PRISONS, WOMEN PRISONERS

Statement by Minister for Justice and Legal Affairs

MR McGINTY (Fremantle - Minister for Justice and Legal Affairs) [3.50 pm]: The 212 women who are imprisoned in Western Australia today are held in conditions that seriously disadvantage them and impair their chances of successful rehabilitation back into the community. It is clear that we must do something different for women offenders in custody. Women in Western Australia are held in what are effectively small male prisons. This State does not have one purpose-built prison for female prisoners. Historically, the needs of female prisoners have been little understood throughout the world, and Western Australia has been no exception. As other jurisdictions begin to recognise and understand those needs and to manage their female prisoners accordingly, this State must also take up the challenge so that it does not fail these women, their families or the wider community.

The purpose of any changes that I propose will be to reduce reoffending by women prisoners after release. This is fundamental to crime prevention and the public enjoying a safe community. How well this is achieved will depend on how well the problems are defined. Women in prison are not a representative sample of the community; there is a high level of damage and dysfunction among them. A few statistics illustrate the challenges that must be faced. More than 70 per cent of women in prison report a history of substance abuse. In June this year, 85 per cent of the women prisoners at Bandyup Women's Prison were on medication. About 80 per cent of female prisoners Australia-wide suffer from emotional and mental illnesses including post-traumatic stress disorder as a result of abuse and neglect. Thirty-nine per cent of the women at Bandyup report a history of self-harm. More than 50 per cent of female prisoners attended less than three years of secondary education and more than 80 per cent were unemployed at the time they were imprisoned.

Coupled with this situation of serious disadvantage is the fact that the majority of these women are also the primary caregivers to children and dependent adults. This cycle of offending and imprisonment affects families and children and, therefore, the whole community. Active steps must be taken to break it.

The situation of indigenous women must also be kept central to any future planning and thinking. We must acknowledge the need to work with these women in ways that are appropriate to both their sex and culture.

As a result of my visit to overseas prisons, any change to the prison system here will not be slight. I want to take advantage of what I saw and learnt in Canada, Minnesota and England during August. My aim is to have a prison system that has aims and principles. The ultimate objective is to reduce the likelihood of women turning to crime on their release from prison. Importantly, I want the community to contribute to this change. The most important point will be the establishment of a set of principles for guiding decision-making throughout the planning, construction and implementation phases of these changes, and operational issues concerning women's imprisonment. The Canadians developed a set of principles, which have guided their building program, management initiatives and program developments. Those principles refer to empowerment, meaningful and responsible choices, respect and dignity, providing a supportive environment, and shared responsibility. Western Australia must develop its own set of principles for delivering services to women.

I want to bring women in from their current isolationist position within the prison system. For a variety of reasons, women have been left out in the cold. Women are a small proportion - about eight per cent - of the total prison population. As a result, the system of imprisonment for women is bundled within a system that suits men. This will change. All aspects of women's imprisonment will be examined to determine whether it meets the needs of women prisoners.

The first purpose built prison for women in WA will be designed in the style of regional prisons for women in Canada. These prisons have a community living style of design and management approach, which is consistent with the principles underpinning Canadian women's prisons. This contributes to a reduced likelihood of prisoners reoffending. This community living style environment requires a more domestic standard of construction and accommodation to enable the women to undertake all cooking, cleaning and laundry for themselves, rather than that required for a traditional cell block. Female prisoners should have maximum responsibility for their personal care and should contribute to decision-making, including matters concerning their sentence case plan.

Many of the overseas prisons place women in self-care units. This encourages good relationships between prisoners and between prisoners and staff. It also fosters independent living. A unique and positive feature of this self-care structure is the requirement for women to budget and plan their own meals. Most of us take those skills for granted, but they are skills that women in our prisons often lack. Life and work skills are important factors in reducing the likelihood of participating in crime.

I will now turn to the staff-prisoner working relationship that I observed overseas. The quality of these relationships is vital to the positive environment of a prison. In Canada, the environment and positive community interaction is assisted by the lack of formality; prisoners wear their own clothes, staff do not wear uniforms and first names are used. This environment is not intimidating and is conducive to addressing the special needs of women, who very often have a history of sexual and physical abuse. The development of good relationships between staff and women prisoners was reported at every site to be the measure of good management of the women.

An important aspect of a positive prison regime is the emphasis given to work programs and study while in prison. The importance of meaningful work for prisoners in Canada and in the United States and its contribution to a reduction in reoffending cannot be overstated. Work and training are the key to the future independence of women when they leave prison. In Western Australia, more than 80 per cent of female prisoners were unemployed prior to incarceration and a high proportion of those have never worked. In addition, less than half have completed year 10 schooling. We must develop new employment programs such as those in Minnesota and Canada. Both Canada and Minnesota have created partnerships with industry. Women are trained and gain skills and qualifications. This employment provides women with skills and experience that is relevant and is likely to lead to a paid job on leaving the prison. There is an onus on the prison system to help women develop their skills and potential and to help them plan for the future, which includes education.

Overall, what impressed me most was the attitude towards prisoners and work. It was not acceptable for prisoners to do time - counting the minutes until the date of release. That was seen as an unacceptable waste of taxpayers' money. I want prisoners to be able to count their skills and qualifications, rather than the hours, days and months they are in prison. It is entirely reasonable for prisoners to either work, actively participate in prison programs, or undertake recognised and appropriate educational courses. Doing nothing is not an option. It is essential to make time spent in prison more meaningful. Going to work, successfully completing programs or passing courses of study should go towards early release from prison. I will request the Department of Justice to structure work, programs and courses of study on a similar basis to that which occurs in the community. We are all expected to perform at work - there are consequences if we do not. Prisoners who turn up for work, programs or education should be rewarded with an early release date. Those prisoners who passively resist any form of self-improvement cannot expect an early release. Self-improvement should be rewarded.

Many prisoner programs in Western Australia are designed for men and are adapted for women. In contrast, most programs in Canada are designed by women for women. The core federally sentenced women programs involve issues such as living skills, substance abuse, surviving abuse and trauma, and literacy, education and vocational training. The programs aim to increase prisoners' ability to function in the community; to improve social skills, increase employment skills and to integrate into further programs and education or training in the community. In short, they prepare prisoners for a life without crime.

As part of getting the design right, programs must be sensitive to cultural differences; they must recognise Aboriginal cultural differences. The programs offered by Okimaw Ohci, the aboriginal women's prison in Saskatchewan, are gender specific and appropriate to the aboriginal Cree community. The range of programs includes traditional teachings, and the sacred and ceremonial activities of the Cree Nekaneet - the local Indian nation. This short statement cannot do justice to the full importance of this facility for Aboriginal women in Canada.

The site, the design and the spiritual component of the women's programs were designed by the Cree Nekaneet elders. The building is designed to look like an eagle from the air; there are no fences or physical boundaries, and the women are expected to manage their time according to tight schedules. As with other Canadian facilities, the women wear their own clothes, as do staff. They have also achieved an Aboriginal staffing level of 40 per cent. Although prisoners are residents, the titles of the staff relate to the community roles of mother, aunt, and older sister. The staff and community members participate in programs that are relevant to the area's culture, and to the psychological, health, educational, and training needs of the women. This is a most outstanding example of bridging the cultural divide between prisons and the Aboriginal community. It is not proposed that we copy this model, but that we learn from its innovation and inclusion of Aboriginal people. Is it successful? The recidivism rate of 12 to 15 per cent is low. In Western Australia, approximately 40 per cent of prisoners return to prison.

The main concerns of women prisoners are their children, their home life and other relatives; what is happening to their families outside prison is fundamental to their behaviour and wellbeing while in prison, and on release. In any future plans, family relationships will be supported, and babies and young children will be accommodated on the premises. Overnight visits for older children will also be arranged. To a limited extent this already occurs, but the Department of Justice will review its policies and planning to expand this practice.

The Canadian women's prison provides a family-visits home in the prison consisting of two bedrooms, a kitchen, bathroom, and a living area. It can be booked for a weekend every two months. At East Sutton Park in England, this type of family visit is part of the incentives programs. Family relationships and links to the community are visibly supported in women's institutions in both Canada and England. Both Canada and England have mother/baby policies and programs which are implemented in most women's prisons. Ongoing family relationships are an important means of ensuring a successful return to the community, and of minimising a dysfunctional family situation that may lead to a cycle of offending and imprisonment. In future, the relationships that women have outside prison will be given greater emphasis in the design of buildings, prisoner programs and the day-to-day operations of women's prisons.

The relationship that women prisoners have with their own family is a small part of the relationship between a prison and its community. The entrance to the Edmonton Institution for Women carries the statement, "Working In Partnership With The Community". The prison deliberately engages the community in the reintegration of offenders into the community. A representative of the advisory group sits in on the first interview of every new offender who comes into the prison. The presence of the Citizens Advisory Group representative is to remind the offenders that, although they may have offended against the community - from day one the community is interested in their return to that community. The community wants, and expects, an environment free of crime - and the community is prepared to play its part.

The Grand Valley Institution for Women has a volunteer program, with up to 300 active volunteers in many areas of the prison. Its mission statement is -

> The Grand Valley Institution for Women Volunteer Program endeavours to develop and maintain ties between federally sentenced women and the community by encouraging citizens to participate as volunteers working with staff members in activities designed to help offenders become law abiding citizens.

The program is based on the recognition that volunteers have an integral and important role to play in the activities designed to help prisoners become law-abiding citizens. Prisoners come from the community and, on release, will return to the community.

What does this all add up to? Simply this: the Canadian Government and the Canadian community have made a deliberate decision to establish and encourage the involvement of community organisations to make a contribution to prisons. Community groups have embraced the opportunity to contribute to the prison system. I believe such community involvement would be positive and beneficial in this State. However, I readily acknowledge that concerns associated with safety and security would have to be addressed. Of all the women's prisons I visited overseas, only one in England has a substantial fence. Shakopee in the USA, Okimah Ohci in Canada, and East Sutton Park in England have no fences at all.

The approach used in most of the prisons that I visited is called "dynamic security." This approach relies on the relationship between staff and residents to create the security. There is an expectation that through controlled movement, women will be at their appointed places at appointed times. There is an emphasis on staff checks and searches, and limited reliance on cameras, electronic monitoring and locking.

Two important issues in the management of female prisoners are substance abuse and mental health. In the new women's facilities, I would like to see an intensive treatment unit with a therapeutic approach that focuses on mental health issues, and substance abuse. The level of substance abuse and mental ill health amongst women prisoners is higher than that amongst the male prison population and the female population in the community. It is important that we address these problems while women are in prison so that our goal of preventing re-offending can be achieved. In Western Australia, we already address substance abuse through programs for prisoners; however, I would like to see more work done along the lines of the intensive drug treatment programs at Shakopee in Minnesota, and at the Grand Valley Institute in Kitchener, Canada. The program at Shakopee is a live-in intensive therapy approach. It provides three levels of programs: hardened users; new attendees in drug therapy; and relapse prevention. The residents of the intensive treatment unit are kept separate from the rest of the population to prevent any drugs coming into the unit. I observed a professional and tightly managed program.

Grand Valley Institute has a mental health unit that also provides intensive therapy for drug abusers. The unit aims to address the psychosocial needs of women in prison; the overuse of medications; the incidence of sexual abuse; the high rate of mental health disorders amongst women in prison; and addictions. The issues for women in Western Australian prisons are similar to those recorded for Canadian women prisoners. In Western Australia, more than 40 per cent of women in custody have a history of mental health disorders; 26 per cent are currently under psychiatric care; and 85 per cent are on medication. such as psychotropics and antidepressants. More than 70 per cent have a history of substance abuse. This profile cannot, and should not, be ignored. The

goal of an intensive treatment unit for women prisoners in Western Australia would be to see women prisoners return to the community without risk of returning to crime and drugs. In general, I observed a pragmatic but positive approach to drug use relapses. The relapses were treated as part of the care plan, and resulted in punishment only when drug trafficking was involved.

Before commenting on the therapeutic community approach to managing drugs in prisons, I want to briefly summarise my observations of good practice in managing women offenders. Women's facilities should be designed around a community concept and smaller self-managed units; women should have the maximum responsibility possible for personal care and for contributing to decision making, including their sentence case management plan; prison staff need to be engaged with women offenders and support family relationships; and there should be real employment and skills development opportunities that relate to future employment potential. Consideration of the site and the design to achieve the maximum community interaction is critical; offence-related programs must be targeted specifically to women; and women's health and mental health issues must be kept at the forefront when planning facility design and service delivery.

The second purpose of my trip was to look at innovative approaches to drugs in prisons and substance abuse programs. Substance abuse is endemic; however, there is evidence of some intervention programs working. The Director General of HM Prisons advised that he believed drugs are used by as many as 40 per cent of prisoners. The HM Prisons Director of Substance Abuse Programs advised that Britain uses a three-tiered approach to drug abuse: the first low-level intervention is counselling, assessment and education, and the second tier is the rehabilitation program. There are 44 rehabilitation programs based on the counselling assessment referral advice throughcare services - CARATS - which is an assessment and follow-through service. The third tier is the drug therapeutic communities. There are currently seven of these running.

I visited the drug therapeutic community at Swaleside on the Isle of Sheppy. Swaleside has an induction wing and a treatment wing dedicated to drug treatment. Both are supported by the capacity for daily urinalysis testing. Drug test results are known immediately, and this has had a very positive effect on the level of drug use. Swaleside has a longstanding effective drug program. The intensive therapy approach provider, Rehabilitation of Addicted Prisoners Trust - RAPT - has a proven low rate of re-offending. I heard many times on my trip that the keys to effective drug intervention are: the quality of programs; staff and prisoner relationships; the ability to have a segregated, dedicated area for drug programs, including a residential program; the selection, recruitment and training of staff; and the use of drug workers.

In summary, some of the effective innovations observed were: the use of community drug workers working alongside prison officers as a team; the placement of a dedicated dog and handler at individual prisons; the strong supportive counselling approach to relapses as evidenced at East Sutton Park; the combination of mental health and drug treatment approaches; the use of dogs for checking drug importing by visitors; and the emphasis on an integrated range of programs that recognise the different levels of substance abuse.

I have not touched on many other important elements that will be included in the report of this trip. It is apparent that it is possible to get better outcomes in prison by changing the approach taken. Most critical to this is engaging the community and focusing on relationships between staff and offenders. If these two are right, considerable success can be achieved with well-targeted program interventions.

I am committed to confronting drugs in prison, seeking better ways to prevent their entry and, more importantly, assisting those prisoners with drug addictions to have a life within prison and on release without drugs. As we all know, drugs contribute significantly to crime, and create a climate of fear and unsafe streets in our community.

It is also clear that there is no alternative but to address the conditions of women in prison differently from that which has been the traditional approach. I am convinced that many of the principles and practices adopted overseas, appropriately modified for Western Australia, will assist in improving the lot of women in prison and prepare them for release back into the community to a life without crime. I table the report of my visit to overseas prisons with much anticipation of a better future for incarcerated women.

[See paper No 536.]

MR JOHNSON (Hillarys) [4.11 pm]: I respond to the ministerial statement as the shadow spokesperson for this portfolio area. I thank the minister for delaying his delivery of the statement and the tabling of his report on his visit to the United States, Canada and England to give me the opportunity to read and digest them. Obviously I have not had a chance to read the main report - I will do that next week. I appreciate the opportunity to study the summary of the minister's comments and the report. It was obviously a worthwhile trip to investigate what these countries do for women prisoners. It is a very important issue. The minister should have invited me along - we could have had a bipartisan approach.

Mr McGinty: I had a good time anyway.

Mr JOHNSON: Like the Government, the Opposition wants to do the best it can for both male and female prisoners, particularly those who can be helped. I do not believe that anyone in this State wants people to be in prison for any longer than they have to be. Our treatment of maximum security female prisoners - some women do commit murder and other violent crimes - must be different from our treatment of those who commit less serious crimes and whose potential for rehabilitation is greater. Some of the more violent criminals would be a danger to society if we were to allow them to follow the route the minister is suggesting. That is not to say that while in prison they should not serve a useful purpose for the benefit of the community and themselves. It is essential that they have the benefit of educational programs to help them develop self-respect, and programs that will help them when they eventually leave prison to make a contribution to society. I have always said that we should not house minimum security female prisoners in the same facility as maximum security female prisoners. That would be a disaster. Those imprisoned for less serious, non-violent crimes - the shoplifters and other petty criminals - are not the same danger to society as those who commit horrific and very violent crimes. For those in a maximum security prison to have a meaningful time in that facility, they must go through a progression from maximum to medium and minimum security facilities, and prove to the authorities that they have learnt the error of their ways and want to do something better with their lives. It is a dismal situation when a prisoner is released directly from a maximum security prison without having had any assistance to build her self-esteem and so on. Such prisoners invariably end up back where they were. They should go through a staged process.

We have Bandyup Women's Prison, but we should also have a minimum security prison for women. That was the idea of the Pyrton prison development, but that will now not go ahead. I am glad that the minister is looking at building something similar to that development. I will happily study the benefits of that in the report.

The minister has quoted success rates in other countries. What period do they cover? How long have the programs been in place?

Mr McGinty: The Canadian system was rejigged and the new facilities were built in the mid 1990s.

Mr JOHNSON: So this has been in place for only five or six years.

Mr McGinty: Perhaps even less by the time the prisoners were released and some monitoring was undertaken. It is early days. It has been in operation in Canada for only the past few years.

Mr JOHNSON: That is fair enough. It is only early days, but it has shown some improvement. That must be a plus.

Some members opposite think members on this side are right-wing fascists. We are not; we are very caring people. However, our priority has always been the victims of crime rather than the perpetrators, and we will never deviate from that. Our priority is to ensure that those who commit horrific crimes are not released into society until they are ready and we are convinced that they can live a useful life without committing more violent crimes. Some of those people will not leave prison in the next 10 or 20 years. I am sure members know to whom I am referring. The general public would never agree to their release because they committed such horrific crimes.

Mr McGinty: That is only a small proportion. We can do something to help the rest not to re-offend. That is the thrust of it.

Mr JOHNSON: I have always said that we will never rehabilitate an habitual criminal. Most people are jailed only once. They get such a shock that they never want to go back. They prefer to stay outside and lead a useful life and contribute to society, whether they be men or women.

Mr McGinty: Unfortunately, we have a 40 per cent recidivism rate. That is tragic.

Mr JOHNSON: I agree. That is a high figure in world terms. Some prisoners go back to jail 10 or 15 times and their sentences seem to get longer. As the minister and I know, some people have spent most of their adult life in prison. That is sad. If such people are not prepared to take advantage of the rehabilitation opportunities available to them - albeit they are not as good as they will be - they must take responsibility for the fact that they will be in prison for a long time.

I was very interested to see that the Canadians have developed a set of admirable principles. They involve empowerment, meaningful and responsible choices, respect and dignity, supportive environments and shared responsibility. Those principles and protocols should be put in place, and I hope and pray that they will be.

The minister will not face any opposition from this side of the House if he establishes a large minimum security prison or a couple of smaller facilities to house those women who must spend some time in the prison system. As long as those women do not escape, they abide by the rules, take advantage of the educational programs available and help themselves so that they can do something useful, the minister will have the support of members on this side of the House in the implementation of those principles. It is right that female prisoners particularly should take maximum responsibility for their personal care. That is indicative of the behaviour of

women more than men. Very often men do not bother about their personal care as much as women do. While men are in a prison system, it is important that they be encouraged to do that.

I agree with the minister that those prisoners who do not participate in any form of self-improvement should spend a longer time in prison. I have always been in favour of people getting a bit of time off for good behaviour. If people behave themselves when they are in prison - they do not cause any trouble or do anything wrong, and they do not take drugs or attack other prisoners - I do not have a problem with a form of remission for good behaviour. I see that in the context of the minister's statement.

Mr McGinty: What I said in the statement takes it a lot further, though, because at the moment people can just sit there, do nothing, and automatically get a third off their time.

Mr JOHNSON: Yes, I agree. I have never agreed that people should get a third off their time for just sitting there doing nothing. If a person behaves himself, 10 per cent off his time is the maximum I would give. I believe that people should be given a third off their time if they do something positive in prison to go forward, to improve themselves and their self-esteem, and to educate themselves, so that they may make a useful contribution to society when they eventually come out. I commend the minister for undertaking his trip. As I said, I would like to have gone with him to see everything first-hand.

Mr McGinty: Next time.

Mr JOHNSON: I might hold the minister to that.

Mr Carpenter: Do you have any photographs?

Mr McGinty: There are some colour photographs of the various places we visited. Rather than have a slide show, I thought we would have the colour photographs on display.

Mr Kobelke: There are some very good colour photos of the minister too.

Mr JOHNSON: Yes, I accept that. I saw some of them briefly in the main document the minister tabled. However, I have not had time to digest them.

Both sides, whether in government or in opposition, need to know about good ideas in other countries that will help Western Australia. If we can make a safer environment for the majority of Western Australians by implementing a prison system that will stop people reoffending, we should have a bipartisan approach on that. I do not have a problem with that.

The problem in many of the prisons is drugs; there is no question about that. It is horrific to learn that 40 per cent of the prisoners in the United Kingdom are taking drugs. We should have more drug-free prisons. However, I am told on good authority that we have two drug-free prisons here in Western Australia. One of them is a prison the minister wants to close down. I will not attack the minister now. However, I do not think the minister is making a good decision.

Mr Kobelke: When he removes all the inmates, it will be drug free.

Mr JOHNSON: Exactly. I am told that it is drug free at the moment. Of course, I am referring to Riverbank Prison, which is a specialist prison mainly for people who need special handling and for those with intellectual disabilities. The minister's idea is to spread the prisoners at Riverbank across the mainstream of prisons. That is a bad idea. The minister may have heard of Baroness Stern.

Mr McGinty: Yes.

Mr JOHNSON: She is a world authority on prisons. I have a copy of Hon Peter Foss's comments made in November 2000, in which he pointed out that Baroness Stern said that Riverbank was displaying world's best practice for mentally impaired prisoners. When the prisons inspector went to Riverbank, his first recommendation was not to close it, but to refurbish and renovate it. I have read most of the report, and the inspector said that it would be ideal to refurbish it and keep it as a specialist prison. I urge the minister to have another think about that, because he may be doing a disservice to those people in that prison who are mentally impaired.

I am told that our other drug-free prison is Nyandi Prison. Has the minister been to Nyandi yet?

Mr McGinty: Yes, a couple of times.

Mr JOHNSON: As the minister is aware, I have not been to Nyandi, but I intend to go there, if the minister keeps it open for a bit longer. Do not close all these little prisons. Nyandi is a minimum-security women's prison, albeit a small one. I am told that it is drug free. When I say "drug free", I am told that a small amount of cannabis may find its way in there, but there are none of the hard drugs that cause the major problems in prisons, as they do in society in general. I am also told that the environment at Nyandi is very supportive.

Mr McGinty: It is.

Mr JOHNSON: It is good to know that we already have some minimum-security women's prisons, such as Nyandi, in Western Australia. However, we need to improve on that situation. I believe 35 women prisoners were transferred from Bandyup Women's Prison to Greenough Regional Prison recently. I think that was just prior to somebody visiting there. I must question the ethics of that move.

Mr McGinty: That was more to do with the construction program taking place at Bandyup. It is putting intolerable pressures on the facilities there.

Mr JOHNSON: However, I am told that the women did not want to go, and I do not blame them. The need in that area is desperate. At some stage in the near future I would like to hear from the minister about when his new proposals will be something more positive in the form of bricks and mortar, or whatever the case may be, to house many of those women who are presently at Bandyup and who would be much better off in a minimum-security women's prison.