



**Value of a justice reinvestment approach to
criminal justice in Australia**

It's time

**Youth Affairs Council of Western Australia
Submission**

Youth Affairs Council of Western Australia

15 Money Street

Perth WA 6000

PH: 08 9227 5440

Fax: 08 9328 7446

Email: yacwa@yacwa.org.au

www.yacwa.org.au

To Whom It May Concern,

Submission to the Senate Legal and Constitutional Affairs Committee

Thank you for the opportunity to provide a submission into the Department's inquiry into the Committee's inquiry into the value of justice reinvestment in criminal justice in Australia. YACWA is glad to be given the opportunity to contribute.

The Youth Affairs Council of Western Australia (YACWA) is the peak non-government youth organisation in Western Australia with a membership of over 300 youth service organisations, community organisations, academics, individuals and most importantly young people themselves. Established in 1980, YACWA has worked tirelessly for 30 years to deliver high-level representation and advocacy for the Western Australian youth sector and young people.

Our role is to:

- Act as a lobbying group for the non-government youth sector and Western Australian young people aged 12-25
- Provide information and support to the non-government youth sector
- Work to promote fair and positive outcomes for young people in our community
- Promote equity, equality, access and participation for young people in Western Australia
- Advocate to all levels of government on the best interests of Western Australia's young people
- Encourage the active participation of young people in identifying and dealing with issues that are important to them
- Improve youth services by exchanging ideas, information, skills and resources
- Provide a strong, united and informed voice capable of effectively advocating for the non-government youth sector and the young people with whom they work

Table of Contents

<u>1. RECOMMENDATIONS</u>	4
1.1 INCARCERATION	4
1.2 PROBATION AND PREVENTION	4
1.3 GROWTH IN THE PRISON POPULATION	5
1.4 GEOGRAPHIC USE OF RESOURCES	5
<u>2. INTRODUCTION AND EXECUTIVE SUMMARY</u>	7
<u>3. JUSTICE REINVESTMENT</u>	8
<i>3.1 JUSTICE MAPPING</i>	9
<i>3.1.1 BIPARTISANSHIP</i>	10
<i>3.1.2 A CASE STUDY TEXAS: AN INTERNATIONAL FIRST</i>	11
<u>4. WESTERN AUSTRALIA: CRIMINAL JUSTICE</u>	13
4.1 FACTS ON JUVENILE JUSTICE IN WESTERN AUSTRALIA	14
4.2 ABORIGINAL OVERREPRESENTATION	14
Figure 1.	16
4.3 BAIL AND REMAND	16
4.4 GEOGRAPHIC CONCENTRATION OF YOUNG OFFENDERS	18
<u>5. JUSTICE REINVESTMENT IN AUSTRALIA</u>	18
5.1 PENAL POPULISM	21
<i>5.1.1 COST OF PRISONS</i>	21
5.2 WESTERN AUSTRALIAN RECIDIVISM INITIATIVES	22
Boronia pre-release Centre for Women	22
Regional Youth Justice Centres	22
<u>6. A WESTERN AUSTRALIAN JUSTICE REINVESTMENT MODEL</u>	23

1. Recommendations

1.1 Incarceration

Recommendation One By recognising that sentencing and changes in enforcement practices have caused a problem, whereby a larger number of offenders are being fed into the system, the solution must clearly include changes to our sentencing and law enforcement practices.

Recommendation Two Overcrowded prisons and increases to the prison population can stifle the effectiveness of rehabilitation programs. It is more prudent for governments to invest time and resources in reducing crime and recidivism inside identified communities.

Recommendation Three YACWA recommends the strengthening of community-based supervision in order to allow the management of the probation for high-risk offenders to be the priority. Ensuring high-risk offenders leaving custody are entering a strong and stable community supervision program would lead to a decrease in recidivism, would increase public safety generally and would ultimately lead to a decrease in the prison population.

Recommendation Four Western Australian prisons and juvenile detention facilities are unable to cope with the current number of offenders entering the prison system. It does not make economic sense to direct funds to the construction of additional prisons while also overburdening the caseloads of probation officers. It had become clear that it is not possible for any government to attempt to build its way out of a prison crisis.

1.2 Probation and Prevention

Recommendation Five A wealth of evidenced-based research indicates that there are strong economic reasons for early investment in preventative programs with prior offenders, people

with a history of drug and alcohol abuse and young people who have had early contact with the criminal justice system.

Recommendation Six YACWA recommends that the government should as a whole make reducing the social exclusion of juveniles with early contact with the criminal justice system a central part of its social policies. We cannot afford to ignore the needs of this group as, without help, they will become future offenders. Every effort should be made to keep them out of custody and in diversionary and rehabilitation programs.

Recommendation Seven There is strong evidence to suggest that broadening access to diversionary programs for people with mental health problems or learning difficulties coming into contact with the criminal justice system could result in medium and long-term reductions in the prison population and also provide a significantly more humane approach to the management of offenders presenting with mental health issues.

1.3 Growth in the prison population

Recommendation Eight There is a widely held belief that crime rates are increasing and courts are being too lenient. This is incorrect, crime rates have been decreasing across Western Australia for more than 15 years and yet sentences have been increasing. The politicisation of criminal justice policy is counterproductive and undermines rational policy discussion.

1.4 Geographic use of resources

Recommendation Nine The government needs to recognise that there exists an irrefutable correlation between offending and rates of social exclusion in areas where crime rates are at their highest.

Recommendation Ten Government must coordinate justice mapping activities to ensure all available data is used most effectively and efforts can be concentrated on areas with the highest concentration of offenders.

Recommendation Eleven The government's current approach to criminal justice is not cost-effective in terms of its ability to reduce crime or reoffending. Prison building does not represent a sustainable approach to criminal justice. Crime approaches that are effective and functional should lead to a reduction in prison spending and should provide better returns on reducing reoffending in the long term.

2. Introduction and Executive Summary

“...there is a broad consensus, which I think ministers share, about what should be done to reduce crime, the points at which one should make an effort for prevention- use of community sentences reducing the use of custody- but it is very difficult to translate those intentions into a policy in the context of where we are now politically: the attitude of the media, the resources that are available to Government.”- Professor David Faulker¹

Western Australia’s prison and juvenile detention systems are burdened with unprecedented overcrowding. In the eight years from 2001 to 2009 WA has experienced a 49% increase in the prison population. In the last four years this number has again risen, this time by nearly a third. The story is similar for the juvenile justice system in Western Australia with numbers increasing faster than capacity can keep pace. In 2009 the Barnett government dedicated \$655 million to the construction of a new prison. However prison numbers began to grow at an unsustainable rate prompting the government to subsequently announce an ‘urgent expansion’ of prison capacity. It has been predicted that if the State’s prison construction is to keep pace with the increasing prison population Western Australia will need another prison in the next 2 or 3 years. This would result in around 20% of the State’s capital works funding being allocated to prison construction.

Western Australia’s 2011-12 budget outlined the urgent expansion of a number WA’s detention facilities. It aimed to add 2601 beds to the prison system between 2009 and 2015. This included the immediate addition of 1584 beds in the aforementioned financial year. 604 beds in new units were to be added in Casuarina, Hakea and Albany and additional work camps

¹ UK House of Commons, *Cutting crime: the case for justice reinvestment*, [226]

constructed in Wyndham and Warburton. Furthermore, the West Kimberley Regional Prison was to receive 150 new beds. The facility at Greenough was planned to expand its capacity by 30 beds with the addition of a women's unit and the Dowerin work camp was scheduled to receive a further 20 beds. The budget also detailed the planned demolition and reconstruction of the Eastern Goldfields Regional Prison creating 350 beds. This is in addition to Acacia prison expanding by 387 beds.

It is undeniable that there is a need for a forward-thinking rational approach to the way we deal with the criminal justice system. There is a need to divert resources away from the prison system to limit the unbridled expansion of prison places and probation caseloads. At the very least Western Australia needs to assess the state of its prison system in order to identify why, despite decreases in offending, the prison population continues to increase unabated. Justice reinvestment embodies a common sense approach to crime and criminal justice and is the quintessential embodiment of the catch phrase 'smart on crime'.

This submission will focus on what has caused the unmitigated increase in the Western Australian juvenile detention population and the prison population generally, the models of justice reinvestment implemented internationally and how those models could potentially be applied to the Western Australian criminal justice system. It is clear that any attempts to apply the principles of justice reinvestment in a juvenile justice setting necessitates reinvestment on a community-wide level that seeks to implement the principle of justice reinvestment to all levels of offending and all types of offenders, be they juvenile or adult.

3. Justice Reinvestment

Justice reinvestment redirects money spent on prisons to community-based programs and

initiatives that seek to address the underlying reasons individuals commit crime. Essentially the justice reinvestment model involves the advancement of 'fiscally-sound, data driven criminal justice policies to break the cycle of recidivism, avert prison expenditures and make communities safer'². The model was developed as a result of evidenced-based public policy strategy and it attempts to base its outcomes on research and an understanding of criminal motivation and origin rather popular punitive responses to crime or conservative populism. The overriding goal of justice reinvestment is to lower the prison population, increase community and employment participation and decrease governments' criminal justice expenditure. It has been argued that focusing on reducing the prison population has the potential to have many positive flow-on consequences. The Justice Mapping Center in New York posits that:

[...] high incarceration rates hinder government efforts to turn around troubled neighbourhoods by taking people out of the work force, compelling families to rely on government assistance and scaring away investment³

3.1 Justice mapping

The justice reinvestment model is based on the understanding that a large number of young offenders come from a proportionately very small number of severely disadvantaged communities. Justice reinvestment relies on demographic or 'justice mapping' that seeks to determine which communities in a given region will attain the greatest benefit from early investment and intervention programs. There is a well-established correlation between social exclusion, deprivation and a high concentration of young offenders. Under a justice reinvestment model this knowledge informs the allocation and distribution of resources. High quality justice mapping of juvenile justice takes into consideration statistical data including, but

² See CSG Justice Centre, 'Justice Reinvestment: About the project', www.justicereinvestment.org/about

³ "Texas seeks to break prison recidivism rates", *The New York Times*, 23 November 2007, www.nytimes.com

not limited to, the following:

- The number of young people from a particular region currently in detention, recently released from detention or living in the community under a supervision or probationary order.
- The differing administrative, political, educational and police boundaries operating within a particular region and the ability to streamline service delivery in overlapping areas.
- The availability of health and welfare services and then number of people in that region claiming welfare and benefit, in particular child welfare.
- Detailed socio-demographic information, including the number of single-parent households, the rate of unemployment, level income, the rate of poverty etc.

The principle behind justice and asset mapping is particularly simple; by adopting a place based approach to criminal justice resources can be redirected to the communities from which young offenders come from and to which they will return. This theory is often best described as a form of 'preventative financing' that results in issues being dealt with "‘upstream' (family breakdown, poverty, mental illness, drug and alcohol dependency)" as opposed to attempting to deal with them "‘downstream' (policing, prisons)".

3.1.1 Bipartisanship

One of the most appealing aspects of justice reinvestment both globally and in Australia is its capacity to attract bipartisan political support from both sides of politics. Political parties have, for decades, attempted to portray themselves as 'tough on crime', a by-product of the penal populism that was rife in the 1980s. Former British Prime Minister Tony Blair attempted to reframe the discussion by stating his government would be 'tough on the causes of crime', however there is little to no evidence that action was ever taken to achieve this. Since then

many conservative political parties around the world have recognised the need to reduce imprisonment rates this has ultimately opened the possibility for evidenced-based policy discussion.

The conservative New Zealand National Party labeled prisons as a 'fiscal and moral failure' and outlined their intention to cease prison building⁴. The NSW Liberal Attorney General has described the prison population after 10 years of Labor Government 'a disgrace'. The United Kingdom's conservative justice secretary, Kenneth Clarke, has called for significantly reduced imprisonment rates and the United States Republican Party have not merely supported but championed justice reinvestment strategies. The presence of conservative political will is a tremendous opportunity for progress in the area of criminal justice reform. The willingness of conservative political parties to gradually distance themselves from the 'tough on crime' rhetoric of penal populism is a significant step forward and has without question satisfied a crucial 'precondition for the adoption of 'evidenced-based' policies'⁵.

3.1.2 A CASE STUDY *Texas: An International First*

Texas has long been regarded as the American state with the most punitive criminal justice system in the country. In the 20 years between 1985 and 2005 the prison population tripled, requiring the addition of tens of thousands of prison beds⁶. From 1983 to 1997 the state added 108,000 prison beds at a cost of \$2.3 billion. In 2007 the prison population again exceeded the number of available beds, this time by around 3000. The state projected that its prison population would continue to increase by approximately 14,000 people every five years.

⁴ David Brown, Melanie Schwartz and Laura Boseley, 'The Promise of Justice Reinvestment', *Alternative Law Journal*, 37:2: 2012

⁵ *Ibid*, 97

⁶ William J. Sabol, Todd D.Minton, and Paige M. Harrison, Prison and Jail Inmates at Midyear 2006, Bureau of Justice Statistics, June 2007.

Texas was facing an overcrowding crisis. Policymakers decided, with bipartisan support, that instead of spending the \$523 million required to increase the capacity of the state's prisons they would instead invest that mean in treatment programs and residential facilities that were predicted to halt the growth of the prison population and lead to a reduction of crime. The Texan strategy involved four steps.

STEP ONE- ANALYSE

Identify which communities the majority of offenders were coming from and returning to. This justice mapping revealed that a mere 10 neighbourhoods in the city of Houston were accounting for nearly \$100 million in yearly incarceration costs⁷.

STEP TWO- PROVIDE

The Texan House of Representatives and Senate convened a joint bipartisan hearing to review and respond to research findings that identified strategies for reducing the amount of money spent on prisons while also increasing public safety, reducing recidivism and lowering the prison population. Strategies including expanding residential and in-prison substance abuse programs, increasing the availability of mental health treatment and prioritising the use of parole and diversionary programs⁸.

STEP THREE- QUANTIFY

The state began with an initial investment of \$241 million in the programs identified in step 2. It was predicted this would eliminate the prison bed shortfall by 2012. The cost of increasing prison capacity is significantly higher than expanding the capacity of residential supervision and community-based probation programs and as a result the economic benefits of the policy

⁷ Texas Department of Criminal Justice, Community Justice Assistance Division, Statistical Tables, December 2006.

⁸ Texas Legislative Budget Board, Conference Committee Projection Scenario, May 7, 2007.

began almost immediately. Investment also began in 'high stakes' communities and included the provision of assistance to low-income families to increase health and wellbeing and in particular provided assistance to low-income mothers with children young than two years old.

STEP FOUR- MEASURE

Measuring the success of the policy was crucial to the state's ongoing commitment to its implementation. The legislature established the Criminal Justice Legislative Oversight Committee to monitor and evaluate the new policies and programs to assess the impact they were having on the prison population.

4. Western Australia: Criminal Justice

The main issue of concern regarding the Western Australian juvenile justice system is the increasing number of young people being given custodial sentences. This is difficult to reconcile with the decrease in rates of offending and the overarching principle of the Western Australian Young Offenders Act 1994 that holds that young people should, whenever possible, be diverted away from the court process and that when young people commit an offence detention must only be used as a penalty of last resort.

The increase in the number of young people being placed in detention is inextricably linked to a number of corollary issues, including:

1. The disproportionate overrepresentation of Aboriginal young people held in detention;
2. The increasing number of unsentenced young people held in detention on remand and the limited use of bail and community supervision orders;

3. The geographic concentration of young offenders; and
4. The rapidly increasing costs of detention in Western Australia.

4.1 Facts on juvenile justice in Western Australia

- *Between 2007 and 2011 the daily rate of young people in detention in Western Australia increased by 33%⁹*
- *An Aboriginal young person is 55 times more likely to be in sentenced detention than a non-Aboriginal young person.*
- *Between 2007 and 2011 the number of young people held in detention on remand has increased by 26%¹⁰. The remand rate ranged between 46% and 59% over the course of those four years.*
- *Over 80% of the young people held in detention on remand will not receive a custodial sentence when they ultimately appear in court¹¹.*
- *It costs \$624 a day to hold a young person in detention. This equates to \$230,000 per young person per year¹².*

4.2 Aboriginal overrepresentation

The number of young Aboriginal people coming into contact with the criminal justice system is indicative of the broader socio-economic disadvantaged many Aboriginal people are faced

⁹ Commissioner for Children and Young People 2012, *The State of Western Australia's Children and Young People*, Commissioner for Children and Young People p.169

¹⁰ Department of Corrective Services 2011, Annual Report 2010/2011, Department of Corrective Services, p.30.

¹¹ Ibid, 30

¹² *Locking up juveniles is not the answer*, The West Australian <http://www.missionaustralia.com.au/daily-news/2794-locking-up-juveniles-is-not-the-answer-melissa-perry-in-the-west-australian>

with. Aboriginal communities have suffered because of, amongst other things, the effects of intergenerational family dysfunction that has contributed to problems involved with domestic violence, alcohol and drug abuse, inadequate housing, low school attendance rates, poor health and wellbeing and a lack of training, job skills and employment opportunities. Furthermore the Australian House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs cites a 'loss of cultural knowledge' as contributing to the disruption of 'traditional values and norms of appropriate social behavior...being transferred from one generation to the next'¹³.

The 2002 National Aboriginal and Torres Strait Islander Social Survey revealed a number of economic and social factors that contributed to increased contact with the criminal justice system. It stated that Aboriginal people were far more likely to be charged with an offence if they did not complete their education, if they were unemployed, abused drugs or alcohol, were under financial stress, living in a crowded household or had been removed from their natural family.

Around three quarters of Aboriginal prisoners have a record of prior imprisonment, which indicates Aboriginal offenders have an extremely high rate of recidivism. Cost estimates have revealed that a mere 10% reduction in the Aboriginal prison population would lead to savings of more than \$10 million per year¹⁴.

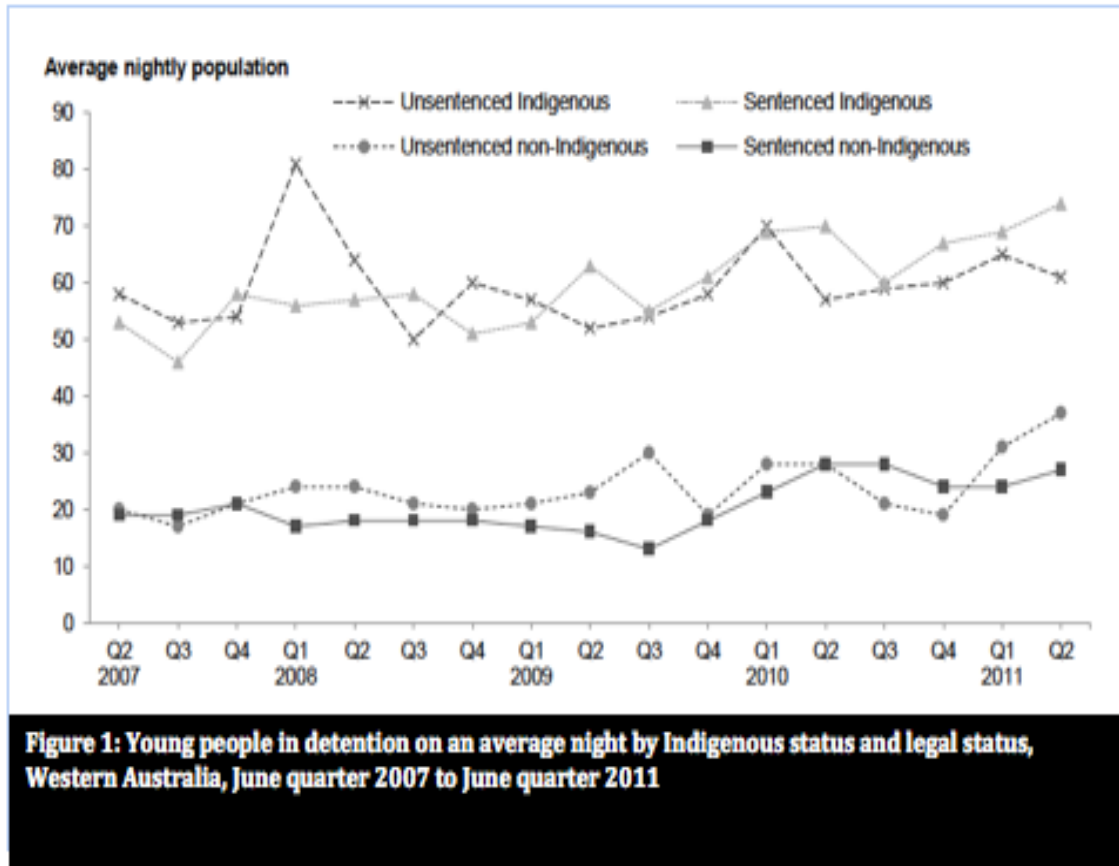
The NSW Ombudsman in a 2011 report titled, *Addressing Aboriginal Disadvantage: the need to do things differently*, highlighted the fact that many of the current policies and strategies used to deal with Aboriginal over-representation in the criminal justice system are in effecting

¹³ Australian House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Indigenous youth and the criminal justice: an overview*, para 2.3

¹⁴ NSW Bureau of Crime Statistics and Research, Crime and Justice Bulletin Number 138, December 2009

obstructing positive outcomes.

Figure 1.



4.3 Bail and Remand

In Western Australia a juvenile is to be released on bail if a responsible person, usually a parent, provides a written commitment that ensures the child will comply with any conditions. Bail can be refused if the judicial officer is not satisfied that the child will comply with bail requirements¹⁵ or if a responsible person cannot be found. In such circumstances that young person must be taken to a detention centre as soon as practicable¹⁶. In addition to this, the

¹⁵ *Bail Act 1982 (WA)* Sch 1 Pt C cl 2.

¹⁶ *Young Offenders Act 1994 (WA)* s 19(2).

Children's Court has the power to hold a young person suffering from a mental or nervous disorder on remand for up to 21 days for observation¹⁷.

Currently young people are refused bail at a much higher rate than adult accused. Over half of the young people in detention on any given night in Western Australia are yet to be sentenced. A number of factors contribute to the high rate of young people refused bail. Addressing these issues will go a long way to reducing the overall juvenile detention population thus achieving one of the goals of justice reinvestment. Factors include an inability to find a responsible person to supervise the young person, unsafe or unstable home environments, punitive bail restrictions and issues related to housing and homelessness.

There should be a presumption in favour of granting bail for all juvenile suspects. This would be in keeping with the overriding aim of the young offenders act that detention should be an option of last resort. Particularly with regards to Aboriginal suspects, the absence of a traditional family structure and network of support should not negate the presumption in favour of bail. Unrealistic bail restrictions should not be imposed on young people such as 24 hour curfews or criteria that will restrict their access to education. Such restrictions invite breaches and ultimately result in more young people being incarcerated. Lack of appropriate accommodation should not be continuously used as the justification for refusing bail. Bail hostels should be established throughout the state to avoid forcing courts to remand young people in detention. It should be acknowledged that removing young people from their families and communities, particularly Aboriginal young people, will have a severely detrimental effect on their emotional health and wellbeing.

¹⁷ *Young Offenders Act 1994* (WA) s 49.

4.4 Geographic Concentration of Young Offenders

It has been posited that once incarceration rates in a particular community reach a certain level there is a point at which imprisonment no longer reduces offending but instead contributes to its increase¹⁸. In communities with large numbers of people detained imprisonment becomes part of that communities socialisation process. Imprisonment becomes just another contributor to social dysfunction and as it becomes increasingly normalised in such communities it ceases to have a deterrent effect and instead becomes just another part of life, or potentially a 'rite of passage'¹⁹.

A disproportionate number of the young people detained in Western Australia's juvenile detention facilities come from a very small number of already severely disadvantaged and marginalised communities. The effect of removing these young people from their communities and placing them in detention serves to compound and exacerbate their disadvantage and contributes exponentially to their vulnerability. It is almost axiomatic that a constant drain of a communities young people will have serious and long term cultural, familial and social impacts. When young people are removed from their communities social bonds are weakened and as a result their community's ability to exert informal control, through normative institutions, is seriously undermined.

5. Justice Reinvestment in Australia

Justice reinvestment is not a new concept in Australia and calls for the introduction of elements of the criminal justice strategy have been around for several years. The groundswell of support

¹⁸ David Brown, 'The Limited Benefit of Prison in Controlling Crime,' *Contemporary Comments* (July 2010) 141–142.

¹⁹ *Ibid*, 141

has been led by both the community and government sectors with the initial calls coming from the current and past Aboriginal and Torres Strait Islander Social Justice Commissioners, the first recommendations appearing in the 2009 *Social Justice Report*. Following this in 2009 the Senate Legal and Constitutional Affairs References Committee that recommended the commencement of a pilot justice reinvestment strategy in Australia and for government to seriously explore the potential for justice reinvestment strategies to be implemented in rural and regional Aboriginal communities. The report went on to recommended that:

The federal, state and territory government recognise the potential benefits of justice reinvestment, and develop and fund a justice reinvestment pilot program for the criminal justice system²⁰.

The Australian Greens have since incorporated justice reinvestment as an aspect of their justice policy platform. In 2010 a NSW review of the juvenile justice system recommended the implemented of justice reinvestment strategies specifically in the context of juvenile offenders.

In 2010 the Parliament of Western Australia, Legislative Assembly Standing Committee on Community Development and Justice in its report, *Making our Prisons Work*, recommended the Western Australia government:

[...] at the highest level charge a lead agency to establish the proposed pilot Justice Reinvestment strategy to:

- *Have an overarching responsibility for each of the agencies collaborating in the strategy insofar as their deliverable to the strategy are concerned; and*

²⁰ Parliament of Australia, The Senate, Legal and Constitutional Affairs References Committee, *Access to Justice*, December 2009, Recommendation 21, p110

- *Have control and be accountable for the pooled Justice Reinvestment budget*²¹.

The Western Australian Government responded rather negatively to this recommendation by stating, inter alia, that:

*Justice reinvestment is founded on the premise that there is appropriate infrastructure for the current requirements (i.e. sufficient design capacity) prior to consideration of reinvestment of future funds to alternatives to imprisonment. The Department is a considerable way from this point*²².

In addition to the above the 2011 House of Representatives ATSIA Committee report on the over-incarceration of indigenous young people, *Doing Time- Time for Doing* stated that:

*The Committee supports the principles of justice reinvestment and recommends that government focus their efforts on early intervention and diversionary programs and that further research be conducted to investigate the justice reinvestment approach in Australia*²³.

The federal government accepted the recommendation regarding justice reinvestment in its response to the report however it noted that the primary responsibility to introduce criminal justice policies falls with state and territory governments and is not in the legislative domain of the federal government.

²¹ Parliament of Western Australia, Legislative Assembly Standing Committee on Community Development and Justice, Report No 6, *Making our Prisons Work, An inquiry into the efficiency and effectiveness of prisoner education, training and employment strategies*, November 2010, Recommendation 24, p113

²² Ibid, 113

²³ Parliament of Australia, House of Representatives Standing Committee on Aboriginal and Torres Strait Island Affairs, *Doing Time – Time for Doing: Indigenous Youth in the Criminal Justice System*, June 2011, Recommendation 40, p321

Consequently while there has been a great deal of in principle support for the strategy in both Western Australian and Federal jurisdictions there has not yet been sufficient political will to see the policy implemented on an adequate scale.

Any attempts to apply the principles of justice reinvestment to juvenile justice provision in Australia would be futile without the application of an integrated wholistic approach to criminal justice. Justice reinvestment beginning with young people would consequently reduce the burden later in the system. Therefore it is prudent to discuss the criminal justice system generally when addressing juvenile justice reinvestment specifically.

5.1 Penal populism

It is clear in Western Australia that there is no correlation between crime rates and the growth in the prison population. Authorities in both Western Australia and overseas have attributed the cause of exponential growth to the preponderance for politicians, on both ends of the political spectrum, to engage in populist debates regarding which political party is toughest on crime.

The recent increase in the number of Western Australian prisoners has mirrored the experiences of jurisdiction in both the United States and the United Kingdom. Chief Justice Wayne Martin has attributed the growth in the prison population to harsher penalties that disproportionately and unfairly target individuals based on 'psychiatric disability, economic disadvantage (evidenced through an inability to pay fines), Aboriginality and offending at the lower end of the spectrum'. Chief Justice Martin also attributed around 60 percent of the radical increase in the prison population over the last five years to changes in parole policies adopted in April 2009.

5.1.1 Cost of prisons

The yearly recurrent costs of the Western Australian Corrective Services Department, devoted primarily to the operating costs of prisons, currently sits at approximately \$500 million. The WA Inspector of Custodial Services, Professor Neil Morgan, anticipates this number will grow by around \$100,000 a year for each new prisoner added to the system²⁴.

5.2 Western Australian recidivism initiatives

Western Australia currently has a range of functioning programs that, while individually or collectively do not constitute a justice reinvestment approach, could form the basis of any justice reinvestment policy in the future. Some of these programs are outlined below.

Boronia pre-release Centre for Women

Boronia aims to prepare female prisoners for their transition from prison to the community. Women transitioning through Boronia have a recidivism rate of around 16.16 percent. This is around one third of the national average.

Regional Youth Justice Centres

These youth justice centres have been established in areas with a high-density of crime committed by young people, namely Geraldton and the Eastern Goldfields. The centres coordinated a number of government departments responsible for dealing with vulnerable and offending young people by housing them in a purpose built complex. At the heart of these centres is the principle of information sharing that transgresses departmental boundaries. These complexes also include safe accommodation for at-risk young people and consequently avoids the need for young people to be sent to unnecessarily to Perth while waiting on remand.

Prisoner employment program

²⁴ Paul Papalia MLC, *Justice Reinvestment- an option for Western Australia?* Discussion Paper

Prison employment officers have been stationed in prisons to help prisoners prepare for the end of their sentence and their inevitable progression into the workforce. Recent evidence given to a parliamentary inquiry held that prisoners participating in the program had a 13% recidivism rate, the general recidivism rate is approximately 40%²⁵.

6. A Western Australian Justice Reinvestment Model

The implementation of justice reinvestment in a number of different jurisdictions has generally followed the model outlined in 2.1.3 (Analyse, Provide, Quantify, Measure). Therefore it is not unrealistic to expect Western Australia to be able to replicate this model with the same degree of success. Identifying the causes of the increased prison population is critical, as has been outlined above. The reasons for the exponentially increasing prison population in Texas are largely mirrored in Western Australia; increases in parole revocation, increases in remand and a large decrease in community-based health and drug and alcohol services. The identification of these causes needs to be done in good faith without being undermined by political partisanship.

After having identified the reasons for Western Australia's increasing prison population the next step is to identify and explore the potential options for reducing recidivism. This process needs to include a joint bi-partisan committee of policy experts and should, at a minimum include representatives from the following agencies:

- The Department of Corrective Services;
- The Department for Child Protection;
- The Department of Indigenous Affairs;

²⁵ Evidence by Deputy Commissioner Adult Custodial Mrs. C. Lair to Community Development and Justice Standing Committee, 19 January 2010

- Police;
- Local Government;
- Department of Education;
- Regional Development;
- The Commissioner for Children and Young People;
- The Equal Opportunity Commission of Western Australia;
- Relevant community and non-government organisations; and
- The Inspector of Custodial Services.

Identifying measures for reducing recidivism necessitates a unique analysis of the communities identified in step one of the process in order to tailor approaches to the specific needs of individual communities. Engagement with communities also serves to encourage those communities to take ownership of the process in order to find long lasting and effective solutions to the problems that affect all its members.

The next step is for experts to identify potential savings. In Western Australia the amount of money that could be saved on both the prison system and the juvenile justice system is massive. There is currently \$655 million allocated 'in the budget out years towards building prison capacity and another half a billion to a billion dollars will be needed if a new major metropolitan prison is commenced in the near term'²⁶. A very recent Australian study has indicated that 'modest reductions in the rate at which offenders are re-imprisoned would result in substantial savings in prisoner numbers and correctional outlays'. The study went on to highlight that if Australian prison systems could reduce their numbers by 10% States could save around \$30 million annually.

²⁶ Paul Papalia, *Justice Reinvestment- an option for Western Australia*, Discussion Paper