

***University of New South Wales Law Research Series***

**JUSTICE REINVESTMENT**

**MELANIE SCHWARTZ, DAVID BENTLEY BROWN AND CHRIS  
CUNNEEN**

Primary citation  
(2017) *Brief 21*, July  
please ensure the primary citation is used

[2018] *UNSWLRS* 8

UNSW Law  
UNSW Sydney NSW 2052 Australia

E: [unswlrs@unsw.edu.au](mailto:unswlrs@unsw.edu.au)  
W: <http://www.law.unsw.edu.au/research/faculty-publications>  
AustLII: <http://www.austlii.edu.au/au/journals/UNSWLRS/>  
SSRN: <http://www.ssrn.com/link/UNSW-LEG.html>

A series of Research Briefs designed to bring research findings to policy makers

## Justice Reinvestment

Melanie Schwartz, Emeritus Prof. David Brown and Prof. Chris Cunneen. The Australian Justice Reinvestment Project was funded by the Australian Research Council, at the University of New South Wales (UNSW).

Brief 21, July 2017

### What is Justice Reinvestment?

Justice Reinvestment is a strategy for reducing the number of people in the prison system by investing funds drawn from the corrections budget into communities that produce large numbers of prisoners. The term was coined in 2003 in the United States of America (Tucker & Cadora 2003) with the idea of redirecting a portion of the \$54 billion the United States of America spent on prisons into addressing underlying causes of crime in high-incarceration neighbourhoods.

The originators of Justice Reinvestment advocated 'taking a geographic approach to public safety that targets money for programs in education, health, job creation and job training in low-income communities' (Tucker & Cadora 2003), and rebuilding human resources and physical infrastructure including schools, healthcare facilities, parks and public spaces. In order to do this, accountability and funds were to be devolved to local authorities, to seek community level solutions to community level problems (ibid).

Justice Reinvestment has differed both conceptually and methodologically in the various jurisdictions in which it has been adopted. In the United States of America, the place-based focus and reinvestment in high-imprisonment communities has dropped out in favour of enacting legislation aimed at correctional reform, predominantly in probation and parole schemes. In the United Kingdom,

Justice Reinvestment has been used as a general term beneath which payment by results schemes and Social Impact Bonds have operated. As such, Justice Reinvestment has become an umbrella term for a range of approaches responding to calls for 'evidence driven', 'what works' and 'smart' policies. The considerable flexibility in what passes for Justice Reinvestment, the tendency to blur with other concepts such as Social Impact Bonds, and the major problems facing attempts at policy transfer to different national and local contexts led Brown et al. (2016: 247) to argue that Justice Reinvestment:

can be an *inspiration* for a form of locally based community development strategy utilizing enhanced data and identification of local community assets and current forms of service support, conducted initially in the communities of vulnerability which have the highest contact with the criminal justice system. In the Australian context that is exemplified in Indigenous communities.

With its local place-based focus, Justice Reinvestment has similarities with community development approaches. However, it differs in the way that it begins with identification of the drivers of incarceration and develops programs aimed at addressing these drivers. Further, Justice Reinvestment focuses on redirecting criminal justice spending into programs which are likely to achieve reductions in offending and imprisonment.

### Support for Justice Reinvestment in Australia

Justice Reinvestment was introduced to the Australian policy landscape by the Aboriginal and Torres Strait Islander Social Justice Commissioner (ATSISJC) in the 2009 Social Justice Report. Also in 2009, the Legal and Constitutional Affairs Committee, in its inquiry, Access to Justice (Legal and Constitutional Affairs Reference Committee (LCARC) 2009), recommended the commencement of Justice Reinvestment pilots and an exploration of the potential for Justice Reinvestment in regional and remote Indigenous communities. These origins reflect some characteristic features of Justice Reinvestment in Australia - that interest in Justice Reinvestment has come from both government and community-oriented sectors, and has largely focused on the potential of the strategy to address over-incarceration of Indigenous peoples.

In 2010, a review of the New South Wales Juvenile Justice system (Noetic Solutions 2010) proposed the implementation of Justice Reinvestment strategies in the juvenile context. The Australian Government House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs lent its support to Justice Reinvestment in its report on the over-incarceration of Indigenous young people, Doing Time – Time



for Doing (House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs 2011). Three months later, a Northern Territory government review of its youth justice system supported the use of Justice Reinvestment to address youth incarceration (Northern Territory Government 2011). Doing Time's recommendation that further research be conducted to investigate the potential for Justice Reinvestment in Australia (rec.40) was accepted by the Federal Government, and the National Justice Chief Executive Officers established a Working Group to consider Justice Reinvestment and possible options.

The National Congress of Australia's First Peoples launched their justice policy in 2013, which referred to a high level of support among Congress members for Justice Reinvestment trials. The policy singles out remand as an opportunity for Justice Reinvestment 'because of the immediate cost savings to the justice system of reducing the remand population' (2013: 38).

Also in 2013, a Federal Government Senate inquiry reported into the value of a Justice Reinvestment approach in Australia. Its mandate included an investigation into:

- the impact that Justice Reinvestment might have on Indigenous prisoners and other vulnerable incarcerated groups such as those with mental health issues, cognitive disability and hearing loss;
- benefits and challenges of implementing Justice Reinvestment in Australia;
- the data needed to effectively implement Justice Reinvestment;
- Justice Reinvestment's intersections with other diversionary and rehabilitative options available in Australia; and
- how the Federal government might contribute to the adoption of Justice Reinvestment in states and territories (LCARC, 2013: iii).

The Inquiry, drawing on 131

submissions, favoured the adoption of Justice Reinvestment in Australia and recommended that the Commonwealth play a leadership role in establishing and funding a trial and collecting and sharing data (recs 1, 2, 5, 7, 8). The Inquiry emphasized that any trial should include at least one remote Indigenous community (rec 6).

Following a change of government in 2013, these recommendations have not been progressed by government. Rather, Justice Reinvestment trials have commenced through community-level initiatives.

## Justice Reinvestment in Australia: coherence with Indigenous priorities

A distinct feature of Justice Reinvestment initiatives in Australia is its uptake by Indigenous organisations and support groups. The former ATSIJC (2009: 56) Tom Calma, argued for adoption of Justice Reinvestment as 'a pragmatic solution to the problem of Indigenous imprisonment... based on some sound principles that meld with Indigenous perspectives and approaches'. Following Calma, the next ATSIJC Mick Gooda emphasised the importance of the place-based and community-driven focus to Justice Reinvestment, stating that 'the real underlying power of Justice Reinvestment has always been in the place-based approach of community involvement and capacity building to create safer communities' (2014: 115).

The authors have found Justice Reinvestment's emphasis on a place-based approach to criminal justice reform coheres well with Indigenous prioritisation of Indigenous governance (Brown et al. 2016: 130-134), particularly in regional, rural and remote areas. Further, the value placed by Justice Reinvestment on community control, community development and cooperation between local services 'aligns with what we know about human rights-based practice in [Indigenous] service delivery' (ATSIJC 2014: 108).

The National Justice Coalition (2015a), representing various Indigenous and non-Indigenous legal and other peak bodies, has tied the importance of Justice Reinvestment to the absence of justice targets in the Closing the Gap agenda (Council of Australian Governments 2007; ATSIJC 2009).

The Coalition's Change the Record: Blueprint for Change (2015b) identifies principles and policy solutions for ending Indigenous mass-incarceration.

### Principle I:

- Directly affected people are best placed to identify local issues in their community and implement local solutions. Aboriginal and Torres Strait Islander community controlled organisations have the unique capacity to provide culturally appropriate services, and are able to develop localised, tailored solutions that have the support of the community.

### Policy solution I:

- Work in partnership with Aboriginal and Torres Strait Islander communities, their organisations and representative bodies and State and Territory governments to support the identification and development of place-based 'justice reinvestment' sites.

### Principle II:

- Evidence clearly demonstrates that strong, healthy communities are the most effective way to prevent crime and make communities safe. Prisons have been shown to be extremely costly, damaging and ultimately ineffective at reducing crime... Government funding must be reinvested into initiatives that address the underlying causes of crime.

### Policy solution II:

- All levels of government need to prioritise budgetary and other measures to progressively invest increased resources into services and programs that strengthen communities and address the underlying causes of crime.

This approach was endorsed by the National Congress in The Redfern Statement (2016), in which the 18

Indigenous peak representative organisations called on the Federal Government to commit to 'community controlled justice reinvestment initiatives that can allow Aboriginal and Torres Strait Islander led solutions to dramatically turn around justice outcomes' (National Congress 2016: 11). Congress supports Justice Reinvestment because: 'our people need to have a genuine say in our own lives and decisions that affect our peoples and communities' (ibid: 5).

In Australia, the emphasis on building Indigenous community capacity using place-based strategies and responding to local needs to enhance social inclusion has been a common feature of Justice Reinvestment (Brown et al. 2016: 131-134).

## Justice Reinvestment: The current Australian policy context

Recent Australian policy directions for addressing Indigenous over-incarceration pick up some of the same principles that motivate Justice Reinvestment. Place-based analyses of disadvantage such as those advanced by Vinson (2009; 2007) have been influential in location-specific government led initiatives to address social and economic disadvantage. Gilbert discusses a range of Indigenous place-based programs in Australia, identifying the need for long-term commitment, for government actors to change their practices, and the imperative to build community trust and internal capacity (see Indigenous Justice Clearinghouse Research Brief 13. Place Based Initiatives and Indigenous Justice. Gilbert 2012).

A current example of a place-based approach to social and educational disadvantage for young Aboriginal people is the Connected Communities strategy being implemented by the NSW Government. This whole of government approach positions schools as community hubs to facilitate a range of services.

Commencing in 2013 in fifteen schools in the most disadvantaged postcodes

in rural and remote NSW, the strategy aims to tailor educational and social services to the needs of the community in partnership with Aboriginal leadership in the local community Centre for Education Statistics and Evaluation (CESE) (2015 : 11). Locally, the strategy is led by an Executive School Principal, appointed for five years and accountable to community and government. While Connected Communities is neither a Justice Reinvestment nor a crime prevention program, the types of issues it seeks to address are related to the factors that lead to criminal offending in young people.

An interim evaluation of the strategy (CESE 2015) found difficulties recruiting key positions, an 'inconsistent focus on strategic community engagement', and a lack of clarity in the scope and function of various personnel roles and in the hub model as a whole (ibid: 8-10). At the halfway mark of a ten-year program, the model has not effectively established genuine school/community partnerships (ibid: 79). This strategy, and other government policies like it, has struggled to meet the preconditions for success articulated by Indigenous organisations above; specifically, they are not community driven. This is an important divergence from the way that Justice Reinvestment has developed in Australia.

## Social Impact Bonds

Another Australian policy development that has some resonance with Justice Reinvestment is Social Impact Bonds (see New South Wales Office of Social Impact Investment (NSW OSIIb) 2016). First piloted in 2011, Social Impact Bonds were described by the NSW Government Office of Social Impact Investment as an:

exciting new way of building innovative partnerships with the non-government sector and investors to deliver measurable and outcomes-based services. They help raise money for important earlier intervention and intensive services that otherwise might not receive funding due to limited government resources (ibid).

Similar to Justice Reinvestment, Social Impact Bonds involve approaches to solving costly social problems through partnerships and via leveraging off existing government funds in innovative ways.

The initial tender included a project on recidivism to explore ways to assist prisoners' re-entry to society to prevent reoffending. A proposal from Mission Australia and Social Ventures Australia proceeded to development phase but ultimately was not proceeded with, 'based on the aggregate challenges and risks of the proposed model, including the evolving nature of the justice and corrective services policy environment' (ibid).

In July 2016, a Social Impact Bond was funded to focus on reducing parolee reoffending. The five-year project will offer intensive, individualised support to 3,900 adult parolees in the Sydney metropolitan area assessed at medium to high risk of reoffending (NSW OSIIb 2016). With upfront finance being contributed by the National Australia Bank and the Australian Community Support Organisation, the outcome measure is a reduction in the rate of re-incarceration of parolees in the 12 months post release (ibid). If successful, the effect of this Social Impact Bond, like Justice Reinvestment initiatives, will be to reduce the prison population. Programs addressing reoffending among parolees have been prominent features of Justice Reinvestment in the United States of America.

## Justice reinvestment overseas

### United States of America

The context for the emergence of Justice Reinvestment was a 500% increase in the United States of Americas prison numbers since the 1970s, a phenomenon widely described as 'mass imprisonment'. A key characteristic of mass incarceration is where imprisonment 'ceases to be the incarceration of individuals and becomes the systematic imprisonment

of whole groups of the population' (Garland 2001: 1-2). Subsequent research has highlighted the highly selective nature of mass incarceration and its concentration in communities or groups defined by class, race and place (Alexander 2012).

The Council for State Governments (CSG), a national non government organisation representing all United States, became the main implementation arm of Justice Reinvestment, which it referred to as the Justice Reinvestment Initiative (JRI). Over time, the CSG omitted the aspects of Justice Reinvestment requiring reinvestment in high imprisonment neighbourhoods (Brown et al. 2016: 73-79) in favour of a program 'centred on consensus driven passage of legislation aimed at a reduction in corrections expenditure without jeopardizing public safety' (ibid). This legislation typically targets correctional administration policies such as changing probation and parole supervision practices to reduce revocations for technical violations. The move away from a place-based strategy focused on high incarceration communities was strongly criticised by a number of the original proponents of Justice Reinvestment (eg Austin et al. 2013).

As at 2015 there were 17 local Justice Reinvestment Initiatives and 24 at a state level (Brown et al. 2016: 62). Local Justice Reinvestment schemes are conducted at a county (local government) level and focus on the local jail (compared with state and federal prison) population. They are managed not by the CSG but by local agencies, and tend to be more collaborative and community driven (Brown et al. 2016: 58-61; Cramer et al. 2014). The scheme in Travis County, Texas, for example, provides supported housing for released prisoners with a history of homelessness, mental illness and drug use. The United States' local Justice Reinvestment projects seem the closest and thus most relevant to existing and proposed developments in Australia.

**Results of Justice Reinvestment in the United States of America vary. Some states have experienced reductions or have remained stable contrary to earlier predictions of substantial increases.**

For example, in Texas Justice Reinvestment policies mitigated the state's growth in prison population by about 9,000 and saved \$443 million between 2008-2009. The state reinvested \$241 million to expand in-prison and community based diversion programs and closed three correctional facilities (CSG 2016; cf Austin et al. 2013: 14-15).

However some non-Justice Reinvestment states have experienced larger decreases in incarceration through a range of sentencing reforms. For example, New York and New Jersey achieved reductions of 26% between 1999-2012 (The Sentencing Project 2015). It seems clear that Justice Reinvestment has contributed to leveling out, or reducing the rate of increase in, incarceration rates in particular states, which in turn has influenced national figures. However the exact contribution of the Justice Reinvestment Initiative to incarceration reductions is difficult to separate out from other influences and policies (La Vigne et al. 2014: 53-54).

## The United Kingdom

While various government and non-government reports in the United Kingdom have endorsed a Justice Reinvestment approach (House of Commons Justice Committee 2010; Commission on English Prisons Today, 2009; Lanning, Loader & Muir 2011), the take up of Justice Reinvestment in the United Kingdom has been limited to relatively small scale pilots (Local Justice Reinvestment Pilots; Youth Justice Reinvestment Pathfinder Initiative; Her Majesty's Prison Peterborough Social Impact Bond; HMP Doncaster Payment by Results (PbR) Pilot and conducted largely under the rubric of payment by results. The results of the pilots have been inconclusive:

[a]ssessed against the four step approach to Justice Reinvestment proposed by the Justice Committee... only one of the six sites in the pilot (Greater Manchester) appeared to take up the opportunity to attempt a Justice Reinvestment approach to the delivery of local criminal justice services (Wong, Fox & Albertson 2014: 86).

Allen suggests that despite the limited results, initiatives 'taken forward under the banner of Justice Reinvestment' present an opportunity 'to give local agencies in England and Wales a substantially greater role within the criminal justice system' (Allen 2015: 23).

## New Zealand

While there is interest in Justice Reinvestment in New Zealand, little by way of concrete policy has emerged. At a macro level, government has adopted a 'Social Investment' approach to services, including criminal justice, which involves 'applying rigorous and evidence-based investment practices to social services' (Adams 2016: 2). Applied to criminal justice there are some similarities to Justice Reinvestment in the methodology, including an emphasis on better data to drive more evidence based, 'what works' policy, and targeting offending and victimization with more holistic, efficient and effective approaches to services (Adams 2016: 2-3). However it lacks the original Justice Reinvestment focus on place, reinvesting in communities of vulnerability and local community involvement in programs and decision making.

Other New Zealand initiatives aligned with Justice Reinvestment principles are Social Impact Bonds aimed at 'harnessing private sector social service delivery to produce better, measurable social outcomes' (Jeram & Wilkinson 2015: 1). The scope for Social Impact Bonds can include criminal justice issues such as reducing recidivism and employment for ex-offenders. Jeram and Wilkinson (2015) note that the Social Impact Bond model is only in its fledgling stage in New Zealand but stress its potential:

to improve accountability for outcomes achieved, build the evidence base for measuring the effectiveness of social services, enhance competition (improving quality and affordability), strengthen community ties through crowd-funding, and most importantly, make a positive and lasting difference to the people government has failed to reach (ibid: 31).

## Current Australian Justice Reinvestment Initiatives

Several Indigenous and non-government organisations and two state and territory governments are working to promote Justice Reinvestment in Australia. Other communities have expressed interest in Justice Reinvestment including Cherbourg, Palm Island, Brisbane/Stradbroke Island and Cairns (Queensland) and the Kimberleys (Western Australia) and preliminary investigations are underway in these communities. In general these initiatives focus on Indigenous juveniles and young people. For example, the Yiriman Project in the Kimberleys is an Aboriginal community-designed and operated program that has the potential to be incorporated into a broader Justice Reinvestment strategy (see Indigenous Justice Clearinghouse Current Initiatives Paper 5. The Yiriman Project in the West Kimberley: An example of Justice Reinvestment? Marshall and Thorburn 2017).

### Just Reinvest Maranguka Justice Reinvestment Project (NSW)

The most developed of the Australian Justice Reinvestment projects is the Maranguka Justice Reinvestment Project in Bourke. The initiative is spearheaded by Just Reinvest NSW, auspiced by the New South Wales Aboriginal Legal Service. The Bourke Aboriginal community approached Just Reinvest NSW with the view to developing a Justice Reinvestment model to reduce the involvement of Aboriginal young

people in Bourke in the criminal justice system. The project receives funding and in-kind support from philanthropic, corporate and government sources. Non-government support has enabled greater flexibility and community control over setting priorities (Brown et al. 2016: 135).

The structure for initiating Justice Reinvestment in Bourke developed in an organic fashion from the community and follows an Indigenous self-governance model (KPMG 2016: 40). Maranguka is a community initiative 'substructure' that comprises an executive officer, a project officer, two consultants, Aboriginal and non Aboriginal members, the business community, shire council, and key players in the community who support Justice Reinvestment and can assist in engaging the whole of the community.

Apart from Maranguka there is the Bourke Tribal Council which has an oversight and approval role for any recommendations arising from Maranguka, as well as strategic partnerships with other organisations (KPMG 2016: 34). An important part of developing Justice Reinvestment was the establishment of a series of youth engagement sessions for young people 16 to 25 years old. The three justice 'circuit breakers' are bail, sentencing and the *Young Offenders Act 1997* the Warrant Clinic; and the driver licensing and crime prevention program (Just Reinvest NSW 2015).

The project uses a collective impact methodology (Just Reinvest NSW 2015; KPMG 2016: 40-42) which involves diverse organisations from a range of sectors committing to jointly solving complex social problems. At a practical level this involves developing a common agenda for change, a joint approach, mutually reinforcing activities, continuous communication and coordination and shared measurement for outcomes and accountability. As the ATSIJ (2014: 111) notes:

collective impact has synergies with community development and may translate the more conceptual elements of justice reinvestment to a practical level.

### Katherine (NT)

The Northern Australian Aboriginal Justice Association (NAAJA) and Northern Territory Council of Social Services (NTCOSS) received funding from the NT Law Society Public Purposes Trust to begin a 'proof of concept' project to explore using Justice Reinvestment to address offending and incarceration of young Aboriginal people in Katherine. It has a Steering Committee with membership from NAAJA, NTCOSS, the courts, police, the Young Mens Christian Association, Aboriginal Peak Organisations (NT), Red Cross (NT) and the local Aboriginal community, including local Aboriginal youth. Consultations for the project - including with young former prisoners - have identified key drivers to young people's offending and incarceration. The project is developing a collective impact framework to provide a formal, overarching structure within which stakeholders can work collaboratively. The project's first report identifies strategies, ideas and initiatives to tackle youth offending, reduce incarceration and further develop Justice Reinvestment in Katherine (Allison 2016: 70-71). The project has also produced a short film *What is Justice Reinvestment?* (2016) which explains how Justice Reinvestment can be used to reduce imprisonment of young Aboriginal people.

### Ceduna and Far West (SA)

Red Cross in South Australia is implementing the first stage in a longer-term state and national commitment to justice redesign. The Justice Redesign in Ceduna and Far West, SA – Community Engagement initiative focuses on community engagement on local justice related issues and the relevance of justice redesign approaches to support improvements in justice outcomes (Human Rights Law Centre and Australian Justice Reinvestment Project (HRLC & AJRP) 2016: 23). Key outcomes to date include: endorsement by the Far West Aboriginal Community Heads Group for Red Cross to enter and engage with local communities; engagement with other key initiatives and networks in the region; preparation

of a community consultation schedule; scoping of available data relevant to justice processes and outcomes in the region; and ongoing engagement with other key networks and initiatives (including Justice Reinvestment SA) (HRLC & AJRP 2016: 26).

## Cowra (NSW)

Justice Reinvestment in Cowra is an exploratory study lead by a team from the National Centre for Indigenous Studies at Australian National University (National Centre for Indigenous Studies 2016). A Research Reference Group has been established with representatives from Cowra Shire Council and local Indigenous organisations. Community participation has allowed the identification of key drivers for juvenile incarceration and potential investment initiatives to reduce incarceration (Finance and Public Administration Committee (FPARC) 2016: 112-113).

## ACT Government

In the ACT Justice Reinvestment was funded in the 2014-2015 budget with the purpose of 'developing a smarter, more cost-effective approach to improving criminal justice outcomes by reducing crime, improving public safety and strengthening communities' (ACT Government 2015).

The ACT is developing a whole of government Justice Reinvestment approach focused on understanding the local drivers of crime and the responses that will reduce or prevent people's contact with the criminal justice system.

The Justice Reinvestment Strategy includes:

- a trial focused on supporting Aboriginal and Torres Strait Islander families in contact with the justice system;
- the development of a justice system costing model;
- an ACT Justice Services and Programs map to support offenders or those at risk of contact with the justice system; and
- an ACT Aboriginal and Torres Strait Islander data snapshot of the justice and human services systems.

All these components are central to the evidence base to be used by the ACT Justice Reinvestment Advisory Group, that consists of government, community sector and academic representatives, to drive decision-making about key Justice Reinvestment priorities for the ACT.

## South Australian Government

The South Australian Government project is aimed at trialing Justice Reinvestment in two sites, one of which is Port Adelaide. Consultation is being undertaken with 'community members, service providers, government, non-government organisations and others about what a trial Justice Reinvestment project could look like for Port Adelaide' (South Australian Attorney General's Department 2016).

## Justice Reinvestment Evaluation in Australia

In Australia most Justice Reinvestment projects are at the consultation or 'proof of concept' stage rather than implementation. Evaluation of Justice Reinvestment outcomes are therefore not yet well developed and there have been no evaluations undertaken specifically into whether Justice Reinvestment initiatives have reduced offending. One of the greatest problems the more developed community-based projects have faced is access to relevant criminal justice data and the long timeframe involved in receiving data from government (FPARC 2016:112; HRLC & AJRP 2016: 4). Further, criminal justice administrative data systems may have problems providing meaningful data for local level initiatives (Brown et al. 2016: 164-165). These problems have implications for both the design and evaluation of local level Justice Reinvestment.

There have been concerns raised in Australia that 'success' is often taken to mean whatever is quantifiable – but there are risks involved if measures of success are too narrow or not meaningful to the community. Some broader community concerns about quality of life, strength of culture, cultural safety and community safety

require qualitative approaches (HRLC & AJRP 2016:4-5). These concerns echo the findings of the United Nations Permanent Forum on Indigenous Peoples (2006) that indicators should be meaningful to Indigenous people's values, traditions and laws. Thus evaluation measures need to be developed with affected communities, and governments should support Indigenous people to collect their own information (Willis 2010: 2).

Evaluations are often focused on the individual level and on recidivism. Yet as the United States National Research Council (2014:355) has noted this may not be the most appropriate level of evaluating outcomes where the effects may be systemic for some social groups and communities. Similarly, cost benefit analyses might be better conceptualised as community level outcomes rather than individual outcomes (Roman 2004), given that Justice Reinvestment is a place-based initiative aimed at improving communities.

A central aim of Justice Reinvestment is a reduction in the number of people in juvenile and adult prisons. Local level initiatives may have only a marginal impact on statewide systems of incarceration. However, these reductions may be significant for the community.

It has also been suggested that appropriate measures might include those able to capture incremental change and not just major system changes that take time to emerge (Willis 2010: 2). Ways of measuring the social determinants of imprisonment (eg poverty, homelessness, unemployment) are not well developed (Brown et al. 2016: 159-160).

The Bourke community identified 11 key areas within the Justice Reinvestment framework, which may form the basis on which to evaluate Justice Reinvestment. In addition to justice, these included employment, education, service delivery, youth engagement, drugs and alcohol, mental health, early childhood, out of home care, housing and family

violence. The community determined that for each of these it is necessary to track progress with baseline data and quarterly updates (Just Reinvest 2015). These social determinants of criminal justice involvement are seen as essential to evaluation and reflect the importance of community well being as an overall goal. Indigenous governance has also been an important part of the development of local Justice Reinvestment initiatives in Australia. In line with this, evaluations should also consider community capacity building and community ownership of the process of Justice Reinvestment as an outcome in itself.

## Saving and Reinvesting Money

The potential of Justice Reinvestment to significantly reduce costs associated with imprisonment is more likely to occur when prison populations are large (Brown et al. 2016: 161-162). Local level initiatives require other measures of savings which align with specific programs and policies developed at the local level. For example, KPMG (2016: 49-55) has estimated the direct costs of Aboriginal juvenile and adult involvement in crime in Bourke to be approximately \$4 million per year; the direct costs of implementing the Justice Reinvestment approach is \$500k per year. The Bourke Justice Reinvestment project is planning, as part of the implementation phase, detailed economic modeling of costs saved over a 5-10 year period as a result of effective implementation (Justice Reinvest 2015). Identifying savings also allows evaluation of the adequacy of reinvestment in the community by government.

**Melanie Schwartz, Emeritus Prof. David Brown and Prof. Chris Cunneen were chief investigators on the Australian Justice Reinvestment Project (<http://justicereinvestment.unsw.edu.au>) which was funded through the Australian Research Council. All the authors are from UNSW Sydney.**

## References

- Aboriginal and Torres Strait Islander Social Justice Commissioner (ATSISJC) 2009. *Social Justice Report 2009*. Sydney: Australian Human Rights Commission
- ACT Government 2015. *Justice Reinvestment Strategy*. <http://justice.act.gov.au/page/view/3829/title/justice-reinvestment-strategy>
- Adams A 2016. *Social Investment in the Criminal Justice System, Launch of NZ Investment Approach to Justice*. <https://www.beehive.govt.nz/speech/social-investment-criminal-justice-system>
- Alexander M 2012 (Revised edition). *The New Jim Crow: Mass incarceration in the Age of Colorblindness* (revised edition). New York: The New Press
- Allen R 2015. *Rehabilitation Devolution-how localising justice can reduce crime and imprisonment*. London: Transform Justice
- Allison F 2016. *Justice Reinvestment in Katherine: Report on Initial Community Consultations*. The Cairns Institute. <http://www.cairnsinstitute.jcu.edu.au/justice-reinvestment/>
- ATSISJC 2014. *Social Justice Report 2014*. Sydney: Australian Human Rights Commission
- Austin J, Cadora E, Clear T R, Dansky K, Greene J, Gupta V, Mauer M, Porter N, Tucker S & Young M C. 2013. *Ending Mass Incarceration: Charting a New Justice Reinvestment*. <http://sentencingproject.org/wp-content/uploads/2015/12/Ending-Mass-Incarceration-Charting-a-New-Justice-Reinvestment.pdf>
- Brown D, Cunneen C, Schwartz M, Stubbs J & Young C 2016. *Justice Reinvestment: Winding Back Imprisonment*. London: Palgrave Macmillan
- Centre for Education Statistics and Evaluation, NSW Government (CESE) Sept 2015. *Connected Communities Strategy: Interim Evaluation Report*. [https://www.cese.nsw.gov.au/images/stories/PDF/Connected\\_Communities\\_Interim\\_Report\\_FA\\_AA.pdf](https://www.cese.nsw.gov.au/images/stories/PDF/Connected_Communities_Interim_Report_FA_AA.pdf)
- Council of Australian Governments (COAG) 2007. *National Indigenous Reform Agreement Closing the Gap*. Canberra: Council of Australian Governments
- Commission on English Prisons Today 2009. *Do Better, Do Less: The Report of the Commission on English Prisons Today*. <http://howardleague.org/wp-content/uploads/2016/04/Do-Better-Do-Less-low-res.pdf>
- Cramer L, Harvell S, McClure D, Sankar-Bergmann A & Parks E 2014. *The Justice Reinvestment Initiative: Experiences from the Local Sites*. Washington DC: Urban Institute
- Finance and Public Administration References Committee (FPARC) 2016. *Aboriginal and Torres Strait Islander Experience of Law Enforcement and Justice Services*. Canberra: Department of the Senate
- Garland D 2001. Introduction: The Meaning of Mass Imprisonment in D Garland (ed). *Mass Imprisonment: Social Causes and Consequences*. Thousand Oaks: Sage
- Gilbert R 2012. *Place-based Initiatives and Indigenous Justice*. Research Brief 13. Indigenous Justice Clearinghouse. NSW: NSW Department of Justice I
- House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs (HRSC) 2011. *Doing Time - Time for Doing: Indigenous Youth in the Criminal Justice System*. Canberra: The Parliament of the Commonwealth of Australia
- House of Commons Justice Committee 2010. *Cutting Crime: The Case for Justice Reinvestment*. The House of Commons London: The Stationary Office Limited
- Human Rights Law Centre and Australian Justice Investment Law Project University of New South Wales (HRLC & AJRP) 2016. *Workshop on Practical Implementation of Justice Reinvestment Projects in Indigenous Communities (13 and 14 October 2015): Final Report*
- Jeram J & Wilkinson B 2015. *Investing For Success: Social Impact Bonds and the Future of Public Services*. The New Zealand Initiative: Wellington. <http://nzinitiative.org.nz/site/nzinitiative/files/Social%20Bonds%20-%20web.pdf>
- Justice Center 2016. *The Council of State Governments Collaborative Approaches to Public Safety 2016*. Texas. <https://csgjusticecenter.org/jr/tx/>



- Just Reinvest NSW 2015. *Justice Reinvestment in Bourke*. <http://www.justreinvest.org.au/jr-in-bourke/>
- KPMG 2016. *Unlocking the Future, Maranguka Justice Reinvestment Project in Bourke: Preliminary Assessment*. Sydney: KPMG
- Lanning T, Loader I & Muir R 2011. *Redesigning Justice Reducing Crime Through Justice Reinvestment*. London: Institute for Public Policy Research
- La Vigne N, Bieler S, Cramer L, Ho H, Kotonias C, Mayer D, McClure D, Pacifici L, Parks E, Peterson B & Samuels J 2014. *Justice Reinvestment Initiative State Assessment Report*. Washington DC: Urban Institute
- Legal and Constitutional Affairs Reference Committee (LCARC) 2009. *Access to Justice*. Canberra: Department of the Senate
- LCARC 2013. *Value of a Justice Reinvestment Approach to Criminal Justice in Australia*. Canberra: Department of the Senate
- National Congress of Australia's First Peoples 2013. *National Justice Policy: Version 1, February*. Sydney: National Congress of Australia's First Peoples
- National Congress of Australia's First Peoples 2016. *The Redfern Statement* <http://nationalcongress.com.au/index.php/2016/10/20/redfern-statement/>
- National Justice Coalition 2015a. *Submission to the Senate Finance and Public Administration References Committee inquiry into access to legal assistance services*. [http://www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Finance\\_and\\_Public\\_Administration/Legal\\_assistance\\_services/Submissions](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Finance_and_Public_Administration/Legal_assistance_services/Submissions)
- National Justice Coalition 2015b. *Change the Record Blueprint for Change*. <https://changetherecord.org.au/blueprint-for-change>
- National Research Council 2014. *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Committee on Causes and Consequences of High Rates of Incarceration: Division of Behavioral and Social Sciences and Education of the National Academies
- National Centre for Indigenous Studies 2016. *Reducing Incarceration using Justice Reinvestment: an exploratory study*. National Centre for Indigenous Studies. Australian National University: Canberra. <http://ncis.anu.edu.au/cowra/>
- Noetic Solutions 2010. *A Strategic Review of the New South Wales Juvenile Justice System, Report for the Minister for Juvenile Justice*. Manuka: Noetic Solutions
- North Australian Aboriginal Justice Agency & Allison F 2016. *What is Justice Reinvestment?* Film. Round 3 Creative, with assistance from the community of Katherine, North Territory and AJRP University of New South Wales. Funded by Amnesty International. <https://youtu.be/VNII9IW2468>
- Northern Territory Government September 2011. *Review of the Northern Territory Youth Justice System*. Northern Territory Government
- NSW Office of Social Impact Investment 2016 (NSW OSIIa). <http://www.osii.nsw.gov.au/news/2016/07/12/new-social-impact-investment-to-reduce-parolee-reoffending-and-re-incarceration/>
- NSW Govt Centre for Education, Statistics and Evaluation Sept 2015. *Connected Communities Strategy- Interim Evaluation Report*. [https://www.cese.nsw.gov.au/images/stories/PDF/Connected\\_Communities\\_Interim\\_Report.pdf](https://www.cese.nsw.gov.au/images/stories/PDF/Connected_Communities_Interim_Report.pdf)
- Roman J 2004. Can Cost-Benefit Analysis Answer Criminal Justice Policy Questions, and If So, How? *Journal of Contemporary Criminal Justice*. 20(3): 257-75
- South Australian Attorney-General's Department 2016. *Justice Reinvestment*. <http://www.agd.sa.gov.au/initiatives/more-our-initiatives/justice-reinvestment>
- The Sentencing Project 2015. *Fewer Prisoners, Less Crime: A Tale of Three States Policy Brief*. <http://sentencingproject.org/wp-content/uploads/2015/11/Fewer-Prisoners-Less-Crime-A-Tale-of-Three-States.pdf>
- Thorburn K and Marshall M 2017. *The Yiriman Project in the West Kimberley: An example of Justice Reinvestment?* Current Initiatives Paper 5. Indigenous Justice Clearinghouse. NSW: NSW Department of Justice
- Tucker S & Cadora E 2003. *Ideas for an Open Society: Justice Reinvestment*. Open Society Institute Occasional Papers, 2
- United Nations Permanent Forum on Indigenous Issues 2006. *Report of the Meeting on Indigenous Peoples and Indicators of Well-Being*. New York 15-26
- Vinson T 2007. *Dropping Off the Edge. The Distribution of Disadvantage in Australia*. Richmond: Jesuit Social Services/Catholic Social Services Australia
- Vinson T 2009. *Markedly socially disadvantaged localities in Australia: their nature and possible remediation*. Canberra: Australia
- Willis M 2010. *Indicators Used Internationally to Measure Indigenous Justice Outcomes*. Research Brief 8. Indigenous Justice ClearingHouse. NSW: NSW Department of Justice
- Wong K, Fox, C & Albertson K 2014. *Justice Reinvestment in an Age of Austerity: Developments in the United Kingdom. Victims and Offenders* 9(1): 76-99

ISSN 1837-6223 (print) © 2017 Indigenous Justice Clearinghouse.

You may copy, distribute, display, download and otherwise freely deal with this work for any purpose, provided that you attribute the Indigenous Justice Clearinghouse as the owner. However, you must obtain permission if you wish to (a) charge others for access to the work (other than at cost), (b) include the work in advertising or a product for sale, or (c) modify the work.

While every effort has been made to ensure that this document is correct at the time of printing, the Indigenous Justice Clearinghouse, its agents and employees, disclaim any and all liability to any person in respect of anything done or omitted to be done in reliance or upon the while or any part of this document.

This information can be provided in alternative formats such as braille, audiotape, large print or computer disk. Please contact the Indigenous Justice Clearinghouse by phone: (02) 8346 1743 (voice) or National Relay Service TTY or Voice call 133 677 or speak and listen 1300 555 727 (for people who are deaf or have a speech impairment) or email [ijc@justice.nsw.gov.au](mailto:ijc@justice.nsw.gov.au)