

INTER-CHURCH CRIMINAL JUSTICE TASKFORCE
TERMS OF REFERENCE

Approved by: Victorian Council of Churches Social Questions Commission
Date of approval:

INTRODUCTION

In order to make it easier for all Christian denominations involved in calling for just outcomes in the Victorian criminal justice system it has been found necessary to form a multi-church Taskforce as a working party of the Victorian Council of Churches Social Questions Commission. This working group will be called the Inter-Church Criminal Justice Taskforce.

POLICY

Christians believe each person, male and female, is made in the image of the triune God. Each person has inherent and equal dignity, should be respected, and lives in relationship to others. Numerous Scriptural passages¹ suggest that God desires for the release of prisoners and captives of all kinds so that they may enjoy liberty and light and a purposeful existence.

Christians rely on the Gospel to provide guidance as to the desire of God for prisoners. Consistent with this Gospel vision, Christians should oppose a model of retributive justice and rather commit to a model that promotes restoration and redemption.

The Victorian Council of Churches Social Questions Commission supports a restorative, rehabilitative and community-based justice system to reduce offending and re-offending, with imprisonment as the last resort. Commitment to providing hope to the ex-offender, whilst putting things right with victims and providing support and protection for other vulnerable members of our community should guide reform of the criminal justice system.

The 'Prison as a Last Resort: A Christian Response to Australian Prisons' statement by Anglican General Synod Social Responsibilities Commission, Australian Catholic Social Justice Council, Australian Council of Churches Commission on Church and Society, Australian Council of Churches Commission on Church and Society and Uniting Church in Australia Assembly Social Responsibility and Justice Committee of 1988 shall be used as the primary inspiration for the positions that the Inter-Church Criminal Justice Taskforce takes. This statement is provided in the *Appendix*.

PURPOSES

The Inter-Church Criminal Justice Taskforce shall have the following purposes.

Primary purposes

- Develop and promote theologically informed Christian social thinking in the field of criminal justice.
- Provide a distinctly Christian voice in the media to provide for greater balance in debates about criminal justice matters.
- In consultation with the Victorian Council of Churches make representations to Government on behalf of Victorian Council of Churches members in the area of criminal justice.
- Promote awareness of criminal justice issues within Victorian Christian communities and provide social justice campaign materials.
- Advocate the use of restorative and community-based justice practices.
- Analyse the criminal justice system more generally with a view to finding alternative models of sentencing, imprisonment and prison structures for the Victorian Government to consider, so that prison is a last resort.

Ancillary purposes

- Analyse social conditions and structures, with a view to finding ways to prevent criminal offences occurring.
- Monitor the conditions that Victorian prisoners currently experience, with a view to countering abuses where they occur.
- Analyse gender, family, culture and age related issues as well as work (inside jail and

¹ Such as *Isaiah 42:6-7, 61:1; Luke 4:16-20; Acts 5 17-20, 16:20-34*

employment opportunities post-imprisonment), education and training pertaining to the Victorian criminal justice system.

- Promote community projects to reduce offending and reoffending.
- Work with other faith-based groups to further the stated policy objectives of the Taskforce.
- Support Christians working for social justice in the criminal justice system

COMPOSITION

The Inter-Church Criminal Justice Taskforce shall consist of:

- The General Secretary of the Victorian Council of Churches, or nominee.
- Nominees of the Victorian Council of Churches Social Questions Commission.
- Other members who are co-opted by the Inter-Church Criminal Justice Taskforce.

The Inter-Church Criminal Justice Taskforce shall have no fewer than 5 members.

Chair and spokesperson

- The Chair and spokesperson shall be the General Secretary of the Victorian Council of Churches (VCC), or nominee.

Secretary

- Secretariat support will be provided by VCC associated churches and organisations, as approved by the Inter-Church Criminal Justice Taskforce.

MEETINGS AND COMMITTEE REQUIREMENTS

Quorum

- 3 members.

Frequency of meetings

- At least 5 times per year.

Committees

- The Inter-Church Criminal Justice Taskforce may establish working groups provided that this approved by the Victorian Council of Churches Social Questions Commission.

MANAGERIAL RESPONSIBILITY

- The General Secretary of the Victorian Council of Churches.

RELATED DOCUMENTS

- Prison as a Last Resort: A Christian Response to Australian Prisons' statement (Appendix)
- The Constitution of the Victorian Council of Churches Incorporated.

APPENDIX

Prison as a Last Resort: A Christian Response to Australian Prisons

This 1988 statement was prepared by members of:
The Anglican General Synod Social Responsibilities Commission
The Australian Catholic Social Justice Council,
The Australian Council of Churches Commission on Church and Society, and
The Uniting Church in Australia Assembly Social Responsibility and Justice Committee and is endorsed by the above bodies for discussion in the churches.

Churches

That the churches use this statement as a basis for:

- (a) educating parishioners
- (b) discussions with government.

That the churches encourage their parishes and agencies to explore ways of being involved in community support schemes for ex-prisoners and people on probation/parole. As far as possible, churches should support existing organisations such as Prison Fellowship, Civil Rehabilitation Committees and Prisoners Aid Societies—whose aim it is to ease former prisoners back into society.

That the churches become involved in setting up a body of people, to whom families and friends can go, as liaison between prison authorities, prisoners and their families.

That church communities become involved in supporting families of prisoners with transportation for visiting and with support in the post-release period.

That the churches encourage as much community debate as possible about the use of imprisonment as the appropriate penalty for crime, and the length of such imprisonment.

That where church and community groups become involved in community correction programs, they ensure that such programs are a genuine alternative to prison and are not simply co-opted into the prison system.

That churches help establish working parties in each state to develop a directory of organisations that assist prisoners and families in visiting, and in finding employment and accommodation.

That churches foster the building up of effective chaplaincy services in all corrective institutions.

Alternatives to Prison

That governments in states with high prison rates reassess their imprisonment policies as a matter of urgency, to find and implement effective ways of reducing their imprisonment rates.

That a system be developed that offers genuine alternatives to prison, ones that do not assume prisons to be the centre of the penal system—or a possible sanction within these alternatives. For example, if fines are a genuine alternative to prison, one should not end up in prison for fine default.

That Governments encourage the use of community service orders, work-release schemes, good behaviour bonds, cautions, week-end and mid-week detention, home detention and fines, by making facilities for such alternatives to incarceration available to the courts.

That the public, the police and the courts be educated in the rationale for those alternatives. That where it exists an appropriate alternative should be pursued. Governments should budget for work-release schemes and develop links with employers. Young offenders should be cautioned for minor offences.

That the churches and other private organisations encourage members to co-operate in schemes that are alternatives to prison.

That those groups, through educating their members about prisons and the way they function, encourage a ministry of concern for prisoners and for those on probation and parole.

That the probation and parole services be adequately funded and staffed to do their jobs effectively.

Young Offenders

That governments implement/retain youth cautioning systems, and other means of dealing with juvenile crime, that keep young people out of institutions.

That systems for responding to juvenile crime

- take account of the nonviolent nature of almost all juvenile crime;
- include appropriate measures for the small minority of crimes that are violent, i.e. that such people not be placed in adult prisons.

That governments provide programs to improve educational levels; provide vocational training; ensure income is above poverty line; provide therapy for victims of child abuse; provide help in developing family ties (and alternative adult support) for all offenders.

Remodelling Gaols

That governments should replace or modify outdated prisons so that they all meet at least the minimum standard set by the United Nations, and so that prisoners can live in the conditions appropriate to their classification. Prisoners should have a right to privacy and a right to group activity. Shower and toilet facilities should be clean and hygienic.

That prisons should cease using isolation as punishment except for brief periods to allow a prisoner to regain his or her self-control.

That within prisons, ways should be developed of encouraging prisoner decision-making, initiative and responsibility.

That prison management should be by unit management principles, with permanent staff for each unit and relatively low turnover rates of prisoners (i.e. minimal transfers between prisons or units).

That all new gaols should be built to facilitate such management, but that the scheme also be introduced in older gaols (e.g. by treating separate floors of a wing as separate units).

Work Programs

That work and programs to develop skills be available to all prisoners. This would require co-operation between prison authorities, employer groups and unions to overcome fear of competition from prison industries.

Classifications

That the classification process be reviewed and alternatives be considered. Classification should be recognized as an important part of prison management. Flexibility should allow those who are assessing classification to balance security considerations against aims of humane treatment and preparation for community life.

Assistance when Leaving Prison

That prisons provide opportunities for pre-release preparation for prisoners.

That financial provisions for prisoners when they leave prison be improved and provide (1) an amount equal to unemployment benefits for the period until prisoners receive their first unemployment benefits payment;

(2) the bond and first two weeks' rent where prisoners have no accommodation to return to (this to be paid direct to landlord/estate agent, but in a way that does not identify the person as an ex-prisoner);

(3) a clothing allowance (clothes are necessary for job interviews, etc.);

(4) an equipment allowance, where prisoners gain employment requiring that they provide such equipment.

The amount provided (and when/how it is provided) may vary with length of sentence and circumstances of prisoner. The intention is to ensure that ex-prisoners do not need to resort to crime for survival in the first weeks after release.

That prisoners when released be given help in finding work.

Educational and Training Activities

That educational and vocational training programs, programs in developing living skills and drug rehabilitation programs be available to all prisoners.

That such programs, including educational and vocational training programs, utilise properly qualified staff, and that they be based on good educational principles. They should not be a means of prisoner control.

That programs in prison such as work, education and drug rehabilitation be voluntary for prisoners.

Drug Rehabilitation

That drug rehabilitation units, preferably away from the prisons, be available for low security prisoners. Those on a high security classification and in need of treatment should have access to a unit in the prison.

Mentally Ill Prisoners

That Governments provide more special care units for those in a state of severe emotional disturbance. These units should act as further education centres for appropriate prison officers.

That people with a history of mental illness be diverted to the mental health system rather than being imprisoned for minor offences, and that appropriate programs be provided to help these people cope with being in the community.

Intellectually Disabled Prisoners

That staff of Intellectual Disability Services have a role in the education of police in regard to the needs of those who are intellectually disabled, and be in a position to assist and inform courts, advise on classification and management in prison and on after-care.

That, where applicable, intellectually disabled persons should have access to secure facilities, halfway house etc., staffed by appropriate professional persons, in the same way as the mentally ill prisoner has access to the Mental Health system.

Remand

That the housing of remand prisoners be improved. (Remand prisoners are classified as high security risks and because of the overcrowding of prisons are accommodated in unsatisfactory conditions.)

That governments take action to end the unjustifiable delays involved in initiating and completing criminal proceedings.

That funds be provided to pay for sufficient courts and court personnel to reduce the backlog of cases on remand.

That bail be refused only where it is unlikely that the accused will present himself or herself for a court appearance or there is good reason to believe that the person poses a threat to society. It should never be refused for minor offences.

Aboriginal People and Prisons

That there be immediate negotiations between government, police and Aboriginal communities to determine ways of reducing the number of Aboriginal people in prison, and that implementation of such programs be monitored to ensure they are implemented fully.

That police be trained to deal with their own racism and the racism of the communities in which they are placed.

That all governments monitor the charges on which police detain Aboriginal people and take appropriate action to ensure police take alternative action with Aboriginal people committing minor offences.

That police be held accountable where responsible for victimisation of Aboriginal people and be expected to use 'protective custody' as a last resort for public drunkenness.

That police who detain Aboriginal people contrary to the intention of the law be disciplined.

That governments deal with the root causes of the disintegration and despair that contribute to Aboriginal people breaking the law by implementing

- land rights;
- programs to help Aboriginal communities become economically independent and self-managing;
- programs to help Aborigines develop their own education, health and welfare programs, including means of preserving and handing on their culture.

That all Aboriginal deaths in custody be investigated fully and independently of the police associated with the death, and preferably by an outside body.

Family Ties

That prisoners be encouraged and helped to maintain family ties.

That contact of prisoners with their children be a right (except where there is reason to suggest this may be detrimental to the child, e.g. in cases of child abuse).

That recognition be given to the right of prisoners' families, i.e. spouse and children, to regular contact by visit, mail and phone. The frequency of visits should be increased to allow people better to develop and maintain relationships. This is particularly important for the family.

That visiting areas for spouse and children be such that they do not make the visitors feel as if *they* are in prison.

Prison Officers

That the roles and training of prison officers be reviewed, with the purpose of encouraging a role less oriented to custodial functions and more concerned for rehabilitative activity.

That the promotion system for prison officers be on merit, i.e. training, qualifications, understanding of the goals of the prison system and skills in dealing with prisoners in a constructive way, rather than being based on seniority.

That there be inservice training programs in each institution to enable officers to relate theory to practice within their institution. (Such courses would include different ranks.)

That training programs and management guidelines emphasise that the penalty involved in imprisonment is loss of freedom—not deprivation of human rights, or other hardships.

That all corrective services departments develop both strategic statements and review capacity. The strategic statement should include guidelines for gaol administration. Review personnel should visit gaols to check that there is a gaol strategic plan consistent with departmental policy and that it is being implemented.

Governments and the media

The media

That media recognise that the issue of crime is so serious that they have an obligation to deal with it in a rational way and not to sensationalise it.

Governments

That politicians depoliticise the issue of prisons, cease using it as a means of arousing fear in the electorate, and base their policies on rational analysis of the data about who ends up in prison, for what crimes, and with what effect on their future behaviour and on the fact that almost all prisoners eventually return to the community.

Victims

That governments, welfare agencies and communities co-operate to ensure that, all victims are helped, supported and protected through the law, emotionally, financially and in other practical ways.

Preventative Action

That governments develop and implement more effective programs of support and help for families at risk of violence.

That governments reduce potential for drug addiction and drug-related crimes by providing alternative educational and vocational training programs for young people who leave school early.