

29 April 2017

IPA research outlines criminal justice lessons from the United States

"There are a number of lessons for Australian governments from the United States about how to reform our criminal justice systems to improve community safety," said Andrew Bushnell, Research Fellow at the free market think tank, the Institute of Public Affairs.

The IPA criminal justice project today released its second major research paper, Criminal justice reform: Lessons from the United States. The paper examines reforms undertaken in Texas, Georgia and other American states to safely reduce incarceration, tackle reoffending, and reform the criminal law.

"Criminal justice reform starts with punishment reform for nonviolent offenders," said Mr Bushnell. "Violent criminals must be locked-up. But many nonviolent offenders currently being jailed can safely be punished with home detention, community service, fines and restitution orders."

The most serious offence of up to 46 percent of Australian prisoners was a nonviolent offence. At an average cost of \$110,000 per prisoner per year, imprisonment is not always cost-effective for nonviolent offenders. Imposing alternative punishments on many of these people would free up money for other parts of the criminal justice system, like community re-entry programs and policing.

"Slowing the growth of incarceration is how we can pay for the extra police our cities need. And alternative punishments are associated with better results in terms of reoffending, which is better for the community and, in the longer-term, the budget," said Mr Bushnell.

The experience of American states also shows the value of directing rehabilitation resources towards skills training and eliminating barriers to employment for released prisoners. Governments should focus on preparing those in the corrections system to become productive citizens.

"Fifty-nine percent of Australian prisoners have been imprisoned before, and the best way to break this cycle of offending is employment," said Mr Bushnell. "Barriers to employment like the high minimum wage and stringent licensing requirements do nothing for ex-prisoners' chances of building a dignified life."

Along with rising incarceration, American reformers have also addressed the widening scope of the criminal law. In Australia, many regulations in areas like finance and environmental management are backed by severe criminal penalties that regulators use to coerce individuals.

"Very often, regulatory criminal law is just another form of red tape that gets passed on to the consumer," said Mr Bushnell. "This overreach is bad for the economy, undermines confidence in the criminal law, and diverts resources from where they would do more good for community safety."

For media and comment: Evan Mulholland, Media and Communications Manager, on 0405 140 780, or at emulholland@ipa.org.au