

JUSTICE
REINVESTMENT
CAMPAIGN

for **Aboriginal** young people

A close-up photograph of a young Aboriginal child with dark hair, wearing a light blue shirt, looking intently at a colorful ball (yellow, green, and purple) they are holding. The background is blurred.

GIVE THEM A LIFE

NOT LIFE IN PRISON

**Implementation Plan
December 2012**

JUSTICE REINVESTMENT CAMPAIGN

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THE PEOPLE BEHIND THE CAMPAIGN

The Working Group

- Aboriginal Legal Service NSW/ACT
- Kerry Graham
- Ashurst Australia
- Boxing Clever Pty Ltd.
- Weave Youth Family and Community
- Australian National Council on Drugs
- Redfern Aboriginal Medical Service & National Indigenous Drug and Alcohol Committee
- Aboriginal Drug and Alcohol Network
- Shopfront Youth Legal Centre & Youth Justice Coalition
- Aboriginal Assertive Outreach Neami
- Australians for Native Title and Reconciliation (ANTaR) NSW
- Mission Australia
- UnitingCare Children Young People and Families
- Luke Freudenstein, Superintendent Redfern Local Area Command & Central Metropolitan Regional Sponsor for Aboriginal and Community Issues

Campaign Champions

- **Her Excellency Professor Marie Bashir** AC CVO Governor of NSW
- **Mr Mick Gooda**, Aboriginal and Torres Strait Islander Social Justice Commissioner, Australian Human Rights Commission
- **Dr. Tom Calma** AO, National Coordinator, Tackling Indigenous Smoking
- **Rt. Hon. Malcolm Fraser** AC CH GCL PC, Former Prime Minister of Australia
- **Mr Bob Debus** AM
- **Prof. Mick Dodson** AM, Director of the National Centre of Aboriginal Studies at the Australian National University
- **The Hon. Michael Kirby** AC CMG
- **Ms. Marcia Ella Duncan**, Chairperson of the La Perouse Local Aboriginal Land Council
- **Mr. Jack Manning Bancroft**, CEO of the Australian Indigenous Mentoring Experience
- **Prof. Chris Cunneen**, The Cairns Institute, James Cook University, Former Chairperson of the NSW Juvenile Justice Advisory Council (2000-2007)
- **Mr. Shane Phillips**, Chairman and CEO of the Tribal Warrior Association
- **Prof. Ted Wilkes**, National Indigenous Drug and Alcohol Committee
- **Mr. Nicholas Cowdery**, AM QC, Former NSW Director of Public Prosecutions
- **Dr. Naomi Mayer** OAM & **Mr. Sol Bellear**, Redfern Aboriginal Medical Service

Campaign Supporters

- Aboriginal Legal Service NSW/ACT
- Australians for Native Title and Reconciliation (ANTaR) NSW
- Mission Australia
- UnitingCare Children Young People and Families
- Youth Justice Coalition
- Souths Cares
- NSW Reconciliation Council
- **Mr Alan Cameron** AM
- **Mr Lindon Coombes**, Co-Chair of Weave Youth, Family and Community
- **Mr Adam Goodes**, Captain Sydney Swans AFL Team
- **Aunty Millie Ingram**, CEO Wyanga Aboriginal Aged Care Service
- **Mr Graham West**, CEO St Vincent De Paul Society NSW
- The Sydney Institute of Criminology
- **Dr Chris Sarra**, Director of the Stronger Smart Institute
- **Mr Peter Stapleton**, Chair The National Pro Bono Resource Centre, Honorary Board Member ALS NSW/ACT

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THE CAMPAIGN IS



- About addressing the shameful over representation of Aboriginal young people in custody in NSW
- Seeking to create alternative pathways for Aboriginal young people and to build safer communities
- Supported by key organisations and individuals
- **Calling on the NSW government to implement a justice reinvestment policy to address this over-representation as a matter of urgency**

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CAMPAIGN PROGRESS

	ACHIEVED IN 2012	IN DEVELOPMENT FOR 2013
Community Engagement	<ul style="list-style-type: none"> • Following presentations and consultations with community - leaders and groups have expressed an interest in their community being a JR trial site 	<ul style="list-style-type: none"> • JR education tools and resources, including equipping communities to calculate their cost of incarceration • Visits and support to interested communities
Government Engagement	<ul style="list-style-type: none"> • Ministerial engagement at Campaign Launch in May 2012 • Meetings with the Treasurer, the Hon Mike Baird MP and the Minister for Aboriginal Affairs, the Hon Victor Dominello MP, the Attorney-General, the Hon Greg Smith MP and with their advisors • Briefing of the Opposition and Greens 	<ul style="list-style-type: none"> • Strategies to achieve bipartisan support for JR with public statements supporting this from relevant government and opposition spokespeople • Strategies to engage electorates and have local MPs publicly support JR • Plans to hold a forum at Parliament House
Aboriginal Young People Engagement	<ul style="list-style-type: none"> • Aboriginal young people created a video sharing their stories for the Campaign and spoke and performed at the Campaign Launch in 2012 • Outreach with Aboriginal young people outside of metropolitan - Tirkandi 	<ul style="list-style-type: none"> • Aboriginal young people in the core work of the campaign • Coordinate cultural exchange programs between Aboriginal young people across NSW in order to educate them about JR

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Implementing Justice Reinvestment in a NSW community



Commitments



Risks

Outlining the



Benefits



Costs

for the NSW Government

THE STEPS FOR A JR TRIAL

- | | |
|---------------|--|
| Step 1 | Identify and engage community/ies for a JR trial |
| Step 2 | Establish the necessary structures and relationships |
| Step 3 | Collect and analyse criminal justice data |
| Step 4 | Identify and realize cost-savings |
| Step 5 | Develop a local JR Implementation Plan |
| Step 6 | Implement and evaluate JR plan |

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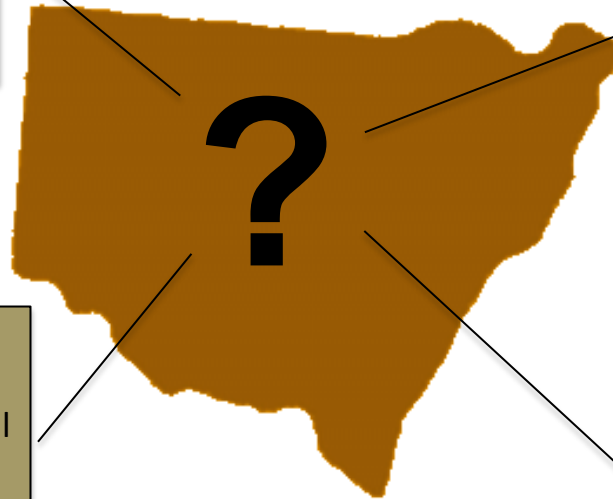
STEP 1: IDENTIFY AND ENGAGE COMMUNITY/IES FOR A JR TRIAL

1. Use **data** to determine which communities have the highest costs of incarceration/contact with criminal justice system

2. Consider the **current level of government investment** and its alignment to JR eg: Connected Communities

3. Assess **community readiness** eg: strength of local service delivery network and governance structures

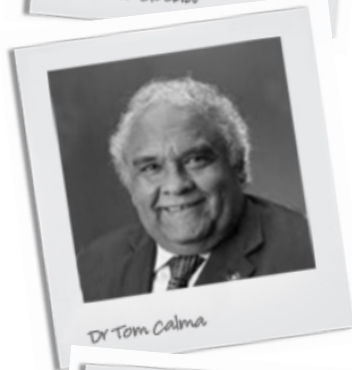
4. **Identify 2 – 3 communities** in which JR could be trialed with view to commencing first trial 2013



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STEP 1: IDENTIFY AND ENGAGE A COMMUNITY FOR A JR TRIAL



Work with Campaign Champions to **approach identified communities** and engage them in the opportunity



- Commitment to **partner with the Campaign** and its Champions to engage with communities in a culturally appropriate way



- **Government engaging communities** in a discussion they want to have and a policy they want to be part of implementing



- Potential for communities to feel **stigmatized**
- Managing **community expectations**

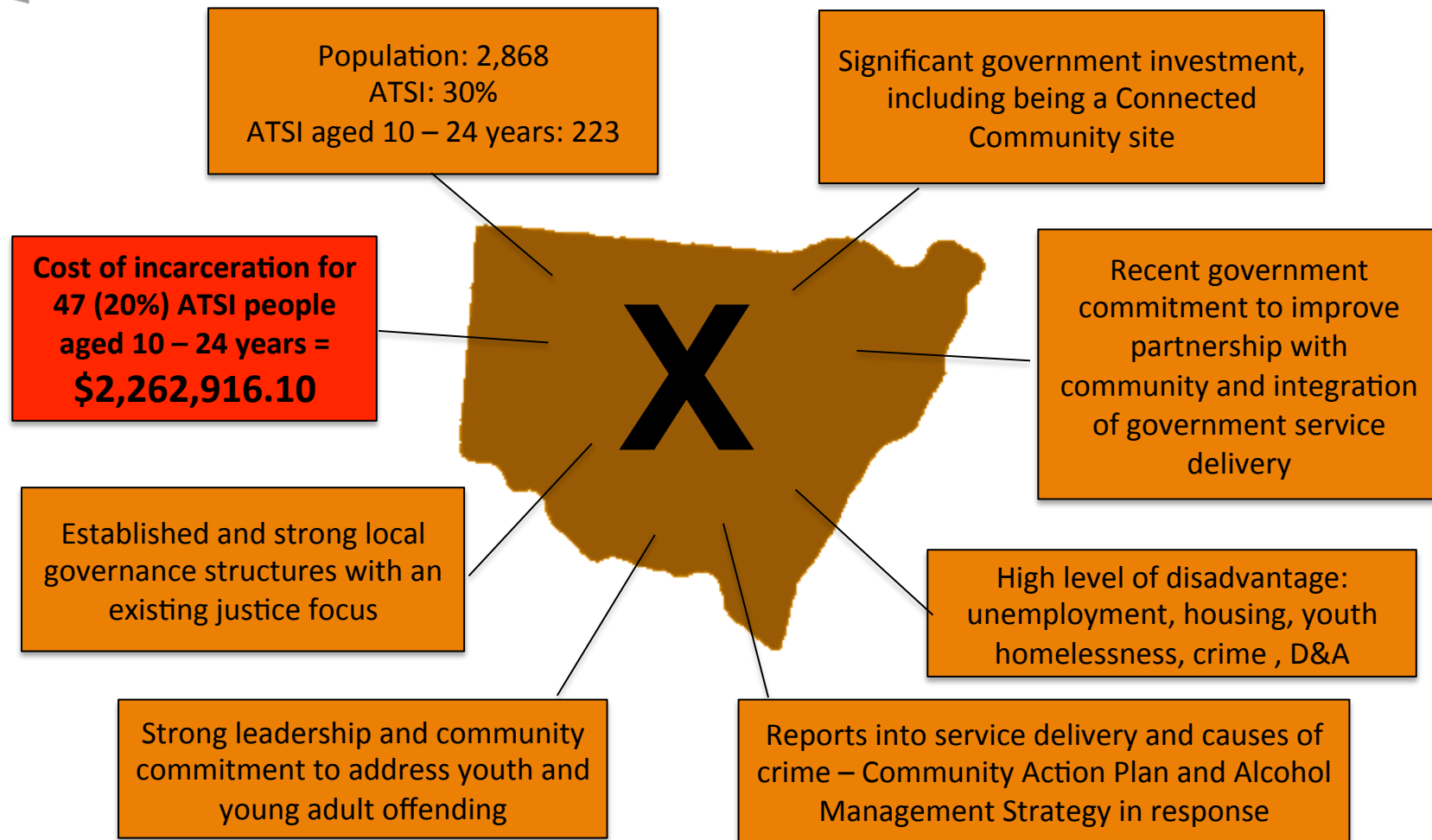


- Possible **Travel costs** of Campaign Champions

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STEP 1: IDENTIFY AND ENGAGE A COMMUNITY FOR A JR TRIAL



STEP 2: ESTABLISH THE NECESSARY STRUCTURES AND RELATIONSHIPS

A JR TRIAL STEERING COMMITTEE

What is Needed: A committee with the ability to **work across departments** and with the necessary **expertise** to assist with data analysis, strategy development, and ongoing evaluation of outcomes

Implications for Government



- Commitment to **best-practice oversight** of JR Trial, meaning the Steering Committee will have:
 - An **Aboriginal leader as the independent chair** (eg Tom Calma)
 - Relevant **Director-General level representation**
 - A **University partner** who has been engaged by the Government to support the community with implementation and evaluation
 - A **representative from the Campaign Working Party**



- Ability to **leverage existing government investment** in oversight structures eg: JR Trial Steering Committee being a sub-committee of the Youth on Track Task Force
- Ability to **access Campaign's assets** including Aboriginal leadership and Australian JR experts
- Potential ability to **leverage two recently awarded ARC grants on JR** (ANU, UNSW) & trial community's existing relationship with a University (UTS)



- **Relationship and reputation risks**



- **Travel costs and expenses** of Aboriginal Chairperson
- Possible **contribution to staff time and travel costs** of University Partner

STEP 2: ESTABLISH THE NECESSARY STRUCTURES AND RELATIONSHIPS

A LOCAL GOVERNANCE STRUCTURE

The Community: What is Happening and What is Needed

- **Functioning governance structure in place with strong leadership**, an existing justice focus and paid staff
- **Recent commitment from State and Federal Government** to work in partnership with the community and integrate the delivery of government services
- **Connected Communities governance structure** being established
- **What is Needed:** The application of a JR framework and appointment of JR community facilitator

Implications for Government



- Commitment to implementing JR in genuine **government / community partnership**



- Ability to **leverage existing government investment** in related governance structures eg: Connected Communities, Police Aboriginal Consultative Committee, Community Aboriginal Working Group, AG Aboriginal Justice Committee
- Ability to **test the recommended local governance models** of the Aboriginal Affairs Ministerial Taskforce



- **Multiple government policies and governance structures** being implemented concurrently and separately



- **Engagement of a skilled JR community facilitator.** These costs could be offset by redirecting existing resources

STEP 3: COLLECT & ANALYSE CRIMINAL JUSTICE DATA

The Community: What is Happening and What is Needed

- Some data collection and analysis has been undertaken by the **Ombudsman** and a **University**
- **What is Needed**: a detailed community profile

Implications for Government



- Commitment to facilitate **access to agency held data** eg: offending, incarceration, education, employment, housing, family services, and child protection data sets



- **Data-driven decision making and target setting** by local governance structure
- Ability to **leverage existing government investment** eg: funding within Connected Community for 'Community Profiling'
- Data analysis **will inform other government policy** for that community



- Potential **stigmatizing effect** of data
- Potential for **unintended use** of data eg: lobbying of government/s



- May need to engage a **data analyst** (internally or externally) to assist with data collection, analysis and presentation

STEP 4: IDENTIFY AND REALIZE COST-SAVINGS

Options for Government

What is needed: Redirection/reinvestment of Government funding

1. Map the **total government investment** in the community from Federal, State and local governments and **identify tangible costs savings measures**
2. An opportunity to reduce the **highest breach of bail rate in NSW** through measures such as police/ community agreements, alternative community-based accommodation options (proposal developed)

Implications for Government



- Commitment to **facilitate access to financial data** to allow calculation of total government investment to be made and to work with local governance structure **to identify cost-saving measures**. Commitment to **reinvest a proportion of identified savings** AND/OR
- Commitment to **identify state-wide cost saving measures** and to reinvest a proportion into the community



- **Minimal investment needed** for JR to be trialed
- Ombudsman **Service Provision Report completed**



- **Relationship and reputational risk** when steps are taken to realize tangible cost savings
- Potential for **unintended use** of data eg: lobbying of government/s
- Potential for **other communities to request** the total government investment to be calculated



- May need to engage a **financial expert** (internal or external) to assist with identification of tangible cost savings

STEP 5: DEVELOP A LOCAL JR IMPLEMENTATION PLAN

The Community: What is Happening and What is Needed

- Existing **justice plan** focusing on family case mgmt with commitment from government to develop further
- Existing **Alcohol Management Strategy** and further proposed initiatives
- Existing commitment from federal and State government to **map and better integrate services**
- Existing government commitment to **make service delivery challenges a focus of the Human Services and Justice cluster** (DPC)
- Existing federal government commitment to **resource Drug & Alcohol services**
- **What is needed:** To pull this all together under a disciplined and focused JR Framework

Implications for Government



- Commitment to **share power** (decision making and budget) with local governance structure
- **Community empowered** through local governance structure to solve its own justice problems
- Local Governance Structure **supported by University partner** to make data-driven decisions, set targets, access evidence-base about what works, and evaluate social and financial outcomes
- Local governance structure **supported by JR Trial Steering Group** to have JR Implementation plan approved by Government



- Aspects of plan **not approved by government**



- Community **consultation** costs
- **Meeting** costs (room hire, catering etc)

STEP 6: IMPLEMENT AND EVALUATE JR IMPLEMENTATION PLAN

Implications for Government



- Commitment to **share power** with local governance structure to implement JR plan
- Commitment to a process of **monitoring and evaluation** in consultation with local governance structure



- Contribution to a statewide database of **evidence-based services and programs**
- Outcomes:
 - **Reduction in offending**
 - **Increase in community safety**
 - **Reduction in costs associated with offending and incarceration**



- **Change of Government** during trial period (minimum 10 years)



- **Actuarial/auditing costs** associated with calculating cost savings
- **Redirection of government funds**

SUMMARY OF COMMITMENTS

	Commitments required by NSW Government
PARTNER-SHIP	<ul style="list-style-type: none"> • Partnering with the Campaign and its Indigenous Champions to engage with communities in a culturally appropriate way • Implementing JR in genuine government / community partnership • Best-practice oversight of JR Trial, meaning the Steering Committee will have: <ul style="list-style-type: none"> – An Aboriginal leader as the independent chair (eg Tom Calma) – Relevant Director-General level representation – A University partner who has been engaged by the Government to support the community with implementation and evaluation – A representative from the Campaign Working Party
FINANCIAL	<ul style="list-style-type: none"> • Facilitating access to financial data to allow calculation of total government investment to be made and working with local governance structure to identify savings. Commitment to reinvest a proportion of identified savings <p>AND/ OR</p> <p>Identifying the cost savings options from statewide measures eg savings realised from reduction in remand population following commencement bail legislation changes (2014)</p>
DATA & DECISION MAKING	<ul style="list-style-type: none"> • Facilitating access to agency held data eg: offending, incarceration, education, employment, housing, family services, and child protection data sets • Sharing power (decision making and budget) with local governance structure

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SUMMARY OF BENEFITS

✓	Benefits to NSW Government
OUTCOMES	<ul style="list-style-type: none">• Reduction in offending• Increase in community safety• Reduction in costs associated with offending and incarceration
PARTNER-SHIP	<ul style="list-style-type: none">• Government engaging communities in a discussion they want to have and a policy they want to be part of implementing• Ability to test the recommended local governance models of the Aboriginal Affairs Ministerial Taskforce
FINANCIAL including leveraging existing investment	<ul style="list-style-type: none">• Minimal [or zero] investment needed for JR to be trialed• Ability to leverage existing government investment in oversight structures eg: JR Trial Steering Committee being a sub-committee of the Youth on Track Task Force• Ability to leverage existing government investment in related governance structures eg: Connected Communities, Police Aboriginal Consultative Committee, P&C Community Aboriginal Working Group, AG Aboriginal Justice Committee• Potential ability to leverage two recently awarded ARC grants on JR (ANU, UNSW)

SUMMARY OF BENEFITS

✓	Benefits to NSW Government
DATA & DECISION-MAKING	<ul style="list-style-type: none">• Data-driven decision making and target setting by local governance structure• Data analysis will inform other government policy for that community• Community empowered through local governance structure to start solving its own justice problems• Local Governance Structure supported by University partner to make data-driven decisions, set targets, access evidence-based on what works, and evaluate social and financial outcomes• Local governance structure supported by JR Trial Steering Group to have JR Implementation plan approved by government• Contribution to database of evidence-based services and programs

SUMMARY OF RISKS



Risks to NSW Government

POLITICAL

- **Relationship and reputation risks**
- Potential for **unintended use** of data eg: lobbying of government/s
- **Relationship and reputational risk** when steps are taken to realize tangible cost savings
- Potential for **other communities to request** the total government investment to be calculated

COMMUNITY

- Managing **community expectations**
- Potential for communities to feel **stigmatized**
- Potential **stigmatizing effect** of data

POLICY

- **Multiple government policies and governance structures** being implemented concurrently and separately
- JR Implementation Plan **not approved by government**

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SUMMARY OF COSTS

\$	Costs to NSW Government
GOVERNANCE, STAFF & SKILLS	<ul style="list-style-type: none">• Engagement of a skilled JR community facilitator. These costs could be offset by redirecting existing resources.• May need to engage a data analyst (internally or externally) to assist with data collection, analysis and presentation• May need to engage a financial expert (internal or external) to assist with identification of tangible cost savings
EVALUATION	<ul style="list-style-type: none">• Possible contribution to staff time and travel costs of University Partner
PROGRAM EXPENSES	<ul style="list-style-type: none">• Possible Travel costs of Campaign Champions• Travel costs and expenses of Aboriginal Chairman• Community consultation costs• Meeting costs (room hire, catering etc)

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ALIGNMENT WITH NSW GOVERNMENT POLICY



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Our ask of Government



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OUR ASK OF GOVERNMENT



**January &
February
2013**

- Identify potential trial site/s

**March - June
2013**

- Work with Campaign Champions to approach identified communities and engage them in the opportunity
- Engage a University Partner
- Establish the JR Trial Steering Committee

1 July 2013

- Start JR Trial in agreed community/ies

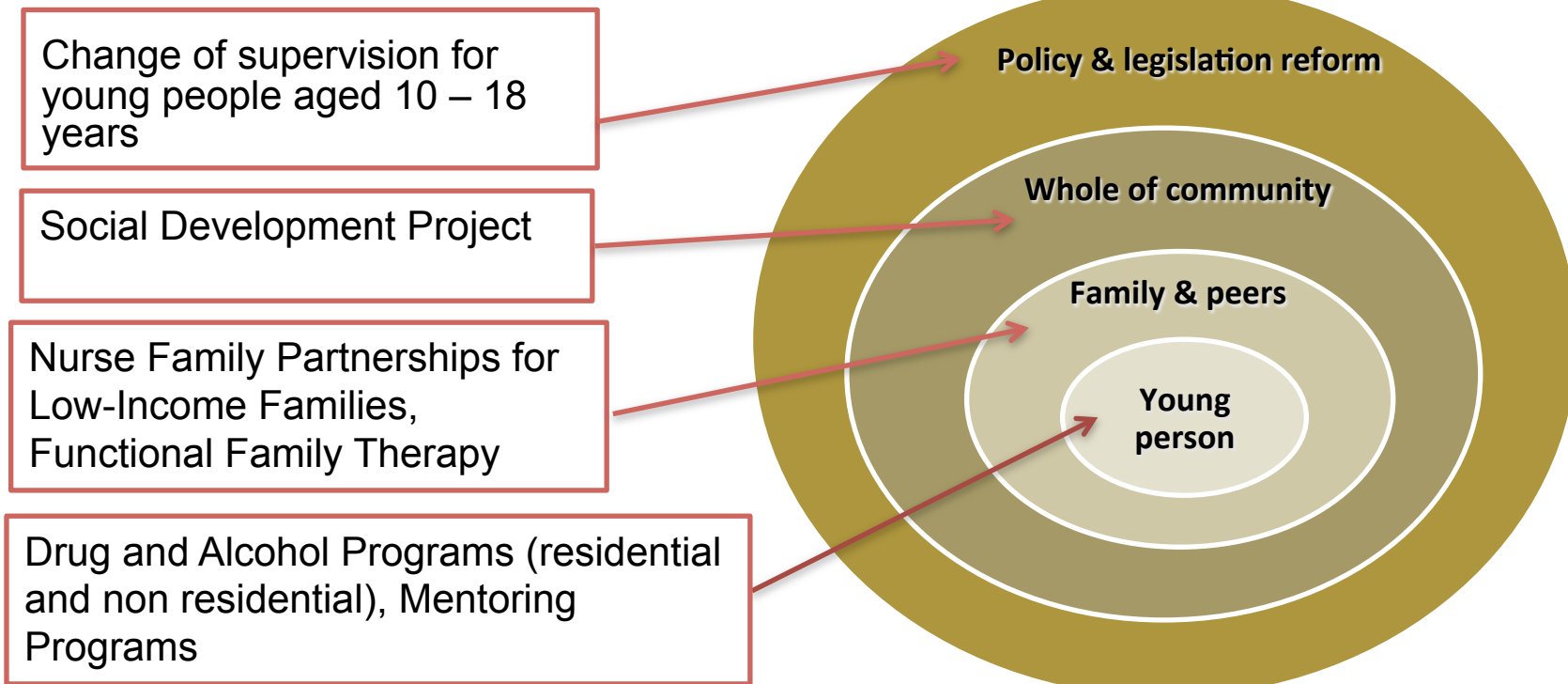
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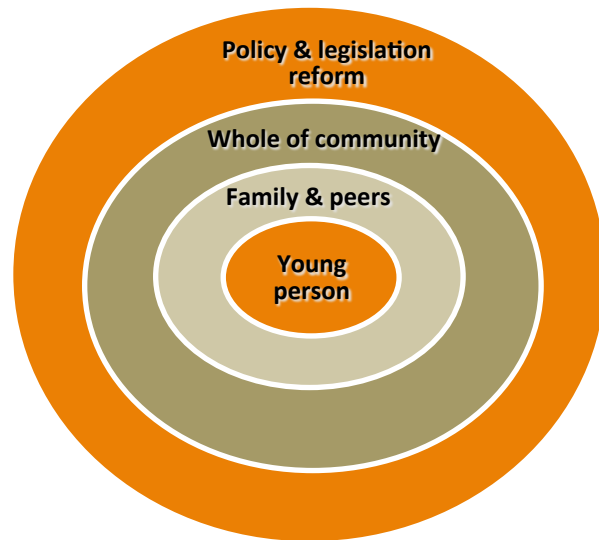
JR IN A NSW COMMUNITY

Hypothetical: The Community X Justice Reinvestment Governance Group, supported by the NSW Justice Reinvestment Advisory Body, engaged Community X to develop a JR implementation plan with the following initiatives:



JR IN A NSW COMMUNITY

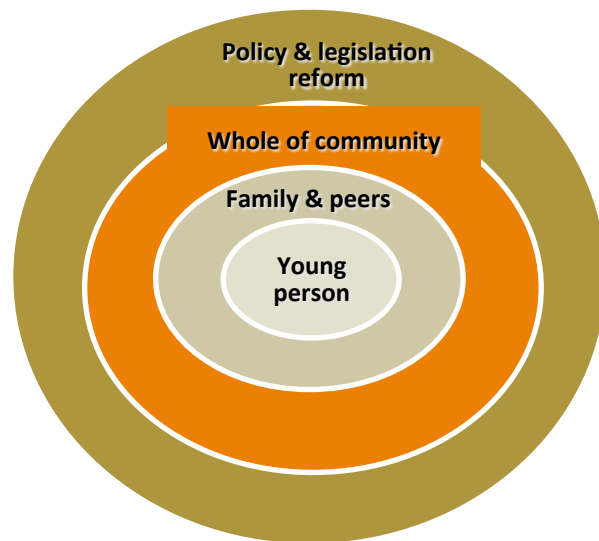
Focusing on the young person: savings realised (Australian modelling)



JR initiative	Change of supervision for young people 10-18 years to the RNR (risk-need-responsivity) supervision model
Description	Level of support provided is based on an assessment of their risk profile to improve outcomes and reduce rates of re-offending
Calculation Statewide	<ul style="list-style-type: none"> • Approx # of young people subject to supervision at any one time in NSW = 1,456 • Saving per person = \$20,486 • Cost of implementation per person = \$5,630 • Net savings per person = \$14,860
Costs & savings	<ul style="list-style-type: none"> • For an investment of \$8.2 million the saving is estimated at \$29.8 million • Overall net savings = \$21.6 million
Annual costs & savings	<ul style="list-style-type: none"> • Implementation costs = \$1.02 million • Benefit = \$3.75 million • Net savings = \$2.7 million

JR IN A NSW COMMUNITY

Focusing on the community: savings realised (based on US figures)



JR initiative	Social Development Project
Description	Targets people in grades 1 to 6, aiming to increase bonding and ties to school and family with the hope of reducing school failure, delinquency, drug abuse, teen pregnancy and violence.
Calculation	<ul style="list-style-type: none"> • 1,004 ATSI people aged 5-12 years • Costs of program per person = \$3,237 • Benefits per person = \$6,823 • Net savings per person = \$3,586
Cost & Benefit	<ul style="list-style-type: none"> • For an investment of \$3.2 million, the benefit is estimated at \$6.8 million over life-cycle. • Overall net savings = \$3.6 million

JR IN A NSW COMMUNITY

The evaluation of JR in NSW would answer these questions

What are the total cost savings generated per year from JR initiatives in Community X?

What are the impacts of those initiatives on crime in Community X?

What are the non-financial benefits including increased community safety, economic participation and growth in community capacity in Community X?