



More Justice with Fewer Gaols

The Greens have a clear plan to divert money from prisons to programs that will reduce crime, decrease reoffending and make our community safer while saving scarce public funds.

Research by the Greens has established that this financial year expenditure on adult correctional services in NSW is budgeted to be \$1.06 billion. A further \$333 million is being spent to punish and gaol young people in the state's juvenile justice budget. Altogether the total annual state expenditure on correctional services is a staggering \$1.4 billion.

Policy Summary

The Greens plan will create savings in reducing incarceration rates of adults and juveniles through:

(i)	Bail law reform	\$340 million over 4 years
(ii)	Juvenile justice reform	\$404 million over 6 years
(iii)	Sentencing law reform	\$340 million over 4 years

We will direct savings to community building and mental health programs:

(iv)	200 bed community mental health facility	\$260 million over 4 years
(v)	Investing in public libraries for learning	\$52.8 million over 4 years
(vi)	Aboriginal transport and mentoring services	\$40 million over 4 years
(vii)	School nutrition program	\$15 million over 4 years
(viii)	Aboriginal Women Housing program	\$40 million over 4 years

Net savings over 6 years

\$626.2 million

Despite having similar socio-demographic profiles, Victoria has half as many prisoners as NSW. Victoria imprisons its citizens at the rate of 103.6 per 100,000 compared to the NSW rate of 184.8. The result is NSW runs 57 gaols to Victoria's 14. This comes at a significant cost to taxpayers, with NSW paying to run four times as many gaols as Victoria.

This situation has come about through repeated law and order auctions by the major parties that have seen the NSW prison population swell by one third since truth in sentencing changes in 1999. This has been compounded by changes to the Bail Act, especially the now notorious s22A, that limits most accused to a single bail application.

The situation is ever more dramatic in the juvenile justice system where the average number of young people in detention increased by more than 60% from 2003/4 to 2009/10. As at

2009/10 there were on average, 431 young people in NSW gaols on any given night. This means we detain our children in NSW at more than 4 times the rate they do in Victoria. .

Aboriginal citizens are bearing the brunt of this law and order auction. More than 20% of all adult NSW prisoners are Aboriginal, with adult Aboriginals being more than 10 times as likely to be in gaol as adult non Aboriginals. The outcomes for young Aboriginal people is even more telling, with half of all the young people in NSW gaols being Aboriginal. Representing only 2.5% of the population in NSW, this means Aboriginal young people are more than 20 times as likely to be gaoled as non Aboriginal young people

The Greens have a clear plan to turn this situation around by restoring communities, making our justice system fairer and diverting funds from punishing offenders to building communities and preventing offending.

The Greens Plan for Justice Reform

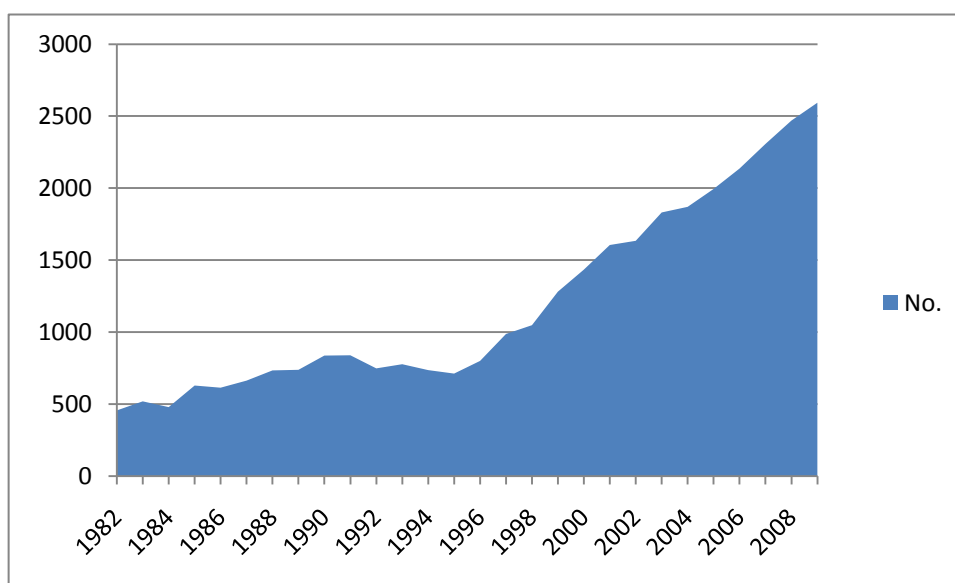
The Greens have a clear eight step plan to make our justice system fairer and our communities stronger and safer.

1. Reform the Bail Act

The Greens will move to return the presumption in favour of bail for all offences in NSW. The Greens will also repeal s22A of the Bail Act that effectively limits an accused to one bail application. This will restore balance in our justice system and will allow courts to consider each bail application on its merits.

The Bail Act must also be simplified by directing the Court to focus on the individual circumstances of the accused rather than the complex set of statutory criteria presently included. This will still allow Courts to refuse bail where the prosecution can prove this is appropriate, including where an accused is a flight risk and where it is necessary to protect the public or specific individuals before trial.

Restoring the balance on bail laws will turn around the exponential increase in prisoners held on remand in NSW. The following graph of inmate numbers illustrates the current trend.



Source: *NSW Inmate Census 2009: Summary of Characteristics, Statistical Publication No. 34 March 2010, Corrective Services NSW*ⁱⁱⁱ¹

It is expected that with these reforms the number of prisoners held on remand would reduce over the next 12 months to 2000 levels, being a 40% reduction. This would reduce the prison population by 10% per annum.

Savings. This would not only restore balance in the justice system, it will also amount to a budget saving of \$85 million per annum or \$340 million over the first four years of implementation.²

¹ Taken from Bail fact sheet Crime and Justice Reform Committee October 2010

2 Amend sentencing laws

There is a substantial body of evidence that suggests that short prison sentences are counter-productive in that they institutionalise criminal behaviour, encourage recidivism and are an inappropriate method for dealing with relatively minor offences.

A 2001 NSW Parliamentary Select Committee³ recommended that prison sentences of six months or less be abolished and replaced by non custodial sentencing options. It was found that for more than 90 per cent of prisoners serving sentences of six months or less the most serious offence was a theft offence, a breach of justice orders, an assault or a driving/traffic offence.

The Greens support significant changes to the Sentencing Act to make imprisonment for a term of less than 6 months available only as a last resort, when no other non-custodial option can be reasonably applied due to safety or other factors. There is also a need to reinstate judicial discretion on sentencing, including non-parole periods. This recommendation would again have a significant impact on prisoner numbers and again would reduce the prison population by approximately 10% per annum.

Savings. This would provide further budget savings of \$85 million per annum or \$340 million over the first four years of implementation.⁴

3 Adopt Wholesale Reform of the Juvenile Justice Sector

The Greens will push to have the recommendations from the April 2010 Noetic Report into Juvenile Justice adopted in full. That report found that unless significant changes to juvenile justice were implemented then the number of young people in NSW gaols will continue to grow from the average in 2010 of 431 per day peaking at 733 in 2015-16. This is 309 more than the current official capacity of 424. To accommodate these extra 309 young people will cost \$564 per day or \$57 million in recurrent funding and \$175 million to build additional new centres.

Presently approximately half of all juveniles in detention are on remand and 80% of these will either be acquitted or receive a non-custodial sentence once their matter comes to trial. Each juvenile cost an average of \$564 each day they are in prison.

The significant changes required to turn juvenile justice around in NSW are to:

- Return the presumption in favour of bail for all juveniles;
- Limit the prescriptive bail conditions for accused juveniles to prevent further incarceration for minor bail breaches;

² Community based correctional services are delivered at less than 10% the cost of incarceration. Assuming a 10% reduction in prisoner numbers and associated costs from the \$1,065 million correctional services budget, even with community based correctional services costs being incurred in their place, produces conservative annual savings of \$85 million per annum.

³ NSW Parliament, Legislative Council, *Select Committee on the Increase in Prisoner Population, Final Report - November 2001* (J. Ryan, Chair), Parl. Paper 924, Sydney, 2001.

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- Divert expenditure from building new detention facilities and gaoling more juveniles to evidence-based prevention and early intervention programs and services for local communities by way of justice reinvestment.

Savings. Adopting changes to prevent juvenile detainee numbers from rising will save the State budget some \$348 million over the next 6 years.⁵ The Greens propose that some of these savings will be reinvested in the evidence-based prevention and early intervention programs and services for local communities.

Reducing the number of juveniles held on remand will add further savings. With the above changes it is estimated that the number of juveniles in detention would fall by some 40% delivering, after including community based correctional services produces annual savings of \$14.2 million per annum or \$56 million over 4 years⁶.

4 Invest in Community Mental Health

The majority (87%) of young people in detention were found to have at least one psychological disorder, and nearly three-quarters (73%) were found to have two or more psychological disorders. In addition 54% of adult women in prison, and 39% of men in prison have at some point in their lives been diagnosed by a medical doctor as having a psychiatric problem. Given that mental illnesses are routinely under diagnosed the actual figure is likely to be much higher.

NSW is the only state in Australia and one of only a few in the Western world that hospitalises forensic patients within the precincts of a correctional facility and under the authority of Corrective Services staff. As at October 2010 there were more than 340 forensic patients in NSW and only 135 places for them, meaning 200 were kept in prisons rather than health facilities.

Court diversion schemes can be used to divert people with mental illness to secure community based hospital and community mental health facilities. This would have the double benefit of giving access to appropriate treatment as well as reducing the overload on the courts and prisons.

The Greens will redirect savings from the correctional services budget to the construction and operation of a secure community mental health facility. It would allow for accommodation and treatment at the direction of magistrates and judges as an alternative to imprisonment where mental health issues were found to be present. It will allow community and family access and not be operated by Justice Health.

New funding allocation. A 200 bed facility would have a construction cost of some \$100 million with an ongoing budget allocation of \$40 million per annum.⁷ This is a four year funding requirement of \$260 million.

⁵ Costing from "A Strategic Review of the New South Wales Juvenile Justice System" Report for the Minister for Juvenile Justice, Noetic Solutions April 2010

⁶ In 2010 the daily average of juveniles on remand was 215, a 40% reduction in this at a daily cost of \$564 produces annual savings of \$17,745,000 while incurring costs of community based correctional services at 20% of this delivering a final saving of \$14.2 million per annum.

⁷ Based on a conservative \$500,000 per bed construction cost and intensive support requirements of \$560 per patient per day and a 90% occupancy level.

5 A Desk, a light and internet access

For many young people being able to stay in school and achieve good results is key to avoiding the criminal justice system, as well as problems like homelessness. Sadly many of these young people do not have access to the basics of a study space – a desk, a light and internet access.

One effective and sustainable way to address this is through proper funding of public libraries. These can provide places for young people to study after school and other times, especially when suitable spaces may not exist in their homes as well as after-school and holiday programs. Libraries can also play an important role in meeting the recreational needs of young people.

As well as maintaining an accessible collection of material for young people, libraries should appoint specialist staff responsible for the co-ordination, management and operation of services for young people. They would then be responsible for designing and implementing specific programs and activities for young people based on their needs and interests.

A significant increase in funding is required for this, focusing on rural and regional areas where libraries face particular challenges. This would include a focus on regional and urban areas with high numbers of Aboriginal children.

New funding allocation. The Greens support the Local Government and Shire Association's call to increase funding for public libraries by \$5.2 million each year for five years to reach a new recurrent target of \$51.5 million per year by 2015/16. This is a great value investment in communities and young people that will provide the whole state with lively, vibrant and well-resourced places that enrich the community.⁸

We would also include additional funding of \$10 million per annum on transport and mentoring for Aboriginal kids to improve attendance rates. This program will work with local Aboriginal communities to ensure that these services are culturally relevant and respectful of Aboriginal culture.

This package will cost \$52.8 million in additional library funding and \$40 million in Aboriginal mentoring and transport over four years being a total of \$92.8 million.

6 Feeding kids better

Many young people who end up in trouble with the law, have had many troubles of their own earlier. One of the ways in which these often manifest is through poor diet and nutrition during their formative years. Social disadvantage often shows itself through limited and inconsistent access to food, with studies showing that in some areas of Sydney more than 1 in 5 households have experienced food insecurity. Refugees and Aboriginal communities also face significant problems accessing adequate, affordable and nutritious food.

Feeding these children at their schools provides an incentive to attend school as well as the daily nutrients required to engage in education.

New funding allocation. A funding allocation of \$5 million in the first year rising to \$15 million in the following years would allow these programs to be deployed to those

⁸ Australian Library and Information Association: <http://www.alia.org.au/>

areas and students that need them most. This total package will cost \$50 million over four years.

7 Helping mums, dads and carers with parenting

Parenting programs represent a cost effective and highly beneficial way to support communities and families and prevent children and parents falling into difficulties. Such programs aim to help parents in their relationship with their child or children and develop strategies to deal with problems. This in turn can increase their confidence in their ability to guide and mentor their children.

Current funding levels leave significant gaps with communities and individuals in some areas not having access to suitable parenting skill development services. Effective parenting programs require funding in the order of \$50,000 per annum to run an effective community program. Most current commitments only last up to 24 months, ideally this time would be extended to allow for greater awareness of programs to grow organically in communities, as well as to provide certainty of employment for staff involved.

New funding allocation. Allocating \$50,000 per year each year for 4 years to a total of 75 local government areas in need across the State. This will incur a total cost over 4 years of \$15 million. This will be secure four year funding to allow the programs to actively follow up with parents and children.

8 Safe and Secure Housing Program for Aboriginal Women

Working with Aboriginal Land Councils and Aboriginal elders to find and fund secure and safe housing for Aboriginal women and children facing domestic violence, mental health and housing stress. This will be focused on obtaining long term housing for Aboriginal women and their families in areas of significant Aboriginal disadvantage.

New funding allocation. Allocating \$10 million per year each year for a total cost over of \$40 million. This will be secure four year funding to provide certainty and ensure that the housing relief is most effective.