

JUSTICE
REFORM
INITIATIVE

JAILING
IS
FAILING



A PAPER FROM THE JUSTICE REFORM INITIATIVE

ALTERNATIVES TO INCARCERATION:
IN SOUTH AUSTRALIA

November 2023

EXECUTIVE SUMMARY	6
ABOUT THE JUSTICE REFORM INITIATIVE	12
OVERVIEW AND PARAMETERS OF THIS REPORT	14
APPROACHES TO JUSTICE SYSTEM CHANGE IN THIS REPORT	16
PART 1: JAILING IS FAILING: THE STATE OF INCARCERATION IN SOUTH AUSTRALIA	17
DEMOGRAPHICS OF DISADVANTAGE: WHO GOES TO PRISON IN SOUTH AUSTRALIA?	19
SOUTH AUSTRALIAN INCARCERATION: POLICY, POLITICS AND BUILDING NEW PRISONS	21
THE PROPOSAL TO BUILD A NEW PRISON IN SOUTH AUSTRALIA	21
WHY ARE PEOPLE IN SOUTH AUSTRALIA'S PRISONS AND FOR HOW LONG?	23
PART 2: WHAT WORKS TO REDUCE INCARCERATION	24
EVIDENCE-BASED EARLY INTERVENTION AND DEVELOPMENTAL CRIME PREVENTION	24
Communities That Care (Australia and International)	25
Child Skills Training and Behavioural Change Programs (Australia and International)	25
Sport Programs (Australia and International)	25
Parenting Programs (Australia and International)	26
Youth Partnership Project (WA)	26
You Got This (Queensland)	26
Resolve (Queensland)	27
Youth Crime Action Plan (New Zealand)	27
Mentoring Programs (International)	27
Home Visitation Programs (United States)	27
After-School Programs (International)	27
Anti-Bullying/Anti-Cyber Bullying Programs (International)	28
The Perry Preschool Project (United States)	28
Fast Track (United States)	28
Youth Advocate Program (United States)	28
EVIDENCE-BASED TERTIARY RESPONSES FOR CHILDREN AND YOUNG PEOPLE	28
ReBoot Intensive Intervention (South Australia)	29
Second Chances (Getting Ready To Take Off) (South Australia)	29
Operation Flinders (South Australia)	29
Weave (Creating Futures) (NSW)	29
Backtrack Youth Services Impact Report (NSW)	30
A Place To Go (NSW)	30
Tedd Noffs Foundation (Queensland and NSW)	30
Griffith Youth Forensic Service (Queensland)	30
Transition to Success (Queensland)	31
Targeted Youth Support Service – Mission Australia and Bapcare (Tasmania)	31
Intensive Case Management (Queensland)	31
Whitelion: Deadly Diversions Youth Support Service (WA)	32
ALTERNATIVES TO POLICING	33
EVIDENCE-BASED CASE STUDIES: WHAT WORKS IN ALTERNATIVE POLICING MODELS?	34
Aboriginal Community Patrols (Australia)	34
Aboriginal Community Liaison Officers (Australia)	34
PACER Program (ACT, TAS, NSW, VIC)	35
The NSW Homelessness Protocol (NSW)	35
Mental Health Co-Responder (Queensland)	36
Fire Project (Queensland)	36

Police Force Mental Health Co-Response Trial (WA).....	36
Cooperative Initiatives - Redfern Police and Tribal Warrior (NSW)	36
LEAD Bureau (United States, Multiple Jurisdictions)	37
CAHOOTS (Crisis Assistance Helping Out On The Streets) (Eugene, Oregon, United States)	37
Portland Street Response (Oregon, United States)	37
The Behavioural Health Emergency Assistance Response Division, B-Heard (New York City, United States)	38
Pre-charge Diversion (International)	38
ALTERNATIVES TO MAINSTREAM COURT PROCESSES.....	39
EVIDENCE-BASED CASE STUDIES: WHAT WORKS IN ALTERNATIVE COURT PROCESSES?	40
IN-COURT DIVERSION	40
Pre-Court Diversion For Children (Australia)	41
Broadmeadow Children’s Court Pilot (NSW).....	41
Children’s Court Youth Diversion (Victoria)	41
Community and Neighbourhood Justice Centres	42
Restorative Justice	42
Drug Courts.....	43
First Nations Courts.....	44
BAIL SUPPORT AND ALTERNATIVES TO REMAND.....	45
EVIDENCE-BASED CASE STUDIES: WHAT WORKS IN BAIL SUPPORT?	47
Caxton Legal Centre Men’s Bail Support Program (Queensland)	47
Sisters Inside Women’s Bail Support Program (Queensland)	47
Bail Support, Court Integrated Services Program (Victoria) and Other Court Diversions Programs	48
Metropolitan Youth Bail Support Service (WA)	48
FIRST NATIONS PLACE-BASED APPROACHES.....	48
EVIDENCE-BASED CASE STUDIES: WHAT WORKS IN FIRST NATIONS LED PLACE-BASED APPROACHES?	49
Maranguka Justice Reinvestment Project (NSW)	49
Yuwaya Ngarra-Li (NSW)	49
The Yiriman Project (WA).....	49
Olabud Dooghetu (WA).....	50
Community Justice Groups (Queensland).....	50
Indigenous Healing Lodges (Canada)	51
POST-RELEASE SUPPORT AND THROUGH-CARE.....	52
EVIDENCE-BASED CASE STUDIES: WHAT WORKS IN POST-RELEASE SUPPORT?	53
Hutt St Centre: The Aspire Social Impact Bond Program (South Australia).....	53
OARS (South Australia).....	53
Housing Post-Release Evaluation (Australia)	53
Community Restorative Centre Evaluation (NSW)	54
Outcare Throughcare (WA).....	54
NAAJA Adult Throughcare (NT).....	54
Miranda Project Evaluation (NSW).....	54
Correctional Services Employment Pilot Program (CSEPP) (Victoria).....	55
Kunga Stopping Violence Program, NAAJA (NT)	55
Vacro (ReLink and ReConnect) (Victoria)	55
Post Release Options and Parolee Transitional Accommodation Project (Bethlehem House) (Tasmania).....	55
Sisters Inside (Queensland)	56
Re-Integration for Ex-Offenders Program (Salvation Army) (Tasmania).....	56
Glebe House (NSW).....	56
IN-PRISON PROGRAMS.....	57

EVIDENCE-BASED CASE STUDIES: WHAT WORKS IN PRISON?	57
Sisters For Change (Queensland)	57
Keeping Us Together (Queensland)	57
Wandoo Rehabilitation Prison (WA)	57
Mallee Rehabilitation Centre (WA)	58
The Fairbridge Binjareb Project (WA)	58
Boronia Cultural, Social and Emotional Wellbeing Project (WA)	58
Diagrama Model (Spain)	58
ACCESS TO OTHER SERVICES IN THE COMMUNITY	59
EVIDENCE-BASED CASE STUDIES: REDUCING INCARCERATION BY IMPROVING ACCESS TO SERVICES AND SUPPORTS IN THE COMMUNITY	59
Housing Post-Release Evaluation (Australia)	59
Common Ground Queensland (Queensland)	59
Intellectual Disability Rights Service – Criminal Justice Support Network Economic Evaluation (NSW)	59
Intellectual Disability Rights Service – Justice Advocacy Evaluation (NSW)	60
Institutional Costs Research (Australia)	60
GOGO Foundation (Inclusive Work Program) SA	60
A BRIEF NOTE: DRUG USE AND THE NEED FOR PUBLIC HEALTH APPROACHES	61
PART 3: MAPPING PROGRAMS AND SUPPORTS FOR PEOPLE AT RISK OF INCARCERATION IN SOUTH AUSTRALIA	63
PEOPLE IN PRISON AND FAMILIES OF PEOPLE IN PRISON (ADULTS)	64
Acrofyre (South Australia)	64
OARS Community Transitions (South Australia)	64
Second Chances (South Australia)	64
Seeds of Affinity (South Australia)	64
Mental Health Co-response of SAPOL and NALHN (Pilot) (South Australia)	65
Blue Rose Project (Gawler, SAPOL) (South Australia)	65
Lemongrass Place (South Australia)	65
Bail Accommodation Support Program Anglicare/DCS (South Australia)	65
Baptist Care – The Aboriginal Men’s Accommodation Program (South Australia)	66
4AP Safety and Wellbeing Program (Centacare) (South Australia)	66
Peers4Good (Collab4Good) (South Australia)	66
The Constellation Project (South Australia)	66
Service to Youth Council (SYC) (South Australia)	67
Integrated Housing Exits Youth Justice Program – partnership between SA Housing Authority Youth Justice, and the community organisation Helping Young People Achieve (HYPA) (South Australia)	67
Lighthouse Youth Projects (South Australia)	67
Police Call Outs (Red Cross) (South Australia)	67
Youth on Wheels (District Council of Grant) (South Australia)	67
South Australian Diversion for Children (Government Announcements)	68
Kids Under Cover (South Australia)	68
The Aboriginal Visiting Elders Program (South Australia)	69
Grannies Group (South Australia)	70
South Australian Stolen Generations Aboriginal Corporation	70
PEAK ORGANISATIONS	70
SACOSS	70
South Australian Community Controlled Organisation Network (SAACCON)	70
Youth Affairs Council of SA (YACSA)	70
South Australian Network of Drug and Alcohol Services (SANDAS)	71
Justice Reinvestment South Australia (JRSA)	71
African Communities Council of South Australia (ACSA)	71

PART 4: CONCLUSION	72
INVEST IN A BREAKING THE CYCLE FUND.....	72
THE ADVISORY COMMISSION INTO THE INCARCERATION RATES OF ABORIGINAL PEOPLE IN SOUTH AUSTRALIA	73
REDUCING INCARCERATION IN SOUTH AUSTRALIA	74
APPENDIX A: HUMAN RIGHTS AND LEGISLATIVE CHANGE IN SOUTH AUSTRALIA.....	76
OPCAT.....	77
Convention on the Rights of the Child.....	77
Declaration of Basic Principles of Justice for Victims.....	77
ROYAL COMMISSIONS	78
Findings and recommendations of the Royal Commission into Aboriginal Deaths in Custody 1991.....	78
Findings and recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability September 2023.....	78
POLICY FRAMEWORKS AND KEY REPORTS	79
Closing the Gap	79
South Australian Advisory Reports	79
Raising the Age of Criminal Responsibility	79
REFERENCES	80

EXECUTIVE SUMMARY

South Australia relies on a system of incarceration for children and adults that is harmful, expensive, and ineffective. Prison does not work to reduce crime; it does not work to build safer communities; and it does not work to address the social drivers of contact with the criminal justice system. It has become an expensive, harmful and yet normalised failure which causes disproportionate harm to Aboriginal people who are significantly over-represented in both the youth justice and adult prison systems.¹

Although there are important commitments and strategies in South Australia to reduce incarceration and recidivism, there is also an ongoing commitment to building new prisons. At the time of writing, a business case was being developed for the building of a new 'rehabilitation' prison to house the projected growth in the number of men in custody in South Australia.² This is in addition to the existing prisons (9 for adults and 1 for children), and on top of the recent \$180 million investment in the expansion of another 270 beds at Yatala Labour Prison.³

We argue throughout this report that building new prisons and expanding and investing in new prison infrastructure is an extraordinarily short-sighted response to overcrowding. There is an urgent need in South Australia to shift policy and resource settings so that the drivers of incarceration are addressed. We also argue that there is a strong need for the South Australian Government to invest in a 'Breaking the Cycle' fund to build genuine alternatives to the prison system.

We note that despite the best intentions of prison administrators, there are still unacceptable conditions inside many of South Australia's places of

detention. The conditions for children, particularly the ongoing and systemic use of solitary confinement, requires urgent attention.⁴

There is also the need for a clear-eyed look at the evidence of what works to reduce reoffending and to explore the reality of the circumstances and conditions of imprisonment in South Australia for both children and adults, and the opportunities that exist for people who are looking to build pathways out of the justice system.

The situation for adults who are incarcerated for less than six months warrants particular exploration. Each year more than 5,000 people are released from South Australian prisons.⁵ The vast majority of this population have spent *less* than six months incarcerated, many of whom have *never* received a sentence (having been released on remand).⁶ As a community, we need to consider the utility of incarcerating people for short periods of time when there is clear evidence that the impact of incarceration (regardless of whether or not someone is sentenced or not) *increases* the likelihood of someone reoffending. We also need to look at alternatives outside of the justice system for people on remand.

At the same time as committing to building new prisons, South Australia has made some notable commitments to reducing the number of people returning to prison and reducing recidivism. The strong commitment on the part of consecutive governments to reduce recidivism (the *10by20* target endorsed by governments in SA since 2016, and the *20by26* targets strategy adopted by the current government) is evidence of a parliament in South Australia that recognises that the current state of

incarceration requires reform. The *10by20* strategy (which aimed to reduce recidivism from 46% in 2016 to 41% by 2020) exceeded its target by 5%.⁷

Recidivism rates (measured in terms of return to custody after two years) in South Australia are amongst the lowest in Australia (at 34%), second only to Western Australia (which is 31%).⁸

However, despite some important successes in terms of reducing recidivism, these rates do not capture the overall trend in South Australia, which is one of *increasing* rates of incarceration, *increasing* numbers of people on remand, and *increasing* numbers of people going to prison who have been there before.

The crude rate of adult incarceration in SA is 212 per 100,000 people.⁹ This rate has increased by 32% over the last decade.¹⁰ This is the second fastest growth in rates in Australia (second only to Queensland). Similarly, the average number of people incarcerated in South Australian adult prisons has increased by 47% over the last decade (also second only to Queensland in terms of growth).¹¹

Increases in the number of people in prison in South Australia have in large part been driven by increases in the remand populations. In South Australia 45% of adults in prison are currently on remand, the highest proportion in Australia.¹² This has increased by 112% over the last decade.¹³ We also know that the majority of people in South Australian prisons have been to prison before. According to 2022 ABS data, more than half of people (53%) in South Australian prisons have been previously imprisoned.¹⁴

Although the rate of return to Corrections two years post-release (the recidivism measure adopted by the SA Government) has certainly reduced over the last five years (an achievement which should be applauded), both the overall rate of incarceration and the rate of incarceration of people who have

previously been to prison continue to grow. There is much more that needs to be done.

The overuse of incarceration in South Australia, and in fact around Australia, has often been driven by a politicised approach to justice policy, with both major parties frequently competing to promote a 'tough on crime' agenda. Too often, decision-making about critical policy and legislative reform focused on political rather than policy outcomes.

This report sets out more than 85 examples of community-led programs, place-based initiatives, services, policy frameworks and alternative justice approaches (including at the point of contact with police and courts) that are successfully reducing the numbers of people in prisons across Australia and internationally. The examples in this report have been subject to robust evaluations that demonstrate their ability to reduce contact with the criminal justice system.

Although there are some excellent programs, strategies and services operating in South Australia (many of which are outlined in this report), there is much more that needs to be done in terms of the resourcing of community-led programs that will reduce incarceration. As is noted further below, there are an extremely limited number of community-led programs that have been evaluated in South Australia.

There is also a tendency for investment, when it does occur, to be 'held' by Government, or by organisations working in formal partnerships with Government, rather than being directed to independent community-led organisations. For instance, in July 2023, the South Australian Government made some welcome commitments to increase funding to help reduce the over-incarceration of Aboriginal people. However, the bulk of this investment (\$945,000) has been directed to the Department of Correctional Services (to run programs for Aboriginal people in prison or under

community supervision) with only \$240,000 allocated to Aboriginal-led community organisations.¹⁵

Similarly, there has been a tendency in South Australia to invest much more substantially in alternatives like home detention that are still based in correctional settings *instead of* investing in alternatives to corrections approaches outside of the justice system. Although there is no doubt that home detention is preferable to incarceration – and there has been some important and positive evaluation of home detention in South Australia in terms of both outcomes and cost-savings¹⁶ – there is still a significant gap in community-led supports for the majority of people impacted by incarceration in South Australia. We note in this report the important work of OARS Community Transitions, the largest community-led organisation working specifically with people impacted by incarceration.¹⁷ However, we also note the significant gaps felt by thousands of people leaving prison each year who are not able to access services, as well as those who are incarcerated because of the lack of diversionary supports in the community and the specific gaps for First Nations people who are seeking First Nations support that is culturally appropriate.

This report's promotion of evidence-based and evidence-informed alternatives to imprisonment should not be mistaken as a 'soft on crime' approach. Taking crime seriously requires taking the drivers of crime seriously and looking outside the justice system to develop evidence-led solutions. Our aim is not to excuse crime or minimise its impact but to build responses to crime that will genuinely disrupt its reoccurrence. Although imprisonment 'protects the community' for the period that someone is incarcerated (especially if someone has been offending repeatedly), it does not address the root causes of crime. We know imprisonment does not rehabilitate people and makes reoffending much more likely.

There is an opportunity for the South Australian Government to dramatically expand its investment in evidence-based programs and services run by the community sector (especially First Nations-led organisations) to keep the community safe, address the social drivers of contact with the criminal justice system, and provide 'off-ramps' out of the justice system.

The Justice Reform Initiative makes the case in this report for a 'Breaking the Cycle' fund. We suggest there is a need for an investment of \$300 million over four years to be invested in evidence-based, community-led alternatives.

These programs (if properly resourced) will:

- significantly reduce recidivism for children and adults and in turn improve community safety
- successfully divert children and adults who are at risk of being involved in the criminal justice system
- strengthen families and communities, which are too often 'managed' in justice system settings rather than receiving the support, care and opportunities that improve their prospects
- result in significant cost-savings and substantial improvements in health and wellbeing across the community, including for victims.

The collective findings of the evaluations included in this report demonstrate the efficacy of community-led approaches that address the social drivers of over-incarceration. Similarly, the combined findings of evaluations of alternative models of policing, court and prison in this report demonstrate the way in which interactions with the justice system have the capacity to move people *away* from the justice system, if those interactions are non-punitive and focus on addressing the drivers of criminal justice system contact.

Despite this evidence base, we have only seen a piecemeal approach to resourcing, expanding and

evaluating alternative approaches to incarceration in South Australia. Community-led programs in South Australia are already doing considerable work in breaking cycles of disadvantage for individuals impacted by the justice system. First Nations communities and First Nations community-led organisations are leading this work, often achieving remarkable outcomes with very limited support and resourcing.

While excellent programs exist, the policy and legislative environment in South Australia still drives too many people into prison who would be more likely to stop offending if they received support in the community to address the drivers of criminal justice system involvement. The often limited scope and capacity of existing programs means that many people who are at risk of imprisonment, or at risk of recidivism, do not receive the support they require to get out of the system. A significant funding shift is needed so that all South Australian children and adults can receive effective support, care, connection and opportunity in the community rather than being 'managed' in the justice system. This support needs to be available for both children and adults across their life course and at different stages of contact with the justice system.

This report summarises evaluations and reviews of diversionary programs (including at the point of policing and court) and holistic support programs (including on release from custody). It also highlights evaluations and reviews that demonstrate the importance of early intervention and early prevention strategies to engage children and families at risk before they encounter the system, and to address the social drivers of incarceration at the whole-of-community level.

The research outlined in the body of this report primarily draws on independent evaluations, some of which use matched administrative data as points of comparison, and some of which include randomised controlled trials (the 'gold standard' of evaluations) or time-series analysis to explore

criminal justice trajectories over time. While this report also includes overviews of less comprehensive evaluations, all the studies included in the body of this report explore the impact of the program, intervention or support on people's contact with the justice system.

The studies overviewed in this report outline findings that include:

- Early intervention and prevention programs reduce crime at a population level by between 5–31%,¹⁸ reduce offending among at-risk populations by 50%,¹⁹ significantly improve other health and wellbeing outcomes in children and families²⁰ and result in significant cost savings including those resulting from reduced criminal justice system contact over time.²¹
- First Nations place-based approaches have resulted in significant reductions in crime, criminal justice system contact, youth justice contact and significant cost savings, as well as improvements in a range of cultural, social, health and wellbeing measures.²²
- Bail support programs significantly reduce reoffending (by 33%), increase compliance with bail conditions (by 95%),²³ improve a range of other social and health wellbeing measures relevant to the drivers of criminal justice system contact²⁴ and achieve cost savings when compared to an absence of bail support.²⁵
- Post-release and diversionary community-led programs have resulted in dramatic decreases in recidivism, including:
 - Intensive post-release support programs focusing on people experiencing alcohol and other drug dependency and other complex needs (483 participants) have achieved reductions in custody days (by 65.8%), reductions in new custody episodes (by

- 62.6%) and reductions in proven offences (62.1%) measured two years post-referral.²⁶
 - A First Nations-led post-release service has achieved recidivism rates of 4.1% (compared to 57.3% for a comparable cohort).²⁷
 - A place-based, intensive support service for children at risk of criminal justice system involvement has dramatically increased the number of children engaging with education and/or employment (85%) and has led to significant reductions in crime (35%) in the surrounding community.²⁸
 - Alternative policing and alternative first-responder models reduce criminal justice system involvement and lessen the likelihood of arrest by 58%,²⁹ halve the rate of crime and justice system involvement,³⁰ significantly reduce levels of specific crime, improve health and wellbeing (especially for people with mental health conditions)³¹ and address the social drivers of incarceration while avoiding contact with police.³²
 - Alternative and specialist court processes reduce contact with the justice system including:
 - In-court diversionary programs reduce reoffending, increase health and wellbeing and address the drivers of incarceration.³³
 - Those who have their matter dealt with in a community and neighbourhood justice court have reoffending rates that are 25% lower than those whose matters are heard in mainstream courts.³⁴
 - Restorative justice processes significantly reduce the likelihood of reoffending,³⁵ work to support people to connect with services and programs in the community³⁶ (as well as provide support to victims of crime)³⁷ and are extraordinarily cost-effective.³⁸
 - Drug courts reduce the likelihood of reoffending and improve access to alcohol and other drug treatment.³⁹
 - Mental health courts reduce reoffending and facilitate access to mental health treatment as well as improve other health and wellbeing measures.⁴⁰
 - First Nations courts reduce reoffending, empower First Nations communities, increase the likelihood of court attendance, and improve access to other supports and services.⁴¹
 - Alternative detention models have extraordinarily low rates of recidivism including:
 - International therapeutic residential models for children (outside of detention centre settings) result in recidivism rates as low as 13.6%.⁴²
 - Rehabilitation and therapeutic incarceration models with a focus on alcohol and other drug treatment have recidivism rates as low as 2%.⁴³
- In South Australia there is a need to invest in – and increase the availability, scope and capacity of – the kinds of programs identified in this report; that is, programs that have a strong evidence base in terms of breaking cycles of criminal justice system involvement. There is an opportunity in South Australia to move away from the current approach, which prioritises incarceration, in terms of both policy settings and resourcing. The main recommendation threaded throughout this report is that there is a need, via a Breaking the Cycle fund, to invest in the supports, programs, services and alternatives that address the drivers of incarceration and that have an evidence base in terms of reducing crime, reducing recidivism and building safer communities.
- There is enormous stakeholder expertise and goodwill in South Australia. A coalition of First Nations leaders and communities, researchers, community sector practitioners, people with lived experience of incarceration and diverse advocates are all committed to sharing this expertise and

supporting decision-makers to develop and properly resource evidence-based approaches to criminal justice. There is a need for leaders in parliament and government to first, acknowledge the policy failure of incarceration in South Australia and move away from building new prisons, and second, to work alongside stakeholders in the community – who are standing by and ready to assist – to move towards a justice system that genuinely builds a safer community. Particular attention should be paid to the work and expertise of First Nations-led organisations including Change the Record and Tiraapendi Wodli. This report draws heavily on the work of the Advisory Commission into the Incarceration Rates of Aboriginal People in South Australia. Similarly, the persistent work of the Commissioner for Children and Young People, the Commissioner for Aboriginal Children and Young People, the Guardian for Children and Young People, and the Commissioner for Victims' Rights should be elevated in the policy reform agenda for South Australia.

Alongside investing in evidence-based alternatives to incarceration, there is a concurrent need to continue to build and improve the evidence base in South Australia, particularly for community-led programs. The community sector has not historically had the resources or opportunity to evaluate the efficacy of its work in a manner that can easily contribute to the growing body of research in this area. There is the need to ensure community-led organisations are funded adequately to both deliver services *and* have access to independent and

transparent evaluation that generates high-quality data. There is an opportunity for the SA Government to build genuine partnerships with researchers, service providers, First Nations communities and other experts in the sector to continue to build the evidence base of what works in South Australia.

There is no single 'reform fix' to reduce the number of people in prisons. However, there are multiple proven, cost-effective reforms that can work together to build pathways away from the justice system. Many of these reforms are already catalogued in many government and non-government reports and reviews.⁴⁴ In addition, there are clear examples and case studies from Australia and overseas that demonstrate the value of approaches led by the community and health sectors in disrupting entrenched criminal justice system trajectories.⁴⁵ There is also a growing body of more formal research exploring the impact of various models of support.⁴⁶

This report shows that there are multiple points of intervention that can make a difference, and that there are many examples of programs that work. There is a need, however, to scale these up in terms of resourcing, capacity and geographical scope in order for their potential with regard to reducing recidivism and reducing criminal justice system contact to be realised.

ABOUT THE JUSTICE REFORM INITIATIVE

The Justice Reform Initiative was established in September 2020 with a goal to reduce Australia's harmful and costly reliance on incarceration. We seek 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.

Our growing list of patrons includes more than 120 eminent Australians, 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, and many other community leaders who have added their voices to the movement to end the cycle of incarceration in Australia.

We now have 160 supporter organisations that have joined the movement to reduce incarceration. These include the Australian Medical Association, The Law Council of Australia, the Federation of Ethnic Community Councils, the Australian Council of Churches, the Australian Catholic Bishops Conference, and multiple First Nations-led organisations and service-delivery organisations that have expertise working with people who have been impacted by the justice system.

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

We are working 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 committed to elevating approaches that seek to address the causes and drivers of contact with the criminal justice system. We are also committed to elevating approaches that see Aboriginal and Torres Strait Islander-led organisations being resourced and supported to provide appropriate support to Aboriginal and Torres Strait Islander people who are impacted by the justice system.

South Australian Patrons of the Justice Reform Initiative include:

- **Heather Agius.** SA Female Elder of the Year in 2017 and a Founder of Grannies Group, a network of Aboriginal grandparents who advocate on behalf of issues affecting their children, grandchildren and their community. Mrs Agius is actively involved in assisting Aboriginal people navigate the criminal justice system. For the Aboriginal Legal Rights Movement (ALRM) Heather is a Visiting Inspector of prisons; she is an Elder in the Magistrates Drug Court and sits on the independent committee, Family Matters, for children who are removed from their families.
- **The Honourable Reverend Dr Lynn Arnold AO.** Former Premier of South Australia.
- **Dr Andrew Cannon AM FAAL.** Former Deputy Chief Magistrate of South Australia and now adjunct Professor at Adelaide and Flinders Universities and visiting Professor at Münster and Trier Universities (Germany).
- **Helen Connolly.** Inaugural South Australian Commissioner for Children and Young People.
- **Professor Mark Halsey.** Centre for Crime Policy and Research, Flinders University.

- **The Honourable Robert Hill AC.** Former Federal Minister and former Australian Permanent Representative to the United Nations.
- **Frank Lampard OAM.** Mr Lampard is of Ngarrindjeri and Kurna descent, and has dedicated his life working for the Aboriginal community in South Australia. He has held several senior roles in the public service, including as the Acting Chief Executive of the Department of Aboriginal Affairs and has also been the Executive Director of the Aboriginal Prisoners and Offenders Support Services Incorporated. He has also served and had leadership roles on several government and other advisory bodies including the Aboriginal Torres Strait Islander War Memorial Committee. Mr Lampard has received numerous awards and recognition, including an Order of Australia medal and the National NAIDOC Elder of the Year Award.
- **Dr. Robyn Layton AO KC.** Former Supreme Court Judge. Adjunct Professor Justice & Society, University of South Australia.
- **Isobel Redmond.** Former Leader of the Opposition and former Shadow Attorney-General. Former legal practitioner.
- **Emeritus Professor Rick Sarre.** Former Dean and Head of the School of Law University of South Australia.
- **The Honourable Chris Sumner AM.** South Australia's longest serving Attorney-General.
- **Sue Vardon AO.** Former senior public servant including inaugural CEO of Centrelink, CEO of SA Correctional Services and Chief Executive of the SA Department of Families and Communities. Sue has been National Telstra Businesswoman of the Year and a member of the Council of a number of universities including Flinders University and University of South Australia.
- **Penny Wright.** Former Senator for South Australia and Former South Australian Guardian for Children and Young People and Training Centre Visitor.

OVERVIEW AND PARAMETERS OF THIS REPORT

In April 2022, the Justice Reform Initiative published the Report, **State of Incarceration: Insights into imprisonment in South Australia**.

The State of Incarceration Report set out six issues facing South Australia:

- South Australia's prison **population** is booming;
- Jailing is Failing as a deterrent: South Australians keep **returning** to prison;
- Jailing is Failing South Australian **taxpayers**: building more prisons is not the answer;
- Jailing is Failing to **transition** people back into the community;
- Jailing is Failing **Aboriginal people**; and
- Jailing is Failing **children**: setting them up for a lifetime of contact with the criminal legal system.

Since that report was published, South Australia has confirmed its position as the jurisdiction with the highest rate of remand in Australia. The current government is considering options and potential locations for a new prison which will cost taxpayers hundreds of millions, if not billions, of dollars.⁴⁷

The State of Incarceration Report asked, "what works in keeping people out of prison?" In this report, **The Need for Alternatives to Incarceration in South Australia**, we try to answer that question and explore what works to keep people out of prison, and what South Australia needs to do to reduce prison numbers and improve justice outcomes for the whole community.

A selection of evidence-based approaches in Australia and internationally are overviewed that have a proven impact in terms of reducing incarceration. This report is by no means an exhaustive account of 'what works'. It is intended to

provide examples of the alternative approaches that are already making a difference and that have been robustly evaluated.

There are four parts to this report:

Part 1. The first part of the report provides a snapshot of the South Australian justice system: the numbers of adults and children incarcerated, the cost of incarceration – moral and financial – and the demographics of the populations who are in contact with the justice system. This section draws on publicly available data from the Australian Bureau of Statistics, the Australian Institute of Health and Welfare and the Productivity Commission's Report on Government Services. It also draws on information provided as a consequence of FOI requests with a focus on the length of time people spend in custody in South Australia.

Part 2. This is the largest section of the report and looks at the research into evidence-based alternatives to incarceration at multiple touchpoints along the criminal justice system trajectory. This includes evidence about what works in early prevention, different policing models, alternative court programs, programs that work inside prisons, and programs that work post-release. We draw on a range of formal evaluations from around Australia, and in some cases international jurisdictions. While this is not an exhaustive overview, it provides significant detail about the evidence base in terms of what works and is intended as a starting point for consideration about how an alternative and well-resourced approach to criminal and youth justice might operate in South Australia. Where public evaluations of South Australian programs exist, they are included in this section.

Part 3. The third part of the report identifies South Australian services, programs and responses to people in the justice system that have promising outcomes or aims but, to our knowledge, have not yet had the opportunity to be formally evaluated. There are of course a number of excellent programs and services in South Australia that are working with people impacted by the justice system, and wherever evaluations exist we have included these. However, it is clear that in recent years there has been both limited **investment** in community-led programs that work specifically to reduce incarceration (including importantly an absence of long-term funding to Aboriginal Community Controlled Organisations to promote the self-determined delivery of culturally appropriate and safe services to Aboriginal people⁴⁸), as well as limited investment in **evaluation** of community-led programs. The absence of recent accessible evidence via evaluation in South Australia is not evidence that programs are not working. It does, however, highlight the importance of supporting and resourcing community-led organisations to implement independent and transparent evaluations. The Justice Reform Initiative is progressing ongoing mapping work of programs in South Australia and welcomes any further information, evaluations, and case studies that people and organisations would like to share with us.

Part 4. In conclusion, the report urges all sides of politics to take an approach to future prison infrastructure based on modelling that factors in diverting people from prisons rather than filling existing projected demand for beds and building new prisons based on the projected demand. It also recommends a Breaking the Cycle fund to invest in community-led programs that work specifically to reduce incarceration and to fund the evaluation of these programs. Further it argues for the South Australian Government to adopt in full the recommendations made by the Advisory

Commission into the Incarceration Rates of Aboriginal Peoples in South Australia.

This report is focused on **community-led alternatives** at multiple points along the criminal justice system trajectory. However, we recognise that these alternatives are only part of the picture in terms of breaking cycles of disadvantage. Alongside this work there is also the need for significant investment in affordable and safe housing, mental health and disability support, alcohol and other drug treatment, gambling support, employment and education, workforce development, and a range of infrastructure projects in regional and remote communities. The examples and case studies overviewed in this report are from all around Australia and also include some international examples. However, we note the unique context of South Australia when it comes to thinking through implementation particularly as this relates to the resources available to the South Australian Government, the size of the South Australian population, the geography that impacts access to services, and the size of the social and welfare sectors.

APPROACHES TO JUSTICE SYSTEM CHANGE IN THIS REPORT

This report focuses on the evidence in two distinct reform areas:

1. Social and community support: This includes early intervention and prevention; access to person-centred holistic wrap-around support services; place-based culturally modelled support; mental health, social and emotional wellbeing support; alcohol and other drug support; disability support; bail support; supported accommodation; and throughcare and post-release support.

2. Justice system: This includes policing (for instance, first responder models and the use of discretionary powers); courts (specialist and diversionary court models; alternative restorative and transformative justice opportunities) and imprisonment (therapeutic models of care).

We note there are two other critical justice reform areas (which we only touch on lightly in this report). These are:

3. Legislative reform: Raising the minimum age of criminal responsibility; ending mandatory sentencing; restoring the presumption in favour of bail for all alleged offending; ending the use of solitary confinement or isolation for imprisoned children; ending the use of adult watch houses to detain children; and embracing a human rights framework. *Please note, more detail about the importance of embracing a human rights framework and the need for legislative reform is included in Appendix A.*

4. Systems changes: Including, importantly, mechanisms for genuine whole-of-government policy approaches.

Although this report is not focused on the specifics of government reform processes, it is worth noting that the theme that runs through this report – the need for greater investment in evidence-based programs that will break the cycle of reoffending and build safer communities – complements and aligns with the justice reform priorities of several South Australian government initiatives which seek to break down the siloed nature of the funding of service provision.

PART 1: JAILING IS FAILING: THE STATE OF INCARCERATION IN SOUTH AUSTRALIA

On an average night in South Australia, there are 3,049 adults incarcerated,⁴⁹ with over 5,000 adults being released from prison each year.⁵⁰ There were (on average) 32 children and young people in youth detention each night.⁵¹ The flow-through population of children (the number of children going in and out of custody each night) is, however, significantly higher; in South Australia 669 children were released from prison in 2021/2022.⁵²

The crude rate of adult incarceration in SA is 212 per 100,000.⁵³ This rate has increased by 32% over the last decade.⁵⁴ This is the second highest growth in rates in Australia (second only to Queensland). Similarly, the average number of people incarcerated in South Australian adult prisons has increased by 47% over the last decade (also second only to Queensland in terms of growth).⁵⁵

South Australian authorities disproportionately imprison Aboriginal and Torres Strait Islander people. In the adult prisons, 24% of people imprisoned are Aboriginal.⁵⁶ In the children's prison, 51% of imprisoned children are Aboriginal.⁵⁷ This is a stark failing of the South Australian community as Aboriginal and Torres Strait Islander people are 2.4% of South Australia's total population.⁵⁸

The crude adult imprisonment rate of Aboriginal and Torres Strait Islander people in South Australia is 2,560 people per 100,000, compared to 159 per 100,000 for non-Indigenous people in South Australia.⁵⁹ This means the State is 16.1 times more likely to imprison Aboriginal and Torres Strait Islander adults than non-Indigenous adults.⁶⁰ Devastatingly, the State's imprisonment rate of Aboriginal and Torres Strait Islander children aged 10 to 17 years old is 18.1 per 10,000, compared to 0.9 per 10,000 for non-Indigenous children.⁶¹

Increases in the number of imprisoned people in South Australia has largely been driven by increases in the remand populations. In South Australia, 45% of adults in prisons are currently on remand, the highest proportion in Australia.⁶² The remand population has increased by 112% over the last decade.⁶³ Remand numbers are even higher for children. According to the Australian Institute of Health and Welfare, 61% of children in South Australian prisons on an average night in the June 2022 quarter were being held on remand.⁶⁴ This is important in the context of this report, as there are specific supports, services and approaches for people on bail that have a strong evidence base in terms of reducing reoffending.

We also know that the majority of people in South Australian prisons have been to prison before. According to 2022 ABS data, more than half of people (53%) in South Australian prisons have been previously imprisoned.⁶⁵ The prison population with known prior imprisonment has increased by 52% over the last decade.⁶⁶ South Australia has (since 2016) had a focused strategy to reduce recidivism, and the South Australian Government has noted considerable success in this area. The 10by20 strategy (which aimed to reduce recidivism from 46% in 2016 to 41% by 2020) exceeded its target by 5%.⁶⁷ However, some caution is required when looking at the broader picture of both incarceration, recidivism and home detention in South Australia. At the same time as there has been a reduction in recidivism rates, the increase in the numbers of people cycling through prisons, staying there either on remand or sentenced for less than six months, requires urgent examination.

The vast majority of people who are released from South Australian prisons are there for short periods

of time. For instance, in 2021/2022, 3,402 adults were released from unsentenced detention in South Australia, having spent less than six months on remand.⁶⁸ Over that same period 1,067 people were released from sentenced detention having spent less than six months on sentenced detention.⁶⁹ The question that needs to be asked is what was the purpose of their incarceration? Rather than building new prisons to accommodate people on remand for less than six months, the community would be better served by targeted investment into evidence-based community led services that will reduce crime.

Not only is prison ineffective, but it is also extremely expensive. The total operating expenditure on adult prisons in South Australia in 2021/2022 was \$337.5 million⁷⁰ with a further \$36.98 million spent on children's incarceration.⁷¹ The real direct cost per adult in prison is \$225 per day, equivalent to \$82,278 per year.⁷² For children, this cost is higher at \$3,145 per day, equivalent to \$1,147,794 per year.⁷³ This is an incredible investment in a system that is failing.

The responsibility historically for the persistent overuse of imprisonment cannot be attributed to one side of politics or the other in South Australia. This trend has been replicated across Australia. We have followed the politicised approach of the United States: building more prisons at enormous cost and ultimately failing to reduce reoffending. This situation is compounded through the often relentless 'tough on crime' rhetoric perpetuated in the media, which has the capacity to undermine evidence-based reform efforts.⁷⁴ However, it is critical to note that it is entirely possible to commit to a different approach.

There are opportunities to build pathways out of the justice system and to improve our service delivery response at every stage across someone's life course and at every contact point in the criminal justice system. South Australia must significantly scale-up programs in the community sector and expand the capacity of the sector to provide people

who are caught in the justice system with a range of opportunities to genuinely rebuild their lives – as well as prevent people from ending up in the justice system in the first place.

Instead of committing to additional expensive prison beds, there is an opportunity for the South Australian Government to focus attention and resources on evidence-based programs that work to reduce incarceration and decrease recidivism. The rest of this report is focused on this evidence base and the research that tells us what is working and what we could be doing differently. Over-incarceration is preventable. We need to focus on resourcing evidence-based alternatives and encouraging political will on all sides of politics to build a different kind of justice system.

DEMOGRAPHICS OF DISADVANTAGE: WHO GOES TO PRISON IN SOUTH AUSTRALIA?

The majority of people incarcerated in South Australia (and Australia) come from circumstances where they have experienced multiple and intersecting forms of disadvantage. The fact of disadvantage⁷⁵ cannot of course be used to discount the consequences of crime. However, it is crucial to understand the context in which most crime is committed⁷⁶ to build and implement effective policies to reduce the numbers of people in custody and strengthen genuine alternatives to prison.

For decades, research about the social determinants of health has shown how social and structural factors (including poverty, disadvantage, geography and access to supports and services) impact on health outcomes and life expectancy.⁷⁷ More recently Australian researchers have used administrative data to unpack the social determinants of incarceration and have identified eight social determinants that increase the likelihood of incarceration:

1. Having been in out of home (foster) care;
2. Receiving a poor school education;
3. Being Indigenous;
4. Having early contact with police;
5. Having unsupported mental health and cognitive disability;
6. Alcohol and other drug dependency;
7. Experiencing homelessness or unstable housing;
8. Coming from or living in a disadvantaged location.⁷⁸

A 2012 study into the life-course institutional costs of homelessness for vulnerable groups found the lack

of adequate services early in the lives of disadvantaged individuals is often associated with very costly criminal justice, health and homelessness interactions and interventions later in their lives. The study focused on eleven individuals who had experiences cycling in and out of homelessness and calculated the economic costs of the pathways of these eleven individuals. The study concluded that an early lack of adequate services is associated with costly criminal justice, health and homelessness interactions and interventions later in their lives.⁷⁹

People with **mental health conditions** are significantly over-represented in prisons (at least 40% of people in prison have mental illness)⁸⁰ as are people with **cognitive impairment**.⁸¹ Around 60% of people in prison have **alcohol or other drug dependency**.⁸² Half of all people in prison were **homeless** before entering custody⁸³ and more than half of all people leaving prison exit into homelessness.⁸⁴ A disproportionate number of people in prison come from a small number of '**postcodes of disadvantage**' where access to education, healthcare, support, and employment are all comparatively lacking.⁸⁵ The majority (62%) of people leaving prison in Australia do not have any **employment** organised on release.⁸⁶ Health services in prison remain underfunded – a problem exacerbated by the absence of Medicare and the Pharmaceutical Benefits Scheme to people while incarcerated. Ensuring that disability, mental health, and homelessness services are accessible to those in contact with the justice system, and that the sector has the training and resources to serve them, is essential to reducing incarceration and recidivism in South Australia.

A 2018 study by the Telethon Kids Institute and the University of Western Australia showed that 9 out of 10 (90%) incarcerated young people in WA had some form of neuro-disability, ranging from dyslexia or similar learning disability, language disorder, attention deficit hyperactivity disorder, intellectual disability, executive function disorder, memory impairment or motor coordination disorder.⁸⁷

Similarly, the 2020 Youth Justice Assessment and Intervention Project in South Australia found that 9 out of 10 children in Adelaide Youth Training Centre at Cavan (Kurlana Tapa) had some form of disability.⁸⁸

When building a comprehensive picture of 'what works to keep people out of prison' understanding the demographics of who it is that is going to prison is critical. It is by exploring both the drivers of incarceration and the support needs of people going to prison that we can start properly unpacking the kinds of supports that are required outside of the criminal justice system.

SOUTH AUSTRALIAN INCARCERATION: POLICY, POLITICS AND BUILDING NEW PRISONS

The proposal to build a new prison in South Australia

*"The current system could be characterised as a significant investment in failure. Transformative change will be expensive, but the status quo is both expensive and failing."*⁸⁹

The South Australian proposal to commit taxpayer funds to a large new prison based on projected demand for beds is economically irresponsible and will be entirely ineffective at achieving the ultimate goal of building a safer community. As noted throughout this report, there is a significant evidence base outlining the harms of incarceration as well as an evidence base that outlines alternative approaches to reducing crime, reducing re-offending, and building safer communities. Instead of committing funds to developing a business case to build a new prison, there is an urgent need to instead direct attention to a business case to invest in community-led alternatives that will reduce incarceration.

The Justice Reform Initiative acknowledges that Yatala Labour Prison, which bears the heaviest delivery burden in corrections infrastructure in South Australia, was built in 1852 and is no longer fit for purpose. While there is no doubt this prison should be closed, it should not, however, be replaced by an even larger prison.

We note that there are a number of commitments that the South Australian Government has made that indicate a commitment to reducing incarceration.

Premier Malinauskas has committed to achieve the following outcomes by 2031:

- Lowering the over-representation of Aboriginal people in custody in SA by at least 15 percent;⁹⁰
- Reducing the rate of Aboriginal adults held in incarceration by at least 15 per cent (Closing the Gap Target 10);⁹¹ and
- Reduce the rate of Aboriginal young people (10-17 years) in detention by at least 30 per cent (Closing the Gap Target 11).⁹²

The Justice Reform Initiative also acknowledges and applauds Premier Malinauskas and now Minister Szakacs' commitment to the Department of Correctional Services' *10by20 and 20by26* Strategies that have been fundamental shifts in corrections policy and are delivering on the Premier's commitment to make the community safer. However, we urge the Government to go further than targeting a 20% reduction in recidivism. An approach to future prison infrastructure based on modelling that factors in *diverting* people from prisons and reducing the rate of Aboriginal adults and children in prisons rather than filling existing projected demand for beds must be a priority.

The Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia said that *"the Commission is of the view that prison environments neither facilitate the rehabilitation of Aboriginal people in prison, nor are responsive to their needs...embedding cultural elements in SA prisons can, in fact, lead to the incarceration of Aboriginal culture. Thus, whilst we make recommendations for the reform of prison environments, this Commission is of the view that Aboriginal culture and rehabilitation and support*

*programs and services do not solely belong within the walls of a prison, and **rehabilitation is best achieved in the community.***⁶³ (emphasis added)

'Rehabilitation Prisons' are an expensive myth: they do not exist. Rehabilitation is best achieved in the community and in circumstances where the drivers of crime and the drivers of incarceration can be addressed.

There are important lessons in other jurisdictions for South Australia when it comes to considerations about investing in prison infrastructure, instead of investing in the drivers of incarceration. Victoria has spent more than \$1 billion on building a new prison (Western Plains Correctional Centre). This centre was completed in the first quarter of 2023, and at the time of writing stands empty. The commitment by the Victorian Government to build a new prison in Victoria occurred in 2018/2019 in response to overcrowding, but it has subsequently seen a dramatic reduction in the numbers of adults imprisoned in Victoria. It is now stuck with a prison that is no longer needed, and has wasted the opportunity to instead invest in programs that address the drivers of incarceration.⁹⁴

WHY ARE PEOPLE IN SOUTH AUSTRALIA'S PRISONS AND FOR HOW LONG?

Remand

South Australia has the highest proportion of people on remand in Australia. 45% of people in prison in South Australia have not been found guilty of any offence. When looking at how to build alternatives to imprisonment, this population should be a priority. 'Remand' is the status of a person who is in custody who has not yet been convicted or sentenced by a court; for example, someone charged with an offence but denied bail. Although the reasons *why* bail might be refused are complex, in South Australia it appears that even when the legislation allows for discretion, magistrates are imprisoning people on remand instead of utilising alternatives in the community.⁹⁵ There is a particular urgency to look at the type of alleged offending that more than half of the remand population have been charged with. ABS data shows that of the 1,375 people imprisoned on remand on an average night in 2022, 221 people were imprisoned for breach of justice procedures; 116 for theft and related offences and 72 for illicit drug offences.⁹⁶

People with short sentences

South Australia also has large numbers of people imprisoned on remand who are only there for a short period of time. According to the Department of Correctional Services' data released under FOI in 2021/22,⁹⁷ the number of adults discharged from prison having served the following short remands was:

Actual Time on Remand 2021/22	No. of People Discharged from Remand 2021/22
Less than 1 month	1,142
1 month	1,000
2 months	474
3 months	337
4 months	225
5 months	143
6 months	81
Total (served 6 months or less on remand)	3,402

Similarly, people are also being released from sentenced imprisonment having spent a very short period of time in custody. According to the Department of Correctional Services' data released under FOI in 2021/22, the number of adults discharged from prison having served the following short sentences was:

Sentence Served 2021/22	No. of People Discharged from Short Sentences 2021/22
Less than 1 month	109
1 month	218
2 months	234
3 months	184
4 months	144
5 months	94
6 months	84
Total (served sentence of 6 months or less)	1,067

PART 2: WHAT WORKS TO REDUCE INCARCERATION

Evidence-based early intervention and developmental crime Prevention

It is clear that investment in a wide-variety of community-based early intervention and developmental crime prevention policies and initiatives is key to preventing offending and diverting children away from the justice system in South Australia.⁹⁸

Early intervention (secondary crime prevention) aims to intervene early in an individual's developmental pathway to address risk factors associated with offending and strengthen protective factors that support engagement in pro-social behaviour.⁹⁹ Early intervention commonly occurs early in life, but it can also occur later in life at a crucial transition point on a pathway to offending.¹⁰⁰ Children who are at risk of justice system involvement often experience a number of individual, family, peer, school and community risk factors such as disconnection from education, unstable home environments, homelessness and poverty.¹⁰¹ Programs that work to reduce contact with the justice system tend to address a multitude of these factors at once.¹⁰²

Primary crime prevention focuses on modifying 'criminogenic' factors in physical and social environments to stop crime before it is committed.¹⁰³ Although there has been some investment in early intervention programs in South Australia, this resourcing has been piecemeal. Primary crime prevention initiatives are lacking in South Australia and Australia, despite their demonstrated crime prevention potential.¹⁰⁴

While there are clear limitations to studies that focus primarily on costs, these findings are important in framing the significance of the impact of early intervention and prevention, not just financially, but in terms of a range of social and health wellbeing

measures. A study of children at risk of criminalisation in New South Wales found that 7% of individuals under the age of 25 will account for half the estimated cost of the state's social services by the time they are 40 years old. Additionally, 1% of this cohort will be responsible for 32% of New South Wales' justice service costs, highlighting that early intervention targeting a small percentage can reduce future costs significantly.¹⁰⁵

A recent economic analysis of early intervention resourcing in Australia found that one dollar invested in early childhood education yields a return of two dollars.¹⁰⁶ The cost of late intervention in Australia has been estimated to be \$15.2 billion per year, including \$2.7 billion (18%) for youth crime.¹⁰⁷ Research findings support investing in capacity-building strategies that scale-up community-based approaches to early intervention. Building on the success of relatively small-scale and economically efficient community-led innovations that create the conditions for healthy development pathways early in life can be a path to larger-scale crime prevention.¹⁰⁸

There remains a genuine opportunity in South Australia to further invest in early intervention responses and build capacity for sustainable, scalable, place-based primary youth crime prevention.¹⁰⁹ Alongside this investment, there is the need for adjacent research in this area so that there is sufficient high-quality data and evaluations that can drive evidence-based policy and investment. There is a particular need for longitudinal studies, using some form of matched-group comparisons at the baseline to determine the impact of existing and new early intervention programs to reduce offending and improve community safety.

Evidence-based cast studies what works in early intervention and prevention?

Communities That Care (Australia and International)

There is strong evidence that primary prevention models – such as the Communities That Care (CTC) model¹¹⁰ – are successful in mobilising communities to address factors that increase the risk of justice system involvement. These risk factors include harmful substance use, low academic achievement, early school leaving and violence. A recent study evaluated the impact of the CTC model across communities in Victoria, Australia, between 2010 and 2019. This study supports the existing evidence that shows that CTC prevents youth crime at a population level. The findings demonstrate significant reductions in crimes associated with CTC including a 2% annual reduction in risk for crimes against persons and a 5% annual reduction in risk for crimes of property and deception.¹¹¹

Child Skills Training and Behavioural Change Programs (Australia and International)

In young people, the pre-frontal cortex (the part of the brain that controls executive functioning) is still developing. This means that children and young people are still developing the cognitive processes required to plan, control impulses and weigh-up the consequences of decisions before acting.¹¹² There are various examples of programs that aim to build children's skills and cognitive abilities in areas that are often related to antisocial behaviour and offending (for example, self-control, impulsiveness, perspective and delayed gratification). Systematic reviews examining randomised-controlled trials of child skills training programs reported such interventions decrease antisocial behaviour by anywhere between 24–32% among the participants.¹¹³ Similarly, systematic reviews of interventions that involve cognitive-behavioural therapy have shown effects on youth offending with anywhere between a 21–35% reduction in recidivism among the participants.¹¹⁴

Sport Programs (Australia and International)

There are limited evaluations in Australia with sound designs that evaluate the effectiveness of sport programs in preventing and reducing crime. However, a recent systematic review and meta-analysis of 13 control-group evaluations (two in Australia and the remainder overseas) found sport programs significantly protect against offending behaviour and related antisocial attitudes as well as significantly increase self-esteem and psychological wellbeing.¹¹⁵

Parenting Programs (Australia and International)

The parenting programs found to be the most effective at reducing antisocial behaviour and youth crime include parent-child interaction therapy, the Triple P (Positive Parenting Program) and the Incredible Years Parenting Program.¹¹⁶ These programs typically involve training and education that supports parents to develop positive parenting skills and strong relationships with their children.¹¹⁷ Systematic reviews of parenting program evaluations have estimated such interventions have resulted in anywhere between a 34–48% reduction in problematic child behaviour.¹¹⁸

The Triple P was developed in Australia and is now delivered around the world including in Queensland where it is free for all parents and carers of a child who is aged 16 years or younger.¹¹⁹ There is an abundance of research demonstrating the effectiveness of the Triple P in addressing risk factors for offending.¹²⁰ The program has the potential to save the government and the taxpayer money by reducing the costs associated with conduct disorder and problematic behaviour.

Youth Partnership Project (WA)

The Youth Partnership Project (YPP) brings together state government, local government and the community sector in a place-based, collective impact approach to youth justice. The project focuses on the early identification of young people aged 8 to 12 years old with complex needs, and the delivery of targeted community services to prevent their involvement with the justice system. The Armadale Youth Intervention Partnership, part of the YPP, achieved a 50% reduction in reoffending for those who completed the program.¹²¹ Evaluation of YPP social outcomes used modelling to estimate that without the intervention, participants were likely to cost the government ~\$3 million in the future. It concluded that if the YPP Youth Justice Model reduces participants' future reliance on government by 10%, the program almost pays for itself, with ~\$300,000 of reduced government costs.¹²²

You Got This (Queensland)

The University of Sunshine Coast conducted an independent evaluation of the Johnathon Thurston Academy 'You Got This' initiative, which aims to boost courage and self-belief in young people aged nine to 16 years old experiencing disadvantage. The Queensland Government noted the success of the program, outlining that the evaluation (based on the data of 39 participants, and also interviews with staff members and stakeholders) found successes in diversion, school re-engagement and a reduction of offending. The evaluation found there was a reduction in the number of offences committed by the young people who were at risk and who participated in the program in Cairns. Nine out of 10 young people with a prior offending history who participated in the program in Cairns did not reoffend within nine months after completing the program.¹²³

Resolve (Queensland)

Resolve is an early intervention program for young people aged 10 to 16 years old who are at risk of justice system involvement. The program is delivered in Logan through a joint partnership between Youth and Family Service, Griffith University, Overflow Foundation and Queensland Police Service. The program includes community outreach, diversionary activities and intensive case management that uses a flexible, relational and strengths-based approach. The program also offers targeted and flexible individualised alcohol and drug interventions. A six-month review of the program showed early positive outcomes, with the majority of young people who exited the program meeting their goals or needs (79%), improving their level of hope (94%), improving their life skills (82%) and improving their wellbeing (88%). Griffith University is currently undertaking an outcome evaluation of the program.¹²⁴

Youth Crime Action Plan (New Zealand)

The New Zealand 10-year Youth Crime Action Plan¹²⁵ is an approach to reducing youth offending rates, with a focus on the overrepresentation of Māori people in the New Zealand justice system. The program has sought to have a 'genuine partnership with communities' by involving Māori communities, frontline practitioners and schools. The program has involved working with 20 communities across New Zealand to develop their own solutions to youth offending problems.¹²⁶ In 2015, the New Zealand Justice and Courts Minister reported that the number of young people (aged 10–16) appearing in court had more than halved since 2007.¹²⁷ This approach is similar to that undertaken in the evidence-based Communities that Care program.

Mentoring Programs (International)

Internationally, evaluations have found that mentoring programs are effective at reducing offending and supporting children and young people to engage in prosocial behaviour.¹²⁸ One study that reviewed 25 experimental and quasi-experimental evaluations of mentoring programs and their impact on delinquency found a 19–26% reduction in behaviours of concern.¹²⁹

Home Visitation Programs (United States)

Pre-natal and infancy home visitation programs show positive outcomes in terms of improving the health and wellbeing of children and families and reducing contact with the criminal justice system.¹³⁰ Within these programs, health professionals visit new parents (typically mothers or expected mothers) to provide support, care and education pre- and post-birth. The most common home visiting programs involve sustained nurse home visiting (SNHV). The Elmira Nurse-Family Partnership program is an evidence-based SNHV program that originated in the United States.¹³¹ This program has been shown to have sustained effects on outcomes for children and mothers within several randomised-controlled trials in the United States, the Netherlands, and the United Kingdom.¹³² In the United States, young girls whose mothers participated in the program were less likely to be arrested than those whose mothers did not participate in the program.¹³³ In addition, participation in the program was shown to be associated with significantly reduced reports of child abuse and neglect, among other benefits.¹³⁴

After-School Programs (International)

Evaluations have shown that after-school programs that incorporate skills training, mentoring and/or academic components may reduce antisocial behaviour. Two robust systematic reviews of after-school program evaluations estimated between a 6–14% decrease in antisocial behaviour among the program participants.¹³⁵

Anti-Bullying/Anti-Cyber Bullying Programs (International)

Bullying is a known predictor of future offending and violence. Anti-bullying and anti-cyber bullying programs have the potential to reduce youth offending. There are various examples of programs in Australia and overseas that aim to intervene early (mostly during the school years) to reduce bullying. Several systematic reviews of anti-bullying and anti-cyberbullying program evaluations have estimated such interventions result in a reduction in bullying anywhere between 10–35% among the program cohort.¹³⁶

The Perry Preschool Project (United States)

Preschool programs provide early intervention and support for children at a crucial transition point in their development. There is evidence that certain behaviours in childhood are indicative of future offending.¹³⁷ In the United States, the Perry Preschool Project is an evidence-based program that supports children from disadvantaged backgrounds to prevent the onset of offending. The Perry Preschool Project provides high-quality preschool education to children aged three and four years old in small school-based sessions delivered by qualified teachers. In addition, teachers conduct a weekly home visit to support parents with at-home learning. An evaluation of the Perry Preschool Project found the program produced sustained effects well into adulthood. Positive outcomes include improved educational attainment, fewer teen pregnancies, reduced likelihood of spending time in prison, lower arrest rates for violent crimes, higher median incomes, and reduced likelihood of receiving government assistance.¹³⁸

Fast Track (United States)

Fast Track is an evidence-based early intervention program in the United States that focuses on disrupting the school-to-prison pipeline. The program delivers a series of multi-level, developmental and age-appropriate interventions to support children (from the age of five onwards), families and schools over a long-term developmental period. A 10-year longitudinal study found children who were randomly assigned to the intervention displayed a reduction in violent offences (31% reduction) and drug offences (35% reduction) as well as significantly lower internalising problems, externalising problems and alcohol and other drug use.¹³⁹ Fast Track costs \$58,000 per child over the 10-year investment period, which is cheaper than incarcerating one child for just one year.¹⁴⁰

Youth Advocate Program (United States)

The Youth Advocate Program was developed in the United States. It is a strengths-based intensive support and advocacy program that provides individually tailored and wrap-around support to young people who are at-risk of, or already experiencing, involvement with the justice system. Evaluations have shown the program is more cost-effective than incarceration, it reduces justice system involvement, and improves other factors in children's lives.¹⁴¹

Evidence-based tertiary responses for children and young people

Children – especially young First Nations children – need off-ramps from the criminal justice system into effective community-based supports and interventions. Tertiary prevention programs occur after a young person has offended or after a person has become a victim of crime, with the aim of preventing recidivism and repeat victimisation.¹⁴² Like adult programs, community-led services and strategies for children and young people in contact with the justice system encompass diversion and sentencing alternatives, in-prison programs and post-release support. Youth-focused options consider the specific needs of young people and their families.

ReBoot Intensive Intervention (South Australia)

ReBoot was designed to support children between the ages of 14 and 18 who were in contact with the justice system and at risk of offending by providing intensive case management, peer-mentoring, and a wilderness camp. An evaluation of the project by the Australian Institute of Criminology found that it provided a useful option in sentencing and family conference outcomes.¹⁴³

Second Chances (Getting Ready To Take Off) (South Australia)

This program is an initiative to improve the employment opportunities for children and young people between the ages of 13 and 25 affected by parental imprisonment. Life coaches work one-on-one with participants to develop and implement an individualised vocational plan.¹⁴⁴ A two-year trial was evaluated in June 2021 by Nova Smart Solutions and the University of Queensland. The two-year project cohort were youth and young adults aged 13–25 who have a parent in prison and/or who have been impacted by parental imprisonment, of whom 25% identify as Aboriginal or Torres Strait Islander. Of the 148 young people who joined the program, 48 gained employment, 72 were job ready, 28 were engaged in continuing education, and 45 gained learner's permits or full driver's licenses.¹⁴⁵

Operation Flinders (South Australia)

Operation Flinders provides remote outback adventure programs to young people who are experiencing multiple forms of disadvantage. It is designed as a circuit breaker with the view of increasing resilience amongst young people. Operation Flinders notes a 2014 evaluation on its website that found improvements in a range of social and well-being measures including reduced reoffending.¹⁴⁶

Weave (Creating Futures) (NSW)

This independent three-year evaluation of the Weave Creating Futures program (which provides intensive, culturally safe case work support to Aboriginal young people on release from custody) found that only 4.11% of the 93 young people who engaged in the program over the period of the evaluation reoffended. This compared to BOCSAR reoffending rates for young Aboriginal people, which are 57.30% for a comparable cohort.¹⁴⁷

Backtrack Youth Services Impact Report (NSW)

Over the last 10 years, the intensive, holistic and relational case work provided by Backtrack Youth Services has supported 1000 children and young people at risk of criminal justice system involvement or who are entrenched in the justice system. An impressive 87% of the young people who leave Backtrack transition into employment or education. A University of New South Wales' report about the impact of the program on the local community in Armidale found a 35% reduction in crime because of the engagement of young people in the program.¹⁴⁸

A Place To Go (NSW)

The A Place to Go pilot has been operational in the Nepean Police Area Command and Parramatta Children's Court since November 2018. The program aims to improve supports and deliver a better service response for 10 to 17-year-olds in contact with the justice system, with a focus on young people on remand. It draws on services from across New South Wales Government and non-government service providers to deliver a coordinated and multiagency service solution that can support young people to change their life trajectory. A Place to Go uses a young person's contact with police and/or the court as an opportunity to intervene early and link them with appropriate community supports and services, court liaison staff, cross-agency panels and dedicated short-term transitional accommodation. An independent evaluation found that young people were supported in finding stable and appropriate accommodation, accessing health services, removing barriers to education and connecting with their communities.¹⁴⁹

Tedd Noffs Foundation (Queensland and NSW)

The Ted Noffs Foundation runs a residential alcohol and other drug treatment service called Program for Adolescent Life Management (PALM) for young people aged 13 to 18 years old with alcohol and other drug dependency and crime-related behaviours. A recent evaluation of this program analysed three pre-referral trajectories of convictions (no or low, moderate or high-incline convictions) for over 891 young people referred to the PALM service in New South Wales. This study found treatment was associated with a significant decrease in convictions for the high-incline convictions trajectory, with 4.36 fewer convictions on average over five years post referral.¹⁵⁰ The Queensland Government has allocated \$12.7 million to build a 10-bed PALM residential facility in Queensland, which will be located in the Moreton Bay Region and will be available to young people aged 14 to 17 years old. The Ted Noffs Foundation also runs Street Universities in two locations in Queensland (Logan and Gold Coast) to support young people aged 12 to 25 years experiencing disadvantage.¹⁵¹ In February 2023, the Queensland Government committed an additional \$4.2 million to establish a Ted Noffs Foundation Street University in Townsville.¹⁵²

Griffith Youth Forensic Service (Queensland)

Griffith University delivers the Griffith Youth Forensic Service in Queensland, which provides state-wide multisystemic and specialist assessment and treatment services for young people adjudicated for sexual offences. In 2015, a study evaluating the impact of the treatment provided by this service found it was equally effective at preventing sexual recidivism for Aboriginal and/or Torres Strait Islander and non-Indigenous youth. It also prevented violent and other recidivism for non-Indigenous youth living in remote and non-remote locations.¹⁵³

Transition to Success (Queensland)

In 2018, Deloitte undertook a six-month outcome evaluation of the Queensland Government Youth Justice run Transition to Success (T2S) voluntary vocational and therapeutic service for young people.¹⁵⁴ Following this, Deloitte released further analysis evaluating outcomes from the program over a 12-month reporting period. This analysis found, when compared with a comparison group, T2S participants with a youth justice history had a lower reoffending rate (58% compared to 73% reoffended), a reduction in custody nights (0.7 decrease in average custody nights compared to a 1.7 increase in average custody nights) and a reduction in the average supervision days (1.4 decrease in average supervision days per month compared to a 1.9 increase in average supervision days per month). Additionally, the evaluation found for every \$1.00 spent on the T2S program, the program results in \$2.13 of benefits.¹⁵⁵ The Queensland Department of Children, Youth Justice and Multicultural Affairs reports that it has allocated \$61.5 million towards delivering this initiative in 20 locations across Queensland.

Targeted Youth Support Service – Mission Australia and Baptcare (Tasmania)

The service supports children and young people aged 10–18 in Hobart who are facing multiple challenges and are at risk of entering or re-entering statutory services such as youth justice or child safety, or homelessness. The service provides holistic intensive case management support to stabilise the young person's situation and avoid further escalation of their circumstances. The service also aims to re-engage young people in education, training, employment and housing.¹⁵⁶ A robust evaluation over five years found substantially improved outcomes for young people who engaged with the service, reducing future risk and cost to the community.¹⁵⁷

Intensive Case Management (Queensland)

In February 2023, the Queensland Government published a report summarising findings from a 2022 Nous Group evaluation of the government-led Intensive Case Management (ICM) program. ICM is modelled on evidence-based practice frameworks including multi-systemic therapy,¹⁵⁸ Collaborative Family Work,¹⁵⁹ the Good Lives Model¹⁶⁰ and Strengthening Families Protective Factors.¹⁶¹ This evaluation found 42% of ICM clients did not reoffend (some for as long as three years post-intervention). Additionally, the evaluation showed ICM resulted in a 51% reduction in the frequency of offending (in comparison to a 29% reduction for young people receiving alternative youth justice supports) and a 72% reduction in the proportion of crimes against the person (in comparison to a 13% reduction for young people receiving alternative youth justice supports). It is estimated that the program results in an \$8.1–15.7 million saving through reduced frequency and severity of offending and reduced time in custody.¹⁶² The Department of Children, Youth Justice and Multicultural Affairs reports that it has allocated \$56.8 million towards delivering this program in 15 locations in Queensland. In February 2023, the program's capacity was expanded in seven of the existing locations to increase the number of young people who can be supported.¹⁶³

Whitelion: Deadly Diversions Youth Support Service (WA)

The Deadly Diversions project is a collaboration between WA Police and Whitelion aimed at preventing young people in Perth's Northern suburbs from continuing their cycle of criminal justice system involvement. The Productivity Commission's Report on Government Services notes that WA spent \$63 million on children's incarceration in 2021/2022.¹⁶⁴ The program provides 28 individuals with intensive case management support and addresses the root causes of their offending through individualised support, mentoring, and social engagement activities. The program focuses on improving long-term outcomes and addressing social factors such as education and literacy, connection to culture, housing, parenting, and counselling.¹⁶⁵ Outcomes from the service include that 73% of participants feel they have become more independent, 71% of participants feel better about the future, and there is evidence of a reduction in crime and antisocial behaviour.¹⁶⁶

ALTERNATIVES TO POLICING

The way policing operates around Australia has a significant impact on imprisonment rates. Reducing the number of people in prisons requires an examination of the 'front end' of the justice system, including the role, function and operations of police. To stem the flow of people unnecessarily funnelled into the prison system, there is a need to rethink policing, particularly in communities that are over-policed.

A significant proportion of police resources and police personnel (some estimates are as high as 65%) are devoted to street policing.¹⁶⁷ The overwhelming majority of contact with the criminal justice system occurs through interactions with police on the street.¹⁶⁸ The nature of this interaction often determines the extent to which involvement in the criminal justice system is escalated or de-escalated, and whether a person is arrested, charged and subsequently imprisoned.¹⁶⁹

The current nature of policing results in many people being unnecessarily or inappropriately funnelled into the criminal justice system, rather than being free to go about their lives while receiving the support, care and connection they require in the community. This is especially the case for First Nations communities, other racialised people,¹⁷⁰ people with disability, people with mental health conditions, and people living with other forms of disadvantage.¹⁷¹ Of particular concern is the way in which policing activity in Australia can both accelerate and entrench contact with the criminal justice system for people who are not engaged in activity that puts the community at risk.

Moreover, the nature of police interaction and engagement itself can be the exacerbating incident that results in activity or conduct that amounts to a

criminal offence, resulting in charges being laid.¹⁷²

The following are examples of policing activities that cause particular problems for people experiencing marginalisation:

- Preventative and race-based policing that targets particular groups of people, especially Aboriginal and/or Torres Strait Islander communities and other racialised groups.¹⁷³
- Police focus on enforcing minor and public order offences resulting in an escalation of conflict and a confrontational atmosphere.
- Discriminatory exercise of police discretion in relation to the decisions to stop and search, arrest and charge.

Police are frequently called upon to perform a 'first responder' role that would be better performed by social and community support services and networks. Due to an under-resourced social sector, police are often called upon to 'manage' people in need of support services, rather than such people receiving the care, support and assistance that is required in the community. Too often, people with mental health conditions, disabilities and other forms of disadvantage are 'criminalised' in their interactions with police, when alternative pathways outside of the criminal justice system are not available.

In Australia and internationally, there are alternative models of positive policing where interactions with police result in improved outcomes in terms of both community safety and reducing the likelihood of criminal justice system involvement.

Evidence-based case studies: What works in alternative policing models?

Aboriginal Community Patrols (Australia)

There are over 130 Aboriginal community patrols in operation across Australia in metropolitan and rural locations.¹⁷⁴ Patrols operate without police powers and rely on mediation to move people on from risky situations. They rely on 'cultural authority' as well as their local knowledge of Aboriginal families and issues to navigate their way through and resolve situations which may, in the hands of state authorities, deteriorate.¹⁷⁵ These patrols work to keep people safe, assist in finding people accommodation and provide people with referrals. While each has a different focus depending on the local need, they work with people to encourage and support them towards safer behaviours and to find safe accommodation. They also work to keep women safe from violence and discourage violence through their presence and the respect they carry in communities. These models operate from a basis of caring for their communities, not criminalising them. They provide healthy role models for community members and their work reduces contact between Aboriginal people and the police.¹⁷⁶ The patrols have made a significant contribution to crime reduction and community safety strategies. Several favourable evaluations have found that the Patrols have resulted in reduced levels of offending, reduced fear of crime and reductions in alcohol and other drug-related problems. There is also evidence to suggest significant cost savings for key justice, health, and education agencies from the presence of community patrols.¹⁷⁷ There are a number of community patrols in South Australia, including those operating in Far North South Australia on APY lands.¹⁷⁸

Aboriginal Community Liaison Officers (Australia)

The Royal Commission into Aboriginal Deaths in Custody (RCIADIC) recommended that jurisdictions improve relations between police and Aboriginal people by appointing police aides and police liaison officers. Aboriginal Community Liaison Officers (ACLOs) play a pivotal liaison role between the relevant local Aboriginal community and police. They are community representatives within the organisation. In consultation with the community, ACLOs: provide advice to senior police members on local Aboriginal issues; encourage Aboriginal communities to engage with police members to resolve issues; and help to develop and deliver appropriate training programs.

In its Pathways to Justice inquiry the ALRC received several submissions from Aboriginal Legal Services in the Northern Territory, Western Australia, New South Wales, and Victoria regarding the positive contribution from ACLOs in brokering connections between police and the community, with several noting the need for ACLOs to be stationed at all police stations and the need for them to be available after hours and on weekends.¹⁷⁹ SAPOL notes the critical role that these officers play in policing in South Australia.¹⁸⁰

PACER Program (ACT, TAS, NSW, VIC)

The PACER program is designed to provide a specialist mental health early response to people experiencing a mental health crisis. It embeds mental health experts with first responders to support them to appropriately recognise, assess and respond to psychiatric incidents. It usually includes a police respondent, a paramedic and a mental health respondent working together. The paramedic is there to assess and treat any physical health emergencies. The police officer is there to make sure the PACER team, the person, and the community are kept safe. The mental health clinician is there to assess mental health needs and support the person in crisis.

During the ACT pilot, of the 1,200 callouts to the PACER team, 900 people seen by the PACER team were able to stay in the community. 300 people still required hospitalisation either because PACER was unavailable at their point of distress or they needed high level of care from the Emergency Department. The program is being continued and has now expanded to 7-days per week.¹⁸¹

In Tasmania, PACER was launched as a two-year pilot in January 2022. By September it had assisted 1,000 people experiencing an acute mental health issue. Of these, almost 80% were supported to remain in the community. On average there were 45 fewer mental health related presentations to the Royal Hobart Hospital emergency department every month.¹⁸²

The NSW model has seen cross-agency response to people experiencing mental health crisis, avoidance of emergency Department presentations, provision of alternate pathways to care and avoidance of coercive measures. From November 2018–September 2020 of the more than 1,500 PACER contacts, only 500 required further hospital-based assessment or treatment.¹⁸³

In Victoria the PACER program has operated for several years. In 2014 the name of the initiative was changed to Mental Health and Police. A 2019 departmental evaluation indicated the effectiveness of the program, reporting that PACER units are effective in diverting people from emergency departments and that the co-response model helps improve the skills and knowledge of the police who work alongside mental health clinicians. The evaluation also noted that the effectiveness of the program is hampered by workforce shortages, especially in rural areas.¹⁸⁴

The NSW Homelessness Protocol (NSW)

The NSW Homelessness Protocol guides the interaction of police with homeless people so they are treated respectfully and don't face discrimination. The main principle underpinning the protocol is that unless they ask for help or intervention is deemed necessary, people experiencing homelessness should be left alone when using public places. The Protocol also aims to assist people experiencing homelessness to access appropriate services and to provide advice and information on points of assistance they may wish to access. NSW Police have been signatories to the Protocol since 2012.¹⁸⁵

Mental Health Co-Responder (Queensland)

In partnership with the Queensland Police Service (QPS), mental health co-responder models were established in Cairns in 2011¹⁸⁶ and in the West Moreton region in 2017. In 2019, the model was expanded to service the metropolitan south region and include Queensland Ambulance Service (QAS). Under this model, a team of experienced mental health clinicians are integrated either into a QPS or QAS first responder unit, which enables people experiencing a mental health crisis to be assessed and receive onsite intervention in the community.

A 2022 Queensland Government review of this program found the mental health co-responder model enabled timely and appropriate mental health care to be provided to people presenting to QPS and QAS in a mental health crisis, and that the program builds the capacity of QPS and QAS to respond to mental health crises when co-responder clinicians are not available. This evaluation further found the majority of participants (74%) were diverted from custody and the emergency department. Of the people who interacted with the program, 45% did not require further assistance after the crises was resolved, 17% were referred to primary care or community-based services, and 12% were referred to mental health services. Only 2% of people were taken in custody, while the remaining 24% of people were transported to the emergency department.¹⁸⁷ This model has since been expanded to cover other regions in Queensland such as Townsville¹⁸⁸ and Mackay.¹⁸⁹

Fire Project (Queensland)

In 2022, James Cook University conducted an evaluation of the Fire Project, which is an early intervention and prevention initiative delivered by Harbrow Mentoring in partnership with Queensland Police. This evaluation notes that the program diverted 1341 young people from in CBD area in Cairns who were at risk of offending behaviour over the 20 weeks it was operational. The evaluation recommended that the program be improved by establishing a safe place in Cairns for young people to engage in structured activities and developing a holistic plan with stakeholders to ensure young people and their families receive the appropriate supports and services.¹⁹⁰

Police Force Mental Health Co-Response Trial (WA)

In January 2016, the Western Australia Police Force implemented the Western Australia Police Force Mental Health Co-Response (MHCR) Commissioning Trial. The MHCR involved mental health practitioners co-located with police at the Police Operations Centre, and two mobile teams operating in north-west metropolitan and south-east metropolitan districts and the Perth Watch House. Mental health practitioners were involved at each stage of a police response to and management of people experiencing a mental health crisis. An independent evaluation of the trial found that it had improved the safety and wellbeing of police and mental health consumers and increased collaboration between the relevant services. Mental health consumers and families, carers and supporters saw the model as a considerable improvement over the traditional police crisis response. Based on the success of the trial, in 2019 the model was expanded to cover the whole Perth metropolitan area.¹⁹¹

Cooperative Initiatives - Redfern Police and Tribal Warrior (NSW)

Several cooperative initiatives between police and the local community have been introduced in Redfern, Sydney. In 2009, Redfern Police, Aboriginal community leaders and Tribal Warrior Aboriginal Corporation, instigated the 'Clean Slate Without Prejudice' program. In 2016, the 'Never Going Back' program was implemented with the additional assistance of Long Bay Correctional Complex General Manager. A 2016 review found the programs were having significant positive effects, including reductions in reported crime (particularly robbery and burglary), increased community confidence in police and enhanced resilience of communities and 'at-risk' groups.¹⁹²

The principles underlying the success of the programs were:

1. Treating community members with respect, giving them a clear voice that is listened to by police, giving community members explanations for police activity and decisions, and utilising reliable and fair approaches towards community members.
2. Enhancing trust between police and community.
3. Police familiarity with key leaders and community collaborators to assist with the design of programs that will have the greatest influence in communities.

LEAD Bureau (United States, Multiple Jurisdictions)

Law enforcement assisted diversion is a community-based diversion approach that uses a harm-reduction lens with the aim of reducing involvement in the criminal justice system and improving community safety. Case managers work closely with police, prosecutors, and communities to provide alternative diversionary pathways that focus on addressing the drivers of contact with the criminal justice system. People involved in lead programs were 58% less likely to be arrested (compared to people in a control group who were not participating in lead programs).¹⁹³

CAHOOTS (Crisis Assistance Helping Out On The Streets) (Eugene, Oregon, United States)

CAHOOTS is a different first responder model that has been running for more than 30 years. It is a mental-health-crisis intervention program founded in 1989 by the Eugene Police Department and White Bird Clinic, a non-profit mental health crisis intervention initiative. Calls to 911 related to drug use, disorientation, mental health crises and homelessness are routed to CAHOOTS.

Staff members respond in pairs; usually one has training as a medic and the other has experience in street outreach or mental health support. Responders attend to immediate health issues, de-escalate, and help formulate a plan, which may include finding a bed in a homeless shelter or transportation to a healthcare facility. The service operates 24 hours a day. Cahoots diverts close to 8% of all police calls, reducing the load on the police department. Evaluations of CAHOOTS have found it to improve access to health and welfare services¹⁹⁴ as well as saving an estimated \$8.5 million annually in public safety spending.¹⁹⁵

Portland Street Response (Oregon, United States)

Portland Street Response (PSR), a program within Portland Fire & Rescue (PF&R), assists people experiencing

mental health and behavioural health crises. The team is made up of mental health crisis responders, community health medics, community health workers, and peer support specialists. In their outcome evaluation it is noted that, in the six months between April and September 2022, PSR responded to 3228 incidents. This represented a reduction of more than 3.2% of total calls to police; an 18.7% reduction for the police in non-emergency responses and reduced the numbers of people called out to emergency departments. Most people were responded to by PSR, with only 1.9% of all calls resulting in a hospital admission.¹⁹⁶

The Behavioural Health Emergency Assistance Response Division, B-Heard (New York City, United States)

The B-HEARD Team is an alternative first responder model in New York City. Responders use their mental health expertise in crisis response to de-escalate emergency situations and provide immediate care. Evaluation of the pilot has found that the project reduces unnecessary transports to hospitals, increases connection to ongoing mental health care and reduces the number of times police respond to 911 mental health calls. In the 12 months to June 2022, there were approximately 11,000 mental health 911 calls in the pilot area. Of people assisted by B-HEARD:

- 54% were transported to a hospital for additional care – (compared to 87% under the traditional response).
- 36% were served in their community.
- 24% were served onsite, including de-escalation, counselling, or referral to community-based care.
- 12% were transported to a community-based healthcare or social service location.¹⁹⁷

Pre-charge Diversion (International)

A 2018 review of 19 studies evaluated the effects of police-initiated diversion programs on re-offending behaviour, compared to traditional system processing. The review summarises evidence from four countries – the United States (11), Canada (four) the United Kingdom (two) and Australia (two). The general pattern of evidence suggests that police-led diversion reduces future offending behaviour of low-risk youth relative to traditional processing. Assuming a 50% reoffending rate for the traditional processing condition, the results suggest a reoffending rate of roughly 44% for the diverted young people. The findings from this systematic review support the use of police-led diversion for low-risk youth with limited or no prior involvement with the juvenile justice system.¹⁹⁸

ALTERNATIVES TO MAINSTREAM COURT PROCESSES

The moment that a person attends court is a critical point in the justice system process. The outcome of a court process, and the process itself, have the capacity to either further entrench someone in the justice system, or provide a 'springboard' out. There is a significant evidence base supporting alternative, diversionary, specialist, restorative and problem-solving court processes. These alternative court options should be expanded throughout Queensland, particularly in regional and remote areas.

Alternatives to mainstream court processes including restorative and transformative justice, should be available to a much larger cohort of people who come into contact with the court system. Although there are complexities and challenges involved in the implementation of alternative models, the principles on which they are based, and the bulk of the evidence evaluating their outcomes tells a compelling story in terms of their utility.

On the other hand, mainstream court processes often fail to address the drivers of incarceration. There are limitations with mainstream courts recognising or accommodating the unique needs of people experiencing marginalisation and disadvantage. This is especially the case for people with disability, mental health conditions, and for First Nations communities. Mainstream courts are also limited in their capacity to divert people from the criminal justice system. They are limited in their abilities to address the underlying, complex, and compounding disadvantages that steer people towards the justice system. They are also often limited because they do not have access to the services, supports and programs in the community that are fundamental when it comes to allowing magistrates to consider.

Evidence-based case studies: What works in alternative court processes?

In-Court Diversion

In-court diversion programs divert people from the criminal justice system at the point a case comes before a court. These procedures enable matters to be resolved in various ways outside traditional court processes and outcomes. Many court-based programs allow for diversion before the case is heard (otherwise known as pre-plea diversion). In some cases, the outcome of the diversion program influences whether or not someone has their matter heard in court, and in some cases whether or not someone spends time in prison.

The key objective of this process is to reduce a person's contact with the criminal justice system at an early stage and instead provide appropriate therapeutic interventions. This includes addressing factors related to offending, and in some circumstances allowing for the participation of victims in the process. In-court diversion to practical, alternative programs aims to provide opportunities to address some of the underlying causes of contact with the justice system (including harmful use of alcohol and other drugs, harmful gambling, mental illness, cognitive impairment, poverty, and disadvantage) and reduce the likelihood of continuing contact with the criminal justice system.

Evaluations have found in-court diversion programs are effective at reducing contact with the justice system, reducing imprisonment, and facilitating access to support and treatment. The Magistrates' Court of Victoria noted that participants in its In-Court Diversion program have reduced likelihood of re-offending, avoidance of a criminal record, and increased access to supports, counselling and treatment.¹⁹⁹ Evaluations of the Magistrates Early Release into Treatment (MERIT) program in New South Wales have found reduced likelihood of reconviction²⁰⁰ alongside increased health and

wellbeing.²⁰¹ Evaluations of the Court Integrated Services Program (CISP) and Bail Support Diversion in Victoria found the program has reduced the number of defendants remanded, contributed to the successful completion of bail, reduced likelihood of re-offending and likelihood of homelessness.²⁰² A recent evaluation of the Australian Capital Territory sentencing list also found positive outcomes, reporting early indications of reduced offending, as well as positive shifts with regard to alcohol and other drug use and improved outcomes in terms of social reintegration.²⁰³ In South Australia, Treatment Intervention Courts support people with mental health conditions, cognitive impairment and alcohol and other drug use. These courts operate from all Metropolitan Magistrates' Courts and from the Youth Court.²⁰⁴

Pre-Court Diversion For Children (Australia)

Children and young people may undertake pre-court diversion that involves an intervention (for example they are required to participate in a formal diversion program) or no intervention (for example they just receive a caution, reprimand, or warning).²⁰⁵ Systematic reviews of studies that compare children who were diverted with children who were processed through formal court proceedings show pre-court diversion is associated with a decrease in recidivism anywhere between 9–36%.²⁰⁶ Pre-court diversion programs that include services and supports have been found to be significantly more effective than diversion on its own.²⁰⁷

Broadmeadow Children's Court Pilot (NSW)

The Broadmeadow Children's Court Pilot (Pilot) is a multiagency service program that provides a coordinated response to the needs of young people coming before the Broadmeadow Children's Court in Newcastle. The Pilot also operates at Singleton and Raymond Terrace Courts within Newcastle. All young people who present before Broadmeadow Children's Court have access to integrated, multidisciplinary support from the court-based team. This team provides support to the young person through the court process and assists the young person to engage with specialist services, supports and education pathways. An independent evaluation of the pilot found that:

- The pilot supported young people to address a wide range of needs, including urgent and immediate needs.
- Young people were supported to find accommodation, access mental health supports, engage in an appropriate educational pathway or employment and access victim's services.
- There is evidence that the initiative offers the court alternatives to placing young people on bonds, community service orders or in custody, as participation in the Pilot can be a factor in the decision of the court when sentencing young people.²⁰⁸

Children's Court Youth Diversion (Victoria)

In Victoria, the Children's Court operates a Youth Diversion Service based on restorative justice principles that aim to assist participants to take responsibility for their actions, repair harm and increase insight into the impacts of their offending upon the victim, their family, and the community. Children and young people can have court proceedings adjourned for up to four months to participate in diversion programs or services. They must acknowledge responsibility for the offence. An evaluation report found that the program was successful in diverting young people from the formal justice system. The magistrates working across the pilot sites for the program uniformly agreed that it provided them with an important additional option to their decision-making process. All stakeholders and young people agreed that the program offered a positive alternative and filled an important gap to help keep the young people diverted from the formal justice system.²⁰⁹

Community and Neighbourhood Justice Centres

Community justice courts and centres typically focus on particular neighbourhoods, types of offences and crimes and provide holistic support. The community justice model offers a holistic, wrap-around suite of services to support individuals in contact with the criminal justice system and address the causes of offending. This includes triaging participants to appropriate social and health services and programs.

The most high-profile and well evaluated example in Australia of a community justice approach is the Neighbourhood Justice Centre (NJC) in Collingwood, Victoria. A 2015 evaluation conducted by the Australian Institute of Criminology (AIC) found:

- The NJC had 25% lower rates of reoffending than other Magistrates' Courts in Victoria;
- Participants who went through the NJC were three-times less likely to breach community corrections orders; and
- Participants who went through the NJC demonstrate lower breach rates for intervention orders.²¹⁰

Restorative Justice

Restorative Justice processes usually involve bringing together both the people who have committed crime and victims of crime (along with other key stakeholders) in a facilitated conference process with a view of all parties better understanding the impact of the crime, and in many cases determining what the outcome for the person who has committed the crime should be. In 2004, South Australia was one of the first jurisdictions in Australia to introduce a restorative justice program as part of the Adelaide Magistrates Court. This pilot program was independently evaluated in 2005. The evaluation which included interviews with key participants, alongside the observation of conferences concluded that there were very encouraging early indicators of success. For instance, there were very high levels of victim satisfaction; that people who had committed crime readily expressed apology to the victims of crime, and the processes of the conference were successful.²¹¹

Drug Courts

Drug courts recognise the association between alcohol and other drug dependence and contact with the justice system and acknowledge the importance of addressing dependency to reduce the risk of recidivism. Drug courts operate as pre-adjudicative (where prosecution is deferred) or post adjudicative (where sentencing is deferred or suspended following a guilty plea).²¹² The South Australian drug court that operates in Adelaide Magistrates Court is now known as the treatment court.²¹³

There is now a significant evidence base examining the impact of drug courts in Australia and internationally. Although there are clear challenges to be addressed regarding the associated importance of access to quality services, supports and treatments outside of the justice system, the overwhelming evidence suggests drug courts have a positive impact when it comes to reducing the likelihood of reoffending, and improving access to alcohol and other drug treatment and support. Drug courts have been found to be more effective than mainstream courts at addressing the intersection of drug dependency with the criminal justice system.²¹⁴

Evaluations in other Australian jurisdictions have also shown positive results. An independent 2014 evaluation of the Victorian drug court found participants reported improvements in a range of social and health wellbeing measures (including measures like connectedness to community, which is associated with reduced risk of harmful alcohol and other drug use). Participants also had reduced risks in terms of mental health and alcohol and other drug use. This study further found participants had lower rates of reoffending over both 12 months (lower by 31%) and 24 months (lower by 34%) follow up.²¹⁵ Similarly, an evaluation of the New South Wales Drug Court found participants (compared to a control group) were 17% less likely to be reconvicted for a new offence, 30% less likely to be reconvicted for a violent offence, and 38% less likely to be reconvicted for a drug offence.²¹⁶

Mental Health Courts

There are a variety of alternative court models for people with mental health conditions and/or cognitive disability. These courts typically adopt a similar approach as drug courts, combining intensive judicial monitoring and treatment to ensure that people with mental health conditions and/or cognitive disability access treatment and support while subject to proceedings and supervision. Some are specifically targeted at people with mental health conditions and co-occurring alcohol and other drug dependency, with the aim of stabilising mental health and targeting drug use in a drug-court-style treatment and testing regime. There is a robust international evidence base demonstrating the way mental health courts are likely to reduce reoffending and facilitate access to support and treatment services.²¹⁷

First Nations Courts

For First Nations people, courts have regularly failed to acknowledge or recognise the impact and context of the history of colonisation, and the specific set of circumstances in which contact with the justice system has occurred. Mainstream courts have also often failed to respond to First Nations people in ways that are culturally meaningful.

Specialist First Nations alternative courts models differ to the mainstream court system in that they incorporate restorative principles, support First Nations leadership (usually involving First Nations Elders) and adopt a culturally safe model for working with First Nations People.²¹⁸ First Nations Courts put culture and healing at the centre of the court process, often through Elders participation, with the ultimate aim of reducing incarceration and ongoing criminal justice system involvement. First Nations specialist courts have been introduced throughout Australia, such as Queensland's Murri Courts, New South Wales's Circle Sentencing, Victoria's Koori Courts, South Australia's Nunga Courts and Western Australia's Kalgoorlie Court.²¹⁹

In a recent evaluation of the Queensland Murri Court (operating across 14 jurisdictions in Queensland), participants reported that participation in the court had reduced their contact with the justice system, and that the involvement of Elders encouraged attendance at court and provided a layer of support and accountability that encouraged people before the court to take responsibility.²²⁰

Overall, evaluations have found First Nations-led courts to be highly effective in several ways. For instance, court attendance is higher for specialist First Nations courts in comparison to mainstream courts²²¹ and court staff are better equipped to support First Nations people.²²² There are also strong indications that reoffending rates are also reduced when processes are implemented well and when there are resources to support participants.

For example, a New South Wales BOCSAR evaluation found First Nations participation in Circle Sentencing led to a 9.3% reduction in people receiving a prison sentence and a 3.9% reduction in reoffending within 12 months.²²³ The study also noted that it took an extra 55 days for a reoffence to occur. Similarly, an evaluation of the Youth Koori Court pilot in Parramatta, New South Wales found fewer children were locked up in youth detention as a result of the Youth Koori Court, and days in custody were reduced.²²⁴

An evaluation of the original Koori Court Pilot program in Victoria found Koori Courts improved rates of recidivism, with a 16.91% and 13.91% reduction of reoffending in the Shepparton Court and the Broadmeadow Court respectively.²²⁵ The success of the Victorian Koori courts was more recently noted in the recent Parliamentary Inquiry into the Criminal Justice System in Victoria, where the committee recommended expanding the reach, the jurisdiction and scope of the Koori Court.²²⁶

In South Australia, an earlier study compared outcomes from the South Australian mainstream Magistrates' Court and the Nunga Court between 2007 and 2009.²²⁷ This study found Nunga Court defendants were significantly less likely to be sent to prison, receive a monetary penalty, and have their driver's licence disqualified in comparison to similarly positioned First Nations defendants who had their matter processed through the conventional courts.

Internationally, studies on the impact of the Iwi Justice Panels in New Zealand and the Gladue Court in Canada have also found that people who participated in specialist courts were less likely to reoffend, and where reoffending did occur, it was less severe.²²⁸

Other benefits associated with specialist First Nations courts include their ability to empower First Nations by ensuring they self-determine their own outcomes related to criminal justice, increase access to justice, and foster a better relationship between First Nations communities and criminal justice authorities.²²⁹ Additionally, participants in the Iwi Justice Panels reported positive lifestyle changes such as finding employment and education opportunities.²³⁰

There have been some examples where specialist sentencing courts have not appeared to have an impact in terms of recidivism. In 2015, the two specialist Aboriginal sentencing courts in Western Australia were abolished following evaluations that found recidivism did not significantly reduce as a consequence of participation. Although subsequently re-established, this also happened in Queensland to Murri Courts in 2012.²³¹ Evaluation of Nunga courts in South Australia also found unclear results relating to the impact of the court on reoffending.²³² There have however been clearly identified limitations related to data collection, data analysis and methodology in these evaluations.²³³

Other issues have emerged in response to these evaluations, which identify some of the complexities and challenges of successful implementation. For instance, the evaluation of the Murri Courts in Queensland noted the effectiveness and success of specialist courts was also dependent on external factors such as the availability of adequate resources in First Nations communities, particularly services that are culturally appropriate and First Nations-led. This includes the opportunities to improve the availability of culturally meaningful diversionary programs, alongside addressing the structural and economic factors associated with First Nations over-incarceration. This means for instance addressing unemployment, low school attendance, alcohol and other drug dependency, homelessness, lack of crisis support, and family support.²³⁴

The Australian Law Reform Commission suggests First Nations courts should ideally:

- Involve active participation by the defendant and the community.
- Provide individualised case management for the defendant and wrap-around services.
- Be culturally appropriate and competent.
- Ensure their design, implementation and evaluation is led by relevant Aboriginal and/or Torres Strait Islander organisations.²³⁵

BAIL SUPPORT AND ALTERNATIVES TO REMAND

Bail laws must be informed by an evidence-based approach that genuinely centres community safety. Remanding people in custodial settings should only be used as a last resort. There is a particular need for evidence-based alternatives that are community-led and managed outside of custodial settings. This includes looking at appropriate diversion alternatives such as access to alcohol and other drug services, mental health and disability support, holistic wrap-around case management, culturally safe First Nations supports, and safe and secure accommodation.

The overuse of pre-trial detention does not ultimately make the community safer. In fact, it increases the risk of reoffending because of the criminogenic nature of incarceration.²³⁶ People who do not receive bail and are remanded in custody suffer the hardships of incarceration (loss of liberty, disconnection and separation from community, loss of housing, loss of employment, loss of identity, institutionalisation, de-humanisation, the traumatic experience of imprisonment) without having been found guilty of an offence. People on remand are typically housed in high security custodial environments, with limited access to programs and services. There is also strong evidence to suggest that pre-trial detention and remand, even for short-term periods, contributes to future offending.²³⁷

Reducing the use of remand requires complementary increases to bail support. Bail support refers to the provision of services, intervention or support designed to assist an accused person to successfully comply with their bail obligations.²³⁸ The principal aims of bail support are to prevent reoffending while on bail, increase the likelihood of a person facing criminal charges appearing in court, and to provide an alternative to remand in custody given prison has a detrimental impact on a person's likelihood of reoffending.

Bail support programs may also be combined with diversionary programs that seek to address factors such as alcohol and other drug dependency. Such combined programs aim to provide an integrated approach to assisting people to obtain and remain on bail.²³⁹

Bail hostels and bail supported accommodation are residential establishments that accommodate people as a condition of bail, generally with some degree of endorsement or regulation by the government. While there are long-standing examples of bail hostels and supported accommodation in some jurisdictions in Australia, these services have not been systematically implemented throughout Australian states and territories.²⁴⁰

The Law Council of Australia and many others have recommended the introduction of more bail hostel programs in Australia. The Australian Institute of Criminology (AIC) and others have noted the features that influence the success of bail hostels and bail supported accommodation include:

- Their affordability.
- Ensuring they are targeted towards people who do not have access to alternative accommodation to avoid net widening.
- Ensuring they are geographically available in regional and remote areas.
- Ensuring availability for diverse populations including First Nations people, people with mental health or cognitive impairment, people at risk of domestic violence and people who are experiencing homelessness.
- Taking care to ensure the safety of all people residing in bail hostels and allocating beds occurs thoughtfully.²⁴¹

Overall, the research and analysis suggest it is more cost effective to house a person in a bail hostel or

bail supported accommodation than in prison, after considering the economic and social benefits of individuals maintaining employment and relationships and contributing to rent, as well as reduced recidivism.²⁴²

Evidence-based case studies: What works in bail support?

Caxton Legal Centre Men's Bail Support Program (Queensland)

The Men's Bail Support Program (MBSP) was delivered by Caxton Legal Centre in Brisbane from April 2019 to August 2022 and externally evaluated as being highly successful. Men supported by the program had improved pro-social behaviours and were less likely to re-offend in the short to medium term. In 2021/22:

- 77% of applications for bail made by the MBSP were granted.
- 95% MSBP participants were bail compliant.
- 25% were Aboriginal and/or Torres Strait Islander men – they were supported to access Aboriginal health services, culturally appropriate alcohol and other drug counselling and residential programs, men's yarning groups, culturally appropriate employment, and skills training programs.²⁴³

Sisters Inside Women's Bail Support Program (Queensland)

In 2021, an external evaluation of the Sisters Inside Women's Bail Support Program (WBSP) found the program effectively supports women to access bail, comply with bail conditions, and connect to services in the community. The evaluation, commissioned by Queensland Corrective Services and undertaken by ARTD consultants, found 61% of women who accessed the service and completed their bail order did not return to prison or have another warrant issued. Additionally, the evaluation found the WBSP is cost-effective and much cheaper than incarceration (\$66 compared to \$111 per woman per day), saving the Queensland Government \$45 per woman per day.²⁴⁴

Bail Support, Court Integrated Services Program (Victoria) and Other Court Diversion Programs

Evaluations have found these programs to be effective at reducing contact with the justice system, reducing imprisonment, and facilitating access to support and treatment. The Magistrates' Court of Victoria noted participants in its In-Court Diversion program have reduced likelihood of re-offending, avoidance of a criminal record, and increased access to supports, counselling and treatment.²⁴⁵ Evaluations of the Magistrates Early Release into Treatment (MERIT) program in New South Wales found reduced likelihood of reconviction²⁴⁶ and increased health and wellbeing.²⁴⁷ Evaluations of the Court Integrated Services Program (CISP) and Bail Support Diversion programs in Victoria found the programs reduced the number of defendants remanded, contributed to the successful completion of bail, reduced likelihood of re-offending, and reduced likelihood of homelessness.²⁴⁸ A recent evaluation of the ACT Drug and Alcohol Sentencing list found positive outcomes and reported early indications of reduced offending, as well as positive shifts with regard to alcohol and other drug dependency and improved outcomes relating to social reintegration.²⁴⁹ In 2009, the CISP was favourably evaluated for its effectiveness and cost benefit. People involved in the CISP showed a 33% reduction in reoffending. Where a person did reoffend, the offending was less frequent (30.4% less) and less serious. For every \$1 invested in the CISP the economic benefit to the community is \$2.60 after five years and the long-term benefit is \$5.90 after 30 years.²⁵⁰

Metropolitan Youth Bail Support Service (WA)

The Metropolitan Youth Bail Support (MYBS) aims to prevent the excessive detainment of young people in the metropolitan area who are eligible for bail but lack a suitable responsible adult. The *Bail Act 1982* permits Youth Bail Coordinators to fill this role as the responsible person. The MYBS provides education on the court process and court attendance for young people, as well as referrals to community-based services to address the drivers of offending and ensure adequate supervision and monitoring while on bail. Placements may include short and long-term housing options, rehabilitation services, psychiatric facilities or with family members.

The Youth Support Officers Program assigns positive role models to support young people who have committed crimes or are at-risk of offending. A youth support officer is assigned based on a youth justice officer assessment or a request from the court or the Supervised Release Review Board. The youth support officer offers practical assistance with transportation, education, emotional needs, and organises positive leisure activities. Young people in Western Australia who finished the program completed their bail orders at a rate of 70% compared to 50% for young people who were granted bail with an undertaking from a responsible person.²⁵¹

Place-based approaches seek to address complex social problems at the local level rather than through top-down policies. They draw on the unique capabilities and strengths, as well as the challenges, faced by First Nations communities and challenge governments to develop genuine partnerships with communities to alleviate complex disadvantage.²⁵² Place-based initiatives prioritise physical infrastructure, employment, education, community capacity building and cultural connection as ways to address the social drivers of crime.

Evidence-based case studies: What works in First Nations led place-based approaches?

Maranguka Justice Reinvestment Project (NSW)

The independent review of the Maranguka justice reinvestment Project at Bourke in 2016–17 found a 23% reduction in domestic violence offending; 38% reduction in the number of youth proceeded against for driving offences, alongside increased rates of school retention and estimated savings of \$3.1 million over the course of a year.²⁵³ The close partnership between the community and police was critical to the success of this work, with regular meetings between police and community members, sharing of data, and working together to identify community members in need.²⁵⁴

Yuwaya Ngarra-Li (NSW)

Yuwaya Ngarra-li is community-led partnership between the Dharrwaa Elders Group and the University of New South Wales aims to improve the wellbeing, social, built and physical environment and life pathways of Aboriginal people in Walgett, New South Wales, through collaboration on evidence-based initiatives, research and capacity building. A 2022 report from Yuwaya Ngarra-li evaluating change in youth justice outcomes since the commencement of the partnership in 2018 showed there were overall increases in diversions in 2019 and 2020 (but decreases again in 2021); overall reductions in charges and court cases; and reductions in youth custody episodes but noted the need for ongoing work to embed systemic change.²⁵⁵

The Yiriman Project (WA)

The Yiriman Project – which is run by the elders of four Kimberley language groups to reconnect their young people to culture while also reducing contact with the criminal justice system, harmful substance use and suicide – has received numerous awards and positive evaluations.²⁵⁶ Yet it has struggled over the past two decades to secure the funding it needs to continue its services. Children and young people aged 15 to 25 years are taken out on country to visit Elders where they are involved in deep learning and transmission of culture and language, workshops, making of artefacts and taking care of the land. A three-year evaluation found it reduced participants' subsequent contact with the criminal justice system, with some concluding it was better than most other sentencing and diversionary options in this regard.²⁵⁷

Olabud Doogethu (WA)

The Kimberley-based Olabud Doogethu project is Western Australia's first justice reinvestment site. Olabud Doogethu aims to create stronger communities, more resilient families and young people, and reduce youth involvement in the criminal justice system in the Halls Creek Shire. The project's focus is community-driven and Aboriginal-led initiatives that build local community cohesion, capacity, leadership and infrastructure; tackle disadvantage; and create local justice support opportunities. 90% local Aboriginal employment has been achieved for all Olabud Doogethu service programs.²⁵⁸ Data provided by Western Australia Police for the period 2017–20 showed significant reductions in youth crime at the site, including a 63% reduction in burglaries; a 43% reduction in oral cautions, a 69% reduction in arrests; a 64% reduction in Aboriginal persons admitted to police custody (aged 10-plus) and a 59% reduction in stealing of motor vehicles.²⁵⁹

Community Justice Groups (Queensland)

Community Justice Groups (CJGs) were first trialled in three Queensland communities in 1993 in response to the Royal Commission into Aboriginal Deaths in Custody. The program has since been expanded state-wide, with Aboriginal and Torres Strait Islander-led CJGs now operating in 41 communities across Queensland. CJGs work with key stakeholders to coordinate place-based responses that support First Nations people interacting with the justice system. A 2010 KPMG-led evaluation found stakeholders involved in Queensland CJGs widely supported the initiative and that it is closely aligned with state and national justice priorities; however, CJGs required greater resourcing and support to improve their capacity to deliver responses that reduce the over-representation of Aboriginal and Torres Strait Islander people in prison.²⁶⁰ Following this evaluation, Queensland Government released a Framework for Stronger CJGs and allocated an additional \$19.1 million over four years in the 2019–20 state budget to enhance the initiative. Myuma Pty Ltd is currently undertaking a second outcome evaluation of the CJG initiative (due for completion in December 2023). A Phase 1 implementation evaluation report was released in November 2021, which noted the extensive outputs of CJGs and provided recommendations to strengthen program implementation and inputs during the program enhancement phase.²⁶¹ This implementation evaluation as well as the Our Community Justice website share early success stories from CJGs across Queensland.²⁶²

Indigenous Healing Lodges (Canada)

In Canada, there are currently 10 Indigenous Healing Centres that operate as alternatives to custody for Indigenous peoples. These centres are modelled on Indigenous values, traditions, and beliefs, and provide culturally responsive services and programs to address the drivers of incarceration and prepare a person for their release into the community. The most recent evaluation of Indigenous Healing Lodges outlines their success in terms of supporting and preparing Indigenous people to return to the community. When compared with a matched control group, Indigenous people who resided at a healing lodge demonstrated greater positive changes in dynamic risk factors over the course of their stay and were more likely to participate in services, programs and supports available to them. When controlling for other factors, Indigenous people residing at a healing lodge who engaged with Indigenous specific services and interventions were also less likely to have further engagements with the justice system. Men who completed Indigenous programs at the lodge had a 54% lower risk of revocation of release, while women who demonstrated an interest at intake had a 65% lower risk of return to custody.²⁶³ Elders and First Nations communities in Queensland continue to call for funding to establish First Nations-led healing centres for both children and adults.

The Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia recommended at recommendation 39 of their Report that *“The Government of South Australia fund Aboriginal Community Controlled Organisations to establish and operate appropriately located culturally responsive environments for Aboriginal offenders, based on the Indigenous healing lodge model in Canada.”*²⁶⁴

POST-RELEASE SUPPORT AND THROUGH-CARE

Support is critical at the point when people are released from prison back into the community. People leaving prison face homelessness, joblessness and ongoing health and social disadvantages. While there are valuable services operating in South Australia, there is a great deal more that needs to be done to invest in community-led interventions for people leaving prison. There is significant research noting that for many people who are 'caught' in the cycle of justice system involvement, it is much easier to return to prison than it is to survive in the community.²⁶⁵ There are multiple reasons for this. Most people leave prison in South Australia with no meaningful community-based supports, nowhere safe to live, minimal financial stability, and limited employment opportunities. Although there are some highly effective specialist services that work to support people to connect with community, they are chronically under-resourced.

There are multiple barriers for people leaving prison to access mainstream welfare and support services. Most mainstream welfare services will not do 'in-reach' into prisons. Many services (including many homeless, alcohol and other drugs and domestic violence services) will not take people straight from prison. Many services will not take people with a criminal record, and many will not take people who have any history of violence. Across the sector, there is also a lack of specialist knowledge, resources, and structural capacity for already stretched organisations to take on the complexity of working with post-incarceration clients. The absence of First Nations-led culturally safe services acts as another barrier to many people accessing the necessary support.

The multiplicity and complexity of need also means many people leaving prison are excluded from support. For instance, many people face barriers accessing alcohol and other drug services if they have a complex mental health condition. Many people are not able to access mental health services if they are currently using alcohol and other drugs. There are very few residential services that will support people who are currently using alcohol and other drugs.

Evidence-based case studies: What works in post-release support?

Hutt St Centre: The Aspire Social Impact Bond Program (South Australia)

The program was established by the South Australian Labor government in 2017 and delivered by the Hutt Street Centre in partnership with Social Ventures Australia and Housing Choices. A 2022 evaluation concluded that Aspire is a highly effective homelessness intervention, especially for people with complex needs and/or experiencing chronic or recurrent homelessness. The analysis indicated that Aspire participation is associated with people successfully exiting homelessness and sustaining their tenancies over the medium term, alongside a reduction in accessing emergency accommodation services, decreased use of hospital services and less interaction with justice services, delivering significant cost savings to government. Aspire participants reported reductions in substance abuse, and, in a small number of cases, reduction in suicide risk and interaction with child protection services. They also described enhanced personal wellbeing, improved employment prospects, stronger family relationships and community connections, and better mental and physical health. The participants who were interviewed said that without Aspire, they would still be sleeping rough, in jail, or possibly no longer living. Instead, these participants were securely housed, had stabilised their lives, were accessing government services much less frequently, and had a new-found sense of confidence and empowerment that they attributed directly to Aspire. Participation in the Aspire program was also associated with decreased interaction with justice services, including fewer offences committed, fewer court appearances, fewer convictions recorded, fewer custodial sentences and less time spent in custody.²⁶⁶ In the first five years of Aspire, it saved \$12 million in justice and other services and is projected to save \$25 million once all 575 participants have completed their three years of intensive wrap-around supports. Of the 575 participants since 2017, criminal convictions have reduced by 28% (with the flow on effect of fewer victims of crime and safer communities).²⁶⁷

OARS (South Australia)

OARS is a post-release support service based in South Australia providing a range of transition and support services for people leaving custody in SA. OARS is also responsible for the delivery of the Home Detention Integrated Support Service (HDISS). In 2018 and 2023 this service was evaluated as part of a broader evaluation of home detention in South Australia. Overall, the program was found to contribute to longer periods out of custody and reduced likelihood of breaching orders, especially when the support was more intensive.²⁶⁸

Housing Post-Release Evaluation (Australia)

This evaluation included an interrupted time-series analysis and matched comparison analysis of 623 people who received public housing after leaving prison and 612 people who received rental assistance only. It found that public housing improves criminal justice outcomes when compared to rental assistance only. It found that public housing 'flattens the curve' and sees reductions in predicted police incidents (down 8.9% per year), custody time (down 11.2% per year) and justice system costs (down \$4,996 initially, then a further \$2,040 per year). The evaluation found that there was a net-benefit in dollar terms of housing people on release from prison in public housing (between \$5,200 and \$35,000) relative to homelessness services or private rental assistance.²⁶⁹

Community Restorative Centre Evaluation (NSW)

This University of NSW/Community Restorative Centre (CRC) evaluation was undertaken over two years and explored outcomes for 483 CRC clients who participated in intensive, case-work, post-release and diversionary programs between 2014 and 2017. An interrupted time series analysis examined criminal justice system trajectories over ten years (including post-participation in programs), and found that for participants:

- The number of new custody episodes fell by 62.6%.
- The number of days in custody fell by 65.8%.
- The number of proven offences fell by 62.1% following CRC support.

The report also undertook a comparison analysis with clients from the Mental Health Disorders and Cognitive Disabilities (MHDCD) linked administrative dataset at University of NSW, comparing their outcomes to CRC clients. This analysis found engagement in CRC programs dramatically reduced contact with the justice system when compared to a similar group who did not receive support. The research also showed savings to the criminal justice system of up to \$16 million over three years for an intake of 275 new clients (not including institutional and community savings).²⁷⁰

Outcare Throughcare (WA)

Outcare's Aboriginal Throughcare program is offered to people in the final three months of their sentence. The program supports people during their transition from custody to the community and continues for 12 months after their release. The program focuses on building stronger relationships with family, culture, and community. Early analysis of the program determined it had delivered sound community outcomes, with only 20% of clients receiving post-release case management returned to prison during that period.²⁷¹

NAAJA Adult Throughcare (NT)

NAAJA's Adult Throughcare programs are based in Mparntwe (Alice Springs), Darwin and Palmerston. These programs offer pre- and post-release holistic support to men and women who have received sentences of incarceration of over 6 months. An internal evaluation of the outcomes of NAAJA throughcare clients in 2014 noted only 13% of people reoffended, breached bail or returned to custody.²⁷²

Miranda Project Evaluation (NSW)

This CRC program entails intensive case work, diversionary support, and post-release support for women at risk of both domestic violence and justice system involvement. A recent evaluation found that of the 90 women participating in the program during the evaluation period, 14% returned to prison, 62% reported improved housing stability, and 62% reported improved safety in terms of domestic and family violence.²⁷³

Correctional Services Employment Pilot Program (CSEPP) (Victoria)

This pilot project involved a consortium of not-for-profit support providers and job network providers working closely with Victorian Corrections to support people leaving prison to find employment. A 2005 evaluation looked at the outcomes for 109 program participants, including in the areas of employment and reoffending. It found significant and positive findings in both of these areas, with only 7.46% of CSEPP clients reoffending, and a 34% employment placement rate at the end of two years.²⁷⁴

Kunga Stopping Violence Program, NAAJA (NT)

The Kunga Stopping Violence Program (based in Mparntwe/Alice Springs) is a throughcare program which works with Aboriginal women who have been incarcerated because of violence. A four-week violence prevention course is provided while women are in prison, at the same time as pre-release engagement and preparation are undertaken. Support is then provided for 12 months post-release. A 2020 evaluation of this program looked at the features of the program that stakeholders considered to be valuable and concluded the success of the program drew on the employment and local expertise of Aboriginal staff and the flexible, client-centred and compassionate approach of the case management model.²⁷⁵

Vacro (ReLink and ReConnect) (Victoria)

Vacro works with adults leaving prison in Victoria and provides a range of supports and services to people through the period of transition and reintegration. A 2021 evaluation of both the ReLink and ReConnect projects explored the extent to which the projects supported the pre-conditions for desistance. It found that the projects were successful in assisting participants to develop both connections in the community and a sense of identity and self outside of the justice system, as well as facilitating access to resources and opportunities. These are all factors where there is a clear research base that notes the ways in which these features of post-release support reduce the likelihood of returning to custody.²⁷⁶

Post Release Options and Parolee Transitional Accommodation Project (Bethlehem House) (Tasmania)

The Post Release Options project operated between 2008 and 2011 and was focused on the provision of intensive support to people at high risk of reoffending. During the period of this project 82 people participated on the program and only 8 re-offended.²⁷⁷

The Parolee Transitional Accommodation Project (PTAP) also adopted an intensive case-management model and operated out of Bethlehem house over two years. Evaluation of this program found that of the 35 people released on parole into the care of PTAP by the Tasmanian Prison Service and Parole Board over the life of the project to date, only 1 person reoffended and was sent back into custodial care. This is a significant decrease from the 26% published parolee recidivism rate.²⁷⁸

Sisters Inside (Queensland)

Sisters Inside provides a range of services and supports to criminalised women and girls in Queensland. In 2018 an independent evaluation of the Sisters Inside Health Support program looked at the program in terms of the positive impact the provision of intensive support to women leaving custody, and other women with complex health needs. The evaluation looked at the outcomes of the project for 109 participants and noted the importance of the various practical and emotional supports on offer in terms of improving health and well-being, and also found significantly lower rates of both self harm and return to prison than anticipated.²⁷⁹

Re-Integration for Ex-Offenders Program (Salvation Army) (Tasmania)

Sisters Inside provides a range of services and supports to criminalised women and girls in Queensland. In 2018 an independent evaluation of the Sisters Inside Health Support program looked at the program in terms of the positive impact the provision of intensive support to women leaving custody, and other women with complex health needs. The evaluation looked at the outcomes of the project for 109 participants and noted the importance of the various practical and emotional supports on offer in terms of improving health and well-being, and also found significantly lower rates of both self harm and return to prison than anticipated.²⁸⁰

Glebe House (NSW)

Glebe House provides treatment for men with complex needs, including substance dependency, secondary addictions, dual diagnosis, and complex trauma, including physical and sexual abuse. The program consists of a 12-week residential component, followed by open-ended, ongoing aftercare as a member of the outreach community. In 2021/22 there were 31 men housed in the residential program and 22 participants were supported and housed in the outreach program. 75% of clients completed the residential program. From the client group who completed the program in 2021/22: 72% remained abstinent from substance abuse, 48% obtained employment and 6% started studying.²⁸¹

IN-PRISON PROGRAMS

While reduction in incarceration is the overarching goal of this report, there are alternative models for prison settings and in-prison programs that can align with the goals of therapeutic, supportive, and community-led approaches. There is significant evidence that these approaches lead to better post-release outcomes.

Evidence-based case studies: What works in prison?

Sisters For Change (Queensland)

Sisters for Change is the Community-Based Health and First Aid program that Australian Red Cross delivers with women in the Townsville Women's Correctional Centre (this program is also offered in prisons in New South Wales, Western Australia and South Australia). Flinders University conducted a formal evaluation of the Sisters for Change program 12 months after its initial implementation in 2019. The report found multiple positive outcomes including a cleaner prison environment, nurses prescribing less medications, a safer prison environment with better relationships between women in prison and officers, and improved capacity within the prison community to provide support when someone has mental health concerns.²⁸²

Keeping Us Together (Queensland)

In June 2021, the University of Newcastle Australia published an evaluation examining implementation of the SHINE for Kids Keeping Us Together program within three women's correctional centres in Queensland. Keeping Us Together is an evidence-informed parenting program delivered to parents in custody over a six-week period. Pre- and post-intervention questionnaires showed the program improved women's perception of their parenting and communication with their children. It also found greater resourcing would support SHINE for Kids to meet program demand, enable post-release support, and optimise care for participants and staff.²⁸³ In addition to this program, SHINE for Kids delivers the Belonging to Family [previously called Keeping Us Strong], which is an extension of Keeping Us Together designed for Aboriginal and Torres Strait Islander parents.²⁸⁴ Both programs are modelled on the evidence-based Australian Childhood Foundation Bringing Up Great Kids program that has been shown to effectively support parents to build positive and nurturing relationships with their children.²⁸⁵

Wandoo Rehabilitation Prison (WA)

Wandoo Rehabilitation Prison is Western Australia's first dedicated alcohol and other drug rehabilitation prison for women in custody, offering intensive trauma-informed treatment within a therapeutic environment. Wandoo operates in partnership with Cyrenian House. Since opening in 2018, more 270 women have graduated from its alcohol and other drug program, and 233 women have been released into the community. Of this population only 10% of graduates have committed a new offence.²⁸⁶

Mallee Rehabilitation Centre (WA)

Following the success of Wandoo, the Mallee Rehabilitation Centre began operations at Casuarina Prison in 2020 as the state's first residential alcohol and other drug facility for men who are incarcerated. The Centre can house up to 128, with the Palmerston Association and the Wungening Aboriginal Corporation providing program design and delivery. Of the 75 Mallee Solid Steps Program graduates who have been discharged from custody in the first two years of operation, only four have returned to custody with a new offence.²⁸⁷

The Fairbridge Binjareb Project (WA)

The Fairbridge Bindjareb Project provides Aboriginal and Torres Strait Islander people in custody with a 16-week work training program in the mining industry. The program was designed and is run by local Aboriginal men and focuses on reconnection to and respect of Aboriginal culture. An evaluation found that only 18% of participants returned to prison within two years of being released (and only 4% for new offences), compared to 40% recidivism rates among the general prison population. Moreover, three-quarters (73%) of participants had gained and retained full-time employment seven months post conclusion of the program. A cost benefit analysis by Deloitte has found that every dollar invested in the program generates \$2.45 worth of economic benefits.²⁸⁸ The review has also calculated that the scheme saves the federal government up to \$460,000 in welfare payments for each participant over a decade.²⁸⁹

Boronia Cultural, Social and Emotional Wellbeing Project (WA)

The cultural, social and emotional wellbeing project delivered at the Boronia pre-release centre is a strengths-based, holistic program for First Nations people. An independent evaluation of the program conducted in 2022 found that completing the program resulted in significantly reduced levels of psychological distress for the women who participated.²⁹⁰

Diagrama Model (Spain)

Diagrama is an international non-profit organisation and operates over 35 custodial centres across Spain for young people aged 14 to 23 who have been remanded or sentenced to custody. The Diagrama model has demonstrated it reduces rates of recidivism and its operational costs are comparable to or lower than those of other providers. The model has been implemented across France and the United Kingdom. A study of 757 young people who had attended a Diagrama re-education centre in 2011 found that by December 2017, only 13.6% had been placed back in custody.²⁹¹

ACCESS TO OTHER SERVICES IN THE COMMUNITY

Robust social supports within the community, including general health, housing, education, and welfare programs, as well as specialist programs, are proven to work to prevent contact with the justice system. Mental health support, alcohol and other drug treatments, gambling support and disability support play particularly critical roles.

Evidence-based case studies: Reducing incarceration by improving access to services and supports in the community

Housing Post-Release Evaluation (Australia)

This evaluation included an interrupted time-series analysis and matched comparison analysis of 623 people who received public housing after leaving prison and 612 people who received rental assistance only. It found public housing improves criminal justice outcomes when compared to rental assistance only. It also found public housing 'flattens the curve' and sees reductions in predicted police incidents (down 8.9% per year), custody time (down 11.2% per year) and justice system costs (down \$4996 initially, then a further \$2040 per year). The evaluation showed there was a net-benefit in dollar terms of housing people on release from prison in public housing (between \$5200 and \$35,000) relative to homelessness services or private rental assistance.²⁹²

Common Ground Queensland (Queensland)

Common Ground Queensland provides affordable supported accommodation for people who have experienced chronic homelessness or who require social housing. The Institute of Social Science Research conducted an independent evaluation of the Brisbane Common Ground housing model and found governments can save over \$13,000 per person each year through the provision of secure, long-term housing with relevant support services. This evaluation further found in the first 12 months Brisbane Common Ground residents had a reduction in the number of court appearances (by 47 days), days incarcerated (by 132 days), days on probation and parole (by 88 days), and a reduction of interventions involving police. In comparison to the 12 months prior to residency at Brisbane Common Grounds, this equated to an estimated cost savings of \$122,904 for the criminal justice system.²⁹³

Intellectual Disability Rights Service – Criminal Justice Support Network Economic Evaluation (NSW)

An economic evaluation of the Criminal Justice Support Network (CJSN) (run by the Intellectual Disability Rights Service) found the CJSN generates a net benefit of at least \$1.2 million per annum. That represents a return of \$2.5 for every \$1 invested in the service.²⁹⁴

Intellectual Disability Rights Service – Justice Advocacy Evaluation (NSW)

This independent EY evaluation of the support provided by the Intellectual Disability Rights Service's Justice Advocacy Program concluded it improved access to justice, improved understanding of court processes, and improved outcomes for people with cognitive impairments in police and court settings. The evaluation noted that people who received JAS support were more likely to understand and follow court orders, more likely to understand cautions and bail conditions, less likely to be found guilty and more likely to receive a section 32 diversion order.

The evaluation noted that when the JAS program operated at full capacity, the program would deliver \$3.37 in return for every dollar invested. The report also recommended exploring the value of case management for people participating in the JAS program.

An economic evaluation of the Criminal Justice Support Network (CJSN) (run by the Intellectual Disability Rights Service) found CJSN generates a net benefit of at least \$1.2 million per annum. That represents a return of \$2.5 for every \$1 invested in the service.²⁹⁵

Institutional Costs Research (Australia)

Costings research conducted by the University of New South Wales in partnership with PricewaterhouseCoopers looked at linked administrative data to gauge the life-course institutional costs associated with people with mental illness and disabilities in the criminal justice system. It found that more than \$1 million was spent on many individuals each year through prison and crisis responses. It also noted the value of targeted, holistic support, finding that for every dollar spent on early investment, between \$1.40 and \$2.40 is saved in the longer term.²⁹⁶

GOGO Foundation (Inclusive Work Program) SA

The GOGO Foundation works to create pathways to inclusion and employment for women and non-binary people who are experiencing complex barriers to employment. The Inclusive Work Program is a 9-week person-centred program that works with women acknowledging the experience of trauma, the experience of family and domestic violence, anxiety, depression, social isolation, and primary caring responsibilities. The Pilot was evaluated in July 2021 and of the eight women who completed the program, five women had secured employment at the time of the evaluation.²⁹⁷

A BRIEF NOTE: DRUG USE AND THE NEED FOR PUBLIC HEALTH APPROACHES

The prevalence of illicit drug use and alcohol consumption is a significant health and social issue in Australia and as such, requires a health and social policy response. The research is very clear that reliance on criminal law and criminal justice responses to discourage illicit drug use does not work to reduce demand and fails to address the health and social harms associated with such drug use.²⁹⁸

There are numerous researchers, advocates and service delivery providers who have noted the way that the criminalisation of illicit drug use has failed to address the health and social problems associated with alcohol and other drug use and often serves to further exacerbate disadvantage.²⁹⁹ The Institute of Public Affairs recently released a report noting that people should not be imprisoned for offences such as drug possession.³⁰⁰ Health responses are required to address the harms and health impacts of drug use and instead there is a need for the adequate resourcing of effective drug assessment, treatment, and support services, with culturally appropriate services for Aboriginal and Torres Strait Islander peoples across Australia, including in regional and remote areas.

This is an issue across Australia.

- 65% of people entering prison around Australia have used illicit drugs in the previous year.³⁰¹
- Half of all people in prison have a history of injecting drug use.³⁰²
- 85% of people in prison who have a history of injecting drug use, report being under the influence of drugs and/or alcohol at the time they committed the offence that resulted in their imprisonment.³⁰³
- 40% of people in prison with a history of injecting drug use, attribute their offending to their need to get money to support their drug use.³⁰⁴
- The justice and law enforcement cost of drug-related harm is at least \$5.8 billion per annum. The justice and law enforcement costs of alcohol related harm is \$6.4 billion per annum.³⁰⁵
- The policy landscape in Australia prioritises expenditure on law enforcement ahead of treatment and harm reduction. These priorities are reflected in the budgetary allocation of Australia's National Drug Strategy, with 65% of its budget allocated to law enforcement, and 25% to treatment and harm reduction.³⁰⁶
- At least half a million people each year in Australia cannot access the alcohol and other drug treatment and support they need.³⁰⁷

The criminalisation of illicit drug possession and use increases the likelihood of confrontational interaction with police, criminal proceedings in court and incarceration. Public Health approaches will reduce this contact at every stage of the criminal justice system, removing barriers to harm reduction and treatment seeking, and increasing voluntary treatment uptake. There is an urgent need to shift the focus of the policies from criminal law enforcement to initiatives that focus on health, treatment, and harm reduction. Public investment in support services, harm reduction, alcohol and other drug treatment and health responses to alcohol and other drug use will result in significant savings for the criminal justice system and improved outcomes for the whole community.

Although it is beyond the scope of this report to overview in detail all the alcohol and other drug treatment responses that reduce the likelihood of incarceration, we have already highlighted multiple

successful programs that are focused on supporting people with alcohol and other drug dependence or related issues at the point of prison, at the point of release from prison, at the point of interaction with police, and at the point of interaction with the courts.

Shifts towards health-oriented and harm reduction approaches in drug law reform are significant as levers to reduce incarceration and reoffending. Reforms in this space enable people who use drugs to be diverted from the criminal justice system or prevent offending through the provision of harm reduction and effective treatment strategies. Traditional policing approaches to drug use-related crime do not reduce arrests or incarceration and are also associated with increased risk of fatal future overdoses.³⁰⁸

PART 3: MAPPING PROGRAMS AND SUPPORTS FOR PEOPLE AT RISK OF INCARCERATION IN SOUTH AUSTRALIA

There are multiple organisations and services led by the community sector in South Australia that are working to reduce cycles of incarceration. Evaluations of both federal and state-funded programs have extolled the efficacy of these types of programs in reducing recidivism. In South Australia, the Department of Correctional Services is heavily involved in funding services both in and outside of prisons. People working in the community sector have remarked that 'all roads lead to DCS', in part due to the 20% by 2026 target to reduce recidivism. However, this focus on, and funding of, programs to reduce recidivism misses an opportunity to keep people from becoming enmeshed in the criminal justice system in the first place.

Unfortunately, due to the cyclical nature of community funding in South Australia, some programs, while receiving positive evaluations, are subject to the vagaries of election cycles and with them, changing government priorities.

This section notes the **organisations, coalitions and support services that are working directly with people impacted by the justice system in South Australia to try and reduce criminal and youth justice system involvement.**

This overview is not an exhaustive list. However, it gives a good indication of the limited funding and services that are specifically focused on breaking the cycle of disadvantage in South Australia. Where data is available in terms of funding (or lack of), this is noted. The following programs have been identified through conversations with stakeholders in South Australia, desktop research, and, in some instances, via evaluation literature. The Justice Reform Initiative is progressing ongoing mapping work of programs in South Australia and welcomes any further information, evaluations and case studies that people would like to share with us.

People in prison and families of people in prison (Adults)

Acrofyre (South Australia)

Acrofyre is a lived experience social enterprise with a focus on peer-led rehabilitation and reintegration. Its mission is to support all people who have been through or are at risk of exposure to the criminal justice system.³⁰⁹

OARS Community Transitions (South Australia)

OARS (Offenders Aid and Rehabilitation Services Of South Australia) is the largest provider of post-release support to people leaving prison in South Australia and provides a range of other services for people impacted by the justice system. Much of OARS' support is focused on the intersection between homelessness and incarceration. There is the provision of crisis accommodation (located in Pt Augusta, Pt Lincoln, Mt Gambier, Berri, Brompton, Christie Downs and Seacombe Gardens). OARS also provides transitional housing for women exiting custody and has 13 transitional properties. Women are able to stay in them for up to 12 months. OARS also has access to an additional 60 properties to support people leaving prison as part of their integrated housing program, and a further 10 beds are provided as part of the OARS perpetrator accommodation service (support and accommodation for men who are subject to a DV intervention order). Additional support is provided to people outside of those allocated properties via intensive case management. No evaluation or review of these programs was found. In addition to the provision of post-release support, OARS also provides a range of pre-release, counselling and group programs (including at the point of court) and coordinates Circles of Support and Accountability (for people who have been convicted of a sex offence). No evaluations or reviews of these programs are publicly available. The home detention program that OARS provides case-management support to has been evaluated and is noted in the body of the report.

Second Chances (South Australia)

Second Chances is a non-government organisation in South Australia providing a range of different kinds of support to people impacted by the justice system in South Australia, including people who have been to prison, and children of people in prison.³¹⁰ One of the Second Chances programs 'Getting Ready to Take Off' that has been evaluated is noted in the body of this report.

Seeds of Affinity (South Australia)

Seeds of Affinity (Seeds) is a non-profit volunteer run community group established by and for women with lived prison experience with a view of ensuring women transitioning from prison feel solidarity, are supported and have a sense of belonging. Seeds of Affinity provides a range of different supports including social support, advocacy, court support, pickups from prison, home detention visits, in-prison programs, skills sharing, radio production experience as well as an opportunity to eat meals together, access support services and learn new work skills through the making and selling of skin care products and gourmet treats.³¹¹

Mental Health Co-response of SAPOL and NALHN (Pilot) (South Australia)

This 12-month pilot program involves an experienced mental health clinician working with police officers to respond to call-outs and provide expert assessment and advice where a person may be experiencing a mental health crisis.³¹² Recommendation 24 of the *Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia* is, "That the Department for Health and Wellbeing and South Australia Police evaluate the Mental Health Co-Response Program to ensure it meets the needs of, and improves outcomes for, Aboriginal people. If found to be effective, the program should be expanded to other regions of the state."³¹³ The Advisory Commission also notes that, "We commend the intent of this program, but this should not be limited to a 12-month pilot, or to the Northern Adelaide region. Research has found that it is more disruptive to put programs into a community and rip them out, than to not put them in at all. Commitments must be made for long-term, sustainable funding to support effective programs. An evaluation of this program should be undertaken to ensure it is meeting the needs of, and improving outcomes for, Aboriginal people. If the program is found to be effective, the program should be expanded to other regions."³¹⁴

Blue Rose Project (Gawler, SAPOL) (South Australia)

This policing project recently won an Australian Institute of Criminology award for contributing to reducing the rate of crime and reducing the number of children missing, primarily through its focus on engagement with young people at risk.³¹⁵

Lemongrass Place (South Australia)

Lemongrass Place is an 18-month pilot transition program for Aboriginal men from regional and remote areas who are willing to take part while under DCS supervision.³¹⁶ This is a gazetted probation hostel located adjacent to the Port Augusta Prison. It is the only Aboriginal specific custodial environment in South Australia. The Department of Correctional Services are completing an evaluation of the initiative which is due in December 2023.³¹⁷

Bail Accommodation Support Program Anglicare/DCS (South Australia)

The Bail Accommodation Support Program of DCS and AnglicareSA provides temporary accommodation for adults lacking appropriate housing who would otherwise be remanded to custody while awaiting their court appearance.³¹⁸ The purpose-built facility contains 30 units with staff onsite 24 hours. Participants are supported to transition to longer-term accommodation.³¹⁹ No evaluation or review of this program was found.

Baptist Care - The Aboriginal Men's Accommodation Program (South Australia)

The Aboriginal Men's Accommodation Program provides a supported accommodation service for Aboriginal or Torres Strait Islander men who are homeless or have experienced chronic homelessness and who have high and complex needs as assessed by the ENU. This service can only be accessed by clients referred to by Baptist Care SA via the Exceptional Needs Unit (ENU) of Disability SA.³²⁰ No evaluation or review was found of this program.

4AP Safety and Wellbeing Program (Centacare) (South Australia)

The Safety and Wellbeing program provides support for Indigenous women and children in remote areas and areas of high need so they can access services that work with the whole family to address the impacts of violence (through holistic, intensive family case management support and counselling).³²¹

Peers4Good (Collab4Good) (South Australia)

The recently funded program will support women leaving prison in South Australia, including First Nations women, who are at risk of isolation and/or discrimination, to re-engage and participate in their community and increase their sense of self agency and empowerment through peer support, coordination, and access to an individualised package of activities tailored to their specific needs.³²²

Children at risk of justice system contact

Stakeholders in South Australia also note the importance of practical crime-prevention mechanisms that recognises some of the concrete barriers for young people who are experiencing disadvantage. For instance, stakeholders of JRI have noted there should be easier pathways for obtaining drivers licences for disadvantaged populations to avoid the pathway into the justice system that can be a result of mandatory disqualification. Some of the programs described below seek to address the factors that result in justice system contact for young people, in very concrete ways.

The Constellation Project (South Australia)

The Constellation Project is focused on ending homelessness and bringing together stakeholders to accelerate practical solutions. In November 2022, the Constellation Project launched the report, '*Lived Experience voices: Insights into young people's transition from the child protection and youth justice system in South Australia and the intersections with homelessness*'.³²³ This report identified the difficulties many people experience transitioning from both youth justice and child protection systems and noted the importance of support throughout this transition. The project is also focused on the importance of elevating people with lived experience and expertise in this space.³²⁴

Service to Youth Council (SYC) (South Australia)

SYC runs justice programs including the Community Service Order Program, the Navigator Service, and Ignition.³²⁵

Integrated Housing Exits Youth Justice Program – partnership between SA Housing Authority Youth Justice, and the community organisation Helping Young People Achieve (HYPA) (South Australia)

A program for young people exiting detention or remand who have an existing or recently completed community-based justice order. The program provides transitional housing and intensive case management with a view to preventing homelessness and recidivism. No evaluation or review of these programs was found.³²⁶

Lighthouse Youth Projects (South Australia)

Lighthouse Youth Projects is focused on mentoring young people with a particular focus on riding bikes. Lighthouse Youth Projects also offers a range of community events and BMX and MTB coaching, along with life skills mentoring, and deliver a 'Behind Bars' program at the Adelaide Youth Training Centre at Cavan (Kurlana Tapa). This includes a physically challenging bike riding program and encourages positive participation in the community.³²⁷

Police Call Outs (Red Cross) (South Australia)

The Police Call Outs program provides suitably trained volunteers to be present with a young person (defined as aged 10–18) whilst they are held in police custody. Red Cross volunteers work to minimise the stress and anxiety that a young person may experience when arrested and help to ensure young people's rights are respected and upheld.³²⁸

Youth on Wheels (District Council of Grant) (South Australia)

Youth on Wheels is a Council owned and operated learner driver mentor program assisting young people aged 16–25 in both the District Council of Grant and City of Mount Gambier to obtain a P1 licence. Participants need to meet the following criteria to join the program:

- Be aged 16–25 years.
- Hold a valid learners permit.
- Have no other means of accessing a supervising driver.
- Have completed a sufficient number of professional driving lessons (min 3 lessons).
- Are declared competent at safely operating a motor vehicle under supervision by a professional driving instructor.³²⁹

South Australian Diversion for Children (Government Announcements)

The South Australian Government has announced a number of programs that are intended to reduce the number of children incarcerated in South Australia. This includes:

Child diversion program: An investment of \$1 million over two years to continue the program which diverts Aboriginal children aged 10–13 who have been charged with a minor offence away from a custodial environment with appropriate supports. This program also provides short-term accommodation where no other suitable bail option has been identified. This allows the young person to be placed back with family/kin with wraparound case management services.

Youth Aboriginal Community Court – Adelaide: A two-year trial of a specialist court for Aboriginal children and young people, to be known as YACCA. Expenditure of up to \$716,250 for a culturally responsive program that aims to disrupt escalation points in a young person’s offending, address trauma and criminogenic needs, implement protective factors and divert young people from further offending.³³⁰

Kids Under Cover (South Australia)

Kids Under Cover has recently expanded its work in South Australia to support children and young people in public housing in South Australia. Kids Under Cover is dedicated to preventing youth homelessness. They work with vulnerable young people between the ages of 12 and 25 years who are either already homeless or at risk of homelessness. Kids Under Cover build relocatable, one and two bedroom studios, with a bathroom, in the backyard of a family or carer’s home. The extra room relieves overcrowding, eases tension and provides young people with a secure and stable environment. The studio remains in place for as long as it’s required. Kids Under Cover will relocate a studio up to four times during its lifetime, to help other families in need.³³¹

First Nations-Led Organisations

First Nations leaders have emphasised the importance of culturally meaningful First Nations support for people who are in contact with the justice system. This includes making sure that support that is provided to Aboriginal and Torres Strait Islander people is provided by those who have a deep understanding of; the circumstances of First Nations people who end up in prison; the systemic discrimination; the family dynamics and mechanics; the importance of connection with elders; and the harms of incarceration.³³²

Aboriginal Legal Rights Movement (ALRM) (South Australia)

The Aboriginal Legal Rights Movement works to pursue social justice, equality and well-being for the Aboriginal people of South Australia, especially for those Aboriginal people who are detained in police custody or imprisoned. ALRM is both a community organisation and a law practice and is independent of government and accountable to the Aboriginal communities of the state. As well as legal advice and advocacy, ALRM also provides a range of social supports, including support to Aboriginal people in police stations.³³³

KWY Aboriginal Corporation (South Australia)

KWY delivers a diverse range of programs across South Australia for First Nations people including work to support families and children, programs that are focused on reducing the number of Aboriginal children in out-of-home care, as well as programs focused on people that have experienced family and domestic violence. This includes 'My Journey' which is a culturally appropriate behaviour change program for men who use violence against women and children.³³⁴

Tiraapendi Wodli (South Australia)

Tiraapendi Wodli (TW) means 'protecting home' in Kurna language. TW is a community-led collaboration between the TW Aboriginal leadership group, the Aboriginal community in the western metropolitan area of Adelaide, Red Cross and Justice Reinvestment SA (JRSA) to strengthen the health, safety and lives of Aboriginal families, children and young people. At the heart of TW is the commitment to ensuring Aboriginal people's voices are central to the design and delivery of programs and services. TW walks alongside local families to expand the many services and supports available to them. A key stream of influence for TW is working with men and women who are coming back to community from prison.³³⁵

One of the intensive support programs run by TW is the 20 Steps post-release program. 20 Steps was funded as a 12-month pilot. Based on its success, TW is applying for more funding from DCS.

The Aboriginal Visiting Elders Program (South Australia)

Aboriginal Elders visit prisons once a month to support people in prison to stay connected to family and community.³³⁶

Grannies Group (South Australia)

The Grannies Group consists of Aboriginal grandparents advocating on behalf of their children and grandchildren on issues that affect the South Australian Aboriginal community.³³⁷ Members of the Grannies Group have been very active in continuing to advocate for reductions in the over-incarceration of Aboriginal people in custody in South Australia.³³⁸

South Australian Stolen Generations Aboriginal Corporation

The South Australian Stolen Generations Aboriginal Corporation works to ensure that stolen generations survivors have a voice in Government policy and decision making.³³⁹

Peak Organisations

SACOSS

SACOSS is the South Australian Council of Social Service, the peak body for the non-government health and community services sector in South Australia. SACOSS is helping to convene the campaign, led by Change the Record, to raise the age of criminal responsibility to 14 in South Australia³⁴⁰ and is also deeply engaged in work to reduce Aboriginal over-incarceration in South Australia.³⁴¹

South Australian Community Controlled Organisation Network (SAACCON)

SAACCON is a representative body made up of South Australian Aboriginal Community Controlled Organisations and peak bodies. SAACCON is committed to supporting members to continue to provide effective and culturally responsive services and to increase opportunities for our people within South Australia. This is achieved through working with the Coalition of Peaks and engaging in partnerships with Governments to shape policy and legislative developments on Closing the Gap.³⁴²

Youth Affairs Council of SA (YACSA)

The Youth Affairs Council of South Australia (YACSA) is the peak body that represents the interests of young people, youth sector workers, organisations and networks throughout the non-government youth sector. YACSA is a member-based organisation with policy positions that are independent and not aligned with any political party.³⁴³ YACSA has provided incisive commentary on the intersection between disadvantage and young people in the context of youth justice in South Australia.³⁴⁴

South Australian Network of Drug and Alcohol Services (SANDAS)

The South Australian Network of Drug and Alcohol Services was established in 2004, to enhance community wellbeing and reduce the harms associated with alcohol and drug use. SANDAS provides independent, state-wide representation, advocacy and support for non-government organisations working in the alcohol and other drug sector, through networking and policy development. SANDAS has been actively engaged in advocacy around access to support and treatment for children and young people who are also justice system impacted³⁴⁵ as well as broader advocacy around access to supports and services outside of criminal justice system settings.³⁴⁶

Justice Reinvestment South Australia (JRSA)

JRSA is a coalition of individuals and organisations from diverse research, policy and community backgrounds who are committed to identifying and implementing approaches to justice that tackle the root causes of crime, reduce offending and improve community cohesion and wellbeing. Australian Red Cross was a founding member of JRSA and continues to play a coordinating role to support stakeholder communications, Aboriginal community-led engagement, and project and contracts management to build the momentum and evidence-base for justice reinvestment in South Australia.³⁴⁷

African Communities Council of South Australia (ACSA)

ACCSA is a community-led organisation built by a team of dedicated volunteers with the aim of promoting and preserving the African culture and connecting and serving the community. In April 2023, ACCSA published a report looking at how crime, the drivers of crime, and engagement with education, the police, and the justice system could influence a range of factors related to community safety for African communities in South Australia.³⁴⁸ The report noted the experience of over-policing for many young African people, and culturally inadequate experiences in youth and adult justice systems. The report made multiple recommendations and highlighted the importance of investing adequately in community-led initiatives to address the drivers of criminal justice system contact.³⁴⁹

PART 4: CONCLUSION

Invest in a Breaking the Cycle Fund

We recommend that, instead of building a new prison, the South Australian Government make a financial commitment to establish the Breaking the Cycle fund to support evidence-based, community-led programs to break the cycle of incarceration and seek private, corporate, and social impact partners and investors to also make financial commitments. A commitment of \$300 million over four years should be committed. This figure is based on preliminary costings of what would be required in South Australia to boost existing community sector organisations so that they are able to meet the demand for their services, as well as costing the capacity-building requirements of new services and supports. This funding should be scaled up from year one. The Fund will support evidence-based, community-led programs that will break the cycle of incarceration and recidivism, such as those identified in this report.

We recommend that at least 40% of the Breaking the Cycle fund be dedicated to Aboriginal Community Controlled Organisations to promote the self-determined delivery of culturally appropriate and safe services and in recognition of the overrepresentation of Aboriginal people in the justice system and in line with the aspirations of the Closing the Gap Plan.

We recommend that the Breaking the Cycle fund's allocations be focused on the critical touch points of the justice system for both children and adults. This includes diversionary programs at all justice contact points prior to incarceration and post release for

both children and adults leaving custody. There is significant evidence focussed on the positive impact of post-release support in terms of reducing recidivism and the savings associated with that. Given the large numbers of people cycling in and out of South Australian prisons for short periods of time, there is a particular need in South Australia to invest in community led programs that reduce the reliance on short remand and sentences (less than 6 months).

The Breaking the Cycle fund should be viewed as separate but complementary to Aboriginal-led place-based approaches, including Justice Reinvestment. It is recommended that the work of Aboriginal-led place-based approaches, such as Tiraapendi Wodli, are expanded and supported in addition to the Breaking the Cycle fund. Similarly, this submission should be viewed as complementary and additional to existing services working with people leaving prison or working to divert people from prison.

We note, that in addition to the Breaking the Cycle fund, there is also a need for substantial regional expenditure in areas such as drug and alcohol rehabilitation centres and mental health support. While the Breaking the Cycle fund is intended to enhance the capacity of services (including residential rehabilitation and mental health services) to better meet the needs of people at risk of justice system involvement (including people leaving prison), the substantial focus of the Breaking the Cycle fund is on the provision of outreach support and casework in the community.

The Breaking the Cycle fund should support a diverse suite of community-led organisations and groups to deliver programs and support that are based on the evidence-based principles in service delivery. This includes the provision of long-term, relational, flexible, holistic, intensive outreach case-work support. These principles have been outlined in detail in a number of research publications.³⁵⁰

Within those principles, the Breaking the Cycle fund should allow flexibility and the capacity to ensure that programs and projects for people at risk of justice system involvement are genuinely responsive to the specific geographic and demographic needs of the populations for whom they are intended. This includes programs led by Aboriginal people that focus on outcomes for Aboriginal people. It also means ensuring that programs for children and young people are developmentally and culturally meaningful.

It is anticipated that experienced organisations may expand their operations, but also provide support and guidance to other organisations who are less experienced in the delivery of specific 'breaking the cycle' services. This mentoring, capacity building, and impact measuring work should be resourced from the Fund.

The Breaking the Cycle fund would necessarily be a whole of government priority because of the cross-portfolio outcomes most notably in adult and youth justice, policing, health, housing, infrastructure, workforce participation, and labour shortages. As such, we recommend that the fund be administered outside of Corrections and by the Department of Premier and Cabinet.

We recommend that alongside the funding of programs, supports, and services, the Breaking the Cycle fund should also fund independent and transparent evaluation capability so that outcomes and impact are able to be measured.

The Advisory Commission into the Incarceration rates of Aboriginal people in South Australia

In addition to the need for a Breaking the Cycle fund, the Justice Reform Initiative also recommends adopting and implementing all recommendations of the report of the Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia.³⁵¹ Most relevantly to alternatives to incarceration:

- *Rec 20: That the Government of South Australia provide funding to Aboriginal Community Controlled Organisations to establish bail accommodation options, at a minimum in Adelaide and Port Augusta. The services must also link clients to drug and alcohol support services.*
- *Rec 28: That the Government of South Australia expand Nunga Courts to hear bail applications (not just sentencing).*
- *Rec 33: That the Government of South Australia expand the types of offences that can be resolved with an adult police caution (including but not limited to use of offensive language in circumstances of interventions initiated by police, breach of bail and some forms of drug possession and drug equipment possession).*
- *Rec 35: That the Government of South Australia amend the Bail Act 1985 (SA) to: (a) remove presumptions against bail which disproportionately impact Aboriginal people (b) prescribe that accommodation, in isolation of other factors, should not be a requirement for the granting of bail (c) mandate that a bail authority must take into account an Aboriginal*

person's individual and cultural history, including consideration of family, community and social impacts of a person being remanded to custody, such as the risk of their children entering the child protection system, and (d) decriminalise technical and administrative breaches of bail.

Reducing Incarceration in South Australia

There is no single 'reform fix' to reduce prison numbers in South Australia. However, there are multiple proven, cost-effective alternatives that can both effectively reduce incarceration and improve community-level outcomes. Prison does not work to deter, to rehabilitate, or to make communities safer. We need recognition that our over-reliance on prison for both adults and children has been a policy failure in South Australia and a commitment to significant investment in community-led alternatives.

There are a number of effective programs being delivered in South Australia but piecemeal resourcing and service silos are preventing these best-practice approaches from having a systemic impact. Both mainstream and specialist services must be accessible and fit-for-purpose in terms of providing effective support to individuals in contact with the justice system. They must be based on the community-led and holistic approaches that we know will work to reduce contact with the system and break the cycle.

Community-led services and place-based responses should be funded in ways that genuinely build sustainable long-term service delivery capacity. This includes the capacity to adequately pay staff and develop a professionalised workforce. Short-term and pilot projects, and inadequate funding for staff, alongside overly onerous reporting requirements, can make the core business of quality service delivery, together with staff retention, more

difficult than it needs to be. A Breaking the Cycle fund for South Australia will be able to provide a funding environment where community-led approaches can sustainably thrive. Limited resourcing for evaluation makes measurement of success extraordinarily difficult. The lack of transparency in terms of program evaluations in South Australia compounds this issue, with very little publicly available evaluation data limiting knowledge-sharing between providers and across sectors on what works.

Services also need to be resourced to improve their capacity to be accessible and available to all people at every point in the justice system. Too often, people are not able to access services because there are explicit and implicit exclusion criteria. For instance, many people on remand cannot access services in prison. Programs and services are often not available for people in both remote and regional areas. Additionally, many people are excluded from services because they have multiple and co-existing support needs: for instance, alcohol and other drug dependence and a mental health condition. Services and programs are frequently not supported or resourced to provide the long-term, intensive, holistic, wrap-around support that the research makes clear is extraordinarily effective at reducing justice system involvement.

Multiple specialist services are needed throughout South Australia that can cross geographic boundaries, given that many people incarcerated in the state's prisons are not imprisoned anywhere near their intended place of residence in the community. Services must be able to incorporate the critical element of pre-release engagement and in-reach into the correctional centres. Workers must be able to visit clients and begin the process of engagement prior to release to sustain connection during the often chaotic post-release period.

South Australia has the opportunity to mobilise a state-wide best-practice approach to investment in community-led service-delivery that can get people out of prison and living productively in the community. South Australia already has innovative and impactful place-based and community-led initiatives achieving solid outcomes with minimal resourcing. There is an opportunity to build on what works in the state to drive long-term and sustainable change.

Investing in evidence-based services instead of incarceration will break entrenched cycles of engagement with the criminal justice system and recidivism. In addition to creating substantial cost-savings to government, this approach will have enormous benefits for populations who have too often been 'managed' in justice systems, rather than being supported in the community. 'Tough on crime' rhetoric does not make the community safer, nor does our current over-use of imprisonment. If we genuinely want to build a safer, more cohesive community, we need to invest in community-led programs that address the drivers of crime and incarceration. We need programs that provide opportunities for people that are trapped in the cycle of incarceration to rebuild their lives in the community. We need to embrace a criminal justice model that genuinely relegates prisons to a position of last resort, and instead centres community-led interventions that really work to break cycles of disadvantage, reduce reoffending, and build safer communities.

APPENDIX A: HUMAN RIGHTS AND LEGISLATIVE CHANGE IN SOUTH AUSTRALIA

"Do people truly understand the magnitude of the hardships these young people face? And more importantly, do they care?"³⁵²

The Justice Reform Initiative joins with more than 150 organisations and individuals³⁵³ calling for a Human Rights Act for South Australia³⁵⁴ which would provide a legislated framework to help to directly and completely protect all South Australian's rights and freedoms.

Noted below are a small selection of *some* of the obligations that South Australia has in terms of its human rights responsibilities. In South Australia there are a litany of systemic and ongoing breaches of international Human Rights Conventions, unimplemented recommendations, failures to meet Closing the Gap targets, and there is an urgent need to raise the age of criminal responsibility from 10 to 14.

While statistics tell plainly of the structural and systemic nature of the problem of the over-incarceration of all people, there is a need to look beyond the statistics and at the reality of life inside prison in South Australia. The clear evidence is that children as young as 10, young people, and adults are being subjected to torture³⁵⁵ in South Australian places of detention.

When asked recently about the Tasmanian Government's Report '*Who was looking after me? Prioritising the safety of Tasmanian children*', South Australia's Attorney General said "*I know there has been very significant media attention on some of the difficulties with the Tasmanian youth detention system, which I am not sure are necessarily present in the South Australian system.*"³⁵⁶

However, for at least the past 30 years since the Royal Commission into Aboriginal Deaths in Custody, the South Australian State Government – like all governments before it – know³⁵⁷ that the conditions of detention in Australia – especially for children – breach numerous International Human Rights Conventions; are contrary to recommendations of Royal Commissions and Advisory Commissions; and are failing to meet South Australia's obligations to the Closing the Gap targets.³⁵⁸

OPCAT

The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment [OPCAT]. The Convention Against Torture and the OPCAT are ratified by Australia. However, the National Preventive Mechanisms (NPMs) for the purpose of complying with OPCAT must be implemented and funded in South Australia.³⁵⁹

Convention on the Rights of the Child

No Australian jurisdiction currently prohibits isolation amounting to solitary confinement. Past reports and inquiries show **the practice of locking children in their cells for 22 or more hours a day has been used in most state and territory youth detention centres**. Isolation amounting to solitary confinement is often imposed on children as a consequence of operational decisions to 'lockdown' a detention centre because of a lack of staff. This is unacceptable. It is the duty of state and territory governments to properly staff their youth detention facilities so the rights of children deprived of their liberty are upheld.³⁶⁰

Declaration of Basic Principles of Justice for Victims

All South Australian agencies involved in the criminal justice system have policies and processes that recognise the Declaration of Basic Principles of Justice for Victims³⁶¹ but those agencies have to work within a complex system where the needs of victims are frequently not centred.³⁶² Part of that process is support and processes that recognise and give voice to their experience as victims, alongside programs that genuinely address the **causes of offending** and also ensure that people who have committed crime are held accountable for their actions. Restorative and Transformative Justice processes are examples of this kind of approach. It is of note that there is clear research noting that many people in prison are themselves also victims of crime, with some estimates suggesting more than 85% of women in prison have experienced crime in the form of gendered violence.³⁶³

Royal Commissions

Findings and recommendations of the Royal Commission into Aboriginal Deaths in Custody 1991

The Royal Commission made 339 recommendations aimed ultimately at preventing the death of Aboriginal people in custody. Most of these recommendations have not been implemented around Australia.

The Justice Reform Initiative supports the Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia's view that "*there is not enough self-reflection and accountability from government as to how internal structures cause, contribute to and perpetuate Aboriginal offending. Reviews of government processes often privilege evidence of compliance, rather than seek a reflective, qualitative audit of how implementation of programs and services perform and work*"³⁶⁴ and that there should be "*independent monitoring of the implementation of all recommendations relating to the rate at which Aboriginal people are incarcerated. The South Australian Government should wholly, meaningfully, and consistently implement the Royal Commission's recommendations.*"³⁶⁵

Findings and recommendations of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability September 2023

The Royal Commission published its report and recommendation in September 2023. Importantly noting that the *disproportionate rate of imprisonment of people with disability is not the result of any inherent relationship between disability and crime. Rather, it reflects the disadvantages experienced by many people with disability, such as poverty, disrupted family backgrounds, family violence and other forms of abuse, misuse of drugs and alcohol, unstable housing and homelessness.*³⁶⁶

Policy Frameworks and Key Reports

Closing the Gap

The Standing Council of Attorneys General in the communique of September 2023 acknowledged by all States and Territories that Target 10 – to reduce the rate of First Nations adults in incarceration by at least 15 per cent by 2031 – is not on track, and that significant and transformational criminal justice reform will be required by all Australian governments to turn the tide on First Nations adult incarceration.³⁶⁷

South Australian Advisory Reports

- Report and Recommendations of the *Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia* (February 2023)³⁶⁸ and the Government Response *Yalakiana Tappa: Reducing Aboriginal Incarceration Measures* including Premier Malinauskas' commitment to lowering the over-representation of Aboriginal people in custody by at least 15 percent by 2031.³⁶⁹
- It is 50 years since the *Criminal Law and Penal Methods Reform Committee (1973)* in South Australia noted that prison is *"the last resort of a correctional system."*³⁷⁰
- The Office of the Guardian for Children and Young People recently released the Training Centre Visitor Report which outlined in detail many of the harms experienced by children incarcerated in Adelaide Youth Detention. This report provides an extraordinarily useful tool for understanding the circumstances of children's imprisonment in South Australia.³⁷¹

Raising the Age of Criminal Responsibility

The Australian campaign to raise the age of criminal responsibility to at least 14 years old and instead invest in community-led solutions that work by helping children learn from their mistakes, grow and thrive is led by Change the Record.

The Standing Committee of Attorneys General at their September 2023 meeting discussed the Minimum Age of Criminal Responsibility and noted the final report of the Age of Criminal Responsibility Working Group on the services and supports needed to support children diverted from the criminal justice system under a raised minimum age of criminal responsibility.

There is an urgent need to raise the minimum age of criminal responsibility to 14 in South Australia. The evidence is clear that 14 is the minimum age developmentally and neurologically that children could or should be held criminally responsible³⁷². There are in fact compelling developmental arguments to suggest this age should be higher.³⁷³ The most recent examples of recommendations to raise the age are:

- Recommendation 8.22 of the Royal Commission into Violence, Abuse, Neglect, & Exploitation of People with Disability September 2023: *"States and territories that have not already done so should introduce legislation to raise the minimum age of criminal responsibility to 14."*
- Recommendation 17 of the Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia February 2023: *"That the Government of South Australia legislate to raise the minimum age of criminal responsibility to 14 years."*

REFERENCES

- ¹ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 14; Productivity Commission (2023). *Report on government services 2023*, table 17A.5.
- ² InfrastructureSA (2021). Capital intentions statement 2022. <https://www.infrastructure.sa.gov.au/our-work/capital-intentions/CIS-2021.pdf>; InfrastructureSA (2022). Capital intentions statement 2022. <https://www.infrastructure.sa.gov.au/our-work/capital-intentions/ISA-Capital-Intentions-Statement-2022.pdf>
- ³ We Are SA (2023, June 9). Multi-million dollar upgrade opens at Yatala. [https://www.weare.sa.gov.au/news/2023/q2/\\$180-million-revelment-opens-at-sas-largest-metro-prison](https://www.weare.sa.gov.au/news/2023/q2/$180-million-revelment-opens-at-sas-largest-metro-prison)
- ⁴ Collard, S. (2023, June 23). Children self-harming to escape prolonged confinement in cells, South Australian watchdog says. *The Guardian*. <https://www.theguardian.com/society/2023/jun/29/children-locked-in-cells-for-up-to-23-hours-at-south-australias-youth-detention-centre>; OmbudsmanSA (2020, February 10). Department of Human Services – Investigation into the treatment of young people in the Adelaide Youth Training Centre. <https://www.ombudsman.sa.gov.au/publications/news/department-of-human-services-investigation-into-the-treatment-of-young-people-in-the-adelaide-youth-training-centre>
- ⁵ Australian Bureau of Statistics (2023). Corrective Services Australia, Prisoner Receptions and Prisoner Releases, December Quarter 2022, table 23.
- ⁶ Department of South Australian Correctional Services' data released under FOI request (11th August 2023) Data refers to people incarcerated in South Australia in 2021–22 (Data received 18th September 2023).
- ⁷ Department of Correctional Services (Government of South Australia) (n.d.). 20 by 26: Reducing reoffending by 20% by 2026. https://www.corrections.sa.gov.au/_data/assets/pdf_file/0009/878904/20by26-Brochure.pdf
- ⁸ Productivity Commission (2023). Report on government services 2023, Table CA.4.
- ⁹ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 19.
- ¹⁰ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 19.
- ¹¹ Australian Bureau of Statistics (2023) *Prisoners in Australia 2022*, Table 15
- ¹² Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 14.
- ¹³ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 15 (Note– rate of change calculated from proportion into total numbers).
- ¹⁴ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 15.
- ¹⁵ Attorney-General's Department (Government of South Australia) (2023, July 8). Funding boost for Aboriginal community initiatives. <https://www.agd.sa.gov.au/news/funding-boost-for-aboriginal-community-initiatives>
- ¹⁶ Cale, J; Zmudski, F; Whitten, T (2023) Evaluation of Home Detention in South Australia: Final Report, UNSW, Prepared for Department for Correctional Services, South Australia
- ¹⁷ OARS Community Transitions (n.d.). Welcome to OARS Community Transitions, webpage, <https://www.communitytransitions.com.au/>
- ¹⁸ Toumborou, J., Rowland, B., Williams, J. & Smith, R. (2019). 'Community intervention to prevent adolescent health behavior problems: Evaluation of Communities That Care in Australia', *Health Psychology*, 38(6):536–544; Hawkins, J. D., Oesterle, S., Brown, E., Abbott, R. & Catalano, R. (2014). 'Youth problem behaviors 8 years after implementing the Communities That Care Prevention System: A community-randomized trial'. *JAMA Pediatrics*, 168(2):122–129; Rowland, B., Kelly, A. B., Mohebbi, M., Kremer, P., Abrahams, C., Abimanyi-Ochom, J., Carter, R., Williams, J., Smith R, Osborn, A., Hall, J., Hosseini, T., Renner, H. & Toumborou, J. W. (2022). 'Evaluation of Communities That Care: Effects on municipal youth crime rates in Victoria, Australia: 2010–2019'. *Prevention Science*, 23(1):24–35.
- ¹⁹ Youth Partnership Project (2021). *Youth justice model: 2021 practice framework and evaluation summary*, https://www.youthpartnershipproject.org.au/_files/ugd/d180ab_64766464fe62447c9d3c536354e18b4b.pdf.
- ²⁰ The Front Project (2019). *A smart investment for a smarter Australia: Economic analysis of universal early childhood education in the year before school in Australia*, PricewaterhouseCoopers, p. 30. https://www.thefrontproject.org.au/images/downloads/ECO_ANALYSIS_Full_Report.pdf; Youth Advocate Programs Inc. (2020). *Evidence supporting YAP's model*, <https://www.yapinc.org/Portals/0/Docs/YAP%20Evidence%20Base%20-%20booklet.pdf>; Toumborou, J., Rowland, B., Williams, J. & Smith, R. (2019). 'Community intervention to prevent adolescent health behavior problems: Evaluation of Communities That Care in Australia', *Health Psychology*, 38(6):536–544; Hawkins, J. D., Oesterle, S., Brown, E., Abbott, R. & Catalano, R. (2014). 'Youth problem behaviors 8 years after implementing the Communities That Care Prevention System: A community-randomized trial'. *JAMA Pediatrics*, 168(2):122–129.
- ²¹ NSW Government (2019). *Forecasting future outcomes: Stronger communities investment unit – 2018 insights report*. <https://apo.org.au/sites/default/files/resource-files/2019-07/apo-nid246396.pdf>; The Front Project (2019). *A smart investment for a smarter Australia: Economic analysis of universal early childhood education in the year before school in Australia*, PricewaterhouseCoopers; Teager, W., Fox, S. & Stafford, N. (2019). *How Australia can invest early and return more: A new look at the \$15b cost and opportunity*. Early Intervention Foundation, The Front Project and CoLab at the Telethon Kids Institute, Australia, p. 5, <https://colab.telethonkids.org.au/siteassets/media-docs---colab/coli/how-australia-can-invest-in-children-and-return-more---final-bn-not-embargoed.pdf>.
- ²² Olabud Doogethu Aboriginal Corporation (n.d.). *The impact*, webpage, <https://olabuddoogethu.org.au/about-us/the-impact/>; Thorburn, K. & Marshall, M. (2017). The Yiriman Project in West Kimberley: An example of justice reinvestment. *Current Initiatives Paper*, Indigenous Justice Clearinghouse, <https://apo.org.au/sites/default/files/resource-files/2017-07/apo-nid116631.pdf>; Palmer, D. (2013). *Yiriman youth justice diversion program business plan 2016* [evaluation report], <http://kalacc.org/wp-content/uploads/2018/06/yiriman-youth-justice-diversion-business-plan-2016.pdf>; The Centre of Best Practice in Aboriginal and Torres Strait Islander Suicide Prevention (n.d.). *Best practice – Prevention – Yiriman Project – Evaluation*. <https://cbpatsisp.com.au/clearing-house/best-practice-programs-and-services/programs-for-preventing-youth-suicide/>; Just Reinvest NSW (2018). *Maranguka Justice Reinvestment Project Impact Assessment*, KPMG, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/maranguka-justice-reinvestment-project-kpmg-impact-assessment-final-report.pdf>; Reeve, D. R., McCausland, D. R. & MacGillivray, P. (2022). *Yuwaya Ngarrali Research Report: Has criminal justice contact for young people in Walgett changed over time? Analysis of diversions, charges, court, and custody outcomes 2016–21*, https://www.igd.unsw.edu.au/sites/default/files/documents/YN%20Research%20Report%20Has%20criminal%20justice%20contact%20for%20young%20people%20in%20Walgett%20changed%20over%20time_1.pdf.
- ²³ Marchetti, E. (2021). *Evaluation of the Caxton Legal Centre Bail Support Program*, Griffith University; Lulham, R. (2009). 'The magistrates' early referral into treatment', *Contemporary Issues in Crime and Justice*, 131; Bureau of Crime Statistics and Research; Klauzner, I. (2021). 'An evaluation of the youth bail assistance line', *Crime and Justice Bulletin*, 237, <https://www.bocsar.nsw.gov.au/Publications/CJB/2021-Report-Evaluation-of-Bail-Assistance-Line-CJB237.pdf>.

²⁴ Spratley, S., Donnelly, N. & Trimboli, L. (2013). *Bureau Brief No. 92: Health and wellbeing outcomes for defendants entering the Alcohol-MERIT program*, NSW Bureau of Crime and Statistics Research; Rossner, M., Bartels, L., Gelb, K., Payne, J., Scott-Palmer, S. & Wong, G.

(2022). *ACT drug and alcohol sentencing list: Process and outcome evaluation final report*, Australian National University, Centre for Social Research and Methods.

²⁵ Ross, S. (2009). *Evaluation of the Court Integrated Services Program: Final report*, <https://silotips.com/download/evaluation-of-the-court-integrated-services-program-final-report>; PricewaterhouseCoopers (2009). *Economic evaluation of the Court Integrated Services Program (CISP): Final report on economic impacts of CISP*, <https://www.mcv.vic.gov.au/sites/default/files/2018-10/CISP%20economic%20evaluation.pdf>.

²⁶ Sotiri, M., McCausland, R., Reeve, R., Phelan, L. & Byrnes, T. (2021). *'They're there to support you and help you, they're not there to judge you': Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centre's AOD and reintegration programs*, NSW Health report, <https://www.crcnsw.org.au/wp-content/uploads/2021/11/CRC-AOD-Evaluation-final-report-1Dec21.pdf>.

²⁷ Schwartz, M. & Terare, M. (2020). *Creating Futures: Weave's intensive support services for young people leaving custody or involved in the criminal justice system, evaluation report*, <https://www.cclj.unsw.edu.au/sites/cclj.unsw.edu.au/files/Creating%20Futures%20Evaluation%20Report%202020%20%20with%20images.pdf>.

²⁸ BackTrack (2020). *Annual report 2020*, https://backtrack.org.au/wp-content/uploads/2021/06/Backtrack_AnnualReport_2020.pdf.

²⁹ National Support Bureau (n.d.). *Background*, webpage, <https://www.leadbureau.org/about-the-bureau>.

³⁰ New Zealand Justice and Courts Minister (24 March 2015). 'Lowest number of youth in court in 20 years', media release,

http://beehive.govt.nz/release/lowest-number-youth-court-20-years?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+beehive-govt-nz%2Fportfolio%2Fcourts+%28Courts+-+beehive.govt.nz%29.

³¹ Henry, P. & Rajakaruna, N. (2018). *WA police force mental health co-response evaluation report*. The Sellenger Centre for Research in Law, Justice and Social Change, Edith Cowan University,

[https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4011830c6f17958a776124a04825830d0003e135/\\$file/tp-1830.pdf](https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4011830c6f17958a776124a04825830d0003e135/$file/tp-1830.pdf); Blagg, H. (2015). *Models of best practice: Aboriginal community patrols in Western Australia*,

https://www.researchgate.net/publication/282866234_Models_of_Best_Practice_Aboriginal_Community_Patrols_in_Western_Australia.

³² Porter, A. (2016). 'Decolonising policing, Indigenous patrols, counter-policing and safety'. *Theoretical Criminology*, 20(4):550; Blagg, H. (2015) *Models of best practice: Aboriginal community patrols in Western Australia*,

https://www.researchgate.net/publication/282866234_Models_of_Best_Practice_Aboriginal_Community_Patrols_in_Western_Australia.

³³ Magistrates' Court of Victoria, *Criminal Justice Diversion Program*, <https://www.mcv.vic.gov.au/sites/default/files/2018-10/Criminal%20Justice%20Diversion%20Program%20brochure.pdf>; Lulham, R. (2009). 'The magistrates' early referral into treatment', *Contemporary Issues in Crime and Justice*, 131, Bureau of Crime Statistics and Research; Spratley, S., Donnelly, N. & Trimboli, L. (2013). *Bureau Brief No. 92: Health and wellbeing outcomes for defendants entering the Alcohol-MERIT program*, NSW Bureau of Crime and Statistics Research; M & P Henderson & Associates (2008). *Bail Support Program Evaluation*, report to Corrections Victoria.

https://files.corrections.vic.gov.au/2021-06/bsp_evaluation_final_report.pdf; Rossner, M., Bartels, L., Gelb, K., Wong, G., Payne, J. & Scott-Palmer, S. (2022). *ACT drug and alcohol sentencing list: Process and outcome evaluation final report*. Australian National University, Centre for Social Research and Methods, <https://nla.gov.au/nla.obj-3111100148/view>.

³⁴ Ross, S. (2015). *Evaluating neighbourhood justice: Measuring and attributing outcomes for a community justice program*, Australian Institute of Criminology.

³⁵ Restorative Justice (2018). *Twelve-month program evaluation: Restorative Justice Project*,

<https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/performance-evaluation/program-eval/restorative-justice-evaluation-report.pdf>; Jesuit Social Services (2022). *New youth justice spending data highlights effectiveness of restorative justice programs*, webpage, <https://jss.org.au/articles/new-youth-justice-spending-data-highlights-effectiveness-of-restorative-justice-programs/>.

³⁶ Becroft, A. (2017). 'Family Group Conferences: Still New Zealand's gift to the world?', <https://www.occ.org.nz/documents/98/OCC-SOC-Dec-2017-Companion-Piece.pdf>.

³⁷ Restorative Justice (2018). *Twelve month program evaluation: Restorative Justice Project*,

<https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/performance-evaluation/program-eval/restorative-justice-evaluation-report.pdf>.

³⁸ Sherman, L. W., Strang, H., Mayo-Wilson, E., Woods, D. J. & Ariel, B. (2014). 'Are restorative justice conferences effective in reducing repeat offending? Findings from a Campbell Systematic Review', *Journal of Quantitative Criminology* 31:1–24.

³⁹ Stojcevski, V. (2007). 'The establishment of a drug court pilot in Tasmania', Research Paper No. 2, Tasmanian Law Reform Institute, https://www.utas.edu.au/_data/assets/pdf_file/0003/283818/Drug_Court_17nov06_A4_Final.pdf; KPMG (2014). *Evaluation of the Victorian drug court final report for the Magistrates' Court of Victoria*, <https://www.mcv.vic.gov.au/sites/default/files/2018-10/Evaluation%20of%20the%20Drug%20Court%20of%20Victoria.pdf>; Department of the Attorney-General, Western Australia (2006). *A review of the Perth drug court*,

[https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/c41d5695f20b386348256b0200183f75/199175e34b12c3b3482581e8001854d7/\\$FILE/TP-924.pdf](https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/c41d5695f20b386348256b0200183f75/199175e34b12c3b3482581e8001854d7/$FILE/TP-924.pdf).

⁴⁰ Winstone, J. & Pakes, F. (2010). *Process evaluation of the Mental Health Court pilot*. Ministry of Justice, London; Rossman, S. B., Willison, J. B., Mallik-Kane, K., Kim, K., Debus-Sherrill, S. & Mitchell Downey, P. (2012). *Criminal justice interventions for offenders with mental illness: Evaluation of mental health courts in Bronx and Brooklyn, New York – Final report*, 32–33; Mental Health Commission (2015). 'Summary of the 2015 evaluation mental health court diversion program', <https://www.mhc.wa.gov.au/media/1557/summary-of-court-diversion-evaluation-2015-for-mhc-website.pdf>.

⁴¹ Ipsos Aboriginal and Torres Strait Islander Research Unit (2019). *Evaluation of Murri Court*, Prepared for the Department of Justice (Queensland Government) and Attorney-General, https://www.courts.qld.gov.au/_data/assets/pdf_file/0009/674685/Murri-court-evaluation-report.pdf; Walton, D., Martin, S. & Li, J. (2020). 'Iwi community justice panels reduce harm from re-offending', *Kōtuitui: New Zealand Journal of Social Sciences Online*, 15(1):75–92; Clark, S. (2016). *Evaluation of the Gladue Court Old City Hall, Toronto*, report prepared for Aboriginal Legal Services, <https://www.aboriginallegal.ca/uploads/1/4/1/7/141757576/gladue-court-old-city-hall-toronto.pdf>; Harris, M. (2006). *'A sentencing conversation': Evaluation of the Koori Courts Pilot Program: October 2002– October 2004*.

Department of Justice (Queensland Government); Australian Law Reform Commission (2018). 'Social determinants of incarceration', *Pathways to justice: Inquiry into the incarceration rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133), <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/social-determinants-of-incarceration/>.

⁴² Centre for Innovative Justice (2018). *'A European alternative approach to juvenile detention'*, RMIT University; Diagrama Foundation (2019). *'A Blueprint for Change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory'*, report of Diagrama visit, October 2019, 14–15, 25.

⁴³ Department of Justice (Western Australia Government) (2022). *Annual report 2021–22*, <https://www.wa.gov.au/system/files/2022-09/Department-of-Justice-Annual-Report-2021-2022.pdf>; Government of Western Australia (20 October 2022). 'Mallee addiction treatment unit marks two years of success', media release,

- ⁴⁴ For example, as detailed in Australian Law Reform Commission (2018). 'Social determinants of incarceration', *Pathways to Justice—Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133), <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/social-determinants-of-incarceration/>.
- ⁴⁵ See Schwartz, M. & Terare, M. (2020). *Creating Futures: Weave's intensive support service for young people leaving custody or involved in the criminal justice system, evaluation report*, <http://www.weave.org.au/wp-content/uploads/2018/01/Creating-Futures-Evaluation-Executive-Summary.pdf>; Keating, C. (2012). *Evaluation of the women and mentoring program*, Effective Change, <https://static1.squarespace.com/static/62b7ab77c0185857ace28264/t/62d2b4dae968ed48000c10b6/165976032505/Women-and-Mentoring-Evaluation-Report.pdf>; Sotiri, M., McCausland, R., Reeve, R., Phelan, L. & Byrnes, T. (2021). *'They're there to support you and help you, they're not there to judge you': Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centre's AOD and reintegration programs*, <https://www.health.nsw.gov.au/aod/programs/Documents/crc-final-report.pdf>; Sotiri, M. (2016). *An exploration of best practice in community-based reintegration programs for people leaving custody in the US and the UK*, https://www.crcnsw.org.au/wp-content/uploads/2016/11/Sotiri_M_2015_Prisoner_reintegration_services_and_community_sector_organisations_2015-optimised.pdf; Sotiri, M. & Russell, S. (2018). 'Pathways home: How can we deliver better outcomes for people who have been in prison?', *Housing Works*, 15(3):41; Borzycki, M. & Baldry, E. (2003). 'Promoting integration: The provision of prisoner post-release services', *Trends and Issues in Crime and Criminal Justice*, 2; Gilbert, J. & Elley, B. (2015). 'Reducing recidivism: An evaluation of the pathway total reintegration programme', *New Zealand Sociology*, 30(4):15–37.; Angell, B., Matthews, E., Barrenger, S., Watson, A. & Draine, J. (2014). 'Engagement processes in model programs for community re-entry from prison for people with serious mental illness', *International Journal of Law and Psychiatry*, 37:490–500; Hunter, B., Lanza, M., Lawlor, A., Dyson, W. & Gordon, D. (2016). 'A strengths-based approach to prisoner re-entry: The fresh start prisoner re-entry program', *International Journal of Offender Therapy and Comparative Criminology*, 60(11):1298–1314; Padgett, D., Gulcur, L. & Tsemberis, S. (2006). 'Housing first services for people who are homeless with co-occurring serious mental illness and substance abuse', *Research on Social Work Practice*, 16(1):74–83; Kendall, S., Redshaw, S., Ward, S., Wayland, S. & Sullivan, E. (2018). 'Systematic review of qualitative evaluations of re-entry programs addressing problematic drug and alcohol use and mental health disorders amongst people transitioning from prison to communities', *Health and Justice*, 6(4); Sotiri, M. (2020). Building pathways out of the justice system: supporting women and reducing recidivism', *Precedent Issue*, 161.
- ⁴⁶ McNeill, F., Farrall, S., Lightowler, C. & Maruna, S. (2012). 'Re-examining evidence-based practice in community corrections: Beyond "a confined view" of what works', *Justice Research and Policy*, 14(1), University of New South Wales, Sydney.
- ⁴⁷ 2023–24 SA State Budget Agency Statements, Volume 1 page 114 "Targets 2023–24: Continue to consider options and potential locations for a rehabilitation prison including engaging with possible stakeholders together with recognised and respected Aboriginal community partners."
- ⁴⁸ Recommendation 11 of the Advisory Commission into the Incarceration Rates of Aboriginal Peoples in SA 2023 https://www.aggd.sa.gov.au/_data/assets/pdf_file/0010/918766/Report-of-the-Advisory-Commission.pdf
- ⁴⁹ Australian Bureau of Statistics (2023) Prisoners in Australia 2022, Table 15
- ⁵⁰ Australian Bureau of Statistics (2023) Corrective Services Australia, Prisoner Receptions and Prisoner Releases, December Quarter 2022, table 23.
- ⁵¹ Productivity Commission (2023). *Report on government services 2023*, Youth justice services, table 17A.21.
- ⁵² Productivity Commission (2023). *Report on government services 2023*, Youth justice services, table S104a.
- ⁵³ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 19.
- ⁵⁴ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 19.
- ⁵⁵ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 15.
- ⁵⁶ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 14.
- ⁵⁷ Productivity Commission (2023). *Report on government services 2023*, table 17A.5.
- ⁵⁸ Australian Bureau of Statistics (2022). South Australia: Aboriginal and Torres Strait Islander population summary. <https://www.abs.gov.au/articles/south-australia-aboriginal-and-torres-strait-islander-population-summary#:~:text=In%20South%20Australia%2043%2C000%20people,2.4%25%20of%20South%20Australia%27s%20population.>
- ⁵⁹ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 20.
- ⁶⁰ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 20.
- ⁶¹ Productivity Commission (2023). *Report on government services 2023*, table 17A.5.
- ⁶² Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 14.
- ⁶³ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 15 (Note— rate of change calculated from proportion into total numbers).
- ⁶⁴ Australian Institute of Health and Welfare (2022). *Youth detention population in Australia 2022*, tables S14 and S32, [https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2022/contents/data-visualisation/number-of-young-people-in-detention.](https://www.aihw.gov.au/reports/youth-justice/youth-detention-population-in-australia-2022/contents/data-visualisation/number-of-young-people-in-detention)
- ⁶⁵ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 15.
- ⁶⁶ Australian Bureau of Statistics (2023). *Prisoners in Australia 2022*, table 15.
- ⁶⁷ Department of Correctional Services (Government of South Australia) (n.d.). 20 by 26: Reducing reoffending by 20% by 2026. https://www.corrections.sa.gov.au/_data/assets/pdf_file/0009/878904/20by26-Brochure.pdf
- ⁶⁸ Department of South Australian Correctional Services' data released under FOI request (11th August 2023) Data refers to people incarcerated in South Australia in 2021–22 (Data received 18th September 2023).
- ⁶⁹ Department of South Australian Correctional Services' data released under FOI request (11th August 2023) Data refers to people incarcerated in South Australia in 2021–22 (Data received 18th September 2023).
- ⁷⁰ Productivity Commission (2023). *Report on government services 2023*, Corrective services, table 8A.1, <https://www.pc.gov.au/research/ongoing/report-on-government-services/2022/justice/corrective-services>
- ⁷¹ Productivity Commission (2023). *Report on government services 2023*, Youth justice services, table 17A.10.
- ⁷² Productivity Commission (2023). *Report on government services 2023*, table 8A.19.
- ⁷³ Productivity Commission (2023). *Report on government services 2023*, Youth justice services, table 17A.21.
- ⁷⁴ Schulz, P. D. & Cannon, A. J. (2011). 'Public opinion, media, judges and the discourse of time', *Journal of Judicial Administration*, 21(1):8–18.

⁷⁵ Australian Institute of Health and Welfare (2019). *The health of Australia's prisoners 2018*, <https://www.aihw.gov.au/reports/prisoners/health-australia-prisoners-2018/summary>; for example, see the literature reviewed in Australian Bureau of Statistics (2023). *Prisoners in Australia*, <https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release#prisoner-characteristics-australia>; Australian Institute of Health and Welfare (2022). *Prisoners*, webpage, <https://www.aihw.gov.au/reports/prisoners/prisoners>

<https://www.aihw.gov.au/reports-data/population-groups/prisoners/overview>; Australian Law Reform Commission (2018). 'Social determinants of incarceration', *Pathways to justice: Inquiry into the incarceration rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133), <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/social-determinants->

⁷⁶ For example, see the analysis in Cunneen, C., Baldry, E., Brown, D., Brown, M., Schwartz, M. & Steel, A. (2013). *Penal Culture and Hyperincarceration: The revival of the prison*, Routledge.

⁷⁷ World Health Organization (n.d.). The social determinants of health. https://www.who.int/health-topics/social-determinants-of-health#tab=tab_1

⁷⁸ McCausland, R., & Baldry, E. (2023, April 17). The social determinants of justice: 8 factors that increase your risk of imprisonment. *The Conversation*. <https://theconversation.com/the-social-determinants-of-justice-8-factors-that-increase-your-risk-of-imprisonment-203661>

⁷⁹ Baldry, E., Dowse, L., McCausland, R. & Clarence, M. (2012). *Lifecourse institutional costs of homelessness for vulnerable groups*. School of Social Sciences University of NSW. National Homelessness Research Agenda 2009/2013. Final Report, 15 May 2012. 116–117.

⁸⁰ Australian Institute of Health and Welfare (2022). Health of prisoners. https://www.aihw.gov.au/reports/australias-health/health-of-prisoners#_Toc30748009

⁸¹ McCausland R, Baldry E, Johnson S & Cohen A. (2013). People with Mental Health Disorders and Cognitive Impairment in the Criminal Justice System: Cost-benefit Analysis of Early Support and Diversion, PwC & UNSW

⁸² Alcohol and Drug Foundation (2023). Prison, alcohol and drug use. <https://adf.org.au/insights/prison-aod-use/>

⁸³ Australian Institute of Health and Welfare (n.d.). Prisoners. <https://www.aihw.gov.au/reports-data/population-groups/prisoners/overview>

⁸⁴ Australian Institute of Health and Welfare (2019). *The health of Australia's prisoners 2018*, p. 24.

⁸⁵ Tanton, R., Dare, L., Miranti, R., Vidyattama, Y., Yule, A. and McCabe, M. (2021), *Dropping Off the Edge 2021. Persistent and multilayered disadvantage in Australia*, Jesuit Social Services: Melbourne.

https://static1.squarespace.com/static/6170c344c08c146555a5bcbet/t/61958bf805c25c1e068da90f/1637190707712/DOTE_Report+_Final.pddf

⁸⁶ Australian Institute of Health and Welfare (2019). *The health of Australia's prisoners 2018*, pp. 18–19.

⁸⁷ Drum, M. & Buchanan, R. (2020). *Western Australia's prison population 2020: Challenges and reforms*, The University of Notre Dame Australia and the Catholic Archdiocese of Perth, http://csswa.perthcatholic.org.au/wp-content/uploads/2022/05/FINAL-WA-Prison-Population-Report-2020_WEB.pdf.

⁸⁸ Department of Human Services (2020). Disability Screening Assessment Project Report, South Australian Government, Identification of Population Needs at the Adelaide Youth Training Centre, https://dhs.sa.gov.au/__data/assets/pdf_file/0004/146920/Disability-Screening-Assessment-Project-Report-2020.pdf

⁸⁹ Agius, H., Larkin, C., McIntosh, T., Sumner, L., Behrendt, L., Liddle, L., Rudin, J., & Wilson, S. (2023). Advisory commission into the incarceration rates of Aboriginal peoples in South Australia [report], p. 8.

https://www.agd.sa.gov.au/__data/assets/pdf_file/0010/918766/Report-of-the-Advisory-Commission.pdf

⁹⁰ Government of South Australia (2023, June 23). Malinauskas sets sights on reducing Aboriginal incarceration rates [media release].

<https://www.premier.sa.gov.au/media-releases/news-items/malinauskas-sets-sights-on-reducing-aboriginal-incarceration-rates>

⁹¹ Commonwealth of Australia (2022). *Commonwealth Closing the Gap Annual Report 2022*,

<https://www.niaa.gov.au/sites/default/files/publications/niaa-closing-the-gap-annual-report-2022.pdf>.

⁹² Commonwealth of Australia (2022). *Commonwealth Closing the Gap Annual Report 2022*,

<https://www.niaa.gov.au/sites/default/files/publications/niaa-closing-the-gap-annual-report-2022.pdf>.

⁹³ Agius, H., Larkin, C., McIntosh, T., Sumner, L., Behrendt, L., Liddle, L., Rudin, J., & Wilson, S. (2023). Advisory commission into the incarceration rates of Aboriginal peoples in South Australia [report]. Pp. 45–46.

https://www.agd.sa.gov.au/__data/assets/pdf_file/0010/918766/Report-of-the-Advisory-Commission.pdf

⁹⁴ Latimore, J. (2023, May 3). Why a new \$1.1 billion prison in Victoria is sitting empty. *The Guardian*.

<https://www.theage.com.au/politics/victoria/why-a-new-1-1-billion-prison-in-victoria-is-sitting-empty-20230503-p5d59c.html>; Moran,

C. (2023, May 3). Prisoner health neglected while \$1.1b jail sits idle. *PerthNow*, <https://www.perthnow.com.au/news/social/youth-justice-aims-for-zero-aboriginal-kids-in-custody-c-10535202>; Sadler, D. (2023, March 20). The billion-dollar new prison Victoria doesn't need. *The Justice Map*, <https://thejusticemap.substack.com/p/the-billion-dollar-new-prison-victoria>.

⁹⁵ Data received from the Courts Administration Authority (Correspondence, 4 September 2023).

⁹⁶ Australian Bureau of Statistics (2023). People in Prison in Australia 2022, table 31.

⁹⁷ Department of South Australian Correctional Services' data released under FOI request (11th August 2023) Data refers to people incarcerated in South Australia in 2021–22 (Data received 18th September 2023).

⁹⁸ Commonwealth of Australia (1999). *Pathways to prevention: Developmental and early intervention approaches to crime in Australia*, https://eprints.qut.edu.au/4482/1/4482_report.pdf.

⁹⁹ Brantingham, P. J. & Faust, F. L. (1976). 'A conceptual model of crime prevention'. *Crime & Delinquency*, 22(3):284–296.

¹⁰⁰ Commonwealth of Australia (1999). *Pathways to prevention: Developmental and early intervention approaches to crime in Australia*, https://eprints.qut.edu.au/4482/1/4482_report.pdf.

¹⁰¹ Farrington, D. (2007). 'Childhood risk factors and risk-focused prevention', *The Oxford handbook of criminology*, Vinson, T., Rawsthorpe, M., Beavis, A. & Ericson, M. (2015). *Dropping off the edge 2015: Persistent communal disadvantage in Australia*. http://k46cs13u1432b9asz49wnhcx-wpengine.netdna.com/wp-content/uploads/0001_dote_2015.pdf; Drum, M. & Buchanan, R. (2020).

'Western Australia's prison population 2020: Challenges and reforms', The University of Notre Dame Australia and the Catholic Archdiocese of Perth, https://doi.org/10.32613/csos/2020_2; Odgers, C. (2015). 'Income inequality and the developing child: Is it all relative?'. *American Psychologist*, 70(8):722–731; Australian Institute of Health and Welfare (2015). *Vulnerable young people: Interactions across homelessness, youth justice and child protection – 1 July 2011 to 30 June 2015*, cat. no. HOU 279, Canberra; Australian Institute of Health and Welfare (2018). *National data on the health of justice-involved young people: A feasibility study*, cat. no. JUV 125, <https://www.aihw.gov.au/reports/youth-justice/health-justice-involved-young-people-2016-17/summary>.

¹⁰² Commonwealth of Australia (1999). *Pathways to prevention: Developmental and early intervention approaches to crime in Australia*, https://eprints.qut.edu.au/4482/1/4482_report.pdf.

¹⁰³ Brantingham, P. J. & Faust, F. L. (1976). 'A conceptual model of crime prevention', *Crime & Delinquency*, 22(3):284–296.

¹⁰⁴ Brantingham, P. J. & Faust, F. L. (1976). 'A conceptual model of crime prevention', *Crime & Delinquency*, 22(3):284–296; Battams, S., Delany-Crowe, T., Fisher, M., Wright, L., McGreevy, M., McDermott, D. & Baum, F. (2021). 'Reducing incarceration rates in Australia through primary, secondary, and tertiary crime prevention', *Criminal Justice Policy Review*, 32(6):618–645, <https://doi.org/10.1177/0887403420979178>.

¹⁰⁵ New South Wales Government (2019). *Forecasting future outcomes: Stronger communities investment unit – 2018 insights report*.

<https://apo.org.au/sites/default/files/resource-files/2019-07/apo-nid246396.pdf>.

- ¹⁰⁴ The Front Project (2019). *A smart investment for a smarter Australia: Economic analysis of universal early childhood education in the year before school in Australia*.
- ¹⁰⁷ Teager, W., Fox, S. & Stafford, N. (2019). *How Australia can invest early and return more: A new look at the \$15b cost and opportunity*, Early Intervention Foundation, The Front Project and CoLab at the Telethon Kids Institute, Australia, p. 5, <https://colab.telethonkids.org.au/siteassets/media-docs---colab/coli/how-australia-can-invest-in-children-and-return-more---final-bn-not-embargoed.pdf>.
- ¹⁰⁸ Homel, R., Freiberg, K. & Branch, S. (2015). 'CREATE-ing capacity to take developmental crime prevention to scale: A community-based approach within a national framework', *Australian & New Zealand Journal of Criminology*, 48(3):367–385.
- ¹⁰⁹ Homel, R., Freiberg, K. & Branch, S. (2015). 'CREATE-ing capacity to take developmental crime prevention to scale: A community-based approach within a national framework', *Australian & New Zealand Journal of Criminology*, 48(3):367–385.
- ¹¹⁰ Toumbourou, J., Rowland, B., Williams, J., Smith, R. (2019). 'Community intervention to prevent adolescent health behavior problems: Evaluation of Communities That Care in Australia', *Health Psychology*, 38(6):536–544; Hawkins, J. D., Oesterle, S., Brown, E. C., Abbott, R. D. & Catalano, R. F. (2014). 'Youth problem behaviors 8 years after implementing the Communities That Care Prevention System: A community-randomized trial', *JAMA Pediatrics*, 168(2):122–129; further reading: <https://www.communitiesthatcare.org.au/research/publications>.
- ¹¹¹ Rowland, B., Kelly, A. B., Mohebbi, M., Kremer, P., Abrahams, C., Abimanyi-Ochom, J., Carter, R., Williams, J., Smith, R., Osborn, A., Hall, J., Hosseini, T., Renner, H. & Toumbourou, J. W. (2022). 'Evaluation of Communities That Care – Effects on municipal youth crime rates in Victoria, Australia: 2010–2019'. *Prevention Science*, 23(1):24–35.
- ¹¹² Bonnie, J. R. & Scott, E. S. (2013). 'The teenage brain: Adolescent brain research and the law', *Current Directions in Psychological Science*, 22(2):158–161, <https://journals.sagepub.com/doi/pdf/10.1177/0963721412471678>.
- ¹¹³ Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47–68; Beelmann, A. & Lösel, F. (2021). 'A comprehensive meta-analysis of randomized evaluations of the effect of child social skills training on antisocial development', *Journal of Developmental and Life-Course Criminology*, 7(1):41–65; Piquero, A. R., Jennings, W. G., Diamond, B., Farrington, D. P., Tremblay, R. E., Welsh, B. C. & Reingle Gonzalez, J. M. (2016). 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency', *Journal of Experimental Criminology*, 12, 229–248.
- ¹¹⁴ Koehler, J. A., Lösel, F., Akoensi, T. D. & Humphreys, D. K. (2013). 'A systematic review and meta-analysis on the effects of young offender treatment programs in Europe', *Journal of Experimental Criminology*, 9(1):19–43; Lipsey, M. W., Landenberger, N. A. & Wilson, S. J. (2007). 'Effects of cognitive-behavioral programs for criminal offenders', *Campbell Systematic Reviews*, 6.
- ¹¹⁵ Jugl, I., Bender, D. & Lösel, F. (2023). 'Do sports programs prevent crime and reduce reoffending? A systematic review and meta-analysis on the effectiveness of sports programs', *Journal of Quantitative Criminology*, 39:333–384.
- ¹¹⁶ Piquero, A. R., Jennings, W. G., Diamond, B., Farrington, D. P., Tremblay, R. E., Welsh, B. C. & Reingle Gonzalez, J. M. (2016). 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency', *Journal of Experimental Criminology*, 12:229–248.
- ¹¹⁷ Piquero, A.R., Jennings, W.G., Diamond, B. Farrington, D. P., Tremblay, R. E., Welsh, B. C., & Reingle Gonzalez, J. M. (2016). A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency. *Journal of Experimental Criminology*, 12, 229–248.
- ¹¹⁸ Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47–68; Piquero, A. R., Jennings, W. G., Diamond, B., Farrington, D. P., Tremblay, R. E., Welsh, B. C. & Reingle Gonzalez, J. M. (2016). 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency', *Journal of Experimental Criminology*, 12:229–248; Amit, B., Pawar, A., Kane, J. M. & Correll, C. U. (2016). 'Digital parent training for children with disruptive behaviors: Systematic review and meta-analysis of randomized trials', *Journal of Child and Adolescent Psychopharmacology*, 26(8):740–749.
- ¹¹⁹ Queensland Government (2021). *Triple P: Positive Parenting Program*, <https://www.qld.gov.au/community/caring-child/positive-parenting>.
- ¹²⁰ Mihalopoulos, C., Sanders, M. R., Turner, K. M. T., Murphy-Brennan, M. & Carter, R. (2007). 'Does the Triple P–Positive Parenting Program Provide Value for Money?', *Australian & New Zealand Journal of Psychiatry*, 41(3):239–246.
- ¹²¹ Stewart, S. (2020). *The case for smart justice alternatives: Responding to justice issues in WA through a justice reinvestment approach*. Social Investment WA, <https://static1.squarespace.com/static/59c61e6dbefafb0293c04a54/t/5ef5632af22174273c5d18d5/1593140018902/SRWA+Discussion+Pa+per+on+Justice+Rein+vestment+in+WA+March2020+%281%29.pdf>.
- ¹²² Youth Partnership Project (2021). Youth justice model: 2021 practice framework & evaluation summary, https://www.youthpartnershipproject.org.au/files/ugd/d180ab_64766464fe62447c9d3c536354e18b4b.pdf.
- ¹²³ Queensland Government (2023). 'Study finds success in Far North youth program', media statement, <https://statements.qld.gov.au/statements/97670>.
- ¹²⁴ Youth and Family Service (2023). Resolve review, fact sheet (unpublished).
- ¹²⁵ New Zealand Ministry of Justice (2013). *Youth Crime Action Plan 2013–23*, <https://www.justice.govt.nz/assets/Documents/Publications/YCAP-full-report.pdf>.
- ¹²⁶ New Zealand Associate Justice Minister (31 October 2013). 'Action Plan the next step forward for youth justice', media release, <http://www.beehive.govt.nz/release/action-plan-next-step-forward-youth-justice>.
- ¹²⁷ New Zealand Justice and Courts Minister (24 March 2015). 'Lowest number of youth in court in 20 years', media release, http://beehive.govt.nz/release/lowest-number-youth-court-20-years?utm_source=feedburner&utm_medium=email&utm_campaign=Feed%3A+beehive-govt-nz%2Fportfolio%2FCourts+%28Courts+-+beehive.govt.nz%29.
- ¹²⁸ Patrick, T., Henry, D., Schoeny, M., Bass, A., Lovegrove, P. & Nichols, E. (2013). 'Mentoring interventions to affect juvenile delinquency and associated problems: A systematic review', *Campbell Systematic Reviews*, 9(1):10; Raposa, E. B., Rhodes, J., Stams, G. J. J. M., Card, N., Burton, S., Schwartz, S., Sykes, L. A. Y., Kanchewa, S., Kupersmidt, J. & Hussain, S. (2019). 'The effects of youth mentoring programs: A meta-analysis of outcome studies', *Journal of Youth and Adolescence*, 48(3):423–443; Christensen, K. M., Hagler, M. A., Stams, G. J. J. M., Raposa, E. B., Burton, S. & Rhodes, J. E. (2020). 'Non-specific versus targeted approaches to youth mentoring: A follow-up meta-analysis', *Journal of Youth and Adolescence*, 49(5):959–72.
- ¹²⁹ Patrick, T., Henry, D., Schoeny, M., Bass, A., Lovegrove, P. & Nichols, E. (2013). 'Mentoring interventions to affect juvenile delinquency and associated problems: A systematic review', *Campbell Systematic Reviews*, 9(1):10.
- ¹³⁰ Piquero, A. R., Jennings, W. G., Diamond, B., Farrington, D. P., Tremblay, R. E., Welsh, B. C. & Reingle Gonzalez, J. M. (2016). 'A meta-analysis update on the effects of early family/parent training programs on antisocial behavior and delinquency', *Journal of Experimental Criminology*, 12:229–248.
- ¹³¹ Evidence Based Programs (2020). *Evidence Summary for the Nurse Family Partnership*, <https://evidencebasedprograms.org/document/nurse-family-partnership-nfp-evidence-summary/>.
- ¹³² Evidence Based Programs (2020). *Evidence Summary for the Nurse Family Partnership*, <https://evidencebasedprograms.org/document/nurse-family-partnership-nfp-evidence-summary/>.

- ¹³³ Eckenrode, J., Campa, M., Luckey D. W., Henderson, C. R., Cole, R., Kitzman, H., Anson, E., Sidora-Arcoleo, K., Powers, J. & Olds, D. (2010). 'Long-term effects of prenatal and infancy nurse home visitation on the life course of youths: 19-year follow-up of a randomized trial', *Archives of Pediatrics & Adolescent Medicine*, 164(1):9–15.
- ¹³⁴ Eckenrode, J., Campa, M., Luckey D. W. Henderson, C. R., Cole, R., Kitzman, H., Anson, E., Sidora-Arcoleo, K., Powers, J., & Olds, D. (2010). Long-term effects of prenatal and infancy nurse home visitation on the life course of youths: 19-Year follow-up of a randomized trial. *Archives of Pediatrics & Adolescent Medicine*, 164(1), 9–15.
- ¹³⁵ See Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47–68; Sema, T. A. & Welsh, B. C. (2016). 'After-school programs for delinquency prevention: A systematic review and meta-analysis', *Youth Violence and Juvenile Justice*, 14(3):272–90; Kremer, K. P., Maynard, B. R., Polanin, J. R., Vaughn, M. G. & Sarteschi, C. M. (2015). 'Effects of after-school programs with at-risk youth on attendance and externalizing behaviors: A systematic review and meta-analysis', *Journal of Youth and Adolescence*, 44(3):616–636.
- ¹³⁶ Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47–68.
- ¹³⁷ Batchelor, S., Carr, A., Elias, G., Freiberg, K., Hay, I., Homel, R., Lamb, C., Leech, M. & Teague, R. (2006). 'The Pathways to Prevention project: Doing developmental prevention in a disadvantaged community', *Trends and issues in Crime and Criminal Justice*, 323, Australian Institute of Criminology, Canberra.
- ¹³⁸ Evidence Based Programs (2021). Perry School Project. <https://evidencebasedprograms.org/programs/perry-preschool-project/>.
- ¹³⁹ Dodge, K. A., Bierman, K. L., Coie, J. D., Greenberg, M. T., Lochman, J. E., McMahon, R. J. & Pinderhughes, E. E. (2015). 'Impact of early intervention on psychopathology, crime, and well-being at age 25'. *American Journal of Psychiatry*, 172(1):59–70.
- ¹⁴⁰ Dodge, K. A., Bierman, K. L., Coie, J. D., Greenberg, M. T., Lochman, J. E., McMahon, R. J. & Pinderhughes, E. E. (2015). 'Impact of early intervention on psychopathology, crime, and well-being at age 25'. *American Journal of Psychiatry*, 172(1):59–70; Centre for Child & Family Policy (n.d.). *Fast track overview*, webpage, <https://fasttrackproject.org/overview/>.
- ¹⁴¹ Youth Advocate Programs Inc. Evidence supporting YAP's model. <https://www.yapinc.org/Portals/0/Docs/YAP%20Evidence%20Base%20-%20booklet.pdf?ver=2020-11-22-003401-663>
- ¹⁴² Brantingham, P. J. & Faust, F. L. (1976). 'A conceptual model of crime prevention', *Crime & Delinquency*, 22(3):284–296.
- ¹⁴³ Lyneham, Voce, Fuller & Boxall, (2018) Evaluation of the Reboot Intensive Trial: Final Report, Australian Institute of Criminology, <https://www.aic.gov.au/publications/rr/rr14>
- ¹⁴⁴ Second Chances SA (n.d.). Getting Ready for Take Off, webpage, <https://secondchances.org.au/programs/getting-ready-for-take-off/>
- ¹⁴⁵ Second Chances SA (2021). Two years of helping youth at-risk: Getting Ready for Take Off Project 2012–2021. <https://secondchances.org.au/wp-content/uploads/2021/11/Final-Report-GRFTO.pdf>
- ¹⁴⁶ Operation Flinders (n.d.) Research, website, <https://operationflinders.org.au/research/>
- ¹⁴⁷ Schwartz, M. & Terare, M. (2020). *Creating Futures: Weave's intensive support service for young people leaving custody or involved in the criminal justice system, evaluation report*, <https://apo.org.au/node/306819>.
- ¹⁴⁸ Backtrack (2021). *Annual report 2020*, https://backtrack.org.au/wpcontent/uploads/2021/06/Backtrack_AnnualReport_2020.pdf.
- ¹⁴⁹ New South Wales Government (2022). *A Place to Go: Overview and referral pathway*. June 2022. 2–3.
- ¹⁵⁰ Whitten, T., Cale, J., Nathan, S., Williams, M., Baldry, E., Ferry, M. & Hayden, A. (2023). 'Influence of a residential drug and alcohol program on young people's criminal conviction trajectories', *Journal of Criminal Justice*, 84, accessed February 2023, <https://www.sciencedirect.com/science/article/pii/S0047235222001519>.
- ¹⁵¹ Ted Noffs Foundation (n.d.). Programs, webpage, <https://noffs.org.au/programs/>.
- ¹⁵² Ted Noffs Foundation (2022). *Herald Sun reports New Street University to be located in Townsville*, <https://noffs.org.au/herald-sun-reports-new-street-university-to-be-located-in-townsville/>.
- ¹⁵³ Allard, T., Rayment-McHugh, S., Adams, D., Smallbone, S. & McKillop, N. (2016). 'Responding to youth sexual offending: A field-based practice model that "closes the gap" on sexual recidivism among Indigenous and non-Indigenous males', *Journal of Sexual Aggression*, 22:1:82–94.
- ¹⁵⁴ Deloitte Access Economics (2018). *Transition to success: Evaluation report*, Department of Child Safety, Youth and Women, <https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/performance-evaluation/program-eval/t2s-evaluation-report.pdf>.
- ¹⁵⁵ Deloitte Access Economics (2018). *Transition to success: Evaluation report*, Department of Child Safety, Youth and Women, <https://www.cyjma.qld.gov.au/resources/dcsyw/about-us/performance-evaluation/program-eval/t2s-evaluation-report.pdf>.
- ¹⁵⁶ Mission Australia (n.d.). Targeted youth support services, webpage, <https://www.missionaustralia.com.au/servicedirectory/186-children-families/targeted-youth-support-service#:~:text=The%20Targeted%20Youth%20Support%20Service,or%20child%20safety%2C%20or%20homelessness> <https://www.baptcare.org.au/services/family-youth-and-foster-care/tasmanian-services/youth-targeted-youth-support-services-tyss>
- ¹⁵⁷ Ann MacRae, A., 2016. Evaluation report on the Targeted Youth Support Service 2010–2015, BapCare, http://www.baptcare.org.au/_data/assets/pdf_file/0015/17700/Evaluation-report-on-the-Targeted-Youth-Support-Service-2010-2015-journal-format.pdf
- ¹⁵⁸ Porter, M. & Nuntavisit, L. (2016). 'An evaluation of multi-systemic therapy with Australian families', *Australia and New Zealand Journal of Family Therapy*, 37(4):443–462.
- ¹⁵⁹ Trotter, C. (2013). *Collaborative family work: A practical guide to working with families in the human services* (1st edn), Routledge.
- ¹⁶⁰ The Good Lives Model of Offender Rehabilitation (n.d.). *Welcome to the Good Lives Model*, webpage, <https://www.goodlivesmodel.com/>.
- ¹⁶¹ Center for the Study of Social Policy (n.d.). *Strengthening families: The Protective Factors Framework*, Florida Office of the Governor, https://www.flgov.com/wp-content/uploads/childadvocacy/strengthening_families_protective_factors.pdf.
- ¹⁶² Nous Group (2023). *Evaluation of Intensive Case Management, summary report*, Department of Children, Youth Justice, and Multicultural Affairs, <https://www.cyjma.qld.gov.au/resources/dcsyw/youth-justice/program-eval/summary-report-evaluation-of-intensive-case-management.pdf>.
- ¹⁶³ Queensland Government (2023). Investment in youth justice programs, fact sheet (unpublished).
- ¹⁶⁴ Productivity Commission (2023). *Report into government services 2023*, table 17A.10.
- ¹⁶⁵ Government of Western Australia (2018). *Deadly Diversions kicking goals in the northern suburbs* [media statement]. <https://www.mediastatements.wa.gov.au/Pages/McGowan/2018/05/Deadly-Diversions-kicking-goals-in-the-northern-suburbs.aspx>
- ¹⁶⁶ Social Reinvestment Western Australia (n.d.). Programs that work: Existing alternatives to the justice system for young people. <https://static1.squarespace.com/static/59c61e6dbefab0293c04a54/t/615bf3ac17e47d7acf388f44/163341611307/RTA+Case+Studies+Programs+that+Work.pdf>
- ¹⁶⁷ Blagg, H. & Wilkie, M. (1997). 'Young people and policing in Australia: The relevance of the UN Convention on the rights of the child', *Australian Journal of Human Rights*, 3(2):134.; Potas, I., Vining, A. & Wilson, P. (1990). *Young people and crime: Costs of prevention*, Australian Institute of Criminology, Canberra.
- ¹⁶⁸ Blagg, H. & Wilkie, M. (1995). *Young People and Police Powers*, The Australian Youth Foundation, 35.

- ¹⁶⁹ Ward, J., Krohn, M. & Gibson, C. (2014). 'The effects of police contact on trajectories of violence', *Journal of Interpersonal Violence*, 29(3):440; Cunneen, C. (2001). *Conflict, politics, and crime: Aboriginal communities and the police*, Allen & Unwin; Blagg, H. (2016). *Crime, Aboriginality and the decolonisation of justice* (2nd edn), The Federation Press.
- ¹⁷⁰ Hopkins, T. (2022). Understanding racial profiling in Australia, PhD Thesis, University of New South Wales.
- ¹⁷¹ Dowse, L., Rowe, S., Baldry, E. & Baker, M. (2021). *Police responses to people with disability, research report*, The Disability Royal Commission, <https://disability.royalcommission.gov.au/system/files/2021-10/Research%20Report%20-%20Police%20responses%20to%20people%20with%20disability.pdf>.
- ¹⁷² Feerick, C. (2004). 'Policing Indigenous Australians: Arrest as a method of oppression', *Alternative Law Journal*, 29(4):188.
- ¹⁷³ Hopkins, T. (2022). Understanding racial profiling in Australia, PhD Thesis, University of New South Wales.
- ¹⁷⁴ Porter, A. (2016). 'Decolonising policing, Indigenous patrols, counter-policing and safety', *Theoretical Criminology*, 20(4): 550.
- ¹⁷⁵ Blagg, H. (2015). *Models of best practice: Aboriginal community patrols in Western Australia*, https://www.researchgate.net/publication/282866234_Models_of_Best_Practice_Aboriginal_Community_Patrols_in_Western_Australia.
- ¹⁷⁶ Porter, A. (2016). 'Decolonising policing, Indigenous patrols, counter-policing and safety', *Theoretical Criminology*, 20(4):550; Blagg, H. (2016). *Crime, Aboriginality and the decolonisation of justice* (2nd edn), The Federation Press.
- ¹⁷⁷ Blagg, H. (2015). *Models of best practice: Aboriginal community patrols in Western Australia*, https://www.researchgate.net/publication/282866234_Models_of_Best_Practice_Aboriginal_Community_Patrols_in_Western_Australia.
- ¹⁷⁸ Regional Anangu Services (n.d.). Community patrols, webpage, [https://www.rasac.com.au/rasac-services/community-patrols#:~:text=Local%20Anangu%20patrol,Kaltjiti%20\(Fregon](https://www.rasac.com.au/rasac-services/community-patrols#:~:text=Local%20Anangu%20patrol,Kaltjiti%20(Fregon)
- ¹⁷⁹ Australian Law Reform Commission (2017). *Pathways to justice: Inquiry into the incarceration rate of Aboriginal and Torres Strait Islander peoples*. No 133, https://www.alrc.gov.au/wp-content/uploads/2019/08/final_report_133_amended1.pdf.
- ¹⁸⁰ South Australian Police Historical Society (n.d.). Aboriginal police officers, webpage, <https://southaustralianpolicehistoricalsociety.com/learn/aboriginal-police-officers/>
- ¹⁸¹ Cassandra Power. 2021. 'ACT Government recommits to PACER mental health election promise'. *Canberra Weekly*. 3 February 2021. <<https://canberraweekly.com.au/act-government-recommits-to-pacer-mental-health-election-promise/>> (accessed 25 November 2022).
- ¹⁸² Megan Whitfield. 2022. 'New Tasmanian PACER program aims to ease ED pressure with mental health aid'. *ABC News*, 14 September 2022. <<https://www.abc.net.au/news/2022-09-14/pacer-program-aims-to-ease-ed-pressure-with-mental-health-aid/101440808>> (accessed 25 November 2022).
- ¹⁸³ Robert Fedele. 2020. 'On the beat: Mental health nurses join forces with NSW police to improve care'. *Australian Nursing & Midwifery Journal*. 11 September 2020. <<https://anmj.org.au/on-the-beat-mental-health-nurses-join-forces-with-nsw-police-to-improve-care/>> (accessed 25 November 2022).
- ¹⁸⁴ Royal Commission into Victoria's Mental Health System. Final Report Volume 1. 2021. 565.
- ¹⁸⁵ NSW Department of Communities and Justice. Protocol for homeless people in public places. <<https://www.facs.nsw.gov.au/providers/working-with-us/programs/homelessness/specialist-services/partnerships/safe-in-public/protocol#1>> (accessed 24 November 2022).
- ¹⁸⁶ Robertson, J. A., Fitts, M. S., Petrucci, J. & McKay, D. (2019). 'Cairns Mental Health Co-Responder Project: Essential elements and challenges to program implementation', *International Journal of Mental Health Nursing*, 29(3), https://www.researchgate.net/publication/337947266_Cairns_Mental_Health_Co-Responder_Project_Essential_elements_and_challenges_to_programme_implementation.
- ¹⁸⁷ Wyder, M. & Powell, S. (2022). *Metro South Addiction and Mental Health Services QPS and QAS Co-responder program evaluation*, Metro South Addiction and Mental Health Services, https://metrosouth.health.qld.gov.au/sites/default/files/content/msamhs_qas_and_qps_coresponder_evaluation.pdf.
- ¹⁸⁸ The Queensland Cabinet and Ministerial Directory (2 June 2022). 'Mental health co-responder launch, Townsville', media statement, <https://statements.qld.gov.au/statements/95298>.
- ¹⁸⁹ Queensland Government (2023). *Job Search*, webpage, <https://smartjobs.qld.gov.au/jobs/QLD-479330>.
- ¹⁹⁰ James Cook University (2022). Fire project evaluation: Final report (unpublished).
- ¹⁹¹ Henry, P. & Rajakaruna, N. (2018). *WA police force mental health co-response: Evaluation report*. The Sellenger Centre for Research in Law, Justice and Social Change, Edith Cowan University, [https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4011830c6f17958a776124a04825830d0003e135/\\$file/tp-1830.pdf](https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4011830c6f17958a776124a04825830d0003e135/$file/tp-1830.pdf); Blagg, H. (2015). Models of best practice: Aboriginal community patrols in Western Australia. https://www.researchgate.net/publication/282866234_Models_of_Best_Practice_Aboriginal_Community_Patrols_in_Western_Australia.
- ¹⁹² Roberts, K. (2016). *Review of two community engagement programs in Redfern local area command New South Wales Police*, 4–5.
- ¹⁹³ National Support Bureau (n.d.). *Background*, webpage, <https://www.leadbureau.org/about-the-bureau>.
- ¹⁹⁴ Waters, R. (2021). 'Enlisting mental health workers, not cops, in mobile crisis response', *Health Affairs*, 40(6), <https://www.healthaffairs.org/doi/10.1377/hlthaff.2021.00678>.
- ¹⁹⁵ What Works Cities (2021). *Alternative emergency response: Exploring innovative local approaches to public safety*, <https://whatworkscities.medium.com/exploring-innovative-emergency-responses-with-cahoots-499c5b8920c8>.
- ¹⁹⁶ Townley, G. & Leickly, E. (2022). *Portland Street Response: Year two mid-point evaluation*, Portland State University Homelessness Research & Action Collaborative, https://www.pdx.edu/homelessness/sites/g/files/znlchr1791/files/2022-12/PSR%20Year%20Two%20Mid-Point%20Evaluation%20Report_For%20Public%20Release.pdf.
- ¹⁹⁷ New York City Mayor's Office of Community Mental Health (n.d.). *Re-imagining New York City's mental health emergency response: A new health-centered approach to mental health emergencies*, <https://mentalhealth.cityofnewyork.us/b-heard>.
- ¹⁹⁸ Wilson, D., Brennan, I. & Olaghere, A. (2018). 'Police-initiated diversion for youth to prevent future delinquent behavior: A systematic review', *Campbell Systematic Reviews*, 14:1–88.
- ¹⁹⁹ Magistrates' Court of Victoria (2018). *Criminal justice diversion program*, <https://www.mcv.vic.gov.au/sites/default/files/2018-10/Criminal%20Justice%20Diversion%20Program%20brochure.pdf>.
- ²⁰⁰ Lulham, R. (2009). 'The magistrates early referral into treatment', *Contemporary Issues in Crime and Justice*, 131, Bureau of Crime Statistics and Research.
- ²⁰¹ Spratley, S., Donnelly, N. & Trimboli, L. (2013). *Bureau Brief No. 92: Health and wellbeing outcomes for defendants entering the Alcohol-MERIT program*, NSW Bureau of Crime and Statistics Research.
- ²⁰² M. P. Henderson & Associates (2008). *Bail support program evaluation*, report to Corrections Victoria, https://files.corrections.vic.gov.au/2021-06/bsp_evaluation_final_report.pdf.
- ²⁰³ Rossner, M., Bartels, L., Gelb, K., Wong, G., Payne, J. & Scott-Palmer, S. (2022). *ACT drug and alcohol sentencing list: Process and outcome evaluation final report*, Australian National University, Centre for Social Research and Methods, <https://nla.gov.au/nla-obj-3111100148/view>.
- ²⁰⁴ Legal Services Commission South Australia (n.d.). Treatment Intervention Court. <https://lsc.sa.gov.au/dsh/ch04s11.php>

- ²⁰⁵ Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47–68.
- ²⁰⁶ Wilson, D. B., Brennan, I. & Olaghere, A. (2018). 'Police-initiated diversion for youth to prevent future delinquent behavior: A systematic review', *Campbell Systematic Reviews*, 5; Petrosino, A., Petrosino, C., Guckenburg, S., Terrell, J., Fronius, T. A. & Choo, K. (2019). 'The effects of juvenile system processing on subsequent delinquency outcomes', *The Oxford Handbook of Developmental and Life-Course Criminology*, ed. David P. Farrington, Lila Kazemian & Alex R. Piquero, Oxford University Press, New York, pp. 553–75; Wilson, H. A. & Hoge, R. D. (2013). 'The effect of youth diversion programs on recidivism: A meta-analytic review', *Criminal Justice and Behavior*, 40(5):497–518; Farrington, D. P., Gaffney, H. & White, H. (2022). 'Effectiveness of 12 types of interventions in reducing juvenile offending and anti-social behaviour', *Canadian Journal of Criminology and Criminal Justice*, 64(4):47–68.
- ²⁰⁷ Petrosino, A., Petrosino, C., Guckenburg, S., Terrell, J., Fronius, T. A. & Choo, K. (2019). 'The effects of juvenile system processing on subsequent delinquency outcomes', *The Oxford Handbook of Developmental and Life-Course Criminology*, ed. David P. Farrington, Lila Kazemian & Alex R. Piquero, Oxford University Press, New York, pp. 553–75.
- ²⁰⁸ NSW Government. 2022. *Broadmeadow Children's Court Pilot, Overview and referral pathway*. June 2022. 5–6.
- ²⁰⁹ Thomas, S., Liddell, M. & Johns, D. (2016). *Evaluation of the youth diversion pilot program*, https://www.childrenscourt.vic.gov.au/sites/default/files/2020-11/YDPP%20Stage%203%20Final%20Report%20Dec%202016%20-%20Executive%20Summary_%28final%29.pdf.
- ²¹⁰ Ross, S. (2015). *Evaluating neighbourhood justice: Measuring and attributing outcomes for a community justice program*, Australian Institute of Criminology, no. 499, 3–6.
- ²¹¹ Goldsmith, A., Halsy, M. & Bamford, D. (2005). *Adult Restorative Justice Conferencing Pilot: An Evaluation*, Flinders University of South Australia; Halsy, M. Goldsmith, A. & Bamford, D. (2015). 'Achieving Restorative Justice: Assessing Contrition and Forgiveness in the Adult Conference Process', *Australian and New Zealand Journal of Criminology*, Vol 48, No. 4.
- ²¹² Stojcevski, V. (2007). 'The establishment of a drug court pilot in Tasmania', Research Paper No. 2, Tasmanian Law Reform Institute, Tasmania, https://www.utas.edu.au/_data/assets/pdf_file/0003/283818/Drug_Court_17nov06_A4_Final.pdf.
- ²¹³ <https://www.courts.sa.gov.au/going-to-court/court-locations/adelaidemagistrates-court/drug-court/#:~:text=The%20Drug%20Court%20only%20operates,the%20Government%20of%20South%20Australia>.
- ²¹⁴ Stojcevski, V. (2007). 'The establishment of a drug court pilot in Tasmania', Research Paper No. 2, Tasmanian Law Reform Institute, Tasmania, https://www.utas.edu.au/_data/assets/pdf_file/0003/283818/Drug_Court_17nov06_A4_Final.pdf.
- ²¹⁵ KPMG (2014). *Evaluation of the Victorian Drug Court: Final report for the Magistrates' Court of Victoria*, <https://www.mcv.vic.gov.au/sites/default/files/2018-10/Evaluation%20of%20the%20Drug%20Court%20of%20Victoria.pdf>.
- ²¹⁶ Weatherburn, J., Snowball, H. (2008). 'The New South Wales Drug Court: A re-evaluation of its effectiveness', *Contemporary Issues in Crime and Justice*, <https://www.bocsar.nsw.gov.au/Publications/CJB/cjb121.pdf>.
- ²¹⁷ Winstone, J. & Pakes, F. (2010). *Process evaluation of the Mental Health Court Pilot*, Ministry of Justice, London; Rossman, S., Buck Willison, J., Mallik-Kane, K., Kim, K., Debus-Sherrill, S. & Mitchell Downey, P. (2012). *Criminal justice interventions for offenders with mental illness: Evaluation of mental health courts in Bronx and Brooklyn, New York – Final Report*, pp. 32–33, 37, 42, 55.
- ²¹⁸ Australian Law Reform Commission (2018). 'Social determinants of incarceration', *Pathways to Justice: Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples* (ALRC Report 133), <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/2-context/social-determinants-of-incarceration/>; Indigenous Justice Clearinghouse (2009). Indigenous Sentencing Courts. Brief 5, 3. <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/publications/files/brief005.v1.pdf>.
- ²¹⁹ Australian Law Reform Commission (2017). *Specialist courts and diversion programs*, website, <https://www.alrc.gov.au/publication/incarceration-rates-of-aboriginal-and-torres-strait-islander-peoples-dp-84/11-access-to-justice-issues/specialist-courts-and-diversion-programs/>, 11.24–11.34.
- ²²⁰ Ipsos Aboriginal and Torres Strait Islander Research Unit (2019). *Evaluation of Murri Court*, Prepared for the Department of Justice (Queensland Government) and Attorney-General, https://www.courts.qld.gov.au/_data/assets/pdf_file/0009/674685/Murri-court-evaluation-report.pdf.
- ²²¹ Australian Law Reform Commission (2018). *Specialist Aboriginal and Torres Strait Islander sentencing courts*, <https://www.alrc.gov.au/publication/pathways-to-justice-inquiry-into-the-incarceration-rate-of-aboriginal-and-torres-strait-islander-peoples-alrc-report-133/10-access-to-justice/specialist-aboriginal-and-torres-strait-islander-sentencing-courts/> 10.37.
- ²²² Australian Law Reform Commission (2017). Specialist courts and diversion program, 11.46 <https://www.alrc.gov.au/publication/incarceration-rates-of-aboriginal-and-torres-strait-islander-peoples-dp-84/11-access-to-justice-issues/specialist-courts-and-diversion-programs/> 11.24–11.34.
- ²²³ NSW Bureau of Crime Statistics and Research (26 May 2020). 'New Circle Sentencing Evaluation finds positive results', media release, https://www.bocsar.nsw.gov.au/Pages/bocsar_media_releases/2020/mr-circle-sentencing-cjb226.aspx.
- ²²⁴ Australian Law Reform Commission (2017). *Specialist courts and diversion program*, <https://www.alrc.gov.au/publication/incarceration-rates-of-aboriginal-and-torres-strait-islander-peoples-dp-84/11-access-to-justice-issues/specialist-courts-and-diversion-programs/> 11.24–11.34.
- ²²⁵ Harris, M. (2006). *'A sentencing conversation': Evaluation of the Koori Pilot Program: October 2002–October 2004*, Department of Justice (Victoria Government).
- ²²⁶ Parliament of Victoria Legislative Council Legal and Social Issues Committee (2002). *Inquiry into Victoria's criminal justice system*, vol. 1, March 2022, pp. 522–3.
- ²²⁷ Jeffries, S. & Bond, C. (2012). 'Indigenous sentencing outcomes: A comparative analysis of the Nunga and Magistrates Courts in South Australia', *Flinders Law Journal*, 14:381.
- ²²⁸ Walton, D., Martin, S. & Li, J. (2020). 'Iwi community justice panels reduce harm from re-offending', *Kōtuitui: New Zealand Journal of Social Sciences Online*, 15(1):75–92.; Clark, S. (2016). *Evaluation of the Gladue Court, Old City Hall, Toronto*, report prepared for Aboriginal Legal Services, Scott Clark Consulting Inc. 1, https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-382.pdf.
- ²²⁹ Day, A., Geia, L. & Tamatea, A. (2019). *Towards effective throughcare approaches for Indigenous people leaving prisons in Australia and New Zealand*, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/publications/files/ijc-effective-throughcare-approaches-research-brief-25.pdf>.
- ²³⁰ Walton, D., Martin, S. & Li, J. (2020). 'Iwi community justice panels reduce harm from re-offending', *Kōtuitui: New Zealand Journal of Social Sciences Online*, 15(1):75–92.; Clark, S. (2016). *Evaluation of the Gladue Court, Old City Hall, Toronto*, report prepared for Aboriginal Legal Services, Scott Clark Consulting Inc. 1, https://www.cerp.gouv.qc.ca/fileadmin/Fichiers_clients/Documents_deposes_a_la_Commission/P-382.pdf.
- ²³¹ Australian Law Reform Commission (2017). *Specialist courts and diversion programs*, para. 10.36.

- ²³² Attorney-General's Department (2013). *Evaluation of Indigenous Justice Programs Project A: Aboriginal and Torres Strait Islander sentencing courts and conferences, final report*, <https://www.circaresearch.com.au/wp-content/uploads/CIRCA-Project-A-Final-report.pdf>.
- ²³³ Marchetti, E. (2011). 'Culture versus gender: How the mainstream criminal court system is still getting it wrong', *Indigenous Law Bulletin*, 7(26):27–30.
- ²³⁴ Morgan, A. & Louis, E. (2010). *Evaluation of the Queensland Murri Court: Final report*, <https://www.aic.gov.au/publications/tbp/tbp39>.
- ²³⁵ Australian Law Reform Commission (2017). *Specialist courts and diversion programs*, para. 10.39.
- ²³⁶ Heard, C. & Fair, H. (2019). 'Pre-trial detention and its over-use: Evidence from ten countries', *Institute for Crime & Justice Policy Research*, 8.
- ²³⁷ McMahon, M. (2019). *No bail, more jail? Breaking the nexus between community protection and escalating pre-trial detention*, pp. 22–23, <https://apo.org.au/sites/default/files/resource-files/2019-08/apo-nid253906.pdf>.
- ²³⁸ Denning-Cotter, G. (2008). *Bail support in Australia*, Indigenous Clearinghouse, Research Brief 2, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/publications/files/brief002.v1.pdf>.
- ²³⁹ Willis, M. (2017). *Bail support: A review of the literature*, research report no. 4, Australian Institute of Criminology, Canberra, <https://www.aic.gov.au/publications/rr/rr45-6>.
- ²⁴⁰ Willis, M. (2017). *Bail support: A review of the literature, research report no. 4*, Australian Institute of Criminology, Canberra, p. 27, https://www.ics.act.gov.au/_data/assets/pdf_file/0014/1310531/4.pdf; Presneill, A. (2018). *Bail hostels*, report prepared for the ACT Office of the Inspector of Custodial Services, Australian National University, Canberra, pp. 16–21.
- ²⁴¹ Willis, M. (2017). *Bail support: A review of the literature, research report no. 4*, Canberra: Australian Institute of Criminology, Canberra, p. 27, https://www.ics.act.gov.au/_data/assets/pdf_file/0014/1310531/4.pdf.
- ²⁴² Presneill, A. (2018). *Bail hostels*, report prepared for the ACT Office of the Inspector of Custodial Services, Australian National University, Canberra, pp. 16–21.
- ²⁴³ Marchetti, E. (2021). *Evaluation of the Caxton Legal Centre Bail Support Program*, Griffith University.
- ²⁴⁴ Queensland Corrective Services (2022). 'Summary of findings', Evaluation of the Women's Bail Support Program (unpublished).
- ²⁴⁵ Magistrates' Court of Victoria (2018). *Criminal Justice Diversion Program*, <https://www.mcv.vic.gov.au/sites/default/files/2018-10/Criminal%20Justice%20Diversion%20Program%20brochure.pdf>.
- ²⁴⁶ Lulham, R. (2009). 'The magistrates' early referral into treatment', *Contemporary Issues in Crime and Justice*, 131, Bureau of Crime Statistics and Research.
- ²⁴⁷ Spratley, S., Donnelly, N. & Trimboli, L. (2013). *Bureau Brief No. 92: Health and wellbeing outcomes for defendants entering the Alcohol-MERIT program*, NSW Bureau of Crime and Statistics Research.
- ²⁴⁸ M. P. Henderson & Associates (2008). *Bail Support Program Evaluation*, report to Corrections Victoria, https://files.corrections.vic.gov.au/2021-06/bsp_evaluation_final_report.pdf.
- ²⁴⁹ Rossner, M., Bartels, L., Gelb, K., Wong, G., Payne, J. & Scott-Palmer, S. (2022). *ACT drug and alcohol sentencing list: Process and outcome evaluation final report*, Australian National University, Centre for Social Research and Methods, <https://nla.gov.au/nla-obj-311100148/view>.
- ²⁵⁰ Ross, S. (2009). *Evaluation of the Court Integrated Services Program, final report*, <https://silو.tips/download/evaluation-of-the-court-integrated-services-program-final-report>; PricewaterhouseCoopers (2009). *Economic evaluation of the Court Integrated Services Program (CISP): Final Report on economic impacts of CISP*.
- ²⁵¹ Klauzner, I. (2021). 'An evaluation of the youth Bail Assistance Line', *Crime and Justice Bulletin*, 237, <https://www.bocsar.nsw.gov.au/Publications/CJB/2021-Report-Evaluation-of-Bail-Assistance-Line-CJB237.pdf>.
- ²⁵² Gilbert, R. (2012). *Place-based initiatives and Indigenous justice*, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/publications/files/brief013.v1.pdf>.
- ²⁵³ Just Reinvest NSW (2018). *Maranguka Justice Reinvestment Project Impact Assessment*, KPMG, <https://www.indigenousjustice.gov.au/wp-content/uploads/mp/files/resources/files/maranguka-justice-reinvestment-project-kpmg-impact-assessment-final-report.pdf>.
- ²⁵⁴ Allison, F. & Cunneen, C. (2022). *Justice Reinvestment in Australia: A review of progress and key issues*, Justice Reinvestment Network Australia, https://jrna228913579.files.wordpress.com/2022/07/national-report_jr.pdf.
- ²⁵⁵ Reeve, D. R., McCausland, D. R. & MacGillivray, P. (2022). *Has criminal justice contact for young people in Walgett changed over time? Analysis of diversions, charges, court, and custody outcomes 2016–2021*, https://www.igd.unsw.edu.au/sites/default/files/documents/YN%20Research%20Report%20Has%20criminal%20justice%20contact%20for%20young%20people%20in%20Walgett%20changed%20over%20time_1.pdf.
- ²⁵⁶ Thorburn, K. & Marshall, M. (2017). *The Yiriman Project in West Kimberley: An example of justice reinvestment. Current Initiatives Paper*, Indigenous Justice Clearinghouse, <https://apo.org.au/sites/default/files/resource-files/2017-07/apo-nid116631.pdf>; Palmer, D. (2013). *Yiriman youth justice diversion program business plan 2016, evaluation report*, <http://kalacc.org/wp-content/uploads/2018/06/yiriman-youth-justice-diversion-business-plan-2016.pdf>; The Centre of Best Practice in Aboriginal & Torres Strait Islander Suicide Prevention (n.d.). *Best practice – Prevention – Yiriman Project – Evaluation*, <https://cbpatsisp.com.au/clearing-house/best-practice-programs-and-services/programs-for-preventing-youth-suicide/>.
- ²⁵⁷ Palmer, D. (2016). 'We know they healthy cos they on country with old people': *Demonstrating the value of the Yiriman Project Maranguka Justice Reinvestment Project, Bourke, NSW, evaluation report*, <https://researchrepository.murdoch.edu.au/id/eprint/42383/1/Yiriman%20Project.pdf>.
- ²⁵⁸ Olabud Doogethu Aboriginal Corporation (n.d.). *The impact*, webpage, <https://olabuddoogethu.org.au/about-us/the-impact/>.
- ²⁵⁹ Olabud Doogethu Aboriginal Corporation (n.d.). *The impact*, webpage, <https://olabuddoogethu.org.au/about-us/the-impact/>.
- ²⁶⁰ KPMG (2010). *Evaluation of the Community Justice Group Program, final report*, Department of Justice (Queensland Government) and Attorney-General, https://www.courts.qld.gov.au/_data/assets/pdf_file/0004/519898/final-report-community-justice-group-evaluation.pdf.
- ²⁶¹ The Myama Group (2021). *Phase 1 report: Evaluation of community justice groups*. Queensland Courts, https://www.courts.qld.gov.au/_data/assets/pdf_file/0011/738974/cjg-evaluation-annual-report.pdf.
- ²⁶² Our Community Justice (n.d.). *Our Community Justice*, webpage, <https://ourcommunityjustice.org/>.
- ²⁶³ https://publications.gc.ca/collections/collection_2022/scc-csc/PS84-181-2021-eng.pdf.
- ²⁶⁴ Government of South Australia (2023). Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia Report, https://www.agd.sa.gov.au/_data/assets/pdf_file/0010/918766/Report-of-the-Advisory-Commission.pdf.
- ²⁶⁵ Sotiri, M., McCausland, R., Reeve, R., Phelan, L. & Byrnes, T. (2021). 'They're there to support you and help you, they're not there to judge you': *Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centre's AOD and reintegration programs*, NSW Health report, <https://www.crcnsw.org.au/wp-content/uploads/2021/11/CRC-AOD-Evaluation-final-report-1Dec21.pdf>.

- ²⁶⁶ Coram, V., Lester, L., Tuall, S., Kyron, M., McKinley, K., Flatau, P. and Goodwin-Smith, I. (2022) Evaluation of the Aspire Social Impact Bond: Final Report, Centre for Social Impact, Flinders University, Adelaide and Centre for Social Impact, University of Western Australia, Perth, <https://doi.org/10.25916/2022-ey67>. ix, x, xiii, 1.
- ²⁶⁷ Government of South Australia (6 January 2022). 'Life-changing program supports hundreds on road to home', media release, <https://www.premier.sa.gov.au/media-releases/news-items/life-changing-program-supports-hundreds-on-road-to-home>.
- ²⁶⁸ Cale, J., Zmudzki, F., Hilferty, F., Lafferty, L., Whitten, T., Doyle, M., and Valentine, K. (2018). Evaluation of Home Detention in South Australia: Final Report. SPRC Report /18. Sydney: Social Policy Research Centre, UNSW Sydney; Cale, J; Zmudzki, F; Whitten, T (2023) Evaluation of Home Detention in South Australia: Final Report, UNSW, Prepared for Department for Correctional Services, South Australia
- ²⁶⁹ Martin, C., Reeve, R., McCausland, R., Baldry, E., Burton, P., White, R. & Thomas, S. (2021) *Exiting prison with complex support needs: the role of housing assistance*, AHURI Final Report No. 361, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/361>, doi: 10.18408/ahuri7124801.
- ²⁷⁰ Sotiri M., McCausland, R. Reeve, R. Phelan, L. & Byrnes, T. (2021). 'They're there to support you and help you, they're not there to judge you' Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centres AOD and Reintegration Programs; NSW Health Report, <https://www.crcnsw.org.au/wp-content/uploads/2021/11/CRC-AOD-Evaluation-final-report-1Dec21.pdf>
- ²⁷¹ The Department of Corrective Services (n.d.). Bunuru: Youth justice services in WA today. <https://pushconsult.com.au/files/insights/outcare-bunuru-ex-sum.pdf>
- ²⁷² Sharp, J (2014) Addressing the vulnerability of Aboriginal young people in the justice system, in Precedent, Issue 124
- ²⁷³ Sotiri, M., Moliterno, M., Parker, K., & Gray G. (2020). *CRC Submission to the House Standing Committee on Social Policy and Legal Affairs: Family, domestic and sexual violence*. Community Restorative Centre. https://www.crcnsw.org.au/wp-content/uploads/2020/09/2020_CRC_FD_V_SUBMISSION_24_JULY.pdf
- ²⁷⁴ Graffam, J; Shinkfield, A; Mihailades, S; Lavelle, B (2005) 'Creating a Pathway to Reintegration' The Correctional Services Employment Pathway Project. Evaluation Report, School of Health and Social Development, Deakin University
- ²⁷⁵ Anderson, H (2021) 'It's good to know each-other, be Kungas' An Evaluation Report for the Kungas Stopping Violence Program, NAAJA, Griffith University
- ²⁷⁶ Gelb, K, Liddell, M, Martinovic, M (2021) Supported Transitions from Prison to the Community: Evaluating Vacros' Relink and Reconnect programs, Final Report, Prepared for Vacro
- ²⁷⁷ Bethlehem House experience of operating a Post-Release Options Project (PROP) Senate Legal and Constitutional inquiry: Value of a justice reinvestment approach to criminal justice in Australia. 2013, <https://www.aph.gov.au/DocumentStore.ashx?id=6c96918f-9e90-469f-9142-cbacc514dccc>
- ²⁷⁸ Van Aaken (2010) Final Report on the Evaluation of Parolee Transitional Accommodation Project (PTAP)
- ²⁷⁹ Quixley, S. (2018). Evaluation of the health support program pilot for Queensland Health. *Sisters Inside*. <https://drive.google.com/file/d/1fdjci9dt4NB1cra8INJWvJ3hgvy6ttnr/view>
- ²⁸⁰ Quixley, S. (2018). Evaluation of the health support program pilot for Queensland Health. *Sisters Inside*. <https://drive.google.com/file/d/1fdjci9dt4NB1cra8INJWvJ3hgvy6ttnr/view>
- ²⁸¹ Glebe House Annual Report 2022, 10-11.
- ²⁸² Australian Red Cross (n.d.). *Sisters making change at Townsville Woman's Correctional Centre*, webpage, <https://www.redcross.org.au/justice/sisters-for-change/>.
- ²⁸³ The University of Newcastle (2021). *Keeping Us Together: Program evaluation*, SHINE for Kids, https://shineforkids.org.au/wp-content/uploads/2022/10/Keeping-us-together-evaluation_web-2.pdf
- ²⁸⁴ SHINE for Kids (n.d.). *Programs: Belonging to Family*, <https://shineforkids.org.au/programs/belonging-to-family/>.
- ²⁸⁵ Australian Childhood Foundation Professional Community (n.d.). *Bringing Up Great Kids*, webpage, <https://professionals.childhood.org.au/bringing-up-great-kids/>.
- ²⁸⁶ Government of Western Australia (7 August 2023). 'Success for WA's ground-breaking rehab prison', webpage, <https://www.wa.gov.au/government/media-statements/Cook-Labor-Government/Success-for-WA%27s-ground-breaking-rehab-prison--20230807>.
- ²⁸⁷ Government of Western Australia (20 October 2022). 'Mallee addiction treatment unit marks two years of success', media release, <https://www.wa.gov.au/government/announcements/mallee-addiction-treatment-unit-marks-two-years-of-success>.
- ²⁸⁸ Deloitte (2016). *Cost-benefit analysis of the Fairbridge Bindjareb Project: Benefits of offender rehabilitation and training*, <https://www2.deloitte.com/content/dam/Deloitte/au/Documents/Economics/deloitte-au-fairbridge-bindjareb-project-cost-benefit-analysis-pp-150216.pdf>.
- ²⁸⁹ Stewart, A. (18 February 2016). 'Indigenous-run program training prisoners to work in the mining industry saves WA Government millions', *ABC News*, <https://www.abc.net.au/news/2016-02-18/prisoners-trained-to-work-in-mining-industry/7181288>.
- ²⁹⁰ Dudgeon, Chang, Chan, Mascall, King, Collova & Ryder (2022). *'Speak up and be strong': The cultural, social and emotional well being program with Boronia pre-release centre for women*, The Centre of Best Practice in Aboriginal and Torres Strait Islander Suicide Prevention.
- ²⁹¹ Centre for Innovative Justice (2018). *A European alternative approach to juvenile detention*, RMIT University, <https://cij.org.au/news-and-views/a-european-alternative-approach-to-juvenile-detention/>; Diagrama Foundation (2019). *A blueprint for change: Adapting the lessons of the Spanish Youth Justice System to the Northern Territory*, pp. 14-15, 25, <https://ddhs.org.au/sites/default/files/media-library/documents/Blueprint%20for%20Change%20-%20Diagrama%20Foundation%20Report%20FINAL.pdf>.
- ²⁹² Martin, C., Reeve, R., McCausland, R., Baldry, E., Burton, P., White, R. & Thomas, S. (2021) *Exiting prison with complex support needs: The role of housing assistance*, AHURI final report no. 361, Australian Housing and Urban Research Institute Limited, Melbourne, <https://www.ahuri.edu.au/research/final-reports/361>, doi: 10.18408/ahuri7124801.
- ²⁹³ Parsell, C., Petersen, M., Moutou, O., Culhane, D., Lucio, E., & Dick, A. (2015). Brisbane Common Ground evaluation; Final report. Institute for Social Science Research. <https://issr.uq.edu.au/files/4003/BrisbaneCommonGroundFinalReport.pdf>
- ²⁹⁴ Reeve, R., McCausland, R., Dowse, L. & Trofimovs, J. (2017). *Economic Evaluation of Criminal Justice Support Network*, Intellectual Disability Behaviour Support Program, University of New South Wales, Sydney, <https://idrs.org.au/site18/wp-content/uploads/2018/10/Economic-Evaluation-of-Criminal-Justice->
- ²⁹⁵ Reeve, R., McCausland, R., Dowse, L. & Trofimovs, J. (2017). *Economic evaluation of Criminal Justice Support Network*, Intellectual disability behaviour support program, University of New South Wales, Sydney, https://idrs.org.au/site18/wpcontent/uploads/2018/10/Economic-Evaluation-of-Criminal-Justice-Support-Network_2017.pdf; EY (2021). *Evaluation of the Justice Advocacy Service Department of Communities and Justice, final report*, <https://www.justice.nsw.gov.au/diversityservices/Documents/evaluation-of-the-justice-advocacy-service-report.PDF>.
- ²⁹⁶ McCausland, R., Baldry, E., Johnson, S. & Cohen, A. (2013). *People with mental health disorders and cognitive impairment in the criminal justice system: Cost-benefit analysis of early support and diversion*, PricewaterhouseCoopers and University of New South Wales.

- ²⁹⁷ GOGO Foundation (n.d.). Inclusive Work Program, webpage, <https://www.gogofoundation.org.au/inclusiveworkprogram>; GOGO Foundation (2021). Inclusive Work Program Pilot: Short-term impact story. https://www.gogofoundation.org.au/files/ugd/ca4f3d_ef2eb191852940df9229b613e75d137f.pdf
- ²⁹⁸ Rethink Addiction and KPMG, Understanding the Cost of Addiction in Australia (2022) Rethink Addiction, Richmond, Victoria.
- ²⁹⁹ <https://www.fairtreatment.org/>; <https://www.abc.net.au/news/2023-07-25/tasmania-push-for-decriminalisation-in-drug-policy-overhaul/102638856>; <https://www.unharm.org/>; <https://www.croakey.org/uniting-church-launches-new-decriminalisation-campaign/>;
- ³⁰⁰ Schlicht, M (2023) The Cost of Prisons in Australia, Institute of Public Affairs, Australia
- ³⁰¹ Australian Institute of Health and Welfare (2019). *The health of Australia's prisoners 2018*, 92.
- ³⁰² Australian Institute of Health and Welfare (2015). *The health of Australia's prisoners 2015*. Canberra: ACT.
- ³⁰³ Kirwan, A., Curtis M., Dietze P, Aitken C., Woods E., Walker S., Kinner S., Ogloff J., Butler T., & Stooové M. (2019). 'The Prison and Transition Health (PATH) Cohort Study: Study protocol and baseline characteristics of a cohort of men with a history of injecting drug use leaving prison in Australia'. *J Urban Health*, 96(3):400-410.
- ³⁰⁴ Kirwan, A., Curtis M., Dietze P, Aitken C., Woods E., Walker S., Kinner S., Ogloff J., Butler T., & Stooové M. (2019). 'The Prison and Transition Health (PATH) Cohort Study: Study protocol and baseline characteristics of a cohort of men with a history of injecting drug use leaving prison in Australia'. *J Urban Health*, 96(3): 400-410.
- ³⁰⁵ Rethink Addiction & KPMG (2022). Understanding the cost of addiction in Australia. Rethink Addiction, Richmond, Victoria.
- ³⁰⁶ Ritter, A., McLeod, R., & Shanahan, M. (2013). *Monograph No. 24: Government Drug Policy Expenditure in Australia – 2009/10, DPMP Monograph Series*. Sydney: National Drug and Alcohol Research Centre.
- ³⁰⁷ Rethink Addiction & KPMG (2022). Understanding the cost of addiction in Australia. Rethink Addiction, Richmond, Victoria.
- ³⁰⁸ Zhang, A., Balles, J. A., Nyland, J. E., Nguyen, T. H., White, V. M., & Zgierska, A. E. (2022). 'The relationship between police contacts for drug use-related crime and future arrests, incarceration, and overdoses: A retrospective observational study highlighting the need to break the vicious cycle'. *Harm Reduction Journal*, 19(1), 67.
- ³⁰⁹ ARCOFYRE (n.d.). Home, website, <https://www.arcofyre.com.au/>
- ³¹⁰ Second Chances SA (n.d.) Home, website, <https://secondchances.org.au/>
- ³¹¹ Seeds of Affinity (n.d.). Home, website, <https://seedsofaffinity.org/>
- ³¹² Government of South Australia (2023, February 16). Mental health paramedic to support SAAS with triple zero calls. <https://www.premier.sa.gov.au/media-releases/news-items/mental-health-paramedic-to-support-saas-with-triple-zero-calls>
- ³¹³ Agius, H., Larkin, C., McIntosh, T., Sumner, L., Behrendt, L., Liddle, L., Rudin, J., & Wilson, S. (2023). Advisory commission into the incarceration rates of Aboriginal peoples in South Australia [report], p. 34. https://www.agd.sa.gov.au/__data/assets/pdf_file/0010/918766/Report-of-the-Advisory-Commission.pdf
- ³¹⁴ Agius, H., Larkin, C., McIntosh, T., Sumner, L., Behrendt, L., Liddle, L., Rudin, J., & Wilson, S. (2023). Advisory commission into the incarceration rates of Aboriginal peoples in South Australia [report], p. 34. https://www.agd.sa.gov.au/__data/assets/pdf_file/0010/918766/Report-of-the-Advisory-Commission.pdf
- ³¹⁵ Australian Institute of Criminology (Australian Government) (2023, October 16). 'The Blue Rose Project is recognised for its innovative approach to reducing crime among South Australia's youth', media release, <https://www.aic.gov.au/media-centre/news/blue-rose-project>
- ³¹⁶ Department of Correctional Services (Government of South Australia) (2022). Department for Correctional Services 2021-22 annual report. https://www.corrections.sa.gov.au/__data/assets/pdf_file/0011/850988/DCS-Annual-Report-2021-22.pdf
- ³¹⁷ Department of Correctional Services (Government of South Australia) (2022). Reconciliation Action Plan May 2023-April 2026, p.19. https://www.corrections.sa.gov.au/__data/assets/pdf_file/0008/907577/DCS-Draft-Stretch-RAP-for-consultation-2023-1.pdf
- ³¹⁸ Department of Correctional Services (Government of South Australia) (n.d.). Housing services, webpage, <https://www.corrections.sa.gov.au/Rehabilitation-education-and-work/access-to-housing>
- ³¹⁹ Conroy, E., Morgensen, L., Abbott, P., Doyle, K., Nguyen-Trung, K., Hastas, C. & Firempong, D. (2023). *Research Report: people with disability transitioning from prison and their pathways into homelessness*. Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability. Pp. 81-82. <https://disability.royalcommission.gov.au/system/files/2023-05/Research%20Report%20-%20People%20with%20disability%20transitioning%20from%20prison%20and%20their%20pathways%20into%20homelessness.pdf>
- ³²⁰ Baptist Care SA (n.d.). Accommodation for Aboriginal men, webpage, <https://baptistcaresa.org.au/service/accommodation-for-men>
- ³²¹ Centa Care Catholic Country SA (n.d.). 4AP Safety and wellbeing, webpage, <https://www.cccsa.org.au/services/4ap-safety-and-wellbeing/>
- ³²² Collab4Good (n.d). Peers4Good, website, <https://www.collab4good.com.au/peers4good>
- ³²³ The Constellation Project (2022). Lived Experience voices: Insights into young people's transition from the child protection and youth justice system in South Australia and the intersections with homelessness, website, https://theconstellationproject.com.au/wp-content/uploads/2022/11/Lived-Experience-Voices-Report_1122-1.pdf
- ³²⁴ The Constellation Project (n.d.). Home, website, <https://theconstellationproject.com.au/>
- ³²⁵ Service to Young People (SYC) (n.d.). Justice, webpage, <https://www.syc.net.au/justice>
- ³²⁶ Conroy, E., Morgensen, L., Abbott, P., Doyle, K., Nguyen-Trung, K., Hastas, C. & Firempong, D. (2023). *Research Report: people with disability transitioning from prison and their pathways into homelessness*. Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability, p. 82. <https://disability.royalcommission.gov.au/system/files/2023-05/Research%20Report%20-%20People%20with%20disability%20transitioning%20from%20prison%20and%20their%20pathways%20into%20homelessness.pdf>
- ³²⁷ Lighthouse Youth Project (n.d.). Behind Bars, webpage, <https://lighthouseyp.org/behind-bars/>
- ³²⁸ Australian Red Cross (n.d.). Services for people in the justice system, webpage, <https://www.redcross.org.au/justice/>
- ³²⁹ District Council of Grant (n.d.). Youth on wheels, webpage, <https://www.dcgrant.sa.gov.au/community/youthonwheels>
- ³³⁰ Attorney-General's Department (Government of South Australia) (2023, June 20). 'Government sets sight on reducing Aboriginal incarceration rates', media release, <https://www.agd.sa.gov.au/news/government-sets-sights-on-reducing-aboriginal-incarceration-rates>
- ³³¹ Government of South Australia (2023, November 1). Kids Under Cover expands to help young people in public housing, media release, <https://www.premier.sa.gov.au/media-releases/news-items/kids-under-cover-expands-to-help-young-people-in-public-housing>; Kids Under Cover (n.d.). Home, website, <https://www.kuc.org.au/>
- ³³² Written Correspondence with Heather Agius, October 2023.
- ³³³ Aboriginal Legal Rights Movement (n.d.). Home, website, <https://www.alrm.org.au/>
- ³³⁴ KWY Aboriginal Corporation (n.d.). Home, website, <https://www.kwy.org.au/>
- ³³⁵ Tiraapendi Wooldi (n.d.). Home, website, <https://www.tiraapendiwooldi.org.au/>
- ³³⁶ Department for Correctional Service (South Australian Government) (n.d.). Programs and support for Aboriginal prisoners and offenders, webpage, <https://www.sa.gov.au/topics/rights-and-law/sa-prisons/support-for-prisoners/aboriginal-prisoners#:~:text=Visiting%20Elders%20Assist%20Aboriginal%20Prisoners,Adelaide%20Pre%2DRelease%20Centre>

- ³³⁷ Wellbeing SA (n.d.). Services and support for Aboriginal people, webpage, <https://www.wellbeing.sa.gov.au/your-wellbeing/aboriginal-health-wellbeing/services-support-for-aboriginal-people>
- ³³⁸ Sivak, L., Cantley, L., Kelly, J., Reilly, R., Hawke, K., Mott, K., Stewart, H., Mckivett, A., Rankine, S., Coulthard, A., Miller, W. and Brown, A. 2017. Model of Care for Aboriginal Prisoner Health and Wellbeing for South Australia – Final Report, Wardlapingga Aboriginal Health Research Unit: SAHMRI Adelaide, South Australia <https://www.sahealth.sa.gov.au/wps/wcm/connect/d9e831ff-6332-4cc7-95c2-0e3d8e282315/SA+Prison+Health+Service+MOC+for+Aboriginal+prisoner+health+and+wellbeing+for+SA.pdf?MOD=AJPERES&CACHEID=ROOTWORKSPACE-d9e831ff-6332-4cc7-95c2-0e3d8e282315-nwLA0VA>
- ³³⁹ The South Australian Stolen Generations Aboriginal Corporation (n.d.). About us, webpage, <http://www.sasgac.com.au/about-us.html>
- ³⁴⁰ South Australian Council of Social Service (n.d.). Law and Justice, webpage, <https://www.sacoss.org.au/law-and-justice#:~:text=In%202021%2C%20SACOSS%20is%20calling,Aboriginal%20people%20who%20are%20incarcerated>
- ³⁴¹ South Australian Council of Social Service (2021). Plan to reduce Aboriginal incarceration. <https://www.sacoss.org.au/sites/default/files/public/documents/Aboriginal%20incarceration.pdf>
- ³⁴² The South Australian Aboriginal Community Controlled Organisation Network (n.d.). Home, website, <https://saacson.org.au/>
- ³⁴³ Youth Affairs Council of South Australia (n.d.). Home, website, <https://www.yacsa.com.au/>
- ³⁴⁴ Youth Affairs Council of South Australia (2023). National Children's Commissioner - Youth Justice & Child Wellbeing Reform across Australia [submission]. <https://static1.squarespace.com/static/5b99b3d2fc7fda4e9ef3a1f/t/64b0bedc5b033b76204dd9a5/1689304796583/YACSA+Submission+National+Children%27s+Commissioner+-+Youth+Justice+%2B+Child+Wellbeing+Reform+in+Australia.pdf>
- ³⁴⁵ Department of Human Services (Government of South Australia) (2020). Disability screening assessment project report: Identification of population needs at the Adelaide Youth Training Centre (Kurlana Tapa) [report]. https://dhs.sa.gov.au/_data/assets/pdf_file/0004/146920/Disability-Screening-Assessment-Project-Report-2020.pdf
- ³⁴⁶ Bonig, R., Thomas, K. et al. (2016). *The value of a justice reinvestment approach to criminal justice in Australia*. Submission by the South Australian "Justice Reinvestment Working Group" to the Federal Parliament Senate Legal and Constitutional Affairs Committee Inquiry. https://sandas.org.au/wp-content/uploads/2016/01/130320_JRWG-Submission.pdf
- ³⁴⁷ Justice Reinvestment SA (n.d.). Home, website, <https://www.justicereinvestmentsa.org/aboutus>
- ³⁴⁸ African Communities Council SA (2023). Inquiry into youth violence and crime within African South Australians communities [report]. <https://accsainc.org.au/youth-violence-and-crime-within-african-south-australians-communities/>
- ³⁴⁹ African Communities Council SA (2023). Inquiry into youth violence and crime within African South Australians communities [report]. <https://accsainc.org.au/youth-violence-and-crime-within-african-south-australians-communities/>
- ³⁵⁰ An iteration of these principles (also authored by Sotiri, M one of the authors of this publication) have been published previously, including in; Sotiri, M 2020. 'Building Pathways Out of the Justice System: Supporting Women and Reducing Recidivism', *Precedent*, Issue 161, November/December 2020; Sotiri M., McCausland, R. Reeve, R. Phelan, L. & Byrnes, T. (2021). 'They're there to support you and help you, they're not there to judge you' Breaking the cycle of incarceration, drug use and release: Evaluation of the Community Restorative Centres AOD and Reintegration Programs; NSW Health Report, <https://www.crcnsw.org.au/wp-content/uploads/2021/11/CRC-AOD-Evaluation-final-report-1Dec21.pdf>; M Sotiri and S Russell. 2018. 'Pathways home: How can we deliver better outcomes for people who have been in prison?', *Housing Works*, Vol. 15, No. 3, 2018, 41; Sotiri, M (2016) An exploration of Best Practice in Community Based Reintegration Programs for People Leaving Custody in the US and the UK, Churchill Fellowship Report https://www.crcnsw.org.au/wp-content/uploads/2016/11/Sotiri_M_2015_Prisoner_reintegration_services_and_community_sector_organisations_2015-optimised.pdf
- ³⁵¹ Government of South Australia (2023). Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia Report. https://www.agd.sa.gov.au/_data/assets/pdf_file/0010/918766/Report-of-the-Advisory-Commission.pdf
- ³⁵² Office of the Guardian for Children and Young People (2023, June 22). Prioritising young people's voices: a call for change [blog post]. <https://gcyp.sa.gov.au/2023/06/22/prioritising-young-peoples-voices-a-call-for-change/>
- ³⁵³ Australian Lawyers for Human Rights (n.d.). Home, website, <https://alhr.org.au/hra4sa/>
- ³⁵⁴ In calling for a Human Rights Act for SA, we acknowledge that in jurisdictions which have Human Rights Acts, those Acts can be overridden by governments determined to do so. Notably in Victoria to deny parole Julian Knight, Craig Minogue, and Paul Denyer and in Queensland with respect to youth bail legislation.
- ³⁵⁵ Including being subjected to solitary confinement, see Disability RC Final Report Vol 8, page 8.
- ³⁵⁶ Hansard, Legislative Council 27 September 2023 page 3742.
- ³⁵⁷ Knowledge they have from formal reports including but not limited to the Report of the Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia 2023, the Child's Rights Progress Reports of the Commissioner for Children & Young People, and the Annual Reports of the Office of the Guardian of Children and Young People.
- ³⁵⁸ Standing Council of Attorneys General (22 September 2023). Communique, webpage, https://www.ag.gov.au/sites/default/files/2023-09/scag-communicue-september-2023_0.pdf
- ³⁵⁹ Australian Human Rights Commission (n.d.). OPCAT: Optional Protocol to the Convention against Torture, webpage, <https://humanrights.gov.au/our-work/rights-and-freedoms/projects/opcat-optional-protocol-convention-against-torture>
- ³⁶⁰ Conroy, E., Morgensen, L., Abbott, P., Doyle, K., Nguyen-Trung, K., Hastas, C. & Firempong, D. (2023). *Research Report: people with disability transitioning from prison and their pathways into homelessness*. Royal Commission into Violence, Abuse, Neglect, and Exploitation of People with Disability, p. 8. <https://disability.royalcommission.gov.au/system/files/2023-05/Research%20Report%20-%20People%20with%20disability%20transitioning%20from%20prison%20and%20their%20pathways%20into%20homelessness.pdf>
- ³⁶¹ United Nations (n.d.). Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power. <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-basic-principles-justice-victims-crime-and-abuse>
- ³⁶² Victims of Crime SA (Government of South Australia) (2022). Annual report: Commissioner for Victims' Rights, p. 2. <https://www.voc.sa.gov.au/documents/2021-22-VOCSA-Annual-Report.pdf>
- ³⁶³ Kilroy, D. (2016). 'Women in Prison in Australia'. Conference Paper, Current Issues in Sentencing Conference, 6-7 February 2016).
- ³⁶⁴ Victims of Crime SA (Government of South Australia) (2022). Annual report: Commissioner for Victims' Rights, p. 16.
- ³⁶⁵ Victims of Crime SA (Government of South Australia) (2022). Annual report: Commissioner for Victims' Rights, p. 16.
- ³⁶⁶ Commonwealth of Australia (2023). Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability Final Report, <https://disability.royalcommission.gov.au/publications/final-report>
- ³⁶⁷ Standing Council of Attorneys General (22 September 2023). Communique, webpage, https://www.ag.gov.au/sites/default/files/2023-09/scag-communicue-september-2023_0.pdf
- ³⁶⁸ Government of South Australia (2023). Advisory Commission into the Incarceration Rates of Aboriginal Peoples in South Australia Report. https://www.agd.sa.gov.au/_data/assets/pdf_file/0010/918766/Report-of-the-Advisory-Commission.pdf
- ³⁶⁹ Attorney-General's Department (Government of South Australia) (2023, June 20). 'Government sets sight on reducing Aboriginal incarceration rates', media release, <https://www.agd.sa.gov.au/news/government-sets-sights-on-reducing-aboriginal-incarceration-rates>

³⁷⁰ Victims of Crime SA (Government of South Australia) (2022). Annual report: Commissioner for Victims' Rights, p. 60.

³⁷¹ Office of the Guardian for Children and Young People (2023). Training Centre Visitor. Annual Report 2022–23.

³⁷² Farmer E (2011), The age of criminal responsibility: Developmental science and human rights perspectives, *Journal of Children's Services*, 6: 86–95; Cunneen C (2017). Arguments for Raising the Minimum Age of Criminal Responsibility, Comparative Youth Penalty Project. Sydney: University of New South Wales, <http://cyp.unsw.edu.au/node/146>; Australian Medical Association (2019). AMA submission to the Council of Attorneys-General – Age of Criminal Responsibility Working Group Review.

³⁷³ United Nation Convention on the Rights of the Child (2019). General Comment No. 24 (2019) on Children's Rights in the Child Justice System.



The Justice Reform Initiative is an alliance of people who share long-standing professional experience, lived experience and/or expert knowledge of the justice system, who are further supported by a movement of Australians of good-will from across the country who all believe jailing is failing, and that there is an urgent need to reduce the number of people in Australian prisons.

The Justice Reform Initiative is backed by eminent patrons, including former Governors-General Dame Quentin Bryce AD CVO and Sir William Deane AC KBE as patrons-in-chief.

The list includes: former justices of the High Court, a former state Chief Justice and judges from other courts; respected Aboriginal and Torres Strait Islander leaders; a former Federal Police Commissioner, Director of Public Prosecutions, former Australians of the Year and numerous former Federal and state Ministers from both sides of politics. A list is available [here](#).


The Justice Reform Initiative deeply appreciates the support of the Paul Ramsay Foundation.

The Initiative respectfully acknowledges and supports the current and longstanding efforts of Aboriginal and Torres Strait Islander people to reduce the numbers of Indigenous people incarcerated in Australia and, importantly, the leadership role which Indigenous-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 others.

www.justicereforminitiative.org.au

info@justicereforminitiative.org.au

Connect with our campaign **Jailing is Failing** on social media:

 [@jailingisfailing](https://www.facebook.com/jailingisfailing)

 [@jailingisfailing](https://www.instagram.com/jailingisfailing)

 [@jailingsfailing](https://twitter.com/jailingsfailing)

 [Justice Reform Initiative](https://www.linkedin.com/company/justice-reform-initiative)