Hon Alannah MacTiernan MLA  
Chairperson  
Community Development and Justice Committee – Legislative Assembly  
Legislative Assembly Committee Office  
Level 1, 11 Harvest Terrace  
WEST PERTH WA 6005

Dear Ms MacTiernan

Please find attached the Disability Services Commission's response to the Community Development and Justice Committee Inquiry: 'Making Our Prisons Work': an Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies.

This response has focused on people with disabilities in prison and on the prisoner education, training and employment strategies that are relevant to them and that address their needs. Prisoners with disabilities make up a small, but significant, proportion of the prison population who are vulnerable within prison and require specialist programs to meet their needs.

Yours sincerely

Dr Ron Chalmers  
DIRECTOR GENERAL  
DISABILITY SERVICES COMMISSION  
9 March 2010
People with disabilities form a small but significant group within the prison system and, as outlined below, positive management of their education, training and rehabilitation requires some changes in the mainstream prison service to accommodate their needs. Failure to address the specific needs of offenders with intellectual disability, a group with high recidivism rates, means that many of these vulnerable people spend longer in prison and are more likely to re-offend than their peers without disabilities. The development of specialist programs would help to address their needs and provide improved outcomes and greater equity for this disadvantaged group of people.

(i) Opportunities for Work and the Development of a Workplace Culture within Western Australian Prisons

Offenders with a disability should have access to the full range of services and programs available to offenders without a disability. Research indicates that offenders with intellectual disability are often unable to participate meaningfully in, and unlikely to benefit from, mainstream prison programs (Prison Reform Trust 2007). Programs need to be modified to better meet the needs of offenders with disability, or additional supports provided in order to achieve the same outcomes.

The requirements of the prison environment can make it difficult to provide work opportunities to prisoners with disabilities. Factors which contribute to this include: the short sentences incurred by some of these offenders prevent participation in programs; the under-identification of intellectual disability amongst prisoners; the low numbers of women prisoners with intellectual disability who require special work programs and additional support to participate; and the vulnerability of many offenders with disabilities who are placed under protection in prison, which can further restrict their access to prisoner employment (Hayes 2007).

(ii) Current Rehabilitative Programs and Strategies in Western Australia Prisons

In Western Australia there are currently only two programs that have been adapted for prisoners with intellectual disability: the Sex Offenders Treatment Program and the Legal and Social Awareness program. Currently, access to these programs is very limited, with them being conducted only once or twice a year in a small number of prison facilities. There are currently no adapted treatment programs for substance use, anger management or domestic violence for people with intellectual disability.

While the two programs that are available for people with intellectual disability have been in operation for some time, there is little information available about their effectiveness. As both programs are relatively short term custodial programs, there is some concern as to their capacity to be fully effective as people with an intellectual disability may need more time to learn, and tend to have difficulty generalising from one context to another, for example from custody to the community. It is important that the effectiveness of these programs is evaluated in order to inform their further development and targeting.
Prisoners with intellectual disability also need training opportunities. Many prisoners with disabilities do not have positive social skills or work skills, and those on protection in particular have very little structure to their day. People with disabilities face even more barriers to employment and community integration than offenders without a disability. A structured day program with the opportunity to access education and develop work and life skills would be beneficial to their future rehabilitation.

(iii) The Impact of Prison Education and Training Programs on Post-Release Outcomes
Research in Western Australia, and elsewhere, has identified high rates of recidivism of offenders with intellectual disability. Recent Victorian research found that, compared to prisoners without an intellectual disability, on leaving prison, 81 percent of prisoners with intellectual disability were assessed at high risk of re-offending, compared to 36 percent of prisoners without an intellectual disability. This research also identified that a higher proportion of prisoners with disabilities were Aboriginal, highlighting the need for support programs to be both culturally and disability appropriate (Corrections Victoria 2007A). Appropriately designed programs can offer an opportunity for these people to develop some of the skills that would prevent further offending following their release.

vii) The Success of Alternative Strategies, Nationally and Internationally in Reducing Recidivism
Prison staff generally have little training and limited skills in working with people with intellectual disability. As a result, they may find these prisoners difficult to manage and harder to engage in work and other programs. One approach to better meeting the needs of this group is to address staff skills within mainstream prisons.

A recent report by the Department of Corrective Services (2009) identified the over-representation of young people with intellectual disability at Banksia Hill Detention Centre and suggested that Juvenile Custodial Officers could be trained as Social Trainers to enhance the skills development of detainees. An alternative model is that of Loddon Prison in Victoria, a mainstream adult prison where there is a specialist program to prepare prisoners with cognitive disabilities for release. This is a part of the Disability Prison Pathway, currently a two year pilot project that commenced in 2008. There is a full-time educational trainer and a part-time clinician to deliver a range of skill development and therapeutic maintenance programs. The security level of this prison allows offenders to live in cottage style accommodation and receive both appropriately modified rehabilitative and skills programs and management (Corrections Victoria. 2008).

Specialist units are an alternative approach, which can be appropriate for some prisoners, although many such units are located in high security prisons that may place excessive restrictions on prisoners with intellectual disability on minor charges. New South Wales has two specialist low security units. Glaser and Deane (1999) suggest that the most appropriate option for people with intellectual disability is small non-prison based units, offering services and programs focused on community integration.
Specialist units overcome many of the issues that prevent prisoners accessing programs. A contemporary example of a specialist unit for people with cognitive impairment is the recently established Joint Treatment Program in Victoria. Based on evidence of the effectiveness of a therapeutic environment (Corrections Victoria 2007B), it has a strong rehabilitative focus, providing a range of offending behaviour programs, skills training, and recreation, education and work opportunities. The model is yet to be evaluated so recidivism rates are unknown; however, the program has substantially increased equity of access to work and rehabilitative programs for prisoners with disabilities.

In Western Australia, the Department of Justice operated Riverbank Prison from 1998 until 2001 to provide programs to prisoners, including those with disabilities. Under this model, people with disabilities were brought together and offered programs through a structured day program in the education centre, delivery of the Sex Offenders Treatment Program, and the provision of mentors from within the prison population who provided them with additional support. Prison officers self selected to work in the prison, which enabled a positive staffing attitude to people with disabilities. The skills developed by some prisoners within this program enabled them to better engage with disability services after leaving prison.

The Victorian and New South Wales initiatives identified in this submission are part of broader strategies focused on reducing offending and providing more appropriate interventions to offenders with disabilities. Corrections Victoria has recently released Committing to the Challenges: Corrections Victoria Disability Framework 2010–2012. This forward thinking plan commits Corrections Victoria to the principle of equality of opportunity and non-discrimination, which ‘requires offenders with a disability to have the same rights of availability, access and quality of services as other offenders’. The plan includes a range of strategies across the criminal justice system, including transitional accommodation, further development of disability-specific units and staffing in prisons, a specially adapted drug and alcohol program and the development of a long term evaluation framework to assess the impact of disability-specific corrective services.

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9 March 2010

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References


Corrections Victoria (2007) B The Joint Treatment Program: The way forward for prisoners with a cognitive impairment


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