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Attorney-General's Department

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# Justice Reinvestment/Causes of Crime

Report of the NJCEOs Working Group

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# JUSTICE REINVESTMENT / CAUSES OF CRIME

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# JUSTICE REINVESTMENT / CAUSES OF CRIME

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### INTRODUCTION

This paper reports on the findings of the National Justice Chief Executive Officers (NJCEOs) Justice Reinvestment / Causes of Crime Working Group which was assembled following the March 2011 meeting in Wellington to investigate the potential for these models in the Australian context.

In the Terms of Reference for the working group NJCEOs asked the working group to document any relevant activity in relation to justice reinvestment already in place across jurisdictions, and to present options for further work including possible approaches involving the private sector. All jurisdictions have provided information on current relevant activity. This information has been synthesized by the Commonwealth into a spreadsheet of 513 initiatives and circulated among Working Group members for their consideration. The level of detail about the relevant initiatives provided by jurisdictions varied (particularly in relation to funding arrangements), but provided a useful source of information for the development of this report.

This paper discusses adult incarceration in the Australian context, and compares this to the contexts of the UK and USA. The paper then presents findings on the types of offences which are specifically driving Indigenous incarceration, based on an analysis of prison flow data provided by all jurisdictions.<sup>1</sup> Finally, the paper places these findings in the context of current relevant activity in Australia and overseas, and outlines some of the issues associated with adapting justice reinvestment approaches to the Australian Indigenous justice context.

### **Definitions**

The scoping paper endorsed by NJCEOs at their July 2011 meeting defined Justice Reinvestment as evidence-based approaches to criminal justice which involve three particular steps:

1. analysis of causes of crime and incarceration
2. implementation of targeted policies and programs to address these causes, and
3. evaluation of the impact of these measures to inform future work.

Justice reinvestment includes an emphasis both on the types of crime for which prisoners are incarcerated and on the home communities from where prisoners are drawn. In this way, justice reinvestment refers to policies which seek to improve the prospects not just of individual *cases* but of particular *places*. Justice reinvestment has taken different forms depending on the particular drivers of crime in specific locations. It has not, however, involved removing incarceration as a measure to address criminal behaviour, particularly in the case of violent offending.

Justice reinvestment advocates emphasise that rising prison numbers do not necessarily correlate with crime reduction. Identification of the limited capacity of prisons to contribute to overall crime reduction is not new. Nor is the emphasis on addressing the environmental factors that contribute to crime, or even the highlighting of the

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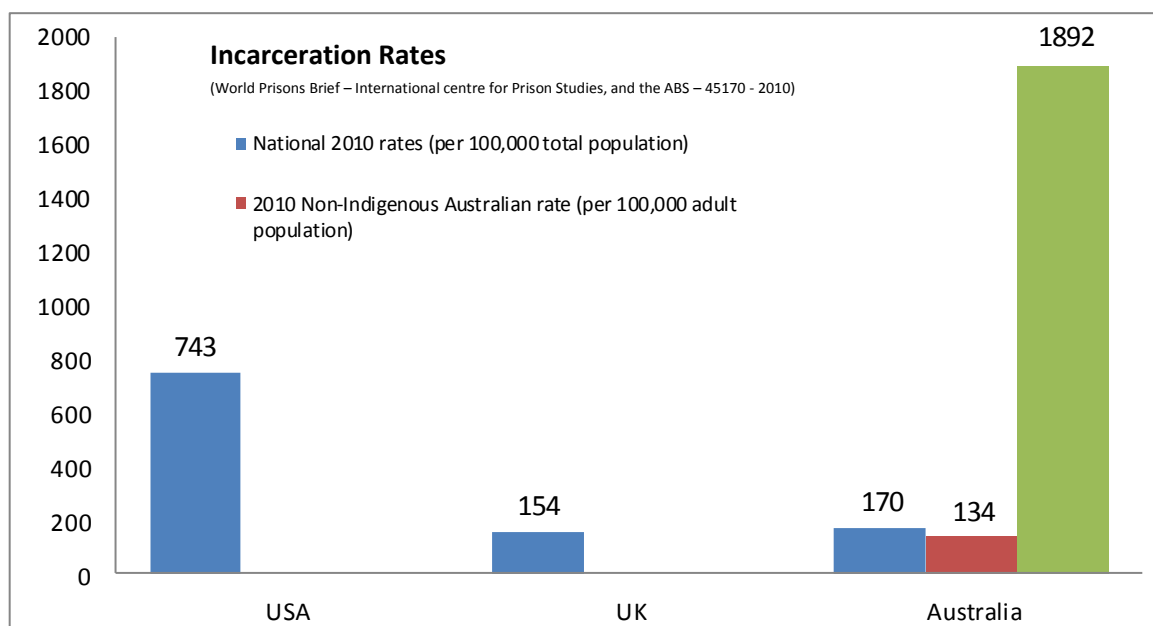
<sup>1</sup> Appendices B and C outline the sources of data provided by each jurisdiction, which was used in the analysis. There are some limitations with the prison flow data which is noted in Appendix B.

importance of rehabilitative and post-release services. Rather, the distinguishing feature of justice reinvestment approaches is the development of existing data and evidence into **holistic integrated, highly targeted strategies to reduce crime**, and subsequently, spending on prisons.

## AUSTRALIAN CONTEXT<sup>2</sup>

The current Australian adult incarceration rate, particularly for Indigenous people warrants consideration of innovative criminal justice approaches with the potential to reduce both crime and imprisonment. According to the ABS 2010 Prisoners in Australia the Australian adult incarceration rate is 170 per 100,000. This compares to 743 and 154 per 100,000 population in the USA and the UK respectively (see Graph 1).<sup>3</sup> However the 2010 Australian adult Indigenous imprisonment rate is some 14 times the non-Indigenous rate.<sup>4</sup> The over-representation of Indigenous people within the criminal justice system has persisted over successive decades and has been most recently highlighted in the June 2011 report of the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Doing Time: Time for Doing* and the 2011 *Overcoming Indigenous Disadvantage Report* released by the Productivity Commission in August 2011. The disproportionate rate of imprisonment of Indigenous Australians (14 times the non-Indigenous rate) is significant even when compared with marginalized groups in other countries. For example, the rate of imprisonment for African Americans tends to fluctuate between 5 and 8 times that of the rest of the population.

Graph 1



Graph 2 shows what the Indigenous incarceration rate translates to in terms of actual numbers. It plots the relationship between the crude rate of Indigenous imprisonment and the number of Indigenous people in prison on an average day and projects changes up to 2021 based on ABS *Experimental Estimates and Projections of the Aboriginal and Torres Strait Islander population*. The blue line shows that if all states and territories are able to halt

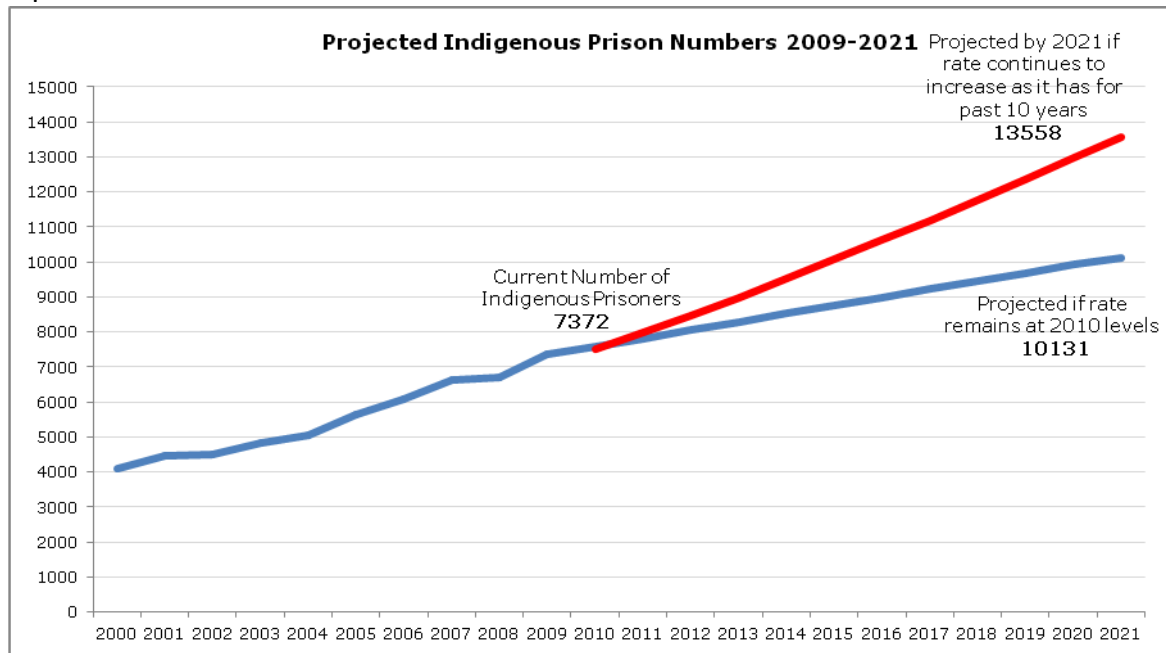
<sup>2</sup> To understand the potential of justice reinvestment / causes of crime approaches in the Australian context it is also important to consider how the method has been implemented in other locations. The experiences of Texas and Kansas – two ‘early adopters’ of the approach are summarised in **Appendix A**.

<sup>3</sup> Note that the most recent national imprisonment rates are as follows: US 716 per 100,000 (2011, International Centre for Prison Studies), UK 149 per 100,000 (2012, International Centre for Prison Studies) and Australia 168 per 100,000 (2012, ABS Prisoners in Australia, 4517.0). The 2012 Indigenous incarceration rate is 1,914 per 100,000 of the adult Indigenous population compared to 129 non-Indigenous prisoners per 100,000 of the non-Indigenous adult population (2012, ABS Prisoners in Australia, 4517.0).

<sup>4</sup> The 2010 Australian Indigenous adult incarceration rate was 1892 per 100,000 (2010, ABS Prisoners in Australia, 4517.0).

the rate of Indigenous imprisonment at current levels, in 2021 the number of Indigenous people in prison on an average day will increase to 10,131. If, however, the rate continues to trend upwards as it has over the last decade (indicated by the red line), in 2021 the number of Indigenous people in prison on an average day will reach 13,558. This would represent a virtual doubling of the number Indigenous adults in prison over a period of 12 years.

Graph 2



### ***What types of crime are driving Indigenous incarceration?***

The first step of justice reinvestment involves analysis of existing prisoner and offending profiles to identify the types of crime which account for most prison sentences. This step is critical to the development of policy options which will actually result in crime reduction. However the usefulness of this process is highly contingent on the quality of available prison data. At the July 2011 meeting, NJCEOs discussed the current lack of data to identify how many Indigenous people are incarcerated for minor offences, particularly driver licensing offences. Anecdotally, these types of crime account for a large proportion of Aboriginal people ending up in prison; however this is not reflected in the existing ABS data which indicates that just 4 per cent of Indigenous people in prison are incarcerated for driver licensing and related offences, while some 65 per cent are imprisoned for violent offences. However there is reason to question the current utility of this data set for analysing the types of crime which are driving the Indigenous incarceration rate.

The ABS prisoner census data counts prisoner numbers and identifies the crimes for which they are incarcerated, however it only represents a ‘snapshot’ of Australia’s prisons on 30 June every year. Because the census data is based on just one day of the year, it is impossible to tell how many people are actually cycling through Australia’s prisons each year from this data set. This is particularly an issue in relation to minor offences that attract short sentences (such as driver licensing offences). It seems reasonable to assume that the actual rate of incarceration for traffic and vehicle related offences would be higher than the 4% indicated by the ABS annual prison. However, the likelihood of these types of offences overtaking the rate of incarceration for violent offences is questionable. Further, a trend analysis of the annual prisoner census data between 2001 and 2010 shows that Driving and related offences is one of the few categories of offences for which numbers of Indigenous prisoners is actually decreasing.<sup>5</sup>

One way to overcome the prison data issue and gain a more reliable understanding of the types of crime which are driving Indigenous incarceration would be for jurisdictions to agree to expand the quarterly data set 4512.0 -

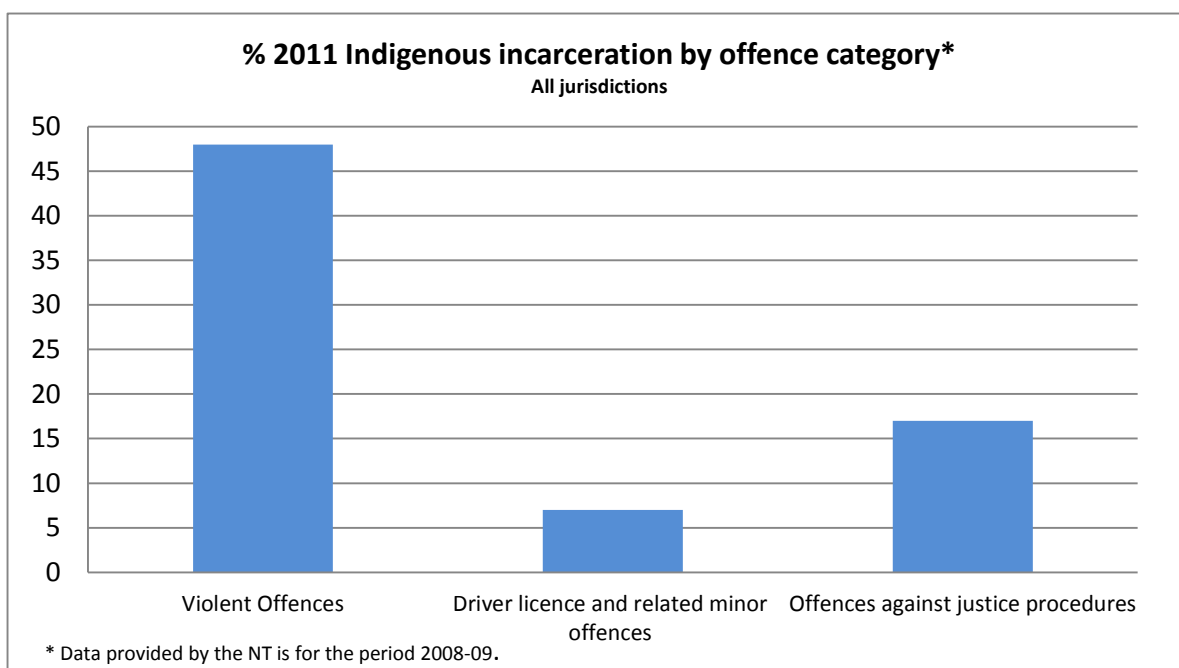
<sup>5</sup> The number of Indigenous prisoners imprisoned for traffic and vehicle regulatory offences decreased by 7% between 2001 and 2010 (338 to 316).

Corrective Services, Australia which currently collects prisoner numbers to also include 'offence type'.<sup>6</sup> On 10 August 2011 Mr Roger Wilkins AO wrote to CEOs requesting they provide all available prisoner flow data disaggregated by most serious offence/charge and Indigenous status. This task was agreed by CEOs at the July 2011 meeting in order to obtain a more accurate picture of the types of offences which account for the bulk of prison sentences for Indigenous people.<sup>7</sup>

### Analysis of prison flow data

The flow data provided by jurisdictions indicates that **violent offending** is the primary driver of Indigenous incarceration, and that offences against justice procedures also have a considerable impact. While minor driver licensing and related offences account for a greater proportion of Indigenous incarceration than is generally indicated by the annual ABS prisoner census data, it does not appear to be a significant driver of Indigenous incarceration. The types of offences captured by these categories is provided in Appendix D.

Graph 3



Based on the combined flow data provided by NSW, Tas, SA, Vic, WA, NT, ACT and Qld, Graph 3 shows that violent offences account for 48 per cent of all prison sentences, driver licensing and minor regulatory offences<sup>8</sup> 7 per cent,

<sup>6</sup> It should be noted that since this Report was presented to NJCEOs in November 2011, NJCEOs have requested that the National Corrective Services Statistics Unit Board consider specific improvements to the currently available national prisoner data sets. On 19 April 2012, the Board agreed to include this request in an upcoming review of the national Corrective Services Quarterly data set. The review is currently being undertaken by the Australian Bureau of Statistics (ABS), in consultation with all agencies with an interest in improving the data. A key issue AGD raised during consultation was the fact that the quarterly national corrections data collection does not currently identify 'offence type', which is one of the barriers to accurately identifying the key drivers of Indigenous incarceration nationally. The ABS is expected to conclude the review by the mid-2013.

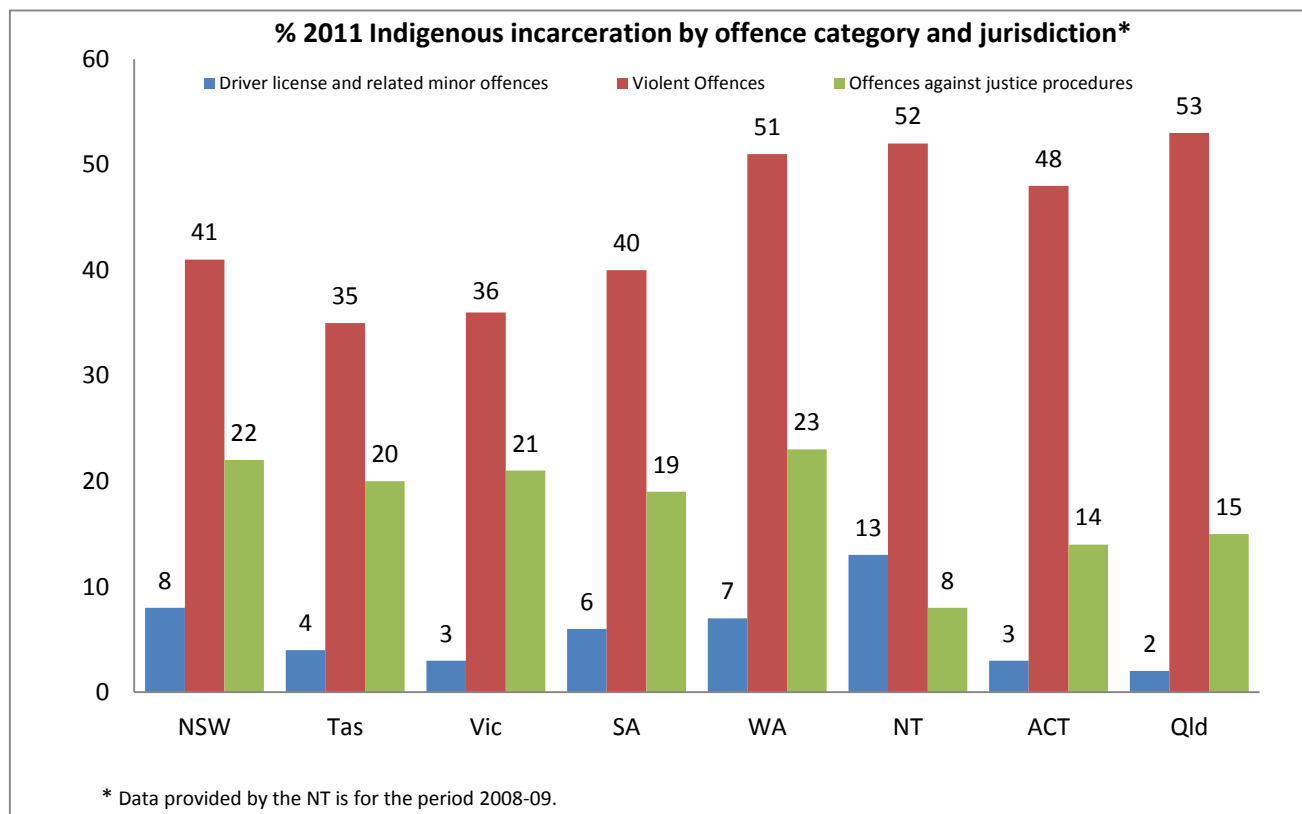
<sup>7</sup> It is important to note that while some jurisdictions were able to access prison flow data, others were only able to provide court flow data. The court data provides a good indicator of the types and numbers offences before the courts each year, but not necessarily of the numbers of individuals appearing. Details of the data used in the charts below are set out in **Appendix B**.

<sup>8</sup> The flow data provided by jurisdictions offers a more accurate picture of the proportion of Indigenous prisoners incarcerated for driver licensing, fines and related offences than was previously possible with only the annual prisoner census data. However it is likely that the actual figure is lower than indicated. This is because the figures are primarily based on the ANZSOC category *Division 14 Traffic and vehicle regulatory offences*, which includes the more serious driving offence group, *1431 Exceed the prescribed content of alcohol or other substance limit*. From the data provided by jurisdictions for this exercise it has only been possible to disaggregate to exclude offence group 1431. Excluding 1431 offences from the data for *Traffic and vehicle regulatory offences* halves the proportion of NT Indigenous prisoners incarcerated for this category of offences to 13%. Further detail about the data used for the tables in this report is set out in **Appendix B**.

and offences against justice procedures 17 per cent.<sup>9</sup> Graph 4 breaks down the results by jurisdiction and confirms that violent offending is the dominant driver of Indigenous prisoners' incarceration across all jurisdictions, accounting for between 40 (SA) and 53 (Qld) per cent of all Indigenous prison sentences.

The South Australian submission noted that the available flow data for that jurisdiction provides the number of persons admitted to, or discharged from, prison by *most serious offence*. As persons can be incarcerated for more than one offence at any one time statistics based on *most serious offence* could possibly mask the actual number of persons incarcerated for additional offences, such as driving related offences. For example, a person imprisoned for a robbery offence and driving offence would only appear in the robbery group. However it was also noted that imprisonment is not the most common penalty for most driving and related offences.

Graph 4

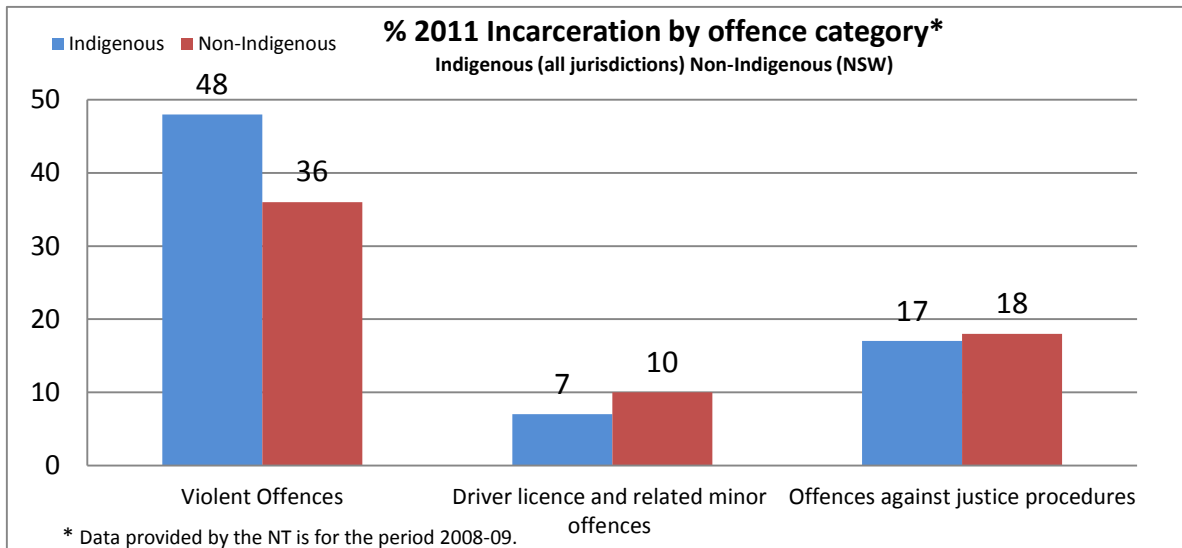


The prison flow data provided by jurisdictions indicates that any program of activity designed to address the primary drivers of Indigenous incarceration should target violent, rather than minor driver licence offences. Further, the proportion of Indigenous prisoners incarcerated for minor driving offences does not appear to differ significantly from that of the non-Indigenous prisoner population. Not all jurisdictions submitted data for the non-Indigenous prison population. When only NSW data is considered, the proportion of Indigenous people incarcerated for driver licence and related minor offences is very similar to the proportion of non-Indigenous prisoners incarcerated for these types of crimes (Graph 5). In contrast, approximately 10 percent more Indigenous prisoners are incarcerated for violent offences than their non-Indigenous counterparts. Moreover, a justice reinvestment / causes of crime strategy which successfully addressed violent offending behaviour could significantly reduce the over-representation of Indigenous Australians within the justice system and increase community safety.

<sup>9</sup> Violent offences and offences against justice procedures are highlighted as they accounted for the largest percentages of offence types. The percentage of driver license offences is also highlighted, as this is an offence type that is often attributed as a major driver of Indigenous incarceration rates. The remaining offence types account for the difference of 28% of offences.



Graph 5



***Violent offending***

The predominance of violent offences as a driver of Indigenous incarceration presents a unique challenge to the implementation of a justice reinvestment approach in Australia. On the one hand it indicates that for the most part Indigenous Australians are not incarcerated for minor, non-violent offences. However it also places limits on the extent to which any Australian iteration of justice reinvestment can draw directly on the strategies developed for implementation in the United States. Due to the high proportion of people incarcerated in the USA for non-violent offences, states have had the opportunity to make significant reductions in overall prison numbers simply by reducing the numbers of non-violent offenders who end up incarcerated. Measures which focus on reducing the numbers of non-violent offenders in prison tend to be less controversial, and where they involve sentencing changes, can deliver relatively fast results.

As noted above, for a justice reinvestment strategy to make a significant impact on Indigenous over-representation in Australian prisons, policy analysts will need to work with the model to address violent crime. While certainly not impossible, it is important to be aware that strong innovative thinking – beyond simply transferring a US model will be required to succeed. Initiatives to address violent offending in Indigenous communities are likely to require holistic measures that take into account the underlying, situational and precipitating factors which influence the likelihood of violence in a given situation. Rather than looking at options to reduce the likelihood of violent offenders being sentenced to prison, a justice reinvestment strategy to address violent offending might focus on reducing recidivism post-release. Comprehensive risk reduction treatment programs for violent offenders within prisons and intensive throughcare could be one way of targeting those most likely to be at risk of committing new violent offences in the short to medium term. While addressing violent offending is a more complex area for justice reinvestment policy makers to grapple with than minor driver licensing offences, if successful, the potential for valuable community safety outcomes is far greater. This is particularly significant in light of the fact that Indigenous Australians are disproportionately represented within the criminal justice system not only as offenders, but also as victims.

***Offences against justice procedures***

While driver licensing and related offences do not appear to be a key driver of Indigenous incarceration it is worth noting that, according to the flow data received, the primarily non-violent offence category ‘Offences against justice

procedures<sup>10</sup> accounts for the incarceration of some 18% of both Indigenous and non-Indigenous prisoners. This category involves a relatively large number of offence types including breach of parole or probation.

We already know that the rate of recidivism for Indigenous offenders is higher than the non-Indigenous rate. In 2009 74% of Indigenous prisoners had a prior conviction compared with 50% of the non-Indigenous prisoner population.<sup>11</sup> The prison flow data provided by jurisdictions for this analysis, supports the argument that **targeted throughcare** for offenders with a high risk of recidivism may be an effective way to target resources to reduce overall incarceration. Moreover, improving the numbers of Indigenous offenders that successfully complete parole and probation periods could potentially make a dent in the disproportionate representation of Indigenous people within Australian prisons. Many of the United States iterations of justice reinvestment have included a strong focus on reducing revocations to prison. This is one area where Australia could potentially draw on international experiences in the development of locally targeted justice reinvestment strategies.

## **ADAPTING JUSTICE REINVESTMENT TO ADDRESS INDIGENOUS INCARCERATION**

The second step of justice reinvestment approaches involves the development of policy and program options to address the identified drivers of crime. While some of the options might be legislative – like changing bail requirements,<sup>12</sup> a large proportion are likely to involve program initiatives. The overall success of justice reinvestment strategies is therefore highly contingent on the quality of programs available to feed in to address the drivers of crime and subsequent incarceration. The definition of justice reinvestment at the beginning of this report includes a qualifier that the types of programs included within justice reinvestment should be ‘evidence-based’. Because justice reinvestment strategies are underpinned by projections of the quantifiable impact of crime reduction initiatives and associated cost reductions, the existence of a strong evidence base is considered essential.

This presents an issue in Australia where there is a scarcity of robust evidence about effective measures to reduce rates of crime and incarceration, particularly in relation to outcomes of programs for Indigenous participants.<sup>13</sup> The current quantity, quality and public availability of evaluations about what justice programs actually work in the Indigenous Australian context is extremely poor.<sup>14</sup> Given the unique cultural, geographical and other characteristics of the Aboriginal and Torres Strait Islander population it stands to reason that programs which have a particular impact on prisoners in Kansas may not necessarily produce the same results for Indigenous Australians. This increases the need to improve the quality and availability of evaluations of Australian Indigenous justice programs.

### ***Current relevant activity***

Justice reinvestment strategies rely on the ability to measure cost savings based on the estimated crime reduction impact of specific programs. Without robust evaluations of Indigenous justice programs which demonstrate quantitative outcomes, it will be difficult for Australian governments to develop and confidently implement justice reinvestment strategies. While the scarcity of evidence for justice initiatives within Australia is clearly an issue, the information provided by jurisdictions to document current activity has enabled the identification of some projects that could usefully feed into the development of justice reinvestment-type strategies. For example:

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<sup>10</sup> Note: while most of the offences in the Division, *Offences against justice procedures* are considered non-violent, it does also include breaches of violence orders. The data used for this analysis did not enable disaggregation down to this offence group; however it may be possible for some jurisdictions to do so.

<sup>11</sup> Australian Bureau of Statistics, 4517.0 - Prisoners in Australia, 2010.

<sup>12</sup> The NSW Government has recently commissioned a review of bail laws NSW Law Reform Commission. Submissions are sought by 22 July 2012 [http://www.lawlink.nsw.gov.au/lawlink/lrc/ll\\_lrc.nsf/pages/LRC\\_cref129](http://www.lawlink.nsw.gov.au/lawlink/lrc/ll_lrc.nsf/pages/LRC_cref129). Since this Report was initially drafted in November 2011, The NSW Law Reform Commission has completed its review on bail, and the Government has provided its [response](#) to the Commission’s Report.

<sup>13</sup> While it is acknowledged that many programs are based on proven criminological models, particularly internationally proven models, there is a lack of publicly available outcomes evaluations on the implementation of these programs in Australia. The lack of publicly available outcomes evaluations is particularly an issue in relation to impacts of these programs on Indigenous Australians.

<sup>14</sup> Professor Anna Stewart, Griffith School of Criminology, Law & Justice within Indigenous Communities Conference, Feb 2011 *The importance of research & evaluation for Indigenous justice programs: Ensuring sound foundations for future policy*.

- **Recidivism and re-contact with the criminal justice system:** This Victorian research project aims to address the lack of research into the life-course of prolific offenders and will investigate how changes in seriousness of offending could be measured statistically.
- **Children of Prisoners** (Australian Research Council Linkage Project) commenced in August 2011, this project will investigate the intergenerational normalisation of criminality in Victoria. It is anticipated that a deeper understanding of how alternative care arrangements of children of prisoners/people entering custody will allow that process to be improved which will have flow on effects on the wellbeing of young people and reduce the intergenerational transmission of crime.
- **Cost of Crime Project:** The main goal of the project is to understand what the main current costs of crime are for all types of crime in Victoria. This project will be completed in partnership with an external research partner to determine and provide a thorough examination and estimation of the costs of each type of crime in Victoria. The first stage of the project will look at finalising the methodology and testing that methodology on estimating costs of crime against the person and property.
- **Developmental Pathways Project – Project 18: Causes of Crime** (Australian Research Council). This research project is one of a number of projects in a data matching exercise for all persons born in Western Australia since 1980. The pathways for young people that lead either toward or away from, involvement with crime and the justice system will be identified through cross-matching data from a variety of agencies, examining factors that influence life-pathways throughout a young person’s life from pre-natal factors onward.

### Independent outcomes evaluations

Of the current relevant initiatives documented by the justice reinvestment / causes of crime working group, some 65 per cent had planned or undertaken some form of evaluation process. However a significant number of these evaluations focus primarily on process (ensuring that programs are well administered), are undertaken internally and/or are not publically available. Of the Indigenous-specific justice initiatives documented for this report, six publically available, independent evaluations could be identified (see Table 1).

Table 1

State	Program / Initiative	Evaluation details
Vic	<b>Koori Courts</b>	Evaluation of pilot was undertaken in 2006 <a href="http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/Courts/Research+and+Statistics/JUSTICE++Evaluation+of+the+Koori+Courts+Pilot+Program+%28PDF%29">http://www.justice.vic.gov.au/wps/wcm/connect/DOJ+Internet/Home/Courts/Research+and+Statistics/JUSTICE++Evaluation+of+the+Koori+Courts+Pilot+Program+%28PDF%29</a>
Vic	<b>Koori Cognitive Skills</b>	External evaluation by Atkinson, Kerr and Associates undertaken in 2005 <a href="http://www.justice.vic.gov.au/wps/wcm/connect/justlib/DOJ+Internet/Home/Prisons/Research+and+Statistics/JUSTICE++Koori+Cognitive+Skills++Final+Report+2005+%28PDF%29">http://www.justice.vic.gov.au/wps/wcm/connect/justlib/DOJ+Internet/Home/Prisons/Research+and+Statistics/JUSTICE++Koori+Cognitive+Skills++Final+Report+2005+%28PDF%29</a>
NSW	<b>Circle Sentencing</b>	The program was evaluated by the Cultural Indigenous Research Centre Australia in 2008. <a href="http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_mr_cjb115">http://www.lawlink.nsw.gov.au/lawlink/bocsar/ll_bocsar.nsf/pages/bocsar_mr_cjb115</a>
WA	<b>Youth &amp; Family Support Worker (YFSW) Program</b>	The YFSW program was created by amalgamating the Aboriginal Support Worker (ASW) and Youth and Family Engagement Worker (YFEW) programs. The ASW program was evaluated by Ozich & Partis in June 2007. The YFEW program was evaluated by Cant et al in December 2006. Neither evaluation is publicly available, but can be made available on request.
WA	<b>Indigenous Diversion Program (IDP)</b>	IDP was included in evaluation by the Crime Research Centre 2006 <a href="http://www.dao.health.wa.gov.au/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&amp;EntryId=238&amp;PortalId=0&amp;TabId=211">http://www.dao.health.wa.gov.au/DesktopModules/Bring2mind/DMX/Download.aspx?Command=Core_Download&amp;EntryId=238&amp;PortalId=0&amp;TabId=211</a> A further evaluation by Crime Research Centre is underway, with results available 2012.
WA	<b>Kalgoorlie Aboriginal Community Court</b>	Evaluation commissioned by DotAG undertaken by Shelby Consulting in 2009. <a href="http://www.courts.dotag.wa.gov.au/files/Kalgoorlie_Sentencing_Court_Report.pdf">http://www.courts.dotag.wa.gov.au/files/Kalgoorlie_Sentencing_Court_Report.pdf</a>

A further 26 Indigenous justice programs are being evaluated under the *National Indigenous Law and Justice Framework* across five broad subject areas: Aboriginal sentencing courts and conferences, Offender support and reintegration, Diversion programs, Night and community patrols and Residential drug and alcohol rehabilitation. These independent, outcomes focused evaluations will begin to build the evidence base about what types of justice

initiatives can be considered ‘best practice’ in the Indigenous context and which are most likely to lead to reductions in the number of interactions between Indigenous people and the criminal justice system.

### ***Experimental evaluation***

All of the Australian justice initiatives that have been evaluated have employed a primarily non-experimental methodology. Experimental or quasi-experimental design evaluations that employ the use of randomised or control groups are considered the ‘gold standard’ evaluation method for determining the causality of initiatives to outcomes. Some of the reasons why these types of evaluations have not taken place in Australia include the higher cost of experimental evaluations and difficulties in obtaining adequate sample sizes - particularly in the Indigenous context.

However, considering the longstanding over-representation of Indigenous people within Australia’s criminal justice systems and the significant government investment over a number of decades, there is reason to consider finding ways around these obstacles in pursuit of the kind of ‘hard’ evidence that the experimental method can provide. Undertaking some experimental or quasi-experimental evaluations of Indigenous justice initiatives would considerably strengthen the evidence base about ‘what works’ and increase the potential for jurisdictions to implement justice reinvestment / causes of crime initiatives with a higher likelihood of success. The type of evidence produced by an experimental evaluation methodology is also likely to be important for the jurisdictions interested in the development and implementation of ‘payment-by-results’ funding models which involve sourcing up-front private sector financing for social initiatives.

## **PRIVATE SECTOR INVOLVEMENT**

Social Impact Bonds (SIBs) are financial instruments which source private funding to deliver social programs, on the basis that government will compensate investors if the programs are successful. Through SIBs, governments can avoid risking taxpayer money on programs that do not achieve their aims. In this way, SIBs are not ‘bonds’ in a strict sense as they are contingent on outcomes for returns. More accurately, they are a type of ‘payment-by-success’ scheme.

The UK has been the front-runner in terms of developing and implementing the SIB model, launching the first scheme in mid-2010. This initiative is financing a £5 million program for 3000 short-term prisoners at one correctional facility in Peterborough. If the re-offending rate of the prisoners involved drops by more than 7.5% overall, investors will receive their investment back plus a return. It is expected that the pilot will run until 2016, with the final outcome payment to be made in 2018.

There is currently no evidence about the success or failure of SIB initiatives. The UK Ministry of Justice has commissioned the independent research organisation RAND Europe to evaluate the Peterborough project. The first report outlining lessons learned from the planning and early implementation phase was released in May 2011.<sup>15</sup> While it is too early to gauge impact, this report represents the first of its kind and will form the basis of future reports.

### ***Challenges associated with the SIB model***

Analysis of the potential for the SIB concept has been generally positive, however some challenges which have been identified by commentators include:

#### ***Financial***

- Building the commercial investment market will be key to the ongoing viability of the SIB model. Current SIB trials source funding from philanthropic trusts. At this stage there is no demonstrated commercial market for investment in these types of schemes.
- SIBs are characterised as ‘no-risk’ to governments, in that there are no immediate funding requirements and no obligation to pay for unsuccessful projects, however the model does not circumvent the need to plan for the eventual pay-out costs. The rate of dividend is calculated on the anticipated government saving if the initiative is successful (e.g. savings from reduced court appearances and prison sentences). To work in practice,

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<sup>15</sup> *Lessons learned from the planning and early implementation of the Social Impact Bond at HMP Peterborough*

<http://www.justice.gov.uk/news/features/feature270511a.htm>.

significant preparatory work is likely to be required to ensure that the budgets of relevant agencies are appropriately linked to enable the savings and dividends to flow if and when required.

- The inaugural UK SIB pilot does not directly link the budgets of affected services. The allocation to payout the SIB on completion includes £6.25m of Big Lottery funding as well as Justice Ministry money.

### **Political**

- To prove impact SIBs require a sufficient life-span. This means that that it is quite possible that a government which signs up to an SIB will not be the government required to pay investors at the end of bond period. For this reason it is important that SIBs garner bipartisan support.
- So far, the UK SIB schemes have received bipartisan support, with the previous administration establishing the initial trial and the current government committing to a number of additional SIBs. Mitigating the impact of the political factors that could affect the successful implementation of SIBs will require careful and complex preparation. The Social Finance Company, which is running the Peterborough trial, has estimated time spent preparing for the pilot at two years.
- Generating strong, shared understandings between government and investors about what constitutes success and how it can be measured will be vital to the model's success.

### **Service Delivery**

- The model assumes that those who work in finance are better placed than governments to choose, monitor and discipline the organisations who will administer the social services that the bonds fund.
- The connection of social service delivery and private financial returns in the SIB model includes a risk that outcomes measures will be manipulated to focus on payment rather than positive social outcomes.

### **Impact**

- SIBs are contingent on the ability of social initiatives to prove impact. However, robust evidence of the efficacy and cost-saving potential of programs is generally not readily available and/or reliable.
- The evaluation of impact is always contentious. Randomized experiments of criminal justice interventions over the past twenty years have rarely resulted in the demonstration of significant positive impact.<sup>16</sup>
- The Peterborough Pilot is being assessed against a matched rather than a randomized control group. This quasi-experimental method is considerably stronger than most methods used to assess criminal justice initiatives, but will provide less certainty of causality than a randomised study would.

## **Payment-by-Results in Australia**

### **NSW Pilot**

On 5 September 2011 the NSW Government announced it will launch a tender process for a pilot 'Social Benefit Bonds' scheme. The bonds will be aimed at reducing demand for foster care (out of home care) and justice programs - lowering re-offending rates among former prisoners through education and support services. \$13 million has been allocated over the forward estimates period and \$21 million in total, to fund up to two pilots. The scheme will be the first 'payment-by-success' initiative to be implemented by an Australian government. The NSW Government's call for proposals closes on 30 November 2011 two preferred proponents will be selected by the end of 2011. Joint development of the detail of the two SBB pilots will then occur between the preferred proponents, Government, service providers and potential investors. Providing viable models can be developed through this work, it is anticipated that contracts will be signed in mid to late 2012. If viable models cannot be developed with the preferred proponents the Government may then consider alternative proposals.

Related to the discussion in the previous section about the need for experimental evaluations of justice initiatives, is the NSW request for proposal statement that, *'the Government's preferred measurement methodology is randomised*

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<sup>16</sup> Farrington, D. P and Welch, B. C 'Randomized experiments in Criminology: what have we learned in the last two decades?' in the *Journal of Experimental Criminology* (2005) 1:9-38.

control trial (RCT), although other approaches may be considered if RCT is not feasible or appropriate for a particular intervention.’

### **Social Enterprise Development and Investment Funds (SEDIF)**

There may be opportunities for initiatives with justice impacts to obtain finance through the Social Enterprise Development and Investment Funds (SEDIF). For example, an organisation might apply for a loan to grow the operations of a business which employs people reintegrating into society following a prison sentence.

On 9 August 2011 the Australian Government announced that Foresters Community Finance and Social Enterprise Finance Australia (SEFA) have been selected as the funds managers for the SEDIF. SEDIF has been established to improve access to finance and support for Australia’s social enterprises to help them grow their business, and by doing so, increase the impact of their work in their communities. In this sense the SEDIF funds are limited to organisations with strong business models which can demonstrate their capacity to repay loans. This may exclude some smaller, grassroots organizations, such as those working in the Indigenous sector, in the short term at least. By establishing SEDIF, the Australian Government is also seeking to catalyse the development of the broader social impact investment market in Australia. Further information about the SEDIF is accessible at: <http://www.deewr.gov.au/Employment/Programs/SocialInnovation/SocialEnterprise/Pages/SEDIF.aspx>

### **Australian Government Senate Inquiry**

An Australian Government Senate Inquiry into Finance for the not-for-profit sector considered the potential for payment-by-success models in the Australian context and reported in 22 November 2011.<sup>17</sup> Hearings held in August 2011 included a strong focus on the potential of the SIB model. More information is available at: [http://www.aph.gov.au/senate/committee/economics\\_ctte/capital\\_market\\_2011/index.htm](http://www.aph.gov.au/senate/committee/economics_ctte/capital_market_2011/index.htm).

### **What’s the link with Justice Reinvestment?**

There are two distinct, albeit interconnected elements to the justice reinvestment model as it has been implemented in the USA:

- A policy angle which focuses on evidence based, cost-efficient strategies to reduce crime and improve community safety in specific locations, and
- A financial or ‘reinvestment’ component which looks at ways to fund these strategies, usually through cost/benefit analyses of existing measures and projections of future expenditure associated with expected prison growth.

This focus on identifying savings within existing public allocations to fund new initiatives contrasts with the SIB model which generates up-front private investment. However it is possible to combine the two. One of the critiques of the justice reinvestment approach has been that while savings are expected over time, access to upfront funding to begin is still required. Involvement by the private sector is one potential way to overcome this issue.

The August 2011 issue of *Criminology and Public Policy* includes a research article by Todd R. Clear, *A private sector, incentives-based model for justice reinvestment*,<sup>18</sup> as well as number of responding policy essays. Clear argues for a re-entry and community development voucher system that seeks to incentivise employers to take on ex-prisoners and simultaneously invest in local service provision. While this system seeks to engage the private sector through financial incentives, up-front funding is still required to kick-start the initiative. Despite this, the discussion around Clear’s proposal indicates increasing interest in linking justice reinvestment policy principles and private funding models.

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<sup>17</sup> Since this Report was drafted, on 25 November 2011 the Senate Committee tabled its report in Parliament: [Investing for good: the development of a capital market for the not-for-profit sector in Australia](#). The Government response to the Committees report can be found [here](#).

<sup>18</sup> Clear, T.R 2011 ‘A private sector, incentives-based model for justice reinvestment’ in *Criminology and Public Policy*, Vol 10, Issue 3, Aug 2011

## CONCLUSIONS

Justice reinvestment provides a robust, integrated framework to develop criminal justice strategies that target the underlying causes of crime. Australia's prison population is growing and the over-representation of Indigenous Australians continues to increase. In this context consideration of new approaches is warranted. Evidence from international examples suggests that justice reinvestment can enable the development and implementation of highly targeted, evidence-based strategies to reduce crime and incarceration – which increases the likelihood of success. Having said this, the approach does not represent a 'quick fix'. Successful implementation in Australia would require long-term bipartisan support, highly skilled analysis and is likely to suffer setbacks along the way.

The strongest argument in favor of the implementation of justice reinvestment and/or 'payment-by-success' models in the Australian context is the failure of existing measures. This is particularly the case in the context of Indigenous justice outcomes. The vast expenditure on programs and initiatives to improve justice outcomes over the past twenty years in response to the Royal Commission into Aboriginal Deaths in Custody has failed to address the over-representation of Indigenous Australians as both victims and offenders. This has been confirmed most recently by the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs report on Indigenous youth and the justice system.<sup>19</sup> There are compelling reasons to reconsider existing funding models and explore others, including 'payment-by-results' models which seek to make public expenditure contingent in the achievement of agreed outcomes.

Some particular technical challenges for implementation of justice reinvestment and/or 'payment by results' schemes in Australia include the current quality of prisoner data, and evidence about successful programs. Improvements in these areas would strengthen the potential of justice reinvestment / causes of crime initiatives to be successful in the Australian context and form the basis of the options for further work set out in the following section.

The findings of the justice reinvestment / causes of crime working group can be summarised as follows:

1. **No Australian jurisdiction is currently implementing a justice reinvestment approach.** However the information collated by jurisdictions from across portfolios indicates considerable existing activity targeted to address the underlying causes of crime in particular communities and for individuals.
2. **Evaluations of Indigenous justice programs should be independent, focused on outcomes, and publically available** if effective justice reinvestment and/or 'payment-by-results' schemes are to be developed. Without these evaluations it will be difficult to accurately predict the impact of justice interventions and calculate associated cost-benefits.
3. **Australian criminal justice data sets need to be improved** to enable the accurate identification of the types of crime which are driving incarceration. Addressing the underlying causes of crime is a more complex exercise than simply identifying the offences which account for the bulk of incarceration, however the analysis of corrections data to identify the key drivers of incarceration has been a crucial *first step* in the development of justice reinvestment initiatives internationally.
4. **Minor driver licensing offences are not driving Indigenous incarceration.** Acknowledging the limitations of current criminal justice data, the flow data collected for this report indicates that violent offences account for the bulk of Indigenous incarceration followed by offences against justice procedures.
5. **Some important research projects relevant to the justice reinvestment approach are currently underway** in Australia. These projects include initiatives which focus on quantifying the costs of crime and the life-course of prolific offenders.

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<sup>19</sup> On Monday 20 June 2011 the Committee tabled its report: [Doing Time - Time for Doing: Indigenous youth in the criminal justice system](#). The [Government Response](#) was tabled in November 2011.

## APPENDIX A – JUSTICE REINVESTMENT CASE STUDIES

### Texas

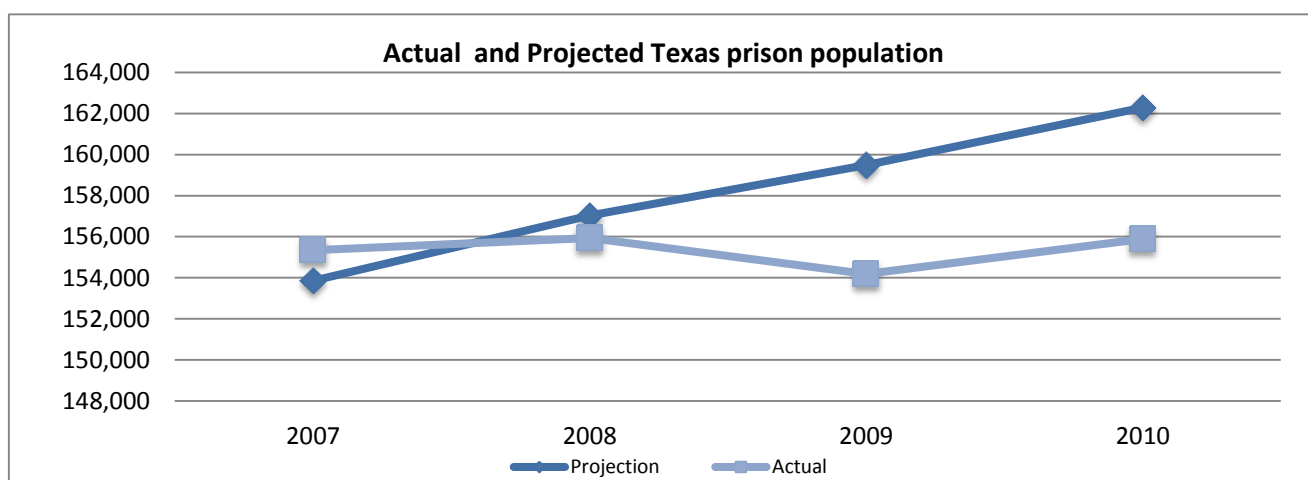
In January 2007, the Texas state Legislative Budget Board, predicted significant growth, estimating a need for 17,000 additional prison beds before 2012. Based on this, a budget request for \$523 million to build additional prisons and an extra \$184 million in emergency contracted capacity to rent detention space in county jails was submitted. Rather than approve this budget, a bipartisan group of Texan legislative leaders decided to work with the US Council of State Governments' Justice Center to develop policy options aimed at improving public safety and avoiding the need to build new prisons. Three key factors contributing to the growth of the prison population were identified:

1. *Increased revocations to prison:* Between 1997 and 2006, the number of probation revocations to prison in Texas increased 18 per cent, despite a 3 per cent decline in the total number of people under community supervision.
2. *Capacity of residential treatment programs:* The capacity of residential treatment programs for people on probation or parole was identified as inadequate, with more than 2000 people awaiting space in various treatment programs and facilities.
3. *Parole Approvals:* The percentage of people approved for parole was lower than suggested by the Texas Parole Board's Guidelines, effectively driving up prison numbers.

A package of criminal justice legislation was developed to address these three areas. Measures included significant increases in parole and probation supervision services and both community and prison based substance abuse treatment programs. The final budget to fund these initiatives represented a \$241 million dollar funding increase. However, by reducing the funding allocated to purchase extra prison bed space and by cancelling the budget request of \$523 million to build new prisons, the total package was reckoned by the government as a net saving of \$443.9 million.

Graph A sets out the results of the Texas justice reinvestment strategy, with the darker line indicating the 2007 projections of the Texas prison population. The lighter line shows how the actual numbers between 2002 and 2010 have flattened out since the introduction of the justice reinvestment legislation.

Graph A<sup>20</sup>



<sup>20</sup> Source: Council of State Governments Justice Center, *Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative*, (New York: Council of State Governments Justice Center, 2009). <http://justicereinvestment.org/states/texas/pubmaps-tx>

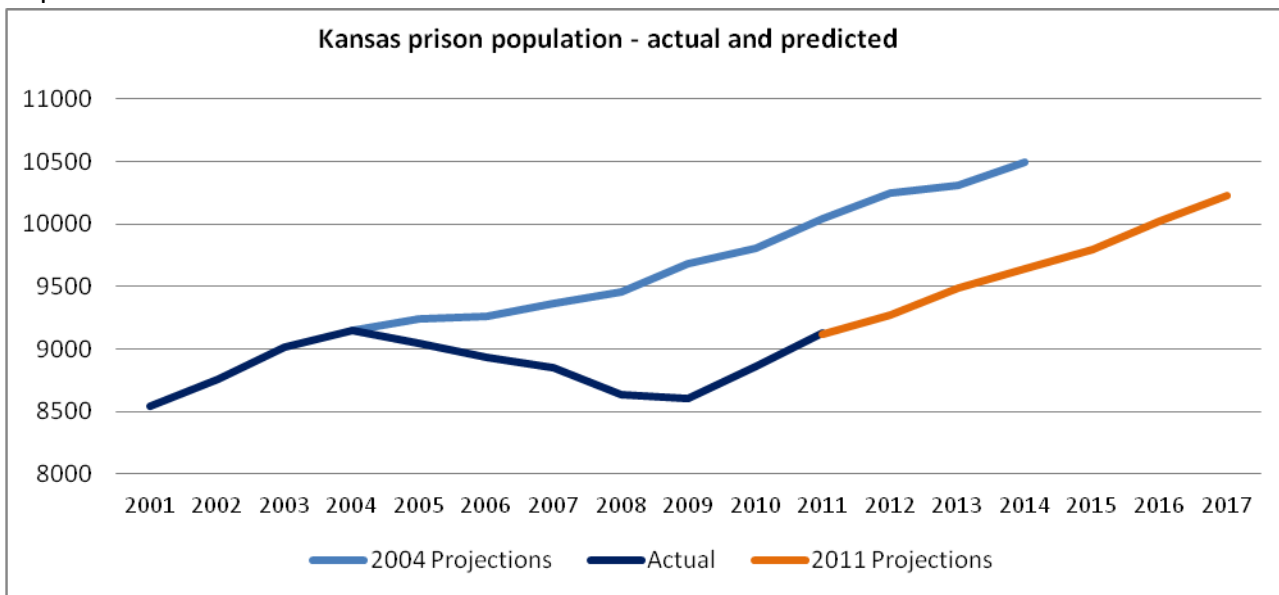


## Kansas

The Kansas example of justice reinvestment is less straight forward than that of Texas. In 2004 the Kansas sentencing commission's growth projections predicted the prison population would reach 10,500 by 2014 (see Graph 2). In an effort to reign in this growth, Kansas legislators decided to develop and implement a justice reinvestment strategy.

Analysis of the existing prison population revealed that probation and parole revocations accounted for 65 per cent of all prison admissions. 90 per cent of revocations were for conditions violations, with alcohol or drug use accounting for 32 per cent of parole revocations. Additionally, 58 per cent of people revoked on probation supervision demonstrated a need for substance abuse or mental health treatment. Compounding this, most people were released from prison without participating in programs designed to reduce their risk of reoffending.

Graph B<sup>21</sup>



The Kansas legislature enacted a number of measures to address these issues including both a 60-day credit for people in prison who complete specified programs and a grant program for local community corrections agencies to increase success rates among those under supervision. The measures were projected to avert \$80 million in state spending over five years. Of the projected savings \$ 7 million was 'reinvested' in additional treatment programs and efforts to improve community-based supervision, with a focus on high-crime neighbourhoods.

By 2008, the yearly number of offenders returning to prison dropped from the 2001 rate (55 per cent) to 34 percent and the overall prison population began to decline. However 2010 saw a change. As Graph B shows, actual incarceration numbers spiked in 2010 (indicated by the dark blue line). After several consecutive yearly reductions, probation condition violators admitted to Kansas prisons increased by 17.4 per cent compared with 2009. As indicated by the orange line, the Kansas Sentencing Commission believes these numbers will continue to rise.

The 2010 Kansas incarceration spike has been linked to the fact that many of the programs introduced to reduce re-offending were de-funded in the wake of the global financial crisis in 2008. However, new admissions have also been a key driver of the upward growth. The rise in new admissions has been traced to an increase in 'off-grid' offenders. 'Off-grid' is a category of offenders whose crimes are considered too serious to be eligible for automatic release on parole once the minimum term is served, minus any 'goodtime' earned by way of completion of risk reduction programs. The rapid increase in the 'off-grid' category of inmates has been linked to the introduction of 'Jessica's Law'.

<sup>21</sup> Source: Kansas Sentencing Commission, August 2010 *Fiscal Year 2011 Adult Inmate Prison Population Projections* [http://www.kansas.gov/ksc/documents/FY2011\\_Prison\\_Population\\_Projection\\_Report.pdf](http://www.kansas.gov/ksc/documents/FY2011_Prison_Population_Projection_Report.pdf)

Jessica's Law is a version of legislation from Florida introduced in response to a particular crime where a young girl was raped and murdered by a previously convicted sex offender. Among the key provisions of Jessica's Law are a mandatory minimum sentence of 25 years in prison and lifetime electronic monitoring of adults convicted of sexual acts against a victim less than 12 years old. The Kansas Sentencing Commission identifies the implementation of Jessica's Law as a key factor in their 2011 prison growth projections. In a 2009 submission to the US House of Representatives describing the Kansan experience of justice reinvestment, the Secretary for Corrections outlined the process of endorsement by the Kansas legislature,

*"We also asked them (and this is critical) not to judge us on individual events, but rather on our ability to change trends. Given the population with which we work, we are unable to offer absolute guarantees of safety. We told the committees that some of the people under supervision would re-offend and some of them would hurt people again, sometimes very seriously. We asked them to evaluate us on our ability to reduce the frequency with which those events occur. The committees all agreed and have held to that commitment for five years now."*

Clearly, the situation in Kansas has altered since the Secretary for Corrections made this statement. The impact of Jessica's Law on Kansas prison rates demonstrates the effect that one-off legislative decisions can have on long term, trend changing justice reinvestment / causes of crime strategies. The Kansas legislature is now looking at options for alternative measures to turn around their newly growing imprisonment rate.

The Texan and Kansan experiences of justice reinvestment implementation demonstrate that strategies which use prison data to develop targeted, evidence-based policy and program options to reduce crime and incarceration can be effective. However the success of these projects are as vulnerable to external influences (e.g. economic and legislative) as any other criminal justice approach. The evidence and data which inform justice reinvestment / causes of crime approaches increase their likelihood of success however, the ability of these strategies to sustain improvements over time requires a long term commitment from governments and policy makers.

## APPENDIX B - FLOW DATA SOURCES BY JURISDICTION

### ***New South Wales***

#### ***'Sentenced receptions into adult full-time custody in NSW; 2010-11'***

Source: Corrective Services NSW

NSW Criminal Courts Statistics 2010

#### ***'Number of Indigenous persons sentenced to imprisonment for a principal offence\* by number and average penalty duration'***

Source: NSW Bureau of Crime Statistics and Research

\*Where a person has been found guilty of more than one offence, the offence which received the most serious penalty is the principal offence.

Reference: kg11-10067

### ***Northern Territory***

#### ***'Sentenced episode commencements (according to year in which episode first became sentenced) according to most serious offence, 2008-09'***

ASOC 1997 categories.

Source: Research and Statistics, Policy Coordination, Northern Territory Department of Justice.

### ***Victoria***

#### ***'All Indigenous prisoner receptions by most serious offence/ charge – male prisoners'***

#### ***'All Indigenous prisoner receptions by most serious offence/ charge – female prisoners'***

Source: Corrections Victoria

Notes:

1. Corrections Victoria has a variety of data on prisoner flow (and stock) for Indigenous prisoners. In order to indicate the degree to which stock and flow trends are aligned or differ, the information set out in the attachments below includes:
  - Indigenous prisoner population - males (stock) by most serious offence at 30 June in each year for the past five years (2007 to 2011)
  - Indigenous prisoner population - females (stock) by most serious offence at 30 June in each year for the past five years
  - Indigenous prisoner receptions - males (flow) by most serious offence for each of the past five financial years (financial years 2006-7 to 2010-11).
  - Indigenous prisoner receptions - females (flow) by most serious offence for each of the past five financial years.
  - Indigenous prisoner receptions - by sex and age for each of the past five financial years (financial years 2006-7 to 2010-11).
  - Indigenous prisoner receptions - by sex and legal status on reception (i.e sentenced to imprisonment, sentences served in default of payment of a fine, unsentenced) for each of the past five financial years.
2. The data does show some differences between stock and flow patterns for certain types of offence. For driving offences, which were cited as a case in point by the 29 August letter, the differential between stock and flow numbers does not appear to be particularly significant.
3. The offence categories used are set by the Australian National Classification of Offences. Most are self-explanatory, although the term "*justice procedure offences*" may not convey its meaning clearly. Breach of justice procedures typically includes breaches of CBOs, ICOs, suspended sentences, parole, etc.

## **Western Australia**

The data are derived from court records. They comprise cases where the accused was sentenced to imprisonment. Indigenous status is derived from information transferred electronically to the courts by the police. This indicator is not currently recognised by the ABS because it does not strictly conform to ABS collection standards. However, it is considered as fit for purpose in this case.

## **South Australia**

### ***'Prison admissions in South Australia in 2010-11 by most serious offence and Indigenous status'***

Department for Correctional Services, analysed by the Office of Crime and Research.

Notes:

1. The SA data provides the number of persons admitted to, or discharged from, prison by *most serious offence*. It should be noted that as persons can be incarcerated for more than one offence at any one time, statistics based on *most serious offence* can mask the actual number of persons incarcerated for additional offences such as driving related offences. For example, a person imprisoned for a Robbery offence and Driving offence would only appear in the Robbery group. Therefore, these data do not provide information on all persons incarcerated for driving related offences as it only provides data by most serious offence. (It should be noted that imprisonment is not the most common penalty for most driving and related offences).
2. The offence categories used in this paper may not necessarily map directly to other jurisdictions' offence categories. This is because the categories used are based on the South Australian offence classification system JANCO. JANCO is the South Australian adaptation of the ABS Classification of Offences, 1985, Catalogue No. 1234.0).
3. All data includes prisoners on remand, that is, persons awaiting trial or sentencing.

## **Australian Capital Territory**

### ***Indigenous Status total number of offences – Alexander Machonchie Centre 2010-11***

Source: ACT Corrective Services

Notes:

1. The ACT data indicates that driving offences were very low in respect to the overall offences for Indigenous detainees.

In summary, the most serious offence or charge for Indigenous detainees at the Alexander Machonchie Centre was *Assault* at around 32% (62 offences) followed by *Break and enter, burglary and unlawful entry* at 22% (43 offences) then *Sexual assaults and offences* at 12% (23 offences).

## **Queensland**

### ***Custodial Admissions 2010/11 by Most Serious Offence and Indigenous status***

Source: Queensland Corrective Services

## APPENDIX C – INFORMATION ON GRAPHS

### Graph 1:

#### ***‘National Incarceration Rates’***

Sources: *World Prisons Brief* – International Centre for Prison Studies

<http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/>

*Prisoners in Australia* - 45170 – 2010, Australian Bureau of Statistics (ABS)

<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4517.0>

### Graph 2:

#### ***‘Projected Indigenous Prisoner numbers’***

Source: *Experimental Estimates of Aboriginal and Torres Strait Islander Australians*, Jun 2006 - 3238.0.55.001.

[http://www.abs.gov.au/ausstats/abs@.nsf/Products/3238.0.55.001~Jun+2006~Technical+Note~Estimated+Aboriginal+and+Torres+Strait+Islander+Australian+Resident+Population+%E2%80%93+Method+of+Calculation+\(Technical+Note\)?OpenDocument](http://www.abs.gov.au/ausstats/abs@.nsf/Products/3238.0.55.001~Jun+2006~Technical+Note~Estimated+Aboriginal+and+Torres+Strait+Islander+Australian+Resident+Population+%E2%80%93+Method+of+Calculation+(Technical+Note)?OpenDocument)

### Graph 3:

#### ***‘% 2011 Indigenous incarceration by offence category - Combined all jurisdictions’***

Source: Flow data\* from NSW, Vic, NT, WA, SA, ACT and Qld.

- *Violent Offences* - includes Divisions 1-6 of the Australian and New Zealand Standard Offence Classification (ANZSOC) system.
- *Driver licensing and related offences*: includes all Division 14 offences for NSW, Vic, the ACT and WA. For the NT disaggregated data was provided so offence Group 1431 is excluded. This enables a sharper focus on licensing and other minor offences within this division.
- *Offences against justice procedures*: includes all Division 15 offences.  
This category includes breaches of parole and community supervision orders. However it also includes breaches of violence restraining orders. Data from most jurisdictions did not disaggregate to this level, however NSW recorded 223 breaches of violence orders, representing just over 30% of all offences in this category.

### Graph 4:

#### ***‘% 2011 Indigenous incarceration by offence category and jurisdiction’***

Source: Flow data\* from NSW, Vic, NT, WA, SA, ACT and Qld.

### Graph 5:

#### ***‘% 2011 Incarceration by offence category – Comparison of Indigenous (all jurisdictions) and non-Indigenous (NSW)’***

Sources: Flow data\* from NSW, Vic, NT, WA, SA, ACT and Qld.

Indigenous – Flow data\* from NSW, Vic, NT, WA, SA, ACT and Qld.

Non-Indigenous – NSW flow data\*

## APPENDIX D – AUSTRALIAN AND NEW ZEALAND STANDARD OFFENCE CLASSIFICATIONS

### *Driver licensing and related offences*

The table below sets out the offences included within Division 14 under the heading *Traffic and Vehicle Regulatory Offences* in the ANZSOC. The range of offences included within this division varies in seriousness. While most jurisdictions provided bulk data for Division 14, some provided further disaggregation was provided numbers for each type of offence within this category. As the purpose of this exercise was to identify the number of Indigenous people incarcerated for minor driving offences, where possible Group 1431 offences have been excluded from the calculations for this chart as exceeding the prescribed alcohol content can be viewed as an offence endangering persons.

<b>TRAFFIC AND VEHICLE REGULATORY OFFENCES (Division 14)</b>		
141	Driver licence offences	
	1411	Drive while licence disqualified or suspended
	1412	Drive without a licence
	1419	Driver licence offences, nec
142	Vehicle registration and roadworthiness offences	
	1421	Registration offences
	1422	Roadworthiness offences
143	Regulatory driving offences	
	1431	Exceed the prescribed content of alcohol or other substance limit
	1432	Exceed the legal speed limit
	1433	Parking offences
	1439	Regulatory driving offences, nec
144	Pedestrian offences	
	1441	Pedestrian offences

### *Violent Offences*

For the purposes of the development of this chart Violent Offences incorporates all of the offences listed in Divisions 1-6 of the ANZSOC.

<b>Violent Offences - Divisions 1-6</b>		
<b>01 HOMICIDE AND RELATED OFFENCES</b>		
011	Murder	
	0111	Murder
012	Attempted Murder	
	0121	Attempted Murder
013	Manslaughter and Driving causing death	
	0131	Manslaughter
	0132	Driving causing death
<b>02 ACTS INTENDED TO CAUSE INJURY</b>		
021	Assault	
	0211	Serious assault resulting in injury
	0212	Serious assault not resulting in injury
	0213	Common assault
029	Other acts intended to cause injury	

<b>Violent Offences - Divisions 1-6</b>		
	0291	Stalking
	0299	Other acts intended to cause injury, nec
<b>03 SEXUAL ASSAULT AND RELATED OFFENCES</b>		
031	Sexual assault	
	0311	Aggravated sexual assault
	0312	Non-aggravated sexual assault
032	Non-assaultive sexual offences	
	0321	Non-assaultive sexual offences against a child
	0322	Child pornography offences
	0323	Sexual servitude offences
	0329	Non-assaultive sexual offences, nec
<b>04 DANGEROUS OR NEGLIGENT ACTS ENDANGERING PERSONS</b>		
041	Dangerous or negligent operation of a vehicle	
	0411	Driving under the influence of alcohol or other substance
	0412	Dangerous or negligent operation (driving) of a vehicle
049	Other dangerous or negligent acts endangering persons	
	0491	Neglect or ill-treatment of persons under care
	0499	Other dangerous or negligent acts endangering persons, nec
<b>05 ABDUCTION, HARASSMENT AND OTHER OFFENCES AGAINST THE PERSON</b>		
051	Abduction and kidnapping	
	0511	Abduction and kidnapping
052	Deprivation of liberty/false imprisonment	
	0521	Deprivation of liberty/false imprisonment
053	Harassment and threatening behaviour	
	0531	Harassment and private nuisance
	0532	Threatening behaviour
<b>06 ROBBERY, EXTORTION AND RELATED OFFENCES</b>		
061	Robbery	
	0611	Aggravated robbery
	0612	Non-aggravated robbery
062	Blackmail and extortion	
	0621	Blackmail and extortion

### ***Offences against justice procedures***

Division 15 of the ANZSOC includes Offences against justice procedures, Government Security and Government operations. These offences include parole breaches and prison regulation offences. All of Division 15 offences have been including in the calculation of the column of ‘Offences against justice procedures’ in this chart.

<b>OFFENCES AGAINST JUSTICE PROCEDURES, GOVERNMENT SECURITY AND GOVERNMENT OPERATIONS (Division 15)</b>		
151	Breach of custodial order offences	
	0511	Escape custody offences
	0512	Breach of home detention
	1513	Breach of suspended sentence
152	Breach of community-based order	
	1521	Breach of community service order
	1522	Breach of parole
	1523	Breach of bail
	1524	Breach of bond - probation

<b>OFFENCES AGAINST JUSTICE PROCEDURES, GOVERNMENT SECURITY AND GOVERNMENT OPERATIONS (Division 15)</b>		
	1525	Breach of bond - other
	1526	Breach of community-based order, nec
153	Breach of violence and non-violence restraining orders	
	1531	Breach of violence order
	1532	Breach of non-violence orders
154	Offences against government operations	
	1541	Resist or hinder government official (excluding police officer, justice official or government security officer)
	1542	Bribery involving government officials
	1543	Immigration offences
	1549	Offences against government operations, nec
155	Offences against government security	
	1551	Resist or hinder government officer concerned with government security
	1559	Offences against government security, nec
156	Offences against justice procedures	
	1561	Subvert the course of justice
	1562	Resist or hinder police officer or justice official
	1563	Prison regulation offences
	1564	Offences against justice procedures, nec