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Human Rights
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Submission No 30

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Committee Secretariat
Senate Standing Committee on Aboriginal and Torres Strait Islander Affairs
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Dear Committee Secretariat

Senate Inquiry into the high level of involvement of Indigenous juveniles in the criminal justice system

Thank you for the opportunity to contribute to the Senate Inquiry on the high level of involvement of Indigenous juveniles in the criminal justice system.

In response, I advise that Chapter 2 of my *Social Justice Report 2009* (being launched on 22 January 2010) would be of special interest to this Inquiry. This chapter addresses the new concept of 'justice reinvestment' in the United States. Justice reinvestment is a criminal justice policy approach that diverts a portion of the funds that will be spent on imprisonment to local communities where there is a high concentration of offenders. The money that might be spent on imprisonment is reinvested in programs and services that address the underlying causes of crime in these communities.

Justice reinvestment still retains prison as a measure for dangerous and serious offenders but actively shifts the culture away from imprisonment and starts providing community wide services that prevent offending. Justice reinvestment is not just about reforming the criminal justice system but trying to prevent people from getting there in the first place.

Justice reinvestment has had very good success in reducing imprisonment in the United States and is currently being considered in the United Kingdom. It has a strong methodology and evidence base, and in my opinion, fits well with best practice approaches to reducing Indigenous involvement with the criminal justice system.

Secondly, I would like to refer the Committee to my submission for the Senate Committee Inquiry into Access to Justice (2009), that addressed the over-representation of Indigenous people in the criminal justice system. In this submission, I addressed the complex legal needs of Indigenous people and outlined the gaps in current policy approaches towards Indigenous involvement in the criminal justice system.

In particular, I noted that the idea of reinvestment in whole communities is quite a departure from policy approaches which focus specifically on the individual. Most corrections programs provide individual and some group work, but little support for the broader community. It is important to note that even while funds are being dedicated to well resourced, effective rehabilitation programs; offenders who return to a community with few opportunities, are still more likely to get into trouble.

Further, I refer the Committee to my response to the NSW Juvenile Justice Policy Review, in which I discuss how bail laws, access to accommodation and overcrowding contribute to the over-representation of Indigenous juveniles in the criminal justice system. In response to these challenges, I recommended that the Department implement a justice reinvestment approach; develop better strategies for working in partnership with Indigenous communities (particularly through local Aboriginal Community Justice Groups); and develop cultural support plans for all Indigenous clients.

Finally, I would like to point out that while justice reinvestment is a worthy strategy; there remains a need to develop a more holistic perspective on the way education and health systems impact on diversion programs, and contribute to the Indigenous juvenile experience of the criminal justice system. To this end, I refer the Committee to the findings of my 2005 research project, which focused on Indigenous young people with cognitive disabilities and Australian juvenile justice systems.

I have attached my submissions to the Senate Inquiry to Access to Justice (2009), my response to the NSW Juvenile Justice Policy Review (2009) and the findings of my report on cognitive disabilities (2005) for your reference.

If you have any questions on any of these matters please contact

Yours sincerely

Tom Calma
**Aboriginal and Torres Strait Islander
Social Justice Commissioner**