



Afternoon Session C

Discussion Paper 9

Justice - What housing options would improve outcomes for people in contact with the justice system?

CHALLENGE OUTLINE:

1. Aboriginal people continue to be over-represented in our contact with the justice system.
2. Aboriginal men in Australia are now [more likely to be sitting in a prison cell](#) than in a university classroom¹.
3. Aboriginal incarceration and police custody rates have actually increased nationally since the 1991 Deaths in Custody Royal Commission tabled its report.
4. In Victoria, the rate of Aboriginal incarceration has doubled over the past 10 years from 989 per 100,000 in 2008-09 to 1,898 per 100,000 in 2017-18. (Report on Government Services (RoGs) 2019)
5. The past year saw a further spike. From January 2018 to January 2019 there was a 24.8% increase in Aboriginal prisoners in Victoria². The overall number of unsentenced Victorian prisoners grew by a staggering 30% in the year to January 2019³.
6. A trend towards harsher 'law and order' policing policies by both major parties has escalated over-representation. It has meant for example that: minor public order offences, such as offensive language, continue to be punished; police powers in relation to public drunkenness and arrest have been extended; the right to bail has been undermined with increasing exceptions (for property offences as an example); and maximum prison penalties and mandatory prison sentences have escalated. ⁴ These policies have had a disproportionate impact on Aboriginal people with their rates of imprisonment in Victoria increasing far faster than non-Indigenous prisoners.
7. Victoria has also seen a dramatic escalation in the incarceration of Aboriginal women, as part of a wider trend of imprisoning more women (The number of female prisoners in Victoria grew by 19.8% during the year to January 2019⁵.) More than four in five of these women have been victims of family violence. Homelessness and victimisation are features of these lives in which the prospect of prosecution looms larger than the prospect of state assistance to break out of crisis.
8. These very high incarceration rates for Aboriginal women are having a serious impact on families and children with a clear link to children moving into out of home care.

¹ Chris Cunneen, Professor of Criminology, UNSW, How 'tough on crime' politics flouts death-in-custody recommendations (<https://theconversation.com/how-tough-on-crime-politics-flouts-death-in-custody-recommendations-57491>)

² Corrections Victoria, Monthly Prisoner and Offender Statistics

³ Corrections Victoria, op.cit.

⁴ Thalia Anthony, Associate Professor in Law, University of Technology Sydney, Deaths in Custody, 25 Years after the Royal Commission, we've gone backwards (<http://theconversation.com/deaths-in-custody-25-years-after-the-royal-commission-weve-gone-backwards-57109>)

⁵ Corrections Victoria, op.cit.

9. Housing insecurity and homelessness are major drivers of offending and incarceration.
10. Housing is often a condition of bail, parole and corrections orders so its absence not only drives contact with the criminal justice system it also locks Aboriginal people inside that system, road-blocking pathways out.
11. The Australian prison estate [now costs in the order of \\$3.4 billion a year](#) to operate. (RoGS 2019) Victoria has the highest recurrent prisoner costs per day at more than \$400. (RoGs 2019) “Building a prison [can cost between \\$500 million and \\$1 billion](#), depending on its location, security level and size.”⁶ Community housing is vastly cheaper to build and operate.
12. Given that highly punitive policy settings are correlated with higher crime rates, the benefit cost of these settings is extremely weak (setting aside the larger social justice concerns of further marginalising disadvantaged people).
13. There is also a very real problem of mentally ill Aboriginal people being incarcerated in significant numbers.

Corrections Victoria



Monthly Prisoner and Offender Statistics

Table 1.07 - Number of prisoners by prison location - end of January 2018 and 2019

Prison location	31-Jan-18	31-Jan-19	% change
Barwon Prison	451	416	-7.8%
Beechworth Correctional Centre	160	158	-1.3%
Dhurringile Prison	210	234	11.4%
Fulham Correctional Centre	785	853	8.7%
Hopkins Correctional Centre	666	747	12.2%
Judy Lazarus Transition Centre	24	24	0.0%
Langi Kal Kal Prison	315	321	1.9%
Loddon Prison	619	662	6.9%
Margoneet Correctional Centre	789	812	2.9%
Melbourne Assessment Prison	230	241	4.8%
Metropolitan Remand Centre	867	910	5.0%
Port Phillip Prison	843	1,000	18.6%
Ravenhall Correctional Centre	691	1,244	N/A
Dame Phyllis Frost Centre	445	530	19.1%
Tarengower Prison	51	64	25.5%
TOTAL	7,146	8,216	15.0%
Male prisoners	6,650	7,622	14.6%
Female prisoners	496	594	19.8%
Aboriginal and Torres Strait Islander prisoners	632	789	24.8%
Prisoners aged less than 25 years	844	980	16.1%
Unsentenced prisoners	2,435	3,166	30.0%

Source: Corrections Victoria

⁶ Chris Cunneen, Op.cit.

POSSIBLE RESPONSES:

1. Many of the critical issues are the policy prerogative of the Aboriginal Justice Agreement.
2. What is clear is that a redirection of government financial investment from prisons to social and transitional housing constitutes one of the most effective, untapped crime prevention strategies available to the Government.
3. In the short to medium term there is an urgent demand for investment in transitional housing for people whose access to bail, parole or a corrections order is contingent on access to housing.
4. Aboriginal Housing Victoria, Corrections Victoria, Victorian Aboriginal Legal Service and the Department of Health and Human Services are engaged in a pilot transitional project for Aboriginal women completing custodial sentences. The efficacy of such programs must be evaluated and where they work the models must be extended.
5. The Government could invest in further pilot projects and carefully evaluate recidivism rates to build the crime prevention evidence base to enable sustainable and extensive investment in transitional and long-term housing support.
6. The Government could commit, consistent with its Royal Commission into Mental Illness, to invest in more extensive and more appropriate community housing options for people with mental illness, prioritising those at risk of contact with the criminal justice system.
7. Homeless risk assessment of people exiting institutional settings with associated service responses for identified 'at risk' clients, appears to be a critical element in a systems approach.



Source: Aboriginal Justice Agreement