THE PROMISE OF JUSTICE REINVESTMENT

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Justice Reinvestment (‘JR’) - emerging approach addressing the high social and economic costs of soaring incarceration rates. JR invests in public safety by reallocating dollars from corrections budgets to finance education, housing, healthcare, and jobs in high-crime communities.


Picked up by the Council of State Governments Justice Center (‘CSG’) — a national non-government organisation providing advice to government policymakers — become the main body for JR implementation (JRI) in the US since the first pilot began in 2006.

JR involves advancing ‘fiscally-sound, data driven criminal justice policies to break the cycle of recidivism, avert prison expenditures and make communities safer’.

(CSG Justice Center, ‘Justice Reinvestment: About the project’, www.justicereinvestment.org/about)
The key strategy is the quantification of savings and subsequent reinvestment in high-stakes neighbourhoods to which “the majority of people released from prisons and jails return”, by, for example, redeveloping “abandoned housing and better coordinating such services as substance abuse and mental health treatment, job training, and education”.


Distinguishing features of JR:
- justice and asset mapping;
- budgetary devolution;
- localism;
- desirability of bipartisanship.
Key distinguishing features

1. Justice and asset mapping
   - 'justice mapping' — analysis of data on incarceration rates; identification of areas producing high numbers of prisoners - "Million dollar blocks"; factors driving growth in prison population
   - Policy options developed and implemented to reverse the rates of incarceration and to increase the effectiveness of spending in the criminal justice arena.
   - Impact of the changes evaluated.
   - Savings are quantified and reinvested back into those communities producing high numbers of offenders.
   - Key issue – seed funding up front or only from realised savings.

B. W. Cooper Housing, Central City New Orleans

Key distinguishing features – justice and asset mapping

- ‘Mapping’ process two-fold:
  1. Identify high risk – high crime neighbourhoods,
  2. Map the community ‘assets’ in those communities (the various government, non-government, civic, community, business, educational, familial, religious, sporting, cultural and community organisations and agencies - sources of strength and social cohesion).

- Justice reinvestment funding used to bolster existing organisations by supporting various local community building projects. Place-based.
Key distinguishing features – budgetary devolution and localism

2. Budgetary devolution and localism

- JR schemes typically involve a form of budgetary devolution. In the UK - from central to local government; in US from federal or state jurisdictions, to county administrations.
- Budgetary devolutions can take the form of block grants; fiscal incentives; the use of social bonds by trusts, local businesses or social entrepreneurs (e.g., UK Peterborough prison scheme - post release mentoring by charitable trusts and foundations using social impact bonds); or the use of various voucher systems.
- A strong strand of localism in much of the JR literature, encompassing existing local community organisations, NGOs, church and welfare agencies, and the private sector.

JR in the United States

- highest imprisonment rate in the world.
- gross race-specific disproportions - ‘mass imprisonment’ (Garland) - effects of imprisonment cease to be explicable in terms of individual offending and involve whole communities becoming part of the socialisation process.
- US corrections budget more than US$60 billion per year. In the last 20 years, spending on prisons has increased by more than 300% of higher education 125%
- US state expenditure on corrections risen from $12 billion to $52 billion 1988-2008.
- language of fiscal responsibility and increasing public safety cf morality/politics of racially based mass imprisonment
• 16 American states signed up with the CSG Justice Center to investigate or apply the JR model. Others pursuing JR through other avenues.

• Some striking results -pilot in Connecticut has resulted in the cancellation of a contract to build a new prison, realising savings of US$30 million. US$13 million savings reinvested into community-based crime prevention initiatives

• Tension between original JR vision (reinvestment/local neighbourhood focus) and JR
4. Evaluate Impact

JR outcomes in Texas

In 2006, Texas had a projected prison population growth of 14,000 in 5 years at a cost of US$523 mil.

**Implementation:**
- Substance abuse treatment programs
- 1,700 new beds in halfway houses
- 3,200 new beds in in-prison treatment programs
- Changing probation and parole regimes

**Outcome:**
- 2008-2010: decrease in prison population by 1,125
- 2008-2009 budget: net saving of US$43.9 million
- $200 million redirected to programs that reduce recidivism and increase public safety
- $4.3 million pulled from the 2008–2009 corrections budget for a violence prevention program, the Nurse–Family Partnerships, to be delivered to 2000 families in identified ‘high stakes’ communities


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**Texas Projected Prison Population**

- Projected population growth from 2001 to 2009
- Actual population growth from 2001 to 2009
US JR – what programs?

- Programs identified on JusticeReinvestment strategies (US states working with the Justice Centre)

- Groundswell of interest in Australia;
- 2010 Noetic Solutions Report Juvenile Justice NSW
- 2010 Australian Greens adopted JR as part of policy platform;
- Senate Legal and Constitutional Affairs Committee Inquiry – Report, May 2013
JR in Australia?

Senate Report

- Wide range of submissions (131) from various organisations, across law, crim justice, health, welfare, juvenile etc
- Committee recommended:
  - Commonwealth take leading role in data collection;
  - Comm establish JR clearing house ‘to compile, disseminate, and promote research and program evaluation in all communities’.
  - Comm take leadership role through COAG
  - Comm establish JR trial, incl at least 1 Indigenous community
  - Trial involve local communities, involve justice mapping and evaluation
  - Comm provide funding for trial

Minority Report

- rec Comm through Standing Committee on Law and Justice establish an independent central co-ordinating body for JR
- establish justice targets for ATSI people to reduce imprisonment rates
- Minority Report (3 ½ pages) by Coalition Senators –support principle but JR a state matter - do not support any Commonwealth role and any diversion of resources not yet warranted on the evidence. Do not support new funding programs.
2006 census: total recorded population of 379, (including 71 people under 14 years).

In 2007–08, 72 adults entered Northern Territory jails who usually live in Papunya
• (includes people who had multiple receptions in the same year).
• The number of individuals is probably closer to 50

Imprisonment costs in 2008 for the NT were $181 per day per prisoner

Positing a median sentence of six months of the year (taking into account those churning through on short sentences), this represents a corrections cost of over $2.4million per year (incarceration costs only) for a community of less than 400 people.
Difficulties in Australian context

- Bipartisanship key pre-condition for adoption but difficult to obtain - Trumped by law and order politics.
- Greens proposal for an independent National Centre for Justice Reinvestment –clearing house/technical assistance/policy and financial advice for states and Territories wanting to set up pilots.
- Under current federal government JR left to state and territory governments.
- Ambiguity – all things to all people – vague buzz word – lack of internal coherence – wide range of programs pulled within JR – however ambiguity can also be a strength, enabling support from divergent sources.
- A cover for disinvestment? Cost cutting to prison and post prison programs and services

Recent US critiques – mutated from reinvestment in local high imprisonment neighbourhoods to reducing costs and improving efficiency of crim j system – emphasis on parole and reducing violations.

Structures for devolution?
- Co-ordination agency? Esp in federal system
- Federal/state/local government?
- Role for NGOs, church, welfare, charities?
- How are ‘savings’ to be calculated?
- How are financial transfers to be made?
- Will money saved through penal moderation be applied to JR?
- Level of community engagement, partic Indigenous
What would a Victorian JR strategy look like?

- Need a policy/information centre/clearing house to compile statistical data base and develop expertise/skills for local justice and asset mapping; strategic program formulation; evaluation measures; measures to identify and calculate cost savings; act to develop inter-agency strategic planning; building training capacity and expertise. Where best located?
- Invite submissions for JR projects from community organisations, NGO’s, churches, business, government agencies etc
- Engage in a series of pilots in selected communities, dependant on submissions and ground work.
- Focus on vulnerable communities with high rates of imprisonment, especially Indigenous, and those with cognitive disabilities.

- Emphasis on grass roots, bottom-up proposals which enjoy local support and engagement (cf ‘roll out’ of state wide programs)
- Provision of start up seed funding
- Build in evaluation measures
- Success measures wider than recidivism, include qualitative
- Develop ways of identifying cost savings and mechanisms for reinvesting them in local projects —up front; after savings; and on-going.
- Continual impact assessment

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Penal Culture and hyperincarceration: the revival of the prison,

C. Cunneen, E. Baldry, D. Brown, M. Brown, A. Steel and M. Schwartz, Ashgate (2013)