



Fact Sheet: Snapshot of JR in Australia

Early discussion of JR in Australia

In the 2009 *Social Justice Report*, the then Aboriginal and Torres Strait Islander Social Justice Commissioner Tom Calma recommended justice reinvestment be adopted as a key strategy with the aim of conducting pilot projects in targeted communities.ⁱ

A strategic review for the Minister for Juvenile Justice recommended justice reinvestment (JR) be implemented for juveniles in NSW.ⁱⁱ At the federal level, the Senate Legal and Constitutional Affairs References Committee recommended, in its *Access to Justice* Report, that federal, state and territory governments “recognise the potential benefits of justice reinvestment”.ⁱⁱⁱ Since that time, numerous individuals, community groups and organisations have championed the adoption of JR in Australia.^{iv}

The Senate Inquiry

In 2012 the Australian Senate referred to the Legal and Constitutional Affairs References Committee the matter of the *Value of a justice reinvestment approach to criminal justice in Australia*. The terms of reference canvassed both the state of imprisonment in Australia and the potential of justice reinvestment in Australia.^v Receiving 131 submissions, the Committee, led by Senator Penny Wright, produced a report that made 9 recommendations. Of particular note, the Committee recommended the Commonwealth adopt a leadership role in supporting the implementation of justice reinvestment including the collection and sharing of data,^{vi} establishing and funding a trial that is robustly evaluated,^{vii} and promoting through the Standing Committee on Law

and Justice the establishment of an independent central coordinating body.^{viii} The Coalition senators produced a minority report endorsing the “principle” of justice reinvestment but rejecting any leadership role for the Commonwealth, in terms of policy or funding.^{ix}

To date there has been no further action concerning justice reinvestment at the federal level. Interest and support from State governments has varied.^x Promisingly, the ACT Government recently committed \$330,000 to develop “a whole of ACT government justice reinvestment strategy”.^{xi}

Research Projects

AJR Project – UNSW/JCU^{xii}

The Australian Justice Reinvestment Project is currently examining the characteristics of Justice Reinvestment programs used in the US and elsewhere which reduce spending on prisons and reinvest the savings in high crime communities, to reduce crime and build community services, and analyse whether such programs can be developed in the Australian context.

The research team are optimistic about the promise of JR for reducing the numbers of people in prison. However, the AJR Project also considers that there is a danger that JR might be adopted in Australia without the kind of firm foundations that will maximise its chance of success. Because of this, the Project has two primary areas of focus:

1. A thorough examination of the theoretical foundations of JR.
2. The suitability of JR to the Australian penal context.

To date the AJR Project has conducted fieldwork in 6 states in the USA and is currently conducting Australian fieldwork.^{xiii} Meeting the Project's aims will involve consideration of key issues necessary for an informed adoption of the JR approach in Australia and culminate in the publication of *Justice Reinvestment: Winding Back Imprisonment?* (forthcoming, 2015)

JR in Cowra - ANU^{xiv}

Dr Jill Guthrie from the National Centre for Indigenous Studies at ANU leads a 3 year research project "Reducing incarceration using Justice Reinvestment: an exploratory case study".^{xv} The Project "is an exploratory study involving a conversation with Cowra people in order to identify what enables young people to lead meaningful lives in Cowra" which "could potentially result in findings and recommendations for addressing the levels of young people (whether Indigenous or non-Indigenous) coming into contact with the criminal justice system."^{xvi}

Myer Innovation Fellow^{xvii}

Ben Schokman is a Myer Innovation Fellow examining "new approaches to reduce Aboriginal imprisonment and better promote community safety". Focusing on the potential of justice reinvestment to "reduce prison spending and reinvest the savings to strengthen communities and address deep seated poverty and disadvantage...Ben will work closely will Aboriginal organisations and communities to develop evidence-based initiatives to reduce imprisonment rates and promote stronger and safer communities".^{xviii}

Community developments

JR in Bourke^{xix}

Just Reinvest NSW represents a coalition of like-minded organisations and individuals that grew out of the Justice Reinvestment for Aboriginal Young People Campaign and aims to "convince the New South Wales Government to adopt a Justice Reinvestment approach to Aboriginal young people and their communities".^{xx}

Just Reinvest is currently working with the Bourke Aboriginal Community Working Party, the AHRC and others to trial implementing justice reinvestment in Bourke. With a projected timeframe of 2 years, the Bourke Justice Reinvestment Project team aims to "develop a watertight case to demonstrate that justice reinvestment offers a real solution to Australian communities seeking to tackle problems around offending and incarceration, while at the same time creating alternate pathways for young people."^{xxi}

Developing literature.

Despite the term 'justice reinvestment' having been coined by Susan Tucker and Eric Cadora more than a decade ago,^{xxii} there has been an absence of critical literature examining justice reinvestment, in the US and elsewhere. However, over the past two years, a growing body of literature, lead by authors from the US, UK and Australia is developing.^{xxiii} Furthermore, significant interest in JR continues to develop across a cross section of community, government, not for profit, academic, and criminal justice sector agencies. This has led to several conferences in the past 18 months featuring presentations, forums and discussions about the relevance of justice reinvestment at the community, state and national level.^{xxiv}

These efforts are essential to ensure that any model of justice reinvestment implemented in Australia grounded is supported a sound theoretical foundation and reform policies and programs that are both effective and sustainable.

Future Potential

As Chief Investigator, AJR Project, Emeritus Professor David Brown argues the potential of a justice reinvestment approach lies in its capacity to shift the default response to social marginality, dysfunction and crime away from costly and damaging imprisonment to one that is "far more effective in reducing crime and re-offending, and in increasing public safety and social cohesion."^{xxv}

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On behalf of the Australian Justice Reinvestment Project,
September 2014.

The Australian Justice Reinvestment Project (AJR Project) is a 2 year ARC funded project which draws together senior researchers across the disciplines of law and criminology to examine justice reinvestment programs in other countries and analyse whether such programs can be developed in Australia.

ⁱ Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2009* (2010) 125.

ⁱⁱ Noetic Solutions, *A Strategic Review of the New South Wales Juvenile Justice System, Report for the Minister for Juvenile Justice* (April 2010).

ⁱⁱⁱ Legal and Constitutional Affairs Committee, Parliament of Australia, *Access to Justice* (2009) Recommendation 21.

^{iv} For a comprehensive list of interested and invested organisations/individuals see the contributors to the 2012 Senate inquiry

<http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/justicereinvestment/report/index>.

^v The terms of reference for the inquiry were:

a) the drivers behind the past 30 years of growth in the Australian imprisonment rate; b) the economic and social costs of imprisonment; c) the over-representation of disadvantaged groups within Australian prisons, including Aboriginal and Torres Strait Islander peoples and people experiencing mental ill-health, cognitive disability and hearing loss; d) the cost, availability and effectiveness of alternatives to imprisonment, including prevention, early intervention, diversionary and rehabilitation measures; e) the methodology and objectives of justice reinvestment; f) the benefits of, and challenges to, implementing a justice reinvestment approach in Australia; g) the collection, availability and sharing of data necessary to implement a justice reinvestment approach; h) the implementation and effectiveness of justice reinvestment in other countries, including the United States of America; i) the scope for federal government action which would encourage the adoption of justice reinvestment policies by state and territory governments; and j) any other related matters. Legal and Constitutional Affairs, Parliament of Australia, *Value of a justice reinvestment approach to criminal justice in Australia* (2013) 1.

^{vi} Legal and Constitutional Affairs, Parliament of Australia, *Value of a justice reinvestment approach to criminal justice in Australia* (2013) recommendations 1, 2, 4, 5.

^{vii} Ibid, recommendations 6 and 7.

^{viii} Ibid, recommendation 8

^{ix} *ibid*, 127.

^x See for example Paul Papalia, 'Justice Reinvestment An option for Western Australia' Labour discussion paper, June 2010. <http://paulpapalia.walabor.org.au/files/26/Justice_Reinvestments_-_an_option_for_Western_Australia.pdf>.

^{xi} ACT Government, *\$1 million in forfeited criminal assets used for the benefit of the ACT community* (15 August 2014) Press release <[http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/corbell/2014/\\$1-million-in-forfeited-criminal-assets-used-for-the-benefit-of-the-actcommunity](http://www.cmd.act.gov.au/open_government/inform/act_government_media_releases/corbell/2014/$1-million-in-forfeited-criminal-assets-used-for-the-benefit-of-the-actcommunity)>.

^{xii} For more information about the AJR Project contact Courtney Young Courtney.young@unsw.edu.au or visit justicereinvestment.unsw.edu.au

^{xiii} AJR Project, *Australian Justice Reinvestment Project Newsletter July 2014* (July 2014) Australian Justice Reinvestment Project

<<http://justicereinvestment.unsw.edu.au/sites/justicereinvestment.unsw.edu.au/files/AJRP%20Newsletter%20July%202014.pdf>>.

^{xiv} For more information about this project please contact Dr Jill Guthrie jill.guthrie@anu.edu.au

^{xv} Other investigators are Professor Mick Dodson (NCIS-ANU), Dr Phyll Dance (ANU), Dr Kamalini Lokuge (ANU), Dr Tom Calma (NCIS-ANU), Professor Michael Levy (ANU), Professor Tony Butler (UNSW), and Professor Lisa Strelein (Australian Institute of Aboriginal and Torres Strait Islander Affairs).

^{xvi} Dr Jill Guthrie, *Reducing incarceration using Justice Reinvestment: an exploratory case study*, National Centre for Indigenous Studies (2014) <<http://ncis.anu.edu.au/cowra/>>.

^{xvii} For more information about this project please contact Elena Mogilevski elena@myerfoundation.org.au

^{xviii} Myer Foundation & Sidney Myer Fund, *Announcing the 2014 Myer Innovation Fellows* (19 March 2014) <http://www.myerfoundation.org.au/news-publications/view_article.cfm?id=72&loadref=5>.

^{xix} For more information about this project please contact Sarah Hopkins, Project Coordinator, justreinvest@gmail.com

^{xx} Just Reinvest NSW, *About Just Reinvest NSW*, Just Reinvest NSW <<http://justicereinvestmentnow.net.au/the-campaign>>.

^{xxi} Just Reinvest Now, 'Justice Reinvestment in Bourke' *Newsletter May 2014*, Just Reinvest Now <<http://justicereinvestmentcampaigncreatesend1.com/t/ViewEmail/j/2C31D28E55604F81>>

^{xxii} Susan Tucker and Eric Cadora, 'Justice Reinvestment' (2003) *3 Ideas for an Open Society* 2. <http://www.opensocietyfoundations.org/sites/default/files/deas_reinvestment.pdf>.

^{xxiii} See for example, Nancy La Vigne et al, 'Justice Reinvestment Initiative State Assessment' (Research Report, Urban, 27 January 2014); Chris Fox et al *Justice Reinvestment Can the criminal justice system deliver more for less* (Routledge, 2013); Jill Guthrie, et al, 'Investment in Prisons: Investment in Social Inclusion? - linking the theories of Justice Reinvestment and Social Inclusion to examine Australia's propensity to incarceration' (2013) 1 *Griffith Journal of Law & Human Dignity* 254.

^{xxiv} Recent examples include Sentencing Advisory Council's Forum *Why Prison, Why Not?*, Victoria, 12 May 2014 <<http://www.sentencingcouncil.vic.gov.au/news-media/why-prison-why-not>> and ACOSS National Conference *Global problems, local solutions*, Brisbane 11-12th June 2014 <<http://conference.acoss.org.au>>. For a list of the conferences that the AJR Project have presented at visit <http://justicereinvestment.unsw.edu.au/node/35>

^{xxv} David Brown, 'Justice reinvestment: the circuit breaker?' (2013) 8 *Insight* 36, 38.