



Exploring the potential for Justice Reinvestment in Australia

Thursday, 6 October 2017

Australian Corrections Education Association

Today's talk

- What is Justice Reinvestment?
... and what it's not ...
- JR in the Australian context
- Case study research project

What is Justice Reinvestment?

- A framework for rethinking criminal justice system so large sums of taxpayer money aren't spent on imprisoning people for *low-level criminal activity*.
- Political decision to re-invest that money back into community.

What is Justice Reinvestment?

- Facilitates a policy and fiscal framework
- Broader ecological, social and political systems
- Retains detention as *measure of last resort*

JR involves a 4-step process –

1. Analysis & mapping of offender patterns
2. Development of options to generate savings, improve local communities
3. Quantification of savings from incarceration and potential to reinvest into Community
4. Measurement & evaluation of impact of reinvestment

What is Justice Reinvestment?

- Involves *all* levels of government (Commonwealth, State, local, Indigenous governance), NGOs, education, health, commercial, justice sectors
- *A systems approach*
- Invests in *social inclusion*

What Justice Reinvestment is not

- Not just restorative justice
- Not short term, not top-down
- Not about diverting funds *from* health, education, employment, training *to* diversionary or early intervention programs
- Not responsibility of a single government department
- Not Justice INVESTMENT



JR in the Australian context

At the political level

- **Doing time, time for doing: Indigenous youth in the criminal justice system**

http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=atsia/sentencing/report.htm

- **Value of a justice reinvestment approach to criminal justice in Australia, Australian Senate Enquiry, 2013**

http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/justicereinvestment/index

JR at the research/campaign level

- **Australian Justice Reinvestment project, UNSW**
<http://justicereinvestment.unsw.edu.au/>
- **Reducing incarceration using Justice Reinvestment: an exploratory case study, ANU**
http://ncis.anu.edu.au/news/index.php#jr_jun13
- **ACT Government, *Justice Reinvestment Strategy*, 2015**
<http://www.justice.act.gov.au/page/view/3829/title/justice-reinvestment-strategy>
- **Katherine, NT**
Allison, F *JR in Katherine: Report on Initial Community Consultations*. 2016: Cairns Institute, James Cook University, QLD
- **Justice Reinvestment Campaign for Aboriginal young people (Bourke, NSW)**
<http://justicereinvestmentnow.net.au/>

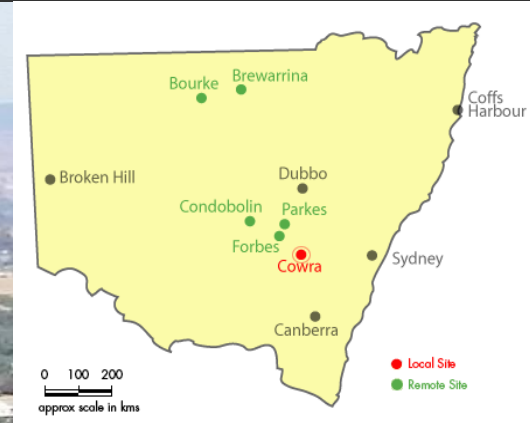


Case study: Reducing incarceration using Justice Reinvestment



Australian
National
University

Research study site: Cowra, NSW, 2794



The research was

- A hypothetical study to test the theory and methodology of Justice Reinvestment
- NOT an intervention study
- Participatory action research

Overall aims of research project

To test the *research* methodology of JR:

1. Identify what's needed to keep young people in the town, and return and retain young people to the town.

To determine what monies are being spent on incarceration that could otherwise be reinvested into resources to enhance young peoples' ability to remain in community.

2. Costings of what is identified through 1.

3. Develop an intervention that if implemented enables comparison of town (with JR agreements in place) with town of similar demographics, but no JR agreements

Why Cowra?

- Stable population
- Mid-range crime profile
- No prison (no reliance as economic base)
- Proud, historic Indigenous population (Erambie), 7% Indigenous population
 - (> national average of 2.5%)
- Research team has good links with community
- Geographically close to ANU/Canberra

In the context of *this* study

- An underlying philosophy of JR is that it's *the community* that 'reclaims' an individual as *belonging* to that community
 - a community development approach

Community engagement

Courtesy visit – December 2012

Land Council/Shire Council/researchers meeting – Mar 2013

Planning meeting – Apr 2013

Stakeholder Forum – May 2013

Stakeholder Forum – Dec 2013

Recruitment launch – Mar 2014

Business Chamber meeting – June 2014

Land Council/Shire Council/researchers meeting – Nov 2014

Community Forum – May 2015

Youth workshop – July 2015

Ethics approvals

- ANU protocol 2012/712 (*stakeholder interviews*)
- Commonwealth Department of Human Services
- NSW Government: Education & Communities
 - *Working with Children checks (7 issued)*
- Catholic Education Office, Bathurst
- Headspace
- NSW Attorney General's Department
- ANU (variation to protocol 2012/712) (*YP interviews*)
- NSW Correctional Services
- NSW Department of Juvenile Justice

Engagement and interviews

- Young people: focus groups 62
- Young people: interviews 14
- Service providers (interviews & focus groups) 32
- Business Chamber 7
- Parents 4
- Erambie Community meeting approx 30

Young people in adult corrections 16+ years

29 'invites'

Young people in juvenile detention 16+ years

13 'invites'

Stakeholder forum, May 2015

Aims:

Inform community of analysis of interviews with stakeholders, parents, young people, service providers, routinely collected data, young people;
Community to deliberate on next steps within a JR framework





The deliberative process

| | Yes votes | % | % sentenced NSW Juvenile | % sentenced NSW Adult |
|---|--------------|------|-----------------------------|--------------------------|
| 1. Traffic offences | 16 | 94% | 1.4% | 3.3% |
| 2. Public order offences | 17 | 100% | 2.9% | 1.2% |
| 3. Justice procedure offences | 12 | 75% | 11.5% | 14.2% |
| 4. Property damage | 15 | 94% | 4.3% | 0.7% |
| 5. Prohibited and regulated weapons offences | 8 | 47% | | |
| 6. Drug offences | 12 | 75% | 0.7% | 13.6% |
| 7. Fraud and deception | 10 | 63% | 2.2% | 2.7% |
| 8. Theft | 15 | 94% | 10.1% | 3.2% |
| 9. Unlawful entry with intent/burglary, break & enter | 10 | 59% | 16.5% | 9.0% |
| 10. Robbery, extortion and related offences | 1 | 6% | | |
| 11. Abduction, harassment and other offences against the person | 2 | 12% | | |
| 12. Dangerous or negligent acts endangering persons | 5 | 29% | | |
| 13. Sexual assault | 1 | 6% | | |
| 14. Acts intended to cause injury | 6 | 35% | | |
| 15. Homicide | 0 | 0% | | |
| TOTAL | 130 | | 49.6% | 47.9% |

\$\$\$ incarcerating Cowra citizens

JR-amenable direct costs of incarcerating
your citizens over past 10 years

Juveniles

49.6% x 2544 x \$652* per day = \$822,709

Adults

47.9% x 611 x 8 months [30.4 days x 8] x \$305**
per day = \$21,709,016

TOTAL = \$22,531,724 (approx. \$2.3m per year)

* Daily cost of incarcerating a juvenile

** Daily cost of incarcerating an adult

How would the community reinvest?

- **Service mapping**
 - comprehensive mapping of local services to improve understandings of service availability;
- **Mental health and mentoring programs**
- **Education**
 - maintaining young people in education at all costs
 - Suspension/homework centre; after-school activities
- **Employment and skills development**
- **Personal safety** and ‘how important housing is to that’
 - Emergency accommodation; Halfway houses, hostels
- **Community transport**

MAYORAL MINUTE TO GENERAL COMMITTEE MEETING TO BE HELD ON MONDAY 7 DECEMBER 2015.

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Author: Mayor

Item No: 1.

Subject: Justice Reinvestment

Precis: The National Centre for Indigenous Studies at the Australian National University has been undertaking a Justice Reinvestment study in Cowra and their initial findings have been presented to Council. This Mayoral Minute outlines a proposal for Council's ongoing support and the next steps.

Budget: Nil

Recommendation:

1. Council resolves that, based upon the research project undertaken in Cowra, it supports the concept of Justice Reinvestment.
2. That Council advocate to policymakers and funders of the merits of Justice Reinvestment and seek intergovernmental collaboration to establish a Justice Reinvestment pilot in Cowra including investigating the formation of a JR Authority and a JR Accord in Cowra.



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The Hon Katrina Hodgkinson MP
Member for Cootamundra
133 Comur Street
YASS NSW 2582

Dear Ms Hodgkinson

Cowra Justice Reinvestment research project

Further to our positive meeting on 11 December 2015 to discuss Justice Reinvestment, we are writing to ask you to ascertain the level of support the NSW Government may undertake in order to trial a pilot program in Cowra.

The National Centre for Indigenous Studies (NCIS) at The Australian National University has been working closely with the Cowra community over the past three years on a research project that tests the theory and methodology of Justice Reinvestment (JR) with that community. This has been a community-driven, participatory action research project. Utilising JR methodology, this research has explored the conditions, governance and cultural appropriateness of re-investing resources otherwise spent on incarceration, into services to enhance juvenile offenders' ability to remain in their community to reduce further criminal behaviours and health costs associated with incarceration.





THE SATURDAY PAPER

22 October 2016

Justice Reinvestment on Trial in Cowra

<https://www.thesaturdaypaper.com.au/news/law-crime/2016/10/22/justice-reinvestment-trial-cowra/14770548003883>

QoN - Hon Paul Lynch, Member for Liverpool, 8 November 2016

Lynch, Paul to the Attorney General

1. What has been the result of your discussions about a Justice Reinvestment Scheme for Cowra?
2. Will you and the Government fund a Justice Reinvestment Scheme in Cowra?

Question asked on 8 November 2016 (session 56-1) and printed in Questions & Answers Paper No. 97

No answer has been printed.

Answer due on 13 December 2016.

QoN - Hon Paul Lynch, Member for Liverpool, 30 May 2017

5860 - JUSTICE REINVESTMENT SCHEME IN COWRA

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5860 - JUSTICE REINVESTMENT SCHEME IN COWRA

Lynch, Paul to the Attorney General

What progress has been made in reviewing the proposed Justice Reinvestment Scheme in Cowra, following the visit there by Departmental Officers?

Question asked on 30 May 2017 (session 56-1) and printed in Questions & Answers Paper No. 130

No answer has been printed.

Answer due on 4 July 2017.

The Hon. LYNDA VOLTZ: Minister, did you discuss the funding of the proposed justice reinvestment in Cowra with the local member, Ms Katrina Hodgkinson, before she resigned?

Mr MARK SPEAKMAN: I do not recall whether or not I did, but I certainly received representations from her to that effect—sorry, advocating government investment in that scheme.

The Hon. TREVOR KHAN: As one would expect a good member to do because it is a good scheme.

The Hon. LYNDA VOLTZ: So you did not have a discussion with her but you received correspondence?

Mr MARK SPEAKMAN: I cannot recall—

The Hon. LYNDA VOLTZ: Can you take that on notice?

Mr MARK SPEAKMAN: I will take it on notice. At the moment I cannot recall one way or another whether I had a discussion but I certainly received representations from her. She wrote to me in May seeking \$250,000 over three years to establish a justice reinvestment enterprise in Cowra.

The Hon. LYNDA VOLTZ: Did you have discussions with any other members of the Cowra community?

Mr MARK SPEAKMAN: I personally have not; however, officials from the department have met with the Cowra Justice Reinvestment Project team to understand the proposal and where the department might be able to support the project. An official from my department met members of the project on 17 August to identify Aboriginal justice programs that could be rolled out in Cowra like Circle Sentencing and Aboriginal court support. We are continuing to work with the community to address Aboriginal justice issues in Cowra.

The Hon. LYNDA VOLTZ: What other discussions have you had, and with whom have you had them, about the project?

Mr MARK SPEAKMAN: I had internal discussions with officers in the Department of Justice.

The Hon. LYNDA VOLTZ: Given the Cowra community has been waiting for a decision for more than a year, will you or will you not provide funding for the justice reinvestment pilot project at Cowra?

Fiona Allison (2016): video

www.youtube.com/watch?v=VNII9IW2468&feature=youtu.be