

**Submission
No 20**

INQUIRY INTO CHILDREN AFFECTED BY PARENTAL INCARCERATION

Organisation: Community Restorative Centre

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CRC Submission into the Parliament of Victoria Inquiry into Children Affected by Parental Incarceration

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Dear Committee Chair,

CRC welcomes this opportunity to make a brief submission in relation to the Inquiry into Children Affected by Parental Incarceration.

The comments and suggestions provided here relate directly to the Terms of Reference of the Inquiry. CRC is happy to provide additional information as required.

About CRC

The Community Restorative Centre (CRC) is the lead provider of specialist diversion and throughcare programs in NSW (supporting clients pre, during and post-release from custody). CRC has worked for more than 70 years in strategic and practical ways to break vicious cycles of complex disadvantage, incarceration and recidivism for clients and their families, including children.

CRC recognises that vast majority of people impacted by the criminal justice system are there as the direct result of having experienced significant and complex disadvantage, often starting in childhood. CRC seeks to identify and dismantle inter-related systemic drivers of disadvantage, including family breakdown, social disadvantage and dislocation/isolation, homelessness, poverty, poor mental and physical health, limited/interrupted access to education, employment and housing, substance use and histories of trauma (including the trauma of imprisonment on clients, families and communities). CRC is aware that parental removal and incarceration bring untold intergenerational consequences.

CRC programs aim to reduce recidivism, break entrenched cycles of criminal justice system involvement, and build pathways out of the criminal justice system. CRC seeks to enable clients to access the supports and opportunities they need to leave both the justice system and ongoing disadvantage behind, including contact and connection with their families and children. CRC supports families to maintain contact during incarceration, and also at critical points of transition from custody back into the community.

Founded in 1951, the principles underpinning the establishment of CRC still inform CRCs thinking and programs. People released from prison have paid their debt to society and have the right to re-establish their lives in the community free of stigma, stereotyping or discrimination. In support of families negatively impacted by incarceration, CRC provides continuity of support, effective throughcare and effective long-term case-management on release.

Family and community connection is key to a parent leaving custody forging a sense of belonging and identity outside of the justice system and rebuilding a future. The children of parents leaving custody and future generations benefit from initiatives and programs that increase and improve supports for children and families affected by parental incarceration.

CRC Vision

A just, safe and inclusive society that is working towards decriminalisation and decarceration.

Purpose

CRC supports individuals, families and communities impacted by the criminal justice system and works for positive social change.

Values

- 1. Social disadvantage is an underlying cause of incarceration and people should not be criminalised or discriminated against as a consequence of their disadvantage.*
- 2. Australia's history of colonisation and oppression is reflected in and a cause of the relationship between Australia's Aboriginal and Torres Strait Islander peoples and the criminal justice system.*
- 3. The application of the law reflects broader inequalities and is not always just.*
- 4. Imprisonment is overused, is a failed response to crime, causes more harm than good and leads to more imprisonment.*
- 5. For as long as there are prisons, they should be fair, just and humane environments that respect universal human rights.*
- 6. There is a need for community-based alternatives to the criminal justice system.*
- 7. People who have been released from prison should not experience perpetual punishment.*
- 8. The families and kin of people who are incarcerated are often serving an invisible sentence and require acknowledgement and support.*

Strategic Priorities

- 1. Transformative services and advocacy*
- 2. Expanding and upscaling our service delivery*
- 3. Organisational strength*
- 4. Funding and fundraising*
- 5. Communications*

CRC's IMPACT

Recent independent evaluations of CRC programs highlight the impact that CRC has in reducing recidivism, breaking cycles of disadvantage and changing lives for families impacted by the criminal justice system. Included below are some examples of CRC programs that make a significant difference to the lives of children and their parents.

Miranda Project

The Miranda Project was established in 2017 to support women in contact with, or at risk of encountering the criminal justice system who were also impacted by domestic and/or family violence. The project was refunded in 2021 for an additional three years by Paul Ramsey Foundation and two years by DCJ.

The Miranda Project aims to reduce crime and recidivism, break entrenched cycles of disadvantage and build pathways out of the criminal justice system. Inspired by the Women's Centre model in the UK, Miranda was embedded at CRC as an innovative partnership with Women's Health NSW, working with the Women's Health Network and in strategic partnership with women's legal services and Aboriginal-specific women's services. A key strength of Miranda's dynamic program model from the outset was the development of an integrated network of relationships across service systems – with police, courts, Corrective Services, housing providers, health and legal services, and other agencies.

Sixty per cent of Miranda clients are mothers, with clients collectively reporting a total of 156 children (in 2019). Miranda delivers holistic, trauma-informed and therapeutic case management, including prison in-reach, community outreach and court advocacy. Run by women for women, Miranda supports women's social and emotional wellbeing, physical and mental health, while facilitating access to appropriate housing, safety planning, legal support and meeting child and family contact needs.

An extensive targeted evaluation of the Miranda Project was undertaken in 2019. The evaluation drew on international best-practice literature, de-identified quantitative client demographic and outcome data, as well as qualitative data, including transcripts of consultation with program clients, staff, managers and representatives of partner agencies.

The qualitative evaluation, *'Every day I wake up happier,' An Evaluation of the Miranda Project, 2020*, found that the Miranda Project:

- is a unique service within Australia
- supports healing and family reunification
- reflects the elements of best-practice reintegration for women survivors of violence in the justice system
- aligns with the Closing the Gap outcomes and the Premier's Priorities, reduces homelessness, increases access to secure appropriate accommodation, strengthens social and family connection, reduces harmful AOD use, improves primary and mental health, improves financial independence, improves self-reported safety and increases the time women spend in the community

- achieved positive outcomes against all program goals, including 86 per cent of women connected with the program remaining out of custody and 62 per cent of clients self-reporting experiencing increased safety
- connected most clients with vital counselling and mental-health support, with many clients also referred to domestic violence-specific services.
- was integral to the establishment of a trial of the NSW Domestic Violence Helpline in Dillwynia, enabling women in custody to have access to information and support to reduce their likelihood of returning to family/partners who use violence post-release
- facilitated a partnership between Corrective Services and the Department of Communities and Justice that enabled a trial of the DV Helpline, which has been rolled out to all women's correctional facilities in NSW.

Miranda partnership with CSNSW utilising existing legislation of the *Crimes (Administration of Sentences) Act, NSW, 1999.*

In late 2021, In partnership with Community Restorative Centre has piloted a program diverting eligible women from custody under existing legislation. The program utilises legislation to support the early release from custody for women with children in their care under Section 26 provisions of the *Crimes (Administration of Sentences) Act, NSW, 1999*. Strict suitability and eligibility requirements have to be met however, coordinated and interagency case planning with stakeholders including CRC, CSNSW, Justice Health, Family and Community Services and external service providers are put in place to support women to serve remainder of their sentence in the community, reintegrate and reunite with children and their families.

Despite substantial geographical challenges, the Miranda Project has successfully supported five mothers released under the scheme to transition back into their local communities with their babies and children. Two of these women would have had their newborns removed from their care at birth, severing infant/mother attachment and putting the child at risk of entering the Out of Homecare system.

CRC Alcohol and other Drugs and Reintegration Programs

An independent evaluation of CRC's Alcohol and other Drugs and Reintegration Programs followed 483 clients with lived experience of incarceration.¹ The mixed methods study, funded by NSW Health and published in 2021, investigated the efficacy and impact of support provided by the Community Restorative Centre (CRC) to people leaving custody at risk of incarceration, with a particular focus on people requiring support around the use of

¹ M. Sotiri, R. McCausland, R. Reeve, L. Phelan, T. Byrnes, 'They're there to support you and help you, they're not there to judge you,' *Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centre's AOD and reintegration programs,* Report for NSW Health (Round 2 of the NSW Health NGO Evaluation Grant Scheme), December 2021, launched via webinar 1 December 2021.

alcohol and other drugs. The study examined the impact on recidivism before and after receiving CRC support for a cohort of clients using BOCSAR and custody data, as well as a comparison of the trajectories and outcomes of CRC clients compared with a similar cohort, including two in-depth case studies. The evaluation also included a qualitative study of the perspectives and experiences of clients and staff about CRC's model of support. The findings demonstrate the positive impact of CRC's model of support on clients' lives, resulting in reduced contact with the criminal justice system and significant cost savings to government.

The evaluation found that:

- ongoing community-led integration and pre- and post-release support works in reducing recidivism, disadvantage and incarceration and improving health and well-being for clients experiencing multiple disadvantages, risk factors and complex support needs
- practical, flexible, relational, holistic, non-judgemental, strengths-based, long-term through-care changes outcomes, reducing custody episodes by 66% and new custody episodes by 63%
- clients referred to CRC from the community have a 13.6% decrease in the number of custody episodes, while those referred from custody have a much greater reduction of 71%
- for an annual cohort of 275 new CRC clients, the estimated net benefit to the justice system of working with CRC over three years is between \$12 million and \$20 million.

Related CRC Programs

CRC Family Casework

Working with families and children of incarcerated populations has always been a critical part of CRC's work. CRC's Family Caseworker provides support and case management for families impacted by the criminal justice system. The service focuses on supporting families with a family member in custody or recently released from custody.

A part time family worker position is funded by the Office of Responsible Gambling. The position builds capacity and provides counselling, support and advocacy services to family members, as well as training to organisations in the Canterbury-Bankstown LGA in Sydney. It also provides referrals to gambling and financial counselling and gambling education and awareness training to CRC staff who work with people on release from custody.

Community Corrections brokerage funding of \$160,000 enables CRC to provide travel and accommodation assistance for families in financial hardship traveling long distances to visit family members in NSW correctional centres. This can include reimbursement for petrol, public transport fares, taxis, and in some circumstances, overnight accommodation. During the COVID19 pandemic, CRC has also hosted Family Video Conferences and supported

families to stay in contact through the use of their own smart devices at home. Demand for family assistance consistently exceeds what CRC is able to provide.

CRC is acutely aware that best practice in Aboriginal and Torres Strait Islander casework and throughcare requires a whole of family and whole of community approach, even though we are not funded to provide this. There is a need within CRC for a properly funded family casework service that has the capacity to support families during the period of incarceration as well as at the point of release and reintegration into the community.

CRC Information and Referral Service (TIRS)

CRC's Telephone, Information and Referral Service (TIRS) provides free support from 9am-5pm for anyone affected by the criminal justice system, including people in prison and on release, family, friends and service providers. CRC's knowledge of the criminal justice system and prison procedures means that the TIRS manager can offer practical and emotional support to help families navigate a confusing and complicated system.

TIRS receives approximately 1500 calls per year and more than half of these are from family and friends of people impacted by the criminal justice system. Family members frequently tell the TIRS Manager that they encounter difficulties in obtaining accurate and up to date information about prison operating visiting procedures, and this has been especially the case during the COVID-19 pandemic. For example, knowing how to book a visit or finding where someone is being held can be a stressful and complicated process. Family members often call with concerns about the safety and wellbeing of their loved ones. Families also report concerns about the range of issues involved with surviving on the outside with young children.

TIRS service is self-funded by CRC and through philanthropic funding. TIRS is a critical part of the service sector landscape for families of people in prison in NSW. Government should provide ongoing and recurrent funding so that CRC is able to guarantee the ongoing operation and expansion of the TIRS service.

CRC's Submission into the Inquiry into Children Affected by Parental Incarceration

Diversion and Decarceration for Parents

CRC recognises that any response to meeting the needs of the children of imprisoned parents should begin with highlighting the need for diversion and decarceration opportunities, particularly in relation to parents charged with minor offences and given short sentences.

Parents who are primary carers should remain in the community to care for their children. Where appropriate, diversion options are far less disruptive than parental removal for children, families, as well as to the housing and material stability of the family. Diversion enables families to stay connected and continue to care for and meet children's emotional, social, educational and practical needs.

Many parents currently imprisoned should not have been imprisoned in the first instance. This is particularly true of First Nations parents and First Nations mothers, especially mothers apprehended for responding to family violence. Many First Nations women become the victims of a care system which unreasonably discriminates and punishes on the basis of race.

The removal of mothers and grandmothers, and especially First Nations women, disrupts maternal relationships with children and their bonds as caregivers, cultural mentors, knowledge holders and storytellers. This disruption in turn confers new intergenerational cycles of disadvantage. The incarceration of mothers and female caregivers traumatises entire families and exacerbates and perpetuates disadvantage for current and subsequent generations.

Accurate data on the number of people in custody who are parents needs to be collected and made publicly available. It is assumed that in NSW, more than 50% of people in prison are parents. Among female prisoners, more than 60% are mothers and among First Nations female prisoners, more than 80% are mothers. No child does better when separated from a parent with whom they share a positive and loving bond because their parent is removed from their lives in order to be incarcerated.

Supports for Children, Families and Parents

In CRC's view, once a parent is incarcerated, the children and families of people already negatively impacted by the criminal justice system should not be further punished or discriminated against. Families are entitled to access appropriate supports to minimise the effects of having a relative in prison, but these supports are not currently available. Family

relationships should be sustained during periods of incarceration, or re-established upon release, whenever connection is in the best interest of all parties, including children.

From our experience working in the sector, children should not lose connection with a parent with whom they share a strong bond because their parent is incarcerated. Families should be supported to ensure that children are not disadvantaged or impeded in their learning, development or wellbeing because they have a parent in custody. Where a household is broken-up or access to housing is lost because a parent is in custody, supports should be put in place for the child to enable them to manage this stressful, confusing and emotionally difficult time.

Desistance literature shows that family connection plays a significant role in people leaving custody, creating a sense of belonging and identity outside of the justice system and having a better chance of developing alternatives to reoffending. Children are the best reason most parents leaving the criminal justice system have to do well and to engage in the work of change to avoid reincarceration. Much more needs to happen to enable parents and children to remain connected during custodial sentences to reduce the impacts on children affected by parental incarceration.

In instances where remaining in the community is not possible, more specialist programs and supports should be provided to enable women to be able to live with their children in custody. Funding should be provided to enable women to seek the supports they need to continue to care for their children while they are in custody, including parenting support, education and training, access to counselling, alcohol and other drugs programs.

The Importance of Supporting Families and Children

CRC families of prisoners frequently report that they feel that they are also 'serving a sentence' while supporting somebody in custody and frequently report experiencing high levels of anxiety. Although they are not prisoners, families are also not completely 'outside' the prison system. They engage with police, the courts and Corrective Services and frequently spend a considerable amount of time travelling to and from correctional facilities. Their day-to-day lives are heavily impacted by interruptions schooling and family routines.

Imprisonment affects families socially, emotionally and materially. While a person is incarcerated, families are forced to continue to get on with their lives, continually adapting, redefining family roles and implementing new coping mechanisms. The parent still caring for children on a day-to-day basis needs to support their children's ongoing developmental and emotional wellbeing and help their child navigate peer and social structures, often while bearing sole financial responsibility for the family. Partners and families negotiate a complex range of changed circumstances while their family member is in custody and then a whole new set of negotiations and challenges when their person is released.

The children of prisoners may experience developmental and behavioural difficulties as a consequence of separation from a parent and the potentially devastating disruption of the bond and attachment to their parent.

Many families are also the primary and secondary victims of the crimes carried out by a family member. Women may be incarcerated for responding to family violence. Sometimes there is the need for mediation and restorative processes. Post release, families frequently encounter child access and custody issues. The parent who has been in custody may need to acquire parenting skills relevant to the developmental ages of their children and work hard to rebuild connection and trust.

In CRC's experience, supporting families (by providing practical and emotional support) pre and post release can help achieve the following outcomes:

- reduce some of the impact of having a family member incarcerated
- strengthen family bonds and support family reconciliation
- support effective, non-threatening, non-violent communication between families during the period of incarceration
- encourage people in custody to fulfil family commitments (and retain a sense of identity outside of the criminal justice system)
- reduce the risk of perpetuating intergenerational disadvantage
- assist families and people leaving prison to adjust to the transition from custody to the community
- reduce post-release family violence
- reduce the risks of clients engaging in offending behaviour.

Housing First for Families with Children

Approximately 20,000 individuals are released from NSW adult correctional centres each year. In the current context of inadequate supports, more than 50% of these people will return to prison within two years. The absence of stable, secure and affordable accommodation is one of the most significant risk factors for re-incarceration. On average, 24% of people in prison in NSW spent the six months prior to their incarceration in primary or secondary homelessness. More than 4,000 people are released from prison in NSW each year with nowhere suitable to live and up to half of all people leave prison expecting to be homeless. There is a clear body of evidence demonstrating that not only are homeless populations over-represented in prisons, but that the experience of imprisonment itself increases the likelihood of homelessness on release.

For incarcerated parents who have been separated from their children and who are looking to resume care, securing safe and secure accommodation post-release is a critical component of this process. Housing pathways post-release are currently inadequate. Any strategy to support children of prisoners must position housing at the centre of post-release planning.

The Importance of Specialist Services

CRC is among a small handful of services providing specific support for families impacted by incarceration. SHINE For Kids is a significant provider of support to children with a parent in prison and CRC works with SHINE where we can.

CRC's clients frequently report not being able to access mainstream services or experiencing huge barriers in attempting to access them. Mainstream service providers have poor levels of understanding or experience of working with people leaving custody and their families and may discriminate against them or expose them to stigma and shame. CRC frequently runs training courses and co-locates CRC services within mainstream services in order to educate and change the culture of service provision in support of people leaving custody and their families.

Given the reality of poor experiences with mainstream providers, families frequently seek out specialist services where they feel comfortable communicating, especially when services are staffed by workers with in-depth knowledge of the correctional system and the issues associated with criminal justice system involvement. For example, families call CRC when they are concerned about the health or wellbeing of a family member in custody, to find out if a family member is still in the same correctional facility etc., or to find out about how their family member is likely to be treated in custody. There is an urgent need to explore how existing specialist services can grow capacity to better meet the needs of families impacted by the criminal justice system.

Improving the Experience of Family Visits to Correctional Facilities

CRC is aware that one of the major barriers to maintaining family connection are the costs, financial, practical and emotional, of travelling to visit family members in correctional centres. While the CRC CSNSW funded brokerage service is well utilised by families, CRC consistently experiences higher demand for the service than our funding enables. Expansion of this service to allow for more frequent reimbursement (currently the limit is one claim per family every twelve weeks) would be beneficial to many families. CRC has wherever possible sourced philanthropic funds to make up for the financial shortfalls and limitations with regard to plane travel. The families of people in prison (most of whom are supporting children) would benefit from consistency of funding support for services that enable them to stay in contact with their loved ones.

CRC families tell us often about the difficulties they face when visiting correctional facilities. Family members regularly report being treated badly. They are frequently inconvenienced by being provided with inconsistent, limited or inaccurate information, not told that the person they are coming to see has been moved to another facility, turned away, sometimes for reasons they don't understand, after having travelled long distances.

Family visits are frequently used as an incentive to buy compliance from prisoners, and the restriction or withdrawal of visits used as a form of punishment for non-compliance. Family visits should be encouraged and not used as a form of coercion and control. More should be done to ensure that children are not prevented from visiting their parent in custody because of any disciplinary action taken against the parent.

Family visits are frequently deeply unpleasant, and in some cases traumatising. Families report experiencing lengthy waiting periods (often resulting in shortened visits), and struggle to manage around the lack of facilities for children. Access to healthy food, nappy changing areas, and toilet breaks are limited, and family visits are often terminated because the needs of children can't be met.

CRC recommends that when families visit correctional facilities, the following needs to occur:

- visiting family members should be welcomed, treated with respect and encouraged to visit often
- signs and directions should help families confidently navigate their way into and within facilities
- visiting hours should be standardised
- alternative arrangements should enable access around public holidays and school days
- staff in correctional facilities should come out from behind their desk to assist families and visitors
- waiting times should be reduced, and waiting areas should be made child friendly and welcoming
- where there are delays, visitors should be provided with up to date and timely information
- once visits are booked, family members should always be informed in advance of changes to access, transfers or lockdowns
- governors should be required to produce a Family Impact Assessment prior to transfer that considers the proximity of prisoners to their children
- family members should have access to basic facilities while waiting and during their visit, including access to drinking water, healthy food, toilets, nappy-changing facilities, somewhere clean and quiet to breastfeed infants, shade and shelter from the elements, and support when required for parents caring for young children
- a dedicated Child and Family Centre should be available in all prisons, with a dedicated inside and outside children's play space, with age-appropriate furniture and activities facilitated by a qualified early childhood worker
- funding should be provided for evidence-based programs that improve visits, communication and bonds between parents and children
- evidence-based parenting programs should be made available to all prisoners, including prisoners held on short sentences and remand

- women's prisons should have additional facilities to accommodate the needs of children of all ages
- supported transport services should be made available for children with a parent in prison
- capital expenditure on building new correctional facilities or modifying existing facilities should prioritise infrastructure that supports family integration and child friendly visiting areas
- individualised support for the children of prisoners should commence at the time of parental arrest and continue through sentencing, incarceration and the re-entry of the parent into the community. This support should be funded by government as a priority.

NEXT STEPS

Research evidence supports the importance of family connection for children, families and people in custody and leaving custody. The families and children of imprisoned parents have specific needs and these should be adequately funded and met.

This submission has outlined a number of CRC programs with impact, each of which require only minimal financial commitment on the part of government, but which properly funded, would make a significant difference in the lives of families and children of incarcerated populations.

CRC would be pleased to assist in your further consideration of the issues raised here. CRC is available for consultation and is willing to provide further information, as required.

Yours sincerely,


Alison Churchill, CEO
Community Restorative Centre