

14 September 2017

Mr Geoff Howard
Chair, Law Reform, Road and Community Safety Committee
Parliament House, Spring St
EAST MELBOURNE VIC 3002

Dear Mr Howard

Jesuit Social Services welcomes the opportunity to respond to the Law Reform, Road and Community Safety Committee's Inquiry into Drug Law Reform via correspondence.

Jesuit Social Services works to build a just society by advocating for social change and promoting the health and wellbeing of disadvantaged people, families and communities. From our 40 years' experience working with people involved in the justice system, Jesuit Social Services has witnessed first-hand the interplay between drug use, criminal justice involvement and entrenched disadvantage.

Disadvantage, drug use and justice involvement

Jesuit Social Services along with Catholic Social Services Australia released the findings of its *Dropping off the Edge* report into locational disadvantage in 2015, which found that six per cent of postcodes in Victoria accounted for half of all prison admissions.¹ Our research found that those living in the 3 per cent most disadvantaged postcodes in Victoria are:

- twice as likely to have criminal convictions
- 3 times more likely to be experiencing long term unemployment
- 2.6 times more likely to have experienced domestic violence
- 2.4 times more likely to be on disability support.

We know that people experiencing disadvantage are more vulnerable to problematic drug use,² that there are clear links between drug use and offending,³ and that drug offences in Victoria account for 11 per cent of all custodial sentences handed down by the courts.⁴ Our experience delivering the ReConnect program for people exiting prison has further highlighted the interplay between drug use, criminal justice involvement and disadvantage. Of those ReConnect participants in 2016 that reported problematic substance use since referral to the program:

- 99 per cent gained their primary income from government benefits
- 64 per cent were homeless
- 8 per cent had completed Year 12 or equivalent
- 77 per cent indicated mental health issues (67 per cent diagnosed)
- 69 per cent had child protection involvement at some stage in their life.

Drug law reforms must be matched with appropriate structures, plans and resources targeted to our most vulnerable communities to effectively break the web of disadvantage. We need a multi-layered, cooperative and coordinated strategy that is owned and driven by the community, so that we can prevent people from cycling through disadvantage, drug misuse and criminal justice involvement.

¹ Vinson, T & Rawsthorne, M. 2015, *Dropping off the Edge 2015*, Jesuit Social Services and Catholic Social Services Australia, <http://www.dote.org.au/findings/full-report/>

² Spooner, S. & Hetherington, K. 2004. *Social Determinants of Drug Use – Technical Report 228*. National Drug and Alcohol Research Centre, UNSW, Sydney, 2004, <https://ndarc.med.unsw.edu.au/sites/default/files/ndarc/resources/TR.228.pdf>

³ Payne, J. & Gaffney, A. 2012. How much crime is drug or alcohol related? Self-reported attributions of police detainees - Trends & issues in crime and criminal justice no. 439, Australian Institute of Criminology, Canberra.

⁴ *ibid*

Health not punitive response

In 2014-15, the majority of alleged offenders apprehended for drug offences in Victoria were arrested for drug use and possession,⁵ and as previously mentioned, people who have committed drug offences account for a significant proportion of Victoria's prison population.

As outlined in their submission to the Inquiry into Drug Law Reform,⁶ the Victorian Alcohol and Drug Association (VAADA) cites recent evidence indicating that alcohol and other drugs (AOD) residential rehabilitation is more cost effective than prisons: when compared with prison, the diversion of people convicted of substance related crimes to AOD rehabilitation programs achieved savings of \$111,458 per offender, with additional health related savings of \$92,759.

VAADA also notes that despite the obvious benefits of AOD treatment, there are hundreds and thousands of Australians who are in need of treatment and thus significant resources would need to be allocated to the AOD sector to ensure those benefits were not diminished. Jesuit Social Services has recently been conducting research into justice reinvestment and sees this as a promising approach for adopting a preventative, health-first response which could include redirecting funding from expensive, tertiary responses (like prison) towards AOD diversion and rehabilitation programs.

Justice reinvestment is a criminal justice policy approach that prioritises prevention and diversion over detention. It is a form of preventative financing in which governments redirect resources that are currently spent on incarcerating offenders into community-based programs and services that aim to address underlying causes of criminality.⁷ It aims to prevent offending, break the cycle of recidivism and increase community safety by working to more effectively rehabilitate and reintegrate offenders.⁸ Justice reinvestment has become accepted practice in the United States (its country of origin)⁹ and by focussing on social drivers of crime such as unemployment, homelessness, health and education issues, it has the potential to deliver profound benefits to individuals and build stronger, safer and more cohesive communities over the long term.¹⁰

In line with the views of Victoria Legal Aid as outlined in their submission to the Inquiry into Drug Law Reform,¹¹ Jesuit Social Services believes it is in the best interest of the Victorian Government to reduce the number of people interacting with the justice system because of drug use.

We call for a reduction in the number of people interacting with the justice system because of drug use. We welcome approaches that treat drug use as a health issue and provide consistent access to diversionary and support services.

Drug reform initiatives to explore

Jesuit Social Services recommends strengthening and expanding the following initiatives that promote positive outcomes for people engaged in drug use and at risk of involvement in the justice system.

Restorative Justice

Restorative justice practices may help individuals engaging in drug use and drug-related offending to develop a better understanding of the impact of their actions on their family and community. Restorative justice practices, such as group conferencing, work to restore the harm that has occurred as a result of crime and increase the person's

⁵ Sentencing Advisory Council, 2017. Victoria's Prison Population 2005 to 2016. Sentencing Advisory Council, Melbourne, https://www.sentencingcouncil.vic.gov.au/sites/default/files/publication-documents/Victorias_Prison_Population_2005_to_2016.pdf

⁶ Victorian Alcohol and Drug Association, 2017. Submission to the Parliamentary Inquiry into Drug Law Reform. Victorian Alcohol and Drug Association, Melbourne, https://www.parliament.vic.gov.au/images/stories/committees/Irrcsc/Drugs/_Submissions/163_2017.03.17_-_VAADA_-_submission.pdf

⁷ Lanning, T, Loader, I & Mui, R 2011, 'Redesigning Justice: Reducing Crime Through Justice Reinvestment', 2nd ed, Institute for Public Policy Research, viewed 15 March 2017, <<http://www.ippr.org/publications/redesigning-justice-reducing-crime-through-justice-reinvestment>>, p.4.

⁸ Victorian Ombudsman 2015, 'Investigation into the Rehabilitation and Reintegration of Prisoners in Victoria', p.136.

⁹ Lanning, T, Loader, I & Mui, R 2011, 'Redesigning Justice: Reducing Crime Through Justice Reinvestment', 2nd ed, Institute for Public Policy Research, viewed 15 March 2017, <<http://www.ippr.org/publications/redesigning-justice-reducing-crime-through-justice-reinvestment>>, p.4.

¹⁰ Senate Legal and Constitutional Affairs Committee 2013, 'Value of a Justice Reinvestment Approach to Criminal Justice in Australia', Parliament of Australia, <http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Legal_and_Constitutional_Affairs/Completed_inquiries/2010-13/justicereinvestment/report/index>, p.81.

¹¹ Victoria Legal Aid, 2017. Submission to the Parliamentary Inquiry into Drug Law Reform. Victoria Legal Aid, Melbourne, https://www.parliament.vic.gov.au/images/stories/committees/Irrcsc/Drugs/_Submissions/204_2017.03.21_-_VLA_-_submission.pdf

understanding of the impact of their behaviour on other people. Research shows this to be a highly effective process with positive outcomes in the justice system context, including reduced recidivism rates and high rates of victim satisfaction.¹²

Jesuit Social Services' work with young people in the justice system in Victoria and the Northern Territory uses a problem-solving approach to offending that is based on principles of restorative justice, which balances the needs of offenders, victims and the community and aims to help the young person make amends for the harm done. This approach is effective: a 2010 KPMG independent evaluation of young people who completed a group conference between 2007 and 2009 found that more than 80 per cent of participants had not reoffended two years later – this compared to 57 per cent for the comparison group (i.e. young people who had been placed on Probation or on a Youth Supervision Order).¹³

Currently restorative justice group conferencing in Victoria is offered to young people involved in the youth justice system, however the benefits of this process in deepening understanding of the impact of harm and restoring relationships with those harmed suggest that it could play a positive role in educating people about the impact of their drug use and drug-related offending on their family, friends and community.

We recommend the Victorian Government explore adopting restorative justice practice as a means to respond to drug use and drug-related offending.

Soft-entry points

Investment in innovative models such as the integrated Artful Dodgers and Connexions programs at Jesuit Social Services are needed to provide soft-entry points to AOD and mental health services for vulnerable and disadvantaged groups.

The integrated Artful Dodgers Studios and Connexions programs are innovative, flexible and comprehensive in responding to the needs of young people with complex needs. Artful Dodgers Studios can be accessed four days per week; it addresses young people's health and wellbeing needs at the same time as they participate in pre-employment programs; participants can exit and re-enter the program as required.

Co-located with Artful Dodgers Studios is the Connexions Program which responds to the identified needs of marginalised young people experiencing complex needs, often with concurrent mental health and substance misuse issues. A multi-disciplinary team provides a professional and tailored support service of counselling, casework and advocacy. Proactive outreach enables Connexions practitioners to continue working with participants while incarcerated, hospitalised and homeless/transient.

We support a 'no wrong door' approach that builds capacity for initial intake and assessment into the services that people are already accessing, and integrates rather than separates the two functions. Intake and assessment functions should be built into frontline services, including AOD, homelessness, community mental health, youth services and the justice system. This should be complemented by the capacity for people to walk in to provider agencies to go through the process of intake and assessment face to face.

We call for investment in innovative models that provide soft-entry points to AOD and mental health services for vulnerable and disadvantaged groups.

Court Integrated Services Program and Drug Courts

As highlighted by the Victorian Ombudsman, alternative justice and sentencing approaches – which assist people involved in the court system who are experiencing a range of issues, including disability, substance abuse, cognitive impairment or mental illness – are achieving positive results by reducing reoffending and helping address the

¹² Larsen, J. 2014, *Restorative justice in the Australian criminal justice system*, AIC Reports, Research and Public Policy Series 127, Australian Institute of Criminology.

¹³ KPMG (2010). Review of the youth justice group conferencing program: Final report. Melbourne: State Government of Victoria.
http://www.dhs.vic.gov.au/_data/assets/pdf_file/0006/675564/review-youth-groupconferencing-report-2011.pdf

underlying drivers of crime. These include the Court Integrated Services Program (CISP) in Melbourne, Sunshine and the Latrobe Valley which has seen almost \$2 million in avoided costs of imprisonment per annum.¹⁴

We support the Victorian Government's commitment to expand the CISP and CISP Remand Outreach Pilot with a \$25.1 million investment, and call for further investment in CISP.

We welcome the Government's introduction of a Drug Court at the Melbourne Magistrates' Court. A KPMG evaluation¹⁵ confirmed the success of the Drug Court in working effectively with individuals with severe drug and alcohol dependency to reduce crime and improve community safety.

We support further expansion of the Drug Court as a means of responding to drug use and drug-related offending.

Medically Supervised Injecting Centre

There is extensive evidence to suggest that supervised drug consumption rooms - such as the Medically Supervised Injecting Centre (MSIC) in Sydney - reduce the likelihood of fatal overdose, reduce public substance use and publicly discarded injecting equipment, enhance linkages between necessary services and an often service averse cohort, and do not impact upon crime or increase drug trafficking or use.¹⁶

The recently released report on the *Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017* reiterated these findings making particular reference to the Sydney MSIC, and noted that 46 of the 49 submissions to the Inquiry supported a trial of an MSIC in North Richmond.¹⁷

As an example of a place-based response targeting a disadvantaged pocket of inner-Melbourne experiencing enduring substance use issues, Jesuit Social Services supports the trial of a MSIC in North Richmond.

We support the trial of a place-based Medically Supervised Injecting Centre in North Richmond

We would welcome the opportunity to discuss these and other matters of interest in further detail, and thank you for the opportunity to contribute to the Inquiry at this late stage.

Yours sincerely

Julie Edwards – CEO, Jesuit Social Services

¹⁴ Victorian Ombudsman (2015) *Investigation into the rehabilitation and reintegration of prisoners in Victoria*; Department of Justice (2009) Economic Evaluation of the Court Integrated Services Program (CISP): Final report on economic impacts of CISP, https://www.magistratescourt.vic.gov.au/sites/default/files/Default/cisp_economic_evaluation_final_report.pdf.

¹⁵ KPMG, 2014. Evaluation of the Drug Court of Victoria – Final Report - Magistrates' Court of Victoria. KPMG, Melbourne, <https://www.magistratescourt.vic.gov.au/sites/default/files/Default/141218%20Evaluation%20of%20the%20Drug%20Court%20of%20Victoria.pdf>

¹⁶ Victorian Alcohol and Drug Association, (2017). *Submission to the Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017*. Victorian Alcohol and Drug Association, Melbourne, https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/Injecting_Centres/Submissions/S12-VAADA-ATT_1.pdf

¹⁷ Legal and Social Issues Committee, (2017). *Inquiry into the Drugs, Poisons and Controlled Substances Amendment (Pilot Medically Supervised Injecting Centre) Bill 2017*. Parliament of Victoria, Melbourne, https://www.parliament.vic.gov.au/images/stories/committees/SCLSI/Injecting_Centres/Report/LSIC_58-08_Text_WEB.pdf