

**Submission
No 34**

INQUIRY INTO CHILDREN AFFECTED BY PARENTAL INCARCERATION

Organisation: Victorian Drug and Alcohol Association (VAADA)

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Attention: Legislative Council, Legal and Social Issues Committee

Children affected by parental incarceration

This inquiry provides a platform for a vital discussion on an issue that is broadly and wilfully ignored by successive governments. The administration of imprisonment in Victoria has consistently neglected the health and wellbeing of families, making at best diminishing tokenistic efforts to support the family unit of people who are in prison.

Successive Victorian budgets have prioritised a bloated justice system, with bipartisan support to expand the prison industry complex year on year. The \$billions being spent recurrently on prisons could be instead targeted toward more effective measures, such as health, education, housing and a range of other priorities which would diminish the drivers of imprisonment and keep Victoria safe.

While there is scarce data on the family structure of and the impact of imprisonment on the families of prisoners, the many anecdotes relayed to VAADA from our members and other allies illustrates the devastating impact of imprisonment on families. Collecting suitable data must be prioritised as agencies and departments responsible for overseeing the care or otherwise detainment of people must take into account any carer or parenting obligations.

This submission will provide a brief overview of our concerns and highlights that the absence of data on this issue should be rectified as a priority. We are hopeful that this inquiry will shed light on the acuteness of this issue and generate undertakings to establish the level and type of harm of imprisonment on families and prioritise pragmatic evidence informed solutions.

(a) the social, emotional and health impacts on affected children;

The rapid contraction in the application of bail has led to a surge in un-sentenced people, many of them parents, with little to no consideration of the impact of incarceration on the children of these people. The pandemic, having clogged up the justice system, has ushered in increasingly lengthy periods of remand, further dismantling family structures.

Imprisonment is associated with disadvantage, with the 13 most disadvantaged postcodes in Victoria having a 2.9 fold increase in the rate of imprisonment¹. Imprisonment is further associated with unemployment, with over 5 in 10 prison entrants being unemployed 30 days prior to incarceration.² DOTE highlights the relationship between unemployment and intergenerational disadvantage.³

¹ DOTE 2021. Victoria. <https://www.dote.org.au/victoria>

² AIHW 2018. The Health of Australia's Prisoners. <https://www.aihw.gov.au/getmedia/2e92f007-453d-48a1-9c6b-4c9531cf0371/aihw-phe-246.pdf.aspx?inline=true>

³ Ibid 1

While there is a scarcity of data on the specific impact on children of an imprisoned parent, there are some more obvious impacts which should be considered. This is important with four in 10 prisoners having children, amounting to roughly 3000 prisoners with children.⁴

Imprisonment can break families, with limited scope for visitation, often exacerbated by the tyranny of distance. In many cases, imprisonment may result in the children being taken from the family, with efforts to maintain contact between the imprisoned person and the children at times hampered by relevant departments. People on remand may feel pressured to enter a guilty plea to avoid trial and possibly be released on time served, in order to parent their children sooner.

Further the cost of contact within the prison can be prohibitive with exorbitant costs for calling on mobiles and the increasing reduction of online communication which we understand was introduced during the pandemic.

There is a clear financial and care impact in having a parent imprisoned, with the latter especially significant in the absence of broader support networks. Additionally, there is an enduring experience of stigma and discrimination, especially where media is involved, with the parent named.

There is a pressing need to progress further research into the impact of prison on the children of prisoners and to ensure that available data held by the Corrections system is publicly available.

(b) what policies exist and what services are available, including consideration of those in other jurisdictions;

There are far more services and policies that perpetuate and exacerbate harm amongst these children than meaningful support.

The continued criminalisation of currently illicit drugs is a major driver toward the criminalisation of many Australians which entangles them into the justice system and destroys families. The entrenched stigma towards drug use reduces help seeking behaviour, which, for some, may result over time in escalating substance related harms. Reflecting and building on recent efforts to enact reform which prioritises currently illicit substance use as a health rather than justice issue should be progressed.

Many victim survivors who use substances may opt not to seek support due to the potential involvement of child protection and the risk that their substance use may be problematic for continued child custody. People who use violence at times coerce victims survivors to use substances, and may threaten to report their substance use to child protection services should they seek assistance to escape the violence or engage in treatment.

There are also concerns regarding stigma relating to access support such as opioid replacement therapy, a globally recognised program that assists people who are experiencing opioid dependence (including heroin) in achieving greater stability and other positive outcomes.

Surveys conducted by VAADA examining AOD treatment waitlists and wait times indicated that treatment programs are under resourced, with the waitlists for services increasing by over 50% in the year leading up to July 2021. Extensive wait times for services amounts to denial of service.

⁴ VACRO n.d. Families and Prisons in Victoria. <https://www.vacro.org.au/information-about-families-and-prisons-in-victoria>

The near absence of supportive programs for people in and exiting prisons also present a missed opportunity to reduce mortality. It is widely accepted that there is a greatly elevated risk of mortality following release from prison and that this risk persists. The Victorian Coroners Court found that 41% of all Victorians who had experienced fatal overdose with heroin as a contributor in 2017 had at some stage been in prison⁵.

Many of these deaths, which devastate families, are preventable.

There is a need to focus on models of care which provide greater support post release. Adequate housing and health and social support for people existing prison are vital in ensuring the wellbeing of family.

In 2005, Norway introduced a reintegration guarantee, which ensures that people discharged from prison are afforded support for housing, education, employment, health care and debt counselling.⁶ People released from prison are granted greater autonomy and there are a range of supports and training offered to correctional and other staff. Norway apparently has a recidivism rate of 20%⁷, far lower than any jurisdictions in Australia. Such approaches should be considered in Victoria.

(c) how effective these services are, including —

(ii) identifying areas for improvement.

In light of the trauma experienced by children who have parent(s) in prison, we note the following should be progressed:

Immediate:

1. Subsidise personal telephone calls from prisoners
2. Greater access to online means of communicating with family, such as video calls
3. Increase access to family visits at all prisons
4. Implement a presumption of bail for all drug use and possession related offences
5. Subsidise opioid replacement therapy (ORT) indefinitely and facilitate in reach into the prison system to ensure that linkages are made between the person and AOD, including ORT support services

Mid term:

1. In preparation for release implement an enhanced in reach AOD treatment offering at all prisons, which commences at least within the last 6 months of a sentence
2. Increase priority housing stock which is suitable for people being released from prison

⁵ Victorian Coroners Court. 2019. Initiatives to reduce drug-related harms among former prisoners. Correspondence to VAADA. 30 August.

⁶ Confederation of European Probation n.d. Norwegian Reintegration Guarantee aims to provide ex-prisoners the right tools for resocialization. <https://www.cep-probation.org/norwegian-reintegration-guarantee-aims-to-provide-ex-prisoners-the-right-tools-for-resocialization/#:~:text=In%20practice%2C%20the%20Reintegration%20Guarantee,things%20such%20as%20debt%20counseling.>

⁷ Kriminalomsorgen 2022. About the Norwegian Correctional Service. <https://www.kriminalomsorgen.no/information-in-english.265199.no.html>

3. Develop a model of post release care which reflects a reintegration guarantee, providing person led support for housing, legal, AOD, mental health, financial counselling and other support services
4. Implement a presumption of diversion for all drug use and possession offences
5. Collect and publicly release data relating to prisoner health and wellbeing, as well as the impact of imprisonment on families

Please contact me if you have any queries.

Sincerely,

Sam Biondo
Executive Officer
Victorian Alcohol and Drug Association