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# Families of prisoners: Literature review on issues and difficulties

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## Purpose

The aim of this literature review is to identify issues and difficulties for families of prisoners in Australia, especially those issues affecting prisoners' children and the children's caregivers.

## Methodology

The search strategies included searching online databases, the Internet and libraries.

The review reflects research that has been conducted over the last decade and includes studies, reports, commissions, census data and program documentation from within the areas of human services, criminology, child welfare, Indigenous perspectives and youth affairs. The research focus has been primarily on Australian literature supplemented by relevant overseas literature. The overseas material is predominantly from the United Kingdom and United States as these nations dominate the discourse. It is beyond the scope of this paper to discuss issues for refugees and asylum seekers in detention.

## Terminology

Several terms used in this review are interchangeable including:

- ▶ offender, inmate and prisoner
- ▶ imprisoned, incarcerated, jailed and gaoled
- ▶ gaol, jail and prison
- ▶ carer and caregiver
- ▶ Indigenous and Aboriginal
- ▶ through care and post-release.



## Executive summary

The imprisonment rate in Australia has increased 28 per cent in the past decade with female imprisonment increasing by 44 per cent in the past five years. As the size of the prison population rises, the number of families affected by the imprisonment of a parent also increases.

### Prisoner characteristics

More than 90 per cent of all prisoners are males. Before incarceration these men are often unemployed, many are not functionally literate and up to 20 per cent may have an intellectual disability. The main crimes for which males are sentenced are break and enter, robbery and sex offences.

The typical female offender is young, economically and socially disadvantaged, may have been diagnosed with a mental health problem before imprisonment and has dependent children. Life before jail for many women and their children is characterised by unsettled housing, low incomes, social isolation, substance abuse and domestic violence.

The majority of females are sentenced for non-violent crimes with drug offences and fraud being the most common. A marked difference in offending patterns of Indigenous and non-Indigenous women was identified with Indigenous women frequently being jailed for not paying fines and drunkenness.

Fourteen per cent of the Indigenous women prisoners in Western Australia speak an Aboriginal dialect as their main language. This finding has implications for effective communication with Indigenous people at all stages of the criminal justice and welfare systems.

### Prisoners' children

The number of children who have a parent in prison in Australia is unknown as such data is not collected. An estimate of the number of children affected by parental imprisonment can be gauged from a 1999 New South Wales study that found that on any given day in that state, 11 000 children had a parent in jail.

Not only is there a lack of data on the number of children with a parent in prison, but also information on what happens to these children while their parent is incarcerated—where they live and how they are cared for—is also unknown.

Little research has been conducted on families affected by incarceration. From the research that has been conducted it has been found that:

- up to 85 per cent of female prisoners in Australia are mothers of dependent children
- prisoners' children tend to be young with a significant proportion being less than six years of age
- a number of juveniles in detention are parents.

It appears that an indirect effect of the justice system is to foster intergenerational offending. It was found that imprisoning a parent increases the likelihood of their children becoming incarcerated by up to six times.

The legal, prison, welfare and education systems usually overlook the special needs of prisoners' children. Failure to recognise and address the needs of these children and their carers can be costly, both economically and socially, as prisoners' children often show emotional, social and behavioural problems (which sometimes lead to criminal behaviour), have health problems and perform poorly at school. The problems of these children over their lifetime are likely to incur increased social welfare, justice and health costs, and conversely, reduced income from taxes.

## Social and emotional stress

'Children whose parents are incarcerated experience a variety of negative consequences, particularly in terms of their emotional health and wellbeing' (Seymour 1998, p.472). These children often experience social stigma and isolation and a range of strong emotions such as:

- ▶ loss
- ▶ grief
- ▶ guilt
- ▶ anxiety
- ▶ betrayal
- ▶ fear
- ▶ abandonment
- ▶ rejection
- ▶ shame
- ▶ disappointment
- ▶ suicidal
- ▶ anger

The children of female prisoners' experience greater disruption as a result of incarceration than those of male prisoners, as women are often the primary caregivers and in the majority of cases, the sole parent before imprisonment. Early maternal separation and interruptions to the attachment-bonding process have been identified as causing serious long-term emotional difficulties.

Older children of an incarcerated parent are frequently expected to assume adult responsibilities and in many cases protect the adults in their lives. Some are left to fend for themselves. Women prisoners have reported their children being unprotected and vulnerable while the women are in prison. Some women reported sexual assault, neglect, physical and emotional abuse of their children and one study found 'a significant number of girls (aged 13 to 14 years) who became pregnant within a few months of their mothers' incarceration' (Seymour 1998, p.133).

## Behaviour

Children of incarcerated parents often show behaviour patterns which include depression, using alcohol or drugs, self-harm, dysfunctional eating, disruptiveness in the classroom, truancy, attention seeking behaviour, learning problems and delinquency. These behaviours frequently surface during the parent's imprisonment however it is important to recognise that 'it is difficult to untangle the impact of imprisonment from the pressures to which prisoners and their families are often subject prior to imprisonment' (Healey et al. 2000, p.23).

Children of imprisoned parents often end up on the streets and homeless because their temporary living arrangements do not work out. Many of these children consequently engage in offending behaviour.

## Community support

The community is generally unaware of the difficulties that prisoners' families face and there is little sympathy for their situation. It is common for families to feel stigmatised and be ostracised, and for certain crimes committed by the imprisoned parent, such as paedophilia, this stigmatisation can be intensified.

'Some [prisoners' families] go to great lengths to hide the true reason for the absence of the spouse from friends and family, perhaps fearing very negative reactions' (Richards 1992, p.10). The level of support families of prisoners may receive from their extended family or a friend often depends on the nature of the offence and how much others know about what has happened.

Frequently a child's performance at school deteriorates and behavioural problems at school emerge when a parent is jailed. No formal procedures exist to advise schools that a child's parent is in custody and many teachers are unaware of children in their class who are in this situation.

## Impact of the justice process on children of prisoners

Several studies have expressed concern at the way that children are dealt with when their parent is arrested and the lack of police protocols to deal appropriately with the children of an arrested person.

In one study almost 60 per cent of female offenders reported their children being with them at the time of their arrest. More than half 'reported incidences that were distressing for their children such as the rough handling or verbal abuse of the mother in front of the children ... children being questioned during raids' (Gursansky et al. 1998, p.29). Post-traumatic stress disorder has been identified in some children of prisoners with symptoms such as fear, sleep disturbances, withdrawal and impaired memory and concentration.

Parents who are unexpectedly arrested, remanded or sentenced have limited capacity to make preparations for their children. Many of the authors emphasised the vulnerability of children of prisoners at the point of remand and sentencing.

Several studies wrote of the 'seeming inability of various arms of the welfare, legal and justice systems to work together for the provision of care for such children ... with each [arm] seeing these groups as the responsibility of another organisation. The outcome of this is often complete invisibility and lack of service provision' (Gursansky et al. 1998, p.9).

## Communication and relationship with imprisoned parent

Maintaining meaningful contact between an imprisoned parent and their children is extremely difficult. Prisons generally do not provide an environment that is conducive to maintaining family relationships. Many children do not visit their parent in prison and some have no contact at all with their incarcerated parent. Difficulties in maintaining relationships with their children have ramifications for the prisoners' parenting roles.

For many prisoners the telephone is their only means of talking directly to their children, but telephone access within the prison, cost of calls and time restrictions severely limit the telephone contact a prisoner can have.

Prison facilities are typically located in out-of-the-way areas, often long distances from where the children and caregivers live, making visiting extremely difficult for families with limited resources. Travel and accommodation costs are cited in the literature as being significant barriers to visiting.

Prisons are not 'child friendly'. There are long waiting periods at the gates and often no seats, toilets, or shelter in the waiting areas. Inside there is often limited access to play equipment and no outdoor play area. There is very little provision for parents to undertake activities with their children. In most prisons there are strict rules about seating arrangements and physical contact, which was identified as being very distressing to some children. 'Being unable to have physical contact with their parent ... can compound feelings of rejection and loss which may have already begun when the parent was incarcerated' (Standing Committee on Social Issues 1997, p.73).

### Imprisonment of primary carer

Before imprisonment, the primary carer of the prisoner's children is usually the mother. When mothers are imprisoned many children become parentless as female offenders are often sole parents. Women prisoners have to rely on a range of people—including grandparents, aunts, uncles and foster carers—to provide care for their children.

In addition, the children of women prisoners are often separated from their siblings at the time of the mother's imprisonment or as subsequent placements break down. In one Australian study, 64 per cent of women prisoners said their children had two or more placements during the woman's incarceration. The Standing Committee on Law and Justice (1999b) highlighted the harmful effect of multiple placements and noted that children who have three or more placements have twice as many subsequent arrests as those who had fewer placements.

Several women's prisons in Australia have policies and facilities that enable young children to live with their mothers, however resource implications significantly impact on the number of women and children who can access these facilities. There are also restrictions on the upper age limit of the child (usually between one and three years) and the number of children who can live with their mother. Juveniles, those on remand, and men are rarely able to access parent-child live-in facilities.

Many prisons holding babies and young children have few specially trained staff, poor play and exercise facilities, and the development of movement skills is restricted ... The children have little opportunity to bond or form relationships with other family members (Vis 2000, p.3-4).

Imprisonment of a primary caregiver can also cause difficulties for others who are dependent on the prisoner such as their partner, adult children, and invalid or disabled parents.

## Dislocation

Imprisonment of a parent can cause massive upheaval and dislocation for a child. It can result in a change in caregiver, school, friends, home and community. In the case of the children of a sole carer 'it can mean entry into the substitute care system and the possibility that they will be made wards of the state' (Standing Committee on Social Issues 1997, p.53).

State wards are an extremely vulnerable group in society. They are at risk of homelessness, drug abuse and entry into the juvenile justice system (Standing Committee on Social Issues 1997, p.57).

## Caregivers

Caregivers tend to be late middle-aged to elderly or, if young, then frequently single parents themselves. Most are likely to be on benefits. In the case of the children of women prisoners, the caregiver is likely to be the child's grandparent or aunt.

Several studies reported a range of problems experienced by caregivers including:

- ▶ financial hardship
- ▶ overcrowding
- ▶ extreme tiredness and illness
- ▶ strains on relationships
- ▶ isolation
- ▶ major disruption to their own lives.

Legal and bureaucratic difficulties associated with being a caregiver were also identified, including:

- ▶ lack of recognition by government departments
- ▶ difficulty in obtaining certain Centrelink benefits and allowances
- ▶ Medicare difficulties, which were identified by several grandparent caregivers.

Caregivers identified issues of concern such as fatigue, an increase in physical and mental health problems and the need for respite. Often the caregiver 'is dealing with a child who may be profoundly depressed, traumatised and anxious because of his or her parent's imprisonment and who may not have any specialised assistance' (Standing Committee on Social Issues 1997, p.12).

Caregivers in informal care arrangements find 'there is no systematic response to help them and the children in their care adjust to this major disruption in their lives' (Phillips & Bloom 1998, p.534). It was emphasised that resources must be made available to support caregivers, even when there is no protective service interest in a child, and certainly before a crisis situation is reached.

## Non-incarcerated parent issues

Maintaining meaningful contact with a partner in prison was described as being almost impossible. Healey et al. (2001) referred to the ‘inmate losing touch with reality and thus being unable to empathise with the difficulties faced by family members ... The prison environment distances parents from their family relationships, physically and emotionally ... [and] can impede the capacity of the inmate to be a supportive parent and partner’ (p.24). Several studies reported that marital and de facto relationships often do not survive the imprisonment period.

## Financial stress

Families may experience serious financial problems as a result of the incarceration of a family member. In many instances the offender has been the family’s primary income earner. In addition, families sometime drain their resources on the offender’s legal costs and often take on additional expenses to maintain contact with the prisoner (such as expenses related to visiting, phone calls and providing financial support to the prisoner).

## Information and advice

A major concern for many families when a parent or family member is imprisoned is how to tell the children. Frequently children are not told the truth about where their parent is, which can have far reaching consequences, and is condemned in the literature as being harmful to children.

## Support needs

The loss of a parent, whether it is through divorce, death or separation has been well documented with research identifying that for many [children], there is a period of considerable grief and trauma. Research has shown that without proper supports, many of these children will often fail to get over this loss and may then under-achieve or engage in anti-social or self-destructive behaviour (Standing Committee on Social Issues 1997, p.53).

Families of prisoners are generally reluctant to use mainstream services because of the stigma attached to imprisonment and the lack of understanding in these services of the prison culture.

Access to specific and mainstream services depends on factors such as where families live, eligibility criteria, affordability and whether the agency has the resources to assist. These services include positions within government departments (for example Children of Prisoners Officer), government funded programs, programs offered by non-government agencies, services provided by voluntary and church groups and public and private health and mental health services.

## Post-release

The issues affecting ex-offenders are complex and diverse. 'On the one hand, the matters that ultimately led to imprisonment may be unresolved and so still capable of influencing the life of the newly released prisoner, and on the other hand, the very fact of imprisonment may itself have given rise to altogether new problems that need to be addressed' (Ogilvie 2001, p.2).

Release also creates a crisis for the family of the prisoner. Families generally do not receive advice or preparation for the release. Throughout the period of the family member's imprisonment, the family has adapted to a changing situation. They now have to try and reintegrate the prisoner, who has also changed, but in response to an environment they were not part of.

Most mothers and a large proportion of fathers intend to reunite with their children on release, however incarcerated parents are ill prepared to resume their parenting roles. On release, parent-child relationships are usually strained due to unfamiliarity and uncertainty about roles and expectations. Children can feel intense anger and resentment towards the parent for what they have done, or a child may feel insecure and worried that further offending or imprisonment may occur.

There are few supports available to assist ex-offenders reunite with their families. 'Most current post-release services are focused on providing immediate financial, transport and accommodation services to prisoners in the crucial period after their release. There are longer-term needs which cannot be met by these types of services' (Standing Committee on Law and Justice 1999b, p.150).

One of the crucial longer-term needs is the renewing and renegotiating of family relationships. In addition to the damage imprisonment may have on these relationships, there is also often long-standing relationship damage from the offender's abusive, drug/alcohol affected, or criminal lifestyle before imprisonment. There are frequent mediation issues over custody of children, with caregivers and previous partners reluctant to hand children over to the ex-offenders.

Mortality rates are high for people recently released from prison and their children are particularly vulnerable at this point. Suicide of ex-offenders' children is not uncommon. A study being conducted at La Trobe University in Victoria into the mortality rates for women leaving prison found that 93 women prisoners died within 18 months of being released from prison. Of the 62 coronial files examined at the time this was reported, only two of the women had died of natural causes.

Ogilvie (2001) reported that 'the death rate of people serving a community corrections order was six times that of people in a comparable age group, with the most common cause being suicide, and the most common period being a few weeks after release from prison' (p.4).

Lack of accommodation for ex-offenders was identified as a major concern. Their access to housing through the open market 'is limited by poverty, discriminatory attitudes about prisoners, institutionalisation, [and] isolation' (Healey et al. 2001, p.31).

Crisis accommodation is in short supply. 'Many domestic violence shelters exclude people with drug problems, and many hostels exclude women with children ... These sorts of exclusions can seriously impede successful re-integration into the general community' (Ogilvie 2001, p.2).

Lack of appropriate accommodation is a major factor in extricating children from care. Some women whose children were taken into care were experiencing difficulties regaining their children six months after their release.

## Indigenous

Indigenous people make up approximately 2 per cent of the Australian population yet nationally comprise about 20 per cent of the adult prisoner population. 'There is now a large body of work which confirms that Aborigines are over-represented at all stages of the criminal justice system—arrest rates, bail refusals and sentencing. This is true for adult males, adult females and juveniles' (Standing Committee on Social Issues 1997, p.42).

Issues relating to the incarceration of Indigenous people are complex. Many reports on Indigenous people and the criminal justice system referred to the profound impact that colonisation has had on Indigenous culture. These reports linked the high rate of Indigenous involvement in the criminal justice system to discrimination, poverty, dispossession, disadvantage and the vulnerability of Indigenous culture and family structures since European settlement.

The Standing Committee on Law and Justice (1999a) identified that incarceration of one generation impacts on later generations through the 'continued break down of family structures' (p.53). 'When fathers and young men are taken from their community and put in jail, the composition of the community changes and the social dynamics are changed. This affects all relationships and eventually impacts on community wellbeing as a whole. If a large proportion of the males from a community is absent, it seems even more likely that young Aborigines and Torres Strait Islanders will not have a significant male figure in their lives' (Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board 2001, p.15).

## Policies and practices

The need for family policies within the justice system was highlighted in the literature. Several reports stressed the importance of the justice system recognising 'the impact of offending behaviour and imprisonment of a parent on a child' (VACRO 2000, p.12) and providing an environment that is conducive to rebuilding, renegotiating and maintaining ongoing family relationships.

The families of prisoners do not appear to be the core business of any government department and are often overlooked in developing and implementing new social policy or in changes to existing social policy and programs. In the literature, several authors argued for integrated family, social and economic policies and a whole-of-government approach to prisoners and their families.

# 1 Introduction

Imprisonment rates in Australia have increased dramatically (28 per cent) in the past decade. In the last five years the female imprisonment rate increased by 44 per cent (Steering Committee for the Review of Commonwealth/State Service Provision (SCRCSSP) 2002).

In June 2001 the adult prisoner population was made up of 20 960 male prisoners (93 per cent) and 1498 female prisoners (7 per cent) (Australian Bureau of Statistics (ABS), 2002). As the size of the prison population rises 'so do the numbers of families affected by the imprisonment of a parent' (Healey, Foley & Walsh 2001, p.12).<sup>1</sup>



## 2 Prisoner characteristics

### 2.1 Female prisoners

Several Australian research studies described the typical female offender as having dependent children and being:

- ▶ young (usually under 25 years of age)
- ▶ economically and socially disadvantaged (usually unemployed)
- ▶ undereducated
- ▶ drug or alcohol affected.

She is likely to have experienced sexual or physical violence at some time in her life and to have had some contact with a welfare department. It is also likely that she has been diagnosed with a mental health problem before jail and has probably seriously thought about and/or attempted suicide before imprisonment (Healey, Foley & Walsh 2000; Gursansky, Harvey, McGrath & O'Brien 1998; Department of Justice 2002a; Select Committee on the Increase in Prisoner Population 2001; Standing Committee on Social Issues 1997).

Life before prison for many women and their children is characterised by instability, unsettled housing, low incomes, social isolation, substance abuse and domestic violence (Gursansky et al. 1998; Young & Jefferson Smith 2000).

#### **Types of offences committed**

According to national statistics, two-thirds of females were sentenced in the year 2000 for non-violent crimes. Female offenders mainly committed drug offences and fraud, with robbery being the third most common offence (Australian Institute of Criminology 2001a).

Recent research conducted by the Department of Justice in Western Australia (2002a) identified a marked difference in offending patterns of Indigenous and non-Indigenous women and cited similar findings from the Department of Corrective Services in Queensland and the New South Wales Standing Committee of Social Issues (1997). 'The most frequently committed offences by Aboriginal women are non-payment of fines, drunkenness and social security fraud' (Alder, cited in Standing Committee on Social Issues 1997, p.30). In Western Australia '(40.5 per cent) of all female Aborigines entering prison in 2000 were for reasons of fine-default' (Ferrante, Fernandez & Loh 2001, p.146).

#### **Previous incarceration**

For many of the women prisoners, their current imprisonment is their first experience of being incarcerated. The Western Australia Justice Department study (2002a) found that 52 per cent of the non-Indigenous women prisoners and 21 per cent of the Indigenous women prisoners were experiencing prison for the first time. These figures are similar to findings from South Australia and Queensland where 50 per cent and 46 per cent of women prisoners respectively were experiencing prison for the first time (Gursansky et al. 1998; Office of Economic and Statistical Research (OESR) 1999).

## 2.2 Male prisoners

Over half (56 per cent) of all prisoners are males between 20 and 35 years of age. Before incarceration, these men are often socially and economically disadvantaged and often unemployed. A significant proportion of male prisoners are also not functionally literate (ABS 2000; Standing Committee on Law and Justice 1999b; Ferrante et al. 2001; SA Correctional Services 2001). The Standing Committee on Law and Justice (1999b) noted with concern that ‘the prison system has considerable difficulty identifying people with an intellectual disability’ (p.143) and estimates that up to 20 per cent of the New South Wales prison population could have an intellectual disability.

### **Types of offences committed**

The main crimes for which male prisoners were sentenced in 2000 were break and enter, robbery and sex offences. Male offenders committing violent crimes accounted for just under half of all sentenced male prisoners in the year 2000 (Australian Institute of Criminology 2001a).

### **Previous incarceration**

A significant number of male prisoners have never been to prison before. A Queensland study found that 39 per cent of sentenced male prisoners have not served a previous prison sentence while a study in Victoria found that 59 per cent had not been in prison previously (Office of Economic and Statistical Research (OESR) 1999; Victorian Association for the Care and Resettlement of Offenders (VACRO) 2000).

## 2.3 Indigenous prisoners

The distribution of age groups of Indigenous prisoners is similar to the non-Indigenous prisoner population, however there are enormous differences in the actual imprisonment rates. For example, on 30 June 2001 nearly 6 per cent of all Indigenous males aged 25 to 29 years were prisoners (compared to 0.6 per cent of all males aged 25 to 29 years) (ABS 2002). The over-representation of Indigenous people in the criminal justice system is discussed later in this report.<sup>2</sup>

## 2.4 Length of sentences

Gursansky et al. (1998) noted that in recent times sentences have increased, largely as a response to public law and order campaigns. ‘Tougher sentencing, mandatory sentencing and longer sentences all have consequences for children of prisoners and their carers. Increased use of remand also impacts on such children’ (Gursansky et al. 1998, p.12).

Sentence lengths vary from state to state, as each state and territory has its own sentencing legislation.<sup>3</sup>

## 3 Prisoners' children

### 3.1 Statistics

Many Australian studies on families of prisoners highlighted the lack of formal statistics on children of prisoners (VACRO 2000; Healey et al. 2001; Standing Committee on Social Issues 1997; Gursansky et al. 1998; Wellesley 1999). As Healey et al. (2001) stated, 'information about the parenting status of prisoners is not included in the routine and extensive data collection about them. Policy and practices in corrective institutions and across human service institutions are developed in the absence of this crucial information' (p.12).

In 1999 the New South Wales Corrections Health Service conducted a study which identified that on any given day, 11 000 children in the state have a parent who is imprisoned (cited in Loy 2000). Furthermore:

- ▶ some children have both parents in prison at the same time, or separately at different periods during their childhood (Farrell 1997; Martin 1997)
- ▶ most female prisoners are mothers of dependent children—two Australian surveys in the early 1990s found that 'at least 85 per cent of Queensland and New South Wales female inmates were mothers of dependent children' (Farrell 1997, p.103)
- ▶ prisoners' children tend to be young—a 1998 study of South Australian women prisoners with children found that 60 per cent of the children were aged 10 years and younger and 19 per cent were less than five years of age (Gursansky et al. 1998).

A Western Australian study by the Justice Department (2002a) found that in the study sample, 85 per cent of the children of women prisoners were aged 12 years or younger, and 36 per cent were less than six years of age. The differences in the Western Australia and South Australian figures could be attributed to Western Australia having three times as many women prisoners as South Australia, and having many more imprisoned Indigenous women (who on the average have more children than non-Indigenous women) (ABS, 2000).

The number of juvenile prisoners who are parents is not known. However, the Standing Committee on Social Issues (1997) found that in New South Wales approximately 8 per cent of juveniles in detention are parents.<sup>4</sup>

### 3.2 Intergenerational offending

It appears that an indirect effect of the justice system is to foster intergenerational offending. It was found in the United States that imprisoning a parent increases the likelihood of their children becoming incarcerated by up to six times (Florida House of Representatives Justice Council 1998; Aid to Imprisoned Mothers 1991).

While the rate of occurrence in Australia does not appear to have been calculated, several Australian studies have identified intergenerational offending as a major issue (VACRO 2000; Standing Committee on Social Issues 1997; Standing Committee on Law and Justice 1999a; Aboriginal Commission for Children and Young People 2001).

Based on the family history of their parent, the children of prisoners are more likely than children in the general community to be imprisoned themselves (VACRO 2000, p.78).

A number of inmates and ex-inmates told the committee that their time in prison led to their children committing criminal acts, resulting in their incarceration as well (Standing Committee on Social Issues 1997, p.61).

In respect to Indigenous young men, the Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) wrote 'having a father in prison provides a role model for young men which, it appears, they often emulate' (p.15).

It is not uncommon for generations of families to have experienced arrest, sentencing and incarceration and for parents and children to be incarcerated at the same time (Standing Committee on Law and Justice 1999a, p.56).

### 3.3 Costs to society

The literature identified that the legal, prison, welfare and education systems usually overlook the special needs of the children of prisoners and often inadvertently punish these children for the wrongdoing of their parents (Gursansky et al. 1998; Aungles 1994; Healey et al. 2000; Shaw 1987).

Failure to recognise and address the needs of these children and their carers can be very costly both economically and socially as prisoners' children often exhibit emotional, social and behavioural problems (which sometimes lead to criminal behaviour), have health problems and perform poorly at school. The problems of these children over their lifetime are likely to incur increased social welfare, justice and health costs and conversely, reduced income from taxes (Standing Committee on Law and Justice 1999a; Seymour 1998; VACRO 2000; Foley, Goldfield, McLoughlin, Nagorcka, Oberklaid & Wake 2000).

## 4 Social, emotional and economic stress

There are many variables which determine the impact of a parent's imprisonment on a child. For example the history of the child (level of socio-economic disadvantage, level of parenting, level of stability and abuse in their lives and previous incarceration of parents) and those factors that 'are embedded in the structures and processes of the prison, legal and welfare systems' (Aungles, cited in Gursansky et al. 1998, p.11; Seymour 1998; VACRO 2000; Shaw 1987; Healey et al. 2000).

### 4.1 Social and emotional stress

Children whose parents are incarcerated experience a variety of negative consequences, particularly in terms of their emotional health and wellbeing (Seymour 1998, p.472).

#### **Emotional responses**

In several studies parental imprisonment is likened to divorce or the death of a parent. 'The departure of the parent is likely to be sudden, unexpected and stressful to the child' (Richards 1992, p.10).

The distressful emotions commonly identified in children of prisoners are:

- ▶ loss
- ▶ anxiety
- ▶ worry
- ▶ grief
- ▶ betrayal
- ▶ depression
- ▶ guilt
- ▶ abandonment
- ▶ sadness
- ▶ fear
- ▶ rejection
- ▶ disappointment
- ▶ anger
- ▶ confusion
- ▶ uncertainty
- ▶ shame
- ▶ suicidal
- ▶ attachment/bonding problems

(McDermott & King 1992; Richards 1992; Standing Committee on Social Issues 1997; VACRO 2000; Shaw 1987; Healey et al. 2000; Stanley, & Byrne 2000; Vis 2000; HM Prison Service 1999; Seymour 1998; Gursansky et al. 1998).

In addition to the distress associated with arrest and incarceration, children of prisoners often experience social stigma and isolation. 'The social stigma of having a parent who is incarcerated might exacerbate the psychological and emotional difficulties that children naturally experience during separation' (Young & Jefferson Smith 2000, p.132). Furthermore, the stress of keeping their parent's imprisonment a secret also contributes to the distress experienced by these children (Standing Committee on Social Issues 1997; VACRO, 2000).

Children often fear and worry for their parent's health and safety within the prison environment. Studies found that it was reassuring for children to see their parent's living environment and to be able to talk with and visit their parent on a regular basis (VACRO 2000; Wellesley 1999; Howard 1994; La Valle 1995; Shaw 1987; Young & Jefferson Smith 2000).

Children also worry they are a burden on the person caring for them and feel great instability in their living arrangements. This is particularly true for children of women prisoners who are being cared for by friends or relatives or are in substitute care (Gursansky et al. 1998; Woodrow 1992).

### *Repression of emotions*

The South Australian study, *Who's minding the kids?*, revealed a disturbing feature in some of the children of women prisoners—the suppression of pain and emotions.

She copes well with the disappointments on the surface but I worry about how much hurt she is covering up (Gursansky et al. 1998, p.13).

In a similar vein, some of the women prisoners interviewed by the Standing Committee on Social Issues (1997) spoke of profound apathy in their children since being separated from their mother.

### *Guilt*

The children of prisoners can harbour major guilt and often believe they did something wrong that caused the parent to leave or that somehow they are to blame for their parent's incarceration. This is particularly true of younger children who are in an egocentric stage of psychological development (VACRO 2000; Howard 1994). Adalist-Estrin (1995) reported that sometimes children feel guilty about having fun or getting on with life, and Howard (1994) noted that some children feel guilty because they don't want to visit their parent in prison.

No matter how hard I try, I still feel guilty about this myself (child of prisoner, cited in Standing Committee on Social Issues 1997, p.10).

### *Mother-child separation*

Most studies on prisoners' families concluded that the children of women prisoners experience greater disruption than the children of male prisoners as women are often the primary caregiver and, in the majority of cases, the sole parent before imprisonment (Healey et al. 2000; Standing Committee on Social Issues 1997; Woodrow 1992; Young & Jefferson Smith 1998; Farrell 1997; Gursansky et al. 1998).

Imprisonment of a mother can be particularly damaging to the emotional wellbeing of her children. Numerous experts have identified early maternal separation and interruptions to the attachment-bonding process as causing 'long-term difficulties, including impairment of attachments to others, emotional maladjustments and personality disorders' (Vis 2000, p.7; Stanley & Byrne 2000; Standing Committee on Social Issues 1997; HM Prison Service 1999; Young & Jefferson Smith 2000).

### *Adolescents*

The incarceration of a parent can be especially traumatic for adolescents who are in a sensitive period of development (Standing Committee on Social Issues 1997). Older children are frequently expected to assume adult responsibilities and in many cases protect the adults in their lives. Prisoners' children in this situation have expressed feeling overwhelmed, isolated and different (Gursansky et al. 1998; VACRO 2000). Some older children are left to fend for themselves and this greatly increases their vulnerability (Healey et al. 2001).

### *Domestic violence*

There is considerable consistency in the studies of children of prisoners on the grief, trauma and distress experienced by the children when a parent is

incarcerated. For some children however, the imprisonment of a parent ‘is a normal occurrence and for a few a relief’ (Shaw 1987, p.40). For children in domestic violence situations, incarceration of the perpetrator allows for ‘time out’.

For some children of prisoners, especially those who have experienced domestic violence or child abuse, the stress and trauma in their lives began before the parent was imprisoned.

Dad used to bash mum up and that would make me vomit and scream and bash my head against things. Sometimes I still do that when I’m stressed (Gursansky et al. 1998, p.38).

Forty two per cent of the women prisoners in the South Australian study ‘gave accounts of children witnessing violence and 17 per cent gave accounts of children being hurt when violence was directed at them, either accidentally or deliberately. A quarter of the women also gave accounts of conflict between their children and their partner with one mother placing her children in voluntary foster care for three months to “keep them safe”’(Gursansky et al. 1998, p.28).

In regard to child abuse, Healey et al. (2000) noted that sometimes ‘where the abuse of children results in the imprisonment of a parent or the placement of children in care, those children are excommunicated from the family’ (p.8).

In writing about Indigenous children, the Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) reported that children witnessing and being subject to child abuse ‘may not be able to acknowledge their hurt’ (p.9). This is due to a number of complex factors including family or community members being in crisis themselves, or being unable to assist or protect the children.

## 4.2 Behaviour

Several studies have documented that children of incarcerated parents often exhibit behaviour patterns which include self-harm, dysfunctional eating, disruptiveness in the classroom, attention seeking, learning problems and delinquency (VACRO 2000; Seymour 1998; Howard 1994; Shaw 1987). Behavioural difficulties in children of prisoners have also been linked to factors such as parent’s criminal activities, parent’s mental health, drug and alcohol misuse and poor parenting. ‘It is difficult to untangle the impact of imprisonment from the pressures to which prisoners and their families are often subject prior to imprisonment’ (Healey et al. 2000, p.23; Seymour 1998).

In a Victorian study participants were asked about behavioural changes that had occurred in the children of the prisoners since the prisoner had been incarcerated. ‘Forty-one per cent of parents had observed more difficult behaviour in the children of prisoners since imprisonment, [and] 61 per cent indicated that there were some negative changes in their children’s behaviour since their parent had been in prison’ (VACRO 2000, p.59).

In his book, *Children of imprisoned fathers*, Shaw (1987) outlined how teachers and health visitors as well as the vast majority of prisoners’ wives who were interviewed ‘saw imprisonment of a father as detrimental to many children and sometimes giving rise to serious consequences such as failure to thrive, ill health, disturbed behaviour, sleeplessness and lowered school performance, regardless of the social class or economic group of the family’ (p.41).

Some children with a parent in prison use withdrawal or aggressive behaviour as a coping strategy.

The best thing when your mum is in prison is to go to sleep because there's nothing to worry about then—I just want to close up (Gursansky et al. 1998, p.30).

When mum's in prison I get violent and my temper is short. I kick things a lot and throw chairs around. When she goes away I feel weird and crazy (Gursansky et al. 1998, p.30).

Other problem areas and behaviours exhibited by children of incarcerated parents include use of drugs or alcohol, truancy, running away from home, disciplinary problems, bedwetting, poor school performance, excessive crying, nightmares, problems in relationships with others, depression, apathy, suicide and attention problems (Stanley & Byrne 2000, p.2).

An Australian inquiry has revealed that children of imprisoned parents often end up on the streets and homeless because their temporary living arrangements do not work out. Many of these children consequently engage in offending behaviour (Standing Committee on Social Issues 1997).

### 4.3 Community support

#### **Society attitudes**

The public is generally not aware of the difficulties that prisoners' families face and there is little sympathy for their situation. It is common for families of prisoners to feel stigmatised and be ostracised, and for certain crimes committed by the imprisoned parent, such as paedophilia, this stigmatisation can be intensified (Shaw 1987; Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board 2001; Healey et al. 2000; VACRO 2000; O'Keefe 2000; Howard 1994; Standing Committee on Social Issues 1997).

The stigma of crime and the social isolating effects on families is central to many of the difficulties that children and families face when dealing with imprisonment (Cregan and Aungles, cited in VACRO 2000, p.9).

Because of this feeling of social disrepute, and the general lack of sympathy from the general community, the families of prisoners are often denied the normal social outlets for grieving the loss of a loved one from the family (Howard 1994, p.1).

Many children are expected to conceal the fact that their parent is in prison, however deception can place a huge burden on a child and compound the trauma of separation. One research participant explained how keeping the secret of his mother's incarceration affected him:

In my own case, we were actively counselled not to disclose to anyone in our community our plight of who our mother was. This had the effect of stopping us pursuing this topic amongst ourselves [my two brothers and I] and our foster parents. This also had the effect that we never resolved our problems or feelings. Instead of bringing us closer together as it could [have], this silence only pushed us apart (Standing Committee on Social Issues 1997, p.54).

However, the literature revealed that many children with a parent in custody are victimised and harassed by their peers at school, particularly when the case has a high media profile (Standing Committee on Social Issues 1997; VACRO 2000; Healey et al. 2000).

The Standing Committee on Social Issues found that ‘children of prisoners suffer a lot of pressure from neighbours. People shun them; they do not want their children playing with those children in case it’s contagious. So those children become somewhat ostracised and isolated and therefore tend to gravitate to other children of like nature’ (1997, p.61).

Several authors, including Shaw (1987) and the Standing Committee on Law and Justice (1999a), noted that an outcome of the exclusion and rejection of prisoners’ children by others is the banding ‘together to form adolescent delinquent groups’ (Farrington, cited in Standing Committee on Law and Justice 1999a, p.42). The committee further stated ‘negative peer influence can be a major risk factor to offending behaviour’ (Standing Committee on Law and Justice 1999a, p.41).

### **School**

Numerous participants in studies have told of the deterioration in a child’s performance at school when a parent is jailed, and have identified the critical role the education department can play in the life of a child whose parent is in prison (Moore 1992; Shaw 1987; Gursansky et al. 1998; Standing Committee on Social Issues 1997; Howard & Johnson 1999). Howard and Johnson in their 1999 study of student resilience found that ‘at risk’ children are more likely to demonstrate resilient characteristics if they attend schools that have attentive and caring teachers, and cite studies that have ‘shown the important role that individual teachers can play in resilient children’s lives’ (Howard & Johnson 1999, p.13–14).

In the literature it was noted that no formal procedures exist to advise schools that a child’s parent is in custody, and many teachers are unaware of children in their class who are in this situation. When teachers do find out, it is through a variety of channels. Sometimes the child’s mother or father will tell the teacher or a child may confide in a member of the school staff (Shaw 1987).

I was an A student, then my grades ran down and I stopped going to school. Not one teacher asked me why or sought to take an interest in me (Immarigeon, cited in Standing Committee on Social Issues 1997, p.10).

In areas of social and economic disadvantage, some teachers have considerable experience with children of imprisoned parents, however other teachers have none. Teachers may unintentionally stereotype a prisoner’s child. ‘In some schools a child with an imprisoned father is a rare phenomenon and if known about can become the focus of attention’ (Shaw 1987, p.53; Standing Committee on Social Issues 1997).

A New South Wales report described the experiences of a man and his primary school aged children, whose wife and mother was serving an eight-month jail sentence:

My children attend a nearby school. I tell them if anyone asks where your mother is to say mum’s in hospital but about a week ago some children at the school found out that [their mother] was in jail and kids are very cruel

towards each other. My children come home at times crying and distressed saying the other children are saying bad things about their mother. If it gets any worse I'll have to move them to another school hoping it doesn't happen there too (Standing Committee on Social Issues 1997, p.61).

The Standing Committee on Social Issues (1997) recommended that guidelines be developed 'for teachers and school counsellors to assist them to recognise children whose parents are in prison and respond in an appropriate and sensitive manner' (p.xiii).

Sherman, Gottfredson, MacKenzie, Eck, Reuter and Bushway (1997), in writing about 'what works' in crime prevention, identified a number of school-based programs in the United States that have been evaluated and found to be effective in reducing crime and improving the outcomes for 'at risk' children.

### **Friends and family**

In the report *Doing it hard*, researchers revealed that 65 per cent of participants said that the children did not want neighbours or their friends finding out that their parent was in jail (VACRO 2000).

Families of prisoners may receive little help or support from their extended family or friends. The level of support often depends on the nature of the offence and how much others know about what has happened. 'Some [prisoners' families] go to great lengths to hide the true reason for the absence of the spouse from friends and family, perhaps fearing very negative reactions' (Richards 1992, p.10).

Instances were described in the literature where a prisoner's wife experienced strong family disapproval. Her parents were unsupportive of her marriage and pressure was applied on her to divorce and get on with her life. The literature also pointed out that sometimes in-laws blame the wife for their son's incarceration or vice versa (Shaw 1987; McDermott & King 1992).

In relation to this situation, the *Deaths in custody* report says 'Aboriginal women can be placed in a precarious position when one considers the role attributed to them, sometimes by members of a partner's family, if the partner is taken into custody. They can be blamed and become the victims of retaliation' (1991, np).

When there is little support from her family, additional stress is placed on the wife, children and family unit (Howard 1994, p.2).

## **4.4 Impact of the justice process on children of prisoners**

### **Arrest**

The police are usually the first point of contact for children whose parents are involved in the criminal justice system, and police procedures during an arrest can have a critical impact on a child. Several studies have expressed concern at the way children are dealt with when their parent is arrested and the lack of protocols to deal appropriately with the children of an arrested person.

It is up to the discretion of the arresting police officers to decide what action he or she will pursue in relation to the child of the arrested person: 'The police arrived at my home at night and dragged my son out of bed ... he's frightened now of the police. I was out in the back of the bull wagon and my son was put in the front. I had no time to talk to him about anything' (Standing Committee on Social Issues 1997, p.83).

Children experience inconsistent and sometimes illegal treatment by police [such as] ... illegal search or interview by police officers (Lilburn 2000, p.7).

Although weapons may be produced at an arrest, there is no specific policy on this issue should a child be present (Standing Committee on Social Issues 1997, p.85).

My son was in the back room with my husband ... and they actually put a gun to my husband's head in front of him [the son] ... and it did affect him because later when he was just over one, and my cousin was playing with a gun, just a toy, he [the son] started freaking out and screaming (Standing Committee on Social Issues 1997, p.83).

In the South Australian study (1997) almost 60 per cent of the women offenders reported that their children were with them at the time of their arrest. More than half of these women 'reported incidences that were distressing for their children such as the rough handling or verbal abuse of the mother in front of the children, a small child being left in the care of a 14 year old street-kid on the footpath at the time of her mother's arrest; children being questioned during raids and numerous accounts of not being given the opportunity to comfort or say goodbye to their children':

He was crying—I wasn't given a chance to say goodbye or explain—I just yelled out to him as I was being driven away that I loved him (Gursansky et al. 1998, p.29).

Parental arrest can be very traumatic for children of all ages (Healey et al. 2000; Lilburne 2000; Standing Committee on Social Issues 1997). 'The children who were present when their mother was arrested described it as highly distressing' (Gursansky et al. 1998, p.38).

Aungles (1994) wrote that, unlike victims of violent crime, there is no victim support for children who are present at their parent's arrest, even when the arrest has been violent and traumatic.

Post-traumatic stress disorder has been identified in some children of prisoners with symptoms such as fear, hyper-alertness, sleep disturbances, withdrawal and impaired memory and concentration (Young & Jefferson Smith 2000; Stanley & Byrne 2000; Howard 1994).

### *Repeat arrests*

The impact of repeat arrests on the families of ex-offenders was an issue of concern. Aungles (1994) and Amira (1992) referred to policing practices where ex-offenders are the first suspects for crimes that have been committed. Aungles noted that repeat house searches and arrests are highly stressful to the children and partner of the ex-offender and make it difficult for the family to positively move forward with their lives.

Amira (1992) commented 'familiarity with police contact, arrest, and having a family member in prison can lead either to acceptance that this is an inescapable 'fate' or to a certain glamorisation of crime and its consequences ... This can, in turn, even create certain expectations of police harassment, involvement in illegal activities, and the expectation of probably "doing some time"' (p.87).

## Remand and sentencing

The literature identified several instances where a parent is unexpectedly arrested, remanded or sentenced and concern was expressed that parents in this situation have limited capacity to make preparations for their children.

The Standing Committee on Social Issues (1997) heard evidence of a woman who went into court to settle fine-related matters but instead was imprisoned. Her children were left waiting in the car in the car park, and at the end of the day the welfare department was called to remove them (Standing Committee on Social Issues 1997).

Several prisoners stated that their lawyer failed to advise them of the likelihood of being imprisoned and consequently they did not pre-arrange care for their children (Standing Committee on Social Issues 1997; Shaw 1987; Healey et al. 2000). The New South Wales Committee heard evidence of 'a solicitor who was literally left holding the baby at court when her client, the baby's mother, was given an unexpected custodial sentence' (Standing Committee on Social Issues 1997, p.11).

Healey et al. (2000) noted that sometimes adequate care arrangements have not been made for the children because of the 'anxiety or chaos in the lives of parents due to crime, heavy drug and alcohol use and poverty' (p.15).

If the child is not present when a parent is remanded or arrested, the police may not be aware that care needs to be arranged for a child, and the parent is often unable to let the child know what is happening. This means that children can come home from school without knowing where their parent is and be left to fend for themselves, or can be left alone at home if the parent is arrested while away from the home (Gursansky et al. 1998; Standing Committee on Social Issues 1997; Healey et al. 2000; Shaw 1987).

The first she knew about it was when I phoned her after school and told her where I was (Gursansky et al. 1998, p.30).

Several studies wrote of the 'seeming inability of various arms of the welfare, legal and justice systems to work together for the provision of care for such children ... with each [arm] seeing these groups as the responsibility of another organisation. The outcome of this is often complete invisibility and lack of service provision' (Gursansky et al. 1998, p.9). Where services are provided, there often is a lack of specific policies for responding to requests for placing children whose parents have been arrested, and policies on how to work with these children (Seymour 1998; Healey et al. 2001; Standing Committee on Social Issues 1997; Shaw 1987).

Many of the authors emphasised the vulnerability of children of prisoners at the point of remand and sentencing. The studies outlined the importance of prisoners, particularly those who are primary caregivers, being able to have private time with their children after sentencing or being remanded, to explain what is happening and to provide comfort.

The following account by a female ex-offender describes this vulnerable period (name changed to protect identity):

Gavin (prisoner's 12 year old son) said he wanted to come to the court and be there when the jury handed down the verdict, so on the third day he was there when they said 'guilty'. I looked at Gavin who had tears in his

eyes. I didn't even have a chance to hug or comfort him before I was led away to the cells. At 12 years old, Gavin had never been separated from me before and until that day I believe that we had always had a strong bond. Gavin said the guilty verdict hit him hard. He didn't think of the consequences it was just a huge blow and he knew something terrible had happened. He said from that point on many changes that he had no control over happened very quickly. He responded to the loss with what he describes as a 'hopeless feeling of helplessness and resignation'. He says he re-acted by withdrawing into himself and wetting the bed. At 12 years old he was quite ashamed of this action. He felt very stressed because he realised he'd lost me and he rebelled because my sister couldn't be me ... About two weeks after going to prison, Gavin came to visit me and told me he was going to kill himself and had decided the most effective way to do this was to jump off a cliff. For him things were that bad, and as far as he was concerned he'd lost me and was alone ... He tells me he missed me at times like at soccer, when there was no-one there to watch him play. He said it would've been nice to have me there to drive him home after soccer when he was tired or just to say 'well done'. According to Gavin it was as if I had died. Unlike many women in prison who have children, we were both very fortunate to have family support and understanding, particularly from my sister who was aware of what Gavin was going through and who did her best to help him in whatever ways she could. Her own life and family were disrupted due to having an additional member (Pereira 2000, p.2).

#### 4.5 Communication and relationship with imprisoned parent

There is some perception in the community that people who are imprisoned should relinquish their rights as parents. Many people also find it difficult to accept that people who have committed serious crimes, use illegal drugs or have anti-social behaviour can also be loving, responsible parents (Martin 1997; Standing Committee on Social Issues 1997).

Some studies on incarcerated mothers have found that often 'the mothering given to one's children prior to prison is far from optimal' (Boudin cited in Young & Jefferson Smith 2000, p.133). One South Australian study, *Who's minding the kids?*, found that nearly 50 per cent of the mothers described a chaotic and neglectful home environment:

The love was there but the lifestyle wasn't. The police were always coming round, people used [drugs] in the house (Gursansky et al. 1998, p.28).

However, the children who were interviewed for this study 'all conveyed a sense of having a relationship with their mother that was important and valuable to them' (Gursansky et al. 1998, p.38).

Allowing an imprisoned mother or father to have contact with their child is often regarded in the justice system as a privilege for the parent, however, a number of authors asserted that it is the child's right to maintain contact and to preserve their relationship with a parent (Healey et al. 2001; Standing Committee on Social Issues 1997; Farrell 1997; Shaw 1987).

Many authors also acknowledged that in some instances parental contact is harmful, that some children don't want to have contact with their parents and that some parents have been absent from their child's life for many years (Standing Committee on Social Issues 1997; Gursansky et al. 1998; Shaw 1987).

## **Maintaining contact**

Children need to know that their parent has not left their life completely, and that they still have a significant place in their parent's life. Maintaining meaningful contact with a child during a period of incarceration can assist in the reunification process with that child once the parent is released (Standing Committee on Social Issues 1997, p.65).

However, numerous studies reported that maintaining meaningful contact between an imprisoned parent and their children is extremely difficult (VACRO 2000; Gursansky et al. 1998; Standing Committee on Social Issues 1997; Farrell 1997). 'Although many families experience disruption prior to the parent's entry to prison, the incarceration of a parent puts an excessive strain on the maintenance of family cohesion' (Healey et al. 2001, p.7).

VACRO's (2000) research found that 48 per cent of caregivers were concerned that the relationship between the prisoner and the children was becoming distant. VACRO also found that 24 per cent of the prisoners in their study said their children did not visit, and 7 per cent had no contact with their children.

In Western Australia researchers found that 44 per cent of women prisoners surveyed received no visits from the children or other dependants for whom they were previously caring (Department of Justice 2002a). Some of the reasons were reported as:

- ▶ carers refusing to bring children to visit because they perceived the prison as 'no place for kids'
- ▶ children not wanting to visit
- ▶ a parent not wanting their children to visit
- ▶ security measures that were intimidating
- ▶ children not being told that their parent was in prison
- ▶ the carers having no transport or living too far away from the prison
- ▶ children being prevented from visiting because of family conflict and consequently the unavailability of an adult to accompany them on visits (VACRO 2000; Gursansky et al. 1998; Department of Justice 2002a; Healey et al. 2001; Wellesley 1999; Martin 1997).

In regard to family conflict and relationship breakdown, Healey et al. (2000) noted 'there are few avenues for ensuring contact between parents and their children. There is a gap in service provision for advocacy on behalf of non-custodial parents and their children to maintain contact' (p.21).

In most states children under the age of 18 years 'must be accompanied by an adult, even if it is to visit their custodial parent. This means that the child must have access to a sympathetic and supportive adult who will escort them on visits' (Farrell 1997, p.111).

Children in the care of a welfare department are usually entitled to visit their parent in prison. The importance of ongoing family contact is often recognised by statutory officers and foster parents, and in some instances these parties take considerable responsibility to ensure that family contact is maintained (Healey et al. 2000).

Unfortunately this is not always the case. Healey et al. reported that sometimes there is a very poor relationship between the prisoner and the foster parent resulting in minimal or no contact between the children and their incarcerated parent. Similarly, the Standing Committee on Social Issues (1997) heard ‘that there are some district officers who themselves consider that the parent, because he or she is in gaol (for whatever offence), should not be entitled to see the child’ (p.13).

#### *Telephone contact*

For many prisoners telephone contact is their only means of talking directly to their children. However, for prisoners whose children live many kilometres from the prison, telephone contact is severely reduced or often non-existent due to the expense of the calls.

Prisoner access to telephone calls depends on the facilities in the particular prison. Often prisoners need to queue to use the limited number of phones. Some phones are only available at certain times and the working hours of prisoners may also restrict their access to the phones (Farrell 1997).

Rigid time restrictions on phone calls are an added source of distress for both mother and child particularly when there is more than one child to talk to, increasing the mother’s sense of isolation from her children and powerlessness to protect or support them: ‘It’s hard when you know your kid needs to talk to you but there isn’t the time—she said “I miss you—I need you right now” but I had to go’ (Gursansky et al. 1998, p.33).

It is not uncommon for a prisoner’s children to be separated from their siblings and to be located in different households. Rigid restrictions on phone usage means that frequent phone contact with each child is not possible (Farrell 1997).

#### *Visiting*

Most studies into issues for prisoners’ families referred to difficulties with prison visiting. In the South Australian (1998) study ‘all of the women felt that the prison did little to facilitate their relationship with their children and did not provide an environment that was conducive to maintaining ongoing relationships’ (Gursansky et al. 1998, p.33).

Visiting a family member can be a difficult and often traumatic experience for children. The security measures can frighten and intimidate, and sometimes a family member is subjected to body searches which families described as humiliating. Some families in the literature also described being regarded with suspicion and ‘treated as if they were inmates, with little respect or regard for their rights’ (Standing Committee on Social Issues 1997, p.75; Howard 1994; Florida House of Representatives Justice Council 1998; Healey et al. 2000; Gursansky et al. 1998).

Within the prison much of what goes on is underpinned by a rationale of ‘good order and discipline’ or ‘security and control’. The ramifications for this for prisoners’ children are not thought through (Gursansky et al. 1998, p.9; Healey et al. 2001; Farrell 1997).

‘There seems to be a very strong assumption within Corrective Services that anyone who wants to visit a prisoner is likely to be a criminal or drug smuggler’ (Standing Committee on Law and Justice 1999b, p.148). However, the inquiry informed that the number of people intercepted with drugs is negligible.

For example, in 1998–99 in New South Wales, this figure was 0.5 per cent of prison visitors (Standing Committee on Law and Justice 1999b).

Lack of privacy was identified as an issue in many studies with participants noting that the visitors are constantly watched and are within hearing distance of prison officers and other visitors (VACRO 2000; Vis, 2000; McDermott & King 1992; Gursansky et al. 1998).

Lack of privacy, time and opportunity to have physical contact with their children were repeatedly reported as distressing for both mother and children. The issue of privacy was particularly pertinent to those women with adolescent children. ‘I can’t get private time to really be able to talk to her’ (an inmate mother describing relationship barriers with her teenage daughter, cited in Gursansky et al. 1998, p.33).

Several of the prisoners’ children who were interviewed were ‘upset by the lack of relaxed and meaningful time they had with their mothers.

If the kids could spend a week or a weekend with their mum in prison—so you could really talk and do ordinary things like a family and there’s time to remember to say things without forgetting (Gursansky et al. 1998, p.40).

A significant problem identified by the children in the South Australian study was ‘not being able to see their mother when **they** needed to see her’ (emphasis theirs) (Gursansky et al. 1998, p.39).

In Farrell’s 1997 study of incarcerated women, she wrote about two low security Australian prisons that allow older children to spend a few days with their incarcerated mother—usually in school holidays. VACRO’s (2000) study identified some concerns regarding this arrangement. VACRO suggested that ‘activities in the local area, or specific activities within the prison for these young people to be involved in with their parents or on their own, would assist to foster more positive relationships and minimise the sense of the children being locked up’ (p.12).

In regard to visiting, the carers in the South Australian study described non-contact visits without exception ‘as distressing to the extent that carers refused to participate’ (Gursansky et al. 1998, p.46). The Standing Committee on Social Issues (1997) reported that a number of ‘witnesses identified the trauma that children may suffer from being unable to have physical contact with their parent. For many it can compound feelings of rejection and loss which may have already begun when the parent was incarcerated’ (p.73).

There was concern expressed in the literature regarding the devastating effect on children when ‘visiting rights’ for parents are used as inmate punishment such as instigating non-contact visits or cancelling visits (Healey et al. 2000; Gursansky et al. 1998; Standing Committee on Social Issues 1997).

### *Setting*

The literature described prisons as being ‘not child friendly’. There are reports of very long waiting periods both inside and outside the gates and the absence of seating, toilets and shelter in the waiting areas of many prisons. Several reports identified visits as boring for children. Inside, there is often no, or limited access to play equipment, and no access to an outdoor area. There is usually a lack of facilities for older children and there is very little provision for parents to undertake activities with their children (VACRO 2000; Woodrow 1992; Standing Committee on Social Issues 1997; Healey et al. 2000).

Children are treated like adults at some institutions where they are expected to sit at a table and not move during the visit. This is difficult for many small children, especially after sitting still in a car or bus for several hours beforehand (Woodrow 1992, p.35).

The visits are really hard on the little one. She always wants to sit on her father's knee but the staff get upset and tell her to get down. She just doesn't understand why she can't (McDermott & King, p.67).

The researchers in the South Australian study found that a number of carers were concerned about the distress visiting causes children.

It's cruel to take kids to see their mother and then take them away again. And it's hard on whoever's looking after them because they have to calm the kids down on the way home (Gursansky et al. 1998, p.46).

### *Rules*

The prison was often described as a world that is totally rule bound, and yet at the same time, the families of prisoners are given little information concerning rules and procedures. Most of the families indicated that they learned what is or is not permitted through experience on a case-by-case basis. While there are some rules that appear to be the same for all prisons, there are others where local practices differ. It was frequently observed that rules were arbitrarily interpreted by different prison officers (Young & Jefferson Smith 2000; Florida House of Representatives Justice Council 1998; Healey et al. 2001; Gursansky, et al. 1998; VACRO, 2000).

Many of the rules discourage family contact, such as:

- ▶ The number of visits a prisoner can receive is limited, visiting hours are scheduled for set times each week and are not flexible to suit visitors' schedules (Standing Committee on Social Issues 1997; VACRO 2000; Healey et al. 2000; Young & Jefferson Smith 2000). Shaw (1987) reports prisoners' wives giving up work because visiting was only available on the days or times that they worked.
- ▶ Only a small number of adults can visit an offender at any one time. 'These visitation practices are restrictive for those whose family arrangements fall outside the nuclear family norm' (Healey et al. 2001, p.8).
- ▶ 'Some children reported problems with what appear to them as confusing and inflexible prison rules. One child described his disappointment in visiting the prison on a number of occasions only to find that his name had been left off the visiting list and staff refusing him entry' (Gursansky et al. 1998, p.40).

In Farrell's 1997 study of Australian prisons, she found that prisons took 'no responsibility for notifying visitors of changes to the visits programs and visits with children could be cancelled and the children notified only after they had arrived at the prison' (p.109).

### *Prison location*

Facilities are typically located in out-of-the-way areas and often long distances from where the children and caregivers live making visiting extremely difficult for families with limited resources. Even metropolitan based facilities are often located a considerable distance from public transport or the transport is

infrequent and doesn't coincide with visiting times (Healey et al. 2001; Farrell 1997; Young & Jefferson Smith 2000; Standing Committee on Social Issues 1997; VACRO 2000).

The small number of women's prisons and juvenile detention centres means that many women and young people are incarcerated hundreds of kilometres from where their families live (Farrell 1997; Florida House of Representatives Justice Council 1998).

Vast distances are also an issue for many Indigenous people in custody as they are often sent to prisons that are a long way from their communities. The Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) stated 'it is very difficult for relationships to continue and flourish when one person in that relationship is in prison. Intermittent contact, and a sense of losing touch with loved ones can cause all parties great anguish' (p.14).

Travel and accommodation costs are cited as being significant barriers to visiting. The need for affordable and safe accommodation for families who travel to visit prisoners was identified as an issue (Standing Committee on Social Issues 1997; Healey et al. 2001; Farrell 1997; Howard 1994; Florida House of Representatives Justice Council 1998; Shaw 1987).

#### *Prisoner transfers*

Prisoners are often transferred from one jail to another and this information is frequently not passed on to families. 'The stress caused by prison transfers is most acute when the family finds out that a prisoner has been moved only when they visit the prison from which he has already been transferred' (McDermott & King 1992, p.60).

One inmate ... told committee members that his wife had to make eight telephone calls before she finally discovered where her husband had been transferred to. He stated that the inability of his family to find out where he had been placed had a severe effect on his daughter (Standing Committee on Social Issues 1997, p.70).

#### **Impact of imprisonment on the parenting role**

Difficulties in maintaining relationships with their children have ramifications for the prisoners' parenting roles. The study conducted by VACRO (2000) in Victorian prisons identified parenting issues as being a concern for prisoners. The findings are commensurate with those of Healey et al. (2001) in Queensland prisons. The most commonly identified issues are:

- the prisoner's loss of parental authority over their children
- the prisoner's inability to protect their children
- the physical separation of parent and child contributes to emotional distancing in parent-child relationships
- there are severe constraints within the prison system that impact on a prisoner's capacity to participate in decision-making regarding their children
- losing day-to-day contact with their children usually results in prisoners getting out of touch with the detail in their children's lives (pleasures,

difficulties, accomplishments and even developmental stages) and becoming alienated from the parenting role (VACRO 2000; Martin 1997; Healey et al. 2000; Young & Jefferson Smith 2000).

VACRO noted 'it is also clear that when a parent has been imprisoned on more than one occasion, the problems of these children are compounded and the opportunities to develop and build a relationship with their imprisoned parent are diminished' (VACRO 2000, p.83).

## 4.6 Imprisonment of primary carer

### Mothers as primary caregivers

Before imprisonment, the primary carer of the prisoner's children is usually their mother. The impact of a mother's imprisonment on her children is likely to be greater than the impact of a father's imprisonment as research has found that children of female prisoners are unlikely to be cared for by their non-incarcerated father. Healey et al. (2001) found that the non-incarcerated partners of women prisoners were often unreliable and unable to look after their children due to drug or alcohol addiction and mental illness (Healey et al. 2001; Standing Committee on Social Issue, 1997; Department of Justice, 2002a; Gursansky et al, 1998; Young & Jefferson Smith 2000).

Continuity of care for children is disrupted more by maternal than by paternal incarceration. When mothers go into prison most children not only lose their primary caregiver but many become parentless, as female offenders are often sole parents. Women prisoners have to rely on a range of people, including grandparents, aunts, uncles and foster carers, to provide care for their children (Young & Jefferson Smith 1998; Department of Justice 2002a; Gursansky et al. 1998; Healey et al. 2001).

The dislocation brought on by a prison sentence is further compounded by the woman's pivotal role within the family. She is the most significant person in the lives of her dependent children (Farrell 1997, p.103).

Women prisoners have reported that their children are unprotected and vulnerable while the women are in prison (Healey et al. 2001; Gursansky et al. 1998; Young & Jefferson Smith 2000). For instance:

- In the South Australian study, two of the 24 women participants 'reported their daughters being sexually assaulted since they [the women] had been in prison and another believed that her children were being neglected and physically and emotionally abused but felt unable to protect them because they were in the custody of their father' (Gursansky et al. 1998, p.32).
- Young and Jefferson Smith (2000) cited a study which noted 'a significant number of girls (aged 13 to 14 years) who became pregnant within a few months of their mothers' incarceration' (p.133).
- The Standing Committee on Law and Justice (1999b) reported on the fate of an infant of a female inmate. The woman 'was pregnant when she entered gaol and was separated from her baby following the birth ... the child now suffers from chronic constipation, a condition stemming from lack of bonding' (p.146).

- As well as being separated from mothers, the children of women prisoners are often separated from other siblings at the time of the mother's imprisonment or as subsequent placements break down (Woodrow 1992).
- In one Australian study, 64 per cent of women prisoners said their children had two or more placements during the woman's incarceration, and the children of one of these women were placed eight times during her 30-month sentence (Healey 2001). The Standing Committee on Law and Justice (1999b) highlighted the harmful effect of multiple placements and noted that children who have three or more placements have twice as many subsequent arrests as those who had less than three placements.

### *Mother and child units in prison*

Several women's prisons in Australia have policies and facilities that enable young children to live with their incarcerated mothers. However, 'the mere presence of such a facility does not automatically guarantee women the right to have their children with them. Such decisions are inevitably made by the prison administration, sometimes in consultation with a specialist panel or committee, and according to widely differing and often highly subjective criteria' (Maher, cited in Standing Committee on Social Issues 1997, p.123).

Resource implications significantly impact on the number of women and children who can access these facilities. There are also restrictions on the upper age limit of the child (usually between 12 months and three years) and the number of children who can live with their mother. In Australia certain types of prisoners, such as juveniles, those on remand and men, are generally unable to access parent-child live-in facilities.

There is some disagreement among commentators about the absolute benefits of establishing women and babies or children units in prison. Although most of these commentators agree that in most circumstances children should not be separated from the mother or primary care giver, there are some differing views about how this might best be achieved (Standing Committee on Social Issues 1997, p.122).

Several studies asserted that prison is not an ideal place for babies and young children. There are considerable stresses on the mother in this environment, prisons tend to be noisy, privacy is difficult and imprisoned mothers are sometimes subject to internal discipline and punishment through their children.

Vis (2000) in his presentation to the Parliamentary Assembly of the Council of Europe stated that within prisons, stimulation for babies and children 'is severely restricted. Many prisons holding babies and young children have few specially trained staff, poor play and exercise facilities and the development of movement skills is restricted. Many mothers in prisons ... have little, or in some cases no right to go outside the prison walls with their babies, and consequently the babies never see trees, traffic, animals or experience ordinary family life. The children have little opportunity to bond or form relationships with other family members particularly their father and brother and sisters' (p.3-4).

According to Farrell 'inmate mothers need support, that is, emotional, practical, material and informational support, from 'significant others' (within and outside the prison) to cope with the dual roles of prisoner and mother' (Farrell, cited in Standing Committee on Social Issues 1997, p.124). However, the prison

environment ‘with its philosophy of incarceration, its mode of containment and the prison rules and regulations runs counter to such needs’ (Farrell, cited in Standing Committee on Social Issues 1997, p.101).

### **Fathers as primary caregivers**

While the majority of primary carers are women ‘the Committee discovered during the inquiry that a number of fathers who are in prison were the primary carers of children prior to incarceration’ (Standing Committee on Social Issues 1997, p.145). Fathers as primary caregivers are largely overlooked in prison policy. ‘Victoria is the only Australian state whose ... policy refers throughout to **parents** and children ... However, security and environmental problems associated with men’s prisons make it unlikely that approval to reside with a father in prison will be given’ (emphasis added) (Standing Committee on Social Issues 1997, p.25).

In writing about overseas practices, the Standing Committee on Social Issues (1997) noted that in Denmark ‘mothers and fathers may be eligible to keep their children with them in the open prison ... [which] contains a family unit separated from the main complex’ (p.20).

### **Dependants other than children**

Another overlooked group are ‘dependants other than children’. Authors such as Shaw (1987), Woodrow (1992), and the Standing Committee on Social Issues (1997) mentioned the difficulties that imprisonment of a primary caregiver can cause for others who are dependent (for reasons of physical, intellectual or mental ill health) on the prisoner such as invalid or disabled parents, the prisoner’s partner and their adult children.

### **Dislocation**

Imprisonment of a parent can cause massive upheaval and dislocation for a child. It can result in a change in caregiver, school, friends, home and community. For many children, it means a change in the family’s financial situation and missing out on things they previously had. In the case of the children of a sole carer ‘it can mean entry into the substitute care system and the possibility that they will be made wards of the state’ (Standing Committee on Social Issues 1997, p.53).

### *Out of home care*

Numerous studies have shown that state wards are an extremely vulnerable group in society. They are at risk of homelessness, drug abuse and entry into the juvenile justice system (Standing Committee on Social Issues 1997, p.57).

A national report by the Productivity Commission stated ‘across Australia, 18 241 children (4073 Indigenous children and 14 168 non-Indigenous children) were in out-of-home care at 30 June 2001’ (SCRCSSP 2002, p.796–7). The report did not identify how many of these children have a parent in prison, however a recent Western Australian study of women prisoners found that 10 per cent of the respondents’ children were in foster care and 70 per cent of the children were being cared for by friends and relatives (other than the father of the child) (Department of Justice 2002a).

## 4.7 Caregivers

Caregivers of prisoner's children have an extremely difficult job. 'They must not only provide for the children's material needs, but often must also explain parental absence, develop and maintain a caregiver-child relationship (or a sole parent relationship), develop and maintain a caregiver-parent relationship, foster parent-child communication, support parent-child prison visits, and work toward family reunification' (Johnson & Gabel, cited in VACRO 2000, p.10).

Caregivers tend to be late middle-aged to elderly or if young, frequently single parents themselves. Most are likely to be on benefits (Catan 1992; Gursansky et al. 1998; Allen 2002; Young & Jefferson Smith 1998). In the case of the children of women prisoners, the caregiver is likely to be the child's grandparent or aunt (Department of Justice 2002a; Gursansky et al. 1998; Young & Jefferson Smith 2000).

Caregivers commonly assume responsibility for children of an incarcerated parent through an informal arrangement between the parent and the caregiver ... and often enter into the caregiving role in the midst of a family crisis (eg an adult child abusing drugs, the arrest of an adult child, a grandchild being abused or neglected) (Phillips & Bloom 1998, p.533).

Young and Jefferson Smith (2000) reported that when the prisoner is the caregiver's adult child, the caregiver's relationship with the prisoner 'is often strained, accompanied by anger, resentment, guilt, or disappointment. This makes shared decision-making about the children difficult' (p.134). Allen (2002) and Gursansky et al. (1998) concurred with these findings.

### **Caregiver difficulties**

Several studies reported a range of problems experienced by caregivers including:

- ▶ financial hardship and significant expense incurred upon the children's arrival
- ▶ overcrowding
- ▶ being overwhelmed
- ▶ infirmity and illness
- ▶ extreme tiredness
- ▶ loss of independence
- ▶ strains on relationships and friendships
- ▶ isolation
- ▶ major disruption to their own lives, hopes and plans
- ▶ anxiety about their ability to cope
- ▶ lack of information and support (Shaw 1987; Catan 1992; Gursansky et al. 1998; Standing Committee on Social Issues 1997; Allen 2002; VACRO 2000; Farrell 1997; Young & Jefferson Smith 2000; Phillips & Bloom 1998).

### *Legal and bureaucratic difficulties*

Legal and bureaucratic difficulties associated with being a caregiver were identified, particularly if the caregiving arrangement has not been formalised.

The literature acknowledged a need for caregivers to be able to access information on family law and child welfare policies so they may make informed decisions about their legal relationship to the children (Allen 2002; Wellesley 1999; Phillips & Bloom 1998).

Difficulties such as lack of recognition by government departments, obtaining certain Centrelink benefits or allowances and Medicare problems were identified by several grandparent caregivers. 'Government services, policies and computer systems were not designed to deal with the fact that pensioners are becoming full-time parents of young children in increasing numbers' (Allen 2002, p.11; Standing Committee on Social Issues 1997; Phillips & Bloom 1998; Davis 1992).

### *Financial hardship*

The literature referred to the economic hardship that accompanied the sudden arrival of prisoner's children to the caregiver's household (Allen, 2002; Gursansky et al., 1998; Farrell, 1997; Phillips & Bloom, 1998).

When caregivers lack adequate financial means to meet the essential needs of children whose parents are incarcerated, siblings may be separated and dispersed among relatives (Phillips & Bloom 1998, p.535).

Imprisonment of a family member often inadvertently impacts on the employment status of the caregiver. Several studies, including three Australian studies, reported that caregivers had given up work to care for the children of an imprisoned parent (Gursansky et al. 1998; VACRO 2000; Allen 2002; Phillips & Bloom 1998; Shaw 1987; Young & Jefferson Smith 2000).

### *Caregiver respite needs*

Fatigue and an increase in physical and mental health problems of caregivers were identified as issues of concern in several reports and the need for respite for caregivers was advocated (Gursansky et al. 1998; VACRO, Allen 2002; Young & Jefferson Smith 2000). Often the caregiver 'is dealing with a child who may be profoundly depressed, traumatised and anxious because of his or her parent's imprisonment and who may not have any specialised assistance' (Standing Committee on Social Issues 1997, p.12).

Allen (2002) found that grandparent caregivers in this situation 'often find it difficult to leave their grandchildren with other carers because of the grandchildren's behaviour, 'damage' or extent of insecurity. This means that grandparents don't access any form of respite for long periods after taking on the care of their grandchildren' (Allen 2002, p.23).

## **Multiple placement**

The New South Wales Standing Committee on Social Issues (1997) concluded that the lack of respite for the caregiver combined 'with the potential for resentment and the stress at having the children in the house, could easily lead to an unsatisfactory arrangement for the child' (p.12).

Several reports attributed the high number of placements that break down during the mothers' imprisonment to the many difficulties faced by caregivers.<sup>5</sup> The literature on women prisoners identified multiple placements of their children as being a major issue (Gursansky et al. 1998, Shaw 1987, Healey et al. 2000; Woodrow 1992).

The Standing Committee on Law and Justice in the New South Wales Parliament conducted an inquiry in 1999 into crime prevention through social support. The committee reported 'evidence was heard regarding the detrimental effect that multiple substitute care placements can have on a child':

The single most significant factor that appears to link being in care with development of criminal behaviour is the degree of stability or instability that children and young people experience while in care, specifically the number of moves and the number of different placements during the child's time in care ... Frequent moves in placement have lots of effects in preventing a child from forming significant relationships with caring adults (Spence, cited in Standing Committee on Law and Justice 1999a, p.45).

### Caregiver support

Unlike formal foster parents, caregivers in informal care arrangements find 'there is no systematic response to help them and the children in their care adjust to this major disruption in their lives' (Phillips & Bloom 1998, p.534). It was emphasised in the literature that resources must be made available to support caregivers even when there is no protective service interest in a child and certainly before a crisis situation is reached (Gursansky et al. 1998; Allen 2002; Phillips & Bloom 1998).

The authors of *Who's minding the kids?* recommended 'the most constructive way to respond to the needs of the children and to address the concerns identified by the women in prison is to refocus attention to the carers and their needs' (Gursansky et al. 1998, p.59).

## 4.8 Non-incarcerated parent issues

When a partner is taken into custody, the non-incarcerated parent may be subject to stresses, which impinge on their children. The non-incarcerated parent may be depressed, disorientated and feel unable to cope with the situation. As the studies of divorce have shown, parents who are preoccupied with their own problems or who are confused or depressed, are not good at providing their children with the support and extra attention they are likely to need (Richards 1992).

Aungles (1994) wrote that 'a common finding in reports on families of prisoners ... is that women are at risk of stress and physical illness when they have family responsibilities for men inside prison. Responsibility without control is a particularly stressful combination of factors' (p.142).

Several studies referred to the disorientation and disruption that occurs in the lives of families of prisoners in the first few months after the prisoner is taken into custody.

The remand phase is an extremely stressful time for all concerned. Our respondents told us that they felt their lives were 'turned upside down' or 'held in suspension' until the time of the trial. It was a difficult time when communication and information are essential but difficult to obtain. There are bills to be paid, people to notify, jobs to be held down, children to deal with, a hundred things to sort out. Often though, little actually gets done: our families felt helpless as the immediacy of imprisonment overshadowed everything else (McDermott & King 1992, p.55).

In the beginning I was in bad shape. I went down to six stone. The doctor had me on tranquillisers and all (McDermott & King, 1992, p.59).

In the Victorian study, several respondents with a partner in prison described their life now as ‘being like a single parent’. They spoke of ‘the difficulties of being a single mother and wanting to have contact with their partner when they were having difficulties with the children, dealing with day-to-day issues on their own or just simply needing a break’ (VACRO 2000, p.53). As one woman stated:

It’s tough being a single mum—giving birth and coping alone with a young baby (VACRO 2000, p.54).

### **Relationship with partner**

Maintaining meaningful contact with a partner in prison was described in the literature as being almost impossible. Visit circumstances ‘are not conducive to any real sharing of experiences and many families find that they dare not ‘upset’ their partner by broaching a difficult subject which they will not have time to resolve’ (McDermott & King 1992, p.66). There was also the fear that the prisoner might react to a ‘bad visit’ or upsetting news by doing something foolish, such as absconding or acting aggressively (McDermott & King 1992).

Healey et al. (2001) referred to the ‘inmate losing touch with reality and thus being unable to empathise with the difficulties faced by family members ... The prison environment distances parents from their family relationships, physically and emotionally ... [and] can impede the capacity of the inmate to be a supportive parent and partner’ (p.24).

The boredom of prison also adds to the distancing of family relationships. ‘Inmates are often uncomfortable or silent during visits with their families. They feel that their lives are filled with unimportant detail of prison life that will bore or frighten their children’ (Adalist-Estrin 1995, p.116).

Several studies reported that marital and de facto relationships often do not survive the imprisonment period (Standing Committee on Social Issues 1997; Department of Justice 2002a; Catan 1992; McDermott & King 1992; Farrell 1997). Farrell’s 1997 research with women prisoners found that very few male partners supported the inmate through her sentence. As one participant in the study stated:

When a woman goes to prison, the husband pisses off somewhere else and the children go every which way ... I don’t think there is a woman in this place that has a man who has stood by her past the 12 month mark (p.105).

### *Loneliness and harassment*

Loneliness of the non-incarcerated female and feelings about loss of ‘couple status’ were identified as issues (VACRO 2000; McDermott & King 1992; Shaw 1987). ‘One of the most commonly encountered reactions was an expression of loneliness and insecurity. Sometimes this was resolved by the acquisition of a substitute partner, but where it was not, the woman might become prey to unwelcome attention from men seeking company, sex, accommodation or a combination of any or all of these. Some women found this to reach almost intolerable limits’ (Shaw 1987, p.30).

There is considerable literature on step and blended families that detail the litany of challenges encountered by children and adults in these family situations.

### *Domestic violence by remote control*

One of the difficulties for the partners of men in prison is their man's jealousy over imagined or real relationships with other men. Many of these partners find themselves in a situation of manipulation and control by the imprisoned male (O'Keefe 2000; Aungles 1994; Shaw 1987). As Healey et al. (2000) wrote 'legal and human service professionals commented on frequently observed patterns of control between male prisoners and their partners on the outside' (p.16).

O'Keefe (2000) and Aungles (1994) referred to this as 'domestic violence by remote control'. In describing this situation O'Keefe (2000) wrote 'he can dictate her movements, friendships and finances by emotional blackmail, by threats of violence to her or to harm himself and through manipulation and coercion' (p.6). The considerable stresses experienced by the non-incarcerated parent in her relationship with the prisoner almost inevitably flow on to the children.

### *Assault*

In writing about impoverishment of some prisoners' families, Aungles (1994) stated that women partners of prisoners are placed 'at an increased risk of violence, either because they have to move to [low socio-economic] areas which places them at greater risk or because they continue to live in these areas in which to be a woman on her own increases their already considerable vulnerability' (p.162).

Aungles also noted that the homes of prisoners' families in low socio-economic neighbourhoods were often targeted for burglary while the women and children were absent visiting their partner and father in prison.

### **Financial stress**

Families may experience serious financial problems as a result of the incarceration of a family member. In many instances the offender has been the family's primary income earner. In addition a family sometimes drains their resources on the offender's legal costs. Often the family is in debt before the arrest (Healey et al. 2001; Davis 1992; Standing Committee on Social Issues 1997; Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board 2001).

It is not unusual for the family to take on additional expenses associated with maintaining contact with the prisoner, including expenses related to visiting, phone calls and providing financial support to the prisoner. In a study describing the financial circumstances of prisoners' partners, Davis wrote that 'all struggled on their income ... all felt they could not provide their children with the basics they needed. All referred to the fact that out of their weekly budget they had somehow to put aside a sum for costs associated with keeping contact with their absent partner, for which they did not receive any extra benefit' (Davis 1992, p.80).

Healey et al. (2000) referred to other indirect financial costs incurred by prisoners' families who now have to purchase services that were formerly provided by the inmate such as house and car maintenance.

Prisoners' families are generally from low socio-economic areas and many prisoners are on Centrelink benefits at the time of their arrest. In some reports there was concern about a prisoner's partner or a caregiver not getting accurate

and timely information on their social security entitlements when the main beneficiary has been imprisoned (Allen 2002; Standing Committee on Law and Justice 1999b; Davis 1992; Standing Committee on Social Issues 1997).

In some cases the imprisonment of a father means maintenance payments cease which then impacts on the amount of income in the household where his children live (Shaw 1987).

Davis (1992) reported that for some prisoners' partners, financial management of the household income was a new and daunting experience. Many prisoners' partners did not know where to go to get financial support and advice. Furthermore, all the partners in the study experienced 'shame and anger at the way they were received by the range of agencies they approached in order to sort out their financial affairs ... they found themselves having to disclose, in earshot of many other customers and staff, the circumstances they were in' (Davis 1992, p.79).

### **Information and advice**

#### *Information on arrest, court and prison*

The remanding or sentencing of a prisoner is often a new experience for the prisoner's family. This period is disorienting for both the prisoner and the family, and the need for timely and correct information on the legal and justice systems is critical (VACRO 2000; O'Keefe 2000; Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board 2001).

Howard (1994) reported that in a study undertaken by the Family Awareness Project, 35 per cent of the inmates stated that one of the greatest needs of their families is for information on prison rules, policies and procedures. The Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001), Shaw (1987), O'Keefe (2000), VACRO (2000) Healey et al. (2000) and Howard (1994) also stressed the need for families to know things such as:

- What have they been charged with?
- What does that mean in lay terms?
- Can I be there when they're being questioned?
- What happens in court?
- How do I behave in court?
- Where can I get legal advice?
- How can I contact them?
- What prison have they been sent to?
- What is prison like?
- What help or services are available in prison?
- When can I see them?
- How do I arrange a visit?
- Can children visit prison?
- What can I bring into prison?

The Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) stressed the need for relevant information for both the family and the inmate to be made available in languages and in a manner that is accessible to Indigenous people.

#### *What to tell the children*

A major concern for many families when a parent or family member is imprisoned is how to impart this news to the children and what to tell them (VACRO 2000; Woodrow 1992).

The literature emphasised the importance of adults being guided through the implications of what they tell the children, how the children might respond and to also consider the possibility of the children finding out from elsewhere. There is also a need to help children come to terms with their feelings and issues about knowing that their parent has 'done something wrong', or conversely with the perception that their parent is a 'hero', or a victim of the criminal justice system (VACRO 2000).

The literature also identified a lack of adequate advice, resource materials and counselling for parents and carers faced with the dilemma of what to tell the children (Shaw 1987; Healey et al. 2000; Woodrow 1992; Gursansky et al. 1998).

Sometimes children are not told the truth about where their parent is. In one Australian survey 24 per cent of families provided another explanation to the children about their parent's absence or told the children nothing (VACRO 2000; Healey et al, 2001).

However, not telling the children the truth can have far reaching consequences and is universally condemned as harmful. The literature identified the following possible consequences of deceiving a child:

- If a child finds out that their parent is in prison, and the reason for a parent's imprisonment is not explained, the child is left to dwell on what terrible crime the parent has committed. Prisoners' children, like the uninformed public, 'may believe that those who go to prison are chiefly killers, rapists, vicious and violent thugs and muggers of the lame and elderly' (Shaw 1987, p.42).
- It can stifle healthy emotional outlets, as deceiving the child may make it impossible for them to work through their feelings about a parent's incarceration.
- Children who have been deceived about their parent's whereabouts have exhibited disobedience, temper tantrums and destructive or delinquent behaviour (Shaw 1987; Standing Committee on Social Issues 1997; Seymour 1998; Gursansky et al. 1998).

#### *Information on family and peer support*

The literature identified a lack of support services for families and a lack of awareness of support services that may be available to provide social and emotional support to families of prisoners (VACRO 2000; Allen 2002; Standing Committee on Social Issues 1997; Gursansky et al. 1998; Farrell 1997).

## 4.9 Support needs

The loss of a parent, whether it is through divorce, death or separation has been well documented with research identifying that for many [children], there is a period of considerable grief and trauma. Research has shown that without proper supports, many of these children will often fail to get over this loss and may then under-achieve or engage in anti-social or self-destructive behaviour (Standing Committee on Social Issues 1997, p.53).

For many of the children who have had very difficult lives before their parent's imprisonment, their emotional support needs are extremely high. It was stressed that caregivers need information on how to provide emotional support and manage problematic behaviours, and how to access services for children that address difficult behaviours (Allen 2002; Gursansky et al. 1998; Phillips & Bloom 1998).

Grandparent caregivers who spoke to Allen (2002) identified a lack of access to child and adolescent mental health services. 'This was primarily due to waiting lists, ineligibility, cost, time constraints, unawareness of services and transport difficulties' (Allen 2002, p.18).

Healey et al. (2001) pointed out in their study that the stigma associated with imprisonment is 'a significant obstacle for family members in seeking out support' (p.15). 'Respondents who identified stigma as an issue also highlighted the importance of opportunities for children to address these feelings of shame collectively in a safe environment. Inmates commented positively on family camps that had been conducted by a prisoner support service' (p.23).

### **Specific support services**

VACRO (2000) also identified stigma as an issue, stating that families are reluctant to use mainstream services because of the stigma attached to imprisonment. VACRO also added that the lack of understanding from mainstream services of the prison culture was another reason why prisoners' families may not use a mainstream support service.

The VACRO study found that the most frequently raised support-need for prisoners' families 'was the opportunity to speak with an independent person who understands the prison system' (p.71). Prisoners interviewed by VACRO also identified a need for their children to have access to counselling from people who understand the prison system.

The need for specific support services for families and children of prisoners was also identified by Wellesley (1999) who reported that prisoners' families are often 'suspicious of government, especially welfare agencies, and may not seek assistance needed if they feel under scrutiny' (Wellesley 1999, p.21). Many relatives caring for children of prisoners often try to avoid contact with the child welfare system as they (and often the prisoner) fear the children will be removed from the caregiver (Healey et al; Standing Committee on Social Issues 1997; Phillips & Bloom 1998; Shaw 1987).

In addition to family support services outside the prison, VACRO (2000) found that 'prisoners believed that a range of support services provided within the prison was important, including the opportunity to play with their children in a more normal environment, relationship counselling and parenting and child

development education' (p.71). Furthermore, 'while some of these services are currently being provided ... service delivery is largely **ad hoc** and there is an absence of planning for the unique needs of the children and families of prisoners' (emphasis theirs) (p.12).

### **Existing services**

There is a range of services that families of prisoners may be able to access depending on factors including where they live, eligibility criteria, whether they can afford the service cost and whether the agency has the resources to assist. These services include positions within government departments such as the Children of Prisoners Officer within the New South Wales State Department of Community Services; government funded programs, programs offered by non-government agencies, services provided by voluntary and church groups, and public and private health and mental health services (VACRO 2000; Standing Committee on Social Issues 1997; Ogilvie 2001).

#### *Prisoners and their Families Program*

The Prisoners and their Families Program is funded under the National Crime Prevention Program and involves a partnership between state and territory governments, the Australian Government, correctional institutions and the community sector. It is a national project being managed by Good Beginnings Australia Ltd that aims to break the cycle of crime and violence that affects some families by focusing on practical support and assistance to families of prisoners, and parenting training to the prisoners. At this stage, one or two prisons in most states and territories are involved in the project (Attorney General's Department 2001).

#### *Programs offered by non-government organisations*

The non-government sector has been involved in providing services to post-release prisoners for many years, many of which also offer programs for the families of prisoners. Organisations such as VACRO in Victoria, Sisters Inside and the Catholic Prison Ministry in Queensland, Children of Prisoners Support Group, Flat Out and CRC Justice Support in New South Wales, Offenders Aid and Rehabilitation Services (OARS) in South Australia, and Outcare in Western Australia aim to support prisoners families. When writing about the support provided by the non-government sector, Ogilvie (2001) noted that 'while these initiatives are commendable, necessary and important, they survive on the basis of rather precarious base funding, inadequate resourcing, and a concerning dependence on volunteer labour'.

#### *Voluntary community and church groups*

Another source of external support for the inmate mother and her children found was that of voluntary community and church groups such as Prison Fellowship and the Salvation Army. These agencies provide counselling to inmates and their families in each Australian prison system via their chaplaincy services and sporadically offer home visits to their families. These organisation, however, were severely hampered by limited numbers of volunteers and lack of resources (Farrell 1997, p.116).

*Public and private mental health services*

Both public and private mental health services are available in the community to support families of prisoners. Access to these services however is limited by the cost (private services) and waiting lists (VACRO 2000).

*Children's services*

A range of universal services for children is available including maternal and community health services, play group, pre-schools and child care. Financial support with child care is available for low to middle income families through Child Care Benefit (fees assistance) (VACRO 2000).

#### 4.10 Post-release

All but the very worst violent offenders are released back into the community. How a prisoner is released into the community can have a major impact on their likelihood of re-offending (Standing Committee on Law and Justice 1999b, p.133).

The issues affecting ex-offenders are complex and diverse. 'On the one hand, the matters that ultimately led to imprisonment may be unresolved and so still capable of influencing the life of the newly released prisoner, and on the other hand, the very fact of imprisonment may itself have given rise to altogether new problems that need to be addressed' (Ogilvie 2001, p.2).

Most prisoners are ill prepared for release. They need to relearn skills they have lost while imprisoned, and also need to 'shake off the very attitudes and behaviours that enabled him to survive on the inside. He has to do it all from day one' (McDermott & King 1992, p.70).

You know time has stopped for me. I still think like I did when I went in and I'm trying to make up for all the time that I lost but I know I can't. I also have this bitterness, this inner rage that I don't know how to let go of. I've been treated as less than human for so long that I no longer know what to expect or what is expected of me (McDermott & King 1992, p.70).

Ogilvie (2001) asserted that there are substantial difficulties faced by prisoners when attempting to re-integrate back into the community. In the United States it has been reported that prisoners getting out of jail (like soldiers returning from battle) often exhibit post-traumatic stress disorder. A substantial proportion of ex-offenders are filled with the numbness of alienation, rage, fear and guilt. 'Likewise in Australia, the return from prison to the wider community involves dealing with negative experiences' (p.2).

In speaking about women prisoners at the *Women in Corrections: Staff and Clients Conference*, Dr Kingi, from the Institute of Criminology in Wellington, New Zealand (2000) noted 'that on leaving prison, most women experience a disorientation; coping with the freedom thrust upon them was difficult for many to adjust to. Simple tasks which had been routine before they went to prison, were now insurmountable—the cause of trepidation ... Being amongst crowds of people caused many anxiety and they often felt they lacked the capacity to manage their own lives. Women who had addictions often struggled to stay drug or alcohol free in the face of many temptations. Women talked about dealing with stigmatisation in the community, especially when trying to find work. Most of the women spoke of difficulties they were having financially' (p.5).

Similarly, the New South Wales Standing Committee on Social Issues (1997) reported the initial period of post-release as a time of social shock and readjustment. In acknowledging the significant difficulties faced by female prisoners, the committee found that 'the most common time for re-offending is within the first few weeks of a woman's release' (p.33).

### **Family issues**

Release also creates a crisis for the family of the prisoner. Families generally do not receive advice or preparation for the release. They are sometimes drawn into the process of prisoner-release when a corrections officer makes a home visit to see if the situation is appropriate for the prisoner to come home to (O'Keefe 2000; Pereira 2000). Throughout the period of their imprisonment, the family has adapted to a changing situation. The family now has to try and reintegrate the prisoner who has also changed, but in response to an environment they were not part of (McDermott & King 1992; Healey et al. 2001; Young & Jefferson Smith 2000).

Most mothers and a large proportion of fathers intend to reunite with their children on release (Healey et al. 2001; Young & Jefferson Smith 2000). 'It is in the interests of families affected by imprisonment that these parents leave prison as able to resume parenting roles, if not more so, than when they arrived' (Healy et al. 2001, p.13). However, most studies identified that incarcerated parents are ill prepared to resume their parenting roles on release and that in addition 'the stripping of self-esteem and self-responsibility that occurs during incarceration further exacerbates [their] ability to resume parental roles and responsibilities' (Young & Jefferson Smith 2000, p.143).

The post-release period can be a time of considerable turmoil for parents and their children. Upon release, parent-child relationships are usually strained due to unfamiliarity and uncertainty about roles and expectations. Children can also feel intense anger and resentment towards the parent for what they have done or a child may feel insecure, worried that further offending or periods of imprisonment may occur. This can have a detrimental effect on the renewal of a normal parent-child relationship (Standing Committee on Social Issues 1997; Richards 1992; Gursansky et al. 1998; Young & Jefferson Smith 2000). Seymour (1998) noted that 'the stresses associated with community and family reintegration may also increase the risk of [child] abuse or neglect' (p.474).

In her personal account of post-release, an ex-offender described her teenage son being unforgiving and distrusting of her and for several years being unable to get emotionally close to him. She described being totally unprepared for this reaction. She also found her son to be unreceptive to her attempts at discipline:

I found myself attempting to regain my lost parental power by trying to force Gavin to play the role of my son—and it disturbed me greatly to find myself using the same words and tactics that had been used on me by correctional staff in gaol, for example telling Gavin that he had an 'attitude problem'. I believe that pre-release and post-release support and counselling could have helped Gavin and me to be prepared for my release and perhaps could have identified and helped Gavin's anger and feelings of hurt and rejection (Name changed to protect identity) (Pereira 2000, p.5).

There are few supports available to assist ex-offenders reunite with their families (Standing Committee on Social Issues 1997). 'Most current post-release services are focused on providing immediate financial, transport and accommodation services to prisoners in the crucial period after their release. There are longer-term needs which cannot be met by these types of services' (Standing Committee on Law and Justice 1999b, p.150).

One of the crucial longer-term needs is renewing and renegotiating family relationships. In addition to the damage imprisonment may have on the offender's relationships with family members, there is often long-standing relationship damage from the offender's abusive, drug or alcohol affected, or criminal lifestyle before jail. Frequently there are mediation issues over custody of the children with caregivers and previous partners reluctant to hand the children over to the ex-offenders (Standing Committee on Social Issues 1997; Martin 1997; Gursansky et al. 1998; Healey et al. 2000).

A potential support source for some prisoners is their parole officer, however their dual roles can limit the effectiveness of their support. The Standing Committee on Law and Justice (1999b) referred to the 'tension between a parole officer having an offender comply with conditions and also provide a supporting environment' (p.137).

Pereira (2000) also made note of this tension from the perspective of an ex-offender, and revealed being unable to seek the support that she needed from her parole officer:

Unlike many women who are released from prison after serving a long sentence, I had accommodation, moral support and basic financial support ... My parole officer considered that I was a success because I had a job and appeared to be organised. Like many women who have learned in prison not to trust Correctional Services employees, I guess I felt happy to leave our relationship at that and not discuss other problems too deeply (Pereira 2000, p.5).

Many authors argued that family support and reintegration programs should be an essential part of release preparation, with some authors arguing that release preparation should begin from the first day of sentencing. Several authors also stressed that family support and reintegration programs should not be 'criticised as rewarding criminal behaviour'. Nor should they be given a 'back seat' to the demands of prison work (Wellesley 1999; Standing Committee on Social Issues 1997; Adalist-Estrin 1995).

Healey et al. (2001) referred to research that found that 'many prisoners are prepared to use their time in prison to reflect on and renew their relationships with family members' (p.5) and noted that there is little policy development or existing services 'directed towards the restoration of relationships damaged through crime and imprisonment' (p.5).

In looking at incarceration, and pre-release and post-release issues, Ogilvie (2001), Healey et al. (2000) and Young and Jefferson Smith (1998) argued that a whole-of-government approach is needed to address the diverse challenges facing ex-offenders, their families and caregivers.

## Deaths

Mortality rates are high for recently-released prisoners, and their children are particularly vulnerable at this point. Sisters Inside Inc (a Queensland support and advocacy agency for prisoners and their families) noted the suicide of two young people within three weeks of their mothers' release from prison. In addition 'in the last 12-month period, nine women have died just after their release back into the community from either drug overdoses, suicide or from a domestic violence situation' (Sisters Inside Inc 2002).

A study being conducted at La Trobe University in Victoria into the mortality rates for women leaving prison has found that 93 women prisoners died within 18 months of being released from Victorian prisons. At the time this was reported, the study had examined coronial files for 62 of these women and noted the following:

- ▶ only two of the 62 women had died of natural causes
- ▶ 45 out of the 62 had died as a result of drug overdose. Of these 45 women, six had died within two days of release, 11 had died within their first 14 days and 22 had died less than three months after their release
- ▶ of the remaining 15 women, four were killed by overt acts of violence such as murder, five died in motor vehicle accidents and six died by suicide (cited in Select Committee on the Increase in Prisoner Population 2001).

Ogilvie (2001) also reported that 'the death rate of people serving a community corrections order was six times that of people in a comparable age group, with the most common cause being suicide, and the most common period being a few weeks after release from prison. Similar research notes ... that the mortality rate for women on parole is three times higher than for men' (p.4).

## Homelessness

Lack of accommodation for ex-offenders was identified as a major concern. In writing about female prisoners, Wilkinson (cited in Select Committee on the Increase in Prisoner Population 2001) stated that 'only a few women retained their accommodation, and [when] this did occur it was through family assistance rather than agency intervention' (p.151). Likewise Healey et al. (2001) identified that access to housing for ex-offenders through the open market 'is limited by poverty, discriminatory attitudes about prisoners, institutionalisation [and] isolation' (p.31).

Outcare Inc (2002), an ex-offender support agency in Western Australia, stated in its 2001 Annual Report that approximately 2000 requests had been received during the year for crisis accommodation from ex-offenders and their families, but only a small proportion could be accommodated as the service had been booked out nearly a year in advance.

Many domestic violence shelters exclude people with drug problems, and many hostels exclude women with children. Given that for women prisoners, coping with drug related issues and motherhood are often crucial to their re-integration back into the community, these sorts of exclusions can seriously impede successful re-integration into the general community (Ogilvie 2001, p.2).

The Select Committee on the Increase in Prisoner Population (2000) Interim Report highlighted the impact that homelessness and domestic violence situations have on women prisoners seeking to access home detention and recommended that alternatives to 'home' be considered.

In the literature references were made to the difficulties that female prisoners can experience trying to regain their children after release. The Justice Department of Western Australia (2002a), the Australian Institute of Criminology and the Standing Committee on Social Issues (1997) identified the issue of appropriate accommodation being a major factor in extricating children from care. The Australian Institute of Criminology further stated that in the absence of any alternative accommodation, some women 'feel compelled to return to violent partners post-release ... Quite apart from the extent to which these sorts of issues can be implicated in criminality—we also need to recognise the extent to which they are associated with poor health and premature death' (Ogilvie 2001, p.4).

The New South Wales Standing Committee on Law and Justice (1999b) referred to a very long waiting list for public housing and mentioned the lack of sufficient transitional housing options for ex-offenders. The committee further stated that 'if a prisoner cannot become established in stable accommodation, the potential for recidivism is high' (Standing Committee on Law and Justice 1999b, p.137).

The Committee believes that if improvements were made to keeping intact prisoners' links with the outside community ... some of the great need for post-release accommodation would be reduced though the need will remain acute (p.139).

### **Reducing recidivism**

Recidivism of ex-offenders and the impact this has on their families is a significant issue. According to the ABS, on the day of the June 2001 prison census 58.4 per cent of the adult prison population had been in an adult prison previously. This rate has remained fairly consistent over the past 10 years (ABS 2002).

In 2000–01 Western Australia had the highest rate (45 per cent) of ex-prisoners returning to prison within two years of release, followed by New South Wales (41 per cent) and Victoria (34 per cent). South Australia had the lowest rate (14 per cent) (SCRCSSP 2002, p.370).

#### *Family impact on reducing recidivism*

Numerous reports referred to the positive impact that families often have on reducing recidivism (Standing Committee on Law and Justice 1999b; Healey et al. 2001; Martin 1997; Florida House of Representatives Justice Council 1998; Stanley & Byrne 2000; Farrell 1997; Adalist-Estrin 1995). These reports also emphasised the role the justice system could play to help maintain family ties. 'Any serious attempt at reducing recidivism must consider the importance of preserving links between prisoners and their partners and children. This is not only to reduce the chances of the prisoner re-offending: it is to prevent the cycle of offending being repeated in the life of the child' (Standing Committee on Law and Justice 1999b, p.146).

In addition to decreased recidivism, Stanley and Byrne (2000) reported that 'prisoners who repair and maintain family relationships have indicated reduced disciplinary problems whilst serving their prison sentence, improved mental health during their incarceration and on release ... [and] an increased probability that families will reunite following release' (p.3-4).

In discussing potential post-release success the Florida House of Representatives Justice Council (1998) reported that 'the family can be the stabilising force to assist them [prisoners] in finding shelter, to help them find a job and to offer transitional support. Intact families can provide services for both the inmate and the released offender that cannot be replicated by any government agency' (p.10).

O'Keefe (2000) cited several studies that highlighted that 'the families of prisoners have been recognised as pivotal to the prisoner's rehabilitation and resocialisation. It makes sense then to support this valuable resource' (p.2).

## 5 Indigenous

While some similarities exist between Indigenous people, the diversity of this cultural group is acknowledged in some of the literature (Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board 2001; Department of Justice 2002b). As stated in the Western Australia Justice Department's Strategic Plan 'Aboriginal people are represented across all levels of the social spectrum and different Aboriginal language groups have distinct affiliations, linguistic variations and cultural differences' (Department of Justice 2002b, p.6).

In its recent study of women prisoners in Western Australia, the Justice Department (2002a) found that 14 per cent of the Indigenous women spoke an Aboriginal dialect as their main language. This finding has implications for effective communication with Indigenous people at all stages of the criminal justice and welfare systems. As stressed by the Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001), information to Indigenous people needs to 'be presented in a manner and language that is accessible to them' (p.15).

Indigenous people make up about 2 per cent of the Australian population yet nationally comprise about 20 per cent of the adult prisoner population. The states and territories with the highest proportion of adult Indigenous prisoners at June 2001 were:

- ▶ Northern Territory (63.6%)
- ▶ Western Australia (33.8%)
- ▶ Queensland (25.4%)

(ABS 2002)

On the day of the prison census in June 2001, Western Australia, New South Wales and Queensland had the highest rate of adult Indigenous imprisonment as well as the highest numbers of Indigenous prisoners (ABS 2002).<sup>6</sup>

In Western Australia 'Aborigines accounted for two fifths (40 per cent) of prison receivals but only one third (33 per cent) of prisoners on census night indicating a higher 'throughput' of Aboriginal prisoners (for comparatively shorter sentences) than non-Aboriginal prisoners' (Ferrante et al. 2001, p.iv). Ferrante et al. also stated that in Western Australia in 2000, Aboriginal people were 10 times more likely to be apprehended by the police than non-Aboriginal people. The Western Australia Department of Justice (2002b) noted that 'Aboriginal offenders are more likely to be held in custody prior to trial than non-aboriginal offenders and are less likely to receive a non-custodial sentence' (p.3).

These findings of over-representation of Indigenous people in the criminal justice system are not confined to Western Australia. 'There is now a large body of work which confirms that Aborigines are over-represented at all stages of the criminal justice system—arrest rates, bail refusals and sentencing. This is true for adult males, adult females and juveniles' (Standing Committee on Social Issues 1997, p.42).

## 5.1 Juveniles

Aboriginal juveniles are grossly over-represented in the juvenile justice system yet under-represented in diversionary programs. They are also more likely than non-Aborigines to be a maximum classification in adult and juvenile institutions' (Standing Committee on Social Issues 1997, p.42). The ABS reported that 'Indigenous juveniles were 17.4 times more likely than non-Indigenous juveniles to be detained in a juvenile justice centre (Cahill & Marshall 2002).

At 31 March 2001, Western Australia, New South Wales and South Australia had the highest rates of Indigenous juvenile detention (565.9, 292.7 and 231.7 per 100 000 Indigenous juveniles respectively) (Cahill & Marshall 2002, p.8).

The Australian Institute of Criminology highlighted the disproportionate numbers of Indigenous youth aged 10 to 14 years who are in detention and noted the surge in Indigenous births in the latter part of the 20<sup>th</sup> century. 'The potential impact of an inflated population of Indigenous youth of an age to enter the juvenile justice system is of serious concern' (Atkinson 1996, p.5).

In writing about Indigenous juveniles, the Western Australia Justice Department stated that 'the early involvement of Aboriginal juveniles in the criminal justice system is likely to place them at significantly greater risk of subsequent detention as an adult' (Department of Justice 2002b, p.3).

The Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) stated that 'the over-representation of Indigenous boys in youth detention centres is perceived by some Elders to be a new rite of passage that they have adopted, which culminates, when they reach 18, in a sentence to the "big house"' (p.16).

## 5.2 Aboriginal over-representation

Issues relating to the incarceration of Indigenous people are complex. Many reports on Indigenous people and the criminal justice system referred to the profound impact that colonisation has had on Indigenous culture (Standing Committee on Social Issues 1997; Standing Committee on Law and Justice 1999a; Standing Committee on Law and Justice 1999b; Memmott, Stacy, Chambers, & Keys 2001; Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board 2001). These reports linked the high rate of Indigenous involvement in the criminal justice system to discrimination, poverty, dispossession, disadvantage and the vulnerability of Indigenous culture and family structures since European settlement.

The Standing Committee on Law and Justice (1999b) reported that Indigenous communities experience more 'collective social and economic disadvantage than any other group. This disadvantage greatly increases the risk of offending' (p.xiii).

## 5.3 Lack of male role models

The Standing Committee on Law and Justice (1999a) identified that incarceration of one generation impacts on later generations through the 'continued break down of family structures' (p.53). The Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) reported that

based on ABS figures, the proportion of children within the Indigenous population is significantly greater than the proportion of children in the non-Indigenous population. For every Indigenous adult there is an Indigenous child. 'In communities where many of the adult males are absent through incarceration, the adult to child ratio is even less. The implications for socialisation, support and economic provision for these children are profound' (p.13). The Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) explored two key questions: 'how [do] Aboriginal and Torres Strait Islander males learn to be men and learn how to father [?]' (p.4).

In discussing these questions, the Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) stated that 'when fathers and young men are taken from their community and put in jail, the composition of the community changes and the social dynamics are changed. This affects all relationships and eventually impacts on community wellbeing as a whole. If a large proportion of the males from a community is absent, it seems even more likely that young Aboriginals and Torres Strait Islanders will not have a significant male figure in their lives' (p.15).

#### 5.4 Community violence

Lack of a significant male role model has been linked to aggression and violence. Barbara Miller cited in Memmott et al. (2001) described a parenting style called 'compensatory machoism' (an attitude that boys can develop in absent-father households) and identified this type of parenting as one of the factors that contributes to Indigenous personal violence.

Powerlessness and helplessness among Indigenous men was a key theme explored in the *Violence in Indigenous communities* report which cited violence literature that associates 'these characteristics with the male perpetrators of violence in Indigenous communities' (Memmott et al. 2001, p.29):

I am ... aware of young men with no power except that which they enforce over young women of their acquaintance, who move in and out of correctional institutions because they are not receiving the help they need (p.29).

The Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) wrote that 'many Indigenous men have now been raised in environments where trauma, low self-esteem, abuse, violence, alcohol, substance abuse and role confusion have been evidenced across generations' (p.8).

The commission further noted that in some Indigenous communities 'children have had multiple traumatic experiences witnessing violence and abuse on an all too frequent basis, with little support from key figures within the community' (Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board 2001, p.9).

Memmet et al. (2001) cited a study in which 'women expressed their concern and feelings of helplessness, knowing their sons will grow up and beat their wives and show no respect for women. Children growing up in violent homes frequently believe that violence is a normal reaction to problems and to feelings of anger' (p.19).

Many women consulted ... indicated that the men needed help to heal if progress was to be made in decreasing the level of violence and abuse in the lives of many Indigenous Australians (Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board 2001, p.8).

In respect to reunification of Indigenous male parents with their children, the Commission for Children and Young People and the Aboriginal and Torres Strait Islander Advisory Board (2001) stated that 'supporting incarcerated Indigenous males to build positive relationships with their children offers them and their children a new starting point. It could provide the children with the male support, role models and relationships they need, while increasing the fathers' sense of belonging and inclusion. Providing this support, while not an easy task to attempt, is an essential one for the sake of these children' (p.18).

## 6 Policies and practices

### 6.1 Family policies and practices within the criminal justice system

The need for family policies within the justice system was highlighted in the literature. It was argued that there needs to be a focus shift from ‘the care of the prisoner’ to ‘the care of the prisoner and their family’. Several reports stressed the importance of the justice system recognising ‘the impact of offending behaviour and imprisonment of a parent on a child’ (VACRO 2000, p.12) and providing an environment that is conducive to rebuilding, renegotiating and maintaining ongoing family relationships (VACRO 2000; Healey et al. 2000; Healey et al. 2001; Farrell 1997; Phillips & Bloom 1998; Martin 1997; Adalist-Estrin 1995).

This includes:

- the children of prisoners’ need for and right to quality access with their parents in a nurturing environment that supports the children’s welfare and the parents’ ongoing custody of, and future reunification with, their children (Martin 1997; Farrell 1997)
- visiting protocols within prisons giving priority to the comfort and access of children—the visiting environment needs to be appropriate for children across a wide age range (Healey et al. 2000)
- the imperatives of the institution not overriding the needs of the prisoners’ children and family (Farrell 1987; Wellesley 1999)
- addressing barriers to poor parent child contact, particularly in the event of relationship breakdown between the prisoner and the caregiver or non-incarcerated parent (Healey et al. 2000; Farrell 1997)
- ‘support for children to visit their parents in prison without their caregiver, in order to spend time alone with their parent’ (VACRO 2000, p.12)
- exploring financial assistance to families of prisoners to enable prison visiting and telephone contact (Farrell 1997; Healey et al. 2000)
- providing and expanding counselling facilities for inmates, especially with family related issues including grief and loss (Wellesley 1999)
- building on the prisoner’s parental skills and relationships with family members and the inclusion of parent-child and family based activities within the prison (Healey et al. 2000; Adalist-Estrin 1995)
- ‘opportunities for prisoners to participate more fully in decision-making for their children and so take some responsibility for their care’ (VACRO 2000, p.12)
- addressing barriers to:
  - Indigenous women’s participation in mother-child programs at a rate at least proportionate to that of non-Indigenous women
  - women in remand accessing mother-child programs
  - rural women accessing mother-child programs

- juveniles accessing parent-child programs
- men accessing parent-child programs (Select Committee on the Increase in Prisoner Population 2000)
- the prisoner's caregiving role to be taken into account at arrest, sentencing and during incarceration—consideration of prisoner's child care needs for all types of sentencing options including community based orders, periodic detention and home detention (Healey et al. 2001; Select Committee on the Increase in Prisoner Population 2001)
- developing 'alternatives to home detention for women who are unable to serve a sentence in the home because of abuse and violent domestic circumstances' (Select Committee on the Increase in Prisoner Population 2000, p.5).

### **Staff training and conduct**

Several authors suggested that there needs to be a minimum standard of behaviour for prison officers, especially those with contact with families. The literature also identified a need for staff training for custodial and welfare staff working with prisoners' children, and the development of formal training curriculum (Healey et al. 2001; Martin 1997; Farrell 1997).

### **Arrest**

Family policies, protocols and practices for police and those involved in the judicial system were stressed in the literature. The main points were:

- Policies and protocols detailing the appropriate course of action to be taken by police officers when arresting an individual who has dependent children. 'Wherever possible, at the point of arrest and incarceration, professional officers should be sensitive to the presence of children and mindful of minimising the trauma to children witnessing the process' (Healey et al. 2000, p.30; Lilburn 2000).
- 'At the institutional level, lack of recognition [of the needs of families at arrest] can result in a lack of planning and inadequate resources for police to respond to the situation. Instead, police rely on the availability of private and public welfare services, but are uncoordinated in establishing what and when services are required' (Lilburn 2000, p.7).

### **Sentencing**

Healey et al. argued that 'the parenting status of prisoners is given little recognition at every stage of the imprisonment process, from arrest through to incarceration and release' (2001, p.15), and further suggested that there is a need for 'professionals involved in arrest and incarceration to inquire about the care plans for children and to ensure that prisoners have adequate opportunity to make such arrangements' (Healey et al. 2001, p.15). VACRO (2000) and Standing Committee on Social Issues (1997) argued that alternatives to prison for offenders with children needs to be seriously considered at sentencing.

The New South Wales Standing Committee on Social Issues (1997) recommended that members of the magistracy and judiciary have access to materials and training 'to enable them to take into account the impact which a custodial sentence of an accused person may have on his or her dependent children' (p.xvi).

Shaw (1987) and the Standing Committee on Social Issues (1997) advocated that other dependants of the prisoner should also be considered at arrest, remand, sentencing and during incarceration.

### **Post-release**

Ogilvie (2001) asserted that ‘post-release programs need to be broadened both conceptually and practically’ (p.1). She identified particular groups such as the mentally ill, Indigenous people, people from culturally and linguistically diverse backgrounds, and young people who are disadvantaged in terms of accessing post-release resources.

The Standing Committee on Law and Justice (1999b) identified that Indigenous prisoners in New South Wales ‘make little use of current post-release services’ (p.145). The committee recommended that ‘a plan for Indigenous transition services be developed collaboratively with the Aboriginal community and other involved agencies’ (p.145).

Ogilvie (2001) supported the involvement of a very broad range of agencies with respect to the special needs of prisoners post-release, emphasising the central roles that agencies such as health, education, employment and training all play in reintegrating a prisoner back into the community.

Numerous authors identified homelessness and accommodation issues. The Standing Committee on Social Issues (1997) recommended ‘that inmates who are the primary carers of children receive priority housing from the Department of Housing once they are released from prison’ (p.xvii).

### **Probation and bail hostels**

The Select Committee on the Increase in Prisoner Population (2000) emphasised the need for probation and bail hostels that allow the offender access to appropriate services with suitable accommodation for their children.

## **6.2 Whole-of-government approach**

The families of prisoners do not appear to be the core business of any government department and are often overlooked in developing and implementing new social policy or in changes to existing social policy and programs. Sometimes there are negative, unintended consequences for the families of prisoners’ as a result of policy changes (Howard 1994; Standing Committee on Law and Justice 1999b; Healey et al. 2000).

Several authors argued for integrated family, social and economic policies and a whole-of-government approach to prisoners and their families (Healey et al. 2000; Seymour 1998; Catan 1992; Ogilvie 2001; Young & Jefferson Smith 2000; Howard 1994).

Seymour (1998) outlined the shared interest between child welfare agencies and the criminal justice system and discussed maximising opportunities for families involved with both systems. ‘If both systems collaborate effectively, the period of incarceration can actually provide an opportunity for positive intervention with families at risk’ (p.477).

One of the barriers Seymour identified is the frequent lack of formal channels of contact, lack of methods for information sharing, and lack of coordinated

services between child welfare and the justice system. Collaboration is difficult 'because the two systems have different priorities and responsibilities; neither may have an understanding of the other's processes or concerns, and both are often overextended and have limited resources to invest on collaboration' (Seymour 1998, p.487).

Healey et al. (2001), Ogilvie (2001), and Young and Jefferson Smith (2000) discussed the complexity of the needs of parents' in prison, their families and the caregivers, and argued that the needs of these groups cross many areas of government responsibility including health and mental health, ageing services, corrective services, child welfare, income security, transport, education and housing. 'In the absence of an integrated policy approach, the complexity of these needs means that parents and their children fall through gaps in social policy and service provision' (Healy et al. 2001, p.18).

The SCRCSSP (2002) noted that the crime prevention office or portfolio in the states and territories is an integral link in a whole-of-government approach. Another agency recommended for involvement in prisoner family issues is the Office of the Status of Children. The Standing Committee on Social Issues (1997) recommended that 'issues affecting children of prisoners should be a priority of the Office of the Status of Children in each state and territory. The office should liaise regularly with non-government organisations such as the Children of Prisoners Support Group as well as relevant departmental staff' (p.13).

### 6.3 Special needs of children of prisoners

In several ways, children with incarcerated or criminal justice-involved parents are quite similar to the rest of the child welfare population ... it is tempting to characterise these children as no more or less vulnerable than other children receiving child welfare services but they are different in ways that make them and their families a challenging population to serve (Seymour 1998, p.474).

Several studies identified a need for families of prisoners to be able to access specific support services and preferably services that are independent of welfare and justice departments. There is a need for opportunities for children and non-incarcerated family members to address the impact of the imprisonment process on them and for services such as:

- family relationship counselling
- support groups for children
- support groups for caregivers
- counselling for children
- coordinated services for incarcerated parents and their children (VACRO 2000; Farrell 1997; Healey et al. 2001; Seymour 1998).

## 6.4 Lack of information on prisoners' children

### Statistics

Almost every study on prisoners' families emphasised the lack of statistics on children of prisoners and stressed the need for statistics to be gathered including:

- the number of parents in prison
- the number of children who have one or more parent in prison
- where these children are now
- how these children are being cared for (Standing Committee on Social Issues 1997; VACRO 2000; Gursansky et al. 1998; Seymour 1998).

### Lack of research and evaluation

The lack of statistics and the paucity of specific research on children of imprisoned parents has led to a vacuum in correctional and community services policy and practice for this group (Standing Committee on Social Issues 1997, p.6).

Seymour (1998) suggested that there is a lack of critical pieces of information about how children are affected by their parents' incarceration and therefore a lack of insight into what services the children and their families need to increase their overall wellbeing. There is also a lack of clarity around the extent to which the behaviours and difficulties of children of prisoners is attributable to imprisonment and the imprisonment process, or to lifestyle factors before (and in between) periods of parental imprisonment (Seymour 1998; Healey et al. 2001; Gursansky et al, 1998).

The development and promotion of a research agenda was strongly supported by authors such as the Standing Committee on Social Issues (1997), VACRO (2000), Young and Jefferson Smith (2000) and Seymour (1998). The following points were made:

- There have been few effectiveness studies on the programs for families affected by incarceration, particularly incarceration of the primary caregiver (Young & Jefferson Smith 2000).
- In general there is a lack of credible evaluation of post-release programs within Australia and internationally, either within Corrections or in other relevant agencies. There is a need to better evaluate current programs aimed at prisoners post release (Ogilvie 2001).
- There is a need for longitudinal studies looking at such factors as the specific effects of maternal incarceration on child development, on family mental health and on the factors that might protect against harmful effects (Young & Jefferson Smith 2000; VACRO 2000).
- Studies from **the perspective of the prisoners' children** are very rare. Most studies on issues for prisoners' families have relied on self-reporting by caregivers or the incarcerated parents, with no direct contact with children (emphasis theirs) (VACRO 2000; Standing Committee on Social Issues 1997).

## 6.5 Out of home care

More children than ever before are living with grandparents and other relatives (Phillips & Bloom 1998; Farrell 1997; Healey et al. 2000; Gursansky et al. 1998). 'It is often not known when or why these children come into care—as a result of abuse or neglect prior to the parent's incarceration, as a direct result of the primary caregiving parent's arrest, or as a result of inadequate caregiving arrangements during a parent's incarceration ... Little is known about the effectiveness of child welfare interventions, outcomes of child welfare services, or whether these families re-unify successfully after the incarcerated parent is released. There are also questions concerning the quality of care for children during their parents' incarceration' (Seymour 1998, p.475).

Young and Jefferson Smith (2000) and Phillips and Bloom (1998) emphasised that historically the needs of incarcerated women, their children and the children's caregivers have been dealt with in isolation. 'Practitioners across substantive areas of corrections, child welfare and ageing must think creatively and collaboratively about ways to positively assist these families' (Young & Jefferson Smith, 2000, p.130).

## 6.6 Input by prisoners and prisoner families into policies and programs

The Standing Committee on Law and Justice (1999b) asserted that prisoners and prisoners' families should be able to authentically participate in developing policies, practices and programs that impact on them.

### **Self determination**

An aspect of authentic participation is applying self determination in crime prevention in Indigenous communities (Standing Committee on Law and Justice (1999b). The Justice Department of Western Australia stated that 'empowering Aboriginal people to develop and effect their own solutions is the only sustainable answer to the high Aboriginal imprisonment rate' (Department of Justice 2002b, p.1).

## 6.7 Community awareness and support

All of the studies of families of prisoners referred to the social stigma, isolation and ostracisation that occurs. Several studies identified the damaging effect that media coverage of charges, crimes and sentencing can have on families of prisoners (Standing Committee on Social Issues 1997; VACRO 2000; Healey et al. 2000; Aungles 1994).

There is very little community awareness of the difficulties faced by prisoners' families and consequently very little public sympathy. Young and Jefferson Smith (2000) described an approach in the United States that increases community awareness and support. 'The Bedford Hills Correctional Facility has helped generate community support by opening their doors for public tours and by providing opportunities for inmates and community members to talk together' (p.139).

Howard (1994) outlined an example of community support in the United States called Women in Crisis. This group ‘provides volunteers who act as friends to those who have lost the support of their family. These volunteers will stay with the family from the beginning, before the trial, on through the sentencing and a couple of months into the incarceration ... The volunteer first enters the scene during the pre-trial state. The volunteer helps to explain the court process, putting things in easier to understand language. This is often a very confusing time for families and everyone else is too busy to explain how things work to the families. The volunteer is trained to be very objective, informative and supportive as a good listener’ (p.5).

The Standing Committee on Social Issues (1997) described a community-oriented approach to parenting in prison that occurs in Denmark. Prisoner ‘parents in the family unit are entitled to leave the unit to undertake activities with their children in the local area, including walks in the forest and use of the local swimming pool. They can also take them to the local kindergarten’ (p.145).

## Endnotes

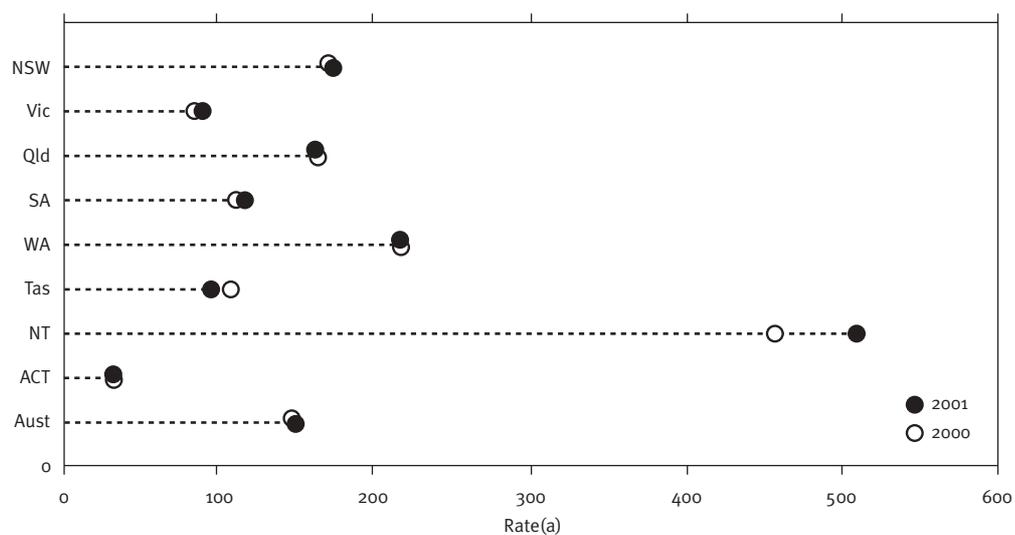
- <sup>1</sup> See Appendix A for imprisonment statistics for each state and territory, and Appendix B for comparative rates of imprisonment in western countries.
- <sup>2</sup> See Appendices C and G for Indigenous statistics.
- <sup>3</sup> See Appendix D for length of sentence information.
- <sup>4</sup> See Appendix E for juvenile incarceration statistics.
- <sup>5</sup> See Appendix F for multiple out of home care placement statistics.
- <sup>6</sup> See Appendix G for table showing rate comparison between the states and territories.

## Appendices

### Appendix A: State and territory imprisonment rates

The state and territory imprisonment rates for 2000–01 are depicted in table 1. The Northern Territory had the highest imprisonment rate (510 per 100 000 adults) followed by Western Australia and New South Wales (218 and 175 prisoners per 100 000 adult population respectively).

**Figure 1:** Imprisonment rate per 100 000 adult population at 30 June 2001

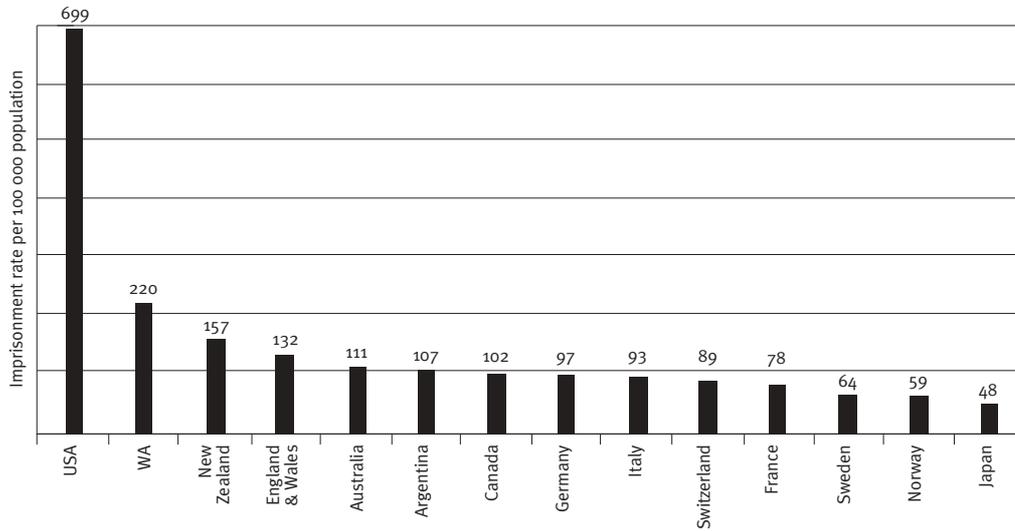


**Note:** (a) Rate per 100 000 adult population at 30 June 2001

**Source:** ABS 2002, p.1

## Appendix B: Comparative rates of imprisonment in western countries

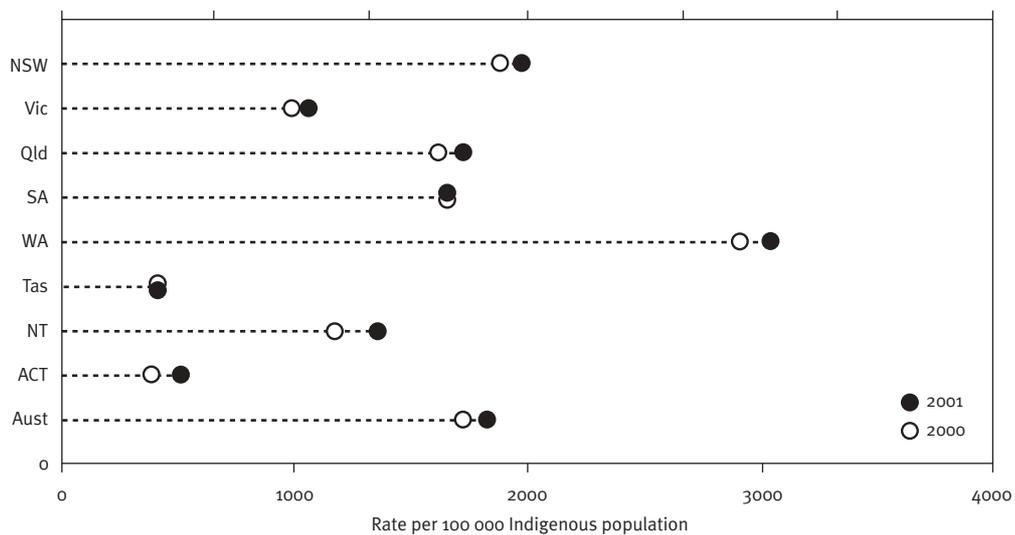
**Figure 2:** Comparative imprisonment rate per 100 000 population in Western Australia and across selected countries



**Source:** International Centre for Prison Studies (June 2001) cited in Department of Justice (2002c)

### Appendix C: Indigenous rates of imprisonment

**Figure 3:** Indigenous imprisonment rate per 100 000 adult population at 30 June 2001



Source: ABS 2001, p.2

## Appendix D: Length of sentences

**Table 1:** Sentenced prisoners: Proportion by aggregate length of sentence<sup>(a)(b)</sup> at 30 June 2000

Length of sentence	NSW <sup>(c)</sup> %	Vic %	Qld %	SA %	WA %	Tas %	NT %	ACT <sup>(c)</sup> %	Aust. %
Less than 1 year	17.3	27.5	16.1	9.1	13.9	31.3	31.4	10.9	18.3
1 to <5 years	32.3	39.8	35.1	40.7	43.0	42.9	43.0	38.1	36.4
5 to <10 years	20.3	19.0	26.6	28.4	22.8	9.0	12.8	31.3	21.8
10 years and over	11.4	12.1	13.7	10.4	12.9	7.4	6.3	17.0	11.9
Indeterminate (eg life)	1.7	1.7	8.5	11.5	7.3	9.4	6.5	2.7	4.7

- Notes:** (a) Excludes periodic detainees who comprised 6.9 per cent of all sentenced prisoners nationally (periodic detention applies only in New South Wales and in the Australian Capital Territory).  
 (b) The aggregate sentence is the longest period that the offender may be detained under sentence in the current episode. Charges pending which are likely to extend the current episode are ignored.  
 (c) Prisoners sentenced to full-time custody in the Australian Capital Territory are held in New South Wales prisons and are also included in the New South Wales figures.

**Source:** Prisoners in Australia 2000, Companion Data (4517.0).

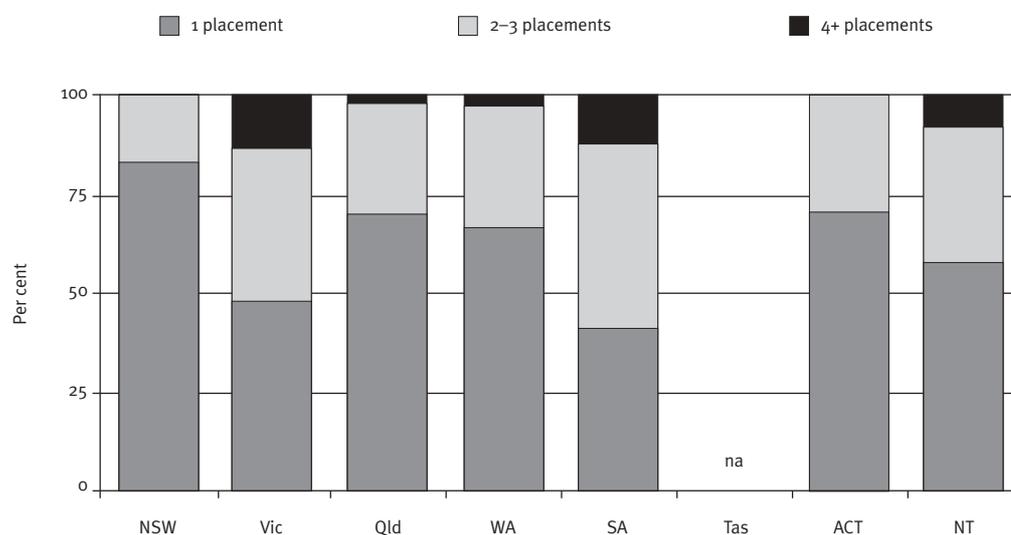
## Appendix E: Juvenile incarceration information

### Juveniles

- ▶ On census night in the year 2000 there were 671 juveniles in detention in Australia (604 males and 67 females). New South Wales had the highest number of juveniles in detention (274), followed by Western Australia (115) and Queensland (104).
- ▶ Given the differences among jurisdictions on the definition of a juvenile, statistics are shown for people aged between 10 and 17 years (Cahill & Marshall 2002).
- ▶ Figures produced by the Australian Institute of Criminology (2000) show that the national rate of imprisonment fell from 37 per 100 000 children in 1998 to 31.5 per 100 000 in 2000. Tasmania has the highest rate of juvenile detention (66.5 per 100 000 juveniles) followed by the Northern Territory (60.7) and Western Australia (51.9 per 100 000).
- ▶ ‘The majority of young people who offend do so only once and then desist’ (Standing Committee on Law and Justice 1999b, p.xiv).
- ▶ ‘Young people with a mental illness are at particular risk of contact with the criminal justice system. They are vulnerable to becoming victims of crime and becoming homeless. The situation in the rural areas is particularly acute, with jail sometimes being the only institution available with facilities for the mentally ill. This is an illustration of how inadequate social supports leave criminal justice agencies as a dumping ground for social problems’ (Standing Committee on Law and Justice 1999b, p.xiv).

## Appendix F: Out of home care placements

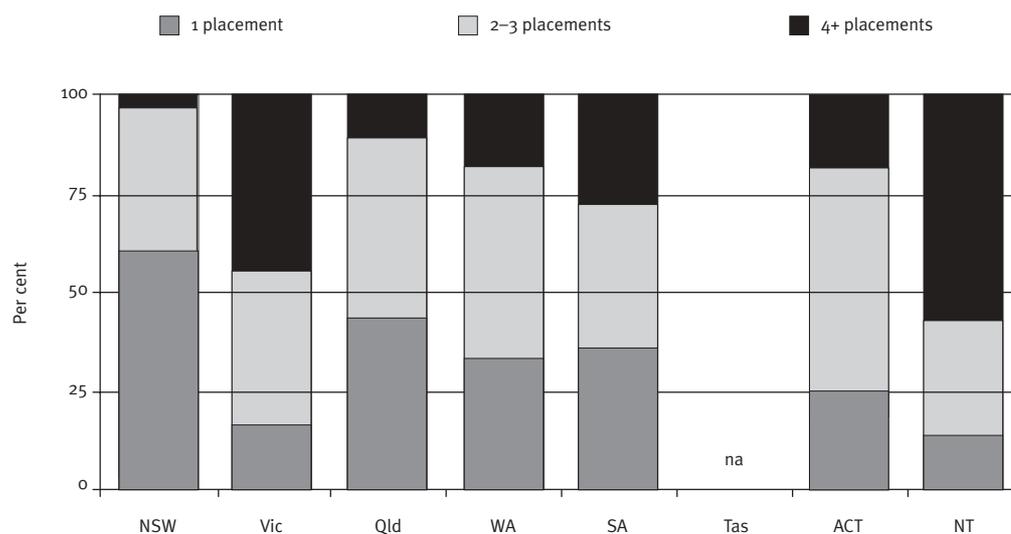
**Figure 4:** Children exiting care after less than 12 months by number of different placements 2000–01<sup>(a)(b)</sup>



**Notes:** (a) Data refer to children exiting care in 2000–01  
 (b) Out-of-home care data are not the same for each state and territory

**Source:** SCRCSSP 2002, p.809–810

**Figure 5:** Children exiting care after more than 12 months by number of different placements 2000–01<sup>(a)(b)</sup>



**Notes:** (a) Data refer to children exiting care in 2000–01  
 (b) Out-of-home care data are not the same for each state and territory

**Source:** SCRCSSP 2002, p.809–810

## Appendix G: States and territories comparative imprisonment statistics

**Table 2:** Prisoners by states and territories

	NSW <sup>(a)</sup>	VIC	QLD	SA	WA	TAS	NT	ACT in ACT	ACT in NSW	Aust. <sup>(b)</sup>
<b>Number</b>										
Males	8226	3144	4227	1310	2952	326	698	77	117	20 960
Females	620	247	290	79	218	20	19	5	12	1498
Indigenous	1339	150	1146	230	1072	40	456	12	8	4445
Non-Indigenous	7419	3234	3371	1027	2098	306	261	70	121	17 786
Unknown	88	7	-	132	-	-	-	-	-	227
Sentenced	7206	2892	3610	913	2613	272	588	29	129	18 123
Unsentenced	1640	499	907	476	557	74	129	53	-	4335
Federal	585	127	22	-	189	6	144	1	4	1074
Non-federal	8261	3264	4495	1389	2981	340	573	81	125	21 384
<b>All prisoners</b>	<b>8846</b>	<b>3391</b>	<b>4517</b>	<b>1389</b>	<b>3170</b>	<b>346</b>	<b>717</b>	<b>82</b>	<b>129</b>	<b>22 458</b>
<b>Proportion (%)</b>										
Males	93.0	92.7	93.6	94.3	93.1	94.2	97.4	93.9	90.7	93.3
Females	7.0	7.3	6.4	5.7	6.9	5.8	2.6	6.1	9.3	6.7
Indigenous	15.1	4.4	25.4	16.6	33.8	11.6	63.6	14.6	6.2	19.8
Non-Indigenous	83.9	95.4	74.6	73.9	66.2	88.4	36.4	85.4	93.8	79.2
Unknown	1.0	0.2	-	9.5	-	-	-	-	-	1.0
Sentenced	81.5	85.3	79.9	65.7	82.4	78.6	82.0	35.4	100.0	80.7
Unsentenced	18.5	14.7	20.1	34.3	17.6	21.4	18.0	64.6	-	19.3
Federal	6.6	3.7	0.5	-	6.0	1.7	20.1	1.2	3.1	4.8
Non-federal	93.4	96.3	99.5	100.0	94.0	98.3	79.9	98.8	96.9	95.2
<b>All prisoners</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

**Notes:** (a) A majority of full-time prisoners sentenced in the ACT are held in NSW prisons.

(b) The ACT in NSW figures are a subset of the NSW figures and are not separately counted in the Australian totals.

**Source:** ABS 2002, p.3. Downloaded on 28 March 2002.



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