

Building Bridges, Not Walls

Prisons and the justice system



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Australian Catholic Bishops Conference

Chairman's message

On behalf of the Australian Catholic Bishops Conference, I present the 2011–2012 Social Justice Statement, *Building Bridges, Not Walls: Prisons and the justice system*.

The words of the bishops urge us all to think about the conditions in our prisons, and to ask who are most likely to find themselves there.

Between 1984 and 2008, the number of Australians in prison per 100,000 people almost doubled. Over that time, however, rates of crime either stayed steady or fell. The majority of Australian prisoners come from the most disadvantaged sections of the community: Indigenous people, the underprivileged, those suffering from mental illness. Given these facts, we must ask if the justice system is truly delivering justice to our community.

In raising these questions, we are in no way seeking to justify crimes or minimise the terrible impact they can have on innocent people. But we do ask whether so many people should be in Australian jails, whether there are constructive alternatives to imprisonment, and what is being done to help prisoners lead productive lives once they have served their time.

We wish to pay tribute to the untiring work of prison chaplains, whose insights have been vital in drafting

this Statement. In particular, we wish to pay tribute to the generous help given us by the late Fr Kevin Ryan of Queensland. He spoke strongly of the dignity owed to these people even to the final days of his life.

Again and again in the Gospel, we read how Jesus reached out to the marginalised and rejected, and called on his followers to do the same. It is our hope that this Statement will help all Australians heed that call.

Jesus' path to Calvary led through the gates of prison. His cousin, John the Baptist, was committed to jail and executed there. Untold numbers of martyrs and saints, including Sts Peter and Paul, experienced the same fate. And it is also worth our while recalling that convicts were among Australia's first Catholics.

We pray for guidance to find ways to reach out like Christ to the forgotten and rejected in our society.

With every blessing,



Christopher A Saunders DD
Bishop of Broome
Chairman, Australian Catholic
Social Justice Council

The Australian Catholic Bishops Conference thanks those involved in the drafting of the Social Justice Statement 2011–2012, including Frank Brennan SJ, John Ferguson, David Brennan, the Catholic Prison Chaplains of Australia, members of the Australian Catholic Social Justice Council, Catholic social services, charities and groups ministering to prisoners and their families.

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Australian Catholic Bishops Conference

The Australian Catholic Bishops Conference is the permanent assembly of the bishops of our nation and the body through which they act together in carrying out the Church's mission at a national level. The ACBC website at www.catholic.org.au gives a full list of Bishops Conference commissions as well as statements and other items of news and interest.

Building Bridges, Not Walls

Prisons and the justice system

I'd first met 'Jason' as an angry, aggressive 17-year-old who'd just been sentenced to 10 years for a violent assault. In his seven years in prison, Jason has taken advantage of every opportunity. He learned leatherwork, eventually becoming an instructor in it; he learned card making; he improved his literacy skills and is an avid reader. Now he's working on a prison farm, he's learned to work with horses and cattle.

He's made huge progress, but he's never received any counselling – the rules don't allow it until he's eligible for parole. He's a boy who's grown to manhood in a violent environment, and he's grown up by himself. Prisoners have a saying: 'If you're going to be rehabilitated, you have to rehabilitate yourself'.

But Jason's an exception – almost unique. Compare him to another inmate I spoke to the other day. I said to him: 'I hope I'm alive to see you living as a normal man outside'. He answered: 'I don't know what a normal man would look like'.

A prison chaplain

When we hear the stories of Jason and his fellow inmate, we have to ask: what can we, as followers of Jesus, do to help a young man who has turned his life around against all odds and with no support? How will we help him find his way in the world outside when he has spent more than a quarter of his life in prison? And how can we reach out to help the other man who sees no hope?

It is time for all Australians to revisit the needs of prisoners, their loved ones and those who work with them. It is time to recommit ourselves to reducing the number of Australians held in prison, making better provision for ex-prisoners to become law-abiding and constructive citizens.

It is time to knock down the walls of social exclusion that increase the prospects that a person will end up in jail.

Before and after jail, we need bridges, not walls.

In this Statement, we want to provide greater inspiration for all Christians and people of good will to reach out to people in jail and assist those returning to society.

In doing so, we are guided by the teaching of Christ our Saviour, who never neglected the outcast or the criminal. We remember that the path to his crucifixion led through the gates of prison, and that among his last words was the promise of redemption he made to a condemned man (Luke 23:39–43). To those society viewed as the lowest of the low, Our Lord offered the salvation of God's Kingdom and life everlasting.



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We are grateful for the faithful service of the priests and the men and women, religious and lay, who bring Christ to those behind bars. They have provided us with real inspiration and hope in preparing this Statement and in addressing these very difficult social questions relating to prisons and justice.



1 Prison – A last resort?

Politicians and sections of the media often find it easier to be ‘tough on crime’ than ‘tough on the causes of crime’. The vast majority of prisoners come from disadvantaged backgrounds.

A prison chaplain

From the earliest days of British settlement in Australia, the Church has been active in advocating for reform in prisons. Fr William Ullathorne (1806–1889), vicar-general in NSW, was an outspoken opponent of transportation; the Bishop of Hobart, Robert Willson (1794–1866), devoted much of his ministry to convicts and the mentally ill and campaigned fiercely for the closure of the penal colony on Norfolk Island.

More than a century later, in 1988, the major Australian churches issued a social justice statement: *Prison, the Last Resort: A Christian response to Australian prisons*. That statement contained many recommendations for reducing imprisonment rates, finding alternatives to prison, addressing the needs of vulnerable groups and re-engaging prisoners into community life.¹ Sadly, more than 20 years on, Australia is yet to make prison a last resort. Prison is home to even more Australians today than then.

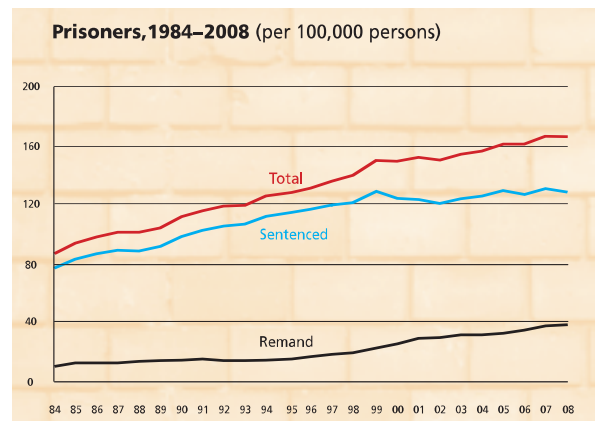
The Russian novelist Dostoevsky said: ‘The degree of civilisation in a society can be judged by entering its prisons’.² We know that social disadvantage and inequality create circumstances that make people particularly likely to come into contact with the criminal justice system.³

If our prison population per capita is increasing, chances are that we are becoming a less fair society and those on the lowest rung of the ladder are doing it tougher than they were previously. The money that goes into building more prisons could be reinvested in building more schools, health centres and mental health support, and towards more opportunities for education, training and employment for those who are socially excluded.

Increased imprisonment, not increased crime

Although the rate of violent crimes, except assault, has not increased over the past decade, and property crimes are decreasing,⁴ our imprisonment rate has increased rapidly. The overall imprisonment rate per 100,000 of the adult population in Australia grew from 88 to 168 between

1984 and 2008 – an average growth rate of five per cent every year.



Source: Australian Institute of Criminology, ‘Australian Crime: Facts and Figures 2009’.

If the increased rate of imprisonment is not being driven by a rise in crime, we must ask what the real causes are. One contributory factor is changes in laws that have resulted in such measures as toughened bail conditions and mandatory non-parole periods. While most prisoners in jail have been convicted of offences and sentenced, an increasing number of them have not yet faced court: they are on remand because they were refused bail or were unable to raise it. The slowness of the criminal justice system in bringing matters to court is a major problem. In 1984, 10 per 100,000 of the adult population were in jail on remand awaiting trial. By 2008, that figure had almost quadrupled to 39 per 100,000.⁵

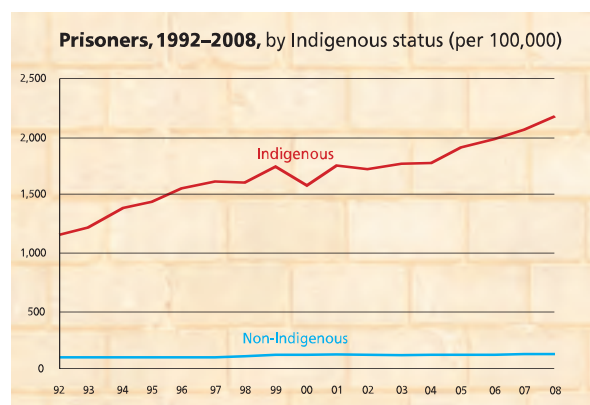
Some people who are arrested and charged may wait years for their trial ... Often the person is refused bail. In prison, he or she is treated as a criminal, not someone presumed innocent. If the person is found not guilty, the media refuse to report the finding. The person has no recourse to compensation.

A prison chaplain

Increased imprisonment of Indigenous people

The great Australian shame is that Indigenous Australians are being imprisoned at a far higher rate than non-Indigenous people, and the rate is increasing rapidly. Throughout 1988, the Royal Commission into Aboriginal Deaths in Custody took evidence about the causes of high rates of Aboriginal imprisonment and the circumstances surrounding the many deaths in custody. As a nation, we pledged ourselves to make a real difference so that Indigenous Australians would not end up behind prison bars in such disproportionate numbers.

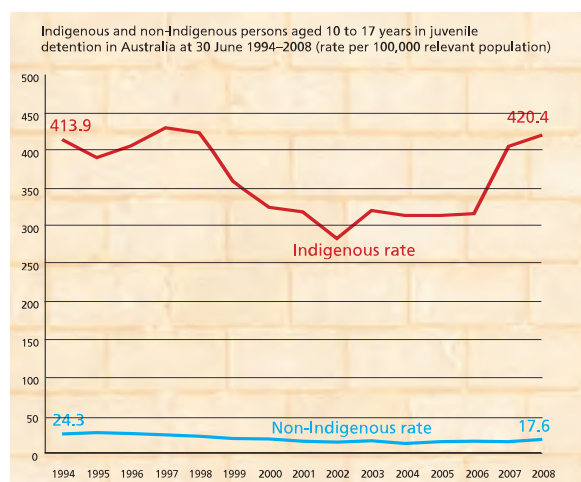
It is a sad indictment of our nation that these numbers have increased since the Commission published its final report in 1991. At that time, Indigenous prisoners made up 14 per cent of the prison population. By 2008, they made up one quarter. The imprisonment rate for Indigenous people was 2195 per 100,000, as high as 17 times the non-Indigenous rate.⁶



Source: Australian Institute of Criminology, 'Australian Crime: Facts and Figures 2009'.

The situation is even worse for young Indigenous Australians. The number of non-Indigenous youth aged 10 to 17 years in juvenile detention has fallen steadily from 24.3 per 100,000 in 1994 to 17.6 per 100,000 in 2008. Over the same period, the number of Indigenous youth of that age in juvenile detention rose from an already horrific 413.9 per 100,000 to 420.4.⁷

Tragically, for these young Australians, incarceration has become a normal, even predictable, part of life.



Source: K Richards, M Lyneham, 'Juveniles in detention in Australia, 1981–2008', Australian Institute of Criminology, p. 21.

Unequal justice

There are enormous differences in the imprisonment rates of the various Australian states and territories. This disparity requires explanation and challenges us to ask whether justice is applied equally throughout Australia. It also points to the need for alternatives to simply locking up more and more people.

There are three major concerns.

First, the Northern Territory, with a very large Indigenous population, has an imprisonment rate of 676 per 100,000. Of these, 80.6 per cent are Indigenous people.⁹

In May 2010, Brian Martin retired as Chief Justice of the Northern Territory after more than 40 years working in criminal law. He expressed his distress at the levels of violence in cases he had dealt with and the number of repeat offences:

These need to be addressed at a level before it gets to the criminal court because there's a limit to what we can do. We can put people in jail but that in itself has proved to be an ineffective way of rehabilitating people.¹⁰

He predicts the cycle of violence in the Indigenous community will not be broken for at least 25 years.



AAP Image/Lloyd Jones



BUILDING BRIDGES, NOT WALLS

While visiting the Broome Regional Prison during the course of my usual pastoral rounds many years ago, I was called into one cell which held six inmates. 'Hey Bish', called out the young man with his guitar in hand. 'We've got a new song. We just wrote it. It's called The Boys in Green' ... The song hinted that it was most certainly safer on the inside and ... there was a great deal of apprehension that what awaited them was more of the same sorts of things that had led them to jail in the first place.

The six lads were typical according to an accepted profile of those behind bars in the State. They were Aboriginal, had reached a low educational standard ... were habitually unemployed, came from families regarded as dysfunctional, did not enjoy good physical or mental health ... had attained few, if any, work related skills and previously had a long history of interaction with the law and the juvenile justice system. In a terrible sense it was so evidently predictable that these youngsters should find themselves in custody.

Bishop Christopher Saunders⁸

Second, Western Australia has the highest imprisonment rate of any state (281 per 100,000) and recorded the largest proportional increase in imprisonment rates with an increase of 54 per cent between 2001 and 2010.¹¹

Last year Antoinette Kennedy, the former District Court chief judge of 25 years, criticised Western Australia for having the highest rate of imprisonment among the states 'by a country mile'. Ms Kennedy condemned 'tough-on-crime' legislation such as mandatory sentencing, which she said was driven more by politics than any real threat to the community. She noted the enormous number of young people already being locked

up and warned that more could be exposed to jail for trivial offences.¹²

Third, at the time of writing, the imprisonment rate in NSW is 87 per cent higher than that in Victoria (196 per 100,000 as compared with 105.5 per 100,000).¹³ Among factors contributing to this are the considerable restrictions NSW law has placed on the right of accused persons to obtain or even apply for bail. The remand rate in NSW is approximately 2.5 times the rate in Victoria,¹⁴ and the percentage of people in remand in NSW has increased from 12 per cent of the state's prison population in 1982 to 23 per cent in 2009. A very high proportion are housed in maximum security even though they have not been convicted of any offence.¹⁵ Nearly 30 per cent of those on remand in NSW are later acquitted.¹⁶ Many others, if convicted, do not receive custodial sentences. Frequently people spend longer on remand than they would be sentenced to if convicted. It is to be hoped that the current review of NSW's bail laws will lead to improvements in these circumstances.

The overall rate of imprisonment in Australia and these examples of unequal rates of incarceration point to the need for real policy change and for increased resources to be reinvested into alternatives to imprisonment.

Those working to support people in prison emphasise the need to address the underlying causes of crime and to be innovative with regard to the operation of the criminal justice system – giving more emphasis to the principle of social inclusion and community-building strategies.



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2 The Church's teaching on crime and punishment

All of us are called to respect the human dignity of every person, including those who have committed serious crimes. State limitations on freedom always require justification. Punishment of offenders can help to preserve public order and safety, but it should also assist the rehabilitation of offenders and protect their human rights.

In 2007, a World Congress of the International Commission of Catholic Prison Pastoral Care took place in Rome, taking the theme 'Discovering the face of Christ in every prisoner'. The Congress, echoing words of Pope John Paul II, said: 'The world does not need walls but bridges'. The chaplains stated:

We strongly advocate and work for justice that restores, heals and protects; a justice that makes the offenders accountable for what they have done; a justice that provides restitution to the victims who are most of the time ignored and forgotten by the current justice system; a justice that engages the community in facilitating the healing process, thus leading to the re-integration of the victim and the offender to the community.¹⁷

To protect the common good, the state has the right and also the duty to impose appropriate punishments for offences that are harmful to human rights and the fundamental norms of civil life. The Church emphasises that this power should be entrusted to the courts without undue interference from politics.¹⁸

The Church also emphasises that just punishment should have a rehabilitative function:

On the one hand, encouraging the re-insertion of the condemned person into society; on the other, fostering a justice that reconciles, a justice capable of restoring harmony in social relationships disrupted by the criminal act committed.¹⁹

Pope Benedict XVI, addressing the 2007 Rome Congress, said:

Judicial and penal institutions must contribute to the rehabilitation of offenders, facilitating their transition from despair to hope ... When conditions within jails and prisons are not conducive to the process of regaining a sense of worth and accepting its related duties, these institutions fail to achieve one of their essential ends.²⁰

When we look at the conditions in Australia's prisons in the light of the Church's teaching, we have to ask if there is a proper balance between appropriate punishment and effective rehabilitation of offenders.

The challenges confronting us

We believe there are five urgent challenges that affect every aspect of our criminal justice systems. Only if they are met will we be on our way to making prison truly a last resort.

Let's consider each of those challenges.

Countering fear campaigns about law and order

The politicians are very strong on 'law and order' and it is interesting to see how this card is brought to the fore through media when support for the government or opposition is waning. Perpetrators of crime are often demonised. Many prisoners feel there is very little hope of being supported to change and make a contribution to society.

A prison chaplain

The vast majority of Australians have no knowledge of prisons or prison life. Prisons have been described as 'exotic institutions unknown to the social mainstream' that prevent any knowledge of inmates' circumstances.²¹ This ignorance is fertile ground for law and order campaigning.

In state elections it is commonplace for politicians to outbid each other in pledging to be tough on crime for the sake of creating a safer community. Certainly there will always be a need for prisons to keep some serious offenders incarcerated for the good of the community. But there is also a danger that sensationalist claims



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AAP Image/Dave Hunt

about increasing violent crime have more to do with immediate political advantage and popular perceptions than with the safety of the community.

The Churches have been among those working to counter fear campaigns and to argue that sending more people to jail for longer is not the best way to ensure safer communities.

During the 2010 Victorian election campaign there were many calls for tougher law and order measures. The Victorian Heads of Churches pointed out that there were better ways to make our community safer than by budgeting an extra \$126 million for an additional 244 prison beds. They said:

*A safe community starts with adequate support for families, child protection, early learning programs, affordable housing, mental health services, family violence programs, decent work opportunities and drug and alcohol counselling ... [T]o make a lasting impact on community safety we must prevent crime in the first place through community strengthening and through individual and family support.*²²

These sentiments need to be repeated in every Australian state and territory, particularly at election times. We acknowledge the courage of those who, often at great cost, stand up for people who are the targets of an overly punitive approach.

For example, in June 2010, Graham West resigned as the NSW minister responsible for juvenile justice when the then government decided not to adopt justice reinvestment and scrapped plans to create bail houses for young people who otherwise would be held in prison on remand. An independent review of the NSW juvenile justice system found that the number of juveniles in detention centres has increased by 50 per cent in just six years. About 75 per cent of juveniles in detention are on remand and almost 80 per cent of those will not end up with a custodial sentence. The independent review found that changes to the *Bail Act 1978* led to a rise in remand rates.²³

Addressing social factors that contribute to crime

Repeatedly, our prison chaplains inform us of the high level of social and economic disadvantage that prisoners and their families experience, often over generations, making it more and more likely that they would be incarcerated at some stage in their life as a result of inadequate support in the community. Mental illness and drug addiction, and the lack of adequate services in the community, are common elements in their lives. A recent report showed that 37 per cent of those in prison had been told by a medical professional at some time that they had a mental illness and 18 per cent were currently receiving mental health medication.²⁴

The overwhelming proportion of prisoners who suffer from mental illness, drug or alcohol addiction, or cognitive impairment are in prison because of the lack of funding for the resources needed to deal with these problems. Prisons are unable to adequately treat these problems for many reasons, and the prisoners who suffer from them invariably suffer further damage.

Jocelyn McGirr, Inaugural President,
Community Justice Coalition

Almost a decade ago, research was suggesting that addressing long-term unemployment and school retention rates would significantly decrease crimes such as home break-ins. The key factors in reducing property crime were reduced drug use, rising weekly earnings and falling long-term unemployment.²⁵

It would make sense for us to give people the opportunity and means to support themselves before we get tough on them because we think they are likely to offend. For example, Peter Saunders of the Aboriginal

Legal Service of Western Australia speaks of the overwhelming disadvantage in many Aboriginal communities in Western Australia, and of how numbers in custody are being driven up by over-policing with regard to offences such as unpaid fines, driving offences and petty theft.²⁶

Rather than incarcerating more and more vulnerable people, it would be a longer-term but less costly option to look for ways to support the most marginalised and include them in the community. Improved accommodation support, school retention levels and employment opportunities strengthen the fabric of society. Early intervention mental health and community services will equip more people to function in society and reduce the likelihood that they will engage in crime.

To produce lasting change, we need carefully planned, collaborative and long-term projects in the most disadvantaged communities – actions that aim to bring about real participation and empowerment.

Being tough on crime will be wasteful, unjust and even counter-productive unless we are also tough on the factors that contribute to crime. We know the pathways to prison and we know those groups who are most vulnerable to incarceration. It is time to act now.

Maintaining the dignity of those in prison

Prison life is isolating and often brutal. In the words of one prisoner:

Ninety-eight per cent of the time it's bone-numbing boredom ... However there's two per cent I would call bone-crushing terror ... there have been times when I've been fearful for my life.²⁷

In this environment, prison chaplains do heroic work, providing inmates with all-too-rare opportunities for personal reflection, the Sacraments and spiritual support. Often when lives and relationships break down, people can be most open to the presence of Christ. Chaplains, the face of the Church for those most in need, spend hours with prisoners, some of whom, after many years, have come to the point of remorse and wonder how to forgive themselves or even if God can forgive them. The chaplains' ministry reveals a central truth that there is more to even the most brutal offender than the crimes he or she has committed.

Prisoners are deprived of their freedom but they must never be deprived of their human dignity. No civilised society can tolerate prisons being conducted as barbaric institutions. Former Queensland Supreme Court judge William Carter has denounced the culture of Australia's

For these people God seems to be on the outside. The thick prison walls have left God outside. They feel disappointed. Perhaps God chooses only the successful ... The heart of my prison ministry is being in solidarity with the poorest of the poor. 'God is near the broken hearted and those crushed in spirit' (Ps 34:18).

A prison chaplain

prisons, saying: 'Prison is a place where human beings are brutalised, sodomised and assaulted – but not corrected.'²⁸

Certain types of offenders can find themselves despised both by staff and fellow inmates, and are particularly subject to brutality in prison. However serious their crimes, we must remember that it is the state that is responsible for their punishment – not other prisoners.

Common experiences of prison life, such as overcrowding, fear of violence and unmet need, reveal how the institution is failing to rehabilitate. Prisons do not have the capacity to deal with the complex needs of people with addictions, mental illness, intellectual disabilities or conditions related to advanced age.

Even for people without such problems, a period of incarceration can result in the loss of jobs, accumulation of debt, loss of accommodation, and homelessness upon release. Family breakdown is one of the most tragic consequences. For children, the repercussions can be terrible. Imprisonment of a parent means they are also exposed to prison life and, if the family is separated, to the possibility of having to live with strangers or enter the care of the state.²⁹



AAP/Amy Sancetta



BUILDING BRIDGES, NOT WALLS

We are particularly concerned for women prisoners, the vast majority of whom are mothers, and around 80 per cent of whom are the sole providers for dependent children.³⁰ Added to the pain of their sentence is the separation from their children. And often, the physical and psychological violence of prison replicates the violence many experienced in their own childhood.³¹ In very many cases these women should be receiving treatment for addiction or mental illness rather than being incarcerated.

We acknowledge prison officers and other professionals who work under difficult circumstances to preserve the dignity of prisoners. We also recognise the faithfulness and resilience of families who support those in jail. Many travel great distances and even move to a new location, with all the upheaval that entails, in order to be with their loved ones.

All these people are struggling to meet an overwhelming need that broader society has failed to address. The issue of mental illness among the prison population is a case in point. But these are challenges not just for those working in the criminal justice system. We all share a responsibility to meet the needs of our brothers and sisters inside. Those who have been brutalised and denied proper care and rehabilitation in prison will one day return to our communities. What will be our response?

Providing practical help for people coming out of prison

Making the transition from prison back into the community can be an anxious process that requires comprehensive support.

Many people leaving prison do not have skills that we take for granted, such as paying bills, buying food, banking, or finding work. Modern technologies, such as computers and mobile phones, may be unfamiliar. Re-establishing bonds of trust and love can be a painful and bewildering experience. Many people leaving prison have little social support, little education or training and very little opportunity to gain access to these things.

It is vital that the role of probation and parole remains focused on assisting people in the process of reintegration. This is particularly important for those who are struggling with daily living and therefore at risk of reoffending.

The emphasis must be on support, not surveillance. Studies in NSW have shown that intensive

Once released, ex-prisoners face an uphill battle of waiting lists for many basic services and supports – like drug treatment or for somewhere to live. And so many people get locked into a vicious cycle of addiction, petty crime and prison.

A prison chaplain

supervision and monitoring on release are less effective in reducing re-offending than access to treatment and services that address the problems that underlie offending behaviour. Probation and parole officers have emphasised the importance of access to secure and affordable accommodation, mental health services and drug and alcohol treatment.³² We should also remember the responsibility that parole boards bring to their task, and the difficulty they face when there is interference from politicians or the media.

We should maintain and act on the hope that with appropriate support, ex-offenders have the capacity to become productive, law-abiding members of society.

People leaving prison need support until they can manage on their own. Planning for reintegration into the community needs to begin long before a prison sentence is complete and continue after release. 'Reintegration', of course, means helping inmates where necessary to find a new life in the community, rather than simply returning them to the circumstances they came from.

We applaud the work of organisations such as CatholicCare, Jesuit Social Services and the St Vincent de Paul Society, who offer transitional services such as accommodation, employment and training, reunification with family and community, access to mental health and addiction services and intensive counselling where required. In doing this, they place the dignity of the person at the forefront of any engagement.



Photolibrary/Paul Doyle

Providing realistic alternatives to prison

Australia currently spends over \$10 billion yearly on criminal justice, an amount that has increased by 33 per cent over the past decade. Of that, more than \$2.5 billion is devoted to corrective services.³³ Australians have a right to ask whether taxpayer dollars are actually reforming offenders and improving community safety. We should be asking our governments what return we are seeing on this large expenditure.

While society does need prison as a last-resort punishment and sanction, research raises doubts about its capacity to rehabilitate and deter offenders. A 2010 study compared people convicted of the same offence, half of whom had been imprisoned while the others received a non-custodial sentence. It found that those who served time in jail were in fact slightly more likely to reoffend.

The study suggested that it would be 'unwise to imprison offenders when the only reason for doing so is a belief in the specific deterrent effect of prison.' Instead, it was suggested that for many of those prisoners sentenced to six months or less, a more cost-effective alternative would be to place them on supervised community-based programs with drug, alcohol or mental health treatment where appropriate.³⁴

Diverting people from the prison system also makes economic sense. In 2007–08, over \$75,000 was spent annually for every prisoner, as compared to only \$4400 for each offender sentenced to community corrections programs.³⁵ A ten per cent reduction in the rate of re-imprisonment would reduce the prison population by around 830 inmates and save \$28 million in recurrent costs.³⁶

There are alternatives to prison that highlight positive developments in the criminal justice system. They offer longer-term benefits that are often more effective in helping people regain their self-worth and take on the responsibilities of citizenship.

Restorative justice programs like the Jesuit Social Services Group Conferencing Program in Victoria bring together young offenders and those who have been affected by the offence, giving the young offender an opportunity to take responsibility for their actions and to make reparation to the victim and community. In a recent independent review of group conferencing, it was found that just over 80 per cent of young people who participated in the program had not offended after two years and that 91 per cent of victims who participated were very satisfied with the process and the outcomes.³⁷

The victim and their family faced the offender and their family in the community where the offence occurred. It is a far more humane and Christian approach. Where the victims want to confront the offender with the harm they have done, and the offender acknowledges the trauma they have caused and shows genuine remorse, amazing things happen!

A prison chaplain

Diversionary programs can also be highly constructive alternatives to imprisonment. For example, Drug Courts exist in all states and the ACT and enable offenders to undertake detoxification and treatment plans that are monitored by the court. A NSW study indicated that a group of participants in the program were reconvicted at a much lower rate than a group of non-participants.³⁸

'Community policing' can reduce the traditional hostility that exists in some communities towards police and the legal system. This might include establishing constructive relationships in neighbourhoods, knowing and understanding people and issues in the community, and working with the community to identify problems.

Indigenous communities have special needs when it comes to the administration of justice: consultation and flexibility are vital in this regard. Often courts are left with no choice but to send Indigenous prisoners to jails thousands of kilometres from their homes and families. Initiatives such as circle sentencing – where magistrates sit with leaders of Indigenous communities when deciding on an appropriate sentence for an offence – have been effective in combining punishment, restitution and reintegration of Indigenous offenders into the community.

A criminal justice system that focuses on increased incarceration can blind us to our responsibility to address the needs of the most disadvantaged. For victims of crime it may offer revenge but no real justice or restitution. For offenders, it fails to offer adequate rehabilitation that would enable them to return to society as responsible citizens. At the worst, it can return offenders to the community feeling that they are victims of the prison system. This cannot be conducive to offenders appreciating the damage caused to victims of crime and making restitution to society.



3 What is our response as Christians?

As Christians, we are called to acknowledge the human dignity of all people, even those who have done great harm through their crimes.

At the start of his public ministry, as the people of Nazareth gathered in the synagogue to hear the Word of God, Jesus read from the prophet Isaiah:

*The Spirit of the Lord is upon me,
because he has anointed me
to bring good news to the poor.
He has sent me to proclaim the release of captives
and recovery of sight to the blind,
to let the oppressed go free,
to proclaim the year of the Lord's favour.*

Luke 4:18–19

To the amazement and then outrage of those gathered, he proclaimed the fulfilment of the Scriptures as the Son of God. He proclaimed his ministry in these words; and in his death and resurrection he accomplished that mission. He becomes the Saviour of the poor, the imprisoned, the blind, the oppressed.

The very essence of his ministry, summed up in the passage he read, is certainly immediately applicable to the people whose presence was obscured behind prison walls. Jesus reminds us that it is not just 'the guilty' who inhabit that space of exclusion, but also the poor, the hungry, the sick and the oppressed.

Whenever we proclaim the Gospel we are being commissioned to fulfil the ancient text again, here and now. Jesus associated with the most 'despised and rejected' (cf. Isaiah 53:3); when criticised for eating with those who were outcast or seen as wrongdoers, Jesus said: 'I have come to call not the righteous but sinners to repentance' (Luke 5:32).

No crime can take away or diminish the fact that we are all created in the image and likeness of God. In the words of Sir Gerard Brennan, former Chief Justice of Australia:

*Prisoners, no less than the free, are our brothers and sisters and we have been silent too often when their human dignity has been diminished.*³⁹

Having seen and judged the situation, we are called to act – to make a difference for those who suffer most because of the failings of our criminal justice and prison systems. As individuals and as parish communities we can offer support to those in prison and seeking bridges to a new life.

Offering practical care

'And when was it that we saw you a stranger and welcomed you, or naked and gave you clothing? And when was it that we saw you sick or in prison and visited you?' And the king will answer them, 'Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me.'

Matt 25:40

Central to our life as Christians is the shared responsibility to feed the hungry, welcome the stranger, clothe the naked, care for the sick and visit the prisoner.



Photolibrary/Robert Mulder

Released prisoners often find it very hard to turn their lives around. When they leave prison, they will probably have few friends other than other ex-prisoners. As communities of faith, we can ask ourselves what comfort and support a person leaving prison would be likely to find in our parish church. How can we make them feel welcome?

Without family, friends, a job or a home, it will be difficult for any released prisoner not to reoffend and return to jail. How can we assist people as they come back into the community? What could you, your parish, or your St Vincent de Paul group do to help a released prisoner find a job or stable accommodation?

There are Catholic organisations in our dioceses that run restorative justice and post-release support programs. Can we give our time or make a financial contribution to their important work?

The vital work of prison chaplains is demanding and often goes unrecognised. How can we support a prison chaplain with the most practical of needs? What could you and your parish do to assist a prison chaplain trying to help a released prisoner find a job or a home?

The Church has always had a fundamental concern to bring the face of Christ to prisoners. We recently produced a catechetical resource for prisoners entitled *Hearing God's Call: An audio introduction to the Catholic Faith*.⁴⁰ We trust that this will be a support to the ministry of our prison chaplains.

Engaging in realistic critique

Do not neglect to show hospitality towards strangers, for by doing that some have entertained angels without knowing it. Remember those who are in prison, as though you were in prison with them; those who are being tortured, as though you yourselves were being tortured.

Hebrews 13:2–3

Persecution, imprisonment and torture were a common experience from the earliest days of the Church. From the perspective of the Roman imperial administration, the disciples of Jesus were part of a criminal movement, a threat to law and order. The Letter to the Hebrews reminded the early Christians of the importance of maintaining solidarity with those who are imprisoned.

How can we renew that solidarity today when the popular sentiment would have us 'lock 'em up and throw away the key'?

Whenever we hear prisoners being discussed in our parliaments or in the media, let us ask whether the dignity of prisoners is being respected. Is prison being viewed as a last resort? If we are expanding our prisons, what are we doing to expand the health, education and welfare services that will ensure that today's disadvantaged children are not tomorrow's prisoners?

Are we willing to call talk-back radio, write letters to the editor, or visit our local politicians and challenge policies and laws, like toughened bail conditions and mandatory sentencing, that put more people in prison for longer?

Whenever we hear demands for new prison walls, let's pray and imagine how more bridges might be built in our society, providing a way back into a meaningful crime-free life after prison.

Building a new sense of community

Now his elder son was in the field; and when he came and approached the house, he heard music and dancing. He called one of the slaves and asked what was going on. He replied, 'Your brother has come, and your father has killed the fatted calf, because he has got him back safe and sound'.

Luke 16:25–28

In the parable of the Prodigal Son, it is easy to understand the anger of the hard-working son who remained by his father's side. For his brother, who had deserted and disgraced the family, he had nothing but contempt.

This parable contains a strong challenge to any community too ready to judge and condemn. The father's unconditional love for his repentant son calls us to recognise that reconciliation and acceptance is more important for us than any feelings of vengeance.

A preoccupation with 'getting tough on crime' hinders rehabilitation of offenders and can make life after release just another experience of blame and exclusion.



BUILDING BRIDGES, NOT WALLS

How can we, in our hearts, our homes and community, foster a spirit of understanding towards those who make wrong decisions in life and may even do great wrong to us? Will we cast the first stone? Or are there other ways to resolve differences and heal any harm that has been caused?

How can we offer a supportive environment for any member of our community, particularly young people, who may be at risk of offending and entering the criminal justice system?

Prisoners are still members of our community, including our Church community. They are behind bars, and cannot reach out. How can we reach out to prisoners and their families to maintain the spiritual support and practical concern of the community?

As we gather to worship and celebrate the Eucharist, let us consider how we can provide a place at the table of the Lord for prisoners deprived of their liberty.

As the father told his elder son in that famous parable:

You are always with me, and all that is mine is yours. But we had to celebrate and rejoice, because this brother of yours was dead and has come to life; he was lost and has been found. (Luke 15:32)

Let us build more bridges

Jesus Christ shows us the unconditional love of God our Father for people whom others are too ready to condemn.

He did not give up on the person before him, no matter how challenging their behaviour or demanding their need. He always found the opportunity for the sinner's repentance and conversion, and re-established the person into the life of the community. At the same time, he challenged the community to be accepting and hospitable to those returning to society.

As Bishop Joseph Grech, who passed away last year, reminded us:

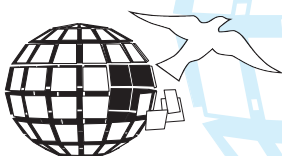
*God does not make rubbish
For God calls us His own ...
Wonderful, Beautiful, We are
Precious, Treasured, We are.⁴¹*

In the person of Jesus Christ, we have God's embrace of people who were regarded as rubbish by the society of the time. Today, we are called to see the face of Christ in every prisoner, and to remember those who are in prison as though we were in prison with them. We are to minister to them the saving power of Christ himself.

Rather than demanding more walls, let us build more bridges.

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Through the life-giving activities of aid and development, Caritas Australia is committed to providing dignity and justice to all. We work in partnership with our neighbours to challenge the structures of poverty and to stand in solidarity with the poorest of the poor. In the island nations of the Pacific, through South East Asia, across Africa and throughout the world we use your support to promote a more just and compassionate world.

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The Catholic Agency for Overseas Aid and Development



God, Our Creator,

We acknowledge the ancestors and original owners of this land,
a land of wealth and freedom, far horizons,
mountains, forest and shining sand.

Maker and spirit of earth and all creation let your love possess
our land
and may we share in faith and friendship, the gifts
unmeasured from your hand.

We pray for all the imprisoned, those on the inside, whose
confinement is obvious
and those on the outside, whose imprisonment is subtler.

We reach out in grace, knowing that human divisions are false,
that we are not the innocent praying for the guilty
or the right praying for the wrong
but people praying for people, the hurt remembering the hurt,
the failure reaching out in love to the failure in a single
community.

We remember those who seek to change difficult life stories,
midwives of hope and agents of grace.

We remember and pray for the victims of crime on the outside,

knowing that we do not have the luxury of black and white,
the simple answer or the easy question.

We remember and pray for the countless victims on the inside
casualties of uneven playing fields and difficult starts,
dreamless futures and nightmare pasts.

We remember the whole criminal justice system and its process,
those caught up in it, those on every side
and in every moment of it.

We pray a blessing on all those who enter prison.

We pray a blessing on all those who wait on the outside.

We pray a blessing on the world community.

Teach us to deal with each other with compassion.

Keep all of us ever mindful of your law of love
so that we may temper justice with mercy, exercise control
with compassion.

May our motives and our actions conform to your will
and fulfil your purposes all the days of this life
so that we may share in the life to come.

Amen.

NSW Network of Catholic prison chaplains



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