Australian Human Rights Commission

Value of a justice reinvestment approach

AUSTRALIAN HUMAN RIGHTS COMMISSION FURTHER INFORMATION TO THE LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE

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1 Is there are link between having a police station in a community and an increase in crime statistics and rate of custody and sentencing? Do the police pay a role in averting some of the offending and reoffending by their very presence?

1. Research from the Northern Territory, based on the Northern Territory Emergency Response and Closing the Gap data, shows that there has been an increase in reports to Police since the introduction of these measures, including increased Police presence. [1]

2. The Closing the Gap in the Northern Territory Monitoring Report for 2012 shows the following increases:

- The number of confirmed alcohol related incidents recorded by police across the NTER communities increased by 30% between 2007-08 and 2008-09. The number stabilised for the next two years before increasing again by 23% between 2010-11 and 2011-12.[2]
- The number of substance abuse incidents reported by police have steadily increased since 2007-08 although they showed a small decline of 7% from 2009-10 to 2010-11, but have increased by 37% from 2010-11 to 2011-12[3]
- Drug related incidents decreased by 10% between 2007-08 and 2008-09 and increased by 53% between 2008-09 and 2010-11. They have remained stable between 2010-11 and 2011-12[4].
- Domestic violence related incidents have more than doubled between 2007-08 and 2011-12. There was a 39% increase in domestic violence related incidents from 2007-08 and 2008-09 and an increase of 31% in the last reporting period (between 2010-11 and 2011-12). Mandatory reporting of family and domestic violence to police was introduced in 2009[5].
- The percentage of domestic violence incidents that are alcohol related have slowly declined from 40% of all incidents in 2007-08 to 33% of all incidents in 2011-12"[6].
- Confirmed breaches of Domestic Violence Orders increased by 83 incidents between 2007-08 and 2010-11. In the last reporting period (between 2010-11 and 2011-12) they have declined by 24 incidents. Breaches of Other Orders have increased by 20 incidents between 2007-08 and 2009-10 and have increased by 13 incidents between 2009-10 and 2011-12 (Table 6.3)[7].

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[1] Department of Families, Housing, Community Services and Indigenous Affairs, Closing the Gap in the Northern Territory Monitoring Report Part One (2012), p.24.
[2] Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory Monitoring Report Part One* (2012), p.24.
[3] Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory Monitoring Report Part One* (2012), p.24.
[4] Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory Monitoring Report Part Two* (2012), p.64.
[5] Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory Monitoring Report Part Two* (2012), p.64.
[6] Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory Monitoring Report Part One* (2012), p.24.
[7] Department of Families, Housing, Community Services and Indigenous Affairs, *Closing the Gap in the Northern Territory Monitoring Report Part Two* (2012), p.64.

3. Of particular concern, research has also found there has been a 62% increase in the recorded traffic and vehicle regulatory offences.[8] According to analysis by Dr Thalia Anthony, the majority of these offences do not involve alcohol or lead to harm. Instead, they are regulatory offences such as not having a driver's license, driving unregistered or in an unroadworthy vehicle.[9] According to Dr Anthony 'the common trifecta is driving unlicensed, driving unregistered and driving with an unroadworthy vehicle.'[10] When these offences are prosecuted together there is a strong possibility of a custodial sentence.[11]

4. Enforcement of traffic offences has a role to play increasing safety. However, it also needs to be acknowledged that the lack of public transport, access to suitable vehicles and licensing services in remote communities disproportionately disadvantages Aboriginal and Torres Strait Islander people in the Northern Territory.

5. The Commission is not aware of research from other jurisdictions demonstrating a link between a police station and an increase in crime statistics.

2 What is the evidence supporting the Clean Slate program?

6. A reference to the evidence cited supporting the Clean Slate program can be found in the article published on the Punch website. The article is attached to this document.

3 What are the numbers of people with an intellectual disability held in prison indefinitely, despite not being convicted of any crime- because there are not any secure alternative facilities for their care?

7. Based on research undertaken for the National Justice CEOs Working Group[12] about the imprisonment and indefinite detention of Aboriginal and Torres Strait Islander people with a cognitive impairment there are:

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[8] Australian Government, *Northern Territory Emergency Response: Evaluation Report 2011* (2011), p 167. At http://www.fahcsia.gov.au/sa/indigenous/pubs/nter_reports/Documents/nter_evaluation_report_2011.PDF (viewed 12 December 2011).
[9] T Anthony, 'Speed bumps boost jailing rates', *Tracker,* 1 November 2011. At http://tracker.org.au/2011/11/speed-bumps-boost-jailing-rates/ (viewed 12 December 2011).
[10] T Anthony, 'Speed bumps boost jailing rates', *Tracker,* 1 November 2011. At http://tracker.org.au/2011/11/speed-bumps-boost-jailing-rates/ (viewed 12 December 2011).
[11] T Anthony, 'Speed bumps boost jailing rates', *Tracker,* 1 November 2011. At http://tracker.org.au/2011/11/speed-bumps-boost-jailing-rates/ (viewed 12 December 2011).

[12] M Sotiri, P McGee &E Baldr , *No End in Sight. The Imprisonment and Indefinite Detention of Indigenous Australians with a Cognitive Impairment (2012)* University of NSW. At http://www.pwd.org.au/systemic/adjc.html (viewed 4 June 2013).

- 9 people on supervision orders in the Northern Territory held indefinitely
- 33 people under the mentally impaired review board in Western Australian (11 are Aboriginal and Torres Strait Islander people)
- Estimated to be 100 people held indefinitely in Queensland in psychiatric hospitals but this figure is not confirmed
- No data available for South Australia, Tasmania and the ACT although there is anecdotal evidence in South Australia and Tasmania
- No recorded cases in New South Wales or Victoria.

Attachment:
The Punch

http://www.thepunch.com.au/articles/an-indigenous-program-thats-boxing-clever/

An Indigenous program that's boxing clever, Sara Hudson 19/01/2013

Recent bad press about Aboriginal programs in NSW might make you think that all programs designed to help Aboriginal people are failing. But this is not the case.

Try doing this at 6am

A boxing program, "Clean Slate without Prejudice", has delivered great results since it first began in June 2009.

An initiative of Redfern Superintendent Luke Freudenstein and Aboriginal leaders, the program involves police training alongside local Aboriginal youth three mornings a week. Accompanying the ducking and jabbing is some good natured ribbing as the police and young Aboriginal people get to know each other.

Not only has the boxing program provided at risk youth with focus, self esteem and respect for their bodies, it has also helped reduced crime.

Between 2008 and 2009, the percentage of robbery offences committed by Aboriginal and Torres Strait Islander youth dropped by 80 per cent. At the time, the head of the NSW Bureau of Crime Statistics and Research, Don Weatherburn, said the drop was "nothing more than a random variation".

But Weatherburn might want to eat his words as crime rates in Redfern have continued to stay low. In 2010 and 2011, the percentage of robberies committed by Aboriginal offenders was 41 per cent and 44 per cent compared to 65 per cent in 2008. According to Fruedenstein rates of recidivism among Aboriginal offenders in Redfern have also sharply declined.

The program targets youths at risk of offending - those who have committed a crime but have not yet been sentenced, those incarcerated in Juvenile Justice Centres, and young offenders who have been released back into the community.

An Aboriginal mentor brings participants to boxing training three days a week and helps them find accommodation, employment and training, if they need it.

Participation in the program is voluntary and youth can stay on the program as long as they want. Police aim to work with judiciary to have the program form part of a suspended sentence.

When the program first began, Aboriginal leaders selected 10 of the worst young robbery offenders to take part because of their influence over other Aboriginal youth. Following their participation in the program, none of the youth have committed any robberies.

Impressed by the apparent success of the boxing program, I decided to visit Redfern to see it firsthand. Bleary eyed from getting up at 4.30am to make the 6am class, I stumbled into Tony Mundine's boxing studio where I was warmly greeted at the door by a couple of young Aboriginal people.

The early morning starts help provide participants with the discipline needed for work. Approximately half a dozen youth have become employed since taking part in the program; while a number have gone on to become mentors.

Superintendent Luke Freudenstein explained how the program was helping to break down barriers and turn young offenders' lives around.

"Three days a week, police train with young Aboriginal offenders in Redfern, helping build better relationships with troubled local youth", he said.

Shane Phillips, Aboriginal leader and CEO of the Tribal Warrior Association agreed. "The program is not only good for Aboriginal young people who have gone off the rails a bit but police too, particularly the ones we have trouble with, as training with us helps them see us as people too," he said.

Freudenstein believes it is very important for police to show they care, that they are there to help and not just to lock people up. When he walks the streets of Redfern now, Aboriginal youth stop and say "hi".

Both Freudenstein and Shane Phillips have spoken at a number of forums around the country, emphasising the importance of police and Aboriginal leaders working together to reduce offending.

Victor Dominello, the NSW Minister for Aboriginal Affairs, has announced that in light of the recent report into the failure of Aboriginal employment programs a team effort between the government and Aboriginal community leaders to resolve these issues has began.

But "working together" can become a meaningless catchphrase if it is not accompanied by concrete examples of successful practise. One of the reasons for the failure of so many NSW Aboriginal programs is that they were never monitored or evaluated to ascertain their effectiveness.

Even when programs have been proven to achieve nothing, they can still remain in place because they seem like a good idea. According to Don Weatherburn, circle sentencing - where Aboriginal offenders are brought before their community elders for sanctioning - has had no effect on the levels of reoffending or the seriousness or number of offences but the program remains in place because it is popular.

Yet if government is committed to evidence-based policy then it should cease funding programs because they seem like a good idea and look at what is working.

The Clean Slate Without Prejudice program is a tangible example of how removing layers of bureaucracy and having direct relationships with people can bring about positive change. Perhaps NSW Aboriginal Affairs minister Victor Dominello, should don a pair of boxing gloves and come down and see it in action before he rolls out any new Aboriginal programs.