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Too many people in the ACT are trapped in a cycle of incarceration, repeatedly encountering a justice system that fails to address the causes of crime and that entrenches ongoing justice system involvement. Over-incarceration in the ACT causes significant harm – to the children and adults who are themselves incarcerated, to the families and communities who care for people who are imprisoned, and to the broader community as a consequence of the failure of imprisonment to improve community safety.

The ACT is in many ways a national outlier. It has the lowest rate of incarceration in the country, the lowest numbers of people incarcerated, and a government which has a stated commitment to justice reinvestment, legislative reform and reducing recidivism. However, it also has the highest rate of recidivism (when including return to community corrections orders) and the highest ratio of First Nations incarceration rates compared with non-Indigenous incarceration rates. In addition, the ACT has the highest rate of prior imprisonment in Australia, with 80% of all people in prison in the ACT having been to prison before. This rate is even higher for Aboriginal and Torres Strait Islander people, with 84% having a history of prior imprisonment.

Imprisonment is also extraordinarily expensive. In the ACT, the total net operating and capital cost of adult and children’s imprisonment over the last year was more than $120 million dollars.

Caution is always required when comparing the ACT with other jurisdictions because of the comparatively small population size. However, the current state of incarceration shows us that despite a genuinely promising reform agenda, the ACT is still dealing with the legacy of decades of the failure of imprisonment, and the failure to sufficiently invest in evidence-based alternatives in the community.

In the ACT, as in the rest of Australia, disadvantaged groups – including Aboriginal and Torres Strait Islander people, people with mental health conditions, people with disability and people experiencing multiple and complex disadvantage – are imprisoned at a rate that is exceedingly high. The failure to provide the support that is required in the community, or opportunities that genuinely address the underlying drivers of incarceration underpin a costly system that does not make the community safer.

While the ACT is leading with some positive change within the Australian justice landscape, it still lags behind comparable international jurisdictions in terms of evidence-based policy and programs. The high rates of recidivism and the extraordinarily high costs of incarceration should compel us to ask not just why this is occurring, but how we might do things differently. This report details areas where the ACT can make significant steps towards addressing the drivers of incarceration and building pathways out of entrenched criminal justice system involvement.

While the ‘prison-by-default’ policies of successive governments nationally have led to poor outcomes in the criminal justice system, there are promising, evidence-based community-led alternatives in the ACT, and around Australia that are already working successfully to break cycles of imprisonment. These programs are operating (albeit often operating at a very small scale) at different touchpoints both within and outside the justice system. There are opportunities to build pathways out of the justice system and improve our service delivery response at every contact point in the criminal justice system. There is also an opportunity to significantly scale up programs in the community and expand the capacity of the community sector, to enable people caught in the justice system to access a range of opportunities to genuinely rebuild their lives.
Social Determinants of Justice

For many decades, the social determinants of health research has shown the way that social and structural factors (including poverty, disadvantage, geography, and access to supports and services) impact on health outcomes and life expectancy. More recently, Australian researchers have used linked administrative data to unpack the social determinants of incarceration. These include:

1. having been in out of home (foster) care;
2. receiving a poor school education;
3. being Indigenous;
4. having early contact with police;
5. having unsupported mental health and cognitive disability;
6. problematic alcohol and other drug use;
7. experiencing homelessness or unstable housing; and
8. coming from or living in a disadvantaged location.

The social determinants of incarceration research, together with the evidence about ‘what works’ to reduce incarceration, tell a compelling story about the way that jailing is failing to reduce offending and reoffending. It is clear that prison is criminogenic (that is, it increases the likelihood of future imprisonment), and its overuse causes enormous and inter-generational harm to First Nations communities and other populations who experience multiple and intersecting forms of marginalisation and disadvantage.

A more detailed exploration of the Social Determinants of Justice and how these relate to the ACT justice landscape is outlined at Appendix B.

The Policy and Social Service Landscape

There is strong evidence around Australia of the efficacy of community-led approaches that address the social drivers of over-incarceration, and alternative justice system models that genuinely divert people from entrenched justice system involvement. Despite this strong evidence base, we have seen only a relatively piecemeal approach to resourcing, expanding, and evaluating these solutions.

While community-led programs in the ACT are already doing considerable work in breaking cycles of disadvantage for individuals impacted by the justice system, they are frequently not resourced adequately. This is especially the case for First Nations communities and First Nations community-led organisations. While remarkable outcomes are often achieved (with very limited resources), in order to systemically reduce justice system involvement, the community sector needs a substantial injection of funds.

The scope and capacity of community led programs, and existing diversionary programs, currently means that only a fraction of people who are at risk of imprisonment or recidivism are able to access them. The Justice Reform Initiative proposes in this report a funding shift so that all ACT children and adults who are currently ‘managed’ in the justice system instead have the opportunity to receive effective and sustained support, care, connection, and opportunity in the community. This support needs to be consistently available for both children and adults at different stages of contact with the justice system. This includes support or alternative approaches at the point of contact with police, courts, prisons, and post-release. It also means support in the form of early intervention and prevention for people at risk of justice system involvement.

The collective findings of the program evaluations included in this report demonstrate the efficacy of community-led approaches that address the social drivers of over-incarceration. Similarly, the combined findings of evaluations of alternative models of policing, court and prison in this report demonstrate the way in which these interactions have the capacity to move people away from the justice system, if those interactions are non-punitive and focus on addressing the drivers of criminal justice system contact.
What Works

The studies overviewed in this report outline findings that include:

» Early intervention and prevention programs reduce crime at a population level by between 5–31%, reduce offending among at-risk populations by 50%, significantly improve other health and wellbeing outcomes in children and families and result in significant cost savings, including those resulting from reduced criminal justice system contact over time.

» Alternative policing and alternative first-responder models reduce criminal justice system involvement and lessen the likelihood of arrest by 58%, halve the rate of crime and justice system involvement, significantly reduce levels of specific crime, improve health and wellbeing (especially for people with mental health conditions) and address the social drivers of incarceration while avoiding contact with police.

» First Nations place-based approaches have resulted in significant reductions in crime, criminal justice system contact, youth justice contact and significant cost savings, as well as improvements in a range of cultural, social, health and wellbeing measures.

» Bail support programs significantly reduce reoffending (by 33%), increase compliance with bail conditions (by 95%), improve a range of other social and health wellbeing measures relevant to the drivers of criminal justice system contact and achieve cost savings when compared to an absence of bail support.

» Alternative and specialist court processes reduce contact with the justice system including:
  - In-court diversionary programs reduce reoffending, increase health and wellbeing, and address the drivers of incarceration.
  - Those who have their matter dealt with in a community and neighbourhood justice court have reoffending rates that are 25% lower than those whose matters are heard in mainstream courts.
  - Restorative justice processes significantly reduce the likelihood of reoffending, work to support people to connect with services and programs in the community (as well as providing support and a voice for victims of crime) and are extraordinarily cost-effective.
  - Drug courts reduce the likelihood of reoffending and improve access to alcohol and other drug treatment.
  - Mental health courts reduce reoffending and facilitate access to mental health treatment as well as improve other health and wellbeing measures.
  - First Nations courts reduce reoffending, empower First Nations communities, increase the likelihood of court attendance, and improve access to other supports and services.

» Alternative detention models have extraordinarily low rates of recidivism including:
  - international therapeutic residential models for children resulting in recidivism rates as low as 13.6%; and
  - rehabilitation and therapeutic incarceration models with a focus on alcohol and other drug treatment have recidivism rates as low as 2%.

» Post-release and diversionary community-led programs have resulted in dramatic decreases in recidivism, including:
  - Intensive post-release support programs focusing on people experiencing problematic alcohol and other drug use and other complex needs have achieved reductions in custody days (by 66%), new custody episodes (by 63%) and proven offences (62.1%), measured two years post-referral.
  - A First Nations-led post-release service has achieved recidivism rates of 4.1% (compared to 57.3% for a comparable cohort).
  - A place-based, intensive support service for children at-risk of criminal justice system involvement has dramatically increased the number of children engaging with education and/or employment (by 85%) and has led to significant reductions in crime (by 35%) in the surrounding community.
While this report is focused on community-led alternatives at multiple points along the criminal justice system trajectory, alongside alternative policing, court, and prison models, we recognise that these alternatives are only part of the picture in terms of breaking cycles of disadvantage. Alongside this work there is also the need for significant investment in addressing the social determinants of justice. This includes affordable and safe housing, mental health and disability support, alcohol and other drug support, employment and education, workforce development, and a range of infrastructure projects to support people experiencing disadvantage to build meaningful lives and connections with the wider community. In addition to the Breaking the Cycle Fund and the other funding priorities set out in Appendix A, we note the need for additional investment in services that intersect with people at risk of justice system involvement. We also note the work required to address discrimination and systemic barriers to employment, housing, and other forms of civic participation for people with conviction histories.

Existing community-led justice programs in the ACT are achieving strong outcomes. Their approaches are based on evidence-informed practice and models of success in other jurisdictions. However, some of the most successful interventions are still not available in the ACT or continue to be under-resourced. There is the need for a comprehensive territory commitment to drive sustainable and impactful, evidence-based community-led justice solutions.

Piecemeal resourcing and service silos are preventing existing best-practice approaches from having a wide impact and reach in the ACT. Too many children and adults are still ‘managed’ in justice system settings, rather than receiving necessary personal wrap-around support in the community. Both mainstream and specialist services must be accessible and fit-for-purpose in terms of providing effective support to individuals in contact with the justice system. They must be based on the community-led and holistic approaches that we know will work to reduce contact with the system and break the cycle.

Further investment by the ACT Government in evidence-based programs and services run by the community sector (including critically, by First Nations-led community organisations) that address the social drivers of incarceration and youth and criminal justice system contact, will lead to a significant reduction in recidivism. This shift in approach will also result in significant cost-savings and substantial improvements in health and well-being – both for the Government and our community.

The ACT has the opportunity to mobilise a best-practice approach to investment in community-led service-delivery that can support people to leave prison and live productively in the community. The ACT already has innovative and impactful community-led initiatives achieving solid outcomes with minimal resourcing. Now we have an opportunity to build on what works to drive long-term and sustainable change.

Recommendations

Multiple recommendations emerged through the writing of this report. We focus below on our primary recommendation: the implementation of a ‘Breaking the Cycle’ fund. However, there is a comprehensive additional list of secondary recommendations attached at Appendix A. We also include in Appendix A a chart outlining the short-, medium- and long-term actions and steps in terms of the potential implementation of some of these recommendations.

The Need for a Breaking The Cycle Fund for the ACT

A ‘Breaking the Cycle’ Fund should be established to build the capacity of the community sector to provide diversion and support programs, with a particular emphasis on building the capacity of First Nations organisations.

- The Fund should have an initial funding commitment of at least $20 million per annum for new initiatives to provide community-led services focused on justice outcomes improvements.
- At least 30% of the Fund should be dedicated to First Nations-led organisations, in recognition of the challenges and overrepresentation of First Nations people in the child protection and justice systems. This is in line with the aspirations of Closing the Gap and the current federal Justice Reinvestment focus.
- The Fund should support a diverse suite of community-led organisations and groups to deliver programs and support reflecting the evidence-based principles in service delivery. These principles have been noted in a number of recent pieces of research in Australia.37
» Priority should be given to programs that include:
  - expanded bail support (for instance bail support for non-Indigenous populations; bail accommodation including for people alleged to have committed domestic and family violence offences);
  - expansion of community-led specialist drug and alcohol treatment programs to better meet the needs of justice-involved populations;
  - expansion of specialist post-release programs for adults and children leaving custody (given that 80% of people in prison in the ACT have a prior incarceration history); and
  - expansion of specialist mental health and disability programs to better meet the needs of justice-involved populations and improved screening and assessment processes.

» Given breaking the cycle of justice system involvement is a whole-of-government responsibility and delivers whole-of-government outcomes, including in health, housing, and economic engagement, it is recommended that the Breaking the Cycle Fund be administered by a Justice Reinvestment Coordinator General (see recommendations in Appendix A).

» The Fund should have the capacity to ensure that programs and projects for people at risk of justice system involvement are flexible and genuinely responsive to the specific geographic and demographic needs of the populations for whom they are intended. This includes First Nations led programs that focus on outcomes for Aboriginal and Torres Strait Islander populations. It also means ensuring that programs for children and young people are developmentally and culturally meaningful.

» 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 and capacity building work should be resourced from the Fund.

» We recommend that, alongside the funding of programs, supports, and services, the Fund should also fund independent and transparent evaluation capability, so that outcomes and impact are able to be measured (see recommendations in Appendix A).
The Justice Reform Initiative was established in September 2020 with a goal to reduce Australia’s harmful and costly reliance on incarceration. **We seek to reduce incarceration in Australia by 50% by 2030 and build a community in which disadvantage is no longer met with a default criminal justice system response.**

Our growing list of patrons include over 120 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 the movement to end the cycle of incarceration in Australia.

We also have around 170 supporter organisations who have joined the movement to reduce incarceration. This includes national organisations, such as the Australian Medical Association, Law Council of Australia, Federation of Ethnic Community Councils, Australian Council of Churches, Australian Catholic Bishops Conference; ACT organisations, such as ACTCOSS, Prisoners Aid ACT, Canberra Community Law, ACT Law Society, Legal Aid ACT, ACT Bar Association; and many First-Nations-led organisations and service delivery organisations that have expertise working with people who have been impacted by the justice system.

The Justice Reform Initiative seeks to work with parliamentarians from all sides of politics, policy makers, people with experience of the justice system, and people of goodwill across the country to embrace evidence-based criminal justice policy in order to reduce crime, reduce recidivism, and build safer communities.

We are working to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven alternative evidence-based approaches that break the cycle of incarceration. We are committed to elevating approaches that seek to address the causes and drivers of contact with the criminal justice system. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

Our ACT Patrons are noted below:

» **Professor Lorana Bartels (co-chair).** Professor of Criminology, Australian National University. Adjunct Professor, University of Canberra, and University of Tasmania.

» **Professor Tom Calma AO.** Chancellor, University of Canberra. Co-Chair, Reconciliation Australia. Former Aboriginal and Torres Strait Islander Commissioner and Race Discrimination Commissioner. 2023 Senior Australian of the Year.

» **Kate Carnell AO.** Former ACT Chief Minister. Deputy Chair, BeyondBlue. Former Australian Small Business and Family Enterprise Ombudsman.

» **Simon Corbell.** Former ACT Deputy Chief Minister, Attorney-General, Minister for Police and Emergency Services. Adjunct Professor, University of Canberra.

» **Dr Ken Crispin KC.** Former ACT Director of Public Prosecutions, Justice of the ACT Supreme Court, and President of the ACT Court of Appeal.
» Shane Drumgold SC. Former ACT Director of Public Prosecutions.

» Karen Fryar AM. President of ACT Legal Aid Commission. Former ACT Magistrate, ACT Children’s Court Magistrate and Coroner of the ACT.

» Gary Humphries AO (co-chair). Former ACT Chief Minister and Attorney-General, and Senator representing the ACT in the Australian Parliament.

» Rudi Lammers APM. Former ACT Chief Police Officer.

» Dr Michael Levy AM. Public health physician with 24 years experience as a clinician for adults and youth detainees in NSW and the ACT.

» Dr. Michael Moore AM PhD. Former independent ACT Minister for Health and Community Care. Past President, World Federation of Public Health Associations. Distinguished Fellow, The George Institute, University of NSW. Adjunct Professor, University of Canberra.

» The Honourable Richard Refshauge. Acting Justice of the ACT Supreme Court. Former ACT Director of Public Prosecutions.

» Dr Helen Watchirs OAM. Former President, ACT Human Rights Commission.

We are supported by our ACT Advocacy and Campaign Coordinator, Indra Esguerra.
This report explores what works to keep people out of prison, and what the ACT needs to do to reduce prison numbers and improve justice outcomes for the whole community. A selection of evidence-based approaches in Australia and internationally are overviewed that have a proven impact in terms of reducing incarceration.

This report is by no means an exhaustive account of ‘what works’. It is intended to provide examples of the alternative approaches that already are making a difference and that have been robustly evaluated. Examples of these programs are outlined throughout the report.

The research outlined in the body of this report primarily draws on independent evaluations, some of which use matched administrative data as points of comparison, and some of which include randomised controlled trials (the ‘gold standard’ of evaluations) or time-series analysis to explore criminal justice trajectories over time. While this report also includes overviews of less comprehensive evaluations, all of the studies included in the body of this report explore the impact of the program, intervention, or support on people’s contact with the criminal justice system.

There are three parts to the main body of this report:

1. The first part of the report provides a snapshot of the ACT criminal justice system; the number of adults and children incarcerated, the cost, and the demographics of the populations who are in contact with the justice system. This section identifies the failures of incarceration and overviews the problems with the existing youth and adult criminal justice system. In this section, we draw on publicly available data from the Australian Bureau of Statistics, the Australian Institute of Health and Welfare and the Productivity Commission’s Report on Government Services.

2. The second part (and the most substantial section of this report) looks at the research into evidence-based alternatives at a number of specific touchpoints along the criminal justice system trajectory. This includes early intervention and prevention, policing, courts, bail, prisons, and post-release. Particular attention is paid to supports and services for First Nations people, as well as for children and young people. Case studies provide evidence about what works and we draw on a range of formal evaluations from around Australia, and in some cases international examples.

   This part also identifies ACT services, programs, and responses to people in the justice system that have promising outcomes but have not yet had the opportunity to be formally evaluated. While not exhaustive, this report provides significant detail about the evidence base, in terms of what works and is intended to assist further development of an alternative and well-resourced approach to criminal and youth justice in the ACT. We also highlight service gaps and in Appendix A, we make recommendations to address those gaps, and possibilities, in addition to building on the services that are already working to reduce recidivism.

3. The third part of this report outlines legislative changes to address systemic issues driving contact with the justice system. We discuss the reforms related to decriminalising drug use and possession, legislative change needed to the Bail Act 1992, the steps required to establish a Neighbourhood Justice Centre, and the need for improved ACT Government coordination.

In addition to the three parts of the report outlined above, there are two appendices. These include:

» Appendix A: Building Alternatives and Reducing Incarceration: Recommendations

» Appendix B: Unpacking the Social Determinants of Incarceration in the ACT
Whilst the ACT has the lowest rate of incarceration in the country, and a government committed to reducing recidivism, the failures of imprisonment continue to be felt by the territory’s most vulnerable communities. While there have been some important shifts in the ACT, including reductions in the rates of incarceration over the last decade, there is work required to sustain a downward trajectory. This is particularly the case for people in prison who have been generationally trapped in social and economic disadvantage without the wrap around supports needed to break cycles of complex and intersectional poverty, marginalisation, trauma, and re-offending.

The recent Report on Government Services (ROGS) and ABS data show that in the ACT:

» 46% of people are unsentenced, increasing from 26% over the last decade.\(^38\)

» 80% of people have been in prison before, the highest rate of prior imprisonment in Australia.\(^39\)

» Aboriginal and Torres Strait Islander adults are almost 23 times more likely to be in prison than the non-Indigenous adult population, the highest over-representation in the country.\(^40\)

» Aboriginal and Torres Strait Islander children and young people are 14 times more likely to be detained than non-Indigenous children.\(^41\)

» Only 10% of Aboriginal and Torres Strait Islander children are diverted by police, compared to 30% of non-Aboriginal young people.\(^42\)

Prisons do not work to deter people from reoffending, to rehabilitate, or to make the community safer. Instead of reducing the likelihood of reoffending, prison entrenches existing disadvantages and increases the likelihood of ongoing criminal justice system involvement. Many people leave prison jobless, homeless and without the necessary support to build healthy, productive, connected, and meaningful lives in the community, and this impacts on their families, setting up intergenerational disadvantage.

First Nations Overincarceration

Reflecting the devastating national picture, the ACT disproportionately incarcerates Aboriginal and Torres Strait Islander people. While First Nations people make up only approximately 2% of the ACT population, they make up over one-quarter (27%) of those incarcerated in the territory, up from 17% in 2013.\(^43\)

The Productivity Commission notes that between 6 to 15 young people (aged 10 to 17 years) have been in detention in the ACT on an average night since 2014–15.\(^44\) In 2022-23, Aboriginal and Torres Strait Islander children (between the ages of 10 and 17) made up 26% of the youth prison population.\(^45\) The ACT incarcerates First Nations children at 14.2 times the rate of non-Indigenous children.\(^46\)

It has been over 30 years since the Royal Commission into Aboriginal Deaths in Custody (1987) (RCIADIC). Although governments across Australia accepted almost all of the Royal Commission’s recommendations, many key actions have still not been implemented. The Australian Law Reform Commission’s (ALRC) 2017 Pathways to Justice report evaluated and summarised the implementation of the recommendations of the RCIADIC report and provided clear direction for governments to improve justice system outcomes.\(^47\)

Many of the underlying systemic issues that RCIADIC and ALRC identified as the causes of the disproportionate rate by which state and territory governments incarcerate First Nations people have still not been addressed, including by the ACT.
Prior Imprisonment and Recidivism Rates

In 2023 there were, on average, 375 adults imprisoned in the ACT each night. In youth detention, each night, there were on average 18.7 children and young people incarcerated. Although the numbers in the ACT are comparatively small compared to some other jurisdictions, the over-reliance on incarceration as the default response to both disadvantage and offending still too often results in over-incarceration. The criminal justice system in Australia is generally characterised by a cycle of disadvantage, where people enter and return to prison repeatedly. In the ACT, 34.1% of people released from prison return within two years, and 63.7% of people released receive some form of corrections sanction.\(^4^8\)

The ACT Government has committed to an evidence-based approach and has a plan to reduce recidivism by 25% by 2025 by ‘Building Communities not Prisons’. In the four years since the launch of the Government’s plan, the rate of recidivism has reduced.\(^4^9\) While the reduction in the rate of people returning to prison represents a commendable achievement, and a model for other Australian governments, critical work is required to retain pressure on this downward trajectory.

In 2023, 46% of adults in the ACT’s prison were unsentenced,\(^5^0\) up from 26% a decade ago.\(^5^1\) People who are unsentenced often come from marginalised communities and are more likely than people who are sentenced to be unemployed, homeless and/or to have a mental health condition. They are also more likely to die in custody.\(^5^2\) Therefore, it is critical that the over-use of pre-trial imprisonment is addressed in the ACT (see further in Part 2 in this report).
There is no single ‘reform fix’ to reduce the numbers of people in prison in the ACT; however, there are multiple proven, cost-effective reforms that can work together to build pathways away from the justice system. Many of these reforms are already catalogued in a range of government and non-government reports and reviews. In addition, there are clear examples and case studies from 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 trajectories. There is also a growing body of more formal research exploring the impact of various models of support.

This section of the report is divided into eight parts.

1. Early Intervention and Prevention
2. Disrupting Justice System Cycles for Young People (Tertiary Responses)
3. Policing and Alternative First Responder Models
4. Bail Support and Remand Alternatives
5. Court Alternatives
6. Prison Alternatives
7. Post-Release Supports
8. First Nations and Place-Based

Some of these parts reflect the various points in the criminal justice system trajectory that require alternative approaches. The sections in this report overviewing programs that disrupt cycles of disadvantage for children and young people and the section overviewing First Nations and place-based alternatives are a little different in that they operate across a range of different touch-points in the justice system.

We include in all eight parts a section on:

1. Programs that operate in the ACT (regardless of whether or not they have been evaluated); and
2. Successful Australian and international programs that have an evidence base.

Where relevant, we divide these programs into those focused on children and young people and those focused on adults. Many of the programs focusing on children and young people are however covered in the first two parts of this section.

In the ACT, there are multiple advocates and experts in both the community sector and the academic/research sector who have been driving reform work in this space. There are also multiple community sector organisations and services in the ACT working to reduce cycles of incarceration. The community sector in the ACT is well placed to continue and increase this vital work on the ground. With long-term government funding commitments to programs that work, increased services can be delivered by organisations that already understand the needs of people impacted by the justice system. The community sector can be highly responsive to meeting the needs of government policies with the right procurement and evaluation processes in place.

This section of the report notes key ACT Government-funded and community sector organisations and support services that are working directly with people impacted by the youth and adult justice system to try and reduce justice system involvement. Whilst this overview is not an exhaustive list, it gives a good indication of the services and funding specifically focused on breaking the cycle of disadvantage in the ACT. The Justice Reform Initiative continues to progress mapping work of programs in the ACT and welcomes any further information, evaluations, and case studies that people and organisations would like to share with us.

We note the unique context of the ACT when it comes to thinking through implementation and service provision – the opportunities that exist with effectively being a city-state, but also in relation to the transient nature and diverse origins of the ACT population, the size and geography of the ACT, and the size of the social and welfare sectors.
In addition to outlining services and supports in the ACT, a large part of this section of the report focuses on outlining evidence-based programs that reduce criminal justice system contact, and case studies from all around Australia (and some international examples).

While this report is focused on community-focused alternatives at multiple points along the criminal justice system trajectory, we recognise that these alternatives are only part of the picture in terms of breaking cycles of disadvantage. Alongside this work there is also the need for significant investment in addressing the social determinants of justice. This includes affordable and safe housing, mental health and disability support, alcohol and other drug treatment, employment and education, workforce development, and a range of infrastructure projects to support people experiencing disadvantage to build meaningful lives and connections with the wider community.
Research into the social determinants of justice shows that social and structural systems can dramatically shape an individual’s life trajectory. Getting children off to the best start possible is vital and that means supporting families to stay connected, in secure and stable housing and linked into supports and community connections. Early intervention and prevention aims to intervene early in an individual’s developmental pathway to address risk factors associated with criminal justice system involvement, and strengthen protective factors that support engagement in the community. Early intervention commonly occurs early in life, but it can also occur at crucial transition points on a pathway into the justice system. Children who are at-risk of justice system involvement often experience a number of individual, family, peer, school and community risk factors such as disconnection from education, unstable home environments, homelessness and poverty. Programs that work to reduce contact with the justice system tend to address a multitude of these factors at once.

Early Intervention and Prevention for Children and Young People (Evidence-Based Case-Studies from around Australia)

**Child Skills Training and Behavioural Change Programs (Australia and International)**

In young people, the pre-frontal cortex (the part of the brain that controls executive functioning) is still developing. This means that children and young people are still developing the cognitive processes required to plan, control impulses and weigh-up the consequences of decisions before acting. There are various examples of programs that aim to build children’s skills and cognitive abilities in areas that are often related to antisocial behaviour and offending (for example, self-control, impulsiveness, perspective, and delayed gratification). Systematic reviews examining randomised-controlled trials of child skills training programs reported such interventions decrease antisocial behaviour by anywhere between 24–32% among the participants.

**Communities That Care (Australia and International)**

There is strong evidence that primary prevention models – such as the Communities That Care (CTC) mode – are successful in mobilising communities to address factors that increase the risk of justice system involvement. These risk factors include harmful substance use, low academic achievement, early school leaving and violence. A recent study evaluated the impact of the CTC model across communities in Victoria between 2010 and 2019. This study supports the existing evidence that shows that CTC prevents youth crime at a population level. The findings demonstrate 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.
**Parenting Programs (Australia and International)**

The parenting programs found to be the most effective at reducing antisocial behaviour and youth crime include parent–child interaction therapy, the Triple P (Positive Parenting Program) and the Incredible Years Parenting Program. These programs typically involve training and education that supports parents to develop positive parenting skills and strong relationships with their children. Systematic reviews of parenting program evaluations have estimated such interventions have resulted in anywhere between a 34–48% reduction in problematic child behaviour.

The Triple P was developed in Australia and is now delivered around the world where it is free for all parents and carers of a child who is aged 16 years or younger. There is an abundance of research demonstrating the effectiveness of the Triple P in addressing risk factors for offending; however, it is unfortunately not available in the ACT at this stage.

**Resolve (Queensland)**

Resolve is an early intervention program for young people aged 10-16 who are at-risk of justice system involvement. The program is delivered in Logan through a joint partnership between Youth and Family Service, Griffith University, Overflow Foundation and Queensland Police Service. The program includes community outreach, diversionary activities and intensive case management that uses a flexible, relational, and strengths-based approach. The program also offers targeted and flexible individualised alcohol and drug interventions. A six-month review of the program showed early positive outcomes, with the majority of young people who exited the program meeting their goals or needs (79%), improving their level of hope (94%), improving their life skills (82%), and improving their wellbeing (88%). Griffith University is currently undertaking an outcome evaluation of the program.

**Sport Programs (Australia and International)**

There are limited evaluations in Australia with sound designs that evaluate the effectiveness of sport programs in preventing and reducing crime. However, a recent systematic review and meta-analysis of 13 control-group evaluations (two in Australia and the remainder overseas) found sport programs significantly protect against offending behaviour and related antisocial attitudes as well as significantly increase self-esteem and psychological wellbeing.

**You Got This (Queensland)**

The University of Sunshine Coast conducted an independent evaluation of the Johnathon Thurston Academy ‘You Got This’ initiative, which aims to boost courage and self-belief in young people aged 9-16 experiencing disadvantage. The Queensland Government noted the success of the program, outlining that the evaluation (based on the data of 39 participants and also interviews with staff members and stakeholders) found successes in diversion, school re-engagement and a reduction of offending. The evaluation found there was a reduction in the number of offences committed by the young people who were at-risk and who participated in the program in Cairns. Nine out of 10 young people with a prior offending history who participated in the program in Cairns did not reoffend within nine months after completing the program.
Youth Partnership Project (Western Australia)

The Youth Partnership Project (YPP) brings together state government, local government, and the community sector in a place-based, collective impact approach to youth justice. The project focuses on the early identification of young people aged 8–12 with complex needs, and the delivery of targeted community services to prevent their involvement with the justice system.

The Armadale Youth Intervention Partnership, part of the YPP, achieved a 50% reduction in reoffending for those who completed the program. 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. It concluded that if the YPP Youth Justice Model reduces participants’ future reliance on government by 10%, the program almost pays for itself, with ~$300,000 of reduced government costs.

After-School Intervention Programs (International)

Evaluations have shown that after-school programs that incorporate skills training, mentoring and/or academic components may reduce antisocial behaviour. Two robust systematic reviews of after-school program evaluations estimated between a 6–14% decrease in antisocial behaviour among the program participants.

Anti-Bullying/Anti-Cyber Bullying Programs (International)

Bullying is a known predictor of future offending and violence. Anti-bullying and anti-cyber bullying programs have the potential to reduce youth offending. There are various examples of programs in Australia and overseas that aim to intervene early (mostly during the school years) to reduce bullying. Several systematic reviews of anti-bullying and anti-cyberbullying program evaluations have estimated such interventions result in a reduction in bullying anywhere between 10–35% among the program cohort.

Fast Track (United States)

Fast Track is an evidence-based early intervention program in the United States that focuses on disrupting the school-to-prison pipeline. The program delivers a series of multi-level, developmental and age-appropriate interventions to support children (from the age of five onwards), families and schools over a long-term developmental period. A 10-year longitudinal study found children who were randomly assigned to the intervention displayed a reduction in violent offences (31% reduction) and drug offences (35% reduction) as well as significantly lower internalising problems, externalising problems and alcohol and other drug use. Fast Track costs $58,000 per child over the 10-year investment period, which is cheaper than incarcerating one child for just one year.

Home Visitation Programs (United States)

Pre-natal and infancy home visitation programs show positive outcomes in terms of improving the health and wellbeing of children and families and reducing contact with the criminal justice system. Within these programs, health professionals visit new parents (typically mothers or expected mothers) to provide support, care, and education pre- and post-birth. The most common home visiting programs involve sustained nurse home visiting (SNHV). The Elmira Nurse-Family Partnership program is an evidence-based SNHV program that originated in the United States. This program has been shown to have sustained effects on outcomes for children and mothers within several randomised-controlled trials in the United States.
States, the Netherlands, and the United Kingdom. In the United States, young girls whose mothers participated in the program were less likely to be arrested than those whose mothers did not participate in the program. In addition, participation in the program was shown to be associated with significantly reduced reports of child abuse and neglect, among other benefits.

Mentoring Programs (International)
Internationally, evaluations have found that mentoring programs are effective at reducing offending and supporting children and young people to engage in prosocial behaviour. One study that reviewed 25 experimental and quasi-experimental evaluations of mentoring programs and their impact on behaviours found a 19–26% reduction in behaviours of concern.

The Perry Preschool Project (United States)
Preschool programs provide early intervention and support for children at a crucial transition point in their development. There is evidence that certain behaviours in childhood are indicative of future offending. In the United States, the Perry Preschool Project is an evidence-based program that supports children from disadvantaged backgrounds to prevent the onset of offending. The Perry Preschool Project provides high-quality preschool education to children aged three and four years old in small school-based sessions delivered by qualified teachers. In addition, teachers conduct a weekly home visit to support parents with at-home learning. An evaluation of the Perry Preschool Project found the program produced sustained effects well into adulthood. Positive outcomes include improved educational attainment, fewer teen pregnancies, reduced likelihood of spending time in prison, lower arrest rates for violent crimes, higher median incomes, and reduced likelihood of receiving government assistance.

Youth Advocate Program (United States)
The Youth Advocate Program was developed in the United States. It is a strengths-based intensive support and advocacy program that provides individually tailored and wrap-around support to young people who are at-risk of, or already experiencing, involvement with the justice system. Evaluations have shown the program is more cost-effective than incarceration, it reduces justice system involvement, and improves other factors in children’s lives.

Youth Crime Action Plan (New Zealand)
The New Zealand 10-year Youth Crime Action Plan is an approach to reducing youth offending rates, with a focus on the overrepresentation of Māori people in the New Zealand justice system. The program has sought to have a ‘genuine partnership with communities’ by involving Māori communities, frontline practitioners, and schools. The program has involved working with 20 communities across New Zealand to develop their own solutions to youth offending problems. In 2015, the New Zealand Justice and Courts Minister reported that the number of young people (aged 10–16) appearing in court had more than halved since 2007. This approach is similar to that undertaken in the evidence-based Communities that Care program.
Tertiary prevention programs are targeted at children and young people after they have come into contact with the justice system. Effective programs work to prevent recidivism and repeated contact with the justice system. Community-led services and strategies for children and young people in contact with the justice system encompass diversion and sentencing alternatives, in-prison programs, and post-release support. Like early intervention and prevention programs, many successful youth justice programs focus on addressing the needs of children and young people in the context of their families and communities. They also focus on retaining engagement in education, improving access to health care, support for alcohol and other drugs, safe and secure housing, mental health support and disability specific and appropriate programs.

The incarceration of children and young people in the ACT, especially First Nations children, requires immediate action. We currently have a situation around Australia where we are unnecessarily incarcerating children each year – mostly on remand and often for short, disruptive periods of time. Children are being ‘managed’ in detention, rather than receiving support, care, programs, education, and opportunities in the community. It is entirely possible to address the drivers of children’s incarceration – but we need to resource genuine alternatives to incarceration on a significant scale.

The compounding criminogenic nature of any criminal justice system involvement is well established. Providing support and programs prior to a first contact with the criminal justice system is critical. However, despite the evidence, there has been only piecemeal resourcing for the kinds of programs that can and do make a difference. The need for increased funding and capacity for supports for at-risk children has been highlighted many times in the ACT and around Australia. The Telethon Kids Institute study in Western Australia outlined the way children in prison had rarely received the support and care they required in the community. Investment in a wide variety of community-based early intervention and developmental crime prevention policies and initiatives is key to preventing offending and diverting children away from the justice system in the ACT.

The ACT Government’s recent decision to raise the minimum age of criminal responsibility to 12 and then 14 years is to be applauded. The process to change legislation has been important not just in terms of the legislative change, but because of the research and service sector mapping work that has supported this decision-making process. This work has laid a strong foundation for the ACT Government to invest in a broad range of alternative trauma-informed support services. For instance, the announcement of a small amount of funding in the last budget to trial a Throughcare program for young people exiting Bimberi is welcome. The ACT Government clearly has a commitment to promote effective and evidence-based interventions that reduce re-offending and contribute to the long-term success and wellbeing of young people in the youth justice system and some of these reforms are nation leading. There is however still much work to do.

Recidivism rates measure the return of young people to the youth justice system after receiving a final court order and are an important indicator of whether interventions have been successful in assisting young people to exit the youth justice system. Government budget indicators set expectations and focus actions. At this stage, the Strategic Indicator 7: Returns to Sentenced Supervision remains at 35% over the next three years in the 2023–24 ACT Budget papers. Alongside the need for additional funding for evidence-based programs, there is a need to set increasingly ambitious targets for improvements in indicators that sharpen incentives to action within the public service.
Youth Justice Programs in the ACT

**54 Reasons - Assertive Outreach for Young People (ACT)**

54 reasons run a range of programs across Australia to support children and young people. They run Assertive Outreach for Young People across Australia, a program that offers flexible and individualised learning opportunities, as well as support to connect with school, vocational training, and job pathways. Trained youth specialists and teachers support young people who are in contact with or at risk of contact with the youth justice system, to determine their interests and strengths and to identify goals to stay on track.

**Anglicare - Interview Friends (ACT)**

Interview Friends are Anglicare volunteers who provide support to a young person who needs a supportive adult to attend a police interview with them when a parent or relative cannot attend. Interview Friends ensure the statements that the young person provides are voluntary and that the rights and interests of the young person are upheld.

**PCYC – Project 180 and Level Up (ACT)**

Canberra Police and Community Youth Club (PCYC) is a partnership between police and community to provide early intervention for young people who are at risk of entering or re-entering the youth justice system, along with other young people experiencing disadvantage (including those who are at risk of poor health outcomes) who are facing barriers to engagement in recreational fitness. Canberra PCYC also runs a wide range of specific programs to specifically address the needs of young people at risk.

The PCYC’s Project 180 is a diversion program for high-needs young people in the ACT aged 12 and a half to 16. The program can be run full-time, as intensive case coordination or as links into weekend activities such as team sports and interest groups. The Project is informed by the goals of the Blueprint for Youth Justice in the ACT 2012–2022, with a focus on improving physical and mental health, education levels, and engagement in employment or other training.

PCYC’s Project Level-Up offers a range of high adrenaline, positive, safe risk-taking activities as a platform for building connections with vulnerable young people. The young people involved have generally had some contact with the justice system and may have a history of behavioural challenges in school and work life. Participants are involved for one day per week during the school term. Weekly education sessions involve topics such as domestic violence and are complemented by activities such as downhill mountain-biking, motorbiking, welding, bushwalking, and ball sports. The program aims for a reduction in offending behaviours, to support young people back into education, link them to sporting and recreational communities, involve them in the community more broadly as well as give them skills for the future including in the workplace.
Ted Noffs Foundation: Street University and Program for Adolescent Life Management (ACT)

The Ted Noffs Foundation runs a range of programs for young people experiencing disadvantage in Queensland, NSW and the ACT. There are no publicly available evaluations for these programs in the ACT at this stage, but they are aimed at addressing some of the key social determinants for young people in the justice system, especially housing and homelessness, and alcohol and other drug support services.

The Street University ACT program supports young people who are experiencing alcohol and other drug issues in the community and who do not want or need residential rehabilitation services. The program includes a semi-structured day of assistance with schooling, practical skills development (e.g., driving lessons), as well as support, education or referrals for substance use, personal care, and self-esteem.103

Program for Adolescent Life Management (PALM) is a residential alcohol and other drug treatment service for young people aged 13–18 with problematic substance and crime-related behaviours. In the ACT, PALM provides young people with up to three months of residential rehabilitation with a variety of support services. It is a holistic, intensive, multi-disciplinary treatment program staffed by professionals specifically trained in working through trauma, challenging behaviours, and complex needs. The program offers counselling, family support, group work, vocational/educational modules, living skills and recreational activities.104

A recent evaluation of this program in NSW 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 NSW. This study found treatment was associated with a significant decrease in convictions for the high-incline convictions trajectory, with 4.36 fewer convictions on average over five years post-referral.105 Ted Noffs also runs a Continuing Adolescent Life Management (CALM) after-care program for people who have finished PALM, which enables access to continuing counselling and support services.

Evidence-Based Youth Justice Programs in Australia

A Place To Go (NSW)

The A Place to Go pilot has been operational in the Nepean Police Area Command and Parramatta Children’s Court since November 2018. The program aims to improve supports and deliver a better service response for young people aged 10–17 in contact with the justice system, with a focus on young people on remand. It draws on services from across New South Wales Government and non-government service providers to deliver a coordinated and multiagency service solution that can support young people to change their life trajectory. A Place to Go uses a young person’s contact with police and/or the court as an opportunity to intervene early and link them with appropriate community supports and services, court liaison staff, cross-agency panels and dedicated short-term transitional accommodation. An independent evaluation found that young people were supported in finding stable and appropriate accommodation, accessing health services, removing barriers to education, and connecting with their communities.106
Backtrack Youth Services (NSW)

Over the last 10 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 who are entrenched in the justice system. The program focuses on supporting young people with training and transitional employment towards long-term independence through practical skills development.

An impressive 87% of the young people who leave Backtrack transition into employment or education. A University of New South Wales report about 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.107

This program would be easily replicable in the ACT and could be run by existing community service providers. The Ngunnawal Bush Healing Farm would be an ideal setting for such practical skills training for First Nations young people.

Intensive Case Management (Queensland)

In February 2023, the Queensland Government published a report summarising findings from a 2022 Nous Group evaluation of the government-led Intensive Case Management (ICM) program. ICM is modelled on evidence-based practice frameworks including multi-systemic therapy,108 Collaborative Family Work,109 the Good Lives Model110 and Strengthening Families Protective Factors.111 This evaluation found 42% of ICM clients did not reoffend (some for as long as three years post-intervention). Additionally, the evaluation showed ICM resulted in a 51% reduction in the frequency of offending (in comparison to a 29% reduction for young people receiving alternative youth justice supports) and a 72% reduction in the proportion of crimes against the person (in comparison to a 13% reduction for young people receiving alternative youth justice supports). It is estimated that the program results in an $8.1–15.7 million saving through reduced frequency and severity of offending and reduced time in custody.112

Metropolitan Youth Bail Service (Western Australia)

The Metropolitan Youth Bail Support (MYBS) aims to prevent the excessive detention of young people in the metropolitan Perth area who are eligible for bail but lack a suitable responsible adult. The Bail Act 1982 permits Youth Bail Coordinators to fill this role as the responsible person. The MYBS provides education on the court process and court attendance for young people, as well as referrals to community-based services to address the drivers of offending and ensure adequate supervision and monitoring while on bail. Placements may include short and long-term housing options, rehabilitation services, psychiatric facilities or with family members.

The Youth Support Officers Program assigns positive role models to support young people who have committed crimes or are at-risk of offending. A youth support officer is assigned based on a youth justice officer assessment or a request from the court or the Supervised Release Review Board. The youth support officer offers practical assistance with transport, education, and emotional needs, and organises positive leisure activities. Young people in Western Australia who finished the program completed their bail orders at a rate of 70% compared to 50% for young people who were granted bail with an undertaking from a responsible person.113
Target 120 (Western Australia)

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 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.

Weave (Creating Futures) Evaluation (NSW)

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 4.1% of the 93 young people who engaged in the program over the period of the evaluation reoffended. This compared to Bureau of Crime Statistics and Research reoffending rates for young Aboriginal people, which are 57.3% for a comparable cohort.

Whitelion: Deadly Diversions Youth Support Service (Western Australia)

The Deadly Diversions project is a collaboration between WA Police and Whitelion aimed at preventing young people in Perth’s Northern suburbs from continuing their cycle of criminal justice system involvement. The program provides 28 individuals with intensive case management support and addresses the root causes of their offending through individualised support, mentoring, and social engagement activities. The program focuses on improving long-term outcomes and addressing social factors such as education and literacy, connection to culture, housing, parenting, and counselling. Outcomes from the service include that 73% of participants feel they have become more independent, 71% of participants feel better about the future, and there is evidence of a reduction in crime and antisocial behaviour.
The way policing operates around Australia has a significant impact on imprisonment rates. Reducing the number of people in prisons requires an examination of the ‘front end’ of the justice system, including the role, function, and operations of police. To stem the flow of people unnecessarily funnelled into the prison system, there is a need to rethink policing, particularly in communities that are over-policed.

A significant proportion of police resources and police personnel (some estimates are as high as 65%) are devoted to street policing. The overwhelming majority of contact with the criminal justice system occurs through interactions with police on the street. The nature of this interaction often determines the extent to which involvement in the criminal justice system is escalated or de-escalated, and whether a person is arrested, charged, and subsequently imprisoned. The current nature of policing results in many people being unnecessarily or inappropriately funnelled into the criminal justice system, rather than being free to go about their lives while receiving the support, care, and connection they require in the community. This is especially the case for First Nations communities, other racialised people, people with disability, people with mental health conditions, and people living with other forms of disadvantage. Of particular concern is the way in which policing activity in Australia can both accelerate and entrench contact with the criminal justice system for people who are not engaged in activity that puts the community at risk.

Moreover, the nature of police interaction and engagement itself can be the exacerbating incident that results in activity or conduct that amounts to a criminal offence, resulting in charges being laid. The following are examples of policing activities that cause particular problems for people experiencing marginalisation:

- Preventative and race-based policing that targets particular groups of people, especially Aboriginal and/or Torres Strait Islander communities and other racialised groups.
- Police focus on enforcing minor and public order offences resulting in an escalation of conflict and a confrontational atmosphere.
- Discriminatory exercise of police discretion in relation to the decisions to stop and search, arrest and charge.

Police are frequently called upon to perform a ‘first responder’ role that would be better performed by social and community support services and networks. Due to an under-resourced social sector, police are often called upon to ‘manage’ people in need of support services, rather than such people receiving the care, support and assistance that is required in the community. Too often, people with mental health conditions, disabilities and other forms of disadvantage are ‘criminalised’ in their interactions with police, when alternative pathways outside of the criminal justice system are not available.

In Australia and internationally, there are alternative models of positive policing where interactions with police result in improved outcomes in terms of both community safety and reducing the likelihood of criminal justice system involvement.

POSITIVE POLICING AND ALTERNATIVE FIRST RESPONDER MODELS
Policing and Alternative Responder Programs in the ACT

Pacer Program (ACT, TAS, NSW, VIC)

The Police Ambulance Clinical Emergency Response (PACER) program is designed to provide a specialist mental health early response to people experiencing a mental health crisis. It embeds mental health experts with first responders to support them to appropriately recognise, assess and respond to psychiatric incidents. It usually includes a police respondent, a paramedic and a mental health respondent working together. The paramedic is there to assess and treat any physical health emergencies. The police officer is there to make sure the PACER team, the person, and the community are kept safe. The mental health clinician is there to assess mental health needs and support the person in crisis.

During the ACT pilot, of the 1,200 callouts to the PACER team, 900 people seen by the PACER team were able to stay in the community. 300 people still required hospitalisation either because PACER was unavailable at their point of distress, or they needed high level of care from the emergency department. The program is being continued and has now expanded to 7-days per week. In January 2024, the Chief Police Officer of ACT Policing publicly called for a further increase in funding for PACER operations, noting that around 40% of police call outs relate to people experiencing mental health crises.

In Tasmania, PACER was launched as a two-year pilot in January 2022. By September, it had assisted 1,000 people experiencing an acute mental health issue. Of these, almost 80% were supported to remain in the community. On average there were 45 fewer mental health related presentations to the Royal Hobart Hospital emergency department every month. The NSW model has seen cross-agency response to people experiencing mental health crisis, avoidance of Emergency Department presentations, provision of alternate pathways to care and avoidance of coercive measures. From November 2018 to September 2020, of the more than 1,500 PACER contacts, only 500 required further hospital-based assessment or treatment.

In Victoria, a PACER-type program has operated for over a decade. In 2014, the name of the initiative was changed to Mental Health and Police. A 2019 departmental evaluation indicated that PACER units are effective in diverting people from emergency departments and that the co-response model helps improve the skills and knowledge of the police who work alongside mental health clinicians. The evaluation also noted that the effectiveness of the program is hampered by workforce shortages, especially in rural areas. Similar mental health co-responder programs that operate in Western Australia and Queensland have also been evaluated with very positive results.
Evidence-Based Case Studies of Policing and Alternative Responder Programs that work in Australia and Internationally

**Aboriginal Community Liaison Officers (Australia)**

The RCIADIC recommended that jurisdictions improve relations between police and Aboriginal people by appointing police aides and police liaison officers. Aboriginal Community Liaison Officers (ACLOs) play a pivotal liaison role between the relevant local Aboriginal community and police. They are community representatives within the organisation. In consultation with the community, ACLOs:

- provide advice to senior police members on local Aboriginal issues;
- encourage Aboriginal communities to engage with police members to resolve issues; and
- help to develop and deliver appropriate training programs.

In its Pathways to Justice Inquiry, the ALRC received several submissions from Aboriginal Legal Services in the Northern Territory, Western Australia, New South Wales, and Victoria regarding the positive contribution from ACLOs in brokering connections between police and the community, with several noting the need for ACLOs to be stationed at all police stations and the need for them to be available after hours and on weekends.131

**Aboriginal Community Patrols (Australia)**

There are over 130 Aboriginal community patrols in operation across Australia in metropolitan and rural locations.132 Patrols operate without police powers and rely on mediation to move people on from risky situations. They rely on ‘cultural authority’ as well as their local knowledge of Aboriginal families and issues to navigate their way through and resolve situations which may, in the hands of state authorities, deteriorate.133 These patrols work to keep people safe, assist in finding people accommodation and provide people with referrals. While each has a different focus depending on the local need, they work with people to encourage and support them towards safer behaviours and to find safe accommodation. They also work to keep women safe from violence and discourage violence through their presence and the respect they carry in communities. These models operate from a basis of caring for their communities, not criminalising them. They provide healthy role models for community members and their work reduces contact between Aboriginal people and the police.134 The patrols have made a significant contribution to crime reduction and community safety strategies. Several favourable evaluations have found that the Patrols have resulted in reduced levels of offending, reduced fear of crime and reductions in alcohol and other drug-related problems. There is also evidence to suggest significant cost savings for key justice, health, and education agencies from the presence of community patrols.135
Cooperative Initiatives – Redfern Police and Tribal Warrior (NSW)

Several cooperative initiatives between police and the local community have been introduced in Redfern, Sydney. In 2009, Redfern Police, Aboriginal community leaders and Tribal Warrior Aboriginal Corporation, instigated the ‘Clean Slate Without Prejudice’ program. In 2016, the ‘Never Going Back’ program was implemented with the additional assistance of Long Bay Correctional Complex General Manager. A 2016 review found the programs were having significant positive effects, including reductions in reported crime (particularly robbery and burglary), increased community confidence in police and enhanced resilience of communities and ‘at-risk’ groups.136

The principles underlying the success of the programs were:

1. Treating community members with respect, giving them a clear voice that is listened to by police, giving community members explanations for police activity and decisions, and utilising reliable and fair approaches towards community members.
2. Enhancing trust between police and community.
3. Police familiarity with key leaders and community collaborators to assist with the design of programs that will have the greatest influence in communities.

Domestic and Family Violence Co-Responder Models (Queensland)

In Australia and overseas, co-responder models that incorporate specialist DFV workers within police responses have shown to improve the quality of services provided at incidents and improve access to additional supports. In January 2021, the Queensland Police Service commenced a collaborative project with the Domestic Violence Action Centre where a domestic violence specialist was co-located within the Toowoomba police station. In April 2022, Queensland University of Technology Centre for Justice published an evaluation of this project, which concluded that the co-responder model improved the experience and integrated response for people experiencing DFV in Toowoomba. Other reported benefits included emotional support, information sharing, communication, efficiency, education, access to networks, and improved policy legitimacy.137

Behavioural Health Emergency Assistance Response Division, B-Heard (New York City, United States)

The B-HEARD Team is an alternative first responder model in New York City. Responders use their mental health expertise in crisis response to de-escalate emergency situations and provide immediate care. Evaluation of the pilot has found that the project reduces unnecessary transports to hospitals, increases connection to ongoing mental health care and reduces the number of times police respond to 911 mental health calls. In the 12 months to June 2022, there were approximately 11,000 mental health 911 calls in the pilot area. Of people assisted by B-HEARD:

» 54% were transported to a hospital for additional care – (compared to 87% under the traditional response);
» 36% were served in their community;
» 24% were served onsite, including de-escalation, counselling, or referral to community-based care; and
» 12% were transported to a community-based healthcare or social service location.138
Cahoots - Crisis Assistance Helping Out On The Streets (Eugene, Oregon, United States)

CAHOOTS is a different first responder model that has been running for more than 30 years. It is a mental-health-crisis intervention program founded in 1989 by the Eugene Police Department and White Bird Clinic, a non-profit mental health crisis intervention initiative. Calls to 911 related to drug use, disorientation, mental health crises and homelessness are routed to CAHOOTS.

Staff members respond in pairs; usually one has training as a medic and the other has experience in street outreach or mental health support. Responders attend to immediate health issues, de-escalate, and help formulate a plan, which may include finding a bed in a homeless shelter or transportation to a healthcare facility. The service operates 24 hours a day. CAHOOTS diverts close to 8% of all police calls, reducing the load on the police department. Evaluations of CAHOOTS have found it to improve access to health and welfare services139 as well as saving an estimated $8.5 million annually in public safety spending.140

Lead Bureau (United States, Multiple Jurisdictions)

Law Enforcement Assisted Diversion (LEAD) is a community-based diversion approach that uses a harm-reduction lens with the aim of reducing involvement in the criminal justice system and improving community safety. Case managers work closely with police, prosecutors, and communities to provide alternative diversionary pathways that focus on addressing the drivers of contact with the criminal justice system. People involved in lead programs were 58% less likely to be arrested (compared to people in a control group who were not participating in lead programs).141

Pre-Charge Diversion (International)

A 2018 review of 19 studies evaluated the effects of police-initiated diversion programs on re-offending behaviour, compared to traditional system processing. The review summarises evidence from four countries – the United States (11 studies), Canada (4) the United Kingdom (2) and Australia (2). The general pattern of evidence suggests that police-led diversion reduces future offending behaviour of low-risk youth relative to traditional processing. Assuming a 50% reoffending rate for the traditional processing condition, the results suggest a reoffending rate of roughly 44% for the diverted young people. The findings from this systematic review support the use of police-led diversion for low-risk youth with limited or no prior involvement with the juvenile justice system.142

Portland Street Response (Oregon, United States)

Portland Street Response (PSR), a program within Portland Fire & Rescue, assists people experiencing mental health and behavioural health crises. The team is made up of mental health crisis responders, community health medics, community health workers, and peer support specialists. In their outcome evaluation it is noted that, in the six months between April and September 2022, PSR responded to 3228 incidents. This represented a reduction of more than 3.2% of total calls to police; an 18.7% reduction for the police in non-emergency responses and reduced the numbers of people called out to emergency departments. Most people were responded to by PSR, with only 1.9% of all calls resulting in a hospital admission.143
46% of the ACT’s prison population is on remand.\textsuperscript{144} Furthermore, 41% of unsentenced people in the ACT have been held on remand for more than three months, 21% for more than six months and 7% for longer than a year.\textsuperscript{145} The reliance on remand exacts a severe toll on an individual’s work, housing, and family relationships. Remand, especially where the person on remand is the primary carer of children, can have a substantial and disruptive effect on families and increases the likelihood of children being placed into out-of-home care.\textsuperscript{146}

Bail laws should be informed by an evidence-based approach that genuinely centres community safety. Remanding people in custodial settings should only be used as a last resort. There is a particular need for evidence-based alternatives that are community-led and managed outside of custodial settings. This includes looking at appropriate diversion alternatives such as access to alcohol and other drug services, mental health and disability support, holistic wrap-around case management, culturally safe First Nations supports, and safe and secure accommodation.

The overuse of pre-trial detention does not ultimately make the community safer. In fact, it increases the risk of reoffending due to the criminogenic nature of incarceration.\textsuperscript{147} People who do not receive bail and are remanded in custody suffer the hardships of incarceration (loss of liberty, disconnection and separation from community, loss of housing, loss of employment, loss of identity, institutionalisation, de-humanisation, and the traumatic experience of imprisonment) without having been found guilty of an offence. People on remand are typically housed in high security custodial environments, with limited access to programs and services. There is also strong evidence to suggest that pre-trial detention and remand, even for short-term periods, contributes to future offending.\textsuperscript{148}

There is also a significant financial cost of remanding people in custody. Based on the total daily real net operating cost (excluding capital costs) of detaining an adult in prison in the ACT ($543.19 per day),\textsuperscript{149} it is estimated that the total annual net operating cost of detaining adults on remand in the ACT exceeds $34.4 million.\textsuperscript{150} Reducing the numbers of people in prison on remand will result in significant savings.\textsuperscript{151}

Reducing remand goes hand-in-hand with having more people released into the community on bail. This requires complementary increases to bail support - the provision of services, intervention or support that assist an accused person to successfully comply with their bail obligations.\textsuperscript{152} The principal aims of bail support are to reduce (re)offending while on bail, increase the likelihood of a person facing criminal charges appearing in court and to provide an alternative to detention and remand.

Bail support programs may also be combined with diversionary programs that seek to address problems such as harmful alcohol and other drug use. These combined programs seek to provide an integrated approach to assisting people obtain and remain on bail.\textsuperscript{153} Evaluations of bail and support programs have found them to be effective at reducing contact with the justice system, reducing imprisonment, and facilitating access to support and treatment.

Lack of suitable and stable accommodation poses a barrier for many individuals to meet bail requirements, especially those in rural, regional or remote areas or those experiencing homelessness.\textsuperscript{154} Bail hostels provide a potential solution as they increase access to bail by ensuring adequate housing – which when coupled with effective bail support, can increase bail compliance.\textsuperscript{155}

Bail hostels are residential establishments that accommodate people as a condition of bail, generally with some degree of endorsement or regulation by the government. While there are some long-standing examples of bail hostels in some jurisdictions in Australia, they have not been systematically implemented throughout Australian states and territories.\textsuperscript{156}
The Law Council of Australia and many others have recommended the introduction of more bail hostel programs in Australia. The Australian Institute of Criminology and others have noted that the features that influence the success of bail hostels include: their affordability; the need to be targeted towards people who do not have access to alternative accommodation so as to avoid net widening; the need to be geographically available in regional and remote areas; and ensuring that they have the capacity to be available for diverse populations including First Nations people, people with mental health or cognitive impairment, people at risk of domestic violence and people who are homeless. Care needs to be taken to ensure the safety of all people residing in bail hostels and allocation of beds needs to happen thoughtfully.

Overall, the research and analysis on the effects of bail hostels suggests that it is more cost effective to house a defendant in a bail hostel than a prison, after taking into consideration the economic and social benefits of individuals maintaining employment and relationships, contributing to rent, and reduced recidivism.

Despite some great programs (noted below) there are still limitations in the ACT in terms of access to both bail support and accommodation. The challenges faced by people in finding suitable housing upon their release, primarily related to a ‘lack of availability, wait-times, condition of housing and difficulty of obtaining private rental in the absence of government housing’ are well established. While the establishment of the Justice Housing Program to respond to these gaps is welcome, it is evident that the amount of housing available through the program does not yet meet demand. It is also clear that there are still service delivery gaps for men facing domestic and family violence charges.
Bail and Support Programs
available in the ACT

Ngurrambai Bail Support Program (ACT)
There is currently only one adult bail support program in the ACT – the Ngurrambai Bail Support Program\(^\text{163}\), delivered by the Aboriginal Legal Service NSW/ACT. This program involves case officers attending the Magistrates Court to work with clients to develop a tailored bail plan that addresses likely obstacles weighing against bail in considerations such as housing, employment, education, and bail compliance. This program is currently only available to First Nations people. While it is critical that this specialist service continue for Aboriginal and Torres Strait Islander people – who are disproportionately over-represented in the justice system – thought should be given to the possibility of expanding the scope of bail support in the ACT.

Justice Housing Program (ACT)
The Justice Housing Program (JHP) is another ACT Government program introduced as a key pillar of the RR25by25 Plan. The program currently provides 10 transitional shared accommodation houses for people leaving the Alexander Maconochie Centre (AMC) who are able to live independently. Accommodation is provided for up to three months and during that time, the program assists people to find more permanent accommodation and access community services.

People in the JHP may have more success obtaining bail as they can make stronger arguments that their stable living situation minimises the risk of reoffending or absconding. The tenancy management is currently managed by Community Housing Canberra (CHC) and the case management is provided by St Vincent de Paul (previously CatholicCare).

The JHP has been recently evaluated\(^\text{164}\) and since it commenced in 2020, 188 people (mostly on bail or parole) have been able to access the program, including high proportions of both women and First Nations people. The evaluation found that JHP is fulfilling some of its key aims – to reduce the number of people being denied bail or parole due to homelessness or not having appropriate housing, and to address priority cohorts. The evaluation recommends further investment in housing options for people exiting prison, especially broadening the offerings to include 1-to-2-bedroom dwellings (to enable visits from children), as well as single-occupancy dwellings for people who are likely unsuitable for shared accommodation. The evaluation also notes the importance of more intensive supports and opportunities with case managers when people have exited the JHP.\(^\text{165}\)

Domestic Violence Crisis Service: ROOM4CHANGE (ACT)
Room4Change is a 30-week men’s behaviour change program run by the Domestic Violence Crisis Service. The program includes group sessions as well as individual counselling regarding problems that might contribute to violent behaviour such as employment or financial troubles and drug and alcohol abuse. Room4Change provides 3 to 6 months of accommodation and support and can support around 20 to 25 people per year.\(^\text{166}\)
### Caxton Legal Centre Men’s Bail Support Program (Queensland)

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% MBSP participants were bail compliant; and
- 25% were Aboriginal and/or Torres Strait Islander men – they were supported to access Aboriginal health services, culturally appropriate alcohol and other drug counselling and residential programs, men’s yarning groups, culturally appropriate employment, and skills training programs.

### Court Integrated Services Program (Victoria)

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. Evaluations of the Court Integrated Services Program (CISP) and 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. 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 30 years.

### Magistrates Early Referral Into Treatment (Merit) (NSW)

The Magistrates Early Referral into Treatment (MERIT) program in NSW is a voluntary pre-plea program for adults to take 12 weeks to get support to treat their drug or alcohol problems before their hearing. This program shows good results – evaluations have found reduced likelihood of reconviction alongside increased health and well-being. Cost-benefit analysis yielded a benefit of between $2.41 and $5.54 for every dollar spent. MERIT could be easily replicated in the ACT.

### Sisters Inside bail support (Queensland)

In 2021, an external evaluation of the Sisters Inside Women’s Bail Support Program (WBSP) found the program effectively supports women to access bail, comply with bail conditions, and connect to services in the community. The evaluation, commissioned by Queensland Corrective Services and undertaken by ARTD consultants, found 61% of women who accessed the service and completed their bail order did not return to prison or have another warrant issued. Additionally, the evaluation found the WBSP is cost-effective and much cheaper than incarceration ($66 compared to $111 per woman per day), saving the Queensland Government $45 per woman per day.
The moment that somebody attends court is a critical point in the justice system process. The outcome of a court process, and the process itself, has the capacity to either further entrench someone in the justice system, or provide a ‘springboard’ out. There is a significant evidence base supporting alternative, diversionary, specialist, and restorative processes. Diversionary, specialist and solution-focused court options should be expanded in the ACT. Although there are complexities and challenges involved in the implementation of alternative models, the principles on which they are based, and the bulk of the evidence evaluating their outcomes tells a compelling story in terms of their utility.

Mainstream court processes often fail to address the drivers of incarceration. There are limitations in terms of the courts to recognise or accommodate the unique needs of people experiencing marginalisation and disadvantage. This is especially the case for people with disabilities, mental health issues, and for First Nations communities.

Mainstream courts are limited in their capacity to divert people from the criminal justice system. They are limited in their abilities to address the underlying, complex, and compounding disadvantages that steer people towards the justice system. They are also often limited because they do not have access to the services, supports and programs in the community that are fundamental when it comes to allowing magistrates to consider alternative options.

Evidence-Based Case Studies: What Works In Court Alternatives?

Because there are many different kinds of court alternatives and a substantial evidence base exists around Australia, this section of the report considers case studies across seven types of court lists or divisions:

1. In-Court Diversion
2. First Nations Courts
3. Children’s Courts
4. Neighbourhood Justice Centres
5. Restorative and Transformative Justice
6. Drug Courts
7. Health Courts
In-Court Diversion

In-court diversionary programs facilitate diversion from the criminal justice system through court-based programs that are available once a case comes before a court. These procedures enable matters to be resolved in various ways outside the traditional court processes and outcomes. Many of these programs allow for diversion before the case is heard (pre-plea diversion); others provide for diversion after a plea of guilty has been entered (pre-sentence diversion). In some cases, the outcome of the diversion program influences whether someone ends up facing court to have their matter heard and/or ends up spending time in prison. The key objective of this process is to reduce a person’s contact with the criminal justice system, including by addressing issues relating to offending, by providing appropriate therapeutic interventions and in some circumstances allowing for the participation of victims.

In-court diversion to practical, alternative programs is intended to provide opportunities to address some of the underlying causes of contact with the justice system (including harmful use of alcohol and other drugs, harmful gambling, mental illness, cognitive impairment, poverty, and disadvantage) and reduce the prospect of continuing contact with the criminal justice system.

As discussed in the section on bail support 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.

Evidence-based Children’s Court Diversion

Children’s Court Youth Diversion (Victoria)

In Victoria, the Children’s Court operates a Youth Diversion Service based on restorative justice principles which aims to assist participants to take responsibility for their actions, repair harm and increase insight into the impacts of their offending upon the victim, their family, and the community. Children and young people can have court proceedings adjourned for up to four months to participate in diversion programs or services. They must acknowledge responsibility for the offence. An evaluation report found that the program was successful in diverting young people from the formal justice system. The Magistrates working across the pilot sites for the program uniformly agreed that it provided them with an important additional option to their decision-making process. All of the stakeholders and young people agreed that the program offered a positive alternative and filled an important gap to help keep the young people diverted from the formal justice system.  

Court Alternatives For First Nations People

For First Nations people, courts have regularly failed to acknowledge or recognise the impact and context of the history of colonisation and the specific set of circumstances in which contact with the criminal justice system has occurred. Mainstream courts have also often failed to respond to First Nations people in ways that are culturally meaningful.

Specialist First Nations courts provide alternatives to the mainstream court system for First Nations people. They incorporate restorative principles, First Nations leadership (usually involving First Nations Elders) and adopt a culturally-safe option for working with First Nations People. First Nations courts put culture and healing at the centre of the court process, often through the inclusion of Aboriginal Elders’ participation, and ultimately aim to reduce incarceration and the likelihood of ongoing criminal justice system involvement.

First Nations specialist courts have been introduced throughout Australia, such as NSW’s Circle Sentencing,
Victoria’s Koori courts, South Australia’s Nunga Courts, Queensland’s Murri Courts and Western Australia’s Kalgoorlie Court. Evaluation of First Nations-led initiatives have found them to be highly effective in a number of ways. Overall, court attendance is higher for specialist First Nations courts than for mainstream courts and court officers and staff are better equipped to support First Nations People.

There are also indications that when the processes are implemented well, and there are resources to support participants, re-offending rates are reduced. For instance, in a NSW Bureau of Crime Statistics and Research evaluation, it was found that First Nations’ participation in Circle Sentencing led to a 9.3% reduction in people receiving a prison sentence and a 3.9% reduction in reoffending within 12 months. The study also noted that it took an extra 55 days for a reoffence to occur. The evaluation of the Youth Koori Court pilot in Parramatta in NSW found that fewer people were locked up in youth detention as a result of the Youth Koori Court and days in custody were reduced.

An evaluation of the original Koori Court Pilot program in Victoria found that Koori Courts improve rates of recidivism. There was a 16.9% and 13.9% reduction of reoffending in the Shepparton Court and the Broadmeadows Court respectively. The success of the Koori courts in Victoria more recently was noted in the recent Parliamentary Inquiry into the Criminal Justice System in Victoria, where the committee recommended expanding the reach, the jurisdiction and scope of the Koori Court.

A study of data from the South Australian conventional Magistrates Court and Nunga Court between 2007 and 2009 showed that, compared with similarly positioned First Nations defendants in the conventional courts, Nunga Court defendants were significantly less likely to be sent to prison, receive a monetary penalty, or have their drivers licences disqualified (versus a community-based order).

In a recent evaluation of the Queensland Murri Court (operating across 14 jurisdictions in QLD), it was found that participants reported that participation in the court had reduced their contact with the justice system, and that the involvement of elders encouraged attendance at court and provided a layer of both support and accountability encouraging people before the court to take responsibility. Studies on the impact of the Iwi Justice Panels in New Zealand and Gladue Court in Canada have also found that Indigenous people who participated in specialist courts were less likely to reoffend and, where re-offending did occur, it was less serious.

There are additional benefits to specialist First Nations courts, including empowering First Nations communities, by ensuring they self-determine their own crime outcomes, increasing access to justice and fostering a better relationship between the First Nations community and criminal justice authorities. Participants in the Iwi Justice Panels have reported positive lifestyle changes, such as finding employment and education opportunities.

There have been, however, some examples where specialist sentencing courts have not appeared to have an impact in terms of recidivism. In 2015, the two specialist Aboriginal sentencing courts in Western Australia were abolished, following evaluations that found that recidivism did not significantly reduce as a consequence of participation. Although subsequently re-established, this also happened in Queensland to Murri Courts in 2012.

Evaluation of Nunga courts in South Australia also found unclear results in terms of the impact of the court on reoffending. There are a number of issues that have emerged in response to these evaluations that identify some of the complexities and challenges of successful implementation. For instance, the evaluation of the Murri Courts in Queensland noted that the effectiveness and success of these specialist courts was dependent on factors such as the need for adequate resources to be available in First Nations community locations, particularly services that are culturally-appropriate and First Nations-specific. The need to improve the availability of culturally meaningful diversionary programs, alongside the need to address the structural and economic factors that are associated with First Nations over-incarceration have been identified. This means for instance addressing unemployment, school attendance, drug and alcohol problems, homelessness, crisis support, and family support.
The Australian Law Reform Commission has suggested that First Nations courts should:

» involve active participation by the defendant and the community;
» provide individualised case management for the defendant and wraparound services
» be culturally appropriate and competent; and
» have its design, implementation and evaluation led by relevant Aboriginal and Torres Strait Islander organisations.\(^{192}\)

Galambany Circle Sentencing Court (ACT)

The Galambany Circle Sentencing Court is a culturally relevant and adapted process that provides restorative processes to Aboriginal and Torres Strait Islander people by engaging Elders from their community in the sentencing process. The Court utilises the cultural authority and relationships of the Panel members and Elders to let the person facing court know that they do not accept or tolerate criminal behaviour in the Aboriginal and Torres Strait Islander community. They also have an opportunity to explore ways in which criminal behaviour can be avoided in the future.

The Justice and Community Safety Directorate commissioned an independent cost benefit analysis of the Galambany Court in 2020. This research found that, by funding the Galambany Circle Sentencing Court, there are savings to the general costs of courts, policing, and prison. The circle sentencing process also assists persons appearing before the Court to better maintain employment, improves the health of participants and their families, improves educational opportunities, and reduces the risks of homelessness. The Galambany Circle Sentencing Court also helps to reduce violence against women and reduce the number of children in care and protection. The report concluded the Galambany Circle Sentencing Court is an effective use of resources and has significant benefit to the ACT community.\(^{193}\)

Children’s Courts in the ACT

As well as the Warrumbul Children’s Circle Sentencing Court for First Nations children and young people, there is a separate specialist Children’s and Young Persons Magistrates Court in the ACT.

Warrumbul Children’s Circle Sentencing Court (ACT)

The Warrumbul Children’s Circle Sentencing Court is an alternative model of sentencing for Aboriginal and Torres Strait Islander children and young people attending the ACT Children’s Court. The Court adopts restorative practice that aims to provide culturally relevant and effective sentencing options (with the possibility of charges being dropped for completion) for young Aboriginal and Torres Strait Islander people (10-17 years). The model allows the Court to incorporate Elders and their cultural authority and to utilise a conference system to holistically examine the young person’s circumstances, needs and supports and identify solutions to challenges being experienced by the young person.\(^{194}\)

The Warrumbul Court is supported by a practice direction that enables other justice system entities to make referrals to the court where the young person has pleaded guilty to the offence.\(^{195}\) This ensures service participation for a shared approach to addressing underlying drivers of behaviour.
Therapeutic Support Panel

As part of the government’s reforms to raise the age of criminal responsibility, a Therapeutic Support Panel (TSP) is being established. This panel will gather relevant experienced people to advise on therapy plans for children who are aged 10 and 11, and in 2025, aged up to 14 years old. These panels are intended to give children the opportunity to have holistic consideration of their situation and needs. The outcomes of the therapy plans compiled by the TSP will also enable better care and consideration of individual circumstances to be integrated in Intensive Therapy Orders (ITOs) made in the Children’s Court.

Neighbourhood Justice Centres (an example of best practice)

Australia has only one Neighbourhood Justice Centre (NJC), based in the city of Yarra (in Melbourne) in Victoria. Research conducted by the Australian Institute of Criminology, 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.

The NJC comprises divisions of the Magistrates Court, Children’s Court, Victims of Crime Tribunal as well as services addressing social determinants of justice system engagement, including mental health issues, housing, drug and alcohol addiction, financial difficulties, family violence, men’s behaviour issues, and homelessness. Legal assistance agencies have offices within the centre complex, and specific services for Aboriginal and Torres Strait Islanders, the LGBTI community, and refugee and migrants are also co-located.

The Centre operates in alignment with the principles of rehabilitation, reparation, and prevention, with a particular focus on building community accessibility and confidence in the justice system. While aspects of these principles are evident in recent work to make the ACT Courts complex more family and community friendly, by opening courts to support people and intermediaries, the criminal court processes are still largely formal and follow a traditional model that do not provide the best opportunities for integrated case management and coordination of supports that could help people caught up in crime.

The community justice model offers a holistic, wraparound suite of services to support individuals in contact with the criminal justice system to address the causes of offending in a way that is solutions focused, place based, and which shares authority and accountability rather than imposing top down, one size fits all approach to justice. These courts also typically triage participants to appropriate social and health services and programs.
Restorative and Transformative Justice Conferencing

In Australia, restorative youth justice conferencing has been broadly shown to be effective at reducing offending, alongside providing support to victims of crime. According to an internal 12-month program evaluation of restorative youth justice conferencing in Queensland in 2018, 59% of young people who participated in restorative justice conferencing did not reoffend within six months of their conference. Regardless of reoffending outcomes, restorative youth justice conferencing results in positive outcomes for victims and communities through actions that repair the harm caused by the young person’s offending. 70% of victims in Queensland reported that conferencing helped them to ‘manage the effects of the crime’.

In New Zealand, family-group conferences are used at different stages of interaction with the youth justice system including where there is an intention to charge; as a court-ordered option pre-or-post sentencing; when a young person is remanded (to explore alternative community-based options); and where there is a care and protection consideration (for children aged 10 to 13 years old). Importantly, this model focuses on ensuring young people received community-based supports that address the drivers of offending.

Jesuit Social Services in Australia have run restorative justice conferences in Victoria and the Northern Territory for many years. In a recent evaluation by Swinburne University, it was found that group conferencing was associated with a reduction in recidivism of between 24 and 40% compared to mainstream justice processes. It was also found that it was extraordinarily cost-effective (running one conference cost about the equivalent of keeping a child in custody for four days).

There have been some important critiques in Australia of the way in which restorative conferencing has not always adequately engaged in a meaningful or respectful way with First Nations communities. The research in this space notes the importance of ensuring restorative programs are developed and implemented by First Nations communities with appropriate self-determination and resourcing.

The Restorative Justice Scheme in the ACT is administered by the Restorative Justice Unit (RJU) within the Justice and Community Safety Directorate of the ACT Government. The Scheme began as a diversion program targeted at young people reported to the police for their involvement in minor offences in the early 2000’s (Phase One). Then in 2016 the Scheme was expanded to accept referrals for adults and serious offences (Phase Two), and then again in 2018 to include DFV and sexual violence offences (Phase Three). Through this time the effectiveness of the RJ Scheme has been evaluated.

The most recent independent evaluation of the Phase Three expansion of the scheme found:

- that 80% of persons harmed said they felt heard and were able to say what they wanted to say as part of the conferencing process;
- people harmed reported greater feelings of safety, support, and wellbeing with greater understanding of the seriousness of harm caused and acceptance of responsibility by people responsible; and
- a recidivism analysis found that people who participated in Phase Three had a lower rate of DFV reoffending compared to a matched control comparison group. However, there was no impact on recidivism of young people referred into Phase Three, who reoffended at a similar rate to a matched comparison group.

Recommendations of the evaluation included that the RJU should work with relevant criminal justice agencies to increase post-sentence referrals to Phase Three, including through challenging perceptions of RJU as ‘soft justice’ and working to increase buy-in from First Nations and other diverse communities. These recommendations appear to be contingent on the first recommendation which is that RJU be funded to increase its capacity and reduce wait times.
Drug Courts

Drug courts recognise the impact that alcohol and other drug dependence has when it comes to contact with the justice system and many types of offending, while also acknowledging the importance of addressing the issue of dependency in order to reduce the risk of reoffending and recidivism. Drug courts can operate as pre-adjudicative (where prosecution is deferred) or post adjudicative (where sentencing is deferred or suspended following a guilty plea).211

There is now a significant evidence base examining the impact of drug courts in Australia and internationally. Although there are clear challenges to be addressed with regard to the associated need to have access to quality services, supports and treatments outside of the justice system, the overwhelming evidence suggests that drug courts have a positive impact when it comes to reducing the likelihood of reoffending, and improving access to alcohol and other drug treatment and support. Drug courts have been found to be more effective than mainstream courts at addressing the intersection of drug dependency and the criminal justice system.212

Drug and Alcohol Sentencing List (ACT)

The ACT Drug and Alcohol Sentencing List (DASL) was established within the ACT Supreme Court in 2019 and operates three days a week. It involves intensive treatment regimes for a participant with regular review hearings presided over by a judge who has an ongoing responsibility for the management of the progress of the participant.

The DASL has been shown to be largely very effective for people appearing before it in the Supreme Court, and an evaluation has found that the program has both helped reduce re-offending as well as improved social outcomes for participants213. However, there are still many restrictions on who is eligible to go on this list, especially given that the DASL is restricted to matters before the Supreme Court.

An independent mixed methods process and outcome evaluation of the DASL between 2019 and 2022 found that the program had helped reduce re-offending as well as improved social outcomes for participants.214 It also demonstrated that:

- participants whose orders were cancelled were offending, on average, nearly twice as frequently in the 12-month period immediately before entering the program;
- participants who had committed violent offences in the 12 months before joining the program were less likely to complete the program successfully;
- for those who are able to complete their DATO successfully, there is a complete cessation in offending post-DASL, at least over the short follow-up period covered by the evaluation report;
- in the post-DASL period, graduates, those who completed their DATOs and those who had their orders cancelled reduced their offending, against the number of pre-DASL offences, by 100%, 90% and 81% respectively, with an overall reduction of 81%. It is acknowledged however, that most of this reduction for the cancellation cohort would have been when they were in custody;
- even where participants who were no longer on their orders continued to offend, this was generally less serious offending than prior to their entry on the program, with robbery and assault reducing by 100%;
- for the 22 people still on the program at the time of data collection, there had been an 87% reduction in the number of charges between the periods before and during DASL; and
- no DASL graduates have returned to court since graduation.215
Mental Health Courts and Tribunals

In the ACT, responses to people experiencing mental illness or ill-health are regulated by the Mental Health Act 2015. This legislation was developed from a human rights basis and serves as a good model for ensuring that people in crisis do not get unnecessarily caught up in the criminal justice system. However, there is a lack of resourcing for community mental health services to intervene early before a person is detained under an emergency treatment order or commits an offence and is referred for assessment as a forensic mental health patient. Once a person becomes caught up in the ACT criminal justice system, they are referred to the ACT Civil and Administrative Tribunal which can make orders for forensic or community care treatment. Under this system there are statutory appointed care coordinators that aim to help case manage the person to access necessary supports. Unfortunately, due to a lack of services equipped to deal with elevated safety risks assumed to be posed by an unwell person, there is less scope for wrap-around, community-based health care treatment. The forensic mental health system in the ACT has recently been fraught with under-resourcing and subsequent safety and treatment quality concerns that have led to conditions that are not conducive to wellbeing or recovery.

Across Australia, over half of all people entering prison reported having been told they had a mental health condition, with almost 1 in 5 currently taking mental health-related medication.

There are a variety of models of specialist courts for people with mental health issues and/or cognitive disability. These tend to adopt a similar approach as drug courts, combining intensive judicial monitoring and treatment in order to ensure that people with mental illness access treatment while being subject to proceedings and supervision. Some are specifically targeted at people with co-occurring substance misuse issues and seek to stabilise mental health while targeting drug use in a drug-court-style treatment and testing regime. In some mental health courts, this approach includes being a specific alternative to custody.

There is a robust international evidence base that demonstrates the way that mental health courts are likely to reduce reoffending and facilitate access to support and treatment services. For instance, since March 2013 the Mental Health Court Diversion Program in WA has offered support for individuals whose offending is linked to mental illness with the aim to “enhance participants’ health and wellbeing, improve community safety, reduce repeat offending and, where appropriate, provide an alternative to imprisonment.” An evaluation two years after its establishment showed that 99 people had completed the program. Of those participants, 92% demonstrated clinical improvement; 67% showed lower risk of self-harm or suicide; and 73% experienced overall improvement in wellbeing. While the bulk of investment into reducing crime and recidivism should be directed outside of the justice system, there are alternative models for prison settings and in-prison programs that align with the goals of therapeutic, supportive, and community-led approaches. There is significant evidence that these approaches lead to better post-release outcomes.
Programs for Adults in Prison and Families of People in Prison in the ACT

**Winnunga Nimmityjah Aboriginal Health and Community Services (ACT)**

Winnunga Nimmityjah is a long-standing Aboriginal community controlled, culturally safe, holistic health care service for Aboriginal and Torres Strait Islander people of the ACT and surrounding regions. The service offers a range of medical care as well as generalist and allied health services that promote early interventions for good health and healthy lifestyles, which are free of charge for First Nations clients. Winnunga also provides justice health services for First Nations people in the Alexander Maconochie Centre (and outreach to Bimberi), including culturally responsive intake medical assessments, Aboriginal Health Checks and ongoing clinical care.

**Prisoners Aid (ACT)**

Prisoners Aid ACT (PAACT) is a long-standing Canberra-based community organisation that assists a broad range of people involved in the justice system, including people in or exiting prison, families of people in prison, visitors to prison and people involved in the court system. For those in prison, Prisoners Aid provides practical help such as storing property while they are in prison, helping obtain key documentation such as ID, working through government forms such as translating them to plain English, or liaising with various government or services bodies as requested. As well as general support for families and children of people in prison, PAACT runs the Participate program, which supports children and young people with a family member in prison to engage in after-school activities such as sports, arts, or music (the program facilitates the enrolment and covering expenses related to the activity). Prisoners Aid also supports visitors to the Alexander Maconochie Centre (AMC) with appropriate clothing to meet visitor regulations, transport to and from the AMC, and assistance with interstate travel for visitors from interstate or to visit people in prison in other jurisdictions. PAACT has one full-time staff member and two casual staff, along with a number of volunteers.

**Shine For Kids (ACT)**

Shine for Kids is a non-profit organisation that supports children and young people from infancy to adulthood affected by the criminal justice system, as well as their families. They are very focused on supporting children with a parent in custody, to address the significant psychological trauma and impact on their emotional and social development. Their aim is to reduce the number of these children and young people who would likely transition into the child protection and youth justice systems by breaking the cycle of intergenerational disadvantage.

Shine for Kids supports children and young people with mentoring, casework and parenting support, transport for prison visits, educational support and other programs. They run programs in the ACT, as well as NSW, Victoria, and Queensland. In the ACT they operate in the AMC as well as Bimberi Youth Justice Centre. Specific programs in the ACT include a prisons visits program, child and parent activity days, a transport project, a story-time program, a mentoring program and case work.
Evidence-Based Case Studies:
What Works in Adult Prisons? (Australia and International)

**Alice Springs Life Skills Camp (Northern Territory)**
A life skills program that provides an alternative to custody for women in Alice Springs has shown solid outcomes in terms of reducing recidivism. The Life Skills Camp was opened in 2020 as a sentencing alternative for Aboriginal women as part of the Aboriginal Justice Agreement. The Life Skills Camp has delivered more than 2000 program sessions to residents and other women on day programs from the Alice Springs Correctional Centre. The NT Government has noted that 90% of the 25 women who have completed the program have not reoffended.226

**Boronia Cultural, Social and Emotional Well Being Project (Western Australia)**
The cultural, social, and emotional well-being project delivered at the Boronia Pre-release Centre for Women is a strengths-based, holistic program for First Nations women to increase resilience and reduce psychological and community distress. An independent evaluation of the program conducted in 2022 found that completing the program resulted in significantly reduced levels of psychological distress for the women who participated.225

**Fairbridge Bindjareb Project (Western Australia)**
The Fairbridge Bindjareb Project provides Aboriginal and Torres Strait Islander people in custody with a 16-week work training program in the mining industry. The program was designed and is run by local Aboriginal men and focuses on reconnection to and respect of Aboriginal culture. An evaluation found that only 18% of participants returned to prison within two years of being released (and only 4% for new offences), compared to 40% recidivism rates among the general prison population.227 Moreover, three-quarters (73%) of participants had gained and retained full-time employment seven months post conclusion of the program. A cost benefit analysis by Deloitte has found that every dollar invested in the program generates $2.45 worth of economic benefits.228 The review has also calculated that the scheme saves the Federal Government up to $460,000 in welfare payments for each participant over a decade.229

**Mallee Rehabilitation Centre (Western Australia)**
Following the success of Wandoo, the Mallee Rehabilitation Centre began operations at Casuarina Prison in 2020 as the state’s first residential alcohol and other drug facility for men in prison. The Centre can house up to 128, with the Palmerston Association and the Wungening Aboriginal Corporation providing program design and delivery. Of the 75 Mallee Solid Steps Program graduates who have been discharged from custody in the first two years of operation, only four have returned to custody with a new offence.229
Wandoo Rehabilitation Prison (Western Australia)

Wandoo Rehabilitation Prison is Western Australia’s first dedicated alcohol and other drug rehabilitation prison for women in custody, offering a voluntary 28-week intensive trauma-informed treatment within a therapeutic community.230 Wandoo operates in partnership with Cyrenian House. In the five years since opening in 2018, 270 women have graduated from its alcohol and other drug program, and 23 women have been released back into the community. Only around 10% of participants have committed a new offence, a vast improvement on around 50% of people with AOD challenges who usually commit a new crime within two years.231 Earlier data showed a success rate of nearly 98%.232

Programs for Children and Young People in the ACT

Narrabundah House Indigenous Supported Residential Facility (ACT)

Narrabundah House Indigenous Supported Residential Facility is a part of Bimberi’s Community Residential Services. It provides supported accommodation services to young First Nations men aged between 15 and 18 years old who are on community-based orders from the courts. Narrabundah House is a community-based accommodation program that provides the men with supported accommodation in a safe, structured, and inclusive environment. Narrabundah House uses a resident focused, mutually respectful and goal orientated approach to meet the needs of the young men staying there. The program aims to develop the young men’s independent living skills, connections to culture and engagement with services, while helping them to access employment, education, or training.233

Melaleuca Place

Melaleuca Place is a specialised therapeutic service run by the ACT Government, that focuses on helping young children recover from the impacts of child abuse and neglect. Child and Youth Protection Services (CYPS) manage Melaleuca Place and work with children aged 0 to 12 years old involved with CYPS and their carers. Their services aim to help children to understand and work through the trauma that has happened, their emotions and to learn to trust again.234
Evidence-Based Alternatives to Youth Justice Centres (International Case Studies)

Kawaiola Youth and Family Wellness Center in Hawai'i (International)

Hawai'i has reduced the number of children in prison by 82%, reduced youth crime overall by 86%, and achieved zero girls in prison. This dramatic reduction is a direct result of systems change that replaced the harmful and punitive western carceral criminal justice system with a culturally modelled restorative alternative at the point of police interaction to divert children away from the system. This included implementing Indigenous Assessment Centres where children can be taken following contact with police to have comprehensive assessment and screening completed, which informs decision-making around community-based programming that will support children (and their families) to address challenges in their life and the drivers of behaviours deemed problematic. For children who are considered "high-risk", the focus is on probation not prison. Other alternatives implemented include day and evening reporting centres, shelter care, home confinement, and the Kawaiola Youth and Family Centre.

The Kawaiola Youth and Family Wellness Centre in Hawai'i is a community-based alternative and transformative Indigenous-led model, which seeks to replace incarceration with therapeutic services that empower youth and strengthen community. 'Kawaiola' translates to the long waters, which represents the ecosystem of resources and supports that guide youth to become leaders of social justice systems, racial equity, and healthy lives. The model is a whole of community-partnership response between state departments, community organisations and service providers, universities, and foundations.

Diagrama Foundation, Spain (International)

Diagrama is an international not-for-profit organisation that operates over 35 custodial centres across Spain for young people aged 14 to 23 who are remanded or sentenced to custody (typically for serious and persistent violent offending). The Diagrama model has demonstrated that 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 France and the United Kingdom. A study of 757 young people who attended a Diagrama centre in 2011 found that by December 2017 (six years later), only 13.6% had been placed back in custody.

Diagrama Foundation visited Australia in 2019 and produced a comprehensive report exploring the feasibility of adopting this model in the Northern Territory (NT). The report outlines the way in which Diagrama’s evidence-based centres differ to youth detention centres in the NT and across our country, which are built on a punitive, carceral system.

Diagrama’s centres offer a home-like, stable, safe, and supportive environment for young people - wrapping supports around them to prepare them to succeed post-intervention.
The staffing model places emphasis on highly qualified workers who are trained to support young people in a trauma-informed and therapeutic way. This includes:

» degree-qualified social educators who support young people throughout the day through warm and parenting relationships; and

» a multi-disciplinary professional technical team (including psychologists, psychiatrists, speech therapists, occupational therapists, social workers, reintegration workers and healthcare staff) who plan and deliver individual assessments, integrated case planning, interventions, and reintegration programs.

The centres employ only a small number of security staff who play a passive role and only intervene as a last resort in incident management. The culture and infrastructure of these centres is completely different to that of youth detention centres and prisons in Australia. In Spain, young people are guided by role models and professionals who help them to develop the skills needed to engage in positive behaviour and provide opportunities for them to be held accountable in ways that work. Young people are held accountable for their behaviour through guidance and support that enables them to earn increasing autonomy and responsibility both within and outside of the centre. This includes opportunities to be involved in work, study, recreational and social activities in the community. As highlighted in Kate Bjur’s Winston Churchill Fellowship Report, leave of absences are standard practice:

» ‘In Spain, approximately 30 to 50 percent of young people go off centre daily, and in the lower-risk open centres, every young person is in the community every day, with or without a staff member. In one centre in the Murcia region, 4000 instances of young people leaving the centre occurred in 2022. From those, four young people came back to the centre after curfew and none re-offended while on leave.

As further explained in this report, young people are given space and supported to fail while residing at these centres. The model of care recognises that young people need time to practice new skills and heal with the support of trusted adults. Rather than pressing further charges or punishing young people when they make mistakes (as in other custodial settings), young people are guided in ways that help them learn and improve. The genuinely therapeutic and trauma-informed model of care enables young people to feel safe and build trusted relationships with staff, resulting in very low levels of incidents and use of restraints within these centres. In 2022, the 65-bed Diagrama centre in Ciudad Real Spain had no incidents where staff restrained young people.
Support is critical at the point when people are released from prison back into the community. People coming out of prison face homelessness, joblessness and ongoing health and social issues. While there are valuable services operating, there is a great deal more that needs to be done to invest in community-led interventions for people leaving prison. There is significant research noting that for many people who are ‘caught’ in the cycle of justice system involvement, it is 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 there are some highly effective specialist services that work to support people with connecting to community, they are chronically under-resourced.

The inadequacy of housing right across the country further marginalises people who may be homeless and are more likely to come to the attention of police, as well as those exiting prison. The insufficiency of post-release programs, especially those incorporating an ‘accommodation component’ has been acknowledged for many years.

There are multiple barriers for people leaving prison to access mainstream welfare and support services. Many mainstream welfare services will not do ‘in-reach’ into prisons. Many services (including many homeless, alcohol and other drugs, 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. Across the sector, there is also a lack of specialist knowledge, resources, and structural capacity for already stretched organisations to take on the complexity of working with people post-incarceration. The lack of support and funding for First Nations-led culturally safe services acts as another barrier to many accessing the community networks that could assist their transition back into stability ‘on the outside’.

The multiplicity and complexity of need also means many people leaving prison are excluded from support. For instance, many people face barriers accessing alcohol and other drug services if they have a complex mental health condition. Many people are not able to access mental health services if they are currently using alcohol and other drugs. There are very few residential services that will support people who are currently using alcohol and other drugs.
Post-Release Programs for Adults in the ACT

AMC Transitional Release Centre and Reintegration Centre (ACT)
The AMC has a Transitional Release Centre (TRC) and accompanying program, which can house and support up to 20 people to transition back into work during the day, while giving them a safe bed where they are supported and checked on by corrections staff overnight. The government had also committed $35 million in the 2019-20 budget to constructing an 80 bed Reintegration Centre, to support more people to transition from a prison environment to outside, giving people access to increased employment and education opportunities, as well as support to improve living skills and to re-establish connections with family and friends. This process is currently stalled.

Everyman (ACT)
Everyman supports men in Canberra who live with high and complex needs, including people involved with criminal justice, child protection and other systems. Everyman offers counselling, violence prevention services, First Nations support, and accommodation, supported accommodation and outreach and NDIS support. Everyman’s Men’s Accommodation and Support Service (MASS) works with men at risk of homelessness, including men leaving custody or otherwise involved in the criminal justice system. Once accepted into the case management and support program, men are allocated a property for the duration of their involvement – generally around 12 months.

Justice Housing Program (ACT)
The Justice Housing Program (JHP) as discussed earlier in this report in relation to bail support, currently provides 10 transitional share houses (with accommodation for up to three months) for people leaving the Alexander Maconochie Centre (AMC) who are able to live independently. It also assists people to then find more permanent accommodation as well as access community services. The tenancy management is currently managed by Community Housing Canberra (CHC) and the case management is provided by St Vincent de Paul (previously CatholicCare). 30% of the housing is used for people on parole.

Prisoners Aid (ACT)
Prisoners Aid ACT helps people when they are released to settle into the community, with practical supports such as transport tickets, foodbank cards, groceries, clothing, and obtaining key identification documents such as a birth certificate and drivers licence. They work with Throughcare to provide many of these items and sometimes coordinate emergency accommodation.

Toora Women: Coming Home Program (ACT)
Toora Women Inc offer a small housing program for women over 16, with or without children, when released from AMC. This program includes case management and referrals to a broad range of community support services.
**Worldview Foundation (ACT)**

The Worldview Foundation is a majority First Nations led organisation, working with First Nations people with a focus on employment and life skills. It specifically has programs targeted for working with people leaving detention. An evaluation of the Worldview program found an 8:1 return on investment, and social and community returns of $25 million since the program began in 2018.

**Yeddung Mura (ACT)**

Yeddung Mura (meaning Good Pathways) is a community-led non-profit organisation dedicated to supporting and empowering Aboriginal people released from prisons and courts. The organisation provides a range of services for First Nations clients including:

- Prison release support.
- Transitional accommodation.
- Empowerment yarning circles.
- Peer support and mentoring.
- Domestic violence support program.

In 2021, the service operated as a local, external reporting site for community corrections reporting enabling First Nations people on community orders to comply with their reporting requirements in a less formal location, that also offered other culturally relevant and wraparound services. ACT Corrective Services recently released an evaluation which found that “clients, stakeholders, and Yeddung Mura staff were overwhelmingly supportive of the External Reporting Site. It provided a culturally supportive approach to case management and supervision by working with the clients on building positive relationships and reporting outcomes.”

**Throughcare For Young People (ACT)**

It is worth noting that the ACT Government has funded a youth justice throughcare program to better support young people exiting Bimberi in the 2023 budget. This is a critical piece of the process of breaking the cycle of justice system involvement.
Evidence-Based Case Studies:
What Works in Post-Release Support? (Australia and International)

**Community Restorative Centre Evaluation (NSW)**

This University of New South Wales (UNSW)/Community Restorative Centre (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 10 years (including post-participation in programs), and found that for participants:

- The number of new custody episodes fell by 63%.
- The number of days in custody fell by 66%.
- The number of proven offences fell by 62% following CRC support.

The report also undertook a comparison analysis with clients from the Mental Health Disorders and Cognitive Disability in the Criminal Justice System (MHDCD) linked administrative dataset at UNSW, comparing their outcomes to CRC clients. This analysis found engagement in 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).

**Housing Post-Release Evaluation (Australia)**

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.

**Miranda Project Evaluation (NSW)**

This CRC 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.
Outcare Throughcare (Western Australia)

Outcare’s Aboriginal Throughcare program is offered to people in the final three months of their sentence. The program supports people during their transition from custody to the community and continues for 12 months after their release. The program focuses on building stronger relationships with family, culture, and community. Early analysis of the program determined it had delivered sound community outcomes, with only 20% of clients receiving post-release case management returned to prison during that period.258

Women’s Justice Network Evaluation (NSW)

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).259
Place-based approaches seek to address complex social problems at the local level rather than through top-down policies. They draw on the unique capabilities and strengths, as well as the challenges, faced by First Nations communities and challenge governments to develop genuine partnerships with communities to alleviate complex disadvantage. Place-based initiatives prioritise physical infrastructure, employment, education, community capacity building and cultural connection as ways to address the social drivers of crime.

**First Nations Led Approaches in the ACT**

**Yarrabi Bamirr (ACT)**

Yarrabi Bamirr ("YB") meaning Walk Tall, the ACT’s first Justice Reinvestment trial program, is a partnership between government and Aboriginal and Torres Strait Islander community providers. These partners have included Winnunga Nimmityjah, Yeddung Mara and Tjillari Justice. The focus of the work is to deliver a family-focused response to address the over-representation of Aboriginal and Torres Strait Islander people in the justice system. The program provides wrap-around support to families with a history of incarceration and intergenerational trauma, with a focus on women. Early evaluation by the Australian National University found significant positive impact on participants, including improvements in their family, personal and social well-being. Researchers noted that “YB clients felt more empowered in their capacity to make decisions that affected their life. This indicates that, despite the proactive ‘outreach’ and intensity of the YB case management, clients perceived a greater degree of autonomy and confidence in their capacity to navigate life choice.” Based on the strong early impact, ACT sector leaders have called for further investment. Services are still unable to meet community needs, especially for culturally-specific support for Aboriginal people.

**Gugan Gulwan Youth Aboriginal Corporation (ACT)**

Gugan Gulwan is an Aboriginal youth centre in Wanniassa that offers a range of programs, supports and services. These include:

- Functional family therapy for families with children aged to 17 that are at risk of having children placed into out of home care.
- A culturally adapted and responsive program for ‘parenting our way’.
- A young women and young men’s mentorship program.
- The Reconnect program for early intervention and outreach for young people aged 12-18 at risk of homelessness.
- The Streetbeat Youth Outreach Program for young Aboriginal people in vulnerable circumstances.
Aboriginal Legal Service (NSW/ACT)

The Aboriginal Legal Service (ALS) of NSW/ACT supports people through a range of legal and other services. The ALS works to ensure that Aboriginal voices are heard and respected when it comes to laws and government policies that impact on First Nations communities. The ALS provides culturally safe, holistic, and appropriate services, and is responsible for auspicing Just Reinvest NSW, which delivers place-based Justice Reinvestment initiatives including Maranguka (discussed below) in regional NSW centres.

In the ACT, the ALS has previously been involved in delivering the Ngurrumbai Bail Support Program and the Aboriginal Drivers Licence Program. The Licence Program supported young Aboriginal people to undertake driving lessons, obtain and keep their driver’s license, in order to prevent them coming into contact with the justice system for driving while unlicensed.266

Ngunnawal Bush Healing Farm

The Ngunnawal Bush Healing Farm is intended to support First Nations people who are looking to make changes and are seeking holistic and culturally appropriate support to build wellbeing, empowerment, resilience, and life-skills.267

Place-Based Approaches in the ACT

Reclink Strong Connected Neighbourhoods Program (ACT)

The Strong Connected Neighbourhoods Program is a place-based Justice Reinvestment program at public housing sites such as Braddon and Reid. Through the program, high and complex needs residents who are at risk of justice system contact are provided with community engagement and access to services, with the aim of building stronger connections in the community. An independent evaluation found that within the participating Ainslie Avenue community, violent crime reduced by 50% and property crime by 60%. The program realised a benefit of $0.42 to $0.51 for every $1 invested, primarily through savings in police time and resources.268

Common Ground (ACT)

Common Ground in the ACT is a collaborative partnership between Northside Community Service, the Common Ground Canberra Board, Argyle Housing, and the ACT Government.269 The ACT currently has two Common Ground sites – in Gungahlin and in Dickson, that work to assist people at risk of homelessness to develop the skills and support networks to transition into permanent housing and to stay housed. There are a range of supports and services that are available to people on site.

Whilst Common Ground in the ACT has not had a formal evaluation, the Institute of Social Science Research conducted an independent evaluation of the Brisbane Common Ground housing model and found governments can save over $13,000 per person each year through the provision of secure, long-term housing with relevant support services. This evaluation further found in the first 12 months, Brisbane Common Ground residents had a reduction in the number of court appearances (by 47 days), days incarcerated (by 132 days), days on probation and parole (by 88 days), and a reduction of interventions involving police. In comparison to the 12 months prior to residency at Brisbane Common Grounds, this equated to an estimated cost savings of $122,904 for the criminal justice system.270
Evidence-Based Case Studies: First Nations Led Place-Based Approaches

Olabud Dooghetu (Western Australia)

The Kimberley-based Olabud Dooghetu project is Western Australia’s first justice reinvestment site. Olabud Dooghetu 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 Dooghetu service programs.

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

The Yiriman Project (Western Australia)

The Yiriman Project – which is run by the Elders of four Kimberley language groups to reconnect their young people to culture while also reducing contact with the criminal justice system, harmful substance uses and suicide – has received numerous awards and positive evaluations. Yet it has struggled over the past two decades to secure the funding it needs to continue its services. A three-year evaluation found that it reduced participants’ subsequent contact with the criminal justice system, with some concluding that it was better than most other sentencing and diversionary options in this regard.

Maranguka Justice Reinvestment Project (NSW)

The independent review of the Maranguka justice reinvestment project at Bourke in 2016-17 found a 23% reduction in domestic violence offending; 38% reduction in youth proceeded against for driving offences, alongside increased rates of school retention and estimated savings of $3.1 million over the course of a year. The close partnership between the community and police was critical to the success of this work, with regular meetings between police and community members, sharing of data, and working together to identify community members in need.

The Maranguka project is delivered by Just Reinvest NSW, a non-profit coalition organisation supported by the Aboriginal Legal Service (NSW/ACT) and is rolling out to more communities around regional NSW.

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, New South Wales, 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.
Decriminalisation of Drug Use and Application of a Public Health Approach

The prevalence of illicit drug use and alcohol consumption is a significant health and social issue in the ACT and across Australia and as such, requires a harm minimisation response.

In Australia,

» Almost three-quarters (73%) of prison entrants reported using illicit drugs at least once during the previous 12 months, with the most common drugs used being cannabis and methamphetamine.278

» One third of all people in prison have a history of injecting drug use.279

» 85% of people in prison who have a history of injecting drug use, report being under the influence of drugs and/or alcohol at the time they committed the offence that resulted in their imprisonment.280

» 40% of people in prison with a history of injecting drug use, attribute their offending to their need to get money to support their drug use.281

» The justice and law enforcement cost of drug-related harm is at least $5.8 billion per annum nationally. The justice and law enforcement costs of alcohol related harm is $6.4 billion per annum.282

» The policy landscape prioritises expenditure on law enforcement ahead of treatment and harm reduction. These priorities are reflected in the budgetary allocation of Australia’s National Drug Strategy, with 65% of its budget allocated to law enforcement, and 25% to treatment and harm reduction.283

» At least half a million people each year in Australia cannot access the alcohol and other drug treatment and support they need.284

The research is very clear that reliance on criminal law and criminal justice responses to discourage illicit drug use does not work to reduce demand and fails to address the health and social harms associated with such drug use.285 Traditional policing approaches to drug use-related crime do not reduce arrests or incarceration and are also associated with increased risk of fatal future overdoses.286 Furthermore, a criminal justice approach further exacerbates disadvantage.

As such, the ACT Government’s decriminalisation of the possession and use of personal quantities of common illicit drugs (via legislation that came into force on 28 October 2023) is vitally important and nation-leading work.

Decriminalisation will reduce contact at every stage of the criminal justice system, remove barriers to harm reduction and treatment seeking, and increase voluntary treatment uptake. In addition, further investment in support services, harm reduction, treatment services and health responses to alcohol and other drug use will result in significant savings for the criminal justice system and improved outcomes for the whole community.

Although it is beyond the scope of this report to overview in detail all the alcohol and other drug treatment responses that reduce the likelihood of incarceration, we have highlighted multiple successful programs that are focused on supporting people with alcohol and other drug dependence or related issues at the point of interaction with police, at the point of interaction with the courts, in prison, and on release from prison.
Bail Act Reform

The Bail Act establishes the process for determining whether a person accused of a crime is remanded in custody or allowed to remain in the community while awaiting trial. There are limits to what bail supports can achieve in preventing growth of the remand population if the structural elements of the Bail Act (such as presumptions against bail, or bail considerations) are not reviewed or become increasingly onerous, reducing the opportunity for discretion on the part of Magistrates and Judges.

The ACT has the highest rate of remand in Australia yet there are many people on extended periods of remand in custody who would likely be better managed in the community. The impending review of the *Bail Act 1992 (ACT)* is to be undertaken by the LRSAC this year. There is a need for bail legislation to strike a balance between community safety, procedural fairness and the human rights of both alleged victims and people accused of a crime. There is also utility in identifying key points where legislative reform could assist people to be released into the community on bail rather than remanded in custody, with particular regard to the implications of sections 9D and 9F.

Reform Towards Establishing a Neighbourhood Justice Centre

There is the opportunity for the ACT to consider the establishment of a Neighbourhood Justice Centre (NJC), based on the highly successful Victorian model outlined in part 2 of this report. A key aim of establishing a NJC would be to create a single place where people could access advice, support, and referrals to appropriate services within diversionary, bail or court processes in a clear, accessible, supportive, and trauma-informed manner.

Towards this longer-term goal, a range of steps could be taken in the short to medium-term to establish the elements that will be needed. These include:

- The Law Reform and Sentencing Advisory Council to investigate a new legislative framework to enable transition towards establishing an NJC.
- A Government plan that steps through a transition towards establishment of a NJC within a decade.
- Establishing case managers in the courts to assist people with access and referrals to legal, mental health, addiction, and disability support programs. These case managers should be able to continue supporting that person throughout their journey through the justice system.
- Increasing the number of and access to support programs and services available to people on bail, remand, and community corrections.
- Establishing new bail support programs with significant case management and supports in the Magistrates Court as a matter of urgency. This would reduce the high rates of remand and would be a cheaper, early-intervention supplement and complement to the Drug and Alcohol Sentencing List (DASL) in the Supreme Court.
- Establishing Neighbourhood Justice Officers.
ACT Government Coordination: The Role of a Justice Reinvestment Coordinator General

The RR25by25 plan notes that there are seven pillars to reducing recidivism including:

1. Reducing the over-representation of Aboriginal and Torres Strait Islander people in custody.
2. Responding to justice housing needs.
3. Supporting people with substance use disorders in the justice system.
4. Supporting people living with a mental illness or disability in the justice system.
5. Supporting detainee reintegration.
6. Developing community capacity.
7. Responding to women in the justice system.

As acknowledged clearly in this plan, people who have contact with the justice system commonly also have a range of other social and legal needs. These needs extend across multiple government agencies and responsibilities.

The way in which we respond to these intersecting and multiple needs requires attention to building on the good practice principles that have been noted in a number of recent pieces of research in Australia. This includes in many instances, the provision of long-term, relational, flexible, holistic, intensive outreach case-work support across a range of different domains. Tackling the social determinants of justice and reducing recidivism also requires whole of government coordination across all of the areas noted above, as well as in areas of child-protection, education and across a whole range of legal frames (including bail).

The implementation of the RR25by25 Plan would benefit enormously from the establishment of the position of a Justice Reinvestment Coordinator General to ensure effective coordination across relevant various government agencies, and to champion the initiatives that are essential to making progress in this important area. The ACT Government has regularly recognised the effectiveness of positions set up to address complex issues across government areas and agencies, as is evidenced by the establishment of the Family Safety Coordinator-General, Mental Health Coordinator-General, Climate Change Coordinator-General and the more recent Housing Coordinator-General positions.

A Community Advisory Committee, comprising members with relationships across the relevant community sectors, including people with lived experience of the justice system and First Nations people would enhance the work of the Coordinator-General.

Establishing this position and administrative support for this role would fulfil the requirements of Item 7 in the Executive Reform section of Appendix 2 of the Parliamentary Agreement for the 10th ACT Assembly, to ‘Consider the best administrative arrangements to provide a holistic and coordinated approach to justice reinvestment, and to social inclusion and equality’.
Across the country, governments on most sides of politics have long adopted ‘tough on crime’ approaches to justice policy which has resulted in increasing numbers of people in prison. Although these kinds of approaches can be politically popular, they have been monumentally ineffective in reducing cycles of incarceration, ineffective in building safer and more connected communities, and extraordinarily expensive. There is a real opportunity in the ACT to keep building on a clear-eyed and evidence-based approach to criminal justice, forming policy and practice around what works rather than what is easy, popular, or kneejerk reactions to isolated incidents.

This report has outlined the need for expanded investment by the ACT Government into evidence-based programs and services run by the community sector (including First Nations-led organisations), that address the social drivers of contact with the criminal justice system and provide ‘off-ramps’ out of the justice system. It has also outlined the need for expanded investment in alternative justice models at the point of policing, bail, courts, and imprisonment.

If properly resourced, these programs will:

» significantly reduce recidivism for children and adults and in turn improve community safety;

» successfully divert children and adults who are at risk of being involved in the criminal justice system;

» strengthen families and communities, who are too often ‘managed’ in justice system settings, rather than receiving the support, care, and opportunities they require; and

» result in significant cost-savings and substantial improvements in health and wellbeing across the community, including for victims.

This report shows that there are multiple points of intervention that can make a difference, and that there are many examples of programs that work. They are, however, currently operating on a scale that is too small to make a systemic difference when it comes to reducing recidivism and criminal justice system contact in the ACT. Given that the ACT has the highest rate of prior incarceration nationally, we know that the current system is simply not working – to stop crime, nor to rehabilitate people and support them to improve their life trajectories. Government expenditure needs to be redirected to community-led programs, services and supports that are using evidence-based practices to reduce incarceration.

In addition to creating substantial cost-savings to government, the approach suggested in this report will have enormous benefits for populations who have too often been ‘managed’ in justice systems, rather than supported in the community. If we genuinely want to build a safer, more cohesive community, we need to invest in community-led programs that address the drivers of crime and incarceration. We need programs that provide opportunities for people trapped in the cycle of incarceration to rebuild their lives in the community. We need to embrace a criminal justice model that genuinely relegates prisons to a position of last resort, and instead centres community-led interventions that really work to break cycles of disadvantage, reduce reoffending, and build safer communities.
In the process of writing this report multiple informal conversations were held with stakeholders with close understanding of the justice system in the ACT. This Appendix draws on both the research and literature on ‘what works’ alongside those conversations to expand the recommendations. There are four parts to these recommendations:

1. The Breaking the Cycle Fund Recommendation Detail (including examples of short, medium, and long-term actions associated with the fund)
2. Government Process Recommendations (including the establishment of a Justice Reinvestment Coordinator General)
3. ‘Increased Resourcing and Expanding Existing Models’ Recommendations (in addition to the resourcing noted in the Breaking the Cycle Fund)
4. ‘Breaking Down Barriers to Participation’ Recommendations

**Breaking The Cycle Fund Recommendation Detail**

A ‘Breaking the Cycle’ Fund should be established, to build the capacity of the community sector to provide diversion and support programs, with a particular emphasis on building the capacity of First Nations organisations.

- The Fund should have an initial funding commitment of at least $20 million per annum for new initiatives to provide community-led services focused on justice outcomes improvements.
- At least 30% of the Fund should be dedicated to First Nations-led organisations, in recognition of the challenges and overrepresentation of First Nations people in the child protection and justice systems. This is in line with the aspirations of Closing the Gap and the current federal Justice Reinvestment focus.
- The Fund should support a diverse suite of community-led organisations and groups to deliver programs and support reflecting the evidence-based principles in service delivery. These principles have been noted in a number of recent pieces of research in Australia.
- Priority should be given to programs that include:
  - expanded bail support (for instance bail support for non-Indigenous populations; bail accommodation including for people alleged to have committed domestic and family violence offences);
  - expansion of community-led specialist drug and alcohol treatment programs to better meet the needs of justice-involved populations;
  - expansion of specialist post-release programs for adults and children leaving custody (given that 80% of people in prison in the ACT have a prior incarceration history); and
  - expansion of specialist mental health and disability programs to better meet the needs of justice-involved populations and improved screening and assessment processes.
Given breaking the cycle of justice system involvement is a whole-of-government responsibility and delivers whole-of-government outcomes, including in health, housing, and economic engagement, it is recommended that the Breaking the Cycle Fund be administered by a Justice Reinvestment Coordinator General (see notes below).

The Fund should have the capacity to ensure that programs and projects for people at risk of justice system involvement are flexible and genuinely responsive to the specific geographic and demographic needs of the populations for whom they are intended. This includes First Nations-led programs that focus on outcomes for Aboriginal and Torres Strait Islander populations. It also means ensuring that programs for children and young people are developmentally and culturally meaningful.

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 and capacity building work should be resourced from the Fund.

We recommend that, alongside the funding of programs, supports, and services, the Fund should also fund independent and transparent evaluation capability, so that outcomes and impact are able to be measured.

Table of Recommended Short, Medium, and Long-Term Actions To Break The Cycle of Incarceration

<table>
<thead>
<tr>
<th>Holistic intervention and prevention</th>
<th>Positive policing and diversion</th>
<th>Bail support and alternatives to remand</th>
<th>Alternative court processes</th>
<th>In-prison programs and alternative detention models</th>
<th>Throughcare, reintegration and post-release support</th>
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<tr>
<td>Provide long-term funding for Yarrabi Barmer</td>
<td>Expand the PACER program to meet community needs</td>
<td>New integrated bail support programs, such as the Victorian CSP</td>
<td>Provide long-term funding for DASL</td>
<td>Dedicated alcohol and other drug rehabilitation programs in the AMC</td>
<td>More beds for Justice Housing Program</td>
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<tr>
<td>Expand Strong Connected Neighbourhoods program</td>
<td>Introduce DFV co-responder model</td>
<td>Establish dedicated specialist case managers in Magistrates Court</td>
<td>Increased access to Restorative Justice (Phase 3)</td>
<td>Implement a tertiary education strategy in the AMC (see Healthy Prison Review)</td>
<td>Continuous and increased Throughcare case management and supports for Bimberi and AMC</td>
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<tr>
<td>Expand Strong Connected Neighbourhoods program</td>
<td>Adopt restorative practice approach to child protection</td>
<td>Review systemic racial discrimination in policing</td>
<td>Increased beds and more client support for Justice Housing Program</td>
<td>Introduce NDA officer into AMC</td>
<td>Improve WWVP card system to ease barriers to employment for people exiting prison</td>
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Recommendations for implementation as part of Breaking the Cycle Fund

- Short Term
- Medium Term
- Long Term
Government Process Recommendations

**Establishment of a Justice Reinvestment Coordinator-General**

Given that breaking the cycle of justice system involvement is a whole-of-government responsibility and delivers whole-of-government outcomes, including in health, housing, and economic engagement, the Breaking the Cycle Fund should be administered by a Justice Reinvestment Coordinator-General. The ACT Government has recognised the effectiveness of positions set up to address complex issues across government areas and agencies, evidenced by the establishment of the Family Safety Coordinator-General, Mental Health Coordinator-General, Climate Change Coordinator-General and the more recent Housing Coordinator-General positions.

The Justice Reinvestment Coordinator-General should not only oversee the Fund but should also ensure that outstanding actions in existing government plans and reports are implemented through budget investments as a matter of priority. These include:

- Reducing Recidivism 25% by 2025;
- Our Booris, Our Way and subsequent steering committee reports;
- the independent review of service gaps and alternative models (the ‘Morag Report’);
- the Australian Law Reform Commission Pathways to Justice report; and
- the Disability Justice Strategy and corresponding Action Plan.

**Towards Establishing A Neighbourhood Justice Centre**

The ACT Government should commit to the principles of a Community or Neighbourhood Justice Centre approach and investigate the feasibility of establishing a model in the ACT based on the highly successful Victorian model. A Neighbourhood Justice Centre would enable more integrated and streamlined processes to provide a wide range of treatment and support services, underpinned by a legal framework that enables proactive and informal crime prevention. Such a centre would, as in Victoria, comprise of one or more divisions of the Magistrates Court being co-located and staffed by dedicated community justice navigators and case managers, to help people proactively link into alcohol and other drug services, mental health community support services, housing, and family services. The first steps for this in the ACT could be to establish dedicated specialist case managers in the Magistrates Court. A longer-term more detailed proposal is detailed earlier in this report.
10-YEAR FORWARD FUNDING MODEL (BUILDING COMMUNITIES NOT PRISONS)

The ACT Government should commit to a 10-year forward funding model for the five core existing programs under the ‘Building Communities not Prisons’ initiatives:

» Justice Housing Program
» Drug and Alcohol Sentencing List (DASL)
» Ngurrambai Bail Support Program
» Yarrabi Bamirr
» Strong Connected Neighbourhoods

To make a significant difference to breaking generational cycles, there is a need to commit to long-term reform agendas and funding models that enable sustained change over multiple budgets and electoral terms.

Law Reform And Sentencing Advisory Council

The recent establishment of the Law Reform and Sentencing Advisory Council (LRSAC) in the ACT will provide a clear mandate for ongoing and sustained monitoring of sentencing trends with input from the legal profession, academics, and community members. This new Council provides an invaluable opportunity for thinking to be developed in law reform and sentencing matters. Within the new Council, consideration should be given to:

» The exploration of law reform in the ACT via the frame of the social determinants of justice and with a focus on reducing recidivism.
» Reviewing the bail act and sentencing trends in relation to the high numbers of people on remand.
» Monitoring sentencing trends in relation to the utilisation of alternative non-custodial sentences and barriers to uptake.
» Reviewing policing practices, including discriminatory policing practices with a view to better understanding pathways into prisons as a consequence of police contact.

Improving Research And Evaluation

The Government should commit to building genuine partnerships with researchers, service providers, First Nations communities and other experts in the sector to continue to build the evidence base of what works in the ACT, particularly for community-led programs. This includes adequately funding community-led organisations to both deliver services and enable independent and transparent evaluation that generates high-quality data.

Transparency Of Mapping And Costing Service Systems

The ACT Government should publicly release any justice system mapping and work that is not in the public sphere, to enable transparent community awareness of system gaps and the evidence base demonstrating the cost effectiveness of alternatives to incarceration.
Increased Resourcing and Expanding Existing Models

**Recommendations**

### Improving Housing Availability

Priorities for further investment in justice housing options are:

- increased supported accommodation for children and young people, women and First Nations people on bail and post-release;
- more post-release housing for people leaving custody;
- establishing a housing program to support domestic and family violence defendants and people convicted of domestic and family violence offences; and
- increasing supports and opportunities for participants and continued contact with case managers even after exiting the JHP.

### Increased Funding For Restorative Justice

If Canberra is to meet its goal of becoming a Restorative City, it needs to embed restorative processes through the justice system – not just as piecemeal additions to existing ‘non-restorative’ adversarial and punitive justice system approaches. We know from the success and strong user satisfaction of existing restorative services that they can dramatically enhance community safety, feelings of agency and empowerment, and accountability. This requires ‘calling in’ all community stakeholders, service providers and people with lived experience in the criminal justice system, and genuinely listening to and responding to their stories, rather than ‘calling out’ people who have committed offences and leaving them to languish on the fringes of society where they continue to be trapped in patterns of offending which prison only exacerbates. There is a need for increased funding to the Restorative Justice Unit, and the implementation of the recommendations of the Phase Three Evaluation with a view to increasing referrals to the RJU.
Expand Bail Support And Diversion

There is a real opportunity in the ACT to expand the scope of bail support and diversion programs. Early indicators are that the Drug and Alcohol Sentencing List (DASL) has been an effective additional tool for our court system to better support people with AOD-related offending appearing before the Supreme Court. However, there are many people appearing in the Magistrates Court who would also gain from similar support services being available. The following areas should be explored:

» Bail support programs with intensive case management and supports in the Magistrates Court would reduce the high rates of remand and would be a cheaper, early-intervention supplement and complement to DASL.

» There are currently low rates of bail offered to defendants charged with DFV offences. To address cycles of DFV, early intervention programs should be available at the earliest opportunity and wherever possible, options available for both protecting victim/survivors as well as ensuring perpetrators have access to appropriate intervention options including bail support programs and alternative housing.

» One early indicator of potential DFV is animal abuse at home. This could be addressed by implementing item 10.3 of Appendix 4 of the ACT Parliamentary and Governing Agreement 2020 to ‘Improve early intervention programs for people who use violence against their partners, family members or pets’, which could be incorporated into bail support programs.

» Expanding the ACT PACER model, by funding enough teams to cover all times of day across Canberra, and to extend to alcohol and other drug incidents.

Improving The Youth Justice System

The new therapeutic model for youth justice as a response to the increased minimum age of criminal responsibility (MACR) is an important step in transforming youth justice in the ACT.

There is value in further exploring improvements and expansion in the following youth justice areas:

» Expansion of Family Group Conferencing and intensive family supports.

» Increased access to restorative justice as a supplementary process alongside therapeutic interventions.

» Expansion of alternative sentencing options, case-management options, and supports for all children (including those over the age of 12).

» Expansion of culturally appropriate supports for First Nations children (building on the early success of existing programs).

» Introduction of a formal notification process to inform support services when young people are admitted into Bimberi Youth Justice Centre. Young people should be given wrap-around support services and continuity in relationships with case workers who already know their personal circumstances.

» Establish a therapeutic service such as Melaleuca Place for young people over 12. This model should be expanded to all young people, not just those under the MACR.

» Explore the establishment of an alternative youth justice residential model such as a Diagrama-type model in the ACT.

The ACT Government’s commitment to raising the minimum age of criminal responsibility from 10 to 12 (and then to 14 in 2025) is extraordinarily welcome. So too, is the commitment to address the cycle of inter-generational criminal justice system involvement, by ensuring effective, holistic, community-led, and evidence-based support for children at risk of justice system involvement. The associated system and policy reform is critical to improving outcomes for children and young people and their families in the ACT.
The introduction of the Intensive Therapy Panel is also a welcome addition. As with all new government reforms, it will be critical to regularly review the scheme's effectiveness and implement improvements accordingly.

There are however some ongoing concerns that the criminal justice system approach is still considered necessary for the most intentionally violent and harmful conduct caused by children, who in these cases will still be detained in custody from 12 years old. By criminalising the behaviour of children who may not be aware of the consequences and nature of their conduct, a dangerous cycle of disadvantage is initiated, causing children to become entrenched in the criminal justice system. When children are drawn into the criminal justice system at a young age, there is a significantly higher likelihood of subsequent reoffending and a lower likelihood of that child completing their education or securing employment. The experience of youth detention is one of the key predictors of longer-term justice system involvement. Therapeutic detention, including for children who have been charged with the serious offence categories, is a vastly superior model for support and rehabilitation than a youth detention centre with its criminogenic settings.

The numbers of children in detention in Bimberi are relatively low, and the level of investment required for that small number of children may seem disproportionately high. However, over the course of that person's lifetime, early intervention and support investment could reduce the ongoing burden to the ACT Government significantly.

The independent ANU review identified ways in which the ACT's current service system could better meet the needs of children most affected by raising the age of criminal responsibility. The review proposed a model of wraparound and case management services for children and young people, including appropriate after-hours and crisis accommodation for this age group in the ACT.

There is, primarily, a need for a significant resourcing shift, so that those children 'caught' in the justice system instead receive effective support and assistance in the community. The answers to the problem of the over-use and failures of the youth justice system, exist primarily outside of this system.

Breaking Down Barriers to Participation Recommendations

**Review Working With Vulnerable People Checks**

The Working with Vulnerable People (WWVP) check process is vital to protecting vulnerable people in our community. However, it needs to also provide for people to engage easily with employment, and not prevent them from employment or volunteer work when they are no longer a risk to our community. We would like to see the Government consider a more nuanced approach to Working with Vulnerable People checks to ensure it does not create unnecessary lifelong barriers to employment and pro-social activities. The new raising the age legislation importantly extinguishes all convictions committed by children and young people under 12. There is, however, the need for this age to be higher to reflect the weight of evidence about criminal responsibility. Similarly, these convictions need to be extinguished for the purposes of WWVP checks.

**Drivers Licensing**

There is a need to ensure access to driver’s licenses for populations who do not have the opportunity or ability to obtain them. Driver’s license programs (such as those that have in the past been operated by the Aboriginal Legal Service) are critical in both promoting road safety, as well as reducing contact with police for driving related offences.
Recently, researchers from the University of New South Wales (UNSW) linked administrative data across a broad range of factors to identify the eight social determinants that increase the likelihood of being involved in the criminal justice system. Their analysis shows that someone’s chance of being imprisoned is greatly increased by:

1. having been in out-of-home care (OOHC)
2. receiving a poor school education
3. being Indigenous
4. having early contact with police
5. having unsupported mental health and cognitive disability
6. problematic alcohol and other drug (AOD) use
7. experiencing homelessness or unstable housing
8. coming from or living in a disadvantaged location.

Despite the best efforts of so many community sector organisations, including a range of programs funded by government, it is clear that without systems reform and reform that addresses these social determinants, we will continue to see far too many people incarcerated. Our report is focused on investment in programs and services at various touchpoints in the criminal justice system trajectory. However, there is also the need for critical reforms in multiple other areas of people’s lives. For instance, while rates of child protection interventions of First Nations children continue to be highly disproportionate (a First Nations child is eight times more likely to be placed in OOHC than a non-Indigenous child), rates of First Nations people in the youth or adult justice systems will continue to be disproportionate.

The social determinants research provides a useful starting point for looking at both what these areas are, exploring the way they intersect, and thinking about where and how Government investment should be targeted.

We might expect, for instance, that the reforms relating to raising the age of criminal responsibility will start to show improvements in data for young people in the justice system within a few years. If this is monitored closely and improved over coming years, this may indeed start to slow the pipeline of adults entering prison in years to come.

There is a need for the kind of systemic reforms that are long-term and multi-generational, with government commitment to long-term reform agendas, and funding models that enable sustained change over multiple budgets and electoral terms.

Alongside investment in the Breaking the Cycle Fund and some of the intersecting areas outlined in the main body of the report, there is also the need for investment and reform more broadly in AOD services; alternatives to OOHC; education; and social service and infrastructure such as housing. Key policy issues in some of these areas are noted briefly below.
Social Determinant 1: Having Been In Out Of Home Care (OOHC)

Children and young people who enter the youth justice system have often also experienced contact with the child protection and OOHC system. The current system fails to holistically integrate justice services with other social services. Children and young people can often have difficulty in accessing trauma-informed, culturally safe, and responsive services.\footnote{299}

The ACT Government’s First 1000 Days Strategy is important policy which recognises the importance of wrapping supports around families early on.\footnote{300} However removals of children from their families into OOHC remain high, with the disproportionately high rate of First Nations children being placed into OOHC being the third highest in Australia.\footnote{301} This is despite the ACT consistently having the lowest substantiation rate in the nation, indicating that investigations are not being appropriately targeted to those most at risk. This has obvious consequences, in terms of disruption and distress for other families who get caught up in the system.\footnote{302}

There is an ongoing need to build a system of supports that better enables families to be together, rather than entrenching disadvantage, by taking children away from their homes and undermining their sense of safety and security, which is vital for young people’s stable development.

Social Determinant 2: Receiving A Poor Education

As noted in the report, the experience of social and structural systems (including education) can dramatically shape an individual’s life trajectory. Getting children off to the best start possible is vital and that means supporting children to stay connected with education.\footnote{303} International research has noted that for each youth crime the police detect, parents detect at least four, teachers detect about two, and peers detect more than five. Processes in schools that bring peers, teachers, and parents together to heal and prevent minor early incidents of stealing, assault at play, and bullying allow for the early detection of problems that need intensive social support.\footnote{304}
Social Determinant 3: Being Indigenous

The Independent review to be undertaken this year is an important action towards addressing the systemic and social drivers of First Nations incarceration. Despite clear justice targets as part of the national Closing the Gap work that has been underway for decades, overrepresentation of First Nations people in the ACT continues in child protection, youth justice and adult justice systems. The national Closing the Gap targets of relevance are to, by 2031, reduce the rate of incarceration of Aboriginal and Torres Strait Islander:

- peoples to achieve parity with the rate of incarceration of non-Indigenous people; and
- young people (10–17 years) in detention by at least 30%.

Additional relevant targets in the ACT Aboriginal and Torres Strait Islander Agreement Phase 2 Action Plan for Justice include:

- Decrease in rate of return to custody for adults within two years; and
- Increase in 18–25-year-olds referred to restorative justice.

The next ACT Government plan to reduce overincarceration and recidivism in the ACT, as well as the next iteration of the ACT Aboriginal and Torres Strait Islander Agreement, would do well to include specific targets and actions to achieve improvements in relation to child protection, violence against First Nations people, diversion, arrest, bail, and post-release outcomes, including specifically for First Nations children, young people, and women. There is also the need for proper investigation into systemic racial bias and profiling in policing practices. A review of police practices would also give effect to Rec 14.1 of the Pathways to Justice Report, calling for an independent review to determine whether our laws are implemented fairly and without discrimination.

The March 2021 Ombudsman report on ACT Policing’s administrative framework for engagement with the ACT Aboriginal and Torres Strait Islander community recommends that:

“ACT Policing develops standard operating procedures for community policing activities and complementary programs to ensure contact with ACT Aboriginal and Torres Strait Islander community members is consistent with legislative requirements and appropriately facilitates access to community diversionary and support programs.”

Social Determinant 4: Having Early Contact With Police

As noted in this report, the way policing operates around Australia has a significant impact on imprisonment rates. Reducing the number of people in prisons requires an examination of the ‘front end’ of the justice system, including the role, function, and operations of police. To stem the flow of people unnecessarily funnelled into the prison system, there is a need to rethink policing, particularly in communities that are over-policed. More detailed analysis of policing is in part two of this report.
Social Determinant 5: Having Unsupported Mental Health and/or Cognitive Disability

People with mental health conditions are significantly over-represented in prisons (at least 40% of people in prison have mental illness) as are people with cognitive impairment. Not only are these populations significantly over-represented, but the experience of incarceration frequently exacerbates other forms of disadvantage.

Costings research conducted by UNSW, in partnership with PricewaterhouseCoopers, 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.

People who are in prison lose access to all Medicare services and the Pharmaceutical Benefits Scheme (the PBS). They also often lose access to supports provided by the National Disability Insurance Scheme (NDIS). This is because prisons are operated by the states and territories, and when someone goes into custody, the responsibility for their care transfers from the Federal Government (who administers Medicare, PBS and NDIS) to the state or territory government responsible for incarceration. This means that when people go into prison, they cannot access Medicare funded services such as mental health plans (and counselling); they cannot access particular medications that they may have had access to when they were in the community; and they also cannot access the supports that are essential to living with a disability.

The ACT Government has done some important work on responding to the broad range of issues facing people with disability in relation to the justice system, as can be seen in the Disability Justice Strategy. Action 3.1 in the ACT’s Disability Justice Strategy 1st Action Plan should be implemented as a matter of priority – ‘Screening and identification of disability for reasonable adjustments’ should be expanded to the AMC as a matter of urgency. Similarly, screening and support for young people with disability, including for those with significant learning difficulties, neurodiversity, foetal alcohol spectrum disorder and/or acquired brain injuries is needed to better identify people at risk. Consideration should be given to this screening occurring at school.
Social Determinant 6: Alcohol and Other Drug Use

Around 60% of people in prison around Australia have alcohol and other drug dependency. The lack of sufficient AOD treatment and support services in the ACT is replicated around Australia, and the AOD sector has consistently called for increases in resourcing. The lack of available services can mean that people in the criminal justice system have limited opportunities to receive support outside of prison environments, and often very limited supports inside prisons also.

There is a particular need to target resources towards services which act as a circuit breaker for people who are at risk of incarceration directly as a consequence of their drug and/or alcohol use. All people who are struggling with drug and alcohol use and associated criminal justice system involvement should have the opportunity to receive specialist AOD support in the community.

The ACT has a number of AOD residential rehabilitation agencies including:

- Karralika programs.
- Canberra Recovery Hub, run by Salvation Army’s Canberra Recovery Services.
- Arcadia House, run by Directions Health Services.
- Ted Noffs Foundation’s youth services.
- Lesley’s Plan Drug and Alcohol Residential Service, run by Toora Women Inc.

There are however often long waiting times to access a bed, difficulties accessing detox facilities, and exclusionary criteria that can also compromise access. All of this can mean that when a person is ‘ready’ to ask for support, the opportunity for that moment to be taken advantage of is often missed.

The findings from the Legislative Assembly’s Select Committee on the Drugs of Dependence (Personal Use) Bill 2021 Inquiry are useful in the conversation of addressing alcohol and other drug use as a driver of incarceration. These recommendations included:

- significantly increase its investment in alcohol and other drug services (Rec 7);
- continue its commitment to establish and fund an Aboriginal Community Controlled residential rehabilitation facility and increase the number of First Nations alcohol and other drugs Peer Support Workers (Rec 8);
- invest in housing options for people who use alcohol and other drugs and are at-risk or experiencing homelessness (Rec 9);
- commission a feasibility study into the establishment of a combined mental health and alcohol and other drug residential facility (Rec 10); and
- work collaboratively with the sector and industry experts in a co-design process to expand capacity, address infrastructure constraints and develop new models of care.
  - Specialised models for consideration include:
    - intersection of mental health and alcohol and other drugs services (no wrong door approach);
    - specialised methamphetamine services;
    - southside peer-based model of care (Canberra Alliance for Harm Minimisation & Advocacy);
    - women’s day detox/rehab program;
    - family member support services; and
    - an alcohol and other drugs Police, Ambulance and Clinical Emergency Response service.
Social Determinant 7: Experiencing Homelessness or Unstable Housing

Half of all people in prison were homeless before entering custody\textsuperscript{276} and more than half of all people leaving prison exit into homelessness.\textsuperscript{277} As noted throughout this report, and in the recommendations of Appendix A, increasing access to housing is critical to both reducing pathways into prison, and reducing recidivism.

Social Determinant 8: Coming from a Postcode of Disadvantage

A disproportionate number of people in prison in the ACT come from a small number of ‘postcode of disadvantage’ where access to education, healthcare, support, and employment are all comparatively lacking.\textsuperscript{278} As noted in the body of this report, place-based initiatives, and initiatives that seek to build community and support people in their communities are key to protecting against these drivers. This is especially the case for children (including those children who have also experienced parental incarceration and inter-generational disadvantage).


38 ABS (2024) Prisoners in Australia 2023, Table 15.

39 ABS (2024) Prisoners in Australia 2023 Table 15.

40 ABS (2024) Prisoners in Australia 2023, Table 17.

41 Productivity Commission (2024). Report on government services 2024; Youth justice services, Table 17A.1.


43 Australian Bureau of Statistics (2024) Prisoners in Australia 2023, Table 15.

44 Productivity Commission (2024). Report on government services 2024; Youth justice services, Table 17A.1.

45 Productivity Commission (2024). Report on government services 2024; Youth justice services Table 17A.5.

46 Productivity Commission (2024). Report on government services 2024; Youth justice services Table 17A.7.


48 Productivity Commission (2024) Report on Government Services 2024, Part C: Justice, Table CA 4


50 ABS (2024) Prisoners in Australia 2023, Table 35.


94 ACT Government Budget, 2023–24 Budget Paper G.


The Justice Reform Initiative is an alliance of people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system, who are further supported by a movement of Australians of good-will from across the country who all believe jailing is failing, and that there is an urgent need to reduce the number of people in Australian prisons.

The Justice Reform Initiative is backed by eminent patrons, including former Governors-General Dame Quentin Bryce AD CVO and Sir William Deane AC KBE as patrons-in-chief.

The list includes: former justices of the High Court, a former state Chief Justice and judges from other courts; respected Aboriginal and Torres Strait Islander leaders; a former Federal Police Commissioner, Director of Public Prosecutions, former Australians of the Year and numerous former Federal and state Ministers from both sides of politics. A list is available here.

The Justice Reform Initiative deeply appreciates the support of the Paul Ramsay Foundation.

The Initiative respectfully acknowledges and supports the current and longstanding efforts of Aboriginal and Torres Strait Islander people to reduce the numbers of Indigenous people incarcerated in Australia and, importantly, the leadership role which Indigenous-led organisations continue to play on this issue. We also acknowledge the work of many other individuals and organisations seeking change, such as those focused on the rate of imprisonment for women, people with mental health issues, people with disability and others.

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