Indigenous Australians in the Justice System

- NIDAC position paper - ‘Bridges and Barriers: Addressing Indigenous Incarceration”

- This paper highlights the high rates of incarceration of Indigenous people:
  - 26% of prisoners are Indigenous
  - Nationally, Indigenous people are 14 times more likely to be imprisoned than non Indigenous
  - Increase of 343% for women in prison from time of the 1991 Royal Commission into Aboriginal Deaths in Custody
  - 49% of people in juvenile corrective institutions in were Indigenous
The NSW prison population has risen significantly in recent years:
- from 10,000 in June 2011 to a new record high of 12,641 in September this year, a rise of over 26 per cent.

Aboriginal people are grossly overrepresented in custody:
- around one quarter of the NSW prison population and one half of the juvenile justice population are Aboriginal.

Aboriginal crime rates have decreased, while their rate of imprisonment has increased:
- arrests of Aboriginal people for violent offences dropped by 37 per cent, and for property crime by 33 per cent from 2001 - 2015.
- in the same period, the rate of Indigenous imprisonment rose by 40 per cent from 2001 - 2015.

The NSW Government is spending to increase prison capacity, not to reduce crime:
- the NSW Government has announced plans to spend $3.8 billion ($2.2 billion capital and $1.6 billion recurrent) over the next four years to increase prison capacity by around 7,000 prison beds.
- this money could be better spent on crime prevention.
Cost Benefit Analysis

- Comparison of 2 alternative pathways were examined (prison pathway and the residential rehabilitation pathway) by Deloitte

- Target population - Indigenous offenders who were post trial, pre-sentence and faced possibility of going to prison, non violent with problematic substance use issues who may benefit from diversion

- Utilised ABS figures estimating the number of Indigenous Australians in prison system, data on the numbers entering prison for non violent offences and figures linking offending to AOD use

- Number of prisons and costs associated with running them and number of residential rehabs and their costs were also considered

- Outcomes such as recidivism, health outcomes (mental health service use, risk of contracting Hep C and drug relapse rates) were also considered and factored into the calculations

- Non financial benefits (improved mortality and quality of life) were also considered
Key Findings from Deloitte’s Work

- $111,000 per year/offender cost saving by diverting non violent Indigenous offenders with substance use problems into residential treatment instead of prison

- Further $92,000/offender saving in the long term due to lower mortality and better health related quality of life outcomes

- In 2011 there were 115 correctional custodial facilities costing $3bn per annum (2010 -11 -capital and recurrent)

- In 2010 there were 30 facilities providing residential drug and alcohol treatment services for Indigenous people

Further detailed information on the findings can be accessed from the report, An economic analysis for Aboriginal and Torres Strait Islander Offenders: Prison vs Residential Treatment
Time for a New Approach

- The Deloitte work shows:
  - Considerable benefits associated with the diversion of Indigenous prisoners into community residential drug and alcohol rehabilitation services instead of incarceration
  - Financial savings as well as improvements in health and mortality

- We know that imprisonment is not working for Indigenous people – it is not able to address the underlying causes of offending

- Need to start spending government funds in a smarter way

- We know that diversion programs have huge benefits – avoid negative labelling and stigma and reduce the number of people going back to prison

- Need to shift the investment from prisons to community based and controlled services (Justice Reinvestment)
JUSTICE REINVESTMENT IS

Data driven

Place based

Supported by centralised strategic body

Targeted to increasing community safety

Targeted to reducing offending & imprisonment

Fiscally sound
Justice Reinvestment involves a shift in spending over time.

PRISON

PREVENTION

DON’T SPEND MORE, SPEND SMARTER
Community Example of Justice Reinvestment

- Bourke community approached NSW Justice Reinvestment Campaign for Aboriginal Young People to develop a justice reinvestment implementation plan.

- Bourke identified as having the highest number of breaches to bail conditions in NSW; no residential AOD treatment services and lack of AOD and MH services.

- Looked at young Aboriginal people aged 10 – 24 years (47 youth identified).

- Cost of incarceration for these youth estimated to be over $4million.

- Funding could be much more effectively used to establish a range of programs such for young people and families.
A SNAPSHOT OF LIFE FOR ABORIGINAL CHILDREN & YOUNG PEOPLE IN BOURKE, NSW
Maranguka supports families, young people, services, schools, governments, and businesses to work together to achieve those goals.

These goals are documented and widely shared

The Bourke Tribal Council and other leaders in Bourke use the summary to set goals to improve the lives of Aboriginal children and young people in Bourke

The best thing about living in Bourke is friends and family

A summary of what people said is created and shared widely

We want to be treated with respect

People talk about this data in homes, public spaces and services with elders, women, men, young people and children
RE-ENGAGING BOURKE YOUTH: COME HALF WAY

THE CIRCUIT BREAKERS

• Within our long-term vision of reducing offending and creating a safer community, we have identified a number of short-term circuit breakers.

• The circuit breakers serve 3 purposes:
  - Incentivising young people to participate.
  - Engaging the wider community.
  - Driving immediate value to young people in Bourke.
Justice Initiatives

Bail, sentencing and the YOA
• Developing police protocols re bail conditions/ breach/ warning and use of arrest
• Engaging with Local Court Magistrate re bail conditions and sentencing
• Establishing a bail house/ multi-purpose centre: Service delivery in partnership with community: YOTS

Warrant Clinic and the Justice Support Team
• Trialling a clinic on warrant matters
• Broadening the scope: breach reduction, bail and court support

Driver Licensing/ Crime Prevention Program
• Referral process for unlicensed driver matters
ECONOMIC MODELLING

- FUNDS GOING INTO THE COMMUNITY:
  - EXISTING PROGRAMS AND SERVICES
- COSTING THE REALIGNMENT
- PROJECTING SAVINGS TO GOVERNMENT
ESTABLISH THE NECESSARY STRUCTURES AND RELATIONSHIPS

- The Backbone Team
- Maranguka Hub
- Bourke Tribal Council
- Cross Sector Leadership
- Strategic Steering Committee
DEVELOP A JR STRATEGY

- Data
- System Mapping
- Consultation/community feedback
+ Research

- Common Agenda
- Shared Measures
- Key Interventions
https://vimeo.com/177356156

www.justreinvest.org.au