

# Forget the emotive rot, our jail system fails us

**A**S two former judicial officers, we have spent decades on the bench, watching the wheels of the criminal justice system turn — often too slowly.

The challenges of 2020 have given many of us an opportunity to think about what's important in our world and how we want the future to look.

That future should include reform of the Australian criminal justice system which, above all, needs to move away from its excessive use of imprisonment.

Australia now imprisons more people than at any time since 1900, in total number and per capita, at a cost exceeding \$3.6bn annually.

Shortly before the pandemic reached Victoria, our imprisonment rate reached levels not seen since 1895 — a momentum that has been backed by both sides of politics in the past.

We have had an obsession with being seen to be “tough on crime”.

Too many low-level and non-violent offenders end up in prison.

But jailing is not working as a deterrent: four out of 10 prisoners in Victoria return to prison within two years of their release, with many entrenched in a relentless cycle of unemployment, homelessness and offending.

The statistics show us that jailing is failing all of us — taxpayers, offenders who should be put on a path to rehabilitation and not reoffending, Indigenous Australians who are so vastly overrepresented in our prisons, and victims of crime who often feel better supported by



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strategies of restorative justice. The last state budget announced an investment of more than \$1.8bn for expanding prison capacity, when we should be looking to reduce it — particularly now as our state looks to rebuild from the impact of COVID-19.

This isn't about being a “soft on crime.” It's about a clear-eyed examination of the evidence, and moving past emotive and populist rhetoric to focus on solutions that actually work — improving lives and making everyone safer.

And when it comes to sentencing, there are good alternatives to the blunt instrument of imprisonment.

There are people who pose a



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serious threat to society, who commit serious, often violent crimes and who show no remorse or compassion for their victims. These people are rightly imprisoned.

But we need to consider who we're locking up with them.

Our prisons are overflowing with too many people jailed for minor offences, and offenders with a history of mental illness or cognitive disability.

They are thrown in with hardened violent offenders, given inadequate access to rehabilitation, treatment, education or support, and then released, unprepared, back into the world.

Many will reoffend — the vicious cycle continues. And it will continue unless we systematically address the underlying causes of offending.

Australia has fallen well out of step with other developed countries that are following the evidence and steadily moving away from imprisonment. Our incarceration rate is above the countries of Western Europe and Canada.

Even in the US — the world's biggest incarceration nation — Republicans and Democrats in a growing number of states are working together to act on the evidence that shows mass incarceration does not make communities safer nor prevent repeat offending.

Reforms in Texas since 2007 have seen the state close four prisons, saving an estimated \$US3bn and reducing reoffending rates.

Victoria spends more than \$130,000 a year for each prisoner.

But we are not spending nearly

enough on early intervention, and on programs that address the underlying causes of crime.

This clear need for reform has prompted a new multi-partisan group to join the chorus of voices advocating for change in our criminal justice system.

Launched recently with former governors-general Dame Quentin Bryce and Sir William Deane as patrons-in-chief, the Justice Reform Initiative is a broad alliance that includes many who have witnessed how the overuse of jail sentences in our justice system leads to worse outcomes for our society, not better.

We come from all sides of politics and all walks of life, and want a national, unbiased, evidence-based examination of the role that imprisonment plays in our justice system, because our reliance on locking people up is not working.

We need to acknowledge and act on this evidence.

We also need to acknowledge that Victoria has been a leader in implementing alternatives to imprisonment. Positive progress has been made but much more remains to be done.

Too much jailing is failing the Victorian community.

It's the right time for a policy reset.

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