

AUSTRALIA'S CRIMINAL JUSTICE COSTS

AN INTERNATIONAL COMPARISON



Andrew Bushnell, Research Fellow

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This report was updated in December 2017 to take advantage of new figures from 2015

About the author

Andrew Bushnell is a Research Fellow at the Institute of Public Affairs, working on the Criminal Justice Project. He previously worked in policy at the Department of Education in Melbourne and in strategic communications at the Department of Defence in Canberra.

Andrew holds a Bachelor of Arts (Hons.) and a Bachelor of Laws from Monash University, and a Master of Arts from Linköping University in Sweden.

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Overview

Incarceration in Australia is growing rapidly. The 2016 adult incarceration rate was 208 per 100,000 adults, up 28 percent from 2006. There are now more than 36,000 prisoners, up 39 percent from a decade ago.

The Institute of Public Affairs Criminal Justice Project has investigated the causes of this increase and policy ideas for rationalising the use of prisons in its reports, *The Use of Prisons in Australia: Reform directions* and *Criminal justice reform: Lessons from the United States*.

This paper provides an international comparison of the costs, scope, and effectiveness of criminal justice in Australia. It shows that Australia has:

- the fifth most expensive prisons in the OECD, on a per prisoner basis;
- the seventh fastest prison spending growth rate in the OECD;
- a comparatively large and rapidly growing prison population;
- a higher spend more per capita on police services than all but nine other developed countries;
- more police per capita than all other common law countries except Ireland, with this measure growing at the fifth fastest rate in the OECD;
- a population that feels less safe than the citizens of many comparable countries, and that may experience more crime than other peoples;
- criminal justice systems that seem to be ineffective in correcting criminals' behaviour (although international comparisons of this effectiveness are almost impossible).

Overall, there is reason to believe that Australians are receiving worse value for criminal justice spending than many other countries. Australians report their concern about crime, governments respond by hiring more police, and this feeds through the system to increased incarceration and higher costs. But the original problem – Australians' perception of crime – persists. Either the increased spending is not preventing the growth of crime, or it is failing to reassure the public of their safety, or both. This report underscores the need for criminal justice reform in Australia.

1. Australian prisons are expensive

Australian prisons are among the most expensive in the world. Among countries for which 2014 data is available, Australia had the fifth highest per prisoner annual prison cost. The cost of putting one person in prison for a year was **\$109,500**.

Only Sweden, Norway, the Netherlands and Luxembourg had higher costs.

All three of these countries have been cited in recent years as examples for other countries, including Australia, to follow.¹ It is rarely mentioned that doing so, absent a significant reduction in prisoner numbers, would result in a massive increase in prison spending. Even if the purportedly more rehabilitative approach to imprisonment taken by those countries led to longer-term reductions in recidivism and thus to the prison population, Australian taxpayers would still have to carry a substantially increased prison spending burden in the interval.

Australia already spends considerably more per prisoner than the other common law countries, and more than most European social democracies. Major countries like the United States, Japan, France, and Canada spend less than the OECD average.

Moreover, what this figure suggests is that Australia's resourcing for prisoners is already generous. Put bluntly, differences in crime and recidivism levels are unlikely to be simply explained by per prisoner spending. To the extent that Australia's prisons are less successful in reducing recidivism than those of comparably high-spending countries, this problem is likely to be a question of prison policy or socio-cultural factors rather than spending.

Explanatory notes

Because of the variety of sources used, this is an estimate only. Counting of both prisoners and expenditures may vary across countries.

European figures, including United Kingdom figures, are drawn from the Council of Europe Annual Prison Statistics 2015. The data is from 2014 and has been adjusted.

The United States figure is an average from 45 states in 2015, and does not include federal prisoners. The Japan figure is an estimate based on English-language reporting from Japan from 2015.

Where needed, figures have been adjusted for inflation. All figures have been converted to Australian dollars at the 2015 end-of-financial-year rate.

¹ See for example:

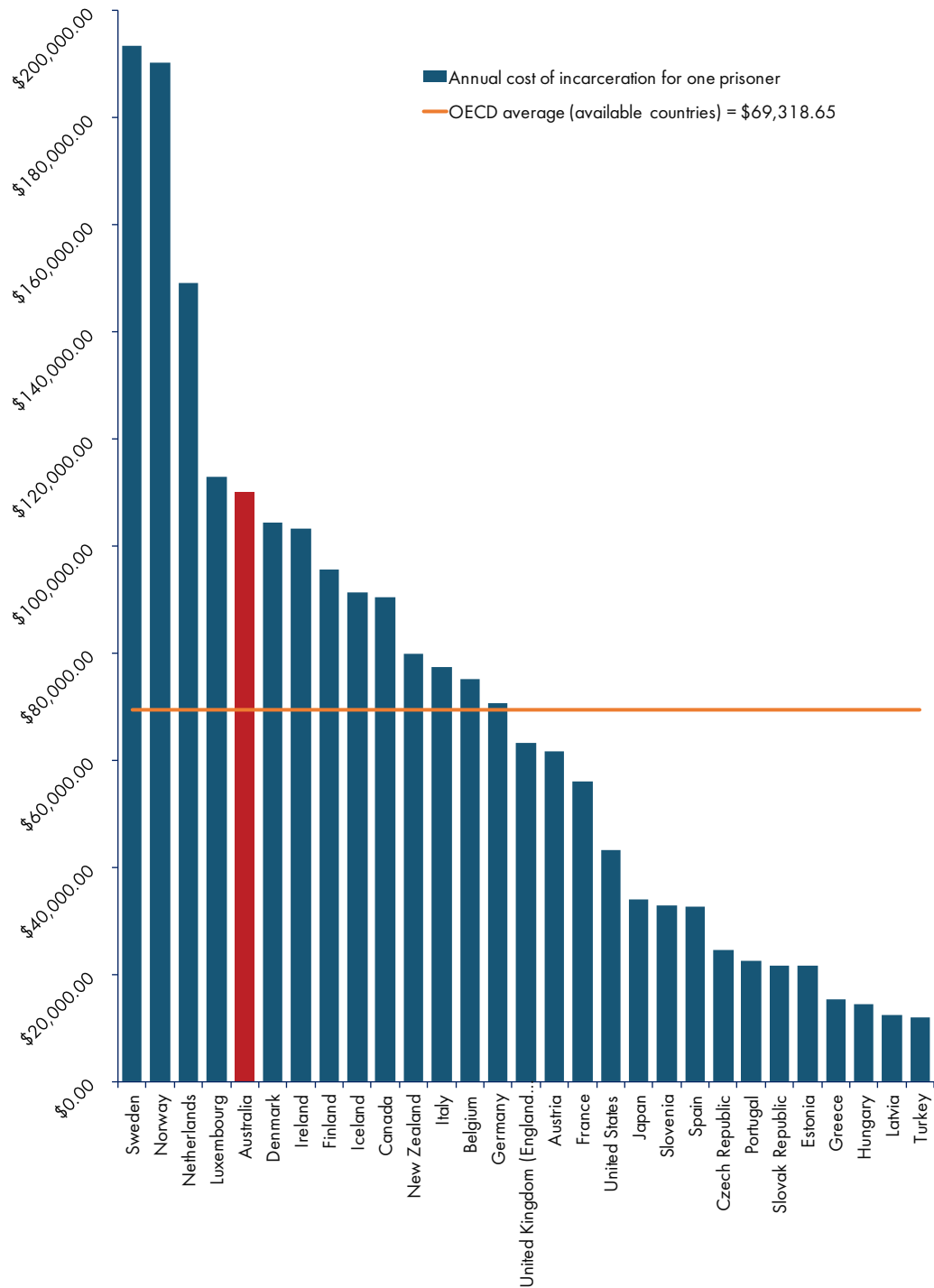
Ray Edgar, "Design the key to youth detention, and the Werribee option already has it wrong", *Sydney Morning Herald*, 24 March 2017 [accessed 28 June 2017]

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Christina Sterbenz, "Why Norway's prison system is so successful", *Business Insider Australia*, 12 December 2014 [accessed 28 June 2017]

Figure 1: Average annual per prisoner cost, available OECD countries 2015 (2015 A\$)



Sources: Productivity Commission, *Report on Government Services 2016*; Council of Europe, *SPACE I – Prison populations Survey 2015*, Table 14; Statistics Canada, *Adult correctional statistics in Canada 2014/15*, Table 6; Kanoko Matsuyama “Some prisons in Japan becoming ‘like nursing homes’ amid surge in elderly offenders”, *Japan Times*, 16 April 2015; New Zealand Department of Corrections, *Annual Report 2014-15* pp.62-67; Prison Reform Trust, *Prison Briefing May 2010*; Vera Institute of Justice, *The price of prisons: Examining state spending trends 2010-2015*

2. Australian prison expenditure is growing rapidly

Not only are Australian prisons expensive, overall prison spending has grown at a rapid rate in the past several years.

Between 2010 and 2015, the growth of Australian prison spending far exceeded the OECD average, which was 12.5 percent. (Note that this figure is not population-weighted and is boosted by huge increases in spending in smaller countries like Hungary, Iceland, and Latvia.)

Over that period, Australian prison expenditure grew by **25.3 percent**, faster than all common law countries.

Big-spending Norway saw a 26.1 percent increase. The Netherlands by contrast reduced prison spending by 12.9 percent, largely by closing prisons.²

Prison spending increases can be caused by capital works, increased operational costs caused by workforce expansion, service improvements, increased remuneration for employees, and adding more prisoners. Unpicking the exact causes of each country's change in prison spending would be a substantial undertaking and is beyond the scope of this paper. However, it should be noted that whether countries have a rehabilitative or retributive approach, both have failed to stem the need for increased prison resources in recent years.

Explanatory notes

The earlier Canada figure is from 2010-11.

The earlier Ireland figure is from 2011.

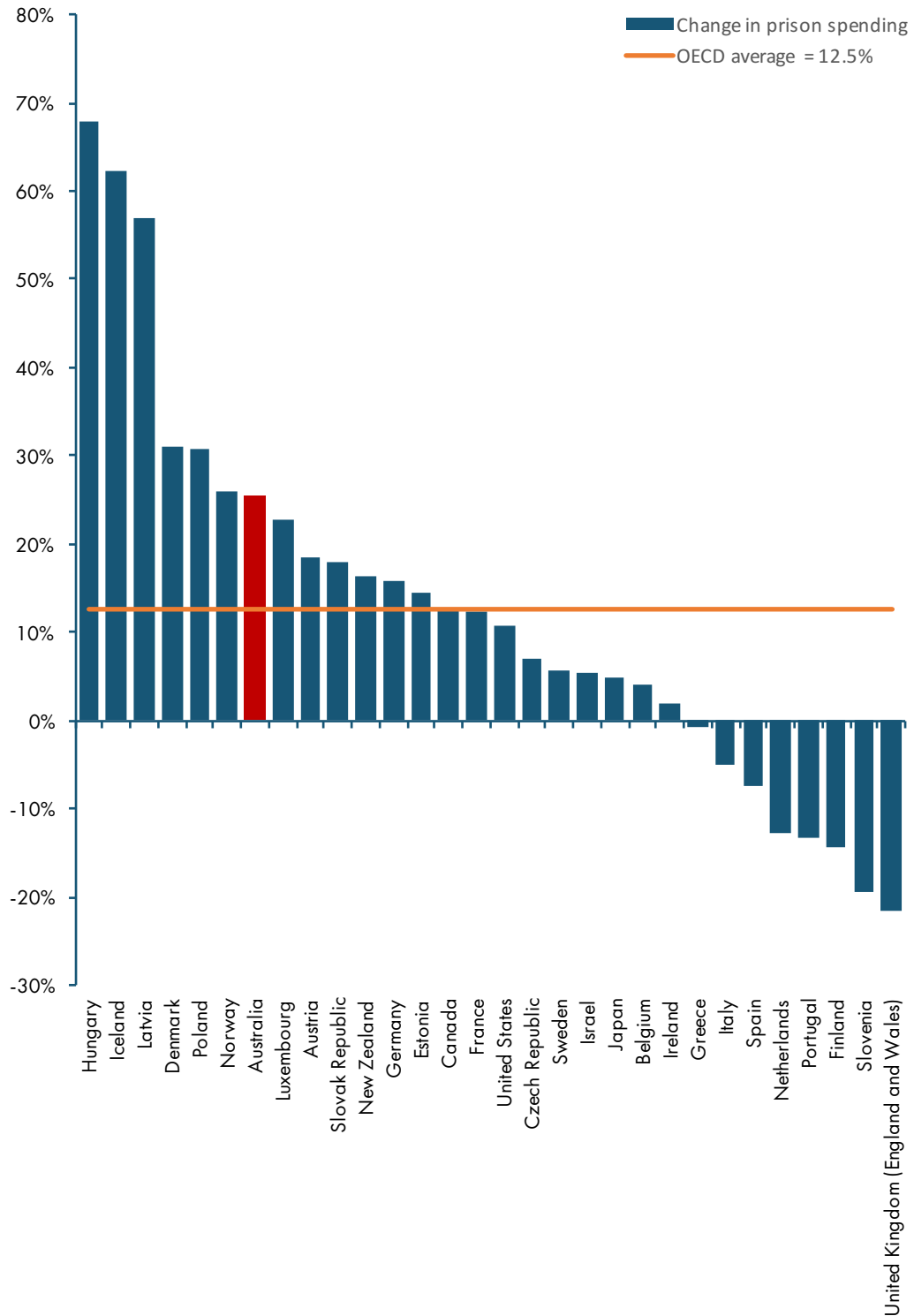
United States figures exclude the federal prison system (which houses up to 8 percent of American prisoners).³

The OECD average is not population-weighted.

² Killalea (as above)

³ The Bureau of Justice Statistics estimated that in December 2015, there were 2,173,800 people in prisons across the United States - Bureau of Justice Statistics, *Media release: US correctional population at lowest level since 2002*, 29 December 2016
The Federal Bureau of Prisons counts 187,756 federal inmates as at 22 June 2017 -

Figure 2: Changes in prison spending 2010-15, available OECD countries



Sources: Productivity Commission, *Report on Government Services 2011, 2017*; Organisation for Economic Cooperation and Development, *Government expenditure by function, 0301 Police services*; Statistics Canada, *Adult correctional statistics in Canada 2010-11, 2014-15*; New Zealand Department of Corrections, *Annual reports 2009-10, 2014-15*; The Sentencing Project, *Fact sheet: Trends in US corrections 2017* p. 2

3. Australia's prison population is also growing rapidly

As stated, one of the main drivers of increased prison costs is, naturally, an increase in the prison population.

Australia has seen a remarkable rise in its incarceration levels. As noted in the IPA report *The use of prisons in Australia: Reform directions* the incarceration rate per 100,000 Australians is now at its highest since Federation.⁴ The number of prisoners has grown 39 percent in the last 10 years.⁵

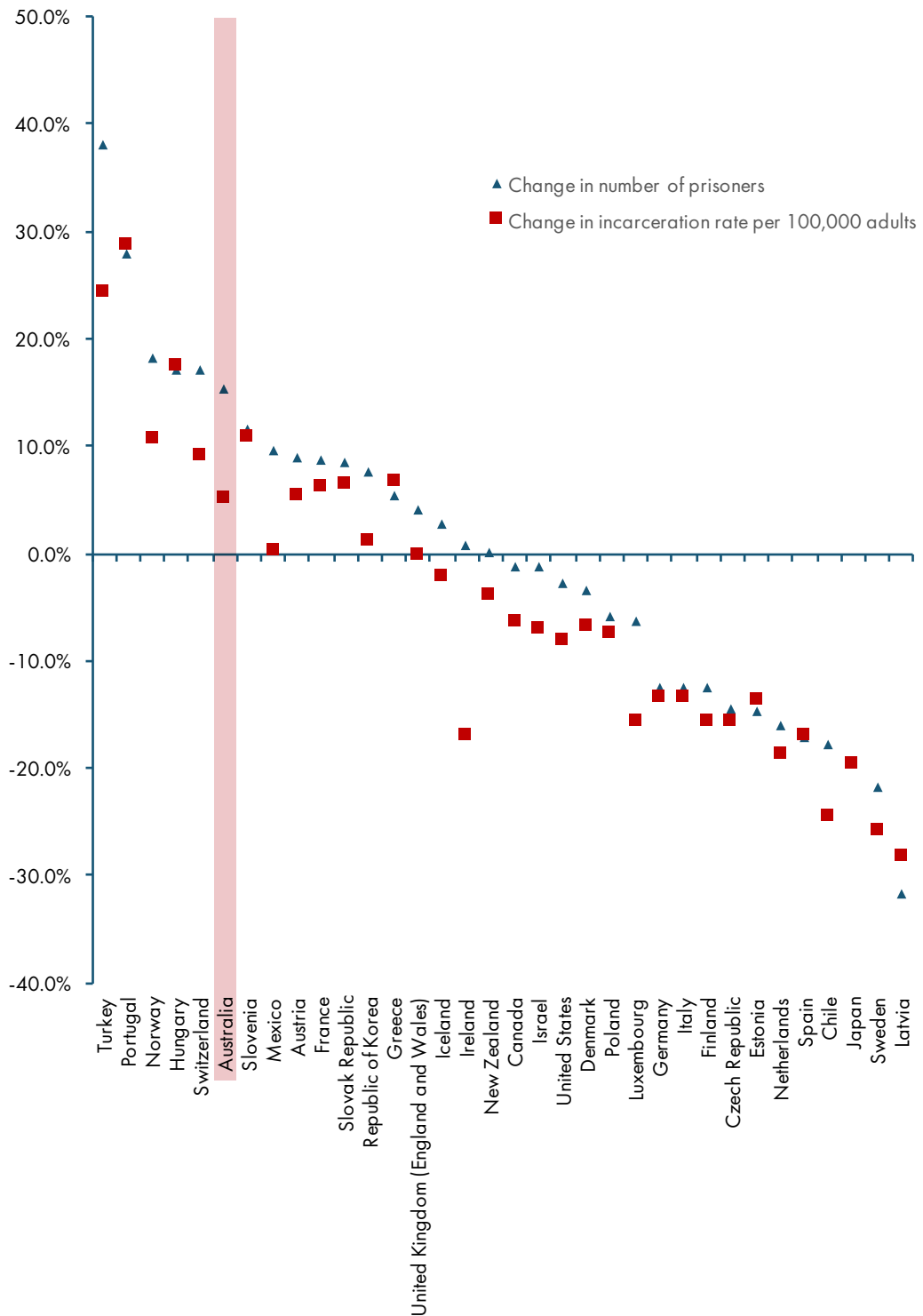
Over the past five years, international figures show that Australia's incarceration growth has outstripped that of many comparable countries. Fellow common law countries, the United States, the United Kingdom, Canada, Ireland, and New Zealand all reduced their incarceration levels over the period. Across the OECD, there was a slight decrease of 4.4 percent.

Among fellow high spending countries, Sweden and the Netherlands reduced incarceration. Norway saw a greater increase in incarceration than Australia. Again, no simple relationship between spending and incarceration is present.

⁴ Andrew Bushnell and Daniel Wild, *The use of prisons in Australia: Reform directions*, Institute of Public Affairs, December 2016 p. 12

⁵ Australian Bureau of Statistics, *Prisoners in Australia 2006, 2016*

Figure 3: Change in incarceration rate per 100,000 adults and prison population, available OECD countries 2009-2014



Source: United Nations Office on Drugs and Crime, *Statistics on crime* (uploaded 13 April 2015) [accessed 27 June 2017]

4. Australia also has a high level of police spending

Along with our high expenditure on prisons, Australians also spend more per capita on police than many other OECD countries.

In 2015, the only year for which a set of comparable figures could be compiled, Australia is estimated to have spent **\$427 per person** on police services.

Australia ranks 9th in the OECD for per capita police spending. All of the countries ranked higher on this measure either have significant terror threats or small populations, both of which can be assumed to increase the per capita spend. The OECD average (not population-weighted) was \$367 per capita.

Over the past five years, the share of criminal justice spending in Australia that goes to policing has averaged 68 percent. A 2004 analysis by the European Institute for Crime Prevention and Control, affiliated with the United Nations, estimated that the global average in 1997 was 62 percent.⁶

Explanatory notes

Our Australian figure is slightly less than the Productivity Commission's estimate of \$457, which used the population estimate at 31 December 2014. For consistency, we used Australia's 2015 population estimate from the World Bank, which is how we estimated the populations of the other countries. The Australian figure does not include the Australian Federal Police, except in its role as the police force in the Australian Capital Territory.

For the United States, the figure is from 2012, and was generated by adding the Bureau of Justice Statistics' estimate of state and county police spending to the Federal Bureau of Investigation's 2012 budget request. Other federal law enforcement agencies, such as Immigration and Customs Enforcement, were excluded for consistency.

Japan's figure is taken from its reporting to the OECD for spending on police services. Most countries did not report to the OECD under this code so it was not possible to only use OECD figures for the chart.

Canada's figure is taken from the CanStat estimate of police spending in fiscal year 2014-15.

New Zealand's figure is taken from the actual expenditure recorded in fiscal year 2014-15 by New Zealand Police.

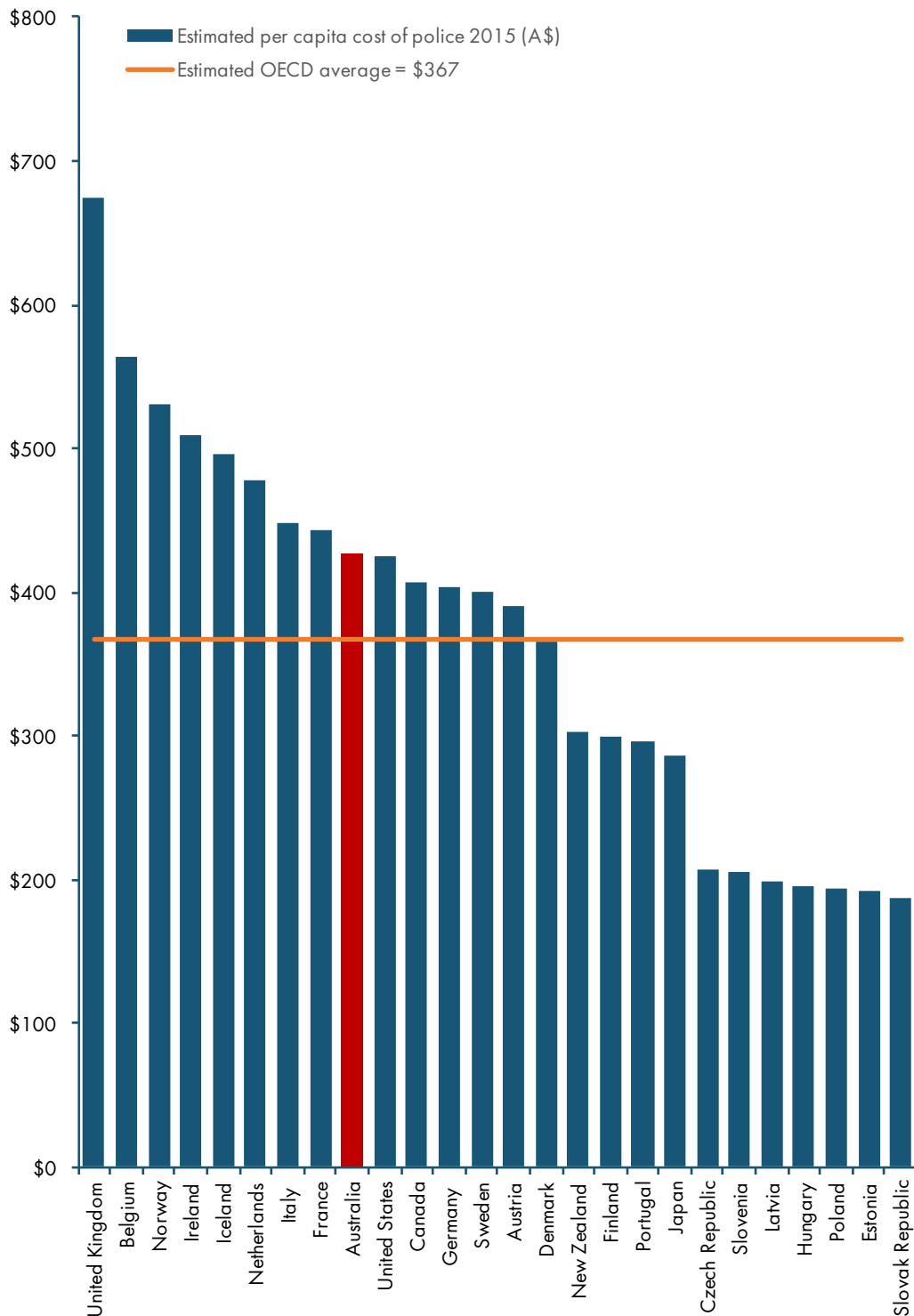
All population estimates are taken from World Bank figures accessible through Google.⁷

Because of the diversity of sources, the figures presented below are estimates only.

⁶ Graham Farrell and Ken Clark, *What does the world spend on criminal justice*, The European Institute for Crime Prevention and Control, affiliated with the United Nations 2004 p. 9

⁷ Google Public Data, *Population* [accessed 28 June 2017]

Figure 4: Estimated per capita cost of police, available OECD countries 2015 (2015 \$A)



Sources: Productivity Commission, *Report on Government Services 2016* Table C.1; Statistics Canada, *Police resources in Canada 2015*; Eurostat, *Government expenditure on public order and safety*, February 2017; Organisation of Economic Cooperation and Development, *Government expenditure by function, Japan, 301: police services*; New Zealand Police, *Annual report 2015*; Bureau of Justice Statistics, *Justice expenditure and employment extracts 2012*; Federal Bureau of Investigation; World Bank (accessed via Google public data)

5. Australians are heavily-policed

As we have seen, the increase in Australia's incarceration and associated costs has been accompanied by a high level of spending on the police. This funding has made Australians more heavily-policed than they have been in the past.

Between 2007 and 2015, Australia's number of police per capita increased by **18.2 percent**, from 222.9 per 100,000 to 263.5 per 100,000. This was a greater increase than all but four other OECD countries. Among the wealthiest countries, only the Netherlands saw a greater increase.⁸

In the Productivity Commission's *Report on Government Services 2017*, this figure has risen to 295 per 100,000 for the year 2015-16. The level is over 700 per 100,000 in the Northern Territory and lowest in the Australian Capital Territory and New South Wales.⁹

Australia's level of policing is now higher than all other common law countries apart from Ireland, which is of course a much smaller country, and considerably higher than the Nordic countries and East Asian giants Japan and the Republic of Korea.

As Australia's police numbers have grown, the proportion of police staff who are operational – that is, directly involved in policing – has risen slightly, from 89.5 percent in 2009-10, to 91 percent in 2015-16.¹⁰

According to national surveys, Australians have a high level of confidence in the police. In 2015-16, 87.5 percent of people agreed or strongly agreed that the police perform their jobs professionally, and 74.7 percent agreed or strongly agreed that the police are honest.¹¹ 74.7 percent reported satisfaction with the police, a figure that has been quite stable for the past five years.¹²

Explanatory notes

All data is taken from the United Nations Office of Drugs and Crime online database. The rates may be subject to local variations in definitions of police personnel and reporting rates.¹³ The United Nations urges caution when making international comparisons.

2007 figures for: Australia, Mexico. 2014 figures for: Germany, Hungary, Ireland, Israel, Italy, Japan, Luxembourg, New Zealand, Norway, Portugal, Republic of Korea, Switzerland, Turkey, United Kingdom (England and Wales),

8 Note: these are figures reported by the UN

9 Productivity Commission, "Police services" in *Report on government services 2017* p. 6.3

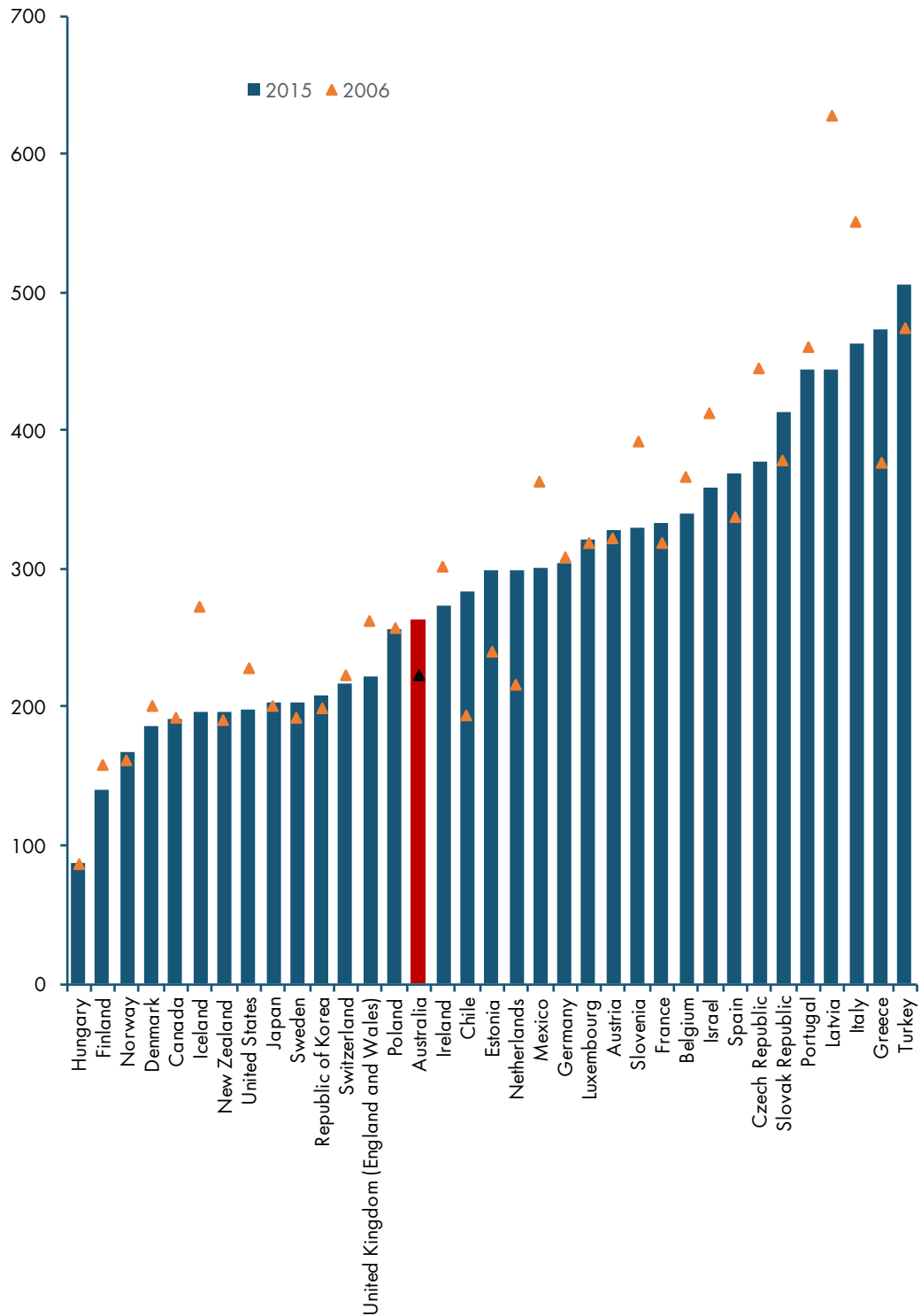
10 Ibid. Table 6A.11

11 Ibid. p. 6.18

12 Ibid. Table 6A.12

13 For example, this discussion of the United States figure argues that it is an underestimate: Daniel Bier, "By the numbers: Is the US under-policed?", *The Skeptical Libertarian*, 1 June 2016 [accessed 28 June 2017]

Figure 5: Police per 100,000, available OECD countries 2006 and 2015



Source: United Nations Office of Drugs and Crime, *Total police at the national level*

6. Australians do not feel safe

The growth in prison and police spending has likely been driven by public demand. Criminal justice expenditure has risen at a time when Australians have consistently reported a level of concern about crime that is high in world terms.

In four polls taken between 2007 and 2014, Gallup asked citizens of countries around the world whether they felt safe walking in their neighbourhood at night. Australia ranked in the bottom third of OECD countries in every poll, never higher than 20th, and in the most recent poll, as low as 24th. In 2014, Australia ranked lower on this measure than all other common law countries, all the countries of Western Europe except Italy, and all the Nordic countries.

It is also worth noting that Australia has one of the highest gender gaps in reported feelings of safety of any country. In 2010, only 51 percent of Australian women reported feeling safe walking at night (compared to 78 percent of men), and in 2015 this fell to 48 percent of women (compared to 80 percent of men). A population-weighted average across 2006-2014 gives a figure of just 50.6 percent for Australian women as against 78.3 percent for Australian men. The 27.7 percent difference between these figures was the second-highest in the OECD, behind only New Zealand.

However, the other countries exhibiting a large difference between men and women on this measure include a number of low-crime, high-spending countries, like Sweden (26.3 percent difference), the Netherlands (26.3 percent), and Finland (23.1 percent). One possible contributor to this phenomenon may be that crimes against women are more likely to be reported to police in those countries, as seen, for example, in Nordic countries' high rankings in international comparisons of sexual assault.¹⁴ It may be that women report feeling less safe in countries that actively encourage women to report crime and that try to raise public awareness of crime against women.

Similarly, this measure is affected by the expectations of the people being surveyed. People in societies with more crime may nonetheless feel safe if that level of crime is lower than that to which they are accustomed, and the converse is true too. For example, Japan is commonly identified as a low crime country, yet consistently underperforms on this measure of safety. This might indicate that the Japanese people have high expectations for their personal safety.

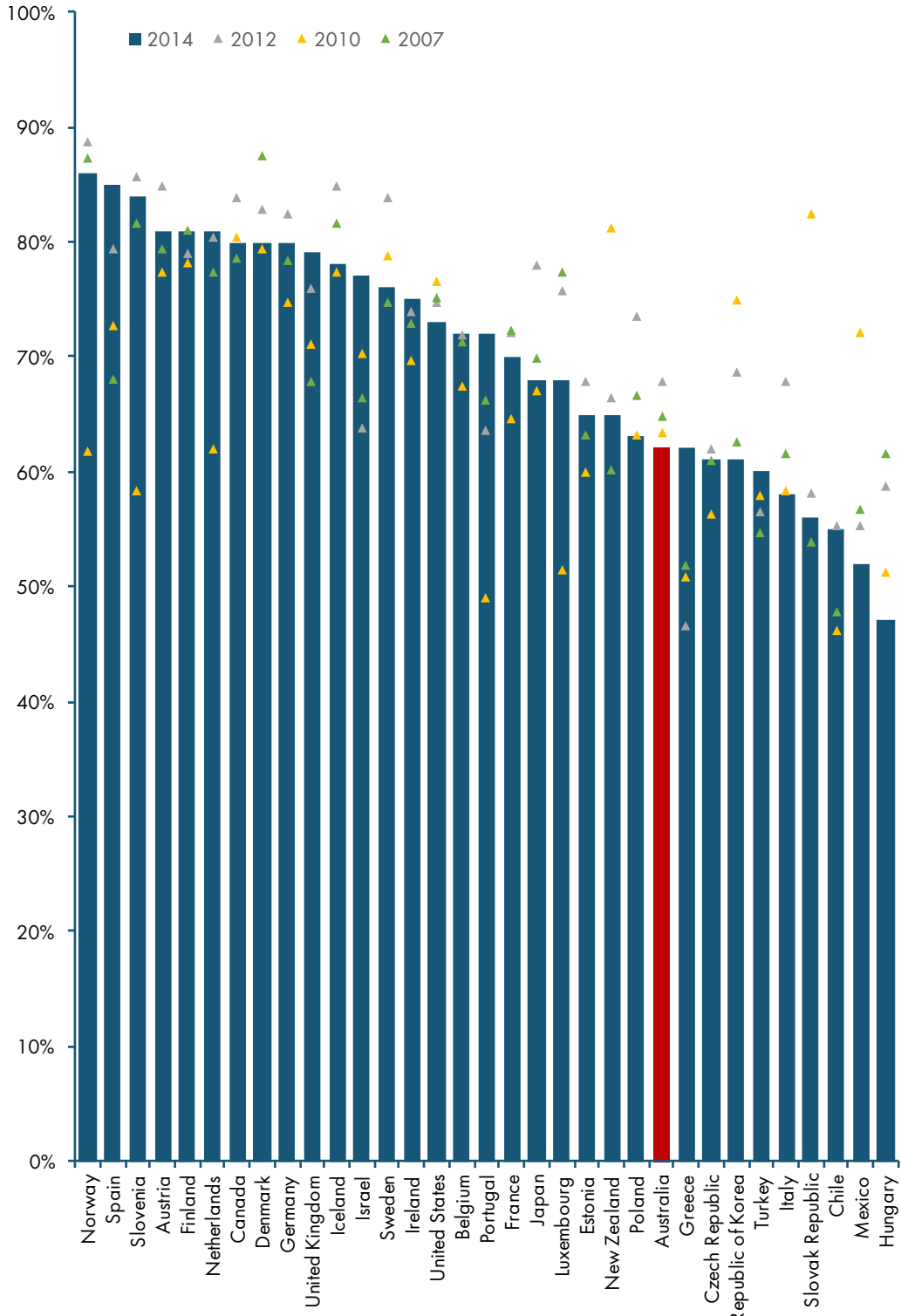
Data from the Productivity Commission backs up this finding by Gallup. In 2015-16, only 51.7 percent of those surveyed said they felt safe walking alone in their neighbourhoods at night. This measure has been stable over the past five surveys, going back to 2011-12, when the figure was 51.6 percent.¹⁵ Less than one quarter of Australians (24.3 percent) reported feeling safe on public transport at night.¹⁶

14 United Nations Office of Drugs and Crime, *Total sexual violence* – In 2015, Sweden had a sexual assault rate of 156 per 100,000 adults, compared to Australia with 89 per 100, and almost three times that of neighbouring Finland, with 54.

15 Productivity Commission, as above, Table 6A.20

16 Ibid. Table 6A.21

Figure 5: Percentage of residents who report feel safe walking at night, OECD countries 2007, 2010, 2012, and 2014



Sources: Organisation of Economic Cooperation and Development, *How's life: Measuring well-being 2011 and 2015*

7. Australians may experience more crime than citizens of comparable countries

Although Australians report a high level of concern about crime, there is mixed evidence for whether crime really is more prevalent in Australia than in other developed countries.

International comparisons of the incidence and rate of crime are notoriously unreliable. Because of inconsistencies across jurisdictions in definitions of crimes, reporting standards, and reporting rates, figures between countries can vary widely and are often inconsistent with other facts or expectations about how countries compare. For example, OECD data show that countries like Sweden and the Netherlands have very high rates of assault and theft compared to the world's other most developed countries, and much higher than a diverse range of countries, including Spain, Chile, and Estonia.¹⁷

One statistic that is often considered to be broadly comparable between countries is homicide. The definition of homicide is similar across jurisdictions and homicides are almost always reported. On this measure, Australia ranks in the middle band of OECD countries, albeit higher than many comparable countries, like the United Kingdom and New Zealand, and much higher than Japan and Norway. It is worth noting that since 2006, Australia has seen a large decrease in its homicide rate, from 1.7 per 100,000 inhabitants to 1.0 per 100,000 inhabitants. This 41 percent decrease outstripped the OECD average of a 28 percent decrease across that period.

Furthermore, in 2012, Australia ranked 15th among OECD countries for deaths due to assault. This was a higher ranking, however, than the other common law countries.¹⁸

In 2005, the OECD conducted an international victimisation survey, asking respondents to indicate if they had experienced a crime within the last 12 months. Australia again ranked in the middle band of OECD countries, behind countries like Japan, Germany, Norway, and Sweden, but ahead of all common law countries, Denmark, and the Netherlands. Since that time, however, there is some evidence that crime in Australia has increased:

- The number of offenders per 100,000 adults increased 14.5 percent from 1429 to 1636 between 2008-09 and 2014-15.
- The average number of proceedings per offender rose from 1.4 to 1.6 between 2008-09 and 2014-15.¹⁹

As we have seen, governments have responded to Australians' concerns about crime by increasing the strength of the police and the use of incarceration.

Explanatory notes

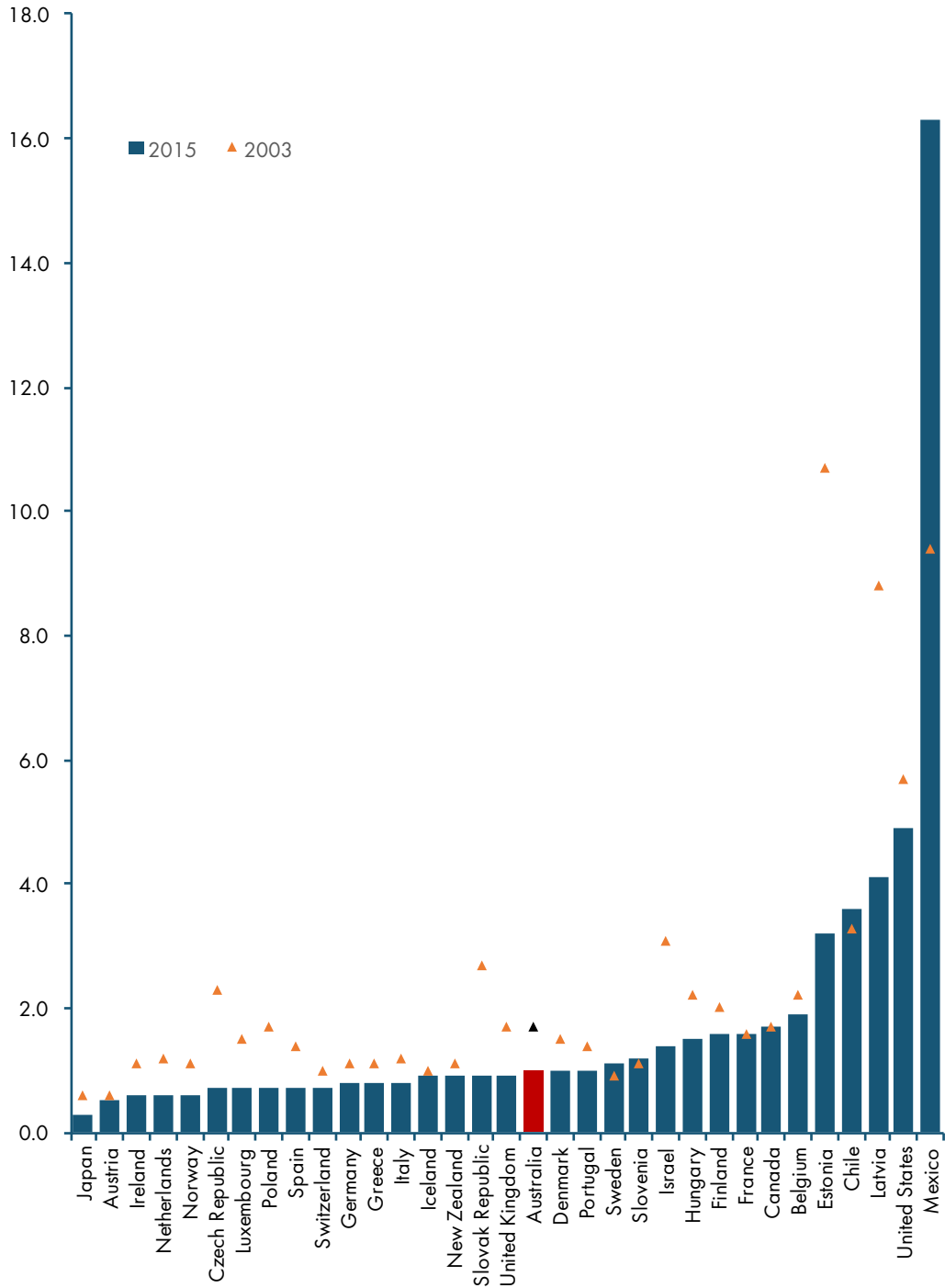
2004 figures for Ireland. 2006 figure for Luxembourg. 2014 figures for Chile, Hungary, Japan, Luxembourg, New Zealand, Norway, United Kingdom.

¹⁷ United Nations Office of Drugs and Crime, *Theft and Assault*

¹⁸ Operation of Economic Cooperation and Development, *How's life: Measuring well-being 2015* Figure 2.35

¹⁹ Victimization surveys, however, show that the number of Australians reporting being a victim of crime has diminished in recent years. For this reason no definitive link can be drawn between Australians' experience of crime and their reported concerns about it. See the discussion in Bushnell and Wild (as above) pp. 31-6

Figure 7: Homicide rate per 100,000, OECD countries 2003 and 2015 (or most proximate years)



Source: United Nations Office of Crime and Drugs, *Intentional homicide, counts and rates per 100,000 population*

8. Australia has a class of persistent criminals

There is reason to believe that Australian prisons are ineffective in correcting criminal behaviour. For example, it is known that in Australia:

- 58 percent of prisoners have been imprisoned before (stable over the past 10 years)
- 44.6 percent of prisoners released during 2013-14 returned to prison within two years (up from 39.5 percent five years ago)
- 52.6 percent of prisoners released during 2013-14 returned to corrective services within two years.²⁰

The number of persistent criminals in Australia is indicative of the failure of our corrections system, and especially our prisons, to change the behaviour and thinking of those who enter it.

Placing Australia's recidivism rate in an international context is difficult. There is no uniform measure for recidivism used across countries, and many countries do not report on recidivism at all.

Such is the diversity of measures and reporting across developed countries that a 2015 study by Oxford University researchers Seena Fazel and Achim Wolf determined that for recidivism, "international comparisons are currently not valid".²¹

Nonetheless, that study aggregated available results from various countries. Some of their findings are reproduced in Tables 1 and 2 for completeness' sake. It is important to know, in their own terms, whether other countries have a problem with recidivism. However, these tables should not be used to make comparisons between countries.

20 Bushnell and Wild (as above) pp. 38-9

21 Seena Fazel and Achim Wolf, "A systematic review of criminal recidivism rates worldwide: Current difficulties and recommendations for best practice", PLoS ONE 10(6)
The reproduction of data from that study is permitted under the Creative Commons Attribution Licence.

Table 1: Two-year reconviction rates, available countries

NB: Countries do not use a standard definition of reconviction. Some countries include fines (marked with an asterisk), others do not. Moreover, the different laws and legal systems also affect whether an action by an individual leads to a criminal charge and conviction

Country	Selection period	Rate
Canada	1994-95	41%*
Denmark	2005	29%
Finland	2005	36%
Iceland	2005	27%
Netherlands	2007	48%*
Norway	2005	20%
Singapore	2011	27%
Sweden	2005	43%
United States	2005-10	36%
United Kingdom (England and Wales)	2000	59%*

Table 2: Two- and three-year reimprisonment rates, available countries

NB: There is no international standard definition of reimprisonment. Counting methods might not track all released prisoners. Actions that lead to incarceration in one country may not lead to incarceration in another. Higher rates can be expected as the window of assessment widens.

Country	Selection period	Period	Rate
Chile	2007	3 years	50%
Germany	2004	3 years	35%
New Zealand	2002-03	2 years	37%
New Zealand	2002-03	3 years	44%
Republic of Korea	2002	3 years	24%
United States	2005-10	2 years	29%
United States	2005-10	3 years	36%

How to reform Australia's underperforming criminal justice system

Australia's criminal justice system is outperformed in all major categories by comparable developed countries. This is despite a high level of investment in corrections and police. With costs rising and the community far from confident in its safety, something has to change.

There are steps we can take as a country to rationalise our criminal justice system towards maximising its contribution to community safety:

- Australia's growing incarceration rate and associated costs can be addressed, in part, by punishment reform. Prison resources should be targeted to those criminals who pose the most danger to the community, and alternatives to incarceration like home detention, community service, fines, and restitutions orders should be implemented and expanded for nonviolent, low-risk offenders. This makes further sense when you consider the high cost of incarcerating an individual in Australia.
- Although Australia has seen an increase in per capita police numbers, the public does not feel safe and crime is stable, at best. This suggests that there is scope for more accurate targeting of police resources to where they will do the most good. For example, police resources should be concentrated in those postcodes in which crime is known to originate and take place.
- Australia's high level of recidivism is well-known and must be addressed. The high level of per prisoner spending in this country suggests that resources are available for implementing better ways to reduce reoffending. In particular, states must concentrate resources on preparing prisoners for entry into the workforce. Employment is correlated with a reduced chance of reoffending. State should also improve the tracking of criminals through the system, so that criminal justice interventions can be properly assessed, and cooperate with one another to standardise reporting of crime and recidivism.
- Lastly, Australia's problems are not unique. Therefore, there are lessons to be learned from other jurisdictions, such as the United States and elsewhere, that have reduced prison expenditure and crime at the same time.

For further development of these ideas and other policy reforms, please see:

The use of prisons in Australia: Reform directions – available here:

<https://www.ipa.org.au/publications-ipa/research-papers/the-use-of-prisons-in-australia-reform-directions>

Criminal justice reform: Lessons from the United States – available here:

<https://www.ipa.org.au/publications-ipa/research-papers/criminal-justice-reform-lessons-united-states>

The Institute of Public Affairs Criminal Justice Project page:

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Resources

Data

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About the Institute of Public Affairs Criminal Justice Project

The Institute of Public Affairs Criminal Justice Project aims to develop and promote ideas for the reform of criminal justice in Australia, based on the traditional principles of personal responsibility, fair punishment, and fiscal discipline. The project examines policy questions concerning incarceration, policing, and the criminal law from a conservative perspective, with a focus on ensuring the community safety that underpins our society's ordered liberty.

Contact the author

For all inquiries regarding the Institute of Public Affairs Criminal Justice Project, please contact:

Andrew Bushnell, Research Fellow

abushnell@ipa.org.au

03 9600 4744

