
JUST
REINVEST
NSW

POLICY PLATFORM

NSW ELECTION 2019

EXECUTIVE SUMMARY

Our vision is for a criminal justice system that promotes prevention and rehabilitation, ensures fair and equal justice, and builds strong, safe communities.

The current approach to law and order in NSW is taking us in the opposite direction. Our recent history of law and order policies has resulted in record high prison populations, at a cost of more than \$815 million per year in NSW alone.¹ These policies have particularly affected Aboriginal and Torres Strait Islander people, who are over-represented at every stage of the criminal justice system.

A justice reinvestment approach underpinned by community-led, place-based, data-driven solutions and focused on supporting people before issues arise will deliver better social and economic outcomes for NSW.

We are calling on the NSW Government to adopt a justice reinvestment framework as part of a whole-of-government strategy to reduce Aboriginal and Torres Strait Islander contact with the criminal justice system.

The life that leads to prison is not the life you would wish for any child.

¹ Prison net operating expenditure for NSW in 2016-17 was \$816,302,000. Australian Government, Productivity Commission, *Report on Government Services 2018: Chapter 8 Corrective Services*, (Canberra, 2018) Table 8A.2.

To establish the framework we are calling for the following action from the NSW Government:

Support community-led solutions to break the cycle of offending and build vibrant futures for children and young people

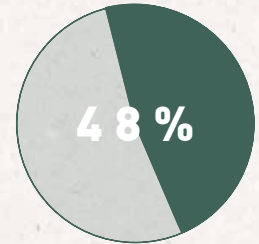
1. Allocate \$5 million over 5 years from the corrections budget for three new community-led justice reinvestment initiatives across NSW.
2. Provide \$5 million over 5 years from the corrections budget for the establishment of an independent NSW justice reinvestment body overseen by a board with Aboriginal and Torres Strait Islander leadership.

Implement reforms to reduce the prison population and shift spending away from building prisons to building safer, stronger communities

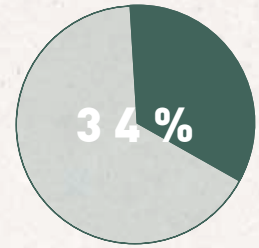
3. Commit to policy and legislative reforms to immediately reduce the prison population in NSW, including those proposed in the Just Reinvest NSW Policy Paper: *Smarter Sentencing and Parole Law Reform*, as well as adequate resourcing to ensure effective implementation of the sentencing and parole law reforms in the NSW Criminal Justice Reform Package.
4. Report annually on projected and actual costs and savings associated with the implementation of sentencing and parole law reforms and driver disqualification reforms in the NSW Criminal Justice Reform Package.

KEY STATISTICS

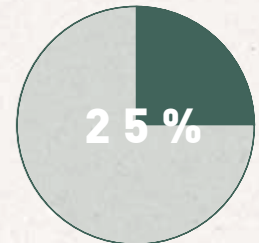
48% of children and young people in custody in NSW are Aboriginal and Torres Strait Islander



34% of women in NSW prisons are Aboriginal and Torres Strait Islander



25% of adults in NSW prisons are Aboriginal and Torres Strait Islander yet make up only 3% of the total population



\$ 219

is the daily cost of incarcerating one adult in NSW

\$ 79,908

is the cost of incarcerating one adult in NSW for one year

Aboriginal and Torres Strait Islander children
and young people are **21 TIMES MORE
LIKELY** to be detained than non-Indigenous
children and young people in NSW



\$ 1,344

is the daily cost of detaining one
child or young person in NSW

\$ 490,560

is the cost of detaining one child or
young person in NSW for one year

Source: Bureau of Crime Statistics and Research (April 2018), Custody Statistics; Australian Government, Productivity Commission, Report on Government Services 2018: Chapter 8 Corrective Services & Chapter 17 Youth Justice (Canberra, 2018).

The cost of detaining one child or young person in NSW for one year was calculated by multiplying the daily cost of \$1344 by 365 days.

ISSUE

The NSW prison population has grown by 39% since 2012, with prison costs reaching more than \$815 million last year, despite the number of crimes decreasing in the majority of categories.² This has disproportionately affected Aboriginal and Torres Strait Islander people who are 11.3 times more likely to be in prison than non-Indigenous people in NSW.³

The current approach fails to address the causes of offending, and re-offending, with 41% of adults and 66% of young people released from prison reoffending within 12 months.⁴

There is a better way. Justice reinvestment involves the redirection of resources away from prisons to addressing the root causes of offending in communities. Solutions need to be **community-led, place-based, data-driven** and focused on supporting people before issues arise. This is at the heart of a justice reinvestment approach, recommended by the Australian Law Reform Commission as the way to solve the problem of over-incarceration of Aboriginal and Torres Strait Islander people.⁵

Crucially, justice reinvestment represents a shift away from governments and policy makers coming in and telling communities what is best, which we know does not work, and moving towards what we know does work: local solutions coming from and being implemented by communities.

Justice reinvestment provides the opportunity to develop integrated and more holistic support to people in the community and potentially prior to their becoming enmeshed in the criminal justice system.¹⁰

² NSW Bureau of Crime Statistics and Research, Custody Statistics (April 2018), <http://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx>. Prison net operating expenditure for NSW in 2016-17 was \$816,302,000. Australian Government, Productivity Commission, *Report on Government Services 2018: Chapter 8 Corrective Services*, (Canberra, 2018) Table 8A.2.

Prison population growth is despite recorded crime decreasing. Derek Goh and Stephanie Ramsey, "An update of long-term trends in violent and property crime in New South Wales: 1990-2017," (NSW Bureau of Crime Statistics and Research, Crime and Justice Statistics, Bureau Brief, Issue Paper No. 131, March 2018), 1.

³ Australian Law Reform Commission, *Pathways to Justice- Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples: Final Report* (ALRC Report 133, December 2017) 95.

⁴ Data is from people released from prison in 2015. NSW Bureau of Crime Statistics and Research, *Reoffending Statistics for NSW*, (October 2017) <http://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Re-offending.aspx>.

⁵ Australian Law Reform Commission, *Pathways to Justice- Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples: Final Report* (ALRC Report 133, December 2017) 126.

¹⁰ David Brown, Chris Cunneen, Melanie Schwartz, Julie Stubbs and Courtney Young, *Justice Reinvestment: Winding Back Imprisonment* (Basingstoke, Hampshire : Palgrave Macmillan, 2016) 119.

COMMUNITY-LED

Self determination and the application of Indigenous culture, authority and knowledge are critical for success in strategies aimed at reducing Indigenous imprisonment.⁶ Through community-led justice reinvestment initiatives, communities drive local responses to crime and build pathways away from the criminal justice system for children and young people. Resources are shifted from prisons and corrections into strategies determined by Aboriginal and Torres Strait Islander governance.

PLACE-BASED

We know that a disproportionately high number of people going to prison come from, and return to, a small number of geographic areas.⁷ A place-based approach allows for the particular circumstances in communities that drive offending to be addressed; conditions not addressed by sending individuals to prison.⁸ Service providers work in new, collaborative ways to meet goals identified by communities and to co-design localised solutions to identified local drivers of contact with the criminal justice system.

DATA-DRIVEN

Data-driven and evidence-based decision making is central to a justice reinvestment approach. At the community level, data is essential at every stage: to establish a baseline, set targets and goals, monitor the effectiveness of strategies and incorporate evidence-based improvements, and to calculate the savings realised for reinvestment back into the community.⁹ Justice reinvestment also relies on data analysis at the state level to make evidence-based decisions on policy options for criminal justice system reforms.

⁶ Ibid 141.

⁷ Tony Vinson and Margot Rawsthorne, *Dropping Off the Edge 2015: Persistent Communal Disadvantage in Australia*, (2015).

⁸ Fiona Allison, *Justice Reinvestment in Katherine: Report on Initial Community Consultations* (July 2016).

⁹ Matthew Willis and Madeleine Kapira, *Justice Reinvestment in Australia: A Review of the Literature*, (Australian Institute of Criminology Research Reports No. 09, 2018), vii.

PROOF OF CONCEPT:

MARANGUKA JUSTICE REINVESTMENT PROJECT

Too many of my community were being locked up. Kids were being taken away. Families were being shattered, again and again. We decided that a new way of thinking and doing things needed to be developed that helped our children.

—Alistair Ferguson, Executive Director of Maranguka & Founder

In 2013, Maranguka teamed with Just Reinvest NSW to develop a justice reinvestment 'proof of concept' in Bourke. The Maranguka Justice Reinvestment Project adopts a collective impact framework that changes the way services are provided to the community. Maranguka is directed and guided by the Bourke Tribal Council which advocates on behalf of the Bourke Aboriginal community.

The following data demonstrate the changes that have occurred in Bourke since the implementation of the Maranguka Justice Reinvestment Project:

- 18% reduction in the number of major offences from 2015 to 2017¹¹
- 34% reduction in the number of non-domestic violence related assaults from 2015 to 2017¹²
- 39% reduction in the number of domestic violence related assaults from 2015 to 2017¹³
- 72% reduction in the number of young people proceeded against for driving without a licence. 236 people have obtained their driving licences in Bourke through the Driver Licensing Initiative.¹⁴
- 35% reduction in the number of people proceeded against for driving offences from 2015 to 2017¹⁵
- A decrease in youth offending and school suspensions, when young people were engaged in the *Our Place Program*.

¹¹ Number of recorded incidents for 17 major offences for Jan-Dec 2015 as compared to Jan-Dec 2017. NSW Bureau of Crime Statistics and Research, Reference sr18-16096.

¹² Number of recorded incidents for Jan-Dec 2015 as compared to Jan-Dec 2017. NSW Bureau of Crime Statistics and Research, Reference sr18-16096.

¹³ Number of recorded incidents for Jan-Dec 2015 as compared to Jan-Dec 2017. NSW Bureau of Crime Statistics and Research, Reference sr18-16096.

¹⁴ Data from Birrang and NSW Bureau of Crime Statistics and Research, Reference sr18-16096.

¹⁵ NSW Bureau of Crime Statistics and Research, Reference sr18-16096.

KPMG is currently undertaking an economic impact analysis to demonstrate the social and economic benefits of the Project. The analysis will be available by the end of 2018.

The first stage of the Maranguka Justice Reinvestment Project focused on building trust between community and service providers, data collection, identifying community priorities and 'circuit breakers'. During the next phase, a shared vision, goals and measurement system have been developed along with working groups to implement the community's strategy: *Growing our Kids Up Safe, Smart and Strong*. The development and the implementation of *Growing our Kids Up Safe, Smart and Strong* Strategy underpins the framework of the community-led and place-based initiative.

The Project has received vital support from philanthropic and corporate partners through the provision of funding and in-kind support.

The NSW Government has played an important role in the Project through the provision of data, and the participation of government departments and agencies in the development and implementation of the collaborative framework for service delivery in Bourke. The Hon. Brad Hazzard, Minister for Health and Minister for Medical Research, the NSW Government's Cross-Portfolio Champion for Justice Reinvestment has facilitated this participation. A small amount of funding has also been provided for the Project's Data Manager¹⁶ and for strategies developed under the collaborative framework.¹⁷



People tell us that the feeling of the town when they walk around has changed. Not only is there less crime, but they feel a sense of pride and cohesion within the community.

—Greg Moore, District Area Commander, NSW Police

¹⁶ \$75,000 for the employment of a data manager for one year to develop and maintain a shared measurement system and data dashboard.

¹⁷ \$320,000 for the employment of a project officer for two years to develop a workforce strategy promoting employment and training of local workers and \$50,000 for the employment of a case manager for one year to work with targeted families and children showing early signs of disengagement from school or involved in the criminal justice system.

POLICY PLATFORM

WE CALL ON THE NSW GOVERNMENT TO:

Support community-led solutions to break the cycle of offending and build vibrant futures for children and young people

ACTION REQUIRED

1. Allocate \$5 million over 5 years from the corrections budget for three new community-led justice reinvestment initiatives across NSW.
2. Provide \$5 million over 5 years from the corrections budget for the establishment of an independent NSW justice reinvestment body overseen by a board with Aboriginal and Torres Strait Islander leadership.

Justice reinvestment provides opportunities for communities to take back local control... to not only take some ownership of the problem but also to own the solutions.

– Mick Gooda, Former Aboriginal and Torres Strait Islander Social Justice Commissioner and Just Reinvest NSW Executive Committee member

Since the commencement of the Maranguka Justice Reinvestment Project, more than 15 communities across NSW have contacted Just Reinvest NSW with an interest in developing justice reinvestment initiatives. The NSW Government has provided Just Reinvest NSW with a grant to commence work with additional communities: to assist them in determining their suitability and readiness for a justice reinvestment initiative, and to commence initial data collection and early implementation.

To effectively support these communities in the next phase, and to support other communities, a centralised body is needed, as recommended by the Australian Law Reform Commission, to promote the reinvestment of resources from prisons to community-led, place-based initiatives, and to provide expertise on the implementation of justice reinvestment. The body should be overseen by a board with Aboriginal and Torres Strait Islander leadership.¹⁸

The functions of the body should include: providing technical and strategic expertise in relation to justice reinvestment; justice mapping; assisting in the development of justice reinvestment methodological approaches; formulating options for justice reinvestment initiatives to address the particular underlying causes of crime identified in communities; capacity building and support for community-led initiatives; and economic cost-benefit analysis.

In addition to the body, other support from the NSW Government is critical. Upfront investment for new community-led initiatives is needed, along with access to localised data related to criminal justice, health and wellbeing, and government service provision. Government also has an important role to play in facilitating participation by, and coordination between, relevant government departments and agencies to support community-led justice reinvestment initiatives.

¹⁸ Australian Law Reform Commission, above n 1, 137.

Implement state-level reforms to reduce the prison population and shift spending away from building prisons to building safer, stronger communities

ACTION REQUIRED

3. Commit to policy and legislative reforms to immediately reduce the prison population in NSW, including those proposed in the Just Reinvest NSW Policy Paper: Smarter Sentencing and Parole Law Reform, as well as adequate resourcing to ensure effective implementation of the sentencing and parole law reforms in the NSW Criminal Justice Reform Package.
4. Report annually on costs and savings associated with the implementation of sentencing and parole law reforms and driver licence disqualification reforms in the NSW Criminal Justice Reform Package in Budget forward estimates, and report on actual savings.

In addition to a framework to support community-led initiatives, a justice reinvestment framework requires reform at the state level.

The NSW adult prison population has grown by 30% since 2011, despite the number of crimes decreasing in the majority of categories.¹⁹ This unprecedented growth is projected to continue, with the population rising by approximately 1,200 prisoners each year until 2020.²⁰

In 2016, the NSW Government allocated \$4.6 billion to the biggest ever expansion of prison infrastructure; expanding existing prisons, two 'rapid build' prisons,²¹ and construction of the new Grafton Correctional Centre, delivering a total of 8,700 additional prison beds.²²

A justice reinvestment framework requires legislative and policy reforms to reduce the prison population, along with a funding model to allocate projected cost savings resulting from reduced offending and imprisonment to community-led justice reinvestment initiatives. The NSW Government should work with the independent justice reinvestment body to develop this funding model. A 5% reduction in the NSW prison population would result in annual savings of approximately \$30 million.²³

Measures introduced in 2017 as part of the NSW Government's Criminal Justice Reform Package have the potential to reduce the growing prison population, including the Aboriginal and Torres Strait Islander prison population. However, adequate resources for diversionary options and rehabilitation programs that are culturally safe and trauma-informed, are critical along with further legislative and policy reforms as recommended in the Just Reinvest NSW Policy Paper: Smarter Sentencing and Parole Law Reform.²⁴

We need to start shifting resources into effective diversionary options, effective treatment programs and most critically we need to shift resources into the hands of communities to create better pathways for children and young people.

– Sarah Hopkins, Chair, Just Reinvest NSW

¹⁹ NSW Bureau of Crime Statistics and Research, Custody Statistics (April 2018), <http://www.bocsar.nsw.gov.au/Pages/bocsar_custody_stats/bocsar_custody_stats.aspx>; Goh, "An update of long-term trends," above n 3.

²⁰ Audit Office of NSW, *New South Wales Auditor-General's Report – Financial Audit – Volume Seven* (2016), <<https://www.audit.nsw.gov.au/publications/latest-reports/volume-seven-2016-report-on-justice>>.

²¹ At Wellington and Cessnock.

²² NSW Government, *Infrastructure Statement 2018-2019: Budget Paper No. 2* (19 June 2018), Chapter 2, 17.

²³ Estimate provided by NSW Bureau of Crime Statistics and Research

²⁴ Just Reinvest NSW, *Just Reinvest NSW Policy Paper: Smarter Sentencing and Parole Law Reform* (August 2017), <<http://justreinvest.org.au/wp-content/uploads/2017/08/Just-Reinvest-NSW-Policy-Paper-Key-Proposals-1.pdf>>.

ABOUT JUST REINVEST NSW

Just Reinvest NSW was formed by a coalition of more than twenty organisations focused on addressing the over-representation of Aboriginal and Torres Strait Islander young people in custody through a justice reinvestment approach. We are an independent, non-profit organisation auspiced by the Aboriginal Legal Service (NSW/ACT) Ltd.

Our key message to government and the community is that there is a solution; a smarter approach that will reduce crime and create safer, stronger communities.

In 2013, Just Reinvest NSW began a partnership with the Bourke Aboriginal community to implement the first major justice reinvestment trial in Australia, the Maranguka Justice Reinvestment Project.

Member Organisations

Aboriginal Child, Family and Community Care State Secretariat (NSW)	Australian Indigenous Alpine Sports Foundation	Oxfam Australia
Aboriginal Education Council (NSW) Inc	Australian Red Cross	Public Interest Advocacy Centre
Aboriginal Legal Service NSW/ACT	Community Legal Centres NSW	Save the Children
Aboriginal Medical Service Cooperative Limited	First Hand Solutions	Shopfront Youth Legal Service
Amnesty International Australia	Gilbert + Tobin	Show Me the Way
ANTaR	Herbert Smith Freehills	Uniting Care NSW ACT
Ashurst	Kingsford Legal Centre	Weave
	Lifestyle Solutions	Whitelion
	Network of Alcohol and other Drug Agencies	Youth Action
		Youth Justice Coalition

Funders & Supporters of Just Reinvest NSW & the Maranguka Justice Reinvestment Project

Funders	Vincent Fairfax Family Foundation	Matana Foundation For Young People	Aboriginal Education Council (NSW) Inc
	Dusseldorp Forum	JLDJS Foundation	Legal Aid NSW
	CAGES Foundation	St Vincent de Paul Society	NSW Government
	Cameron Foundation	Commonwealth Bank	Australian Government
			Oxfam Australia
In-Kind Supporters	Aboriginal Legal Service NSW/ACT	KPMG	Ashurst
	Lend Lease	Gilbert + Tobin	Community Legal Centres NSW



Just Reinvest NSW Champions, Youth Ambassadors and Executive Committee members (from top L to R): Prof Tom Calma AO, Kristy Masella, Sarah Hopkins & Alistair Ferguson, Kobie Duncan, Temeka Leonard, Mick Gooda, The Hon. Michael Kirby AC CMG, Daniel Daylight (below), Killara Ebsworth, Teela Reid, Millie Ingram, Keenan Mundine, Megan Mitchell, Marcia Ella-Duncan, Trei Stewart & Kobie Duncan, Paul Wright, Prof Mick Dodson AM, Shane Phillips, Bunja Smith, Gino Yumbaca, Mi-kaisha Masella, Isaiah Sines, Kaleesha Morris, Robert Tickner AO, Beau Foster, Nahdia Noter, Assoc Prof Ted Wilkes AO, Bob Debus AM, Jack Manning-Bancroft, Nicholas Cowdery AM QC, Tiffany McComsey, Shane Duffy, Eddie Cubillo, Ken Marslew, Tammy Solonec, Prof Chris Cunneen, Andrew Jackomos PSM.

