

## The Prison Dilemma in Australia - A Brief Review

Eddie James Fraser\*

\*8 Feather Court Morayfield 4506 Queensland, Brisbane Australia.

Received March 04, 2024; Revised April 13, 2024; Accepted April 16, 2024

### ABSTRACT

In October 2021 the productivity commission issued a paper on the issues surrounding the prison system in Australia. This paper looks at some of the findings and seeks to address specifically the notion of intensive correction orders in the plight for reducing recidivism and relieving the current strain on prisons within the Australian jurisdiction. This article is not intended to be exhaustive in its findings but to highlight important aspects from the view of the author.

**Keywords:** Prison, Community-based orders, Offences and sentences, Costs, Alternative practice

### INTRODUCTION

In October 2021 the Productivity Commission released a research paper titled Australia's prison dilemma [1] ("the paper") This paper is a review of the work undertaken and the findings of the Productivity commission research paper. What has been soundly researched has crystallized some thoughts on the debilitating issue of the Australian prison system. The research outlined in the paper indicates that the rate of high imprisonment in Australia diverges from that of other developed countries in the world. The paper focuses on the economical perspective of imprisonment and the need for large-scale policy reform and evaluation in areas of policing, prosecutions, sentencing, corrections, probation and parole perspectives. Finally, acknowledges the need to look at technology and how new technologies interact with the criminal justice system [1]. The first focus of this criminal justice system research will be on imprisonment, the costs of imprisonment, and the benefits of alternatives.

### BACKGROUND

The paper gives a stark and clear indication of the state of affairs within the Australian jurisdiction. It accurately reflects that whilst there has been an increase of the rate of imprisonment across all jurisdictions within Australia, the levels differ substantially. Specifically, one-third of the prison population is waiting for the finalization of their matters. 60 percent of prisoners have prior convictions which are comparably high with respect to international standards. For example, in Mauritius, 2 527 people are currently in prison and this representation is 51.4 percent of the population as of 23 April 2023 [1]. The recidivism trend is noted as rising in most jurisdictions over the past decade. Whilst Mental health is discussed and outlined in the paper

surrounding the statistics, it does not cover some suggestions as to addressing this significant issue within the prison system. If a solution existed or was proposed for mental health considerations it may alleviate the strain on the prison system. The paper does note the overrepresentation of mental illness amongst prisoners as being well established in Australia and overseas [1]. The paper notes the complexities surrounding mental health and the relationships between mental health and offending behavior that include deinstitutionalization from mental health facilities, limited capacity of mental health services, social determinants, and the use of illicit substances [1]. It was noted that 58 percent of the prison population, whether sentenced or on remand, were charged with offences of violence [1]. The report outlines that 68 per cent of custodial sentences accounted for custody being served in a correctional institution [1]. The paper indicates that the rates of remand in Australia are above the Organization for Economic Co-operation and Development ("OECD"). OECD can then be used thereafter. average and fourth only to New Zealand, Turkey and America respectively. The research indicates an over-reliance on remand arising from judicial culture and practice in addition to systematic issues such as inadequate legal aid funding, under-resourced prosecution services and lack of alternatives. It also indicates a recidivism rate in Australia

**Corresponding author:** Eddie James Fraser, 8 Feather Court Morayfield 4506 Queensland, Brisbane Australia, Tel: 0468617799; E-mail: eddiefraser91@gmail.com

**Citation:** Fraser EJ. (2024) The Prison Dilemma in Australia - A Brief Review. J Forensic Res Criminal Investig, 5(1): 166-168.

**Copyright:** ©2024 Fraser EJ. This is an open-access article distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution, and reproduction in any medium, provided the original author and source are credited.

sitting at 26 per cent and is noted as relatively high [1]. The findings show that there are increasing imprisonment rates driven by a culmination of factors. These include but are not limited to: a high proportion of the people incarcerated with complex needs, over-representation of Aboriginal and Torres Strait Islander people, disadvantaged backgrounds, policy approaches, recidivism, economic costs, and short periods of imprisonment asking the policy questions of alternatives that may deliver similar or better outcomes [1]. If the suggested alternative approaches were implemented, these could be used as cost-effective measures without compromising the benefits of the criminal justice system and crime control.

### **AN ECONOMIC LOOK AT PRISONS VS COMMUNITY BASED ORDERS**

Research shows that economic benefits of prisons are measured by the expected dollar value of harm prevented when an individual or group of offenders are sentenced to a term of imprisonment that is measured on three factors including the number of crimes reduced on a sentence of imprisonment, the average dollar value of harm from specific offences, and the value from punishing the offender [1]. Imprisonment as a form of punishment is one aspect of crime prevention policy framework but is not the only aspect. The aspect of rehabilitation in the crime prevention policy framework seeks to reduce likelihood of an individual committing a crime in the future while deterrence seeks to reduce crime [1]. The aim of rehabilitation is to prevent crime persistence and promote desistance of crime whilst an individual is incarcerated with a success measure through assessing rates of recidivism. However, several attributes of imprisonment have effects and influence the prospects and properties of rehabilitation including but not limited to exposure to anti-social inmates and learning of criminal behaviors whilst incarcerated, day to day environment of the prison, involvement and engagement, specific behavioral programs through training and education, being in a stable environment such as being away from homelessness, destabilizing influence and negative peer group associations and desistance from substance misuses amongst other things [1]. The paper outlines that the fiscal costs by Australian State governments in 2019-20 were about \$20 billion dollars for corrective services including Courts and Policing, a 30 percent increase from 2012-13 [1]. These cost increases have also been seen in health services as well as in community corrections services with health spending accounting for up to 10 per cent inclusive of transport and prison escort services [1]. What is clear is that the cost of incarceration of a person is ranged between \$294 and \$559 per day across the Australian jurisdictions [1]. Unfortunately, this cost may not necessarily represent a positive measure of performance in reducing recidivism or quality programs that assist as a tool to reduce recidivism and achieve desired outcomes of crime prevention or reduction strategies within the frameworks. In seeking then an alternative to a prison sentence, community-

based orders or alternative sanctions as a sentencing option could be an imperfect substitute however one that is more cost-effective. These alternatives, depending on the alternative selected, would involve different levels of supervision. The community-based alternatives for imprisonment differ in a number of aspects covering rehabilitation, deterrence, and punishment. It should also be clear that this method may not meet the expectations of the community, particularly for some serious crimes [1]. Statistics indicate that up to one-third of all breaches involved offenders committing a further offence punishable by imprisonment whilst subject to a community-based order whilst noting 70 per cent of community-based orders are being completed annually and strong evidence to suggest that stronger supervision of community-based orders has the ability to reduce the rate of offending [1]. The research is also indicative that intensive corrections orders are more effective in reducing recidivism than short-term imprisonment, particularly where the offender is classed at high risk of offending [1]. Additionally, it is apparent that community corrections orders with specific conditions produce better rehabilitation outcomes than unsupervised sanctions despite identified differences amongst cohorts of offenders. When comparing people who are on community-based orders in Australia as opposed to the Australian prison population, the figures suggest that 41,000 denotes the prison population whilst 83,000 people denote the community-based corrections [1]. The average daily cost of imprisonment is \$330 per day whilst the average cost of community correction is less than \$30 per day which statistically equates to an economical saving to the taxpayer of \$45 million per year nationwide [1].

The findings of the paper outline that prisoners who re-offend account for the bulk of the costs associated with prison across the jurisdictions. This shows that the cost-benefit analysis on community corrections versus prison indicates that the comparison of effectiveness in terms of deterrence appears to be lower with respect to rehabilitation community corrections orders. Rehabilitation community corrections also tend to have better performance rates. Additionally, potential cost savings exists where alternatives continue to meet the objectives of the criminal justice system. Indirect costs of imprisonment include but are not limited to post-release behavior of offenders, the well-being of affected children and families, as well as offender outcomes including but not limited to education, health, or employment outcomes of an offender [1]. Although studies exist that have reported on post-release outcomes, only a few studies have focused on and provided evidence-based recognition of the direction of this trajectory.

### **CASE STUDY FINDINGS IN A BID TO REDUCE COSTS OF IMPRISONMENT**

The findings contained in the case studies allude to the potential benefits of opportunities in the diversion of low-

risk offenders where the outcome can be achieved without the community safety aspect being jeopardized and includes sentencing options that are currently considered. However, these are with the view of bringing the considerations further to the front of the sentencing exercise. Some examples discussed are [1]:

- Increasing the use of community-based orders with specific conditions of behavior change programs.
- Where underlying drug and alcohol and mental health issues are key drivers for offending a more active use of diversion to appropriate treatments with appropriate supervision and focus.
- The use of the restorative justice process to provide holistic outcomes for victims and the community as well as offender education on the impacts of the conduct on the parties involved.
- Alternatives such as home detention and early active supervision for those prisoners that would be considered low risk.

Working on the advancement of technology that improves the effectiveness of proposed measures such as electronic monitoring programs improving supervision of offenders within the community.

The paper reiterates that ultimately application of community based alternative modelling to fit the respective jurisdiction will assist in the achievement of better outcomes over time. Specifically doing so through rigorous evaluations of new and existing programs, consistent measurement of program outcomes and public release of evaluations and outcomes. It follows that this will ultimately create a culture of learning and continuous improvement surrounding the effects and outcomes of these programs within the criminal justice system.

There is a strong indication that for low-risk prisoners at least, home detention and early parole with active supervision (emphasis added) should be considered. This is more particularly with the rapid advancement of technology and electronic monitoring. This electronic monitoring consequently improves supervision efforts of offenders within the community. This may ultimately result in more appropriate long-term outcomes such as the reduction in recidivism, allowing offenders to maintain positive connections with work and family, whilst simultaneously protecting the community and advancing community safely. Research indicates that treatment of underlying alcohol and drug issues and mental health effective management and treatment as well as basic need support around living skills, employment, and housing whilst in custody and on release can play a significant role in recidivism reduction [1]. The section bringing the case studies together shows that like many things the alternatives are not risk-free, there is no guarantee and outlines several significant outcomes. It is

suggested that each program or adaptation of programs by the case study section would need to be tailored for each jurisdiction whilst no national law exists within the Australian context. This section clearly indicates that adoption of the various case study programs adopted within the paper would “move Australian prison systems towards a stronger emphasis on rehabilitation and have the potential for better long-term outcomes” [1].

## CONCLUSION

The paper had a limited scope and was intended to be deliberately narrow considering three specific questions being:

- What are the underlying drivers of offending and imprisonment rates? In particular, to what degree is the increasing imprisonment rate driven by policy choices?
- What is imprisonment costing the Australian community, both in terms of the narrow fiscal cost and any broader individual and social costs?
- Are there alternatives to imprisonment available that can reduce reoffending without compromising community safety? [1]

The results indicate drivers of increasing imprisonment ranges and that this also ranges between jurisdictions and of those drivers some are external controls such as government and the use of policy choices most likely deliberate. The findings in the paper have eluded that ultimately imprisonment may increase recidivism, not enhance community safety in the long term (while it does so in the short term) especially given the involvement of recidivism. The conclusion of the paper gives insight into that comparable, high-quality data within the Australian jurisdiction concerning the criminal justice system contributes to the limitation of the analysis in the paper and by other researchers. Additionally, the paper has also outlined that effective diversion can yield dividends in terms of reduced recidivism. This focuses on addressing the issues of long-term costs to the community and subsequently taxpayers at large. The notion of effective rehabilitation in the reduction of the direct costs of prison is plausible.

## REFERENCE

1. Australia Productivity Commission (2021) Australia’s prison dilemma. Productivity Commission, Canberra World Prison Brief. Available online at: <https://www.prisonstudies.org/country/Mauritius>