

Royal Commission into Victoria's mental health system

Trauma and mental health of a first time offender and their family

" 'Joe', 50- year old professional with untreated bipolar disorder, is living a sudden devastating life changing nightmare. He has lost his marriage, children and house in a matter of hours having been charged with a criminal offence.

He is out on bail for several months before a court appearance.

This has been a traumatic event for all parties, his partner, children, his mother, sister and himself. This has triggered amongst other things, acute intense distress, overwhelming shame that his personal activities have been found. Fear, hopelessness and a constant and wavering suicidal behaviours becoming attempts

Joe is holding onto his job tightly for day to day structure, focus and income as a vehicle to supporting his children for an unknown day sometime in the future.

His workplace does not know of his charges as yet. It is keeping him alive for now.

Joe knows he will lose his job once he the sentence is passed down and will further pay the price of being an offender/criminal for the rest of his life which he believes will stop him from future employment and income. In the short term living with his elderly mother.

He has a mother and two siblings who are endeavouring to support him and doing "suicide watch" whilst trying to give him hope that he can rebuild his life somehow.

Joe is terrified of what prison life will be like and how he will cope. He doesn't believe he can. There is little in the way of community support, especially whilst he waits for the formalities of the justice system to go through its processes. There is no information of what to expect and how to prepare if the worst happens.

Currently Joe is seeking help from a psychologist but is untrusting of all around him, believing everyone is out to get him and if he does say anything, it will be used against him and he will never see his young children again.

His solicitor is very business - like, hows no empathy or care about the person's wellbeing. They refuse to answer any questions outside of the case. Joe has no idea how or what to communicate to the few trusted family supporters, he has as been advised to say nothing but "no comment' He does not wish to harm anyone or make things worse for himself. He doesn't know what his wife has been told, he cannot communicate with her or his children (no charges have been filed against him about any child abuse. Everyone around him are traumatised and there is little to no communication for unknown period of time. No one explains anything, not what the next steps are. The waiting is painfully slow, adding to an

already traumatic.

He can't see how to rebuild and start life again with no money, and potentially no employment. He feels like a failure, is obsessed with shame, embarrassed, remorseful and grief-stricken at his actions. The loss of access to his children for several months has been most difficult and the hardest part of the process. The advice he has been given is to not contact his children until after the case is settled - this could take months to a year.

The children, one is severely disabled, have suddenly had their father removed from them unexpectedly, lost their sense of stability and family, have a distressed mother, and have had to leave their lifelong home with little information.

Joe knows this is all his fault. He swings between voluntarily going into remand or killing himself.

In presenting this case study to the Commission this is for the many Joe's who are in situations where life is in the balance for a first-time offender as they navigate a totally foreign, traumatising justice system predominantly on their own for often long, unknown periods of time, waiting, in limbo for all around them.

There seems to be a sense that upon arrest, most people from family to police automatically and immediately assume guilt rather than innocence, even though our legal system is about proving the reverse.

Having experienced this recently, there is a desire to flag several concerns to enable examination and consideration by the Commission of the justice system and the link with mental illness. Taking into account the perspective of first-time offenders, whether or not disadvantaged by mental illness, intellectual disability or disability generally, their supporting family and/or carers, and those of any victims or innocent bystanders, and ensure that everyone is supported in a dignified way that minimises the impact of trauma such events may be for many people.

The person who is putting up bail, if there is someone who is able to help, also needs emotional (and potentially financial support) to reduce their shock, traumatic reaction and distress.

Reading material is provided with the assumption that the person can comprehend what they have been given. If in shock, the most articulate person can struggle cognitively, not being able to read or understand a word, or sentence.

Immediate concern is suicide, as we know the mental health system doesn't cope in crisis. Families are left to manage their loved one's emotional instability.

The justice process takes its time to work through which can take months. Very little explanation as to the process and what options/expectations of the next steps going forward are shared with the individual and their family. The charged individual is left to prepare for the worst.

What does incarceration mean? What does it look like? What can a person do to prepare themselves if they are facing time? How do they cope with rehabilitation – is that even an option in prison? What about reintegration into society? How does one cope getting employment, housing with a prison/criminal record? Is one eligible for welfare whilst seeking other income sources? What about

housing? Millions of questions and constant stress, with no healing of trauma insight in the near future.

In order to reduce the incidence of recidivism, and why re offending may even seem attractive to some, given that prison does at least offer a roof over a head and food, community, these issues need addressing.

The likelihood of the person coming out of prison even more traumatised and harmed psychologically making reintegration even more difficult.

Paradigms, behaviours, systems need to shift to help those who are able to be rehabilitated to integrate back into society so as to become mentally healthy, productive and contributing members of society having served their time to rebuild their lives.

Recommendations;

- Introduce training around mental health, trauma informed care, suicide prevention to all staff involved in the justice system
- Introduce resources to all in the justice system so as they can pass on information to the offender
- Provide education and support to families and carers in traumatic circumstances.
- Offer above to offender
- Offer training to reduce recidivism, rehabilitation
- Split prison into areas of where non – rehabilitable prisoners are held versus low risk, highly rehabilitated persons
- Offer links to prisoners to being release as, opportunities to housing, employment, finance counselling as required.
- Offer ongoing support to families/carers during loved ones incarceration.