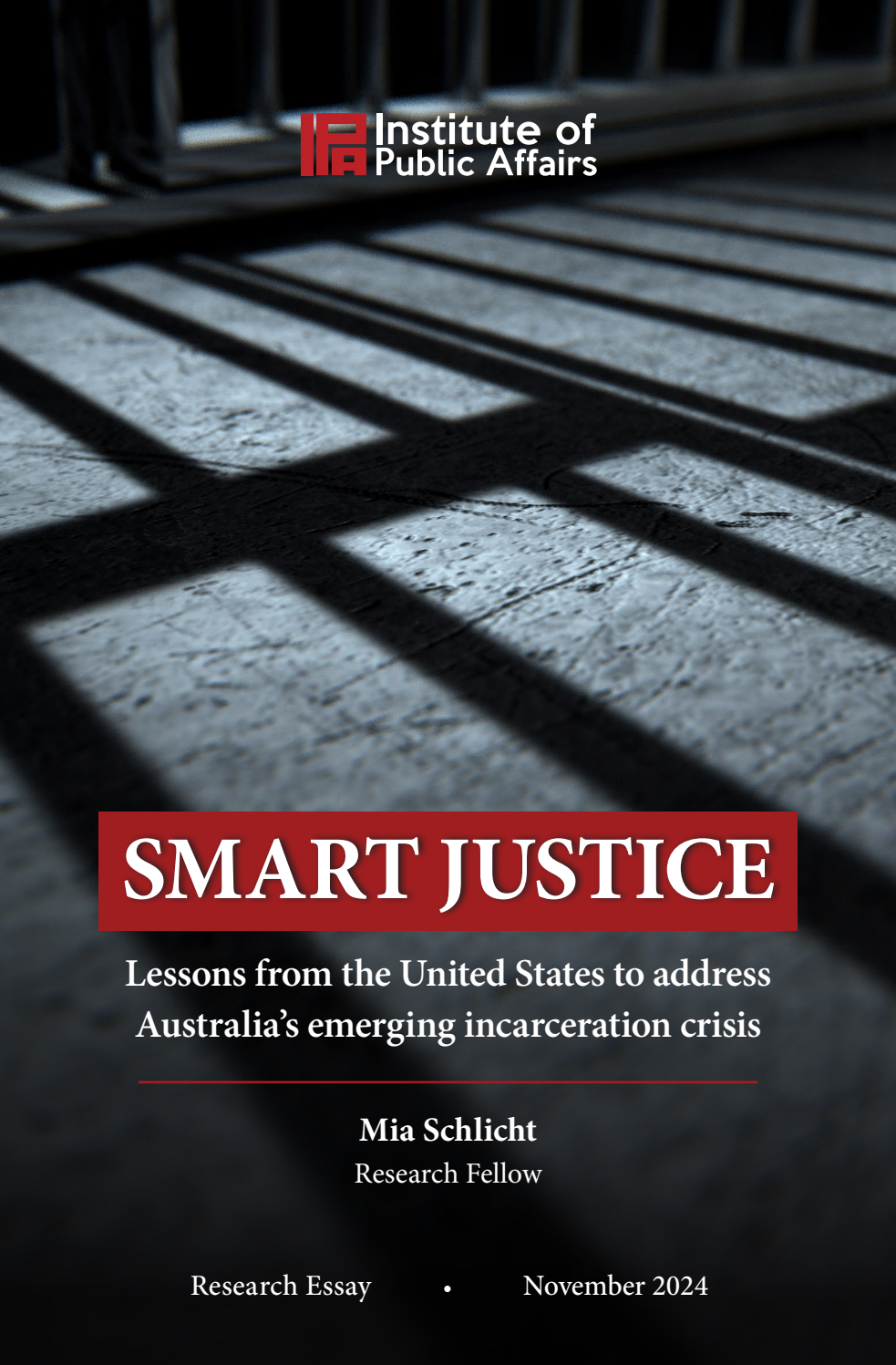

Institute of Public Affairs

SMART JUSTICE

Lessons from the United States to address Australia's emerging incarceration crisis

Mia Schlicht
Research Fellow

Research Essay • November 2024

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The Institute of Public Affairs

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- *Criminal Justice Reform: Lessons from the United States* (April 2017)

Foreword

By Brett Tolman
Former U.S. Attorney and Executive Director of Right On Crime

For decades, the Institute of Public Affairs (IPA) has been a beacon of policy and research dedicated to preserving the values of economic and social freedoms. The conservative principles of IPA are the foundation of one of Australia's oldest and most influential organizations.

The latest IPA research, *Smart Justice: Lessons from the United States to address Australia's emerging incarceration crisis*, aptly examines the problems of prison-centric policies in both countries as well as best practices for reducing crime by investing in alternative programming for lower level offenders.

As Executive Director of Right On Crime, a conservative criminal justice campaign of the Texas Public Policy Foundation, our organization advocates for conservative policies and programs that hold our government accountable, support family values, and demand a criminal justice system that promotes public safety for every hard-earned tax dollar. Since its inception in 2007, Right On Crime has consistently worked with Texas lawmakers to reverse prison expansion. Former Texas Governor Rick Perry signed legislation that helped low-risk, non-violent offenders participate in alternative programs for rehabilitation, and the result was a 29 per cent drop in crime, fewer prisons, and more than $2 billion in savings which was redirected to drug treatment and mental health services. States like Ohio, Oklahoma, Kentucky, Missouri, and Mississippi adopted their own reforms along the lines of Texas'.

In the U.S., it's estimated that one in every three Americans has some type of criminal record, and upon release, barriers to employment, housing and education opportunities can create generational adversities for these individuals, their families, and the communities where they live. Encouraging self-reliance and character development rather than dependence on government is a shared goal of IPA and Right On Crime.

It is antithetical to both our nations' founding principles to over criminalize individuals who commit minor crimes, while our court systems, jails, and prisons are overburdened. We have both a fiscal and moral responsibility to be tough on crime when that means reducing crime and removing violent criminals from our streets. And we have an obligation to stop the costly revolving door of recidivism that creates more victims and destabilizes economies.

Criminal justice systems, as with all government agencies, are not immune to bloat and ineffectiveness. Research and data driven solutions are imperative to pull back the curtain and create transparency and accountability.

Conservatives are leading the way for meaningful criminal justice policy changes that disrupt the status quo and utilize tax dollars for effective prison programming and re-entry partnerships with community organizations and business leaders. When you

consider that 95 per cent of everyone incarcerated is eventually released, you must ask yourself: what type of person do you want released into your own community?

I applaud the Institute of Public Affairs and research fellow Mia Schlicht for initiating this meaningful research and highlighting the far-reaching consequences of mass incarceration. I always say you won't care about the criminal justice system until it cares about you and your family. By then, it's usually too late. We must all do better.

Sincerely,

Brett Tolman
Former U.S. Attorney and
Executive Director of Right On Crime

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Introduction

The fundamental role of the criminal justice system is to maintain security, safety and order within the community. This includes deterring criminal behaviour, holding offenders accountable, and providing justice for victims of crime. Prisons play a key role in achieving these aims and are particularly important for isolating dangerous and anti-social criminals who pose a threat to the physical safety of others. It is vital that the community trusts that such criminals will be isolated for the period necessary to ensure their safety.

However, whilst prisons perform a unique and important role in ensuring a cohesive society, like all useful resources they must be used proportionately. One of the key sentencing considerations that must be weighed by judges during sentencing is whether the harshness of the proposed penalty matches the harm inflicted by the crime. As prisons are the harshest form of penalty available, they must be reserved for only the most serious offenders.

The consequences of over-incarceration are far-reaching. Not only does it impose a heavy burden on the taxpayers funding the prison system, it also diverts these resources away from other criminal justice activities that could more effectively deter crime from occurring in the first place, such as on-the-street policing. Prisons are also known to perpetuate a cycle of crime by hindering an offender's ability to regain employment and contribute productively to society upon their release.

Australian states and territories are spending increasingly large amounts of taxpayer funds on maintaining their overburdened prison systems. Australia's imprisonment rate has increased sharply in the last four decades, which in turn results in a variety of serious consequences. Firstly, it has meant that new prisons

have had to be built to house the growing prison population. This is not only expensive; the lack of adequate resources to staff and maintain order in the prisons has led to preventable fatalities, prison riots, and a failure to rehabilitate inmates which has led to high reoffending rates and increased community safety concerns. Overpopulation in prisons has also led to shorter prison sentences for convicted offenders, meaning some violent and dangerous offenders are not incarcerated for adequate periods of time.

Where community safety is not being achieved, criminal justice reform must be adopted. In Australia, the approach to incarceration policy has not changed for a long time despite obvious changes in the nature of offending and criminal behaviour. Prisons are being used for broader purposes than necessary. Of the aims of the criminal justice system – public safety, deterrence, retribution, and restitution – only public safety through incapacitation can uniquely be achieved by prisons. Prisons should be returned to their core and unique purpose of incapacitating violent offenders who pose a threat to public safety and antisocial repeat offenders who have failed to respond to alternative punishments. Where public safety is not a concern, such as in the case of low-risk offenders convicted of non-violent crimes, alternative methods should be introduced.

Australian governments need to undertake serious, common-sense, and proportionate sentencing reform now to curtail the waste of resources, and place community safety at the heart of the justice system. Jurisdictions in the United States have found great success by introducing sentencing reform that recognises the difference between violent and non-violent offenders. Whilst both groups have broken the law and should be punished, non-violent offenders who do not pose a community safety threat have been

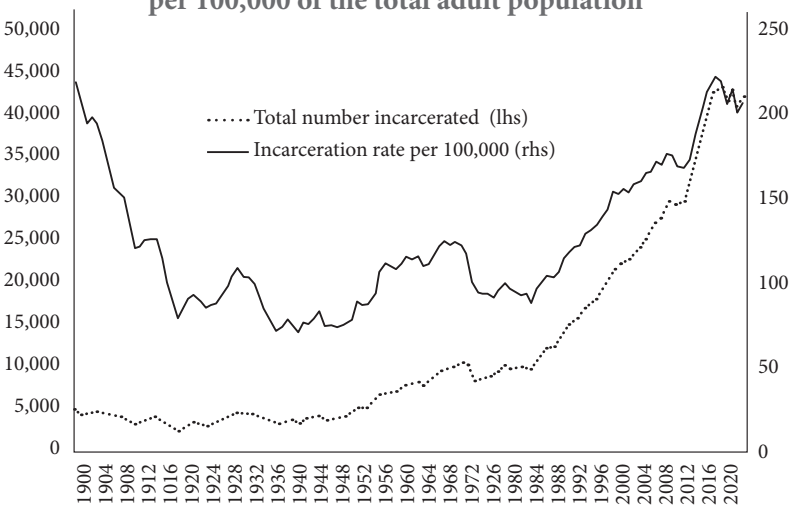
successfully punished through alternatives to prison. Punishment reform in the United States has prioritised employment, accountability, restitution and re-integration for non-violent offenders. Not only has this reversed the mass incarceration crisis in certain jurisdictions applying these reforms, it has also resulted in improved community safety outcomes.

Implementing alternative sentencing options for non-violent offenders can be challenging, particularly against the public misconception that any alternative to prison is 'soft'. However, by drawing on the United States as a successful model for criminal justice reform, Australian policy-makers could bring a halt to surging incarceration rates and improve safety for the wider community.

Australia's emerging incarceration crisis

Over the past several decades the number of people incarcerated in Australia has increased rapidly. In 1975 there were 8,900 people in jail nationwide.[1] By 2024 that number had risen to more than 44,051 – an increase of approximately 395 per cent.[2] This equates to an incarceration rate of 207.9 per 100,000 of the adult population.[3]

Figure 1: Number of prisoners and incarceration rate per 100,000 of the total adult population



Source: Australian Bureau of Statistics Prisoners in Australia 2023 and Australian Bureau of Statistics Corrective Services, Australia

Australia's criminal justice system has been built and developed upon the core principle of proportionality, primarily the severity of the punishment imposed being proportionate to the seriousness of the offending. Since the mid-19th century, when prisons

were first established in Australia, incarceration has evolved as a central and – for more than the last 50 years – the harshest form of punishment available to judges during sentencing. This has led to an overreliance on incarceration as a means to send a message of zero tolerance towards law breakers. But rather than enhancing community safety, overincarceration has perpetuated criminogenic cycles by imprisoning non-violent offenders who pose little risk to society for short periods to send a tough-on-crime message.[4] This approach often propels them into a life of continuous crime by inhibiting an offender's ability to rehabilitate as a productive member of society.

Prisons also fail to achieve several of the key sentencing objectives, including community protection, general and specific deterrence, rehabilitation and retribution.

Prisons only provide transient protection to the community – for the period in which the offender is incarcerated. Violent and dangerous criminals, especially those who have committed a sexual offence, must be incarcerated, often for far longer periods of time than is currently the case. However, the effects of prison can be counter-productive when involving non-violent offenders, as unnecessary incarceration can inhibit rehabilitation back into the community.

Nor can general and specific deterrence of criminal behaviour be used to justify prison sentences. Research has found that imposing harsher penalties on offenders does not dissuade them from committing an offence. Whilst offenders do consider the costs and benefits before offending, research shows that this analysis is shallow.[5] It is the fear of being apprehended for the offence and receiving any form of penalty that deters offending. Therefore, there is no compelling evidence linking higher penalties to less crime.

Incarceration cannot be justified as a means of providing rehabilitation for offenders. Across Australia, 42.5 per cent of adults released from prison returned to prison or to corrective services with a new correctional sanction within two years.[6] Once sentenced to prison, the opportunities for thoroughly reformative programs are few.

Lower education attainment is correlated with higher crime rates, and for one in three prison entrants the highest level of completed schooling was year nine or under.[7] Around 80 per cent of prisoners in Australia have not completed their high school education. As a result, it can be very difficult for ex-prisoners to obtain employment which is vital for financial independence, housing security and for maintaining mental and physical health.[8] In Australia, fewer than three in five prison dischargees reported that they had secured paid employment upon their release.[9] Prisoners released without paid employment or secure housing are more likely to reoffend and return to prison.[10]

The use of prisons has often been justified as a means of achieving justice for the community and victims of crime. However, locking offenders behind bars does not in itself compensate victims for their losses or rectify the harm that was caused. Whilst the trauma inflicted by crime can be difficult to quantify, for victims of non-violent crimes where losses are usually monetary or of some monetary value, this quantifiable amount should be restored.

As prison numbers increase more prisons need to be built or existing prisons expanded. Utilisation is defined by the Productivity Commission as the annual daily average prisoner population as a percentage of the annual average number of fixed prison beds which have been formally approved for permanent

ongoing use on a daily basis.[11] Currently prison utilisation rates are estimated to be quite high, at about 74 per cent in Victoria, 76 per cent in Tasmania, 80 per cent in New South Wales, 83 per cent in Western Australia, 88 per cent in the Australian Capital Territory, 92 per cent in Queensland, 93 per cent in South Australia and 94 per cent in the Northern Territory.[12]

It is important for prisons to have extra capacity to cater for the transfer of prisoners, special purpose accommodation such as protection units, separate facilities for males and females, and different security levels, and to manage short-term fluctuations in prisoner numbers.[13] Being over 100 per cent of capacity raises the need for the construction of new prisons or the expansion of existing prisons to house more inmates.

The rising costs of incarceration

In 2022-23 state, territory, and commonwealth governments spent approximately $6.4 billion on the construction and operation of prisons.[14] This represents a 96 per cent growth in just 10 years.[15]

On average in Australia, it costs about $422 to incarcerate one prisoner for one day or about $153,895 per year.[16] The nationwide cost of incarceration per prisoner grew by 42 per cent from 2012-13 to 2022-23 in real terms, with a total growth of approximately $45,652 per prisoner per year over that period. All eight states and territories have seen an increase in the cost of incarceration per prisoner since 2013.

Table 1: Prison operating costs, 2022-23

	Recurrent expenditure per prisoner per day	Annual cost per prisoner
NSW	$437.83	$159,808
VIC	$536.29	$195,746
QLD	$352.58	$128,692
WA	$411.27	$150,114
SA	$330.36	$120,581
TAS	$620.59	$226,515
ACT	$719.78	$262,720
NT	$330.03	$120,461
AUS	$421.63	$153,895

Source: Productivity Commission

The creation of new prisons and the expansion of existing prisons has imposed great costs in Australia. In Victoria, Chisholm Road Prison cost $1.119 billion, and a total of 4.5 million hours of construction, to complete, producing 1,248 new prison beds.[17] The prison was constructed in response to Victoria's largest prison, Ravenhall Correctional Centre, reaching capacity. Despite investing $670 million on expanding Ravenhall Correctional Centre for the second time, the prison reached capacity less than two years after reopening.

In New South Wales, Australia's largest and most expensive prison was opened in 2020, costing $798 million to build. In its first year of operation, the prison population grew from just 90 prisoners to more than 1,100. This is 65 per cent of the prison's maximum capacity reached in just one year.

In South Australia, the government announced that more than $205 million would be spent on creating another 312 high-security beds at Yatala Labour Prison in Adelaide's north. A further $21 million was invested in the expansion of Adelaide Women's Prison by 40 beds.[18]

Incarceration of non-violent offenders

People are incarcerated for a wide range of crimes, from homicide and assault through to drug use and traffic offences. In 2023 most people were in prison for relatively serious offences, such as acts intended to cause injury and sexual assault and related offences.

The Australian Bureau of Statistics categorises crime types as violent offences, non-violent victimless offences and non-violent property offences.[19] Violent offences are categorised as homicide and related offences; acts intended to cause injury; sexual assault and related offences; dangerous or negligent acts endangering persons; abduction, harassment and other offences against the person; and robbery, extortion and related offences.

Non-violent victimless offences are those committed against organisations, the government, or the community in general, rather than specific individuals, and include illicit drug offences; weapons/explosives offences; public order offences; traffic and vehicle regulatory offences; offences against justice; and miscellaneous offences. Property offences are also categorised as non-violent as they generally do not involve an offence against another person. This category includes unlawful entry with intent; theft; fraud/deception; and property damage and environmental pollution.

Based on these definitions, across prisons in Australia in 2023 approximately 23 per cent of prisoners had been sentenced for a non-violent victimless crime and 15 percent had been sentenced for a non-violent property offence.[20]

Combining the data on the incarceration of non-violent offenders with the cost of incarceration per prisoner provides an approximate figure for the amount spent annually on holding non-violent offenders behind bars. By this measure, in 2023 Australian governments spent approximately $2.4 billion on the incarceration of offenders whose worst offence was a non-violent offence.

Table 2: Annual cost of incarceration of non-violent offenders

	PRISONERS IN 2023		ANNUAL COSTS OF INCARCERATION		
State/ Territory	Non-violent victimless offenders (% of total)	Non-violent property offenders (% of total)	Per prisoner	All non-violent victimless offenders	All non-violent property offenders
NSW	28%	10%	$159,808	$554 million	$192 million
VIC	22%	18%	$195,746	$275 million	$232 million
QLD	20%	17%	$128,692	$266 million	$219 million
WA	22%	19%	$150,114	$217 million	$188 million
SA	24%	17%	$120,581	$87 million	$62 million
TAS	23%	12%	$226,515	$39 million	$20 million
ACT	19%	17%	$262,720	$19 million	$17 million
NT	14%	6%	$120,461	$35 million	$16 million
AUS	23%	15%	$153,895	$1,485 million	$945 million

Source: IPA calculations and Productivity Commission

Reliance on incarceration failing to address crime

Prisons are not only expensive, they are also failing to deliver on community safety. Whilst the incarceration rate has increased over the past decade in Australia, so has the incidence of violent crime. In 2012-13, there were 86,576 recorded violent offenders. By 2022-23 this number had increased to 111,664 – an increase of 29 per cent.[21] The largest increases were seen for the offence categories of sexual assault (54 per cent increase), acts intended to cause injury (29 per cent increase), offences against justice (28 per cent increase), weapons offences (21 per cent increase), abduction/harassment (19 per cent increase), and robbery/extortion (11 per cent increase).

Of particular concern is the increase in violent youth crime plaguing many areas of Australia. Over the past decade, the number of violent youth offenders has increased by 28 per cent. The number of robbery/extortion youth offenders has grown by a staggering 70 per cent since 2012-23, followed by a 53 per cent increase in the rate of homicide committed by youth offenders, a 27 per cent increase in acts intended to cause injury and an 18 per cent increase in sexual assaults by youth offenders. More than half of youth offenders released from prison will reoffend, with 58 per cent returning behind bars within 12 months of their release.[22]

The catalyst for rising crime is not immediately clear. No singular event can be attributed to a shift in societal behaviour. Rather, there is an apparent disintegration of order and a fragmentation of community that is predicating a rise in more aggressive criminal behaviour.

This may be due to a myriad of factors, including economic decline, a rise in social isolation, the aggressive advance of cancel culture driving a wedge between different segments of society, and an erosion of community bonds. As people become less connected to their neighbours and society at large, they are more likely to disregard social norms and engage in criminal behaviour.

Charles Fain Lehman at the Manhattan Institute has analysed the causes behind a rise in social disorder and consequentially crime in Washington, D.C. He writes:

> There are signs that disorder has risen, relative to both the pandemic and pre-pandemic, as the police have attended to it less. Unsheltered homelessness, unsanitary conditions, shoplifting, farebeating – all seem to have become more common in D.C. And those problems have come as a smaller police force has deprioritised order enforcement – if you look at table 2 of that report, you'll see that arrests for minor crimes were down as much as 99% in 2023 relative to 2019.
>
> While disorder is not murder, it is a real, substantial problem – one , I'll argue, that should concern us far more than it currently does. Indeed, unless we start taking disorder seriously, we risk real and lasting social consequences.[23]

Similar trends can be observed here in Australia. Although the number of prosecutions for theft has declined over the past decade, this decrease has not been reflected in the experiences of retailers. The rise in retail theft has led supermarkets to implement a range of security measures, including covert cameras in aisles, self-checkout scanners, and biometric

trackers. Food items are now tagged with anti-theft devices, serving as a visible deterrent and sending a clear message: the trust between sellers and customers has eroded.

This erosion of trust within retail environments mirrors a broader breakdown in community order. When shoppers no longer feel trusted by businesses, the social contract weakens, and the reliance on formal security measures increases. This is occurring throughout the country. Whilst we once relied on community-based regulation, where individuals self-regulated in fear of shame and guilt, the breakdown of community has meant the breakdown of this regulation.

Informal social control plays a critical role in maintaining order within communities. People are less likely to engage in disruptive behaviour when they fear the shame or guilt of being caught. This phenomenon highlights how community members collectively uphold societal norms simply by being present and observant. However, this dynamic shifts when the social fabric of a community starts to unravel. As Lehman notes:

> Under normal conditions – when there's not a big disorder problem – social control is maintained mostly by informal means. This is Jane Jacobs's famous "eyes on the street" – if enough people are watching, most people will not feel they can engage in disorderly behaviour. Why don't people throw litter on the ground or urinate in public? Because they feel bad when other people notice them doing it.[24]

However, when the sense of community erodes, so too does the shared understanding of what is acceptable behaviour. A community thrives on shared values, which encourage

individuals to conform to social expectations. But as societal bonds weaken – whether due to increasing social fragmentation, urban anonymity, or cultural diversity – these once-agreed-upon social norms become more ambiguous. People may no longer feel a sense of guilt or shame for acting against the grain because they no longer feel accountable to the collective. Instead, they are faced with competing norms and values, making it difficult to discern what is expected of them.

In a fragmented society, there are no collective values. The lack of a cohesive set of norms leads to a breakdown in informal social control, as people become more focused on asserting their own individuality rather than maintaining social cohesion. Without a shared moral framework or a sense of collective responsibility, the motivation to avoid disruptive actions diminishes, and the effectiveness of informal social control is lost.

In essence, the absence of a unified community leads to a broader societal challenge: the more divided we are in terms of values and norms, the less we feel the need to conform to any set standard, and thus the less power informal social control has to maintain order. The result is a social environment where disorderly conduct is more likely, not because people have become inherently worse, but because the invisible rules that once guided their behaviour have become unclear or irrelevant.

Australia's once strong sense of community is being replaced by growing division, isolation, and mistrust – creating breeding grounds for social disorder and law-breaking behaviour. The weakening of family structures and community ties leaves individuals disconnected from society and more susceptible to criminal influences. This creates a vicious cycle, where disorder

and crime reinforce each other, with each factor escalating the other, leading to more extreme conditions and ultimately resulting in higher rates of violent crime.

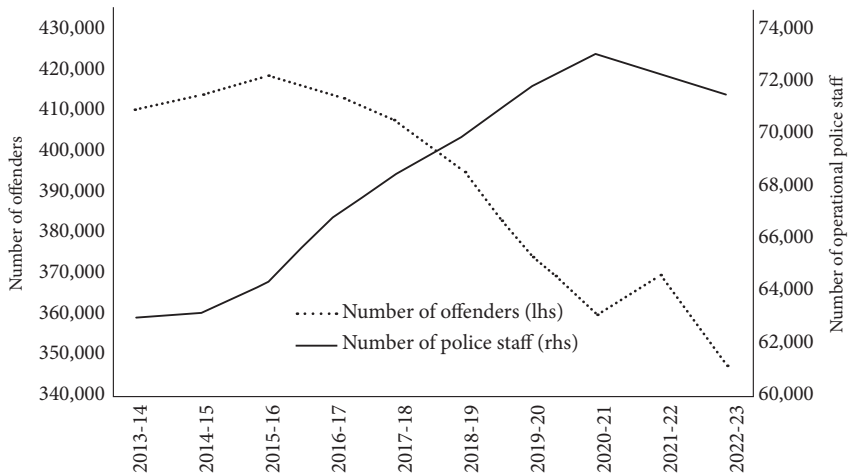
Policing prevents opportunistic crime

There is a clear correlation between the number of operational police staff and the number of offenders. As the number of active police officers has grown, the number of offenders has declined.[25] Whilst long and strict prison sentences have been justified as a mode of deterrence in the past, studies have shown that people do not limit their criminal behaviour based on the severity of potential sentences, but rather on the likelihood of getting caught and facing any form of retribution.[26] Due to the fact that the general public's knowledge of criminal sanctions is often limited, the very nature of an act being criminalised is often enough to deter people from offending.[27] Thus as the chance of getting caught and facing some form of penalty has increased over recent years, there has been a decline in the number of offences committed. With an increased number of police comes an increased fear of being apprehended for committing a crime and therefore the likelihood of facing some form of punishment. The total number of offenders, including youth offenders, between 2013-14 and 2022-23 declined by 15 per cent, whilst the number of operational police staff grew by 13.5 per cent.[28]

The largest decline in crime was recorded for opportunistic non-violent crime such as theft, which had a 43.7 per cent decline, property damage, which had a 20.2 per cent decline, and public order offences which had a 50.2 per cent decline.[29] These are all crimes that rely on a short window of opportunity to commit. With a larger police presence it is much more difficult to execute these

offences without apprehension. These lower-level, non-violent crimes are more likely to be deterred and prevented by an increased police presence, which explains why these crimes experienced a decline whilst violent crimes did not.

Figure 2: Number of offenders against number of operational police staff



Source: Australian Bureau of Statistics Recorded Crimes – Offenders 2023 and Productivity Commission Part C Section 6 Police Services

However, the evidence shows that by increasing police presence the incidence of opportunistic crime is reduced. Placing more police on the streets and lowering crime rates would allow the resources usually spent on addressing this minor crime to be concentrated on preventing more complex, violent crime and thus improving community safety.

There was a spike in the total number of offenders in 2021-2022. This spike can largely be attributed to the various restrictions imposed across Australia in response to Covid-19 which meant an increase in the number of offenders prosecuted for miscellaneous violations of these restrictions. In 2019-2020, 18,353 offenders were prosecuted for a miscellaneous offence. This jumped to 31,209 offenders in 2020-2021 and nearly doubled in 2021-2022 with 61,229 offenders charged with a miscellaneous offence.

However, it is of concern that, for the first time in seven years, in 2021-22 the number of police officers across Australia declined by 746 officers.[30] The year 2022-23 saw a further decline of 769 officers, bringing the total number of operational police to 71,526.[31] This indicates that growing police staffing numbers, which is key to improving community safety, is not a priority for Australian governments. Despite the evidence that the use of prison sentences cannot be justified as the sole deterrent of criminal behaviour, it is prison numbers and spending on incarceration which continue to climb.

Criminal justice reform in the United States

The United States' long struggle with high incarceration rates and overflowing prison populations is well known. The total number of prisoners in the US peaked in 2007, with 2,310,000 offenders being held behind bars.[32] Whilst there was no single policy which drove this influx of prisoners, there were a variety of sentencing laws which fuelled mass incarceration. Underlying these sentencing laws was the mistaken idea that in order to deter offending, more categories of criminals should be sentenced to longer periods in prison.

Against this backdrop of surging incarceration numbers and costs, criminal justice reform came to the forefront for American policy-makers. Across the United States, and particularly in conservative jurisdictions, there was a focus on making a distinction between those violent and sexual criminals who pose a physical safety threat to the community and non-violent criminals who do not. Whilst all offenders must be punished for breaking the law, reformers sought alternative punishments for those low-risk, non-violent offenders whose physical isolation was not a net benefit to the community.

As a result of these reforms the incarceration rate in the US dropped each year for over a decade until 2020 when it reached its lowest level since 1995.[33] The most recent statistics report 1,840,600 prisoners behind bars across the United States.[34]

These reforms have been successful in reducing prison spending by incarcerating fewer non-violent offenders. They have also led to improvements in the rehabilitation of offenders, enabling many to reverse the cycle of criminality and productively contribute to their communities.

Criminal justice reform in Georgia

In 2011, prisons in Georgia held approximately 55,900 offenders, and the incarceration rate was 731 adults per 100,000 of the state population.[35] In the absence of reform, the number of prisoners was projected to reach 60,000 by 2018.[36]

To address these unsustainable imprisonment rates, Georgia established the Special Council on Criminal Justice Reform for Georgians in 2011. The goals of this council were to address the growth of the state's prison population, contain corrections costs, and adopt strategies that would result in more effective offender management. The council also focused on improving public safety by reinvesting the savings from reduced incarceration into strategies that reduce crime and reoffending. It was also committed to holding offenders accountable by strengthening community-based supervision, sanctions, and services.

This focus on reform saw the adult incarceration rate decrease by 31 per cent over the period of 2011 to 2021, bringing the imprisonment rate to 556 adults per 100,000 of the state population, and the total number of prisoners down to just over 47,000.[37] The number of violent prisoners occupying Georgia's prison cells increased significantly over the decade of reform.

In 2009, 58 per cent of the state's prison beds were occupied by violent offenders whilst in 2021 violent offenders occupied 69 per cent of Georgia's prisons, emphasising the shift in focus to detaining the most dangerous and violent criminals whilst punishing non-violent offenders through other means.[38] Consequentially, community safety improved, with the violent crime rate decreasing from 411 violent crimes per 100,000 of the population to 312.[39]

Accountability courts

As part of reforming Georgia's criminal justice system, accountability courts were established as an alternative sentencing option for non-violent offenders diagnosed with a substance use disorder and/or mental illness. One of the issues identified was the lack of alternative sentencing options available to judges, particularly for non-violent offenders in need of intensive rehabilitation programs to prevent reoffending.

Accountability courts are most commonly offered in Georgia as an alternative to incarceration for those offenders who have committed crimes relating to drug use, mental health conditions, or driving under the influence offences. The courts impose a multi-stage program requiring the offender to attend intensive rehabilitation, obtain education qualifications, obtain employment, attend counselling, and abstain from substance use. In addition, their liberties are restricted by imposing a curfew, and additional sanctions may be imposed such as community service orders. In 2022, Georgia had 158 active adult accountability court programs and over 1,590 program graduates.

Research conducted by the Carl Vinson Institute of Government has found that these accountability courts resulted in savings of up to US$12,810 (AUD$18,565) per participant due to the lower rates of recidivism and avoided costs by diverting offenders away from prison.[40]

In the 2022 financial year, the Carl Vinson Institute estimated that the accountability court program saved state and local governments approximately US$41.27 million (AUD$59.8 million) in total benefits, including savings from reduced incarceration, community service work, foster care costs avoided, crime victimisation costs avoided as well as health care benefits from a reduced number of babies born with Neonatal Abstinence Syndrome.[41]

Instead of being a burden on taxpayers who would normally pay for the incarceration of offenders, the participants in the accountability court program are working and paying their own taxes. Participants also contribute by working for government and nonprofit agents through community service orders. Not only does this directly assist the community, it also helps to rehabilitate offenders as productive members of society and reduces the chance of recidivism once they have completed the program.

Probation reform

One of the criminal justice reforms initiated by the Council was a focus on decreasing the number of offenders being sent to prison for violating parole and probation conditions. The Council implemented reform which saw intensive supervision imposed on high-risk offenders whilst allowing low-risk offenders on probation to shift to unsupervised status after two years. This meant that resources were more appropriately concentrated

on preventing high-risk parolees from breaching conditions, reducing the number of people being sent to prison for minor offences. It also reduced the strain on the supervision system by automatically removing the supervision requirement for those who have proven to be low risk after a significant period. Further, rather than imposing a sentence of imprisonment for those unable to pay fines and fees, the reforms saw these punishments converted to community service hours. Therefore, offenders were no longer being imprisoned for a lack of financial means.

Re-entry initiative

Reform in Georgia has focused on the importance of reducing recidivism in order to save costs from reincarceration as well as improving community safety outcomes. As a result, Georgia has implemented programs to return released inmates to stable housing and employment. A number of prisons provide job training for inmates to equip them with skills in high demand, enhancing their employability upon release.[42] The Georgia Coalition for Higher Education in Prison provides in-prison degree programs to achieve higher-education outcomes for inmates and support their education pathways post release.

Employment, either paid or unpaid, has proven to play a key role in reducing recidivism.[43] A lack of financial stability, housing, routine, and positive social networks are all drivers of criminal behaviour. Employment provides financial, economic, and social stability for offenders to help break the cycle of recidivism and to progress past offenders onto much more productive paths.

Criminal justice reform in Florida

Prisons in Florida currently hold more than 84,000 offenders behind bars, representing an imprisonment rate of 466 adults per 100,000 of the state population.[44] Significantly, the Florida prison population has been in decline since reaching a peak of 103,000 inmates in 2011.[45] This reduction in prisoner numbers has accompanied an overall decline in crime across the state, particularly violent crime. Between 1990 and 2017, violent crime per 100,000 Floridians fell by 66 per cent, from a peak of 1,244 to 418. Florida prisons are mainly comprised of the most dangerous criminals, with violent offenders making up 61 per cent of the prison population, property offenders making up 18 per cent of the prison population, drug offenders making up 11 per cent of the prison population and public order offenders making up 9 per cent of the prison population.[46]

In Florida much of the criminal justice reform policy has focused on keeping low-risk, non-violent offenders out of prisons from the earliest point possible. This has led to the implementation of a range of diversionary programs and courts to appropriately punish offenders through alternatives to incarceration.

Pre-trial intervention

Pre-trial intervention is only available for first time, non-violent, offenders and provides them with the opportunity to avoid a sentence of imprisonment by agreeing to conditions of supervision, random drug testing, drug treatment, a term of community service and restitution to the victim.[47] In order to be approved for the program, consent must be obtained from the victim, the state attorney and, depending on the jurisdictions, the

judge. The pre-trial intervention program is run by the Florida Department of Corrections, and the state attorney has the ultimate say as to which offenders are eligible to participate in the program regardless of the written criteria for the program. If the offender completes the requirements of the program successfully then the charges against them are dismissed.[48] However, if they fail to abide by the conditions, the offender is referred back to the state for prosecution. Often the conditions of the program are more severe penalties than those sanctions that the offender may face at trial.[49] Most programs across Florida reported a successful completion rate, with a statewide compliance rate of 76 per cent.[50] Results of the program found that low-level offenders released from prison had higher recidivism rates than those offenders sentenced to community supervision.[51]

Drug offenders in particular had the lowest reoffending rates for both violent and non-violent crimes when given a sanction of community supervision instead of prison.[52]

Sobriety programs

In 2014 the Northeast Florida Safety Council implemented a pilot program to trial the 24/7 sobriety program initiated and used in South Dakota. The 24/7 sobriety program is an alternative punishment to incarceration that requires those convicted of an alcohol related offence to abstain from alcohol 24 hours a day, with any breach of this condition resulting in swift, certain, and immediate imprisonment in a jail for one to two nights.[53] The rationale behind the program is that those offenders with alcohol dependencies often have a reduced perception of long-term consequences such that a lengthy prison sentence is not an effective deterrent; it is the immediate and short stays in jail which

are better at preventing offending.[54] Long-term prison sentences are also extremely disruptive to an offender's socio-economic stability, often impacting their ability to secure stable housing and employment, and the absence of this stability only increases the likelihood of reoffending. Swift imprisonment however has the advantages of being punitive whilst also allowing offenders to maintain their employment and housing, increasing the likelihood of their rehabilitation.[55]

The program innovator, South Dakota, saw rapid positive results from the program. From 2005 to 2015, there were more than 38,700 participants, with over eight million tests administered and a pass rate of 99.1 per cent.[56] The attorney general's office reports that an individual who participates in the program for at least 30 days is almost 50 per cent less likely to commit another driving whilst intoxicated offence over the following two years.[57] Another study of the 24/7 sobriety program in 2013 found that the program had resulted in a 12 per cent reduction in repeat DUI arrests and a 9 per cent reduction in arrests for domestic violence.[58]

Job training and placement

Florida has implemented reform which focuses on achieving community safety outcomes by reducing recidivism. The OIC of South Florida operates various workforce development programs to provide job training for those who have committed crimes in the past.[59] In 2022, a new diversion program was announced to allow non-violent offenders to complete technical training and job placement assistance, to help offenders acquire employment.[60] If the non-violent offender successfully completes the training and program requirements, their case is diverted from the trial process, and they avoid criminal conviction.[61]

Criminal justice reform in Texas

The need for prison reform in Texas became urgent in 2007 when spending increased to US$3 billion (AUD$3.577 billion) per year on prison and parole programs.[62] Since enacting major reforms, Texas has saved over US$2 billion (AUD$3.12 billion) by reducing the number of offenders it incarcerates.[63] In 2007, prisons in Texas held more than 161,000 offenders but by 2021 this number had fallen to just under 134,000.[64] In 2017 Texas announced the closure of four of its prisons, saving taxpayers US$49.5 million (AUD$64.55 million) in operating costs. In 2020, a further two more prisons were closed due to declining incarceration rates, saving approximately US$20 million (AUD$28.94 million). In the last 10 years, Texas has closed a total of 10 prisons. Reform in Texas focused on prioritising the incarceration of the most dangerous criminals. Violent offenders make up 65.7 per cent of the Texan prison population, with the remainder comprised of property offenders (10.8 per cent), drug offenders (13.2 per cent) and public order offenders (10.3 per cent). The incarceration rate fell from 669 in 2007 to now 452 per 100,000 of the population.[65] Community safety was improved, with the violent crime rate falling from 511 violent crimes per 100,000 of the population to 443 violent crimes in 2020.[66]

Alternatives to incarceration for non-violent offenders

Criminal justice policy reform in Texas was centred around a justice reinvestment approach which saw the funds that would otherwise have been spent on the construction and operation of prisons, redirected into justice programs to reduce crime and recidivism. To produce these savings, Texas passed laws in 2007 which saw the sentencing options available to judges expanded

to allow non-violent offenders to serve their sentence in home detention or under community-based supervision orders instead of in prison.

The money saved from reducing the number of non-violent offenders incarcerated was then reinvested into other areas of the criminal justice system to reduce reoffending rates; by increasing the number of treatment centres and diversionary programs available for those on parole, probation or released from prison.[67]

Texas passed legislation which mandated probation and drug rehabilitation as an alternative to incarceration for low-risk, first time, non-violent offenders. This resulted in the creation of 3,000 new spots in substance abuse treatment centres, 300 new halfway house places for parolees and 1400 new places in intermediate sanction facilities for those offenders on probation who made technical breaches of their release conditions.[68]

Re-integration programs

A key focus of criminal justice reform in Texas was reducing the number of offenders returning to prison after their release. This involved the implementation of a Re-entry Task Force Initiative which focused on ensuring that offenders have secured employment by the time they are released, to promote stability and productive rehabilitation back into society.[69]

This is achieved by providing training and education courses within the prison to equip the offenders with the skills sought by employers as well as matching prisoners with employers looking for more workers. Case managers are also assigned to prisoners requiring assistance to obtain the legal documentation, such as birth certificates and social security cards, required for employment.[70]

Right On Crime: Leadership in criminal justice reform

Right On Crime is a national campaign that has been a leading voice on criminal justice reform in Texas and across the United States more broadly. It was established in Texas in 2007, calling for conservative solutions for reducing crime, restoring victims, reforming offenders, and lowering taxpayer costs.

As part of their campaign, Right On Crime supported an investment of US$241 million (at the time equivalent to AUD$287.37 million) in alternative sentencing options, increased access to parole, and programs directed at reducing re-offending. As a result, several prisons around Texas were closed, plans to build new prisons were dropped, and billions of taxpayer dollars were saved.

Right On Crime prioritises cost-effective policies which enhance public safety, which means reserving spaces in prison to isolate dangerous and career criminals, and ensuring non-violent, low-risk offenders are not imprisoned and released as more dangerous individuals than when they first entered.

Criminal justice reform in Michigan

Increased spending on Michigan prisons has driven the need for criminal justice reform in the state. During the 10-year period from 1998 to 2008, spending on corrections increased by almost 60 per cent.[71] By 2008, one in three of the state's employees worked for the Michigan Department of Corrections.[72] This was partly due to the growing cost and number of incarcerations in Michigan. From 1960 to 2016, Michigan's jail incarceration rate tripled despite crime dropping to its lowest rate in 50 years.[73]

Widespread sentencing policy reform was not introduced in Michigan until 2021, at which time prisons housed over 32,000 offenders, representing an adult imprisonment rate of 407 adults per 100,000 of the state population.[74] According to the most recent data, released in 2018, violent offenders made up 61.1 per cent of the prison population, property offenders made up 15.8 per cent, drug offenders made up 9.5 per cent and public order offenders made up 13.2 per cent.[75]

Problematically, many offenders being held behind bars were awaiting trial or serving time for low-level crimes, such as driving without a valid license, that pose little threat to community safety.[76] Serving short sentences for low-level crime can have an extremely destabilising effect as these offenders often lose their jobs, housing, and family stability, leading to greater insecurity upon release which can drive recidivism.

Job courts

In 2023, Michigan announced the launch of its pilot Job Court program which would see hundreds of offenders diverted from

traditional incarceration.[77] The program allows low-level, non-violent offenders to obtain jobs instead of jail time. Those who complete the one-year program successfully are eligible to have the charges against them dismissed, improving the likelihood of a more productive future. Candidates must have been charged with a non-assaultive offence and will be selected by the Local County Prosecutor on a case-by-case basis by considering the offender's suitability for employment, past criminal history, and the potential impact on public safety. Businesses struggling to find the workers they need to operate successfully can volunteer for the program and are paired with a Case Manager who will monitor the offender's participation in the program during the course of employment to ensure that they are performing in compliance with the program requirements.

Not only do these job courts aim to reduce recidivism by diverting low-level offenders onto more productive paths, they also have the advantage of providing a means for the offender to repay the victim for the crime committed. Introducing the pilot program, Michigan Attorney General Dana Nessel stated that:

> Most crime victims never see the restitution that they're owed, but through this program, we're going to make sure that where there is money owed to people … that money is going to be paid back. How do we know that? Because we know you've got a job.[78]

Businesses are also given the option to exclude certain types of offences such as theft or dishonesty related offences like retail fraud and embezzlement. An important aspect of the program is appropriately matching the offender to the type of employment to ensure the best outcome for the business as well as long-term

employment and rehabilitation for the offender. Attorney General Nessel emphasised that the key to the Job Court program is that it gives an offender something to lose, reiterating:

> The most dangerous person out there is a person who has nothing to lose, and we want to give them something to lose as a good paying job with benefits.[79]

Research has shown that employment provides positive long-term benefits for the community by reducing reoffending. Having a job provides individuals with a source of income and a certain social standing, reducing the need for engaging in criminal activities for financial gain. Economic theories suggest a similar logical approach, indicating that criminal behaviour is likely to decrease when the potential consequences, such as losing one's job, outweigh the potential benefits.[80]

Social control theory suggests that individuals are more likely to engage in anti-social behaviour when they lack close relationships with conventional individuals. Employment can establish these conventional relationships through co-workers or employers who encourage productive behaviour through their own desire to maintain their job and improve life outcomes. The routine activity theory underscores that the commission of crimes depends on the presence of opportunities to do so. Specifically, the mere presence of motivated offenders is insufficient; criminal behaviour hinges on the availability of suitable targets and the absence of guardians. Consequently, employment is anticipated to reduce criminal behaviour by constraining the opportunity for such conduct.

Criminal justice reform for youth offenders in California

Youth offenders are a particularly challenging cohort for the criminal justice system to address. They are the most expensive age group to incarcerate due to the vast number of resources required to maintain their education and ensure proper rehabilitation. In 2018, the average annual cost to incarcerate a child in a county juvenile hall in California was $285,700 (USD).[81] Juvenile incarceration is estimated to increase the likelihood of adult incarceration by 23 percentage points meaning that the costs of imprisonment continue as the offender ages through the criminal justice system. Prison also decreases the likelihood of high school graduation, with one study finding that youth who were incarcerated were four times more likely to drop out of high school, leading to a 96 per cent reduction in the likelihood of college completion among formerly incarcerated youth. Therefore, once a youth offender enters the prison system, they are likely to encounter substantial obstacles to reforming and becoming productive, contributing members of society.

Youth offender rehabilitation ranch

Rancho Cielo, located outside of San Francisco in Salinas, was established in the early 2000s to address California's youth reoffending crisis. Judge John Phillips served as a prosecutor for 13 years before his appointment to the Superior Court, where he served another 21 years. During this time, he recognised that a lot of money was being spent on youth offenders, but only after they had committed a crime. Phillips calculated that due to the high reoffending rates post-release from detention, taxpayers

were spending millions of dollars for the repeated incarceration of a young offender over their criminal career. As a result, he sought to implement a program that would see the genuine reform and reintegration of young people caught up in crime. He had the idea to turn an abandoned juvenile detention facility into a school for Salinas Valley's most at-risk youth.[82]

As a result, Rancho Cielo began as a voluntary program for non-violent probationers, with a focus on rehabilitating young offenders so that they could become contributing members of society. Instead of being sentenced to a period of imprisonment, the offenders are sent to the ranch as students where they receive a typical high school education but are also enrolled in workshops that teach practical and employable skills in areas such as auto tech, building trades, agriculture, and hospitality.[83]

The program found considerable success. Approximately 15 per cent of court placed students reoffended compared to the 40 per cent reoffence rate for youth offenders who go through the county's juvenile justice system.[84] The program also resulted in savings to taxpayers: in the county it costs $110,000 (USD) to house a youth offender in prison per year, whilst it costs only $25,000 (USD) to keep a student at Rancho Cielo.[85]

Rather than placing the burden on taxpayers to house youth offenders in prison where they have minimal chances for rehabilitation, Rancho Cielo strives to turn troubled young people into productive, working members of society who can eventually graduate to contribute their newly developed skills to the community.

Reform directions in Australia

Criminal justice reform in the United States offers valuable insights that can be adapted and moulded to benefit Australia's corrections system. By examining successful programs implemented in the United States, such as employment initiatives, restorative justice programs, sobriety programs, and community policing strategies, Australia can tailor these approaches to its unique cultural and societal context.

Implementing evidence-based policies focused on prevention, treatment, and reintegration can help Australia address its own challenges within the criminal justice system. Moreover, fostering collaboration between policy-makers, law enforcement, and community organisations will ensure that these reforms are both effective and sustainable, ultimately contributing to a safer society.

'More cops on the beat'

Governments must always be conscious of the fact that criminal justice policy is not just about how to sentence those who have already committed crimes; it should also be about policies that can minimise the incidence of criminal behaviour.

Changes at the sentencing stage are an ineffective way of preventing crime. Research shows that imposing harsher penalties on offenders does not dissuade them from committing an offence. Offenders only make a shallow assessment of the costs and benefits of committing a crime. Rather, it is the fear of being apprehended for the offence that deters offending.[86] The most effective way to put the fear of apprehension into a potential offender's mind is to have a more prominent police presence on the streets and in the community.

Here, lessons from the United States could influence policing policy in Australia. The broken windows theory of policing is based on the idea that "if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken … one unrepaired window is a signal that no one cares, and so breaking more windows costs nothing". A more prominent police presence to tackle minor street level offending improves quality of life and will help prevent the proliferation of more anti-social crime. By enforcing order, police can prevent more serious crime from occurring.

The resources required to support more proactive policing should be sourced in a number of ways: firstly, the bureaucratisation of policing (or, the proliferation of desk-bound police staff and bloated and complex police organisations) should be reversed so that policing resources are properly directed to protecting and serving the community; secondly, and relatedly, police should be singularly focussed on law and order: fatuous theories that police need to endorse and participate in progressive social movements to build trust with the community should be rejected; thirdly, additional funding should be obtained from the savings made by reducing the incarceration of non-violent offenders. This group of low-risk, non-violent offenders should be punished in other, more cost-effective, ways and the savings should be reinvested in crime deterrence.

Electronic incarceration

Technological incarceration is an important base punishment that can be coupled with a range of other sanctions such as home detention, employment programs, and fines to ensure that an offender is sufficiently punished for their crimes. Internationally

it has been observed that electronic monitoring is able to improve prisoner productivity and facilitate an offender's rehabilitation back into society post release, reducing the rates of recidivism.[87] Research by the NSW Bureau of Crime and Research reported that there was an 11 to 31 per cent reduction in the odds of re-offending for those who served their sentence under electronic monitoring compared with offenders who received a prison sentence of up to two years.[88]

The advantage of this sanction is that the physical parameters and restrictions imposed on an offender can be tailored to the offence committed, so that it is proportionate and limits the ability of the offender to re-engage in offending. Tamper proof sensor equipment and visual recording equipment could be attached to offenders to monitor their movements and send an alert if they engage in any suspicious behaviour (such as applying significant force to an object). Technological incarceration also promotes the productive contribution of offenders to society, allowing them to work whilst they are monitored so that they can pay off any restitution orders or fines they have been handed by the court as a result of their offence.

This sanction would offer significant benefits beyond merely mitigating the harm an offender might cause if unmonitored. Empirical data shows that the most effective deterrent to crime is not the severity of the punishment but the offender's belief that they will be detected if they commit a crime.[89] Therefore, simply imposing this sanction would greatly reduce the likelihood of re-offending. Additionally, if offenders under monitoring do commit a crime, the sensor equipment will provide compelling evidence of their complicity. The sanction can be customised in

various ways to match the severity of the crime. For example, the duration of monitoring can range from six months to ten years, and the area of confinement can also be controlled.

Offender-employment programs

Non-violent, low-risk offenders should be eligible to work for willing businesses at award rates in sectors experiencing labour shortages. Rather than being a burden on taxpayers, these non-violent offenders should be working, paying tax and most importantly providing restitution to the victims of their crimes. Financial recovery for victims' losses is often a very complex, lengthy and expensive process. These losses are often never restored, despite this being one of the only forms of tangible justice that victims can receive. Whilst incarceration fulfills a symbolic sense of justice, this does not restore victims to their original position before the crime occurred. While the emotional and psychological trauma caused by a crime is difficult to measure and recompense, financial losses are more easily compensated. Thus, by putting non-violent offenders into work and providing them with a wage that can then be used to pay for their crimes, victims are more likely to receive a tangible benefit. Employers would have full knowledge of the offender's criminal history, and the program would function similar to community-based orders; however, offenders would be paid award wages and work full-time.[90]

Such offender-employment programs have already been piloted in various forms throughout Australia. Karnet Prison Farm located in Western Australia is a minimum-security prison for males, with a focus on preparing prisoners to re-enter the community.[91] The prison teaches dairy farming to inmates of the prison and

produces fresh meat, milk, eggs, fruit, and vegetables for the wider prison system. The prisoners are trained for employment and equipped with qualifications for industries struggling to find enough workers. In 2023, Dairy Australia released findings that half of dairy farmers across Australia were struggling to fill worker shortages and almost 80 per cent of dairy businesses in Western Australia had been in some way affected by worker shortages.[92] Pardelup Prison Farm is another low-security prison located in Western Australia where prisoners are taught and certified in viticulture, horticulture, cropping and animal husbandry.[93] The agriculture industry has also been grappling with worker shortages and the prison prepares inmates for employment in this industry upon their release. Equipping prisoners with the skills to find employment in these areas after their release not only helps offenders by providing them with a form of financial and social stability, it also benefits the community by producing qualified workers and by lowering rates of recidivism. Whilst prisoners remain in custody while completing work on the dairy farm, and thus their incarceration is still paid for by the state, the program represents promising groundwork for the implementation of offender-employment programs more broadly.

The Queensland Corrective Services Prison Work Program allows low-risk prisoners to serve their sentence within a community, such as providing labour for the Boulia Camel Races in outback Queensland.[94] Across the state there are more than 13 prison work centres, with the first being established over 30 years ago. Offenders must apply for and pass an assessment process in order to be placed in a camp. At the Boulia Camel Races, offenders perform tasks such as cleaning the venue, setting up tables and chairs, and creating the fencing and signage for the event. Through these camps, offenders

develop new skills by working in the community, which then helps them to find employment using these qualifications once they have served their sentence. Not only are financial savings gained from the reduced costs of incarceration, the program brings money into regional Queensland through community service.

Offender Super Taxation Levy

Many crimes are motivated by financial considerations. That is why a financial sanction should be imposed for non-violent criminals, to address the motivation of financial gain. Offenders should be subjected to a property ownership disqualification which prevents them from owning or possessing any assets for either a specified time or forever.[95] Alternatively, an offender taxation levy could be imposed which would operate so that two-thirds of all income derived by the offender would be payable as taxation. The total owed would be double the amount wrongfully attained.

It is also evident that victims of financial crimes want to have their financial losses restored. Currently, financial restitution orders are not automatically imposed upon offenders during sentencing. This is a fundamental shortcoming of the Australian criminal justice system. The main problem in requiring an offender to pay back their victim for their losses is that some offenders do not have the means to repay the amount stolen or the damage caused. This is why financial offenders should be sanctioned with an employment order that requires them to earn a wage that can be used to provide restitution. In addition to an offender taxation levy, the offender would be required to pay a one off fine equal to the amount wrongfully obtained by the offender. This sum would be paid to the victim.[96]

The total financial sanction, the taxation levy owed to the state as well as the fine owed to the victim, would constitute a life-long debt against the offender until it was repaid in full. It would be enforced in a similar manner to the Higher Education Loan Program (HELP, formerly HECS) and other tax debts. This would mean that in effect the offender would be required to pay back three times the amount taken illegally. For example, if an offender defrauds a victim in the sum of $100,000, the offender would be required to pay back $100,000 to the victim immediately in the form of a fine and then pay and additional $200,000 to the state through the offender taxation levy.[97] If the offender does not have the means to pay the entire sum immediately, it should be recouped in the same manner as taxation debts, but with a considerable amount of all income derived by the offender directed towards paying off the sanction. Not only would this punishment reduce the burden of incarceration costs on law-abiding taxpayers, it would see offenders financially contribute to society.

Youth rehabilitation ranches

Youth offenders are a complex offending group for which the criminal justice system has long struggled to find suitable and effective punishments. There are several nuances pertaining to youth offenders that must be considered. It is well recognised that a term of imprisonment is particularly damaging for young people. Prisons are disruptive, expensive and often entangle young offenders with hardened criminals and established gangs. Therefore, prison is often reserved as a last resort in sentencing and only for offenders where no other punishment is suitable. However, there are limited alternative punishments other than

prisons available as an option for judges in sentencing. As a result, young offenders who require serious intervention but whose crimes do not warrant the extreme punishment of incarceration often fall between the gaps of the criminal justice system.

Youth rehabilitation ranches should be established for offenders who have broken the law but whose incarceration is not required to maintain community safety. These offenders should be removed from the social circumstances encouraging their offending and given comprehensive education and skills training to support their potential role as positive and contributing members of society upon release. They should be taught the employment skills required by industries currently facing worker shortages across Australia.

In Queensland, youth boot camps were introduced under the Newman government and were offered to sentencing judges as an alternative punishment to prison for eligible and consenting youth offenders. However, after approximately 15 months the program was discontinued by the Labor government since the project ran significantly over budget and did not yield immediate improvements in reoffending rates. The boot camps predominantly focused on discipline rather than job training and education more specifically. Youth were also only placed in the camp for approximately one month, emphasising the need for longer term placements to ensure proper rehabilitation. Whilst the program represented a promising start for the introduction of more sentencing options for judges, it highlighted the need for thorough planning and adequate resourcing for an effective outback style rehabilitation camp.

Operation Hard Yakka is another youth boot style camp operating privately on Queensland's Fraser Coast. It takes at-risk young people referred by the courts or by parents, and is a program along the lines of a military style youth diversion training system. The program emphasises respect, trust, self-control, self-discipline, antibullying, teamwork, confidence, motivation, rights and responsibilities. Operation Hard Yakka has a 90 per cent success rate at preventing young people from entering, or returning to, a life of crime.[98] It relies on donations from business and organisations for its operation.

Conclusion

The issue of mass incarceration has been a longstanding challenge in both Australia and the United States. Surging prison numbers have resulted in a heavy financial burden being imposed on taxpayers, a diversion of resources from crime prevention, and the perpetuation of a cycle of criminality in both countries, necessitating the need for criminal justice reform.

In the United States, this reform largely focused on distinguishing between violent and sexual offenders who pose a real physical threat to society, and non-violent offenders who do not. As a result, some jurisdictions in the United States have witnessed a significant reduction in their incarceration rates, a decrease in prison spending, and improvements in crime rates, demonstrating the success of these reforms.

In contrast, Australia has experienced a sharp increase in its incarceration rate over recent decades, with significant financial implications for taxpayers. A substantial proportion of Australian prisoners have committed non-violent offences, leading to significant costs for their incarceration, despite the limited threats they pose to community safety.

The need for alternative sentencing options for non-violent offenders is evident. Successful models of criminal justice reform have been implemented in the United States by conservative jurisdictions, such as Georgia, Florida, Texas, and Michigan. These models have effectively reduced the number of non-violent offenders sentenced to prison, decreased prison spending, and improved offender rehabilitation. Most importantly, this has led to enhanced community safety. The experience of sentencing reform in the United States offers valuable lessons for addressing the challenges of mass incarceration in Australia.

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