of 2,255 during 1997/98 has continued to put pressure on existing prison accommodation, with the prison population exceeding the prison system's design capacity by approximately eight percent. The demand for metropolitan secure beds exceeds design capacity by approximately 30 percent."

¹⁰ 1998-1999 Budget Statements Volume 1, p 607

¹¹ The Committee notes the comments of the Mr Barnett from the Second Reading Speech of the *Sentence Legislation Amendment and Repeal Bill* contained in *Hansard* on 29 October 1998 that:

"Critically important to the proposed regime is that sentences will be adjusted so that a person spends the same amount of time in jail under the proposed system as would have been the case had the offender been sentenced under the current system. If this were not done, there would be an across-the-board increase in sentences and an intolerably large increase in the prison population."

¹² Comment attributed to WA Prison Officers' Union secretary, Mr Ric Stingemore quoted in *The West Australian*, Saturday November 21 1998

¹³ Contained in the *Sentence Administration Bill* and *Sentencing Legislation Amendment and Repeal Bill* which propose the abolition of work release and home detention, a lengthening of the sentences served where offenders are eligible for parole and a tightening of the eligibility criteria (leading to the ability to sentence more offenders who are ineligible for parole) and the introduction of offences punishable by imprisonment for failure to satisfy a compensation order even where the defendant has no means to pay.

¹⁴ Commenting on the *Sentence Administration Bill* and *Sentencing Legislation Amendment and Repeal Bill* both currently before the Parliament the Ombudsman in his 27th Annual Report states:

"New proposals in relation to sentencing, parole and remission for prisoners will almost certainly see more people imprisoned for longer periods."

accommodation exceeds design capacity by up to 30 percent¹⁵. In the 1997/98 period there were 16 deaths in custody, 12 the result of apparent suicide.¹⁶ The Parliamentary Commissioner for Administrative Investigations stated in his 1998 Annual Report to Parliament; “In my opinion there can be no doubt that the adult prison system in this State has become stretched to almost breaking point in most aspects of its operations.”¹⁷

4.4 The Committee also expresses concern at the make up of the prison population. For the 1997/98 year:

- Approximately one percent of the male prison population and 5 percent of the female prison population comprised of people committed to prison for failure to pay fines¹⁸;
- Approximately 10 percent of the male prison population and 7 percent of the female prison population are classified as mentally ill¹⁹;
- Approximately 25 percent of all prisoners are on court order drug and alcohol programs²⁰;
- Approximately 75 percent of all prisoners have only completed a primary school education²¹;

¹⁵ Ministry of Justice 1997/1998 Annual Report tabled in the Parliament on 19 November 1998. Refer to quote contained in foot note 9.

¹⁶ Ministry of Justice 1997/1998 Annual Report tabled in the Parliament on 19 November 1998.

¹⁷ 27th Annual Report of the Parliamentary Commissioner for Administrative Investigations 1998 tabled in Parliament on 19 November 1998.

¹⁸ The Committee notes that the percentage of people imprisoned for non-payment of fines is likely to increase with the proposal to allow the court to issue an order for imprisonment even where a defendant has no means to pay. Reference is made to the Second Reading Speech of the *Sentencing Legislation Amendment and Repeal Bill* recorded in *Hansard* on Thursday 29 October 1998.

¹⁹ Answer provided by the Attorney-General to the Hon Mark Nevill MLC re Legislative Council Parliamentary Question on Notice Number 1446 notice of which was given on 31 March 1998.

²⁰ Answer provided by the Attorney-General to the Hon Mark Nevill MLC re Legislative Council Parliamentary Question on Notice Number 1457 notice of which was given on 31 March 1998.

²¹ Answer provided by the Attorney-General to the Hon Mark Nevill MLC re Legislative Council Parliamentary Questions on Notice Numbered 1441 and 1442 notice of which for both questions was given on 31 March 1998. As at 28 February 1998 1,687 prisoners comprising 1,593 male prisoners and 94 female prisoners, had only completed a primary school education. Based on the daily average prison muster for the year of 2,255 this equates to approximately 75% of all prisoners.

- Approximately 31 percent of adult offenders²² and approximately 46 percent of juvenile offenders²³ will re-offend and re-enter the prison system within two years of their release; and
- Approximately one third of all prisoners held in Western Australian prisons are Aboriginal.²⁴

4.5 What is more disturbing is the fact that, for the previous five years in this State, Aboriginal prisoners have comprised one third of all prisoners held in prisons²⁵ while comprising less than three percent of the State's population²⁶. Approximately one-third of all male prisoners and approximately half of all female prisoners are Aboriginal²⁷. This equates to approximately 1.5 percent of the entire Aboriginal population being held in prison. Western Australia imprisons approximately one in every seventy-one Aboriginals.²⁸ For the non-Aboriginal population the rate of imprisonment is one in every 1,140²⁹. If you are Aboriginal in Western Australia, you are sixteen times³⁰ more likely to be imprisoned. Western Australia can also claim the highest rate of indigenous imprisonment of any State or Territory in Australia³¹.

²² Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 57. The 1997/98 rate of re-offending for juveniles is 46.15 percent (49.15 percent for 1996/97).

²³ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 53. The 1997/98 rate of re-offending for adults is 31 percent (30 percent for each of 1995/96 and 1996/97).

²⁴ Ministry of Justice 1997/1998 Annual Report tabled in the Parliament on 19 November 1998.

²⁵ Ministry of Justice 1997/1998 Annual Report tabled in the Parliament on 19 November 1998. The following table shows the daily average prison muster broken down between Non-Aboriginal prisoners ("**Non-Ab**") and Aboriginal prisoners ("**Abor**"):

| Year | 1993/94 | 1994/95 | 1995/96 | 1996/97 | 1997/98 |
|--------|---------|---------|---------|---------|---------|
| Total | 2,098 | 2,124 | 2,236 | 2,231 | 2,255 |
| Non-Ab | 1,438 | 1,419 | 1,492 | 1,483 | 1,502 |
| Abor | 660 | 705 | 744 | 748 | 753 |
| % Abor | 31.45% | 33.2% | 33.27% | 33.53% | 33.4% |

²⁶ Australian Bureau of Statistics figures as at 30 June 1996 estimating the indigenous population of Western Australia to be 54,055 out of a total State population of 1.766 million.

²⁷ Answer provided by the Attorney-General to the Hon Mark Nevill MLC re Legislative Council Parliamentary Question on Notice Number 1448 notice of which was given on 31 March 1998.

²⁸ Based on the Daily Average Aboriginal Prison Muster of 753 contained in the Ministry of Justice 1997/1998 Annual Report and the Australian Bureau of Statistics estimate of the indigenous population of Western Australia as 54,055.

²⁹ Based on the Daily Non-Aboriginal Prison Muster of 1,502 contained in the Ministry of Justice 1997/1998 Annual Report and the Australian Bureau of Statistics estimate of the population of Western Australia as 1,766,000.

³⁰ This may be a conservative estimate. The Australian Bureau of Statistics figures as at March 1997 which estimate that the indigenous population is 24 times more likely to be in prison than the non-indigenous population. See following foot note.

³¹ Australian Bureau of Statistics figures for estimates of the indigenous population for each State and Territory ("**Pop**") together with the number of indigenous prisoners ("**Num**"), the rate of indigenous imprisonment per 100,000 of the adult indigenous population ("**Rate**") and approximate ratio of indigenous to non-indigenous rates of imprisonment ("**Ratio**") as at March 1997:

- 4.6 The Committee considers that the community can no longer respond to crime by imposing custodial sentences and consequently expanding the capacity of the penal system. The situation of overcrowding at Bandyup Women's Prison³² illustrates the problem of this approach and the Committee questions whether the appropriate response is to build more prisons³³ or whether alternatives to custodial sentences should be explored. The Committee notes that the Offender Management Division of the Ministry of Justice is proposing³⁴ to develop for Government, policy options that provide the courts with an alternative to detention and imprisonment and commends this initiative. However, the Committee notes that legislation currently before Parliament further restricts the courts in their ability to impose alternative sentences to detention and imprisonment.³⁵
- 4.7 Imprisonment makes expensive demands on the public resources and it is reasonable for the public to satisfy itself about what is being done with this money. In Western Australia, the daily cost of keeping an adult offender in custody is approximately \$169.³⁶ The daily cost of keeping a juvenile offender in custody is approximately \$434.³⁷ Since 1995, the cost per day for keeping an adult offender in custody has risen by approximately 15 percent each year. It is estimated³⁸ that this figure will rise to \$174 per day for the 1998-99 year.
- 4.8 The Committee notes that the estimates of expenditure provided by Offender Management for both the 1996-97 and 1997-98 years were 6.75% and 8.5% respectively

| State | NSW | Vic | Qld | SA | WA | Tas | NT | ACT | Aust |
|-------|---------|--------|---------|--------|--------|--------|--------|-------|---------|
| Pop | 106,294 | 22,574 | 100,504 | 21,271 | 54,055 | 14,651 | 49,566 | 2,952 | 372,052 |
| Num | 934 | 121 | 807 | 223 | 726 | 23 | 388 | 11 | 3,233 |
| Rate | 1,992 | 1,042 | 1,732 | 2,020 | 2,674 | 392 | 1,429 | 986 | 1,822 |
| Ratio | 18 | 16 | 16 | 17 | 24 | 6 | 8 | 16 | 18 |

³² The prison population at Bandyup women's prison as at Friday 20 November was reportedly 151 prisoners, 68 prisoners or 82 percent above its standard design capacity of 83 prisoners. Source: *The West Australian*, Saturday November 21 1998.

³³ The Parliamentary Commissioner for Administrative Investigations stated in his 1998 Annual Report tabled in the Parliament on 19 November 1998:

"Building one or more new prisons will ease one aspect of the problem in the short term. What is more important, in my opinion, is the development and implementation of strategies (with adequate resources) to address comprehensively the way prisons can and should operate in this State. There is a long way to go."

³⁴ Ministry of Justice 1997/98 Annual Report tabled in Parliament on 19 November 1998.

³⁵ The *Sentence Administration Bill* and *Sentencing Legislation Amendment and Repeal Bill* propose the abolition of work release and home detention, a lengthening of the sentences served where offenders are eligible for parole and a tightening of the eligibility criteria (leading to the ability to sentence more offenders who are ineligible for parole) and the introduction of offences punishable by imprisonment for failure to satisfy a compensation order even where the defendant has no means to pay.

³⁶ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 56

³⁷ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 60.

³⁸ 1998-99 Budget Statements Volume 1, p 608

below the actual costs in each year.³⁹ Even if the 1998-99 estimate of expenditure more accurately reflects the actual cost, this still equates to a total annual cost of \$63,510 per prisoner which means that the total cost of keeping Western Australia's prisoners in custody for the 1998-99 year may well be in the order of \$167 million⁴⁰. The total cost of keeping Western Australia's prison population in custody for the 1997-98 year was \$143 million and for the 1996-97 year \$131 million.⁴¹ By contrast, the amount spent on Community Based Services actually fell over the same period.⁴²

- 4.9 The 1997/98 cost per day of managing an adult offender through community supervision was \$10.41.⁴³ The daily cost of keeping an adult offender in custody is \$169.21⁴⁴, over 16 times the cost of daily community supervision. For a juvenile, the 1997/98 cost per day of managing a juvenile offender is \$29.32.⁴⁵ The daily cost of keeping a juvenile offender in detention is \$433.60⁴⁶, almost 15 times the amount it costs per day for managing a juvenile offender through community service.

³⁹ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998. Extract taken from Summary of Consolidated Fund Appropriations and Revenue Estimates for the year ended 30 June 1998:

| Offender Management Sub-Program Details | 1997-98 | | | 1996-97 | | |
|--|--------------------|------------------|-----------------|--------------------|------------------|----------------|
| | Estimate \$'000 | Actual \$'000 | Variation % | Estimate \$'000 | Actual \$'000 | Variation % |
| Adult Offenders Custody | 115,036 | 128,958 | 12.1% | 106,612 | 116,158 | 8.95% |
| Juvenile Offenders Custody | <u>16,957</u> | <u>14,284</u> | <u>(15.76%)</u> | <u>16,615</u> | <u>15,389</u> | <u>(7.3%)</u> |
| Total Custody Cost | 131,993 | 143,242 | 8.5% | 123,227 | 131,547 | 6.75% |

⁴⁰ Calculation based on the current Statewide prison population of 2,641 as reported in *The West Australian* of Saturday November 21 1998 at p. 6.. If the current prison muster continues for the 1998/1999 year this will represent a 16 percent increase in the total cost of keeping offenders in prison.

⁴¹ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998. Extract taken from Summary of Consolidated Fund Appropriations and Revenue Estimates for the year ended 30 June 1998:

| Offender Management Sub-Program Details | 1997-98 | | 1996-97 | |
|--|--------------------|------------------|--------------------|------------------|
| | Estimate \$'000 | Actual \$'000 | Estimate \$'000 | Actual \$'000 |
| Adult Offenders Custody | 115,036 | 128,958 | 106,612 | 116,158 |
| Juvenile Offenders Custody | <u>16,957</u> | <u>14,284</u> | <u>16,615</u> | <u>15,389</u> |
| Total Custody Cost | 131,993 | 143,242 | 123,227 | 131,547 |
| Community Based Services | <u>26,610</u> | <u>25,838</u> | <u>28,486</u> | <u>26,872</u> |
| Total | 158,603 | 169,080 | 151,713 | 158,419 |

⁴² From \$26.87 million to \$25.84 million. See above footnote.

⁴³ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 62. Cost per day of managing an adult offender through community supervision for 1997/98 full accrual unit cost \$10.41 (1995/96 and 1996/97 costs per day \$7.45 and \$7.97 respectively based on cash accounting only).

⁴⁴ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 56.

⁴⁵ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 64.

⁴⁶ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 60.

- 4.10 The rate of re-offending (the recidivism rate) in Western Australia in 1997/98 for adults was 31 percent.⁴⁷ Alarminglly, the rate of re-offending for juveniles “cannot be measured until all relevant information systems are linked.”⁴⁸ Under the interim measure, the *rate of return to detention*, the rate of re-offending juveniles for 1997/98 is 46.15 percent.⁴⁹ The high rates of recidivism in Western Australia is further considered later in this report under the heading “Strategies aimed at reducing the recidivism rates of prisoners”.
- 4.11 The escalating cost of imprisonment to the State and its apparent ineffectiveness in deterring offenders, particularly juvenile offenders, from re-offending must lead to a re-evaluation of the effectiveness of imprisonment as a sentencing option other than for the most dangerous and persistent criminals from whom the public must always be protected. This leads to a consideration of alternatives to custody. The cost differential between imprisonment and community supervision is so great⁵⁰, yet for every \$1 spent on Community Based Services \$5.50 is spent on the costs of imprisonment⁵¹. This cost differential is getting greater with the percentage of the total expenditure spent on community services falling from 17 percent in 1996/97 to 15.2 percent in 1997/98 with the percentage spent on custody increasing from 83 percent of the total in 1996/97 to 84.8 percent in 1997/98 .⁵²

⁴⁷ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 53. The 1997/98 rate of re-offending for adults is 31 percent (30 percent for each of 1995/96 and 1996/97). For adult offenders, “*re-offending*”, “*repeat offender*”, or “*recidivism*” is defined as a return to the offender management system by distinct adult offenders within two years following release from custody or termination of their order. A “distinct” offender is interpreted to mean that an offender is counted only once even if the offender re-enters the system several times over the two year period. This is said to be “consistent with national standards” but may lead to an understating of the true rate of recidivism.

⁴⁸ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 57:

“The rate of re-offending for juveniles can not be measured until all relevant information systems are linked. Instead, an interim measure has been developed. This is the *rate of return to detention* which is defined as the percentage of distinct juvenile offenders returning to detention, between exit two years ago and the end of the current financial year, following release from custody two years ago.”

⁴⁹ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 57. Rate of re-offending: juveniles 1997/98 46.15 percent (1996/97 49.15 percent).

⁵⁰ The daily cost of keeping an adult offender in custody is \$169.21 over 16 times the cost of daily community supervision. For a juvenile, the 1997/98 cost per day of managing a juvenile offender is \$433.60 almost 15 times the amount it costs per day for managing a juvenile offender through community service.

⁵¹ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998. Extract taken from Summary of Consolidated Fund Appropriations and Revenue Estimates for the year ended 30 June 1998. Total actual cost of Adult and Juvenile Offenders Custody for 1997-98 is \$143,242,000. Total actual cost of providing Community Based Services is \$25,838,000.

⁵² Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998. Extract taken from Summary of Consolidated Fund Appropriations and Revenue Estimates for the year ended 30 June 1998:

| Offender Management | 1997-98 | Percent | 1996-97 | Percent |
|----------------------------|---------------|--------------|---------------|-------------|
| Sub-Program Details | Actual | of | Actual | of |
| | \$*000 | Total | \$*000 | Total |
| Adult Offenders Custody | 128,958 | 76.3% | 116,158 | 73.3% |
| Juvenile Offenders Custody | <u>14,284</u> | 8.5% | <u>15,389</u> | <u>9.7%</u> |
| Total Custody Cost | 143,242 | 84.8% | 131,547 | 83% |
| Community Based Services | <u>25,838</u> | <u>15.2%</u> | <u>26,872</u> | <u>17%</u> |
| Total | 169,080 | 100% | 158,419 | 100% |

- 4.12 The Committee is optimistic that its report to Parliament on the practical effect of alternatives to custody operating in other jurisdictions will inform and influence consideration of the matter both within the Parliament and the wider community.

United Kingdom Experience

- 4.13 In the United Kingdom the imprisonment rate has risen from 74 prisoners per 100,000 residents in 1993 to approximately 110 prisoners per 100,000 residents today. The rate is anticipated to rise to 140 prisoners per 100,000 residents over the next seven years. The United Kingdom has one of the highest incarceration rates of the European Union member countries⁵³ and the alarm at the rise in the total prison population in the United Kingdom to approximately 65,000⁵⁴ led to the establishment of an extensive inquiry to consider alternatives to prison sentences.

- 4.14 The House of Commons Select Committee on Home Affairs conducted this inquiry which reported on 28 July 1998. The basis for establishing the inquiry was to examine:

- the causes of the escalating increase in the prison population;
- the concomitant increase in the cost of running the Prison Services⁵⁵;
- the effect an increased prison population has had on the running of existing prisons, including the increased strain and tension placed on prison officers and prison administrators;
- the injustice that may be done by the imprisonment of those for whom a prison sentence is not strictly necessary;
- existing non-custodial sentences and ways to make non-custodial sentences effective and be seen to be effective by the community; and
- alternatives to prison sentences which will engender public confidence as well as alleviating the strain on Prison Services.

- 4.15 The inquiry sought to demonstrate the importance of finding effective alternatives to prison for those who can safely be punished in the community. However, as the Committee noted, “unless the public has confidence in them, then far from being able to

⁵³ England and Wales, Northern Ireland, Scotland, Portugal and Spain are the countries which imprison the greatest proportion of its citizens. Source: Prison Populations in Europe and North America: Some Background Information, Heuni Paper No. 10, Roy Walmsley, 1997.

⁵⁴ National Advisory Council Prison Population Figure as at August 1998 was 65,727 prisoners comprising 62,607 male prisoners and 3,120 female prisoners.

⁵⁵ The average annual cost per prison place in the United Kingdom is approximately \$50,000 with a total cost roughly of the order of \$5 billion per year.

use alternative sentences as a means of reducing the prison population, there will be calls - as is already the case - for still wider use of imprisonment.”⁵⁶

- 4.16 Of the reasons given for the increasing prison population, it has been said that “the reason for this exponential increase ... [is] the vocal expression of opinion by influential public figures that custody is an effective penalty ... Judges and magistrates have been the subject of criticism ... for imposing what are widely portrayed as excessively lenient sentences.”⁵⁷
- 4.17 The evidence of the United Kingdom’s Chief Inspector of Prisons is that only 30 percent of the women in prison need to be there and only between 30 and 40 percent of young offenders need be in prison.⁵⁸
- 4.18 With over 50 percent⁵⁹ of prisons in the United Kingdom housing more prisoners than they were designed for and the need to convert disused prisons and men’s prisons to women’s prisons indicates the extent of the problem facing the United Kingdom Prisons Service.
- 4.19 It is against this background of a rapidly escalating prison population the Home Affairs Committee investigated credible alternatives to custody concluding that while prisons will always be necessary for the most dangerous and persistent criminals, custodial sentences must be closely targeted on them, with other offenders being given non-custodial sentences which are effective and in which sentencers and the public have confidence.⁶⁰

⁵⁶ Quoted from the House of Commons Select Committee on Home Affairs - Third Report: Alternatives to Prison Sentences, p 1.

⁵⁷ Quote by Lord Bingham of Cornhill, the Lord Chief Justice of England and Wales contained in the Select Committee on Home Affairs - Third Report at page 1 In Minutes of Evidence taken before the Home Affairs Committee on Tuesday 17 March 1998 , the Lord Chief Justice said the following:

“Given the temper of our society in the last five years, I do not find it surprising that the prison population should have increased by 50 percent, reflecting the more ready resort to custody by sentencers and an increase in the length of sentences imposed. The tenor of political rhetoric has strongly favoured the imposition of severe sentences; this rhetoric has been faithfully reflected in certain elements of the media; and judges accused of passing lenient sentences have found themselves routinely castigated in some newspapers. Against this background judges have, understandably, sought to avoid the unwelcome experience of passing sentences which the Attorney General has sought to refer to the Court of Appeal for being unduly lenient. So we have the extraordinary paradox, that judges and magistrates have been roundly criticised for over-lenient sentencing during a period when they have been sending more defendants to prison for longer periods than at any time in the last 40 years. The increase in the prison population is not explained by any recent increase in sentencing powers, and I have no doubt that it is related to the pressure of public opinion.”

⁵⁸ Sir David Ramsbotham, Chief Inspector of Prisons, quoted from the Minutes of Evidence Taken Before the House of Commons Home Affairs Committee on Tuesday 10 March 1998. In evidence the Chief Inspector of Prisons said as follows:

“I am very concerned about these youngsters in prison because prison corrupts them. One does not want to see them in there but you have to have something meaningful for them outside. I believe what these figures show is that you have to include in what is done - and this is a community sentence - education as well to make good the ravages of what they have not had. I do not see evidence of that being provided.”

⁵⁹ Of the 65,727 men, women and children currently imprisoned in the United Kingdom more than half of the prisons are either full or overcrowded, the worst overcrowding endured by people on remand or serving short sentences. Source: HM Prison Service, Offenders and Corrections Unit, August 1998.

⁶⁰ A recommendation of the Select Committee on Home Affairs - Third Report is as follows:

“What the public really want to hear is that community sentences are effective in reducing crime. The most

4.20 In addition to probation orders, community service orders and supervision orders which are existing community penalties available in the United Kingdom, the Home Office Committee investigated the use of the following techniques to increase public confidence in community sentences:

- the increased use of probation hostels, which are seen as a credible and lower cost alternative to prisons for offenders who are not a significant risk to the community;
- the trialing of curfew orders with electronic monitoring;
- the use of “weekend prison”, offering the possibility of prison sentences whilst at the same time allowing offenders to keep or seek employment;
- the use of cautioning with restorative justice conferences (i.e., bringing the offender and victim together);
- the lifting of the restriction in the use of suspended sentences in circumstances where the crime might ordinarily justify a custodial sentence but is seen as a “one-off” unlikely to be repeated;
- the reduction in the number of fine defaulters sent to prison and the dealing with fine defaulters in the community through strictly enforced community service;
- amending the requirements for pre-sentence reports so that they state clearly circumstances where non-custodial sentences are considered appropriate and where a custodial option is considered the only option available to the court;
- recommending that all sentencers make regular visits to probation centres and community service placements and receive regular feedback about the results of the sentences they make in terms of their success, or otherwise, in preventing offenders from reoffending⁶¹;
- the strict return to court for offenders who breach community sentences and the introduction of a new offence of breaching a community sentence which would attract a prison sentence;
- community education as to the type of work carried out by offenders who are given community services and to explain that community sentences are no “soft

compelling argument that could possibly be put forward for community sentences is that they are consistently more effective than prison in reducing reoffending. Evidence exists that some community sentences are more effective, but we note again the findings of the Inspectorate that these programmes are, overwhelmingly, not adequately evaluated in order to put forward this argument with conviction.”

⁶¹ Without such knowledge it is considered that sentencers remain largely ignorant of the effectiveness of the various sentencing options available to them.

option” often forcing offenders to confront their criminal behaviour and its effects
- something they may never be required to do in prison; and

- undertaking a rigorous assessment of the cost and effectiveness of community sentences.⁶²

4.21 The Committee is interested in investigating the experiences of the United Kingdom in introducing such measures and meeting with Members of the Select Committee on Home Affairs together with the individuals and associations who made the above recommendations to the Select Committee. The Committee also proposes meeting with representatives from the Howard League for Penal Reform and Mr Stephen Shaw, Director of the Prison Reform Trust.

The German Experience

4.22 The Committee is informed that Germany has undertaken a number of initiatives in the area of criminal justice. From novel approaches to juvenile detention, (*jungendarrest* being short-term detention lasting from 2 days to 4 weeks) to weekend prison sentences for adult offenders for certain offences who would otherwise be given “full-time” prison sentences, allowing prisoners to keep or seek employment while not disrupting the family life of the prisoner. The weekend in prison involves participation in programs designed to rectify the offending behaviour for which the prisoner has been brought in. For example, an individual who had committed a financial offence would be required to complete a financial cleansing program and the prison authorities would be required to certify this fact prior to the expiry of the prison sentence so that the prisoner is set a program target to complete.

4.23 The Lord Chief Justice of England has given qualified support for the German initiative:

“My own view is that while it is sometimes necessary for punitive or protective purposes to deprive someone of his or her liberty, that should be done to the minimum extent necessary to achieve whatever purpose it is sought to achieve. If one can do that by imprisoning somebody at the weekend and not otherwise, then that is a benefit in my view.”⁶³

4.24 The Committee proposes to examine the practicality and feasibility of such measures as “weekend prison” and to observe how such a scheme operates in practice in German prisons. The Committee proposes to meet with Dr Christian Pfeiffer, Director of the

⁶² The Select Committee noted that, when viewed in the context of the overall expenditure on the criminal justice system, and the further costs of crime both to the victims and to society, the figures spent nationally on research are “risibly minuscule.” The Chief Inspector of Prisons in his evidence to the Select Committee on Home Affairs also noted that, although everyone knows how much money is actually spent on imprisonment, no research has been undertaken into how much money *should* be spent if you were actually going to conduct imprisonment as you would like to: in other words, provide all the regimes and offending behaviour treatment and resettlement activities etc.

⁶³ The Rt. Hon. Lord Bingham of Cornhill, Lord Chief Justice of England, quoted from the Minutes of Evidence Taken Before the House of Commons Home Affairs Committee on Tuesday 17 March 1998.

Criminological Research Institute of Lower Saxony and visit a number of prisons which operate “weekend prison” programs.

THE ROLE OF AN EXTERNAL AUDITOR AND/OR INDEPENDENT INSPECTORATE

- 4.25 The Committee notes the comments of the Ombudsman that 40 percent of the complaints received by his office about the Offender Management Division are complaints about harassment from prison officers and prison staff and complaints about prisoner rights and privileges. However, the Ombudsman goes on to state that; “there are many prison officers who are ready, willing and able to combine the custodial and welfare roles and for whom prisoner welfare is a vital aspect of the job.”⁶⁴
- 4.26 The vast majority of prisoners struggle to cope with the pressures but there are also extreme pressures placed on prison officers and staff because of the conditions under which they work. A system for monitoring and influencing both the treatment and condition of prisoners and staff seems an appropriate method to breaking the cycle of “high handed” administration of discipline and control against prisoners “many [of whom] are genuinely remorseful for their crimes and are fearful of what will happen to them in prison, and what will happen to their families outside.”⁶⁵
- 4.27 In evidence to the Committee, Professor Harding argued that there should be an independent inspectorate role within the Western Australian prison system. According to Professor Harding, the best international model of an independent inspectorate is the Chief Inspector of Prisons in the United Kingdom.⁶⁶
- 4.28 The remit of the Independent Prisons Inspectorate is built around a five yearly program of announced inspections of every prison establishment as well as a program of unannounced and follow-up inspections, in addition to preparing two thematic reviews per year on issues affecting the treatment and conditions of prisoners.⁶⁷
- 4.29 This involves inspections of 139 prisons with a total prisoner population of close to 70,000. The establishment of an Inspectorate of Prisons, independent of the Prison Department, and the publication of its reports, are considered a vital part of the process in the United Kingdom of increasing public understanding of the prison system.
- 4.30 The Statement of Purpose of the Chief Inspector of Prisons is to contribute to the reduction in crime, by inspecting the treatment and conditions of those in Prison Service custody, in a manner that informs Ministers, Parliament and others and influences advances in planning and operational delivery.

⁶⁴ The Parliamentary Commissioner for Administrative Investigations stated in his 1998 Annual Report tabled in the Parliament on 19 November 1998.

⁶⁵ Quote taken from The Parliamentary Commissioner for Administrative Investigations stated in his 1998 Annual Report tabled in the Parliament on 19 November 1998.

⁶⁶ Professor Harding’s evidence to the Committee, 11 March 1998, p 9.

⁶⁷ It carries out its functions under section 5A of the *Prisons Act 1952* as amended by section 57 of the *Criminal Justice Act 1982*.

- 4.31 “I interpret the role of the Chief Inspector of Prisons as being to monitor, and hopefully influence, treatment and conditions of prisoners. I couple this with monitoring and influencing treatment and conditions of staff, because I do not believe that conditions will be right for prisoners unless conditions are right for staff.”⁶⁸
- 4.32 Professor Harding referred to the United Kingdom’s Chief Inspector’s visit to Holloway Women’s Prison in 1997. Following the inspection, the Chief Inspector arranged a press conference at which he directed severe criticism at the prison. About six months later, the Chief Inspector returned and noted that there had been a radical upgrading of the prison. In this regard, Professor Harding said that the role of an independent inspectorate is required to obtain “better value for money, better programs and a more purposeful and focussed prison system, some efforts at proper program delivery, rehabilitation ...” and was “crucial” to the effective running of a prison.⁶⁹
- 4.33 The role of the Chief Inspector involves criticism in some quarters but constructive criticism. One of the benefits of the inspection process is the sharing of good practice between prisons. “It is not as if the Prison Service is not thinking about these things. But good practice is something they are very bad at sharing. The “not invented here” syndrome comes into play. There are some very good examples of prisoner information around, there are very good examples of sentence planning on a computer but only used in one prison, not transported to others. They could help themselves if they shared information much more quickly.”⁷⁰ This has greatly assisted the work of prison staff who work in conditions that survey after survey reveal to have high levels of stress associated with them.
- 4.34 The Committee agrees with the views of the Chief Inspector that the prisons must not be considered in isolation, but in relation to the remainder of the criminal justice system. This is not just for reasons of cost but of greater efficiency; it simply does not make sense for those who have a part to play in influencing the treatment and conditions of prisoners to keep their part to themselves and not share it with those who are also involved. The Committee considers that the introduction of an independent inspectorate in Western Australia would greatly assist in this process.
- 4.35 The Ombudsman informed the Committee that he has had discussions with Professor Harding concerning the role of an independent inspectorate within the Western Australian prison system. The Ombudsman was unable to comment in any detail but said that he agreed with the general terms of Professor Harding’s argument for an independent inspectorate.⁷¹

⁶⁸ Quoted in the sixteenth Annual Report of HM Chief Inspector of Prisons for England and Wales by Sir David Ramsbotham, April 1996 to November 1997, tabled 10 March 1998, p 6.

⁶⁹ Professor Harding’s evidence to the Committee, 11 March 1998, p 9.

⁷⁰ Sir David Ramsbotham, Chief Inspector of Prisons, quoted from the Minutes of Evidence Taken Before the House of Commons Home Affairs Committee on Tuesday 10 March 1998 .

⁷¹ Ombudsman’s evidence to the Committee, 1 April 1998, p15.

- 4.36 The Committee considers it important to inquire into the issue of the allocation and expenditure of financial resources in relation to the role of the external auditor/independent inspectorate. In this regard, the Committee proposes to meet with the Chief Inspector of Prisons and also discuss this matter when attending a number of prisons within the United Kingdom.

STRATEGIES AIMED AT REDUCING THE RECIDIVISM RATES OF PRISONERS

- 4.37 It is worth repeating what was stated earlier that imprisonment makes expensive demands on the public resources and it is reasonable for the public to satisfy itself about what is being done with this money. In Western Australia, the daily cost of keeping an adult offender in custody is approximately \$169.⁷² The daily cost of keeping a juvenile offender in custody is approximately \$434.⁷³ Since 1995, the cost per day for keeping an adult offender in custody has risen by approximately 15 percent each year. It is estimated⁷⁴ that this figure will rise to \$174 per day for the 1998-99 year.
- 4.38 The total cost of keeping Western Australia's prison population in custody for the 1997-98 year was \$143 million and for the 1996-97 year \$131 million.⁷⁵ The 1998-99 estimate of expenditure translates into a total annual cost of \$63,510 per prisoner which means that the total cost of keeping Western Australia's prisoners in prison for the 1998-99 year may well be in the order of \$167 million⁷⁶.
- 4.39 The 1997/98 cost per day of managing an adult offender through community supervision was \$10.41.⁷⁷ The daily cost of keeping an adult offender in custody is \$169.21⁷⁸, over 16 times the cost of daily community supervision. For a juvenile, the 1997/98 cost per day of managing a juvenile offender is \$29.32.⁷⁹ The daily cost of keeping a juvenile

⁷² Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 56

⁷³ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 60.

⁷⁴ 1998-99 Budget Statements Volume 1, p 608

⁷⁵ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998. Extract taken from Summary of Consolidated Fund Appropriations and Revenue Estimates for the year ended 30 June 1998:

| Offender Management Sub-Program Details | 1997-98 | | 1996-97 | |
|--|--------------------|------------------|--------------------|------------------|
| | Estimate \$'000 | Actual \$'000 | Estimate \$'000 | Actual \$'000 |
| Adult Offenders Custody | 115,036 | 128,958 | 106,612 | 116,158 |
| Juvenile Offenders Custody | <u>16,957</u> | <u>14,284</u> | <u>16,615</u> | <u>15,389</u> |
| Total Custody Cost | 131,993 | 143,242 | 123,227 | 131,547 |
| Community Based Services | <u>26,610</u> | <u>25,838</u> | <u>28,486</u> | <u>26,872</u> |
| Total | 158,603 | 169,080 | 151,713 | 158,419 |

⁷⁶ Calculation based on the current Statewide prison population of 2,641 as reported in *The West Australian* of Saturday November 21 1998 at p. 6. If the current prison muster continues for the 1998/1999 year this will represent a 16 percent increase in the total cost of keeping offenders in prison.

⁷⁷ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 62. Cost per day of managing an adult offender through community supervision for 1997/98 full accrual unit cost \$10.41 (1995/96 and 1996/97 cost per day \$7.45 and \$7.97 respectively based on cash accounting only).

⁷⁸ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 56.

⁷⁹ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 64.

offender in detention is \$433.60⁸⁰, almost 15 times the amount it costs per day for managing a juvenile offender through community service. The cost differential between imprisonment and community supervision is so great⁸¹, yet for every \$1 spent on Community Based Services \$5.50 is spent on the costs of imprisonment⁸².

- 4.40 The rate of re-offending (the recidivism rate) in Western Australia in 1997/98 for adults was 31 percent.⁸³ Alarminglly, the rate of re-offending for juveniles “cannot be measured until all relevant information systems are linked.”⁸⁴ Under the interim measure, the *rate of return to detention*, the rate of re-offending juveniles for 1997/98 is 46.15 percent.⁸⁵ Given the cost of imprisonment and the extremely high recidivism rates, particularly among juveniles, the Committee questions the effectiveness of existing offender behaviour and educational programs currently in place.
- 4.41 Prisons work to the extent that the community is protected by the holding in secure and humane confinement persons who have been given into custody by the courts. But, with the exception of a tiny handful⁸⁶, all will be released and the question that has to be answered is “In what frame of mind are they going to be when they are released?” If nothing is done to tackle their offending behaviour, and they come out embittered as a result of the treatment they have received, then it is more than likely that they will resume their lives of crime.

⁸⁰ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 60.

⁸¹ The daily cost of keeping an adult offender in custody is \$169.21 over 16 times the cost of daily community supervision. For a juvenile, the 1997/98 cost per day of managing a juvenile offender is \$433.60 almost 15 times the amount it costs per day for managing a juvenile offender through community service.

⁸² Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998. Extract taken from Summary of Consolidated Fund Appropriations and Revenue Estimates for the year ended 30 June 1998. Total actual cost of Adult and Juvenile Offenders Custody for 1997-98 is \$143,242,000. Total actual cost of providing Community Based Services is \$25,838,000.

⁸³ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 53. The 1997/98 rate of re-offending for adults is 31 percent (30 percent for each of 1995/96 and 1996/97). For adult offenders, “*re-offending*”, “*repeat offender*”, or “*recidivism*” is defined as a return to the offender management system by distinct adult offenders within two years following release from custody or termination of their order. A “distinct” offender is interpreted to mean that an offender is counted only once even if the offender re-enters the system several times over the two year period. This is said to be “consistent with national standards” but may lead to an understating of the true rate of recidivism.

⁸⁴ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 57:

“The rate of re-offending for juveniles can not be measured until all relevant information systems are linked. Instead, an interim measure has been developed. This is the *rate of return to detention* which is defined as the percentage of distinct juvenile offenders returning to detention, between exit two years ago and the end of the current financial year, following release from custody two years ago.”

⁸⁵ Source: 1997/1998 Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 57. Rate of re-offending: juveniles 1997/98 46.15 percent (1996/97 49.15 percent).

⁸⁶ Answer provided by the Attorney-General to the Hon Mark Nevill MLC re Legislative Council Parliamentary Question on Notice Number 1472 notice of which was given on 31 March 1998.

Question: “How many maximum security prisoners in Western Australia would probably never be released into the community?”

Answer: “It is not possible to determine which prisoners would probably never be released back into the community. Each case is assessed on its merits by the Parole Board.”

- 4.42 In return for the money made available, the public has a right to expect that prisons will be made to work as well as possible, both in preventing those confined from escaping, and in making the best use of the time available to reduce the risk of re-offending by encouraging prisoners to take full advantage of the opportunities offered during their confinement. Recidivism - or re-offending - statistics show that recidivism is only reduced when some form of offending behaviour treatment, education or preparation for release, is included in the program.
- 4.43 The Committee has concerns over the recidivism rates of prisoners within the Western Australian prison system.⁸⁷ The actual recidivism rate in Western Australia for 1997-98 exceeded the budget estimate⁸⁸. The target rate for 1998-99 is 29.8 percent.⁸⁹ Factors linked to the high level of recidivism are cited to be:
- the lack of suitably targeted education and training facilities available in prisons;
 - the dislocation of prisoners' links with their families; and
 - the lack of preparedness for prisoners in adjusting to life "on the outside".
- 4.44 A combination of the above factors translate into difficulties many offenders face to reintegrate into the community after release. This often manifests itself in difficulties in finding employment once released or in holding down a job. As a consequence of this, there is a pattern of many offenders once again resorting to crime. In Western Australian prisons, approximately 10 percent of all male prisoners and 7 percent of all female prisoners are classified as mentally ill⁹⁰. 75 percent of all prisoners have only completed primary school education⁹¹. The Committee understands that no records are kept of literacy or numerical skills of prisoners⁹² nor of their employment status at the time of their arrest⁹³. The Committee is unaware of any surveys which compare the level of

⁸⁷ In evidence to the Committee, Professor Harding commented that the recidivism rates for inmates in the Western Australia prison system was *very high*, 11 March 1998, page 5.

⁸⁸ The 1997/98 budget estimate rate of recidivism per 1998-99 Budget Statements Volume 1, p 607 was 30.3 percent. The actual 1997/1998 rate of re-offending for adults was 31 percent and 46.15 percent for juveniles. Ministry of Justice Annual Report tabled in Parliament on 19 November 1998 at p. 53.

⁸⁹ 1998-99 Budget Statements Volume 1, p 607.

⁹⁰ Answer provided by the Attorney-General to the Hon Mark Nevill MLC re Legislative Council Parliamentary Question on Notice Number 1446 notice of which was given on 31 March 1998.

⁹¹ Answers provided by the Attorney-General to the Hon Mark Nevill MLC re Legislative Council Parliamentary Questions on Notice Numbered 1441 and 1442 notice of which for both questions was given on 31 March 1998. As at 28 February 1998 1,687 prisoners comprising 1,593 male prisoners and 94 female prisoners, had only completed a primary school education. Based on the daily average prison muster for the year of 2,255 this equates to approximately 75% of all prisoners.

⁹² Answers provided by the Attorney-General to the Hon Mark Nevill MLC re Legislative Council Parliamentary Questions on Notice Numbered 1441 and 1442 notice of which for both questions was given on 31 March 1998.

⁹³ Answers provided by the Attorney-General to the Hon Mark Nevill MLC re Legislative Council Parliamentary Questions on Notice Numbered 1443 and 1444 notice of which for both questions was given on 31 March 1998.

unemployment amongst ex-offenders compared to the levels of unemployment in the population at large but anecdotal evidence suggests the rate of unemployment among ex-offenders is much higher.

- 4.45 The Committee believes that further research is required to develop prison vocational training and work experience programs to assist alleviate the above three factors with the aim of reducing recidivism rates. The Committee is heartened by the announcement⁹⁴ that during 1998/99 the Offender Management Division is developing for Government, policy options that provide the courts with an alternative to detention/imprisonment providing “offenders with an opportunity to learn new work and life skills in the pastoral industries.”⁹⁵ The Committee queries the confinement of opportunities for learning work and life skills to pastoral skills alone, but supports the general thrust of the initiative particularly at a time when legislation is currently before the Parliament removing from the courts certain alternatives to detention and imprisonment.⁹⁶
- 4.46 The Committee is seeking to examine alternatives to imprisonment, particularly for juvenile offenders because of the corrupting influence prison can have on them and the difficulties faced, particularly by juveniles, in acquiring the necessary skills to have something meaningful for them to do once outside prison. The Committee considers that its research and report when tabled in the Parliament on vocational, training and work experience programs will inform the debate as to alternative policy options to be canvassed and provide a practical measure as to the strengths and weaknesses of similar programs implemented in other jurisdictions.

United States Experience

- 4.47 Each year United States prisons release more than 400,000⁹⁷ criminal offenders back into the community. Statistics in America show that within 3 years of release, 40 percent will be returned to prison.⁹⁸ Lack of adequate job training and work opportunities is considered a critical factor for such high recidivism rates. Without training and skills when leaving prison, offenders have a difficult time securing legitimate employment and resort to crime.

⁹⁴ Ministry of Justice 1997/98 Annual Report tabled in the Parliament on 19 November 1998.

⁹⁵ Ministry of Justice 1997/98 Annual Report tabled in the Parliament on 19 November 1998.

⁹⁶ The *Sentence Administration Bill* and *Sentencing Legislation Amendment and Repeal Bill* propose the abolition of work release and home detention, a lengthening of the sentences served where offenders are eligible for parole and a tightening of the eligibility criteria (leading to the ability to sentence more offenders who are ineligible for parole) and the introduction of offences punishable by imprisonment for failure to satisfy a compensation order even where the defendant has no means to pay.

⁹⁷ As at July 1997 more than 1.7 million U.S. residents were either in gaol or prison. Relative to the number of U.S. residents, the rate of incarceration in prisons at 31 December 1997 was 445 prisoners per 100,000 residents. On 31 December 1997, 1 in every 117 men and 1 in every 1,852 women were sentenced prisoners under the jurisdiction of State or Federal correctional authorities. Bureau of Justice Statistics Bulletin, *Prisoners in 1997*, August 1998, Darrell K Gilliard and Allen J Beck, U.S. Department of Justice

⁹⁸ Bureau of Justice Statistics, *Correctional Populations in the United States, 1992*, Washington D.C.: U.S. Department of Justice Statistics, 1995

- 4.48 A study has been conducted by the United States Federal Bureau of Prisons, Office of Research and Evaluation, designed to evaluate the impact of prison work experience and vocational training on an offender's behaviour following his or her release to the community. The evaluation commenced in 1983 and data was collected until October 1987 on over 7,000 offenders. The researchers reported preliminary findings in 1991, when all offenders in the study had been released to the community for at least one year. In 1995, the researchers again reviewed the study which covered ten years for many of the offenders.
- 4.49 The results of the study showed that the impact of in-prison employment in an industrial work setting and vocational or apprenticeship training can have both short and long term effects reducing the likelihood of recidivism especially for male prisoners.
- 4.50 The Committee proposes to meet with the Project Directors, Mr William Saylor and Mr Gerald Gaes who are based with the Federal Bureau of Prisons, Office of Research and Evaluation, Washington D.C.
- 4.51 A characteristic of juveniles in prison in the United States is their poor experience with primary and secondary education leading to low levels of literacy, with many deemed functionally illiterate. The Office of Juvenile Justice and Delinquency Prevention in Washington D.C. has developed programs designed to improve literacy levels of juveniles held in detention, noting the link between reading failure and delinquency.
- 4.52 The Committee proposes to meet with Professor Porpotage, the Assistant Director of the Training and Technical Assistance Division of the Office of Juvenile Justice and Delinquency Prevention in Washington D.C.

United Kingdom Experience

- 4.53 The Chief Inspector of Prisons in the United Kingdom, Sir David Ramsbotham has stated:
- “Because a job is quoted by so many prisoners as being one of the key factors likely to prevent them from re-offending, work experience and job training really do matter in a prison programme. ... Society will be the loser if prisoners are not taught the importance of work, not least to give them some skills with which to earn their own living, even if the opportunities of doing so are limited because of their imprisonment.”⁹⁹
- 4.54 The figures quoted in the United Kingdom for the educational deprivation experienced by prisoners, particularly by juvenile prisoners, is alarming. It is estimated that 60 percent of all those in prison are below basic standards of literacy and 70 percent below basic standards of numeracy. The Prison Service has embarked on a program for the provision of educational resources to tackle this problem through the introduction of a core curriculum providing training in basic living skills - including social as well as basic learning skills.

⁹⁹

Reported in the sixteenth Annual Report of HM Chief Inspector of Prisons for England and Wales, April 1996 to November 1997, tabled 10 March 1998

- 4.55 The Committee proposes to meet with the Chief Inspector of Prisons, Sir David Ramsbothan and his deputy, Mr Collin Allen to discuss the programs which have been put in place in the United Kingdom to overcome the existing limitations.

The German Experience

- 4.56 Research in Germany, where the unemployment rate is extremely high, indicates that juvenile offenders sent to prison had higher rates of recidivism than those given alternative sanctions. Removing juveniles from society - even when incarceration included an element of job training - appeared to negatively affect their ability to find employment when released. Rates of recidivism for juvenile offenders is estimated at between 70 percent and 80 percent. Approximately 40 percent of juveniles were unemployed at the time they committed the offence which led to incarceration, within 3 months of release, offenders' unemployment rate was 60 percent. In spite of intensive job training, prisons were seen as damaging post release opportunities for employment.
- 4.57 Dr Christian Pfeiffer is Director of the Kriminologisches Forschungsinstitut Niedersachsen, the Criminological Research Institute of Lower Saxony and is the President of Germany's Juvenile Court Judges organisation. Dr Pfeiffer is spearheading a number of initiatives designed to lower the rates of recidivism and the Committee proposes to meet with him.
- 4.58 The Committee also proposes to address the issue of projects aimed at reducing recidivism rates when attending prisons in the Netherlands as well as Germany, the United Kingdom, and the United States of America.

STRATEGIES TO DEAL WITH DRUG DEPENDENT PRISONERS

- 4.59 During the course of the inquiry, the Committee has obtained information addressing the problems associated with drug dependent prisoners. On the information provided, the Committee is concerned about the availability of drugs within prisons and the rehabilitation programs to deal with drug dependent prisoners.
- 4.60 In Western Australia 13.5 percent of all female offenders and 12 percent of all male offenders are in prison for drug related offences¹⁰⁰. Nearly 25 percent of all prisoners in Western Australia are undertaking court order drug and alcohol programs.¹⁰¹ This raises concerns over the spread of other communicable diseases where needle exchange programs or effective drug rehabilitation programs are not in place. Recent reports¹⁰² indicate that prisons act as incubators for certain viruses. A New South Wales Parliamentary Report into the rate of Hepatitis C infection found that more than half of the State's prisoners carried the virus. The most recent figures for Western Australia from 1996 indicate that at least 20 percent of prisoners are infected with the Hepatitis C virus. The actual rate now may be much higher.
- 4.61 The Committee notes¹⁰³ that the Ministry of Justice has presented to State Cabinet a drug strategy plan, focussing on drug surveillance and detection, medical and non-medical treatment as well as punishment issues, which, if approved, is anticipated to be implemented over the next three years. The Committee considers that it is important to examine the effectiveness of the treatment of drug dependent prisoners in other jurisdictions to learn from practical experience which programs have yielded the best outcomes. This research will inform the debate in this State as to the most appropriate drug strategies to implement.

¹⁰⁰ Answers provided by the Attorney General to Hon Mark Nevill re Legislative Council Questions on Notice Questions 1454, 1455 with Notice Given 31 March 1998

¹⁰¹ Answer provided by the Attorney General to Hon Mark Nevill re Legislative Council Questions on Notice Question 1457 with Notice Given 31 March 1998. As at 28 February 1998 553 prisoners, comprising 426 male prisoners and 127 female prisoners, were on court order drug and alcohol treatment programs. With a daily average prison muster of 2,255 throughout 1997/98 this approximates 25 percent.

¹⁰² "Jail Study Fuels Hepatitis Fear", *The West Australian*, Saturday, November 14, 1998.

¹⁰³ Ministry of Justice 1997/98 Annual Report tabled in Parliament on 19 November 1998.

United States Experience

- 4.62 Recent studies have been conducted in the United States of America by the Federal Bureau of Prisons¹⁰⁴ and others¹⁰⁵ concerning drug treatment programs for inmates who receive a "*substance abuse diagnosis*". The goal of the programs is to identify, confront, and alter the attitudes, values and thinking patterns that led to criminal behaviour and drug or alcohol abuse.
- 4.63 An evaluation of the study revealed that cost-effective drug testing and drug treatment programs consistently reduce recidivism rates for offenders. The study involved 1,866 inmates at more than 30 institutions. The study found that those who entered, received and completed residential drug abuse treatment were 73 percent less likely to be re-arrested than inmates who did not receive such treatment.
- 4.64 The 73 percent reduction in arrest rates, coupled with a 44 percent reduction in drug use for treated subjects, strongly suggests that the Bureau of Prisons' residential drug abuse treatment programs are making a significant difference in the lives of inmates following their release from custody and return to the community.
- 4.65 In the light of the above, the Committee proposes to meet with the Drug Studies Project Director, Ms Bernadette Pelissier, Ph.D, who is based with the Federal Bureau of Prisons, Office of Research and Evaluation, Washington D.C.

United Kingdom Experience

- 4.66 In the United Kingdom it is estimated that approximately 25 percent¹⁰⁶ of all reported crime is drug-related. The United Kingdom has developed "Drug User Offending Programmes" to assist prisoners focus on changing their existing beliefs and attitudes, increase their awareness of the negative impact of continued drug use and assisting in developing links with community based drug support agencies to increase the likelihood of a break from drug dependency when a prisoner is released from prison.
- 4.67 The Prisons System in the United Kingdom is currently evaluating alternative strategies to dealing with drugs in prisons. There is recognition in the United Kingdom that tackling drugs in prison is not just a health issue but involves co-ordinating strategies at various stages of the criminal justice system. At a number of prisons in the United Kingdom

¹⁰⁴ Lipton, D. S., G.P. Falkan, and H.K. Wexler, "Correctional Drug Abuse Treatment in the United States: An Overview," in Leukefled and f. Tims eds., *Drug Abuse Treatment in Prisons and Jails*, National Institute on Drug Abuse, Research Monograph Series, No. 118, Washington, DC: US Government Printing Office, 1998, pp 8-31.

¹⁰⁵ Peters, R., "Drug Treatment in Jails and Detention Settings." In J. Inciardi ed., *Drug Treatment in Criminal Justice*, Newbury Park, CA: Sage Publications, 1993, pp.44-80.

¹⁰⁶ Sir David Ramsbotham stated in his 1996 Annual Report of the Inspector of Prisons, "If the public believed much of what was alleged by the media, they could be forgiven for thinking that prisons, alone, were responsible for the amount of substance abuse in this country. All prisoners come from a society in which drugs are abundant, but, sadly, the drug culture that has been allowed to grow up in prisons drags too many, including some who have previously avoided the habit, into its clutches. There has been a recognition that a prison sentence presents society with an opportunity for tackling this problem with all sentenced prisoners, that must be seized."

resources are allocated for both the treatment of drug abusers and the introduction of voluntary testing wings on which those who wish to remain, or go, drug free can live.

4.68 In 1995 the Prison Services set up eight pilot projects at prisons as a trial to evaluate the effectiveness of mandatory drug testing in prisons. The stated benefits of the mandatory drug testing program was to assist in the following areas:

- “• Drug testing will increase significantly the detection of those misusing drugs and will send a clear message to all prisoners that if they misuse drugs they will have a greater risk of being caught and punished.
- The tests will also help to identify those inmates who may need assistance to combat their drug problems and treatment will be offered to those who want it.
- The increased possibility of detection will help prisoners to resist the peer pressure often placed on them to become involved in drug taking.
- The random testing programme will, for the first time, provide more accurate and objective information on the scale and patterns of drug misuse allowing prisons to manage and target more effectively their resources for tackling drug problems.
- The proportion of prisoners testing positive for different drug types on the random testing programme will be used as one performance indicator of drug misuse.”¹⁰⁷

4.69 The mandatory drug testing program has been rapidly expanded so that currently approximately 10 percent of the prison population (6,000 per month) is tested. The effectiveness of a mandatory drug testing program is seen as resting on three elements:¹⁰⁸

- There must be proper testing, based on a combination of random selection and good intelligence.¹⁰⁹
- There must be drug free wings in which to accommodate those who declare themselves neither to be using nor intending to use drugs, with obvious advantages and privileges as well as obligations such as regular testing.

¹⁰⁷ Extract from HM Prison Service, *Mandatory Drug Testing Policy*.

¹⁰⁸ Factors identified in HM Prison Service, *Mandatory Drug Testing Policy* and reiterated by the United Kingdom Chief Inspector of Prisons in his April 1995 to March 1996 Annual Report.

¹⁰⁹ Under HM Prison Service, *Mandatory Drug Testing Policy* the selection of prisoners for testing is as follows:

- All prisoners will be required to participate in a random testing programme, prisoners will be chosen by computer on a totally random basis.
- Prison officers will have the power to require prisoners to be tested if they have reasonable suspicion of drug misuse by the prisoner.
- Persistent offenders may be required to be tested at a much greater frequency.
- Prisoners about to go out of the prison on temporary release or those being considered for re-classification to open prison status may be liable to drug testing as a pre-condition.
- Some testing of prisoners may also be carried out on reception to prison.

- There must be arrangements for the treatment of those who test positive from simple detoxification treatment to full scale programmes for addicted offenders.
- 4.70 The practical effectiveness of mandatory drug testing in reducing the use of illicit drugs is still being evaluated and the Committee is interested in talking to those involved in monitoring and evaluating the program.¹¹⁰
- 4.71 The Prisons System in the United Kingdom is also tackling the issue of how illegal drugs get into prison. The use of closed circuit television in visits areas, the use of passive drug sniffer dogs and searches for visitors are already widely in place. In addition, a number of prisons are trialing technology used by United Kingdom Customs, which is capable of detecting illicit substances and which operates like a metal detecting arch through which people have to walk at airports. It is considered that the introduction of such technology into prisons, and through which everyone - Governor, staff, prisoners, visitors, voluntary workers etc - have to pass every time they enter or leave the prison. It is hoped that the introduction of this technology will obviate some of the complaints made about strip searching of visitors and would help deal with the problem of intimidation - both family and staff - the former who might be intimidated into bringing illegal drugs into prisons on visits and the latter who may be intimidated into not noticing what is going on.
- 4.72 The Committee proposes to observe the measures undertaken to keep drugs out of prison at a number of prisons in the United Kingdom and to meet with individuals who are involved in evaluating and monitoring the effectiveness of these programs with the aim of bringing back to the Western Australian Parliament and the wider community practical evidence on the costs and effectiveness of various drug initiative programs currently in use in prisons in the United Kingdom.

The Netherlands Experience

- 4.73 In the Netherlands, the possession of drugs for one's own use is not subject to penalty. This means that the drug user does not get into contact with the penal system before they commit a crime. However, crime rates among drug users rose markedly and currently about 50 percent of the prison population have drug problems which in turn lead to problems in prisons; uncontrollable situations caused by drug use, dealing and smuggling, formation of a sub-culture among addicts, disturbances of prison routine caused by withdrawal symptoms and psychological problems, increased tension between staff and prisoners, and an increased risk of HIV-infection.
- 4.74 To counter this growing problem a special judicial drug policy was implemented with the following aims:

¹¹⁰ The Chief Inspector of Prisons commented on mandatory drug testing in his 1996 assessment of the Prison Services:

"Prisons have been given money to carry out the actual testing, but aside from the pilot programmes, have to fund the remainder of their programmes from their own budgets. Drug free wings are not cost neutral, because there has to be frequent testing of all prisoners, and other practical arrangements to honour the voluntary commitment of prisoners to the demands of the regime. There is a very real danger that the whole mandatory drug treatment programme will be discredited if there is no follow up to testing, either reward or treatment."

- Care for drug users by way of medical and psycho-social treatment and the opportunity to continue treatment on release; and
 - The creation of a detention climate in which the drug problems can be controlled (for example, by means of cell inspection and urine testing).
- 4.75 The Committee has been informed that the Netherlands' prison drug program provides some 400 places in drug free units in prisons and detention centres. There are currently 15 drug free units with further plans for expansion. Drug free units are separated wings of prisons which can accommodate between 12 and 30 prisoners. Prison officers who have received special training are involved in the care of drug users. Admission to a drug free unit is voluntary although there are some entry criteria:
- prisoners must be motivated to change their drug habits;
 - they must be willing to take part in the therapeutic program;
 - they must undergo compulsory urine testing; and
 - they are not allowed to use methadone.
- 4.76 The main aims of these units are to motivate drug dependent detainees to accept help and to prepare them actively for external treatment and social rehabilitation. Drug free units also aim to protect prisoners from drugs. To ensure this protection, compulsory urine testing is part of the program. In addition to general medical and social care, the program involves structured activities such as sport, work and discussions groups.
- 4.77 The Netherlands also operates an Early Care Intervention Systems program aimed at drug offenders within the criminal justice system. The project is aimed at reducing criminality and nuisance caused by addicts by means of an improved and more intensified cooperation between police, judicial authorities and the addiction care sector. Subject to court approval, some addicts are granted a suspended sentence on the condition that they participate in a care program. If the addict breaches the conditions, an independent judge may revoke the suspension of the provisional detention and rule that the former verdict be reinstated.
- 4.78 The Netherlands has legislated for sentencing options to include drug treatment in the *Drug Addicts (Compulsory Treatment for Offenders) Act 1998*. The Act gives criminal courts the power to place convicted drug addicts in a specific institution for the care of addicts. This measure, which lasts for a maximum of two years, consists of a period of intensive care and counselling in a special penal institution followed by outpatient care at a local care unit with the aim of increasing the addict's chances of social rehabilitation.
- 4.79 The Committee proposes to meet with Mr A V Vroom, the Secretary of the Dutch Association of Prison Directors, Mr M A G Rutten, Director of Prison Services together

with representative of the Netherlands Department of Justice. The Committee also proposes to attend a number of prisons where the drug programs have been implemented.

**HON MARK NEVILL MLC
(CHAIRMAN)**

25 NOVEMBER 1998

APPENDIX 1: PROPOSED ITINERARY

FRIDAY 29 JANUARY 1999

Depart Perth for London, UK.

MONDAY 1 FEBRUARY TO FRIDAY 5 FEBRUARY 1999 - THE UK

Meetings with -

- Project coordinator of the Home Office Drug Prevention Initiative in relation to the criminal justice system.
- The Rt Hon Jack Straw, MP, Principal Secretary of State for the Home Office.
- Chief Inspector of Prisons, Sir David Ramsbotham.
- Prisons Ombudsman, Sir Peter Woodhead.
- Professor A. K. Bottomley, re privatisation of prisons.
- Members of House of Commons Select Committee on Home Affairs.
- Representatives of the Howard League for Penal Reform.
- Mr Stephen Straw, Director of the Prison Reform Trust.

Visit the following prisons -

- Blakenhurst Prison - a private prison located near Birmingham.
- Lowdham Grange - a private prison located near Nottingham.
- The Wolds - a private prison located near Doncaster.
- Bullingdon - a public prison located near Doncaster.

The Overseas Visits Section within the Foreign and Commonwealth Office in London is assisting the Committee with finalising its itinerary.

MONDAY 8 FEBRUARY TO TUESDAY 9 FEBRUARY 1999 - THE NETHERLANDS

Meetings with -

- Mr A V Vroom, Secretary of the Dutch Association of Prison Directors.
- Mr M A G Rutten, Director of Prison Services.
- Mr M Fledderus, Netherlands Department of Justice.
- Professor Y Buruma, advisor to the Netherlands Department of Justice on prison reform.
- Professor Doctor P Vegter, Justice to the Appellate Court and Member of a national commission which deals with complaints and other issues relevant to prisoners.
- Coordinators of the Early Care Intervention Systems program.

Visit a number of the drug free units in prisons and detention centres.

WEDNESDAY 10 FEBRUARY 1999 TO THURSDAY 11 FEBRUARY 1999 - GERMANY

Meetings with -

- Dr Christian Pfeiffer, Director of the Criminological Research Institute of Lower Saxony.

Visit a number of prisons and detention centres which operate “weekend prison” and other innovative vocational education programs.

The German Consulate is assisting the Committee in finalising its itinerary by arranging for visits to relevant prisons and organisations while the Committee is in Germany.

FRIDAY 12 FEBRUARY TO FRIDAY 19 FEBRUARY 1999 - THE UNITED STATES OF AMERICA

Travel to the United States of America.

Meetings with -

- Drug Studies Project Director, Ms Bernadette Pelissier, Ph D., who is based with the Federal Bureau of Prisons, Office of Research and Evaluation, Washington D.C.

- Recidivism Project Directors, Mr William Saylor and Mr Gerald Gaes who are based with the Federal Bureau of Prisons, Office of Research and Evaluation, Washington D.C.
- Mr Gerald G Gaes concerning comparisons between private and public prisons and the role of an independent inspectorate.
- Ms Kathleen Hawke, Director, Bureau of Prisons, Washington D.C.

The Committee is finalising its itinerary for the USA leg of the trip with the assistance of the USA Consulate in Perth and the Australian Ambassador in Washington D.C., who are assisting the Committee in organising meetings with the above individuals and arranging for visits to relevant prisons and organisations while the Committee is in the United States of America.

The Committee will finalise its itinerary upon approval being given by the House for the Committee to travel. The Committee will table in the House a copy of the detailed itinerary together with full costings as soon as is practicable after approval is given.

MEMBERSHIP

The Hons Mark Nevill, Muriel Patterson, Simon O'Brien and Bob Thomas will be travelling.

The Committee will be assisted by one staff member.

The travel proposal is endorsed by all members of the Committee.

APPENDIX 2: TRIP COSTINGS

| | |
|--|-----------------|
| Perth - London - Amsterdam - Bremen - London - Washington - Perth (6,870 x 5) | 34,350.00 |
| Meals, Accommodation etc (300 x 5 x 21 days) | 31,500.00 |
| Incidental allowance (60 x 5 x 21 days) | <u>6,300.00</u> |
| Total Approximate Cost | \$72.150.00 |