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09

**Justice reinvestment
in Australia: A review
of the literature**

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Executive summary

Justice reinvestment (JR) is an emerging field in the Australian criminal justice landscape. It is a data-driven approach to reducing criminal justice system expenditure and improving criminal justice system outcomes through reductions in imprisonment and offending. JR is a comprehensive strategy that employs targeted, evidence-based interventions to achieve cost savings which can be reinvested into delivering further improvements in social and criminal justice outcomes. However, there is no single definition of JR, and the effective development and implementation of JR strategies involve an evidence-based understanding of the local contexts, circumstances and needs that impact on involvement in the criminal justice system.

JR has gained a great deal of support in Australia, with a number of JR strategies in operation or under development. As it has emerged in Australia, JR has taken on a wider meaning than has been applied in the US. While the focus of JR in the United States (US) and the United Kingdom (UK) has been about reducing the costs of incarceration, in Australia a broader application of JR is being developed, with states and territories also examining how to reduce crime and strengthen communities. In Australia, JR is being described as a way of addressing key justice problems including the over-representation of Aboriginal and Torres Strait Islander people in the justice system.

As well as there being no single definition of JR, there have been a range of different approaches to its development and implementation. The criminal justice outcomes sought through JR can be achieved through approaches that include:

- changes to policy and legislation that would otherwise tend to increase the likelihood of people being imprisoned;
- improved treatment programs and models of supervision for individuals at the most risk of offending;
- investing in neighbourhoods that house a disproportionately high number of offenders;
- development of interventions based on locally identified needs and sound evidence;
- improving drug addiction and mental health outcomes; and
- engagement of interested and motivated supporters, including those providing financial and in-kind contributions for developing and implementing JR approaches.

A range of different financial approaches can be taken to facilitate JR strategies. Some models involve realising savings from criminal justice interventions which are then reinvested to build and maintain those outcomes. Other approaches involve upfront investment from other sources, so that savings can be realised that are then used to finance a return on the initial investment. Under these approaches initial investment is procured through non-government sources like private companies or charitable institutions. Repayment of this initial investment by the government is linked to further investment, encouraging the use of strategies to achieve tangible benefits, such as demonstrated reductions in reoffending and prison population growth. JR has also contributed to the development of innovative approaches to financing; for example, social impact investment through mechanisms such as social impact bonds or Payment by Results arrangements.

As a data-driven and evidence-based approach, JR relies on rigorous evaluation and monitoring of interventions and their outcomes. JR strategies must be underpinned by a framework of robust evaluation so that the impacts of interventions and resulting cost savings can be demonstrated and the results used to generate further savings and positive outcomes.

In the US, JR has grown at a rapid rate since it was first conceived in the early 2000s, driven by the need to address the high incarceration and remand costs of the US criminal justice system. This has now grown into a large-scale body of funding, supported by the US Government as well as by large not-for-profit organisations. More than half of all US states now have JR programs in place, with many of these implemented in accordance with the frameworks established by the Justice Reinvestment Initiative, backed by the Bureau of Justice Administration. Reviews by key stakeholder organisations in the US give strong indications of JR having been successful in achieving actual or projected cost savings in several states (see Bureau of Justice Administration nd a; Council of State Governments Justice Center 2011b). Independent analysis has highlighted some issues with attribution of these savings to JR initiatives, but indicators of success remain and appear likely to continue to build over time.

JR strategies adopted in the US have focused largely on reforms to criminal justice system practices and processes, backed by legislative change. Key areas for reform have included:

- increased use of risk and needs assessment to more effectively match offenders with programs and services—particularly cognitive-behavioural and substance use treatment programs;
- increasing the range of sentencing options available to courts;
- improving the quality, extent and nature of supervision for offenders on probation and parole; and
- changing responses to breached probation and parole conditions—for example, providing more non-custodial options and reducing the length of prison terms that can be imposed for breaches.

The US adoption of JR has led to the creation of models, including financial models, to guide the stages of development and implementation. Development and implementation models have emphasised a number of crucial steps, including:

- establishment of governance structures;
- analysis and mapping;
- development of options for cost savings through improved criminal justice and social outcomes;
- quantification and reinvestment of savings; and
- outcome and impact evaluations.

JR has been positively received in Australia. The Commonwealth, as well as most if not all of the states and territories, have taken steps to explore the potential of JR strategies. In many cases these strategies have focused on the over-representation of Aboriginal and Torres Strait Islander people in the justice system, as well as changes to the youth justice system. In those jurisdictions that have generated greater progress in JR implementation, this has been achieved through the collaborative efforts of government, service providers, community representatives and academics. At the time of writing, separate community-led JR projects were well underway in the western New South Wales towns of Bourke and Cowra. The ACT had also taken substantial steps towards developing a JR strategy, including financial commitment through the Territory budget.

JR is an emerging concept in Australia, and there remains considerable scope for the establishment of JR models and approaches that are adapted to Australian circumstances. In contrast to US models that have focused strongly on reforms within the criminal justice system, Australian approaches appear likely to include system reforms as well as a strong focus on localised social changes. As Australian iterations of JR emerge, they may well differ in some substantial ways from US models. While they are likely to retain the key principles of being data-driven, focused on cost savings and improved criminal justice outcomes, it also appears that the Australian application of JR aims for improved social outcomes.

The main challenges facing the implementation of JR approaches in Australia include:

- limited evidence on ‘what works’ in offender rehabilitation and other interventions to reduce offending and imprisonment;
- the deeply embedded nature of some of the drivers of offending, particularly circumstances of disadvantage experienced by Aboriginal and Torres Strait Islander people;
- delays and uncertainty in realising cost savings and in directly attributing those savings for reinvestment; and
- the rigour of the evaluations and measurement required to demonstrate effectiveness of JR strategies and interventions.

Strategies that offer promise in overcoming these challenges include:

- the development of strong governance structures—through leadership groups, advisory bodies, steering committees and working groups containing representatives from a full range of government, community and academic organisations;

- the adoption of innovative models for investment and reinvestment suited to local circumstances— including the use of initial financial investments to ‘kick-start’ processes and the effective use of interim savings reinvested at appropriate points of the criminal justice system;
- the use of multi-faceted interventions operating at different points across community and criminal justice system processes; and
- the establishment of a national centre that can provide expert technical assistance to organisations developing and implementing JR strategies.

Introduction

This report presents a review of the available literature on justice reinvestment (JR) and its application to the criminal justice system in Australia. The report was prepared for the ACT Justice and Community Safety Directorate to support its development of an ACT-based Justice Reinvestment Strategy.

Following this introductory section, which outlines the origins of JR in the United States and its introduction to Australia, the report sets out the foundations and assumptions that underpin JR. It examines the main themes and approaches that have guided its application as well as the models of financial investment and reinvestment that have been adopted. From there, the report considers US and international perspectives on JR, particularly its growth in the US, before examining the status of JR implementation across Australia. The subsequent section discusses the key questions that have arisen in the literature about the nature and purpose of JR and the challenges facing Australian policymakers considering the development and implementation of JR strategies. Finally, recommendations are provided for the effective implementation of JR in the Australian context.

What is justice reinvestment?

JR is a 'comprehensive strategy' (DeMichele & Payne 2009: 34) that aims to reduce prison numbers by determining more effective means of managing offenders and addressing reasons for their offending (Garland 2007; CSG JC 2010). JR has been defined as:

a data-driven approach to reduce corrections and related criminal justice spending and reinvest savings in strategies designed to increase public safety. The purpose of justice reinvestment is to manage and allocate criminal justice populations more cost effectively, generating savings that can be reinvested in evidence-based strategies that increase public safety while holding offenders accountable (BJA nd a: 1)

However, as discussed further below, there is no one settled definition of JR, as evidenced by the quite different approaches that have emerged in the US compared with Australia.

The idea of JR originated in the US in the early 2000s (Tucker & Cadora 2003) and has since been referred to as a 'targeted, rational way to both manage inmate population growth and protect public safety' (Senator Whitehouse in Smith-Ingley 2010: 103). Policymakers and academics faced with massive and growing prison populations and correspondingly huge recurrent and capital costs sought to locate the drivers and inputs to these increasing prison populations. It was found that a substantial part of the growth was from released prisoners returning to custody. For example, the Council of State Governments Justice Committee (CSG JC) estimated that half of those released from prison would return within three years (2010), while between 1988 and 2008 the cost of running prisons in the US had risen from US\$12 billion to US\$52 billion.

Another precursor to the development of JR was the observation that incarcerated populations tended disproportionately to come from a relatively small number of heavily disadvantaged communities, the so-called 'million dollar blocks' (Tucker & Cadora 2003: 2). Tucker and Cadora identified an over-representation of people being sentenced to imprisonment within a limited number of marginalised and disadvantaged urban communities. They found heavily concentrated areas, down to the level of individual housing blocks, with high proportions of residents being imprisoned at correspondingly high costs to the state. This work and, in particular, the observation that the state of New York was spending more than US\$1 million a year incarcerating people from some individual housing blocks, gave rise to the notion of 'million dollar blocks'. This has persisted as one of the features of JR. It reflects an understanding that some geographic areas have a disproportionately high number of residents who experience incarceration.

However, as Brown et al. (2016) have noted, the implementation of JR in the US has to a large extent moved away from place-based approaches towards initiatives that are centred on changes to criminal justice system processes.

The observed concentrations of people entering the criminal justice system from particular areas suggests that reducing the likelihood of these people being sentenced to prison, or reducing the length of time they spend in prison, carries the possibility of measurably reducing the state's expenditure on the prison system (Austin & Coventry 2014). These savings could be reinvested in the 'million dollar blocks' through crime prevention programs, supports and resources aimed at reducing crime rates and producing sustained reductions in imprisonment rates

Observations of geographically-determined over-representation highlighted the need for a greater 'emphasis on local ownership of those in trouble with the law and the development of local solutions' (Allen, Jallab & Snaith 2007: 7) for the purpose of improving the 'conditions in the neighbourhoods to which most people released from prison return' (Garland 2007: 65).

JR has gained a great deal of support in Australia. While the approach is still emerging, interventions based on JR principles are underway in two locations in western NSW—Bourke and Cowra—and some degree of activity to investigate or promote development of JR programs is in place in most other Australian jurisdictions (SLCARC 2013). Support for JR has come from a wide cross-section of stakeholders and interested parties, including government agencies, human rights advocates, service providers, Aboriginal and Torres Strait Islander representative and support groups, academics, lawyers, judges, law enforcement agencies and victims' advocates (SLCARC 2013).

As it has emerged in Australia, JR has generally been viewed as strongly focused on place-based strategies. In that way it arguably adheres more closely to the original JR concept, and less to the model that has emerged in the US (Brown et al. 2016). This will be explored in greater detail in the *International perspectives* section of this report.

Australian conceptions of JR have retained the idea of data-informed, place-based strategies that aim to reduce imprisonment; however, the JR discourse in Australia has also centred on directing funds towards those groups and communities that are most over-represented in the criminal justice system, specifically Aboriginal and Torres Strait Islander people. The debate in Australia has been less focused on identifying financial savings from reduced prison budgets; rather, it has tended to emphasise reducing over-representation, with savings across the criminal justice system envisaged as a corollary—and in some respects a natural consequence—of those reductions. JR, as it is developing in Australia, involves creating safer communities to benefit victims and communities (SLCARC 2013). It has dual objectives: reducing the cost of crime to the criminal justice system and community, and increasing social wellbeing by improving community safety and thus addressing the underlying factors contributing to crime (Solonec & Kiss 2014: 69; Simpson 2014: 1).

Themes and approaches

As a concept, JR appears to be a straightforward approach to dealing with some fundamentally problematic social issues. Drawing on Australian and US justice reinvestment literature (see CSG JC 2011a; Homel 2014), some of the key themes and approaches are:

- developing rational and evidence-based social policy by the collection and use of data to analyse crime and other patterns to support solutions;
- targeting increased support and supervision towards individuals most at risk of offending. This typically aims to identify and work with offenders released from prison who are most at risk of reoffending and therefore returning to prison;
- investing in neighbourhoods that house a disproportionately high number of offenders. By improving the social welfare services provided in these locations, it is anticipated that the underlying problems associated with offending will be addressed, reducing the need to engage in crime; and
- developing interventions based on locally identified needs and sound evidence—working with communities to identify what initiatives are best suited to meet the needs of that community and creating a holistic approach to reduce offending (see The Bourke Justice Reinvestment Program below). This is done alongside crime mapping and analysis (see Step 1 of the implementation strategies detailed in the International perspectives section below) to create a JR plan;
- changing laws which result in increased prison populations. This involves identifying offences for which sanctions typically lead to short-term prison sentences that could be diverted to community sentences;
- investing in treatment programs to address problems that lead to criminality—such as drug addiction and mental illness;
- identifying ways in which high probation/parole breach rates that lead to custodial sentences can be reduced;
- removing restrictions that prevent parole boards from releasing prisoners who meet the required criteria for parole;
- engaging interested and motivated supporters, including those providing financial and in-kind contributions for developing and implementing JR approaches; and
- using monitoring and evaluation to ensure programs and services adopted through JR are effectively contributing to reductions in the growth and duration of custodial populations.

A recent US study has examined the potential impact of increased correctional programming on recidivism, and hence its application to JR strategies (Taxman, Pattavina & Caudy 2014). The authors of that study noted that, while the expansion of correctional programs was one means by which JR could aim to reduce offending, the success of this expansion could be hampered by lack of access to effective treatment services. They cited an earlier study from 2005–06 which found that fewer than 10 percent of offenders were able to participate in treatment services on any given day (Taxman, Perdoni & Harrison 2007). Modelling conducted by Taxman, Pattavina and Caudy (2014) suggested that increasing the range of custodial and community correctional programs— together with expanded access and participation rates, and supported by riskneedresponsivity programming—could reduce the re-incarceration rate by between three and six percent.

JR has been envisaged as both a place-based initiative and a systems approach (Guthrie, Levy & Fforde 2013). As a place-based initiative, JR aims to empower communities through resources and services that retain individuals in crime-free lifestyles within the community, rather than in custody. Effective JR approaches are likely to holistically address factors that contribute to offending and incarceration, including mental health, drug and alcohol use, employment, education and victim support. JR can influence the way different parts of the justice system function, as changes can be made at the point of arrest, sentence or parole that can affect an offender's trajectory to prison.

Investment and reinvestment

The US JR Initiative (JRI) model has emerged as the dominant approach to implementing JR in the US (Brown et al. 2016). It provides some guidance about how savings achieved through JR strategies can be reinvested (LaVigne et al. 2014). Under the JRI model, states estimate the cost savings resulting from their policy reforms and determine a portion of the savings to be reinvested in programs and services for reducing offending and incarceration. States may choose to either make an initial investment in anticipation of savings being realised, or reinvest actual savings, noting that it may take some time for savings to be realised. However, some states have appropriated funds for upfront investment in the same year they have passed JR legislation. Upfront investment allows JR projects to be developed and implemented without the need for savings from JR-related interventions to be realised and made available.

While reinvestment of actual savings under the JRI model may be seen as a 'more pure' application of JR, this requires information and mechanisms to identify savings and averted costs and to handle them within finance systems for reinvestment in programs and services (LaVigne et al. 2014). Actual savings reinvestment is reliant on monitoring strategies and evaluations that can effectively and accurately isolate the savings and averted costs, and on the commitment to separate those funds within budgets and reallocate them transparently. In the absence of effective systems and policy commitments, there is a risk that savings will be redistributed to non-JR activities. In a worst-case scenario, savings—and perhaps policy focus and direction—may be entirely removed from the criminal justice system, and opportunities to achieve JR-related outcomes may be lost.

Some authors have discussed the importance of separating the idea of JR from ‘justice investment’. Guthrie, Levy and Fforde (2013) have compared the conceptual differences between the policy decisions needed when a ‘tipping point’ is reached (Guthrie, Levy & Fforde 2013: 262). For example, a tipping point may arise when a prison approaches capacity. Justice *investment* occurs at the tipping point when further accommodation is planned as a necessary response to actual prison population growth and consequent need. Justice *reinvestment* occurs earlier, when prison population growth has been anticipated through projections, and savings are reinvested to fund diversionary programs that prevent the prison population growth from occurring.

JR can be seen to occupy that conceptual and fiscal space between existing situations (eg current bed capacities) and projected changes (eg projected prison growth). In the example of prison beds, cost-benefit analyses conducted in the JR space focus on the projected funding increases required to meet projected prison growth and on options for diverting or reinvesting those funds into programs and services that can stem the growth in prison populations (Guthrie, Levy & Fforde 2013). Conceptually, if the cost of these programs and services is less than the cost of the prison growth they prevent, JR has produced both cost savings and improved human outcomes.

Social impact investment

Social impact investment is one approach to facilitating the implementation of JR strategies. Through the use of social impact bonds (SIBs), social impact investment aims to bring together capital and expertise from various sectors to help address social challenges (NSW Government Premier & Cabinet 2015). SIBs typically involve private and charitable organisations investing in bonds linked to social improvement initiatives. Profits are made on the bonds when the social impact or benefit outcomes result in the government’s costs for those social services being reduced. The size of the global impact investment market has been estimated at between US\$25 billion and US\$36 billion (JP Morgan Chase & Co and GIIN 2013; World Economic Forum 2013).

In the United Kingdom, SIBs were first used to finance a prisoner rehabilitation program operating from Peterborough Prison (Ganguly 2014). The bonds were operated through a fund created to give private bodies, such as charitable trusts, the capacity to profit from investments by achieving better outcomes (such as lower recidivism rates) than government-run offender programs (Hudson 2013). Similar in conception to SIBs, the introduction of ‘Payment by Results’ (PbR) in the United Kingdom has been heralded as a major reform that will provide substance to the concept of JR by channelling investments into programs to prevent offending rather than mechanisms to manage the consequences of offending (Homel 2014). SIBs have also been implemented in the US, with Massachusetts in 2012 becoming the first state to use competitive procurement processes to finance social services through social innovation financing (Loth 2012).

The first SIB in the US was issued by Goldman Sachs Bank, in the form of a US\$9.6 million loan to support therapeutic programs for young offenders held on New York’s Rikers Island (Olson & Phillips 2013). Loan repayments were tied to actual and projected cost savings to the New York

City Department of Corrections resulting from decreases in recidivism. As the financial outcomes of the loan were linked to successful social outcomes, Goldman Sachs acknowledged that robust process and impact evaluation of the intervention were essential components of due diligence (Olson & Phillips 2013). Initial results from the Rikers Island SIB have not shown a sufficient return on investment and the intervention was scheduled to end in August 2015 (Roman 2015).

However, some commentators have suggested the Rikers Island SIB has not necessarily represented a failure for social investment. While the Rikers Island intervention did not achieve a reduction in recidivism, nor did these outcomes result in ongoing government expenditure as would have been likely under prevailing procurement arrangements (Roman 2015).

New York City officials have identified the SIB arrangement as a success, as it introduced greater rigour into financing and procurement processes while not incurring financial impacts for the City (Burton 2015). The process of establishing the SIB necessarily required the New York City government to approach its program management in a more rigorous and outcomes-focused way than it had previously (Roman 2015). The robust evaluation demanded by the SIB approach can in itself be considered a positive step towards more effective programming and a valuable contribution to the evidence base (Roman 2015).

NSW has been the first Australian jurisdiction to trial SIBs. In 2013 NSW introduced two bonds, known in that jurisdiction as social benefit bonds (SBBs), related to services for children in foster care.

One of the NSW SBBs is based on a \$7-million, seven-year contract with the organisation UnitingCare Burnside to operate the New Parent Infant Network (Newpin) in partnership with NSW Family and Community Services (FACS). The other SBB is a \$10-million, five-year contract with The Benevolent Society to operate the Resilient Families service. An evaluation of the joint development phase for these SBBs indicated a range of challenges in negotiating contracts, agreeing on measurement outcomes, and determining fiduciary and regulatory requirements, linked to the innovative nature of social impact investment (KPMG 2014).

The Newpin SBB has produced returns to investors of 7.5 percent in the first year and 8.9 percent in the second (SVA 2014; SVA 2015). Financial return information for the Resilient Families SBB was not available at the time of writing.

Through its *Social Impact Investment Policy* announced in February 2015, the NSW Government identified a number of priority areas for further use of social benefit bonds, including supporting offenders on parole to reduce reoffending and re-incarceration (NSW Government Premier & Cabinet 2015). Measures of success for this investment would include reduced reoffending rates, increased time to reoffending and reduced severity of offences. Other priority areas for the NSW Government include managing chronic health conditions, mental health hospitalisation and addressing homelessness among young people. South Australia is also in the process of establishing social impact bond arrangements (Eyers 2014).

Social impact investment has a degree of resonance with JR approaches: both involve financial incentives to improve social justice and community wellbeing outcomes through improved interventions and services. Within a JR framework, bonds could potentially provide a source of funds for initial investment in offending-related interventions, or they could be used to

supplement realised savings from JR strategies. In a criminal justice system faced with a tight fiscal environment and correspondingly limited resources, social impact investment represents a way of funding community-focused interventions that could lead to reduced offending, imprisonment and decreased justice system costs. Social impact investment may be a way to 'kick-start' a JR strategy.

Social impact bonds and PbR programs have been criticised for transferring from government to private investors the risk of scaling up crime prevention and offender rehabilitation interventions, when the government has not previously invested in producing the evidence to support large-scale delivery of these interventions (Homel 2014). Perhaps a more fundamental issue with social impact bonds and PbRs is that they tend to be focused on redesign of the criminal justice system, rather than on broader social justice reform to address community-level needs or the underlying factors that contribute to crime at the social and community level (Homel 2014)—such as unemployment, education deficits, financial disadvantage, antisocial attitudes and social structures.

At the same time, it should be recognised that social impact investment is an emerging field; these criticisms may become less relevant as the policy frameworks for social impact investment more fully develop. To date, social impact investment has been used in relation to those who are in highest need and who experience frequent and involuntary interaction with justice and care systems. If social impact investment proves successful, it is likely that it will be applied to broader areas of social need and to addressing some of those underlying factors cited by Homel (2014).

Monitoring and evaluation

JR is very much an evidence-based approach to dealing with criminal justice systems, and an effective application of JR requires causal links to be drawn between JR interventions, changes in criminal justice outcomes and cost savings. It also requires structured and evidence monitoring throughout implementation stages to ensure that interventions maintain integrity and are able to incorporate evidence-based improvements.

For a range of reasons rigorous evaluations can be difficult to implement in relation to criminal justice interventions. However, JR approaches are reliant on robust evaluation findings to inform:

- the selection of suitable interventions or responses to address identified drivers of offending and imprisonment;
- the effectiveness of selected interventions and responses;
- the nature and magnitude of changes to projected criminal justice outcomes;
- the amount of cost savings and the extent to which they can be attributed to JR interventions;
- the value of savings reinvested in community-level interventions;
- the effectiveness of the overall JR strategy; and
- decisions to maintain, expand or cease JR strategies.

Attribution is frequently a challenge for evaluations of criminal justice and other social interventions. Attributing impacts to the intervention being evaluated becomes problematic through the potentially confounding impacts of other interventions and external factors. These can include environmental changes (such as changes in the economy or changes of government), other interventions impacting on the same populations or institutions (such as new legislation or coincidental police activities) or behavioural changes among subject populations not related to the interventions. Effective implementation of JR approaches should incorporate rigorous evaluation strategies developed and applied early in the process, ensuring that outcome measures and data sources are established and maintained throughout the life of the evaluation.

A number of established methods are in place for evaluating the financial outcomes of JR strategies. For example, the Washington State Institute for Public Policy (WSIPP) undertakes cost-benefit analyses for the purpose of ‘calculat[ing] the return on investment to taxpayers from evidence-based prevention and intervention programs and policies’ (Aos et al. 2011a: 1) for outcomes such as crime (the work of the institute is also associated with JR by Fox & Albertson 2010). The four-step approach used in the WSIPP model involves (Aos et al. 2011a):

- systematically assessing evidence on ‘what works’ and ‘what does not work’ to improve social policy outcomes, focusing on research studies with strong and credible evaluation designs analysed through a meta-analytic framework;
- calculation of costs and benefits to the state, resulting in an evidence-based ranking of public policy options. The WSIPP model aims to produce internally consistent valuations to allow comparison between different policy options, and takes into account benefits for program participants, benefits for taxpayers and other measurable monetary benefits;
- measuring the robustness and veracity of conclusions through the rigorous testing of estimates and assumptions and their impact on cost-benefit outcomes. The WSIPP approach aims to understand how conclusions might change when assumptions are altered;
- where feasible, analysing the impact of the various policy options available when used in combination, through a ‘portfolio analysis’ of options affecting different areas of state responsibility (Aos et al. 2011a).

The methodologically rigorous analyses of these programs are focused on determining the benefits for the entire community, rather than only for the offender population, to determine which aspects of the criminal justice system are most likely to reduce crime. The options that emerge from such analyses are subsequently ranked for their potential costs, benefits and risk if implemented, based on their combined evidence base and monetary benefits (see Aos et al. 2011b c for detailed results and methodology). The WSIPP model provides a potentially useful tool to support cost-benefit analyses of JR strategies implemented in Australia.

Summary

In conclusion, JR requires a rigorous evidence base that focuses on making the justice system more efficient and effective. It also requires a model of investment or reinvestment that supports the development and implementation of JR strategies, and can include social impact investment, using mechanisms such as social impact bonds or payment by results.

Underpinning JR is a framework of robust evaluation that measures the impact of interventions and the reductions in cost to the justice system, as well as contact with the justice system and improved life outcomes for those interacting with the justice system.

International perspectives

The origins of justice reinvestment can be found in the US, where JR has been implemented across a substantial number of states, supported by strongly defined and supported models. This section will examine the key aspects of US approaches to JR, particularly through the Justice Reinvestment Initiative and through case studies of the implementation of JR in selected states. This section will also include a consideration of other international approaches to JR, particularly in the United Kingdom.

United States

JR has gained a substantial amount of interest and traction in the US where, as of 2013, 27 states had identified as proceeding with JR policies and reforms (Austin & Coventry 2014). The implementation of JR has been driven through the creation of centres and funding streams that support states in their development and implementation of JR initiatives. The Council of State Governments Justice Center (CSG JC) and the Pew Charitable Trust have established centres to provide design and implementation support, while the Bureau of Justice Administration (BJA) provides a multi-million dollar funding stream dedicated to JR initiatives. JR also has financial support from large foundations, and has featured at national conferences and in testimony to the US Congress. The CSG and early promoters of JR have been recognised by the American Society of Criminology through a President's Award for Distinguished Contributions to Justice (Austin & Coventry 2014).

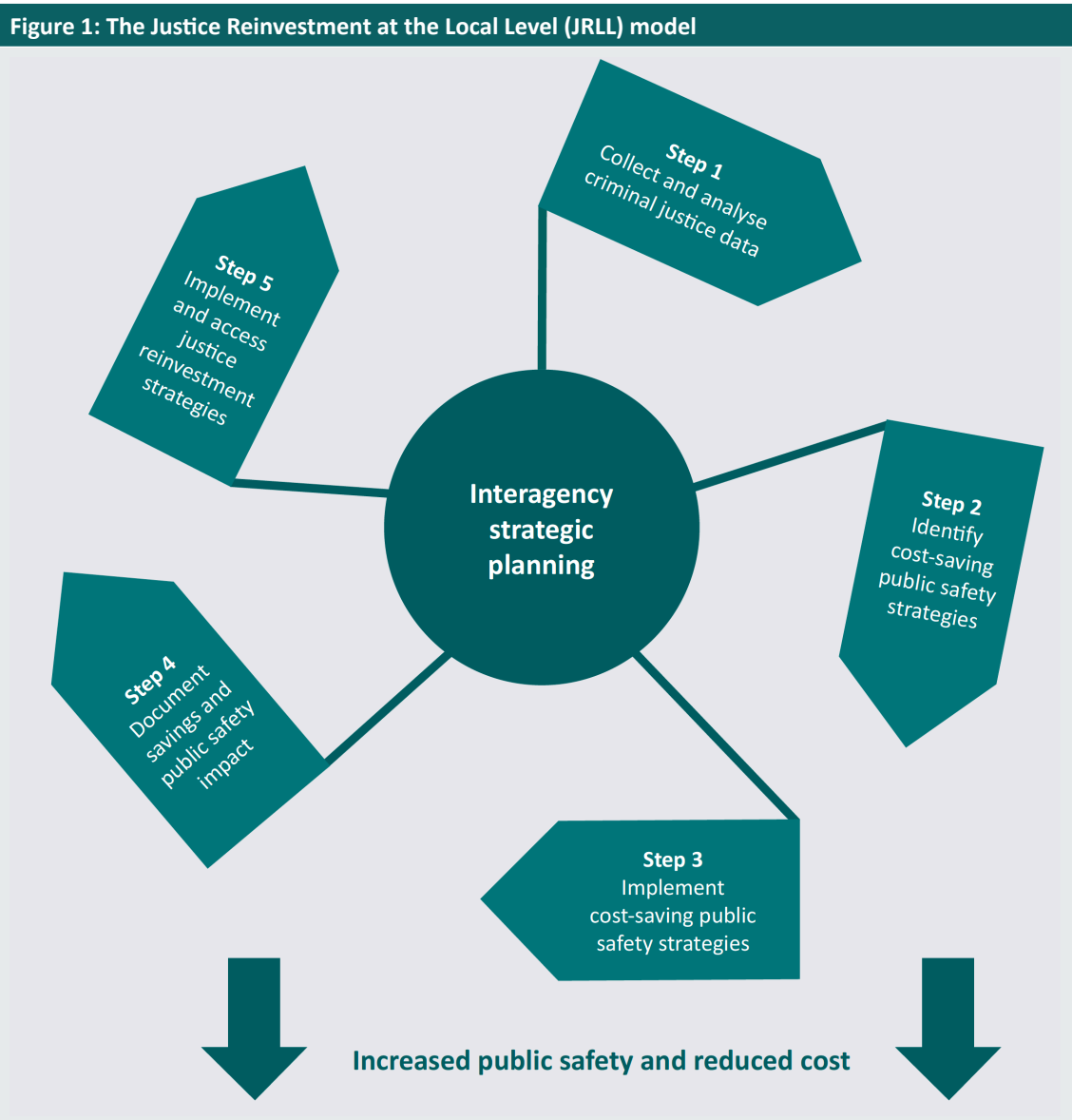
JR in the US is backed by federal legislation. The *Criminal Justice Reinvestment Act 2009* was introduced in the US on 16 November 2009 (Smith-Ingley 2010). The Act provided grants to state and local governments for the purpose of researching the causes of growth in local prison populations, developing and implementing initiatives for reinvestment to target these local causes, and subsequently measuring the effectiveness of these initiatives.

Implementation strategies

Two main implementation strategies or models have been adopted for JR in the US. While differing in detail, the two models present a consistent overall approach to implementing JR.

The JRL model

As shown in Figure 1, the Urban Institute’s Justice Reinvestment at the Local Level (JRL) model follows a five-step process based around ongoing interagency strategic planning (Lachman et al. 2013).



Source: Lauchman et al. 2013

Before implementing the five steps, the Urban Institute JRLI toolkit requires the establishment of four prerequisites, which ensure the implementation is on a sound footing:

- shared agreement among key stakeholders about the need for JR, including consideration by agencies of their readiness to engage in a JR strategy;
- strong leadership and stakeholder engagement, including commitment to engage in interagency strategic planning;
- a clearly defined organisational structure, incorporating subcommittees or working groups dedicated to different aspects of the strategy; and
- sufficient data and analytic capacity, particularly for analysing population and financial data to identify criminal justice cost drivers (Lauchman et al. 2013).

The model then proceeds through five steps, supported throughout by interagency strategic planning:

Step 1: Collect and analyse data

This stage of the process involves the collection of administrative data across the spectrum of criminal justice agencies (Lauchman et al. 2013) to understand the drivers of involvement with the criminal justice system. The extent to which data is able to be compared across different agencies varies depending on the degree of data sharing, commonalities within the data and the analytical capacity of the responsible agency. The types of analyses that can be conducted range from snapshot analyses of different segments of the criminal justice system at an aggregate level, to unit record analyses using data linked across agencies, to sophisticated modelling and population projections (Lauchman et al. 2013). Modelling may also include the use of geospatial data to more clearly understand local population drivers and their impacts on policing, judicial systems, probation and parole, prevention programs and diversion options (see Spatial Information Design Lab 2009). Together, analyses should be aimed towards gaining a complete picture of movements into and through the criminal justice system—for example, understanding where offences are being committed, who is entering the court system and how they are dealt with, who enters the prison system on remand and under sentence, the conditions under which they are leaving imprisonment, and how long they remain in each part of the system (Lauchman et al. 2013).

As well as analysis to understand population drivers, the first step of the JRLI model involves analysis of the financial costs of the criminal justice system. This includes agency spending and revenue, covering budget areas such as personnel services, other operating expenditures and capital items (Lauchman et al. 2013). Having a sound understanding of criminal justice costs is critical for identifying where savings can be made, identifying savings when they have been achieved, and determining the best options for reinvestment.

Step 2: Identifying cost-saving strategies

In the second stage of implementation, information about criminal justice system population and cost drivers is linked to strategies to address those drivers (Lauchman et al. 2013). These strategies can intervene at many different points in the system, depending on where the drivers tend to manifest. Identifying the most effective strategies can be very complex. Together with identifying alternative ways of delivering justice, consultation with the community and key stakeholders to address local needs and priorities is an important element of this part of the process.

Step 3: Implementing strategies

During this step, strategies are implemented to alleviate pressures on the criminal justice system. The Urban Institute has identified eight stages of the criminal justice system—from law enforcement interaction through to post-release supervision—and has suggested that strategies need to affect at least one of these stages to have substantial impacts (LaVigne et al. 2013). The implementation stage of the model is heavily reliant on stakeholder agencies working collaboratively through the interagency planning body to manage the implementation and overcome any barriers.

Step 4: Document savings and impacts

For the strategy to achieve JR outcomes, cost and potential savings must be quantified. The quantification of costs and savings focuses on the stage or stages of the criminal justice system that are targeted by the JR strategy, but also takes into account impacts on other parts of the system. Relevant savings and impacts may also be located outside the criminal justice system, for example, in health care and housing, and should as much as possible take into account difficult-to-quantify impacts such as reductions in recidivism (LaVigne et al. 2013).

Step 5: Implement and assess JR strategies

The final step of the JRL model involves the reinvestment of savings achieved through the earlier strategies. This may be through reinvestment strategies at the community level or in the criminal justice system (LaVigne et al. 2013). Reinvestment may be focused on local areas and services, or on broader community-level services such as employment and education interventions. The nature of the reinvestment strategies and where they are focused varies between places, depending on local needs.

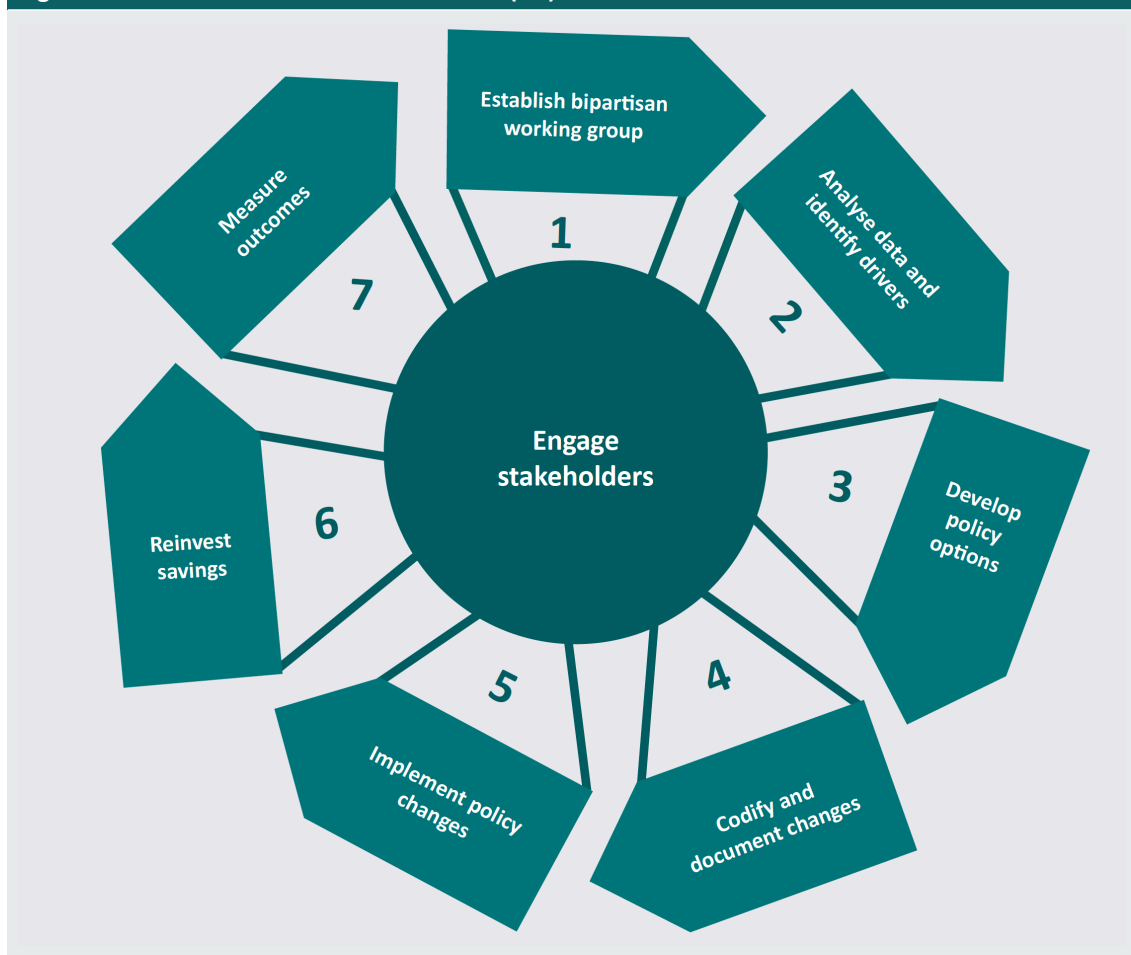
An important consideration is that the final step of the process should be seen as an ongoing process of assessment, refinement and redevelopment to ensure that outcomes can be continually improved (LaVigne et al. 2013).

The JRI model

A variation of the JRL model has been adopted in the US by the Bureau of Justice Assistance (BJA) (Office of Justice Programs, US Department of Justice), for its Justice Reinvestment Initiative (JRI). Launched in 2006, the JRI is intended to increase efficiency in the criminal justice system (BJA nd a: np). JRI does not focus solely on prison populations and costs; instead, it looks at costs across the criminal justice system in order to develop evidence-based decisions about how resources should be allocated to produce greater and more cost-effective public safety (BJA nd b). This is achieved by bringing together a range of organisations with the technical and policy expertise to deliver policymakers 'with resources and tools to increase public safety, hold offenders accountable, and control corrections costs' (BJA nd a). More specifically, the JRI provides states, counties, cities and tribal authorities that are 'either currently engaged in JR or are well positioned to undertake such work' with both financial and technical support (BJA nd a).

The JRI implementation model (LaVigne et al. 2014) is shown in Figure 2. It anticipates seven sequential stages, with stakeholder engagement a central activity across all stages. Establishing a collaborative working group, which is bipartisan in the sense of having an agreed purpose and goal, is presented as an essential first step. Subsequent stages move through data analysis and the identification of the drivers of prison population increases, to policy development and implementation, reinvestment of savings and evaluation of the outcomes. The JRI model emphasises the need for a solid evidence base, interacting with stakeholder input throughout the implementation process to yield robust and practical policy solutions. A key element of the model is the reinvestment of savings that occurs at stage six. This step presupposes that savings have been produced and identified as a direct result of the interventions and strategies applied at stage five. As discussed in the preceding section, this contrasts with approaches that involve identifying sources of investment that can be used to facilitate interventions and strategies, in anticipation of savings.

Figure 2: The Justice Reinvestment Initiative (JRI) model



Source: LaVigne et al. 2014

Since the launch of JRI, the Pew Charitable Trusts (Pew), an independent non-profit organisation, has also become involved with the initiative. Pew aims to contribute to effective policies and practices across a range of diverse interests through rigorous analysis and contributions to democratic participation and community strengthening (see <http://www.pewtrusts.org>). Primarily a US organisation, Pew undertakes some work in outback Australia in the area of environmental conservation.

Despite working separately, BJA and Pew now aim to ‘coordinate efforts closely in support of states, counties and tribes to leverage resources wherever possible’ (BJA nd a). This means that a participating site is able to receive support through both organisations. There is also a range of organisations that work with BJA in effectively delivering the technical assistance component of JRI, as well as assessing its impact (see BJA nd a). This approach suggests a model that could be applied to JR development and implementation in Australia. An effective model could involve Commonwealth support for state and territory JR projects through a national JR centre providing a central source of expert advice and guidance.

In their *Justice Reinvestment Initiative State Assessment Report*, the BJA, together with the Urban Institute, has compiled state-based assessments that detail the progress and challenges faced by the 17 JRI states, as well as the preliminary outcomes from their JR initiatives (LaVigne et al. 2014). A case study for each state examines four key areas for JR implementation: population and cost drivers; policy responses; projected and preliminary outcomes; and forms of reinvestment.

Population and cost drivers

Analysis conducted across the 17 JRI states identified four common drivers of growth in prison population growth and corrections spending:

- sentencing policies and practices—in most states, incarceration rates, longer sentences and a greater proportion of custodial sentences were contributing to prison population growth;
- parole delays and denials—just under one-half of the JRI states found cost and growth drivers within the operations of the parole system, through a combination of decreasing rates of parole grants and delays in the processing of parole;
- parole and probation revocations—in each of the states, breaches and revocations of conditional release orders were found to contribute substantially to prison populations;
- community supervision and support—deficits and inefficiencies in services for released offenders, including community-based supervision, acted as drivers in 11 of the 17 JRI states.

Policy responses

Through the JRI, different states have adopted a range of policy responses to achieve JR outcomes appropriate to each of their circumstances and contexts. These have included:

- risk and need assessments—16 JRI states implemented measures to assess a person’s risk of offending and criminogenic needs;
- accountability—15 states introduced accountability measures such as mandatory reporting and certification;
- sentence reductions—15 states introduced schemes for reducing sentence durations through earned time credits and good time credits;
- intermediate and graduated sanctions—15 states adopted alternatives to re-incarceration through sanctions providing swift and certain responses for probation and parole violations;
- community-based treatment—programs targeting needs such as alcohol and other drug use were expanded or developed in 11 states;
- sentencing changes—11 states implemented changes and mechanisms such as reclassifying offences, revising minimum sentences or expanding non-custodial options;
- supervision requirements—seven states introduced legislative and policy changes to ensure people leaving prison received post-release supervision; and
- problem-solving courts—six states expanded or implemented specialist courts focused on substance abuse or mental health issues.

Projected and preliminary outcomes

As a core principle of the JRI, participating states anticipated positive impacts on their criminal justice systems through the application of JR principles. However, there has been substantial variation in the nature and extent of the expected outcomes. Some states projected reductions in their incarcerated populations ranging from 0.6 to 19 percent. In each of the eight states where JR policies had been in place for one year or longer, there were reductions in prison populations. It is difficult to accurately quantify the scale of these reductions, due to differences in reported time periods and counting measures across the states. Some reductions are based on comparisons with projected increases, because the relative impacts of JR versus other policy measures were yet to be assessed when the most recent information became available (LaVigne et al. 2014). Other states expected reductions in the growth of incarcerated populations across a range from five to 21 percentage points.

Commensurate with the degree of variation in projected population-based outcomes, states varied widely in the scale of cost savings they expected to achieve through JR policies. Projected savings ranged from US\$7.7 million over five years, to US\$875 million over 11 years. In some states, these savings resulted from averted operating costs; in others, from averted capital costs.

Forms of reinvestment

An important finding of the BJA report was the observation that the US JRI states had taken two broad approaches to how funds would be reinvested. Of the funds that had been reinvested at the time of reporting, 86 percent (US\$142.1 million) had been in the form of upfront investment, which occurred when funding was allocated to programs on the basis of projected future savings. This approach allows positive outcomes to be achieved while the impacts of JR-informed policy changes are being realised, indicating a commitment to the continued application of JR approaches. The remaining 14 percent (US\$23.7 million) was a reinvestment of tangible savings made through the implementation of JR policies. While requiring a period of time for savings from JR to be realised, this approach provides a direct and demonstrable link between the positive outcomes of JR-informed policies and changes to the criminal justice system.

In all but one of the states where an amount had been proposed for reinvestment, multiple proposed priorities had been identified for that reinvestment. Where actual reinvestment had occurred, the priorities to which funds had been redirected through reinvestment from actual savings included:

- community-based substance abuse treatment;
- additional probation officer positions;
- community-based treatment for high risk offenders; and
- victims' services.

Targeted priorities for upfront investment of projected JR savings included:

- housing support through transitional housing for parolees;
- behavioural health treatment;
- electronic monitoring;
- mental health and drug courts;
- residential and community-based substance abuse treatment;
- development of risk assessment tools and additional assessment staff;
- corrections research and planning and grants programs;
- offender management systems;
- victims' services; and
- law enforcement training and staff funding.

Evaluation

While the BJA case studies indicate that states participating in the JRI have identified some positive preliminary outcomes, as yet there remain no formal evaluations either of JR initiatives or of the overall JR approach in the US. While some other evidence of success has been published—as outlined in this report—this has originated with organisations such as the CSG and Pew, which have a substantial interest and economic involvement in JR (Austin & Coventry 2014).

The independent evidence available to date suggests that JR initiatives in the US are yet to have substantial impacts on reducing prison populations. A comparison of changes in prison populations between states that were early adopters of JR and those who established JR programs later or not at all indicated little difference in rates of prison population decline (Austin & Coventry 2014). Declines were in a disproportionately small number of states and have coincided with changes such as reductions in serious crime arrest rates, increased use of non-custodial sentences, increased rates of parole grants, reduced parole revocations and crime-specific sentencing reforms (Austin & Coventry 2014). Comparative analysis of prison admissions indicates the same few states have driven most of the reductions in prison admissions, while there has not at this stage been substantial impact on the length of time offenders are spending in prison (Austin & Coventry 2014). The state of Rhode Island has achieved a substantial proportional reduction in its prison population through a JR initiative, although this is in the context of a relatively small prison population. The JR approach in Rhode Island has led to a 17 percent reduction in prison populations and six percent decrease in recidivism between 2008 and 2014 (CSG JC 2015). This has been due primarily to a 2008 initiative whereby offenders receive ‘good time credits’ for participating in meaningful rehabilitative programs (Austin & Coventry 2014: 26). In 2015, a Rhode Island Justice Reinvestment Working Group was appointed to repeat the initiative.

It has been argued that the failure by any of the JRI programs so far to achieve the reinvestment of funds into targeted communities—those communities whose inequitable input to incarcerated populations establishes one of the most basic justifications for the implementation of JR strategies—is a serious challenge to the effectiveness and viability of JR as a paradigm (see Homel 2014). However, this needs to be balanced against the observation that the US approach to JR has primarily focused on financial savings within the justice system, rather than community-level outcomes. As suggested above, the success of JR in the US is being gauged through measures such as changes in prison populations and recidivism levels, rather than community well-being or community level changes in program availability and access.

Consideration of Homel’s (2014) contention also needs to take into account that JR is still at a relatively early stage of implementation, even in the US, and shifting prison growth rates can be expected to take time. The findings from Austin and Coventry’s (2014) analysis are also in the context of not only the better use of evidence-based decision making that JR supports but also the more rigorous evaluation that is required for effective JR implementation.

Findings that show JR strategies have yet to achieve their intended outcomes are not in themselves an argument against pursuing JR approaches. Rather, they identify opportunities to refine the strategies, and perhaps also reflect the opportunity to conduct more rigorous measurement than was previously available.

Case study: Texas

Texas is one jurisdiction in the United States where JR has been most rigorously applied (CSG JC 2010; see also Garland 2007; ATSIJC 2009).

Analyses undertaken by the CSG JC as part of Step 1 revealed the following in relation to prison populations (CSG JC nd):

- the number of people in community supervision fell by three percent between 1997 and 2006, yet probation revocations to prison rose by 18 percent;
- the number of treatment beds for substance abuse and mental health programs or facilities fell by more than 2,000, due to reductions in relevant funding;
- benchmarks for parole had not been met—an additional 2,252 persons would have been released in 2005, had the Parole Board followed guidelines; and
- five out of the 254 counties in Texas accounted for more than half of all those imprisoned in the state. The incarceration costs for just those five counties used over half a billion dollars of taxpayers' money annually. Further, 10 of the 88 neighbourhoods in the city of Houston alone accounted for almost US\$100 million of annual incarceration costs. This means that, when released, 50 percent of prisoners who had resided in Houston were returning to neighbourhoods that accounted for only 15 percent of Houston's adult population.

As part of Step 2 (CSG JC nd), a rare joint hearing was convened by House and Senate members of the Texas Legislature in January 2007, to consider the available research and analysis and to assess options for reducing both the growing prison population and the rates of recidivism.

At this hearing, the CSG JC presented both analyses and policy options. These related to increasing the use of parole and diversionary programs to lower prison admissions; enhancing prison capacity by transferring two Texas Youth Commission facilities to the Texas Department of Criminal Justice (TDCJ); and expanding the capacity of in-prison and residential substance abuse and mental health treatment services. It was anticipated that taking these steps would result in the avoidance of the prison-bed shortfall predicted for 2012.

Consequently, the Texas Legislature introduced a criminal justice legislation package in May 2007 that was intended to expand treatment and diversion programs, as well as improve parole and probation policies and procedures. Regarded as 'the most extensive redirection in state corrections policy since the early 1990s' (CSG JC nd), the new policies included provisions such as:

- increasing bed numbers in a range of residential and in-prison facilities and treatment programs (4,500 in total), including 1,400 new beds in intermediate sanction facilities to divert probation and parole technical violators from prison;
- providing new places in substance misuse treatment programs (3,000 for people on probation supervisions and 1,200 for people in the state jail system);
- establishing a maximum limit for parole caseloads per parole officer to ensure adequate supervision;
- reducing the period of probation for drug and property offenders to be more reflective of the period within which analysis suggests that such offenders are most likely to re-offend; and
- expanding drug and other specialty courts so that treatment programs are available to people who commit minor offences.

Three new prisons—allowing for 3,990 new beds—were authorised for construction only if this policy package was not effectively implemented and if the Texas Legislative Budget Board (LBB) believed construction to be essential.

In assessing the economic cost/benefits of implementation (Step 3), it was determined that in May 2007 the requested budget for corrections had been reduced by US\$210 million over the coming two years (Garland 2007; CSG JC nd). This outcome was the result of implementing a policy package that focused on increasing in-prison and community-based treatment and diversion program expansion, rather than increasing prison capacity. It was estimated that, over the 2008–2009 financial period, a further US\$233.4 million could be expected to be saved assuming that no new prisons were constructed. Additional funds saved through strategies introduced as part of the policy package were reinvested ‘to improve outcomes for low-income children and families’ (CSG JC nd). One example was the Nurse-Family Partnerships (NFP) program, with the State of Texas investing in improved outcomes for 2,000 low-income families and children (CSG JC nd).

In the process of Step 4, the CSG JC reported that the implementation of the policy package discussed in Step 3 ‘varied considerably’ by December 2008 (CSG JC 2009: 5). While some elements, such as the expansion of prison-based programs and outpatient services, were on track, the expansion of capacity in residential treatment facilities was behind schedule. Few responses were received to requests for proposals for Transitional Treatment Centers. However, the National Summit on Justice Reinvestment and Public Safety report, and subsequent briefing to Texas State officials, attributed the following outcomes to the JR policies introduced in 2007 (CSG JC 2011a; CSG JC 2011b; CSG JC 2011c):

- as opposed to the projected increase in the prison population of 5,141 people, actual growth in the prison population was only 529 people between January 2007 and December 2008;
- subsequently, between December 2008 and August 2010, prison numbers fell by 1,125 people;
- the size of the prison population is now expected to be stable, allowing for operation below capacity level, through to 2015. This is in direct contrast to the 2007 projection by the Legislative Budget Board, which predicted that the prison population would grow by around 17,000 people over five years;
- more parole releases and probation supervisions, with fewer failures. Between 2006 and 2009, parole revocation to prison fell by 29 percent (resulting in the lowest rate in a decade) and probation revocation fell by three percent;
- more diversions to community punishments; and
- a one-percent decline in the state’s crime rate at a time when the size of the state’s general population rose by two percent (the crime rate in 2009 was the lowest since 1974).

However, a number of concerns have been identified as challenges for the ongoing success of JR in Texas. Analysis suggests that Texas prison budgets were not based on current projections, meaning that the number of prisoners the calculations were based on was too low (CSG JC 2011c). Later estimates reduced the projected increases, thereby reducing the degree of change that might be attributable to JR (Austin & Coventry 2014). The decreased rate of prison growth also coincided with increased rates of parole resulting from changes to parole guidelines unrelated to JR initiatives (Austin & Coventry 2014). Other concerns expressed in relation to the Texas JR initiative, which arise equally in relation to JR programs elsewhere, include:

- planned cuts to diversion program could increase demand for prisons at the same time that the budget would reduce prison capacity;
- prison beds will be decommissioned by proposed prison closings, which also reduces prison capacity; and
- there is an absence of new policy proposals that support and encourage a reduction in prison capacity (CSG JC 2011c).

Case study: North Carolina

The state of North Carolina enacted a JR strategy in 2011 through a suite of criminal justice system legislative reforms which aimed to improve public safety while reducing costs to the system. The extensive package of reforms included changes to the following areas: probation and parole supervision, sanctions for breaches of supervision conditions, access to substance use treatment programs, and sentencing arrangements (CSG JC 2014). The strategy was supported by technical assistance from the CSG JC, in partnership with Pew and the Department of Justice's BJA.

The desire for criminal justice system reform in North Carolina was driven by a 27 percent increase in the state's prison population between 2000 and 2010 (CSG JC 2014). During the same period, expenditure on corrections increased by 49 percent to over US\$1.3 billion. The state had projected prison population growth requiring a US\$500 million increase in expenditure by 2017.

North Carolina's *Justice Reinvestment Act*, enacted in 2011, provided the legislative basis for reforms to the state's criminal justice system. Key elements of the legislation included:

- mandatory risk and needs assessments for probationers;
- limits on the length of incarceration for breaching probation conditions;
- creation of evidence-based treatment programs and services, including substance use and cognitive-behavioural interventions;
- alignment of treatment services with assessed needs;
- changes to sentencing options to more closely align sentences with offence severity and repeat offending;
- mandated post-release supervision for all offenders convicted of a felony; and
- limits on incarceration for violation of post-release supervision conditions, when no new offence has occurred (CSG JC 2014).

Three years after implementation of the JR-led legislative reforms, the state's prison population had decreased by eight percent, or close to 3,400 inmates, allowing the closure of 10 prisons (CSG JC 2014). The state has estimated that these changes have resulted in US\$560 million in averted costs and savings by 2017—more than offsetting the projected increases. North Carolina has reinvested some of the resulting savings into improving probation and postrelease supervision through the engagement of additional probation and parole officers as well as into risk- and needs-based cognitive interventions and substance use treatment. The decision to reinvest savings in this way has been substantiated by a 41 percent decrease in the number of prisoners being released without supervision and a 50 percent decrease in probation revocations (CSG JC 2014).

As well as changes to imprisonment and post-release outcomes, North Carolina has recorded decreases in criminal offence rates. Consistent with other states of the US, North Carolina experienced broad decreases in crime rates during the first decade of this century (CSG JC 2014). The decline in crime rates in North Carolina continued, falling another 11 percent between 2011 and 2013 following the enactment of the *Justice Reinvestment Act*.

Case study: New Orleans

The development of JR in the Louisiana city of New Orleans highlights the importance of using data-driven methodologies to identify those areas and communities that could benefit from JR interventions.

In recent decades, the state of Louisiana has had among the highest incarceration rates in the US, coupled with one of the highest levels of incarceration of Black Americans (Spatial Information Design Lab 2009). Louisiana prison populations were disproportionately comprised of people incarcerated for violations of parole and people serving short sentences. In response, the state government established a task force in 2003 to investigate strategies for reducing prison populations through investment in those communities experiencing the highest rates of prison entry and re-entry. The work of this task force was interrupted by the impacts of Hurricane Katrina, which hit New Orleans in 2005 (Spatial Information Design Lab 2009). The extremely damaging impacts of Hurricane Katrina also exacerbated some of the drivers of offending and incarceration, particularly in the most disadvantaged neighbourhoods.

In 2006 a team from Columbia University set out to identify a suitable site in New Orleans to pilot the application of JR strategies (Spatial Information Design Lab 2009). Their work drew on prison admissions maps, onsite research, site surveys, attendance at planning meetings, and extensive use of maps, photographs and diagrams. The results from the team's work were shared with community leaders, local groups, not-for-profit organisations and government officials. From this process, the neighbourhood of Central City was identified as the most suitable site for a JR pilot. Central City was an area of concentrated poverty, poor school performance, limited access to health care and employment, disinvestment, and poor infrastructure (Spatial Information Design Lab 2009). These deficits were experienced alongside strong neighbourhood social networks and the efforts of community groups and non-government organisations that were providing services to the area.

The establishment of a JR pilot in Central City was supported by extensive data collection and mapping undertaken by Columbia University (Spatial Information Design Lab 2009). This included detailed analysis and mapping of:

- prison expenditure per block and per block group;
- the form and extent of disinvestment and infrastructure decline; and
- assets such as community-based organisations, businesses, health providers, education facilities, public housing, recreation facilities and faith-based institutions.

This work allowed the identification of a proposed ‘justice reinvestment corridor’. This was an area of the city consisting of a central axis along which was a large and diverse range of community organisations, an arts and cultural centre, a café that offered training for youths recently released from prison, a community health clinic, a school and several faith-based organisations (Spatial Information Design Lab 2009). The identification of this corridor provided a focus and shape for JR activities, and organisations in that corridor were encouraged and facilitated to form a JR network that could provide opportunities and support for members of the community returning from incarceration or otherwise affected by incarceration.

The establishment of a JR network in Central City led to a range of pilot projects, focusing on health services, employment mentoring, corrections supervision and vocational training for young people. Regrettably, there appears to be no published evidence of the outcomes of these pilot projects. The state of Louisiana joined the JRI in 2010 and implemented policies to improve the use of good time credits and earned credits by incarcerated offenders and to improve the operation of probation and parole (LaVigne et al. 2014). The state estimated it would save just over US\$100 million over 11 years through reductions in the prison population and achieve a reduction of over 1,100 inmates by 2024. In 2013, Louisiana reinvested US\$1.7 million into community-based treatment services (LaVigne et al. 2014).

United Kingdom

The notion of JR was first raised in the UK by the Commission on English Prisons (CEP) in the *Do Better Do Less* report. This report, which investigated why prison numbers had more than doubled at the same time that levels of reported crime had fallen by more than two-fifths, reviewed and endorsed JR (CEP 2009).

Subsequently, the *Cutting crime: the case for justice reinvestment* report—an inquiry by the House of Commons Justice Committee (HCJC)—was released in 2010. The basis of the inquiry was to explore the capacity of JR to ‘channel resources on a geographically-targeted basis to reduce the crimes which bring people into the criminal justice system and into prison in particular’ (HCJC 2010: 5).

The committee recommended that JR was only likely to be successful if it was implemented using a 'holistic approach to reform' (HCJC 2010: 8). More specifically, it would require government policy to prioritise issues such as:

- community-based services that divert people from prison;
- the creation of community sentences that are responsive to local needs;
- the development of a sentencing framework that prioritises community sentences over custody; and
- undertaking evaluations to develop an evidence base for policy decisions.

It was recognised that such changes would require initial investment in the expectation of 'significant savings across a wide range of public expenditure areas over the longer term' (HCJC 2010: 8).

The UK's implementation of JR remains at a point of development at the time of writing. The Peterborough Prison Social Impact Bond project has achieved success, with evaluation showing that the program facilitated through the bond reduced offending among participants by 8.4 percent, compared with a control group (Ganguly 2014). Fox, Albertson and Warburton remark that 'although elements of JR have been tried in the UK, a full-scale implementation has yet to be attempted' (2011: 119; Fox, Albertson & Wong 2013: 39). Projects that Fox, Albertson and Warburton (2011) regarded as having partially implemented JR include:

- the Matrix Knowledge Group's comparative analyses of prison and alternative sentences (see Marsh & Fox 2008; Marsh et al. 2009). Using cost-benefit methodologies similar to those employed by Aos (discussed in Potential problems with JR section, below), investigations indicated that alternative sentences such as drug treatment, undertaken in the community or prison, were more effective and efficient than traditional prison sentences in reducing reoffending;
- a move to see JR introduced in Gateshead, through a multifaceted strategy following a comprehensive mapping exercise (see Allen, Jallab & Snaith 2007). Fox, Albertson and Warburton (2011: 124) suggest that 'the scale of the project...was unrealistic', as the project was focused on only one local authority, and so was poorly aligned with the process and top-down direction of decision making in the criminal justice system (see also Fox & Albertson 2010). Similarly, there was a lack of available financial support and incentives, and data for undertaking mapping analyses, to facilitate the mechanism; and,
- the Diamond Initiative in London, particularly because of its use of justice mapping (see Dawson & Stanko 2010; Dawson et al. 2011). This project, which 'follow[ed] on from the "million dollar blocks" in the US' (Dawson & Stanko 2010: np), involved a multi-agency team assisting offenders who had served a prison sentence of less than 12 months to return to the community. However, an impact evaluation of the Diamond Initiative did not find significant impacts on recidivism or cost savings (Dawson & Stanko 2010).

Other international approaches

JR appears not to have been adopted as a discrete strategy or paradigm in European nations. Rather, the European approach to JR has largely involved recognising how the model and strategies are already built into European justice systems. This suggests that from the ideological perspectives of these nations and their justice systems, JR is not an entirely new concept, and that its principles have been achieved through other restorative and crime prevention strategies.

Homel (2014: 9) suggests that European countries have aimed to de-invest in prisons, as it has made 'good economic sense' to do so amidst times of financial difficulty. While there is a good deal of variation across Europe in responses to crime, Homel cites the rich tradition of research in Europe on the effectiveness of offender treatment programs and argues for the greater inclusion of this knowledge in developing crime policy aimed at de-investment in prisons (Homel 2014).

Among European countries, the United Kingdom has played a leading role in developing offender treatment options (see Illescas & Frerich 2014: 26–28 for an individual breakdown of each country and their approaches). At the same time, Nordic countries—Sweden, Denmark, Norway and Finland—have the lowest imprisonment rates and lower crime rates, and have historically offered rehabilitation programs both in and outside prison (Illescas & Frerich 2014). It is the combination of these factors, within cultural paradigms that favour rehabilitation and reintegration over imprisonment, that have led to their success. For example, standard treatment programs—including psychological programs, skills-based programs (educational and work related), and information sessions on drug misuse—are offered in prison and in the community, which creates a supportive and recognised rehabilitative environment.

Based on the available literature, it appears that JR has not been adopted across European nations; rather, some of the basic principles of JR are already in place through existing crime prevention and restorative justice approaches.

Justice reinvestment in Australia

JR has been met with enthusiasm and support in Australia, where it has been seen as a potential avenue to overcoming some of the key criminal justice issues in this country. This section will provide a brief background to the development of JR in Australia, with a focus on the potential applications of JR to the over-representation of Aboriginal and Torres Strait Islander people and to reducing the involvement of children and young people with the criminal justice system, before outlining the steps that have been taken towards the implementation of JR strategies in each state and territory.

Background

JR is at an early stage of development and application in the Australian context. Data relating to prison numbers and expenditure, however, suggests that there is a need to consider ways in which the current predicted rises in prison numbers can be curbed. The Review of Government Service Provision (SCRGSP 2015) states that in 2013–14 the national expenditure on correctional services was \$3.4 billion. Of this amount, \$2.6 billion was spent on prisons. The national average daily net expenditure per prisoner per day for the same period was \$218.90; this compares to a daily average of \$21.64 for community corrections (SCRGSP 2015). In addition to the financial costs, imprisonment has not been successful in reducing Australian recidivism levels. For example, comparing the recidivism rates of juveniles who have been detained and juveniles who have been through community-based sanctions reveals no difference in recidivism rates (Weatherburn, Vignaendra & McGrath 2009). At 30 June 2014, Indigenous Australians accounted for 27 percent of the prison population, despite accounting for less than three percent of the general population, and were more likely to have a prior imprisonment compared with non-Indigenous offenders (ABS 2014).

It may not be surprising then that ‘over-imprisonment is increasingly being defined as a problem that needs to be addressed’ in Australia, and one which might be addressed through JR (Baldry et al. 2011: 36). The Australian Senate Legal and Constitutional Affairs References Committee (SLCARC 2013) has suggested that the federal, state and territory governments recognise the potential benefits of JR, and develop and fund a JR pilot program for the criminal justice system. This has led to further examinations of the viability of JR in an Australian context.

In 2013 the Australian Greens political party adopted support for JR as a party policy, citing it as a ‘smarter approach’ to justice (The Greens 2013: 1). The Greens launched a JR plan that included an investment of \$10 million over four years to establish an independent National Centre for Justice Reinvestment, and funding worth \$50 million over four years for a Justice Reinvestment Grants Program (The Greens 2013). The establishment of a national centre for justice reinvestment was a recommendation made by the Senate Legal and Constitutional Affairs References Committee as a result of its inquiry into the value of a JR approach in Australia (SLCARC 2013).

Aboriginal and Torres Strait Islander justice

To a large extent, the impetus for JR in Australia came about through the advocacy of the then Aboriginal and Torres Strait Islander Social Justice Commissioner, Dr Tom Calma, who advocated in the *Social Justice Report 2009* for JR to be adopted as a way of addressing the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system (ATSISJC 2009; see also Young & Solonec 2011). The commissioner argued that JR is an appropriate way of approaching Aboriginal and Torres Strait Islander justice issues, with its emphasis on community engagement and locally-focused strategies. He saw the place-based strategies that could be developed through JR—informed by data evidencing the links between Aboriginal and Torres Strait Islander disadvantage and criminal justice system overrepresentation—as an opportunity to make progress on addressing these issues. More generally, JR approaches and principles have been seen as having strong potential to strengthen and empower Aboriginal and Torres Strait Islander communities through an opportunity to embrace culturally-appropriate treatment, rehabilitation, diversion and victim programs. This could involve community-wide crime prevention strategies that target the structural causes of crime.

In the same report, Dr Calma contended that Aboriginal and Torres Strait Islander justice issues in the Northern Territory are similar to those encountered in Texas and Kansas (ATSISJC 2009: 44). These issues include overcrowded prisons, minimal usage of community-based orders, and problems with prison and post-release programs. It was also suggested that communities where local Aboriginal and Torres Strait Islander justice groups operate could act as starting points for trialling JR (ATSISJC 2009: 51), because pathways for making use of existing partnerships and local knowledge are already in place and will ensure that local needs are met.

Similarly, Schwartz remarked that the status of Aboriginal and Torres Strait Islander communities makes JR ‘an approach worth pursuing in Australia’, particularly given the current financial climate (2010: 2). However, while the increased funding and community ownership with JR may appear promising, the remoteness of many of the communities who would benefit most makes the task of the mapping component of JR both more challenging and less relevant. Schwartz also found that JR is consistent with the goals of the *National Indigenous Law and Justice Framework 2009–2015*, particularly those that relate to strengthening communities:

“

The degree of overlap between the aims articulated in the Framework and those articulated by the proponents of JR is striking. There is abundant scope for the Framework, which will be in place until 2015, to adopt JR as a vehicle for achieving the policy goals it sets out (Schwartz 2010: 7–8).

Specific ways that Aboriginal and Torres Strait Islander communities may benefit from JR include (Schwartz 2010):

- increasing the range of parole options so that Aboriginal and Torres Strait Islander offenders do not breach parole, or do not feel that they must decline offers of parole due to an inability to satisfy reporting requirements and other conditions;
- increasing the capacity of communities to offer community correction options in order to reduce the number of Aboriginal and Torres Strait Islander persons imprisoned for public order offences and/or refused bail;
- building up existing community mechanisms to maximise the potential for local community alternatives to imprisonment and to strengthen community wellbeing;
- improving funding sustainability by shifting the focus from short-term to long-term, funded programs that are culturally appropriate and community owned; and
- using not just crime-specific programs but also local programs that address broader disadvantage contributing to Aboriginal and Torres Strait Islander over-representation in the criminal justice system.

JR has also been advocated as a strategy for addressing the over-incarceration of young Indigenous Australians in the *Doing Time—Time for Doing: Indigenous youth in the criminal justice system* report (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011).

Juvenile justice

In the Australian context, a number of writers have cited JR as an appropriate approach for addressing some of the key drivers of growth in juvenile detention populations. These drivers include high levels of remand due to an inability to meet bail conditions (see Richards & Lyneham 2010 and Richards 2011a); high breach rates among juveniles (Richards 2011b); and contributing factors that disproportionately affect juveniles such as drug addiction, mental health, and intellectual disability (Richards 2011b).

JR has been recommended as a potential strategic option for effective practice in the management of juvenile offending in two reports prepared for the NSW Minister of Juvenile Justice (McGinness 2010; McGinness & Dermott 2010). By redirecting funds identified for building juvenile justice centres towards evidence-based prevention and early intervention options, long-term benefits for local communities could be achieved. This would include reinvesting around \$348.14 million to address the underlying causes of crime (the same amount as increasing the capacity by 309 beds, or 'continuing on the same path', would require; McGinness 2010: 170). It was proposed that reinvestment would focus on broader care and protection issues concerning children and families and early preventative programs for at-risk individuals, as well as on specific programs targeting high-risk offenders (McGinness 2010). McGinness perceived JR to be particularly beneficial for addressing the over-representation of Aboriginal and Torres Strait Islander people in the juvenile justice system. Specifically, McGinness advocated for a comprehensive evaluation of all Aboriginal and Torres Strait Islander-related service delivery, in order to develop a comprehensive understanding of the reasons underlying Aboriginal and Torres Strait Islander disadvantage and to assess the effectiveness of existing interventions to address this problem. Following such an evaluation, McGinness argued, the NSW Government should work with local Aboriginal and Torres Strait Islander communities to facilitate best practice in JR (2010).

McGinness also spelled out a range of other policy changes that would be required in NSW in order for juvenile JR to be introduced (2010). These included:

- bipartisan support for JR applied to juveniles;
- a comprehensive evaluation framework capturing evidence from all programs and pilot programs introduced;
- a review of offences under the *Young Offenders Act*;
- ensuring access to early intervention and prevention services for individuals aged 9–17 years who are at risk of offending;
- expanding the Justice Health Adolescent Court and Community Team to all NSW Local Courts;
- not restricting services and programs for young offenders to court-ordered mandates; and
- assessing existing Aboriginal and Torres Strait Islander programs, and consulting with Aboriginal and Torres Strait Islander communities to determine effective ways of addressing the underlying causes of juvenile offending.

More recently, the value of JR for young Australians has been examined by the Australian Youth Affairs Coalition (AYAC), drawing on consultations with youth sector workers and the application of youth practice case studies (AYAC 2013). AYAC identified a range of gaps and issues in the youth justice system that it saw as contributing to high costs of youth detention, over-representation of young people in adult correctional institutions, and patterns of disadvantage impacting on young people. Through its report, AYAC highlighted JR as a 'relevant framework through which to highlight changes needed to reduce offending in Australia' (AYAC 2013: 12).

The AYAC report drew on an 'Implementing Justice Reinvestment Investment Logic Map' developed by Noetic Solutions. The logic map identified:

- a range of financial and policy drivers behind JR, such as costs of imprisonment and the need to address disadvantage;
- objectives for a JR program, mainly concerned with reducing crime, imprisonment and disadvantage;
- expected benefits of JR—linked to financial savings, increased community safety, reduced crime and reduced disadvantage;
- business changes required for a JR approach, including bipartisan and multi-jurisdictional support, establishing the JR model, analysing and mapping target communities, developing and assessing service and program options, reinvesting in communities through program and service delivery, and monitoring and evaluating the performance of programs and services; and
- enablers, in the form of funds reinvested from incarceration to evidence-based programs and services, and a long-term (stated to be 10+ years) investment program through a Commonwealth-led, multi-jurisdictional Cooperative Investment Centre, modelled on the Cooperative Research Centre model.

The AYAC report effectively highlights some of the key issues affecting young people's involvement with the criminal justice system and establishes a rationale for innovative and multi-faceted approaches to addressing these issues. It also provides insights into the types of programs and services that may potentially be effective in achieving the identified objectives. However, the report stops short of investigating the financial considerations and models that might be used in order to achieve criminal justice system cost savings and provide funds that may be reinvested. In the absence of discussion regarding models or mechanisms for investment and reinvestment, the AYAC report provides a sound justification for *investment* in innovative, evidence-based improvements to services and programs related to youth offending, without establishing a basis for achieving this through *reinvestment*.

Steps towards implementation in Australia

While JR has garnered a great deal of interest and enthusiasm in Australia, it remains in an early stage of conceptualisation and development. As an emerging field in an early stage of adaptation to Australian contexts, there is little information about the implementation of JR in Australia, particularly compared with the US. This is gradually being addressed by a number of sources, most particularly the University of NSW Australian Justice Reinvestment (AJR) Project, a national research project investigating the characteristics of justice reinvestment (UNSW 2013). Funded by the Australian Research Council, the project has involved a thorough examination of the theoretical foundations of JR and its application to Australia. A range of outputs from the AJR Project have informed this work (eg Schwartz 2010) and will continue to inform the application of JR in Australia.

Nonetheless, some progress towards the adoption of JR strategies has been made in each Australian state and territory. This section of the report describes progress made thus far.

New South Wales

The most substantial progress adopting JR to date has occurred in NSW, Australia's most populous state.

Maranguka Justice Reinvestment Program—Bourke

The town of Bourke in western NSW is in the traditional lands of the Ngemba people, and more than 30 percent of its population identifies as Aboriginal (Aboriginal Affairs NSW 2016; SLCARC 2013). Bourke appears to clearly meet fundamental conditions that make it suitable for a JR approach. Compared with the non-Aboriginal and Torres Strait Islander population of Bourke, the Aboriginal and Torres Strait Islander population experiences substantial disadvantage on measures that tend to contribute to offending, such as a substantially younger age profile, markedly lower median income, much higher levels of unemployment and lower levels of education (Aboriginal Affairs NSW 2016). The town has crime rates across most forms of crime that are markedly above the NSW average, and consistently experiences the highest recorded crime rates in NSW for domestic violence, sexual assault and breach of bail (BOCSAR 2015; SLCARC 2013). Australian Bureau of Statistics data from 2011 (cited in SLCARC 2013) showed that close to one-quarter of Aboriginal young people and young adults from the Bourke local government area were in custody, either on remand or serving sentences.

The Maranguka Justice Reinvestment Program (MJRP) in Bourke was initiated through the efforts of a grassroots coalition of concerned local Aboriginal residents, the Australian Human Rights Commission and Just Reinvest NSW. In October 2012, Just Reinvest was approached to continue to support the coalition's efforts to address the very high levels of offending in Bourke through a JR approach. Following a proposal developed in 2013, the MJRP secured funding in 2014, and the pilot project commenced.

The MJRP takes a whole-of-community approach to reducing the number of young people who become involved in the criminal justice system. It has strategies and targets throughout the full life course of Aboriginal children and young people in Bourke. It follows the four steps of the JR implementation strategy: crime mapping and analysis; developing options to reduce offending; implementation; and evaluation. Milestones achieved through the project to date include the establishment of (KPMG 2016):

- Maranguka, a community-led initiative to support vulnerable families and children through a community hub and multi-disciplinary teams working with government and nongovernment agencies. Initiatives developed by Maranguka address areas of need such as housing, drivers licensing, family supports and a safe house for vulnerable young people;
- the Bourke Tribal Council, an Aboriginal leadership group that provides a governance mechanism to oversee the delivery and coordination of community services;
- a data dictionary and community snapshot covering domains such as health, education, criminal justice, employment and housing, providing an evidence base for JR-related decisions; and
- a set of goals based around four focus areas: early childhood and parenting, children and young people aged eight to 18 years, the role of men, and service delivery reform.

The MJRP is being delivered as part of a collective impact framework involving a range of organisations from different sectors combining their efforts to solve a complex social problem through a shared agenda (SLCARC 2013). Collective impact offers a way of targeting social problems that are well beyond the scope or capacity of any individual organisation, or the disconnected efforts of multiple organisations. The MJRP in Bourke is supported by the financial involvement—through direct funding and in-kind support—of a diverse group of stakeholders and interested parties (SLCARC 2013) including the Aboriginal Legal Service NSW/ACT, NSW Police, state and federal Government agencies, the not-for-profit and philanthropic sector, and the private sector through Lendlease.

A preliminary assessment of the MJRP reported positive early outcomes from the project (KPMG 2016). The assessment found the project was supported by a strong and well-defined evidence base. The approach adopted through the MJRP was found to be strategically aligned with policies adopted by NSW and Australian government agencies and established approaches to Indigenous self-governance, crime prevention and early intervention. The assessment determined the MJRP is promising when compared with other crime prevention approaches, having the potential to address underlying causes of crime through a data-driven and community-led approach consistent with JR principles (KPMG 2016). The assessment also highlighted the achievements of the MJRP in establishing a common agenda through community consultations, forming an appropriate infrastructure supported by philanthropic funding, and establishing a shared measurement system.

An important consideration for future evaluations of the MJRP and associated activities will be the extent to which any observed positive changes can reasonably be attributed to initiatives implemented through the MJRP rather than to pre-existing or concurrent initiatives and environmental changes. Australian Census data show that the median household and personal incomes of Aboriginal and Torres Strait Islander people in Bourke increased by 28 and 13 percent respectively during the period from 2011 to 2016 (Aboriginal Affairs NSW 2016). During this same period – as well as during the period from 2006 to 2011 – smaller scale improvements were seen in other key measures, including employment, Year 12 completion and the proportion of the population in school education (Aboriginal Affairs NSW 2016). Any assessment of the effectiveness of MJRP initiatives will need to account for the factors contributing to community-level improvements that preceded the MJRP.

The MJRP has achieved important progress in establishing a JR approach in Australia. The lessons learned from this project—and the outcomes it achieves—will prove valuable for informing other JR development and implementation efforts. The ‘bottom up’, community-led approach adopted in Bourke contrasts with the ‘top down’, government-led approach seen in US JR implementations. The different approaches nonetheless share common principles, involving data-driven, place-based approaches aimed at reducing offending and imprisonment and more effective use of funding. The Bourke example highlights the ways in which JR need not follow a single model, and how JR in Australia can reflect and embrace Australian contexts and circumstances.

In May 2017 Just Reinvest NSW issued its first policy paper: *Key Proposals #1: Smarter sentencing and parole law reform*. The policy paper proposes a number of legislative and policy reforms to reduce the rising prison population in NSW, with a particular view to addressing the levels of Aboriginal over-representation. They comprise part of an overall justice reinvestment strategy through which resulting savings would be reinvested in community-driven strategies to reduce crime.

The first paper identified three key strategies to reduce crime, provide equal access to justice and programs, and make better use of government funds allocated to prison infrastructure:

- ensuring the availability of intensive corrections orders across NSW and expanding their scope to include intensive rehabilitation orders and violent offender therapeutic programs;
- reducing the use of short sentences of six months or less through greater use of intensive corrections orders and other non-custodial options; and
- reducing the incidence of parole breaches and increasing the availability of support measures and transitional release options to assist reintegration into the community (Just Reinvest NSW 2017).

These strategies are part of a broader range of measures proposed by Just Reinvest NSW, including:

- mapping existing residential drug and alcohol programs for Indigenous people;
- making greater use of Indigenous courts across NSW;
- addressing the criminogenic needs of Indigenous women;
- introducing measures to make the use of penalty notices and fines more equitable; and
- more effective tailoring of court orders and improved support services and supervision for people on bail, community-based corrections orders and domestic violence orders (Just Reinvest NSW 2017).

Cowra

The town of Cowra in mid-western NSW has been identified as another suitable site for an exploratory approach to JR. Cowra has a population of approximately 10,000 people, including 6.5 percent Aboriginal and Torres Strait Islander (SLCARC 2013). The town has been identified as having a stable population and a 'middle range crime profile' (SLCARC 2013: 113) that make it well suited to JR interventions.

The three-year Cowra JR project, led by researchers from the National Centre for Indigenous Studies at the Australian National University (ANU) was completed in April 2016, with a report from the project in the late stages of preparation at the time of writing. Through input from the local community, the project aimed to identify the factors that contribute to young people in Cowra becoming involved with the criminal justice system (SLCARC 2013). The project targeted both Aboriginal and Torres Strait Islander and non-Aboriginal and Torres Strait Islander young people and includes consultation with young people as well as other community stakeholders.

The application of JR in Cowra is based on identifying economic benefits across the broader state criminal justice system and establishing not only the extent to which Cowra residents contribute to justice system costs but also how reducing the offending and incarceration of those residents contributes to savings across the system. Research conducted by the ANU has indicated that NSW spent some \$46 million incarcerating citizens of Cowra over a 10-year period (ANU 2015). A public forum held in Cowra, involving researchers and a wide range of community representatives, identified that approximately one-half of this amount—around \$23 million, or \$2.3 million per annum—had been spent in relation to offences that would be amenable to JR strategies. These included crimes such as traffic and public order offences, justice procedure and drug offences. The forum identified some ways in which reductions in these offences could be reduced through interventions such as a safe house, halfway house, homework centre, and assistance for the homeless.

The work has led to the Cowra Shire Council resolving to seek New South Wales government funding for a pilot scheme. This funding proposal was being considered, and a report from the project was in the late stages of preparation, at the time of writing (Guthrie 2017).

Victoria

In 2013, the Smart Justice project, led by the Federation of Community Legal Centres, called for a research, evaluation and pilot program to determine the viability and impact of JR in Victoria.

Two years later, Smart Justice for Young People (SJ4YP), a steering group embedded in the Smart Justice project, decided to put energy and resources into investigating a JR approach.

A consultation and awareness-raising forum regarding SJ4YP was held during a Rural Law Forum on Youth Justice Reinvestment in Victoria in June 2015, run by Deakin University's Centre for Rural and Regional Law and Justice. Calls for a trial of JR in Victoria have also been made by the Deputy Chief Magistrate (Hall 2016) and Australians for Native Title and Reconciliation Victoria (ANTaR nd). While the Victorian government has not indicated it is considering implementing or funding JR initiatives, there is substantial existing investment by Victoria in place-based programs that tend to include some of the principles of JR (Youthlaw nd).

Queensland

In late 2014, the School of Economics at the University of Queensland completed an economic evaluation, using cost-effectiveness analysis, of the potential cost savings to be gained from the adoption of a JR approach for young people in Queensland (Bratanova & Robinson 2014).

his analysis indicated that Queensland would spend a little under \$9 billion on adult corrective services, youth justice services and community services over the period from 2015 to 2030.

The analysis also showed that an investment directed towards increasing family support for a cohort of high-risk young people could lead to a reduction in the number of those people being involved with the criminal justice system.

The authors identified the need for an upfront investment to commence the JR process, but noted the limited information available in the literature to guide any calculation of that initial investment (Bratanova & Robinson 2014). They worked from an assumed upfront investment of \$10 million over five years, with ongoing investment of \$1 million per year, focused on support for 110 young people. They determined, conservatively, that this investment should result in seven of those young people avoiding offences that would result in detention or community-based supervision. This in turn should result in six people avoiding imprisonment each year and 15 people avoiding involvement with community corrections each year.

Examined in a more 'optimistic' (Bratanova & Robinson 2014: 1) way, the authors assumed that community service interventions—in this case, intensive family support—were at least five to 10 percent efficient in preventing youth offending, and at least one to two percent efficient in preventing people from engaging with corrective services. On these assumptions, the analysis indicated that reinvesting funds away from detention centres and other criminal justice system responses and towards early intervention services could generate savings of as much as \$263 million over the 2015 to 2030 period (Bratanova & Robinson 2014).

While the University of Queensland analysis indicates a strong potential value for JR in that jurisdiction, its authors noted the very limited data that was available to them. Accordingly, they considered that their analysis should be considered as only a first step towards assessing the

economic value of JR for Queensland (Bratanova & Robinson 2014). Importantly, too, they did not seek to identify the types of family and community support services that should attract investment, or how invested funds should be used within those services. As a result, any assumptions regarding the efficiency of these services in addressing youth offending can only be considered indicative.

South Australia

In March 2012 a public forum on JR was held at Parliament House in South Australia. It was attended by approximately 40 participants, representing a wide cross-section of interested parties including the Department for Correctional Services and other South Australian Government agencies, South Australia Police, the legal sector, Aboriginal organisations, victim support services and academics. One outcome of this forum was the establishment of the South Australian Justice Reinvestment Working Group.

More recently, the South Australian Government has stated a commitment to implement JR trials in two locations, with Port Adelaide identified as a potential trial area (SA AGD 2015). At the time of writing, the South Australian Attorney-General's Department (SA AGD) had scheduled a series of information workshops and other consultative mechanisms involving community members, service providers, government and non-government organisations, commencing in late July 2015. These consultations are intended to generate information on the features required for an effective trial, the JR project in Port Adelaide and the kinds of partnerships required to give effect to the trial (SA AGD 2015). While little additional information is publicly available through SA AGD, promotional materials for the workshops highlight an emphasis on the goal of keeping young people out of the criminal justice system (SA AGD 2015).

Western Australia

In 2010, the then Western Australia (WA) shadow minister for corrective services, Paul Papalia, prepared a paper discussing the option of implementing a JR strategy across WA. Papalia concluded that a JR strategy should be adopted, given that WA has Australia's highest levels of over-representation of Aboriginal and Torres Strait Islander people in both juvenile and adult incarceration (Papalia 2010: 9). However, Papalia suggested that the strategy should not necessarily be delivered solely by the government. Rather, he suggested academics, other institutions, non-government organisations, and businesses should also participate in the strategy.

Several years later, another discussion piece was prepared jointly by the Western Australian Association for Mental Health (WAAMH), the Western Australian Social Service (WASS), and the Western Australian Network of Alcohol and other Drug Agencies (WANADA). This discussion focused on the problem of growing prison populations. It noted issues with the absence of data that could be used to inform JR strategies and the lack of funding to implement a JR approach. The report concluded that improvements to housing, mental health services, programs addressing the use of alcohol and other drugs, parenting support and social services could provide the infrastructure changes needed to support a JR strategy in WA (WACOSS, WAAMH & WANADA 2013).

At the time of writing there were no indications of further progress towards implementing JR strategies in WA.

Tasmania

A report prepared by the Tasmanian Commissioner for Children (Daly 2013) highlighted JR as one of a number of strategic responses to identified needs for alternatives to secure youth detention in Tasmania. In presenting a Justice Reinvestment Framework for Tasmania, the commissioner suggested this framework could provide a structure for redeveloping the youth justice system, reducing offending by children and young people, and addressing some of the underlying causes and contributing factors (Daly 2013).

The proposed Justice Reinvestment Framework for Tasmania included three components:

- vision—enabling young people to fulfil their potential, incorporating respect for family responsibilities and community protection;
- goals—including reduced offending, reduced representation of Aboriginal and Torres Strait Islander children and young people, diversion of young people from the youth justice system, addressing needs of vulnerable groups, reducing detention rates and supporting children and young people leaving detention; and
- guiding principles—including the effectiveness of early intervention and prevention, emphasis on custody as a last resort, matching of programs and services to needs and risk factors, incorporating the voices of children and young people, supported families, enhanced community protection through an effective youth justice system producing better outcomes, and use of evidence-based and evaluated programs and services (Daly 2013).

While the Tasmanian report addresses the importance and context of the identified goals, it does not consider the practical issues associated with implementing a JR approach or examine economic and financial considerations. (Daly 2013). The report presents a recommendation that the government consider adopting a JR Framework for youth justice in Tasmania. The report further recommends that, in the event of a JR Framework being adopted, the government reconsiders its youth justice legislation, policies and procedures to align with a JR approach (Daly 2013). However, these recommendations are not supported by any discussion of how JR principles might be applied or how interventions or funding might be impacted by adopting a JR approach. Without some exploration of these issues, it is not clear how the Justice Reinvestment Framework for Tasmania differs from any other youth justice strategic framework.

Northern Territory

While there is a JR project being implemented by the Northern Territory Council of Social Service (NTCOSS) and the Northern Australian Aboriginal Justice Agency in the town of Katherine, there is limited information available about this initiative. Funding for the project has been provided by the Northern Territory Law Society.

At the time of writing, information available on the NTCOSS website (NTCOSS nd) indicated that the project is at the stage of consulting with the community of Katherine to identify its level of interest in developing JR initiatives to address offending by young Aboriginal and Torres Strait Islander people. Suggested initiatives the community might consider include programs focusing on substance abuse, engagement with school, family support, and reform of the criminal justice system.

Australian Capital Territory

The ACT is in the process of developing a multi-component strategy for the implementation of JR.

In the ACT the first public discussion of a potential JR strategy occurred in November 2011. The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) convened a workshop with wide stakeholder representation to explore the feasibility of a JR project in the ACT (Guthrie, Adcock & Dance 2011). This workshop brought together a wide range of stakeholders, including representatives of a range of Aboriginal and Torres Strait Islander organisations and groups, non-government service providers, Commonwealth and ACT government agencies, the judiciary, police, corrective services, justice health services, academics and researchers. An important outcome of the workshop was an indication of almost unanimous support for research on JR in the ACT (Guthrie, Adcock & Dance 2011).

A later forum, hosted by the Australian National University's National Centre for Indigenous Studies (NCIS) in August 2012, further explored the need for JR in Australia (Guthrie 2012). This forum drew on a group of international experts, including Baroness Vivien Stern, an independent member of the House of Lords with extensive experience in human rights and criminal justice, and Professor Todd Clear of Rutgers University, who is internationally recognised as a leader in the adoption of JR in the US (Guthrie 2012). Major Australian stakeholders involved in the forum included Professor Mick Dodson and Dr Jill Guthrie, both of the National Centre for Indigenous Studies at the Australian National University, and Dr Tom Calma, who strongly advocated for the adoption of JR in Australia in his role as Aboriginal and Torres Strait Islander Social Justice Commissioner (ATSISJC 2009; Guthrie 2012). The forum highlighted both the need for different approaches to dealing with major Australian crime and justice issues—such as the continuing over-representation of Aboriginal and Torres Strait Islander people in prison—and strong support for JR as a way of dealing with these issues.

The ACT Government committed in its 2014–15 budget to the development of a whole-of-government justice reinvestment approach aimed at reducing recidivism and diverting offenders—and those at risk of becoming offenders—from the justice system (ACT Treasury 2014).

The development of the Justice Reinvestment Strategy involves the Justice and Community Safety Directorate working closely with a range of government and non-government stakeholders over a four-year period, first to identify drivers of crime and criminal justice costs and then to develop and implement new ways of reinvesting scarce resources—both in the community and within the prison system—in order to achieve a more cost-beneficial impact on public safety. Leading the development of the Strategy is the Justice Reinvestment Strategy Advisory Group. It consists of government, academic and community sector representatives whose expertise in their sector and in the justice system, particularly in relation to those who are interacting with the criminal justice system, will inform the development of the strategy.

The ACT's approach to developing a JR strategy has included the development of an evidence base through service mapping and data analysis, identifying areas of disadvantage, determining government agencies with relevant program responsibilities, and consulting with researchers working on JR issues. Workshops were held with key government and community justice stakeholders to collaboratively co-design a JR trial that will support implementation of a JR strategy. A guiding principle for the workshops was that the strategy would be local, data-driven and able to leverage off existing government and community priorities (DMA 2015). The JR Strategy will also intersect with a Justice Reform Strategy, also funded through the 2014–15 budget, as well as linking with a range of ACT Government priorities across the areas of Aboriginal and Torres Strait Islander justice, crime prevention, adult corrections, youth justice, restorative justice, and human services sector reform (Justice & Community Safety Directorate 2014).

An effective justice reinvestment strategy involves an evidence-based understanding of the local costs and drivers of crime and the responses that will reduce or prevent people's contact with the criminal justice system. Part of this evidence base for the ACT is recognising three pathways in justice reinvestment:

- place-based—for people who are co-located, what impact a form of service provision is having on their contact with the justice system;
- point in the system—what impact a particular justice response is having on reducing crime and recidivism (diversion, pre-sentence or post-sentence); and
- cohort—what impact a particular program or service is having on a high needs and complex needs cohort that interacts with the justice system.

The ACT's approach to JR is multi-faceted. It involves a number of large projects that are being constructed through extensive consultation and data gathering. Rather than undertaking a single intervention, a cumulative approach is being developed that aims to deliver improved outcomes in the community and justice system. This consists of four key projects and two trials. The projects are a justice system costing model, a justice services and programs map, data snapshots covering the justice and human services domains and an evaluation framework that focuses on reductions in crime and offending as well as undertaking cost-benefit analyses (ACT Justice and Community Safety Directorate nd).

In April 2017 the ACT government announced the implementation of a 12-month JR trial with funding of over \$900,000 (ACT Justice and Community Safety Directorate nd; Wahlquist 2017). The trial will provide an intensive family-centric service support model with 10 Aboriginal and Torres Strait Islander families to improve life outcomes and reduce or prevent contact with the justice system. The JR program, called Yarrabi Bamirr (Ngunnawal words for 'walk tall'), will be provided by the Winnunga Nimmityjah Aboriginal Health Service, with funding for social health workers, domestic violence and legal services as well as police liaison (Wahlquist 2017).

A second JR initiative is scheduled to commence in the ACT in mid-2017, in the form of a \$400,000 12–24 month trial of bail support services. This initiative will focus on Aboriginal and Torres Strait Islander people on remand and aim to reduce the time they spend on remand (ACT Justice and Community Safety Directorate nd).

Questions and challenges

Changes to imprisonment rates, particularly for Aboriginal and Torres Strait Islander people, will require very wide-ranging structural measures to address deeply embedded socioeconomic disadvantage and social exclusion. JR offers the potential to develop not only place-based but also system-wide strategies utilising existing resources to make progress towards addressing the challenging problems facing some Australian communities. This section will examine some of the challenges that exist for the introduction of JR in an Australian context.

The scale of the criminal justice system in the US is very different from that in Australia. While there is variation between state and more local levels, the US has a markedly higher overall imprisonment rate than Australia. This stems in part from different approaches to sentencing. In the US, three-quarters of offenders receive custodial sentences, while in Australia only one-fifth of sentences are custodial (Hudson 2013). The far greater scale of correctional systems in the US means that very large financial savings can be achieved with relatively small reductions in prison numbers or imprisonment rates. The large number of prisons in the US, and the sheer size of the prison population, means that a small reduction in offending or use of imprisonment could be sufficient to avoid the construction of a new facility, or to allow the decommissioning of a facility or of an area within a facility. In some parts of the US, a reduction of perhaps one percent in the projected prisoner population could achieve savings in the order of millions of dollars. In Australia, a much greater proportional reduction, would be required to generate sufficient savings for meaningful reinvestment. The US also has different governance structures to Australia. For example, the US approach of devolving prison-related funding and JR-related responsibilities from federal and state governments to county administrations is not relevant to Australia (Hudson 2013). Despite these differences, lower incarceration rates are a central theme in the application of JR in Australia.

The focus of Australian JR on Aboriginal and Torres Strait Islander people is to be expected, given the extreme over-representation of Aboriginals and Torres Strait Islanders in custodial populations. Aboriginal and Torres Strait Islander representatives and justice advocates have been strong and vocal supporters of JR, seeing JR as an opportunity to achieve the kinds of systemic changes and localised interventions they have long sought.

There are a number of issues that may impact on the viability of using JR to address the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system. There remains limited evidence as to ‘what works’ to reduce Aboriginal and Torres Strait Islander offending and over-representation, although the evidence base is slowly growing. Without solid evidence that the interventions actually work, it is difficult to determine their contribution to any observed changes—positive or negative—in crime rates or criminal justice system populations. Thus, there arises a risk either that JR initiatives will be credited inappropriately with having delivered improvements, or that the initiatives will be criticised unfairly for failing to achieve results. Errors of attribution, either positive or negative, will tend to result in resources being directed away from interventions that may actually have contributed to improved outcomes.

Reducing the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system is a priority for Commonwealth and state and territory governments. Aboriginal and Torres Strait Islander Australian communities are diverse and the issues facing them are complex. Remote areas with small Aboriginal and Torres Strait Islander populations often lack basic services, while the urban Aboriginal and Torres Strait Islander populations—which could be regarded as being more comparable to the US’s ‘million dollar blocks’—often have a range of services on hand yet still experience very high levels of imprisonment. These issues of contrast and diversity highlight the role of place-based solutions within a JR strategy, as well as the vital place of open engagement at a community level to allow for interventions to be locally driven. They also highlight the value of JR as one of a range of strategies for dealing with the complex and difficult issue of Aboriginal and Torres Strait Islander over-representation. At the same time, as noted by Brown et al. (2016) it is debatable to what extent JR can address the structural conditions of disadvantage and thereby reduce criminal justice system involvement arising from this disadvantage.

As discussed previously, US models of JR are strongly predicated on the fundamental principle of ‘disinvesting’ from prisons to reinvest in programs and services to address offending. This has been described as a ‘prominent and seemingly non-negotiable feature of the US [JR] movement’ (Homel 2014: 7). Australian iterations and conceptions of JR have adopted a different approach, with JR focusing more on community-level solutions. Rather than prioritising financial savings, JR in Australia also affords equal—or greater—prominence to the solving of social problems. It has been suggested that, in some cases, JR has become something more akin to a rallying cry for investment in the kind of locally focused, evidence-based interventions that have long been contended as necessary to address the impacts of disadvantage (Homel 2014). Australia has been envisaged as boasting a form of community crime prevention, rather than taking on the broader reforms to the criminal justice system seen in the US (Austin & Coventry 2014). However, as has been emphasised elsewhere in this report, JR need not follow a single model, and the principles of JR can be—and arguably should be—achieved through approaches that are adapted to local contexts. These approaches can include both criminal justice system reforms and improvements to community-based services and supports.

Measures aimed at addressing Aboriginal and Torres Strait Islander disadvantage, including their over-representation in the justice system, have been implemented through heavily resourced national policy approaches such as the Closing the Gap campaign, through state-based approaches across Australia, and through many diverse, locally focused programs. Despite these measures, Aboriginal and Torres Strait Islander imprisonment rates have continued to rise and the underlying factors contributing to offending have persisted. Effective JR-influenced crime prevention initiatives continue to hold promise for addressing some of these problems; however, caution needs to be exercised as to whether they are most appropriately presented, developed and implemented as forms of JR.

Aboriginal and Torres Strait Islander offending occurs in the context of deeply embedded circumstances and histories of marginalisation, extreme socioeconomic disadvantage and social isolation. A substantial proportion of Aboriginal and Torres Strait Islander people live in rural and remote communities with few opportunities for employment or engagement with the broader Australian community, and with very limited social support services. So far, very large-scale investments by both the Commonwealth and state/territory governments over long periods have failed to improve the circumstances of people in these isolated communities in any way that would tangibly impact on imprisonment rates. Many sentencing options are not available outside urban and regional centres and, while JR advocates may contend that JR could lead to these services being made available, there will remain substantial practical barriers to delivering sentencing options and offending-related supports and services to people in rural and remote areas (Hudson 2013).

Hudson has also noted that, while Aboriginals and Torres Strait Islanders constitute a large proportion of people in Australian prisons, this still represents relatively small numbers of individuals in each state and territory (2013). This means that positive changes would need to be achieved for a relatively large number of individuals before tangible savings and benefits relevant to JR could be achieved. The challenges facing the implementation of JR in Australia have led Hudson (2013: 19) to suggest:

“

We would be better off recognising that in Australia, JR is unlikely to lead to real savings (at least in the short term).

In contrast, there is also some evidence to suggest that substantial savings could be achieved. The NSW Bureau of Crime Statistics and Research estimated the potential effects of reducing imprisonment due to reoffending; taking into account the number of people entering prison each year, the average length of stay and the proportion of those who return to prison (Weatherburn et al. 2009). The authors of this work concluded that a ten percent reduction in overall reimprisonment rates would reduce the overall prison population by more than 800 people, resulting in savings of \$28 million per year. These estimates included a reduction in the population of sentenced Aboriginal and Torres Strait Islander prisoners by 365 inmates across Australia, producing savings in excess of \$10 million per annum.

Despite the apparently simplistic and basic appeal of JR, it relies on identifying and implementing some challenging and fundamental changes to the criminal justice system. Austin and Coventry (2014) have noted that the high levels of imprisonment and lengthy prison sentences in the US are the result of a long period of legal and policy changes. The same can be said of Australia, where changes to bail and parole legislation and reforms such as 'truth in sentencing' legislation have contributed to rising imprisonment rates. Where law and policy changes have led to the circumstances JR is seeking to address, changing those laws and policies would seem the logically necessary path towards change. However, changes of this nature and scale have generally been seen as outside the parameters of JR initiatives, which have generally focused on local community-level programs and services.

The financial practicalities behind JR emerge as another challenge for its successful implementation. A JR approach must incorporate a means of first identifying the savings accruing to the prison system as a result of JR initiatives, and then isolating those savings for reinvestment at a community level (Austin & Coventry 2014). This can be problematic if budget mechanisms, accounting structures and divisions of responsibility between levels and agencies of government do not support the approach of isolation, separation and reallocation of funds that is envisaged. In a strict application of JR principles, identifying the level of savings achieved through JR initiatives requires the capacity to causally attribute these savings to the JR initiatives, rather than to other measures or environmental changes. Causal attributions of this kind are typically difficult to achieve in relation to complex systems where multiple interventions and changes occur across a given period of time. Related to this are difficulties in determining the interventions that will result in tangible reductions in offending. The factors contributing to crime and antisocial behaviour at the community level are complex and systemic. Deficits in education and employment, intergenerational violence, substance use, social isolation and stigmatisation, embedded economic disadvantage, experiences of trauma, and exposure to antisocial role models are all typical contributors. Addressing these factors requires long-term, multi-agency interventions supported by a strong evidence base.

From a theoretical perspective, Maruna suggests that JR:

is too thin on its own to cover all of the necessary complexity of a working model of justice and therefore needs to be situated on the shoulders of theories and models of justice that have preceded it...[to]...learn...from the failings of previous efforts to transform beautiful ideas into real-world revolutions (2011: 663).

Although beyond the scope of this report, Maruna (2011) recommends exploring the reform agenda known as the justice model, as well as restorative justice, to offer insights into lessons learnt—such as the importance of avoiding overpromising, to policy makers and the public alike, about the benefits of a change in approach to criminal justice. Based on the principle that ‘rational people deserve punishment if they violate the law’ (Cavender 1984: 204), Maruna argues that the justice model is instructively aligned with JR because it was an ambitious model that was initially met with high enthusiasm, but eventually enjoyed minimal success (2011). In contrast, restorative justice is theoretically aligned with JR. Restorative justice is a social, community-based approach to criminal justice that responds to the needs of the victim as well as the needs of the offender, resulting in justice becoming as much about the advancement of social relations as it is about crime reduction (see Johnstone & Van Ness 2007; Johnstone 2003; Braithwaite 2003). On this basis, Maruna argues that ‘without adopting the logic of restorative justice and situating itself in this wider, possibly more radical framework, JR simply does not make sense’ (2011: 666).

The House of Commons Justice Committee (HCJC 2010) identified a number of large-scale factors that presented challenges for implementing a holistic approach to JR in the UK:

- finding the initial financial investment required;
- ensuring that the whole of government, including local agencies, were committed to the approach;
- establishing effective mechanisms and incentives for all those involved with JR; and
- developing understanding, and gaining confidence, from professionals and the public for the implementation of JR.

Focusing specifically on the programs regarded as partial implementations of JR in the UK, and comparing the outcomes of these programs with those in the US, Fox, Albertson and Warburton (2011) also compiled a list of implementation challenges. These included:

- moving away from centralised practices to allow JR to operate where the evidence suggests that it works best—applying community-based mechanisms in a local context. This would also require building confidence in community-based sanctions and redirecting funds into factors related to offending;
- putting in place financial structures that are an appropriate balance between local and centralised authorities;
- overcoming the public’s ‘complex and contradictory’ (Fox, Albertson & Warburton 2011: 129) perceptions of the criminal justice system to gain support for investing in community-based options rather than increasing prison capacity; and
- a careful consideration of whether outcomes in other countries can be transferred to the UK context.

Conclusions

Justice reinvestment has attracted a great amount of interest and support since it was first conceived in the US in the early 2000s. In that country, the adoption of JR strategies has proceeded rapidly and on a huge scale, with over 27 US states having JR programs in place. The growth of JR has been fuelled through the availability of substantial government funding pools and the well-resourced support of large and well-respected not-for-profit organisations.

The overarching principles of JR are difficult to fault and easy to accept by governments, policymakers, service providers, community representatives and academics. The idea of taking money away from prisons to invest in troubled communities, ultimately saving money by reducing offending and improving the wellbeing of families and communities in the process, is attractive to all interested parties.

Not surprisingly, establishing JR strategies and making them work is more challenging. A fully implemented JR approach requires a substantial initial investment of time and resources to build an evidence base. Specifically, JR approaches require:

- cross-sector stakeholder support;
- an understanding of past and projected trends in prison populations, along with the factors contributing to the use of incarceration in a given location;
- analysis to determine those communities that are disproportionately contributing to the growth in criminal justice populations; and
- a body of evidence to show what is likely to work in reducing that contribution.

While some sources of data are likely to be available to help build this pool of evidence, there remain issues about the quality and consistency of data available in Australia to accurately measure the outcomes of criminal justice programs (Brown et al. 2016). Rigorous evaluations that demonstrate effective practice in interventions and strategies to reduce offending are in short supply. Measuring outcomes is complicated by the small numbers of participants often seen in programs targeting Indigenous populations. Also, appropriate methodologies need to be used to deal with issues of attribution between different interventions (Stewart et al. 2014). The challenges of producing the kind of robust data and outcome measures required to demonstrate the impact of JR are not insurmountable, but they will require effort and imagination; and such evaluations will themselves require investment.

While there have not yet been any formal evaluations of JR programs and many implementations of JR are still in early stages, several US states have now had JR programs in place for several years. Several of those states have identified actual and forecast savings through JR. However, independent analysis suggests that only a very small number of states have achieved reductions in their prison populations and that these reductions have largely been through reforms and changes unrelated to their JR programs.

In Australia, support for the implementation of JR has mainly been in relation to addressing the severe over-representation of Aboriginal and Torres Strait Islander people in prison and in other parts of the criminal justice system. This focus makes intuitive sense, given the clear potential for JR approaches to align with long-contended needs for heavily resourced, multifaceted and localised responses to address Aboriginal and Torres Strait Islander disadvantage and other factors contributing to this over-representation. To many Aboriginal and Torres Strait Islander leaders and others interested in Aboriginal and Torres Strait Islander justice issues, interest in JR has provided an opportunity for their voices to be heard, and for serious responses to their concerns to be put in place.

While the focus on addressing Aboriginal and Torres Strait Islander justice issues—particularly in relation to offending by young Aboriginal and Torres Strait Islander people—has helped build enthusiasm, it also creates some particular challenges for implementing JR in Australia. The Australian criminal justice system is markedly less prone to ordering custodial sentences than the American system. Together with the difference in general population size, this results in prison populations in the US that are vastly larger than those in Australia. US correctional budgets, and the number of correctional facilities in that country, vastly exceed those in Australia. The potential savings to be achieved through JR in the US, and the magnitude of the funds potentially available for reinvestment, are of an entirely different order to those in the Australian context. This is not to say that JR cannot be applied to Australia, but careful consideration must be given to whether US models of JR can be replicated in Australia, and to whether the general principles of JR can usefully be maintained without the same processes and mechanisms.

Current Australian JR projects do not at this stage provide insights into how the financial considerations of a JR strategy should be approached. However, it is informative that two distinct approaches have emerged in the US—either an initial investment against projected savings, or a reinvestment from actual savings. While arguably a more ‘pure’ application of JR principles, the approach of reinvesting from actually realised savings requires a delay while funds become available. During this time there will be no funds to invest in the interventions that are expected to reduce offending and prison population growth, and therefore the savings will have to be achieved from sources other than community-based interventions. Reforms to the criminal justice system or to legislation and policies that increase the likelihood of imprisonment—such as laws that tend to restrict access to bail—are the most likely avenues for these savings. There is a need for mechanisms and measures that would allow the savings realised through JR to be identified and segregated for reinvestment. This would help to ensure that the savings are used effectively and that the benefits of JR are fully realised.

Adopting an initial investment approach provides greater surety that underlying interventions aimed at reducing offending and imprisonment can be developed and implemented. However, this approach carries a different form of risk, as a failure to achieve savings through the JR strategy will result in greater overall expenditure. Given the realities of limited resources, the most practical approach would likely be identifying another source of existing funds—perhaps unrelated to criminal justice system expenditure—that could be reinvested into criminal justice-related interventions. While identifying these funds would be a matter for government, possible sources may be through existing levies, unexpended funds allocated for other projects that are unable to proceed, or property and land-related income.

Bearing in mind that this report was commissioned by the ACT Government, consideration in summary of the application of JR in the ACT is appropriate. The ACT's implementation of JR will face challenges due to its small size, the greater complexity of the ACT offending population, and the consequent need to achieve effective outcomes with a relatively large proportion of that population in order to achieve tangible impacts and savings. The ACT does not have a large prison system with multiple facilities that could potentially be fully or partly decommissioned; rather, it operates only a single facility for sentenced prisoners (the Alexander Maconochie Centre), together with a small overflow centre. However, there may be discrete areas within the Alexander Maconochie Centre or other aspects of custodial or community corrections activities that could be positively impacted to a sufficient degree to yield savings. Identifying these potential positive impacts would need to be the subject of a targeted cost-benefit analysis and assessment.

Perhaps paradoxically, a multi-faceted strategy incorporating multiple interventions may be the most effective way of implementing community and justice system reform in a small community. Rather than attempting to achieve substantial cost savings and improved outcomes through any single intervention, multiple interventions delivering improved outcomes in both the community and the justice system are likely to achieve greater cumulative results. This approach is reflected in the ACT's plans to develop a JR strategy involving place-based community level interventions and reforms affecting entire cohorts within the justice system, as well as other reforms targeting points in the justice system.

Further research would be required to identify community- or individual-focused interventions likely to be effective in the ACT context. While this would be a challenge for any jurisdiction, given the deficit in evaluated interventions, it represents an opportunity for the ACT to make a positive and valuable contribution to the evidence.

Concluding observations

JR is at an important, early stage of its development in Australia. The concept of JR may have originated in the US, and US approaches to JR have provided the impetus for its adoption in Australia; nonetheless, it is apparent that the approach to JR taken in Australia will be different from US models. Opportunities exist to establish models adapted to Australian contexts and circumstances. As Australian versions of JR strategies begin to emerge, it appears likely to become increasingly clear that JR is not a single approach based on any single model.

Conceptually, then, JR can be understood as a set of common principles that yield data-driven and place-based solutions to achieve locally guided and system-focused criminal justice outcomes which are achieved through neutral financial inputs. In practice, JR in Australia appears to be providing a unifying framework that encourages and facilitates holistic approaches involving multiple organisations and community representatives. It establishes an imperative for conducting rigorous examinations of social circumstances and criminal justice system processes, taking into account individual, family and community factors.

There is no doubt that developing and implementing an effective JR strategy requires planning, organisation, commitment and expertise. The challenges of achieving demonstrated and genuine reform, along with financial savings through social reform, suggest the importance of establishing avenues of support for Australian communities and organisations seeking to develop JR programs. This could be achieved through the establishment of a National Centre for Justice Reinvestment, as recommended by the Senate Legal and Constitutional Affairs References Committee (SLCARC 2013), and able to provide technical assistance to each jurisdiction.

JR has been met with enthusiasm in Australia, and is being seen as an avenue to address some of the most serious and persistent issues facing Australian criminal justice systems. Solid evidence and robust methods, together with sound economic methods for funding and the realisation of financial benefits, are fundamental aspects of effective JR approaches. At both the Commonwealth and state and territory levels, Australia is at a point where enthusiasm and support for JR has the potential to manifest into effective and practical strategies which can contribute to lasting outcomes of real social benefit.

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