

# Smart Justice

“Smart action for a safer community”

## More prisons are not the answer to reducing crime

Prisons are meant to protect the community and rehabilitate offenders. Yet, evidence shows that prison often fails to rehabilitate people and may increase the risk of reoffending.

Despite this, we continue to lock up more and more people, mostly from disadvantaged backgrounds, at huge social and financial cost to the community. Putting more people in prison diverts resources from vital social infrastructure and cost effective initiatives which have been shown to successfully address the causes of crime. There are better and more cost effective ways of reducing crime than prisons.

### Our prison population is rapidly increasing

Over the past decade, Victoria’s prison population has increased dramatically, rising 44%. On 30 June 2010 there were 4,537 prisoners in Victoria. While the large majority of prisoners are men, the rate of increase for women prisoners has been higher than the rate for male prisoners.<sup>1</sup>

### Harsher sentencing is driving rises in our prison population

The Victorian Ombudsman has stated that the increased prison population in Victoria “has been attributed to changes in sentencing practice and a generally more punitive approach reflecting strong community pressure for law and order.”<sup>2</sup> This is supported by research from the Sentencing Advisory Council which found that the average prison sentence length increased around 18% between 2000/01 and 2005/06.<sup>3</sup> A 2010 Department of Justice document reported that “key drivers” which have led to significant prisoner population growth include “tougher and longer sentences”.<sup>4</sup> Other research suggests that the deinstitutionalisation of psychiatric facilities has resulted in people with serious mental illness moving from psychiatric beds to prisons.<sup>5</sup>

### Rapid prison growth is set to accelerate over the next decade

The rise in Victoria’s prison population is set to continue and accelerate over the next decade. Cabinet documents obtained by *The Age* newspaper show that in 2010, under the sentencing policies of the former Labor Government, the Department of Justice predicted that prison numbers would increase another 45% to 6620 in 2020.<sup>6</sup>

The Liberal National Government has promised to introduce a range of harsher sentencing policies which will accelerate this increase. A 2011 Department of Justice report states “projections indicate that the prison population will continue to grow into the future. Sentencing reform – such as the abolition of home detention and suspended sentences, as well as the proposed mandatory minimum sentencing for certain serious offences – is expected to be the main driver of growth in prison bed demand.”<sup>7</sup> So, harsher sentencing will be the main driver of prison growth, not crime rates, which are falling.<sup>8</sup>

Victoria’s prisons are already full and the Adult Parole Board has noted “emerging problems of overcrowding”.<sup>9</sup>

### We are spending more than ever on prisons and this will continue to rise

Prison construction is extremely expensive. In the 2010/11 Victorian State Budget, the Victorian Government announced \$126 million spending to build 244 additional prison beds – a cost of over \$500,000 per prison bed.<sup>10</sup> Housing someone in prison is also extremely expensive. Council of Australian Government figures show that the average real net operating expenditure per prisoner per day in 2009-10 was \$240.66, or close to \$90,000 per year. In contrast, the average real net operating expenditure per community corrections offender per day was \$18.50 or less than \$7,000 per year.<sup>11</sup>

Victorian Government annual spending on prisons (excluding community corrections) has increased 151% over the past decade to \$593 million in 2011/12.<sup>12</sup> Spending is set to accelerate over the next decade to cater for the rapidly expanding prison population. Based on 2010

estimates of prison growth over the next decade, additional prison construction will cost over \$1 billion and operating costs will be close to \$200 million a year on top of current costs.<sup>13</sup>

### **Prisoners are typically from highly disadvantaged backgrounds**

The people we are locking up in prison have typically experienced high levels of disadvantage in their lives. For example:

- only 6.5% of male and 18% of female Victorian prisoners completed secondary, trade or tertiary education;<sup>14</sup>
- 69% of male and 49% of female Victorian prisoners were unemployed when they were imprisoned;<sup>15</sup>
- 87% of female prisoners in Victoria were victims of sexual, physical or emotional abuse, with the majority being victims of multiple forms of abuse;<sup>16</sup> and
- Indigenous Australians are 14 times more likely to be in prison.<sup>17</sup>

The report *Growing Victoria Together* found that approximately 50% of the Victorian prison population had two or more characteristics of serious disadvantage which included unemployment, intellectual disability, drug or alcohol issues, homelessness and prior admission to a psychiatric institution.<sup>18</sup>

### **Prison often fails to stop reoffending**

56% of Australian prisoners have been in prison before.<sup>19</sup> Victoria is comparatively doing better than other states in preventing reoffending. The rate of Victorian prisoners returning to prison within 2 years has dropped every year since 2001/02. Still, 49% of Victorian prisoners have been in prison before.<sup>20</sup>

### **Harsher prison sentences don't deter crime and can increase reoffending**

Longer prison terms are sometimes supported on the basis that they deter crime by sending a message to offenders. Yet, research suggests increasing prison terms doesn't deter crime.

In a recent report on deterrence, the Victorian Sentencing Advisory Council concluded that "the research suggests imprisonment has a negative but generally insignificant effect upon the crime rate, representing a small positive deterrent effect" however "increases in the severity of punishment...have no corresponding increased deterrent effect upon offending."<sup>21</sup> In other words, the general threat of imprisonment has a very small deterrent effect but increasing prison terms doesn't deter more crime.

Prison terms are also sometimes supported on the basis that exposing someone to tough punishment means they won't offend again. However, the Council's report found the "available research suggests that imprisonment has either no effect upon reoffending or a criminogenic

effect."<sup>22</sup> In other words, exposing someone to prison doesn't reduce reoffending and may in fact increase it. Further, harsher prison conditions over the course of a sentence "do not generate a greater deterrent effect, and the evidence shows that such conditions may lead to more violent reoffending."<sup>23</sup>

Explanations for the failure of imprisonment to deter offenders from reoffending include that "imprisonment may create a criminal learning environment, imprisonment may label and stigmatise offenders and imprisonment may be an inappropriate way to address the underlying causes of crime."<sup>24</sup> As leading social researcher Tony Vinson has said, imprisonment can "reflect and help to sustain limited education, unemployment, poverty, homelessness, and associated social difficulties."<sup>25</sup> Prison often exacerbates the problems that cause offending and fails to break the cycle of crime.

"Ignored, mismanaged, released unprepared, rapidly re-offending and returning to prison. This is all too often the story of the mentally ill offender, repeated and repeated."

VICTORIAN INSTITUTE OF FORENSIC MENTAL HEALTH, 2005.<sup>26</sup>

### **There are better and cheaper ways of reducing crime than prison**

Putting someone in prison generally stops them from offending for the period of their imprisonment. However, as a crime control mechanism, prison is blunt, harmful and extremely expensive. Studies suggest that very substantial increases in imprisonment will produce only a modest reduction in crime.<sup>27</sup> Worse, as outlined above, there is evidence that prison may increase the likelihood of people reoffending after release.

Locking up more people in prison isn't the way to create a safer society. NSW imprisons people at almost twice the rate of Victoria and yet the crime rate in NSW isn't lower.<sup>28</sup> There are better and more cost effective ways of reducing crime.<sup>29</sup>

### **Reducing disadvantage reduces crime**

Many different factors influence whether a particular person will commit crimes. Causes of criminal behaviour vary between different people and between different types of crimes. However, there is general consensus that child neglect is one of the strongest factors which increases the risk of involvement in crime. Poverty, unemployment and alcohol abuse are also risk factors.<sup>30</sup>

There is strong evidence that early intervention programs targeting at-risk children and youth are cost effective ways to reduce crime.<sup>31</sup> There is also research which indicates that reducing disadvantage and increasing income equality will reduce crime.<sup>32</sup> Similarly, there is also evidence that providing stable housing and employment opportunities can reduce reoffending.<sup>33</sup>

Despite this evidence, analysis by the Victorian Council of Social Service has shown that since the 2000-01 State Budget, Victorian Government spending increases on prisons has outstripped spending increases in areas likely to help reduce crime through prevention such as child protection, mental health and housing.<sup>34</sup> Prisons are diverting resources away from cost effective ways of reducing crime.

### Sentencing that addresses the causes of offending reduces crime

Sentencing options, such as suspended sentences and community-based orders, provide wider scope for rehabilitation and treatment and are much cheaper than prison. For example, the supervision and management of offenders on community based orders costs less than 8% of the average cost of imprisoning an offender.<sup>35</sup> Further, a study on the use of suspended sentences in NSW concluded that “as a means of reducing the risk of further offending, suspended sentences are as effective as, if not more effective than, a sentence of full-time imprisonment.”<sup>36</sup>

Better still, early intervention through court programs, such as the Neighbourhood Justice Centre, the Victorian Court Integrated Services Program and the NSW Drug Court, have been shown to be cost effective ways of reducing crime. These programs tackle underlying causes of crime by linking offenders with treatment programs and support services.

Participants in the NSW Drug Court Completion Program were found to be 37% less likely to be reconvicted during the follow up period.<sup>37</sup> Offenders processed at the Neighbourhood Justice Centre were 14% less likely to reoffend than those processed at other courts.<sup>38</sup> The Court Integrated Services Program evaluation showed it generated a 20% reduction in reoffending rates for participants.<sup>39</sup>

### Smart Justice Solutions

Smart Justice solutions are:

- tackling underlying factors that contribute to offending through increased investment in child protection, family support, housing, employment, education, mental health and drug and alcohol programs;
- expanding court programs which address the causes of offending like the Neighbourhood Justice Centre and the Court Integrated Services Program;
- providing intensive support to prisoners to reduce the risk of reoffending, through adequate pre and post release support, particularly in the areas of housing, education and employment; and
- promoting appropriate alternatives to prison including community based orders and suspended sentences.

*This factsheet was produced on 15 November 2011*

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- 7 Department of Justice Annual Report 2010-11, 30.
- 8 Victoria Police, *Crime Statistics 2010/11*, 4 and 7.
- 9 Adult Parole Board Annual Report 2010/11, 8.
- 10 Minister for Police, Corrections & Emergency Services, 'State Budget 2010: 1,966 More Frontline Police To Keep Our Community Safe' (Media release, 4 May 2010).
- 11 Corrections Statistics FAQs on [www.justice.vic.gov.au](http://www.justice.vic.gov.au).
- 12 Victorian State Budget papers show the prison budget (excluding community corrections) for 2011/12 was \$593 million compared with \$236 million in 2002/03: [www.dtf.vic.gov.au](http://www.dtf.vic.gov.au).
- 13 Estimate based on 2083 extra prisoners over the next decade at \$500,000 per additional prison bed construction cost plus \$90,000 per prisoner annual operating costs; see Royce Millar, "Super jails to cost billions" *The Age* 11 June 2011.
- 14 Department of Justice, *Statistical Profile of the Victorian Prison System 2005-06 to 2009-10* (2010) p 37.
- 15 Department of Justice, *Statistical Profile of the Victorian Prison System 2005-06 to 2009-10* (2010) p 38.
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- 20 Department of Justice, *Statistical Profile of the Victorian Prison System 2005-06 to 2009-10* (2010) p 37.
- 21 Sentencing Advisory Council *Does Imprisonment Deter? A Review of the Evidence* (2011) 17.
- 22 Sentencing Advisory Council *Does Imprisonment Deter? A Review of the Evidence* (2011) 22. See also, Lulham, Weatherburn & Bartels "The recidivism of offenders given suspended sentences: A comparison with full-time imprisonment" (2009) NSW Bureau of Crime and Justice Statistics, p 10.
- 23 Sentencing Advisory Council *Does Imprisonment Deter? A Review of the Evidence* (2011) 22.
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- 32 Weatherburn, above n 14, 190-197, Rose, above n 15, 107-110 and Wilkinson & Pickett *The Spirit Level: Why More Equal Societies Almost Always Do Better* (2009), 144.
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