Introduction

In undertaking the Core Crime study, students are asked to do the following:

- evaluate the effectiveness of sentencing and punishment as a means of achieving justice
- evaluate the effectiveness of different types of penalties, including diversionary programs

One of the more controversial penalties adopted under the sentencing and punishment regime is imprisonment.

While imprisonment serves an important function in protecting the community from violent offenders, critics point to its overuse and argue that in many cases it achieves justice for neither the individual offender or the community.

One such critic has been Don Weatherburn, the Director of the Bureau of Crime Statistics and Research who recently called for sweeping reforms to the ways in which NSW approaches sentencing and punishment issues.

Many of the proposals for reform are outlined in the article below.

After reading the article, attempt the questions and activities attached.

Do you agree that major reforms are required?

BOCSAR director Don Weatherburn has called for a re-think on the approach to crime and imprisonment.

Photo: Quentin Jones
The NSW prison population is consistently hitting new records. A year on, the old的想法 is that we can offer Australians are more rational, more considered approach.

"If politicians keep demanding tougher penalties ... courts will eventually deliver them. This is not helping," said Fairfax Media. "We need to completely re-think the way we approach crime because we're putting so much emphasis on prison when we could achieve the same result by reducing offending and隆重举行 the political rhetoric.

"We can offer Australians are more rational, more considered approach.

"What's been happening over the last 30 years is we can keep doing this for another 30 years or 40 years on, but we're going to keep putting more and more money into the system," said Fairfax Media. "We need to completely re-think the way we approach crime because we're putting so much emphasis on prison when we could achieve the same result by reducing offending and隆重举行 the political rhetoric.

The states' top statisticians has called for a complete overhaul of the way crime and sentencing is handled.

By Rachel O'Callaghan, Reporter with SMH on 17 February 2016 (Graphics: Melissa Bruegmann)
Successive state and federal governments have perpetuated a "tough on crime" approach, despite crime rates falling since 2000, largely due to heroin shortages and rising incomes.

"You'd think this dramatic fall in crime would bring with it a dramatic fall in imprisonment rates and a dramatic turnaround in public attitudes towards offenders, but you'd be wrong," Dr Weatherburn said.

"Having pushed the law and order merry-go-round as hard as they could for more than 15 years, politicians found to their surprise that it was hard to get off. So the tougher laws kept coming."

![Graph showing the cost of jail](image)

While marginally effective in reducing crime, jail costs NSW taxpayers $237.34 per inmate per day.

In the paper based on decades of data, Dr Weatherburn said a 10 per cent increase in imprisonment only delivers a 1-2 per cent fall in crime.

It is also vastly more expensive than rehabilitative programs like Drug Courts which are effective but have never been rolled out widely, prompting him to call for a "wholesale transformation" of the approach to rehabilitation.

Non-custodial options, like suspended sentences and periodic detentions, have failed because courts are using them as alternatives to fines and bonds, not prison. When offenders breach the orders, they end up in jail.

"They're really just speed humps on the way to jail," he said. "They're not a deterrent, they don't incapacitate offenders and they don't rehabilitate them."
causes of crime, services to tackle the treatment and other criminal justice system have been spent on the billions money that would project in Bonnie, re-just remain, a pilot punishment does not deter people from committing crime, she said.

"We have this entrenched public conversation around ... the need to punish and the power of punishment to deter crime. When you look at the evidence, it simply isn’t true. Hars

NSW, said workers in the justice system have reached “an all-time high level of frustration.”

Saran Hopkins, a managing solicitor for the Aboriginal Legal Service and chair of Just Renewed

mouthed and more judges needed to be hired to stop “appealing delays” in prosecutions.

merit. Dowd, president of prison reform advocacy group Community Justice Coalition, said he had

magistrates and judges set heavier sentences,” he said.

commonly viewed the same line on crime because it was “populist and easy.” The result is that

Mr Dowd, former Liberal Attorney-General and Supreme Court Judge, said politicians

But the cheapest and easiest solution was to “come down the political rhetoric”;

deluding preachings and making the penalties lower.

resources towards changing approach to community corrections and reducing the approach to non-parole period and maximum sentence. Relationships between discretionary role giving judges the point plan also reduces the
"With rates of incarceration of indigenous people, it's such an urgent problem and it would be such a development if people could just start embracing a commonsense approach," she said.

She said there was a myth that victims of crime want harsher punishment. "Everybody would agree what victims of crime want is that the crime doesn't happen at all."

The Productivity Commission found 44.3 per cent of adult prisoners released in 2012-13 returned to prison within two years, an increase from 39.9 per cent in 2010-11. In NSW, the average cost per inmate, per day, is $237.34.

A spokeswoman for the NSW government said they would consider the contents of Dr Weatherburn's paper. "Community safety is the government's number one priority and this requires an efficient and effective justice system," she said.


**Student Activities by Dave Gooley**

As you answer the questions below, consider the relevance of the following themes:

- The role of law reform in the criminal justice system
- The effectiveness of legal and non-legal measures in achieving justice

1. What does Dr Weatherburn believe drives law and order policy in NSW?
2. What are some of the proposals for reform put forward by Dr Weatherburn?
3. Cite statistics from the article on the increasing cost of incarceration/imprisonment in NSW. What implications does this have for achieving justice for the community in terms of resource efficiency?
4. Outline why Dr Weatherburn feels that current penalties such as suspended sentences are currently being misused?
5. How does John Dowd QC explain the tough 'law and order' approach pursued by politicians?
6. How does the involvement of advocacy groups such as Community Justice Coalition and the role of the media in this debate illustrate the important of non-legal measures in contributed to criminal law reform?
7. How do non-legal bodies such as Just Reinvest NSW want to see resources allocated in the criminal justice system?
8. Cite statistics from the Productivity Commission on current rates of recidivism. With reference to these figures, discuss whether the current approach is achieving justice for the individual offender AND the community.