**[The small town trying to shift spending from punishment to prevention](https://www.theguardian.com/australia-news/2017/feb/23/the-small-town-trying-to-shift-spending-from-punishment-to-prevention) – The Guardian -** [Marie McInerney](https://www.theguardian.com/profile/marie-mcinerney)

Cowra’s community has united behind an ‘exciting, innovative’ justice reinvestment concept – but will the NSW government stump up the cash?

Dawn breaks in Cowra, a New South Wales town challenging ‘tough on crime’ approaches.

A country town that votes National party may not be the first place you would look for an initiative that challenges “tough on crime” approaches, but then neither is Texas, one of the US states where [**justice reinvestment originated**](http://www.pewtrusts.org/~/media/legacy/uploadedfiles/tx20state20briefpdf.pdf)**.**

**Indigenous incarceration: turning the tide on colonisation's cruel third act**

Cowra lies in [Wiradjuri country](http://www.alc.org.au/media/86224/130520%20Wiradjuri%20powerpoint.pdf), stretched out along the banks of the Lachlan river in central west New South Wales. It is best known for [the Cowra breakout](https://www.awm.gov.au/encyclopedia/cowra/), when more than 1,000 Japanese prisoners of war launched a mass escape from a detention centre on the edge of town in the dying days of the second world war. More than 200 were killed in the bloody attempt, as well as four Australian soldiers.

Seventy years on, Cowra is a monument to the power of peace and reconciliation. Up a steep hill from the main street, the beauty and grace of the sculpted Japanese gardens are testament to decades of careful, respectful work between the town, former PoWs, and Japan.

Now, in the spirit of that healing, a [**three-year research project**](http://ncis.anu.edu.au/cowra/)led by Dr Jill Guthrie at the Australian National University’s centre for Indigenous studies has been exploring justice reinvestment, a social concept that aims to shift spending from punishment to prevention.

Cowra’s mayor, Bill West, describes the results of Guthrie’s work as both “considerable and compelling”.

“Too often we see a problem, real or perceived, and we come up with a knee-jerk reaction that’s sometimes worse than the original problem,” he said. They’ve taken time, done it properly, identified issues and what the community thinks.”

The Japanese gardens in Cowra, the town best known for the mass breakout of Japanese PoWs during the second world war, is a testament to the power of peace and reconciliation.

**A view from an elder**

In the lead-up to Christmas, Aunty Isobel Simpson sits in the kitchen of her Erambie home, wincing as she lowers herself into the chair.

With four children, 19 grandchildren, and eight great-grandchildren, the 67-year-old elder speaks with immense pride of her family: one grandson danced with Bangarra, another is “a great little footballer”.

It breaks your heart. You tell me what child isn’t naughty sometimes.

But she is also worried about the trouble that many Aboriginal kids in the area have with police and the broader justice system.

Officers came to her door three times in the days after a robbery in town, checking the whereabouts of one of the grandkids. It’s nothing new, she says.

“Because he has been in the system, he’s done stupid things, pinching stuff, they blame him straight away,” she says. “He said the detective pulled him up in the street and searched him.”

It’s a cycle for so many young Aboriginal people – early interactions with child protection and the criminal justice system interconnect with racial profiling by police, disrupting family connections, schooling and jobs prospects, and ultimately leading to their over-representation in prison and a pattern of recidivism.

And it starts very young for many. Aunty Isobel gets me to look up a Cowra Guardian article from February 2015. [It reports](http://www.theherald.com.au/story/2888581/tragic-situation-boy-with-nowhere-to-live-taken-to-juvenile-correction-centre/?cs=4173):

*An 11-year-old boy who sat crying in the dock at Orange Local Court on Monday had to be taken to a juvenile correction centre on Monday night as a last resort.*

The report said the Cowra boy had spent the night in the cells at Orange police station after he was apprehended by police. Told by officials that his family could not be contacted, the magistrate sent him to the Orana juvenile justice centre in Dubbo – more than 200km away from home – “as a temporary measure”.

**Keeping clear of prison: 'I can't go back in there'**

While the child can’t be identified for legal reasons, Aunty Isobel talks about the routine trauma involved in Aboriginal kids being taken from families, often over minor breaches of justice orders. “It breaks your heart,” she says. “You tell me what child isn’t naughty sometimes.”

She says it’s often impossible, without private transport or money for fares, for families to get to court appearances in neighbouring Orange or Dubbo, hours up the road.

**Beyond quick fixes**

It’s a familiar problem across Australia, exacerbated by past trauma, intergenerational poverty and health issues. Aunty Isobel says court officials are led to believe that children and young people have no family support. So they are put in care or detention – and so the cycle continues.

From where I sit, the education system is preparing our young people for a lifetime of incarceration.

Go down to the Cowra courthouse on court day, she says. “It’s packed with Aboriginal people. Our kids get jumped on, always first up [to be blamed].”

Then when the young ones come back to Cowra from a stint in detention or prison, they’re hard to manage, they’ve got “a real swagger”, she says. “It teaches them how to be criminals.”

The Cowra Local Aboriginal Land Council chief executive, Les Coe, says for young Aboriginal people in Cowra, long-term unemployment is crippling. It is not only a lack of work opportunities but years of discrimination that affects their chances.

“From where I sit, the education system is preparing our young people for a lifetime of incarceration,” he says. “It’s all about discipline, not about education.

“The kids get into trouble for acting up and it stays like that. Once you’ve got a name, that’s it: it’s passed on through the schools to the police, you become known in the community as a troublemaker, certainly well-known in the courts.

“We need to get in there early and break that cycle.”

**Jacob's story: a second chance or a path to prison? – interactive case study**

Coe is optimistic about what justice reinvestment might bring though he warns that it won’t be a quick fix. “Judging by what’s happened in the US and Canada, we can develop something over a long period of time, rather than Band-Aid treatment.”

**Economic sense**

Championed originally in the US in response to huge overcrowding in prisons, justice reinvestment involves the redirection of corrections budgets to community priorities. Instead of spending money on keeping people in prison, it invests in prevention: in health, education, housing, employment – whatever helps.

The Aboriginal barrister and academic Prof Mick Dodson says few people realise that it costs $400,000 a year to keep a young person locked up in juvenile detention in NSW.

“If Cowra’s got 10 of them locked up, you do the maths,” he says. “That’s $4m. Why not spend that money in the community doing good things that keep those kids out of trouble?”

**'I realised I never was able to help one child': where the justice system fails**

He hastens to say that justice reinvestment is not a silver bullet or a free-for-all: “We’re not talking about keeping everyone out of prison because some people who commit offences that are horrendous are a danger to society and have to be locked up. But we’re talking about people who can’t pay their fines, doing low-level crime.”

Australia is now spending $4bn a year on prisons: “That’s a lot of money and it’s unsustainable.”

But although a [**Senate investigation**](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/justicereinvestment/report/index) recommended a justice reinvestment approach three years ago, Australian governments have been slow on the uptake.

The [**Maranguka justice reinvestment project**](http://www.justreinvest.org.au/projects/jr-in-bourke/)in Bourke is the only major scheme in the country. South Australia has committed to two trials, and the Australian Capital Territory has an [**official policy**](http://www.justice.act.gov.au/page/view/3829/title/justice-reinvestment-strategy)but no active program.

Cowra is a community of about 12,000 people, with a “strong and proud” Aboriginal community who make up 7% of the population, compared with 2% nationally. During many consultations over the three years, the research team, led by Guthrie, met with representatives from education, employment, health, community service, police, judiciary and business sectors, as well as young people, parents, grandparents and carers.

Kendal Street, Cowra’s main road. The town’s Aboriginal population is ‘strong and proud’.

“Often communities are asked to spend a bucket of money in a certain amount of time and this was the opposite of that,” Guthrie says. “There was no bucket of money, no promise of funds at the end.”

In the end, Guthrie says, the project’s approach freed people up to think more broadly, “to not think within the constraints of a certain amount of money”.

The research team calculated that the cost of incarcerating Cowra citizens over the past 10 years had amounted to $42m. Community representatives then worked through the crime categories behind that cost, and selected which crimes they believed could or should be dealt with by non-custodial sentences. They came up with eight categories:

1. Traffic offences
2. Public order offences
3. Justice procedure offences
4. Property damage
5. Drug offences
6. Fraud and deception
7. Theft
8. Unlawful entry with intent/burglary, break and enter

Those categories, dubbed as “JR-amenable”, equated to about 50% of crimes committed, offering a justice reinvestment “saving” and potential funding pool of $23m over 10 years.

**What to spend the ‘saved’ money on?**

Priorities for reinvestment in Cowra included: service mapping (noting the difference between availability and access to services); keeping young people engaged in education at all costs, through after-school, suspension, homework and mentoring programs; employment and skills development; personal safety with an emphasis on housing (emergency, halfway houses, hostels); and community transport.

Guthrie says the research has built a model for other communities to explore and is hopeful it will result in a scheme in Cowra. “I think we’d find it quite painful to have to break the relationship now,” she says. “We’ve built the trust both ways.”

West, the mayor, says he has been pleasantly surprised by the support in the community. He says: “We have young people out there who deserve to be looked after. You don’t have to be young to make mistakes and get it wrong, so it’s nice to be a caring and compassionate and civilised community, to give people a fair go.”

But he says the state government’s response to Cowra’s work has been “frustratingly slow”.

The federal opposition leader, Bill Shorten, highlighted Cowra’s work in [**his response last week to the latest Closing the Gap report card**](http://www.billshorten.com.au/closing_the_gap_report_statement_parliament_house_tuesday_14_february_2017) on Indigenous disadvantage, and the local state Nationals MP, Katrina Hodgkinson, has championed the town’s plan within the NSW government.

But that political support is yet to translate into funding. “I’m personally disappointed the progress has been very slow to date,” West says, adding that Cowra’s proposal is exciting, innovative and backed by broad community support and in-depth research. “The government has nothing to lose and everything to gain.”

Why wouldn’t they be absolutely grabbing it with two hands?

The community wants about $750,000 over three years to appoint a program coordinator and fund early groundwork and evaluation, including liaison with the more established justice reinvestment program in Bourke.

The NSW attorney general’s department says it “has received the application and will arrange a meeting with the Cowra Justice Reinvestment project team to discuss the proposal”.

Hodgkinson is more inclined to blame the “slow wheels” of bureaucracy than government inaction but also admits she is frustrated by the pace of progress. She says a detailed proposal for funding was submitted to the then attorney general, Gabrielle Upton, last October, but she has been making strong representations for nearly a year.

“Why would they be wanting to delay something that’s going to have great community acceptance [and] be a positive for the [**New South Wales**](https://www.theguardian.com/australia-news/new-south-wales) budget overall?” she asked. “I don’t understand. Why wouldn’t they be absolutely grabbing it with two hands and saying ‘let’s get on with it, let’s just do it’?”