Western Australia, country of red desert, world class white sand beaches with unstoppable surf. A place known for the rugged beauty of Karijini, the Kimberley, Ningaloo Reef, and the most isolated metropolis capital city in the world, Perth.

Western Australia also imprisons over 6,000 people each year. Of these people we send to prison, over 38 percent are Aboriginal and Torres Strait Islander people. The number is even more striking for women, where they are 50 percent of the people in prison, and for children: 70 percent of the young people we put in prison in 2015 were Aboriginal. Aboriginal and Torres Strait Islander people are just over 3 percent of the Western Australian population, yet they are exceedingly disproportionately overrepresented within our criminal justice system.

It is the highest level of overrepresentation in the country.

The cost of our current prison system is enormous. In Western Australia in 2013–2014 it cost $334 per day to imprison an adult and $814 per day to detain a child.

In comparison, it costs $46 per day to supervise an adult offender in the community and $90 per day to supervise a child in the community. The total net cost of the adult prison system in 2013–2014 was $608 million.

This number is ever increasing as we lock more people up. The Office of the Inspector of Custodial Services has observed that the recidivism rate for Western Australia has been 'typically between 40 and 45 per cent' over the past decade. This means that approximately 40 to 45% of people who are released from prison return to prison within two years. The figure for Aboriginal prisoners is far worse – the 'Aboriginal recidivism rate is 25 percentage points higher than the non-Aboriginal recidivism rate'.

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1 Western Australia, Department of Corrective Services, Adult Prisoners in Custody Quick Reference Statistics (31 May 2015); Young People in Detention Quick References Statistics (31 May 2015).

2 As above.


4 Ibid

5 Ibid 12.
Our current justice system is failing to rehabilitate these people, or deter them from committing offenses again. This comes at the expense of these individuals, community safety, and public funds that could be better spent elsewhere.

We know that the causes for many people committing crime are often due to the experience of social problems. Deaths of Aboriginal people in custody continue, young people's dignity is not upheld in detention, as seen recently at the Don Dale children's prison in the Northern Territory, and our people face the highest recidivism rates in an endless cycle of imprisonment. Aboriginal and Torres Strait Islander children are also taken into formal care at a greater disproportionate rate than any other jurisdiction in Australia. All of this is greatly distressing, and further displaces and damages the people of our community.

**Something has to change.**

**We need to work for Healthy Families:** The wellbeing of individuals, families and communities must be at the centre of an effective approach to law and justice issues in Western Australia. We know that disadvantage is one of the main drivers of contact with the justice system, for victims and offenders. By supporting families and addressing disadvantage we can improve community safety and wellbeing.

**We need to put into practise Smart Justice:** Our current approach is failing all Western Australians. It is economically and socially costly, outdated and flawed. The evidence shows that there is a smarter way. Other states and countries have achieved a dramatic decrease in crime and in the amount of people being sent to prison by adopting a new approach. Instead of choosing to spend more and more of our money on cramming people into prisons, we too can become smarter. If we redirect investment into addressing local issues that lead to crime we will get results.

**We need to create Safe Communities:** Social Investment is a win-win. The current ‘tough on crime’ approach is failing to make communities safer. By getting smarter and focusing on supporting families and communities, and supporting members of our community who are returning from prison, we will increase community safety.

We believe the best way to provide early support to families, divert offenders away from further involvement in the criminal justice system, and assist prisoners to reintegrate successfully into the community; is to identify those communities that are most in need; provide effective and culturally competent programs and services to those communities; and immediately reform ineffective and unfair laws and policies that cement a cycle of costly reimprisonment at the expense of community safety.

We need to prioritize cultural, social, and emotional wellbeing in our responses to supporting at risk families, divert people who are in trouble with the law onto a new path, and assist people in prison or previously imprisoned to reintegrate into the community.

**Our approach needs to be visionary and evidence based, responsive, not sensationalized or reactive.**

**Our approach needs to address the underlying causes of offending.**

**Social Investment makes economic and social sense, and is better for all of us, better for families and better for our community.**

**Let’s work together for an effective and connected approach to justice!**
Who We Are
The Social Reinvestment Coalition

After the Banksia Hill riots, we were moved to bring together a small group of other leaders from both the Nyoongar community and the Community Services sector because we knew something needed to change. Our people and allies have been fighting for this for years and we acknowledge that many have come before us, but we decided we needed to take action and form a new strategic approach to changing the Justice System in WA once and for all.

This small group expanded into a working group of almost 20 organisations, who have been toiling since 2014 to develop a Social Reinvestment Framework and Campaign for WA. The situation is dire for Aboriginal people in WA. Imprisonment is economically, as well as socially costly, and it often fails to make our communities safer. Social Reinvestment strategies are far more effective and less expensive than imprisonment.

Our group aims to advocate to both the government and the wider WA community to support a Social Reinvestment approach to justice in WA, with the mission of reducing the number of contacts Aboriginal and Torres Strait Islander people have with the criminal justice systems to levels reflective of their population size, whilst ensuring that the underlying causes of contact with the criminal justice system are addressed. We want WA to become a leader in promoting community safety, social wellbeing and inclusive justice for all people.

The Social Investment Working Group is today comprised of the following organisations: Reconciliation WA, Aboriginal Alcohol and Drug Services, WA Council of Social Services, Amnesty International, Save the Children, Aboriginal Family Law Services, WANADA, Aboriginal Legal Services, Deaths in Custody Watch Committee WA, OutCare, Uniting Church, Bringing them Home Committee, CPSU, Oxfam, and SWALSC. The group is chaired by Dr Glenda Kickett, and Daniel Morrison.

Our Vision
Western Australia is a leader in promoting community safety, social wellbeing and inclusive justice for all people.

Our Mission
To reduce the number of contacts that Aboriginal and Torres Strait Islander people have with the criminal justice system to levels reflective of their population size, whilst ensuring that all systems address the underlying causes of these contacts. We believe a whole of Government approach is required to reform our justice system; therefore the WA community needs to demand a new approach to justice from its elected representatives.
Our Objectives

**Healthy Families**

*Western Australia needs to place the wellbeing of individuals and families at the centre of its approach to crime and justice issues and to support the wellbeing of communities.*

**Safe Communities**

*The current ‘tough on crime’ approach is predicated on a false belief that it makes communities safer. Community safety would be far better served by recognising and addressing the underlying causes of offending and adopting an approach of social reinvestment.*

**Smart Justice**

*This whole of system approach is needed to address the underlying causes of offending and needs to be monitored and informed by a robust data and research system implementing best practise.*
**Campaign Goals**

1. *A supportive and informed community that is advocating for a Social Reinvestment approach to justice in Western Australia.*

2. *A cross party political commitment to develop a Social Reinvestment approach/framework for WA*

3. *A whole of government strategy to reduce over representation of Aboriginal and Torres Strait Islander people in the WA justice system is put in place.*

Long term success will be measured by changes in government policy, and a corresponding reduction in the number of Aboriginal and Torres Strait Islander people who come in contact with the criminal justice system, with an end goal of Aboriginal people representing no more than 3% of the prison population or their population equivalent.

**SRWA Campaign Pathways to Creating Change**

*The methods we intend to utilise as SRWA to create long lasting and effective change on these issues.*

- **Social Reinvestment WA Coalition**
  - Working as a group to lobby and advocate to the entire political spectrum to gain support for the implementation of Social Reinvestment Solutions.

- **Government Cross Partisan Support**

- **Social Reinvestment WA Coalition**
  - Engaging and raising awareness in the wider public, and at risk communities, on Justice Issues, and Social Reinvestment Solutions.

- **Supportive and Informed Public**

- **Social Reinvestment WA Coalition**
  - Working with and supporting the community services and government sectors to develop holistic plans, and new approaches to work together to create change.

- **Whole of Government Strategy**
SUMMARY

Social Reinvestment is a holistic and evidence based approach to improving community safety, the wellbeing of families and individuals, and reducing the number of people we send to prison. Social Reinvestment is based on three complementary pillars:

1. **Healthy Families**: The wellbeing of individuals, families and communities must be at the centre of an effective approach to law and justice issues in Western Australia. We know that disadvantage is one of the main drivers of contact with the justice system, for victims and offenders. By supporting families and addressing disadvantage we can improve community safety and wellbeing.

2. **Smart Justice**: Our current approach is failing all Western Australians. It is economically and socially costly, outdated and flawed. The evidence shows that there is a smarter way. Other states and countries have achieved a dramatic decrease in crime and in the amount of people being sent to prison by adopting a new approach. Instead of choosing to spend more and more of our money on cramming people into prisons, we too can become smarter. If we redirect investment into addressing local issues that lead to crime we will get results.

3. **Safe Communities**: Social Reinvestment is a win-win. The current ‘tough on crime’ approach is failing to make communities safer. By getting smarter and focusing on supporting families and communities, and supporting members of our community who are returning from prison, we will increase community safety.

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7 See evidence in following Case Studies.
The collective goal of these three elements is to make Western Australia a safer, healthier, happier place for everyone.

**Social Reinvestment** is a transformative approach. The evidence is clear that a significant number of people who offend come from, and return to, a small number of communities or postcodes. By investing our resources in addressing the root causes of offending, we can all benefit.

Social Reinvestment responds to the evidence that prisons are not effective or efficient deterrents and do not properly rehabilitate. Of the people who have completed a prison sentence, we will send approximately 40 percent back within two years. For Aboriginal and Torres Strait Islander people this reality is even worse, with the recidivism rate for Aboriginal and Torres Strait Islander men being 70 percent, and 55 percent for Aboriginal and Torres Strait Islander women. The majority of people who we send to prison will eventually return to the community, so strategies other than imprisonment are needed. We need to identify, and work together to solve the social and economic causes of crime, rather than just reacting to criminal behaviour.

Under a Social Reinvestment approach, the enormous resources currently wasted on a failing prison system are freed up to be spent on improving the wellbeing of people, families, and communities. Social Reinvestment strategies work to improve opportunities, health, and education in at risk communities, and allow people to rebuild their lives after their sentence, so they can contribute to their community.

The elements of implementing the framework, in short, are:

1. supporting families early to address the underlying issues that can lead to crime;
2. diverting people who are in trouble with the law into support programs that will stop them from further offending;
3. assisting people who are imprisoned or transitioning out of prison to reintegrate into the community;
4. reforming laws that unfairly target minority groups;
5. Prioritizing cultural, social, and emotional wellbeing in all responses.

**HOW DO WE DO IT?**

The best way to provide early support to families, divert offenders away from further involvement in the criminal justice system, and assist prisoners to reintegrate successfully into the community is to identify those communities that are most in need; provide effective and culturally competent programs and services to those communities; and immediately reform ineffective and unfair laws and policies that cement a cycle of costly reimprisonment at the
Western Australians bear the moral burden of knowing that we separate Aboriginal and Torres Strait Islander children, women and men from their families through imprisonment at the highest disproportionate rates in Australia.

In Western Australia, Aboriginal and Torres Strait Islander people make up only 3 per cent of the population. Yet almost 40 per cent of adults and 75 per cent of children we place behind bars are Aboriginal and Torres Strait Islander.\(^8\)

In Western Australia we also currently lock up non-Aboriginal children and adults at the highest and second highest rate in Australia respectively.\(^9\) The number of women in prison in Western Australia is at a ten year high.\(^10\)

### IMPRISONING PEOPLE IN SUCH MASSIVE NUMBERS IS FAILING TO MAKE OUR COMMUNITIES SAFER

*While Social Reinvestment WA acknowledges that imprisonment for serious violent and/or sexual offending is necessary, removing people from their communities for less serious offences has a hugely detrimental flow-on impact on their families, communities, and individuals.*

For example, if a single mother is imprisoned because she is unable to pay a fine, this may result in her children being taken into state care, her mother being left without a caregiver, and have major flow on effects, that are difficult to reverse upon her return.

About two thirds of all adults we place in prison in Western Australia have been there before, so it is clear that prison is failing to rehabilitate those people that we separate from the community. Approximately 40-45 per cent of adults and 58 per cent of children who are released from prison return there within two years.\(^11\) As stated above, the recidivism rate is even higher for Aboriginal and Torres Strait Islander people.

By comparison, just 12.8 per cent of people sentenced to programs in the community have further contact with corrections within the following two-year period.

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\(^8\) Need reference: [http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2015~Main%20Features~Aboriginal%20and%20Torres%20Strait%20Islander%20prisoner%20characteristics](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2015~Main%20Features~Aboriginal%20and%20Torres%20Strait%20Islander%20prisoner%20characteristics)


\(^10\) Australian Bureau of Statistics, 4517.0 - Prisoners in Australia, 2015: [Western Australia- Snapshot](Western%20Australia-%20Snapshot)

\(^11\) Department of Corrective Services, Annual Report 2014/15, page 47 and page 133
We know that social and economic disadvantage is the main cause of offending. Those living in the most disadvantaged areas of Western Australia are eight times more likely to have spent time in prison.\textsuperscript{12}

The only way to reduce crime is to address this disadvantage and the associated underlying issues. We know that effective strategies that work with disadvantaged children, their families and communities can stop initial and ongoing contact with the justice systems.

\begin{quote}
**IMPRISONMENT SWALLOWS UP VAST RESOURCES WE COULD BE SPENDING ON ADDRESSING DISADVANTAGE AND IMPROVING THE WELLBEING OF ALL WESTERN AUSTRALIANS**

In Western Australia in 2013–2014 it cost $334 per day to imprison an adult and $814 per day to detain a child. In comparison, it costs $46 per day to supervise an adult and $90 per day to supervise a child in the community. There is a smarter way to use our limited resources and improve the wellbeing of all members of our community.
\end{quote}

\begin{quote}
**SOCIAL INVESTMENT STRATEGIES ARE FAR MORE EFFECTIVE AND LESS EXPENSIVE THAN IMPRISONMENT**

Investment in improving the wellbeing of people we currently imprison through early intervention, prevention and rehabilitation strategies is more effective at reducing reoffending and maximising community safety. It is also less expensive than the continuing cycle of re-imprisonment.

An example of this is the Healing Foundation. The Healing Foundation is an independent Aboriginal and Torres Strait Islander organisation which promotes community healing amongst survivors of the Stolen Generation. It has funded and instigated healing program initiatives with an emphasis on taking holistic, preventative and restorative approaches and promoting whole community engagement and leadership.\textsuperscript{13} As of 2014 the Healing Foundation supported the formulation of 13 Indigenous Healing Centres.\textsuperscript{14} Deloitte Access Economics (DAE) conducted a prospective cost-benefit analysis of the centres. DAE estimated the average social cost of putting an Aboriginal or Torres Strait Islander person in prison to be approximately $500,000.\textsuperscript{15} DAE predicted the Foundation’s Healing Centres would break even if each centre diverted approximately 1 person from prison each year, an achievable goal given the success of similar projects in keeping Aboriginal and Torres Strait Islander people out of prison.\textsuperscript{16} DAE estimated the likely average benefits-cost ratio for the Foundation’s healing centres would be in approximately 4.4 to 1, primarily due to diminished rates of Aboriginal people in prison.\textsuperscript{17}
\end{quote}

\textsuperscript{12} Jesuit Social Services, ‘Dropping Off the Edge: Persistent Communal Disadvantage in Australia’, page 121

\textsuperscript{13} healing foundation resource booklet p 12, 15-16; cost benefit analysis booklet p 1

\textsuperscript{14} cost benefits p 1

\textsuperscript{15} cost benefits p 31

\textsuperscript{16} Ibid, I, 39

\textsuperscript{17} cost benefits p 1, 37
further noted that a cost-benefit analysis fails to capture further unquantifiable benefits the Foundation’s initiatives bring to Aboriginal communities, including strengthened community leadership and general social well-being.18

A further example, the Fairbridge Bindjareb Project provides Aboriginal and Torres Strait Islander people in custody with mining industry training and ‘real guaranteed jobs’.19 It also includes an ‘intensive lifestyle development program’ and focuses on reconnection and respect of Aboriginal culture. A preliminary review found that there were many positive outcomes including that only 18% of participants returned to prison within two years of being released. Most of these people (14%) were returned due to breach of parole conditions rather than reoffending. This compares favourably to the general recidivism rate for adults (approximately 40%) and even more favourably to the general recidivism rate for Aboriginal people. Additionally, 73% of participants had successfully gained and retained full time employment at the time of review, (7 months post conclusion of the program.)20 Moreover, an independent analysis suggests that the cost savings to government for the first five intakes of the project is approximately $2.9 million.21

Another useful example is the Kanyirninpa Jukurrpa’s (KJ’s) On-Country programs. KJ is a Martu organisation that operates On-Country programs in several desert communities in Western Australia. KJ’s objectives are to preserve Martu culture; to ‘build a viable, sustainable economy in Martu communities; and to ‘build realistic pathways for young Martu to a healthy and prosperous future’.22 The On-Country programs have three key components: employment of community members as rangers to manage the land and environment; ‘return to country trips’ for family groups to visit places of cultural significance; and cultural and heritage programs to gather and record Martu culture and heritage knowledge.23 An evaluation of the On-Country programs for the period 2010 to 2014 found that the ‘social value associated with the outcomes was estimated to be $55 million’ (or $11 million per annum).24 Two-thirds of this value benefited Martu ($39 million including $17 million directly to the KJ rangers); approximately one-quarter benefited the Western Australian and Australian governments (with estimated savings of $3.7 million for a reduction in imprisonment and $4.2 million from a reduction in alcohol-related crime); and the remainder accrued to other stakeholders ($5 million). For the five year period, $20 million was invested in the KJ On-Country programs which provides a social return on investment ratio of 3:1 (for every $1 spent on the programs approximately $3 of social value was created).25

18 ibid p i
21 Deloitte Access Economics, Cost benefit analysis of the Fairbridge Bindjareb Project; Benefits of offender rehabilitation and training, (February 2016) 4.
Reform and Policy Targets: Brief

Please refer to the Social Investment WA Policy Document for more detailed policy information, available at our website: <www.socialreinvestmentwa.org.au>

The following twenty-two policy recommendations are the product of extensive collaboration between leading agencies and organisations who are members of the Social Reinvestment WA Working Group. The Working Group has identified its priorities for reform by undertaking extensive research; analysing available data; and by drawing on its members’ professional expertise and experience of working within the justice system, in the community sector, and with Aboriginal people.

HEALTHY FAMILIES

Western Australia needs to place the wellbeing of individuals and families at the centre of its approach to crime and justice issues and to support the wellbeing of communities.

- Adopt and maintain a whole-of-government commitment to investment in early intervention and prevention programs
- Commit to reducing the disproportionate rate of Aboriginal and Torres Strait children in the child protection system and to uphold the ‘Aboriginal and Torres Strait Islander Child Placement Principles’
- Ensure adequate accommodation for vulnerable and disadvantaged children and adults
- Increase investment in early childhood development and care for Aboriginal children to close the gap on developmental vulnerability
- Establish and maintain effective education programs to retain Aboriginal children and young people in school
- Ensure sufficient community drug and alcohol education and rehabilitation programs
- Invest in improved education and treatment programs for family and domestic violence
- Establish effective programs and services for people with disability, mental illness, cognitive impairment (including FASD) and other health conditions
- Increase resources to ALSWA and Aboriginal Family Law Services to address and resolve civil and family law issues before these issues escalate into offending behaviour.
SMART JUSTICE

A whole system approach is needed to address the underlying causes of offending. This approach needs to be monitored and informed by a robust data and research system, implementing best practice.

- Improve data accuracy and accessibility and linkages between different data.
- Ensure independent and publicly available evaluations of programs and services.
- Undertake ongoing mapping analysis to identify communities most in need.
- Incorporate justice targets in Closing the Gap.
- Implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

SAFE COMMUNITIES

The current ‘tough on crime’ approach is predicated on false belief that it makes communities safer. Community safety would be far better served by recognising and addressing the underlying causes of offending and adopting an approach of social investment.

- Repeal mandatory sentencing laws.
- Provide alternative options for fine defaulters to reduce imprisonment for unpaid fines.
- Invest in and support Aboriginal-controlled programs and services.
- Ensure ongoing cultural competency throughout the justice system.
- Repeal the mandatory reporting of breaches of community-based orders.
- Ensure education and rehabilitation programs in prisons are maintained.
- Improve and increase access to rehabilitation services in custody for all men, women, and children in prison including those on remand or with short term sentences.
- Ensure adequate post release services for people who are returning to their families and communities.
- Establish a state-wide Aboriginal interpreter service to ensure that Aboriginal people are not disadvantaged in justice system and can effectively participate in rehabilitation strategies.
Social/Justice reinvestment is an evidence based approach in the criminal justice system, with an aim of responding to the rising numbers of offenders and prisoners. It focuses on examining the expenditure of justice institutions so as to propose re-investment of funds in approaches that are progressive and effective. According to the Federation of Community Legal Centres in its Smart Justice analysis, it highlighted that redirecting funds to community based initiatives which target the various causes of crimes, promises to cut down crime and save money. At the same time promoting healthy families and upholding smart justice can yield good results.


The United States of America is one of the countries that embarked on the use of Justice – Reinvestment to manage expenditure of funds and thereby investing in approaches that work in reducing crime. It is upheld that the amendment of drug laws in Texas that were passed in 1973, led to a quickly growing prison population (Perkinson, 2012, p. 305-306). These amendments focused on lowering penalties for certain low-level marijuana possession charges, but enhancing sentences for heroin and other drugs.

The State of focus in this paper is Texas which earned its reputation as a tough-on-crime state through harsh sentences, abusive and sometimes deadly prison conditions, proud use of the death penalty, and a direct legacy of slavery (Perkinson, 2010).

A report written by the House Study Group on overcrowding in Texas prisons stated that high imprisonment was related to politics more than growth in population or increases in crime (Perkinson, 2010, p. 302-303). In 1997, the House Research Organization stated that growth in incarceration was caused by "a burgeoning state population; more punitive policies toward offenders, especially for violent crimes; tighter restrictions on parole, including longer minimum periods behind bars before parole eligibility and tougher policies for granting time off sentences for good conduct; and a stepped-up 'war on drugs (p.2)'".

Between 1968 and 1978 the Texas state population grew by 19%, but the prison population increased 101%, reaching 22,439 in 1978. During the mid-1970s, Texas incarcerated individuals convicted of felonies at 143 per 100,000, while the national average was 86 per 100,000 (Lucko, 2010). Texas gradually built new correctional facilities throughout the 1970s, but the State began rapid and unprecedented prison expansion in the 1980s (Cohen, 2012). All told, between 1980 and 2004, Texas built 94 state prisons and increased the number of people it incarcerated by

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26 Smart Justice 2015, Federation of Community Legal Centres
566% (Perkins, 2010). The Texas corrections budget increased from $600 million in 1985 to $2.4 billion in 2005 (ACLU, 2007), as the number of people the State incarcerated climbed to 159,255 (Bureau of Justice Statistics, 2005)\textsuperscript{27}.

As incarceration increased in Texas overcrowding of prisons and budget shortfalls were experienced. Making it unavoidable for legislators in the state to point out the high costs of corrections as a problem. Due to over-crowding and other problems faced, Texas in 2007 spent half a billion of dollars to address the emerging challenges of incarceration which led to building and operating new prisons. The justice system was also kept busy thereby projecting a prison population increase of 17,000 in five years which is a result of lack of timely release of offenders, and increasing parole revocations and boards.

After a deep analysis and projection, Texas decided to embark on a journey of Justice Re-investment aiming at cutting down crime and saving money. At this stage we see collaborations with the Council of State Governments Justice Center playing a key role in assisting state officials with developing plans that address the potential crisis, in partnership with the Pew Charitable Trusts Center on the State.

Consequently, a budget that proposed expansion of diversion and greater treatment in the prisons and parole systems was adopted by the legislature. Furthermore, the Governor of the state approved the budget which translated into a net savings of $443.9 million which was a cheaper venture as opposed to building more prison facilities. This approach has encouraged community strengthening which is highly important in the correction system.

\textbf{2.1 HOW JUSTICE RE-INVESTMENT WAS IMPLEMENTED IN TEXAS}

In order to reduce the number of people in prisons and those that could possibly return, the Justice re-investment Initiative came up with strategies that brought reformation to the system. The focus of reformation was on policy which aimed at un-burdening parole officers, building and strengthening the community whilst running diversion programs for non-violent offenses. In turn, more people on parole were served and the system was capacitated to perform efficiently thereby reducing incarceration of non-violent offenders and those convicted. Reinvestment further funded medical, psychological and drug treatment programs. This allowed the new treatment programs to be tested, and many people on probation and parole were successfully diverted to treatment rather than having their probation or parole revoked and returned to prison. (Federation of Community Legal Centres 2015). Focus on these treatment programs has helped reduce overcrowding in prisons and exacerbated rehabilitation and participation of communities.

Below is a table highlighting challenges, outcomes and policy implications of the Justice Re-Investment Model in Texas.

\begin{center}
\begin{tabular}{ |c|c|c|c| }  
\hline
\textbf{Challenge} & \textbf{Outcome} & \textbf{Policy Implications} \\
\hline
Incarceration & Reduced prison population & Increase funding for drug treatment programs \\
Overcrowding & Improved facilities & Implement policies to reduce parole revocations \\
Budget Shortfalls & Increased savings & Develop partnerships with community organizations \\
\hline
\end{tabular}
\end{center}

\textsuperscript{27} Smart Justice 2015, Federation of Community Legal Centres
1. **Challenges**

- Program waiting list back logging prison releases of over 2,000 in community based and in prison treatment programs
- Parole board challenges in meeting guidelines over 2,000 low risk offenders were not met
- Funding of the initiative in tough economic times could prove as a challenge
- Between 1997 -2006 there was 17% increase in probation revocation

**Outcome**

- Improved public safety at a minimal cost.
- Decongested prisons from 1,257 less people were in Texas Department of Corrections in the year 2008-2009 than in 2007-2008
- No growth in prison population
- Community diversion punishments were increased.
- Revocation of parole was reduced by 25% from 2006-2008
- From 2005 – 2009 the number of cases reviewed by the Parole Board increased by 5,400
- 2005 -2009 approved pardons and paroles increased by 3,600

**Policy Implications**

- Estimates in 2010 -2011 showed prison capacity shortfalls of 5,000 to 9,000 beds likely by 2013, Reduced funding for diversion programs which in turn will increase the demand for prisons and lack of policy promotions to to reduce demand for prison space.\(^{28}\)
- 2007 polls showed 71 percent of public favored alternatives to incarceration and 83 percent favored alternatives when informed $1Billion in new prison costs can be averted in the process.

2. **CASE STUDY 2: NEW ZEALAND – JUSTICE REINVESTMENT MODEL**

Imprisonment is designed to deter society from reoffending by imposing restrictions to enable individuals lead a law abiding life. New Zealand has experienced high incarceration rates over the years which has led to overcrowding and pressure on government resources to provide offenders with opportunities that prevent them from reoffending. However, New Zealand notes that channelling resources to programmes that target the root causes of offenders could possibly reduce incarceration rates. Although some offender’s first encounter with the justice system is enough to deter them from re-offending, most of the offenders require rehabilitation programmes. The Department of Corrections notes in its strategic key focus stemming from social investment the aspect and importance of contributing to safer communities in the reduction of incarceration rates.

Social Investment encompasses a range of approaches that aim to improve the lives of New Zealanders by applying rigorous and evidence based methods to social service provisions. Data has been used to understand and measure effects of services and people’s needs. However, further

One specific focus in this study is the Youth Justice System that was introduced and incorporated into the Children, Young Persons and Their Families Act of 1989. A call has been made to have the Youth Justice System extend its jurisdiction to include 17 year old appear before the Youth Court. The idea behind this is that 17 year old should also be considered to fall under the bracket of the Youth Courts and matters should be prosecuted by them. It is expected that the extension of jurisdiction will achieve better outcomes which will benefit the community as a whole as well as the individuals. Help the Ministry of Justice achieve its better public service targets, it will be cost effective in the medium and long term. Evidence has shown that re-offending is strongly linked to the exposure of the justice system at an early age.

The Table below shows Financial Implications for lifting the jurisdiction in the Children, Young Persons, and Their Families Act 1989

<table>
<thead>
<tr>
<th>Scenario (% of 17 year olds prosecuted)</th>
<th>Total Cost</th>
<th>Increase in Youth Court workload</th>
<th>Decrease in District Court workload</th>
<th>Impact of Judge Numbers</th>
<th>Impact on Registry Staff Numbers</th>
<th>Youth Advocate costs</th>
<th>Youth Court Ordered Report costs</th>
</tr>
</thead>
<tbody>
<tr>
<td>20% of 17,588 apprehensions</td>
<td>$2.6 million</td>
<td>3,365 cases 45%</td>
<td>13,970 cases</td>
<td>Savings of 1 District Court Judge</td>
<td>Nil</td>
<td>$2.3 million</td>
<td>$0.2 million</td>
</tr>
<tr>
<td>35% of 18,514 apprehensions</td>
<td>$4.8 million</td>
<td>6,201 cases 83%</td>
<td>14,766 cases</td>
<td>2 additional Youth Court Judge</td>
<td>2 additional Court Registry Officers</td>
<td>$4.4 million</td>
<td>$0.4 million</td>
</tr>
<tr>
<td>45% of 18,514 apprehensions</td>
<td>$7.9 million</td>
<td>7,793 cases 106%</td>
<td>14,706 cases</td>
<td>2 additional Youth Court Judges</td>
<td>3 additional Court Registry Officers</td>
<td>$5.6 million</td>
<td>$0.5 million</td>
</tr>
</tbody>
</table>

The Youth Justice System is upheld for being child friendly and more active in helping offenders not to offend again. A process of devising a plan by all key players which sets out positive goals for the individual has proved helpful. This is in line with the Children, Young Persons and Their Families Act which states under section 280 that Proper regard must be given to the interest of the victim(s) of the offence. Another key international convention that is highly referred to is the Convention on the Rights of the child which highlights that anyone below the age of 18 years is considered a child.

3. **Australia - Social Reinvestment Approach in Dealing with High Incarceration Rates**

Currently statistics show that Western Australia’s justice system is faced with high numbers of Aboriginal and Torres Strait Islander people who make up 40% of the prison population and incarceration of juvenile’s is at 77%.

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29 Extending the Youth Court Jurisdiction by Emily Tombs 2016

In recent times, Australia has noticed alarming challenges of over representation by Aboriginal and Torres Strait Islander people in the justice system. However, the state has done very little to ensure that these problems are addressed. There is so much political will can do in bringing about change to the causal linking factors that have led to the grave problems. The “tough on crime” notion has exacerbated disadvantaged minority groups and the indigenous to be target offenders of the law. Harsher penalties and incarceration does not solve the problem.

Incarceration is associated with enormous costs of over $12.5 billion every year spent in the justice system. $3 billion is spent on imprisoning aboriginal men and women every year as they make up a quarter of the prison populations. Such laws that have encouraged disproportion include; Move on Notices which are used by police to control social behaviour the main targets being aboriginal and Torres Strait Islander people, mandatory sentencing which shifts the justice system from considering circumstances. This has led to victimization thereby bringing about community apathy. "Laws have become vehicles of discrimination’’ was tabled before the Western Australian Parliament in 2014 was tabled with the Criminal Law Amendment (Home Burglary and Other Offences) Bill. The bill purports to create ‘get tough’ on home invasions, proposes to extend mandatory sentencing for burglary to juveniles by suspending the section of the Young Offenders Act which, in tandem with international law, gives judges discretion when it comes to sentencing children. As a result, if the Bill passes, children involved in home invasions in WA will be detained – regardless of the circumstances that bought them there.  

4.1 CASE STUDY 3- JUSTICE RE-INVESTMENT IN NEW SOUTH WALES – CASE OF BOURKE

Bourke in New South Wales was the first in Australia to implement a Justice Re-Investment based approach in its community. Bourke has a population of 3,000 people of which 30% are Aboriginal and Torres Strait Islanders. It has experienced high incarceration rates over the years, high levels of unemployment and non-engagement in education. It suffices to state that in light of all this, the community's population is concentrated with the young.

- In 2011, the median income of Aboriginal and Torres Strait Islander adults living in Bourke was approximately $416 per week, which was 39% less than the median income for all adults ($678) 
- 17% of the Aboriginal and Torres Strait Islander workforce were unemployed, compared with 2% of the non-Indigenous workforce in Bourke.  
- Compared with non-Indigenous residents of Bourke of the same age, there were: — 31% fewer Aboriginal and Torres Strait Islander 15–19 year olds in education — 7% fewer Aboriginal and Torres Strait Islander 5–14 year olds in education. 

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30 Justice Reinvestment - What difference could it make in WA- The Law Society of Western Australia.  
32 A Vivian and E Schnierer, Factors affecting crimes rates in Indigenous communities in NSW  
33 A Vivian and E Schnierer, Factors affecting crimes rates in Indigenous communities in NSW  
34 A Vivian and E Schnierer, Factors affecting crimes rates in Indigenous communities in NSW
Below is a table highlighting challenges and strengths of Bourke

<table>
<thead>
<tr>
<th>Challenges</th>
<th>Strengths</th>
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<tbody>
<tr>
<td>1. High Unemployment</td>
<td>Established Local Government structure which has been a representative of the Aboriginal and Torres Strait Islander community</td>
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<td>2. Disengagement from Education</td>
<td>Development of a strategy and structure for change called Maranguka</td>
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<tr>
<td>3. High Incarceration rates (crimes usually committed are; car related crimes, breach of bail and property crimes)</td>
<td>Commitment from various stakeholders to create change in the community</td>
</tr>
<tr>
<td>4. Low median income</td>
<td>Mutual reinforcement of activities</td>
</tr>
<tr>
<td>5. Un safe community</td>
<td>Funding comes from philanthropic and corporate partners</td>
</tr>
</tbody>
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In 2013 Bourke Community Working Party and the Australian Human Rights Commission collaborated in developing a justice re-investment proposal for Bourke community. This project subsequently began in March 2014 after being successful in securing financial support from government and the corporate sector.

Its first stage of work was focused largely on collection of data used as evidence to the state for consideration. Incarceration has proved ineffective in deterring community members from committing crimes and promoting safety in Bourke. But rather diversion of finances to prevention and early intervention programs. In light of this, the Just Reinvest New South Wales/Maranguka Project Team was formed with a purpose of advocating to government on an approach that will shift funding support to programs that will address the underlying causes of youth crime and community needs as opposed to incarceration.

The data collected was also intended to provide a clear picture of how the community is fairing in terms of offending, diversion, bail, sentencing and punishment and re-offending. Collected data targets the community's results in early life, education, employment, healthcare including mental health, drugs and alcohol, housing and child safety.

From 2014-2016 several meetings with key players the community inclusive have been held to share information, present strategies on how to reduce crime and increase community safety. A presentation of the budget which covers the costs of implementation of the project was also shared.

Bourke is a good example of a community that has experienced many challenges and has decided to create a positive change. This case study will be ready to be presented to the New South Wales government in May 2016.
To get in contact with us:

**Project Officer: Sophie Stewart**
Email: sstewart@aads.org.au
Ph: t 9221 1411 - f 9221 1585
PO BOX 8105 PBC WA 6849
211 Royal Street EAST PERTH WA 6004

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