

Outcomes of Community Advisory Panel

We want to know what's important to you about how we rehabilitate offenders outside prison to enhance community safety.

By Transforming Criminal Justice with Better Sentencing Options and Community

Context

The Panel met on the 24th and 25th of August. This document represents their discussion and ideas - typed up by democracy Co and reviewed by a sub group of the Community Advisory Panel – using the words and phrases of the panellists.

The Community Advisory Panel was recruited through the Vote Compass database of 70,000+ people state wide. 2,200 people were sent an invitation to be part of the panel. Of this 80 people RSVP'd indicating they were interested in being involved. From this 80 a random stratified sample was undertaken to find a group which was representative of South Australia in terms of age, gender and residential address. Respondents were also asked why they were interested in getting involved – to get a mix of those interested in sentencing / justice issues and those interested in broader democratic / civic participation.

19 people were selected to be part of the Community Advisory Panel.

The panel was asked - *What's important to you about how we rehabilitate offenders outside prison to enhance community safety?*

In considering their answer to this question the panel members were asked to read some important documents in advance of the meeting and then received advice and information from a number of presenters. Panel members then compiled their priorities and questions. The questions were answered the next night and the priorities were organised into themes and presented back to the group by democracy Co. Participants spent the majority of the second night exploring and detailing the themes. A writing group was

convened post the meeting to develop the context and assist democracy Co in preparing a report for the Panel. The Panel then endorsed the final report.

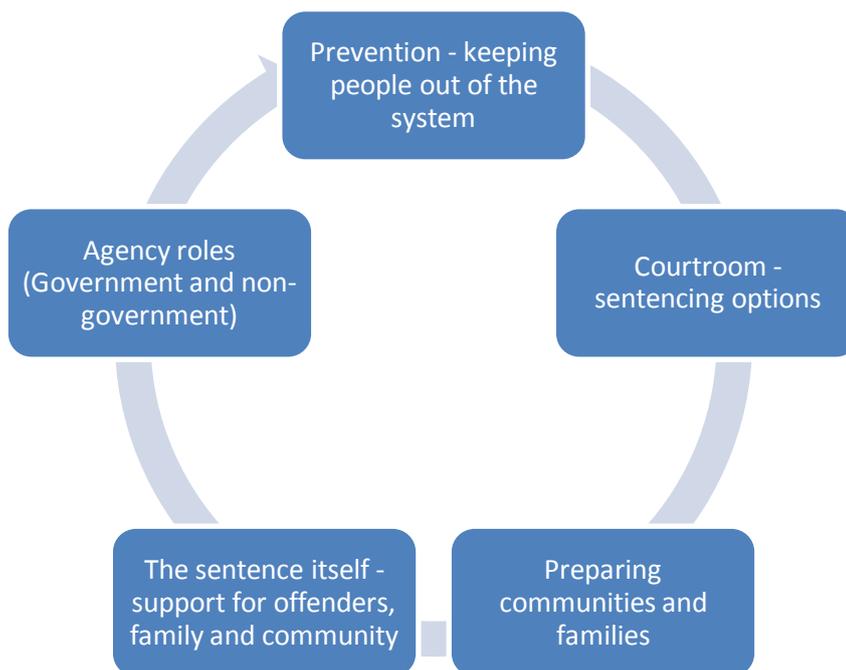
Overview

At a high level the panel highlighted the importance of community safety being at the centre of all decisions made in relation to sentencing.

To ensure that safety is paramount the group identified that the following areas need to be addressed;

- Checks and balances in court room sentencing
- Preparing and involving communities and families
- Supporting families and communities of the offender during sentencing
- Joined up services and supports aimed at rehabilitation – Government and non-government organisations
- Prevention

The below diagram seeks to summarise the main themes of the Panel's recommendations.



What is important? ... Courtroom/Point of sentencing - options for judges to include community based sentencing

The panel felt that judges should have the ability to sentence offenders to home detention as part of their sentencing tools, and that Multi Agency Program (MAPS), or an equivalent established for this scheme, could also play an important role in determining appropriateness of community based sentencing.

The panel felt that there should be proper assessment of the offender to determine readiness for home or community based sentencing options, including:

- A multi-disciplinary report provided to assist the judge in making a decision on whether home detention is appropriate – including views from the whole family.
- Criteria to determine/identify those offenders who are most suited to home or community based sentencing.
- All past history should count towards detention options even if not towards sentence.

It was suggested that home or community based sentencing should not be based on the offence category; however this was not supported by some of the whole panel.

The panel also felt that there should be a periodic reassessment of prisoners (in jails) to determine whether jail was still the best form of sentence for them. They suggested that a periodic review panel be established (similar to the parole board) to review the punishment being served and make a decision about whether a community based sentence or other intensive correction orders would be better. Most panellists felt that this should occur irrespective of the initial crime classification – and offenders should not be ruled out of this process based on their original crime.

The panel felt that rehabilitation should be a priority of home or community based sentencing, because it was important that offenders be given a second chance. Likewise, the panel was convinced that home detention delivers better community outcomes, in terms of reducing rates of re-offending. However, the panel also felt that a punitive element was important in sentencing to match community expectations as to the consequences of criminal behaviour.

The panel also recognised the benefits of restorative justice, in terms of providing victims with a sense of justice, and thought that it should be available post sentencing, or possibly even pre-sentencing. Furthermore, the panel felt that if restorative justice were to be made available pre-sentencing, that the Nunga Court model could be used as a basis for it.

What is important? ... Preparing and equipping families and communities to support the offender during home detention

The panel felt that critical to success in community based sentencing would be support from families (where in existence) and or broader networks and the community. A 'scaffold' of support is needed for every offender.

To help achieve this support, the panel felt like the following would be useful;

- Family assessments are important to identify appropriate family environments where offenders are to be placed
- A toolkit for home and community support
- The home detention household must be in agreement with the approach and supported.
- Time should be made to review/opt out if its not working positively

- Evaluations at the end of the sentence with the family and offender
- Check in and ongoing education with the community about community based sentencing.
- Utilising a collective impact model – which involves local business, community groups, government and community volunteers in a support network.
- Access to appropriate rehabilitation and education programs.
- Visitor program to avoid social isolation of family and offender.
- Ongoing support of family and offender that is resources.

Discussions were had about the importance of considering socio economic equity. It was felt that where families can support an offender (financially) they should do so. It was suggested by one panellist that perhaps the system needs to be flexible in its provision of resources depending on families' ability to pay.

There is a need to evaluate the impact of home detention on the actual detainee as well as the family and community.

The panel felt this was essential because a well-informed community increases acceptance and understanding leading to safer communities due to lower reoffending rates.

Informed consent of families leads to more successful outcomes.

It will assist in avoiding intergenerational institutionalisation.

What is important ... Community based sentencing is supported and includes monitoring and surveillance to ensure community and family safety

Community based sentencing does not automatically mean an offender will be free to step outside of their confines into the community.

Community base sentencing (whether it is home detention or provided in another way) is very important – as it keeps offenders away from other offenders who can influence their behaviour. It also provides the opportunity to provide offenders with a 'reset period' giving offender's time to reflect on their crimes whilst not in jail.

A confined 'reset' period may be necessary first to ensure the offender accepts and wants to change and be better.

However making it work requires investment. The panel felt that the following was needed to support home detention or community based sentencing

Wrap around support

To ensure that community based sentencing is not set up to fail it is important that wrap around services are provided – including education, housing, employment and self-esteem development.

Supervision

The panel were supportive of the use of GPS technologies to monitor the movements of community based offenders, where appropriate and felt that this offered a high degree of security for the community.

They were impressed to see improvements in technology that enable better surveillance of offenders in regional and remote communities and these improvements should continue to be made to enable more people in remote areas to be eligible for home detention.

The panel felt that consideration could be given to a paired technology device for others in the household – which acts as an alert when offender is breaking conditions of home detention.

Housing

It was recognised that it isn't always ideal for offenders to stay at 'home', or that they may not have a 'home to stay in. As a consequence the panel felt that there was a need to increase or establish alternative forms of housing for this group.

Housing facilities for people with no home (ie communal facility, small scale residency – consider the Light House model) should be looked at. The government could look at the potential of using a cottage/village system. This could be for short term accommodation only where shelters aren't available. The costs of this would need to be explored.

The Light House model (Vic) offers a potential model.

Employment and or 'meaningful' activity

The panel felt that it is important to ensure that offenders have something to do – sense of purpose, education opportunities, work opportunities and social contact.

It was felt that it was essential that those on community based sentences – NOT exist on welfare if at all possible but instead make a meaningful contribution to society (this may or may not be through paid employment). This is vital to strengthening individual self esteem

It was felt that a strong mentoring program would assist in this which involved community mentoring, workplace mentoring and life coaching.

One idea involved partnering with employers.

It was suggested that consideration be given to the creation of a "prior offenders" job seek application or website which ex-offenders could seek positions that they would be eligible for and not be confronted by numerous knock backs. Volunteer options should also be included.

A cautionary word was provided regarding the needs of women and children and the need to keep considering the needs of female offenders and their children (even unborn children). Consideration also needs to be given to the safety of the offender in society.

These reforms should not necessarily cost more. Indeed they could well cost less if families and community are engaged. The 'state' should no longer be the sole font of all wisdom nor should it always have to take sole responsibility.

What is important ... Agencies (government & non government) to manage offenders efficiently & effectively – through surveillance, community safety, rapid response)

The panel felt that the challenges and complexity of community based sentencing are considerable – therefore it is also important to have an approach like the current Multi Agency Program (MAPs) used for domestic violence, to support and ensure proper surveillance of community based sentences.

Principles underpinning this across agency approach should include

- Leadership
- Ability to share information
- Rapid response – ability to respond and intervene quickly is paramount
- Should be supported by all available monitoring technology.

There was a strong view that community based sentencing should not be focussed on cost saving – this was also applied to the way agencies work together. The community should benefit from this initiative by having an increasing number of protective members of society and that if we don't keep focused on this benefit we are going to be making mini prisons in communities.

The panel felt that there should be a review conducted into the home detention model – after a trial period. This review should include judge's opinions.

A cautionary note was made that as much as a MAPS type approach was supported, that there needs to be clear lines of public service and ministerial accountability.

It is important that government agencies work together to manage offenders because:

- We need to gain a holistic picture of offender and their environment
- To assist in servicing the court with all appropriate / relevant information in determining the appropriate form a sentence should take
- To prevent risk to the community, ensure community safety and prevent re offending
- To increase rehabilitation / support

This can be achieved by;

- Bringing together appropriate agencies with specialist skills to develop the case management and conduct reviews
- Integrating systems (the hard data) for effective analysis, this will improve informed decisions and lead to better outcomes.

What is important? ... Prevention - stopping the cycle

The panel felt that the absolutely best way to help people feel safe is to stop crime from occurring in the first place and keep people out of the system. It was recognised that this is complex and multi-tiered. It was also understood that this was not technically part of the panel's mandate or remit.

The group talked about three levels of intervention – primary, secondary and tertiary.

Primarily prevention should be aimed at the broader issue of social inclusion. This involves ensuring that everyone in our society can participate in society, that they are engaged and involved. It involves increasing support services to disadvantaged groups and overall reviewing laws that enhance offending (addressing issues like drug prohibition). This will allow families and extended community relations to take more responsibility for offenders.

Secondary prevention involves targeting people who are at risk or have offended in minor ways. It involves concentrating on vulnerable groups and programs that include these groups in society. This could involve providing support groups.

Tertiary prevention involves – rehabilitation programs and initiatives that increase awareness and restorative justice. These initiatives are discussed extensively throughout this report.

The group talked about the issue of criminal checks. It was highlighted that every job you apply for you have to have a criminal check even where it isn't really necessary to the role you are going to be undertaking. The question was asked by one participant – 'Are these checks really necessary?'

Conclusion

Changing the way we treat offenders does not mean it will create softer options or 'get out of jail cards'. What it will do is treat and regularly review each case through an individualized and inclusive response, with an understanding that change can bring with it wider opportunities to share accountability, treatment and rehabilitation of offenders and offending.