

BUILD COMMUNITIES, NOT PRISONS

INVESTING IN A SECOND CHANCE, NOT PRISONS

The Greens believe the role of government is to empower communities, eliminate poverty and disadvantage, and give everyone the opportunity to thrive.

OUR PLAN

For decades the Coalition and Labor parties have driven a harsh law and order agenda, despite falling crime rates. They've massively expanded the NSW prison population and diverted resources from community services and supports to jailing those most in need.

This has hit First Nations people the hardest, making them the most imprisoned people in the world. Now is the time to end this damaging law and order auction.

The Greens know budgets are about choices. We choose to support marginalised people and communities, not criminalise and punish people who fall through the cracks. That's why we'll redirect billions that the NSW government currently spends on locking people up to providing the social and community support services people need. The goal is to prevent

vulnerable people coming into contact with the justice system in the first place, to support rehabilitation post-release and to radically reduce recidivism..

THE GREENS WILL:

1. Reform the State's bail laws to halve the number of people held in jail awaiting trial and not convicted of an offence. This would see the remand population drop from over 34% of all prisoners to 17%, a rate similar to Germany, Spain and Austria. This will save more than \$150 million per year or \$600 million over four year budget cycle.
2. End the experiment with private prisons in NSW:
 - a) Cancel the \$2.6 billion contract for Australia's largest prison, the partially

contracted 1,700 bed Clarence Correctional Centre proposed to be run by global imprisonment company Serco, and

b) Return the privatised Parklea Prison and Junee Prisons to public hands.

3. Ensure the release of all First Nations people jailed for non-violent offences through a once-in-230-year amnesty. 60% of all Aboriginal women and 40% of Aboriginal men in NSW jails are there for non-violent offences. This will be overseen by a First Nations De-incarceration Commission and will free to 100 Aboriginal women and 750 Aboriginal men from NSW jails.
4. Break the cycle of trauma for women in prisons by ensuring that all women in prison have access to trauma informed counselling, and that programs that facilitate contact with their children are available in every facility.
5. Establish an independent NSW Justice Reinvestment body and a Justice Reinvestment Grants Fund of \$50 million over five years.
6. End the privatisation of prison education in NSW jails and return all funding to fully qualified public sector educators. Prison education is a critical pathway to break the cycle of reoffending and it is essential it is delivered by highly skilled and permanent public educators.
7. Expand the school teaching year in all juvenile detention centers to 50 weeks a year. Currently schooling in juvenile centers ceases for the majority of school holidays leaving young people in detention without access to education with

negative consequences on both education outcomes and facility management. Teaching can and should be provided to young people in detention on a year-round basis.

1. REFORMING BAIL LAWS

The Greens believe in the presumption of innocence. Unless there are clear reasons relating to the safety of others or a genuine risk of flight, no one should be held in jail unless they are convicted of an offence. With delays in criminal trials now sometimes extending to two years or more, remand can often be a severe de-facto criminal punishment.

In December 2018 NSW jails had more than 13,165 prisoners with a record 4,586 prisoners, or 35% of the total prison population, held on remand. With bail reform the remand population could halve to rates similar to Germany, the United States and Austria although above the rate in Spain (which has just 13.4% of the total prison population). This will save in excess of \$150 million per annum or over \$600 million during the four year budget cycle.

2. FIRST NATIONS PEOPLE

Radical steps are needed to stop First Nations people from being the most imprisoned people on the planet. Between 2001 and 2015 the number of First Nations prisoners in NSW jails more than doubled. One third of all women in NSW jails are Aboriginal as are one quarter of all men. This makes Aboriginal people more than 10 times as likely to be in jail as their non-Aboriginal counterparts. This is an injustice that must not stand.

To reverse this historic injustice the Greens propose a bold reform of de-incarceration of First Nations people held in jail for non-violent offences. This will be implemented over two years by a De-Incarceration Commission chaired by a First Nations judge. The commission will consider cases individually and ensure release does not pose an unacceptable risk to the community or to any individual. De-incarceration will be accompanied by case management plans and ongoing resources including drug and alcohol counseling to reintegrate those released into the community.

De-incarceration will be offered to all First Nations prisoners convicted of non-violent offences as at 23 March 2019. A de-incarceration order can only be made if the Commission forms the view that the person to be released can be reintegrated into the community without unacceptable risk to the community or to any individual. A de-incarceration order would act as a suspended sentence that would be revoked in the event of further offending.

It is not expected this will be a budget saving measure with all monies saved on imprisonment, currently \$181 per prisoner day, reinvested directly into reintegration and case management. This reform is intended as a two-year program applicable only to current serving prisoners. It is designed to break the cycle of imprisonment and reoffending seen too often in First Nations communities across Australia. The outcome of the two-year de-incarceration program will be reviewed to determine what ongoing systemic changes are essential to keep First Nations people from jail.

3. JUSTICE REINVESTMENT

Community-led, place-based and data-driven

initiatives aimed at reducing incarceration and persistent disadvantage are the proven way of keeping people out of the criminal justice system.

The success of justice reinvestment projects depends on them being community driven and on building trust between service providers and communities.

To adequately support the development and implementation of community-led justice reinvestment initiatives, a central, independent body, overseen by a board with First Nations leadership, will be able to provide technical and strategic expertise and limited organisational funding. This is why we support a NSW Justice Reinvestment body and a Justice Reinvestment Grants Fund of \$50 million over five years.

The success of the Maranguka project in Bourke shows that justice reinvestment can work. However, there is no one-size-fits-all approach to communities and it is not simply a case of repeating that structure in other communities.

The Justice Reinvestment body is not designed to deliver services or direct communities; rather, it is a resource that can be called upon by communities. For justice reinvestment to work, self-determination and community leadership are essential.

This means localised, place-based approaches that allows communities to identify the particular needs of their community and the unique circumstances that drive offending in those communities.

We know that locational disadvantage can be entrenched and that a community that was disadvantaged ten years ago is highly

likely to be so now. By empowering and resourcing communities to identify and address the factors contributing to persistent disadvantage, we can stop people falling through the cracks into the prison system.

4. STOP CORPORATIONS PROFITING FROM PRISONS

For too long both the Coalition and Labor have allowed multi-national private prison operators to profit from jailing people in NSW. The privatisation of NSW prisons has reached new and unsavory heights under the Coalition, with construction started on the \$750 million prison and \$2.6 billion private contract for Australia's largest prison, the 1,700 bed Clarence Correctional Centre.

The Grafton private prison has been contracted to the scandal-ridden global imprisonment company Serco. It will add to the existing private prisons at Parklea and Junee. The Greens fundamentally believe that allowing corporations to profit from a growing prison population is dangerous to democracy and contrary to the state's duty of care over those it imprisons. We are committed to ending the dangerous experiment with private prisons and bringing all prisons under public control.

All savings from closing and ending private prisons will be redirected to programs aimed at building communities, including early intervention services to help families and children at risk and expanded drug and alcohol services in regional and rural NSW.

In Australia, over 18% of inmates are held in privately-run facilities. That's more than twice as high as in the United States. Private prisons are more dangerous for the people who work in them, live in them, and for the community. Prisons should not be run for a profit.

5. BREAKING THE CYCLE OF TRAUMA

There has been a 50% increase in the number of female inmates in NSW prisons over the past six years. A 2018 BOCSAR report shows the number of women in prisons jumped from 682 to 1,021 between 2011 and 2017.

This increase has been most dramatic among Aboriginal women, with the number of Aboriginal women in prison rising 74% over six years.

Women in prison often have multiple vulnerabilities: a third grew up in foster care, two-thirds have been in violent relationships and more than a quarter have attempted suicide.

An estimated 80% of women in prisons have children or are single parents yet only a small number of facilities are able to support regular contact between mothers and their children.

Meaningful investment in trauma informed counselling is recommended by all the sector experts to address the causes of offending and allow women in prison to rebuild their lives and break the cycle of trauma.

Facilitating contact between women in prison and their families is currently undertaken by a small NGO with limited and non-ongoing funding. Maintaining contact improves women's mental health and ability to reenter society, and helps ensure that children are not unnecessarily punished. This funding must be both expanded and made permanent.

For children, maintaining contact with their mothers can help maintain the parent-child bond and prepare for when the mother is released and can resume primary care. This

reduces the chance of children going into care and the attendant risks of being in care.

6. RETURNING PUBLIC EDUCATORS TO NSW PRISONS

The Greens believe fundamentally in the provision of public education as the best and surest way of providing quality education in all settings. This includes in prisons. This is why we are committed to ending the privatisation of prison education in NSW jails and returning all prison education funding to fully qualified public sector educators.

We know that prison education is a critical pathway to break the cycle of reoffending and it is essential it is delivered by highly skilled and permanent public educators. To achieve this we will offer re-employment to all previous prison educators terminated by the Coalition over the past four years, to reap the benefit of their decades of skills and experience in prison education.

In re-establishing TAFE in NSW prisons, we will also restore the scope of subjects offered, beyond basic literacy and numeracy. This will include vital therapeutic programs such as music and art, which often provide a bridge to more formal education programs for prisoners who have difficulty engaging with education services.

7. YEAR-ROUND EDUCATION IN JUVENILE JUSTICE CENTERS

For a young person, being in detention is never a holiday. The most recent report of the NSW Inspector of Custodial services acknowledged this and recommended an expansion of the school year in juvenile detention centers. We support this recommendation and acknowledge the

important role public education plays in juvenile justice.

This is why we are committed to expanding the school teaching year in all juvenile detention centers to 50 weeks a year (leaving one week for Christmas New Year and one for Easter).

Currently, schooling in juvenile detention centres ceases for the majority of school holidays. This leaves young people in detention without access to education, with negative consequences on both education outcomes and facility management. For a modest additional expense, teaching can and should be provided to young people in detention on a year-round basis.