Justice Reinvestment

Everyone has either been a victim of crime or knows someone who has. Everyone has an opinion. There is a palpable sense of outrage and frustration in the community and there is no shortage of calls for the government to get tough on crime. As Solomon once said ‘there is nothing new under the sun’ but is crime actually getting worse? Does the feeling that crime is out of control equate with reality? Are people being more frequently assaulted or having their houses broken into more often? And what of the popular conception that that most of this crime is being committed by young First Nations men? Is it true?

Let me talk about Palmerston as a microcosm for the situation in the Northern Territory. In the past year, common assaults have increased by 43%, domestic violence assaults have increased by nearly 51%, alcohol related assaults have increased by 73% and sexual assaults have increased by almost 20%.

25.9% of the population of the Northern Territory is indigenous which is the highest proportion of nay Australian state or territory. 84% of adult prisoners in Northern Territory goals are Aboriginal. According to the NT Justice department the rate of incarceration of Indigenous Territorians is and has consistently been way above the national average.

This is statistical support for whatever everyone believes to be true: we have a massive problem with crime, and most of the offenders are First Nations men. What are we going to do about it? There are two extreme and equally useless approaches to any issue. The first one is to talk endlessly, yet do nothing. To rage and complain without producing any viable solutions, or to raise possible remedies and not attempt to implement them. The second is ill considered and non-inclusive reactionary law making following politically motivated chest thumping. Crime is a cancer in society and band-aids do not cure cancer. I suggest that previous get tough on crime policies have not only been band-aids, but cheap band-aids which neither prevent infection nor heal wounds. Our criminal justice system, has for too long, focused on punishment.

If a system or a policy or a law is a proven and radical failure, we cannot persist with it. We have such a disastrously failed system right here, right now in our Northern Territory. Into this mess, which is not unique to the Territory or even to Australia, strides a new idea. Justice Reinvestment. You may not have heard of this term. You may be more familiar with the concept of restorative justice, but I’m going to use the term Justice Reinvestment, define it, provide some insight into how and why it should theoretically work, and finally I will take you to a town in Western New South Wales to see Justice Reinvestment in action in a context more than comparable to ours, and one from which we should learn.

Justice reinvestment was introduced as a response to mass incarceration and racial disparity in the United States in 2003. The Australian Law Reform Commission defines Justice Reinvestment as a redirection of money from prisons to rebuild human resources and physical infrastructure. I’ll repeat that because the definition is paradoxically both very simple and profoundly complex. Justice reinvestment is the redirection of money from prisons to rebuild human resources and physical infrastructure.

Let’s talk about money. According to ALRC, the total justice system cost for ATSI incarceration in 2016 was $3.9 billion. Extending from simple costs to include other economic and social factors boosts the figure to $7.9 billion.

Allow me to quote from a 2016 book titled Penal Culture and Hyperincarceration; The Revival of Prison.

*“Many people lose accommodation when imprisoned and become homeless once released from custody; these new problems lead to an increased likelihood of re-offending. Imprisonment of a parent can result in children having to relocate or having to enter into the care of the state—research confirms that these children are much less likely to complete secondary school and are more likely to become homeless, unemployed and come in contact with the criminal justice system. The social cost of imprisonment can also be seen through the inability of prison to reform or rehabilitate and in its self-reproductive nature: in NSW more than half of current prisoners have previously been imprisoned.”*

In very plain and direct terms, locking people up costs a fortune and we are not just talking about money. Justice Reinvestment seeks to better use public funds to achieve more cost efficient and socially valuable outcomes.

In a submission to the ALRC, Jesuit Social Services said this:

*“Reforming laws and legal frameworks could help to drive justice reinvestment initiatives. Reforming laws regarding sentencing and bail, the conditions on which prisoners leave prison, and parole and probation supervision could potentially facilitate a decline in Aboriginal and Torres Strait Islander peoples imprisonment rates as part of a justice reinvestment approach. There may be benefit in legislating for diversion and sentencing options that allow for community‐based alternatives to detention, so that justice reinvestment programs are utilised.”*

The Human Rights Law Centre agrees, saying *‘[a] justice reinvestment approach to criminal justice in Australia would provide a valuable framework to prevent crime and promote community safety, reduce imprisonment rates and deliver associated social and economic benefits for the community.’*

The centre path, in between pusillanimous talkfests and bombastic reactionary politicking, is the path of extensive discussion, necessarily both inclusive and consultative, which leads to research backed and committed action. So, who’s doing it? How can we know Justice Reinvestment works? How do we know it isn’t merely another financial, albeit goodwilled blackhole?

Approximately 2300 kilometres from here in the far north west of New South Wales is the town of Bourke. Situated on the Darling River, the town’s location forms part of a traditional boundary area for the Ngemba, Murrawarri, Budgiti and Barkinji Tribal Groups. As a result of past government Aboriginal specific policies such as forced relocations and removals in the 1920s, today there are 21 different Tribal Groups living in Bourke. There are 2,465 people living in the Bourke Shire of which 762 people are Aboriginal and Torres Strait Islander (approximately 30.9%). A higher ratio than the Northern territory. The median age of Bourke’s Indigenous population is 25 years, approximately 33.7% of which are children aged 0 to 14 years and 4.7% are aged 65 years or over.

Born and bred in Bourke, Alistair Ferguson, who now oversees the Justice Reinvestment project in Bourke, sums up the situation which led to the desperate search for a radical and effective solution. *“Kids were being taken away. Too many of my community were being locked up. Families were being shattered, again and again. And this was happening despite the huge amount of money government was channelling through a large number of service organisations in this town.”*

Does this sound familiar? It is not my intention to exhaustively detail the Justice Reinvestment project in Bourke. I would, however, strongly advise you to visit their website by googling justice reinvestment Bourke. The first stage of the Maranguka Justice Redevelopment Project involved building trust between community and service providers, identifying community priorities and [circuit breakers](http://justreinvest.org.au/wp-content/uploads/2015/09/Circuit-Breakers-August-2015.docx), and data collection. Commenced in 2016, the project was the subject of an ABC Four Corners report called Backing Bourke, then in 2018 KPMG conducted and impact assessment of the project’s operation in 2017. Did it work?

Here are the key findings of the KPMG report:

* A 23% reduction in police recorded incidence of domestic violence and comparable drops in recidivist rates.
* 31% increase in Year 12 student retention rates and a 38% reduction in charges across the top five juvenile offence categories.
* 14% reduction in bail breaches and a 42% reduction in days spent in custody.

KPMG estimated an economic impact of $3.1 million dollars and a projected additional impact of $7 million.

It is safe to call the Maranguka Justice Reinvestment Project a success and although the monetary gains seem small, remember Bourke only has a population of around 2500. Our population is 247000. Remember that many of the positive social impacts are difficult to quantify. We in the Northern Territory should therefore thoroughly investigate this model with a view to implementing it for ourselves.

It’s time to end political grandstanding and gameplaying on the subject of law and order, a time to accept our past failures and forge ahead together for a real solution to the problem of crime in the Northern Territory. It’s time to recognize the gross injustices in our justice system and do all we can to implement a socially restorative program for the benefit of all. We all know what the problem is. Justice Reinvestment is the solution.