

PREVENTION INITIATIVES WITHIN THE CRIMINAL JUSTICE SYSTEM OF WESTERN AUSTRALIA AND THE IMPORTANCE OF THE RECIPROCAL RELATIONSHIP BETWEEN THE INDIVIDUAL AND THEIR COMMUNITY

Maire Ni Mahuna*

ABSTRACT

This paper explores justice reinvestment as a possible solution to the issues identified in the Western Australia criminal justice system. It draws upon the connection between the philosophical writing of the relationship between the individual and the community by highlighting the reciprocal nature of this relationship, emphasising the fact that an adequate philosophical account of the human person must recognise and describe this reciprocity. The research investigates other jurisdictions and how these jurisdictions have addressed the overcrowding of prisons and recidivism. The research also includes local projects that are addressing the causal relationship between the general levels of disadvantage of particular communities and their contact with the justice system.

I INTRODUCTION

The Honourable Wayne Martin, Chief Justice of Western Australia has frequently recognised the ongoing issues regarding Indigenous contact with the justice system:

I have often described the gross over-representation of Aboriginal people within the criminal justice system of Western Australia as one of the

* LLB student (Murdoch University); Bachelor of Theology (Melbourne College of Divinity); Graduate Diploma in Education (English & Social Studies) (Monash University); Master in Education (Aboriginal Education) (Notre Dame University); Diploma in Professional Writing (Australian College of Journalism); Secondary Teacher since 1990, sessional lecturer at Curtin University (2007-2012); Education Officer – The Law Society of WA (2012-2016).

biggest issues confronting that system. I will continue to do so until there is some indication that we are making progress in reducing the extent of the over-representation.¹

In identifying the causal relationship between the general levels of disadvantage of particular communities and contact with the justice system, finding a solution to the problem is both complex and essential.

I do not think you need scientific qualifications or social surveys to conclude that there is a causal relationship between the general levels of disadvantage that are suffered by Aboriginal people in Australia in areas such as employment, housing, education, health and their over-representation in the criminal justice system.²

This paper aims to explore Justice Reinvestment as a possible solution to the issues identified by the Chief Justice of Western Australia.

Justice Reinvestment is about focusing on prevention initiatives within the communities affected by disadvantage rather than on the individual offender when addressing crime. It is a new way of looking at tackling crime ‘... International research highlights the fact that the criminal justice system works best where there are cohesive communities.’³ Thus,

¹ The Honourable Wayne Martin, 'Corrective Services for Indigenous Offenders - Stopping the Revolving Door' (Speech delivered at the The Joint Development Day - Department of Corrective Services, Perth Convention Centre, 17 September 2009) <http://www.supremecourt.wa.gov.au/_files/Joint_Development_Day_DCS.pdf>.

² The Honourable Wayne Martin, 'Address to the Lung Institute of Western Australia Inc' (Speech delivered at the Lung Institute of Western Australia, Perth Duxton Hotel, 23 October 2009) <http://www.supremecourt.wa.gov.au/_files/Lung_Institute_of_WA_Nov_09.pdf>.

³ Community Development and Justice Standing Committee, 'Making Our Prisons Work: An Inquiry into the Efficiency and Effectiveness of Prisoner Education, Training and Employment Strategies' (WA Parliament, 2010) 103.

Justice Reinvestment looks at the cause rather than treating the symptoms.

The first section of this paper contains a general discussion of the various theories that have led to the development of the concept of Justice Reinvestment beginning with Aristotle's, and later Thomas Aquinas' commutative justice and distributive justice, the social theory of subsidiarity, social justice and restorative justice.

The second section of the paper discusses the Western Australia jurisdiction and the contemporary issues regarding high incarceration rates, the 'tough on crime' stance by leading policymakers and recidivism rates. This section aims to put into context the reasons for exploring alternative corrective services policies that are more cost effective and efficient.

The third and fourth sections of the paper, explores the jurisdictions of Texas and New Zealand where alternative corrective services policies like Justice Reinvestment have been established. This section will examine the reasons why the jurisdictions chose a different pathway for their criminal justice system and the impact these pathways have had in the selected communities.

The concluding section of the paper examines programmes of Justice Reinvestment that are currently being piloted in Australia. It will then apply this discussion to the Western Australian context.

II THEORETICAL DEFINITIONS

‘The term Justice Reinvestment was first coined only 10 years ago, in an article for George Soros’s Open Society Foundation in 2003.’⁴ Justice reinvestment seeks to divert some of the money spent on building prisons into rebuilding the communities from which most of the prison population come. It also aims to empower and enable these local communities to solve their own problems and it asserts that certain problems can best be solved at a local level. It would also maintain that the state has a duty to provide a certain degree of assistance to help those communities.⁵

The theory behind the concept has its origins and roots in ancient Greek philosophy. Over the centuries, many different theories have been developed to engage investment in local communities for the benefit of the greater good. Aroney in ‘Subsidiarity in the writings of Aristotle and Aquinas’ states that for Aristotle man was a social being, a political animal whose nature developed in the family and villages and in the polis-the self-sufficient city-state. This latter was the ‘supremely authoritative community’⁶ which determined what the ‘good life’ was: the ‘chief end of humankind.’⁷

⁴ David Brown, 'Justice Reinvestment: the circuit breaker?', *Insight Magazine Victorian Council of Social Service* (Online) 036<http://insight.vcross.org.au/wp-content/uploads/2013/06/JusticeReinvestment.Final_.pdf>.

⁵ 'Susan B. Tucker and Eric Cadora, 'Ideas for an Open Society: Justice Reinvestment' (Occasional Papers from OSI-U. S. Programs, Vol 3 No 3, Open Society Institute, November 2003) 1-4 <https://www.opensocietyfoundations.org/sites/default/files/ideas_reinvestment.pdf>.

⁶ Nicholas Aroney, 'Subsidiarity in the writings of Aristotle and Aquinas' in Michelle Evans and Augusto Zimmermann (eds), *Global Perspectives on Solidarity* (Springer, 2014) 13.

⁷ Ibid.

Aristotle did not think that the polis or city-state should wield total power to the exclusion of the households and villages.⁸ This distinguishes him from his teacher, Plato, who in the Republic, made the state all-powerful, abolishing marriage, parenthood, and family and making each person, a citizen, totally subservient to the state.⁹ Aristotle opposed an ‘extreme unification’¹⁰ of the polis and rejects the idea that ‘the highest unity of a state is its highest good.’¹¹

Aroney goes on to argue that Thomas Aquinas, the medieval philosopher and theologian, attempted a synthesis between Aristotle’s thought and the insights of Christianity. Taking certain Aristotelian propositions and giving them added emphasis. He pointed out that while states are composed of households and villages, it did not mean that ‘the state is an absolute unity in which such “subordinate” units have no independent powers of operation.’¹² Aroney states that Aquinas went further than Aristotle in emphasising the greater degree to which households and neighbourhoods could claim self-sufficiency, and that he anticipated the modern concept of subsidiarity by asserting that each group or association should be allowed to make their proper contribution without being hindered by the state.¹³

Brennan, in ‘Subsidiarity in the Tradition of Catholic School Doctrine’ shows that the principle of Subsidiarity was fully articulated and defined in the 1931 papal encyclical *Quadragesimo Anno* both in its dual aspects. ‘Negatively (negative subsidiarity), it is a principle of non-absorption of

⁸ Ibid 15.

⁹ Allan Bloom, *The Closing of the American Mind* (Simon and Schuster Inc, 1988) 102 – 3.

¹⁰ Aroney, above n 6, 14.

¹¹ Ibid.

¹² Ibid 20.

¹³ Ibid 19-21.

lower societies by higher societies, above all by the state ... Positively, subsidiarity is also a principle that when aid is given to a particular society, including by the state, it be for the purpose of encouraging and strengthening that society.’¹⁴ It is also part of the notion of subsidiarity that the state has a duty to intervene to help a community when that community does not have the resources to adequately address its problems, but it must do so in a manner that ‘encourages and strengthens’¹⁵ that community.

The idea of distributive justice is pertinent here as it has to do with the distribution of the goods of a community to its members. Burke argues that this distribution of goods will always be mediated through governing bodies as they possess the requisite power to effect the distribution.¹⁶ Justice reinvestment therefore seeks to influence the distribution of goods in relation to the problem of crime and incarceration. It seeks to divert some of the goods of the community (money) from building prisons into building up the impoverished communities that they may deal more effectively with their problems and in this way make a substantial contribution to the overall common good of the wider community.¹⁷ Burke notes in his article that, ‘When properly exercised, distributive justice conforms to the principle of subsidiarity and unites the community more closely in solidarity.’¹⁸

Howard Zehr in his book, ‘The Little Book of Restorative Justice’, begins to describe what Restorative Justice’ is, by first saying what it is

¹⁴ Patrick McKinley Brennan, 'Subsidiarity in the Tradition of Catholic Social Doctrine' in *Global Perspectives on Subsidiarity* (Springer, 2014) 35.

¹⁵ Ibid.

¹⁶ Joseph Burke, 'Distributive Justice and Subsidiarity: The Firm and The State in the Social Order' (2010) 13(2) *Journal of Markets and Morality* 297, 297-8.

¹⁷ Tucker and Cadora, above n 5, 1-4.

¹⁸ Burke, above n 16, 302.

not. He says, ‘It is not primarily about forgiveness or reconciliation.’¹⁹ It is not about ‘mediation’²⁰ or reducing the crime rate,²¹ although all of these may be by-products. Zehr goes on to add that it is not intended to be a replacement for the legal system.²²

Zehr argues that the legal system focuses on ‘society’s interests and obligations as represented by the state,’²³ while ignoring the ‘personal and interpersonal aspects of crime.’²⁴ ‘By focusing on and elevating the latter “private” dimensions of crime, restorative justice seeks to provide a better balance in how we experience justice.’²⁵

Restorative justice seeks to expand the number of stakeholders involved in the crime and in its effects. It involves victims and community members as well as the offender and the state. It would focus particularly on the needs of the victim and Zehr identifies four main areas: the victims need real information about what happened; they need to be able to re-tell their story in ‘significant settings’²⁶ to get ‘public acknowledgement,’²⁷ they need to feel some ‘empowerment’²⁸ in their lives as the effects of crime can create a feeling of lack of control; restitution or vindication where the victim can get a sense that the offender has tried to ‘make right the harm.’²⁹

¹⁹ Howard Zehr, *The Little Book of Restorative Justice* (Good Books, 2015) 6.

²⁰ Ibid 7.

²¹ Ibid 8.

²² Ibid 10.

²³ Ibid.

²⁴ Ibid 11.

²⁵ Ibid.

²⁶ Ibid 13.

²⁷ Ibid.

²⁸ Ibid.

²⁹ Ibid 14.

Restorative justice also focuses on the offenders by way of getting them to acknowledge and take responsibility for the harm they have caused the victim which is consistent with the Western Australian principles of sentencing as outlined in s 6 of the Sentencing Act WA (1995). Interestingly, contrary to the principles of sentencing, Zehr argues that the adversarial nature of the criminal justice system ‘requires offenders to look out for themselves. Offenders are discouraged from acknowledging their responsibility and are given little opportunity to act on this responsibility in concrete ways.’³⁰

Zehr sees interconnectedness as the fundamental basis on which restorative justice is founded: ‘we are all connected to each other, and to the larger world, through a web of relationships. When this web is disrupted, we are all affected.’³¹ But interconnectedness must be balanced by the idea of particularity, because although ‘we are connected, we are not the same.’³² Particularity is about diversity, it highlights ‘individuality and the worth of each person.’³³ The Justice system must respect both dimensions.³⁴

Underpinning these notions of subsidiarity, restorative and distributive justice is the complex idea that the human being is a free agent with a social nature. The criminal justice system tends to focus on the first attribute and to neglect the latter. Charles Taylor in ‘Philosophy and the Human Sciences’ makes the point that ‘man is a social animal, indeed a political animal, because he is not self-sufficient alone (Aristotle’s

³⁰ Ibid.

³¹ Ibid 38.

³² Ibid.

³³ Ibid.

³⁴ Ibid.

autarkeia).³⁵ He then contrasts this notion of the human being with the idea of man, or the individual, as being self-sufficient, and calls this viewpoint ‘atomism’.³⁶

According to Taylor the philosophy of atomism provided the foundation for the social contract theories of the 17th century (Hobbes and Locke are prominent proponents) which portrayed man as a self-sufficient individual freely consenting to join society for mutual benefit. This, in Taylor’s view, has skewed the whole relationship between the individual and society. It presents a purely instrumental view of society, where individual rights have priority and the individual’s obligations to society are secondary. It also tends to see the person as a single, individual, autonomous being without having proper recognition of the social and community context in which the person is embedded.³⁷ Finally, it is this concept of the human being that lies behind the fundamentalist approach of the ‘national dependence on mass incarceration.’³⁸

It would be a mistake, however, to think that Taylor is anti-individual human rights or that he is attacking the concept of human freedom per se. He is not. He is seeking to restore a proper philosophical balance to the concept of the human person that underlies society’s laws and constitutions. For Taylor, the human person can only exercise his/her individual rights and make free choices in a society that is free, and thus he insists that individuals have an obligation to contribute to keeping that society free as a necessary condition for their own freedom and their enjoyment of their individual rights. Herein lies the paradox: human

³⁵ Charles Taylor, *Philosophy and the Human Sciences – Philosophical Papers 2* (Cambridge University Press, 1985) 189.

³⁶ Ibid.

³⁷ Ibid 187-198.

³⁸ Tucker and Cadora, above n 5, 2.

beings can only become human in society; individual human rights and the freedom that goes with them can only be had and exercised in a free society.³⁹

The problem for Taylor, with Hobbes' and Locke's state of nature, is that it is an abstraction, a logical construct. The idea of self-sufficient individuals freely consenting to joining society for mutual benefit begs the question of how they became self-sufficient in the first place. As Taylor puts it, 'Living in a society is a necessary condition for the development of rationality, in some sense of this property, or of becoming a moral agent in the full sense of the term, or of becoming a fully responsible, autonomous being.'⁴⁰

Taylor is insisting here on the reciprocal relationship between the individual and society, and to devalue or underemphasise the importance of one of them is to create an unbalanced philosophy of the human person. Fergus Kerr in his article, 'The Self and the Good: Taylor's Moral Ontology,' argues that Taylor sees that the atomism inherent in the thinking of Hobbes and Locke has come to dominate western political thought and practice, 'that takes as fundamental and unchallengeable the primacy of the individuals interests and rights, while simultaneously over-looking and even denying pre-modern assumptions about the primacy of our obligations as human beings to society.'⁴¹

Taylor's emphasis on the obligations that individuals have to the society in which they live, has a great deal in common with the notion of social justice that Joseph Burke develops in his article, 'Distributive Justice and

³⁹ Taylor, above n 35, 197-198.

⁴⁰ Ibid 191.

⁴¹ Fergus Kerr, 'The Self and the Good: Taylor's Moral Ontology' in Ruth Abbey (ed), *Charles Taylor*, (Cambridge University Press, 2004) 88.

Subsidiarity: The Firm and the State in the Social Order.’ Burke states that, ‘A person who has the virtue of social justice has the habit of fulfilling his obligations to the common good of the community or communities to which he belongs.’⁴² Social justice then in this view deals with what person owes to his community, and Burke goes on to quote Pius XI in his encyclical, ‘*Divini Redemptoris*’, ‘Now it is of the very essence of social justice to demand for each individual all that is necessary for the common good.’⁴³ While the focus here is on the obligation of the individual to the common good of his community, it is also true that the promotion of the common good will create the conditions for the individual to flourish.⁴⁴

This conception of social justice does not in any way infringe on the human rights of the individual, nor does it in any way imply a slide towards a totalitarian view of the state or society in which an individual would be subservient. What it does in fact is to restore the delicate balance in the relationship between the person and the community in which they live, which has been skewed by the philosophy of atomism of Hobbes and Locke.⁴⁵ It restores the balance by highlighting the reciprocal nature of the relationship between the individual and his/her community and by emphasising the fact that an adequate philosophical account of the human person must recognise and describe this reciprocity.

III WESTERN AUSTRALIA

According to the Australian Bureau of Statistics, ‘Prisoner numbers in Australia increased by six percent from the June Quarter 2014, with

⁴² Burke, above n 16, 300.

⁴³ Ibid.

⁴⁴ Ibid 300-1.

⁴⁵ Taylor, above n 35, 187-8.

males increasing by six percent and females by seven percent.’⁴⁶ Aboriginal and Torres Strait Islander incarceration numbers also increased by 6 percent. ‘The Aboriginal and Torres Strait Islander imprisonment rate was 12 times higher than the overall imprisonment rate ...’.⁴⁷ ‘There were increases in the number of persons serving sentenced probation, community service orders, restricted movement orders and parole.’⁴⁸

These figures indicate that nationally, ‘the average daily imprisonment rate was 196 prisoners per 100,000 adult population in the June quarter 2015.’⁴⁹ However, in Western Australia the average daily imprisonment rate was ‘277 prisoners per 100,000 population.’⁵⁰ ‘The prison population grew rapidly from 2009 to 2012 but in 2012-2013 fluctuated between 4,900 and 5,000.’⁵¹ In 2014, the prison population increased rapidly to over 5,250. Such an increase has led to prison overcrowding. In particular Bandyup Women’s Prison, Hakea and Casuarina prisons were the most affected.

While the prison population numbers rose, the number of people on community orders decreased. Interestingly, the spread of the prison population was very uneven with women, remandees and Aboriginal

⁴⁶ Corrective Services Australia, ‘Community-based Corrections on the Rise’ (Media Release, 4512.0, 9 June 2016) 1 <<http://www.abs.gov.au/ausstats%5Cabs@.nsf/mediareleasesbyCatalogue/01A3C2BE96FA6185CA2568A90013631C?Opendocument>>.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ Corrective Services Australia, ‘Community-based Corrections on the Rise Summary of Findings’ (Media Release, 4512.0, 9 June 2016) 1 <<http://www.abs.gov.au/ausstats/abs@.nsf/mf/4512.0>>.

⁵⁰ Ibid 2.

⁵¹ Office of the Inspector of Custodial Services, Government of Western Australia, *Annual Report* (2013/14) 7 <[http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3912222ab0f527946ed0218948257d6300111e57/\\$file/2222.pdf](http://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/3912222ab0f527946ed0218948257d6300111e57/$file/2222.pdf)>.

people being the three areas that saw the greatest growth.⁵² Women prisoners have increased in numbers by 50 percent since 2009 compared with a 25 percent increase of male prisoners.

A tougher stance by the Prisoner Review Board on prisoners being released on parole contributed to these increases as well as a significant increase on prisoners being held on remand. In the 2014 annual report of the Inspector of Custodial Services, it was expressed that ‘It is of very serious concern that more than one in five people in the state’s jails is legally innocent.’⁵³ Remandees constituted 22 percent of the prison population in 2014 compared with 16 percent in 2010.⁵⁴

Western Australia has the ‘highest imprisonment rate of Aboriginal people in the country, with Aboriginal people being 21 times more likely to be imprisoned than non-Indigenous adults.’⁵⁵ What is of concern is that Aboriginal people make up 40 percent of the total prison population with over 2,000 Aboriginal prisoners in 2014, while 53 percent of the female prison population were Aboriginal women. Given that Aboriginal people make up only 3.8 percent of the Western Australian population, these figures indicate a huge over-representation of Aboriginal people in the prison population with approximately 3,000 prisoners per 100,000 Aboriginal population.

Recidivism figures show that 45 percent of prisoners return to prison within two years of being released. The rates of recidivism vary between different groups with young people and Aboriginal people making up the

⁵² Ibid 8.

⁵³ Ibid 10.

⁵⁴ Ibid 9.

⁵⁵ Ibid.

higher numbers of re-offending. '61 percent of the people in prison in Western Australia in 2014 had been in prison previously.'⁵⁶

The Western Australian prison system spends over \$1 million a day on prisoners who had reoffended at a cost of \$351 a day per prisoner. This indicates that rehabilitation services within the prisons were not effective.⁵⁷ According to the Office of the Inspector of Custodial Services, 'The key conclusion, then, is that prisoners are more likely to reoffend when they are released from prisons that have identified deficiencies in service provision.'⁵⁸ The daily cost to keep a prisoner in jail in Western Australia is 20 percent higher than the rest of the country.⁵⁹ These costs vary considerably between the different prisons and their geographic locations.

'Crime costs Australia approximately \$36 billion dollars per year. Government spending on the criminal justice system accounts for approximately one quarter of these costs, distributed between the polices, the courts, and corrective services.'⁶⁰ Western Australia reflects the national trend of increasing expenditure on the criminal justice system. 'Over the past five years, the yearly cost of Corrective Services has increased by nearly \$200 million (34%) with an additional \$865 million

⁵⁶ Economic Regulatory Authority Western Australia, 'Discussion Paper: Inquiry into the Efficiency of Western Australian Prisons' (18 March 2015) 6 <<https://www.erawa.com.au/cproot/13400/2/Inquiry%20into%20the%20efficiency%20and%20performance%20of%20Western%20Australian%20Prisons%20-%20Discussion%20Paper.pdf>>.

⁵⁷ Ibid 6.

⁵⁸ Office of the Inspector of Custodial Services, Government of Western Australia, 'Recidivism rates and the impact of treatment programs' (September 2015) 10 <[http://www.parliament.wa.gov.au/publications/taledpapers.nsf/displaypaper/3912295a35b28230ed9c541e48257d730008d551/\\$file/2295.pdf](http://www.parliament.wa.gov.au/publications/taledpapers.nsf/displaypaper/3912295a35b28230ed9c541e48257d730008d551/$file/2295.pdf)>.

⁵⁹ Economic Regulatory Authority, above n 56, 8.

⁶⁰ Office of the Inspector of Custodial Services, above n 58, 1.

used on capital expenditure.⁶¹ These cost increases match the increase in the prison population.

Because of the increase in prison population, services within the prisons themselves have been unable to keep up with the demand. Stakeholders such as the Department of Corrective Services, Prisoners and their families and non-government organisations have expressed the view that ‘some of the services provided in prisons are provided in insufficient quantities, are poorly designed, and are poorly targeted to the needs of certain prisoner populations.’⁶²

The health issues of some prisoners are exacerbated by the time they spend in prison, in particular, mental health issues. This leads to the higher risk of prisoners reoffending after their release. Drug and alcohol abuse also contributes to the risk of reoffending with 80 percent of prisoners having a drug and/or alcohol dependency.⁶³ Needless to say, the links between drug dependency and criminal behaviour are very strong.

The services provided in the Western Australian prisons struggle to address the specific needs of individual prisoners. For example, cultural programmes and programmes for prisoners with intellectual disabilities. ‘Aboriginal prisoners are more likely to respond to programmes that are culturally appropriate and, ideally, delivered by Aboriginal people. Submitters (such as the Aboriginal Legal Service of Western Australia) raised concern that there is a lack of culturally appropriate programmes available to Aboriginal prisoners, particularly in regional prisons.’⁶⁴

⁶¹ Ibid.

⁶² Economic Regulatory Authority, above n 56, 12.

⁶³ Ibid 14.

⁶⁴ Ibid 15.

Given the high percentage of Indigenous peoples in the prison system, lack of such programmes only increases the risk of recidivism.

The Department of Corrective Services does not acknowledge the significant overcrowding of prisons in Western Australia because it works on the basis of prison ‘operational capacity’ rather than the national benchmark of design capacity.⁶⁵ Prison cells designed for only one inmate have been installed with bunk beds, resulting in two prisoners crammed into a small space, programme capacities only available for prison design and inmates not being able to complete their rehabilitation programmes because of the lack of availability. If prisoners do not complete their rehabilitation programmes, they may be prevented from being released on parole. Casuarina prison, for example, was only designed for 397 prisoners but with changes to the ‘operation capacity’ with the installation of bunk beds, it now has a capacity of 1032 prisoners.⁶⁶ Programme services within the prison only have the space for 397 prisoners leaving over 400 prisoners with idle hands on a daily basis:

Not everyone who is recommended to a programme is able to get access, nor is access equitable across the state. Prisoners in predominantly Aboriginal regional prisons have a higher proportion of unmet treatment needs due to programme unavailability than prisons in metropolitan prisons. Female prisoners also have less access to relevant programmes than males.⁶⁷

It is not surprising that Aboriginal people are more likely to be sharing a cell than non-Aboriginal people. ‘Most Aboriginal people felt that staff

⁶⁵ Office of the Inspector of Custodial Services, above n 51, 8.

⁶⁶ Department of Corrective Services, *Casuarina Prison* <<http://www.correctiveservices.wa.gov.au/prisons/prison-locations/casuarina.aspx>>.

⁶⁷ Office of the Inspector of Custodial Services, above n 58, 26.

neither respected nor understood their culture.’⁶⁸ With difficulties in cultural awareness, effective participation in treatment programmes would be adversely affected.

Another issue that exists in the Western Australian criminal justice system is the lack of data collection. ‘A large portion of the planning and resource allocation problems in the prison system are a result of inadequate collection and management processes in the Department of Corrective Services. In particular, there seems to be poor data around the effect of rehabilitation programmes, the performance of individual prisons and the health needs of prisoners.’⁶⁹

Consistent and proper procedures in the collection and management of data is essential in order for effective assessment of performance. ‘Good data would provide important feedback to the Department of Corrective Services about its performance and the needs of its prisoners.’⁷⁰ The Office of the Inspector of Corrective Services has recognised that the lack of adequate data collection is a significant barrier in the attempt to improve performance within the criminal justice system.

‘Despite more than twenty years of programme delivery, and despite criticism dating back many years of the lack of evaluations, the Department does not have any robust evaluations which can explain what works for whom, and why, by way of programmes in the Western Australian context.’⁷¹ Areas of concern include the lack of basic data such

⁶⁸ Office of the Inspector of Custodial Services, Government of Western Australia ‘Prisoner and staff perceptions of WA custodial facilities from 2010 – 2012’ (September 2014) 11 <<http://www.oics.wa.gov.au/wp-content/uploads/2014/10/Staff-and-prisoner-perceptions-report.pdf>>.

⁶⁹ Economic Regulatory Authority, above n 56, 15.

⁷⁰ Ibid 25.

⁷¹ Office of the Inspector of Custodial Services, above n 58, iii.

as data on recidivism, prisoner characteristics and the effectiveness of rehabilitation programmes.

However, the Department still lacks comprehensive evaluation of the programmes they deliver, which is a significant risk. Without this evaluation it is impossible to determine if one or more programmes delivered by the Department works as intended or makes the prisoner more likely to reoffend. This issues was raised in the Mahoney Inquiry in 2005, where it was stated that the Department is ‘unable to advise with any confidence that its rehabilitation programmes are working’. Nearly a decade later, this still has not been adequately addressed.⁷²

With increasing prison populations, overcrowding, cost increases, lack of adequate services and high rates of recidivism, the Western Australian criminal justice system is in crisis. Fortunately, other jurisdictions have already faced such difficulties and have implemented radical changes to their operational planning and management of corrective services. Western Australia could learn from these jurisdictions. Two interesting models that have proven successful are Texas and New Zealand.

IV TEXAS

*If we don't change the course now, we will be building prisons forever and ever – prisons we can't afford.*⁷³

In 2007, the government of Texas was faced with a dilemma, either spend more than 2 billion dollars by 2012 to build more prisons or look for an alternative solution. Working with the Council of State Governments

⁷² Office of the Inspector of Custodial Services, above n 58, 30.

⁷³ State Senator John Whitmire, D-Houston, Chair, Senate Criminal Justice Committee in Council of State Governments Justice Centre 'Justice Reinvestment State Brief: Texas' (2007) <<https://csgjusticecenter.org/wp-content/uploads/2012/12/TexasStateBrief.letter.pdf>>.

Justice Center (Justice Centre), the Bureau of Justice and the Public of the Pew Charitable Trusts' Center on the States, the Texan policymakers decided to adopt a justice reinvestment strategy and use corrections spending on the conditions of neighbourhoods where most prisoners would return. The belief was that expanding treatment programmes and residential facilities in the community would increase public safety because of a reduction in recidivism.⁷⁴

In Texas, as a result of a tough on crime approach, 'between 1985 and 2005, the prison population grew 300 percent, forcing the state to build tens of thousands of prison beds. From 1983 to 1997, the state spent \$2.3 billion in construction costs.'⁷⁵ By 2007, there was a bed shortfall of 3,017 and it was projected that the shortfall would reach 17,332 by 2012.⁷⁶ 37.3% of the prison population were black, 31.8% were white and 39.3% were Hispanic.⁷⁷ This was projected to cost taxpayers an additional \$523 million just between 2008 and 2009 for the building of more prisons and the ongoing operational costs with an additional cost of \$184 million expected and by 2012 a cost of a minimum of \$2 billion was projected.

In January 2007, state Senator John Whitmire and state Representative Jerry Madden led a joint hearing of the House of Representatives and Senate. The focus was to review the current penology strategies, look at the research findings and recommendations and explore policy options to

⁷⁴ Ibid.

⁷⁵ Ibid.

⁷⁶ Dr Tony Fableo, 'Texas Justice Reinvestment: Outcomes, Challenges and Policy Options to Consider', (The Council of State Governments Justice Center, Marcg 2011) <<https://csgjusticecenter.org/wp-content/uploads/2012/12/TXJRStateReport32011v2.pdf>>.

⁷⁷ Texas Department of Criminal Justice, 'Statistical Report Fiscal Year 2007' (July 2008) <https://www.tdcj.state.tx.us/documents/Statistical_Report_FY2007.pdf>.

reduce recidivism and improve public safety. This bipartisan group of legislative leaders ‘requested technical assistance from the Justice Centre to analyse corrections data’⁷⁸ and assist in developing new policy. The information collected for the analysis was crucial in not only recognising what the incarceration figures were but also the demographic characteristics of the inmates and the reasons behind the growth in prison population.

‘An analysis of the prison population identified high rates of failure on community supervision, limited in-prison and community-based programme capacity, and inefficient use of parole as key factors driving the projected growth.’⁷⁹ Because of the impact of policies, there was a 17 percent increase in probation revocations and fewer offenders placed on probation between 1997 and 2006. There was a backlog in release programmes of 2000 and a reduction in parole of 2000 inmates in 2007.⁸⁰

In the process of analysing the prison population, the Justice Centre identified that more than half the prison population came from just five counties at an annual cost to the taxpayer of more than \$500 million. Harris County (Houston) provided the greatest number of prisoners. Understanding which communities provided the greatest number of prisoners was significant when considering a Justice Reinvestment strategy as it allowed planners to target prison diversion programmes specifically in those areas.

The Texas policymakers enacted a criminal justice policies package to try to stem the growth of prison population and reduce recidivism. This

⁷⁸ Council of State Governments Justice Centre, 'Justice Reinvestment in Texas: Assessing the Impact of the 2007 Justice Reinvestment Initiative' (April 2009) <https://csgjusticecenter.org/wp-content/uploads/2012/12/Texas_Bulletin.pdf>.

⁷⁹ The State Council of State Governments Justice Center, above n 74.

⁸⁰ Fableo, above n 76.

package was to cost \$241 million, an investment diverted from the building and operation of new prisons to expand treatment and diversion programmes, community supervision and the use of parole for low-risk offenders.⁸¹ The Justice Reinvestment initiative had three main goals: address the key drivers of prison population growth; improve cost efficiency for the state; and reduce recidivism creating better public safety.

The new policies that emerged from the Texas Legislature in May 2007 were considered by some policymakers to ‘be the most substantial redirection in state corrections policy since the early 1990s.’⁸² These new policies included:

- 800 new beds for those on probation as part of a residential programme for those with substance abuse needs
- 3,000 substance abuse outpatient placements for those on probation
- 1,400 new beds in prison diversion facilities for probation and parole technical violators
- 300 new beds for parolees in halfway houses
- 500 new beds for in-prison treatment
- 1,500 new beds for substance abuse in prison treatment programmes
- 1,200 intensive substance abuse treatment programme placements.⁸³

⁸¹ The State Council of State Governments Justice Center, above n 74.

⁸² Ibid.

⁸³ Ibid.

As well as the increase in treatment programmes, there was also a significant focus on parole and probation policies. There was a provision in the new state corrections policies to build three new prisons at a cost of \$233 million but only if the diversion programmes were not successful. ‘We have embarked on bold initiative to rehabilitate non-violent felons to leave room to incarcerate the violent.’⁸⁴

In 2008 and 2009, the state saved \$210.5 million. With a continuation of the successful programmes, it was projected that the state would save the further \$233 million if new prisons did not have to be built, a total saving of \$443.5 million. The prison population in 2006 was 155,428, 155,062 in 2009 and 155,022 by 2010. This was significantly lower than the 2009 projected figure of 163 322.⁸⁵ Not only had the prison population stabilised, it had begun to decrease in numbers.

Because of the savings ‘policymakers also reinvested in the expansion of the Nurse-Family Partnerships Programme, a nationally recognized model for improving outcomes for low-income families and reducing crime, to reach 2,000 families/children.’⁸⁶ The focus of the programme was to improve health and well-being with the provision of services.

The population of Texas increased by 3.67 percent between 2007 and 2009 from 23,904,380 to 24,782,302.⁸⁷ Crime decreased by almost 3 percent: The crime rate in 2008 was the lowest since 1985.⁸⁸ Between 2006 and 2008, there was a decrease of 4 percent in probation revocations

⁸⁴ Ibid.

⁸⁵ Fableo, above n 76.

⁸⁶ The State Council of State Governments Justice Center, above n 74.

⁸⁷ Texas Department of State Health Statistics, *DSHS Centre for Health Statistics* <<https://www.dshs.state.tx.us/chs/>>.

⁸⁸ Ibid.

and there was an increase of 5 percent in supervised releases.⁸⁹ Prior to the reform there were 3,200 offenders in the prison diversion programme. This increased to 5,600 after the reform. 2000 more offenders were released on parole and there was a 27 percent decline in parole revocations.⁹⁰ By 2009, there were 8,260 fewer prisoners than what was projected. These figures are attributed to the Justice Reinvestment initiative.

Despite the new strategy, there were some challenges. Some members of the community were not in favour of some of the treatment programmes being placed within their neighbourhood. Though the capacity of residential facilities were set to be increased, some were behind schedule. These challenges were exacerbated by the lack of availability of suitably qualified counsellors and the Texan laws requiring public hearings and official approval before correctional residential centres could be expanded or located in a particular location.

V NEW ZEALAND

In 1992, a Crime Prevention Action Group (CPAG) was established by the New Zealand Government. The aim of the group was to ‘develop a national crime prevention strategy.’⁹¹ The CPAG explored four main areas:

1. The dimensions of crime in New Zealand

⁸⁹ Fableo, above n 76.

⁹⁰ Ibid.

⁹¹ Judge David Carruthers, ‘Crime Prevention and Social Justice Issues - A New Zealand Perspective’ (Paper presented at Crime Prevention Conference convened by the Australian Institute of Criminology and the Crime Prevention Branch, Commonwealth Attorney Generals Department, Sydney, 12 – 13 September 2002) 1
<http://www.aic.gov.au/media_library/conferences/crimpre/carruthers.pdf>.

2. The main factors influencing the occurrence of criminal activities;
3. How offenders are dealt with; and
4. How victims are dealt with.⁹²

The CPAG adopted a definition of crime prevention: ‘all those measures which have the specific intention of minimising the breadth and severity of offending, whether via a reduction in opportunities to commit crime or by influencing potential offenders and the general public.’⁹³ Such a broad definition enabled CPAG to explore all areas of crime prevention that combined ‘the active involvement of the community and the focussed management of government resources.’⁹⁴

This was a bold approach as previously, the New Zealand criminal justice system only dealt with actual criminal events, whereas the new approach meant a conceptual framework that explored not only actual crime but also potential offending – thereby providing a sound base to properly address and develop crime prevention strategies. ‘A preventative strategy for dealing with crime requires that the traditional reactive response to crime be expanded to take account of the social conditions which contribute to the increased likelihood of criminal events occurring.’⁹⁵ In other words, crime prevention strategies need to look at the communities where crimes occur and address the needs of that community – to look at the community rather than the individual.

The New Zealand model was much broader than the simple justice re-investment model. ‘The conceptual model developed by CPAG takes

⁹² Ibid.

⁹³ Ibid 2.

⁹⁴ Ibid.

⁹⁵ Ibid 3.

account of the need for examining preconditions to offending and victimisation as well as subsequent treatment of both offenders and victims. It also allows a detailed consideration of the complex interrelationships between the various parties involved in a criminal event.’⁹⁶ Such a model not only addressed the community needs for actual crime but also addressed the social-developmental needs of the community for long term crime prevention.

The CPAG explored models of crime prevention throughout the world both in analysing existing models and the study of criminology literature.

CPAG noted that a comprehensive crime prevention strategy needs to take account of the range of criminal offences in the community, the varying circumstances of offending groups, and the preconditions which promote the likelihood of crime taking place. It also needs to be flexible and broad enough to encompass the need to support, protect and strengthen response to victims.⁹⁷

CPAG also recognised the importance of taking into account the concerns of the local indigenous at both a central and local government level.

‘Effectively, CPAG drew its final strategic framework from a distillation of available information on criminal events, offenders and victims. The priorities the committee selected were those which appeared to be the most likely to change significant influencing factors contributing to increased criminal offending.’⁹⁸ This holistic approach led to a strategic framework that was comprehensive, multi-focussed on both potential offending and actual offending as well as addressing potential and actual victims of crime. In other words, it was a strategy that looked at empowerment of the community and the individual.

⁹⁶ Ibid 4.

⁹⁷ Ibid 5.

⁹⁸ Ibid 6.

The mission of the strategic framework was ‘to enhance community security by the development and implementation of a crime prevention strategy.’⁹⁹ Its goal was ‘to develop and implement a crime prevention strategy which provides a strategic, co-ordinated, managed approach, and an opportunity for community involvement in crime prevention.’¹⁰⁰ This strategic, managed approach to crime prevention was ‘an attempt to overcome the fragmentation and lack of co-ordination which characterises current responses to crime in New Zealand.’¹⁰¹ It was an attempt to be more cost effective, to avoid duplication of resources and provide more consistencies in dealing with offenders and victims. A Crime Prevention Unit (CPU) was established by the New Zealand Government located in the Department of the Prime Minister and Cabinet.

One of the first tasks of the CPU was to inform the public. Community briefings were held right across the country to inform interested parties about the government’s commitment to crime prevention. This was not just to inform the public but also to encourage the communities to get involved.

Despite all these efforts in 1995, there were 4,500 people incarcerated in New Zealand. This figure rose to 6,000 by 2001 and to 6,800 by 2004. In 2007 there were 8,300 people in New Zealand prisons.¹⁰² It was projected that the prison population would increase by 15.6% by 2014 to a number of 9,000. Surprisingly, despite the rise in incarceration, the

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid 7.

¹⁰² Rod Allen and Vivien Stern (eds), *Justice Reinvestment – A New Approach to Crime and Justice* (International Centre for Prison Studies, 2007) <http://www.prisonstudies.org/sites/default/files/resources/downloads/justice_reinvest_9_high_res_0.pdf>.

crime rate had not increased. In 2006, the Prime Minister of New Zealand commented that ‘Numbers at this level are neither financially nor socially sustainable in New Zealand.’¹⁰³ While recognising the need for public safety, the Prime Minister acknowledged that there must be a more efficient way to deal with the issue.

It was identified that, unlike other areas of public expenditure, the Department of Corrections’ budget was demand led. In 2007, there was an 18% increase of expenditure from \$600 million in 2006 to \$778 million in 2008. Economists began looking at alternative ways to spend the money – to reinvest the money into the community on needs such as health and education. According to Andrew Coyle (2008) there needed to be a deeper, systematic reform – ‘One that [was] rooted in a deepening recognition that the resolution of issues of public safety need to engage every institution in civil society.’¹⁰⁴

Thus, the Ministry of Justice used a different approach. It combined its sectors to tackle crime as a united group.

Working as a sector recognise[d] that there [was] a "pipeline" across the criminal justice system. It extend[ed] from the investigation of crime to arrest and prosecutions, through to courts, sentencing, and sentencing management and rehabilitation. It mean[t] policies and approaches in one part of the system can have significant effects on others. Joining up our services allow[d] agencies to identify these effects, and implement changes that [had] the best outcomes for the sector as a whole.¹⁰⁵

The Government's approach was threefold to meet the needs of families and communities, reduce the impact of offenders and address the

¹⁰³ Ibid.

¹⁰⁴ Ibid 6.

¹⁰⁵ Ibid.

consequences of crime through the delivery of effective justice. The Ministry of Justice developed a Result Action Plan to address the drivers of crime.

Our Results Action Plan sets out a roadmap for achieving the targets – by reducing opportunities for crime, targeting vulnerable youth and youth offenders, reducing

alcohol and drug abuse, and reducing reoffending.¹⁰⁶

In 2013 as part of the process of producing better public services to reduce crime, the Justice Sector launched a Collective impact toolbox to enable communities to set up local initiatives for crime prevention. Supporting work was also underway across the justice sectors and social sectors¹⁰⁷ These included:

- Addressing the drivers of crime;
- Prevention first;
- Policing excellence;
- Improved rehabilitation and reintegration;
- Fresh start reforms;
- Reduce long-term welfare dependency;
- Support vulnerable children; and
- Boost skills and employment.

¹⁰⁶ Ture, Ministry of Justice - Tāhū o te, 'Achieving our Targets' (2015) <<http://www.justice.govt.nz/justice-sector/better-public-services-reducing-crime/achieving-our-targets>>.

¹⁰⁷ Ibid.

According to the Result Action Plan ‘New Zealand is a safe society with a strong justice system and falling crime. The recorded crime rate in 2011 was the lowest in 30 years, and volumes in our courts and prisons are decreasing.’¹⁰⁸ The plan recognised the importance of better public service targets to ‘reduce crime, violent crime, youth crime, and re-offending.’¹⁰⁹

The overall target set out in the Result Action Plan was that ‘by June 2017, the Justice Sector action plan will deliver:

- an overall reduction in crime by 15 per cent;
- a reduction in violent crime by 20 per cent;
- a reduction in youth crime by 25 per cent;
- a reduction in re-offending by 25 per cent.’¹¹⁰

In its 2013-2014 Annual Report, the Department of Corrections announced that ‘New Zealand [was] a safer place. The crime rate [was] the lowest it has been since 1979. Violent crime [was] falling, youth crime [was] falling, and fewer people [were] re-offending.’¹¹¹ According to the report, New Zealand was well on its way to achieving its task of reducing re-offending by 25% in 2017. According to the report ‘The planning and delivery of services must not only focus on achieving

¹⁰⁸ New Zealand Government, ‘Delivering better public services: Result Action Plan’ (2012) <http://www.rethinking.org.nz/assets/Reducing_Crime/MOJ0026_Sector-Delivering%20BPS_v7.pdf>.

¹⁰⁹ Ibid.

¹¹⁰ New Zealand Government, Department of Corrections ARA Poutama Aotearoa ‘Annual Report 1 July 2013-30 June 2014’ (2015) 7 <http://www.corrections.govt.nz/__data/assets/pdf_file/0007/767923/Correction_s_Annual_Report_2013-14_Full.pdf>.

¹¹¹ Ibid.

outcomes, but must also be responsive to the individual needs of offenders – we call this our offender-centric approach, and it lends some complexity to the work we do.’¹¹²

‘Corrections spent \$1.19 billion in 2013/14, which was \$28.3 million below the supplementary estimates.’¹¹³ It seems the holistic approach that was first initiated in 1992 and then refined with the Result Action Plan and the uniting of all the justice sectors into one action group to tackle crime prevention has achieved its goal. However, it must be noted that it is still early days and the long term effects have yet to be fully evaluated.

The New Zealand model is much broader than justice re-investment which tends to focus more on the community from which an offender originates rather than the individual. The New Zealand model addresses all avenues – the community, the offender and the victim. It addresses drivers of crime in a united approach between government sectors as well as calling upon community and social groups to be involved.

VI CONCLUSION

*Justice must always question itself... just as society can exist only by means of the work it does on itself and on its institutions.*¹¹⁴

Across Australia, various justice reinvestment action groups are working with pockets of communities in an effort to prevent crime and thereby reduce the incarceration numbers, in particular, the incarceration of minority groups such as the Australian indigenous. Such efforts are commendable and just like the principle of the process of reconciliation,

¹¹² Ibid 9.

¹¹³ Ibid 10.

¹¹⁴ Michael Foucault in Tom Koch, *Scarce Goods: Justice, Fairness, and Organ Transplantation*, (Greenwood Publishing Group, 2002) 26.

it takes the individual, the small groups to change government in the long term as the mills of government institutions grind slowly.

In Western Australia, the Bis Industries, Fairbridge and the Department of Corrective Services worked in collaboration to create a project known as the Fairbridge Bindjareb Project. The project, commenced in 2010 ‘provides Indigenous people currently engaged in the criminal justice system with training and employment in the mining industry.’¹¹⁵ The objectives of the project is threefold: to improve the lives of Indigenous through effective training programmes that will lead to employment in the mining industry; to provide life skills tailored to individual needs; to provide sustainable change not only for the individual but also for their families and communities.¹¹⁶

The success of the Fairbridge project has secured further funding from all its funding partners for it to continue until 2016. It is a 16 week intensive programme and individual stories provide evidence of its success. One individual who is 42 years of age has spent 25 years of his life in incarceration. Since participating in the Fairbridge project, he has secure employment, a supportive family and is determined to remain out of jail.¹¹⁷ The Fairbridge project ‘changed his life.’¹¹⁸

¹¹⁵ Government of Western Australia, Department of Corrective Services ‘Fairbridge Bindjareb Project: Indigenous mining industry training and employment program’ (2015) <<http://www.bisindustries.com/media/documents/Bis%20Industries%20Fairbridge%20Bindjareb%20Project%20Brochure.pdf>>.

¹¹⁶ Ibid.

¹¹⁷ Australian Broadcasting Commission ‘WA prison skills program changing lives as Government seeks new approach to Aboriginal incarceration rates’ (8 October 2015) <<http://www.abc.net.au/news/2015-10-08/wa-indigenous-inmates-making-the-most-of-binjareb-skills-program/6837666>>.

¹¹⁸ Ibid.

In 2013, a pilot programme was implemented in Bourke NSW. This programme was developed by three groups working together: Justice Reinvest NSW, The Bourke Aboriginal Community Working party and the Australian Human Rights Commission.¹¹⁹ After appealing to community and corporate groups as well as government sectors, the pilot programme began in 2014 through funding from Dusseldorp Forum, the Vincent Fairfax Foundation and some governmental support both state and federal.

The aim of the pilot programme is to provide a justice reinvestment framework as a demonstration to the government that such a model provides a real solution to preventing crime as well as creating alternative pathways for youth. 'From 2014 – 2016, Just Reinvest NSW is working in partnership with Maranguka to develop a justice reinvestment framework for Bourke, including the implementation of the first key phase of that framework.'¹²⁰

Such projects reflect a determination by philanthropists and action groups to bring about change in a society that does not have clear government strategies on crime prevention. Tammy Solonec, Indigenous Rights Manager with Amnesty Australia said in her address on Justice Reinvestment at the Sir Ronald Wilson Lecture in Perth in 2014: 'The first stage of Justice Reinvestment involves a statistical mapping of the prison populations to determine where the offenders come from (their home community) and where the offences occurred.'¹²¹ Unfortunately, in Australia, there is no standardised data collection. There is no way of

¹¹⁹ Justice Reinvest NSW 'Justice Reinvestment in Bourke' (2015) <<http://www.justreinvest.org.au/projects/jr-in-bourke/>>.

¹²⁰ Ibid.

¹²¹ Tammy Solonec, 'Justice Reinvestment - What differences could it make in WA' (2014) <<https://www.lawsocietywa.asn.au/wp-content/uploads/2015/09/2014-SRWL-Paper-Final.pdf>>.

evaluating effectively where the problems lie in the criminal justice system.

It is interesting to observe that crime prevention strategies are not the only reason why intervention through investment in communities can impact upon social behaviour and expectation. The City of Kwinana, south of Perth, launched an innovative project called 'Looking Forward'. The project was aimed at improving the image of Kwinana which would encourage private and public investment in Kwinana. Carol Adams, the City's Mayor, was keen to clean up what was seen to be a poor image with aging infrastructure, lack of facilities and a shopping centre that did not encourage investors to the area. The \$300 million revitalisation project was launched in May 2006 and the real estate interest in Kwinana was the first indication of success with housing stock becoming scarce.¹²²

Professional surveys conducted by a reputed firm, Catalyse, enabled the Kwinana Council to ascertain the priorities for the residents: community safety and the environment. These surveys were conducted approximately every two years to maintain contemporary feedback from the community, in particular, what was working and where further investment needed to be done. There was also research undertaken through observing what other Councils had achieved. It was a major project that required cooperation from all sectors of government in the City of Kwinana.

In more recent times, the Red Cross provided funding which saw a night patrol initiative where Noongar Elders in partnership with paid youth engagement officers met with youth congregating after dark in the City

¹²² Maire Ni Mahuna, Interview with Mayor Carol Adams (Kwinana Looking Forward Project, 23 November 2015).

centre area. The patrol workers utilised a bus and collected the youth from the streets, ascertained where the youth were from and would return them home subject to a responsible adult being present. For many other youth, they were brought back to the Medina Aboriginal Cultural Centre where they were provided support, food, interactive activities and a safe and secure environment until they could be returned to their home.

The City's dedicated youth engagement team also patrolled shopping centres, engaging youth and liaising with store owners, providing a visible presence. This investment into the care of the youth was very successful and was brought about through the recognition that Kwinana had a large young community and a fundamental imperative to provide support to those in need.

A lot of investment was spent on community services throughout the City. One of the new investments in the City Centre was a Library and Resource Centre which housed many not for profit organisations as well as a dedicated privately operated 'Dome' café. It has been observed that the Dome, has become a central meeting place due primarily to its favourable location adjacent to the City's Recreation and Aquatic centre and library. The emphasis was on the needs of the people of Kwinana. Communication through a quarterly newsletter, 'Spirit of Kwinana' also raised the profile of the area and provides a regular and inclusive update on City activities.

Not only did the project provide somewhere for the youth to go, but a significant effort was invested in the environment with parks and gardens, wide open streets and a visual environment that was clean, spacious and attractive. The profile of the community lifted significantly attracting investors into the area. Interestingly 'Looking Forward' was a success,

not through statistical mapping but through the approach to know the community by the community: Where investment was to be placed was through what the community voiced in their feedback.

There needs to be this type of a united approach for a real difference to be achieved throughout Western Australia. Whether it be to follow the City of Kwinana's model, the justice reinvestment model like Texas, or whether it be to take on the challenge of a more holistic approach like New Zealand that is successfully implementing elements of all the various theories that have led to the current concept of justice reinvestment. Such a united approach would need to involve not just pockets of the Western Australian community but a whole government approach with the collaboration of both the public and private sectors.

Thus, the philosophy of the human person behind the approach of justice reinvestment is fully consistent with Taylor's thinking of the human person as a social being. It does not deny the autonomy of the individual, indeed it is very thorough in its insistence on the offender being made to confront all the consequences of his/her actions. However, like Taylor, it also takes full cognizance of the fact a human being is essentially a social being and therefore it realizes that to deal adequately with the problem of crime, it must not focus exclusively on the individual, but must broaden its scope to include the network of relationships and communities in which the offender is embedded.