

**Submission  
No 3**

**SUPPORT FOR CHILDREN OF IMPRISONED PARENTS IN NEW SOUTH  
WALES**

**Name:** Mr Grant Mistler

**Date Received:** 21 February 2020

Grant Mistler

21 February 2020

Dear Committee on Children and Young People

**RE: Support for Children of Imprisoned Parents in NSW**

I welcome this timely follow-up inquiry, and I warmly support your consultations and collaborative efforts towards this important area of community need here today.

This is a timely juncture in that 22 years ago, in July 1997, the Parliament of NSW Legislative Council Standing Committee on Social Issues published a comprehensive 220-page report into Children of Imprisoned Parents. As a whole new generation of young people has now emerged, this provides an opportune moment to undertake a progress and impact evaluation of those 97 recommendations that were commended to the Government by The Hon. Ann Symonds MLC in 1997.

Notably, after that 1997 inquiry, Ann became the patron of SHINE for Kids, a charity supporting children with family members in gaol. Ann was the patron from 1999 until she passed away in 2018, and this commitment should be publicly commended.

Last week's 12th Closing the Gap report revealed Aboriginal children across the country are lagging behind non-Indigenous children in literacy, numeracy and writing skills. The planned halving the gap in mortality rates for Indigenous children under five within a decade by 2018 was also not met. Gaol and young people are interwoven narratives. Young Indigenous people are most affected by their parents being in gaol in NSW, given their overrepresentation in NSW custodial settings. BOCSAR reported in February 2020 that 25% of inmates and 44% of young people in custody are Aboriginal.<sup>1</sup>

It may be cheaper to offer these young people private boarding schooling instead of expensive lifelong juvenile justice and then correctional centre environments, to break this ongoing cycle of gaol for their families. For this inquiry, I have organised my thoughts in to four sections, with a summary of my 20 recommendations attached at Appendix 1 for convenience.

Once again, thank you for working together on this vital inquiry, and I look forward to receiving your progress updates on this complex area that requires a humane resolution.

Yours faithfully

Grant Mistler

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<sup>1</sup> [www.bocsar.nsw.gov.au/Pages/bocsar\\_custody\\_stats/bocsar\\_custody\\_stats.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx)

## Section One 1997 Parliament of NSW Legislative Council Standing Committee on Social Issues

A major inquiry was undertaken by the Parliament of NSW in 1997 focusing on support for children of imprisoned parents in NSW. That 1997 inquiry provided two recommendations that I wish to specifically focus on today:

### *1997 Recommendation Two (page 14)*

*That the Minister for Community Services establish and maintain a data system on all children whose parents are in prison and who are in the substitute care system or are wards of the state. The data system should be used to assist the Department of Community Services in formulating practical and sensitive policies for this group of children.*

### *1997 Recommendation Three (page 38)*

*That the Minister for Corrective Services collect data on the number of inmates in prison who are parents. Such data should be used to establish appropriate policies and practices that facilitate contact between these inmates and their children.*

The results of that 1997 inquiry means there is now a rich data source of events over the last two decades. That data can be analysed and reported on, and that data can also be linked with other data sources similar to the Their Futures Matter dataset.

**Recommendation 1** Conduct a progress and impact evaluation of the 97 recommendations from the 1997 comprehensive 220-page report into Children of Imprisoned Parents by the Parliament of NSW Legislative Council Standing Committee on Social Issues – how are we tracking 22 years later against those recommendations from the 1997 inquiry?

**Recommendation 2** Release de-identified statistics on the percentages of inmates with children in a considerate manner to create public awareness similar to the Yellow Ribbon Project in Singapore that supports children of inmates in Singapore – children of inmates are the Ignored Generation in Australia

Image 1: Yellow Ribbon Project Singapore – Prison Run Awareness



Image 2: Yellow Ribbon Project Singapore – Volunteering Awareness



## **Section Two    Their Futures Matter Dataset**

In NSW, a ground breaking project called Their Futures Matter overlays human services administrative data for all people born on or after 1 January 1990. There are over seven million anonymous records of young people who come in contact with a government service, as well as records of their parents, guardians, and other family members. In 2016, the NSW Government announced funding of \$190 million over four years to fund the establishment of this dataset. Those records were used to forecast the use of NSW social services by the 3.1 million-strong cohort of people aged 25 and under at 30 June 2017, in one of the most comprehensive studies of NSW government agency data.

It was reported in the Sydney Morning Herald that the Their Futures Matter dataset “gives a hard financial justification and a possible methodology for early intervention to protect certain vulnerable groups of young people before it is too late”, and children of imprisoned parents in NSW have been briefly investigated.<sup>2</sup>

I spoke with Paula Cheng (Director, Investment Modelling, Research and Evaluation) at Their Futures Matter, and there are areas of research that can be activated if more money were made available to undertake that research. Previous funding limitations meant only two research focus areas were investigated comprehensively. This means there are more comprehensive data linkage opportunities available from my Recommendation 2 above that will provide insights towards the support for children of imprisoned parents in NSW.

- Recommendation 3      Utilise the research findings from Their Futures Matter as peer reviewed evidence**
- Recommendation 4      Link prison inmate data to the Their Futures Matter dataset to comprehensively compare and contrast the life trajectory of children with parents who have experienced incarceration against the life trajectory of children with parents who have never experienced incarceration**
- Recommendation 5      Investigate Their Futures Matter dataset factors such as whether age of child, Indigenous status, length of incarceration or number of incarceration episodes loads any influence on to the life trajectory of children with parents who have experienced incarceration**

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<sup>2</sup> [www.smh.com.au/politics/nsw/how-hard-data-can-help-save-children-at-risk-20190705-p524mi.html](http://www.smh.com.au/politics/nsw/how-hard-data-can-help-save-children-at-risk-20190705-p524mi.html)

### **Section Three NSW Young People in Custody Health Survey**

The NSW Young People in Custody Health Survey series across 2003, 2009 and 2015 provides ample information on what is occurring for young people every six years. This means that a new survey will occur in 2021. The NSW Young People in Custody Health Survey has shown that the incarceration of a parent significantly increases the risk of antisocial behaviour and criminality in their children.

My professional background includes working with NSW Justice Health, NSW Department of Juvenile Justice and NSW Department of Corrective Services on drug and alcohol, blood borne virus and sexual behaviour research. Some of my prison research output includes:

- NSW Young People in Custody Health Survey
- Drug-Related Patterns and Trends in NSW Inmates
- Consensual Sex between Men and Sexual Violence in Australian Prisons
- Young offenders in New South Wales, Australia and the Need for Remedial Sexual Health Education
- HIV in Prisons Situation and Needs Assessment Toolkit for the United Nations Office on Drugs and Crime

While working with the NSW Young People in Custody Health Survey dataset, I undertook supplementary research that was not published. One investigation was looking at the distance young people in custody were from their home postcode while they were detained in a juvenile justice centre in NSW. The results, based on Recommendation 168 from The Royal Commission into Aboriginal Deaths in Custody, showed Indigenous young people in custody were located significantly further away from their home postcode than non-Indigenous young people in custody.

Another investigation I conducted was on injecting drug use behaviours in young people. My chi-square analysis showed young people in custody with parents who have also experienced incarceration were statistically significantly much more likely to have also engaged in injecting drug use behaviours. Both of those research findings can be replicated, and published, if you wish.

#### **Director Professor Michael Levy AM**

At the Centre for Health Research in Criminal Justice, I worked closely with the Director Professor Michael Levy AM who was invited to join the Australia 2020 Summit in 2008. Michael was recognised for meritorious service with the Member of the Order of Australia in the General Division for significant service to medicine in the field of public health as a clinician, academic and educator.

Michael is a co-founder of the Australian Council of Prison Health Services. Michael is currently the Chair of the Prisoner Health Information Committee at the Australian Institute of Health and Welfare. Michael's background includes assisting to co-design the Alexander Maconochie Centre prison in the ACT based on the United Nations Universal Declaration of Human Rights. It is Australia's first prison built to meet human rights obligations, and it emphasises prisoner rehabilitation.

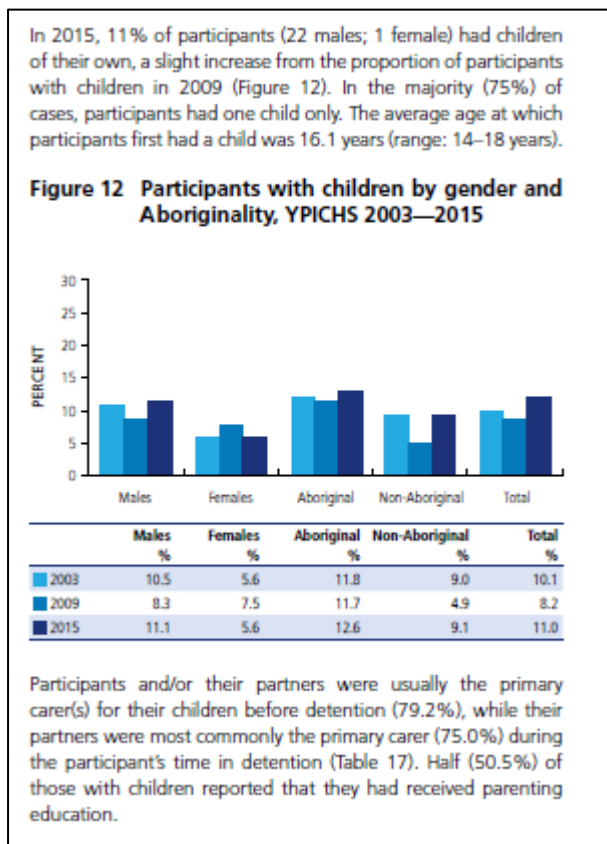
**Associate Professor Kimberlie Dean**

Associate Professor Kimberlie Dean was appointed the inaugural Chair in Forensic Mental Health at UNSW in 2011. Kimberlie is also a Chief Investigator at the NHMRC Centre of Research Excellence in Offender Health. Kimberlie works with the NSW Young People in Custody Health Survey across a range of research projects involving survey methodology, data linkage and intervention evaluation.

Now is the time to reflect and influence what sort of questions need to be asked in 2021, given we have almost 20 years of research data that shows nothing is improving for young people in custody in NSW. Again, Aboriginal children are overrepresented here, and their lot in life is not improving – and we know that from all the collected data. What data left unanalysed is the effect of Stolen Generation events, and how their children and grandchildren are affected today by those events. This data linkage concept can be achieved with the substantial records collected on people living on the Aboriginal missions and coming in to contact with the Aborigines Welfare Board last century.

Macabrely, it is also quite possible that some of the young people interviewed in 2003, now have children inside NSW juvenile justice centres today. Of that cohort, one in ten children (10.1%) already had children in 2003. That statistic is static across the 2003, 2009 and 2015 NSW Young People in Custody Health Survey series. The intergenerational custodial experience of children who have children is also something that is not tracked.

**Image 3: Aboriginal Children in Custody More Likely to Have Children<sup>3</sup>**



<sup>3</sup> 2015 NSW Young People in Custody Health Survey, page 18

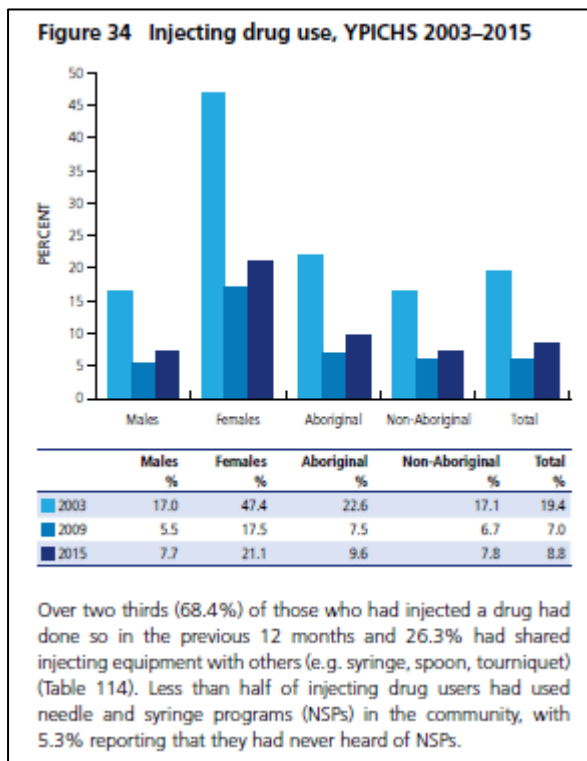
**Image 4: Aboriginal Children in Custody More Likely to Have an Imprisoned Parent<sup>4</sup>**

**Table 16 Parental incarceration**

	Males (n=204) %	Females (n=19) %	Aboriginal (n=123) %	Non-Aboriginal (n=101) %	Total (N=224) %
<b>Past parental incarceration (ever)</b>					
No parent	42.6	26.3	26.8	58.4**	41.1
Mother	13.2	21.1	17.9	9.9	14.3
Father	44.1	68.4*	56.1	33.7**	46.0
Both parents	6.4	15.8	7.3	6.9	7.1
Step-parent	0.5	0.0	0.8	0.0	0.4
Not known	5.9	0.0	5.7	5.0	5.4
<b>Parental incarceration (current)</b>					
No parent	88.7	78.9	85.4	91.1	87.9
Mother	1.5	5.3	2.4	1.0	1.8
Father	6.4	10.5	7.3	5.9	6.7
Both parents	1.0	0.0	0.8	1.0	0.9
Step-parent	0.0	0.0	0.0	0.0	0.0
Not known	4.4	5.3	5.7	3.0	4.5

\* Statistically significant difference (p<0.05) between males and females; \*\* statistically significant difference (p<0.01) between Aboriginal and non-Aboriginal participants; \*\*\* statistically significant difference (p<0.001) between Aboriginal and non-Aboriginal participants.

**Image 5: Aboriginal Children in Custody More Likely to Have Injected Illicit Substances<sup>5</sup>**



<sup>4</sup> 2015 NSW Young People in Custody Health Survey, page 18

<sup>5</sup> 2015 NSW Young People in Custody Health Survey, page 63



- Recommendation 6** Utilise the research findings from the NSW Young People in Custody Health Survey series as peer reviewed evidence
- Recommendation 7** Utilise existing data collected from the NSW Young People in Custody Health Survey series to undertake a chi-square test on injecting drug use behaviour in young people
- Recommendation 8** Utilise existing data collected from the NSW Young People in Custody Health Survey series to compare and contrast the experiences of young people in custody with parents who have also experienced incarceration against the experiences of young people in custody with parents who have never experienced incarceration
- Recommendation 9** Consider developing additional critical omnibus questions for the upcoming 2021 NSW Young People in Custody Health Survey – what strategic information are we missing out on here after reflection?
- Recommendation 10** Consider overlaying Stolen Generation data linkage to add more meaning to already existing research data repositories
- Recommendation 11** Analyse how many children in custody in the past have children in custody now – limit the analysis to just Juvenile Justice Centre settings
- Recommendation 12** Consider including Professor Michael Levy AM as a subject matter expert witness for the public hearing schedule
- Recommendation 13** Consider including Associate Professor Kimberlie Dean as a subject matter expert witness for the public hearing schedule

## Section Four Other Research Report Findings

There are many examples of research that has been undertaken regarding children of imprisoned parents. From 2010, the National Perinatal Epidemiology and Statistics Unit at UNSW conducted a six-year mixed-methods study in to the health impact of incarceration of Aboriginal mothers and their families. That NHMRC funded research was managed by the University of Technology Sydney as the Social and Cultural Resilience and Emotional Wellbeing of Aboriginal Mothers in prison (SCREAM).<sup>6</sup>

**Recommendation 14** Utilise the research findings from SCREAM as peer reviewed evidence to develop a framework

**Recommendation 15** Consider including at least one of the SCREAM investigators – Professor Juanita Sherwood, Professor Eileen Baldry, Professor Elizabeth Sullivan or Associate Professor Marisa Gilles – as a subject matter expert witness for the public hearing schedule

Another study led by Emeritus Professor Morag McArthur was conducted in Australia in 2013 which may provide further peer reviewed evidence to support this inquiry. The Institute of Child Protection Studies at the Australian Catholic University published the research report Children of Prisoners: Exploring the Needs of Children and Young People Who Have a Parent Incarcerated in the ACT.<sup>7</sup>

**Recommendation 16** Consider including Emeritus Professor Morag McArthur as a subject matter expert witness for the public hearing schedule

Four interesting studies have come out of New Zealand. In 2009, The Effect of Imprisonment on Inmates and Their Families Health and Wellbeing research found profound effects experienced by young children of imprisoned parents. The psychosocial effects are stratified by age of the child (Image 6), and the results here show the intensity on the child, and the lifelong impacts, increasing with age.<sup>8</sup> It is distressing to note that many of these behaviours are themselves recognised as potential precursors to future offending behaviours.

*Younger children (under 12 years) reportedly tried to undermine the parent's attempt to impose boundaries and structure by enlisting their caregivers (e.g. the grandmother who had provided care while the parent was incarcerated). Children aged 13 years and older were more likely to actively defy the parent or to show resentment at having being abandoned by their parent (usually their mother), feeling that their parents now owed them for the time they had been away. (ibid., page 9)*

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<sup>6</sup> [www.npesu.unsw.edu.au/project/social-and-cultural-resilience-and-emotional-wellbeing-aboriginal-mothers-prison-scream](http://www.npesu.unsw.edu.au/project/social-and-cultural-resilience-and-emotional-wellbeing-aboriginal-mothers-prison-scream)

<sup>7</sup> [www.acu.edu.au/\\_data/assets/pdf\\_file/0008/593477/Final\\_Report\\_Children\\_of\\_Prisoners\\_Oct2013.pdf](http://www.acu.edu.au/_data/assets/pdf_file/0008/593477/Final_Report_Children_of_Prisoners_Oct2013.pdf)

<sup>8</sup> [www.antonioacasella.eu/salute/Roguski\\_2009.pdf](http://www.antonioacasella.eu/salute/Roguski_2009.pdf)

**Image 6: Age Stratified Impacts of Incarceration on Children with Imprisoned Parents**

Age of child	Impacts of incarceration
0–3 years	Low degree of attachment to incarcerated parent and loss of bond Separation anxiety
4–7 years	Separation anxiety Bedwetting Night terrors Aggression and violence Lack of engagement in school
8–10 years	Aggression and violence Feeling depressed Truancy
11–15 years	Violence <i>Assuming the role of the absent parent or parenting the parent</i> Truancy <i>Decreased academic achievement</i>

It was also reported in 2009 (*ibid*, page 9), that:

*Parents with extreme drug and alcohol use histories reported incarceration having a positive effect on the family. They reported a lack of structure and routine in the home before the parent was incarcerated, which had had a detrimental effect on the children’s school, nutrition and overall wellbeing.*

In 2010, the Kia Piki te Ora, Kia Tika! Improving the Health of Prisoners and their Families and Whānau research by the National Health Committee found grandparents were often reluctantly the ‘fall-back position’ of care for young children with incarcerated parents.<sup>9</sup>

*These combined pressures and coping mechanisms, such as going without to make ends meet, negatively affect the grandparents’ health [...] grandparents raising grandchildren need access to counselling, regular respite care, and [...] subsidised out-of-school care and recreation programmes (ibid., page 116)*

<sup>9</sup>[www.moh.govt.nz/notebook/nbbooks.nsf/8b635a98811e8aed85256ca8006d4e51/f403ea147e87922fcc25776c0080a46a/\\$FILE/health-in-justice2.pdf](http://www.moh.govt.nz/notebook/nbbooks.nsf/8b635a98811e8aed85256ca8006d4e51/f403ea147e87922fcc25776c0080a46a/$FILE/health-in-justice2.pdf)

In 2011, the A Study of the Children of Prisoners, Findings from Māori Data June 2011 research found (page 40) in almost half of the families interviewed (47%), some or all of the children were present at the time their parent was arrested.<sup>10</sup>

These comparative research reports from Australia and New Zealand provide evidence to better support children of imprisoned parents.

- Recommendation 17** Consider the long-term psychosocial impacts on children and young people – does this fit The First 2000 Days Framework?
- Recommendation 18** Consider how arrests are made given that children and young people are often present – would it be possible to make a booking for a person to be arrested in a more calm and organised manner?
- Recommendation 19** Consider the impact on grandparents who are often reactivated as primary carers of their adult children in prison as well as their grandchildren – what supports do they need?
- Recommendation 20** Consider giving more power and control to grandparents within local communities to be able to exercise their insights on what is occurring within their communities and with their community members – are they specifically consulted?

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<sup>10</sup> [www.tpk.govt.nz/documents/download/115/tpk-childrenofprisonersdata-2011.pdf](http://www.tpk.govt.nz/documents/download/115/tpk-childrenofprisonersdata-2011.pdf)

## **Appendix 1 – Summary of Recommendations**

- Recommendation 1**      **Conduct a progress and impact evaluation of the 97 recommendations from the 1997 comprehensive 220-page report into Children of Imprisoned Parents by the Parliament of NSW Legislative Council Standing Committee on Social Issues – how are we tracking 22 years later against those recommendations from the 1997 inquiry?**
- Recommendation 2**      **Release de-identified statistics on the percentages of inmates with children in a considerate manner to create public awareness similar to the Yellow Ribbon Project in Singapore that supports children of inmates in Singapore – children of inmates are the Ignored Generation in Australia**
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