

# Balanced Justice

## Is Justice Reinvestment a good idea for Australia?

### What is Justice Reinvestment?

Justice reinvestment is a relatively new concept and is an approach to dealing with over-imprisonment. Justice reinvestment refers to diverting funds that would ordinarily be spent on keeping individuals in prisons to communities with high rates of offending and incarceration, giving those communities the capacity to invest in programs and services that address the underlying causes of crime, thereby reducing criminal behaviour and the rate of re-offending.<sup>1</sup> Justice reinvestment focuses on both existing criminal behaviour and reducing the number of people entering the criminal justice system in the first place.<sup>2</sup>

### How Justice Reinvestment works

The main stages of justice reinvestment are as follows:<sup>3</sup>

1. 'Justice mapping': analysing data provided by state and local agencies relating to crime, then to using that data to map specific neighbourhoods that are home to large numbers of people under the supervision of the criminal justice system.
2. Collecting information about services in the community and developing 'practical, data-driven policies' that reduce spending on corrections to reinvest in other services likely to improve public safety and reduce crime.
3. Redirecting funds from corrective services and implementing the policies to reduce offending.
4. Evaluating the effectiveness and impact of the policies on rates of incarceration, recidivism and criminal behaviour, to ensure effective implementation.

The emphasis of justice reinvestment is on empowering the community. The idea is that the community dictates how the money should be spent.<sup>4</sup> It is about taking a local approach to dealing with a local problem.

The types of justice reinvestment programs adopted will vary according to the needs of particular areas. The causes of crime are complex and may also be location specific, so programs need to be tailored accordingly.<sup>5</sup> However, justice reinvestment programs may include

investments in education, job training, health, parole support, housing or rehabilitation.<sup>6</sup>

### United States and Justice Reintervention

In the US, one in every 100 adults is incarcerated and two-thirds of released prisoners return to jail.<sup>7</sup> This costs the US more than US\$60 billion per year.<sup>8</sup> As a result, the concept of justice reinvestment has proven popular in the US. So far, 16 US states have signed up with the Council of State Governments Justice Centre to investigate or apply justice reinvestment in their jurisdiction, with another five states pursuing justice reinvestment independently or through non-profit organisations.<sup>9</sup>

The justice reinvestment programs have been notably successful throughout the US. The 2004 justice reinvestment pilot in Connecticut resulted in the cancellation of a contract to build a new prison, realising savings of US\$30 million.<sup>10</sup> So far, US\$13 million of these savings have been reinvested into community-based crime prevention initiatives, including funding the Department of Mental Health and Addiction Services to support community-based programming and resourcing community-led planning processes to develop neighbourhood programs to improve outcomes for residents.<sup>11</sup> Reinvested funds have also been channelled into revamping probation and parole, focusing on reducing technical violations and increasing transitional support for probation violators who would otherwise have been re-incarcerated.<sup>12</sup> Justice reinvestment efforts in Texas resulted in \$1.5 billion in construction savings and \$340 million in annual averted operations costs.<sup>13</sup>

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## Why is Justice Reinvestment needed in Australia?

### *Financial costs*

- As at 30 June 2012, there were **29,383** prisoners (sentenced and unsentenced) in Australian prisons —a national imprisonment rate of 168 prisoners per 100,000 adults, an increase of 1% from the previous year.<sup>14</sup>
- The latest figures available show that in 2011–12, national expenditure on prisons totalled **\$2.4 billion**.<sup>15</sup> This is a cost of **\$305** per prisoner, per day or **\$111,325** per prisoner per year (in Queensland, during this same period, the cost of incarceration was **\$318.50** per prisoner per day or **\$116,252.50** per prisoner, per year).<sup>16</sup>

Twenty years ago there were 2259 people in prison in Queensland (QCS Annual report 1993/4), now there are over 6000. If we were to reduce the prison population to the level of 1993, we would save \$446 581 931 per year. That's four hundred and forty six million that could be invested in crime prevention.

### *Overrepresentation of Indigenous Australians in prisons*

- Despite comprising only 2.5% of the Australian population, Aboriginal and Torres Strait Islanders constitute just over a quarter (27% or 7,982) of the total prison population.<sup>17</sup>
- Indigenous youth account for approximately 50% of the total population of children's prisons.<sup>18</sup>
- There is a very high rate of recidivism in the Indigenous prison population—75% of Indigenous prisoners have a history of prior imprisonment compared to 50% of non-Indigenous prisoners.<sup>19</sup>

### *Social costs*

The cost of imprisoning an individual extends beyond financial costs. The effects of imprisonment include:

- disruption and damage to the lives of every member of the family, particularly where a parent is imprisoned;<sup>20</sup>

- disruption to Indigenous communities where the Indigenous person played an important social, cultural and family role, leaving family and community members to try and fill the void;<sup>21</sup> and
- loss of employment and income, exacerbation of debt issues, possible loss of housing, potentially affecting the incarcerated person's ability to reintegrate back into society when released.<sup>22</sup>

People in prison are disproportionately affected by drug and alcohol problems, intellectual disability, illiteracy and innumeracy, low educational attainment, and unemployment.<sup>23</sup> In relation to Indigenous Australians, factors linked to increasing the risk of their involvement in crime includes, substance abuse, overcrowded living environments, unemployment and poverty.<sup>24</sup> Without addressing these factors, disadvantaged individuals will continue to commit crimes. Justice reinvestment is an opportunity to address the underlying factors which may cause someone to commit a crime and to break the cycle.

## Criticisms of Justice Reinvestment

Criticisms of justice reinvestment include:

- Australia's penal system is quite different to the US, the concepts of justice reinvestment may not work in practice in Australia;<sup>25</sup>
- the concept of justice reinvestment is vague; it does not have a clear definition and means different things to different people;<sup>26</sup> and
- justice reinvestment could be used as a cover for cost cutting.<sup>27</sup>

## Balanced Justice view

The traditional punitive approaches to law and order have not worked and the emergence of the justice reinvestment concept is the perfect opportunity for Australia to trial a new approach to preventing crime.

Regardless of the jurisdiction, it is an accepted fact that socioeconomic factors play a critical role in whether a person commits a crime. As justice reinvestment is about working with communities to address the underlying factors which cause crime, the fact that Australia's penal system differs to other jurisdictions should not detract from the potential success of this

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approach. Furthermore, the lack of definition of justice reinvestment will allow it to be adopted and tailored by a community in a way that best suits their needs.

Lastly, as a critical stage of justice reinvestment is evaluating the effectiveness and impact of justice reinvestment policies on rates of incarceration, recidivism and criminal behaviour, this will ensure the accountability of such policies and prevent justice reinvestment from being used as a cost cutting strategy.

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