

Proposal 6

The Social Justice Board (SJB), the Uniting Aboriginal & Islander Christian Congress (WA) and the Covenanting Commission propose:

Social Reinvestment

That the Synod:

1. Note the long-held advocacy of the Synod of Western Australia for restorative and rehabilitative justice practices across the Western Australian justice system, including the condemnation of mandatory sentencing.
2. Acknowledge that the persistent and growing over-representation of Aboriginal and Torres Strait Islander people in the justice system, particularly among young people and particularly in Western Australia, necessitates an urgent overhaul of the Western Australian Government's policies relating to Aboriginal and Torres Strait Islander peoples.
3. Write to the Western Australian Premier and Opposition Leader requesting their support for a change in approach to criminal justice towards a more holistic, prevention-based approach that prioritises cultural, social, and emotional wellbeing among people at risk of incarceration.
4. Encourage its members and agencies to support, expand or create rehabilitative, restorative and preventative alternatives to incarceration that align with best practice approaches.

Rationale

In 1977 at the inauguration of the Uniting Church in Australia, in its Statement to the Nation, the Church identified as principles: the importance of every human being, integrity in public life, proclamation of truth and justice, the right for each citizen to participate in decision making, religious liberty, and personal dignity. The Uniting Church pledged itself to seek correction of injustices, to work for the eradication of poverty and racism, and opposed all forms of discrimination which infringe on basic human rights.

With these values in mind the Synod of Western Australia has passed multiple resolutions over more than 15 years calling for improvements to the Western Australian justice system, including calls for an end to mandatory sentencing, addressing prison overcrowding and reforms to the processing of women, people with disabilities, mental illness and drug-related problems who enter the justice system.

Most recently, in 2011 it was agreed by consensus that the Synod:

“Note the ineffectiveness of the current WA prison system in working towards the long-term safety of the Western Australian community;
reaffirm that prisons should only ever be used as a last resort, but when they are used, emphasis needs to be placed on the rehabilitative opportunity the period of imprisonment provides;
affirm that building communities - by addressing the underlying problems which often lead people to commit crimes - should be at the core of State Government policy;



affirm the Uniting Church's commitment to supporting grass roots programs which seek to strengthen our community by addressing the underlying problems which can lead to criminal behaviour;

call on the State Government to encourage and support grass roots programs which seek to address those factors which lead to criminal behaviour.”

The Social Justice Board (SJB) has advocated to government regarding all of these concerns, has participated in the Community Justice Coalition and hosted the Build Communities Not Prisons website. It has not, however, seen any significant change in public policy with instead more emphasis going into ‘tough on crime’ approaches which have caused further increases in prison populations at a greater cost to communities. A particularly graphic illustration of such costs was evidenced in the treatment of juveniles at the Don Dale juvenile detention facility in the Northern Territory as revealed by the ABC’s Four Corners program earlier this year (<http://www.abc.net.au/news/2016-07-25/four-corners-evidence-of-kids-tear-gas-in-don-dale-prison/7656128>).

Due to various reasons our collaborative campaigns for a new approach have not been heeded and have lost momentum in recent years. In the gap, a coalition of community sector groups have recently convened as ‘Social Reinvestment WA’. The Social Justice Board has been an active participant in this forum along with organisations like the WA Council of Social Services, Reconciliation WA, the Aboriginal Alcohol and Drug Service, Outcare, Amnesty International Australia and a number of others.

Social Reinvestment builds on the concept of the Justice Reinvestment movement which advocates for Governments to reallocate their justice budgets away from building and maintaining new prisons towards preventative, community building approaches to stop people from going to prison in the first place. There have been successful examples of this approach in various locations around the world with governments seeing not only social benefits from reduced incarceration and recidivism rates but also great financial benefits due to the reduced costs of building and running extra prisons. Texas is one of growing number of jurisdictions across the United States who have adopted this model. According to the Council of State Governments’ Justice Center:

In 2007, Texas was projected to need 17,000 additional prison beds by 2012, at an expected cost of \$2 billion. [Justice Reinvestment] policies mitigated the state’s growth in prison population by about 9,000 and saved the state \$443 million between 2008 and 2009. The state reinvested \$241 million to expand in-prison and community-based treatment and diversion programs.

(<https://csgjusticecenter.org/jr/tx/>)

In Australia a key trial is already seeing positive outcomes in the NSW town of Bourke with the Maranguka Justice Reinvestment Project (<http://www.justreinvest.org.au/justice-reinvestment-in-bourke/>). The town was eager to see some turnaround to the persistent levels of Aboriginal disadvantage in the community and has devised an approach to reapportion the \$2million annually spent on incarcerating children and young people in Bourke towards more preventative approaches.

Even here in WA there are numerous smaller examples showing the value of investing in lives and community wellbeing for people most at-risk of entering or re-entering the justice system. The immediate and long-term benefits can be transformative not only for the individuals involved but for entire communities. This is effectively part of the benefit of the Boab Network’s involvement in the Mowanjum community.



Through the Boab Network, Uniting Church members have been able to develop strong supportive relationships with many people from the Mowanjum Aboriginal Community outside of Derby. While the original intention of the group was to support the local community in their efforts to address a spike in youth suicides, their ongoing involvement has revealed the impacts the justice system has on the people there. The approach of the Network has been to support the Community in achieving their own community development plans. By assisting with grant applications, lobbying politicians and government agencies and writing a management plan for the pastoral station, members of the Boab Network have assisted the community to re-establish the cattle station as a functioning entity, secured funding to employ a youth activities officer and a deputy CEO, set-up the early learning centre for young children and their parents, the community resource centre (computer centre) and is currently seeking funding for a community centre which will facilitate community consultation and a healthier social environment for the whole community. These initiatives began with young people but are now targeted at improving the whole community for everyone so that the young people have a healthier environment to grow up in and community employment to provide hope for the future.

At Fairbridge, near Pinjarra, the Bindjareb Project trains Aboriginal and Torres Strait Islander people in custody within an 'intensive lifestyle development program' so that they can obtain jobs within the mining industry. The project has recently been evaluated for effectiveness with numerous positive outcomes achieved including reduced recidivism and significant cost savings to government.¹

There are numerous examples of how a social reinvestment approach might look and there are many Uniting Church members already involved in building social and emotional wellbeing among the existing prison population and their families. This includes our prison chaplains, volunteers running support programs, and UnitingCare West who provide quality support services for people exiting the prison system

(<http://www.unitingcarewest.org.au/services/offender-re-entry-supports/>). These are all services in need of greater support and expansion as part of a much broader rehabilitation focus.

The proposed Social Reinvestment approach is broader than a Justice Reinvestment model as it seeks to be more holistic beyond the justice system alone, recognising that the factors leading to crime are complex and require multiple components to achieve sustainable outcomes. This means that a whole-of government approach is required to ensure that the task at hand does not remain siloed in one government department and is not limited to that department's budget.

According to the Social Reinvestment WA Framework, the central elements of the approach are:

- 1. Supporting families early to address the underlying issues that can lead to crime;*
- 2. Diverting people who are in trouble with the law into support programs that will stop them from further offending;*
- 3. Assisting people who are imprisoned or transitioning out of prison to reintegrate into the community;*
- 4. Reforming laws that unfairly target minority groups;*
- 5. Prioritizing cultural, social, and emotional wellbeing in all responses.*

¹ Deloitte Access Economics, *Cost benefit analysis of the Fairbridge Bindjareb Project; Benefits of offender rehabilitation and training*, (February 2016).



This approach aligns closely with the advocacy work the Synod and SJB has undertaken over many years. Given the evidence that the existing 'tough on crime' approach has led to overpopulated prisons and high recidivism rates, clearly a change of approach is desperately needed. For Aboriginal and Torres Strait Islander people in Western Australia these reforms are well overdue and need to be culturally appropriate. Social Reinvestment WA states that:

Western Australians bear the moral burden of knowing that we separate Aboriginal and Torres Strait Islander children, women and men from their families through imprisonment at the highest disproportionate rates in Australia.

In Western Australia, Aboriginal and Torres Strait Islander people make up only 3 per cent of the population. Yet almost 40 percent of adults and 75 percent of children we place behind bars are Aboriginal and Torres Strait Islander.²

In Western Australia we also currently lock up non-Aboriginal children and adults at the highest and second highest rate in Australia respectively.³ The number of women in prison in Western Australia is at a ten year high.⁴

These statistics alone should be shocking enough to instigate a significant rethink of the current approach, but further to this are the statistics revealing that incarceration does not actually lead to safer communities. Here again Social Reinvestment WA explains:

If a single mother is imprisoned because she is unable to pay a fine, this may result in her children being taken into state care, her mother being left without a caregiver, and have major flow on effects, that are difficult to reverse upon her return.

About two thirds of all adults we place in prison in Western Australia have been there before, so it is clear that prison is failing to rehabilitate those people that we separate from the community.

Approximately 40-45 percent of adults and 58 percent of children who are released from prison return there within two years.⁵ As stated above, the recidivism rate is even higher for Aboriginal and Torres Strait Islander people.

By comparison, just 12.8 percent of people sentenced to programs in the community have further contact with corrections within the following two-year period.

We know that social and economic disadvantage is the main cause of offending.

Those living in the most disadvantaged areas of Western Australia are eight times more likely to have spent time in prison.⁶

The only way to reduce crime is to address this disadvantage and the associated underlying issues. We know that effective strategies that work with disadvantaged children, their families and communities can stop initial and ongoing contact with the justice systems.

The cost of this inefficient and largely ineffective approach are not only impacting the vulnerable families and communities who are being imprisoned, but also the State Government budget. Social Reinvestment WA outlines the costs:

²<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2015~Main%20Features~Aboriginal%20and%20Torres%20Strait%20Islander%20prisoner%20characteristics~7>

³ AIHW 2016. Youth justice in Australia 2014–15. AIHW bulletin no. 133. Cat. no. AUS 198. Canberra: AIHW: [Table S77a: Young people aged 10–17 in detention on an average day by sex and Indigenous status, states and territories, 2014–15 \(rate\)](#), Australian Bureau of Statistics 4517.0 - Prisoners in Australia, 2015: [Table 16 IMPRISONMENT RATE, selected characteristics by state/territory](#)

⁴ Australian Bureau of Statistics, 4517.0 - Prisoners in Australia, 2015: [Western Australia- Snapshot](#)

⁵ Department of Corrective Services, Annual Report 2014/15, page 47 and page 133

⁶ Jesuit Social Services, ['Dropping Off the Edge: Persistent Communal Disadvantage in Australia'](#), page 121



In 2013–2014 in Western Australia it cost \$334 per day to imprison an adult and \$814 per day to detain a child (over \$120,000.00 per year for an adult prisoner and almost \$300,000.00 for a juvenile detainee). In comparison, it costs \$46 per day to supervise an adult offender in the community and \$90 per day to supervise a child in the community.⁷ The total net cost of the adult prison system in 2013–2014 was \$608 million.⁸

The current policy recommendations being advocated by the Social Reinvestment WA coalition are broken into three broad principles of Healthy Families, Smart Justice and Safe Communities as outlined below:

Healthy Families

1. Adopt and maintain a whole-of-government commitment to investment in early intervention and prevention programs.
2. Commit to reduce the disproportionate rate of Aboriginal and Torres Strait children in the child protection system and to uphold the 'Aboriginal and Torres Strait Islander Child Placement Principles'.
3. Ensure adequate accommodation for vulnerable and disadvantaged persons.
4. Increase investment in early childhood development and care for Aboriginal children to close the gap on developmental vulnerability
5. Establish and maintain effective education programs to retain Aboriginal children and young people in school.
6. Ensure sufficient community drug and alcohol education and rehabilitation programs.
7. Invest in improved education and treatment programs for family and domestic violence.
8. Establish effective programs and services for people with disability, mental illness, cognitive impairment (including FASD) and other health conditions.
9. Increase resources to ALSWA and Aboriginal Family Law Services to address and resolve civil and family law issues before these issues escalate into criminal offending behaviour.

Smart Justice

10. Improve data accuracy and accessibility and linkages between different data.
11. Ensure independent and publicly available evaluations of programs and services.
12. Undertake ongoing mapping analysis to identify communities most in need.
13. Incorporate justice targets in *Closing the Gap*.
14. Implement the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

Safe Communities

15. Repeal mandatory sentencing laws.
16. Provide alternative options for fine defaulters to reduce imprisonment for unpaid fines.
17. Invest in and support Aboriginal-controlled programs and services.
18. Cultural competency throughout justice system (eg. training for police, lawyers, community corrections and judiciary.)
19. Repeal the mandatory reporting of breaches of community-based orders.

⁷ Department of Corrective Services, *Annual Report 2013–2014* (2014) 13.

⁸ Economic Regulation Authority, *Inquiry Into the Efficiency and Performance of Western Australian Prisons*, Draft Report (July 2015) 37.



20. Ensure education and rehabilitation programs in prisons are maintained.
21. Improve and increase access to rehabilitation services in custody for all men, women and children in prisons including those on remand or with short term sentences.
22. Ensure adequate post release services for people who are returning to their families and communities.
23. Establish a state-wide Aboriginal interpreter service to ensure that Aboriginal people are not disadvantaged in the justice system and can effectively participate in rehabilitation strategies.

The Social Justice Board, the Uniting Aboriginal & Islander Christian Congress (WA) and the Covenanting Commission commend these recommendations to the Synod as providing a strong foundation from which we can continue our advocacy towards justice, health and wellbeing for some of the most vulnerable people in our society.

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