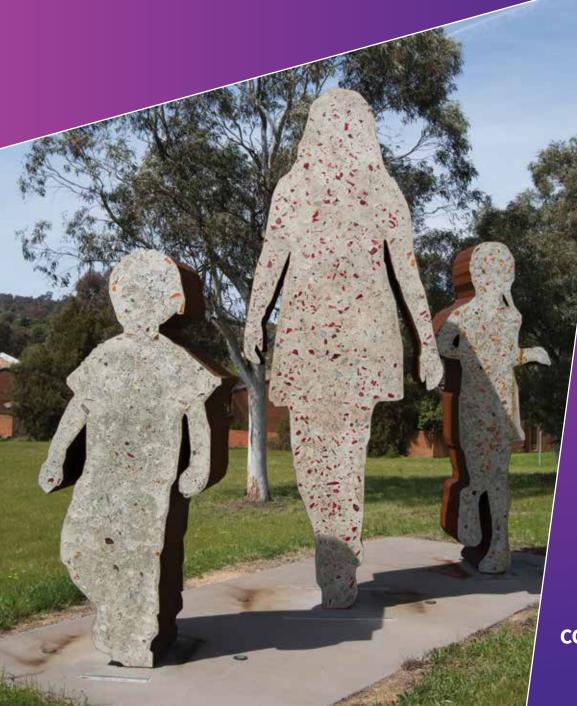


# RR25BY25

REDUCING RECIDIVISM IN THE ACT BY 25% BY 2025

2020 to 2023



JUSTICE AND COMMUNITY SAFETY

## JUSTICE AND COMMUNITY SAFETY DIRECTORATE

Email JACS.reducingrecidivism@act.gov.auWeb www.justice.act.gov.au

#### **ACKNOWLEDGEMENT OF COUNTRY**

We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

## **CONTENTS**

INTRODUCTION	2
EXECUTIVE SUMMARY	4
KEY PRIORITY AREAS	5
BACKGROUND	6
PRIORITY AREAS	9
Pillar 1 Reducing the over-representation of Aborigin and Torres Strait Islander people in custody	9 nal
Pillar 2 Responding to justice housing needs	11
Pillar 3 Supporting people with substance use disorders in the justice system	12
Pillar 4 Supporting people living with a mental illnes or disability in the justice system	14 s
Pillar 5 Supporting detainee reintegration	16
Pillar 6 Developing community capacity	18
Pillar 7 Responding to women in the justice system	20
BUILDING STRONG FOUNDATIONS Responding to young people in the justice system	22
EVALUATING AND MEASURING SUCCESS	26
OVERSIGHT AND REPORTING	28
APPENDIX 1 Related cross government work	29
APPENDIX 2 RR25BY25 initiatives	30
APPENDIX 3 RR25BY25 initiative responses to covid-19	34

# **RR25BY25**

REDUCING RECIDIVISM BY

detainees in 2012 to 429 detainees in 2019.



31.7% by 2025

Achieving a 25% reduction in the recidivism rate by 2025 would mean a reduction from 42.4 per cent to 31.7 per cent of adults released from prison who were re-sentenced and returned to prison within two years, a reduction of 146 detainees returning to custody.



on this current trajectory it is estimated to cost \$337 million by 2025-26.

#### **KEY ELEMENT**



Achieving this target will require the combined effort of government and the community across the ACT justice and human services systems.

#### SEVEN PILLARS

The ACT Government will invest more than \$132 million over four years to develop and implement new evidence-based programs focused on rehabilitation and reintegration to address the root causes of people's offending. Programs will initially be delivered under the seven focus areas, or pillars.

#### **PILLAR 1**

Reducing the over-representation of Aboriginal and Torres Strait Islander people in custody



#### **PILLAR 2**

Responding to justice housing needs



#### **PILLAR 3**

Supporting people with substance use disorders in the justice system



#### **PILLAR 4**

Supporting people living with a mental illness or disability in the justice system



#### **PILLAR 5**

Supporting detainee reintegration

#### **PILLAR 6**

Developing community capacity

#### **PILLAR 7**

Responding to women in the justice system





#### **OUTCOMES**

Reducing recidivism will lead to the following outcomes:



Less crime



**Fewer victims** 



Reduced social and financial costs



A safer and more inclusive community

The ACT Government has set a bold target to reduce recidivism in the Territory by 25% by 2025 (RR25by25)



There is no single solution to achieving this ambitious target. It will require the combined effort of a range of government, community and academic agencies across our justice and human services systems to reduce recidivism and improve community safety. The community benefits of achieving RR25by25 will be significant.

Repeated criminal offending has a substantial impact on the Territory. It means more crime, more victims and more social and financial costs. Conversely, a reduction in reoffending means a safer and more inclusive community.

Preventing individuals from repeated contact with the justice system is complex, but achievable. A range of factors adversely impact the likelihood of reoffending, including social isolation, inadequate housing, drug and alcohol dependence and poor mental health. There is a vast amount of reform work taking place in our broader justice and human services system

that will contribute to the success of RR25by25.¹ The RR25by25 target will further expand our efforts of Building Communities Not Prisons. By Building Communities Not Prisons, we can act to break the criminal justice cycle and help keep our community safe through preventing crime by working to improve the lives of individuals and their families.

The ACT's Justice Reinvestment approach has been developed over the last four years in partnership with the community, academia and government. Justice Reinvestment is about developing a smarter, more cost-effective

See Appendix A for the list of relevant, current ACT Government Strategies.

approach to improving criminal justice outcomes by reducing crime and diverting offenders, and those at risk of becoming offenders, from the criminal justice system.

The ACT justice system costs over \$270 million annually and if we continue on this current trajectory it is estimated to cost \$337 million by 2025–26.<sup>2</sup> The ACT Government will invest more than \$132 million over four years to develop and implement new programs and measures to reduce the rate of reoffending.

This is the first time an Australian jurisdiction has committed to redirecting millions of dollars that would otherwise be spent on expanding prisons to evidence-based programs focused on rehabilitation and reintegration and addressing the root causes of people's offending. Addressing

Justice System Cost Model; includes ACT Policing, Courts and Corrections costs. https://justice.act.gov.au/ justice-programs-and-initiatives/reducing-recidivism/ building-communities-not-prisons. the barriers that offenders are facing resulting from COVID-19 is vital to ensure the achievement of RR25by25. The initiatives within the Plan have been adjusted to address these barriers and to continue to seek to reducing recidivism in the ACT through alternative measures where necessary.<sup>3</sup>

Achieving this ambitious target requires us to effectively change the life trajectories of some of Canberra's most vulnerable citizens. We know it is a challenging target, but that must not stop us trying. The investment is a smart, cost-effective approach to reducing crime, reducing trauma and other costs for victims and their families and building a safer, more inclusive Canberra community.

#### **Shane Rattenbury MLA**

3 Appendix 3 outlines RR25by25 initiative's individual responses to the current public health emergency.

### **EXECUTIVE SUMMARY**

This plan outlines the key pillars that will be the focus of RR25by25 over the next three years. These pillars, and RR25by25 more broadly, have been developed to further expand our Building Communities Not Prisons program. The initial focus will be on keeping adult offenders out of prison through reinvesting criminal justice funds that would otherwise have been sought to expand the Alexander Maconochie Centre (AMC), to other parts of the justice and human service system. There are many reasons to begin our focus here. There is strong evidence to suggest that prisons are an expensive training ground for further offending. Continual assessment of RR25by25 will ensure we are responsive, and that initiatives evolve to effectively target recidivism as the Plan progresses.

Six key principles underpin the Justice Reinvestment efforts to Build Communities, Not Prisons and the RR25by25 more broadly:

- 1. Restorative practices—a framework of practices within human services, that aims to build healthy communities, increase social capital, decrease crime and antisocial behaviour, repair harm and restore relationships.
- 2. Cultural integrity—it is important to take into account the unique systemic and historical factors affecting Aboriginal and Torres Strait Islander peoples. Services need to build cultural capacity, provide cultural advice as to what works in reducing offending, and be based on an understanding of the modern-day impacts of historical colonisation and dispossession of land and culture.
- **3. Human rights**—under the *Human Rights Act 2004* no-one may be deprived of liberty, except on the grounds, and in accordance, with the procedures established by law.

- **4. Trauma informed**—it is important to contextualise offending within experiences of intergenerational trauma, family and sexual violence, child removal, mental illness, disability, and poverty. Informed practices are needed to provide alternatives to incarceration, including holistic, trauma-informed diversion programs for people who have experienced deep and intergenerational trauma.
- **5. Evidence informed**—initiatives will bring together data, evaluations and stakeholder views in order to support Government decisions to invest in what works to reduce crime and reoffending while increasing community safety and strengthening communities.
- 6. Gender informed—the number of female detainees in prisons in Australia is growing at a rate faster than that of men, necessitating a focus on female offenders and how to rehabilitate and address their criminogenic and life needs while in custody. The challenges women face while in prison are considerably greater than men, involving high levels of trauma including family and sexual violence and highly disadvantaged backgrounds. The impacts on women in custody are far greater where they are primary carers (of children or parents).

### **KEY PRIORITY AREAS**

The Building Communities Not Prisons program, has led this strategy to focus on Aboriginal and Torres Strait Islander people, housing, alcohol and other drug services, mental health and disability, reintegration, developing community capacity and women. A multi-component response is required to meet the diverse needs of people involved in the criminal justice system and these initiatives have been designed to operate in a mutually enabling manner, working across the government and community sector.

#### PILLAR 1

Reducing the over-representation of Aboriginal and Torres Strait Islander people in custody



#### PILLAR 2

Responding to justice housing needs



#### PILLAR 3

Supporting people with substance use disorders in the justice system



#### PILLAR 4

Supporting people living with a mental illness or disability in the justice system



#### PILLAR 5

Supporting detainee reintegration



#### PILLAR 6

Developing community capacity



#### PILLAR 7

Responding to women in the justice system



### BACKGROUND

While historically the ACT has had the lowest imprisonment rate in Australia per head of population (147 per 100,000 adults compared with 220 nationally),<sup>4</sup> there has been a significant growth in the number of people detained at the Alexander Maconochie Centre (AMC) in recent years. Numbers have risen from 268 detainees in the December quarter of 2012 to 429 detainees in the December quarter of 2019; an increase of 60 per cent.<sup>5</sup> The population of the AMC reached a record high of 507 detainees on 26 June 2018. In addition, the ACT has a complex prison cohort. Three-quarters (77 per cent) of the ACT's detainees have previously been imprisoned under sentence, while the national average is 58 per cent.<sup>6</sup>

Figure 1: Percentage of detainees released from the AMC and nationally who returned to prison within two years.

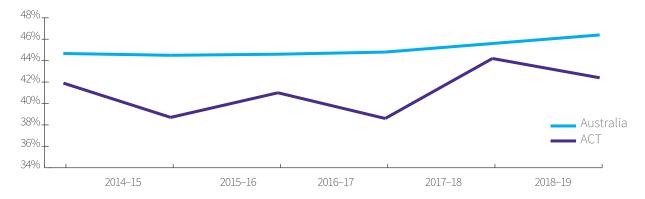


Figure 1 shows that between 2014–15 and 2018–19 there is a rising trend of detainees in the ACT being returned to prison within two years of release, from 38.7 per cent to 42.4 per

cent.<sup>7</sup> Given the comparatively small numbers of offenders in the ACT, even minor fluctuations in the number returning to corrective services can significantly affect the rate from year to year.

4 Report on Government Services 2020, Table 8A.5 https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/justice/corrective-services In 2018–19, the percentage of adults released from prison who were re-sentenced and returned to prison within two years was 42.4 per cent. Achieving the target measurement of

ABS Corrective Services, Australia, December Quarter 2012 and 2019, 4512.0, https://www.abs.gov.au/ AUSSTATS/abs@.nsf/allprimarymainfeatures/C57B3CA C8D0EDB87CA25825000141F8F?opendocument

<sup>6</sup> ABS Prisoners in Australia, ACT, 30 June 2019 https:// www.abs.gov.au/ausstats/abs@.nsf/mf/4517.0

<sup>7</sup> Report on Government Services 2020, Table C4.4 https://www.pc.gov.au/research/ongoing/report-ongovernment-services/2020/justice

a 25% reduction in the recidivism rate by 2025 would mean a reduction of the recidivism rate from 42.4 per cent to 31.7 per cent, a reduction of 146 detainees returning to custody.

Of the 278 people sentenced at the AMC as at 30 June 2019, only 4 per cent had sentences greater than 20 years. The majority of detainees had either two years or less to serve (36 per cent) or between two and five years (33 per cent). This is similar to the rest of Australia, and underlines that these detainees will return to our community relatively soon after their incarceration.

In the ACT, Aboriginal and Torres Strait Islander adults make up 1.9 per cent of the ACT population and 22 per cent of the ACT prison population.<sup>9</sup> The ACT has seen a 119 per cent increase in the number of people identifying as Aboriginal and Torres Strait Islander detained at the AMC; from 48 in 2012 to 105 in 2019. 10 At the AMC, 90 per cent of the Aboriginal and Torres Strait Islander detainees have a previous history of incarceration in the ACT, compared with a national average of 75 per cent. 11 Aboriginal and Torres Strait Islander detainees were also more likely to return to prison within two years, 48 per cent for male detainees and 58 per cent for female detainees, compared with non-Aboriginal and Torres Strait Islander male detainees,

41 per cent, and non-Aboriginal and Torres Strait Islander female detainees, 29 per cent.<sup>12</sup>

The ACT's female imprisonment rate of 23.6 per 100,000 is lower than the national rate of 36.1. Although women prisoners represent a small percentage of the total number of prisoners at the AMC, making up 8 per cent of the average detainee population at the AMC in 2018–19, the number of incarcerated women has increased significantly in the ACT. The ACT female imprisonment rate increased by 95 per cent between 2015 and the June 2018 quarter, almost four times the national rate of 23.5 per cent. Further, of women incarcerated at the AMC in 2018–19 more than half were unsentenced, 55%. The same prisonment rate of 23.5 per cent.

<sup>8</sup> Justice and Community Safety Directorate Annual Report 2018–19 http://www.justice.act.gov.au/page/ view/4064/title/annual-report-2018-2019

<sup>9</sup> ABS Corrective Services, Australia, December Quarter 2012 and 2019, 4512.0 https://www.abs.gov.au/ AUSSTATS/abs@.nsf/allprimarymainfeatures/C57B3CA C8D0EDB87CA25825000141F8F?opendocument

<sup>10</sup> ABS Corrective Services September Quarter 2012 and September Quarter 2019 https://www.abs.gov.au/ Ausstats/abs@.nsf/0/EEEF9189FF9C992FCA258354000B B282?OpenDocument

<sup>11</sup> ABS Corrective Services, Australia, December Quarter 2012 and 2019, 4512.0 https://www.abs.gov.au/ AUSSTATS/abs@.nsf/allprimarymainfeatures/C57B3CA C8D0EDB87CA25825000141F8F?opendocument

<sup>2</sup> ACT Corrective Services http://www.cs.act.gov.au/ act\_corrective\_services/stats\_and\_publications

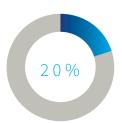
Report on Government Services 2020, Table 8A.5 https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/justice/corrective-services

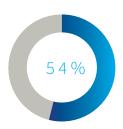
Justice and Community Safety Directorate Annual Report 2018–19 http://www.justice.act.gov.au/page/ view/4064/title/annual-report-2018-2019

<sup>15</sup> Bartels L (2018). Analysis of the ACT prison population and imprisonment trends to help reduce demand on the Alexander Maconochie Centre: A report prepared for the ACT Government.

Justice and Community Safety Directorate *Annual Report 2018–19* http://www.justice.act.gov.au/page/view/4064/title/annual-report-2018-2019

An ACT Detainee Health and Wellbeing Survey was undertaken in 2016.<sup>17</sup> Ninety-eight detainees at the AMC participated by providing responses to a range of health questions, representing 23 per cent of the AMC detainee population at the time. This survey found:

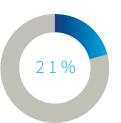




20 per cent of respondents reported unstable accommodation in the four weeks prior to their current incarceration.

54 per cent of respondents reported a current and/or previous diagnosis of a mental health concern, with depression having the highest lifetime prevalence at 42 per cent.

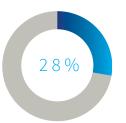




In the year prior to their current incarceration, the most frequently used illicit drug was methamphetamine/amphetamine (63 per cent); followed by cannabis (50 per cent) and heroin (34 per cent).

21 per cent of respondents reported a previous mental health inpatient admission, with 83 per cent reporting at least one period of involuntary detention under the ACT Mental Health Act.





Positively, 50 per cent of respondents reported that they would like assistance quitting their current drug use.

28 per cent of respondents reported an intellectual disability (27 out of 98 detainees). A further 52 per cent reported experiencing head injuries that caused loss of consciousness or black-out.

Young J. T, van Dooren K, Borschmann R & Kinner S. A (2017). ACT Detainee Health and Wellbeing Survey 2016: Summary results. ACT Government, Canberra, ACT.

### **PRIORITY AREAS**

#### **PILLAR**

1

Reducing the over-representation of Aboriginal and Torres Strait Islander people in custody

Similar to other Australian jurisdictions, Aboriginal and Torres Strait Islander people are overrepresented in the ACT criminal justice system as both victims and offenders. Studies have found that following initial contact with the justice system, Aboriginal and Torres Strait Islander offenders across Australia are more likely than non-Indigenous offenders to have more frequent levels of contact with the justice system, and for shorter periods of time to elapse before additional contact. 18 The 2017 Australian Law Reform Commission examined the factors leading to the overrepresentation of Aboriginal and Torres Strait Islander people in prisons and considered it a 'national tragedy'. While statistics concerning the disproportionate incarceration of Aboriginal and Torres Strait Islander peoples are alarming, it is important to bear in mind that the majority of Aboriginal and Torres Strait Islander people never commit a criminal offence.

A long history of social disadvantage, cultural displacement, trauma and grief, and poor health and living conditions have contributed to an overrepresentation of Aboriginal and Torres Strait

Islander people in Australia's justice system. <sup>19</sup> The loss of positive identity and connection to culture is central. Therefore, services need to build cultural capacity and be based on an understanding of the modern-day impacts of historical colonisation and dispossession of land and culture.

The Aboriginal and Torres Strait Islander Agreement 2019–28 includes justice as a significant area, ensuring that Aboriginal and Torres Strait Islander people, their families and communities thrive in a safe environment. As well as have equitable access to justice and culturally safe restorative justice, prevention and diversion programs. Priority actions include engaging and supporting community-controlled organisations to deliver a suite of justice programs supporting participation in justice processes.

#### ACTIONS

We will build on our Justice Reinvestment approach to implement culturally appropriate programs to support and divert Aboriginal and Torres Strait Islander people from the justice system. We will continue to collaborate with Aboriginal service providers, Elders and advocates to ensure that the government is "doing with, not to" the local community, examples of this include ongoing consultations with the Aboriginal and Torres Strait Islander Elected Body and the Aboriginal Justice Caucus. Initial efforts have shown signs of success in reducing offending behaviour and improving quality of life for Aboriginal and Torres Strait Islander people in the ACT. The programs will continue to be delivered by specialist Aboriginal and Torres Strait Islander organisations and enterprises wherever possible. Our approach

<sup>18</sup> Cited in 'Understanding and preventing Indigenous offending' Brief of 9 December 2010 by Dr Troy Allard, written for the Indigenous Justice Clearinghouse referred in Allard et al 2010; Skrzypiec, G., Wundersitz, J., & Castle, C. (2005). Young people born in 1984: offending behaviour of juveniles apprehended at least once. Adelaide, Australia: Office of Crime Statistics and Research, Attorney-General's Department, South Australian Government.

ACT Aboriginal and Torres Strait Islander Justice Partnership 2015–18 https://www.communityservices. act.gov.au/atsia/agreement-2015-18

includes actively supporting capacity building within Aboriginal and Torres Strait Islander organisations to collaborate with government to respond to the complex needs of families.

We will continue to deliver the Aboriginal and Torres Strait Islander focused programs including: Yarrabi Bamirr, Ngurrambai Bail Support Program, Front Up, Extended Throughcare Support, Yarning Circles for Justice, and the Galambany and Warrumbul Circle Sentencing.

Yarrabi Bamirr (meaning "walk tall" in the Ngunnawal language) is a family-centric support model working with Aboriginal and Torres Strait Islander families to improve life outcomes and reduce or prevent their contact with the justice system, particularly trans-generational offending. The objective of Yarrabi Bamirr is to deliver programs and promote ongoing participation opportunities that address families' complex needs by using a comprehensive family-centric approach that is co designed with clients and their families. With culturally appropriate support, families will become self-managing, self-reliant and less likely to engage in offending behaviour.

The Ngurrambai Bail Support Program includes court-based bail support, outreach bail support and support of bail applications from detainees in AMC. Ngurrambai Support Officers provide support to individuals applying for or granted bail. This support includes the development of a bail plan unique to each person, with goals set that support a person's immediate needs and compliance with their bail conditions. The ACT Bail Support Program is a separately funded initiative aiming to expand and strengthen the Ngurrambai Bail Support Trial to assist people to successfully apply for bail and also successfully comply with their bail orders. This initiative offers case management support for men and women who meet eligibility requirements.

Front Up is a support program for Aboriginal and Torres Strait Islander people who have an outstanding warrant(s) or have breached bail or a community-based sentence to assist them to present to Court and negotiate on their behalf to have the matter resolved, where possible, without a period of custody. Extended Throughcare Support is a client-centred program designed to enable Aboriginal and Torres Strait Islander clients to succeed on their journey from prison to living sustainably back in the community. Extended Throughcare Support operates in collaboration with the ACT Corrective Services Throughcare Unit to provide individualised and intensive case management and trauma informed support.

Yarning Circles for Justice involves focused interventions that over time empower client's capacity to navigate the issues they face and self-manage their affairs to achieve longer term goals focused on staying out of the justice system, restoring family relationships and participating in the broader Canberra community.

Galambany (adults) and Warrumbul (youth) Circle Sentencing provides culturally relevant sentencing options for Aboriginal and Torres Strait Islander people allowing offenders to be diverted from the mainstream system into culturally meaningful and sensitive justice processes. The Aboriginal and Torres Strait Islander Panel of Elders has an opportunity to work collaboratively with the magistrate to address offending behaviour.

We will also deliver targeted new initiatives comprising of On Country, Yarning Circles and Employment and Business Development Initiatives aimed at reducing the disproportionate representation of Aboriginal and Torres Strait Islander community members throughout the ACT Justice System and building capacity for economic independence.

#### **PILLAR**

#### Responding to justice housing needs

Former detainees are over-represented in all forms of homelessness, and people experiencing homelessness are more likely to be imprisoned than those with housing.<sup>20</sup> Twenty per cent of detainees at the AMC reported unstable accommodation in the four weeks prior to their incarceration.<sup>21</sup> Addressing the post-release housing needs of people exiting prison is critical to reducing recidivism, with the first four weeks post-release from detention being the highest risk period for reoffending.

Lack of stable housing may also affect decisions by courts and releasing authorities relating to granting conditional liberty on bail or parole. However, in the ACT there is a lack of affordable. accessible and sustainable housing options for people exiting the AMC or as an alternative to being detained in custody.<sup>22</sup>

Many people who experience homelessness find themselves unable to progress from transitional housing or other insecure accommodation options.23

Stable, supported accommodation and service connections are important for individuals to successfully transition from prison to the community, or those seeking accommodation as an alternative to being detained in custody. Due to the needs of this cohort, private rental is often not suitable or available, and there are often risks involved with attaining sustainable housing with families or friends.

#### ACTIONS

ACT Corrective Services (ACTCS) is progressing changes to the old case management model to a sentence management model which seeks to ensure that the time a detainee spends in custody is constructive and aimed at maximising opportunities for detainees to successfully return to the community and reduce the risk of recidivism. Strengthening links between release planning and reintegration activities, with effective supported housing arrangements, is a key element to help people released from custody access training and work and to reduce their risk of reoffending.

Currently, sufficient appropriate transitional accommodation is a missing aspect of ACT accommodation options. The recently announced Justice Housing Program (JHP) is a collaboration between the Justice and Community Safety Directorate (JACS), the Community Services Directorate, the social

Baldry E. (2017). Recidivism and the role of social factors post release. Precedent, 81, 4-7: cited in the Evaluation of ACT Extended Throughcare Pilot Program: Final Report

Young JT, van Dooren K, Borschmann R, & Kinner SA. (2017). ACT Detainee Health and Wellbeing Survey 2016: Summary results. ACT Government, Canberra, ACT.

Although not the only factor, the average wait times in December 2019 for priority social and public housing was 169 days; high needs housing 664 days and standard housing 1143 days in the ACT. https://www. communityservices.act.gov.au/hcs/services/social\_ housing/waiting\_lists

Parsell C, Clarke A, Ambrey C & Vorsina M. (2019). Support requirements and accommodation options for people in the ACT with high and complex service needs. Canberra, ACT, Australia: Government of the Australian Capital Territory.

and community housing sector and support agencies, which aims to meet the diverse needs of people in the criminal justice system who are on bail or exiting custody. The JHP will begin to provide supported accommodation that could act as a stepping stone to longer term or permanent accommodation in public housing, community housing or the private rental market.

A key element of this proposed program is that it would be a temporary and transitional option, and participants in the program would work with a support worker to engage with services and create pathways into medium and long term housing options.

A proportion of the supported housing places will be allocated for Aboriginal and Torres Strait Islander people and for men, women and others, taking into account their specific risk factors and needs. There will be a focus on trauma-informed, gender-informed and culturally safe practices.

A new bail accommodation transition support service will cater for those who would be granted bail by the courts but on the condition that they have secure housing. This is designed to reduce the number of people considered low risk being remanded in custody, thereby providing pressure relief for the AMC and limiting the damaging effect a short to medium (in some cases months) period of incarceration can have on an individual's community connections.

#### **PILLAR**

3

Supporting people with substance use disorders in the justice system

A large proportion of crime in the ACT is either directly attributable to or associated with substance use.<sup>24</sup> There is a complex interaction between substance use, other social determinants of health and wellbeing and criminal behaviour. For example, unstable accommodation, lower education levels and unemployment have been noted among people accessing alcohol and drug treatment in the ACT.<sup>25</sup>

Alcohol and other drug treatment is known to be effective on a whole range of outcome measures related to health, wellbeing and social determinants, not just reduced substance use. Positive outcomes have been reported by people accessing alcohol and other drug services in the ACT. For example, the following proportions of people accessing alcohol and other drug treatment in the ACT 'agreed' or 'strongly agreed' that their drug use had reduced (85.5%), they are less involved in crime (91.3%), they have improved general health (79.4%), improved

Stoové M & Kirwan A. (2010). External component of the evaluation of drug policies and services and their subsequent effects on prisoners and staff within the Alexander Maconochie Centre; Hughes et al (2013). Evaluation of the ACT Drug Diversion Programs; Young, J.T, van Dooren, K, Borschmann, R, & Kinner, S.A. (2017). ACT Detainee Health and Wellbeing Survey 2016: Summary results. ACT Government, Canberra, ACT.

Alcohol Tobacco and Other Drug Association ACT (ATODA) (2016). Service Users' Satisfaction and Outcomes Survey 2015: a census of people accessing specialist alcohol and other drug services in the ACT. ATODA Monograph Series, No.4. Canberra: ATODA.

mental health (78.2%), improved relationships with family and others (69.5%) and improved housing situations (60.9%).26

These positive treatment outcomes work collectively to reduce recidivism. For those most at risk of contact with, or already in contact with the criminal justice system, an expansion in alcohol and other drug treatment services will help to reduce their reoffending by seeking to address underlying causes.

Alcohol and other drug treatment will have the greatest effect when it is appropriately matched both to treatment type and to the specific needs of individuals at various points of contact with the criminal justice system. There is an opportunity to reduce recidivism by providing effective and properly matched substance use treatment for:

- people who are already in prison
- people who would otherwise be in prison, but have been diverted from it
- people who are in contact with the criminal justice system but have not been sentenced
- people who are released from prison and require ongoing treatment or support, and
- people in priority groups—in particular, acknowledging that incarceration rates are disproportionately higher for Aboriginal and Torres Strait Islander people, and that specific strategies are required to maximise access to appropriate alcohol and other drug treatment and support.

A range of effective alcohol and other drug treatment is available through specialist nongovernment and government services in the ACT to support people at these various points of

Alcohol Tobacco and Other Drug Association ACT (ATODA) (2016). Service Users' Satisfaction and Outcomes Survey 2015: A census of people accessing specialist alcohol and other drug services in the ACT. ATODA Monograph Series, No.4. Canberra: ATODA.

contact with the justice system. Low threshold alcohol and other drug support is sufficient for some, but for many, their history of dependence, various complex issues beyond their drug use, and their risk of relapse, requires more intensive treatment, such as in a residential rehabilitation service. The ACT Government is implementing the following initiatives that align with the goals of reducing recidivism for those in touch with, or at risk of contact with, the criminal justice system and who are experiencing complex and severe substance use disorders.

#### ACTIONS

Increased staffing within the Court Alcohol and Drug Assessment Service will allow more responsive assessment with the courts and referral to alcohol and other drug treatment services for individuals presenting with alcohol and other drug concerns and who are currently in contact with the criminal justice system.

ACTCS has recently engaged with the Drug Strategy Action Plan Committee to progress a new policy framework for the AMC, which will see increased collaboration with Justice Health and other Canberra Health services. as well as enhanced engagement with the non-government sector.

The ACT Government has established a Drug and Alcohol Court (DAC) in the ACT. The DAC and associated support programs target high-risk, highneeds offenders whose criminal activity is associated with substance use disorders, and diverts eligible offenders who are at risk of receiving a sentence of full-time imprisonment into a community based drug and/or alcohol treatment program.

The DAC has a multi-disciplinary specialist team who provide assessment, case management, alcohol and drug testing and counselling and case conferencing. Offenders can be subject to intensive judicial supervision as well as treatment for their substance use disorders with progress rewarded and breaches sanctioned, through a system of swift, certain and proportionate consequences. The aim is to achieve behavioural change in offenders to reduce reoffending and maintain social connections leading to improved social inclusion and community safety. The ACT DAC model is based on the successful NSW, QLD and Victorian models and will be independently evaluated.

The Bureau of Crime Statistics and Research has evaluated the NSW Drug Court and found that participants who successfully completed the drug court program were 37 per cent less likely to be reconvicted of any offence than offenders in the comparison group. Furthermore, offenders who participated in the Drug Court program (whether ultimately successful on the program or not), were 17 per cent less likely to be reconvicted for any offence.<sup>27</sup>

The disproportionate representation in the justice system, and experiences of multiple complex issues, including but not limited to alcohol and other drug use, requires targeted treatment options and referral pathways be available for specific priority population groups. In particular, Aboriginal and Torres Strait Islander people require specific strategies to access and be matched to quality and culturally-supportive alcohol and other drug treatments.

Funding has been provided, consistent with the ACT Drug Strategy Action Plan and the ACT Aboriginal and Torres Strait Islander Agreement, to work with the community and relevant service providers to plan a culturally appropriate residential alcohol and other drug rehabilitation service for the ACT Aboriginal and Torres Strait Islander Community.

#### **PILLAR**

4

Supporting people living with a mental illness or disability in the justice system

The prevalence of mental illness for individuals in contact with the criminal justice system is markedly higher than that of the general population. Studies reveal that individuals in contact with the justice system have a higher prevalence of diagnosable mental illnesses including psychotic illnesses, mood disorders and personality disorders. <sup>28</sup> The 2018 Health of Australia's Prisoners' Report revealed that 40 per cent of respondents reported a previous diagnosis of a mental health condition. <sup>29</sup> A 12-month prevalence of psychosis in an Australian prisoner population was found to be 30 times higher than the general population. <sup>30</sup>

The public health emergency may impact the mental health of detainees and those released during this time, particularly for those with pre-existing conditions. Accessing healthcare services will be harder with alternative measures in place

Weatherburn D, Jones C, Snowball L & Hua J. (2008). NSW Drug Court: A Re-evaluation of Its Effectiveness. BOCSAR NSW Crime and Justice Bulletins. http://www.drugcourt.justice.nsw.gov.au/Pages/dc\_publications/dc\_bocsar.aspx.

Fazel S & Danesh J. (2002). Serious mental disorder in 23 000 prisoners: A systematic review of 62 surveys. *The Lancet, 359*(9306), 545–550; Kouyoumdjian F, Schuler A, Matheson FI & Hwang SW. (2016). Health status of prisoners in Canada: Narrative review. *Canadian Family Physician, 62*(3), 215–222; Brown GP, Hirdes JP & Fries BE. (2015). Measuring the prevalence of current, severe symptoms of mental health problems in a Canadian correctional population: Implications for delivery of mental health services for inmates. International *Journal of Offender Therapy and Comparative Criminology, 59*(1), 27–50.

Australian Institute of Health and Welfare 2019. The health of Australia's prisoners 2018. Cat. no. PHE 246. Canberra: AIHW

Butler,T & Allnut S. (2003). Mental health among NSW prisoners. Corrections Health Service Sydney.

for appointments that require physical technology and computer literacy skills to access.<sup>31</sup>

#### ACTIONS

Addressing this issue will be achieved through an increase in staffing to meet demand and acuity of individuals presenting with complex presentations, the exploration of mental health-sensitive approaches within the ACT Court system, and the strengthening of diversion processes. An expansion of Mental Health, Justice Health, and Alcohol and Drug Services will enable a higher level of intervention for individuals with a mental illness and allow for an assertive model of intervention.

People with disability experience a greater need for legal support than many other people in society and face a range of disadvantages that make them more likely to come into contact with the justice system. People with disability are those who have long-term physical, mental, intellectual or sensory impairments which, in conjunction with various barriers may impact upon their full and effective participation in society on an equal basis with others. <sup>32</sup>

People with disability are over-represented in the criminal justice system and are estimated to constitute up to 50 per cent of incarcerated populations.<sup>33</sup> Research is increasingly identifying a relatively elevated risk of individuals with an acquired brain injury (ABI),

and more specifically a traumatic brain injury (TBI), in offending populations.<sup>34</sup> In Australia, comprehensive neuropsychological assessment undertaken with a sample of Victorian detainees found 42 per cent of male detainees and 33 per cent of female detainees had an ABI.<sup>35</sup>

Early identification of need and a system that is disability-aware and responsive to the needs of people with disability through the provision of reasonable adjustments will assist to prevent, reduce and break the cycle of contact with the justice system.

A range of actions and supports, outlined in the Disability Justice Strategy 2019–2029, will be implemented with the aim of improving access to justice for people with disability who are engaged with the justice system, including the development and implementation of an ACT Corrections Disability Framework. This framework will ensure that people with a disability in custody or under supervision have access to supports and adjustments that allow them to be safe, take part in programs and reduce their likelihood of re-offending.

ACT Government and Canberra Health Services (2020). Health service changes in response to COVID-19. Reducing non-urgent and non-essential outpatient and community activity. Measuring Australia's Digital Divide (2019). The Australian Digital Inclusion Index 2019 – Australian Capital Territory.

Convention on the Rights of Persons with Disability https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html

Human Rights Watch (2018). I needed help, instead I was punished: Abuse and neglect of prisoners with disabilities in Australia. https://www.hrw.org/report/2018/02/06/i-needed-help-instead-i-was-punished/abuse-and-neglect-prisoners-disabilities

Williams W. H, Mewse A. J, Tonks J, Mills S, Burgess CN, & Cordan G. (2010). Traumatic brain injury in a prison population: prevalence and risk for re-offending. *Brain Injury*, 24(10), 1184–1188.

State Government of Victoria. Department of Justice (2011). Acquired Brain Injury in the Victorian Prison System. Corrections Research Paper Series. Paper No 4.

# PILLAR 5

## Supporting detainee reintegration

Successful reintegration into the community following a term of imprisonment is a complex and challenging process, and one that is experienced by a growing number of individuals managed by ACT Corrective Services. As most of these offenders will eventually return to the community, the growth in the prison population is expected to correspond with increased numbers of detainees returning to society. In the ACT, 468 detainees returned to the community between July 2018 and June 2019.<sup>36</sup>

Offenders often face numerous challenges when they leave prison and return to their communities. These can include finding accommodation and employment, and obtaining support from government or other services. Such challenges can be compounded by other disadvantages that are disproportionately represented in offender populations, including mental illness, drug and alcohol dependence<sup>37</sup> and low levels of family and other social support.<sup>38</sup>

It is rare for offenders to leave prison and return to the community with existing employment, financial capital and other resources.<sup>39</sup>

As a result of the public health emergency there has been a rise in unemployment, with non-essential services closing and either laying off or reducing the hours of thousands of staff.<sup>40</sup> This is likely to affect offenders released in the ACT during this time, particularly as employers are less likely to hire someone involved with the justice system, even when compared to other groups of disadvantaged workers.<sup>41</sup>

#### ACTIONS

We are redesigning traditional case management to a holistic sentence management model that addresses risk and identifies reintegrative opportunities for detainees, with a key focus being on preparing individuals for release. This model is designed plan and deliver effective interventions and purposeful activity at the right time in a detainee's sentence, to improve and facilitate rehabilitation and reintegration of detainees into the community and support the decrease in the number of detainees reoffending post-release.

The ACT Government continues to provide Extended Throughcare Support, which is a clientcentred program designed to enable Aboriginal and Torres Strait Islander clients to succeed on

<sup>36</sup> ACT Corrective Services. http://www.cs.act.gov.au/ act\_corrective\_services/stats\_and\_publications

Visher CA, & Travis J. (2005). Transitions form prison to community: Understanding individual pathways. Annual Review of Sociology, 29: 89–113.

Uggen C, Wakefield S, & Western B. (2005). Work and family perspectives on reentry. In *Prison reentry* and public safety, ed. J. Travis, C. Visher, pp. 209–43. Cambridge, UK: Cambridge University Press.

<sup>39</sup> Travis J. (2005). *But they all come back: Facing the challenge of prisoner re-entry.* Urban Institute Press: Washington, DC.

Australian Bureau of Statistics (2020). 5676.0.55.003
 Business Indicators, Business Impacts of COVID-19,
 Week Commencing 30 March 2020. Business Workforce Changes.

<sup>41</sup> Holzer et al. (2007). Barriers to Reentry? The labor market for released prisoners in post-industrial America. Chapter 4: The effect of an applicant's criminal history on employer hiring decisions and screening practices: Evidence from Los Angeles. The Russell Sage Foundation.

their journey from prison to living sustainably back in the community. The program aims to provide individualised and intensive case managed and trauma informed support.

A new purpose-built Reintegration Centre at the AMC will deliver up to 80 beds and increase the range of rehabilitation programs available to detainees. Alongside the purpose-built Reintegration Centre, we will also boost staff capacity and expand key services and programs at the AMC to continue to develop and improve sentence management and post-release planning. This will allow a deeper engagement with the detainee's original offending behaviour and increase the capacity for more targeted and individual service responses.

Delivered in partnership with non-government and government organisations, enhanced programs will include trauma and relationship counselling, alcohol, tobacco and other drug rehabilitation, and other training including programs tailored to female offenders, detainees living with a disability and offenders from culturally or linguistically diverse background.

The provision of additional sentence managers, programs officers, a detainee employment specialist and a Disability Justice Liaison Officer will increase the availability and effectiveness of offender services and programs that support behaviour change and community reintegration.

Sentencing and sentence administration laws also play a role in supporting offenders' rehabilitation and reintegration into the community. The Australian Law Reform Commission, in its 2018 report 'An Inquiry into the Incarceration Rate of Aboriginal and Torres Strait Islander Peoples' recommended (at rec 7.2) that state and territory governments should implement community-based sentencing options that allow for the greatest flexibility in sentencing structure and to reinforce a rehabilitative approach to sentence administration. As part of Building Communities Not Prisons, the ACT Government has commenced a Parole Time Credit scheme to give parolees credit for the amount of time spent on parole, reducing the time spent in custody.



#### **PILLAR**



# Developing community capacity

The ACT Government's Justice Reinvestment efforts to Build Communities, Not Prisons has focused on developing a smarter, more cost-effective approach to improving criminal justice outcomes by reducing crime, improving public safety and strengthening communities.

In order to strengthen communities it is important to ensure detainees have strong support networks to facilitate an effective transition from prison to the community.<sup>42</sup> Research has shown that offenders who maintain connections with family and friends in the community have a better chance at achieving a relatively stable post-release life and a lower likelihood of recidivism.<sup>43</sup> Detainees are already a more socially disconnected group compared to the wider community, something that might be exacerbated by the current public health emergency and resulting social distancing measures.<sup>44</sup>

Brunton-Smith, I & McCarthy, D. (2016). The effects of prisoner attachment to family on re-entry outcomes: A longitudinal assessment. *British Journal of Criminology* 57(63–482).

ACT Corrective Services has recognised the importance of individuals being able to maintain communication with family and friends whilst in prison. A video calling service has been implemented at the AMC to ensure detainees are able to communicate with family and friends while social distancing measures are still in place and physical visits are suspended<sup>45</sup>. Detainees have also been provided an increased weekly phone credit allowance, which will continue until the public health emergency is officially over.

Although only 67.6 per cent of people in the ACT are assessed as having the means, technology and ability to participate online, <sup>46</sup> measures are being taken to ensure the relationships between detainees and their family and friends are sustained during these times.

#### ACTIONS

While investing in more police officers may seem counter intuitive to reducing the recidivism rate, resourcing ACT Policing's capacity for proactive policing, disruption and prevention to reduce repeat callouts and increase diversions reduces the rate of recidivism. A prevention focused and citizencentric police services model (PSM) will provide benefits to vulnerable communities and those over-represented in the justice system, in particular Aboriginal and Torres Strait Islander people.

Police are increasingly involved in addressing and responding to complex social issues

Liu S, Pickett T & Baker T. (2014). Inside the black box: Prison visitation, the costs of offending and inmate social capital. *Criminal Justice Policy Review, Vol. 27*, pp 766-790. Sage Publications.

<sup>44</sup> ACT Government. (2020). COVID-19 Protecting yourself and others: Physical and social distancing. https://www.covid19.act.gov.au/protecting-yourself-and-others/protect-yourself#Physical-social-distancing

ACT Corrective Services (2020). *Notice to visitors – updates on AMC visits arrangements 03/2020.* http://www.cs.act.gov.au/page/view/4105/title/notice-to-visitors-updates-on

Measuring Australia's Digital Divide (2019). The Australian Digital Inclusion Index 2019 – Australian Capital Territory. https://www.csi.edu.au/media/2019\_ ADII\_Report.pdf

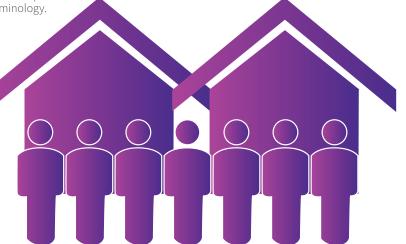
including family violence, mental health crisis, drugs and alcohol misuse and play a critical role as first responders. As demand has increased, the capacity has reduced for police to dedicate time to proactive, prevention and disruption activities. This 'void' is where people regularly come to the notice of General Duties police for non-crime related matters such as runaway youth and people with mental health issues. Resourcing challenges mean that there is limited capacity to deter or halt offending early which can lead to individuals being incarcerated.

The Strong Connected Neighbourhoods Program represents an important recognition of place-based Justice Reinvestment in the ACT. The Program is a collaborative effort between JACS, Housing ACT, Canberra Health Services, and ACT Policing, and is currently delivered by Reclink Australia. The program works with the residents of selected public housing sites to provide pro-social and law abiding community engagement and facilitate access to services. An independent evaluation found that the program reduced contact with the criminal justice system, increased community safety and builds community connectedness.<sup>47</sup> The program commenced in 2008 (as the High Density Housing Program) and received ongoing funding in the 2019–20 ACT Budget.

The ACT's voluntary Restorative Justice Scheme facilitates restorative conferencing between people harmed and people repsonsible for criminal offences, holding over 1500 conferences since its creation. The Restorative Justice Scheme moved through phase one (2005–16) where it received referrals only for less serious offences committed by juvenile offenders, phase two (February 2016) including adult offenders and more serious offences for both juveniles and adults to the final phase (phase three) which commenced November 2018 and allows sexual and family violence offenders to be eligible for referral. An independent evaluation of the Restorative Justice Scheme found positive outcomes for victims of crime and reductions in offending behaviour.

Funding has also been provided through the 2019–20 ACT Budget for additional resources in Health and ACT Ambulance Services to develop an initiative for a tailored mental health ambulance to support Canberrans experiencing acute mental health episodes. This will engage police, ambulance paramedics and mental health clinicians to enable in-situ safe care, assessment and treatment in an attempt to minimise hospital Emergency Department presentations, demand on acute services and involuntary emergency detentions. This program is based on the successful Police, Ambulance and Clinician Early Response (PACER) model in Victoria.

Morgan A, Brown R, Coughlan M, Boxall H & Davy D. (2018). Reducing crime in public housing areas through community development: An evaluation of the High Density Housing Program in the ACT. Research Report no. 6. Canberra: Australian Institute of Criminology. https://aic.gov.au/publications/rr/rr6



## PILLAR

# Responding to women in the justice system

It is also important that RR25by25 takes steps to address the particular challenges facing women in the ACT criminal justice system. The ACT's female imprisonment rate of 23.6 per 100,000 is lower than the national rate of 36.1.48 Although female detainees represent a small percentage of the total number of detainees at the AMC, making up 8 per cent of the average detainee population at the AMC in 2018–19,49 the number of incarcerated women has increased significantly in the ACT. The ACT female imprisonment rate increased by 95 per cent between 2015 and the June 2018 quarter, almost four times the national rate of 23.5 per cent.<sup>50</sup> Further, of the women incarcerated at the AMC in 2018-19 more than half were unsentenced (55%).51

The challenges facing women in prison typically involve high levels of trauma resulting from family and sexual violence. Women are also

more likely than men to experience higher rates of a mental health condition (65% compared with 36%) and a history of self-harm.<sup>52</sup> Furthermore, family and domestic violence is a leading cause of homelessness for women with children<sup>53</sup> which can have a flow-on effect as housing instability and homelessness are significant factors in incarceration rates of women. The impacts on women in custody are far reaching and incarceration often has flow-on effects throughout the whole family, particularly if they are primary carers of either children or parents. It is often through a culmination of social and economic marginalisation that women re-entering the community are at risk of reoffending.<sup>54</sup>

Australian Institute of Health and Welfare 2019. The health of Australia's prisoners 2018. Canberra: AIHW

Australian Institute of Health and Welfare (2018).
Family, domestic and sexual violence in Australia 2018.
Canberra: AIHW. https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-in-australia-2018/contents/table-of-contents

Fitzgerald R, Cherney A, & Heybroek L. (2016).

Recidivism among prisoners: Who comes back?. Trends
& issues in crime and criminal justice no. 530. Canberra:
Australian Institute of Criminology. https://www.aic.
gov.au/publications/tandi/tandi530

<sup>48</sup> Report on Government Services 2020, Table 8A.5. https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/justice/corrective-services

Justice and Community Safety Directorate Annual Report 2018–19. http://www.justice.act.gov.au/page/ view/4064/title/annual-report-2018-2019

<sup>50</sup> Bartels L (2018). Analysis of the ACT prison population and imprisonment trends to help reduce demand on the Alexander Maconochie Centre: A report prepared for the ACT Government

Justice and Community Safety Directorate Annual Report 2018–19. http://www.justice.act.gov.au/page/ view/4064/title/annual-report-2018-2019

#### ACTIONS

Acknowledging the specific challenges faced by women in contact with the justice system, we will increase our focus on delivering programs which are specifically designed for women. This includes the Strong Connected Neighbourhoods and Yarrabi Bamirr programs, along with a range of initiatives outlined in the Pillars above that focus on women, such as the Justice Housing Program and the DAC, which will have accommodation specifically for women.

ACTCS is undertaking the following action to inform the delivery of programs, services and rehabilitation of female offenders. They are exploring training options for AMC management and staff to raise awareness around trauma informed practice. They are also establishing a Women's Reference Group comprising key external stakeholders to consider how service provision can be enhanced both in the AMC and post-release for female offenders.

ACTCS is also developing a Women Offenders Framework that will provide structure and identify underlying concepts for the management and support of women in custody and those supervised on court and parole orders in the community. ACTCS is also developing a high level Operating Model which will focus on types of interventions, services and activities that support reducing reoffending and women's wellbeing, as well as utilisation of existing available infrastructure.



# BUILDING STRONG FOUNDATIONS

# Responding to young people in the justice system

While the first three years of RR25b25 will be focussed on keeping adult offenders out of prison, the ACT Government recognises the ongoing importance of responding to the needs of young people involved in the ACT criminal justice system. Young people are much more likely to engage in illegal behaviour during adolescence than in any other stage of their life. The offending rate for persons aged 15 to 19 years is higher than any other age group in Australia. Young people aged 18–19 years make up the majority of this cohort, bringing them into the adult justice system. Conversely, young people aged 10–14 years in general have the lowest rate of offending compared with other age groups. However, this group of young people are often highly vulnerable and early intervention is critical to break cycles of disadvantage and divert young people from longer term engagement with the justice system.

Although a considerable amount of crime is perpetuated by young people, most young people will 'grow out' of offending as they mature<sup>58</sup> with offending generally peaking in late adolescence and declining in early adulthood.

- Australian Institute of Criminology (2016). Australian crime: Facts & figures: 2014. Canberra: Australian Institute of Criminology. https://aic.gov.au/publications/facts/2014
- Richards K. (2011). What makes juvenile offenders different from adult offenders?. Trends & issues in crime and criminal justice no. 409. Canberra: Australian Institute of Criminology.
- Australian Institute of Criminology (2016). *Australian crime: Facts & figures: 2014.* Canberra: Australian Institute of Criminology. https://aic.gov.au/publications/facts/2014
- 58 Richards K. (2011). What makes juvenile offenders different from adult offenders?. Trends & issues in crime and criminal justice no. 409. Canberra: Australian Institute of Criminology.

Nevertheless, there is a small 'core' subset of young people who offend at a very early age and continue offending well into adulthood. This cohort are responsible for a disproportionate amount of crime and are referred to as 'lifecourse-persistent' to reflect the continuous course of their anti-social behaviour.<sup>59</sup> Being able to differentiate between adolescent-limited and life-course-persistent offenders is a crucial aspect of developing policy and programs to reduce persistent reoffending behaviour.<sup>60</sup>

- Moffitt TE, Caspi A, Harrington H & Milne BJ. (2002).
  Males on the life-course-persistent and adolescencelimited antisocial pathways: Follow-up at age 26 years.

  Development and Psychopathology, 14(1), 179-207.
- Richards K. (2011). Measuring juvenile recidivism in Australia. Technical and background paper series no. 44. Canberra: Australian Institute of Criminology. https://www.aic.gov.au/publications/tbp/tbp044

There is no single path to offending and a range of risk factors have been linked to an increased likelihood of offending with a cumulative effect if several risk factors are present. 61 Risk factors include engagement with school and education more broadly, their family and their social/ environmental conditions. In recent years, governments and communities are varying the way they respond to young people in contact with the justice system, endeavouring to shift from dealing with the consequences of juvenile offending towards identifying and focussing on the causes of offending and protective factors that reduce the likelihood of a young person engaging in criminal behaviour.<sup>62</sup> While recidivism within the youth justice system is a key indicator for the Community Services Directorate, the small number of young people involved means it can vary significantly from year to year. For 2018–19, the recidivism rate for sentenced young people in custody was 27 per cent and for sentenced young people on community based orders it was 39 per cent.<sup>63</sup>

The Education Directorate's support of children with complex needs is a key future focus area to be further explored. The Continuum of Education has universal, selected and targeted components that are either embedded in schools or provided through flexible learning programs that are holistic and trauma informed. This approach to education for young people whose parents are in prison can form a successful protective factor that alters their trajectory away from the justice system.

The primary response addressing youth crime in the ACT is the ACT Government's *Blueprint for Youth Justice in the ACT 2012-22* (the Blueprint). The Blueprint is a whole of government and community plan focussed on early intervention,

Blueprint for Youth Justice in the ACT. https://www.communityservices.act.gov.au/\_\_data/assets/pdf\_file/0009/337590/Blueprint\_for\_Youth\_Justice\_in\_the\_ACT\_2012-22.pdf



Community Services Directorate, 2018-19 Annual Report. https://www.communityservices.act.gov.au/ publications/annual-reports/2018-2019/2018-2019annual-report

<sup>61</sup> Shader M. (2001). *Risk factors for delinquency: An overview*. Washington, DC: US Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

prevention and diversion. The goal is to reduce youth crime by keeping young people out of the youth justice system to create a safer and more inclusive community and prevent a lifetime of offending. The Blueprint for Youth Justice Taskforce was established in 2017 to review progress and make recommendations for the second five years of the strategy. The Taskforce's final report, released in 2019, summarises progress in achieving goals in youth justice in the ACT over the previous six years and identifies ten areas of future focus to achieve better outcomes for children and young people in the ACT youth justice system.

The Taskforce found that the number of young people involved in the youth justice system had significantly reduced since 2011–12. This included the number of apprehensions of young people by ACT Policing falling by 37 per cent and the number of young people under youth justice supervision reduced by 27 per cent (and 33 per cent for Aboriginal and Torres Strait Islander young people). In addition, for most of the period there were fewer young people in detention, with a 45 per cent reduction in the number of Aboriginal and Torres Strait Islander young people in detention. In 2018–19, the ACT had the lowest rate among states and territories of young people in detention on an average day and the rate of community supervision was below the Australian average.<sup>64</sup>

Nevertheless, the Taskforce report found there was still more to do. Recommendations were focused on:

- further work to address the overrepresentation of Aboriginal and Torres Islander young people in the youth justice system
- Australian Institute of Health and Welfare (2020), Youth Justice in Australia 2018-19, https://www. aihw.gov.au/reports/youth-justice/youth-justice-in-australia-2018-19/contents/summary

- continuing to recognise and reduce the experience of childhood trauma
- developing early support for young people aged 8 to 13 years
- better support for young people in detention with disability and/or mental illness
- providing whole-of-family support to address the impact of intergenerational offending
- continuing to improve the quality of therapeutic services for young people in detention
- delivering trauma-informed throughcare in youth justice and
- improving data collection and linking to strengthen data analytics and information sharing.

The first three years of the R25by25 Plan will promote a number of initiatives aimed at supporting young people in the justice system that are consistent with the Taskforce recommendations. These initiatives are also informed by the Aboriginal and Torres Strait Islander Agreement and in particular the Action Plan's target to provide formal parenting and family support services for Aboriginal and Torres Strait Islander detainees while in custody and post-release. For example, as part of the ACT Government's Justice Reinvestment strategy, Yarrabi Bamirr was launched in 2017 to address the over-representation of Aboriginal and Torres Strait Islander people in our justice system and has recently been extended. Yarrabi Bamirr is a family-centric support model that is co designed with clients and their families to improve life outcomes and reduce or prevent contact with the justice system, particularly trans-generational offending. Through family and individual planning, the program works to support families as they self-manage immediate crisis and strive to achieve joint and individual goals. This may include working with young people to identify protective factors that will reduce their likelihood of engaging in offending behaviour, while working with adult family members to assist them in supporting young people to make positive decisions.

The recently launched Warrumbul Circle Sentencing Court, an alternative method of sentencing for Aboriginal or Torres Strait Islander young persons, is another example of how young people will be supported. Warrumbul Court aims to divert young people away from criminal behaviour by having the young person, where appropriate, engage with their culture and community, surrounded by their family and relevant support agencies to identify rehabilitation pathways or sentencing options. By involving a Panel of Elders in the sentencing process, the Court intends to identify any underlying issues that contributed to a young person's offending behaviour, facilitate appropriate rehabilitation, reduce the risk of reoffending, and promote Aboriginal and Torres Strait Islander communities' confidence in the court process. Circle sentencing has been identified as a justice initiative that provides the structure to assist offenders to change their behaviour and assist individuals who might appear be on the path of being lifecoursepersistent-offenders.65

The Early Support initiative is one of several key ACT cross-government reforms being undertaken by the human services cluster of directorates. This project is a ten-year reform to shift the human services system into a commissioning for early support outcomes environment. This will change the crisis-focus of the current system, providing earlier support for improved well-being outcomes for children and families. It focusses on early childhood, Aboriginal and Torres Strait Islander families and children, and families who have experienced domestic and family violence. Success will mean that children will receive the support they need, with strong family connections, before having contact with the child protection and the youth justice system. This is important work aiming to prevent young people from coming into contact with the justice system in the first place, thereby preventing future recidivism.

Potas I, Smart J, Brignell G, Thomas B, & Lawrie R. (2003). Circle Sentencing in New South Wales. Sydney: Judicial Commission of New South Wales. https://www. judcom.nsw.gov.au/wp-content/uploads/2016/07/ research-monograph-22.pdf

# EVALUATING AND MEASURING SUCCESS

In the context of RR25by25, given the initial focus on adult detainees, the primary indicator to measure success will be the rate at which adult detainees return to custody within two years. The Australian Government Productivity Commission report annually on this rate, through the Report on Government Services (RoGS). This rate is considered to be a key indicator of the success of the criminal justice system in reducing the incidence of unlawful activity. In 2018–19, the percentage of adults released from prison who were re-sentenced and returned to prison within two years was 42.4 per cent. The recidivism rate for offenders in 2025 will not be measurable until 2026–27. Achieving the target measurement of a reduction in the recidivism rate by 2025 would mean a reduction in the recidivism rate from 42.4 per cent to 31.7 per cent, a reduction of 146 detainees returning to custody.

Crucial to RR25by25 will be building an evidence base to support decisions about reducing recidivism and diverting offenders from the justice system. Just as crucial will be continuing to build partnerships between the ACT Government and research institutions to further address specific issues or problems relevant to the recidivism target.

An Evaluation Framework will be developed to support evaluation activities. All new and existing programs under RR25by25 will be evaluated for both the effectiveness of their service delivery model as well as the program's outcomes for different cohorts of offenders, including both recidivism measures as well as broader health and welfare outcomes. The impact of the current public health emergency on RR25by25, and corresponding initiatives, will also need to be incorporated into the

Evaluation Framework. The Evaluation Framework will outline the individual program's objectives, identify appropriate measurable indicators and the necessary qualitative and quantitative data required to enable an independent evaluator to assess the program's effectiveness. Evaluations will also seek to capture the impact of associated programs that will be working directly with people and families involved in the criminal justice system and this will be supported by the governance structure that will see whole of government enagagement and reporting.

The capacity not just to monitor and evaluate whole of government changes and system wide contributions to recidivism, but to also be responsive and redesign initiatives that effectively target recidivism is essential. Monitoring and reviewing the scope and procedure of the reducing recidivism policy, as well as analysing initiatives and recidivism reduction strategies in other jurisdictions, will be a continuous task.

Report on Government Services 2020, Table C4.4. https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/justice

A comprehensive review and opportunity to refocus will occur at the three-year mark to consolidate existing program information, review evaluation outcomes, and identify new programs, plans or initiatives.

The 25% reduction in the recidivism rate by 2025 will be measured by the RoGS rate at which adult detainees return to custody within two years. However, this headline figure is a crude indicator for measuring success as it does not take into consideration, for example, reductions in the seriousness or frequency of offending. The ACT Government is not just interested in measuring the number of detainees who return to custody each year, but also ensuring we keep our community safe and provide strengths-based support and inclusive pathways that lead to better life outcomes for people cycling in and out of prison.

Work is currently underway to ensure that there are adequate measures to highlight achievements against each pillar. Funding was provided in 2019 to expand JACS capacity to properly manage these ambitious programs, to develop and implement the RR25 plan and develop a 'Reducing Recidivism Research Collaboration'. The dedicated Reducing Recidivism team within JACS will work closely with justice stakeholders to consider more granular indicators of progress and success. A number of indicative measures will be used as complementary indicators of how the ACT is tracking against RR25by25.

Indicative measures will focus on the:

- referral, participation and completion rates of offenders participating in the targeted programs
- referral, participation and completion rates of detainees engaging in programs within the Reintegration Centre
- proportion of supported housing places that are fully utilised in the JHP and Bail Accommodation (broken down by specific cohorts), and
- proportion of detainees released to unstable housing or homelessness.

Longer term indicators will focus on:

- reduction in the rate of reoffending
- reduction in the seriousness of offending
- reduction in the frequency of offending
- reduction in the over-representation of Aboriginal and Torres Strait Islander people in custody
- reduction in the female prison population, and
- improved levels of health, wellbeing and social connectedness among program participants.



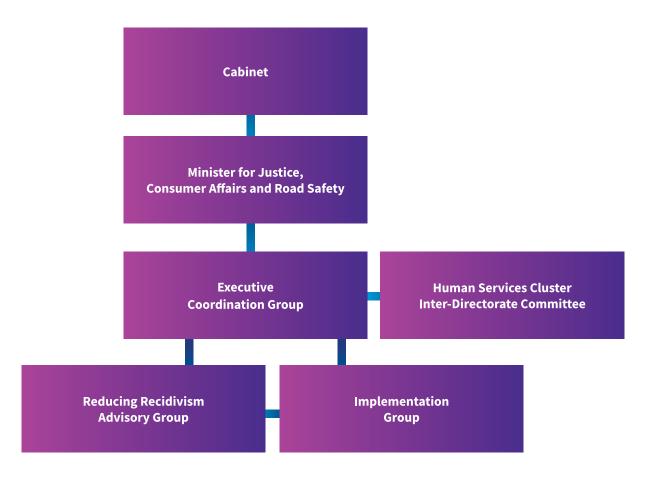
### **OVERSIGHT AND REPORTING**

It is important to ensure continued robust and effective collaboration between the government and the community. Policy direction and oversight to support the development and implementation of efforts to achieve RR25by25 will be driven by the Reducing Recidivism Advisory Group (RRAG), comprising government, academic and community sector representatives.

It is essential that the RRAG operates with a strong whole-of-government philosophy and ongoing collaboration between the government and community across our justice and human services systems to provide the community an effective oversight role in the development and implementation of RR25by25.

The RR25by25 Implementation Group will comprise of representatives from directorates and the community that are directly involved in program provision and will report to the RRAG.

Biannual progress reports to Cabinet will ensure oversight of the development and implementation of whole of government responses to these complex and persistent issues that impact the lives of Canberrans.



### **APPENDIX 1**

## Related cross government work

There is a vast amount of reform work taking place in our broader justice and human service system that will contribute to the success of RR25by25. This Reducing Recidivism Strategy is informed by and responds to the ACT Government's strategic priorities progressed in partnership with the whole of the community by the:

- A Step Up for Our Kids—Out of Home Care Strategy
- ACT Aboriginal and Torres Strait Islander Agreement 2019-2028
- ACT Children and Young People's Commitment 2015-2025
- ACT Drug Strategy Action Plan 2018–2021
- ACT Housing Strategy
- ACT Justice Reinvestment Strategy
- ACT Mental Health and Suicide Prevention Plan
- ACT Multicultural Framework
- **ACT Policing Futures Model**

- ACT Wellbeing Indicators
- Blueprint for Youth Justice in the ACT 2012-2022
- Canberra as a Restorative City initiative
- Disability Justice Strategy 2019–2029
- Early Support by Design
- Future of Education Strategy
- Office for Mental Health and Wellbeing Work Plan 2019–21
- Our Booris Our Way
- Safer Families.



## **APPENDIX 2**

# RR25BY25 initiatives

PROGRAM NAME	DESCRIPTION
Alternative Pathways for People with a Mental Illness	These programs seek to provide support for people with mental illness who are in contact with the criminal justice system to help prevent recidivism. The components of this initiative includes:
	<ul> <li>a. dedicated mental health clinicians to provide bespoke support for people residing in bail hostels who require specialist mental health assessment, interventions and support</li> </ul>
	b. Legal Policy Officer to support and improve the interface between mental health services and the criminal justice system, and
	c. additional funding provided for the expansion of the Detention Exit Community Outreach Service (DECO).
ACTCS Rehabilitation Framework	Implementation of the AMC offender treatment and rehabilitation plan in order to contribute to the goal to reduce recidivism by 25% by 2025. It covers the Strengthen Program in the ACTCS which will allow ACTCS to assess and deliver (through a partnership with appropriate providers) priority responses to detainees. Funding will focus on detainees dependent on alcohol and/or drugs and requiring foundational and readiness skills to participate in programs addressing offender criminogenic risks and needs, as well as services that contribute to the wellbeing of offenders.
AMC – Reintegration Centre	The new Reintegration Centre will deliver up to 80 beds, and increase the range of rehabilitation programs available to detainees. Delivered in partnership with non-government and government organisations, enhanced programs will include trauma and relationship counselling, alcohol, tobacco and other drug rehabilitation, and other training including job skills to support detainees to stay out of the justice system.
Co-design and planning: Aboriginal and Torres Strait Islander Alcohol and Drug Residential Facility	The Government is partnering with the Aboriginal and Torres Strait Islander community to inform what the development of a culturally appropriate residential service supporting drug and alcohol rehabilitation for Aboriginal and Torres Strait Islander people in the ACT to complement existing services, including the Ngunnawal Bush Healing Farm, might look like.

PROGRAM NAME	DESCRIPTION
Disability Justice Strategy – ACT Corrections Disability Framework	The ACT Corrections Disability Framework will ensure that people with disability in custody or under supervision have access to supports and adjustments that enable them to be safe, participate in programs and reduce recidivism.
Drug and Alcohol Court	The Drug and Alcohol Court and associated support programs will target high-risk, high-needs offenders whose criminal activity is associated with drug or alcohol dependence and divert eligible offenders from full-time imprisonment into a community based drug and/or alcohol treatment program. The aim is to achieve behavioural change in offenders to reduce reoffending and maintain social connections leading to improved social inclusion and community safety.
Expanding Early Intervention and Diversion Programs for People Experiencing Alcohol and Drug Dependence	These programs seek to provide support for people with substance use disorders who are diverted to Alcohol and Drug Services Police Court Drug Diversion Programs. This includes responsive access to alcohol and other drug counselors and case managers for people already in contact or prior to coming into contact with the criminal justice system for timely assessments and early diversion into treatments including alcohol and other drug intervention services. Expansion of these services will also meet the increasing demand and support demand within the Court Alcohol and Drug Assessment Service (CADAS) to reduce recidivism and to engage the individual in AOD specific treatment.
Front Up	Front Up is a support program for Aboriginal and Torres Strait Islander people who have an outstanding warrant(s) or have breached bail or a community-based sentence. Frontup Support Workers assist clients present to Court and negotiate on their behalf to have the matter resolved, where possible, without a period of custody.
Galambany Circle Sentencing Court	The purpose of the Circle Sentencing Court is to provide a culturally relevant sentencing option in the ACT Magistrates Court jurisdiction for eligible Aboriginal and Torres Strait Islander people who have offended.  The specialist Circle Sentencing process gives the ACT Aboriginal and Torres Strait Islander community an opportunity to work collaboratively with the ACT criminal justice system to address over representation issues and offending behaviour.
Galambany Court Support Worker	Case coordination support for Aboriginal and Torres Strait Islander men, women and others who are participating in the Circle Sentencing Court and support in attending each stage of the circle process and in complying with any requests from the Elders Panel or orders of the Circle Sentencing Court.

PROGRAM NAME	DESCRIPTION
Justice Housing Program	The Justice Housing service will provide accommodation options to meet the diverse needs of people involved in the criminal justice system. The JHP will provide supported housing places for individuals on bail and exiting custody. A proportion of the supported housing places will be allocated for Aboriginal and Torres Strait Islander people, men, women and others. A key element of this proposed program is that it would be a temporary and transitional option, and participants in the program would work with a support worker to engage with services and create pathways into medium and long term housing options.
Ngurrambai Bail Support Program	The Ngurrambai Bail Support Program includes court-based bail support, outreach bail support and support of bail applications from detainees. Ngurrambai Support Officers provide support to individuals applying for or granted bail. This support includes the development of a bail plan unique to each person, with goals set that support a person's immediate needs and compliance with their bail conditions.
On Country, Yarning and other Cultural Programs	Targeted initiatives aimed at reducing the disproportionate representation of Aboriginal and Torres Strait Islander community members throughout the ACT Justice System and building capacity for economic independence.
Parole Time Credit Scheme	The Parole Time Credit Scheme gives parolees credit for the amount of time spent on parole, reducing the time spent in custody.
Police Services Model	A prevention focused and citizen-centric police services model (PSM) that invests in preventative strategies, problem-solving and working across government as an addition to front-line and investigative work. The PSM will provide benefits to vulnerable communities and those over-represented in the justice system, in particular Aboriginal and Torres Strait Islander people.
Restorative Justice Conferencing	Since 2005, the Restorative Justice Scheme offers restorative conferencing between people harmed and people repsonsible for criminal offences, holding over 1500 conferences since its creation.
	The Restorative Justice Scheme moved through phase one (2005–16) where it received referrals only for less serious offences committed by juvenile offenders, phase two (February 2016) including adult offenders and more serious offences for both juveniles and adults to the final phase (phase three) which commenced November 2018 and allows sexual and family violence offenders to be eligible for referral.

PROGRAM NAME	DESCRIPTION
Strong Connected Neighbourhoods	The Strong Connected Neighbourhoods Program, which commenced in 2008 as the High Density Housing Program, is a collaborative effort between the directorate, Housing ACT, Canberra Health Services, ACT Policing and is currently delivered by Reclink Australia. The program works with the residents of public housing sites to provide pro-social and law abiding community engagement and facilitate access to services. The Program is recognised as a practical example of placed-based Justice Reinvestment in action, reduces contact with the criminal justice system, increases community safety and builds community connectedness.
Throughcare Support	Throughcare Support is a client-centred program designed to enable Aboriginal and Torres Strait Islander clients to succeed on their journey from prison to living sustainably back in the community. The program operates in collaboration with ACT Corrective Services to provide individualised and intensive case managed and trauma informed support.
Warrumbul Circle Sentencing Court	Circle sentencing is an alternative method of sentencing Aboriginal or Torres Strait Islander young persons and involves a Panel of Elders participating in the sentencing process. The Court aims to divert young people away from criminal behaviour by having the young person, where appropriate, engage with their culture and community, surrounded by their family and relevant support agencies to identify rehabilitation pathways or sentencing options.
	The process is intended to identify any underlying issues that contributed to a young person's offending behaviour, facilitate appropriate rehabilitation, reduce the risk of reoffending, and promote Aboriginal and Torres Strait Islander communities' confidence in the court process.
Yarning Circles for Justice	Yarning Circles for Justice involves intensive interventions that over time empower client's capacity to navigate the issues they face and self-manage their affairs to achieve longer term goals, all of which are focused on staying out of the justice system, restoring family relationships and participating in the broader Canberra community
Yarrabi Bamirr	The Yarrabi Bamirr program places particular focus on clients with children and their families who are at risk, assisting the whole family to become self-managing, healthy and safe. As part of the program, social health team workers will work together with clients and their families to co-design unique family plans to address their goals related to matters such as housing, health, justice, education and employment. Cross-government support will then be provided to families to address identified needs.

## **APPENDIX 3**

# RR25by25 Initiative responses to COVID-19

PROGRAM NAME	DESCRIPTION
Alternative Pathways for People with a Mental Illness	For dedicated mental health clinicians, there may be some modification in practice to minimise unnecessary face-to-face contact, otherwise they are providing mental health assessment, interventions and support as per standard practices
ACTCS Rehabilitation Framework	Criminogenic programs continue to be delivered as scheduled in the AMC and community. Group sizes have been limited to comply with social distancing requirements. If required, technology-based options will be explored to enable remote group participation for community offenders.
	External agency service provision, including individual counselling and groups, have by and large voluntarily ceased attending the AMC in line with their organisational COVID-19 guidelines. Should any service wish to return to the AMC, provisions will be made to ensure they are able to provide services in accordance with room size and social distancing requirements.
AMC – Reintegration Centre	To date no adjustments have been required.
Co-design and planning: Aboriginal and Torres Strait Islander Alcohol and Drug Residential Facility	To date, no specific adjustments have been required. However, ACT Health has assured service providers that service funding will continue during the COVID-19 emergency response and encouraged service providers to consider modifications to services as necessary to ensure service can continue.
Disability Justice Strategy – ACT Corrections Disability Framework	This initiative has been delayed by the public health emergency.
Drug and Alcohol Court	The DAC is not accepting referrals during the public health emergency; however, the Court is sitting to monitor the participants currently on the program. Once the public health declaration is lifted the DAC will resume accepting referrals.

PROGRAM NAME	DESCRIPTION
Expanding Early Intervention and Diversion Programs for People Experiencing Alcohol and Drug Dependence	Clients of these programs continue to have responsive access to case managers and counsellors. Services are provided by phone as a first preference with face to face options available for those not suitable for phone contact.
Front Up	This program is maintaining operations and continuing to deliver legal and broader support services to Aboriginal and Torres Strait Islander communities.
Galambany Circle Sentencing Court and Galambany Court Support Worker	The Galambany Court suspended operations and no new referrals are being taken. All detainees in AMC who had matters referred to Galambany Court before the public health emergency have been finalised. Any existing referrals awaiting assessment were given the opportunity to be listed in the mainstream court and be dealt with sooner or relisted in Galambany Court for after 1 July 20. All opted to be relisted in the Galambany Court.
Justice Housing Program	The DAC tenant support service provider is following ACT Health guidelines and will work with offenders on bail during the public health emergency in the properties previously identified for DAC use. Work is ongoing to quickly establish the remaining JHP properties to provide accommodation for those subject to bail and also to enable detainees to secure accommodation upon release.
Ngurrambai Bail Support Program	This program is maintaining operations, continuing to deliver legal and broader support services to Aboriginal and Torres Strait Islander communities.
On Country, Yarning and other Cultural Programs	On Country, Yarning and other Cultural Programs are yet to commence in 2020–21, so no adjustments have been required in response to the public health emergency.
Parole Time Credit Scheme	The Parole Time Credit Scheme commenced in March 2020 and the Sentence Administration Board continues to credit parole time to applicable offenders on matters.
Police Services Model	It is not anticipated that COVID-19 will impact ACT Policing's ability to deliver on the introduction of the new Police Services Model.

PROGRAM NAME	DESCRIPTION
Restorative Justice Conferencing	The Restorative Justice Unit (RJU) remains operational and continues to accept referrals. However, until further notice, any face to face contact will only be approved on a case by case basis if it can be conducted within advice and guidelines of ACT Health and the government.
Strong Connected Neighbourhoods	The program is being run from Kanagara Court with social distancing measures in place and residents from across the Ainslie Ave sites continue to access the program. Group activities have been suspended until further notice and it is safe to resume.
Throughcare Support	Throughcare Support has limited face to face contact with clients to essential contact only.
Warrumbul Circle Sentencing Court	Warumbul Circle Sentencing Court matters have been adjourned to July 2020 and the Warrumbul Court is not taking any further referrals until court resumes. Updates to clients and case management is still being provided by the Coordinator via phone.
Yarning Circles for Justice	Face-to-face services such as yarning circles, music programs, mentoring programs with elders and other group activities are temporarily suspended; however, programs will shortly be delivered online.
Yarrabi Bamirr	Yarrabi Bamirr has postponed all groups and community events. Yarrabi Bamirr is continuing with individual face to face engagement until medical assessment deems it unsafe to do so, and will revert to telephone contact depending on the client's circumstances.





## RR25BY25

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