

REPORT

Partners in Crime:
the relationship between disadvantage
and Australia's criminal justice systems

DECEMBER 2020

CPD acknowledges Aboriginal and Torres Strait Islander people as the traditional custodians of Australia. Our office in Melbourne sits on the land of the Wurundjeri people of the Kulin Nation, and in Sydney we work on the land of the Gadigal people of the Eora Nation. CPD acknowledges the traditional owners of these lands and the lands on which we have held conversations for this research. We pay our respects to the Elders of the past and the present.

The Uluru Statement from the Heart says: Proportionally, [Aboriginal and Torres Strait Islander peoples] “are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future”.

CPD believes that working together to recognise and implement the Uluru Statement from the Heart in a way that empowers all Aboriginal and Torres Strait Australians is essential to breaking cycles of disadvantage in Australia.

Acknowledgements

This report has been developed under CPD's ongoing Effective Government Program, which examines the role of government and public policy in the 21st century, including the role and delivery of effective services in addressing social and economic disadvantage in Australia.

The analysis presented in this report was initially undertaken as part of a study for the Paul Ramsay Foundation. Together, we hope that the analysis and ideas help to encourage fundamental reforms to our criminal justice systems and thereby disrupt cycles of persistent disadvantage in Australia.

The report was undertaken by a team of CPD researchers, including Frances Kitt, Allison Orr, Caitlin McCaffrie, and Travers McLeod, with assistance from Rod Marsh and Peter Harmsworth AO. The report also benefited from research assistance by CPD's research intern Ben Maltby. CPD also formed an informal advisory group, drawn from members of CPD's Research Committee and Board.

Much of the research for this report was undertaken through in-depth conversations with experts from across the sector including academics, legal practitioners, service providers, police, government and community actors from multiple jurisdictions and, particularly benefited from expert advice from former corrections commissioners and current senior officials across Australia's many criminal justice systems.

We are grateful to all those who participated and made this report possible, particularly those with personal experience of Australia's criminal justice systems, many of whom have provided feedback throughout the development of this report. We hope it can help Australian communities to build back better in the wake of COVID-19.

About CPD

The Centre for Policy Development (CPD) is an independent, values-driven, and evidence-based policy institute. Our motivation is an Australia that embraces the long term now. CPD's policy development is geared towards an Australia that is equitable, aspirational, and truly prosperous – and enlivened by the challenge of shaping a better future.

CPD's signature method is Create-Connect-Convince. In all we do, we create ideas from rigorous, cross-disciplinary research, then we connect experts and (often divergent) stakeholders to develop these ideas into practical policy proposals, before we seek to convince governments, business and communities to champion and implement them.

This study is an example of the way we work in practice to tackle policy challenges, working across communities and systems to understand the blocks in the system and to put forward actionable recommendations. More information is available at <https://cpd.org.au/>.

The impositions of the criminal justice system **“fall with greater weight upon the poor than on any other group”**

— US National Advisory Commission on Criminal Justice Standards and Goals, 1973.¹

“The overwhelming majority of those we incarcerate around the world have led disadvantaged lives”

— former UK Prisons Chief, Sir Martin Narey, in a speech in Buenos Aires to the Annual Conference of the International Corrections and Prison Association, October 2019.²

“There are no services available to the department in the Victorian community that can meet [his] very severe and complex needs”

— Victorian Children’s Court President, Judge Amanda Chambers, when sending a severely disabled young man to juvenile detention, November 2019.³

“Pockets of persistent disadvantage have existed across a small number of communities Australia for many decades, especially in Aboriginal and Torres Strait Islander communities. The disadvantage experienced is cyclical and intergenerational in nature which has been driven in part by a person's involvement with the criminal justice system. It has become a fairly blunt instrument in dealing with many of society's social, economic and medical ailments. Policy changes over the last two decades has effectively widened the net with prison numbers soaring and recidivism remaining high. Correctional budgets have been stretched with the focus more on human warehousing than on rehabilitation and breaking the offending cycle.

Significant and deep change is needed. International research points to successful interventions and policy changes in a number of jurisdictions that have led to falling prison numbers and falling recidivism rates without impacting on community safety levels. A better understanding of what works in improving the criminal justice system, effectively engaging governments to better understand the social and financial benefits of policy reforms, and adopting more place based approaches to address the geographically-located drivers of disadvantage for ex-prisoners and their families through bringing together key supports across all levels of government, can only lead to fairer and more just societies where disadvantage is reduced.”

Peter Harmsworth AO

CPD Fellow and Secretary, Department of Justice (Victoria: 1998 - 2003) and Director-General, Office of Corrections (Victoria: 1987 - 1992)

High Level Summary

Australia's criminal justice systems are intertwined with broader cycles of disadvantage. Addressing deep and persistent disadvantage in Australia requires fundamental reforms to the operation of our criminal justice systems and improving their interaction with essential human services.

Rising incarceration rates have been locking some of Australia's most vulnerable people into cyclical disadvantage, at enormous and escalating costs to governments, families and communities. Yet we have been becoming ever more punitive in our approach, at a time of falling crime rates. The status quo is costly and unsustainable, both financially and in terms of human potential.

The failings of this system most impact people and places already disadvantaged. It is these lives which are caught in the teeth of criminal justice systems lacking a unified purpose, oscillating between punishment, deterrence, retribution and rehabilitation. The indecision in purpose of these systems, and the resulting inequities and outcomes, are to all of our detriment.

Prisons, which are shrouded in mystery for most, have taken on an increasing role in how jurisdictions across Australia manage crime. Yet we must ask as equal partners in this system: what type of approach and systems can we imagine to reduce costs and improve the chances for our most vulnerable to lead flourishing lives, outside of criminal justice systems? The COVID-19 pandemic provides a unique moment and opportunity to advance this conversation.

In the first part of these materials, CPD outlines the link between Australia's criminal justice systems and disadvantage. The second part outlines three policy proposal themes to reposition our criminal justice systems to break the relationship between disadvantage and Australia's criminal justice systems. Work across *Communities, Evidence* and *Coordination* will be necessary to catalyse effective change — no single area will be sufficient.

Key findings



Cycles of disadvantage drive people onto Australia's criminal justice "conveyor belt".

Australia's criminal justice systems have become the default policy response to complex disadvantage in Australia.



The criminal justice "conveyor belt" **compounds** existing disadvantage, **creates** new disadvantage, and **traps people, families and communities in cycles of disadvantage.**

Any contact with the criminal justice systems, even short periods in remand, or contact via a parent, is associated with poorer outcomes for families and communities.



More people are trapped in these cycles than ever before. Australia now imprisons more people than at any time since 1900, in both total number and per capita. Our incarceration rate is above the global average in every Australian state and territory except for the ACT.



Opportunities to change the relationship: Three mutually supportive policy reform themes that can work together to address this challenge: *Communities, Evidence* and *Coordination*. We recommend a holistic approach, that reaffirms the central role of communities through place-based approaches and "Community Deals", connected to systems through a coordinated reform effort, and backed by evidence to improve understanding of effective responses. No one theme alone is sufficient.



Impossible to break the cycle without engaging the state and systems. Disadvantage cannot be disentangled from the dynamics in the criminal justice systems and other employment, housing, health and social services which can underdeliver for people impacted by the system, because of siloed approaches and separate governance and funding approaches.



Opportunity for **government and philanthropy to work together with service providers, communities, practitioners and business** to reform criminal justice systems and to break the relationship between disadvantage and Australia's criminal justice systems.

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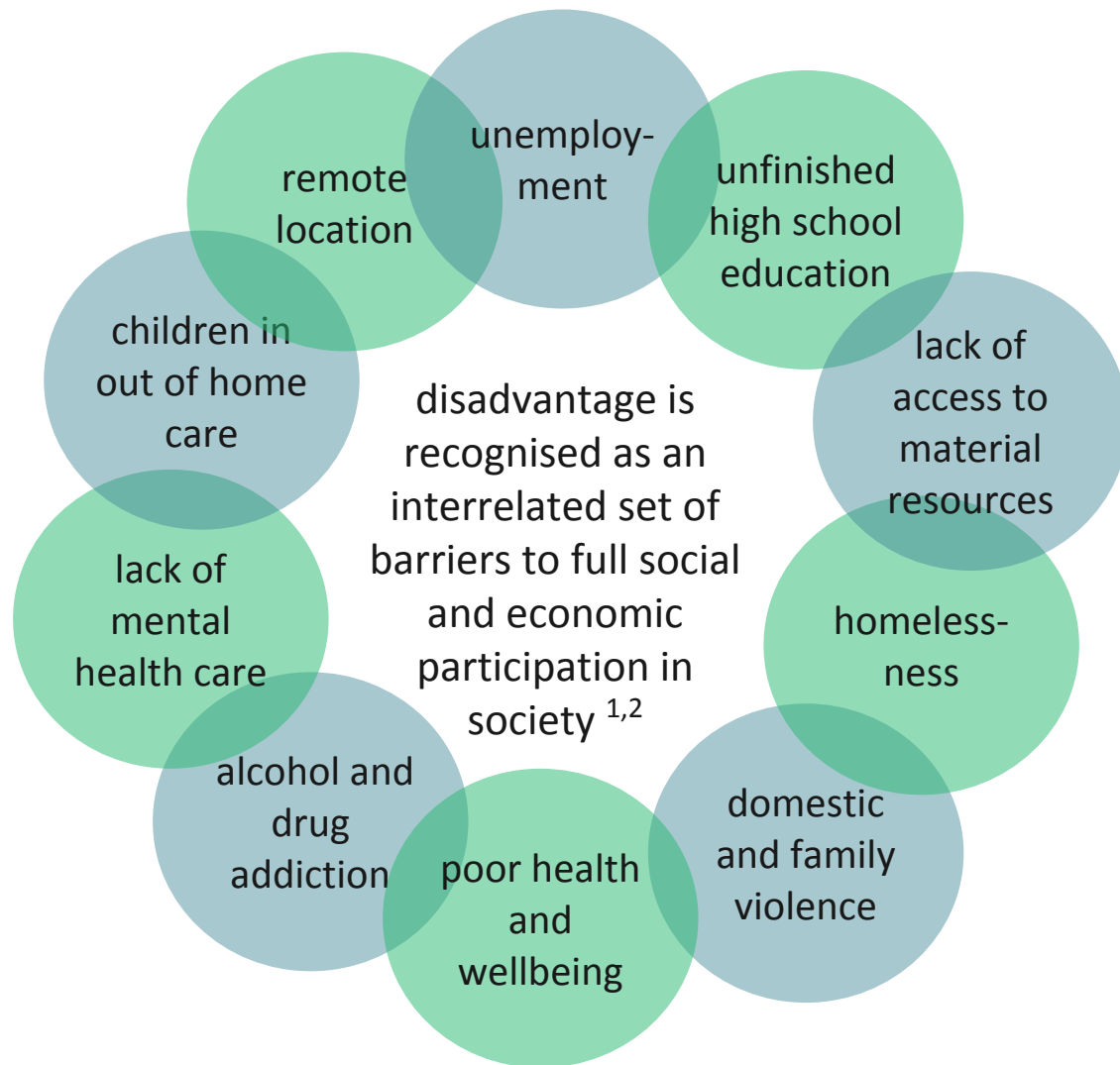
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PART 1

Disadvantage and Australia's Criminal Justice Systems

Disadvantage is about more than your income, and is cyclical



Disadvantage...

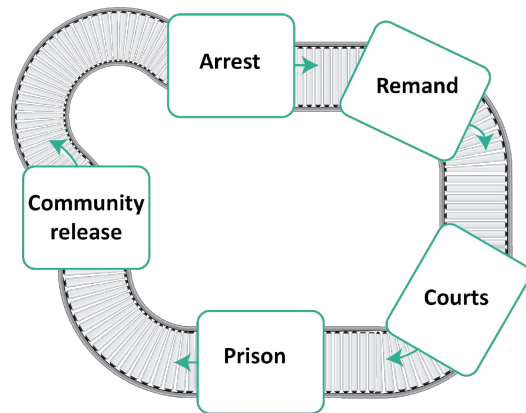


Australia's criminal justice systems and criminal justice "conveyor belt"

Australia has 10 criminal justice systems

We have found that Australia effectively has 10 criminal justice systems, one federal system and one system for each state and territory; these systems are all experienced differently by Aboriginal and Torres Strait Islander peoples, creating a de facto tenth system.

When people experience persistent disadvantage and have complex needs, and enter any of Australia's ten criminal justice systems, they don't "fall through the cracks, they are directed into the criminal justice conveyor belt".¹



Criminal justice systems have become a default policy, a "solution to multi-layered and complicated social disadvantages" in Australia.²

This "conveyor belt" has more entries than exits, compounding and creating disadvantage

Human services agencies can avoid working with people with complex needs, leading criminal justice systems, particularly police, to become frontline service providers.³

Australia's criminal justice systems compound existing disadvantage, create additional disadvantage, and trap a growing number of Australians, their families and communities in cycles of disadvantage.

Highly disadvantaged communities with high levels of incarceration have neither the financial nor the social resources needed to support those returning from prison, increasing the likelihood that the cycle continues.²

Addressing deep and persistent disadvantage in Australia requires reforming the operation of our criminal justice systems and improving their integration with broader human service delivery and diversionary programs.

Experience of disadvantage does not necessarily mean that an individual will end up on the criminal justice "conveyor belt", but it is a useful metaphor to explain how the most vulnerable people enter and become trapped in Australia's criminal justice systems.

Australia's criminal justice systems create and compound disadvantage

55% return within 2 years¹⁵

Community release

- 54.9% of adult prisoners released in 2016-17 returned to corrective services (either prison or community corrections) with a new sanction within 2 years, to 2018-2019.¹⁴
- "People in prison usually come from disadvantaged backgrounds, with poorer physical and mental health than the general population...Most people in prison are there for short periods, and many cycle through prison and the community multiple times. So, the health of people in prison is public health."¹³
- Almost 4 in 5 (78%) prison discharges surveyed "expected to receive a government payment through Centrelink on release".¹³
- 54% of prison discharges in a national 2018 survey expected to be homeless, or didn't know where they would stay, once released.¹³
- In a 2018 survey, 78% of employers who had knowingly hired an ex-offender reported positive outcomes.¹⁵

Arrest

- 22% of police detainees in an Australian sample are estimated to be homeless or experiencing housing stress.¹
- 86% of those arrested by police in a QLD sample had at least one substance-use disorder.²
- 76% of police detainees in a Victorian sample met diagnostic criteria for a psychiatric disorder.³
- 55% of female and 43% of male police detainees in a national sample reported a previous diagnosis of a mental disorder.⁴
- As noted by the Honourable Wayne Martin AC, (now former) Chief Justice of Western Australia: "Aboriginal people are much more likely to be questioned by police than non-Aboriginal people. When questioned they are more likely to be arrested than proceeded against by summons. If they are arrested, Aboriginal people are much more likely to be remanded in custody than given bail".⁵

Remand

Short periods on remand can be just as disruptive as long ones: separating children from parents, loss of employment and housing and "exposure to hardened criminals — which can increase the probability of reoffending".⁵

- Between June 2019-20, unsentenced prisoners made up 32% of all prisoners in Australia, and the median time spent on remand in Australia was 3.4 months.⁷
- From June 2014-19, "Victoria's prison population rose 33% (6,113 to 8,102 prisoners). Almost all of that increase (over 92%) was due to more people being held in custody awaiting trial (unsentenced prisoners/remandees)".⁸
- "Between 2011-12 and 2017-18, the number of time served prison sentences imposed by Victorian courts each year rose 643%" and made up 20% of all prison sentences imposed.⁸
- Remand in custody can have "negative, often criminogenic" effects, "can add to an overcrowded prison population" and limits opportunities for rehabilitation.⁶
- A 2010 NSW study found that 55% on remand were released as 'unconvicted' or not subject to further custodial sentence.⁹

Prison

A national 2018 survey found that of those entering prison:¹³

- 73% had been in prison before and 45% of inmates had been imprisoned in the last 12 months.
- 18% had at least one incarcerated parents/carers when they were a child.
- 29% reported a chronic condition or disability that affects participation in employment and education.
- 65% of female and 36% of males reported a mental health condition at some stage in their life.
- For 33% the highest year of schooling was Year 9 or under.
- 65% had used illicit drugs in the 12 months before prison

1 in 20 (5%) prison discharges reported self-harm during their current period in prison.¹³

"The [Queensland Productivity] Commission estimates that around 30 per cent of the burden of imprisonment is borne by chronic, but low harm offenders".⁶

At 30 June 2020, 29% of all prisoners were Aboriginal and Torres Strait Islander prisoners.⁷

"At the end of their term of imprisonment they [Aboriginal people] are much less likely to get parole than non-Aboriginal people".⁵

Courts

- In a NSW sample, 55% of defendants reported one or more psychiatric disorders and 70% met criteria for substance-use disorder or dependence.¹⁰
- Effective alternatives to custody (e.g. Drug Courts) are not widely enough used to materially alter the rate of entry into prison.¹¹ Some other alternatives to custody have no notable impact on re-offending rates.¹¹
- From 2001-16, 15% of the growth in Australia's prisoner numbers was due to breaches of community-corrections orders.¹¹ Many community-based sanctions involve no supervision and penalties for detected non-compliance are too severe — if broken they can lead to imprisonment.¹¹
- In many cases "creating an alternative to imprisonment simply inserts another step in the ladder of non-custodial sanctions an offender ascends before ending up in custody".¹²
- "Aboriginal people are much more likely to plead guilty than go to trial, and if they go to trial, they are much more likely to be convicted. If Aboriginal people are convicted, they are much more likely to be imprisoned than non-Aboriginal people".⁵

Leaving the conveyor belt is the exception, not the rule

West Australian stories: Marlion Pickett



SPORT AFL JUSTICE

EDITORIAL

A remarkable story of redemption that will resonate for generations



The Age's View

September 30, 2019 – 8.38pm

Amid the exhilaration of Richmond's AFL premiership win on Saturday, its second in three years,

Marlion Pickett is a Noongar man and father of four from Western Australia.¹

He made his AFL debut on Grand Final day on 28 September 2019, age 27, and won a premiership. Marlion won a second premiership in October 2020.²

In his early adulthood Marlion committed a string of burglaries, and in 2010 aged 18, he was sentenced to two-and-a-half years in prison.¹

As an inmate at the minimum-security Wooroloo Prison Farm, Marlion was part of an innovative justice program that allowed prisoners to play football matches against local teams in a regional league.¹ Later, during his time at the medium-security Acacia Prison, Marlion joined his older brother and some of his uncles. He left prison in 2013 age 21 and went to play with South Fremantle Football Club.³

Marlion said in a 2014 documentary *Outside Chance*, when he was serving time in prison: "Alcohol. Being brought up around drugs. Everything goes downhill from there. Guess you've got nothing to look forward to, so you start committing crimes, then from crime, you end up in here."¹

Leaving the conveyor belt is the exception, not the rule

West Australian stories: continued

“In places like where Marlion is from, there are quirky mandatory sentencing laws that send people to jail for minor crimes. There are women going to jail for unpaid parking tickets. There’s intergenerational trauma, juvenile detention problems, deaths in custody. It’s important to think about these things when you’re unpicking the story of Marlion and his incarceration, and his vulnerability, and the thousands like him. We need to dig a little deeper, beyond the tale of a kid who did bad then turned good”.¹

Systems at their worst, with multiple entries and few exits — demonstrated in these Western Australian stories:

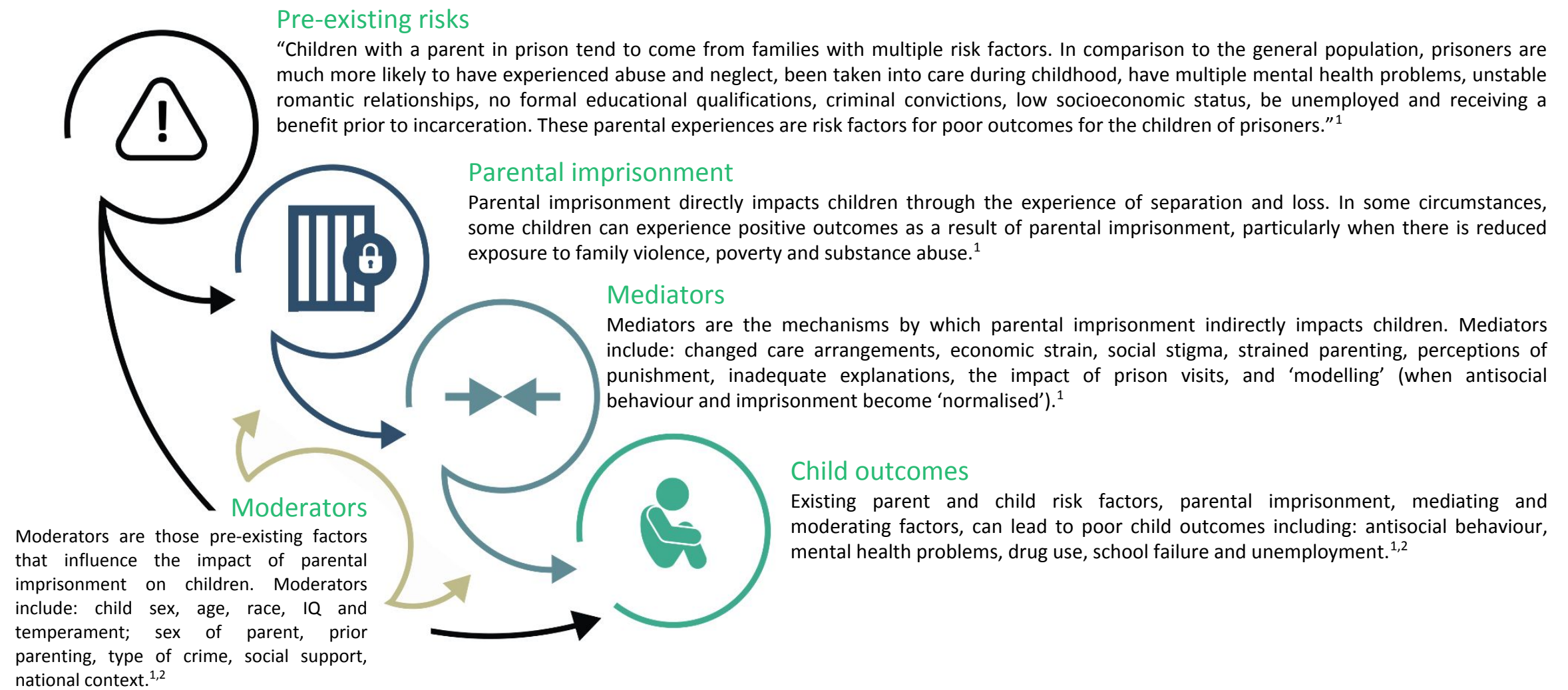
Mental health plea after WA woman killed by police in Geraldton

A 29-year-old Yamatji woman and mother of a 7-year-old son was shot and killed by Western Australia Police in Geraldton in September 2019. She had just left prison and is believed to have suffered from mental health issues and also likely to have suffered from foetal alcohol spectrum disorder. She was placed into state care soon after birth. She had convictions for criminal damage and “and had been most recently jailed for stealing a mobile phone from a house”.²

Jail for unpaid fines to be 'truly a last resort' under new WA laws

A 22-year-old Yamatji woman died in custody in South Hedland in August 2014, while spending three days in prison for \$3622 of unpaid fines. Per the Australian Law Reform Commission, the death “in custody in Western Australia illustrates the escalating impacts that minor offending can result in when combined with racial stereotypes, assumptions, and discrimination by police”. In June 2020, Western Australia passed unpaid fine reforms, which resulted in her entering custody in the first place.^{3,4}

Parental incarceration creates and compounds disadvantage for children



Compounding disadvantage: Australia's criminal justice systems have intergenerational impacts

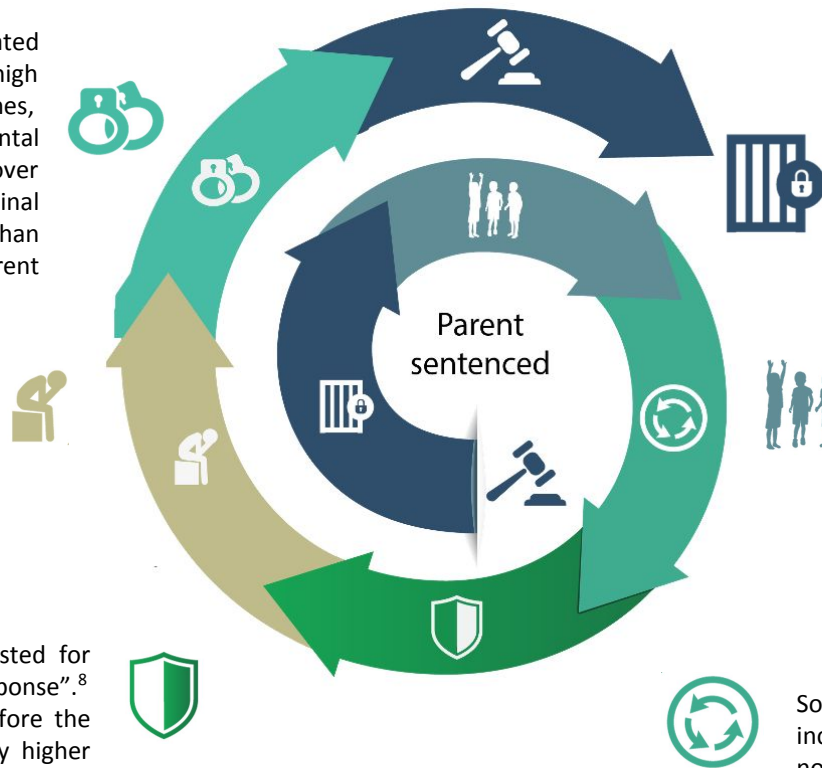
The cycle continues: A NSW study found that “13% of the cohort of juveniles who appeared for the first time in a Children’s Court in 1995 were imprisoned by an adult court within the next eight years”.¹⁴



International studies show that parental incarceration is associated with poorer health outcomes¹¹, lower likelihood of graduating high school¹² and “predicted several antisocial-delinquent outcomes, even up to age 32”, compared to other forms of parental separation.¹³ In a 2015 NSW study of young people in custody, over half had at least one parent who had been incarcerated.¹⁰ Aboriginal young people in custody were almost twice as likely than non-Aboriginal young people to have had an incarcerated parent (67.5% vs. 36.6%).¹⁰

50% of children in Australia under youth justice supervision between 2014–2018 had also been provided with child protection services during the same period.⁹ A 2015 NSW study found that 83% of young people in custody had at least one psychological disorder, 68% reported experiencing at least one form of childhood abuse or neglect, and high rates of oral language and reading difficulties were also observed.¹⁰

Evidence suggests that children in OOHC “are commonly arrested for minor matters that ought not to have incurred a police response”.⁸ Analysis shows that children in out-of-home care appeared before the NSW Children’s Court on criminal charges at disproportionately higher rates than those not in OOHC, and entered the justice system younger and were more likely to be on custodial remand.⁸



At each stage of the criminal justice “conveyor belt”, offenders are mainly treated as individuals without childcare or family responsibilities. Consequently, children become “collateral damage” in the operation of adult criminal justice systems — they are the “invisible or unintended victims of crime”.¹⁵

The conviction of a parent has been found to be a predictor of child offending.¹ A national survey of prison entrants found that 38% had dependent children in the community (under 15), and on average each entrant had almost 2 children.² More than half (54%) of female prison entrants had dependent children, whereas just over a third (36%) of men had dependent children.² Indigenous prison entrants were more likely to have dependent children (47%) than non-Indigenous entrants (33%).² 2018 data suggests there are an estimated 77,000 children with a parent in prison in Australia.³

Parental offending is associated with adverse outcomes for the child.⁴ Parental criminal activity has been found to be a risk factor for their child’s development in all areas, including mental and physical health, social competence, emotional maturity, and language and cognitive skills.⁵ Compared to other children, those with a convicted parent (community order or incarcerated) were at risk of poor development across all developmental domains, even after sociodemographic factors had been accounted for.⁵ Yet at each stage in the criminal justice system — arrest, remand, sentencing, imprisonment and release — there is minimal formal attention paid to children.⁶

Some evidence suggests that children with incarcerated parents are at increased risk of entering out-of-home care (OOHC), although data is not systematically recorded.⁶ For children in the child protection system “a referral roundabout” comprises effective interventions for them and their families.⁷

Australia's criminal justice systems compound disadvantage among Aboriginal and Torres Strait Islander peoples

As noted earlier in this report, criminal justice systems are experienced differently by Aboriginal and Torres Strait Islander peoples, creating a de facto tenth system (p10-11).

Key facts — Adults

- At June 30 2018, Aboriginal and Torres Strait Islander prisoners accounted for 28% of the total Australian prisoner population. The total Aboriginal and Torres Strait Islander population in Australia aged 18 years and over in 2018 was approximately 2%.¹
- Over the last 20 years, there has been about a 190% increase in the the number of adult prisoners identifying as Aboriginal and Torres Strait Islander (increased from about 4,000 to nearly 12,000).² The number of non-Indigenous adults in prison has also increased, but only by about 80% (from 17,000 to 31,000).²
- “While the large majority of Aboriginal and Torres Strait Islander adults in prison are male, the rate of imprisonment is increasing more rapidly for Aboriginal and Torres Strait Islander females”.²
- “Indigenous adults are 12 times more likely to be incarcerated than non-Indigenous adults”.³

Key facts — Youth

- Compared to non-Indigenous children, Indigenous children are overrepresented at each stage in the criminal justice system and are:³
 - Between 3 to 16 times more likely to be charged by police³
 - 7 to 10 times more likely to appear in children’s court Indigenous children, 17 times more likely to be under community supervision and 23 times more likely to be in detention.³
- On an average night in the June quarter 2019, 53% of all young people in detention in Australia were Aboriginal or Torres Strait Islander.⁴
- In mid-2019, all children in detention in the Northern Territory were Aboriginal and Torres Strait Islander peoples.⁵

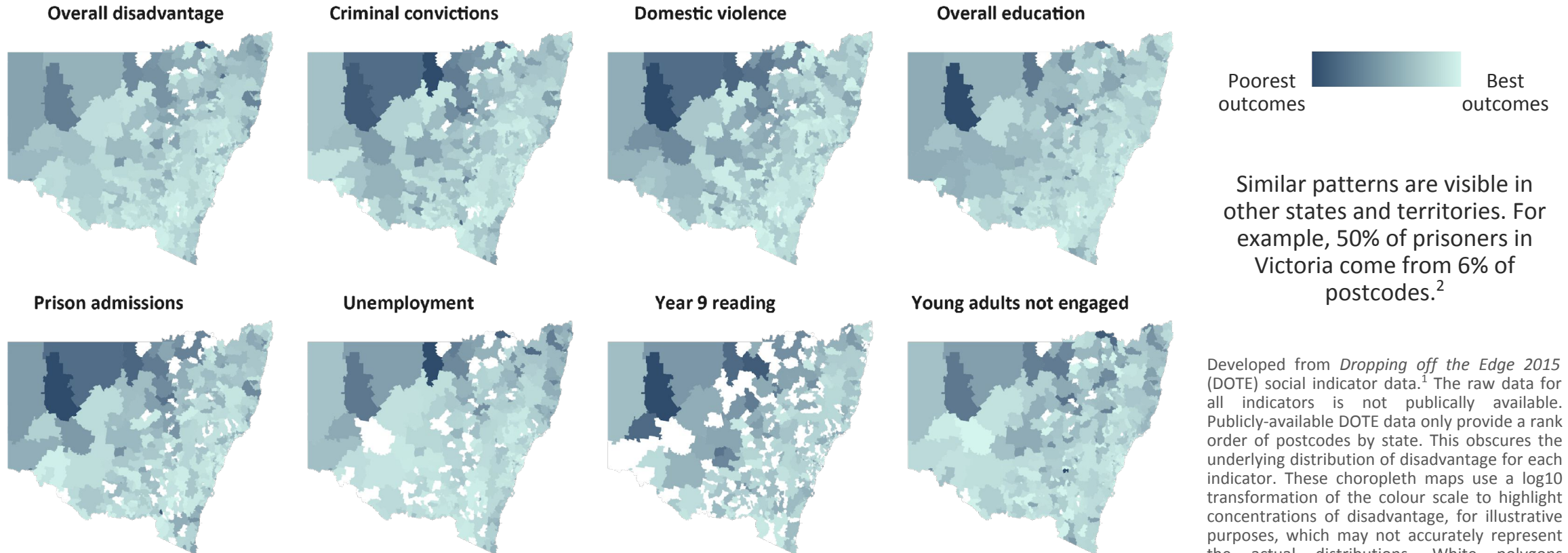
“Structural and systemic factors including laws, policies and practices [that] can unintentionally operate to the detriment of Aboriginal and Torres Strait Islander people because of their particular circumstances and the disadvantage they are more likely to experience.”²

*“A **structural factor** related to Aboriginal or Torres Strait Islander youth detention is the minimum age of criminal responsibility (currently 10 years old) which, if raised, would decrease the proportion of youth in detention who are Aboriginal or Torres Strait Islander.”²*

*“**Structural factors** related to sentencing laws appear to be contributing to this increase [in rate of imprisonment for Aboriginal and Torres Strait Islander females], with 40 per cent of all female prisoners being unsentenced (on remand) at 30 June 2019, up from 37 per cent a year earlier.”²*

Criminal convictions and incarceration are concentrated in areas of broader disadvantage

For example, New South Wales¹



Similar patterns are visible in other states and territories. For example, 50% of prisoners in Victoria come from 6% of postcodes.²

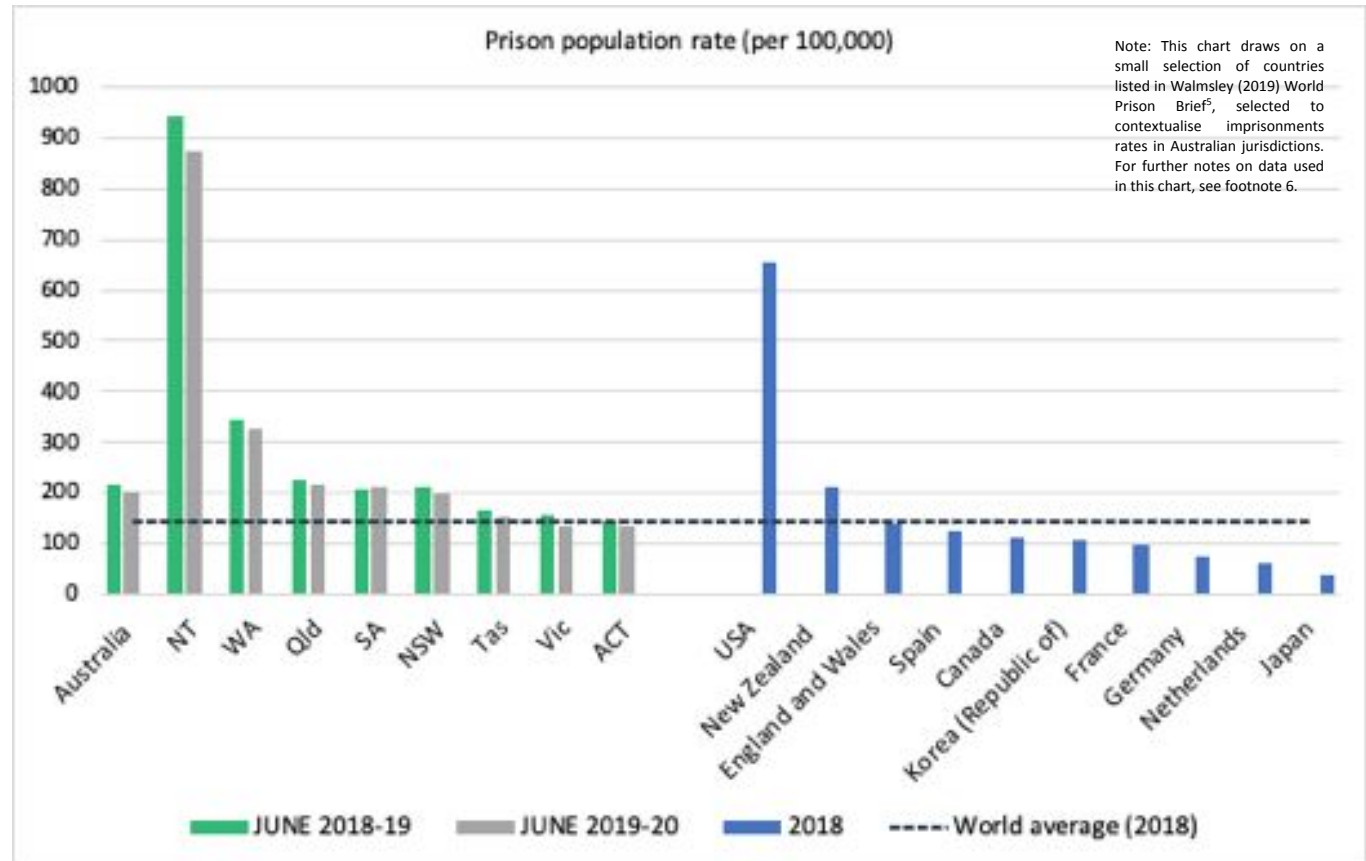
Developed from *Dropping off the Edge 2015* (DOTE) social indicator data.¹ The raw data for all indicators is not publically available. Publicly-available DOTE data only provide a rank order of postcodes by state. This obscures the underlying distribution of disadvantage for each indicator. These choropleth maps use a log10 transformation of the colour scale to highlight concentrations of disadvantage, for illustrative purposes, which may not accurately represent the actual distributions. White polygons represent postcodes for which no data are available for the relevant indicator.

“Prisoners come from and go back to a relatively small number of disadvantaged suburbs or towns with a high proportion dependent upon social housing due to disability, unemployment, domestic violence and poverty”³

Trapping many Australian individuals, families and communities

Scale

- **More people impacted than ever before:** Between 1984 and 2016, Australia's incarceration rate more than doubled,¹ and it increased by 48% between 2000-2019.²
- Data from 2018-19 show that Australia's imprisonment rate before COVID was 219 per 100,000³ — we imprisoned **more people than at any time since 1900**, in both total number and per capita.⁴ From June 2019-20, Australia's national imprisonment rate fell by 7% (from 219 to 202 per 100,000 adult population)³, but still remained above the estimated world average of 145.⁵
- Before COVID-19 hit, the **incarceration rate per 100,000 of population** in every Australian state and territory (except ACT) **was above the estimated world average.**^{3,5} Between June 2019-20, the imprisonment rate in all states and territories fell (except SA), but the rates remained above the global average in most states (apart from Vic and ACT).^{3,5}



Note: This chart draws on a small selection of countries listed in Walmsley (2019) World Prison Brief⁵, selected to contextualise imprisonments rates in Australian jurisdictions. For further notes on data used in this chart, see footnote 6.

Chart sources: ABS 2019, 2020⁴; Walmsley⁵, notes on chart data⁶

Our criminal justice systems are also enormously expensive

Cost

The rising rate of incarceration is expensive. Total net operating expenditure on prisons in 2017-18 was \$3.4 billion, rising to \$4 billion when community corrections is included.¹

These costs do not include the full costs of incarceration (e.g. police, courts, lost productivity, lost employment and future employment prospects, offences committed in prison, health, family costs, post-release support costs, persistent disadvantage).² Studies show that for offenders with complex needs, the lifetime costs to government across all services (justice, health, housing, employment etc.) can be between \$900,000 and \$5.5 million for one individual.³

2017-18 data shows that prisons are operating above design capacity (e.g. in QLD, WA, ACT, NT).^{1,4} Overcrowding can “impact rehabilitation outcomes”, limiting capacity to offer support and education services designed to assist with rehabilitation, and it can also create safety issues particularly in high security prisons.⁴ In November 2015, the NSW Audit Office reported that prison overcrowding was costing the state \$200,000 per day.⁵ If current growth rates continue, additional infrastructure will be required. To manage the growth in prisoners, the Queensland Government may need to build up to 4,200 additional cells by 2025, requiring investments of around \$3.6 billion.⁴

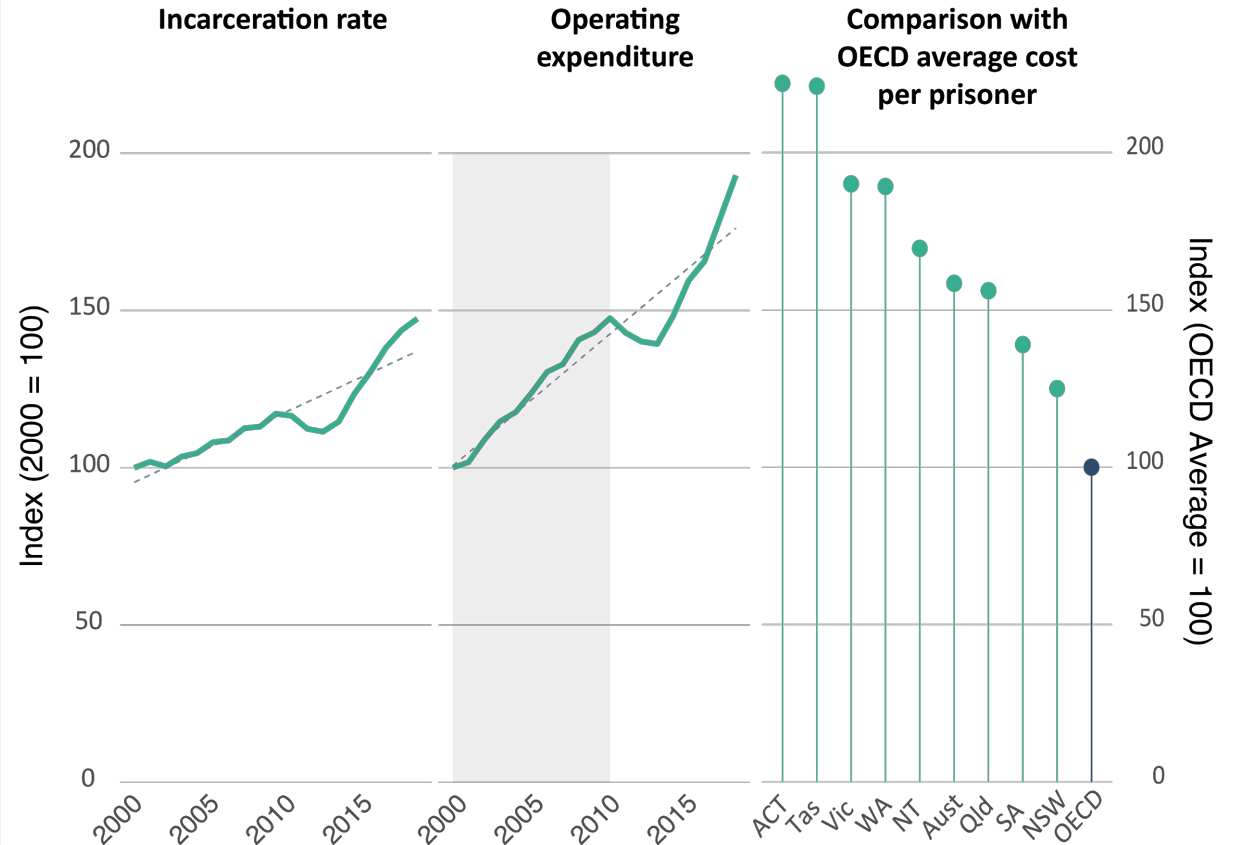
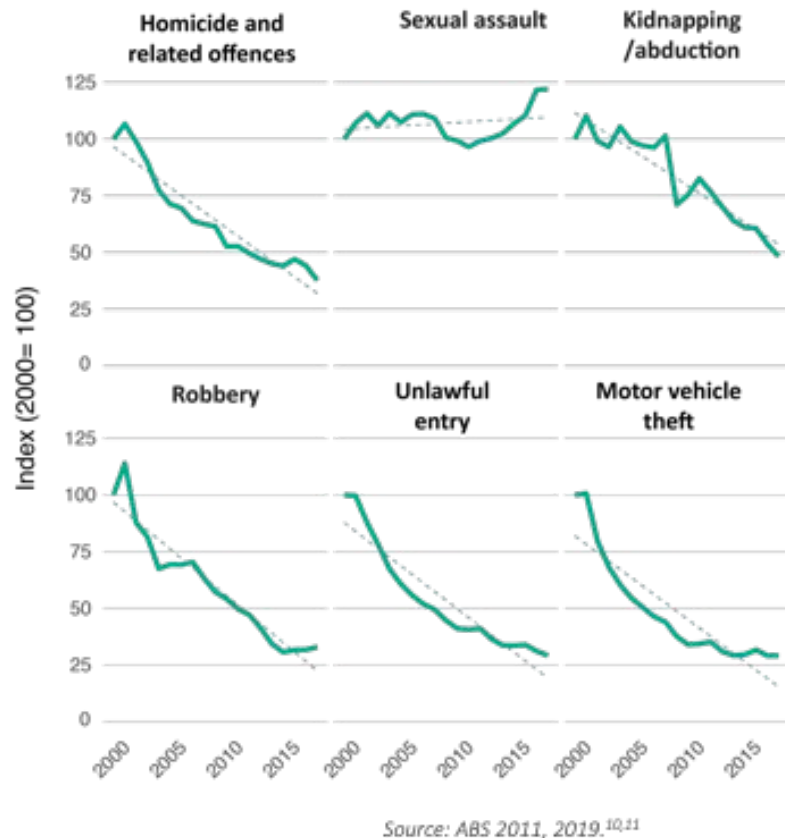


Chart sources: Notes on chart data⁷

Our existing systems aren't having the outcomes we want



Increasing incarceration rates are a policy choice

The prison boom does not explain the extent of falling crime rates from 2000 to 2019.^{1,2,3,4} Incarceration rates have been rising despite substantial falls in crime rates. The largest reductions in crime have been for the most serious offences.¹

Significant drivers of increasing incarceration rates have taken place at each stage in the criminal justice conveyor belt:¹

- Increases in police effort and clearance rates, propensity for police to use court action
- Increases in the proportion of prisoners on remand due to a backlog of court cases, bail breaches, likelihood of bail
- Increased use of prison sentences for both violent and non-violent offences, less use of non-court options
- Increased reporting of crime, increase in recidivism rates

Public opinion drives policy change, and is based on misperceptions

- After two decades of falling crime rates, a majority of Australians continue to believe crime has increased “over the last few years” and nearly a third believe crime has increased “a lot”.⁵ Public misperception of crime rates has remained stable for many years.⁶
- Despite frequent media reporting that the general public believes sentences are too lenient or the judiciary is “out of touch”, research consistently finds that “informed members of the community are slightly more lenient than judges, not the other way around” with the “majority of participants in every study impos[ing] a more lenient sentence than the judge”.⁷
- Research suggests that **increasing incarceration rates can reach a tipping point where they may begin to increase crime**.⁸ Imprisonment has criminogenic effects on individuals and families.⁹

- A range of **more effective, well-researched, lower-cost alternatives to incarceration exist**, particularly for offenders with complex needs or minor offenders who currently receive short sentences.¹⁰
- Since 2007, reforms in Texas in the United States have seen the state close four prisons, saving an estimated US\$3 billion.¹¹
- In 2011, North Carolina passed the Justice Reinvestment Act. By 2014, the state’s prison population had fallen by 8%, 10 prisons had been closed and an estimated US \$560 million in spending had been saved or avoided. Over the same period, more probation officer positions were funded, more prisoners received post-release supervision and revocations of probation fell significantly. At the same time, North Carolina’s crime rate fell by 11%.¹²

Impact of COVID-19

The COVID-19 pandemic has brought key challenges and problems in the criminal justice systems into sharp focus. Before COVID hit, overcrowding was already a concern. The number of people in prison had been rising and over half (54%) of prison discharges surveyed expected to be homeless on release.¹ With the onset of the pandemic, overcrowded prisons and homelessness of prison leavers was viewed through a public health lens.²

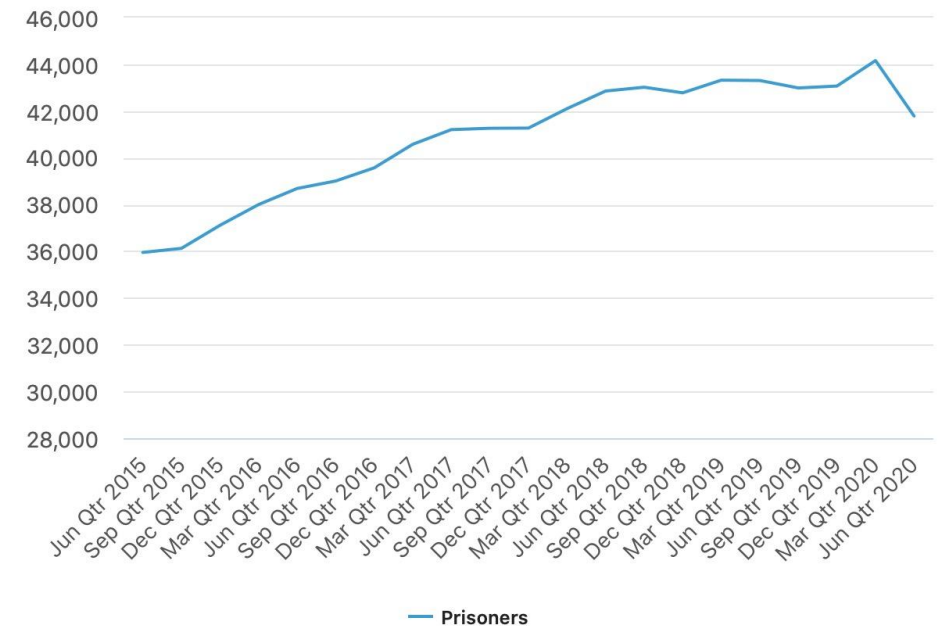
Some governments sought to “stem the flow of people into custody”, which alongside a fall in crime rates, likely led to a fall in the number of prisoners.⁵ Nationally, the average daily number of prisoners between March-June 2020 decreased by 5% (2,375), down to 41,784³ — the lowest prisoner population since 2017.⁴ “New South Wales was the main contributor to the national decrease”, falling by 8% (1,178) since March 2020.³ Over the same period, there were also quarterly decreases for Victoria (by 8%); Queensland (by 3%), Western Australia (by 3%) and the Northern Territory (by 6%).³

Decreases in the daily number of prisoners in New South Wales and Victoria have been attributed to “the postponement of court cases, changes in bail decisions and the release of people on remand”, as well as a fall in crime due to lockdowns.⁵ Whilst prisons went into lockdown and in-person visits were postponed, there was an increase in the use of video visitations.⁶

This marks a significant point of departure from pre-COVID trends, offering the chance to look again at policy and law reforms which are available to governments, and to imagine a system which can offer alternatives to custody and best support offenders and their families to live flourishing lives beyond the system.

It offers a time where governments can, and must, work in collaboration with philanthropy, service providers, employers, industry, civil society, non-government organisations and people with lived experience to seize the opportunity for people in the criminal justice system and their families to secure healthy, sustainable and flourishing futures.

Average number of persons in custody(a), Jun 2015 to Jun 2020



(a) Based on average daily number
Source: Australian Bureau of Statistics, Corrective Services, Australia June Quarter 2020

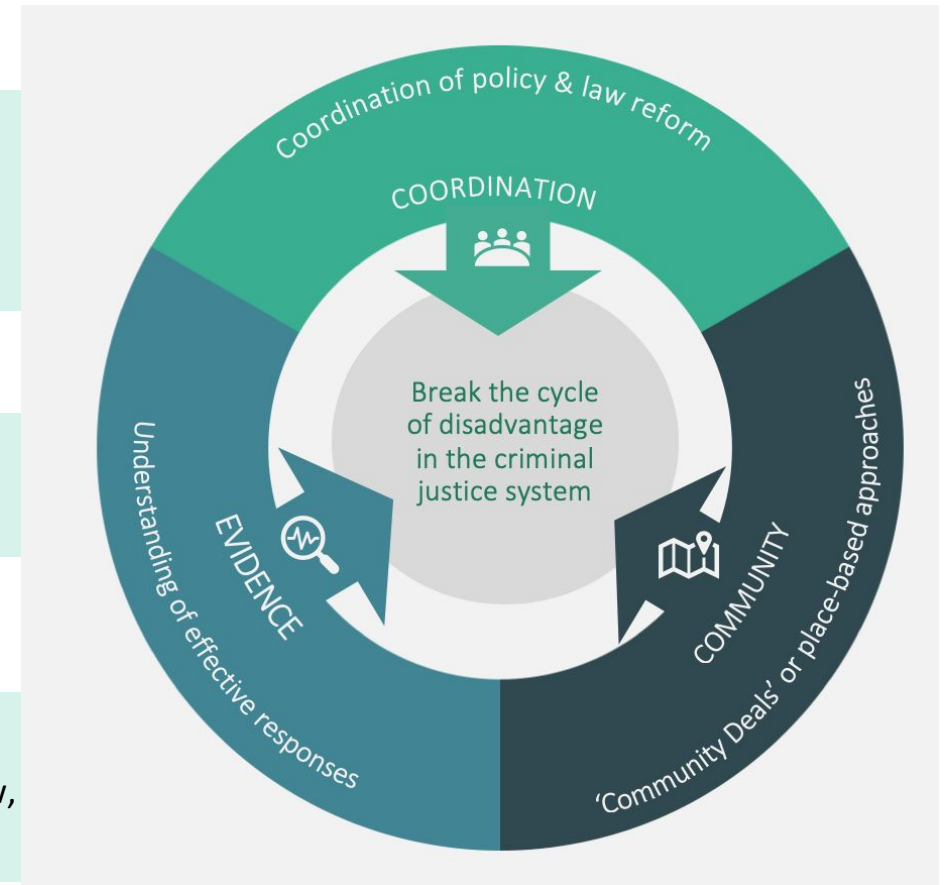
PART 2

Three drivers of change

Three drivers of change — Communities, Evidence and Coordination

Disadvantage cannot be disentangled from the dynamics in Australia’s criminal justice systems. Criminal justice systems create, compound and trap people in cycles of disadvantage. In order to make a significant and long-term contribution to reducing disadvantage in Australia, interventions in criminal justice systems are required. Our research has reaffirmed the central role of communities, but on their own they will be insufficient to break the cycle. There is a need for systemic change and a coordinated reform agenda to redefine the purpose of our criminal justice systems and to support promising practices.

- **1 Communities**
Support for place-based approaches and “Community Deals” for people in contact with the criminal justice systems, their families and communities
- **2 Evidence**
Improve understanding of effective responses
- **3 Coordination**
Coordinate and add coherence to the reform effort to change the law, policy and narrative



1. Communities

What reforms are needed so that individuals and families living in disadvantaged areas, with high rates of criminal convictions and incarceration, are supported to live flourishing lives without contact with the criminal justice system?

From research and consultations, we have learned that the geographically-located drivers of disadvantage in the criminal justice systems are concentrated in a relatively small number of communities across Australia. In these communities, the disadvantage experienced is often cyclical and intergenerational in nature, and it affects a higher proportion of the population than in the majority of other communities.

At different points in their life-course, individuals and their families need targeted supports at the community level to lead flourishing lives outside of criminal justice systems, including a safe and stable place to live, a sustainable education and income, and strong social connections, health and wellbeing.

Across Australia, some communities have endeavoured to break the cycle of disadvantage in the criminal justice systems by taking a place-based approach. A number of these initiatives show promising outcomes at the community level. And with better funding, evidence and coordination support, these initiatives could reach full potential and scale.

INVEST IN INITIATIVES FOR THE LONG TERM AND AT SCALE

There is an insufficient number of fully-funded initiatives for the long term. Existing initiatives should be better funded, alongside investment in new initiatives. These investments would allow for initiatives to develop, evolve and create sustainable impact over a longer time horizon. Multiple investments into a single community should be structured to enable funding to be allocated based on community need, through a “Community Deals” model, allowing for a systematic and holistic approach which can cut across often siloed services such as health, employment, and housing. Better funding would also build an ecosystem of initiatives which could learn from one another, and create a bolstered body of evidence.

CONNECT INITIATIVES WITH EVIDENCE AND COORDINATION

Place-based initiatives and “Community Deals” offer a systemic approach to coordinating the supports required by people impacted by criminal justice systems, and can also offer evidence and good practices for all initiatives seeking to address cross-sector service integration. Evidence and evaluations are needed for the continuous improvement of initiatives, and to create foundations for implementation at scale. Working together, an ecosystem of well-funded initiatives can build capacity and evidence. Over time, this ecosystem can enable place-based approaches to embed the most effective practices and frameworks.

Place-based approaches alone are not sufficient — they need to be linked into broader systems and coordinated reform efforts through their governance structures. Some of the levers which can address the drivers of disadvantage at the community level lie outside of communities, with policymakers. Place-based approaches can help to identify the law and policy reforms required to clear roadblocks and unlock desired outcomes. This can be achieved through the design of governance structures as part of the “Community Deals” model.

SUPPORT INITIATIVES WITH A KNOWLEDGE HUB OF APPLIED EXPERTISE

Investment in place-based approaches will only be effective in the long term if these approaches can be called upon reliably to solve specific community-based problems — based on evidence, and at scale. To achieve this, ideally, there would be a place-based knowledge hub of applied policy expertise that can support an ecosystem of initiatives to learn, build capability and thrive.

Gaps in coordination and narrative

From our research and consultations, we learned that place-based approaches could be better supported and improved by:

Streamlining funding and governance arrangements

Place-based initiatives have governance and funding frameworks which — whilst always unique — are also often complex, comprised of many funding sources with their own monitoring and evaluation processes, requirements and accountabilities. Streamlined funding and governance structures could allow for funding from all levels of government, business and philanthropy to work in coordination and be allocated at the local level flexibly where required, based on needs identified by communities.

Building a body of Australian evidence and expertise

Initiatives could be supported by a shared body of evidence, indicating the effectiveness of responses in the Australian context. Whilst place-based initiatives are designed to respond to the needs of their local community, there is not enough evidence to understand variations in effective responses across Australia. This information could help initiatives to understand the potential effectiveness and efficiency of their initiatives. For example, how do certain types of place-based responses vary depending on remote, regional, metro and urban geographies?

Support from a capacity-building mechanism

Place-based initiatives often address similar/overlapping challenges in communities across Australia, although they have no capacity-building or knowledge-sharing mechanism to learn from one and other, and integrate existing knowledge and capability. Through this mechanism, communities can develop knowledge and capabilities for the long term.

Connection to systems-level reform levers

Some drivers of disadvantage in Australia's criminal justice systems sit outside of community, such as law and policy reform. These legal and policy settings impact the challenges faced in communities, although communities lack a systemic connection to those systems. To break cyclical disadvantage, place-based approaches must work with evidence and in coordination with governments, philanthropy, business and service providers to drive systemic change.

A mechanism for justice reinvestment

Some place-based initiatives use a justice reinvestment model. However, these are not supported by a policy mechanism nor an agreed funding model. A mechanism recognised by government would ensure funds are reinvested in communities to sustain impact over the long term, once savings have been created in the criminal justice systems.

How could Community Deals help to address the geographically-located drivers of disadvantage in the criminal justice systems?

What are Community Deals?

“Community Deals” are a locally-driven, place-based model aiming to boost economic and social participation, based on good practices in Australia and overseas.

The model is a genuine partnership between government, business and community that allows a consortia of local actors to adapt programming locally to achieve concrete outcomes for their community.

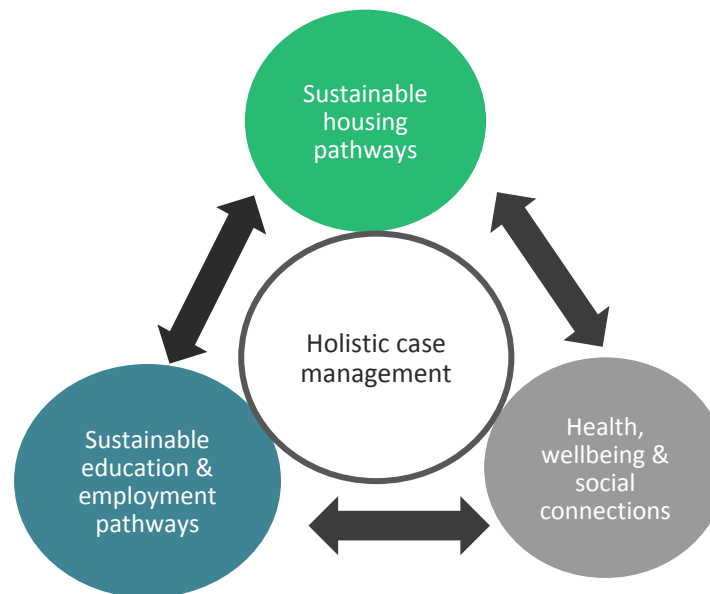
“Community Deals” feature holistic, tailored services wrapped around an individual and their family, and strategic engagement of employers and local industry.

They harness sustained support from Local, State and Federal Government, as well as non-government and philanthropic organisations. They are distinct in that they are vertically integrated into national and state service systems.

They use a ‘tight-loose-tight’ framework that gives confidence to funders and partners to invest in an ongoing and sustainable way. For more detail on “Community Deals”, see CPD’s *Blueprint for Regional and Community Job Deals*.

How could “Community Deals” support individuals, families and communities in contact with a criminal justice systems?

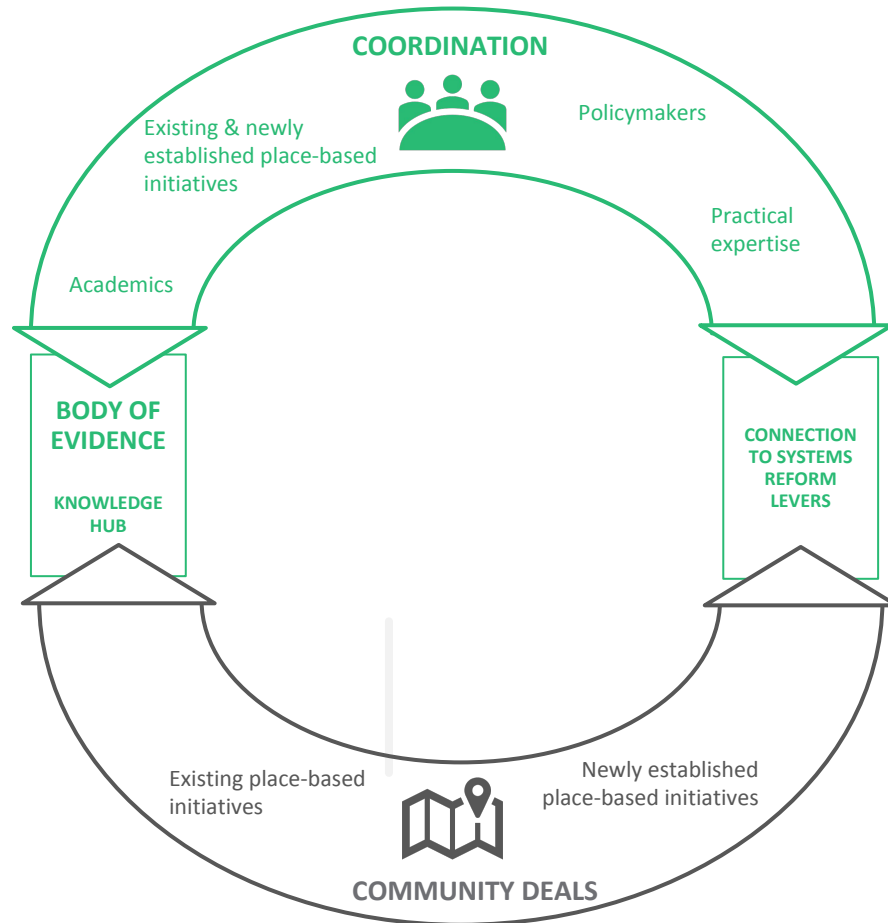
“Community Deals” provide a model to coordinate services, through streamlined funding, governance and evaluation, to create pathways to prevent individuals and their families from coming into contact with the criminal justice systems early, and to build pathways for people already in contact with the system, to live a flourishing life outside of the system.



The exact services provided and points of intervention in an individual and family life-course are driven and decided by communities, depending on local data and needs. Coordinated holistic and tailored support would address the drivers of incarceration, and could include the coordination of services and supports across justice, health, human services and education sectors, to build pathways to sustainable housing, education and skills, employment and health and wellbeing.

Community Deals connected with evidence and coordination

“Community Deals” are a necessary but insufficient focus to break the cycle of disadvantage in the criminal justice systems. To unlock their full potential, they must be connected with evidence and systems and come together to coordinate their individual efforts at a national level. This could take place in practice by:



Bringing together: existing place-based initiatives; newly established place-based initiatives; academics; policymakers and people with practical expertise in community building, collective impact and place-based approaches.

Together they would work to:

- Embed a Community Deals model by better funding existing initiatives and investing in new initiatives across Australia, with a focus on employment and education, housing, health, wellbeing and connections and justice reinvestment.
- Develop a body of evidence based on good practices and effective interventions which tackle disadvantage in Australia’s criminal justice systems, and to support the development of effective, scalable and impactful responses in future — with evidence collected through a knowledge hub of applied place-based expertise.
- Connect place-based initiatives to systems-level reform levers. To address the drivers of disadvantage which sit outside of community, “Community Deals” must connect with the systems level to identify key levers for reform and to receive the benefits of policy and law reform efforts.

Justice Reinvestment packages

Justice reinvestment (JR) packages

Two elements are required to break the cycle of disadvantage in the criminal justice systems: a systems change approach in addition to a community-led approach. These two approaches can be brought together in communities through justice reinvestment packages.

Justice reinvestment packages would involve signing an agreement between philanthropy, government and community to agree on specific law, policy reforms and service changes which must be implemented, as a key condition and prerequisite for investing in communities in those jurisdictions. This approach would create the conditions for collaboration across the criminal justice systems to address the systems level drivers of disadvantage, in order to produce systemic downward pressure on the prison population.

Without this approach, communities struggle to break the cycle of disadvantage in the criminal justice systems for the long term, as they lack the runway to get the initiatives to a scale to achieve sustainable success: genuinely led by community, with savings reinvested back into the community. Existing place-based approaches and “Community Deals” would be key to this process, grounding policy reform in place, and providing powerful case studies to show that changes in law and policy would have an impact on the ground.

Examples of reform initiatives

Invest in justice reinvestment capability and new sites: Create new justice reinvestment trials (e.g. in NSW), and use expertise and practice built in existing sites to help build capability in other places.

Draft justice reinvestment packages for key states by partnering with community organisations, initiatives and service providers.

Work to co-design new initiatives in states with high readiness, such as Western Australia (following community consultation process and publication of *A Path Forward: Developing the Western Australian Government’s Aboriginal Empowerment Strategy*).¹

Next steps for Community Deals

EXAMPLES OF COMMUNITY INITIATIVES	People	Evidence	Systems	Innovation
Ensure employment pathways for former offenders are included in the federal Local Jobs Program in key places (e.g. Western Melbourne)	Former offenders	Evidence of pathways to employment for former offenders	Employment, Skills, Human Services	Extends existing programs
Extend locally run place-based initiatives and explore new initiatives, particularly those which involve champions with experience of criminal justice systems (e.g initiatives to focus on vulnerable children of prisoners or former offenders)	Vulnerable children of, and current/former prisoners	Longitudinal assessment of trials, new evidence on effectiveness of place-based interventions	Early Childhood, Education, Human Services, Justice	Enable existing place-based initiatives to expand and innovate, fund new initiatives for scale
Create co-design process of justice reinvestment initiatives (e.g. in WA, following consultation process and publication of <i>A Path Forward</i>) ¹	Individuals and families in contact with criminal justice systems	Evidence of applied justice reinvestment model	Finance, Treasury, Human Services, Health, Employment, Justice	New initiative following 12-month community consultations
Invest in existing justice reinvestment capability and new exploratory and engagement sites	Individuals and families in contact with criminal justice systems	Evidence of an applied justice reinvestment model in NSW	Finance, Treasury, Human Services, Health, Employment, Justice	Sustains and extends existing innovations
Work with sporting organisations to grow health and wellbeing programs for former offenders	Aboriginal and Torres Strait Islander men in contact with criminal justice systems	Impact of expanding social networks and opportunities	Health, Justice	Sustains and extends promising initiatives
Extend new housing trials to support former offenders and their families into long-term housing and employment (e.g. extending temporary community residential facility in Maidstone, former Maribyrnong Immigration Detention Centre)	Former offenders and families	Evidence of effective housing solutions and pathways	Human Services, Community services, Housing, Justice	New targeted housing in key communities, filling investment gaps for housing
Build a partnership between government and philanthropy in place, with a focus on criminal justice (e.g. co-invest in the Victorian Government's 'Working Together in Place' Initiative)	Former offenders and their families	Evidence of holistic approach to working with ex-offenders and their families in place	Cross-government collaboration	A new approach to place-based service delivery
Invest in Health-Justice partnerships	Aboriginal and Torres Strait Islander peoples	Linking up health and justice services for better responses	Health, Justice	Supports and extends existing initiatives, particularly ACCOs
Invest in an antenatal, post-natal and early childhood care	Children and families of offenders, during crucial 0-4 years	Evidence of early intervention tailored for this cohort	Health, Justice	Expanding existing services, tailored for this cohort
Support the National Family Violence Prevention Legal Services (NFVPLS), the only national peak body for Aboriginal and Torres Strait Islander victim/survivors of family violence and sexual assault	Aboriginal and Torres Strait Islander women	Culturally sensitive legal and non-legal support for Aboriginal and Torres Strait Islander women	Justice, Human Services	Continue to increase access to justice for Aboriginal and Torres Strait Islander women

2. Evidence

How can effective initiatives and programs be designed so they have the best chance of success for the people, families and communities in contact with the criminal justice systems they seek to support?

From research and consultations, we have learned that there is a need to improve understanding of effective responses. There is already a lot of evidence out there, but it can be better collated, interpreted, translated and shared within the sector and between jurisdictions. Patchy and disconnected data have been recognised as a hindrance to effective policy making. Australia also lacks an independent repository and advocate for justice reinvestment strategies or place-based approaches. Evidence and data gaps, and lack of data sharing, means that lessons are often not incorporated into new approaches, and mistakes can be repeated. This sector also largely fails to systematically draw on expertise from lived experience.

There is also a need for stronger and more rigorous evaluations to be carried out on existing programs, to improve existing work and to inform future responses. More accountability is also required to monitor the implementation of recommendations from multiple relevant reviews, inquiries and royal commissions.

A range of immediate, medium-term and longer-term interventions could work to build, extend and translate the evidence base to ensure there are more effective responses.

ESTABLISH A KNOWLEDGE HUB FOR APPLIED PLACE-BASED EXPERTISE

Establish and fund a dedicated knowledge hub for applied expertise on place-based approaches in order to maintain lessons learned from existing pilots and advise future place-based initiatives nationwide.

SUPPORT AND COORDINATE EXISTING EVIDENCE

Create a national coordination mechanism to link up efforts of existing state-based Sentencing Councils. Improve processes for data sharing to make better use of existing administrative data across systems and jurisdictions.

ESTABLISH A WHAT WORKS CENTRE

Set up a What Works Centre for Criminal Justice Reform and Reinvestment, which would:

- Collect evidence and consolidate existing research, practitioner expertise and lived experience from Australia and overseas.
- Translate the evidence base to advocate and provide practical technical assistance and targeted advocacy for effective change.
- Conduct training of policymakers and practitioners in evaluation methods and standards of evidence.
- Conduct rigorous evaluations to fill data gaps and better inform policy and practice. This includes through evaluating existing programs, funding longitudinal implementation and evaluation studies.
- Listen to both lived and learned experience. Often decisions are made about communities or cohorts without their involvement. Lived experience, local knowledge and practice expertise should be included and built into evaluation and evidence-gathering.

Gaps in evidence

Some data we don't currently measure/share/include:

Cross–portfolio data sharing

Data is often not linked up between siloed departments.
It is also difficult to access data between jurisdictions.
Sharing of data between government and non-government agencies is limited.

Links between the youth and adult justice systems

Data is often not linked up between youth and adult systems and jurisdictions (Police, Court, Prisons).
The Australian Institute of Health and Welfare collects data from juvenile systems, while the Australian Bureau of Statistics collects it from the adult systems, and currently there is no systems to link these.¹

Prisoner flows vs prisoner stocks

The most common data around prisons is stocks, showing the number of people in prison on a given night. This hides information about flows.
Estimates suggest the number of people released each day could be as much as 25% more than the daily prison population.²

Number of people in prison with dependent children

As noted earlier in this report, the number of people in prison with a dependent child is not collected systematically in different jurisdictions, making it hard to maintain parental and family connections while in prison, and to address the needs of children with an incarcerated parent.

Rigorous measurement and evaluation

To build a sustainable and rigorous evidence-base, evaluation skills and capacity among researchers and policy makers requires developing and strengthening. There is currently no way to track progress of place-based initiatives in addressing disadvantage in the criminal justice systems. Outcomes are currently measured at the community-level only.

Data on offenders after they leave the systems

Not enough is known about those who manages to 'exit' the criminal justice systems and how/why, i.e. knowledge about the people who are not included in recidivism statistics.
Without systematic data on who leaves the systems without returning, it is hard to model effective themes.

Prisoners with a disability

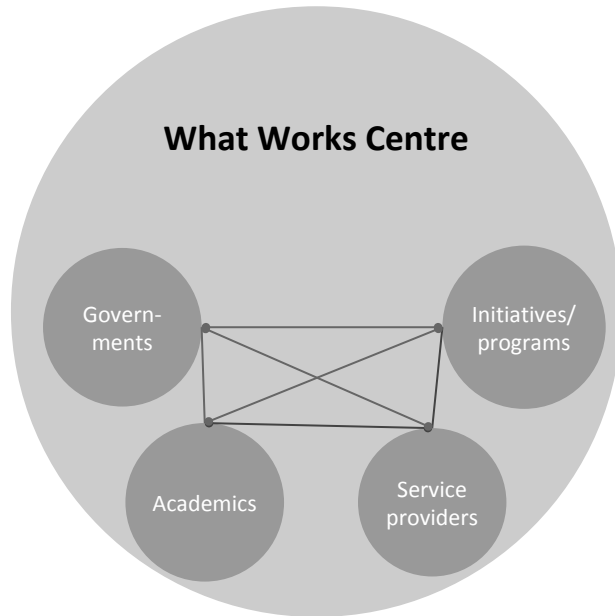
There is no systematic data collection which records who in prison has a disability. This significantly hinders the ability to design and implement effective responses.
It also limits understanding of effective early/prevention measures which could provide effective support.

Voice of lived experience

To ensure that policy and programs practically respond to the needs of people in contact with the criminal justice systems, their families and communities, it is vital to include the voice of lived experience.

Establishing A What Works Centre for Criminal Justice Reform and Reinvestment

A What Works Centre on Criminal Justice Reform and Reinvestment would:



Become a 'one-stop-shop' for policy-relevant evidence on justice reform and reinvestment, working closely with government agencies (e.g. Justice, Police, Corrections, Education, Housing, Treasury), academics, service providers and initiatives. Building on the experience in the UK, a new Australian Centre would work to support the adoption of evidence, as well as its creation and dissemination.

Form three working groups:

- **Evidence:** Collect evidence and consolidate existing research, practitioner expertise and lived experience from Australia and overseas. Incorporate and draw from lived experience and evaluations of place-based approaches and "Community Deals". Incorporate academic research and practitioner/policy-maker expertise. Work closely with the knowledge hub for place-based expertise to incorporate community knowledge and evidence.
- **Evaluation:** Conduct rigorous evaluations of projects and their implementation and train policymakers to do the same. Evaluate implementation through rigorous studies.
- **Justice reinvestment:** Developing policy mechanisms which support broad justice reinvestment approaches

Translate the evidence base to advocate and provide practical technical assistance and targeted advocacy for effective change. Working collaboratively with state governments/philanthropy/service providers to develop and advocate for improved data gathering/sharing practices and effective alternatives to incarceration.

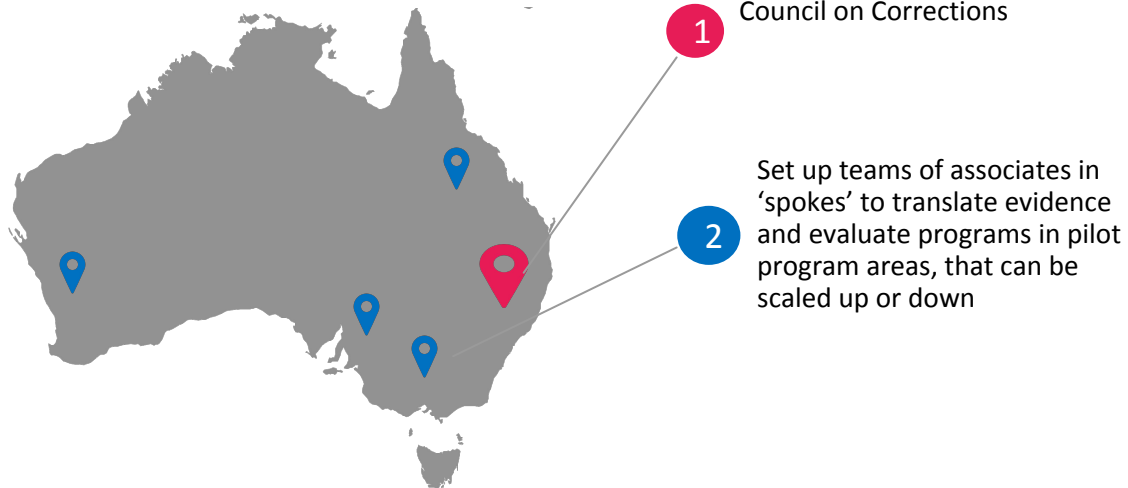
The Centre could also act as a Secretariat for the Council on Corrections (slide 37). This could lead to the establishment of a national peak body further down the track, which is a significant gap in the current landscape.

First Steps: Creating a What Works Centre for Criminal Justice Reform and Reinvestment

First Steps

1. Consultation and co-creation process — this will be an important first step to bring in relevant stakeholders and co-design the best structure for the centre. One option is the hub and spoke model (below).
2. Form the core – establish a core research team of 2-5 people with strong connections in the CJS space.
3. Establish links to place-based approaches and “Community Deals” — embed associates in a Community Deals Network to provide advice on evaluations, and feedback lessons learned.

Example: Hub and spoke model



Indicative timeline for first steps

First year

“Form the core” team through consultation and co-creation process and establish a base for the Centre in a major city.

Build strong relationships with key players, including state-based Sentencing Councils, the Knowledge Hub for Place Based Approaches, Corrections Commissioners and implementing agencies.

Second year

Identify which place-based approaches and “Community Deals” to work with and embed associates in place.

Conduct evaluation and standards of evidence trainings with implementers of these initiatives.

Begin regular implementation evaluations and data collection of programs/pilots.

Third year

Continue regular implementation evaluations and data collection of programs/pilots.

Make submissions to government for policy reforms based on what we know works, i.e.. reforming penalties for driving without a license, changing ‘show cause’ bail laws.

Lead the collaborative development of ‘justice reinvestment packages’ to negotiate with states and territories.

Evidence: Reform Ideas

THEME: EVIDENCE				
	People	Evidence	Systems	Innovation
What Works Centre				
Establish a What Works Centre for Criminal Justice Reform and Reinvestment, that could potentially evolve into a National Peak Body	People in contact with the criminal justice systems	An applied evidence base coordinating, collecting, interpreting and connecting evidence of good practices and effectiveness of initiatives	Justice, Education, Employment, Human Services, Community Services, Health, Treasury	A new centrally coordinated evidence base to achieve effective and sustainable reforms and programming
Establish a knowledge hub for applied expertise on place-based approaches, including but not limited to corrections/criminal justice. This could potentially fit within a What Works Centre	People in contact with the criminal justice systems	Fills gaps in evidence and capability for effective place-based approaches	Justice, Education, Employment, Human Services, Community Services, Health	A new, honest broker and talent hub for evaluating and improving place-based approaches, that can break cycles of disadvantage within criminal justice systems and more broadly
Create a comprehensive evidence base of how disability interacts with criminal justice systems	People with disability in contact with the criminal justice systems	Evidence base of Australians with disability interacting with criminal justice systems	Health, Justice, Human Services, Employment, Community Services	New evidence base, addressing a key evidence gap
Addressing other evidence gaps				
Establish state and territory systems for identifying dependent children of prisoners and, responding to their needs, starting in Victoria and developing services to support them and their parents	Prisoners and their dependent children	Evidence of impacts from identifying children with family in the criminal justice systems and the most effective services for them	Justice, Human Services, Health	New integrated system for identifying dependent children of prisoners. Remedies a glaring evidence and practice gap, and allows for better parenting services inside and outside prison for families and their children
Work with advisory body/service providers to develop justice reinvestment packages to negotiate with state and territory jurisdictions	People in contact with the criminal justice systems	Drawing on overseas practice, building an evidence base in Australia	Justice, Finance, Human Services, Community Services, Employment, Health	Agreed reinvestment packages, between philanthropy and Australian governments, based on approach taken by Pew
Create a coordination mechanism to link work of state-based Sentencing Councils, and also to link these efforts with other collaborative efforts	People in contact with the criminal justice systems	A strengthened evidence base, avoiding duplication, and ensuring it informs policy reform efforts.	Justice	A mechanism to amplifying existing evidence, remedying a coordination and sustainability gap and addressing the knowledge-action gap

3. Coordination

How can the potential of law and policy reforms be unlocked across Australia, to systematically improve outcomes for people, families and communities in contact with criminal justice systems?

Policy and law reform is an essential ingredient in breaking the relationship between disadvantage and criminal justice systems at scale, as key drivers (and policy and law reform levers) sit with policymakers, beyond the control of community initiatives and service providers.

For policy and law reforms to effectively address the scale and nature of this challenge, it is vital that the criminal justice sector coordinates its efforts and works together to design a responsive reform effort, across all actors and jurisdictions. A Track II process would provide a constructive space to compile and coordinate a law and policy reform agenda which builds cover for governments willing to pursue it.

Developing and passing law and policy reforms can be difficult for governments. A coordinated effort to build the authorising environment for systems change and to change the public narrative about crime and punishment is required to enable more effective law and policy reforms to be implemented.

ESTABLISH A TRACK II PROCESS ON CRIMINAL JUSTICE REFORM

- Develop a constructive second track process to drive the reform agenda
- Bring together key players in the sector to build a common agenda for reform.
- In practice, this would involve bringing together media figures, service providers, community actors, employers, business leaders and policymakers, as well as government officials and corrections officials in an unofficial capacity.
- Work with media figures and opinion multipliers to develop a set of cross-cutting messages and stories to drive reform.
- Develop the Track II process to mobilise convening power to bring together players in the sector to leverage off each other's work, minimise duplication, build capacity, share knowledge and expertise, and ensure the best outcomes.
- Link up groups working in this space to amplify their voices and to learn more effectively from each other.

ESTABLISH A COUNCIL ON CORRECTIONS

A successful second track process may lead to a more formal, independent, intergovernmental 'Council on Corrections' that can coordinate the reform agenda by bringing together policymakers, service providers and reform advocates, impacted communities, policy and law enforcement agencies and people with lived experience.

Gaps in coordination and narrative

Current gaps in the sector include:

Coordination

Coordination between government and service providers

Government agencies and service providers currently don't work together systematically with people in contact with the criminal justice systems in mind. This can have the effect of producing contrary outcomes for people in contact with the criminal justice systems, and can even mean that they end up working against good outcomes.

Coordination between jurisdictions

While informal relationships exist between criminal justice systems across jurisdictions (e.g. connections between Corrections Commissioners), there is currently no formal body to bring leaders from the sector together on a regular basis.

Coordination between community organisations

There are a lot of people working at the community level and across the sector to bring about reform. At best, many are working on parallel and similar efforts, and even duplicating each other — at times they might even work against each others' efforts.

Narrative

Cohesive and bipartisan messaging for reform

There are diverse and often changing messages on reform, and there have been a lack of large-scale attempts to build a broad cross-cutting narrative, e.g. Right on Crime campaign (Texas Public Policy Foundation, United States).

Storytelling at the local court level

Storytelling can be a powerful way to show how the most disadvantaged are impacted by criminal justice systems.

Establishing a Council on Corrections

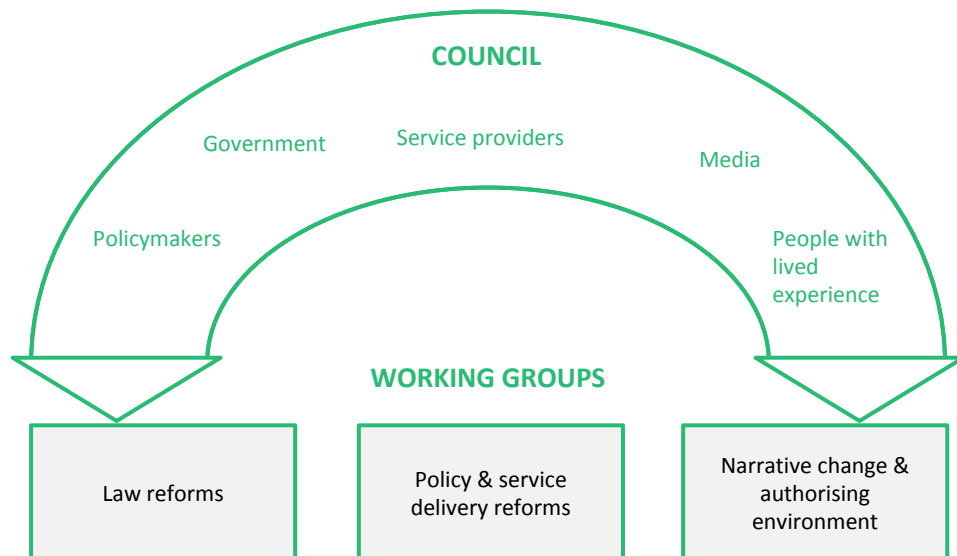
Who would be part of an informal/formal 'Council On Corrections'?

Policymakers, people with lived experience, media figures, service providers, police, corrections commissioners, magistrates, employers and business leaders

A successful Track II process could be formalised into a Council on Corrections, creating a regular forum for key players to come together to pursue and develop a common agenda for criminal justice reform. This would include regular meetings in different jurisdictions, and key activities and features would include:

- Linking up groups working in this space to amplify their voices and to learn more effectively from each other
- Incorporating the voice of lived experience into development of policy and service delivery models
- Creating working groups which bring together allies and “unlikely” collaborators to improve coordination across law and policy reform, and narrative (e.g. developing targeted community education and awareness raising campaigns to support reform efforts and create the authorising environment for change)
- Develop and mobilise champions of change

The Council could also integrate evidence and conclusions derived from the What Works Centre into reform efforts, and communicate the evidence and evaluation required to assist with reform efforts.



Coordination: Reform Ideas

THEME: COORDINATION				
	People	Evidence	Systems	Innovation
Launch a coalition of think tanks and service providers to work together on combining and building the authorising environment for systems change	People in contact with the criminal justice systems	Informed by new evidence base(s)		Coordinate efforts to grow the authorising environment for law and policy reform across political spectrum (e.g. Bail Act and Corrections Act changes in Victoria, lifting the minimum incarceration age nationally)
Support a coalition to work together on the campaign to lift the minimum incarceration age to 14, like the alliance for Australian Marriage Equality	Young people in contact with the criminal justice systems	Supported by retained international experts and allies		Targeted campaign for a critical national decision deferred in November 2019, and committed to by the ACT in November 2020
Establish a Track II process on criminal justice reform, with a view to this transforming into an expanded Council on Corrections, if successful	People in contact with the criminal justice systems	Informed by new evidence base(s) and voice of lived experience		A new coordinated reform effort, providing a quiet mechanism to compile and coordinate a law and policy reform agenda which builds cover for governments willing to pursue it underpinned by an authorising environment
Amplify the stories of prisoners and their families through media productions/programs to raise public and employer awareness	People, families and communities in contact with the criminal justice systems	Informed by new evidence base(s)		Set up new campaign to build community awareness and support for change, replicating similar initiatives (e.g. Climate Council, The Final Quarter film, 'Go Back to Where You Came From')
Establish an Australian organisation to work on trusted, behind the scenes advocacy and in-prison 'councils' to incorporate the voice of lived experience	People in contact with the criminal justice systems	Develop and demonstrate proof of concept		A new organisation to engage and consult with people with lived experience of the criminal justice systems, to inform reform efforts (e.g. Council on Corrections) and develop advocacy
Develop a storytelling program at the local court level, to enable legal aid advocates to improve magistrates' understanding of disadvantage	People in contact with the criminal justice systems, Aboriginal and Torres Strait Islander peoples	Develop and demonstrate proof of concept		A new initiative to build awareness and support for change within the system
Launch a public awareness campaign highlighting contributions of former offenders and their families, targeted at the public and employers (similar to Yellow Ribbon in Singapore)	People in contact with the criminal justice systems	Develop and demonstrate proof of concept		A new campaign to build community awareness and public support for change and reform of Australia's criminal justice systems

Taking a collaborative approach

Australia's criminal justice systems are locking generations of people into disadvantage at an enormous and escalating cost to government, with a diminishing benefit to public safety.

The scale and resources of the state — legal, regulatory and fiscal— are needed to fundamentally change the landscape of disadvantage and social exclusion in Australia. While our consultations have shown that governments, particularly at the state level, are open to reform, they are unlikely and unable to lead the effort to reform these systems alone.

There is an opportunity for government to work together with service providers, community organisations, media, business and philanthropy to develop the most effective approaches, practices and reform ultimately to shift the dial for people, families and communities in contact with the criminal justice systems across Australia.

Collaboration is an essential ingredient to realise the full potential of existing initiatives, to innovate, design and test new approaches, to build a reliable and comprehensive evidence base, and to develop a coherent reform agenda which is capable of changing the systemic relationship between disadvantage and the criminal justice systems.

Benefits of a collaborative approach

MISSION

A shared commitment to make the change required to break the relationship between Australia's criminal justice systems and disadvantage which it compounds and creates, and to support people most in need of assistance to lead good lives outside of the system.

SCALE

The ability to achieve impact at scale, connecting existing work and learnings to develop solutions at scale, to meet the needs of Australians across the country.

INNOVATION

Developing, adopting and implementing the most effective and practical ideas, based on shared knowledge and learnings.

PARTNERSHIPS & CAPABILITIES

Collaboration between a breadth and depth of organisations can build enduring partnerships, capacity and capability around a shared mission to deliver outcomes at the community level quickly and responsively.

IMPACT

The ability to create impact at the system and place levels, across all levels of government, sectors, jurisdictions and places across Australia.

LONG-TERM & SUSTAINABILITY

Building an infrastructure for the sector to respond to challenges and deliver outcomes in the long-term. This also would allow for evidence and initiatives to evolve, learn and adapt.

A unique role for philanthropy

While philanthropic investment has often been episodic and disconnected from government investment, there is a unique opportunity for philanthropy to leverage its strengths and work in partnership with each other, and with government.

Scale and long-term outcomes: Some existing investments in this space lack scale. Many end up working in the short-term, addressing the symptoms rather than the long-term and systemic causes of persistent disadvantage. Philanthropy can complement to the scale of government investment required for the reform of our criminal justice systems, and can also provide long-term commitment and investment.

Trust and intermediary relationships: Disadvantaged communities can lack trust in government to deliver, and may be reluctant to engage. This can be particularly true for those who have contact with the criminal justice systems. Philanthropic organisations are separate from that experience and can work to build trust with individuals and communities.

Capabilities, expertise, networks and reputation: Philanthropy has the expertise to partner with organisations and initiatives (new and existing) to leverage networks and to build capacity, walking alongside start-up community organisations early in their journey.

Community-driven: Philanthropy can partner with community organisations to initiate and build programs that are driven by community needs, outside of external considerations and influences.

Collaboration and coordination: Addressing deep cyclical disadvantage in the criminal justice systems will require an integrated, broad and collaborative response. This requires partnering with small, medium and large scale organisations and actors on initiatives at different points in their lifecycle. This could include working with small community organisations on capacity building, to collaborating with medium-sized organisations already working in this space, to coordinating large-scale partnerships with service providers and government agencies.

Risk and innovation: Philanthropy can take risks in funding new ideas and respond quickly and flexibly to social problems where the evidence might not yet be settled. This means philanthropy can invest early and prioritise early intervention in a way government might not. Philanthropy can provide “risk capital” that allows for such social policy innovation and discovery over long time horizons where governments, focused on shorter-term political wins, often struggle to make policy step-changes alone.

Funding contentious reforms: Philanthropy has a role in investing and building capacity in contentious programs that might not otherwise be possible. This is particularly important for the reform of the criminal justice systems.

Most initiatives rely on collaboration, and can't be achieved alone

Examples: Initiatives requiring collaboration			
	Innovations in delivery of existing government services/programs Expanding and coordinating programs and testing new ideas within them, so that they meet the needs of people most in need and at sufficient scale	Establishment of new services, mechanisms and bodies Developing new and innovative methods and tools necessary for effective reform	Working in partnership for the long term Developing trusted and enduring collaborative relationships with the communities and organisations
COMMUNITIES	<ul style="list-style-type: none"> • Ensure employment pathways for former offenders are included in the federal Local Jobs Program in key places (e.g. Western Melbourne) • Build a partnership between government and philanthropy in place (e.g. co-invest in the Victorian Government's 'Working Together in Place' Initiative) 	<ul style="list-style-type: none"> • Extend new housing trials to support former offenders and their families into long-term housing and employment (e.g. extending temporary community residential facility in Maidstone, former Maribyrnong Immigration Detention Centre) 	<ul style="list-style-type: none"> • Extend place-based initiatives and explore new initiatives (eg to focus on vulnerable children of prisoners or former offenders) • Invest in existing justice reinvestment capability and new exploratory and engagement sites
EVIDENCE	<ul style="list-style-type: none"> • Create a coordination mechanism to link work of state-based Sentencing Councils, and also to link these efforts with other collaborative efforts 	<ul style="list-style-type: none"> • Establish a What Works Centre for Criminal Justice Reform and Reinvestment, that could potentially evolve into a National Peak Body • Establish state and territory systems for identifying dependent children of prisoners and responding to their needs, and developing services to support them and their parents • Create a comprehensive evidence base of how disability interacts with criminal justice systems • Establish a knowledge hub for applied expertise on place-based approaches, including but not limited to corrections/criminal justice. 	<ul style="list-style-type: none"> • Work with advisory body/service providers to develop justice reinvestment packages to negotiate with state and territory jurisdictions
COORDINATION	<ul style="list-style-type: none"> • Develop a storytelling program at the local court level, to enable legal aid advocates to improve magistrates' understanding of disadvantage 	<ul style="list-style-type: none"> • Establish a Track II process on criminal justice reform with a view to this transforming into an expanded Council on Corrections, if successful. • Establish an Australian organisation to work on trusted, behind the scenes advocacy and in-prison 'councils' to incorporate the voice of lived experience 	<ul style="list-style-type: none"> • Amplify the stories of prisoners and their families through media productions/programs to raise public and employer awareness

International example

The Pew Charitable Trust's Public Safety Performance Project (PSPP)

Pew Charitable Trusts leveraged an initial investment in 2006 into a justice reinvestment program that by 2014 had led US state government partners to reinvest USD\$165.8 million and plan to reinvest USD\$398 million in initiatives focused on effective, evidence-based reform of their criminal justice systems.¹ By 2018, 35 US states had participated.²

Pew's early philanthropic partners, Good Ventures and GiveWell, noted in evaluating the work: "We highly value the unquantified benefits of learning [...] and we do not believe policy-oriented philanthropy is likely to consist of proven, repeatable interventions with easily quantified expected impact".³

Pew's initial investment launched the Public Safety Performance Project (PSPP). The project drove an experimental, state-level criminal justice reform program built on:

- **Partnership, collaboration and commitment to change** — public officials and politicians, alongside criminal justice analysts, NGOs and policy experts.^{1,4}
- **Targeting policies, systems, populations and cost-drivers** using evidence built from comprehensive data analysis.¹

- **Developing innovative and bespoke policy options** — PSPP "does not advocate predetermined solutions", rather it uses the "best research and lessons learned from other states" to "tailor cost-effective, data-driven policy options" for each of the states it works with.⁴
- **Encouraging co-funders and partners to make "riskier bets" that prioritise learning and innovation.**³

Building on PSPP's first four years of work, in 2010 Pew partnered with the US Federal Government's Bureau of Justice Assistance to launch the Justice Reinvestment Initiative (JRI) — substantially extending PSPP's reach and influence and raising its budget to no more than \$25 million (the budget is not public).¹

PSPP provides targeted support to states "to advance data-driven, fiscally sound policies and practices in the criminal and juvenile justice systems that protect public safety, hold offenders accountable, and control corrections costs".³ It delivers "technical assistance to states, research and public education, and promotion of non-traditional alliances and collaboration around smart criminal justice policies".³

International example

Lessons from the Pew Charitable Trust's experience

Pew's work on the Public Safety Performance Project (PSPP) demonstrates how a modest initial long-term commitment and partnership can scale into an organisation with considerable influence.

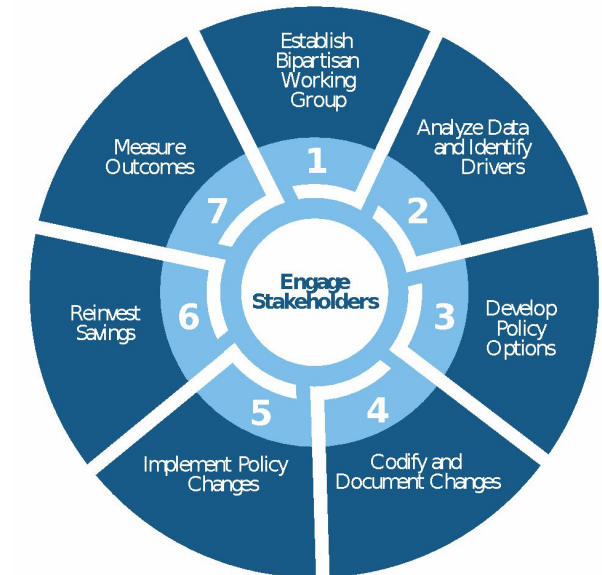
PSPP's focus during the first four year period was research and convening. Most investment was in targeted funding of other organisations and building partnerships with "unusual bedfellows". PSPP's team worked closely with prison reformers, the business community, victims' advocates, judges and prosecutors, police, conservative voices and faith-based groups.¹

Staffing doubled every year after 2010. PSPP now has about 30 staff.¹ Each of the 35 states reforming their sentencing and corrections policies since 2007, has differed in its approach to justice reinvestment, however, "all aim to improve public safety and control taxpayer costs by prioritizing prison space for people convicted of serious offenses and investing some of the savings in alternatives to incarceration that are effective at reducing recidivism".²

Since Pew's work began, total state imprisonment rates have dropped by 11 per cent, crime rates have continued their long-term decline and states that have implemented justice reinvestment approaches expect to save billions. Texas, for example, has likely avoided \$3 billion in prisons costs through justice reinvestment.³

Pew's approach reflects a broader shift in US philanthropy to focus on catalysing policy change—even where establishing a counterfactual and proving causality is difficult.⁴ As Darren Walker, President of the Ford Foundation has emphasised, "pushing for new policies is some of the most important, most fundamental work philanthropists can do"⁵ because "without politics and policy change, you're not going to get the change that you need at scale".⁶

PSPP's JRI model takes a jurisdiction through multiple stages to introduce evidence-based policies to minimise costs in the criminal justice systems and reinvest the savings into strategies to increase public safety, reduce recidivism and focus on proven, lower-cost, social programs. The model emphasises using data, achieving bipartisan consensus and involving policymakers from across a broad range of services as well as input from a wide range of stakeholders, from judges to victims' advocates. States interested in participating must first secure bipartisan support for the initiative and then request technical assistance from JRI. If selected, states receive a bespoke package of justice reinvestment policy assistance.⁶



Source: LaVigne 2014.

Policy reform	2017						2016		2015			2014		2013				2012				2011				2010		2009		2008			2007		Total													
	RI	LA	AR	GA	ND	MT	AK	MD	UT	AL	NE	ID	MS	OR	SD	WV	KS	MO	DE	GA	PA	HI	OK	AR	KY	AL	LA	NC	OH	SC	NH	MI	IL	WI		AZ	PA	CT	RI	VT	KS	NV	TX					
Sentencing/pretrial																																																
Reclassify/redefine drug offenses		✓			✓	✓	✓	✓	✓	✓		✓	✓	✓						✓			✓	✓			✓	✓																		16		
Reclassify/redefine property offenses	✓	✓			✓	✓	✓	✓		✓	✓		✓	✓	✓					✓			✓						✓																	15		
Establish presumptive probation for some offenses					✓		✓			✓			✓	✓	✓							✓		✓					✓																	9		
Revise sentencing enhancements		✓				✓	✓		✓	✓			✓							✓				✓				✓																		10		
Revise mandatory minimums		✓				✓	✓	✓						✓						✓		✓					✓																			9		
Reduce crack-powder cocaine disparity																			✓																										4			
Form sentencing commission/revise guidelines			✓			✓	✓		✓																			✓																		6		
Improve pretrial release systems						✓	✓									✓			✓		✓			✓																					6			
Establish presentence assessment	✓					✓	✓								✓				✓	✓			✓																						9			
Revise drug-free school zone					✓				✓															✓						✓																4		
Authorize risk-reduction sentencing																												✓	✓																	3		
Release																																																
Revise parole hearings/eligibility standards	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓				✓					✓		✓	✓			✓		✓	✓	✓																21	
Expand good-time/earned-time credits		✓					✓	✓	✓			✓	✓			✓			✓	✓							✓	✓	✓	✓																		16
Establish parole board member qualifications						✓																					✓		✓																		3	
Establish/expand geriatric or medical parole	✓	✓			✓		✓	✓		✓			✓										✓			✓			✓		✓																11	
Community corrections																																																
Establish/expand earned discharge		✓		✓		✓	✓	✓			✓	✓	✓	✓		✓	✓	✓					✓	✓					✓	✓																		18
Authorize performance incentive funding	✓						✓	✓	✓				✓					✓			✓		✓	✓				✓	✓																			13
Authorize administrative jail sanctions	✓	✓				✓	✓		✓	✓	✓	✓	✓			✓	✓	✓					✓	✓			✓	✓	✓	✓																		18
Authorize graduated responses for violations		✓				✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓		✓	✓			✓	✓	✓	✓																		22
Cap revocation time		✓	✓			✓	✓	✓	✓	✓		✓	✓			✓	✓		✓	✓	✓	✓			✓		✓																				17	
Establish/improve electronic monitoring												✓				✓				✓			✓	✓			✓																				8	
Establish mandatory re-entry supervision									✓	✓						✓	✓					✓		✓	✓		✓	✓	✓	✓																	10	
Require/improve risk-needs assessment	✓			✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓				✓	✓		✓		✓	✓		✓	✓	✓	✓																	26	
Require evidence-based practices	✓	✓	✓	✓		✓	✓	✓	✓	✓									✓	✓	✓		✓	✓			✓																				21	
Reform/pilot specialty courts	✓											✓	✓	✓						✓			✓	✓			✓																				8	
Reduce probation terms	✓	✓		✓			✓		✓													✓																									8	
Improve behavioral health interventions	✓			✓	✓	✓	✓		✓	✓	✓				✓	✓	✓		✓									✓	✓																			23
Sustainability																																																
Require fiscal impact statements						✓							✓	✓	✓									✓																								7
Require data collection/performance measures	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓		✓	✓	✓	✓																		32
Improve restitution/victim notification	✓	✓					✓	✓		✓	✓	✓	✓								✓	✓				✓																						14
Establish oversight council	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓					✓		✓																												16

References

References

Links to sources correct as at December 2020

Page 4

1. US National Advisory Commission on Criminal Justice Standards and Goals, 1973
2. Narey, Martin (2019). *Address to the Annual Conference of the International Corrections & Prisons Association*, 29 October, Buenos Aires. Available [here](#).
3. Hall, Bianca (2019). *Disabled and with IQ of 50, one man seems destined for juvenile detention*, November 6. Available [here](#).

Page 9: Disadvantage is about more than your income, and is cyclical

1. Australian Bureau of Statistics (2018). *2071.0 – Census of Population and Housing: Reflecting Australia - Stories from the Census 2016 — Socio-Economic Advantage and Disadvantage*. Available [here](#).
2. McLachlan, R., Gilfillan, G. and Gordon, J. (2013). *Deep and Persistent Disadvantage in Australia*, rev., Productivity Commission Staff Working Paper, Canberra. Available [here](#).

Page 10: Australia’s criminal justice systems and criminal justice “conveyor belt”

1. Baldry, E., Dowse, L. & Clarence, M. (2012). ‘People with mental and cognitive disabilities: Pathways to prison’, Background paper for outlaws to inclusion conference, UNSW
2. Baldry, E. and Russell, S. (2017). *The booming industry continued: Australian prisons a 2017 update*. UNSW Working Paper.
3. Baldry, E., Dowse, L., McCausland, R. & Clarence, M. (2012). ‘Lifecourse of institutional costs of homelessness of vulnerable groups’, National Homelessness Research Agenda 2009-2013.

Page 11: Australia’s criminal justice systems create and compound disadvantage

1. Payne, J., Macgregor, S. and McDonald, H. (2015). ‘Homelessness and housing stress among police detainees: Results from the DUMA program’, *AIC Trends and Issues in Crime and Criminal Justice*, no. 492. Available [here](#). **Note on data**: Using data from the AIC’s Drug Use Monitoring in Australia program, this study examines the prevalence and nature of homelessness among a sample of police detainees. This study used self-report data from 947 adult police detainees who were interviewed in the second quarter of 2011 as part of the DUMA program.
2. Heffernan, E.B., Saunders, J.B., Byrne, G. and Finn, J. (2003). ‘Substance-use disorders and psychological distress among police arrestees’, *Medical Journal of Australia*, 179 (8), pp. 408-411. Available [here](#). **Note on data**: 288 police arrestees at the Brisbane City Police Watch House participated in interviews in a 5-week period in February and March 2001.
3. Baksheev, G.N., Thomas, S.D. and Ogloff, J.R. (2010). Psychiatric Disorders and Unmet Needs in Australian Police Cells. *Australian & New Zealand Journal of Psychiatry*, 44(11), pp.1043-1051. **Note on data**: A cross-sectional descriptive study was conducted, including data linkage with the Victoria Police database and the Victorian Psychiatric Case Register. In Melbourne, Australia, 150 detainees were recruited for participation from two busy metropolitan police stations. The end of data collection was 2009.
4. Forsythe, L. & Gaffney, A. (2012), ‘Mental disorder prevalence at the gateway to the criminal justice system’, *AIC Trends and Issues in Crime and Criminal Justice*, no. 438. Available [here](#). **Note on data**: This is the first Australian study to measure the prevalence of mental disorder among offenders nationally, using information provided by 690 police detainees who participated in the Australian Institute of Criminology’s Drug Use Monitoring in Australia (DUMA) program. Around half reported having been diagnosed with a mental disorder in the past.
5. The Honourable Wayne Martin AC, as cited in: Australian Law Reform Commission. (2017) *Pathways to Justice - An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Island Peoples*, Final Report, No. 133, December. Available [here](#).
6. Queensland Productivity Commission. (2020). *Inquiry into Imprisonment and Recidivism, Final Report*. Available [here](#).
7. Australian Bureau of Statistics. (2020). *Prisoners in Australia 2020*. Available [here](#). Note: This release previously used catalogue number 4517.0.
8. State of Victoria, Sentencing Advisory Council. (2020). *Time Served Prison Sentences in Victoria*. Available [here](#); State of Victoria, Sentencing Advisory Council. (2020). *Media release — Growth in Victoria’s Remand Population Is Driving Increase in Prison Sentences: New Report*, February. Available [here](#).

References

Page 11: Continued Australia's criminal justice systems create and compound disadvantage

9. NSW Law Reform Commission (2012). *Report 133: Bail*, Sydney. Available [here](#). Note on data: 55% figure: Of the 10,342 people on remand in 2010 in NSW, 5,218 or 55% were released as 'unconvicted' or not subject to further custodial sentence, that is, they were either released to bail, received a non-custodial sentence, had already served their full sentence while on remand, had all charges dismissed or were acquitted.
10. Jones, C. and Crawford, S. (2007). *The Psychosocial Needs of NSW Court Defendants*. BOCSAR NSW Crime and Justice Bulletins. Available [here](#).
11. Weatherburn, D. (2016). "Rack 'em, Pack 'em and Stack 'em": Decarceration in an Age of Zero Tolerance', *Current Issues in Criminal Justice*, 28 (2), pp. 137-156. Available [here](#).
12. Weatherburn, D. (2014). *Disadvantage, disempowerment and Indigenous Over-representation in Prison*, In Children's Court Section 16 Meeting, October. Available [here](#).
13. Australian Institute of Health and Welfare. (2019). *The health of Australia's prisoners 2018*. Cat. no. PHE 246. Canberra: AIHW. Note on data: "The main data source for this report was the 2018 NPHDC. Data for the NPHDC were collected in 2-week periods in all states and territories, except New South Wales. Entrants forms were completed by 803 of the 3,442 people who entered prison during the data collection period—a participation rate of 23%. Over the same period, 335 of the 2,003 people discharged from prison completed the dischargee form—a participation rate of 17%. Prison entrants and prison dischargees in this data collection were different groups of people. But the surveys of these 2 different groups were administered during the same 2-week data collection period in 2018."
14. Productivity Commission. (2019). *Report on government services 2020*. Part C — Justice. Canberra. Available [here](#).
15. Australian Government, Department of Jobs and Small Business. 2018. *Supporting ex-offenders into the jobs market*. Available [here](#).

Page 12: Leaving the conveyor belt is the exception, not the rule: West Australian stories: Marlion Pickett

1. Marshall, K. (2019). "From prison to premiership: the road to Marlion Pickett's AFL debut", *The Age*, 16 November. Available [here](#).
2. Churny, Daniel. (2020). "Pickett's random acts of kindness", *The Age*, October 26. Available [here](#).
3. Hawkins, Belinda. (2020). "From prison to premiership: Why all of Australia is cheering on Richmond Tigers' Marlion Pickett", *ABC News*, 2 March. Available [here](#).

Page 13: Leaving the conveyor belt is the exception, not the rule, West Australian stories: continued

1. Aaron Clark (Korin Gamadji Institute, Indigenous Education and Leadership Centre, Richmond Football Club) as cited in Marshall, K. (2019). "From prison to premiership: the road to Marlion Pickett's AFL debut", *The Age*, 16 November. Available [here](#).
2. WA Today. (2019). 'Mental health plea after WA woman killed by police in Geraldton', 20 September. Available [here](#); Laurie, Victoria. (2020). 'WA policeman charged with murder of Aboriginal mother', *The Australian*, February 20. Available [here](#); O'Connor, Cecile and O'Flaherty, Alisha. (2019). 'Geraldton police shooting victim Joyce Clarke's struggles with demons revealed amid community protests', *ABC News*, 19 September. Available [here](#).
3. WA Today. (2019). 'Jail for unpaid fines to be 'truly a last resort' under new WA laws', 25 September. Available [here](#); Australian Law Reform Commission. (2017). 'Incarceration Rates of Aboriginal and Torres Strait Islander Peoples' *Discussion Paper No 84*, p165; *Canberra Times*, 'WA parliament passes unpaid fines reforms' from Australian Associated Press, 17 June. Available [here](#).
4. Western Australia Police Force. (2020). *NAIDOC Week 2018 - Flag Raising Ceremony — Commissioner's apology speech*, last updated October 12. Available [here](#).

References

Page 14: Parental incarceration creates and compounds disadvantage for children

1. Social Policy Evaluation and Research Unit. (2015). *Improving outcomes for children with a parent in prison*. New Zealand Government, Social Wellbeing Agency, June. Available [here](#). **Note:** This report cited draws on other original/academic/policy sources including: Pre-existing risks: (a) Social Exclusion Unit. (2002). 'Reducing re-offending by ex-prisoners'. London: Social Exclusion Unit; (b) Johnson, E.I. & Easterling, B. (2012). Understanding unique effects of parental incarceration on children: challenges, progress and recommendations. *Journal of Marriage and Family*. 74, pp. 342-356. Parental imprisonment: (c) Kemper, K.J., Rivara, F.P. Parents in jail. *Pediatrics*. 1993, Vol. 92, 2, pp. 261-264. (d) Newbold, G. Personal Communication. 2015. Mediators: (e) Murray, J. & Farrington, D.P. Evidence-based programs for children with a parent in prison. *Criminology and Public Policy*. 2006, Vol. 5, 4, pp. 721-735. Mediators: (a) and (b). Moderators: (a) and (b)
2. Murray, J. (2005). *The effects of imprisonment on families and children of prisoners* in Liebling, A and Maruna, S. (eds) *The effects of imprisonment*. Cullompton, Devon: Willan, pp. 442-492. (as cited in Social Policy Evaluation and Research Unit. (2015), above).

Page 15: Compounding disadvantage: Australia's criminal justice systems have intergenerational impacts

1. Farrington, D., Ttofi, M., Crago, R., & Coid, J. (2015). *Intergenerational similarities in risk factors for offending*, *Journal of Developmental Life Course Criminology*, 1(1), pp. 48-62.
2. Australian Institute of Health and Welfare. (2019). *The health of Australia's prisoners 2018*. Cat. no. PHE 246. Canberra: AIHW. **Note on data:** "The main data source for this report was the 2018 NPHDC. Data for the NPHDC were collected in 2-week periods in all states and territories, except New South Wales. Entrants forms were completed by 803 of the 3,442 people who entered prison during the data collection period—a participation rate of 23%. Over the same period, 335 of the 2,003 people discharged from prison completed the dischargee form—a participation rate of 17%. Prison entrants and prison dischargees in this data collection were different groups of people. But the surveys of these 2 different groups were administered during the same 2-week data collection period in 2018."
3. Leigh, A. (2019). *The Second Convict Age: Explaining the return of mass imprisonment in Australia*. **Note on data:** "One recent survey found that for every prisoner, there are 1.8 children in the general community who were dependent on them for their basic needs (AIHW 2019, 14). This suggests that there are around 77,000 Australian children with an incarcerated parent. The rise in imprisonment rates since the 1980s has substantially increased the share of children who are exposed to parental incarceration"
4. Tzoumakis, S., Burton, M., Carr, V., Dean, K., Laurens, K., Green, M. (2019). *The intergenerational transmission of criminal offending behaviours*. Report to the Criminology Research Council, March.
5. Bell, M., Bayliss, D., Glauert, R. & Ohan, J. (2018). 'Using linked data to investigate developmental vulnerabilities in children of convicted parents', *Developmental psychology*, 54(7), pp. 1219-1231; Telethon Kids Institute, 'Invisible children of imprisoned parents at risk of falling through the cracks'. April 2018. Available [here](#). **Notes on data:** "The study used linked de-identified administrative data from the Western Australian Department of Justice, which enabled researchers to see which of more than 19,000 children born in WA between 2003-04 had parents who had served periods of community service or incarceration. The researchers found 1402 of the children (7.35% of the cohort) had parents who had been imprisoned or given a community order within the period of the study. Records of parental convictions were merged with the children's scores on the Australian Early Development Census, a teacher-reported measure of children's physical, social, emotional, communicative and cognitive development" (available [here](#))
6. Trotter, C., Flynn, C., Baidawi, S. (2016). *The impact of parental incarceration on children's care: identifying good practice principles from the perspective of imprisoned primary carer parents*. *Child & family social work*, 22(2) p. 952. **Note on data:** "This paper presents findings of interviews with 151 primary carer prisoners in two Australian states (Vic, NSW) which aimed to address this research gap. The study examined care planning for children upon parental arrest, sentencing and imprisonment, stability of care arrangements and primary carer prisoners' involvement and satisfaction with care planning."
7. Commission for Children and Young People. (2019). *Lost, not forgotten: Inquiry into children who died by suicide and were known to Child Protection*, Melbourne: Commission for Children and Young People.

References

Page 15: Continued Compounding disadvantage: Australia's criminal justice systems have intergenerational impacts

8. McFarlane, K. (2018). *'Care-criminalisation: The involvement of children in out-of-home care in the New South Wales criminal justice system'*. Australian & New Zealand Journal of Criminology, 51(3), pp.412-433. Note on data: "Analysis was undertaken of a representative sample of the hard copy files of 160 children who had appeared before the criminal jurisdiction of the primary Children's Court in NSW, located in the Western Sydney suburb of Parramatta, between 2008 and 2010." Also note that the source lists other scholarship which establishes the link between care and criminalisation.
9. Australian Institute of Health and Welfare. (2019). *Young people in child protection and under youth justice supervision: 1 July 2014 to 30 June 2018*. Data linkage series no. 25. Cat. no. CSI 27. Canberra: AIHW.
10. NSW Health and NSW Justice, Justice Health & Forensic Mental Health Network and Juvenile Justice NSW. (2016). *2015 Young People in Custody Health Survey: Full Report*, Sydney. Available [here](#). Note on data: The 2015 YPICHS was conducted between September and December 2015 across seven Juvenile Justice Centres operated by JJNSW. One of these centres (Juniperina) has since closed. A total of 227 young people participated in the survey, representing 59.3% of all young people in custody during the recruitment period and 90.4% of those invited to participate.
11. Lee, R., Fang, X. & Luo, F. (2013). *'The impact of parental incarceration on the physical and mental health of young adults'*, Pediatrics, 131(4), pp. 1188-1195.
12. Nichols, E. & Loper, A. (2012). *'Incarceration in the household: Academic outcomes of adolescents with an incarcerated household member'*, Journal of Youth and Adolescence, 41(11), pp. 1455-1471.
13. Murray, J. & Farrington, D. (2005). *'Parental imprisonment: effects on boys' antisocial behaviour and delinquency through the life-course'*, Journal of Child Psychology and Psychiatry, 46(12), pp. 1269-1278. Notes on data: "This study uses prospective longitudinal data from the Cambridge Study in Delinquent Development (CSDD). The CSDD includes data on 411 Inner London males and their parents. We compare boys separated by parental imprisonment during their first 10 years of life with four control groups: boys who did not experience separation, boys separated by hospital or death, boys separated for other reasons (usually disharmony), and boys whose parents were only imprisoned before their birth."
14. Chen, S., Matruglio, T., Weatherburn, D. and Hua, J. (2005). *'The transition from juvenile to adult criminal careers'*, BOCSAR NSW Crime and Justice Bulletins. Note on data: "The present study investigates the reoffending behaviour of a cohort of 5,476 juveniles aged 10 to 18, who appeared in the New South Wales Children's Court for the first time in 1995.1 We follow the criminal history of these young offenders for a period of approximately eight years, from their first appearance in 1995 to 31 December 2003."
15. Flynn, C., Naylor, B. & Fernandez Arias, P. (2016). *'Responding to the needs of children of parents arrested in Victoria, Australia. The role of the adult criminal justice system'*, Australian & New Zealand Journal of Criminology, 49(3), pp.351–369; Trotter, C., Flynn, C., Naylor B., Collier, P., Baker, D., McCauley, K., Eriksson, A (2015) *'The impact of incarceration on children's care: A strategic framework for good care planning'*, Monash University Criminal Justice Research Consortium.
Additional sources informing this slide include:
16. Cashmore, J. (2011). *'The link between child maltreatment and adolescent offending—systems neglect of adolescents'*, Family Matters, 89.
17. Tweddle, A. (2007). *'Youth Leaving Care: How Do They Fare?'*, New directions for youth development (113), pp. 15-31.
18. Crichton, S., Templeton R., & Tumen S. (2015). *'Using integrated administrative data to understand children at risk of poor outcomes as young adults'*, Analytical Paper 15/01. Wellington: NZ Treasury.
19. Walsh, T., (2019). *'From child protection to youth justice: legal responses to the plight of 'crossover kids''*. University of Western Australia Law Review, 46(1), pp.90-110.
20. McFarlane, K. (2011). *'From Care to Custody: Young Women in Out-of-home Care in the Criminal Justice System'*. AIC Current Issues in Criminal Justice, 22(3) pp. 345-353.

Page 16: Australia's criminal justice systems compound disadvantage among Aboriginal and Torres Strait Islander peoples

1. Australian Bureau of Statistics (2018). *Prisoners in Australia, 2018*, (archived issue, released at 11:30 AM (Canberra Time) 06/12/2018). Note on data: The total Aboriginal and Torres Strait Islander population in Australia aged 18 years and over in 2018 was approximately 2% (based on Australian Demographic Statistics (cat. no. 3101.0) and Estimates and Projections, Aboriginal and Torres Strait Islander Australians, 2001 to 2026 (cat. no. 3238.0)).

References

Page 16: Continued Australia’s criminal justice systems compound disadvantage among Aboriginal and Torres Strait Islander peoples

2. Productivity Commission (2020), SCRGSP (Steering Committee for the Review of Government Service Provision) 2020, *Overcoming Indigenous Disadvantage: Key Indicators 2020*, Canberra.
3. As cited in: Allard T, McCarthy M & Stewart A 2020. The costs of Indigenous and non-Indigenous offender trajectories. *Trends & issues in crime and criminal justice* no. 594. Canberra: Australian Institute of Criminology. Available [here](#).
4. Australian Institute of Health and Welfare (2019). Bulletin 148: Youth detention population in Australia 2019. Available [here](#).
5. Allam, L (2019) ‘System is broken’: all children in NT detention are Aboriginal, officials say’ *The Guardian*, 31 May. Available [here](#). The transcript of the public hearing cited in the article: *Legislative Assembly of the Northern Territory, Social Policy Scrutiny Committee, Public Hearing Transcript, Youth Justice and Related Legislation Amendment Bill 2019, Thursday 20 May 2019*, p65. Available [here](#). **Note:** Direct citation from the hearing as follows: “ I can provide the following snapshot of the current system. As of 26 May 2019 there were 24 young people in detention in the Northern Territory. Of these young people in detention, 16 were on remand awaiting appearance before court and eight were sentenced. Twenty-two were male and two were female. All 24 were Aboriginal youth. Eleven were in Don Dale and 13 were in the Alice Springs detention facilities.” — Ken Davies, CEO Territory Families

Page 17: Criminal convictions and incarceration are concentrated in areas of broader disadvantage (e.g. NSW)

1. Vison, T. and Rawsthorne, M. (2015). *Dropping of the Edge 2015: Persistent communal disadvantage in Australia*. Jesuit Social Services and Catholic Social Services Australia. **Note on data:** That presenting the ranked data at a state scale obscures metropolitan Sydney postcodes, which will affect the ranked place of regional postcodes and their colour. These maps should be considered as a temporary substitute, in absence of raw data for each indicator.
2. Ombudsman Victoria. (2015). *Investigation into the rehabilitation and reintegration of prisoners in Victoria*.
3. Baldry, E. and Russell, S. (2017). *The booming industry continued: Australian prisons a 2017 update*. UNSW Working Paper

Page 18: Trapping many Australian individuals, families and communities

1. Weatherburn, D. (2016). “Rack ‘em, Pack ‘em and Stack ‘em”: *Decarceration in an Age of Zero Tolerance, Current Issues in Criminal Justice*, 28(2), pp. 137-156.
2. Calculated from: Australian Bureau of Statistics. (2010 and 2019). *4517.0 - Prisoners in Australia*. 2019 available [here](#) and 2010 available [here](#). **Note on data/ calculation:** The rate of incarceration in 2010 was 148 per 100,000. The rate of incarceration in 2019 was 219 per 100,000. This was a 47.97% increase.
3. Australian Bureau of Statistics. (2019 and 2020). *4517.0 - Prisoners in Australia*. 2019 available [here](#) and 2020 available [here](#).
4. Weatherburn, D. (2016). “Rack ‘em, Pack ‘em and Stack ‘em”: *Decarceration in an Age of Zero Tolerance, Current Issues in Criminal Justice*, 28(2), pp. 137-156; Queensland Productivity Commission. (2019). *Inquiry into Imprisonment and Recidivism*. Draft Report; Leigh, A. (2019). ‘*The Second Convict Age: Explaining the return of mass imprisonment in Australia*’.
5. Walmsley, R. 2019. *World Prison Population List*. 12th Edition. World Prison Brief, Institute for Criminal Policy Research. **Note on data:** Data is correct as at 2018: “The world prison population rate, based on United Nations estimates of national population levels, is 145 per 100,000.”
6. Notes on chart: ‘Incarceration rate per 100,000 of population’. This chart visualises incarceration rates per 100,000 of jurisdiction based on two data sources. For Australia, the chart draws on 2018-2019 and 2019-2020 data from the Australian Bureau of Statistics, as listed in footnote 3. For international country data: The chart draws on 2018 data from the World Prison Brief (footnote 5), to provide international comparisons. There are >200 countries listed in the World Prison Brief and we include a small selection of those in this chart for the purpose of comparison. The figures for France only cover metropolitan France and exclude overseas departments/territories.

References

Page 19: Our criminal justice systems are also enormously expensive

1. Productivity Commission. (2019). *Report on Government Services 2017-2018, Chapter 8: Justice. Table 8A.17. Note on data:* The figures This excludes depreciation. “Nationally in 2017-18 (excluding NSW, Victoria and SA), prison utilisation was 115.6 per cent of prison design capacity. Prison utilisation was 94.7 per cent in open prisons and 119.8 per cent for secure facilities”
2. Morgan, A. (2018). *How much does prison really cost? Comparing the costs of imprisonment with community corrections*. AIC Research Report 05.
3. These figures are based on eleven case studies of individuals aged between 23-55 with a range of complex needs in: Baldry, E., Dowse, L., McCausland, R. & Clarence, M. (2012). *'Lifecourse of institutional costs of homelessness of vulnerable groups'*. These costs still do not include additional costs like lost productivity, offences committed in prison or family costs.
4. Queensland Productivity Commission. (2020). *Inquiry into Imprisonment and Recidivism. Final Report*. Available [here](#).
5. Weatherburn, D. (2018). *'Australian imprisonment 2002–2016: Crime, policing and penal policy'* Australian & New Zealand Journal of Criminology, 51(4), pp. 537-559.

Page 20: Our existing systems aren't having the outcomes we want

1. Queensland Productivity Commission. (2019). *Inquiry into Imprisonment and Recidivism. Draft Report*
2. Weatherburn, D. (2016). *"Rack 'em, Pack 'em and Stack 'em": Decarceration in an Age of Zero Tolerance*, AIC Current Issues in Criminal Justice, 28(2), pp. 137-15
3. Wan, W., Moffatt, S., Jones, C., & Weatherburn D. (2012). *'The effect of arrest and imprisonment on crime'*, NSW BOSCAR Crime and Justice Bulletin 158, NSW Bureau of Crime Statistics and Research.
4. Farrell, G., 2013. *Five tests for a theory of the crime drop*. Crime Science, 2(1), p.5.
5. Essential Research. (2019). *Essential Report Jan 2019*; Walsh, T., (2018). *'Keeping vulnerable offenders out of the courts: lessons from the United Kingdom'* Criminal Law Journal, 42(3), pp.160-177.
6. Davis, B. & Dossetor, K. (2010) *'(Mis)perceptions of Crime in Australia'*, AIC Trends & Issues in Crime and Criminal Justice, no. 396, July.
7. Victorian Sentencing Advisory Council. (2018). *Public Opinion About Sentencing: A Research Overview*, quoted in Bartels, L. (2019). *Sentencing review 2018-19*. In press. Criminal Law Journal; Queensland Productivity Commission. (2019). *Inquiry into Imprisonment and Recidivism. Draft Report*.
8. Liedka, R., Piehl, A. & Useem, B. (2006). *The Crime-Control Effect of Incarceration: Does Scale Matter?* Criminology & Public Policy 5(2) pp. 245-76; Mears, D., Cochran, J., Bales, W. & Bhati, A., (2016). *'Recidivism and time served in prison'*, Journal of Criminal Law & Criminology, 106, p. 83; Stermen, D. (2017). *The prison paradox: More incarceration will not make us safer*. Vera Evidence Brief.

References

Page 20: Continued Our existing systems aren't having the outcomes we want

9. Mears, D., Cochran, J., Bales, W. & Bhati, A., (2016). 'Recidivism and time served in prison' Journal of Criminal Law & Criminology, 106, p. 83; Farrington, D., Ttofi, M., Crago, R. & Coid, J. (2015). 'Intergenerational similarities in risk factors for offending', Journal of Developmental Life Course Criminology, 1, pp. 48-62; Queensland Productivity Commission. (2019). *Inquiry into Imprisonment and Recidivism. Draft Report.*
10. See: Weatherburn, D. 2016. "Rack 'em, Pack 'em and Stack 'em": Decarceration in an Age of Zero Tolerance, Current Issues in Criminal Justice, 28:2, 137-156; Aos, S., Miller, M., Drake, E. (2006). 'Evidence-based adult corrections programs: What works and what does not', Washington State Institute for Public Policy; Aos, S., Miller, M., Drake, E. (2006). 'Evidence-based public policy: Options to reduce future prison construction, criminal justice costs, and crime rates, Washington State Institute for Public Policy; Albalawi, O. et al., (2019). 'Court diversion for those with psychosis and its impact on re-offending rates: results from a longitudinal data-linkage study' BJPsych Open, 5(1), pp.e9–9; Kirk, D. & Wakefield, S., (2018). 'Collateral consequences of punishment: a critical review and path forward'. Annual Review of Criminology, 1, pp.171-194.
11. Holden, M. & Rollins, B. (2018). 'Texas saved \$3B closing prisons. Why rehabilitation works', The Statesman. Available [here](#); Justice Policy Institute. (2009). *Pruning Prisons: How Cutting Corrections Can Save Money and Protect Public Safety.* Available [here](#). (Texas saved \$210.5 million for the 2008–2009 fiscal biennium alone.)
12. Justice Center, Council of State Governments. (2014). "Justice Reinvestment in North Carolina: Three Years Later". Available [here](#).

Page 21: Impact of COVID-19

1. Australian Institute of Health and Welfare. (2019). *The health of Australia's prisoners 2018.* Cat. no. PHE 246. Canberra: AIHW.
2. Dr Sotiri, M and Dr McCausland, R. (2020). *Vicious cycle for prisoners who are homeless on release needs urgent action*, The Guardian, 15 April. Available [here](#).
3. Australian Bureau of Statistics,. (2020). *Corrective Services, Australia June Quarter 2020.* Available [here](#).
4. Australian Bureau of Statistics. (2020). *Media Release, New prisoners decreased by 17% for the June Quarter 2020*, 17 September. Available [here](#).
5. Gleeson, H. (2020). ABC News, *Coronavirus triggers drop in prisoner numbers and an opportunity to reinvent the criminal justice system, lawyers say*, 9 August. Available [here](#).
6. Yussuf, A. (2020). 'The Depression Increased': *The families who can't see their loved ones in prison*, SBS News, 20 October. Available [here](#).
7. NSW Bureau of Crime Statistics and Research (BOSCAR). (2020). *New South Wales Custody Statistics, Quarterly Update September 2020.* Available [here](#).

Page 26: How could Community Deals help to address the geographically-located drivers of disadvantage in the criminal justice systems?

1. Australian Institute of Health and Welfare. (2019). *The health of Australia's prisoners 2018.* Cat. no. PHE 246. Canberra: AIHW.
2. CPD, *Blueprint for Regional and Community Job Deals*, 29 September 2020. Available [here](#).

Page 28: Justice Reinvestment packages

1. Government of Western Australia (2019). Department of Premier and Cabinet. *A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy*, Discussion Paper. Available [here](#).

References

Page 29: Next steps for Community Deals

1. Government of Western Australia (2019). Department of Premier and Cabinet. A Path Forward: Developing the Western Australian Government's Aboriginal Empowerment Strategy, Discussion Paper. Available [here](#).

Page 31: A What Works Centre could work to fill the following gaps through advocacy or evidence-gathering

1. Council of Australian Governments (COAG) (2016). Prison to Work, p. 48-53.
2. Avery, A., & Kinner, S., (2015). 'A robust estimate of the number and characteristics of persons released from prison in Australia', Australia and New Zealand Journal of Public Health 39, pp. 315-8.

Page 42: International example: The Pew Charitable Trust's Public Safety Performance Project (PSPP)

3. LaVigne, N. (2014). Justice Reinvestment Initiative—State Assessment Report. Urban Institute, Bureau of Justice Assistance.
4. Pew Charitable Trusts. (2018). Factsheet: 35 States Reform Criminal Justice Policies Through Justice Reinvestment.
5. Givewell. (2014). Pew Public Safety Performance Project. Available [here](#).
6. Public Safety Performance Project. (2012). 'Frequently Asked Questions'. Available [here](#).
7. 'Public Safety Performance Project' (2019) 'Partners'. Available [here](#).

Page 43: International example: Learnings from the Pew Charitable Trust's experience

1. Pew Charitable Trusts. 2018. Factsheet: 35 States Reform Criminal Justice Policies Through Justice Reinvestment.
2. Texas saved \$210.5 million for the 2008–2009 fiscal biennium alone. Justice Policy Institute (2009) 'Pruning Prisons: How Cutting Corrections Can Save Money and Protect Public Safety' and Holden, M. & Rollins, B. (2018) 'Texas saved \$3B closing prisons. Why rehabilitation works' The Statesman. Available [here](#).
3. Givewell. (2014). Pew Public Safety Performance Project. Available [here](#).
4. Walker, D. (2019). From Generosity to Justice: A New Gospel of Wealth. Ford Foundation.
5. LaVigne, N. et al. (2014). Justice Reinvestment Initiative—State Assessment Report.
6. Laurene Powell Jobs quoted in Walker, D. (2019). From Generosity to Justice: A New Gospel of Wealth. Ford Foundation.

Page 44

1. The Pew Charitable Trusts, 35 States Reform Criminal Justice Policies Through Justice Reinvestment — PSPP Reform Matrix. Available [here](#).

Additional source materials, by theme (1/3)

Homelessness

- Bevitt, A, Chigavazira, A, Herault, N, Johnson, G, Moschion, J, Scutella, R, Tseng, Y, Wooden, M, Kalb, G (2015) *Journeys Home Research Report No. 6: Complete Findings from Waves 1 to 6*, Melbourne Institute.

Employment

- Baldry, McDonnell, Maplestone, Peeters. (2006). 'Ex-Prisoners, Homelessness and the State in Australia' *The Australian and New Zealand Journal of Criminology*, vol. 39, no. 1, pp. 9-10.
- Bummiller, K.(2014). 'Bad jobs and good workers: The hiring of ex-prisoners in a segmented economy' *Theoretical Criminology*, 19(3) pp. 336-354.
- Grogger, J.(1995) 'The effect of arrests on the employment and earnings of young men' *Quarterly Journal of Economics*, February, pp. 51-71.
- Palmer, I. (2019). *Getting jobs for ex prisoners: VACRO's Second Chance Jobs Program*.

Out of home care/child welfare/intergenerational disadvantage

- Jesuit Social Services (2013). *Thinking Outside: Alternatives to remand for children* (Research Report) Richmond, Jesuit Social Services.
- Stewart, F.(2019). *Crossover Kids: Vulnerable Children in the Youth Justice systems*, Sentencing Advisory Council.
- Pawson et al.(2018). *Australian Homelessness Monitor*, Launch Housing, p. 37.

Health, Mental Health, Alcohol and Other Drugs (AOD)

- Caraniche.(2019). *Second Submission to the Mental Health Royal Commission*, 5 July.
- Casey and Day. (2014). 'Prison substance misuse programs and offender rehabilitation' *Journal of Psychiatry, Psychology and Law*, vol. 21, issue 3.
- Coghlan et al. (2015). 'Drug use monitoring in Australia: 2013-14 report on drug use among police detainees, AIC Monitoring Reports 27.
- Cutcher, Z, Degenhardt, L, Alati, R, Kinner. (2014). 'Poor health and social outcomes for ex-prisoners with a history of mental disorder: A longitudinal study' *Australian and New Zealand Journal of Public Health*, vol. 38, no. 5, pp. 424-429.
- Victorian Ombudsman (2017). Enquiry into the provision of alcohol and drug rehabilitation services following contact with the criminal justice systems, September, p.5.

Disadvantage

- McLachlan, R, Gilfillan, G and Gordon, J. (2014). *Deep and Persistent Disadvantage in Australia*, Productivity Commission Working Paper
- Melbourne Institute. (2019). *The Household, Income and Labour Dynamics in Australia (HILDA) Survey: selected findings from waves 1 to 17*, University of Melbourne.
- Scutella, R, Wilkins, R, Horn, M. (2009). *Measuring Poverty and Social Exclusion in Australia: A proposed multidimensional framework for identifying socio-economic disadvantage*, Melbourne Institute Working Paper no. 4/09.
- Vinson, T.(2007). *Dropping off the Edge: the distribution of disadvantage in Australia*, Jesuit Social Services/ Catholic Social Services Australia

Additional source materials, by theme (2/3)

Place-based approaches

- Reid-Howie Associates Ltd. (2017). *Evaluation of the SPS Throughcare Support Service*, Final Report, April.
- Austin, B., Glaeser, E., Summers, L. (2018). *Saving the heartland: Place-based policies in 21st century America*, Brookings Papers on Economic Activity, BPEA Conference Drafts, March 8-9 2018.
- The Economist. (2016) 'Place-based economic policies as a response to populism', 15 December, available [here](#).
- Althaus, C., & McGregor, C. (2019) 'Ensuring a world-class Australian Public Service: delivering local solutions', An ANZSOG research paper for the Australian Public Service Review Panel, March.
- Marsh, I., Crowley, K., Grube, D., Eccleston, R. (2016) 'Delivering public services: locality, learning and reciprocity in place-based practice', *Australian Journal of Public Administration*, 76(4), pp. 443-456.
- Shambaugh, J., & Nunn, R., (eds). (2018). *Place-based policies for shared economic growth*, September 28. Available [here](#).
- BCG. (2018). *Scenarios for 2030: A report for the Independent Review of the Australian Public Service prepared by the Boston Consulting Group*, October.
- Looney, A. & Turner, N. (2018). *Work and opportunity before and after incarceration*, The Brookings Institution, March.
- Justice Reinvestment Forum – Is Justice Reinvestment needed in Australia? Available [here](#).
- Exploring the feasibility of Justice Reinvestment in the Australian Capital Territory; Workshop Report, Jill Guthrie Fleur Adcock Phyll Dance, November 2011. Available [here](#).
- PwC. (2017). *Indigenous incarceration: Unlock the facts*, May. Available [here](#).
- Diagrama Foundation (2016) *Diagrama model overview, YJ Submission 60, Attachment 8, UK*.

Evidence

- Morgan, A., Boxall, H., Lindeman, K. & Anderson, J. (2011) 'Effective crime prevention interventions for implementation by local government *AIC Reports, Research and Public Policy Series*, no. 120. NSW Department of Attorney General.
- Education Endowment Foundation (2019) 'Evidence Summaries'. Available [here](#).
- Australian Law Reform Commission. (2017) *Pathways to Justice - An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Island Peoples*, Final Report, No. 133, December.
- Australian Institute of Health and Welfare. (2013). *Diverting Indigenous offenders from the criminal justice systems*, Resource sheet no. 24, December.
- Frieberg, A., Carson, W. (2010). 'The limits of evidence-based policy: Evidence, emotion and criminal justice' *Australian Journal of Public Administration*, 69(2) pp. 152-164.
- Frieberg, A., (2001). 'Affective versus effective justice: Instrumentalism and emotionalism in criminal justice' *Punishment and Society*, 3(2)pp. 256-278.
- Gelb, K., Stobbs, N., Hogg, R. (2019) *Community Based sentencing orders and parole: A review of literature and evaluations across jurisdictions*, prepared for the Queensland Sentencing Advisory Council by Queensland University of Technology, April.
- Breckon, J., Mthiyane, H., Shepherd, J. (2019). *Bodies of Evidence: How professional organisations in health, education and policing champion the use of research*, Alliance for Useful Evidence, September.

Additional source materials, by theme (3/3)

Narrative

- National Criminal Justice and Public Health Alliance (2018) 'Developing a Transformational Criminal Justice Narrative: A Toolkit' March
- Give Well. (2014). 'Pew Public Safety Performance Project' evaluation, July 2014. Available [here](#).
- Simpson, P, Guthrie, J, Lovell, M, Doyle, M, Butler, T (2015) 'Assessing the public's views on prison and prison alternatives: Findings from public deliberation research in three Australian cities' *Journal of Public Deliberation*, vol. 11, issue 2, pp. 1-24.
- Teles, S. & Dagan, D, (2016), 'Conservatives and Criminal Justice', *National Affairs*, Spring 2016. Available [here](#).
- Youth Partnership Project. (2017). *Change the Story Report*, January.

Prison systems

- Leigh, A. (2019) *Estimating long-run incarceration rates for Australia, Canada, England & Wales, New Zealand and the United States*.
- Sarre, R. (2017). *Essay: How I would spend \$100 million to reduce crime*. Paper delivered at the Applied Research in Crime and Justice Conference, NSW Bureau of Crime Statistics and Research, Sydney, February.
- Tasmanian Sentencing Advisory Council. (2017). *Mandatory Treatment for Alcohol and Drug Affected Offenders*, Research Paper no. 2. September.
- Victorian Government. (2019). *Women in the Victorian Prison systems*. Available [here](#).