

ACT Justice and Community Safety Directorate
Building Communities Not Prison

Justice Reinvestment and Reducing
Recidivism Forum

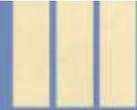
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Justice Reinvestment: Winding back Imprisonment?

Emeritus Professor David Brown, Law
Faculty, UNSW.

Prof Chris Cunneen, Jumbunna
Institute for Indigenous Education and
Research, UTS.



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Justice Reinvestment

Winding Back Imprisonment

DAVID BROWN
CHRIS CUNNEEN
MELANIE SCHWARTZ
JULIE STUBBS
COURTNEY YOUNG



Origins of project

- *Penal Culture and Hyperincarceration* (2013) Cunneen, Baldry, Brown D, Brown M, Schwartz, Steel, A.
- “unless reform movements confront the highly selective nature of penalty and the way it bears so disproportionately on marginalised groups, then any gains to be made through political and popular attitudinal shifts through widespread adoption of policies such as justice reinvestment or penal reductionism, are likely to be limited in practice.” (ibid:195)
- Australian groundswell –Aboriginal and Torres Strait Islander organisations–connected to issues of Indigenous democracy- Indigenous governance, empowerment, self determination and nation building

Outline

- how Justice Reinvestment has worked in the USA?;
- How Justice Reinvestment travels, the importance of local context in attempting to apply it in Australia;
- How to pitch JR?
- the politics of locality and community;
- Justice Reinvestment as evidence-based policy and practice.

How has JRI worked in the USA?

- 28 participating states
- nearly half the participating states have documented averted costs;
- As of 2016, states have reported more than \$1.1 billion in savings and averted costs and invested more than \$450 million in JRI reform efforts.
- In 15 of the 18 states tracked, the prison population in 2015 was below what experts projected it would be absent any reforms.
- https://www.urban.org/sites/default/files/publication/86691/reforming_sentencing_and_corrections_policy_2.pdf La Vine et al (2016) Urban Institute

JR to JRI

JR transmuted into JRI (JR Implementation)

JRI states have legislated in five core areas:

- amending sentencing laws
- reforming pretrial practices
- modifying prison release practices
- strengthening community corrections
- ensuring sustainability of reforms

JR to JRI

- JRI has dispensed with the initial JR place based strategies and reinvestment in high in high incarceration communities. (Austin et al, 2013)
- Local JR schemes probably of more relevance to Aust situation
- Hybrid schemes, inside and outside JR eg New York NEON (Neighbourhood Opportunity Network)

How Justice Reinvestment travels, the importance of local context in attempting to apply it in Australia

- Context: differences, pre-conditions, barriers
- Differences in political and funding structures – limits to incentivisation
- ‘mass incarceration is a failure’
- Differences in degree of political bi-partisanship
- Important role played by faith based constituencies
- Capacity for coordination
- The carpet model –”rolling out” policy.

How to pitch JR?

- JR an unfinished project – an evolving narrative and movement
- JR as a source of *inspiration* rather than a set of methodologies or a clear cut template
- an *inspiration* for a form of locally-based community development strategy, utilising enhanced data and identification of local community assets and current forms of service support, conducted initially in the communities of vulnerability which have the highest contact with the criminal justice system – Australia Aboriginal and Torres Strait Islander communities
- Conceive task as refashioning a new commonsense
- Attempt to stitch together various arguments and constituencies -with differing concerns and aims.

How to pitch JR?

including:

- appeals to cost savings and 'smarter' justice, data and evidence-based policies; enhanced public safety;
- reduced recidivism;
- increased offender accountability to communities;
- ex-prisoner job creation and other community development programs;
- redressing racial and other marginalised group disparities and inequalities;
- promoting Indigenous democracy;
- unleashing individual and community potential;
- creating healthier families; providing a better future for young people; enhancing life chances;
- and building social solidarity.

How to pitch JR?

In assembling such elements into a narrative for change, it is important to utilise data and appeals to an evidence-based political rationality, but the articulation should ultimately be a normative one, conducted in the name of increased social justice, community development and fashioning a democratic politics around criminal justice issues, rather than technical or instrumental rationalities or 'superior' knowledge claims.

References

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