
JUSTICE REFORM INITIATIVE

2023 SOUTH AUSTRALIAN BUDGET SUBMISSION

REDUCING INCARCERATION IN SOUTH AUSTRALIA

This Budget Submission proposes two savings measures aimed at reducing incarceration in South Australia:

1. The establishment of a 'Breaking the Cycle' fund; and
2. An approach to future prison infrastructure based on modelling that factors in diverting people from prisons rather than filling existing projected demand for beds.

While there is no single 'fix' to reduce prison numbers, there are multiple evidence-based, cost-effective reforms that can work together to significantly decrease our use of incarceration. This Submission suggests two savings measures and a whole of government approach which will help the South Australian community respond to disadvantage with effective evidence-based policy rather than a default and costly criminal justice system response.

Whole of government and outcome focused funding will support South Australia to move away from the current over-reliance on imprisonment, towards a system that prioritises:

- early and primary intervention (preventing crime before it happens);
- diversion from the justice system (by funding different approaches to policing and diversionary court options along with services for communities at risk of incarceration, and for places with high levels of disadvantage); and
- community-based reintegration to reduce recidivism (post-release programs and support);

Other reform options involve resourcing, expanding, and scaling up existing programs or services that are promising, or have significant evaluation and evidence of their success but are unable to meet demand. In addition, there are opportunities to develop new approaches based on the evidence pointing to un-met need in the community.

Many of these reforms are already catalogued in an abundance of government and non-government reports and reviews¹. In addition, there are clear examples and case studies both in South Australia, Australia, and internationally that point to approaches led by the community and health sectors, which can make a profound difference in disrupting entrenched criminal justice system trajectories². There is also a growing body of more formal research exploring the impact of various models of support³.

Appendix A of this submission overviews recent evaluations of successful evidence-based programs that are reducing recidivism and contact with the justice system. A large body of the Australian evaluation research focuses on diversionary and post-release services that support people who have already experienced justice system involvement and are at risk of ongoing justice system involvement.

Appendix B of this submission overviews the good practice principles that guide the delivery of these successful programs.

¹ For example, as detailed in <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/social-determinants-of-incarceration/>

² See: *WEAVE, Creating Futures* (Evaluation report, April 2020); *Women's Justice Network, Adult Mentoring Program* (Evaluation report, 2016); *Community Restorative Centre, Alcohol and Other Drugs Transition Program* (Evaluation report, 2016); Sotiri, M (2016) Churchill Fellowship report ; M Sotiri and S Russell, 'Pathways home: How can we deliver better outcomes for people who have been in prison?', *Housing Works*, Vol. 15, No. 3, 2018, 41; M Borzycki and E Baldry, 'Promoting integration: The provision of prisoner post-release services', *Trends and Issues in Crime and Criminal Justice*, Australian Institute of Criminology: Canberra, No. 2, 2003; J Gilbert and B Elley, 'Reducing recidivism: An evaluation of the pathway total reintegration programme', *New Zealand Sociology*, Vol.30, No. 4, 2015, 15–37; B Angell, E Matthews, S Barrenger, A Watson and J Draine, 'Engagement processes in model programs for community re-entry from prison for people with serious mental illness', *International Journal of Law and Psychiatry*, Vol. 37, 2014, 490–500; B Hunter, A Lanza, M Lawlor, W Dyson and D Gordon, 'A strengths-based approach to prisoner re-entry: The fresh start prisoner re-entry program', *International Journal of Offender Therapy and Comparative Criminology*, Vol. 60, No. 11, 2016, 1298–314; D Padgett, L Gulcur and S Tsemberis, 'Housing first services for people who are homeless with co-occurring serious mental illness and substance abuse', *Research on Social Work Practice*, Vol. 16, No. 1, 2006, 74–83; S Kendall, S Redshaw, S Ward, S Wayland and E Sullivan, 'Systematic review of qualitative evaluations of re-entry programs addressing problematic drug and alcohol use and mental health disorders amongst people transitioning from prison to communities', *Health and Justice*, Vol. 6, No. 4, 2018; Sotiri, M (2020) *Building Pathways Out of the Justice System: Supporting Women and Reducing Recidivism*, in Precedent Issue 161, November/December 2020

³ McNeill, F., Farrall, S., Lightowler, C., and Maruna, S. (2012) *Re-examining evidence-based practice in community corrections: beyond 'a confined view' of what works*. Justice Research and Policy, 14 (1) UNSW Sydney.

1. **Breaking the Cycle Fund: Identifying evidence-based community-driven pathways out of the criminal justice system.**

It's a hard sell for a Budget Submission to describe a 'fund' as a savings measure but the Government's own data in areas of complex disadvantage show what innovative investment can achieve in areas where some South Australians experience persistent and intergenerational disadvantage.

Case study of Government, Private, and Corporate funds breaking cycles of disadvantage: *The Aspire Social Impact Bond Program*⁴

- *The program was established by the Labor State Government in 2017 and delivered by the Hutt Street Centre in partnership with Social Ventures Australia and Housing Choices.*
- *In the first five years of Aspire, it **saved \$12million** in justice and other services and is projected to **save \$25million** once all 575 participants have completed their three years of intensive wrap around supports.*
- *Of the 575 participants since 2017, criminal convictions have **reduced by 28%** (with the flow on effect of fewer victims of crime and safer communities).*

Justice Reform Initiative's (JRI) recommendations for the establishment of the Breaking the Cycle Fund are as follows:

- 1.1 We recommend that the Government make a financial commitment to establish the Breaking the Cycle Fund to support evidence-based, community-led programs to break the cycle of incarcerations and seek private, corporate, and social impact partners and investors to also make financial commitments. There is already a group of social enterprise entrepreneurs established in South Australia who are willing to be involved in the establishment of a fund.
- 1.2 We recommend that at least 40% of the Breaking the Cycle Fund be dedicated to Aboriginal-led organisations in recognition of the challenges and overrepresentation

⁴ "Life Changing program supports hundreds on road to home" Press Release, Minister for Human Services 9 January 2023.

of Aboriginal people in the justice system and in line with the aspirations of the Closing the Gap Plan.

- 1.3 We recommend that the Breaking the Cycle Fund's allocations be focused on the critical touch points of the justice system for both children and adults. This includes diversionary programs at all justice contact points prior to incarceration and post release for both children and adults leaving custody. There is significant evidence focussed on the positive impact of post-release support in terms of reducing recidivism and the savings associated with that, some of which is outlined at **Appendix A** of this submission.
- 1.4 The Breaking the Cycle fund should be viewed as separate but complementary to Aboriginal-led place-based approaches, including Justice Reinvestment. It is recommended that the work of Aboriginal-led place-based approaches, such as Tiraapendi Wodli, are expanded and supported in addition to the Breaking the Cycle Fund. Similarly, this submission should be viewed as complementary and additional to existing services working with people leaving prison or working to divert people from prison.
- 1.5 We note, that in addition to the Breaking the Cycle fund, there is also a need for substantial regional expenditure in areas such as drug and alcohol rehabilitation centres and mental health support. While the Breaking the Cycle Fund is intended to enhance the capacity of services (including residential rehabilitation and mental health services) to better meet the needs of people at risk of justice system involvement (including people leaving prison), the substantial focus of the Breaking the Cycle Fund is on the provision of outreach support and casework in the community.
- 1.6 The Breaking the Cycle fund should support a diverse suite of community-led organisations and groups to deliver programs and support that are based on the evidence-based principles in service delivery. This includes the provision of long-term, relational, flexible, holistic, intensive outreach case-work support such as those delivered by Seeds of Affinity and the Hutt Street Centre. Further examples of programs that work around Australia and the World are set out at **Appendix A and B** to this submission.

- 1.7 Within those principles, the Breaking the Cycle fund should allow flexibility and the capacity to ensure that programs and projects for people at risk of justice system involvement are genuinely responsive to the specific geographic and demographic needs of the populations for whom they are intended. This includes programs led by Aboriginal people that focus on outcomes for Aboriginal people. It also means ensuring that programs for children and young people are developmentally and culturally meaningful.
- 1.8 It is anticipated that experienced organisations may expand their operations, but also provide support and guidance to other organisations who are less experienced in the delivery of specific 'breaking the cycle' services. This mentoring, capacity building, and impact measuring work should be resourced from the Fund.
- 1.9 The Breaking the Cycle Fund would necessarily be a whole of government priority because of the cross-portfolio outcomes most notably in adult and youth justice, policing, health, housing, infrastructure, workforce participation, and labour shortages. As such, we recommend that the fund be administered by the Department of Premier and Cabinet.

2 Future prison infrastructure based on modelling that factors in diverting people from prisons rather than filling existing projected demand for beds.

- 2.1 JRI acknowledges that Yatala Labour Prison, which bears the heaviest delivery burden in corrections infrastructure in South Australia, was built in 1852 and is no longer fit for purpose.
- 2.2 We understand that the Department of Correctional Services, Renewal SA, and PricewaterhouseCoopers have for a number of years been working on the business case for the proposed 'Rehabilitation Prison'. We assume that the proposed capital works will appear at a high level in the 2023 Capital Intentions Statement.
- 2.3 Our concern about the proposed Rehabilitation Prison is the extremely alarming modelling from the Department of Correctional Services which reveals daily demand for prisoner beds is expected to reach **4205 by 2030/31** and that the business case for the new prison infrastructure to replace Yatala will be built based on that projection.

2.4 It is our recommendation that before the Government commits to multimillion – potentially billion - dollar prison infrastructure based on the current projections of daily demand for beds that the business case factors in:

2.4.1 The recommendations of the **Advisory Commission in to Aboriginal Incarceration Rates** in South Australia (noting that 1 in 7 Aboriginal men living in South Australia are either in prison or under supervision by the Department of Correctional Services);

2.4.2 What could be done to reduce the **rate of remand** (which is currently 45% of people in prison in South Australia) and **indefinite detention** while balancing the community's expectation that women and children be protected from alleged domestic violence perpetrators and that the community more broadly be protected from people who have committed dangerous and violent offences;

2.4.3 The potential impact that substantial investment in evidence-based alternatives to incarceration, including investment in the proposed **Breaking the Cycle Fund** could have on reducing daily demand for prisoner beds;

2.4.4 **community-led alternatives to detention** as solutions to long-term prison capacity; and

2.4.5 a **cost benefit analysis** of community-led alternatives to detention.

Conclusion

Some of the pieces of the puzzle to respond to disadvantage with evidence-based policy rather than a default criminal justice system response have already been put in place by the Malinauskas Government.

We acknowledge the Minister for Aboriginal Affairs for his establishment of an Advisory Commission to Reduce Aboriginal Incarceration.

We acknowledge Premier Malinauskas and now Minister Szakacs' commitment to the Department of Correctional Services' *10by20* and *20by26* Strategies that have been fundamental shifts in corrections policy that are delivering on the Premier's commitment to make the community safer but we urge the Government to go further.

We urge the Government to make the same fundamental shift across the whole of government to meet disadvantage with evidence-based policy rather than a default criminal justice system responses by committing to the establishment of a Breaking the Cycle Fund and to build future prison infrastructure based on modelling that factors in diverting people from prisons rather than filling existing projected demand for beds.

We would welcome the opportunity to discuss this submission in greater detail with you at any time.

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ABOUT US

The Justice Reform Initiative is an advocacy organisation committed to reducing Australia's harmful and costly reliance on incarceration. We are supported by more than 100 of our most eminent Australians, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges, including High Court judges, and many other community leaders who have added their voices to end over-incarceration in Australia.

Our South Australian patrons are (in alphabetical order):

- The Honourable Reverend Dr **Lynn Arnold** AO, former Premier of South Australia.
- Dr **Andrew Cannon** AM FAAL, former Deputy Chief Magistrate of South Australia and now adjunct Professor at Adelaide and Flinders Universities and visiting Professor at Münster and Trier Universities (Germany)
- **Helen Connolly**, Inaugural South Australian Commissioner for Children and Young People
- Professor **Mark Halsey**, Centre for Crime Policy and Research, Flinders University
- The Honourable **Robert Hill** AC, former Federal Minister and former Australian Permanent Representative to the United Nations
- Hon. Dr. **Robyn Layton** AO QC, former Supreme Court Judge, Adjunct Professor Justice & Society, University of South Australia
- **Peter Norman** OAM, Auxiliary Master of the Supreme and District Courts of South Australia, National Chairman of the Australian Crime Prevention Council, and former Regional Secretary of the International Prisoners Aid Association.
- **Isobel Redmond**, former Leader of the Opposition, former Shadow Attorney General, former legal practitioner.
- Professor **Rick Sarre**, former Dean and Head of the School of Law University of South Australia.
- The Honourable **Chris Sumner** AM, South Australia's longest serving Attorney-General.
- **Sue Vardon** AO, former senior public servant including inaugural CEO of Centrelink, CEO of SA Correctional Services and Chief Executive of the SA Department of Families and Communities.
- **Penny Wright**, former Senator for South Australia and former SA Guardian for Children and Young People and Training Centre Visitor.

APPENDIX A: SUMMARY OF RECENT RESEARCH INTO 'WHAT WORKS' IN AUSTRALIA

There are excellent examples of successful evidence-based practice in the community. Most evaluated programs are post-release and diversionary programs, with a small body of evaluative research focusing on early intervention, primary prevention, and place-based responses. These programs have demonstrated ability to achieve significant reductions in recidivism as well as other improvements in health and wellbeing. There is a need to look at evidence-based, cost-effective alternatives to prison in terms of 'what works' to improve community safety and to reduce recidivism.

This overview provides brief summaries of recent compelling community-led research and evaluation in programs that have a proven track record when it comes to reducing the cycle of incarceration for both adults and children. This is not by any means a comprehensive list. The Justice Reform Initiative is in the process of mapping evidence-based alternatives around Australia including in South Australia. The Justice Reform Initiative will be releasing a South Australian Report on evidence-based alternatives to prison and youth detention in 2023. This initial list serves as a starting point for guidance about the *kinds* of programs that are making a difference in terms of breaking the cycle of incarceration and disadvantage.

COMMUNITY RESTORATIVE CENTRE EVALUATION (RELEASED 2021)⁵

This UNSW/CRC evaluation, undertaken over two years, explored outcomes for 483 CRC clients who participated in intensive, case-work, post-release, and diversionary programs between 2014 and 2017. An interrupted time series analysis examined criminal justice system trajectories over ten years (including post-participation in programs), and found that for participants:

- The number of new custody episodes fell by 62.6% following CRC support the number of days in custody fell by 65.8% following CRC support
- The number of proven offences fell by 62.1% following CRC support.

The report also undertook a comparison analysis with clients from the MHDCC linked administrative dataset at UNSW, comparing their outcomes to CRC clients. This analysis found engagement in

⁵ Sotiri, McCausland, Reeve, Phelan and Byrnes (2021), *'They're there to support you and help you, they're not there to judge you'* Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centres AOD and Reintegration Programs; NSW Health Report, <https://www.crcnsw.org.au/wp-content/uploads/2021/11/CRC-AOD-Evaluation-final-report-1Dec21.pdf>

CRC programs dramatically reduced contact with the justice system when compared to a similar group who did not receive support. The research also showed **savings** to the criminal justice system of **up to \$16 million over three years** for an intake of 275 new clients (not including institutional and community savings).

HUTT ST CENTRE: THE ASPIRE SOCIAL IMPACT BOND PROGRAM⁶

The program was established by the SA Labor State Government in 2017 and delivered by the Hutt Street Centre in partnership with Social Ventures Australia and Housing Choices.

In the first five years of Aspire, it **saved \$12million** in justice and other services and is projected to **save \$25million** once all 575 participants have completed their three years of intensive wrap around supports. Of the 575 participants since 2017, criminal convictions have reduced by 28% (with the flow on effect of fewer victims of crime and safer communities).

HOUSING POST-RELEASE EVALUATION – UNSW (RELEASED 2021)⁷

This evaluation included an interrupted time-series analysis and matched comparison analysis of 623 people who received public housing after leaving prison and 612 people who received rental assistance only. It found that public housing improves criminal justice outcomes when compared to rental assistance only. It found that public housing 'flattens the curve' and sees reductions in predicted police incidents (down 8.9% per year), custody time (down 11.2% per year) and justice system costs (**down \$4,996 initially, then a further \$2,040 per year**). The evaluation found that there was a **net-benefit in dollar terms** of housing people on release from prison in public housing (between **\$5,200 and \$35,000**) relative to homelessness services or private rental assistance.

INTELLECTUAL DISABILITY RIGHTS SERVICE – JUSTICE ADVOCACY EVALUATION (RELEASED 2021)⁸

This independent EY evaluation of the support provided by the Intellectual Disability Rights Service's Justice Advocacy Program concluded it improved access to justice, improved understanding of court processes, and improved outcomes for people with cognitive impairments in police and court settings. The evaluation noted that people who received support were more

⁶ "Life Changing program supports hundreds on road to home" Press Release, Minister for Human Services 9 January 2023.

⁷ Martin, C., Reeve, R., McCausland, R., Baldry, E., Burton, P., White, R. and Thomas, S. (2021) *Exiting prison with complex support needs: the role of housing assistance*, AHURI Final Report No. 361, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/361>.

⁸ EY, *Evaluation of the Justice Advocacy Service Department of Communities and Justice Final Report* 4 February 2021, <https://www.dcj.nsw.gov.au/content/dam/dcj/dcj-website/documents/legal-and-justice/justice-advocacy-service/evaluation-of-the-justice-advocacy-service-report.pdf>

likely to understand and follow court orders, more likely to understand cautions and bail conditions, less likely to be found guilty and more likely to receive a section 32 diversion order.

The evaluation noted that when the program operated at full capacity, the program would deliver **\$3.37 in return for every dollar invested**. The report also recommended exploring the value of case management for people participating in the program.

WEAVE (CREATING FUTURES) EVALUATION (RELEASED 2020)⁹

This independent three-year evaluation of the WEAVE Creating Futures program (which provides intensive, culturally safe case work support to Aboriginal young people on release from custody) found that only 4.11% of the 93 young people engaged in the program over the period of the evaluation re-offended. This was compared to reoffending rates for a comparable cohort of young Aboriginal people which was 57.3%.

BACKTRACK YOUTH SERVICES IMPACT REPORT (RELEASED 2020)¹⁰

Over the last ten years, the intensive, holistic, and relational case work provided by Backtrack Youth Services has supported 1000 children and young people at risk of criminal justice system involvement or entrenched in the justice system. An impressive 87% of the young people who leave Backtrack transition into employment or education. A UNSW report of the impact of the program on the local community in Armidale found a 35% reduction in crime because of the engagement of young people in the program.

MIRANDA PROJECT EVALUATION (RELEASED 2020)¹¹

This program entails intensive case work, diversionary support, and post-release support for women at risk of both domestic violence and justice system involvement. A recent evaluation found that of the 90 women participating in the program during the evaluation period, 14% returned to prison, 62% reported improved housing stability, and 62% reported improved safety in terms of domestic and family violence.

⁹ Schwartz, M., & Terare, M., (2020) *Creating Futures: Weave's intensive support services for young people leaving custody or involved in the criminal justice system*, Evaluation report, Sydney, https://www.cclj.unsw.edu.au/sites/cclj.unsw.edu.au/files/Creating%20Futures%20Evaluation%20Report%202020%20_%20with%20images.pdf

¹⁰ Backtrack Annual Report 2020, https://backtrack.org.au/wp-content/uploads/2021/06/Backtrack_AnnualReport_2020.pdf

¹¹ Submission to the House Standing Committee on Social Policy and Legal Affairs, pages 5 to 7, https://www.crcnsw.org.au/wp-content/uploads/2020/09/2020_CRC_FD_V_SUBMISSION_24_JULY.pdf

BARNARDOS BEYOND BARBED WIRE EVALUATION (RELEASED 2019)¹²

The Beyond Barbed Wire program (based in Central West New South Wales and part of Barnardos) evaluated the outcomes of the intensive case work and support service for women released from prison who were also mothers. Only 6% of the 52 women participating in the program returned to prison.

INTELLECTUAL DISABILITY RIGHTS SERVICE – CRIMINAL JUSTICE SUPPORT NETWORK ECONOMIC EVALUATION (RELEASED 2018)¹³

An economic evaluation of the Criminal Justice Support Network (run by the Intellectual Disability Rights Service) found that the Network generates a net benefit of at least \$1.2 million per annum. That represents a **return of \$2.5 for every \$1 invested in the service.**

MARANGUKA EVALUATION (RELEASED 2018)¹⁴

The KPMG report into the work undertaken in the Aboriginal led Maranguka Project at Bourke in 2016/17 found reductions in domestic violence offending and justice system involvement, alongside increased rates of school retention and **estimated savings of \$3.1 million** over the course of a year. There are also promising outcomes and case studies in terms of reduction of justice system involvement in the Yuwaya Ngarra-li partnership between the Dharriwaa elders group in Walgett and the University of New South Wales.

WOMEN'S JUSTICE NETWORK EVALUATION (RELEASED 2016)¹⁵

This internal evaluation of the program that provided intensive support to women leaving custody found that of the 59 women supported over the course of a year, only 4 women (6.7%) returned to custody (3 for parole breaches and one for a new offence).

¹² Baldry, E. et al., *A Future Beyond the Wall: Improving Post-release Employment Outcomes for People Leaving Prison*, 2018, <https://www.voced.edu.au/content/ngv%3A83893>

¹³ Reeve, R., McCausland, R., Dowse, L., & Trofimovs, J. (2017). *Economic Evaluation of Criminal Justice Support Network*. Sydney: Intellectual Disability Behaviour Support Program, UNSW Sydney. https://idrs.org.au/site18/wp-content/uploads/2018/10/Economic-Evaluation-of-Criminal-Justice-Support-Network_2017.pdf

¹⁴ KPMG, *Maranguka Justice Reinvestment Project* (2018), Impact Assessment, <https://apo.org.au/node/206461>

¹⁵ Women's Justice Network, *Adult Mentoring Program (Evaluation report, 2016)* https://www.shineforkids.org.au/documents/2015-11_lsj_women_in_prison.pdf

INSTITUTIONAL COSTS RESEARCH (RELEASED 2013)¹⁶

Costings research conducted by UNSW in partnership with PWC looked at linked administrative data to gauge the life-course institutional costs associated with people with mental illness and disabilities in the criminal justice system. It found that more than \$1 million was spent on many individuals each year through prison and crisis responses. It also noted the value of targeted, holistic support, finding that **for every dollar spent on early investment, between \$1.40 and \$2.40 is saved in the longer term.**

YIRIMAN PROJECT, WA^{17 18}

The Yiriman project is regarded as an exemplar of national best practice for working with First Nations youths at risk of involvement in the criminal justice system. Youth aged 15 to 25 years are taken out on country to visit Elders where they are involved in deep learning and transmission of culture and language, workshops, making of artefacts and taking care of the land.

A three-year review of the Yiriman project found that Yiriman had helped reduce children's involvement in the criminal justice system. International research supports the correlation between the practice of culture, language and 'on-country' activities and decreases in crime. A Magistrate concluded that Yiriman was more capable of reducing recidivism than most other diversionary and sentencing options.

DIAGRAMA MODEL, SPAIN^{19 20}

Diagrama is an international non-profit organization and operates over 35 custodial centres across Spain for young people aged 14 to 23 who have been remanded or sentenced to custody. The Diagrama model has demonstrated it reduces rates of recidivism and its operational costs are comparable to or lower than those of other providers. The model has been implemented across

¹⁶ McCausland R, Baldry E, Johnson S & Cohen A. (2013). *People with Mental Health Disorders and Cognitive Impairment in the Criminal Justice System: Cost-benefit Analysis of Early Support and Diversion*, PwC & UNSW 30 McCausland R, Baldry E, Johnson S & Cohen A. (2013). <https://humanrights.gov.au/sites/default/files/document/publication/Cost%20benefit%20analysis.pdf>

¹⁷ Dr Dave Palmer. 2016. "*We know they healthy cos they are on country with old people*": demonstrating the value of the Yiriman Project'. Community Development Programme. Murdoch University. May 2016
<https://researchrepository.murdoch.edu.au/id/eprint/42383/1/Yiriman%20Project.pdf>

¹⁸ Melissa Marshall and Dr Kathryn Thorburn. 2017. 'The Yiriman Project in the West Kimberley: An example of Justice Reinvestment?'. Indigenous Justice Clearinghouse. Current Initiatives Paper 5. July 2017. 2-3, 5.
<https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/publications/files/cip-5-the-yiriman-project-thorburn-and-marshall-2017-ijc-webv2.v1.pdf>

¹⁹ Centre for Innovative Justice (CIJ), RMIT University, '[A European alternative approach to juvenile detention](#)' (13 December 2018).

²⁰ Diagrama Foundation, '[A Blueprint for Change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory](#)' (Report of Diagrama visit, October 2019) 14-15, 25.

France and the UK. A study of 757 young people who had attended a Diagrama re-education centre in 2011 found that by December 2017, only 13.6% had been placed back in custody.

CAXTON LEGAL CENTRE MEN'S BAIL SUPPORT PROGRAM²¹

The Men's Bail Support Program (MBSP) was delivered by Caxton Legal Centre in Brisbane from April 2019 to August 2022 and externally evaluated as being highly successful. Men supported by the program had improved pro-social behaviours and were less likely to re-offend in the short to medium term. In 2021-22:

- 77% of applications for bail made by the MBSP were granted;
- 95% MSBP participants were bail compliant;
- 25% were Aboriginal and/or Torres Strait Islander men – they were supported to access Aboriginal health services, culturally appropriate AOD counselling and residential programs, men's yarning groups, culturally appropriate employment and skills training programs.

BAIL SUPPORT- COURT INTEGRATED SERVICES PROGRAM (CISP) (VICTORIA) AND OTHER COURT DIVERSION PROGRAMS

Evaluations of these programs have found them to be effective at reducing contact with the justice system, reducing imprisonment, and facilitating access to support and treatment. The Magistrates Court of Victoria has noted that participants in its In-Court Diversion program have reduced likelihood of re-offending, avoidance of a criminal record, alongside increased access to supports, counselling and treatment.²² Evaluations of the Magistrates Early Release into Treatment (MERIT) program in NSW have found reduced likelihood of reconviction²³ alongside increased health and well-being.²⁴

²¹ Elena Marchetti. 2021. *Evaluation of the Caxton Legal Centre Bail Support Program*. Griffith University. June 2021. <https://research-repository.griffith.edu.au/handle/10072/409002>

²² 'Magistrates Court of Victoria, 'Criminal Justice Diversion Program', <https://www.mcv.vic.gov.au/sites/default/files/2018-10/Criminal%20Justice%20Diversion%20Program%20brochure.pdf> (accessed 26 July 2022).

²³ Lulham, R (2009) The Magistrates Early Referral into Treatment, Contemporary Issues in Crime and Justice 2009, No. 131, Bureau of Crime Statistics and Research <https://www.bocsar.nsw.gov.au/Publications/CJB/cjb131.pdf>

²⁴ Spratley, Donnelly, Trimboli (2013) Health and wellbeing outcomes for defendants entering the Alcohol-MERIT program, Crime and Justice Statistics, Bureau Brief, No. 92, Bureau of Crime Statistics and Research https://www.bocsar.nsw.gov.au/Pages/bocsar_publication/Pub_Summary/BB/bb92-Health-and-wellbeing-outcomes-for-defendants-entering-the-Alcohol-MERIT-program.aspx

Evaluations of the Bail Support Diversion programs in Victoria have found that the program has reduced the number of defendants remanded, contributed to the successful completion of bail, reduced likelihood of re-offending and likelihood of homelessness.²⁵

A recent evaluation of the ACT Drug and Alcohol Sentencing list also found positive outcomes reporting early indications of reduced offending, as well as positive shifts with regard to drug and alcohol use and improved outcomes in terms of social reintegration.²⁶ In 2009 CISP was favourably evaluated for its effectiveness and cost benefit. People involved in CISP showed a 33% reduction in reoffending. Where a person did reoffend the offending was less frequent (30.4% less) and less serious. **For every \$1 invested in CISP the economic benefit to the community is \$2.60 after five years and the long-term benefit is \$5.90 after thirty years.**²⁷

COMMUNITY AND NEIGHBOURHOOD JUSTICE CENTRES²⁸

The most high-profile and well evaluated example in Australia of a community justice approach is the Neighbourhood Justice Centre in Collingwood, Victoria. A 2015 evaluation conducted by the Australian Institute of Criminology (AIC) found:

- the NJC had 25% lower rates of reoffending than other Magistrates' Courts;
- participants who went through the NJC were 3-times less likely to breach Community Corrections orders; and
- participants who went through the NJC demonstrate lower breach rates for intervention orders.

COMMUNITIES THAT CARE

There is a strong evidence base in Australia and overseas for primary prevention models such as the Communities That Care (CTC) model.²⁹ These models mobilise communities to address risk factors that increase the risk of justice system involvement, including harmful substance use, low

²⁵ Henderson and Associates (2008) Bail Support Program Evaluation, Report to Corrections, Victoria at https://files.corrections.vic.gov.au/2021-06/bsp_evaluation_final_report.pdf

²⁶ Rossner, Bartels, Gelb, Wong, Payne, Scott-Palmer (2022) 'ACT Drug and Alcohol Sentencing List: Process and Outcome Evaluation Final Report', Australian National University, Centre for Social Research and Methods <https://nla.gov.au/nla.obj-3111100148/view>

²⁷ *Court Integrated Services Program: Tackling the causes of crime*, Executive Summary Evaluation Report (2010) <https://aija.org.au/wp-content/uploads/2017/08/CISP.pdf>

²⁸ Ross, S, Evaluating neighbourhood justice: Measuring and attributing outcomes for a community justice program (2015) <https://www.aic.gov.au/publications/tandi/tandi499>

²⁹ Toumborou, J., Rowland, B., Williams, J., Smith, R., 'Community Intervention to Prevent Adolescent Health Behavior Problems: Evaluation of Communities That Care in Australia', *Health Psychology*, 2019, Vol. 38, No. 6, 536 –544; J. Hawkins, D., Oesterle, S., Brown, E., Abbott, R., Catalano, R., *Youth Problem Behaviours 8 Years After Implementing the Communities That Care Prevention System A Community-Randomized Trial*, *JAMA Pediatrics*, 2014;168(2):122-129. <https://jamanetwork.com/journals/jamapediatrics/fullarticle/1788472>

academic achievement, early school leaving, and violence. A recent study evaluated the impact of the CTC model across communities in Victoria, Australia between 2010 and 2019. This study supports the existing evidence-base that shows CTC is effective at preventing youth crime at a population level, with findings showing significant reductions in crimes associated with CTC including a 2% annual reduction in risk for crimes against persons and a 5% annual reduction in risk for crimes of property and deception.³⁰

YOUTH PARTNERSHIP PROJECT (WA)

The Youth Partnership Project brings together state and local government and the community sector in a place-based, collective impact approach to youth justice. The project focuses on early identification of young people with complex needs, and the delivery of targeted community services to prevent their involvement with the justice system.

The Armadale Youth Intervention Partnership (AYIP) as part of the YPP achieved a 50% reduction in reoffending for those who completed the program.³¹ Evaluation of YPP social outcomes used modelling to estimate that without the intervention, participants were likely to cost the government ~\$3 million in the future. Therefore, if the YPP Youth Justice Model reduces participants' future reliance on government by 10%, the program almost pays for itself, with **~\$300k of reduced government costs.**³²

TED NOFFS FOUNDATION

The Ted Noffs Foundation runs a residential drug and alcohol treatment service for adolescents with problematic drug and crime-related behaviours called Program for Adolescent Life Management (PALM). A recent evaluation of this program analysed three pre-referral trajectories of convictions (no or low, moderate, or high incline convictions) for over 891 young people referred to the PALM service in New South Wales. This study found treatment was associated with a

³⁰ Rowland, B., et al *Evaluation of Communities That Care-Effects on Municipal Youth Crime Rates in Victoria, Australia: 2010 to 2019*. <https://link.springer.com/article/10.1007/s11121-021-01297-6>

³¹ Stewart, S. (2020). *The Case for smart justice alternatives: Responding to Justice issues in WA through a justice reinvestment approach*. Social Investment WA. <https://static1.squarespace.com/static/59c61e6dbefafb0293c04a54/t/5ef5632af22174273c5d18d5/1593140018902/SRWA+Discussion+Paper+on+Justice+Reinvestment+in+WA+March2020+%281%29.pdf>

³² Youth Partnership Project (2021). *Youth justice model: 2021 practice framework & evaluation summary*. https://www.youthpartnershipproject.org.au/files/uqgd/d180ab_64766464fe62447c9d3c536354e18b4b.pdf

significant decrease in convictions for the high incline convictions trajectory, with 4.36 fewer convictions on average over five years post referral.

OLABUD DOOGHETU (WA)

The Kimberley-based Olabud Doogethu project is Western Australia's first justice reinvestment site. Olabud Doogethu aims to create stronger communities, more resilient families and young people, and reduce youth involvement in the criminal justice system in the Halls Creek Shire. The project's focus is community-driven and Aboriginal-led initiatives that build local community cohesion, capacity, leadership and infrastructure; tackle disadvantage; and create local justice support opportunities. 90% local Aboriginal employment has been achieved for all Olabud Doogethu service programs.

Data provided by WA Police for the period 2017-20 showed significant reductions in youth crime at the site, including a 63% reduction in burglaries; a 43% reduction in oral cautions, a 69% reduction in arrests; a 64% reduction in Aboriginal persons admitted to police custody (aged 10+) and a 59% reduction in stealing of motor vehicles.³³

YUWAYA NGARRA-LI, (NSW)

Yuwaya Ngarri-li is community-led partnership between the Dharriwaa Elders Group and the University of New South Wales aims to improve the wellbeing, social, built and physical environment and life pathways of Aboriginal people in Walgett, NSW, through collaboration on evidence-based initiatives, research and capacity building. A 2022 report from Yuwaya Ngarra-li evaluating change in youth justice outcomes since the commencement of the partnership in 2018 showed there were overall increases in diversions in 2019 and 2020 (but decreases again in 2021); overall reductions in charges and court cases; and reductions in youth custody episodes but noted the need for ongoing work to embed systemic change.³⁴

TARGET 120 (WA)

Target 120 focuses on children between 10 and 14 years who have already had multiple contacts with police but have not yet been in detention. The program was first rolled out in 2018 in Bunbury and Armadale, and has since been expanded to Kalgoorlie, Kununurra, Northam, Albany, Port

³³ Olabud Doogethu Aboriginal Corporation (n.d.). <https://olabuddoogethu.org.au/about-us/the-impact/>

³⁴ Reeve, D. R., McCausland, D. R., & MacGillivray, P. (2022). *Has criminal justice contact for young people in Walgett changed over time? Analysis of diversions, charges, court, and custody outcomes 2016-2021*. https://www.igd.unsw.edu.au/sites/default/files/documents/YN%20Research%20Report%20Has%20criminal%20justice%20contact%20for%20young%20people%20in%20Walgett%20changed%20over%20time_1.pdf

Hedland, Mirrabooka, Geraldton, Rockingham, and Midland. In 2022/23. A government evaluation was conducted in 2020, and in announcing an expansion of the project, the WA Government noted that 50% of people who participated in the program had not gone on to offend. Target 120 provides individualised support for young people at risk as well as additional coordinated support for their families for a period of 12 months.³⁵

³⁵ Government of Western Australia (2022). \$11.1 million boost to Target 120 program to address drivers of youth crime [press release]. <https://www.mediastatements.wa.gov.au/Pages/McGowan/2022/05/11-1-million-dollar-boost-to-Target-120-program-to-address-drivers-of-youth-crime.aspx>

APPENDIX B: GOOD PRACTICE PRINCIPLES IN SERVICE DELIVERY FOR DIVERSIONARY AND POST-RELEASE SUPPORT: HOW TO BUILD A SERVICE THAT WORKS TO REDUCE RECIDIVISM

The successful programs around Australia that have been evaluated and noted above share a remarkably consistent service delivery model. It should be noted that there are multiple other small-scale programs using similar principles around Australia which are reporting anecdotally similar successes but have not yet undertaken evaluation.

The principles underpinning successful services have been noted across multiple academic research reports into 'what works'³⁶ as well as in these evaluations. All of them acknowledge the importance of acknowledging the social drivers of over-incarceration, working holistically with people leaving prison, ensuring a flexible and person-centred approach to service delivery, and working with people long-term to address the significant challenges in 'staying out' of prison. The research recognises the centrality of relational casework, the importance of housing, and the necessity of long-term support.

Models that work are very much about 'meeting people where they are at' and recognising the enormous challenges faced by people at risk of, or in contact with, the justice system, including people leaving prison. Programs that work do not require people at risk of justice system involvement to fit into models that are appointment-based, require abstinence, or have limited flexibility. The successful programs also recognise the referral fatigue experienced by so many people and recognise the importance of non-siloed service provision; that is, services that are able to work with people around a range of issues (housing, mental health, drug and alcohol use etc.).

The programs and principles for good practice in post-release and diversion (long term, holistic, housing first, wrap-around, culturally safe, person centred, flexible) differ significantly in scope and approach to the 'Risk, Needs, Responsivity models' that many Corrections departments around Australia have committed to for the last decade. This distinction is important when designing community-led programs.

Criminogenic approaches are primarily focused on addressing individual offending behaviour (for instance things like anger management and impulsivity) rather than addressing the social drivers

³⁶ Melanie Schwartz, Sophie Russell, Eileen Baldry, David Brown, Chris Cunneen, Julie Stubbs, *Obstacles to Effective Support of People Released from Prison: Wisdom from the Field* (Rethinking Community Sanctions Project, UNSW, 2020). <https://apo.org.au/sites/default/files/resource-files/2020-02/apo-nid274951.pdf>; Kendall, S Redshaw, S Ward, S Wayland and E Sullivan, 'Systematic review of qualitative evaluations of re-entry programs addressing problematic drug and alcohol use and mental health disorders amongst people transitioning from prison to communities', Health and Justice, Vol. 6, No. 4, 2018

of incarceration. The programs that have noted success in reducing recidivism, note the importance of looking outside of 'offending behaviour' when working with people at risk of justice system involvement. Successful programs work with people holistically around a whole range of issues, including housing, drug and alcohol treatment, employment, mental health and disability, and cultural and community connection alongside the formulation of a sense of identity and belonging outside of the justice system.

Too many people at risk of incarceration are not able to access the kinds of support that they require at the time that they most need it. This is especially critical for people at the point of release from prison, and for people who are keen to participate in diversionary options at the point of court or police interaction. There is significant research noting that for many people who are 'caught' in the cycle of justice system involvement, it is in fact much easier to return to prison than it is to survive in the community. There are multiple reasons for this. Most people leave prison with no meaningful community-based supports, nowhere safe to live, minimal financial stability, and limited employment opportunities. Although, as noted above, there are some highly effective specialist services that work to support people with connecting to community, they are chronically under-resourced.

In addition to specialist services, there are of course mainstream welfare, homelessness and other support services that should theoretically be available for people leaving prison. However, there are multiple barriers to accessing mainstream welfare services for people leaving prison. There are many reasons for this, including a lack of specialist knowledge, a lack of resources, and a lack of structural capacity for already stretched organisations to take on the complexity and time resources of working with incarcerated populations. Most mainstream welfare services will not do 'in-reach' into prisons. Many services (including many homeless, drug and alcohol, and domestic violence services) will not take people straight from prison. Many services will not take people with a criminal record, and many will not take people who have any history of violence.

In addition, multiplicity and complexity of need means many people from prison are excluded from support. For instance, many people are not able to access drug and alcohol services if they have a complex mental health condition. Many people are not able to access mental health services if they have an ongoing drug and alcohol problem. There are almost no residential services that will take people who are in active addiction, and for many the group and literacy requirements of many rehabilitation services means that they are very challenging to access. For Aboriginal and Torres Strait Islander people, the absence of Aboriginal and Torres Strait Islander-led culturally safe services acts as another barrier to accessing the necessary support.

There is a need for multiple specialist services throughout Australia that can cross geographic boundaries, recognising the fact that many people incarcerated are not incarcerated anywhere near their intended place of residence in the community. There is a need for services that are resourced and able to incorporate the critical element of pre-release engagement and in-reach into the correctional centres. Workers must be able to visit clients and begin the process of engagement prior to release in order to sustain connection during the extremely chaotic post-release period. There is a need for services that are long-term – building sustainable pathways outside of the criminal justice system takes time, particularly for people who have survived trauma and have spent their lives being managed in such settings. Services must have the capacity to be intensive, and primarily outreach. This often means picking someone up from prison on the day of release and working intensively over the first high-risk three months, and then slowly and flexibly tapering support down over 12 months or more, ensuring support is provided for as long as the person requires it. Services must also have housing front and centre of their service delivery design.

In summary, we outline the key principles for good practice below. Please note these principles have been published (by Dr Mindy Sotiri) in a number of previous publications, including most recently Precedent (issue 161, Nov/December 2020).

REINTEGRATION FRAMED OUTSIDE OF THE LENS OF REHABILITATION.

There is a need to create and facilitate pathways for people leaving prison that focus on addressing systemic barriers to reintegration and creating a strong sense of identity outside of the justice system. This means explicitly addressing barriers to reintegration including discrimination, poverty, and homelessness. For Aboriginal and Torres Strait Islander populations, identity is often related to culture, family, and community. 'Non-prison' identities might also be accessed in the form of employment, volunteering, and educational opportunities. The critical point here is that reintegration should not just be framed in terms of addressing offending, but rather about building a life outside of the prison environment³⁷.

³⁷ See Sotiri, McCausland, Reeve, Phelan and Byrnes *'They're there to support you and help you, they're not there to judge you'* *Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centres AOD and Reintegration Programs*; NSW Health Report <https://www.crcnsw.org.au/wp-content/uploads/2021/11/CRC-AOD-Evaluation-final-report-1Dec21.pdf>, WEAVE, *Creating Futures* (Evaluation report, April 2020); Women's Justice Network, Adult Mentoring Program (Evaluation report, 2016); Community Restorative Centre, Alcohol and Other Drugs Transition Program (Evaluation report, 2016); Sotiri, M (2016) Churchill Fellowship Report.

Service delivery must include a significant advocacy component that addresses structural barriers for individuals (such as access to housing, employment, education, health, and social security benefits), and advocates systemically for change when it is required (for instance, in the case of discriminatory employment practices). Systemic advocacy sees workers walking alongside people leaving custody and challenging the multiple forms of perpetual punishment experienced by people with criminal records and those who have experienced imprisonment³⁸.

PRE-RELEASE ENGAGEMENT FOR PEOPLE IN CUSTODY

Meeting and working with people prior to release, where possible, is extraordinarily useful when it comes to building the engagement necessary to sustain the casework relationship, building trust between the person in prison and the community organisation on the outside, and practically planning for re-entry into the community with complex needs populations³⁹.

HOLISTIC, RELATIONAL, INTENSIVE AND LONG-TERM CASEWORK MODELS

People should not be excluded from services on the basis of complexity, or on the basis of criminal records or past offending behaviour. That is, services should be resourced to work with people with multiple and complex support needs. People with long histories of trauma, combined with the 'referral fatigue' often experienced by this group, require long-term support to build engagement and trust.

Long-term support also allows people the opportunity to develop the skills required to navigate frequently hostile or unwieldy service systems. Services that work with people around their various support needs, rather than simply referring on, are also critical in terms of building engagement, trust and providing meaningful support. Although there is the need for specialist services (for instance specialist mental health support), the role of the case worker is to genuinely support this engagement (not just make a referral). This might mean, for example, assisting people support with getting to appointments (at least initially), and where appropriate attending appointments to support the development of the connection⁴⁰.

³⁸ M Sotiri and S Russell, 'Pathways home: How can we deliver better outcomes for people who have been in prison?', Housing Works, Vol. 15, No. 3, 2018, 41; Sotiri (2016) Churchill Fellowship Report.

³⁹ M Borzycki and E Baldry, 'Promoting integration: The provision of prisoner post-release services', Trends and Issues in Crime and Criminal Justice, Australian Institute of Criminology: Canberra, No. 2, 2003; J Gilbert and B Elley, 'Reducing recidivism: An evaluation of the pathway total reintegration programme', New Zealand Sociology, Vol. 30, No. 4, 2015, 15–37; B Angell, E Matthews, S Barrenger, A Watson and J Draine, 'Engagement processes in model programs for community re-entry from prison for people with serious mental illness', International Journal of Law and Psychiatry, Vol. 37, 2014, 490–500.

⁴⁰ Gilbert and Elley, 15–37; Angell et al, 490–500; B Hunter, A Lanza, M Lawlor, W Dyson and D Gordon, 'A strengths-based approach to prisoner re-entry: The fresh start prisoner re-entry program', International Journal of Offender Therapy and Comparative Criminology, Vol. 60, No. 11, 2016, 1298–314.

COMMUNITY-BASED AND COMMUNITY-LED OUTREACH

Services that work with people with histories of involvement in the criminal justice system need to operate outside of the criminal justice system and within the communities in which people are living. Services should be outreach in focus - that is, workers should travel to where clients are 'at' rather than relying on appointment-based systems (at least initially).⁴¹

FIRST NATIONS LED

For First Nations children, the most effective early intervention responses are those that are culturally appropriate, designed and delivered by local First Nations communities and organisations and which foster a genuine sense of community ownership and accountability.⁴²

Many First Nations People have intergenerational and/or personal experience of mainstream services working against them.⁴³ Engaging with First Nations communities ensures that programs are more effectively targeted to local priorities and needs, and are aligned with local systems and circumstances.⁴⁴ Community involvement and local decision making should occur at each stage of the process, including at the feedback stage to ensure that the feedback methods used align with First Nations communication and knowledge.

HOUSING FIRST APPROACHES

Support must be practical, and people need somewhere safe and secure to live. Regardless of the 'focus' of the service provider, the majority of people leaving prison or at risk of justice system involvement require assistance with housing, and this should not be something that is 'referred out'. People require a solid base from which they can make the changes required to stay out of prison.⁴⁵

⁴¹ D Padgett, L Gulcur and S Tsemberis, 'Housing first services for people who are homeless with co-occurring serious mental illness and substance abuse', *Research on Social Work Practice*, Vol. 16, No. 1, 2006, 74–83; S Kendall, S Redshaw, S Ward, S Wayland and E Sullivan, 'Systematic review of qualitative evaluations of re-entry programs addressing problematic drug and alcohol use and mental health disorders amongst people transitioning from prison to communities', *Health and Justice*, Vol. 6, No. 4, 2018.

⁴² Kristen Davis and Daryl Higgins. 2014. '[Law and justice: prevention and early intervention programs for Indigenous youth](#)'. Australian Institute of Health and Welfare and Australian Institute of Family Studies. Resource Sheet No 34. July 2014. 10.

⁴³ Law Council of Australia. 2019. '[Minimum Age of Criminal Responsibility](#)'. Policy Statement, 17 December 2019. 5.

⁴⁴ Kristen Davis and Daryl Higgins 2014, n 62.

⁴⁵ Padgett, L Gulcur and S Tsemberis, Op cit 2006, 74–83; Sotiri and S Russell, 'Pathways home: How can we deliver better outcomes for people who have been in prison?', *Housing Works*, Vol. 15, No. 3, 2018, 41; *Implementing Housing First in Australia*, AHURI Final Report No. 184, Australian Housing and Urban Research Institute Limited, Melbourne.

GENUINE COLLABORATION WITH PEOPLE WITH LIVED EXPERIENCE OF
INCARCERATION AT ALL LEVELS OF PROGRAM DELIVERY

The expertise of people who have themselves been to prison is critical in both the design and delivery of community-based reintegration services.⁴⁶

⁴⁶ Doyle, C, Gardner K, Wells, K (2021) *The Importance of Incorporating Lived Experience in Efforts to Reduce Australia's Incarceration Rates*. International Journal for Crime, Justice and Social Democracy, Vol. 10, No. 2; Sotiri, M (2020) *Building Pathways Out of the Justice System: Supporting Women and Reducing Recidivism*, Precedent Issue 161, November/December 2020.

