

A criminal justice system that builds a safer community

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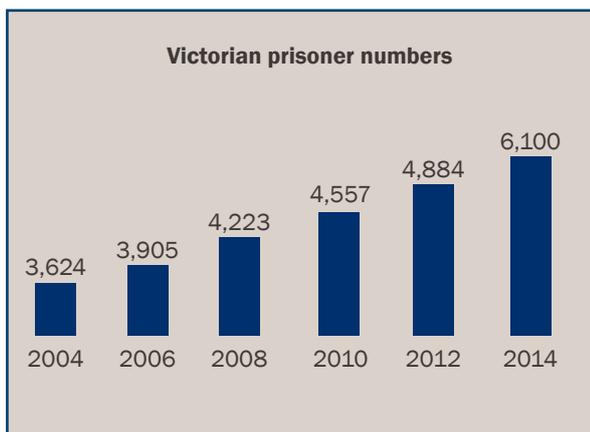


Victoria's next government must take action to turn around the state's criminal justice system so that it delivers a safer community.

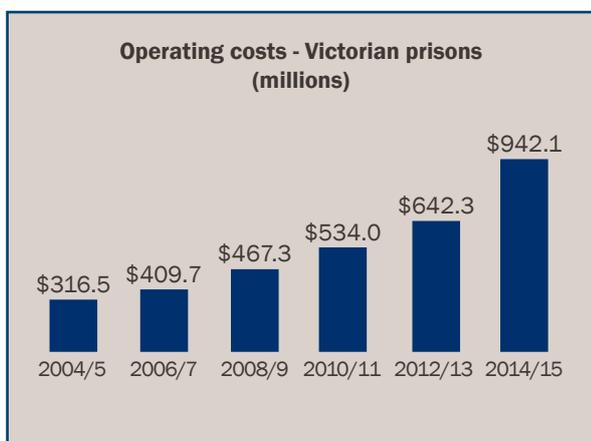
We all want a safe community. An effective approach to criminal justice can contribute to this by preventing crime in the first place and, where crime does occur, by ensuring that our responses to it hold people who offend to account, satisfy victims' interests, and reduce the likelihood of repeat offending.

Over recent years Victoria has pursued law and order reforms that will make our community less safe. Reforms to bail, sentencing and parole have resulted in dramatic increases in imprisonment. This is problematic, given the lack of evidence that increasing imprisonment reduces crime (Wan, Moffatt, Jones, & Weatherburn, 2012).

Over the past decade, Victoria's prison population has grown by over two thirds, from 3,624 to 6,100.



Over the same period, prison operating costs have nearly tripled, from \$316.5 million in 2004-5 to \$942.1 million in 2014-15. This includes an extraordinary one year increase of \$196 million projected in 2014-15.



To put these spending increases into perspective, the additional \$626 million to be spent in 2014-15, compared to 2004-5 is enough to pay 6,713 teachers, or a year's rental on 31,827 three-bedroom homes, or 7,468 youth or community support workers. These potential alternatives are important as we know that providing people with a decent education, addressing homelessness, and building stronger communities and supporting families address the root causes of crime.

In addition to diverting resources, increasing prison numbers are also placing extreme pressure on the prison system making it less effective, and increasing the dangers for workers, prisoners and the community. Significant issues include:

- overcrowding in police cells and failures to bring prisoners to court hearings
- increased incidence of assaults on prison staff
- increased prisoner to prisoner physical and sexual violence
- increased suicides, and deaths in custody among prisoners
- increased reoffending rates - up from 31.3 per cent in 2003-04 to 39.5 per cent in 2013-14.

This means more people exiting prison whose capacity to make a new start is compromised by the trauma of their prison experience, more crime by ex-prisoners, and ultimately a less safe community.

In addition to being ineffective in building community safety, it is also clear that prisons have become the asylums of the 21st century. An alarming proportion of prisoners experience mental illness, alcohol and drug problems, homelessness, unemployment, and family breakdown. Most women prisoners (87 per cent) are victims of sexual, emotional or physical abuse. Young adults in prison often enter through the prison gate from the backdoor of the child protection system. Aboriginal people experience the consequences of racism and complex intergenerational trauma, and are significantly overrepresented in the justice system.

Drawing on our experience and research, we believe that a more effective and humane approach to criminal justice policy is possible. At its heart it should be a focus on:

- preventing crime by addressing its root causes
- diverting people from the justice system

- providing safe and therapeutic prison environments, and
- supporting people who are released from prison to become productive members of our community.

Prevent crime by addressing its root causes

Initiative 1

Invest in the universal services that tackle the underlying causes of crime.

Not enough is being done to tackle the overrepresentation of people from Victoria's most disadvantaged communities in the criminal justice system. Research by Jesuit Social Services found that 2.1 per cent of Victorian postcodes account for 25 per cent of adult prison admissions; and 7.3 per cent account for 50 per cent of admissions (Vinson, 2004).

These communities experience a web-like structure of disadvantage with major issues including unemployment, a lack of affordable and safe housing, poor physical and mental health, family violence, child neglect, low educational attainment, and poor quality infrastructure and services (Vinson, 2007).

Victoria has failed to invest in tackling this disadvantage. The most recent state budget saw an unprecedented increase in spending on prisons at the same time as real effective cuts were made to early childhood development services (6.2 per cent cut), support services in schools (12.2 per cent cut) and housing assistance (6.9 per cent cut). As a consequence we see services struggling to meet the demands of a growing population and over 10,000 young Victorians disengaged from education.

A safer community requires action and investment to tackle these issues. This should start during the earliest years. There is evidence that investment in high quality services for children and parents during the earliest years can have positive impacts not only on health and wellbeing but in reducing likelihood of contact with the criminal justice system (Homel, 2005). Cost-benefit analysis of early childhood education and care programs shows that they

generate more than \$7 in benefits for every dollar that is invested (OECD, 2012). This should impel action to enhance maternal and child health services, develop support programs for parents, and ensure that all children attend high quality early learning programs.

Investment in education and lifelong learning is also crucial. A number of Australian and international studies have demonstrated a strong relationship between school performance, retention, truancy and involvement in crime (Weatherburn, 2001) (Chapman, Weatherburn, Kapuscinski, Chilvers and Roussel, 2002) and yet the Victorian education system has many gaps that allow struggling students to simply disengage. Victoria needs an education system where every child is provided with support and opportunities to succeed.

Initiative 2

Prevent crime by investing in community development and governance activities in disadvantaged communities.

Crime has a devastating social and financial impact on Victorian communities with the total cost of crime estimated to be \$9.8 billion in 2010 (Smyth, 2011). In addition to personal and structural factors that underly crime, there is also evidence that community characteristics such as neighbourhood ties, patterns of interaction, and levels of social cohesion influence rates of crime (Krieger and collaborators, 2003) (Sampson and Groves, 1989). Research by Jesuit Social Services examined community cohesion in Victoria and found strong correlations between the 164 postcode areas with lower levels of social cohesion and higher rates of criminal convictions and imprisonment (Vinson, 2007).

Given this evidence, crime prevention must extend beyond singular issues and focus on the healthy functioning of communities. A useful starting point for understanding healthy community functioning is a framework developed by Vinson and Rawsthorne (2013) that identifies the attributes that influence the functioning of communities, and how these interact. The framework comprises four important clusters of activity:

- the substance and style of decision making in a community

- the way in which resources are generated and allocated within a community
- the integration of people, groups and community organisations, and
- how direction, energy and motivation is maintained within a community.

Strategies to reduce crime must include investment in activities that strengthen these attributes and through this build better functioning communities. Examples of initiatives that work towards strengthening these attributes include *Pathways to Prevention* in Queensland, *Communities that Care* programs in Victoria, and the Community Engagement Framework in the town of Mildura.

Pathways to Prevention and *Communities that Care* focus on integrating different groups and resources in order to promote wider health and social wellbeing of younger children. This has included the creation of networks of support services and community members focused on addressing many of the risk factors of later involvement in the criminal justice system. In Mildura, the Community Engagement Framework strengthens different aspects of community functioning by bringing together different stakeholders and organising collaborative efforts in areas such as mental health, education, child wellbeing and safety. Moving forward, Victoria should focus on expanding these types of approaches to disadvantaged and high crime localities.

Divert people from the criminal justice system

Initiative 3

Promote local approaches to diversion by expanding the Neighbourhood Justice Centre model to communities with high levels of criminal justice system involvement.

Disadvantage, crime, and involvement in the justice system are inextricably linked in many Victorian communities. In addition to addressing the root causes of crime, there is a clear need in Victoria to confront the locational nature of involvement in the justice system through the development of

community focused approaches to diversion. At present, these do not exist. The need for these localized responses is supported by evidence showing that providing offenders or potential offenders with local options for supervision, treatment and training produces better outcomes than connecting them with large-scale, institutional mechanisms (Clement, Schwartzfeld and Thompson, 2011). In short, the best approach to confronting a community-centric nexus of crime-related social problems is with a community-centric nexus of service providers addressing those problems.

The Neighbourhood Justice Centre in Collingwood provides the best existing example of a community-centric criminal justice response in Victoria. Modelled on successful approaches in the United States, the Centre resolves disputes and holds offenders to account, while at the same time bringing the community together to develop local solutions to safety issues. It has contributed to lower rates of reoffending, with people who have been through the centre 14 per cent less likely to reoffend compared to other courts. The Centre receives \$4 million in funding each year and an evaluation in 2010 by PricewaterhouseCoopers found that reductions in reoffending meant that each dollar invested generated up to \$2.23 in benefits to the community (Department of Justice, 2010). Given the success of the Neighbourhood Justice Centre, there is a strong case for expanding this model to other communities throughout Victoria. Communities with higher levels of involvement in the criminal justice system should be identified and provided with the opportunity and resources required to develop their own Neighbourhood Justice Centre model.

Initiative 4

Expand problem solving courts and establish a problem solving court to divert people with multiple and complex needs.

Thousands of Victorians go before the Magistrates Court each year, many of whom have multiple and complex needs, including cognitive disability, mental illness, and alcohol and drug use. Yet very few of these people have the opportunity to be diverted from the justice system through problem solving courts. The Victorian Drug Court only has 60 participants at a time, the Assessment and Referral Court List

(ARC) working with people with mental illness at the Melbourne Magistrates Court accepted only 97 people in 2012-13, and the Koori Magistrates and County Courts do not have state-wide coverage and operate only at the post-plea stage of criminal proceedings.

New research from New South Wales shows that people with multiple and complex needs have repeated and ongoing involvement in the justice system, often cycling in and out of prison for lower level offending. A greater portion of Aboriginal people in this study had multiple and complex needs as well as greater numbers of interactions with the criminal justice system. This ineffective response to the extreme disadvantage experienced by people with complex needs is also enormously expensive: with the lifetime institutional costs of a sample of people in the New South Wales study of complex needs ranging from around \$900,000 to \$4.5 million (Baldry, Dowse, McCausland, & Clarence, 2012)

Problem solving courts provide an innovative and effective approach for the criminal justice system to break the cycle of offending and to address underlying issues of mental illness, alcohol and drug abuse, exposure to trauma and violence, homelessness and disability.

Problem solving courts have risen to prominence in the US, UK, Canada, New Zealand and Australia. They adopt a therapeutic approach with judges playing a more active role with support from multi-disciplinary teams of professionals (Ward, 2014). In the case of Koori courts, they allow for increased community participation in court proceedings in a culturally appropriate manner. Problem solving courts have proven effective in resolving many of the issues people appearing in the justice system face and in reducing reoffending. They are cost effective, with a review of the Victorian Drug Court finding that the \$2.78 million spent on the court generated benefits valued at \$16.65 million (VAADA, 2013). An earlier review of the New South Wales Drug Court found that compared to other justice system interventions the Drug Court was cost-effective as a result of reducing the frequency of offending.

Successful models, most notably the Drug Court and Koori Courts, should be expanded in Victoria. However, there is also a clear need to respond to the significant number of people with multiple and complex needs who cycle in and out of the justice system. A problem solving court model that aims to divert this group of people should be established.

Initiative 5

Reform sentencing laws so that prison is used only as an option of last resort.

Less flexible and more punitive sentencing policies have resulted in greater numbers of people being sent to prison for longer periods of time. This has contributed to the significant rise in Victoria's prison population (Sentencing Advisory Council, 2013) and its associated costs. These impacts are being experienced most acutely by Aboriginal people, with Victoria's Aboriginal prisoner population doubling over the past decade. Further sentencing changes, including the abolition of suspended sentences, minimum mandatory sentences, and baseline sentences will further drive up the growth of Victoria's prison population (Gelb, 2013).

Despite the enormous additional cost of these reforms, there is little evidence that tougher sentencing policy improves community safety through deterrence or incapacitation (Wan, Moffatt, Jones, & Weatherburn, 2012) (Ritchie, 2012). In fact, there is evidence that non-custodial options such as suspended sentences produce lower reoffending rates (Gelb, 2013).

Efforts to turn around Victoria's criminal justice system must include a rethink of sentencing policy. Further changes should be halted, and instead a comprehensive sentencing framework should be developed that:

- ensures prison is an option of last resort that is reserved for serious cases
- is evidence-based and promotes community safety
- holds offenders to account and ensures that justice is done, and
- ensures Victorian courts have discretion with a range of flexible and appropriate sentencing options when sentencing.

Safe and therapeutic prison environments

Initiative 6

Reform the prison system by developing an end-to-end approach focused on meeting the needs of prisoners and preparing them for return to the community.

The rapid growth of prisoner numbers has increased pressure on Victoria's overstretched prison system. The recent Ombudsman report into Deaths and Harm in Custody (2014) found that across Victoria's prison system there were systematic failures that created risks of suicide and physical and sexual violence. Incidence of violence and deaths in prison have increased. These findings come on top of major issues regarding adequate access to health care. An Auditor-General's report in 2012 noted that there had been no additional health beds added to the prison system since 1996-7 when there was a ratio of one health bed per 30 prisoners. By 2012, the ratio had increased to one health bed per 52.6 prisoners. The need for the system to improve its approach to preparing people for release into the community has also been identified (Callinan, 2013).

Throughout history, there has been a strong acceptance of the role prisons should play in rehabilitating offenders (Day, Casey, Vess, & Huisy, 2011). More recently, there are examples in Australia and internationally of prisons embedding therapeutic approaches and restorative practices (Goulding, Hall, & Steels, 2008). Sustained systemic reform is required over the longer-term. Key areas for action in the Victorian corrections system must include:

- a continuous approach to preparing people in prison for return to the community that commences at reception
- investment in expanding health and mental health care facilities and services
- more protective environments, particularly for vulnerable people and young adults aged 18- 21 who are on remand, and
- further development of staged processes of release from prison by expanding the model used in the Judy Lazarus Centre.

Initiative 7

Strengthen pathways into learning and work across the corrections system with a particular focus on building people's foundational skills.

Low levels of education and high rates of unemployment are major issues experienced by people in Victoria's prison system. Only 6 per cent of male and 14 per cent of female prisoners have completed secondary education or higher (Department of Justice, 2011), and yet only 38.1 per cent of eligible people in prison in 2012-13 were enrolled in education programs (Productivity Commission, 2014). As a result, most prisoners exit custody into further unemployment with Baldry et al (2003) finding that among a sample of people exiting prison in Victoria and New South Wales 75 per cent of those seeking work were unemployed.

The importance of education and employment to a successful transition from prison to the community is well known (Davis, Bahr, & Ward, 2013). A recent study in the UK found that people released from prison sentences of less than one year who found employment had a 9 per cent lower reoffending rate during their first year than those who did not work (UK Ministry of Justice, 2013). Participating in work and learning can have a positive impact through meaningful activity, structure and routine, the development and maintenance of hope and self-esteem, and the ability to make social connections.

Given the importance of employment, pathways into learning and work in the Victorian prison system need to be strengthened. This should involve additional investment in learning with a strong focus on building people's foundational skills, and on pathways through learning and into work. The Sentenced to a Job initiative in the Northern Territory provides a positive example as it joins up training and work in prison industries with employment opportunities in the community. Under this approach, local employers influence the operation of training and work experience in custody, and provide work opportunities for people when they are released.

Support people exiting prison to live productive lives in the community

Initiative 8

Commit to achieving a 15 per cent reduction in reoffending over the next five years.

Recent years have seen an increase in the number of people cycling in and out of Victoria's prison system. These people often experience the consequences of the failure to pursue a coordinated and evidence-informed approach towards reducing reoffending. Too often, they interact with support service systems that are under-resourced (Victorian Ombudsman, 2014), fragmented and working towards inconsistent aims. As a result we have seen the rate of return to prison within two years increase from 33.7 per cent in 2009-10 to 39.5 per cent in 2013-14.

Increased recidivism represents a significant extra cost to the Victorian criminal justice system, and is an obvious opportunity for savings. Modelling undertaken for Jesuit Social Services calculated that a 15 per cent reduction in the rate of reoffending could potentially save the corrections system between \$15.2 million and \$23.4 million.

Criminal justice systems in Norway (Ploeg, 2011) and New Zealand have demonstrated an ability to achieve 'collective impact' in tackling reoffending, including impressive progress in New Zealand of working towards a target of reducing reoffending by 25 per cent (Comptroller and Auditor General (NZ), 2013). These efforts have demonstrated success where they have purposefully brought stakeholders together to identify common goals, a shared analysis of complex problems, and shared targets. Victoria can draw from these examples by committing to achieving a 15 per cent reduction in reoffending over the next five years. The Department of Premier and Cabinet should initiate and chair a process across government and the community to achieve this target that is informed by 'collective impact' principles and practice.

Initiative 9

Invest in longer, deeper and fuller approaches to transitional support for highly vulnerable people exiting prison.

People exiting prison in Victoria are among the most vulnerable and disadvantaged members of our community, yet the limited support that is available to them means they often get stuck in the revolving door of the justice system. The Victorian Ombudsman (2014) has criticised the limited nature of support that is provided and has commenced an inquiry into this issue. While the Victorian Government has begun the process of implementing a new model of transitional support, it is clear that this may not provide adequate coverage or an appropriate level of support for many of the most vulnerable people exiting prison, including young people aged 18-24, women, and Aboriginal people.

A key element of any strategy to reduce reoffending must be the development and evaluation of new approaches to supporting highly vulnerable people exiting prison. The next Victorian Government should make this a key investment priority in the criminal justice system. New approaches should be informed by emerging evidence on desistance (McNeill, 2012) and what works in supporting people to move away from the justice system. In practice this will mean:

- Providing support over longer periods of time, including engaging with people prior to release from custody.
- A therapeutic, trauma-informed approach focused on building capabilities and increasing soft skills.
- Age, gender and culturally appropriate responses.
- Integrated responses to meet the multiple and complex needs of people exiting custody. Existing efforts to integrate services and funding in Victoria, such as the Multiple and Complex Needs Initiative (MACNI) and Services Connect provide potential approaches that could be utilised moving forward. The availability of a flexible range of secure and stable accommodation, with ongoing support, is crucial.

Initiative 10

Prevent homelessness among people exiting prison by delivering a diverse range of housing and support options that meet their needs.

A staggering 43 per cent of prisoners exit custody into homelessness (Australian Institute of Health and Welfare, 2013). In Victoria, significant limitations on the availability of housing and support mean many highly vulnerable people exiting prison are homeless or accommodated in inappropriate housing such as unregistered private rooming houses or motels. For people seeking bail or parole, the lack of availability of housing can prolong the time that they spend in custody (Ericson & Vinson, 2011). The Parliamentary Law Reform Committee and the Victorian Equal Opportunity and Human Rights Commission have both identified the lack of housing for women, particularly Aboriginal women, as a significant criminal justice and public safety issue (Victorian Equal Opportunity and Human Rights Commission, 2013).

Given safe and affordable housing is fundamental to people's ability to get their lives back on track, it is vital that housing issues be resolved prior to release

from prison. A range of appropriate housing options is needed, as well as support to maintain housing (Baldry, McDonnell, Maplestone, & Peeters, 2003) (Willis, 2004). National and state level housing and homelessness policies should develop and invest in a range of initiatives including:

- A single housing access point and support service for people in the justice system.
- A rental brokerage service supporting people exiting prison to access the private rental market; a model trialled with homeless people in the UK and Victoria (Coutts, D'Arcy, Harris, & Janicejevic, 2009).
- Accommodation and intensive therapeutic support for people with complex needs and challenging behaviours, including for people on bail or parole. This should include gender specific and culturally appropriate options for women and people who are members of Victoria's Aboriginal communities. The Journey to Social Inclusion Project demonstrated the value of ongoing and intensive housing support for chronically homeless people. A cost-benefit analysis of this project found that over a 10 year time frame, every dollar invested created a saving of \$1.30 (Johnson, Kuehnle, Parkinson, Sesa, & Tseng, 2014).

Jesuit Social Services: who we are and what we do

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families, and communities.

For over 37 years we have accompanied people involved in Victoria's criminal justice system. Today our programs working with people in the criminal justice system are grouped together and form Brosnan Services. This work includes a range of programs funded by local, state and national governments, donors and philanthropic bodies. Our approach values every person. We seek to engage with people in a respectful way, that acknowledges their experiences and skills and gives them the opportunity to harness their full potential.

Our vision, values and way of working are underpinned by principles of Catholic Social Teaching, the tradition of Ignatius of Loyola founder of the Jesuits, and human rights principles. This includes a belief in the inherent dignity of all people, a desire to seek the common good, and a commitment to stand in solidarity with those in need.

These values, combined with our experience and research inform our direct work and our efforts to influence hearts and minds for social change.