# ACT Inquiry into Community Corrections

ACT crime rates are going down, but incarceration levels continue to rise. The ACT criminal justice system has experienced an increase in prison population, costs and recidivism. The criminalisation of AOD problems is a contributing factor in increasing incarceration.

Some of the challenges for Community Corrections within the ACT Criminal Justice System include:

* The criminalisation and inadequate support for people with problematic Alcohol and Other Drug (AOD) use,
* Fetal Alcohol Spectrum Disorder (FASD),
* Raising the Minimum Age of Criminal Responsibility (MACR) and
* Electronic Monitoring (EM).

Problematic AOD use has often been found to be strongly associated with contact with criminal justice systems, and a large proportion of crime in the ACT is associated with AOD use.  However, public health issues such as high risk AOD use, poor mental health and disabilities such as Fetal Alcohol Spectrum Disorder (FASD), must be treated as health and human rights issues, not stigmatised or criminalised.

Punitive responses to health and social issues are expensive and ineffective. Taking an evidence-informed, public health and human rights approach can both reduce the harm from alcohol and other drugs in the community, and reduce prison populations, costs and recidivism.

## FARE recommended:

**Recommendation 1.** **Implement evidence-based, public health and human rights approach to reducing alcohol harm,** both in the criminal justice system and in the wider community. This is to reduce the risk of recidivism and of the risk of people coming into contact with the criminal justice system in the first place.

**Recommendation 2.** **Implement Recommendation 4 of the 2019 ‘*ACT Auditor-General’s Report ‘Recognition and Implementation of Obligations under the Human Rights Act 2004’*.** This requires explicit consideration and documentation of human rights in decisions by the ACT Justice and Community Safety Directorate.

**Recommendation 3.** **Significantly increase investment in trauma-informed mental health and alcohol and other drug (AOD) treatment in the ACT** criminal justice system and in the wider community.

**Recommendation 4. Implement recommendations** 12, 23, 24 and 27 of the Senate Inquiry into *Effective approaches to prevention, diagnosis and support for FASD*, that reported to Federal Parliament in March 2021.

**Recommendation 5. Implement Fetal Alcohol Spectrum Disorder (FASD) screening, assessment and support** in paediatric, youth justice and adult criminal justice.

**Recommendation 6.** **Work with the federal government to address the gaps** left by barriers to access and difficult eligibility with both the National Disability Insurance Scheme (NDIS) and Disability Support Pension (DSP). Address the gaps in service and support by the ineligibility of people in detention for NDIS, DSP, Pharmaceutical Benefits Scheme (PBS) and Medicare.

**Recommendation 7.** **Develop FASD professional understanding and capacity.** Educate relevant justice professionals about children with disabilities and cognitive impairment. Invest in professional workforce development to establish capacity for FASD screening, diagnosis and support.

**Recommendation 8. Delay any plans for implementation of the electronic monitoring in community corrections.** Re-assess the purpose, lived experience impact, human rights implications, costs and effectiveness of any trials and planned implementations of Electronic Monitoring (EM) programs including for alcohol-related offences.

[view submission as pdf](https://fare.org.au/wp-content/uploads/FARE-submission-to-ACT-Inquiry-into-Community-Corrections.pdf)

[View the Fetal Alcohol Spectrum Disorder, criminal justice and government responses Evidence Brief](https://fare.org.au/wp-content/uploads/FARE-Evidence-Brief-on-FASD-Criminal-Justice-System-Attachment-1-1.pdf)

[View the Electronic Monitoring (including for Alcohol-Related Offences Evidence Brief](https://fare.org.au/wp-content/uploads/FARE-Evidence-Brief-Electronic-Monitoring-Attachment-2.pdf)