

Youth Justice Advisory Committee

The Value of a **Justice Reinvestment** Approach to Criminal Justice in Australia

Introduction:

By way of introduction, the following is a brief background of the Youth Justice Advisory Committee (YJAC or the Committee) which is legislated under Part 13 of the *Youth Justice Act 2008*:

The establishment of the YJAC comprises of no less than eight and no more than 12 government, non-government and community representatives and must reflect the composition of the community at large.

The functions of the Committee are as follows:

- (a) to monitor and evaluate the administration and operation of the *Youth Justice Act*;
- (b) to advise the Minister (whether on request by the Minister or otherwise) on issues relevant to the administration of youth justice, including the planning, development, integration and implementation of government policies and programs concerning youth;
- (c) to collect, analyse and provide to the Minister information relating to issues and policies concerning youth justice;
- (d) any other functions imposed by the *Youth Justice Act*; and
- (e) any other functions as directed by the Minister.

The Committee has the powers necessary or convenient to carry out its functions and the Minister must be satisfied that each person appointed to be a member has experience, skills, qualifications or other credentials that the Minister considers appropriate for the person to satisfactorily contribute to the Committee's work.

This paper is based on the views of the Committee through their employment, knowledge and experiences in the youth justice arena. It is intended this paper will provide you with information and insight into the challenges of justice and in particular, youth justice in the Northern Territory and the value of implementing justice reinvestment strategies on a national level. The Committee also recognises that investment in justice reinvestment approach will need to have bi-partisan support inclusive of government (federal, state and local), non-government and the wider community.

(a) Drivers behind the past 30 years of growth in the Australian imprisonment rate.

What does the growing imprisonment rate look like?

Australia wide:

- In 1984 the imprisonment rate was approximately 86 per 100,000.¹
- In 2010 the imprisonment rate was approximately 170 per 100,000.¹

In the Northern Territory (the Territory), the imprisonment rate as of 30 June 2010 was 663 prisoners per 100,000 head of population which is the highest rate for any Australian jurisdiction.

International comparison:

- United States – 743 per 100,000 (highest in the world)
- New Zealand – 199 per 100,000
- England and Wales – 152 per 100,000
- Canada – 140 per 100,000
- France – 102 per 100,000
- Belgium – 97 per 100,000
- Finland – 59 per 100,000
- Sweden – 78 per 100,000

Summary:

- Australia has roughly doubled the national imprisonment rate over the last 30 years; and
- Whilst Australia's imprisonment rate is in the middle of other Commonwealth countries, the Territory's imprisonment rate is more than three times the national average.

Changes in Northern Territory imprisonment rates

The Territory has experienced the biggest proportional increase in imprisonment rates of any jurisdiction in Australia over the last 10 years. These figures have been replicated in the youth sector:

- **Overall – 41% increase (from 449 to 663 per 100,000)**
- Males – 41% increase (from 865 to 1219 per 100,000)
- Females – 158% increase (from 24 to 62 per 100,000)

¹ Tubex H and Indermaur D, *Prison Rates Down but not enough*, sourced from theconversation.edu.au, published 18 July 2011.

¹ Australian Bureau of Statistics, *Prisoner's in Australia*, 4517.0, 2010.

Why are Territorians imprisoned?

Australia wide, the most prevalent charge faced by prisoners remains “Acts Intended to Cause Injury” (20%), followed by “Sexual Assault” (13%).

The Territory has the highest prevalence of violent offending, with 39% of all prisoners facing a charge of “Act Intended to Cause Injury”. This is also reflected amongst youth in detention.

Recidivism

ABS figures identify that 68% of male prisoners in the Territory had already served a prior prison sentence, compared to a national average of 55%.

Average Length of Sentence

The Territory has the lowest median aggregate sentence length at 1.8 years, compared to South Australia with an average of 5 years, and Victoria with an average of 3.7 years.

Snap Shot of the Increasing NT Imprisonment Rate

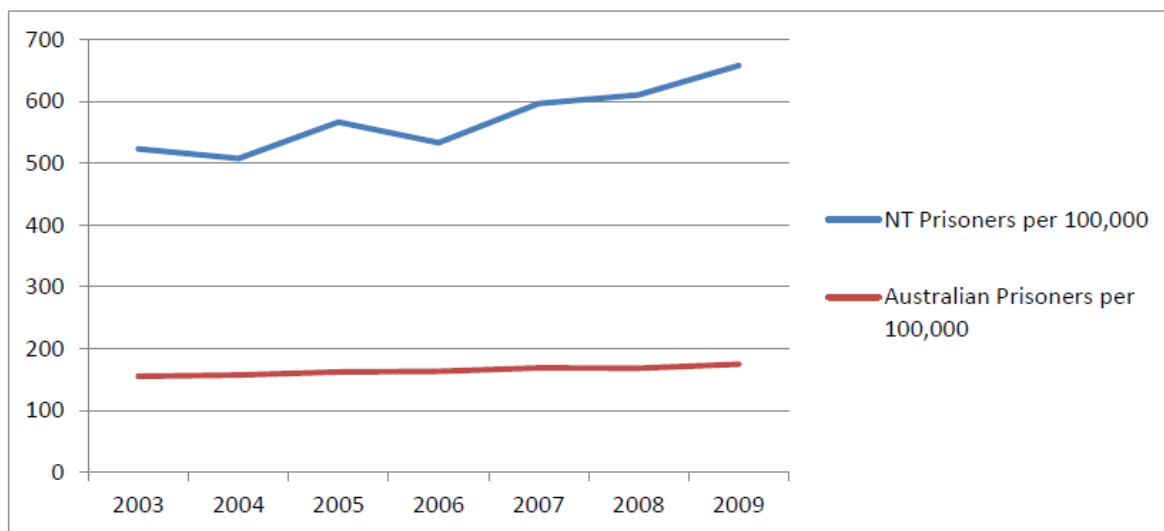


Figure 1: Comparison of Northern Territory rate of imprisonment with Australian average, 2003-2009.

Source: Australian Bureau of Statistics (2009).

A trending increase in imprisonment rates can be identified in the Territory as of the 2006/2007 period. The most noteworthy event in the criminal justice sector over this period was the Northern Territory Emergency Intervention.

Drivers of Increased Rates of Imprisonment

- Increased Police presence in remote communities as a result of the Territory Emergency Intervention – this can be roughly linked to the rising rate of imprisonment from 2007 onwards.

- There can be no dispute that compared with five years ago, there has been an increase in offending behaviour – for instance December 2012 quarterly crime statistics show for Alice Springs that:
 - House break ins have increased by 173%;
 - Commercial break ins have increased by 25%;
 - Motor vehicle theft has increased by 80%;
 - Assault has increased by 44%; and
 - Assault involving alcohol has increased by 39%.

Overall, there were 7350 criminal offences recorded in Alice Springs for the year ending December 2012, an increase of 45% compared with five years ago.

- There has been an increase in the proportion of violent criminal offences committed by young people in the Territory. Whereas property crime used to be the single most common category of offence for young people in custody, there has been a shift now towards personal violence offences.
- Many Indigenous youth are living in an environment of social break down and family dysfunction. The impact of a high rate of domestic violence within family and social groups cannot be underestimated; across the Territory in 2012 over 55% of assaults were domestic related, whilst in Alice Springs the figure is closer to 60%. Indigenous people are grossly over represented as both victims and offenders of domestic violence, which means that high numbers of young Indigenous people are being exposed to domestic violence and assaults as victims, witnesses and eventually as offenders.
- The impact of social media amongst all young people has been extraordinary over the last five years; however the impact upon Indigenous youth, particularly those from remote areas, has been significant. Information, ideas, rumours and stories can now be shared almost instantaneously, with the consequence that social pressures and cyber bullying are increasingly common.
- Alcohol and drugs are closely correlated with offending, particularly violent offences. Across the Territory nearly 60% of all assaults involve alcohol, and in Alice Springs this link is even stronger with nearly 70% of assaults involving alcohol. Anecdotal evidence suggests that young people are increasingly accessing and consuming alcohol, which may be linked to their increased involvement in violent offending.

(b) The economic and social costs of imprisonment.

It is the understanding of YJAC that a significant number of detainees are in fact on remand. If this is the case then the true cost to incarcerate is significant. Whilst the official court processes are being actioned, the capacity of Juvenile Centres to have a real impact for change seems quite small.

- The issue of detention, with minimal processes and programs to support real change in behaviours is a concern, as it seems the focus of the Department of Correctional Services is management and the focus for education in detention has been to engage but not able to offer any real outcomes for change.

- At the Alice Springs Juvenile Detention Centre there are on average 8 - 20 detainees per day. Combining the staff of the detention facility with education staff numbers, there are approximately 15 employees at work during the day. This could equate to about \$50000-\$60000 per week.
- Detainee attitudes toward learning and detention are a barrier that needs to be addressed. Given this, what is the appropriate environment to support change in behaviours? How can the system address these barriers and promote ways to obtain support to access services, family and friends, and a safe place without having to offend?
- It appears that current bail with conditions provides minimal support to assist young people to not re-offend. The conditions are difficult to adhere to because the young person is not shown another way to behave; there are limited mentors to provide appropriate guidance thus detention is often for breach of bail and not the original offence.
- What role does social media play in this space. What impact has the increase in access to technology played in this dysfunction? Schools and communities are struggling to understand how to address the significant pressure placed on young people when they are arguing over the internet or accessing images that are inappropriate. There currently seems to be no answers on how to address this.
- Employment options are poor in communities with numerous studies linking unemployment to crime.
- In the Territory, the cost to “build” one bed is approximately \$1million. This money could be better spent on early intervention programs and support services.
- Access to specialist health and wellbeing services whilst in detention is extremely poor in the Territory.

The other side:

- What would it cost to address the underlying issues of social, cultural and environmental isolation with little hope for a brighter more culturally appropriate future? The suggestion is that an investigation be conducted to consider the actual costs to develop and operate the services and programs these young people need.
- If the behaviours observed are a consequence of not investing in these services when the young people were children, then the true cost is that we as a society have a dysfunctional community. If social dysfunction is not addressed, this dysfunction will lead to an increase in the level of antisocial behaviour.
- Are these behaviours the result of not finding a way to support community to develop an appropriate identity, a sense of hope and purpose?
- Anecdotally in Alice Springs, youth night patrols are engaging a significant number of young females more than males. Whilst they are not yet offending, this appears to be an early sign that more detainees will be female.

(c) The over-representation of disadvantaged groups within Australian prisons, including Aboriginal and Torres Strait Islander peoples and people experiencing mental ill-health, cognitive disability and hearing loss.

Targeting disadvantaged groups

If the ultimate aim of a justice reinvestment approach is to utilise community based programs to prevent individuals committing crimes, then clearly programs and funding need to target those groups who are over-represented in the prison and criminal justice system. It would be contrary to the goals of justice reinvestment to introduce programs that exclude groups which are over-represented, yet this does occur. In the Territory, an example of this is where programs are funded for the major centres but do not cover, or do not as effectively cover, remote communities. This will always be a hurdle in the Territory where there are so many remote communities and many of them with very small populations. It is not uncommon for programs intended to cover the entire Territory population, to have offices in Darwin and Alice Springs only, with staff visiting other communities for short periods of time. Even where workers are based in rural centres, such as Katherine, Nhulunbuy and Tennant Creek, they are attempting to remotely service dozens of communities in their region.

People experiencing mental illnesses are over-represented in our criminal justice system, yet alternatives to prison such as in-house rehabilitation services are often unable to cater for these people.

People who have committed violent offences make up a significant percentage of the Territory prison population, yet many programs aimed at rehabilitation exclude those who have a violent criminal record. This occurs with individual service providers imposing these restrictions. It also occurs through legislation that attempts to exclude violent offenders from sentencing alternatives. This is seen in mandatory sentencing provisions, community based orders under division 4A of the *Sentencing Act* and the substance misuse treatment program through the SMART Court (which has now ceased but has not yet been replaced).

While violent offenders may not be a 'disadvantaged group', many violent offenders do fall within the target groups such as Indigenous people, or those with a mental illness etc.

Addressing multi-dimensional problems

Whilst isolating potential causal factors such as mental illness in order to target groups at risk of imprisonment can be helpful, it also needs to be acknowledged that many offenders and potential offenders have multiple risk factors. Effective justice reinvestment programs need to provide holistic support. Young people are a classic example of this, where it is common for an individual to have difficulties in the education system, they may also be a victim or witness to violence, have a dysfunctional family environment and substance misuse problems. To address only one of these issues would be unlikely to achieve the justice reinvestment goal of preventing offending and incarceration.

Community based programs, rather than incarceration, have the potential to be more flexible and more individualised and thus better address the full range of risk factors for offending. While this potential exists in community based programs a holistic model is not always easy to achieve. If justice reinvestment is to be successful, it is crucial that there be a co-ordinated approach rather than compartmentalising programs to address single issues.

Effective deterrence

As well as punishment and protection of the community, one of the major justifications in the court system for imprisonment is deterrence, both personal and general.

The deterrent effect of imprisonment can be greatly reduced for groups that are over-represented within the criminal justice system. This is seen in some Territory communities where the high rates of detention and imprisonment has lead to it being normalised. Anecdotally, organisations speak of young people seeing imprisonment as a right of passage. Rather than a stigma being attached to going to prison, it is an opportunity to eat well and become physically fit and be in a safe environment.

Incarceration is meant to be a negative experience that deters people from offending. The alternative approach is to offer positive incentives for those who don't offend. Where the punishment side of incarceration is failing, effective justice reinvestment programs can provide the positive encouragements, such as employment programs, that courts are unable to.

Parallel programs

While some justice reinvestment programs targeting disadvantaged groups will work with those outside the justice system, there is also a need for parallel programs that support individuals that are within the justice system. Over representation of disadvantaged groups does not solely occur due to higher prevalence of offending. Many youth offenders in detention are there due to breaching court orders, this includes both bail and sentencing orders. Disadvantaged groups such as Indigenous youths and those with mental illnesses are at higher risk of breaching these orders and need to be supported to achieve compliance. Despite the supervision provided, community corrections are at enforcement level rather than providing genuine case management. There is significant scope for justice reinvestment programs to work alongside the existing formal justice programs to achieve reduced recidivism.

Australia wide there has been a substantial increase in the percentage of youths in custody on remand rather than post sentencing. "At 30 June 1981, 21% of all detained juveniles were on remand, compared with 59.6% of all detained juveniles at 30 June 2008^[1]. Despite this, there is a lack of bail support programs in the Northern Territory.

Indigenous young people are over-represented in both the sentencing and remand portions of the detention population.

[1] *Trends in Juvenile Detention in Australia*, Kelly Richards, Australian Institute of Criminology, Trends and Issues in Crime and Criminal Justice, No. 416, May 2011)

In the Committee's view, a lack of suitable options is contributing to increased levels of incarceration, and this is not simply because of the seriousness of the offences before the court. There will always be cases in the Youth Court where detention is the only option given the seriousness of the offence. However, given the different principles in this jurisdiction, there are also many cases where the Court will be looking to find alternatives to detention to try and assist a young person to divert away from offending lifestyles. Unfortunately, in the Committee's view, we are seeing cases where the objective seriousness of the offending gives scope for the Court to consider a wholly suspended sentence, but a lack of suitable programs and support results in a sentence of actual detention. If the only proposal available at the time of sentencing is for a young person to return to the same situation in which they have previously offended, this increases the likelihood of the court imposing detention as opposed to community based orders. A lack of alternatives makes it harder for a court to justify early release and therefore can lead to a young person serving a longer term in detention. Supported accommodation for young people away from their family is very limited in the Territory. As an example, there is one crisis accommodation service for young people in Darwin, yet the need is clear, as couch surfing is prevalent.

(d) The cost, availability and effectiveness of alternatives to imprisonment, including prevention, early intervention, diversionary and rehabilitation measures.

YJAC supports justice reinvestment as it relies on locality-based data to make cost-effective decisions about community safety and rehabilitation. This does not eliminate the need for prisons, but rather seeks to keep those who do not need to be incarcerated out of the system.

Northern Territory Department of Correctional Services

The Northern Territory Corrections system, particularly the juvenile system, is already under-resourced and YJAC does not advocate for further funds to be taken from the Northern Territory Department of Corrections (NTDCS). Current under-resourcing is evidenced by facts such as:

- there is no purpose-built facility - this poses significant problems when detaining young females, pregnant young females and the youngest of detainees (where it is not appropriate to allow contact between a 10 year old and older detainees);
- limited therapeutic service delivery options exist within the detention centres; and
- there are limited resources for the education system within correctional facilities, particularly in the Alice Springs Juvenile Detention Centre (Owen Springs Education Facility).

YJAC does support the justice reinvestment concept of identifying cost savings to correctional facilities based on investment in community-based initiatives, and the future 're-allocation' of identified savings into further community-based initiatives that have been proven to assist in decreasing prison numbers. However, such savings can only be identified through robust data collection, evaluation and economic analysis, which would require systems and processes that the Northern Territory currently does not have.

Review of the NT Youth Justice System

This section will refer heavily to the recent Northern Territory Government's *Review of the Northern Territory Youth Justice System: September 2011 Report* ('the Review'). Much investigation into the issues that pertain to this area of inquiry was explored by the Review, and those findings and recommendations are supported by YJAC.

Data collection

Justice reinvestment is a data-driven approach. Limited systems and processes for appropriate data collection is one current barrier to making the case for further investment in primary and secondary interventions in the most disadvantaged and remote communities of the NT. The Review reported concern at the 'lack of coordinated and complementary information systems across departments' (p.10; also, p.26 – 32), making it difficult to collate and analyse justice-related data that might assist a justice reinvestment approach.

Alternatives to imprisonment

In the Territory, there are currently limited alternatives to imprisonment for children and young people. Indeed there are many Territory examples of successful work in the areas of prevention, early intervention, diversion and rehabilitation. Programs such as the Northern Australia Aboriginal Justice Agency's (NAAJA) Through-care program, the Mt Theo program, the Central Australia Youth Link-Up Service, Bushmob Adventure Therapy, Balanu Youth Camps, are just some examples of positive youth-specific programs that aim to address underlying causes of crime. Nonetheless the numbers of young people, and particularly young Indigenous people, involved in the criminal justice system are the highest in Australia.

It should be noted, that as of December 2012, NT Government budget cuts resulted in the de-funding of some youth programs and services that play a critical role in community support structures. The budget cuts affected both Government and non-Government programs and services.

Cost-benefit analysis

National and international research is clear that detention of children and young people is not effective at reducing recidivism rates. It is also expensive, with over \$100,000 per annum to incarcerate an adult and over \$216,000 a year to detain a young person.

To the Committee's knowledge, there has been no cost-benefit analysis done in the NT on the economic and social benefits of such community-based programs and services, relative to the cost of imprisonment across the spectrum. Such analysis has been conducted nationally and internationally, the findings of which the Inquiry will undoubtedly be incorporating into its analysis.¹ While the NT is a unique context, much can be learnt from such studies in other jurisdictions and such findings can largely be adapted.

¹ For example:

The Review on justice reinvestment

- The Review comments on the feasibility of justice reinvestment in the NT (p. 162):
“The Review believes that a justice reinvestment approach fits with the principles of prevention and early intervention for young people in the criminal justice system and that the conditions in the Territory are such that the potential benefits of a justice reinvestment approach are significant.”
- The Review states in Recommendation 4, relating to data collection (p.66):
“That resources be provided to the youth justice unit for the purposes of collecting, coordinating, interpreting, analysing and disseminating whole of government data and statistics on youth justice issues, and that a Territory-wide and nationally consistent set of systems and measurement indicators (including recidivism) be developed to provide information for decision makers on a range of youth justice issues.”
- YJAC supports the approach of a variety of wrap-around programs and services that will assist young people in staying out of the criminal justice system. Given the high number of young Indigenous people in the justice system in the NT, it is essential that initiatives aimed at this group are culturally relevant and are directed by and involve Indigenous people in the implementation stages.¹
- Below is a short list of examples of the diversity of initiatives that could be invested in, to create a more robust support system for young people, in-line with a justice reinvestment approach

Prevention

- Youth and family programs and services
- Mentor programs
- Resources to schools in supporting young people at-risk
- Alternative education programs

Early intervention

- Intensive case management
- Youth Engagement Officers and other forms of proactive policing
- Accommodation support
- Education and employment support
- Substance misuse alternatives and support

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- Australian National Council on Drugs Research Paper 24, *An economic analysis for Aboriginal and Torres Strait Islanders: Prison vs. residential treatment*, (2013);
 - Washington State Institute for Public Policy, *Evidence-based public policy options to reduce future prison construction, criminal justice costs, and crime rates* (2006) and others available at <http://www.wsipp.wa.gov/topic.asp?cat=18>

¹ An essential study for this topic is:

House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs report *Doing Time, Time for Doing: Indigenous youth in the criminal justice system* (2011)

Diversion

- Bail support and accommodation services
- Prescribe designated bail programs– as outlined in the *Bail Act*
- Youth justice conferencing – as outlined in the *Youth Justice Act*

Rehabilitation

- Targeted alcohol and other drug youth rehabilitation
- Youth camps
- Short, medium and long term supported accommodation options
- Intensive case management
- Mentor programs

Effectiveness

Further to the need for culturally relevant and appropriate programs and services, effectiveness of imprisonment alternatives also relies on rigorous monitoring, evaluation and learning, and Government and non-Government sector recognition of staff at all levels, through award-level remuneration and professional development.

(e) The methodology and objectives of justice reinvestment.

Methodology

The first step would be to reach a national consensus on the meaning of justice reinvestment to ensure all jurisdictions are on the same page. A definition like that of the 'Justice Reinvestment Initiative' in the United States of America':

“Justice reinvestment is a data-driven approach to reduce spending on corrections and reinvest identified savings in evidence-based strategies designed to increase public safety and hold offenders accountable.

States and localities using the justice reinvestment approach collect and analyse data on drivers of criminal justice populations and costs, identify and implement changes that address costs and achieve better outcomes, and measure both the fiscal and public safety impacts of those changes.”¹

¹ http://www.crj.org/cji/entry/project_justicereinvest

Implementing justice reinvestment involves identifying disadvantaged communities to determine where funds can be most effectively allocated. The key elements in the Northern Territory for disadvantage such as low income, poor education outcomes (attendance, retention and achievement of national benchmarks), geographical remoteness, recognition of the over-representation of Indigenous people in the justice system and other compounding factors can all be significantly correlated to a rise in offending behaviour.

Specifically, there has been a spike in the detention of juveniles in recent years in the NT. As a consequence the current juvenile detention facilities in the NT are inadequate (there two facilities; one located in Darwin and one in Alice Springs). Neither facility was purpose built, nor initially built in any way to cater for female detainees. There is limited opportunity to deliver programs that would reduce recidivism and future offending. Additionally, the ability to attract and retain suitably qualified staff, due to inappropriate and at times unsafe working conditions, further compounds the issue (this includes limited financial resources).

If attention can be diverted to early intervention programs and adoption of a justice reinvestment strategy that has a data-driven and holistic approach to service delivery for identified sites, then it could provide a renewed basis for reducing crime in the NT.

Practical steps to divert people (especially youth) away from the prison system would include:

- a place-based-planning project to map services and gain data for post codes / sites with significant criminal activity;
- community consultation and planning for change;
- adoption (community buy-in) of a strategic service approach to service delivery;
- implementation of a broad range of programs from healthcare, housing, education or job training; and
- ongoing evaluation, data collection and review.

To ensure the NT is well-resourced and able to contribute to a nationally consistent approach (whilst being flexible to meet the unique factors of the NT), YJAC recommend that:

- the funding of a customised and consistent data collection tool, including quantitative and qualitative data to produce a consistent reporting approach to measuring impact; and
- the establishment of a national clearinghouse for justice reinvestment where reports, case studies and best practice resources can be made available.

Objectives

In the words of Mick Gooda⁶:

*“Do you want victims to be healed and to be safe?
Do you want communities to be healed and to be safe?
Do you want perpetrators to be accountable and rehabilitated?
Or do you just want to punish people?”*

If you just want to punish people you will continue to just send people to prison, but you probably won't achieve much of the other things.

⁶ http://humanrights.gov.au/about/media/speeches/social_justice/2010/20100320_justice_reinvestment.html

As a committee, we see the objectives for justice reinvestment, in the NT being the need to address the current drivers and issues that are unique to the NT.

Urgent areas of concern that require targeted strategies for marked improvement that should be highlighted are:

- a reduction in imprisonment rates (the NT currently has the highest per capita in Australia);
- a reduction of above national average recidivism rates; and
- a reversal of the rising trend of female offending.

(f) The benefits of, and challenges to, implementing a justice reinvestment approach in Australia.

Albert Einstein famously defined insanity as “continuing to do the same thing and expecting a different result”. And equally as pertinently, Winston Churchill commented that “the mark of a community is how it treats its disadvantaged members”.

The focus of justice reinvestment seems to be strongly fixed on indigenous disadvantaged, however, we ignore to our peril significant other disadvantaged groups such as refugees, migrants and Australian-born Caucasians, all of which fit the same criteria, except, perhaps living in isolated, remote communities.

In brief, some of the challenges are as follows:

- Traditionalists - “We have always done it this way, because it’s the best, wrong-doers need to be punished and taught a lesson”.
- Public perception - There is often a perception in the community that a focus on deterrence and rehabilitation is being soft on crime. These attitudes can be, and are usually, shaped by a variety of influences including the media, vested interests, politicians and their spin doctors, cultural, community and family values and belief patterns.
- The tyranny of distance – The NT has many small communities that are remote. While this applies most strongly to Indigenous people, it by no means is irrelevant to many non-indigenous people.
- Politics and politicians and (many senior public servants) - Whilst most people enter politics with lofty ideals and ambitions, the hard facts are that reality quickly transforms these into the need to survive as first priority. Sadly this means that policies are far too often decided by self-interest to the detriment of the electorates’ needs. One only has to recall the predictability of the “law and order” issue being trotted out every election with a “more police, more prisons, stricter punishment” being the staple diet.
- Allied to the above, is the sheer size of the task of inspiring people who have never had hope or vision, to dream and work towards their goals.

And the benefits are:

- Economics - It is a sad fact that in today's world, money is the "grease" for just about everything. Certainly, in the western world, money and economics demand the top position in any submission of benefits for a program. In both the US^[1] and the UK, it has been conclusively demonstrated^[2] that justice reinvestment programs makes irrefutable economic sense.
- Community involvement - Planning, development and implementation that involves the community leads to significant growth in confidence, aspirations and self-help. Community ownership also has other benefits such as eliminating the likelihood of vandalism of facilities. Victoria's YMCA's "Bridge" project which was favourably investigated in 2012, shows the benefits of community input.
- Families - Families would benefit tremendously because they would remain intact, with consequent financial (obtaining employment), physical and emotional support benefits.
- For the disadvantaged individual, the removal of existing barriers such as lack of employment, recreational facilities, public transport, dysfunctional families etc to a reasonably fulfilling life which would be identified and removed, or worked around, would obviously be to their benefit. Additionally they would benefit in many ways through access to adequate facilities needed for a healthy and satisfying life.

(g) The collection, availability and sharing of data necessary to implement a justice reinvestment approach.

The collection of appropriate relevant and accurate data is a critical component of justice reinvestment and evidence based decision making will be essential for the development of any justice reinvestment projects that may follow from this current Senate Inquiry.

The recent Review of the Northern Territory Youth Justice System: September 2011 Report (the Review) identified the need for data and evaluation processes in the Territory and also noted the lack of national consistency in youth justice indicators required *"to provide information for decision makers on a range of youth justice issues."* It also noted the deficiencies with data collection and recommended that a *"...nationally consistent set of systems and measurement indicators (including recidivism) be developed to provide information for decision makers on a range of youth justice issues..... and that a Territory-wide and nationally consistent set of systems and measurements indicators (including recidivism) be developed"*^[3]

The Territory faces significant and unique challenges with the disproportionately high costs of remote service delivery and lack of available services. Any involvement in a national justice reinvestment pilot would require additional resources to enable government and the non government sector to initially be involved with the development of data mapping to identify high-offending communities and types of offences. This would be essential to enable an informed understanding of the causes of crime that contribute to the high rates of Indigenous incarceration and enable the Territory to commit to any possible future project.

[1] Justice reinvestment-Reshaping and Reallocating Resources 27/1/2010

[2] Justice Reinvestment-Adding up the Benefits 11/2/2013

[3] Review of the Northern Territory Youth Justice System: Report September 2011, Recommendation 4 page 8

(h) The implementation and effectiveness of justice reinvestment in other countries, including the United States of America.

“Justice Reinvestment has successfully reversed incarceration rates and saved millions of dollars in the USA.” Congress Co-Chair Jody Broun. The government funding spent on incarcerating people is better utilised to improve early intervention/prevention programs in disadvantaged communities. This includes less justice spending on building and staffing prisons, crime and law enforcement and now can be redistributed for reducing the high rates of incarceration, which benefits all people and crime in a safer community.

In the US, focus is on communities with low socioeconomic levels, negative social and physical circumstances and where communities have high rates of offending, of a recidivist nature. The crucial elements are programs and services that concentrate on education and training, health, mental health, alcohol and other drug programs, appropriate housing conditions, increase in the number of parole programs, decrease unemployment, case management and support services and the rebuilding of human community resources.

The need for justice reinvestment was recognised in some US states with the increasing costs of incarcerating and building prisons that once built, would be filled to overcrowding limits. With justice reinvestment there is cost savings to the states, a decrease in recidivist offending and the ability for people to become productive members of their community.

According to an article found in *Conservatives and Criminal Justice Right and Proper*, *The Economist*, Frankfort, Kentucky May 26, 2011 in Texas, there was an increase in the number of people put on probation rather than being incarcerated for first time offending. The number of people being incarcerated was reduced when government increased funding of programs and services that concentrated on alcohol and other drug programs, reduced case loads of parole officers and the use of alternatives to detention. In 2007 - 2008 criminal offending in Texas has decreased and incarceration rates have dropped by 4.5% compared to the national average including young people involved in offending and detention. This has provided the Texas state savings to the taxpayer by the cost of building and operating a prison of \$1.63 billion versus the cost of \$241 million to fund treatment programs.

In 2011, the Kentucky Senate passed legislation not to incarcerate non-violent offenders and directed them to rehabilitation programs for their drug misuse. This had a projected savings of \$422m over the next decade, as incarcerating people is too expensive compared to providing and improving treatment, parole and probation community programs.

In 2011, sentencing and prison reforms were initiated by US republican politicians in Kentucky, Georgia, Oklahoma, South Carolina and Texas. The governor in Georgia announced new legislation on sentencing options and the governor in Oklahoma passed legislation for non-violent offenders to participate in alternatives to jail.

(i) The scope for federal government action which would encourage the adoption of justice reinvestment policies by state and territory governments;

In YJAC's view the Government would need to fund the development of national justice reinvestment guidelines, which would include the development of a nationally agreed upon definition of "justice reinvestment" for the Australian context. These guidelines would need to have regard to the need to address issues such as remote Indigenous community living (among other community lifestyles). The guidelines must also include common objectives and outcomes and evaluative methodologies.

There must also be funding for program evaluation. This is both costly and time consuming, however, without it, there is no basis to assess the efficacy of any reinvestment strategy. It is important to have various qualitative measure of strategic success. It is not sufficient to focus solely on re-offending rates/offending rates.

Although it has been said before, the Federal Government must acknowledge the uniqueness of the Northern Territory; the tyranny of distance; climatic extremes; sparse population; huge geographic areas; remote communities. As a part of justice reinvestment the Government must also assign funding for the development of remote justice reinvestment strategies as well as regional justice reinvestment. These models need to be piloted and rigorously assessed as to suitability and capacity to deliver on intended outcomes. As part of this process of developing, implementing and evaluating justice reinvestment strategies, it is imperative to up-skill and to involve local people, particularly in remote Indigenous communities.

Moneys could also be used to fund a national clearing house type model for strategies, experiences and research – limited to Australia. This information is available elsewhere for other countries such as the US, UK and New Zealand however, there is distinct lack of research within Australia. This could include a nationally funded research centre that is not focussed or located on the eastern seaboard.

YJAC believes a review would be beneficial and should be conducted to ascertain how justice reinvestment would either replace or mesh into existing programs and policies, such as Closing the Gap, etc. You cannot afford to introduce justice reinvestment and keep everything else in place, there is quite simply, too much competition for resources (people and money).

Funding data collection is imperative to gauge successes and failures however, Government needs to exercise caution and not impose a new national system that fails to meet the unique needs of the NT.

There is a severe need to re-examine existing Government Services and their unintended consequences eg: Centrelink payments, Royalties etc. Anecdotally, these services can be linked to social, educational and familial dysfunction in communities both urban and rural, which includes alcoholism, gambling addictions, domestic violence and child/family neglect.