

HISTORY AND CONCEPT OF JUSTICE REINVESTMENT

Where did Justice Reinvestment start

Justice reinvestment (JR) emerged in the early 2000s from conservative United States jurisdictions as a policy response to mass incarceration of marginalized communities and its ever-increasing cost on public expenditure. JR proponents argued that it did not make economic sense to continue with this approach and that by taking money out of the criminal justice system and putting it back into those marginalized communities by rebuilding infrastructure around health, education, and employment (as an example) there will be a much higher return on the tax dollars being invested in those communities.

In practice, JR in the US has been implemented mainly through criminal justice reform (laws and policies that reduce probation and parole breaches) and any costs saved have been reinvested back into the system rather than in over-incarcerated communities. It has been found that while JR has reduced the rate of prison growth, it has not reduced overall levels of incarceration.

The Australian context

While the original concept of JR comes from the United States it has been implemented in a somewhat different way in Australia. Here it has been much more along lines of Aboriginal self-determination and resistance against a system that is characterised by an overrepresentation in the criminal justice system.

As is widely known, Australian state and territory governments imprison Aboriginal people at rates rarely seen elsewhere in the world. In 2021, 23 in every 1000 Aboriginal and Torres Strait Islander people were incarcerated, four times the imprisonment rate in the United States and higher even than incarceration rates for Black Americans during their 2000s peak.

In New South Wales (NSW), the prison population expanded by about 40% between 2012 and 2018, despite an overall drop in violent and property-related offences. The NSW government embarked on an AU\$3.8 billion investment in new prison capacity while privatizing prison operation.

Aboriginal People's responses to this context and the widening gap between the health, development, and economic determinants of Aboriginal and non-Aboriginal people in Australia, have been shaped by demands for recognition of self-determination as a way of achieving empowerment, autonomy, and equality.

Justice reinvestment is one of many examples of community and place-based efforts to enable the exercise of self-determination in this manner across various policy domains. Examples include Aboriginal- community controlled health services, Aboriginal schools and educational institutions, joint management over national parks by Aboriginal rangers, and 'night patrol' alternative Community policing models. Justice reinvestment builds on these approaches but represents a novel strategy of demanding the 'reinvestment' of resources from the state prison system.

JR in New South Wales

Maranguka, a community-led initiative in Bourke, is the leading example of a “bottom-up” JR approach where community meetings and community-based organisations identify priorities and local solutions. Maranguka was established with the support of Just Reinvest NSW (JR NSW).

JR NSW began in 2011 as an initiative of the Aboriginal Legal Service (ALS) NSW/ACT. In 2022, JR NSW became an independent non-profit organisation from the ALS, managed by its own Aboriginal-majority Executive Committee.

Bourke became the first site of JR in Australia due to necessity brought about by its history and circumstances (30% of the 2500 people in Bourke are Aboriginal, compared to 3% nationally). In the nineteenth and 20th centuries ‘protectionist’ and assimilationist policies resulted in the forcible removal of Aboriginal people from the Tribal Groups to church-run ‘missions’ and relocation to reserves established in Bourke. The history of displacement and ongoing systemic injustice is reflected in the high levels of socio-economic exclusion from employment, education, health, and housing. Like in other parts of Australia, Aboriginal people in the area are massively overrepresented in the criminal justice system; in 2017-2018, all people incarcerated from Bourke were Aboriginal.

Maranguka seeks to counter these ‘deficits’ by harnessing what are identified as ‘strengths’ in Community level governance. ‘Maranguka’ is a word developed from the local Ngemba Language meaning ‘care for others’ and refers to the whole-of-Community justice reinvestment agenda developed by Bourke’s Aboriginal leaders and Community members.

Maranguka is managed locally, supported by the JR NSW team in Redfern, and is governed by the Bourke Tribal Council. The partnership with JR NSW was initiated by Bourke Aboriginal leaders who approached JR NSW in 2013 seeking to progress their priorities and goals through the justice reinvestment model.

Other sites

JR is expanding across NSW with Aboriginal people in Moree, Mt Druitt, and Kempsey and the Macleay Valley who are also progressing their own unique models of JR. They have already developed Aboriginal-led JR governance structures, programs and other interventions that aim to strengthen culture and self-determination and improve life opportunities to keep more Aboriginal people, particularly young people, out of custody.

While all locations are unique to their own circumstances, the common principles of JR apply, that is that they are: Community-led (having a strong focus on First nations community leadership; Place-based (focused on achieving positive change in a particular place; Data-driven (using both government data and community expertise to inform decisions); and Justice-focused (working to address drivers of offending and incarceration).

If your community is interested in becoming a JR site please contact: info@justreinvest.org.au

