

# Reducing incarceration in Australia

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Advocacy, Campaigning and the Work of the Justice Reform Initiative



# What is the Justice Reform Initiative?

The Justice Reform Initiative is a new advocacy organisation, established in September 2020 with a goal to reduce Australia's harmful and costly reliance on incarceration.

**Aim: To reduce incarceration in Australia by 50% by 2030 and build a community in which disadvantage is no longer met with a default criminal justice system response.**

We have 120 eminent Australians as our patrons, including two former Governors-General, former Members of Parliament from all sides of politics, academics, respected Aboriginal and Torres Strait Islander leaders, senior former judges, including High Court judges, former Corrections and Police Commissioners, and many other community leaders who have added their voices to the movement to end the cycle of incarceration in Australia.

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

**We seek to shift the public conversation and public policy away from building more prisons as the primary response of the criminal justice system and move instead to proven alternative evidence-based approaches that break the cycle of incarceration.**

We are funded through the Paul Ramsay Foundation, and we now have 14 staff throughout Australia.

# The Australian Context

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- The over-use of imprisonment in Australia has been steadily growing over the last two decades. The Productivity Commission found that only two countries in the world had greater growth in incarceration between 2003 and 2018 (Turkey and Colombia)
- The number of people in prison nationally has risen by **over 44 per cent** in the past decade, from 29,213 to 42,090 people
- \$5.2 billion each year on imprisonment (much more on new builds and capital works)
- Plans for prison expansion in almost every State and Territory at a time when crime rates are stable or declining
- More than 1/3 (37%) of the prisoner population are unsentenced
- Massive over-representation of First Nations people (More than 30% of adult prisoner population, but only 3.3% of general population, and much higher in the children's population- more than 50%)
- Over-representation of people with mental health conditions, disabilities, and people from postcodes of disadvantage
- 50% of people leaving prison are homeless on release
- 60% of people currently in prison have been in prison before, and close to 50% of people released will return within two years

# What is the problem we are solving?

- Prison has become both the default measure used to address crime in the criminal justice system, and a default system to 'manage' complex disadvantage. However, prisons do not work to deter crime or to address the drivers of crime.
- There is a systemic failure to address the underlying social determinants of contact with the criminal justice system.
- Being perceived to be tough on crime has become the convenient, politically-accepted strategy in response to crime, partly driven by the media's addiction to sensationalised reporting of crime which dehumanises and further perpetuates the 'tough on crime' mantra.
- Despite an extraordinary body of evidence, there remains very limited commitment to and/or awareness of building genuine alternatives to prisons, or pathways out of prisons, on the part of policy makers and the general public.



How do we  
get there?  
What are the  
strategies for  
change?

- **Systematic political advocacy:** Developing strong cross-party political support to reduce Australia's prison population that is centred on evidence-based alternatives outside of the justice system
- **Changing the public conversation:** Changing the media and public narrative from the current 'tough on law and order' focus to one in which prisons are viewed as harmful and ineffective. We aim to shift this landscape so that media reporting reflects this position and serves to influence decision makers including parliamentarians across Australia.
- **Increasing public awareness and support** so that many more people are engaged in the movement and can act as conduits for justice reform and change in the community and politics
- **Working to connect stakeholders and advocates**, so that there is a joined-up effort by a broad range of advocacy and reform groups in Australia, unified by a single purpose to reduce Australia's prison population.

# How do we translate evidence into political appetite?

- There are multiple Australian and international case studies to show more generally that programs led by the community and health and disability sectors can dramatically disrupt entrenched trajectories in the criminal justice system
- There is evidence for the effectiveness of particular measures within the justice system: of specialist courts in diverting people from prison; of pre-charge police diversion, and other kinds of diversion; of shifting legislative frameworks in reducing re-offending; of specific diversionary programs, including diversionary programs for at risk young people, of post-release supports and restorative and transformative justice. There is also evidence about 'what works' while people are incarcerated in terms of reducing the likelihood of returning to prison.
- More than three decades' worth of government reports, inquiries and commissions into the over-representation of disadvantaged groups (including significantly Aboriginal and Torres Strait Islander populations) in Australian prisons and into the *failures* of imprisonment for these groups. Without exception, these reports have pointed to the critical role of addressing the social and health drivers of incarceration, the failure of our existing systems to do that, and need to respond to the criminalisation of poor, marginalised, and colonised populations.
- There is already an evidence base (including an alarming evidence base about prisons harms) But really what we are lacking is resourcing and political will.

# What does an alternative system look like?

- There is not just one magic reform fix, but rather multiple reforms and changes that we need to work towards
- Some of these reforms are around sentencing and law reform (for instance raising the age of criminal responsibility, bail reform), some are around reducing recidivism (for instance post-release programs), and some are about diverting people from the justice system (different approaches to policing and diversionary court options). Some are around reforms within Correctional environments. Some reforms cut across many different parts of the justice, community and health sectors (ie, First Nations led place based programs).
- Some options will involve expanding and scaling up programs/services that are either promising, or already have significant evaluation/evidence
- Other options might involve trying new approaches and systems
- There is the need need for multiple legislative and policy, social, health, and human service reforms to be enacted, so that historically over-incarcerated and disadvantaged populations have opportunities to thrive in the community.

# What does the work of the Justice Reform Initiative look like in 2022...

- Learning and talking with experts and stakeholders (including service delivery providers, people with lived experience of incarceration, advocates, researchers and practitioners, including people working within prison environments) to help map existing systems, develop a deep sense of the drivers of incarceration in each jurisdiction, and to keep building the evidence base about 'what works' to reduce incarceration.
- Public speaking and education about the failure of incarceration Hosting and facilitate public events and meetings to educate the community (including to organisations and people who are not usually engaged in this conversation)
- Systematic political advocacy (meeting and working with all sides of politics in each jurisdiction to increase political appetite and resourcing for alternatives to custody and to work towards evidence-based justice policy).
- Supporting, connecting and elevating other justice and social justice related campaigns that are contributing to reducing incarceration.
- Building networks and coalitions amongst service delivery providers, community organisations, and advocates where there is a shared value in bringing people together to effect change.
- Building the public profile in the media and social media profile of the 'Jailing is Failing' campaign
- Contributing to the evidence base and work to shift public policy by producing fact sheets, briefings, submissions and position papers on a range of justice reform related issues





## Imagine if...

Every person who walked out the prison gate – and wanted some sort of support was able to access it

Every person who needed access to drug and alcohol support and treatment was able to access this at the point that they identified they needed it.

Every person who was homeless when they turned up at court, or homeless on release from custody had somewhere safe to live.

Every person who was isolated or disconnected from their family and community had some kind of support and care

Every First Nations person who was involved in the justice system was able to access First Nations led culturally meaningful and safe support and health care in the community

Every person who had a disability had straightforward access to supports that they required regardless of if they were in prison or not

Every person who needed support with their mental health condition was able to access this support in the community

Every person who wanted the opportunity to access education support or support to become employed was able to do this.

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

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