Madeleine Smith, Dimuna Phiri, and Sophie Stewart

sstewart@aads.org.au

Abstract

A paper prepared for the WA Partnership Forum, examining issues prevalent in the Western Australian Justice system, including increasing incarceration rates and costs, higher crime, and the disproportionate rate of imprisonment of Aboriginal and Torres Strait Islander persons; exploring existing alternative approaches that have successfully combated these issues; and exploring the use of a Social Reinvestment approach in Western Australia.

 a Social Reinvestment approach in

Western Australia

Discussion Paper

1. **Introduction**

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Western Australia has a problem with high incarceration rates. As at June 2014, Western Australia’s rate of adult imprisonment (264.6 prisoners per 100,000 adults) was the second highest in Australia, and substantially higher than the national average. [[1]](#footnote-1) The number of women in prison in Western Australia is at a ten year high.[[2]](#footnote-2) For Aboriginal and Torres Strait Islander people in Western Australia, the situation is worse still. We lock up non-Aboriginal children and adults at the highest and second highest rate in Australia respectively,[[3]](#footnote-3) and WA incarcerates Indigenous Australian people at the highest rates per population in the world.[[4]](#footnote-4) Aboriginal people are less than 4 per cent of the Western Australian population, yet approximately 40 per cent of adults and 77 per cent of children we imprison are Aboriginal.[[5]](#footnote-5)

The WA community bears the immense social and economic cost of imprisonment. High recidivism rates show us that the current system is failing to address the underlying causes of offending and make our communities safer. Strategies other than imprisonment are needed. We must identify and collaboratively solve the social and economic causes of crime, rather than merely reacting to criminal behaviour.

We know Western Australians prioritise the wellbeing of individuals and families, so they must be at the centre of our approach to social issues. The most effective way to limit the economic and social burden of imprisonment on our community, reduce the contact Aboriginal people have with the criminal justice system, and improve the wellbeing and safety of the community as a whole, is to adopt a whole-system Social Reinvestment approach. Such an approach must be monitored and informed by a robust data and research system and implement best practice to address the underlying causes of offending.

A social reinvestment approach aims to investment in healthier families, safer communities, and more effective prevention, diversion, and rehabilitation for individuals at risk of coming into contact with the justice system will the aim of a long term reduction in crime, increase in community safety, and a more effective justice system. Over time, this would allow WA to divert some of the precious resources we currently spend on incarceration and the criminal justice system into investment in improving the wellbeing of all community members.

Such an approach will allow Western Australia to become a leader in promoting community safety, social wellbeing and inclusive justice for all people.

1. **The Problem**

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Over $12.5 billion is spent on criminal justice in Australia every year.[[6]](#footnote-6) In 2013–2014 the total net cost of the adult prison system in Western Australia was $608 million.[[7]](#footnote-7) It cost $334 per day to imprison an adult and $814 per day to detain a child (over $120,000.00 per year for an adult prisoner and almost $300,000.00 for a juvenile detainee). In comparison, it costs $50 per day to supervise an adult offender in the community and $100 per day to supervise a child in the community.[[8]](#footnote-8)

Of these massive amounts, the Economic Regulation Authority estimates that the prison system may be spending $1 million per day on imprisoning people who have previously completed prison sentences and returned to prison.[[9]](#footnote-9) Of the people who have completed a prison sentence, we will return approximately 40 per cent of adults and 58 per cent of children within two years.[[10]](#footnote-10)

These figures make it clear that prison is failing to rehabilitate the people we separate from the community. These people subsequently return to their communities, with a high risk of reoffending, and often unequipped with the skills to find new ways of contributing to community life. 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. As of March 2016, Western Australia had the lowest rates of persons in community-based corrections in the country.[[11]](#footnote-11)

As the President of the Children’s Court, Judge Dennis Reynolds, has stated in relation to the potential impact of expanded mandatory sentencing for children:

‘if a large number of more hardened, angry and disconnected young offenders are returned to the community....then they will have a wide sphere of influence on other disconnected children, including children even younger than them. That will create an ongoing multiplier effect, which over time, will sustain and increase serious offending and its human and financial cost to the community’.[[12]](#footnote-12)

‘Spiralling’ imprisonment is economically and socially costly and it often fails to make our communities safer. Imprisonment swallows up vast resources we could be spending on addressing disadvantage and improving the wellbeing of all Western Australians.

For Aboriginal and Torres Strait Islander people this reality is even worse. Given they make up a quarter of the prison population, $3 billion is spent on imprisoning Aboriginal men and women every year. The 2010 report from the WA Parliament, ‘Making Prisons Work’ noted that the Aboriginal recidivism rates were 70 per cent for Aboriginal male adults, 55 per cent for Aboriginal female adults, 80 per cent for Aboriginal male juveniles and 34 per cent for Aboriginal female juveniles.[[13]](#footnote-13) Our current “tough on crime” approach is failing to reform offenders and make our communities safer.

 Nationally, Aboriginal and Torres Strait Islander people make up 28 per cent of adults and more than 50 per cent of children we imprison in Australia.[[14]](#footnote-14) In Western Australia the situation is worse still. We imprison Aboriginal people in Western Australia at eight times the rate of black incarceration during South African apartheid.[[15]](#footnote-15) The rate we imprison Aboriginal children is greater than the notoriously high rate at which African American children are imprisoned in the United States of America. The most recent data available reveals that in 2011, African American children in the United States were detained at a rate of 52 per 10,000. Aboriginal children in WA were imprisoned at a rate of 76 per 10,000 in 2013-14.[[16]](#footnote-16) Furthermore, approximately 65 per cent of Juvenile Justice Orders in Western Australia are made against Aboriginal children.[[17]](#footnote-17)

Aboriginal and Torres Strait Islander children are taken into formal care at a greater disproportionate rate than any other jurisdiction in Australia. In 2015, over 53 per cent (or 2,388 out of 4,503) of children in out-of-home care were Aboriginal, an increase of 56 per cent in the last five years.[[18]](#footnote-18) In 2014/15, the rate Aboriginal children were removed from their families into state custody grew at a much faster rate of nine per cent, compared to non-Aboriginal children (three per cent).[[19]](#footnote-19) We also know that children in out of home care are at a significantly greater risk of coming into contact with the criminal justice system.

These grave problems are increasing. The rate of incarceration has advanced 12 times faster for Aboriginal people than non-Aboriginal people since 1989.[[20]](#footnote-20) This discrepancy is projected to continually rise over the coming two decades as the Aboriginal youth population progresses into adulthood. [[21]](#footnote-21)

While imprisonment for serious violent and/or sexual offending is necessary, removing people from their communities for less serious offences has a detrimental flow-on impact on individuals, their families and communities. For vulnerable and disadvantaged people the failure to pay outstanding fines is typically the result of poverty, mental and/or physical illness, disadvantage and other complex life circumstances such as family violence and substance abuse. For example, if a single mother is imprisoned for being unable to pay a fine, this is likely to cause further disadvantage and trauma, such as her children being taken into state care, her mother being left without a caregiver and physical and mental health issues associated with the prison environment. This may have major flow on effects that are difficult to reverse upon her return home.

Currently, in Western Australia, people who do not pay court-imposed fines may be imprisoned at a cut-out rate of $250 per day. The amount of the fine is never recouped. The number of Aboriginal people in Western Australia imprisoned for fine default has increased by 480 per cent between 2008 and 2013.[[22]](#footnote-22) Alarmingly, this option costs taxpayers $345 per day. It has been estimated that the total cost of imprisoning fine defaulters in 2013 would have been approximately $4 million.[[23]](#footnote-23)

The Economic Regulation Authority observed that the Department of Corrective Services does not have an effective process for allocating prisoners to rehabilitation programs. Moreover, rehabilitation programs are not available to short-term prisoners or prisoners on remand. In order to develop an Individual Management Plan and receive rehabilitation programs, the Department requires a prisoner to have a minimum six months’ sentence to serve in custody.[[24]](#footnote-24)

Imprisonment in its current form does little to address the underlying problems that lead to crime, or prevent offending, and for less serious offenders has little tangible benefits in terms of community safety. Western Australians also 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.

1. **Causes**

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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 spend time in prison.[[25]](#footnote-25) It is well known that factors such as poverty, education, mental and physical health, abuse and family violence, housing security, and generational legacies of incarceration contribute to offending behaviour. For Aboriginal and Torres Strait Islander people in Western Australia, this is compounded by the interplay of historical and contemporary systemic issues that contribute to people turning to crime. Additionally, there are some systematic and practical issues within our justice system, that further compound the problems associated with high incarceration.

3.1 Social and Economic Disadvantage
People who have been imprisoned or are otherwise involved in the criminal justice system generally experience disability, mental illness and cognitive impairment at much higher levels than the general population. It has been reported that internal modelling in Western Australia has estimated that 59% of the adult prison population and 65% of the juvenile prison population has a mental illness (and this is almost three times the prevalence in the general population).[[26]](#footnote-26) Another example, tenancy evictions and resulting homelessness and/or overcrowding may lead to anti-social behaviour and/or criminal offending. In addition,

It is evident that certain social circumstances will greatly increase a person’s likelihood involvement in the criminal justice system. Non-Retention of young people in school is one critical contributing factor to individuals likelihood of offending. A 2008 study of female prisoners in Western Australia found that almost half (48%) of the women had not completed Year 10 at school.[[27]](#footnote-27) Sixty-five percent of the Aboriginal female prisoners failed to complete Year 10 in comparison to 33% of the non-Aboriginal female prisoners.[[28]](#footnote-28) More recently, the Victorian Ombudsman’s observed that only 6% of male prisoners and 14% of female prisoners had completed secondary school.[[29]](#footnote-29) Another key criminogenic risk factor is mental illness.

Social disadvantage and a lack of security in an individual’s home life also increase the likelihood of a person ending up in the prison system. Processes such as The Department of Housing Disruptive Behaviour Management Strategy can contribute to a decrease in family and community safety, it has been observed in situations of family and domestic violence that some women will not contact police for assistance due to a fear that they will receive a ‘strike’ and may be evicted.[[30]](#footnote-30) Children with complex needs in the care of the Department for Child Protection and Family Support also need appropriate accommodation. According to the Department, residential group homes and family homes for children with challenging behaviours were operating at near full capacity.[[31]](#footnote-31) Involvement in out-of-home care (in particular, residential care) may increase the likelihood of involvement in the criminal justice system.[[32]](#footnote-32) Lack of representation and assistance in relation to family violence and child protection matters may have dire consequences for families and children such as homelessness, increased substance abuse and loss of connection to community, family and culture.

3.2.1 Aboriginal and Torres Strait Islander Specific Challenges

For Aboriginal and Torres Strait Islander peoples particularly, the situation is dire. They have experienced a complex history of discrimination, abuse and institutionalisation. Many have suffered from unresolved trauma, grief and loss of cultural identity, a product of intergenerational dispossession and forced separation of families and communities.[[33]](#footnote-33)

These factors have led many Aboriginal and Torres Strait Islander people to become trapped in a cycle of entrenched poverty, drug and alcohol dependence, mental health issues, homelessness and over-crowding issues. According to the First People’s Disability Network, Aboriginal and Torres Strait Islander people are significantly overrepresented among homeless people and in the care and protection system (both as parents and children).[[34]](#footnote-34) Foetal Alcohol Spectrum Disorder (FASD) has also been recognised as a major issue facing Aboriginal people in contact with the criminal justice system, and the wider community.

Aboriginal people battle further unique challenges when facing the criminal justice system. Many Aboriginal people feel alienated from the justice system and experience distrust of the police and legal system. This is a product of innumerable contributing factors, including language barriers, cultural differences between Western criminal justice processes and Aboriginal Customary Law, the negative history of Aboriginal peoples’ interactions with the justice system and insufficient cultural understanding by justice system agents.[[35]](#footnote-35)

“Tough on crime” strategies such as Move on Notices and mandatory sentencing legislation have a disproportionate negative effect on Aboriginal people. Such laws have become a vehicle for discrimination, in turn increasing community apathy.

These issues are further compounded by a lack of culturally appropriate support programs and services specifically designed for Aboriginal people, bearing in mind that approximately 45 per cent of adults and 77 per cent of children we imprison are Aboriginal or Torres Strait Islander people. The Office of Inspector of Custodial Services has observed that ‘improvements in [culturally appropriate prison] program availability have not been equitably distributed. In 2013 the gap between treatment needs and program delivery was markedly different between metropolitan and regional ‘Aboriginal’ prisons (those where the proportion of Aboriginal people in prison is 75 per cent or more). Prisoners released from ‘Aboriginal’ prisons were far more likely to have treatment needs unaddressed due to programs being unavailable’.[[36]](#footnote-36) Numerous parliamentary inquiries and a recent Productivity Commission report have found that Aboriginal legal services are significantly underfunded.[[37]](#footnote-37) Under-resourcing of Aboriginal-specific legal services creates gaps in effective service delivery for civil and family law problems in Aboriginal communities. A further example is the absence of a state-wide Aboriginal language interpreter service in Western Australia.[[38]](#footnote-38)

3.2.2 Desmond’s story

Listening to the stories of individuals who have experienced repetitive contact with the criminal justice system reveals the extent of these social issues. Desmond, a 44-year old Aboriginal man who grew up in Port Hedland and is now homeless in Midland, has been on and off the streets for sixteen years. Desmond has suffered from mental health issues and has had schizophrenia since childhood. He remembers suffering from race-based prejudice and discrimination from a young age, during school and when trying to find employment.

Despite finishing year 12 he struggled to find work, and due to his mental illness was rejected from joining the air force. Realigning his plans he sought work as a host or waiter in restaurants, but he believes due to his gender and ethnicity, he also found finding work in this area difficult. He found himself living on the red dirt streets, which caused his appearance to deteriorate, making it even harder to become employed and cementing Desmond’s life into a cycle of burglarizing houses to survive, and falling in and out of prison for six years. His mental health issues remained untreated for much of his life, and this has largely contributed to substance abuse struggles. Having received many move-on notices over the years, Desmond has felt targeted by police. After a negative experience with a lawyer he would usually refuse legal representation when brought before the courts.

Desmond has experienced first-hand the negative impacts of imprisonment, reflecting that “*prison is not good for your mental health, your life becomes stagnant*”. He has seen Aboriginal prisoners develop prejudices against white Australians while in prison, driven by a feeling that racism and discrimination has contributed to their imprisonment and compounded by the lack of culturally relevant rehabilitation courses in prison for Aboriginal people.

Conversely, Desmond has engaged with community organisations such as RUAH Community Services. He recognises their value in helping people get out of the cycle of living on the streets and says they have inspired him to think harder about his situation. In his 20s Desmond accepted prison as part of his life. Now, he aspires to get a job and do something worthwhile to contribute back to the community.

3.3 Systematic and Practical Issues

In order to ensure the effective use of public funds, it is essential that proper and reliable data is maintained during all stages of the justice process and by all government agencies. Furthermore, data must be easily comparable between agencies and must be publicly accessible. Western Australian justice agencies do not have a good track record in this regard. For example, after a six-month gap, in December 2014 the Department of Corrective Services re-commenced its regular publication of monthly statistics for adults and juveniles under community supervision and in custody. However, as at March 2016, no statistics had been publicised on its website since May 2015. Recently, statistics up until December 2015 have been placed on the website. Social Investment WA considers that this data should be uploaded consistently and regularly.

As another example, there is no publicly available data in Western Australia to demonstrate the proportion of Aboriginal children under the care of the Department for Child Protection and Family Support who are simultaneously involved in the criminal justice system. Anecdotally, there are a high number of cross-over cases where children are involved in both the justice and child protection systems. It has been observed that ‘knowledge about the extent of multiple-sector involvement and the types of children and young people who are involved would allow government and non-government agencies to provide more targeted services’.[[39]](#footnote-39)

Cases of inefficient laws such as incarceration of fine defaulters are vastly expensive, separate families, and are of little to no benefit to community safety, Mandatory sentencing is another such example. It has been observed that the new laws are likely to cost Western Australian taxpayers $43 million (to accommodate an estimated additional 60 juvenile detention places and 206 adult prisoners), many of whom may pose little threat to the community, and would be better rehabilitated outside the prison system. The government has also acknowledged that there will be a further $93 million spent to build a new prison as a direct consequence of the legislation.[[40]](#footnote-40) Mandatory sentences of imprisonment are highly unlikely to deter people suffering from mental impairment, alcohol and/or drug dependency and/or people who are socially and economically disadvantaged.[[41]](#footnote-41)

Bearing in mind the overrepresentation of Aboriginal people in the Western Australian criminal justice system, it is imperative that everyone involved in the justice system (eg, police, lawyers, community corrections officers, judiciary and other justice staff) have effective and ongoing cultural competency training. Despite past recommendations in relation to cultural competency training, deficiencies remain. A failure to understand cultural issues may have dire consequences for the way in which an Aboriginal person is dealt with. As just one example, if a community corrections officer who is writing a pre-sentence report is not sensitive to cultural issues, the report may be negative and fail to recommend that the person is suitable for a community-based order. This will, in turn, impact on the sentencing outcome. Amnesty International heard concerns, in particular in Geraldton, about the absence of a community policing ethos and a lack of Aboriginal community engagement by police.[[42]](#footnote-42) This is a barrier to crime prevention initiatives. Amnesty International heard that cultural competency training is provided at the Police Academy when recruits first join the police force but that there is little follow up by way of cultural training in the local context once the police have taken up their posts. Familiarisation with the local cultural context through discussions with local Aboriginal organisations or Elders is done only in an ad hoc way.[[43]](#footnote-43)

Whilst the causes of crime, and systematic issues within our justice system contribute heavily to increasing incarceration rates, they are not often focused upon in our responses to justice issues. Too often when faced with increasing crime rates in the WA community, official responses are to implement “band aid” solutions such as imprisoning more people who have committed crimes. In the short term such measures may appease the public, but will long term fail to reduce crime rates and make communities safer, and will contribute to unnecessary spending on incarceration as prison populations climb.

1. **The Solution: Social Reinvestment**

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The social and economic toll of ever-increasing incarceration rates in Western Australia calls for a holistic and robust Social Reinvestment approach to combat the root causes of crime.

The core aim of a Social Reinvestment approach is to invest resources into approaches that are progressive, effective and address the underlying issues leading people to crime.
This initial investment will in the long-term make our communities safer, lower our prison population, and save extensive amounts of public capital.

Under a Social Reinvestment approach, the enormous resources currently wasted on a prison system that fails to rehabilitate and reintegrate offenders 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 prison, so they can contribute to their community.

A Social Reinvestment Model is based on three complementary approaches;

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.

1. **Safe communities**

By using data mapping and analysis, we can strategically focus on supporting families, communities and members of our community who are returning from prison, or at high risk of coming into contact with the justice system, which will increase community safety.

1. **More effective use of our justice system**

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.[[44]](#footnote-44) Instead of choosing to spend increasing amounts of money on incarceration, we too can become smarter. If we redirect investment into addressing local issues that lead to crime we will get long lasting results.

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 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.

Additionally, considering the incredibly high numbers of Aboriginal and Torres Strait Islander people imprisoned in WA and for the sake of the entire broader community, we need to prioritise social, cultural, and emotional wellbeing in our processes, as well as equipping people with the practical skills and knowledge to begin new life trajectories.

# 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.

4.1.1 The Healing Foundation

The Healing Foundation is an independent, national Aboriginal and Torres Strait Islander organisation which promotes community healing and wellbeing amongst survivors of the Stolen Generations, with a focus on building culturally-based, community-led solutions. 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. [[45]](#footnote-45)

The Healing Foundation has noted the diverse challenges that Aboriginal and Torres Strait Islander people are facing in society and how they have exacerbated high incarceration. Amongst these are issues of mental health, sexual abuse, violence in families, trauma and addictive behaviours. The Healing Foundation has developed community-owned Healing Centres which have been effective in combating these problems.

Healing centres work to improve wellbeing through activities focussed on cultural heritage. They utilize visits to custodial land and meaningful sites, the use of bush medicine, traditional tools, bush tucker and other produce, counselling, yarning, advice and support from peers and Elders, positive behaviour modelling and opportunities for positive engagement, including through the creation of artwork. [[46]](#footnote-46)

As of 2014 the Healing Foundation supported the formulation of 13 Indigenous Healing Centres.[[47]](#footnote-47) 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. [[48]](#footnote-48) DAE predicted the Foundation’s Healing Centres would break even if each centre diverted approximately one 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.[[49]](#footnote-49) DAE estimated the likely average benefits-cost ratio for the Foundation’s healing centres would be approximately 4.4 to 1, primarily due to diminished rates of Aboriginal people in prison.[[50]](#footnote-50) DAE 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.[[51]](#footnote-51)

* + 1. Fairbridge Bindjareb project

The Fairbridge Bindjareb program is a collaboration between the Aboriginal community, Bis Industries, Fairbridge Western Australia Inc. (Fairbridge), the Government of Western Australia and the Commonwealth Government of Australia.

The Program is a 16-weeks training scheme that equips Aboriginal people engaged in the criminal justice system with the skills needed to work in the mining and related industries, leading to real, sustainable employment outcomes and positive sustainable change for participants, their families and their communities. The Program aims to improve participants’ economic and social circumstances and break the cycle of generational involvement in the justice system. The Program provides cultural healing and life style development training
tailored to individual needs and access to wrap-around-support provided by appropriately skilled and qualified mentors to the individual and their family.

Only 18 per cent of the Project’s participants returned to prison within two years of their release. Most of those that returned (14 per cent of participants) did so due to breach of parole. Only four per cent returned for new criminal offences.

An assessment by DAE has found for every dollar the WA Government spends on the Bindjareb program, it creates a net benefit of $2.50; and that the scheme saves the Federal Government up to $460,000 in welfare payments for each participant over a decade and approximately $2.9 million dollars from a reduction in offender recidivism. It credits the success of the scheme to the design and operation by Aboriginal people.

Aaron’s story

Aaron, a participant in the Fairbridge Bindjareb Program, is a testament to the program’s success. Born and raised in Perth, Aaron has drifted in and out of prison since he was 14 years old. Before the program, Aaron had never worked before, felt hopeless about his future and unsure of how he could break out of the incarceration cycle. *“I wanted to turn my life around,”* Aaron says, *“but I didn’t know how”*. It is estimated that Aaron’s incarceration over 20 years cost taxpayers $2.5 million. His participation in the Bindjareb program costs less than $30,000.[[52]](#footnote-52) The program is designed and run by local Aboriginal men and has a special focus on reconnecting men with their culture. Aaron says connection to culture was something missing from his life before. After countless programs in prison, it is the first one that has treated him with respect and brought about change in his life. Now, at 34, for the first time in Aaron’s life he is working full time at a mining site south of Perth. “*Now I can support my family, support my kids, I've got granddaughters, support my granddaughters… My spirit has been healed and I have been reconnected back to myself and my culture.”*

These are just two of many programs across Western Australia currently implementing Social Reinvestment approaches in their programs and practises, they portray the ability of Social Reinvestmemt type initiatives to serve multiple purposes; rebuilding individuals lives, enabling participants to contribute to their communities and discover alternative life paths aside from reoffending, and reaping enormous cost benefits over relatively short periods of time.

* + 1. Elements of a Social Reinvestment Framework
		The main components for a Social Reinvestment model concerning the Justice System to be implemented and prevail.
1. **Identify those communities that are most in need and provide effective and culturally competent programs and services to those communities;**

To identify such communities, we must improve data accuracy and accessibility and linkages between different data, particular cross departmental. This data can then by analysed to form data maps, highlighting key at risk areas. Independent and publicly available evaluations of programs and services must be ensured, so the most effective programs are continually supported and programs can be improved.

1. **Support families early to address the underlying issues that can lead to crime;**
Some of the most basic and necessary types of support that can assist the community in resolving social issues that lead to crime are ensuring adequate accommodation for vulnerable and disadvantaged persons; Implementing effective education programs to retain children and young people, particularly from Aboriginal and Torres Strait islander backgrounds, in school; Community drug and alcohol education and rehabilitation programs; Education and treatment programs for family care and domestic violence; And effective programs and services for people with disability, mental illness, cognitive impairment (including FASD) and other health conditions.
2. **Divert people who are in trouble with the law into support groups that will stop them from further offending;**

Many such initiatives should be priorities of Youth Justice reforms, when children and young people commit criminal offenses, intervention needs to be supportive, immediate, and reflective of their specific needs. Drug and alcohol counselling and rehabilitation services, as well as skill building programs to allow people to enter the workforce should be prioritised. Specifically for Aboriginal people, increasing resources to ALSWA and Aboriginal Family Law Services should be prioritised so as to address and resolve civil and family law issues before these issues escalate into criminal offending behaviour

1. **Assist people who are in prison or transitioning out of prison to reintegrate into the community;**

We must ensure education and rehabilitation programs in prisons are maintained, improved rehabilitation services in custody for all prisoners including people on remand and short term prisoners; Adequate post release services for prisoners and detainees leaving custody.

1. **Reform laws that unfairly impact minority groups;**

Some of our laws unfairly impact upon minority groups, or result in the separation of families and individuals from their communities, with no tangible benefits to community safety. To combat this, a Social Reinvestment approach must repeal mandatory sentencing laws and provide alternative options for fine defaulters to reduce imprisonment for unpaid fines. Cultural competency and fairness would be prioritised throughout justice system (eg, training for police, lawyers, community corrections and judiciary), and the introduction of state-wide Aboriginal interpreter service to ensure that Aboriginal people are not disadvantaged in justice system and can effectively participate in rehabilitation strategies.

1. **Prioritize cultural, social and economic wellbeing in all responses.** Invest in and support Aboriginal-controlled programs and services; Incorporate justice targets in *Closing the Gap* Implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody

Whole of Government Commitment

Critical to the Success of a Social Reinvestment Model is a Whole-of-government commitment to investment in early intervention and prevention programs. Effective early intervention and prevention strategies that work with vulnerable and disadvantaged children and their families to address underlying risk factors can circumvent initial (and ongoing) contact with the formal justice and child protection systems. In other words, ‘prevention is better than cure!’ It is acknowledged that government departments responsible for the justice and child protection systems may be required to focus spending on their statutory cohorts; however, it is imperative that there is a whole-of-government commitment to investment in early intervention and prevention strategies. For example, if the Department of Corrective Services is unable to fund a successful preventative program for young people in the community because the young people targeted by the program are not under the supervision of the Department, another government agency must take responsibility for the provision of that program.[[53]](#footnote-53) According to the CPSU/CSA, a lack of resourcing at the Department of Child Protection and Family Support is hindering the management of children at risk.[[54]](#footnote-54) This has particular ramifications for preventative services. An under-resourced department is more likely to only respond to the most acute cases, meaning that early intervention is less likely to occur, even though preventative services are more cost effective.[[55]](#footnote-55)

As demonstrated by the Fairbridge Bindjareb program, the impact of a Social Reinvestment approach can be observed in a relatively brief amount of time, however implementing holistic change across government sectors may take longer than a single election cycle, thus it would be preferable that the introduction of a Social Reinvestment approach to justice would hold multi party support.

1. **Case Studies**

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The following case studies demonstrate the effectiveness of social reinvestment type approaches. Though examples would serve to resolve location specific issues and have correspondingly distinct individual frameworks, these examples provide a strong precedent for the success of Social Reinvestment type initiatives globally.

* + 1. Bourke, New South Wales

Bourke, in north-west New South Wales, was the first community in Australia to implement a social reinvestment type approach in response to the failure of incarceration to steer community members away from crime.

Bourke has an approximate population of 3000 people, of which 37 per cent are Aboriginal and Torres Strait Islanders.[[56]](#footnote-56) A large proportion of Bourke’s population are young people.

Alongside high incarceration rates, Bourke has experienced high levels of Aboriginal unemployment, disengagement from education and low median income. In 2011,

* 17 per cent of the Aboriginal workforce in Bourke was unemployed, in contrast to two per cent of the non-Aboriginal workforce.[[57]](#footnote-57)
* The median income of Aboriginal adults in Bourke was approximately $416 per week, 39 per cent less than the median income for all adults ($678).[[58]](#footnote-58)
* 31 per cent fewer 15-19 year old Aboriginal juveniles, and seven per cent fewer 5-14 year old Aboriginal children were engaged in education than non-Aboriginals.[[59]](#footnote-59)

Incarceration has proved ineffective in deterring community members from committing crimes and promoting safety in Bourke.

In light of this, in 2013 Bourke Community Working Party and the Australian Human Rights Commission collaborated to develop a social reinvestment proposal for Bourke Community. The Just Reinvest/Maranguka Project Team was formed with the aim of advocating to government an approach that will divert funding into programs that will address the underlying causes of youth crime as opposed to incarceration. After securing financial support from government and the corporate sector, the project launched in March 2014.

The first stage of the project was focused largely on building trust between community and service providers, identifying community priorities and data collection, with the aim of presenting this to government for consideration. Data was collected to illustrate the community’s experience in terms of offending, diversion, bail, sentencing and punishment and re-offending rates, as well as education, employment, healthcare, drugs and alcohol, housing and child safety. This data informed the development of the Maranguka Justice Reinvestment Project. The Project focusses on creating better coordinated services to vulnerable families and children in Bourke through community-led teams. Between 2016 and 2019 economic modelling will be undertaken to show the savings associated with the strategies.[[60]](#footnote-60)

Bourke is a good example of a community that has experienced many challenges and has decided to create a positive change through a Social Reinvestment approach.

* + 1. Texas, United States of America

The United States of America is one of the countries that embarked on the use of a Reinvestment approach to manage expenditure of funds and invest in approaches that work in reducing crime.

Texas earned its reputation as a ‘tough-on-crime’ state though harsh sentences, abusive and sometimes deadly prison conditions and proud use of capital punishment.[[61]](#footnote-61) Between 1980 and 2004, Texas built 94 state prisons and increased the number of people it incarcerated by 566 per cent.[[62]](#footnote-62) The Texas corrections budget increased from $600 million in 1985 to $2.4 billion in 2005,[[63]](#footnote-63) as the number of people the State incarcerated climbed to 159,255[[64]](#footnote-64).

Due to over-crowding and other problems, in 2007 Texas attempted to tackle the challenges of incarceration by spending half a billion US dollars on building and operating new prisons. Its prison population would increase by 17 000 in five years.

Rather than spending an estimated further $2 billion on more prisons, Texas embarked on a journey of social reinvestment aiming to cut down crime and save money. The focus of reformation was on policies aimed at building and strengthening the community and running diversion programs for non-violent offenses. The program succeeded in reducing incarceration of non-violent offenders and easing the burden of congested prisons.[[65]](#footnote-65) Over one thousand less people were engaged with the Texas Corrections system in 2008-09 than the previous year.[[66]](#footnote-66) The number of prisoners released on parole increased by 3 per cent between 2005 and 2009, while parole revocations fell by 25 per cent from 2006-2008.[[67]](#footnote-67) The reinvestment initiative increased funding for treatment and diversion by $241 million, and translated into a net saving of $433 million, ultimately improving public safety at a minimal cost.[[68]](#footnote-68)

New Zealand

New Zealand is a further example of a country which has experienced high incarceration rates, leading to prison overcrowding and increasing pressure on government resources. New Zealand has noted that a Social Investment style approach which channels resources to target the root causes of offending as a worthwhile strategy to reduce incarceration rates. Evidence has shown that re-offending is strongly linked to the exposure of the justice system at an early age. New Zealand made the decision to extend the jurisdiction of the Youth Justice System to include 17 year olds. It is expected that the extension of jurisdiction will achieve better outcomes which will benefit the community as a whole, help the Ministry of Justice achieve its better public service targets and be cost effective in the medium and long term.

1. **Conclusion and Recommendations**

With a burgeoning population, ever increasing rates of crime and recidivism are inhibiting the well-being and safety of Western Australian families and communities and imposing an immense financial burden on our state. An approach that is tough on the *causes of crime* is necessary to tackle the social and systemic issues and address the underlying causes of people criminally offending.

Adopting a holistic and evidence-based Social Reinvestment approach is the most efficient and effective way to break this cycle, and create long lasting change that will benefit the whole Western Australian community. Essentially making initial investments now for long term future gains in the form of crime reduction, increased community safety, and decreased expenditure necessary on the justice system.

A Social Reinvestment model focuses on providing early support to families, diverting offenders away from further involvement in the criminal justice system, and assist prisoners to reintegrate successfully into the community. It calls for the justice system and greater government 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.

Social Reinvestment prioritizes cultural, social, and emotional wellbeing in its responses to supporting at risk families, diverting people who are in trouble with the law onto a new path, and assisting people in prison or previously imprisoned to reintegrate into the community. This is particularly important for the Western Australian situation as evidenced by the inordinately high rate of incarceration of Aboriginal and Torres Strait Islander people here. Resolving justice issues specifically with and for this community must be addressed as an imperative.

A portion of the benefits of a Social Reinvestment approach can be observed almost immediately after implementation, but the larger benefits become evident over a longer period. To make this vision for the future of WA a reality requires a whole-of-government approach. In order for such initiatives to be successful, our approach needs to be visionary and evidence based, and responsive, not sensationalized or reactive. As such, multi-party support for such an approach would be preferable, so Western Australia’s justice future is safeguarded and not hindered by election cycles.
Social Reinvestment makes economic and social sense. Similar approaches in other parts of the world, and examples of Social Reinvestment type initiatives here in WA demonstrate its very likely success in achieving long term reduction of crime and subsequent justice system expenditure, an increase in community safety, healthier WA families and communities. It’s implementation in the Western Australian context would doubtless result in a far more effective and connected justice system.

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