



**The Case of Inprison Restorative Justice Processes for  
Reducing Illicit Drug Use and Addressing Harm to the Community**

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Reducing Illicit Drug Use and Its Effects on the Community**

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**Preface**

Thank you for having the courage to acknowledge that, in many respects, the current approaches to governing drugs and drug users are a failure. Related policies and practices have not helped especially heavy users of illicit drugs and those incarcerated for drug and related offences. Indeed, they are likely to impede their successful reintegration into our communities,<sup>2</sup> and pressure a return to dependency and reoffending.

This submission promotes the benefits of addressing the harm to people and relationships resulting from illicit drugs through the practice of restorative justice (RJ), and in the context of the prison.<sup>3</sup> The RJ process attends crime victims and incarcerated offenders, many of whom are impacted by illicit drugs. During the transformative event, attention is given to repairing injustice, and illicit drugs are commonly implicated in the generation of such injustice.

**Background**

In 2014, I became involved in a “faith-based” program known as the Sycamore Tree Project; first, as a crime victim; second, as local administrator and facilitator. This program comes under the auspice of Prison Fellowship and was first introduced to the Bunbury Regional Prison in 2011 and delivered once or twice each year.

Under my administration, I comprehensively revised the program, including returning it to its original intention of being a RJ event. I also added therapeutic content to address the inherent traumas associated with crime. The process of these revisions has since been published: Anderson, J. 2018. Introducing and theorising the second-generation Sycamore Tree Project, *The International Journal of Restorative Justice*, Vol. 1(2).

Meantime, I increased the rate of delivery of the second-generation Sycamore Tree Project, hereafter referred to as the RJ process. For the past two years, myself and other volunteers (i.e, Lina Pugh (Doors Wide Open),<sup>4</sup> Paschal Kearney (prison chaplain) and prisoner assistant facilitators). Each year we deliver eight RJ processes and involve about 105 prisoners and about 20 crime victims.

### **Details of Process**

The RJ process is held one day per week over the course of 8 weeks. Each session lasts about 5 hours. The process brings together about 5 crime victims and about 12-14 unrelated offenders (i.e., the victim does not meet up with their actual offender).

Many participants in the RJ process have been significantly impacted by illicit drug use, and, in coming together, aim to address associated harms. Most crime victims are family members of heavy users of illicit drugs; a few of whom have also been incarcerated for possession and supply. These family members represent the many who rarely report the crimes they suffer: abuse, assault, theft, and damage to property.

The crime victims often come to know about the RJ process through their association with Doors Wide Open, a community support service which provides peer-led care to individuals and families members who have been impacted by methamphetamine and other drugs in Greater Bunbury. The organisation has a shared interest in working collectively in the borderlands of the community to overcome the many challenges associated with illicit drug use.

The RJ process has a very good reputation in the prison, resulting in a large waiting list of inmates. Prisoner-participants, many of whom are imprisoned for crimes directly and indirectly relating to illicit drugs, register their interest and are screened by prison administration. Most are selected based on their perceived readiness or because they are about to be released. Prisoner-participants include those on remand, who, otherwise, have no access to prison programs.<sup>5</sup>

### **The Restorative Justice Process**

RJ processes have not been well recognised for their potential benefits of addressing the harm resulting from the use of illicit drugs to individuals, families and communities; all of which have a stake in the repair of consequential damage.

Although situated in the context of the court system, Braithwaite (2001)<sup>6</sup> provides a useful insight as to what can happen in a restorative event that addresses illicit drugs,

We know it takes an enormous amount of personal commitment and help from others to turn around a serious problem of substance abuse. We know that people in the grip of an addictive substance drift rather than confront the issues in their lives. It takes something special to shake the person out of this drift. Arrest [and incarceration] has the potential for that special drama. For

minor crimes, the production line processing in a few minutes before a lower court, transacted in the technocratic language of lawyers, has been stripped of drama, especially for repeat players.

Restorative justice processes have much more hope of a ritual impact that might shake a substance abuser out of drift. First there is more time - time for greeting, for building up the story of how this happened, for drawing out who has been hurt ..., Time, the tears, and for offering a tissue or a hug in response. With [drug users/dealers], there is time for talking about how lives are actually shattered by [illicit drugs]. Restorative justice is partly about returning a ritual to criminal process, ritual that requires taking stock rather than perpetuating drift.

The ritual-like features of a restorative event can also be observed in an inprison RJ process. The process creates a transitional space in which a person can move from what has been to what will be. In this environment, crime victims and offenders of illicit drug use and crime are "shaken." By temporarily dissolving how they conceive of themselves, participants are provided with "tools" to take stock of their lives, deal with hurt, pain, guilt, shame and confusion, and imagine and communicate desirable possibilities.

Indeed, when prisoner-participants take off their "criminal" or prison masks, they frequently identify with victim-participants as surrogate family members. They get to hear how illicit drugs and/or associated activities impacted others. They begin to realize the damage they have done, the harm they have caused and how others have been affected, especially their own families. That awareness can be magnified if prisoners are parents themselves – an estimated 2/3rds have children.<sup>7</sup> They grasp how vulnerable their own children are to substance abuse and related consequences. This can lead them to accept responsibility and start being accountable to significant others. After having communicated with surrogates, prisoner-participants often refresh or revise familial relationships.

### **Prisoner Disclosures**

Prisoner-participants are not compelled to share their story, but most do. In the confidential and non-judgemental space constructed by the RJ process, they share what led them to offend, what they have done and how they are working towards a crime free life.

In their disclosures, drug offenders typically recount – mostly for the first time - how early drug use was about pleasure-seeking. But along the way a major trauma escalated their illicit drug use. They self-medicated with drugs to numb the hurt and pain that comes from deaths of loved ones (parents, partners, mates, babies), memories of childhood abuse, breakdown of intimate relationships, acrimonious struggles over child custody. Illicit drug use became a major source of relief from suffering.

Prisoner-participants often go on to say how the gravity of their personal losses were multiplied by job losses and poverty. Many then looked to unlawful alternatives for generating income to pay for drugs. Some get involved in the drug trade, mostly at the lower end. Others make brief mention of shoplifting, “burgs” (burglaries), selling stolen goods (mobile phones, computers, jewelry).<sup>8</sup> A few admit to assault fuelled by drugs. These crimes usually lead to their arrest and incarceration. (Arguably, many of these crimes would not have been committed if it were not for the laws and enforcement policies that make drug supply and use a dangerous illicit activity.<sup>9</sup>)

In telling their narratives, prisoner-participants get to reappraise their identities and values. They are inspired by having listened to “surrogate” participants to revise their priorities. Regret and grief are often voiced. But as their narrative further unfolds and having been given personal and strong reasons to abstain, they begin revising how they might recover or entertain a “normal” existence. They speak about how they can lead a prosocial life in which the sceptre of illicit drugs is weakened, and the value (and pleasure) of significant relationships is strengthened.

(Unfortunately, and generally, the current prison system, is not able to create conditions of trust needed for disclosures as reported above or provide anywhere near enough services to attend prisoners’ traumas. For those prisoners who don’t attend their complex pasts and can’t restore or engage in socially accepted relationships, the likelihood is that they will return to their previous strategies of survival. This, of course, has significant implications for the safety and well-being of our communities.)

### **Benefits for Prisoners**

The inclusion of victim-participants in the RJ process has relevancy for prisoner-participants because it,

- challenges them profoundly
- helps them to confront their fear of facing victims (it is often the first time they meet a victim face-to-face; e.g., a drug dealer facing and listening to a parent of a drug addict can be deeply moving)
- encourages them to acknowledge and attend problems or injuries that may have existed prior to the commission of crime, contributed to the crime, and resulted from the crime. These injuries are not considered an excuse for criminal behaviour, but are to be addressed as a means of pursuing a rehabilitated life
- enables them to recognise basic capacities and competencies needed for successful reintegration. In the RJ process, prisoners are given opportunities to practice being prosocial or “normal” citizens, thus, preparing them for return to their communities
- produces a greater appreciation of their own personal relationships, providing the hope that familial bonds and other connections can be repaired (NB: Research shows that those who connect with family on release have the best chance for successful reintegration.<sup>10</sup>)

- provides a useful mechanism for producing human and social capital. In temporarily befriending visitor-victims, some prisoner-participants meet members of the community they would not have otherwise encountered. These encounters can expand their awareness of relevant networks, services and organisations
- steers them towards a purposeful life.

### **Benefits for Crime Victims**

For those participants who are family members who have been impacted by illicit drug use, they are likely to

- stop stigmatising and let go of stereotypes of drug offenders
- increase dramatically their understanding of drug crime and imprisonment
- find and share with people who are similarly impacted. Many parents of illicit drug users find themselves excluded from friendship networks, leaving them with few or no social supports. The RJ process attends that by opening connections and animating conversations around this phenomenon which can have a strengthening effect
- attend injuries relating to their own selves and the often-strained bond they have with their drug-using/offending adult child
- reduce enabling, while growing in confidence and personal power
- reclaim control of their own lives.

### **Benefits for Prison Community**

The benefits of RJ processes for the prison community include assisting in,

- counteracting the effects of institutional resistance (NB: Forcing unwilling prisoners to participate in mandatory programs can disrupt group work, thereby reducing the effectiveness of Department of Justice resources.)
- contributing to cooperation. Evidence shows that the RJ process adds well-being and harmony in the prison environment. The process encourages prisoner-participants to become self-motivated, resulting in greater uptake of what mandatory programs have to offer,<sup>11</sup> and seeking, *if available*, psychological services.<sup>12</sup>)
- communicating beyond prison “walls” the idea that the prison system is aware of and attentive to the needs of crime victims. This contributes to creating conditions for successful reintegration of parolees and former prisoners
- supporting prison staff. Their working environment is normalised by the presence of outside groups (i.e., crime victims), meaning they are not cut off from the wider community

- introducing restorative justice to a broader audience and provide an experience of its practical benefits. This may lead to a greater uptake of restorative practices within the wider community. That potential could contribute greatly to healing the hurt and pain, and tensions and conflicts commonly associated with illicit drug use. (It is also likely to reduce pressures on court and prison systems and be cost effective.)

## **Research**

Some research has been undertaken on the original Sycamore Tree Project, mostly in the United Kingdom. Studies indicate that STP-1 alters offender motivation, implying that recidivism is reduced (Mullett 2015; Feasy, Williams & Clark 2005; Feasy & Williams 2009; Wilson 2007; Walker 1999).<sup>13</sup> Mullett's PhD research indicated that there are benefits for offenders before release and that there are "improved attitudes towards victims and a criminal lifestyle." Walker (1999) found that over two thirds of offenders said that the program had helped them "a lot" in understanding the impact of crime, taking responsibility, becoming aware of victims' needs, and saying and acting truly sorry.

Research has yet to be undertaken on the greatly developed RJ process as used in the second-generation Sycamore Tree Project.<sup>14</sup> However, what is to be expected are much more robust results than its predecessor.

## **Review of Mandatory Drug Programming**

The task of reducing offending is largely implemented through the delivery of treatment programs. Nevertheless, the WA Office of the Auditor General (2017) raises important questions about inprison "substance abuse" programming,<sup>15</sup>

Since 2010, the number of programs available to treat addiction-based offending has narrowed from 4 to 1. The single therapeutic program, Pathways, is required to address the diverse needs of prisoners. A single program may not meet the cultural, educational, and gender specific needs of all prisoners, leading to poorer outcomes.<sup>16</sup>

The Department cannot provide enough places in Pathways to meet demand. During the audit period 1,382 prisoners recommended for Pathways were released. However, 310 (22%) were released before a place was available in the program. These are missed opportunities to intervene in prisoners' addictions before they are released from prison.

Not delivering treatment programs has also contributed to parole being denied. We reviewed parole notes of prisoners who had not received their treatment by the time they were eligible for parole, despite being eligible and willing to participate fully. We found it in 88.5% of cases, a failure to complete a treatment program was included as a contributing reason for denying parole. Denial of parolees to additional prison time and increased costs to the State.

Remand and short sentence prisoners do not have access to the Pathways program. Instead they can voluntarily access short, non-therapeutic programs. However, the Department does not track participation in these programs. The Department is missing opportunities to intervene in prison addictions which can lead to further offences.<sup>17</sup>

As well, the report states,

The program's effectiveness has not been assessed since 2013 and its content has not been reviewed since 2010. The Department does not know if the program reduces the demand for drugs and alcohol.

[P]risoners who have been sanctioned for drug offences, or who have received incentives, are not routinely retested, or monitored. As a result, prisons do not know if these approaches improve prisoners' behaviour.<sup>18</sup>

Moreover, Pathways is based in cognitive behaviour theory (CBT) which essentially focuses on personal deficits and negative psychological states with the aim of enhancing skills to assist with self-management. This CBT-type programming has been at the forefront of prison programming for the last three decades. Recently, there has emerged a literature on cognitive-based prison programming, with mixed findings about "what works." Robinson & Crow's review of the literature indicates,

- a decline in the effectiveness of the programs being evaluated (variously explained with references to failures of theory, implementation or research; unaccounted variation of responsivity between high, medium and low-risk offenders; governments placing too high expectations on the effectiveness of such programs)
- this programming only targets problems associated with prisoners' offending, which abrogates the need to attend the prisoner as a "whole person"<sup>19</sup>
- questions are being raised about the appropriateness of cognitive-based programs (designed for young white males) for minorities (such as for older persons, Aboriginal persons, women).<sup>20</sup>

The review undertaken by Robinson & Crowe suggests that CBT approaches can only do so much. This concurs with my experience and understanding of such programming in the prison system. When prisoner-participants engage in the RJ process, and, using the transtheoretical model of change to further explain what happens,<sup>21</sup> they enter at least the pre-contemplation stage. This shift readies them to participate in mandatory CBT programming, including Pathways. Indeed, Pathways facilitators have frequently asked me, "what are you doing in "Sycamore?," because they find prisoners, who having participated in the RJ process, are much more amenable to their program!

When effective, CBT programming works to instil habits, foster character and transform selves. However, it can only go so far. These aspects of the human are, ultimately, to be worked out in sets of relationships that require communal deliberation to decide what constitutes good character, good habits, and good selves. The RJ process is well placed to deliver the latter insofar as it contributes to facilitating discussion and recovery of what it means to be a good member of a community.

### **Possible Developments**

The RJ process has potential for development if it were to be brought in from the margins of recognition in the prison system. Three possibilities are offered for consideration.

Firstly, as indicated above, the RJ process initiates the repair of harm to people and relationships, leading to the improvement of social cohesion. Nevertheless, without mandates and resources, its role in reform efforts remains restricted and vulnerable. (NB: The RJ process is unfunded. Some donations are made to defray costs of materials.)

Moreover, it is only through stronger partnerships with other inprison services, government agencies and community services informed by an awareness of the broader nature of crime, including drug crime, that it is likely to realise its potential for improving the well-being of offenders, victims and communities.<sup>22</sup>

Secondly, inprison RJ processes have the potential to prepare crime victims to engage in conventional restorative events, i.e., where the crime victim engages with their *actual* offender. In such events, all stakeholders – individual offenders, their family members, employees, etc. – can confront the consequences of illicit drugs. The events provide people who count in the life of the offender to have a voice. They give scope to problem-solving dialogue.<sup>23</sup>

There is precedent for the above-mentioned approach. The Hollow Water and Newfoundland family group decision-making programs, as delivered in Canada, show that serious confrontation of “substance abuse” is possible and with powerful results.<sup>24</sup> This approach requires both communal empowerment and the back-up of State resources.<sup>25</sup>

Thirdly, the RJ process can be adapted to the needs of different populations (e.g., women and various minority groups). Indeed, as a social anthropologist, I have long realised that the first and second-generation Sycamore Tree Projects have significant limits for male Aboriginal prisoners. For this reason, and with the support of Aboriginal advisors, I have, for the past year, worked to produce Journey Ways: An Aboriginal Restorative Justice Process.

(NB: A mini-pilot of 4 sessions has been successfully conducted. The complete Process is to be trialled in February-April 2019.)



Journey Ways is a one-day-per-week program, lasting 10 weeks. The Process brings together Elders and offenders in a prison context. Journey Ways explores a set of Aboriginal values in a restorative justice framework.

Journey Ways recognises that Aboriginal prisoners, have experienced both sides of harm. They are burdened by intergenerational trauma, resulting from historical racist policies, which has undermined their value system. And they, themselves, have offended. This particular RJ Process, hence, attends crimes, past and present.

Journey Ways creates an environment where all participants can work safely through the harms they have inherited and experienced. The work undertaken is largely through story-telling and cultural practice, each of which carries a complex range of knowledges needed for addressing hurts and pains. The Process is designed to initiate healing and assist the repair and building lives and relationships Aboriginal way.

### **Discussion**

Many prisoners who participate in the RJ process are often young men who have not transitioned to adulthood, characterised by stability in love and work. Instead they have taken the path of experimenting with these roles, incorporating illicit drugs to explore new possibilities. But these horizons of promise have turned out to be their own worst nightmare. Many have become estranged from three generations of family: parents, siblings and children. Most have ended up socially isolated; they've lost their jobs and material possessions. Now they are in prison, adding to their misfortune.

Some in the RJ process are men who didn't even have the above-mentioned chances. Their lives, blighted by childhood experience of family dysfunction, and aggravated by drug dependency at an early age, resulted in pathways to other alienating factors like not attending school, no or few employment prospects, and not having appropriate relationship values. Added to this is the fact that prison inevitably diminishes prisoners' ability to think of themselves in relationships with others, or as relational beings.<sup>26</sup>

(The prison system is yet to track how many fathers and sons have been imprisoned, or the marital/de facto and parental status of prisoners. In a few years' time, it won't surprise me to find three generations of family members in prison; all with drug and/or alcohol dependencies.<sup>27</sup>)

In prison, drug using/dealing prisoners meet up with their "mates," who, themselves, have used or sold drugs. These relationships are strengthened through increased familiarity. When they are released, and if they have not re-established socially acceptable relationships, they are more than likely to be picked up by other drug-using/dealing mates. And so, the cycle continues.

The challenge, thus, is to find ways in which these individuals can hope for or return to a normal and productive existence in their communities underpinned by stable and healthy relationships. And it is my contention that, from having listened and 100s of stories that far greater consideration needs to be given to the place of relationships in the lives of prisoners.

### **Closing Remarks**

There are many alternatives to reducing illicit drug use. There are preventative measures to be taken, e.g., Justice Reinvestment, which, ideally, is grounded in restorative justice principles.<sup>28</sup> There are legal reforms that can be undertaken, e.g., scrapping penalties for personal possession or use of an illicit drug, reforming mandatory and risk-inducing prolonged sentencing. There are health approaches that can assist, e.g., syringe programmes, drug consumption rooms and methadone and buprenorphine treatment of heroin dependence. There are economic measures that could be trialled; e.g., establishing trials for regulating the drug market. Other countries are also sources of inspiration, e.g., the Portugal option,<sup>29</sup> the Vancouver option,<sup>30</sup> the Irish option.<sup>31</sup> All of these are likely to assist the *individual* who uses drugs.

However, what this submission contends is that it is also important to address the harm to and by people *in relationships with others*. Inprison RJ processes provide the wherewithal to those directly impacted by the deleterious consequences of illicit drugs. By offering incarcerated offenders and crime victims with structured opportunities to engage with one another, they can begin repairing the damage to themselves, their relationships and their communities. Yet the task remains in recognising and resourcing inprison RJ processes so that they can play a greater role in addressing the harmful consequences of illicit drugs.

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<sup>1</sup> Dr. Jane Anderson's qualifications include: Dip. Theology, Grad. Dip Spiritual Direction, BA (Welfare Practice), B Hons. (Anthropology), PhD. I maintain my profession as a social anthropologist and currently hold the position of Honorary Research Fellow, Anthropology and Sociology, University of Western Australia. I am also Chair of the Management Board, Doors Wide Open (see footnote 4). Contact Details: *Mobile:* (+61) 041 995 2735; *Email:* jane.a@westnet.com.au

<sup>2</sup> In this submission, "communities" are defined as being the "local community, the neighbourhood, town or municipality of which the victim and offender are members, a network of individuals connected to one another by virtue of where they live (McCold, 1996). McCold, P. 1996. Restorative Justice and the Role of Community. In *Restorative Justice: International Perspectives*, eds. B. Galaway & J. Hudson. Monsey, NY: Criminal Justice Press, p. 4.

<sup>3</sup> Definition: "Restorative justice is a process to involve, to the extent possible, those who have a stake in a specific offence and to collectively identify and address harms, needs and obligations, in order to heal and put things as right as possible" (Zehr 2002, 37). Restorative justice has three characteristics: (it places) emphasis on the offender's personal accountability by key participants, an inclusive decision-making process that encourages participation by key participants; and the goal of putting right the harm that is caused by an offence (Bazemore & Schiff 2004, 41). Zehr, H. 2002. *The little book of restorative justice*, Pennsylvania: Good Books; Bazemore, G. & Schiff, M.F. 2004. Paradigm muddle or paradigm paralysis? The wide and narrow roads to restorative justice reform (or, a little confusion may be a good thing). *Contemporary Justice Review* 7(1), 37-57.

<sup>4</sup> Doors Wide Open is a community organisation that supports individuals and family members impacted by methamphetamine and other drugs. I have had a close association with DWO these past two years and have been Chair of the Management Board since September 2017. I have also made a separate submission to the Senate Enquiry regarding Doors Wide Open.

<sup>5</sup> One key factor in the growing number of people in WA prisons is the increasing number of offenders on remand who are being held in custody while awaiting trial or sentence. In 2017, unsentenced prisoners comprised 29% (1,926 prisoners) of the adult prisoner population.<sup>5</sup> The median time spent on remand by unsentenced prisoners was 3.6 months, which was higher than the national average of 3.3 months.<sup>5</sup>

<sup>6</sup> Braithwaite, J. 2001. Restorative Justice and a New Criminal Law of Substance Abuse. *Youth & Society*, 33(2), 227-248. [http://johnbraithwaite.com/wp-content/uploads/2016/05/2001\\_Restorative-Justice-and-a-New.pdf](http://johnbraithwaite.com/wp-content/uploads/2016/05/2001_Restorative-Justice-and-a-New.pdf)

<sup>7</sup> Saunders, V. & McArthur, M. 2013. *Children of Prisoners: Exploring the needs of children and young people who have a parent incarcerated in the Australian Capital Territory*. Canberra: SHINE for Kids.

<sup>8</sup> Engaging in the illicit trade is a precarious means of income generation. Many prisoners indicate that their lives are transient, leading to feelings of ambivalence. I recall one participant, who, very soon after release, was caught between another traumatic event and his vow never to return to prison again. He took the third option of suicide. For so many, their lives are overwhelmed by multiple entanglements.

<sup>9</sup> Foddy, B., & Savulescu, J. 2010. A Liberal Account of Addiction, *Philosophy & Psychology*, 17(1), p. 17.

<sup>10</sup> Family ties operate as a 'master-status beyond stigma' and offer 'a positive identity and an extended social network outside of prison' (Green, 2016: 100) Green, E. (2016). *The weight of the gavel: prison as a rite of passage* (PhD Dissertation). Kansas State University, United States.

<sup>11</sup> Barr reports that prisoners who, having participated in RJ processes, are, among other things, less likely to resist conventional rehabilitation programming in the prison system. Barr, T., 2013. Putting victims in prison, *Restorative Justice*, 1(3), 389-4.

<sup>12</sup> Prisoners do not have access to Medicare, resulting in the State having to, mostly, pay for their medical needs. Secondly, the government's determination to make structural changes and savings has had a consequence in the reduction of welfare-oriented services.

<sup>13</sup> Feasy, S. & Williams, P. 2009. An evaluation of the Sycamore Tree programme: based on an analysis of crime pics II data. Project report. Sheffield Hallam University. Mullett, M. 2015. *Conducting a randomised experiment in eight English prisons: A participant observation study of testing the Sycamore Tree programme* (PhD Dissertation). Walker, P. 1999. Saying sorry, acting sorry. *Prison Service Journal*, 123, 19-20. Wilson, M. 2007. *Inside out: how does an in-prison victim awareness programme affect recidivism?* (Masters Dissertation). Lucy Cavendish College, United Kingdom.

<sup>14</sup> As Tubex indicates, opportunities for undertaking independent prison research have been significantly reduced. Tubex, H. 2015. Reach and Relevance of Prison Research, *International Journal for Crime, Justice and Social Democracy*, 4(1), 4-17.

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- <sup>15</sup> Western Australian Auditor General's Report 2018. Minimising Drugs and Alcohol in Prisons. Available: <[https://audit.wa.gov.au/wp-content/uploads/2017/11/report2017\\_22-AlcoholDrug.pdf](https://audit.wa.gov.au/wp-content/uploads/2017/11/report2017_22-AlcoholDrug.pdf)>. See also: Jones, C. & Guthrie, J. 2016. *Efficacy, accessibility and adequacy of prison rehabilitation programs for Indigenous offenders across Australia*, The Australasian Institution of Judicial Administration Incorporated, pp. 57-65.
- <sup>16</sup> International research shows that treatment programs are effective only if the right program is provided to the right person. If the program is not aligned to the correct person, treatment programs can be harmful. Office of the Inspector of Custodial Services 2014. Recidivism rates and the impact of treatment programs. <[https://www.correctiveservices.wa.gov.au/\\_files/about-us/statistics-publications/annual-reports/DCS-2014-2015/dcs-annual-report-2014-2015-online.pdf](https://www.correctiveservices.wa.gov.au/_files/about-us/statistics-publications/annual-reports/DCS-2014-2015/dcs-annual-report-2014-2015-online.pdf)> (p. iii).
- <sup>17</sup> Western Australian Auditor General's Report 2018. Minimising Drugs and Alcohol in Prisons. Available: <[https://audit.wa.gov.au/wp-content/uploads/2017/11/report2017\\_22-AlcoholDrug.pdf](https://audit.wa.gov.au/wp-content/uploads/2017/11/report2017_22-AlcoholDrug.pdf)>. See also: Jones, C. & Guthrie, J. 2016. *Efficacy, accessibility and adequacy of prison rehabilitation programs for Indigenous offenders across Australia*, The Australasian Institution of Judicial Administration Incorporated, pp. 57-65.
- <sup>18</sup> Ibid.
- <sup>19</sup> Prisoners may have problems arising from drug misuse, health-related problems, childhood or other traumas or lack of basic skills such as literacy and communication. 65% of prisoners have sustained a traumatic brain injury at some point in their lives; 31% of prison entrants have received some form of medical intervention for a mental health disorder in their lifetime, which is approximately 2.5 times higher than those in the general population; 2 in 3 prisoners had not studied past Year 10; in 2015, the Victorian Government said only 40 per cent of prisoners have enough literacy and numeracy skills they needed to be able to cope independently in the workforce.
- <sup>20</sup> Robinson, G. & Crow, I. 2009. *Offender Rehabilitation: Theory, Research and Practice*. London: Sage Publications Ltd.
- <sup>21</sup> The Transtheoretical Model focuses on the decision-making of the individual and is a model of intentional change (Prochaska & DiClemente, 1983; Prochaska, DiClemente, & Norcross, 1992). The TTM operates on the assumption that people do not change behaviours quickly and decisively. Rather, change in behaviour, especially habitual change, occurs continuously through a cyclical process. The TTM posits that individuals move through six stages of change: precontemplation, contemplation, preparation, action, maintenance and termination.
- <sup>22</sup> White, R. 2004. Community Corrections and Restorative Justice, *Current Issues in Criminal Justice*, 16(1), 42-56.
- <sup>23</sup> Van Ness, D. & Strong, K. 2002. *Restoring justice*. 2nd ed. Cincinnati, OH: Anderson Publishing Co., p. 39.
- <sup>24</sup> Aboriginal Corrections Policy Unit. (1997 a). The four circles of hollow water (Aboriginal Peoples Collection). Ottawa, Canada: Solicitor General.
- <sup>25</sup> Braithwaite, J. 2001. Restorative Justice and a New Criminal Law of Substance Abuse. *Youth & Society*, 33(2), 227-248. [http://johnbraithwaite.com/wp-content/uploads/2016/05/2001\\_Restorative-Justice-and-a-New.pdf](http://johnbraithwaite.com/wp-content/uploads/2016/05/2001_Restorative-Justice-and-a-New.pdf)
- <sup>26</sup> Crocker (2015: 17) states "Prison inevitably destroys relationships and effectively diminishes inmates' ability to think of themselves in relations with others, or as relational beings. Having RJ programs in prisons, can, by allowing inmates the opportunities to restore relationships, help, alleviate some of the pains of imprisonment." (Crocker, D., 2015. Implementing and Evaluating Restorative Justice Projects in Prison. *Criminal Justice Policy Review*. 26(1) 45-64.)
- <sup>27</sup> 5% of all Australian children are affected by parental imprisonment on an annual basis. 20% of indigenous children had at least one parent incarcerated. This group of vulnerable children is increasing in number as the number of women and men imprisoned is growing. Quilty, S. (2005). The magnitude of experience of parental incarceration in Australia. *Psychiatry, Psychology and Law*, 12(1), 256-257; Saunders, V. & McArthur, M. 2013. Children of Prisoners: Exploring the needs of children and young people who have a parent incarcerated in the Australian Capital Territory, p. 13.
- <sup>28</sup> Maruna, S. 2011. Lessons for justice reinvestment from restorative justice and the justice model experience Some tips for an 8-year-old prodigy. Available: <[http://www.antonioacasella.eu/restorative/Maruna\\_2011.pdf](http://www.antonioacasella.eu/restorative/Maruna_2011.pdf)>.
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