



PARLIAMENT OF VICTORIA

DRUGS AND CRIME PREVENTION COMMITTEE

**INQUIRY INTO STRATEGIES TO PREVENT
HIGH VOLUME OFFENDING AND RECIDIVISM
BY YOUNG PEOPLE**

Final Report

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Drugs and Crime Prevention Committee
Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young
People – Final Report

DCPC, Parliament of Victoria

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Functions of the Drugs and Crime Prevention Committee

The Victorian Drugs and Crime Prevention Committee is constituted under the *Parliamentary Committees Act 2003* (Vic) as amended.

Section 7

The functions of the Drugs and Crime Prevention Committee are, if so required or permitted under this Act, to inquire into, consider and report to the Parliament on any proposal, matter or thing concerned with:

- (a) the use of drugs including the manufacture, supply or distribution of drugs;
- (b) the level or causes of crime or violent behaviour.

Terms of Reference

The Drugs and Crime Prevention Committee of Parliament is to inquire into and report upon justice and crime strategies in high volume crimes such as theft and property-related offences, which often involve young people; with the Committee to provide recommendations on:

- (a) causal factors that may influence patterns of high volume crime, with particular emphasis on repeat offences committed by young people; and
- (b) strategies that may be effective in addressing the underlying causal factors or recidivist patterns of offending.

The Committee is to make its final report to Parliament no later than November 2009.

Acknowledgements

The Committee wishes to acknowledge the valuable contribution of Jason Payne from the Australian Institute of Criminology for providing his statistical expertise. The Committee also wishes to thank Mignon Turpin for her editing work, Matt Clare of Mono Design for the cover design and Karen Taylor for laying out the report.

Chair's Foreword

Media often report very negatively on the youth in Victoria. These reports are very far from the truth. Most young people are good, sensible and lawful, and will grow into great adults.

However, for a minority of young people this is not the case. These young people often have had a troubled childhood; mental or intellectual disabilities; little education and, in some cases, a lack of adult mentors. This group is highly represented in the juvenile justice system.

In the Report, therefore, we have tried to focus on this group of offenders, namely repeat offenders, and have attempted to develop strategies that will assist these young people, firstly to try to stop them from ever getting into the juvenile justice system, and secondly, if this is unsuccessful, to outline strategies that will reduce or eliminate further offences.

From the evidence before the Committee, keeping young people at school or in training/work is a most important factor in keeping people out of the justice system.

Therefore we have looked at strategies that relate to children at a very early age, up to strategies for offenders. The cost of these must be less than the cost of incarcerating people, both for the State and for the individual concerned.

The evidence we have gathered from a large range of people and organisations in the community has been of great assistance in forming our recommendations and we thank them for their assistance.

One of the features of the submissions was their similarity in suggesting solutions, which has in many ways made the work of the Committee much easier.

Finally, once again I would like to thank the staff of the Drugs and Crime Prevention Committee for the high standard of their work.

Judy Maddigan MP

Chair

Recommendations

Statement of Principles underlying the Recommendations

The following principles are based on the deliberations of the Drugs and Crime Prevention Committee and the evidence it has received. These principles underlie and support the recommendations that follow.¹

1. Young people make an important contribution to the well-being of the community. Only a small minority of young people get involved in criminal or antisocial behaviour at the expense of the wider community.
2. Most young people deal successfully and responsibly with the challenges of adolescence and the transition to adult life without experiencing serious or lasting difficulties. Conversely, a small minority of young people due to a variety of factors are at risk of engaging in criminal or antisocial conduct. These factors must be understood and addressed in an effort to tackle the range and complexity of problems faced by the minority at risk.
3. There is no one cause or single factor contributing to juvenile offending. Criminal and antisocial behaviour by young people, as with adults, is a complex phenomenon that is attributable to a range of intersecting and overlapping factors.
4. Strategies developed to address youth offending and its causes should be grounded in a rights based framework that places the needs of the child as paramount. At the same time these strategies should address the need for young people to respect others within the community.
5. Policy and program interventions to address youth offending must be based on best evidence. An essential part of any policy development is the ability to rely and draw upon comprehensive and up-to-date data.
6. Strategies and program interventions are not of themselves enough. It is essential that any project developed to address youth offending and antisocial behaviour be subject to ongoing monitoring and evaluation.
7. Prevention and early intervention programs and approaches that address the needs of all young people are an essential component of any strategy to prevent or reduce youth offending.
8. Incarceration for young people should only be used as a last resort. For most young people alternative strategies such as diversionary programs have proven to be more successful.
9. Engaging young people in education, training, constructive leisure activities and/or meaningful employment empowers young people and assists in preventing youth offending.
10. There is a need for an ‘all of community’ approach by which the responsibility for preventing youth offending is shared by all levels of government, the private sector, parents, carers and the community at large. As part of such an approach a coordinated and appropriately funded strategy to reduce youth offending is essential.

¹ The principles are discussed in more detail in Chapter 1 of this Final Report.

11. A range of interventions, methods and approaches is necessary to address youth offending – a ‘one size fits all’ response is insufficient to tackle the complexities of the problem. Targeted approaches will need to be tailored to different groups of young people at risk in addition to more generalist methods that apply equally to all young people in the community.

Specific Recommendations

The Extent of High-Volume and Repeat Youth Offending in Victoria (Chapter 2)

1. **The Committee recommends** that Victoria Police should produce annual statistics on the number and characteristics of high volume and repeat youth offenders.
2. **The Committee recommends** that in undertaking this task Victoria Police should provide ongoing analysis of birth group data, including the monitoring of the longitudinal and adulthood outcomes of the 1984 and 1994 age groups (presented in this report) as well as comparative analysis of new birth groups as they enter the criminal justice system.

Coordinating and Implementing Youth Crime Prevention Strategies (Chapter 6)

3. **The Committee recommends** the implementation of youth offending teams similar to those operating under the New Zealand Youth Offending Strategy in order to coordinate service delivery when dealing with young offenders. Such teams should comprise representatives of Victoria Police, the Department of Justice, the Department of Education and Early Childhood Development, and the Department of Human Services Youth Justice Branch, in addition to input from community agencies and representatives involved in the areas of youth welfare and youth justice. The Department of Human Services Youth Justice Branch should act as the central lead agency responsible for coordinating all aspects of service delivery to young offenders or young people ‘at risk’.
4. **The Committee believes** that service delivery and programs aimed at supporting young people, particularly those who have been in youth detention, should not cease simply by reason only of that person reaching the age of 18. Where appropriate, transitional supports should remain in place and the young person should continue to be supported whilst it is necessary. Recent moves towards such policies of rationalisation by the Department of Human Services/Department of Justice are to be encouraged.

Child Development, Parenting and Welfare (Chapter 7)

5. **The Committee identified** the need for more comprehensive prevention and early intervention strategies addressed at youth offending. The Committee calls for the implementation of the social action plan ‘A Fairer Victoria 2009: Standing Together Through Tough Times’ as soon as possible.
6. **The Committee recommends** that the Department of Human Services expands existing infant welfare services to deliver outreach programs for disadvantaged new parents that provide regular and ongoing support from the pre-natal period through to the first year of life. This service should be based on delivery models, such as the Nurse–Family Partnership, that have been evaluated and demonstrated to be effective.
7. **The Committee recommends** that the Department of Human Service evaluate the pilot therapeutic residential unit program after 12 months, and if it proves successful extend the program.

8. The Committee recommends that strategies and programs to enhance parenting and family support should:

- consider the broader risk and protective factors that impact upon child and family development;
- focus on the developmental and behavioural needs of children;
- focus on building on the protective factors operating for a young person and reducing the risk factors they are experiencing through their life transitions;
- be early and non-stigmatic and as far as possible, kept out of the justice system;
- promote a sense of connectedness;
- be long-term and holistic and cut across multiple domains in a young person's life (eg families, schools, communities).

Education, Employment and Training (Chapter 8)

9. The Committee recommends that the State Government expedite the implementation of the recently released Student Engagement Policy Guidelines. This would require supporting schools to provide a range of prevention and early intervention strategies to support engagement and improved educational outcomes, including:

- programs to support parental involvement with schools, including effective parenting programs;
- transition support programs for children moving from primary to secondary school, and for students nearing the compulsory school leaving age;
- strategies for identifying at-risk students (including those in out-of-home care) and linking them to appropriate specialist support services (for example, youth workers or counsellors);
- the introduction of restorative justice practices in schools;
- training for teachers in the delivery of emotional well-being curriculum materials, and in strategies for working with vulnerable and 'difficult' students.

The Committee recommends that an evaluation of this policy be undertaken after 12 months.

10. The Committee recommends that sufficient additional resources should be provided to schools and related community based support services to ensure that the positive 'Actions for change' relating to school retention and re-engagement arising from the Victorian Government's Vulnerable Youth Framework can be fully implemented as a matter of urgency.

11. The Committee recommends that the Department of Education and Early Childhood Development introduce a state-wide enrolment database with school reporting requirements whereby if a child is away from school for two weeks without parental or school authority the Department is notified. This would allow student enrolments to be tracked across the state and ensure that absent students are followed up and provided with appropriate support services to re-engage them with the education system.

12. **The Committee recommends** that the Department of Education and Early Childhood Development consider introducing a truancy service, with the specific task of following up students identified through the tracking provided by a state-wide enrolment database. An example of this is the Non-Enrolment Truancy Service (NETS) that operates in New Zealand.
13. The Committee identified that where employment is provided as a strategy to reduce re-offending it needs to be combined with support programs that focus on the continued growth and development of the young person involved. As such **the Committee recommends** that the government support an extension of specialist education, training, mentoring and employment programs for young offenders, such as the models provided by Whitelion and the Bridge Project. This would include support for work with employers to encourage employment of young offenders.

Community Capacity Building (Chapter 9)

14. **The Committee recommends** that the Children, Youth and Families Division of the Department of Human Services works together with local government to provide training for youth workers to enhance their capacity to contribute to young people living successfully in their communities through capacity building, early detection and youth development, and to provide a strong link to a range of other more intensive support services for young people.
15. **The Committee recommends** that the Department of Human Services promote and fund mentoring programs through the Victorian Youth Mentoring Alliance, to support stronger links between leaders and role models in the community and young people in custody.

Diversionary Approaches, Strategies and Support Programs to Prevent or Reduce Youth Offending (Chapter 10)

16. **The Committee recommends** that the Departments of Human Services and Justice expand their range of Youth Justice related diversionary programs to ensure that a suitable program is available in all instances where a sentencing magistrate believes it would be appropriate for a young person.
17. **The Committee recommends** the comprehensive evaluation of any diversion programs instituted by the Department of Human Services Youth Justice Branch. The impact of diversion programs, in the long term, on youth offending needs to be further researched and evaluated.
18. **The Committee recommends** that the rules, procedures, guidelines and administration of police cautioning in Victoria be incorporated into legislation so that all apprehended young people may benefit from this diversionary strategy.
19. **The Committee recommends** that the Youth Justice Group Conferencing programs should be expanded to all areas of the state.

Police, Courts and the Youth Justice System (Chapter 11)

20. **The Committee recommends** that the Department of Justice identify the issues pertaining to a young person being granted bail in the Children's Court. In particular, matters relating to accommodation and material support and the establishment of a formal bail support program should be considered with the express aim that no child or young person should be held in remanded custody unnecessarily.
21. Recognising that it is imperative that young people have their Children's Court cases and associated matters dealt with as quickly as possible, **the Committee recommends** that in those cases where young people have been formally processed for a first offence they have their matter heard for first mention within two weeks of charges being laid.
22. Given the amount of time and expense taken up with processing public transport infringements such as fare evasion by young people, **the Committee recommends** that the Department of Transport undertake a feasibility and cost-effectiveness study assessing the viability of young people under 18 years of age accessing free public transport within Victoria.
23. **The Committee recommends** programs be established by the Department of Human Services and the Department of Education and Early Childhood Development to provide effective and improved training to young people during their period of incarceration to ensure that the programs are genuinely preparing the young people for life beyond the term of their sentence. Greater emphasis needs to be given to literacy and numeracy skills, together with basic life skills such as working in a team, communication, managing money, conflict management and self-esteem building.

Targeting the Strategies to Special Needs (Chapter 12)

Indigenous young people

24. **The Committee recommends** that the Victorian Government work with Indigenous communities to develop strategies to support Aboriginal and Torres Strait Islander families in Victoria. Such strategies should include cultural heritage and community renewal programs in a variety of settings including school and higher education settings, juvenile justice detention, community and while in State Care.
25. **The Committee recommends** that the Victorian Aboriginal Legal Service 'Police Cautioning and Youth Diversion Program' be supported and expanded.

Culturally and linguistically diverse youth

26. **The Committee recommends** that the Victorian Multicultural Commission develop culturally and linguistically appropriate programs and resources to assist young people in culturally diverse communities in understanding the law as well as their rights and responsibilities.
27. **The Committee recommends** that Victoria Police programs are supported and expanded to train all operational police in interacting with young people from diverse cultural backgrounds.

Young people with disabilities

28. **The Committee recommends** that the range of accommodation support services for young people with a disability involved with the juvenile justice system be expanded in all regions of Victoria.
29. Given the evidence relating to the disproportionately large numbers of young people with psychiatric or intellectual disabilities detained or otherwise involved in the youth justice system, **the Committee recommends** that a review of Youth Justice clients with disabilities, including acquired brain injury and learning/language difficulties, be undertaken with the aim of improving service delivery, including accommodation options.
30. **The Committee recommends** that the Department of Human Services in partnership with relevant service providers develop and implement a new residential forensic mental health treatment centre or contained therapeutic facility for juvenile offenders.

Homeless and vulnerable youth

31. **The Committee recommends** the Victorian government provide additional Transitional Housing places for young people involved with the Youth Justice system, and other forms of suitable long-term accommodation to assist young people leaving transitional housing, complementary to the initiatives arising from the 'Youth Homelessness Action Plan'.
32. **The Committee recommends** that the Department of Transport in conjunction with public transport operators develop targeted outreach assistance for homeless or otherwise vulnerable young persons found on public transport or associated property. It is envisaged this could take the form of a formalised agreement between Victoria Police, the Department of Transport, and public transport operators. It is recommended that issuing officers who observe homeless or vulnerable youth on public transport or in public areas such as train stations contact an appropriate outreach service who can provide support such as food and accommodation to that young person.
33. **The Committee recommends** that police and/or transit officers be trained in the effective utilisation of the program outlined in Recommendation 32. In particular, transit officers will need to be trained and monitored on the following:
 - the services available to youth, homeless, mentally ill and people in crisis and should be trained on when to call these services in rather than engaging directly;
 - how to engage with the homeless, mentally ill, young people and people in crisis.

Alcohol and other drug use

34. **The Committee recommends** that youth Alcohol and Other Drug outreach options be supported and strengthened.

Setting the Research Agenda: The Call for Data, Evaluation and Evidence based Research (Chapter 13)

35. **The Committee recommends** that key justice agencies continue to work on integrating and connecting the disparate data collection systems of the police, courts and Department of Human Services so that whole-of-system analyses can be conducted.
36. **The Committee recommends** that the following research issues highlighted in this Report be prioritised:
- the effect of early child development and prevention programs on youth offending (or its reduction);
 - research into the effectiveness of services and programs for vulnerable young people;
 - more qualitative research into youth offending in Victoria be encouraged and undertaken;
 - research into offending by young people in rural and regional/outer suburban Victoria;
 - research into links between youth offending, disability and mental health issues;
 - research into the extent and causes of violent offending by young women; and
 - research into the extent and causes of violent offending by young people towards their parents and siblings.

37. **The Committee supports** recommendation 7.2 in the Victorian Auditor-General's *Services to Young Offenders* report, that:

... DHS in conjunction with other State Government departments and agencies involved in the delivery of youth justice services should develop a whole-of-government approach to data collection and analysis to support shared planning and service development. This should be complemented by arrangements to support effective information sharing within and across agencies.²

Such an approach should include a data collection framework that whilst centralised and coordinated is also disaggregated at state, rural and regional and local levels. Data on youth offending, recidivism and youth justice services data should include that drawn from police, ambulance, hospital, juvenile justice and research agencies and community agencies.

38. **The Committee recommends** that data on youth offending should be made available and accessible to all tiers of government and appropriate research and community agencies subject to legitimate need and appropriate privacy safeguards. This is essential for any ongoing capacity by local governments in particular to address youth offending.
39. **The Committee recommends** that in evaluating the success of an intervention a measurable outcome should be not just desistance from offending but also reductions in frequency and severity of offending.

² Victorian Auditor-Generals' Report 2008, *Services to Young Offenders*.

Concluding Remarks. Addressing Youth Offending: No Simple Answers (Chapter 14)

- 40. The Committee recommends** a thorough cost benefit analysis be undertaken with regard to any program intended to specifically address youth offending and associated child welfare issues. It is imperative that such an analysis should consider the long-term benefits of social, preventive, developmental and diversionary programs compared to the costs of incarceration and processing through the criminal justice system.
- 41. The Committee recommends** that funding continue to be provided on a triennial basis wherever possible for appropriate community projects and programs.

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Section A – Understanding the Nature and Extent of High-Volume Offending

1. Introduction

Putting youth offending in context

If one were to read the daily papers or listen to the television news and current affairs programs, it would not be fanciful to believe that Australians are living in a society where young people are out of control and juvenile crime is increasing. As a corollary to this, it is also not uncommon to hear calls for more punitive approaches and strategies to deal with this perceived breakdown in law and order.

Conversely, many commentators on youth offending, both academics and youth justice practitioners, argue that sensationalist images of juvenile crime, particularly in the media, are based more on manufactured images of menace than ‘the daily reality of young people’ (Cunneen & White 2002, p.92). For example, the Law Reform Commission of New South Wales (LRCNSW) notes there are two major problems associated with misleading and negative presentations of young people as offenders and *potential* offenders. First, such images and portrayals ignore the fact that young people are ‘much more likely to be *victims* than older people, particularly in the area of personal violence offences’ (LRCNSW 2005, p.14).³ As Furlong and Cartmel state:

In many respects, the concentration on young people as the perpetrators of crimes has left us blind to the extent to which young people are victims...while adults express concerns about ‘lawless’ youth, many crimes are also committed against young people by adults (1997, p.93).

Second, this type of reporting may have a disproportionate role in shaping law and order policy at the expense of rational evidence based strategies thus ‘drawing attention away from the real causes of and solutions for offending’ (LRCNSW 2005, p.14).

Taking these two opposing views of youth offending into account, what then is the reality of youth offending in Victoria in terms of both its extent and the types of offences that are being committed? If there is an increasing rate of youth offending in this state, what are the most appropriate ways to address it?

The view that juvenile crime has risen is not entirely a distorted perception. Indeed the concerns shared by some members of the community that more young people are offending in Melbourne and country Victoria is one reason why this Inquiry has come to the attention of the Drugs and Crime Prevention Committee. To what extent *is* youth crime a problem, how much has it in fact increased in recent years, and what types of offences are responsible for the majority of youth crime in Victoria? Most importantly, what are the most appropriate methods and strategies for addressing youth crime? It is the purpose of the Committee to

³ For an excellent discussion of young people and adolescents as victims of crime, including homicides, see Muncie 2004, pp.21ff.). In Scotland, a pioneering study by Anderson et al. found that criminal acts are committed against young people with ‘alarming frequency’ (Anderson et al. 1994). Young people may be at particular risk of abuse in institutionalised or ‘out-of-home’ care (see Muncie 2004 and the discussion in Chapters 3 and 12).

answer these questions and in so doing present a more accurate and balanced picture of both the level and nature of youth offending in this state than that presented at times to the public by the media.

In 2008 the Australian Institute of Criminology (AIC) estimated the annual cost of crime to the Australian community at \$35.8 billion (Rollings 2008). This includes both the personal financial costs of criminal victimisation and the administrative costs of investigating and processing these crimes through the criminal justice system. Of greater concern is that young people commit a substantial percentage of such crime and that historically this has always been the case in many western countries. According to the most recent crime statistics report in Victoria (Victoria Police 2008), nearly half (47%) of all recorded incidents of crime in the 2007/2008 financial year were committed by individuals under the age of 25.⁴

Criminologists have also dedicated much of their time to examining the relationship between age and crime, and while the underlying causes of crime are still a matter of much controversy there is some consensus that most crime is committed by persons under the age of 30, and that antisocial behaviour peaks in the mid-to-late teenage years (see Hirschi & Gottfredson 1983).

However, it is pertinent to note the now widely cited and frequently replicated recidivist offender studies of the early 1970s and 1980s which illustrated that the vast majority of crime was attributable to a small fraction of the population. The first of these studies, conducted by Wolfgang, Figlio & Sellin in 1972, examined the offending profile of a group of young people born in 1945 in Philadelphia. This study found that just 35 per cent of those born in any single year had contact with the police before the age of 18, and of those who did, 18 per cent would be classified as chronic recidivist offenders. In all, these chronic recidivist offenders represented just 6 per cent of all persons born in 1945 and accounted for more than half of the group's recorded offences to the age of 18.⁵ It is now widely accepted in the criminal justice field (see Farrington 2003) that **high volume offenders contribute significantly to the overall prevalence and cost of crime. Their offending behaviour is such that targeted interventions provide promise for sustainable reductions in crime and improvements in community safety into the future.**

As a result of these concerns and to counter the types of misleading accounts of youth offending referred to earlier, the Drugs and Crime Prevention Committee of the Parliament of Victoria has been asked to examine justice and crime strategies in high volume crimes, which often involve young people. This is not an Inquiry into juvenile offending per se, nor is it an exercise in 'scapegoating' young people. Nonetheless, it is important to address those cases where youth offending and re-offending is apparently prevalent as indicated in the statistics. This is important not only to provide recommendations for strategies that alleviate community concerns with regard to such crime but also to provide young people themselves with opportunities to reduce their involvement in offending thereby increasing their quality of life.

⁴ 74,362 of 157,167 alleged offenders in 2007/08 were 25 years of age or younger.

⁵ Methodological problems associated with measuring recidivism are discussed in Appendix 8. Conceptual issues pertaining to recidivism are explained in Chapter 4.

This Committee therefore believes that a discussion of both the extent and the causes of youth offending must be grounded in evidenced based research, take into account wider social issues such as youth unemployment, family breakdown, child abuse and homelessness and be premised on the fact that most young people make a positive contribution to community life.

The current Inquiry

On the 22 August 2008 the Parliament of Victoria requested that the Drugs and Crime Prevention Committee is to.

Inquire into, consider and report to the Parliament on justice and crime strategies in high volume crimes such as theft and property related offences which often involve young people, and the Committee is to recommend on:

- (a) causal factors that may influence patterns of high volume crime, with particular emphasis on repeat offences committed by young people; and
- (b) strategies that may be effective in addressing the underlying causal factors or recidivist patterns of offending.

The Inquiry process

The Committee has embarked upon an extensive research process in order to canvass the issues and receive input and information from as many individuals, agencies and organisations as possible that have an interest in the issues the Terms of Reference raised.

In conducting the Inquiry the Committee employed a variety of processes and methodologies to produce a comprehensive picture of youth offending and strategies currently employed or needed to reduce the problem. These processes are detailed below.

Literature review, background briefings and visits

The Committee commenced the Inquiry by undertaking a comprehensive review of the literature on youth offending, recidivism and crime prevention in Australia and overseas. This review was constantly updated throughout the Inquiry.

The Committee then received background briefings from a number of representatives from key government agencies and criminological institutes, visited the Children's Court of Victoria and observed court proceedings, and undertook a night-time site visit of the CBD with representatives of Victoria Police.⁶ The Committee also travelled to Brisbane to meet with academics, police and government agencies researching and developing innovative strategies to prevent juvenile offending.⁷

⁶ For a list of those providing background briefings to the Committee see Appendix 1.

⁷ For a list of meetings conducted in Brisbane see Appendix 1.

Discussion Paper

Based on the information obtained the Committee then prepared a detailed Discussion Paper, which highlighted the scope and complexity of issues to be addressed, provided an overview of the current data on ‘high volume’ crime using official police crime statistics,⁸ identified the factors that may be contributing to youth offending and provided a summary of some current strategies that have been developed to address the problem. The Discussion Paper also raised specific questions to be addressed and invited community response. The Discussion Paper was circulated widely and a copy was placed on the Committee’s website.⁹

Written submissions

Calls for written submissions were published on 2 August 2008 in the *Herald Sun* and *The Age* after the Discussion Paper was released. Print media and radio interest also alerted the public to the Inquiry. Letters inviting submissions to the Inquiry were sent to all local councils and key government and non-government agencies in Victoria. The Committee received 34 written submissions,¹⁰ which came from a broad range of individuals and government and non-government organisations.

Public hearings

Public hearings were conducted in Melbourne on 18 August 2008, 8 September 2008, 6 October 2008, 22, 23 and 27 October 2008, and 28 February 2009. They were also held in Morwell on 13 and 14 October 2008. In total, the Committee received oral evidence from 82 witnesses.¹¹

Independent research

The Committee sought the assistance of Jason Payne, a senior research analyst from the Australian Institute of Criminology, to examine available reliable data regarding youth offending in Victoria, predominantly from Victoria Police statistics. The purpose of this analysis was to investigate what precisely can be counted as a ‘high volume’ crime. Equally important was the need to examine the criminal ‘careers’ of youth offenders. Whilst some offenders may indeed be long-term and frequent offenders with a wide repertoire of crimes and a long criminal history, it is well established that other young people may get caught up in the criminal justice system for a one-off offence or at least relatively infrequently. The distinction between short-term offenders and long-term or multiple offenders is important, as different strategies and approaches may need to apply in each case.

⁸ Victoria Police 2008, *Crime statistics report 2007/08*, Victoria Police, Melbourne.

⁹ In all, 750 hard copies of the Discussion Paper have been distributed and 1203 copies have been down-loaded from the Committee’s website.

¹⁰ For a list of the submissions received by the Committee see Appendix 2.

¹¹ For a list of witnesses appearing at Public Hearings see Appendix 3.

Review of New Zealand's research and practice

The Committee's research revealed that the level of youth crime and extent of repeat offending was identified as a serious problem in New Zealand. As a consequence an extensive review of the youth justice system was undertaken in 2000–2001 and a comprehensive Youth Offending Strategy consisting of a range of innovative policies and programs was developed and implemented to reduce juvenile offending.

As the strategy and the projects developed have now been in place for some years, the Committee travelled to New Zealand to learn of New Zealand's experience and observe valuable best practice strategies and programs at first hand, and in particular learn how effective the new initiatives implemented to improve interagency coordination and performance measurement have been.¹²

Local visits, inspections and conferences

The Committee held meetings with key organisations in and around Melbourne and in rural Victoria. Members visited diversion and alternative school programs and observed juvenile court proceedings. The Committee also visited the Melbourne Youth Justice Centre, Malmsbury Youth Justice System and Wulgunggo Ngalu Learning Place in order to speak with the young people in custody and the staff.¹³ These visits enabled the Committee to conduct informal meetings with a range of individuals and representatives to gain their views on specific issues relating to the Inquiry. They also provided valuable insights into the excellent work of various community and government organisations.

In addition, Committee Members and staff attended a number of conferences relating directly to the Inquiry's terms of reference.¹⁴

Forums and roundtables

During the Inquiry the Committee held two forums to collect evidence.

Forum with young people from culturally and linguistically diverse communities

During its deliberations for the Inquiry the Committee was keen to establish the extent to which juvenile offending is a problem for Victorians from culturally and linguistically diverse (CALD) communities and the challenges this might pose for these communities. With the assistance of the Youth Affairs Council of Victoria (YACVic) and the Centre for Multicultural Youth the Committee held a forum on 10 November 2008 with young people from numerous CALD communities. Given the limited evidence available with regard to youth offending among CALD communities, this forum provided an excellent opportunity to obtain valuable information from a small, but enthusiastic sample of Melbourne's various ethnic groups.

¹² For a list of meetings and site visits conducted in New Zealand see Appendix 4.

¹³ For a list of local site visits see Appendix 5.

¹⁴ For a list of forums and conferences attended by the Committee see Appendix 6.

Forum with young people in out-of-home and foster care

Members of the Committee recognise the importance of thoroughly canvassing the views of young people with regard to any Inquiry that impacts, to whatever degree, on their lives. The Committee therefore decided to hold a forum with young people who have received or are receiving out-of-home or foster care. With the assistance of YACVic and the CREATE Foundation (formerly known as the Australian Association of Young People In Care) a closed forum was held on 10 November 2008.

Both forums proved to be extremely insightful and provided important views and information.

Additional expert witnesses

In order to gain expert opinion and complement the information and testimony received from witnesses at the public hearings, visits to various facilities and information gained from submissions, the Committee periodically invited expert witnesses to address it regarding a range of pertinent matters and issues.¹⁵

The Committee is most appreciative of the time, effort and valuable contribution that all the individuals and organisations made during the progress of this Inquiry. The submissions, visits, public hearings and research projects have provided insights into the excellent work of various community and government organisations and valuable knowledge into what has turned out to be an extremely interesting but complex issue.

Principles guiding the Committee's Inquiry on youth offending

There is general agreement in both the national and international literature that the most effective range of interventions to address youth offending must be grounded in evidence based principles, research and best practice. Drawing from this academic research, the expert submissions, testimony and evidence it has received, the Committee believes that any strategies to reduce juvenile offending should be underpinned by the following principles.

- **Young people make an important contribution to the well-being of the community. Only a small minority of young people get involved in criminal or antisocial behaviour at the expense of the wider community.**

Through their enthusiasm, resilience, creativity and receptiveness to new ideas and technological change, young people contribute greatly to the social and civic life of their communities. Accounts of young people as having 'gone bad' are greatly exaggerated. An Inquiry into youth justice in New South Wales commented that, except for persons professionally associated with youth justice, people ordinarily obtain information on the extent and nature of youth crime from the media, particularly the tabloid media. Moreover, such coverage is usually negative 'singling young people out for special mention as

¹⁵ For a list of expert witnesses invited to speak to the Committee see Appendix 7.

allegedly among the most criminally active'¹⁶ (LRCNSW 2005, p.9). As Bala and Bromwich comment:

Reports of youth crime are frequently inflammatory. Youth crime, and especially youth violence, attract considerable media attention and contribute to the sense of 'moral panic' and demands for government action to 'do something' about crime (Bala & Bromwich 2002, p.14).

But as numerous studies both empirical and qualitative have noted, such public perceptions are often not well founded. As a Bureau Of Crime Statistics And Research (BOCSAR) study notes 'Media coverage of [juvenile] crime is often selective, and on occasion can be downright misleading' (Weatherburn & Indemauro 2004, p.1).

- **Most young people deal successfully and responsibly with the challenges of adolescence and the transition to adult life without experiencing serious or lasting difficulties. Conversely, a small minority of young people due to a variety of factors are at risk of engaging in criminal or antisocial conduct. These factors must be understood and addressed in an effort to tackle the range and complexity of problems faced by the minority at risk.**

Youth and adolescence are exciting years full of new experiences, learning and opportunities. Young people can be enthusiastic and open about embracing new challenges and making the transition from one life stage to another. As a British Report into youth justice notes, many young people have a strong commitment to civil society: 'caring passionately about the issues of the day such as climate change and making poverty history. Many get involved as volunteers and help in the community where they live' (Secretary of State for Education 2005, p.3). However, the teenage and adolescent years are also ones of profound challenge:

Most young people deal successfully with these challenges and make the transition to adult life without experiencing serious or lasting difficulties. A minority of teenagers, however, can face more serious problems. ...A minority of young people can get involved in behaviour that is a serious problem for the wider community, including antisocial behaviour and crime (Secretary of State for Education 2005, p.4).¹⁷

In Victoria for example, 13,427 unique individuals aged between 10 and 17 years had contact with the police in the 2007/08 fiscal year (Victoria Police 2008). This represents just 2.5 per cent of all youths living in Victoria during that time. Similarly, birth cohort analyses presented later in this report illustrate that while around 13 per cent of those born in 1984 will have contact with the police before the age of 18 years, only 1.5 per cent will have ongoing contact on five or more occasions. The majority of those who do have contact with the police do so on one occasion only.

- **There is no one cause or single factor contributing to juvenile offending. Criminal and antisocial behaviour by young people, as with adults, is a complex phenomenon that is attributable to a range of intersecting and overlapping factors.**

¹⁶ A corollary to this is that sometimes evidence based strategies that have been positively evaluated to address youth offending, such as the diversionary option of conferencing, can be presented by the media and subsequently viewed by the public as 'soft options' (see LRCNSW 2005, pp.143–144).

¹⁷ This Report will discuss the problems associated with young people successfully negotiating these transition stages at greater length in Chapter 7 of this Report.

One major issue, which has given rise to much controversy, is: What causes youth offending? This is a matter on which nearly everyone from academics and journalists to the average person in the street has an opinion. Certainly understanding any form of criminal activity requires a brief examination of some of the major causal or contributory factors that can be attributed to such offending, including some of the theoretical explanations taken from various streams of criminology. This is important if only to ask how helpful such theories and explanations of (youth) offending are in addressing the problem. Such theories also form the basis of policy and program development.

Causal theories of crime have often been uni-linear; that is, they inaccurately attribute a direct and often single cause to the crime.¹⁸ More recent theorising would see the reality as far more complex.

- **Strategies developed to address youth offending and its causes should be grounded in a rights based framework that places the needs of the child as paramount. At the same time these strategies should address the need for young people to respect others within the community.**

A principled and progressive model of youth crime prevention that addresses in a *meaningful* way the causes of juvenile offending and antisocial behaviour is one that is based in a framework of children's rights as a subset of human rights more generally. Australia is a signatory to all of the major international standards, treaties and conventions that provide the contours for such a framework of policy development and program implementation – most notably the *United Nations Convention on the Rights of the Child*. These principles need to be translated into concrete actions at all levels of policymaking and service delivery including program implementation. As Muncie states, 'securing children's rights depends as much (if not more) on grassroots initiatives than on "agreements" between nation states as epitomised by the UN Convention' (2005, p.55).

However a balance needs to be struck between observing the rights of young people and the respect that they need to show to other members of the communities of which they are part. Young people also have responsibilities to their fellow citizens whom they may be adversely affecting through their conduct or behaviour. As a report into youth offending in the United Kingdom has stated: 'We need to provide the right mix of both challenge and support to young people who are involved in anti social behaviour and crime' (Secretary of State for Education 2005, p.4).

- **Policy and program interventions to address youth offending must be based on best evidence. An essential part of any policy development is the ability to rely and draw upon comprehensive and up-to-date data.**

Strategies, programs and interventions developed and implemented to prevent or reduce youth offending must be grounded in evidence based research; that is, interventions that have been rigorously designed, monitored and evaluated according to a set of exacting research based criteria.

¹⁸ For an excellent critique of the concept of causality in criminology, see Bessant and Hil 1997. For a recent discussion of the place of theory in criminology and an appraisal of the various schools of criminological thought and their application, see Watts, Bessant and Hil 2008, pp.103–107.

What Works?, the major review on youth justice strategies conducted by the Australian Institute of Criminology (AIC) in 2002, concluded that programs that: addressed numerous risk factors of young people; worked across a variety of social settings; targeted a young person's individual needs, particularly through case management approaches; altered the way a young person thinks and acts through a variety of therapies and were culturally specific had the best chance of producing effective outcomes to prevent offending or reduce re-offending (AIC 2002).

Whilst there is clearly a rational appeal in using evidence based approaches to address youth offending, this concept and the related research of the *What Works?* study is not as straightforward as it first may appear (Stephenson, Giller & Brown 2007, p.1).¹⁹ Nonetheless, there is now widespread agreement in both the national and international literature as to some of the most effective evidence based responses available to policy makers in the juvenile justice field.

- **Strategies and program interventions are not of themselves enough. It is essential that any project developed to address youth offending and antisocial behaviour be subject to ongoing monitoring and evaluation.**

In developing evidence based programs and policies it is essential to ensure they are subject to stringent and comprehensive evaluation. It is a constant lament of researchers and policy makers that very little formal evaluation has been undertaken of either broad strategy types (for example, diversionary measures)²⁰ or specific programs (AIC 2002; Commonwealth 2003; Hayes 2005; Chen et al. 2005; Polk 2005). In addition, Day argues that of the program evaluations that have been undertaken very few have included re-offending/recidivism as an outcome measure (Day 2005), a concern also voiced by other researchers:

The paucity of rigorous evaluations of our current intervention strategies means that we are less informed than we should be about what interventions might be most effective in terms of reducing recidivism for particular subgroups (Lynch, Buckman & Krenske 2003, p.5).²¹

- **Prevention and early intervention programs and approaches that address the needs of all young people are an essential component of any strategy to prevent or reduce youth offending.**

It is insufficient and inadequate to recommend strategies that only address youth offending after the event. It is imperative that programs and policies prevent young people from offending from the outset and support and strengthen families and communities, whilst also providing for early identification of possible factors that may jeopardise a vulnerable young person's social and emotional development.²²

¹⁹ The conceptual, political and methodological difficulties of 'evidence based' approaches including the *What Works?* movement will form a key part of the discussion in Chapter 3.

²⁰ For example, a major report reviewing diversionary strategies to address youth offending has noted that insufficient evaluative studies at either a local or international level have been conducted to firmly posit links between cautioning and conferencing and youth offending (Commonwealth of Australia 2003, pp. xiv, 25).

²¹ It is not only the issue of whether evaluations are being conducted that needs to be considered but also the quality of the evaluation. See discussion in Chapter 13 of this Report.

²² Such an approach is prevalent in Scandinavia with investment in health and social services seen as more likely to result in positive outcomes than developing more penal institutions (Lappi-Seppala 2006).

There is considerable research evidence demonstrating the long-term effects of adversity in early childhood (Shonkoff 2006), including recent studies in neuroscience and developmental psychology. Whether due to financial disadvantage, neglect or abuse, children who grow up in environments that do not adequately meet their developmental needs are more likely to face poorer outcomes across a range of areas, including health; emotional and psychological well-being; educational achievement; and behavioural adjustment.

Indicators of later difficulties, including potential offending behaviour can manifest in children as young as pre-school age (Fergusson, Swain-Campbell & Horwood 2004; Fergusson, Boden & Horwood 2007, 2009; Macmillan et al 2008).²³ Providing non-stigmatising services to families – particularly to those experiencing social and economic disadvantage – to assist them to meet the myriad challenges of parenthood, has the potential to reduce the prevalence of a range of negative outcomes, including youth offending.

- **Incarceration for young people should only be used as a last resort. For most young people alternative strategies such as diversionary programs have proven to be most successful.**

A comprehensive body of evidence suggests that early involvement in the criminal justice system, often for fairly minor offences, can result in entrenched involvement in offending and recidivism (AIC 2002). Policy and programs developed and implemented to divert young people from the youth justice system (for example through formal cautioning or conferencing) may have the ironic result of ‘net widening’; that is, increasing the number of young people exposed to or brought under the control of the youth justice system. The Committee believes that these types of diversionary programs are beneficial for young first time and minor offenders. Nonetheless, it is mindful of the need to be cautious in exposing a young person to involvement in formal criminal justice procedures where less intrusive methods may be equally valuable.

Happily in Victoria the levels of incarceration of young people in custodial detention is the lowest in the country and certainly much lower than in countries such as the United Kingdom or the United States (Reichel 2002; Muncie & Goldson 2006).²⁴ Nonetheless, the Committee acknowledges that for a small minority of young people there may be no alternative but a stay in detention. In such cases it is essential that there is comprehensive planning and services put in place to prepare the young person for life in the outside community once their sentence is completed. Such planning and assistance should commence well before the person’s time in detention is finished.

- **Engaging young people in education, training, constructive leisure activities and/or meaningful employment empowers young people and assists in preventing youth offending.**

²³ See also Evidence of Professor David Fergusson, Otago University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Christchurch, 21 November 2008.

²⁴ In 2003, the rate of juvenile detention in Victoria – 14.4 per 100,000 – was around half the rate for Australia overall which was 29.1 per 100,000 (Charlton & McCall 2004, p.16). These rates are both substantially lower than the rate for the US, which in 2003 was 307 per 100,000 (Child Trends 2003, p.1).

One of the key factors consistently shown to be a strong influence on youth offending is schooling, and particularly retention (or non-retention) in schools.²⁵ Poor academic performance, truancy, harsh discipline and a range of other factors relating to both the student and the school may lead to young people leaving school earlier than they should. Early leaving in turn may contribute to problems associated with finding employment and in some cases a lack of legitimate employment may be a contributing factor to youth offending (Moffat, Weatherburn & Donnelly 2005).

Conversely, young people receiving a well rounded education, staying in school as long as possible and/or being trained to do useful and enjoyable work are factors that may assist in preventing young people's involvement in crime and antisocial behaviour.²⁶

- **There is a need for an 'all of community' approach by which the responsibility for preventing youth offending is shared by all levels of government, the private sector, parents, carers and the community at large. As part of such an approach a coordinated and appropriately funded strategy to reduce youth offending is essential.**

Community involvement and investment in young people and their needs is also an essential aspect in preventing or at least reducing young people's involvement in crime and antisocial behaviour.²⁷ 'Community' needs to be inclusive of young people's needs, interests and aspirations rather than unthinkingly and punitively dismissive of them.²⁸

A comprehensive and coordinated strategy to address youth offending should also seek the input and involvement of people most directly affected by youth offending, namely victims, parents, families and young people themselves. Rather than being passive recipients of government and community services, an all of community approach places a high value on the active involvement of these groups in addressing youth offending.

Responsibility for provision of services to young people and their families is often spread across three levels of government – federal, state and local – and professional community agencies and service providers, each with different planning processes, aims and objectives and funding priorities.

Too often government departments, agencies, academics and service sector organisations tend to work in 'silos', isolated from the wider community despite there being strong arguments for greater service integration and a 'whole of community' approach to service delivery. Evidence given to this Inquiry has lamented the fact that policy in this area is indeed siloed, disconnected and fragmented.

²⁵ Prichard and Payne's study of drug use amongst young people in juvenile detention found for example that 76 per cent of the juveniles sampled had left school before they entered detention and that the mean age of leaving school was 14, lower than the minimum school leaving age in most jurisdictions (2005, p.20). Moreover, 60 per cent of the sample had been expelled from school and the majority had actively truanted and been suspended at least once (2005, p.76).

²⁶ The need to keep young people in school, making sure those schools provide a relevant and appropriate learning experience, and the importance of employment as a factor that may prevent or reduce youth offending are major features discussed in Chapter 8 of this Report.

²⁷ For example, one way in which the wider community can be part of efforts to foster positive growth in young people is through the process of mentoring. Mentoring and other community approaches are discussed in detail in Chapter 9 of this Report.

²⁸ As will be discussed in Chapter 11 this is particularly true of the way in which young people's use of public space, especially shopping centres is viewed and policed.

Researchers have also criticised this lack of systemic coordination, stressing the need for multi-agency models where government and other agencies work together to address youth offending and re-offending (AIC 2002; Morris et al. 2003; Lynch, Buckman & Krenske 2003; Cherney & Sutton 2007; Mann et al. 2007; Auditor-General NSW 2007; Victorian Auditor-General 2008).²⁹

The Committee believes therefore that all programs and interventions to address youth offending are part of an integrated and coordinated service delivery system. One way of delivering such coordinated service delivery is to ensure that a comprehensive and overarching framework or strategy is developed to ensure integrated service delivery that will prevent young people from ‘falling through the cracks’.

- **A range of interventions, methods and approaches is necessary to address youth offending – a ‘one size fits all’ response is insufficient to tackle the complexities of the problem. Targeted approaches will need to be tailored to different groups of young people at risk in addition to more generalist methods that apply equally to all young people in the community.**

Whilst there are many commonalities with regard to why a minority of young people may commit criminal offences or engage in antisocial behaviours, approaches to youth offending where appropriate need to be targeted to particular demographic groups such as young women, culturally and linguistically diverse communities, Indigenous groups, young people with mental health problems, young intellectually disabled people and those who may have dependence on both licit and illicit drugs. There may also need to be differentiation in terms of program development and service delivery for different age groups within the overarching category of youth or young people. The needs of a 12-year-old who has had minimal contact with the youth justice system may be very different from those of a repeat offender in their late teens or even early 20s. Interventions should be tailored to meet their specific needs and stage of life course development.

Definition of terms

High volume crime

For the purpose of this Inquiry, high volume crime has been used to refer to those crime types with the highest overall recorded frequency, and recidivism has been defined as the act of repetitious offending among young offenders. As such, two statistical parameters are required to inform this Inquiry. First is the identification of those offences types for which young people commit most frequently at the aggregate population level. Second is the identification of repeat young offenders, both in terms of the overall size of the repeat young offender population and the quantity and type of crimes for which these young offenders are accountable.

²⁹ With regard to non-government and community agencies it has been stated that one of the impediments to effective service delivery in the area of youth justice pertains to funding and funding arrangements. In particular, many programs aimed at preventing offending or re-offending amongst young people have finite periods for which they receive assistance. This, it is argued, ‘impact[s] on the ability of programs to affect changes successfully and maintain any positive outcomes’ (Morris et al. 2003, p.6). Moreover, as the Pathways to Prevention Report has remarked, ‘Agencies...work more collaboratively and respectfully when they are not competing for funds for their survival and for that of their workers’ (Homel et al. 2006, p.23).

In the context of this Report the term will refer to those crimes for which the highest number of offences are recorded in the official statistics used by the Victoria Police.

Recidivism

It is important to recognise that no single definition exists for the term 'recidivism'. This is due, at least in part, to the various ways used to measure recidivism in the academic research, and the diverse uses of the term throughout policy development and evaluation circles. A recent major research report on recidivism in Australia by the AIC (Payne 2007) explored some of the many challenges faced in the interpretation and incorporation of recidivism research into policy development and evaluation processes. It highlights that although defining recidivism seems relatively straightforward:

Underlying this seemingly simple and generic term is a complex web of research studies whose definition of recidivism varies with each different methodological approach. Like most criminological concepts, recidivism is constantly being redefined, as new and innovative attempts are undertaken to understand why offenders re-offend (Payne 2007, p.vii).

In other words, despite the seemingly generic application of 'recidivism' and 'high volume crime' across a range of sectors and domains, the reality is that such terms are far from having general applicability. Recidivism, for example, although generally used to describe a pattern of repetitious criminal activity, varies significantly depending upon the decision made regarding: (1) the nature of the sample for whom recidivism is measured; (2) the type of data source that is used to indicate the occurrence of repeated criminal activity; (3) the counting rules subsequently applied to those data sources; and (4) the length of time over which repeated criminal activity will be examined.

All of these questions, issues and decisions have implications for just how much, for whom, and when recidivism will be measured.

Defining property related offences

The term 'property offences' will refer to all offences under the Victoria Police category 'crimes against property.' It should be noted, however, that theft of a motor vehicle, which is considered according to the definition to be a high volume crime, will not be included in this Report because it was the subject of an Inquiry by the Committee of the 54th Parliament.

Young person and young offender

Clearly a discussion of youth offending requires as a first principle a uniform understanding of what constitutes a young person. This concept is not as straightforward as it first seems. There are conceptual, theoretical and historical problems associated with reaching an adequate definition of terms such as young person, youth and child. As Muncie (2004) asks:

At what age do people suddenly become adult? Traditionally 'youth' has been associated with adolescence and the 'teenager', meaning everybody between the ages of 12 and 20, but by no means all of this age group share the same interests or concerns. Most notably, growing up male, growing up female and growing up in different communities involve different activities, different constraints and different opportunities. Youth is a social relation (2004, p.46).

Or as Vignaendra and Hazlitt comment, the concept of ‘young person’ is incompletely understood generally and by the law:

The term ‘young people’ refers to all of the following things and to none of them in particular: chronological age; developmental maturity; unformed moral values requiring guidance; a type of innocence that nonetheless accommodates a capacity to commit offences but not always criminal culpability. They do, however, refer to the different aspects of young people that distinguish them from their adult counterparts. Which of these factors distinguishes them for differential treatment for [legal] and sentencing purposes, has not, however, been made clear (2005, p.5).

From a legal and administrative perspective different considerations apply. Jurisdictional limits as to when a person can appear in a Youth Court or equivalent are usually defined by legislation. At present, different data sets and government policies vary in the way they define ‘young person’. From an international perspective the United Nations Convention on the Rights of the Child mandates that the term children be used to describe anyone under 18 years of age. In Australia, although all states and territories deem a person to have criminal responsibility once the person is 10 years old, variations exist thereafter as to how that person is treated by the formal criminal justice system. For example, whilst in most states young people are considered legally juveniles or minors until they become 18, in Queensland for the most part the juvenile justice system is no longer applicable to a person who is 16 or older at the time the offence is committed (Australian Institute of Health and Welfare (AIHW) 2007, p.2).³⁰ Until relatively recently Victoria also had 16 as the cut-off point at which the courts and juvenile justice system treated a person as a young person. In 2005 however, the age jurisdiction of the juvenile justice system increased as a result of the *Children, Youth and Families Act*. It is now 10 years to 17 years of age inclusive.

In addition, Victoria’s unique dual track sentencing system allows (but does not compel) adult courts to sentence a person aged from between 18 to 20 years to a juvenile justice centre as an alternative to adult detention.³¹ This is because the legislative age refers to the age at which the offence occurred rather than the age the young person is whilst under the supervision of juvenile justice (AIHW 2007, p.2).

Finally, from a youth policy perspective official government policy in Victoria constitutes ‘youth’ as being between the years of 12 to 25 inclusive.³² It is acknowledged, however, that on occasion these parameters may be changed depending on the circumstances.³³ The majority of evidence gathered in the course of this Inquiry has been applicable to those young people 18 and under. Many expert witnesses with whom the Committee met felt that this age group was also the one with the most pressing needs. The majority of the

³⁰ For an overview of juvenile justice systems across Australia, see *Juvenile Justice in Australia 2005–2006* (AIHW 2007).

³¹ See *Sentencing Act 1991*.

³² Notwithstanding such a claim, some youth oriented organisations have been critical of the scope and applicability of many government auspiced programs and policies. For example, the Youth Affairs Council of Victoria (YACVic) has argued that very few Department of Human Services programs or projects have been targeted to young people over 18 years of age. Worse still according to YACVic and similar groups is that a young person who has been in receipt of a program or other support by the Department may have that support abruptly removed when he or she reaches the legal age of majority. At the other end of the age spectrum, YACVic has felt that the needs of children aged 8 to 12 are not always met:

‘Whilst this group sits outside the definition of “young people”, it is important that the support needs of this earlier age bracket be met as part of an early intervention approach to young people’s health and well-being’ (VCOSS/YACVic 2006, p.5).

³³ For example, the recent *Vulnerable Youth Framework* Discussion Paper produced under the auspices of the Department of Human Services lowered the age group for consideration in the Framework to 10 to 25 years of age, recognising that: ‘Ten and 11 year olds [have been included] because of the significant transition point between primary and secondary school. At this transition point vulnerability can be identified and responses implemented’ (Department of Human Services (DHS) Victoria 2008, p.1).

Committee's findings and recommendations therefore are referable to young people 18 years and under. This is not to discount the needs of young people in the 18–25 years age range. This is a group for whom different considerations and issues may need to be taken into account. It may be that a separate Inquiry of offending by this age cohort is worthy of future consideration.

Justice and crime strategies

Justice strategies will include interventions related to the criminal justice system including diversionary strategies such as cautioning, conferencing and other court based interventions.

Crime prevention strategies will encompass a broad range of interventions including both social and behavioural crime prevention strategies and situational crime prevention strategies aimed at preventing and/or reducing criminal activity.

Primary and secondary prevention strategies

Primary crime prevention strategies in the context of this Inquiry fall into three categories. First are programs that are aimed at the general population and have only an indirect relationship to youth offending. In other words, programs that are not designed necessarily to specifically address youth offending but which may have positive spin-off effects in reducing a young person's involvement in criminal offending and/or antisocial conduct. Some examples include sports programs, recreational camps, outbound and adventure programs and other arts and leisure pursuits.³⁴ Second are situational crime prevention strategies, strategies aimed at changing or modifying the locations in which crime may flourish. A common example may be improving street lighting on a housing estate or security measures in a shopping mall. Again such measures may be of benefit to the wider community and only indirectly have the bonus of preventing or reducing crime.

Finally, a different type of primary prevention strategy is that which addresses aspects of a young person's life course and the risk (and protective) factors associated with his or her development. These pathways approaches may include school retention or better parenting programs.³⁵

Secondary crime prevention programs, on the other hand, are largely although not exclusively addressed to young people once they have had involvement, however minor, in the criminal justice system. They may include pre-dispositional measures such as cautioning or warnings, educational or vocational programs whilst in detention, or post-release programs aimed at preventing or reducing a young person's involvement in re-offending.

³⁴ For detailed accounts of these types of programs, see Cameron and MacDougall 2000; Morris, Sallybanks and Willis 2003; Morris et al. 2003 (Sport and Physical Activity); Wilson and Lipsey 2000; Wilson and MacKenzie 2006; Australian Institute of Criminology 2006 (Wilderness programs and 'Boot camps').

³⁵ These types of programs and the broader context of early childhood development will be discussed at length in Chapter 7 of this Report.

Causal factors

This term will refer to the contributory factors or correlations between various factors and property crime. This will include social factors such as marginalised families, poor school attendance, unemployment, drug and alcohol abuse, sexual abuse, homelessness etc.

Conclusion

The aim of this Report is to place the issue of youth offending in context and understand the reasons why a small number of young people offend and, more importantly, continue to re-offend. Yet understanding why a young person gets ‘into trouble’ is of little use if strategies are not put in place to address that offending and stop or at least reduce it. The Committee therefore on the basis of its extensive research and deliberations make a number of recommendations for strategies and approaches that it believes will contribute to a reduction in youth recidivism.

A key element of the Committee’s work is to present the principles the Committee believes should underlie the strategies and recommendations emanating from this Final Report. In particular it notes the crucial qualification that young people make important contributions to the Victorian community. It is essential to bear in mind whilst reading the Report – its findings, statistics and recommendations – that only a small minority of young people get involved in criminal or antisocial behaviour.

2. The Extent of High-Volume and Repeat Youth Offending in Victoria

Introduction

In order to develop strategies to reduce high volume and repeat offending by young people it is necessary to have an understanding of the size and nature of youth crime so that responses can be adequately and appropriately targeted.

The Committee has sought to understand the extent of high-volume and repeat youth crime in Victoria by using the following key methodologies:

- Utilising the annual crime statistics reported by Victoria Police for the most recent fiscal year 2007/08 (Victoria Police 2008), this chapter provides a description of the size of and trends in youth crime across Victoria.
- Using all Victorian police records of apprehensions recorded for persons born in 1984, this chapter then examines the longitudinal experience of police contact between the ages of 10 and 24 years. This analysis is most commonly referred to by criminologists as a birth-cohort study (Skryzpiec 2005; Wolfgang 1972) and is regarded as among the most robust methods for examining the development and adulthood outcomes of youth offenders.
- Finally, in an effort to provide a more current assessment of youth offending, the preliminary criminal profile of all young people born in 1994 is also examined and compared with the results identified for the 1984 birth group.

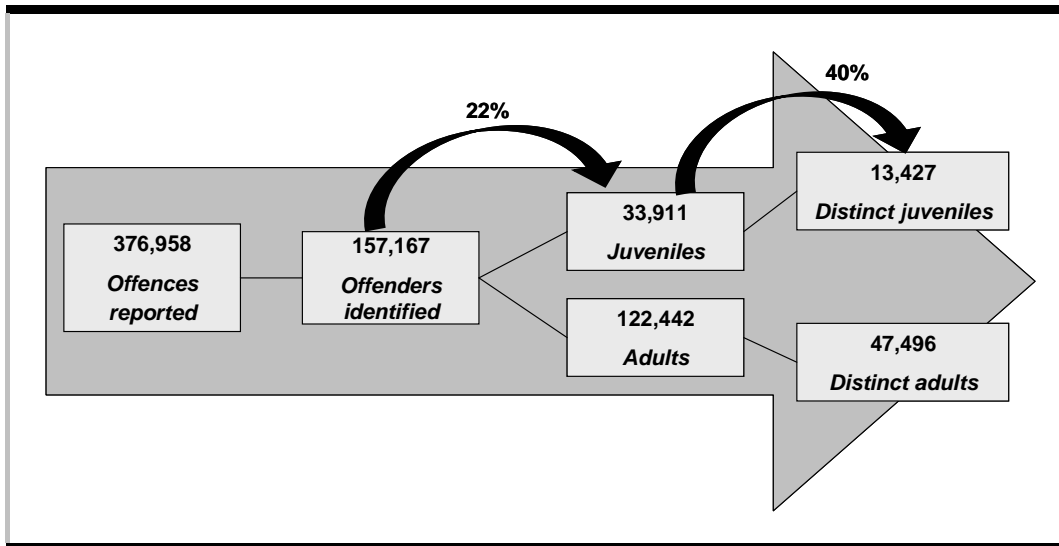
The following discussion provides a basic overview of the findings of the analysis. For a more technical account see Appendix 8.

Overall key findings

- Around one in five (22%) offenders apprehended by the police in 2007/08 were under the age of 18 years (see Figure 2.1).
- For 40 per cent of those youths apprehended by the police this was their first apprehension during the 2007/08 period. Alternatively, 60 per cent of youth apprehension events are for youths who had already been apprehended at least once before in that year (see Figure 2.1).
- Of those youths who were apprehended, one in three was apprehended for theft and one in five for a violent offence (see Figure 2.2).
- 13 per cent of those persons born in 1984 were apprehended by the police at least once before age 18 (see Figure 2.3).
- 1.5 per cent would record five or more contacts with police before age 18 (see Figure 2.6).
- High-volume offenders (those who had contact with police five or more times prior to turning 18) within the 1984 birth group were responsible for around half of all offences recorded to age 18 and one in four crimes recorded between age 18 and 24.
- The earlier a young person is first apprehended, the greater the probability that they will be a high-volume offender.

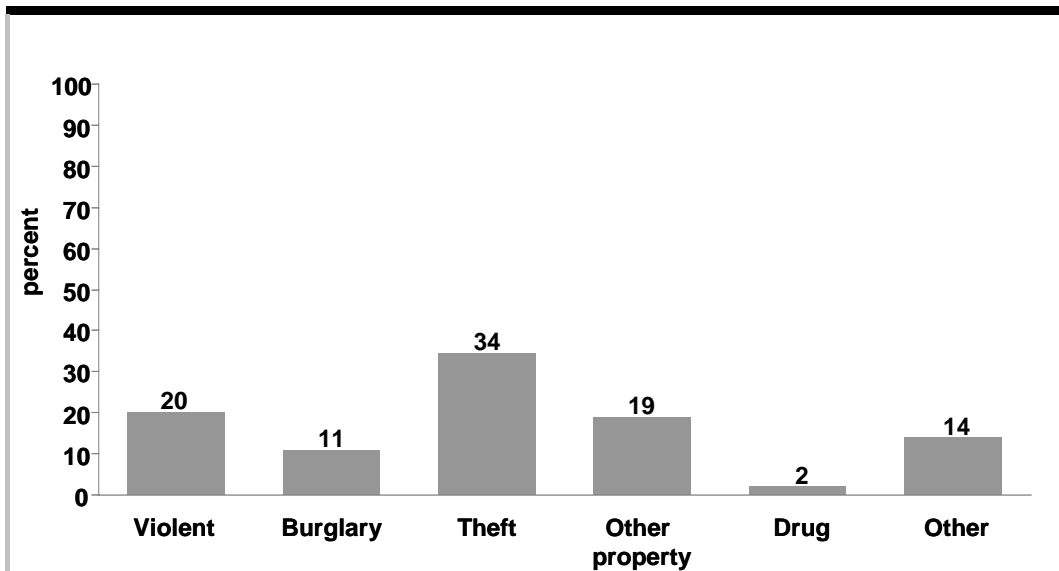
- Those youths dealt with by caution at their first apprehension were least likely to become high-volume offenders, net of the effect of age and offence type (see Figure 2.4).
- The contact rate by age 14 for the 1994 cohort was similar to the 1984 cohort.

Figure 2.1: Youth offenders in Victoria 2007/08



Source: Victoria Police 2008, Crime statistics report 2007/2008.

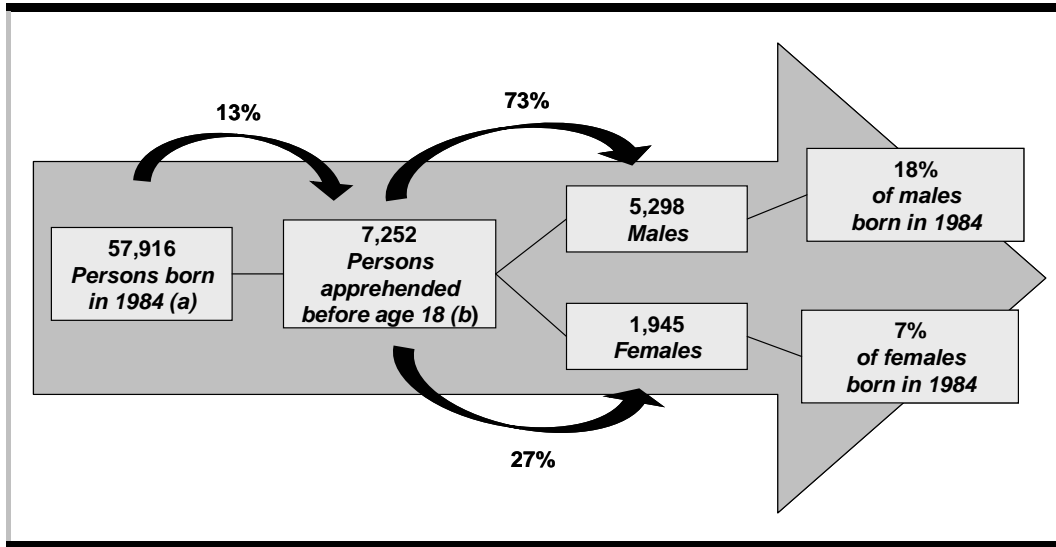
Figure 2.2: Offence type of youth offenders (%)



Note: Calculated as a percentage of the 33,911 youth offenders apprehended in 2007/08.

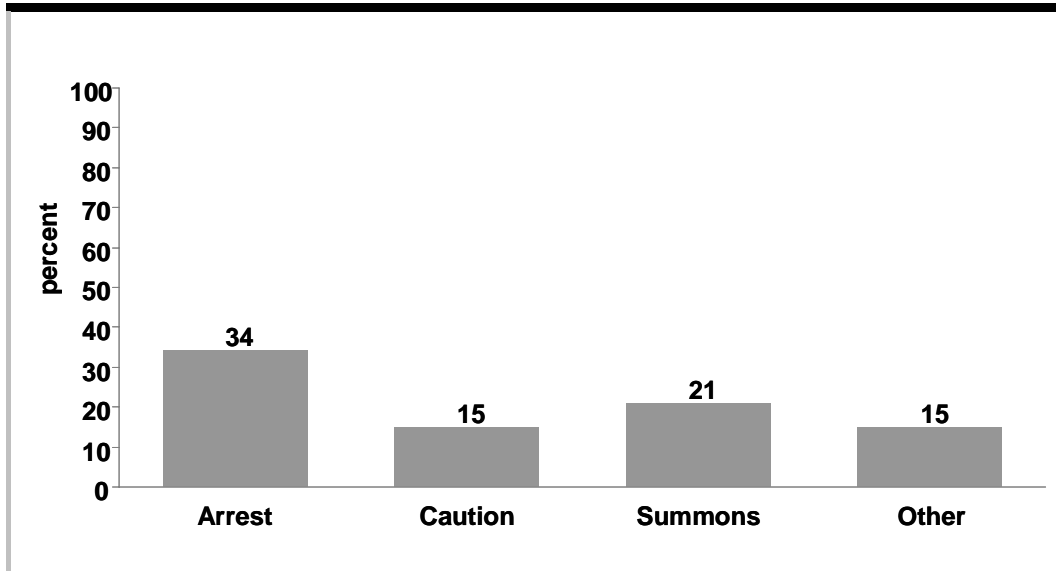
Source: Victoria Police 2008, Crime statistics report 2007/2008.

Figure 2.3: The 1984 birth cohort



Source: (a) Data provided by the Victorian Registry of Births Deaths and Marriages 2009; (b) Victoria Police 2008, Crime statistics report 2007/2008.

Figure 2.4: Probability of high-volume offending within 7 years, by outcome of first contact (%)



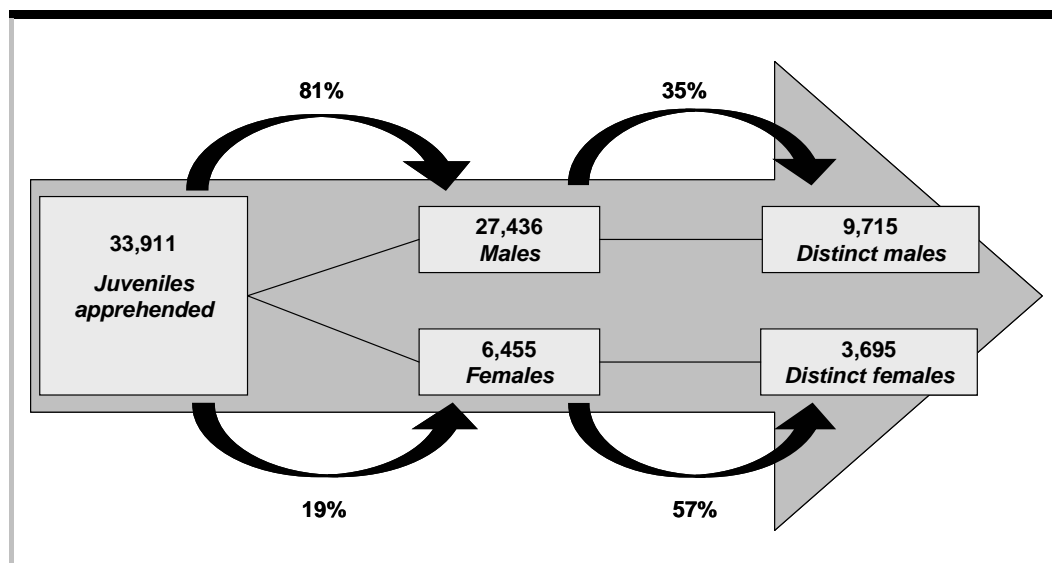
Source: Victoria Police 2008, Crime statistics report 2007/2008.

Youth crime in Victoria, 2007/08

Using Victoria Police's measure of alleged offenders, the statistics for the 2007/08 fiscal year indicates that:

- Police processed a total of 33,911 alleged youth offenders (see Figure 2.5).
- Youth offenders accounted for 22 per cent of all alleged offenders (see Figure 2.1).
- More youth offenders were apprehended for property offences (64%) than for any other crime category. This was followed by violent offences (20%) other offences (14%) and drug offences (2%) (see Figure 2.2).
- The specific crime type for which the most youth offenders were apprehended was property damage (16%), followed by shop stealing (15%), assault (14%) and burglary (all types, 11%) (see Appendix 8).
- Youths are disproportionately over-represented in property offending and under-represented in violence, drug and other offending (see Table 1 in Appendix 8).
- For specific offence types, youths are disproportionately responsible for regulated public order offences (58%), bicycle theft (56%), robbery (48%), arson (47%), motor vehicle theft (42%) and property damage (40%). Conversely, they were disproportionately under-represented in homicide (4%), drug offences (5%), deception offences (5%), harassment (6%), justice-procedure offences (8%) and abduction or kidnap offences (9%) (See Table 1 in Appendix 8).
- The profile of offending amongst Victoria's youth offenders varied between those who were aged 10–14 years and those aged 15–19 years.³⁶ Older offenders, for example, committed more crime and disproportionately more violent crime than their younger counterparts (see Table 2 in Appendix 8).
- Differences also exist in the offence profiles of both male and female youth offenders. Males, for example, were responsible for the vast majority of recorded offences (81%) (see Figure 2.5).
- There were 27,436 male and 6455 female alleged youth offenders. Females comprised 19 per cent of the youth offender population in 2007/08 (see Figure 2.5).
- For males, the most frequently recorded crime type was property damage (18%), followed by assault (14%) and shop stealing (10%). Overall, the top five offence types accounted for 55 per cent of all offences recorded for males (see Table 3 in Appendix 8).
- For females, shop stealing ranked as the most frequently recorded offence type (39%), followed by assault (15%) and property damage (10%). Overall, the top five offence types accounted for 74 per cent of all offences recorded by females. This suggests less diversity in offending than for males (see Appendix 8).

³⁶ These two age ranges are the smallest available from the Victoria Police annual statistics. Caution should be taken because the second range includes many offenders who were 18 and 19 years at the time of their offences.

Figure 2.5: Youth offenders in Victoria 2007/08

Source: Victoria Police 2008, Crime statistics report 2007/2008.

Repeat youth offenders born in Victoria in 1984

The above analysis has described the number of offenders and the types of crimes committed by Victoria's youth in a single year. This data is useful for contextualising the size and nature of youth crime at any single point in time. However, because these statistics are limited to a period of one year only, they cannot provide a full account of high-volume offending nor measure the quantity of crime attributable to high volume offenders whose criminal behaviour spans across multiple years. For this reason, the Drugs and Crime Prevention Committee commissioned additional research on the offending histories of young Victorians born in 1984.³⁷ This alternative methodology is well recognised as the preferred method for describing developmental pathways to high-volume offending.

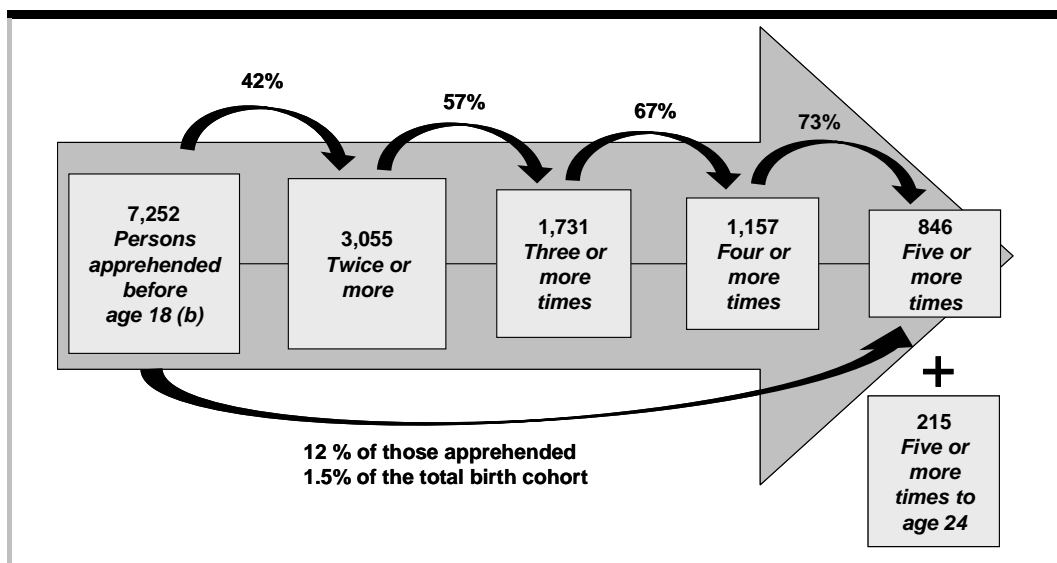
The 1984 birth group was selected for two reasons:

- This group is now 25 (or turning 25) in 2009. This provides a good range to examine the longitudinal patterns of offending through adolescence and into adulthood.
- This age group is the same as that examined in a study conducted in South Australia (Skryzpiec 2005).

Figure 2.6 (below) shows the extent of repeat offending among this group. Twelve per cent or 7252 young people born in the year 1984 were apprehended before they reached the age of 18. Forty-two per cent of this group were apprehended two or more times before reaching 18. Eight hundred and forty-six individuals (1.5%) from the 1984 birth cohort can be defined as high-volume offenders, having been apprehended five or more times before turning 18.

³⁷ To undertake this study, the Drugs and Crime Prevention Committee requested from Victoria Police the complete police contact histories of any person whose date of birth was between 1 January and 31 December 1984. Additional data from the Victorian Registry of Births Deaths and Marriages, as well as the Australian Bureau of Statistics' 1996, 2001 and 2006 Census, was used to generate base-population estimates.

Figure 2.6: High volume offending to age 18

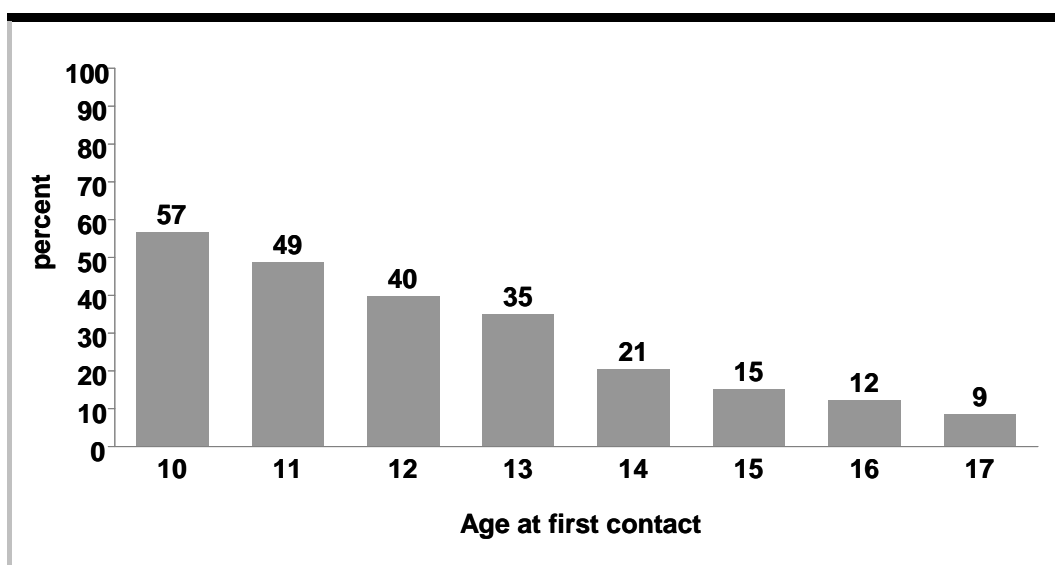


Source: Victoria Police 2008, Crime statistics report 2007/2008.

Further analysis of the data on high volume youth offenders identified the following points:

- The average age at which they first contacted the police was 13. The younger the age of first contact the more likely they were to repeat offend (see Figure 2.7).
- The average time it took to re-contact the police was 365 days.
- The average time to each successive contact was shorter (215 days, 165 days, 153 days).
- The average age at which they contacted the police for the fifth time was 15.5.
- Together, they were responsible for 9225 contact episodes up to age 18. That is 48% of all recorded contact episodes for the entire 1984 birth cohort.
- Together, they were responsible for 21,235 offences up to the age of 18 years. That is 53% of all recorded offences for the entire 1984 birth cohort.
- They were responsible for 50% of violent offences, 48% of property offences, 40% of drug offences, and 53% of other offences.
- They were responsible for 22% of all contact episodes and 25% of all offences recorded between 18 and 24 years of age.

For further discussion of these findings see Appendix 8.

Figure 2.7: Probability of high-volume offending within 7 years, by age of first contact (%)

Source: Victoria Police 2008, Crime statistics report 2007/2008.

Repeat youth offenders born in Victoria in 1994

In an effort to provide a more contemporary assessment of high-volume youth offending, the Committee also obtained data from Victoria Police for the 1994 birth year using the same data collection methodology as described above. These young people are turning 14 in 2008 and so the full extent of their criminal activity to age 18 years is yet to be determined. Nevertheless, as can be seen in Table 2.1 below, comparative analysis between these young people and their 1984 counterparts revealed some noteworthy differences that have implications for this Inquiry.

Table 2.1: Victorian 1984 and 1994 comparison (by age 14)

	1984	1994
Contact with police by 14 years (offenders)	1399	1753
Contact rate (% of births)	2.4%	2.5%
Females vs. males	19% vs. 81%	30% vs. 70%
Male contact rate, (% of cohort)	3.8%	3.7%
Female contact rate, (% of cohort)	1.0%	1.4%
High volume offenders (by age 14)	103	91
High volume females vs. males	11% vs. 89%	10% vs. 90%

Source: Australian Institute of Criminology, 1984 and 1994 Victorian Birth Cohorts (Computer Files).

Table 2.1 shows

- The population prevalence of police contact before age 14 years is slightly higher for those born in Victoria in 1994 (2.5%).
- Females made up a higher overall proportion of the offender population (30%) in the 1994 group than in the 1984 group (19%). This is partly driven by higher overall contact rates for females (1.4% in 1994 vs. 1% in 1984) and lower contact rates for males (3.7% vs. 3.8%).
- There were fewer high-volume offenders (having five or more contacts by age 14 years) in the 1994 group (n=91) than in the earlier 1984 group (n=103) despite the more recent group having a larger population base. The spread between males and females was comparable.

Conclusion

The findings in this chapter clearly have important implications for the discussion on policy and program development outlined later in this Final Report.

In particular, the data suggests how crucial it is to address youth offending relatively early in the life of the young person, yet at the same time in a way that does not stigmatise or glamorise their offending nor harden the young person into patterns of further offending. The dilemma is to nip early instances of offending in the bud whilst at the same time avoiding what criminologists term ‘net widening’ – the use of interventions that may draw more young people into the youth justice system and in fact ‘promote’ ongoing transgressions.

In some cases it is the type of intervention that may be crucial not the fact of intervention itself. For example, if a young person comes (regularly) to the attention of the police before the age of 13 or 14 it may indicate that the child is experiencing myriad personal, behavioural, family or social problems which require intensive assistance and support. Delaying any meaningful action may simply delay future interventions to a time when they have less chance of success. In such cases, cautioning in conjunction with a program of counselling or family support may be appropriate. On the other hand the behaviour of some young people in their early teens, whilst inappropriate, may simply reflect a relatively ‘normal’ stage of life course development. Such behaviour, whilst possibly deserving of admonition, may not be serious enough to warrant formal interventions through the criminal justice or family/social support systems. The suitable approach in each case would need to be judged on its individual merits.

The data also shows that the majority of young people who come into contact with the criminal justice system in *later* teenage years are unlikely to develop serious criminal ‘careers’ – in other words their offending may be short-lived. Depending on the seriousness of the offence sustained, interventions at the time of first apprehension may also be counterproductive. For such youths, interventions applied at the second or third episodes of contact (if and when they occur) may be more appropriate.

Recommendations

1. **The Committee recommends** that Victoria Police should produce annual statistics on the number and characteristics of high volume and repeat youth offenders.
2. **The Committee recommends** that in undertaking this task Victoria Police should provide ongoing analysis of birth group data, including the monitoring of the longitudinal and adulthood outcomes of the 1984 and 1994 age groups (presented in this report) as well as comparative analysis of new birth groups as they enter the criminal justice system.

3. Risks, Causes or Contributions – What Leads to Youth Offending?

Introduction

As discussed in the introductory chapter, the question ‘What causes youth offending?’ is highly contentious, controversial and arguably unanswerable. Certainly an understanding of criminal activity, including youth offending, requires an analysis of some of the major causal or contributory factors that can be attributed to such offending, including some of the theoretical explanations taken from various streams of criminology. Often such theories form the basis of policy and program development. Yet it is also important to avoid explanations of crime that attribute youth offending to single causes. Why some young people engage in criminal activity and others do not is a very complex issue. The discussion of theoretical explanations in this Report, however, does not claim to be comprehensive as the research literature on both uni-linear and multi-factored causal and explanatory theories of offending is voluminous.

A related area requiring at least a cursory critique is a discussion of the risk and protective factors sometimes presented as explaining why a young person may either participate in or abstain from committing criminal activity or other antisocial behaviour. These concepts and the developmental/life course criminology/psychology models from which they stem, however, should not be uncritically accepted and require critique and scrutiny.

Theories and explanations for criminal behaviour

Causal theories of crime have often been uni-linear, that is they attribute a direct and often single cause to the crime.³⁸ To use an overly simplistic example, bad parenting (or more often mothering) leads to juvenile alienation and ultimately delinquency. However, as Buckland and Wincup (2004) state, it is highly questionable and indeed dangerous to translate statistical association into causality or overestimate the explanatory power of one factor in isolation. Many causal explanations have stemmed from overarching theories and meta-narratives promoted to explain crime generally – each containing the biases of their proponents. Some of the main criminological theories that have sought to explain crime, including juvenile crime, are:

³⁸ For an excellent critique of the concept of causality in criminology, see Bessant and Hil 1997. For a recent discussion of the place of theory in criminology and an appraisal of the various schools of criminological thought and their application, see Watts, Bessant and Hil 2008, pp.103–107.

- Classical³⁹
- Positivist/Scientific⁴⁰
- Ecological and/or Environmental theories
- Marxist, New Left or the ‘New Criminology’
- Feminist Criminology
- Post-modern/post-structuralist criminology.⁴¹

Within these broad categories, variations, sub-schools and differing approaches may also be evident. Differences have also been apparent in approaches to explaining offending behaviours depending on whether the criminological approach stems from sociological, psychiatric, economic or behavioural disciplines and practices.⁴²

Some contemporary critical theorists argue that one of the main weaknesses of current approaches to youth crime is ‘the failure of theories to transcend the dualism in the definition of crime’ (Borowski & O’Connor 1997, p.35). This dualism is located in theories of crime that are termed either *objectivist* or *subjectivist*:

The objectivist model exemplified by various positivist theorists sees patterns and regularities of social existence as external to, and independent of, actions and representatives by individuals. This implies that delinquency can be objectively defined by certain observable *behaviours* and delinquents can be unambiguously identified as people who engage in these behaviours. The subjectivist position...on the other hand views social reality as an ongoing accomplishment of social actors who construct or reproduce the ‘structures’ of social existence.

³⁹ Exemplified by a move from a primitive way of thinking about crime and criminals to a ‘scientific’ understanding of the subject based on reason, reflective of the ‘Age of Enlightenment’, and first formulated in the eighteenth century in the works of philosophers such as Jeremy Bentham.

⁴⁰ The idea of positivism has a controversial and somewhat unclear meaning. It is generally agreed that the philosopher Auguste Comte, the ‘father’ of sociology, coined the term in the early eighteenth century. It reflected his distaste of approaches to phenomena on the basis of religion, emotion or what he called metaphysics. His approach was essentially empirical; if something had no physical qualities enabling it to be seen, touched or heard etc then ergo it did not exist. Comte and his adherents were reliant on the use of medical and biological metaphors and models to explain the development of this new ‘science of society’ (Watts, Bessant and Hil 2008, p.41). While even today there is a lack of consensus as to positivism’s meaning, the following definition generally sums up the main tenets of what is generally referred to as a positivist approach to criminology:

‘For contemporary criminologists “positivism” involves a commitment to a “common sense” reliance on scientific method. The practice of this kind of positivism is based on “operationalising” a concept so as to render it amenable to measurement, carrying out some data collection and then doing statistical analysis...on that data. This apparently “common-sense” approach is often taught in university “empirical research methods” or “quantitative research methods” courses and incorrectly assumes or asserts that because it is based on common sense it has nothing to do with theories or philosophy’ (Watts, Bessant and Hil 2008, p.41).

⁴¹ One of the general tenets of the post-modern school being that it looks away from the positivist search for a general theory of crime or deviance. See Borowski and O’Connor 1997.

⁴² For example, Merton’s strain theory, one type of sociological approach popular in the interwar period, argued that crime was a result of ‘high aspirations being thwarted by the denial of opportunity’ (Muncie 2004a, p.11). Rational choice theory is based on the premise that offenders are reasoning and rational people acting under particular pressures and exposed to specific opportunities and situational inducements:

‘For a crime to occur, two events must coincide: the opportunity for the commission of the criminal act must present itself; and the individual must decide that the gains to be had from taking the opportunity outweigh the chances of being caught and the penalty should he or she be apprehended’ (Muncie 2004a, p.13).

Rational choice theory in turn led to the development of situational crime prevention strategies aimed at making the environment in which crime was taking place more resistant to such offending. For an account of situational crime prevention strategies, see discussion in Chapter 11 of this Report.

For an account of these and other sociological theories of crime causation, see generally Muncie 2004a, pp.3–20; Wileman, Gullone and Moss 2007.

This implies that delinquency is to be understood as a *status* assigned to individuals as a result of a criminalisation process, not as a quality inherent in behaviour (Borowski & O'Connor 1997, p.35).⁴³ (Emphasis in original)

A Report of this nature can only cursorily address the theoretical, historical and conceptual debates and issues pertaining to youth offending. For the interested reader there are many excellent texts that give comprehensive accounts and critical analyses of both historical and contemporary theoretical criminology, sociological and psychological, including discussions of causes of crime.⁴⁴

However, one important phenomenon in contemporary accounts of juvenile offending that does require attention is an explanation of *risk* and *protective* factors and the developmental approach from which they stem.

A general account of a developmental pathways approach to offending

Increasingly public policy in Australia centring on health promotion and crime prevention is taking a 'developmental pathways approach' (see Hemphill, Toumbourou & Catalano 2005; Homel et al. 2006), a model which draws on 'life course development research, community epidemiology and preventive intervention trials' (Hemphill, Toumbourou & Catalano 2005, p.11).

Developmental approaches to crime prevention and youth offending are based on the idea that:

[t]he way human beings develop, especially in the first five years of life [has a major effect on later life course development]...There has been a rediscovery in the policy world, of the role of early childhood as a lifelong determinant of health, well-being and competence...Recent insights from neurobiology, developmental psychology and longitudinal studies of children give credibility to notions held long as common sense (Hertzman 2000 in Becroft 2003, p.47).

Early interventions based on developmental theories are based on the belief that 'early interventions' can address the risk and protective factors that may lead to youth involvement in crime and 'antisocial' behaviours, including future youth offending:

The growing interest in developmental and early intervention for the prevention and reduction of crime is mainly driven by two closely related factors:

- Frustration at the apparent failure of conventional strategies to prevent the long term growth and recurrence of crime in the community; and
- Evidence from a small number of well researched and evaluated initiatives which strongly suggest that significant long term benefits (particularly financial) will accrue from effective developmental and early intervention programs (Australian Institute of Criminology (AIC) 2003a, p.1).

⁴³ Subjectivist approaches are more typical of, but not exclusive to, interpretive and left schools of criminological thought.

⁴⁴ See in particular Hazelhurst 1996; Borowski and O'Connor 1997; Maguire, Morgan and Reiner 2002; Walklate 2006; White and Haines 1996; Watts, Bessant and Hil 2008.

This approach is summed up in the *Pathways to Prevention* Report (hereinafter cited as Pathways), one of the major social policy projects aimed at addressing child, youth and family disadvantage in Australia from a developmental pathways approach.⁴⁵

It is based on the assumption that mobilising social resources to support children, families and their communities before problems emerge is more effective and cheaper than intervening when problems have become entrenched (Homel et al 2006, p.vii).

The key underlying concept of such an approach is that well designed programs aimed at *developmental* rather than *remedial* interventions ‘can alter the pathways available to [disadvantaged] children and their families and in so doing can reduce the likelihood of participants achieving negative outcomes’ (Manning, Homel & Smith 2006, p.99).

Whilst the Pathways project was focused more generally on child, youth and family disadvantage rather than crime specifically, it certainly viewed youth offending as one indicator of the physical, social participation and mental health deterioration of young people since the Second World War. Drawing from the work of developmental theorists such as Farrington, the Pathways Report states:

Studies of the pathways to antisocial behaviour have identified persistent conduct problems, oppositional behaviour and physical aggression in the preschool and early primary school years as one of the strongest predictors of adolescent aggression, delinquent behaviour and a range of negative long-term outcomes (Farrington, 1991). A significant proportion of adult offenders are reported to have a history of childhood conduct problems that precipitated the gradual development of more serious antisocial behaviour (Stevenson & Goodman, 2001).

Many risk factors for antisocial behaviour are malleable because they are really statistical markers for the effects of systemic barriers that disadvantaged families face in accessing the resources they need to care adequately for their children. On the basis of many years of analysis of the Cambridge Longitudinal Study, Farrington (2003) identified impulsivity, low school achievement, poor parental child-rearing practices, and poverty as critical but potentially modifiable factors in the pathways to juvenile crime.

The starting point for our work in the *Pathways to Prevention Project* was our belief that the systemic barriers to which risk factor analyses point can, to some extent, be breached through planned interventions that provide opportunities for disadvantaged young people to participate more fully in mainstream institutions such as school. In this way positive developmental pathways can be fostered (Homel et al. 2006, p.1).

This preventive approach could be seen in one of the programs overseen by Pathways – the Family Independence Program. In this case parents, caregivers and families in the targeted lower socio-economic schools/areas were assisted through funded projects to: ‘[c]reate a stimulating home environment that is harmonious and conducive to learning, through the provision of an integrated suite of culturally sensitive programs and services’ (Homel et al. 2006, p.24).⁴⁶

⁴⁵ The program commenced in 1999 was initially located in lower socio-economic and disadvantaged suburbs and schools of Brisbane, although the model has been adopted and implemented in other areas of the country since then. It is delivered through an ongoing partnership between Mission Australia and Griffith University. Only early stages of the Project have been formally evaluated. For a full account of the Project and an analysis of its achievements, see Homel et al. 2006.

⁴⁶ The key approach of the Pathways project is to ‘educate’ both the child and the family in order to self-address some of the risk factors that may act as obstacles to ongoing healthy development. However, as the Report indicates, it is difficult for a carer to place priority on their child’s education ‘if the family is homeless or unable to afford food for a fortnight’ (Homel et al. 2006, p.26). Therefore material aid and support/advocacy such as food or furniture provision was one element of a raft of approaches to stabilising the family environment.

Risk and protective factors

One correlate of a developmental pathways approach is examining the factors that can be used to predict whether a young person might engage in antisocial or criminal behaviour.⁴⁷ Risk factors have been defined as ‘prospective predictors that increase the likelihood that an individual or group will engage in adverse outcomes’ (Hawkins, Catalano & Miller in Hemphill, Toumbourou & Catalano 2005, p.11). The converse concept is that of protective factors which ‘both directly decrease the likelihood of antisocial behaviour and mediate or moderate the influence of risk factors’ (Hemphill, Toumbourou & Catalano 2005, p.11). Protective factors could include pro-social involvement in sports, church attendance or being part of a ‘traditional’ two-parent family unit. A related concept, which has received much prominence in child psychology and developmental studies in recent years, is that of resilience. In other words, resilience may explain why some young people, including those coming from relatively disadvantaged or troubled backgrounds, may abstain from antisocial behaviours (including substance abuse) or criminal offending. Resilience can be viewed as a key protective factor.⁴⁸ A summary of commonly recognised risk factors for youth offending and antisocial behaviour is presented in Table 3.1.

Table 3.1: Risk and Protective factors associated with youth offending and antisocial behaviour

Levels	Risk factors	Protective factors
Community	Poverty Transitions in schooling and into the community Low neighbourhood attachment and community disorganisation Availability of drugs	Cultures of cooperation Stability and connectedness Good relationships with an adult outside the family Opportunities for meaningful contribution
School	Poor relationships in school Academic failure, especially in middle years Early and persistent antisocial behaviour and bullying Low parental interest in children	A sense of belonging and fitting in Positive achievements and evaluations in school Having someone outside your family that believes in you Attendance at preschool
Family	History of problematic alcohol and drug use Inappropriate family management Family conflict Alcohol/drugs interfering with family rituals Harsh/coercive or inconsistent parenting Marital instability or conflict Favourable parental attitudes towards risk taking behaviour	A sense of connectedness to family Feeling loved and respected Proactive problem solving and minimal conflict during infancy Maintenance of family rituals Warm relationship with at least one parent Absence of divorce during adolescence A ‘good fit’ between parents and a child
Individual /Peer	Constitutional factors, alienation, rebelliousness, hyperactivity, aggression, novelty seeking Seeing peers taking drugs Friends engaging in problem behaviour Favourable attitude toward problem behaviour Early initiation of the problem behaviour.	Temperament/activity level, social responsivity, autonomy Development of special talents/hobbies and zest for life Work success during adolescence High intelligence (not paired with sensitive temperament)

Source: Department of Human Services (Vic) 2000 in Alcohol and other Drugs Council of Australia (ADCA) 2003, p.4.⁴⁹

⁴⁷ Risk and Protective Factors have been particularly used in assessing propensity to alcohol or substance abuse among young people. For an analytical and critical account of such an approach, see Drugs and Crime Prevention Committee 2006.

⁴⁸ For a general discussion of the concept of resilience in children and its relationship to other protective factors, see Howard and Johnson 2000.

⁴⁹ For a more detailed table of such risk and protective factors, see Stephenson, Giller and Brown 2007, pp.10–11.

Increasing risk factors

Supporters of developmental approaches argue that the more risk factors that accumulate in a person's life over a long period of time the greater will be the developmental impact. Conversely, it is rare that any single risk factor 'lies at the heart of developmental problems' (Loxley et al. 2004, p.72). The cumulative effect of multiple risk factors can be likened to a snowball effect, with subsequent risk factors building upon any earlier problems. The higher number of risk factors the greater the chance that children may subsequently progress to harmful alcohol or other drug use or involvement in crime or other antisocial behaviour (Toumbourou & Catalano 2005).

Conversely, however, if steps are taken to reduce or eradicate one risk factor this may prevent the acceleration or accumulation of consequent problems:

For example, the reduction of a risk factor such as academic failure is likely to lead to greater completion of high school, increased attendance at college and greater job opportunities, all of which can be costed as benefits of early school-based prevention efforts. Likewise, pre and postnatal home visits by public/community health nurses not only reduce material substance use and arrest rates, of the mother and eventually the child, but also reduce rates of substantiated child abuse and neglect that represent additional cost savings of this approach (Loxley et al. 2004, p.243).

Zubrick and Robson argue that even addressing a factor that of itself may be a somewhat weak or minor causal factor can have value in preventing ongoing or entrenched offending. In the context of offending amongst young Indigenous Australians they state:

Normally a finding that a risk factor is only a weak cause of a problem has resulted in little if any effort being spent either in determining the nature of the association or in attempting to prevent the problem. However, if a large population of young people is exposed to a weak causal risk factor, then preventing or interrupting the exposure to this risk factor can result in a valuable level of prevention (Doll, 1996). Offending is a complex problem – that is it involves the interplay of a number of causal factors. Very importantly, large populations of [Aboriginal] young people are being exposed to multiple risks that have *weak* causal associations to the development of these disorders. A critical feature of this pattern of risk exposure is that *multiple risks have a cumulative effect on outcome*. A consequence of this pattern of exposure is that a large number of young people exposed to a small risk may generate many more problem cases than a small number exposed to a high risk (Rose, 1995). Furthermore, because the association between exposure and outcome is weak when applied at the individual level, preventive efforts that secure a large benefit for the community bring relatively little benefit to each participating individual. In other words, the benefits of offending prevention are seen and best understood by their effects on whole populations or communities, not at the individual level (Zubrick & Robson 2003, p.5).

The fact that dysfunctional *communities* can result in a greater risk of (youth) offending should therefore not be overlooked:

'Children who grow up in economically deprived areas, with poor living conditions and high rates of unemployment, are at increased risk of involvement in crime' (Communities that Care 2001). Various other factors in neighbourhood and community life appear to be relevant to the development and persistence of offending behaviour: levels of disorganisation and neglect (Communities that Care 2001), availability of drugs and weapons (Rutter *et al.* 1998) and high levels of turnover among residents (Hope 1996) (Stephenson, Giller & Brown 2007, p.45).

The importance of developing strategies at community level (community capacity building) in addition to those that target individuals is discussed in Chapter 9 of this Report.

In summary, whilst there is clearly some concern about applying a set of risk factors to an individual child in an actuarial manner and concluding that that child may be likely to offend, there are also some benefits to be taken from a developmental approach. A protection and risk reduction approach which acknowledges the cumulative impact of multiple risk and protective factors has the potential to:

Provide important insights for intervention research. The cumulative effect of risk factors suggests that there are important advantages for early intervention strategies to be creatively integrated and co-ordinated across time. Programmes that target more than one risk factor (eg parental bonding and peer interaction) and co-ordinate intervention activities across different developmental periods and settings increase the likelihood of an effect and hence result in more consistent impacts (Arthur and Blitz 2000). These considerations suggest that investment in prevention activities should aim to maintain a coordinated set of activities through childhood and adolescence tied to community priorities indicated by developmental levels of risk and protective factors (Toumbourou & Catalano 2005, pp.63–64).

In addition, an important finding coming from developmental prevention studies is that by improving key environments such as prenatal services, preschools and parenting programs there can be benefits for all children, even if the greatest benefits may be for those most vulnerable and disadvantaged (Stockwell 2005).

Causal paths – Isolated versus persistent offending

One aspect of developmental theories that should be mentioned is the fact that the determinants that may predict persistence of offending (the prognostic variables) are not according to Offord the same as those that predict onset (risk variables) of offending (Offord 1992 in Zubrick & Robson 2003). In other words:

The former determinants [the prognostic variables] are critical to treatment and management of offending while the latter [the risk variables] are critical to preventing offending. This distinction is of central concern to those who wish to advance the prevention of chronic offending by young people. Risk variables may no longer be current and their control if still current by the time the young person is identified by agencies, may be irrelevant to treatment or management (Zubrick & Robson 2003, p.4).

Criticisms of risk factors and the developmental approach

A growing body of research and literature across the social and natural sciences raises a number of serious questions about the credibility of developmental explanatory theories (eg. Beck 1992, 1998; Bessant, Hil & Watts 2003; Kelly 1998, 1999, 2000; Dwyer & Wyn 2001). As indicated above, some researchers have gone beyond using risk and protective factors descriptively to using them as predictive indicators of future offending (or abstinence) by young people. This has attracted trenchant criticism from some quarters.

For example, Watts, Bessant and Hil (2008) argue that the listing of a variety of risk indicators such as single parent environments, truancy, dysfunctional families, long-term unemployment, rejection of child or conversely protective factors such as pro-social development, family harmony, strong family norms and morality etc are:

[p]romoted as if this policy framework rests on solid empirical and scientific evidence; the use of indices of ‘risk’ and ‘protection’ points to a level of fantasy and plain silliness that is deeply worrying. Any reader can ask her or himself if [these] characteristics as indicators of antisocial behaviour are anything more than a bundle of prejudices about the world of the ‘typical’ young...juvenile delinquent (Watts, Bessant and Hil 2008, p.158).

In an earlier article Bessant (2001) argues that the discovery of the ‘youth at risk’ category has supplanted older categories such as delinquency and maladjustment that were foundational to the sociology of deviance. Yet to her the methodologies, epistemological assumptions and politics of governance inherent in the older projects remain the same.

One assumption inherent in the developmental pathways approach that Bessant believes warrants caution is that causal connections are identifiable and can be tracked and documented. This assumption she states is not only false but also encourages a neglect of other possible explanations for phenomena such as criminal behaviour or drug abuse. Bessant also argues that the proposition that a researcher can use aggregate data about large numbers of young people and then apply that data or any findings to a particular person and go on to argue that the individual is ‘at risk’ is itself flawed:

Risk based research often involves pointing to certain average values or deviations from the norm (based on investigations of large numbers of individual cases) and then turning to an actual single individual and saying to that person ‘Because you exhibit factors a, b and c you are at risk of substance abuse’. Such an assessment means moving from measures of central tendency like averages to particular cases. As the statistician Gould explains this is problematic because moving from a claim that X is true of the whole group to the claim that X is also true for each single member of the group cannot be done (Bessant 2001 in Drugs and Crime Prevention Committee 2006, p.672).

Not the least of the criticisms made of a rigid risk factors approach then is the way in which an almost actuarial table of risk factors can be used to determine various types of offending.⁵⁰

Critics of risk based research argue that it authorises researchers as expert speakers about substance use or juvenile crime at the same time as it de-legitimises young people as speakers and active subjects capable of interpreting their actions, and of framing the problems in different ways. This has implications for good policy making because it means that very rarely do researchers/experts/policy makers gain insights into why young people commit crime or misuse drugs from the perspective of those who do it (Bessant, Hil & Watts 2003).⁵¹

⁵⁰ See for example Baker’s analysis of the relationship between developmental and demographic factors and juvenile participation in crime (Baker 1998, pp.31ff). Whilst it may be useful to know for instance that truancy is a high predictor of involvement in malicious damage and acquisitive property crime, one needs to be careful that such models do not become used in almost self-fulfilling ways. Although not directly associated with youth offending, American theorists Sampson and Laub are also critical of using developmental criminology in this predictive way:

‘...we question the *prospective* or predictive power of offender groups and whether they are causally distinct with respect to later trajectories...Developmental criminology...tends to emphasise the notion that people get “locked” into certain trajectories. One of the lessons of prospective longitudinal research is that there is considerable heterogeneity in adult outcomes that cannot be predicted in advance...we highlight a life course view that emphasises human agency and choice over the life span, underscoring how people construct their lives within the context of ongoing constraints. From this view trajectories are interpreted not from a lens of unfolding inevitability but rather continuous social reproduction’ (2005, pp.13, 14). (Emphasis in original)

For a similar analysis in the Australian context, see Goodnow 2006.

⁵¹ For example, Cappo in his review of repeat juvenile offending in South Australia testified to the importance of including young people’s own experiences as to what triggered a possible resort to criminal or antisocial activity. Generally a sense of

Victoria Police in a submission to this Inquiry agree that the ‘limitations of developmental approaches as identified in the discussion paper are relevant’, in particular the view of Bessant which ‘questions the validity of aggregating and attributing causal factors across an entire population’. Nonetheless, they also argue that research and identification of risk factors can be valuable when used as indicators only of potential risk and harm:

The debate as to whether developmental and environmental factors may be causal or contributive to offending is possibly mute, if the associated indicators of risk are considered exactly as that, indicative of risk, rather than as measures of definitive risk. Again if this research is considered in the context of the individual the causal and/or contributory factors to offending will vary in nature and in the level of influence. That is, they may be directly attributed to the offending, therefore considered causal. Alternatively they may only be considered as contributing to the offending behaviour.

As stated earlier, the influence of risk must be considered in parallel with protective influences. If sufficiently strong these influences may counter what are considered as significant risk factors. Of emerging significance for policing is the extent to which age at first contact with police occurs is indicative of risk of continued/ongoing problem behaviour (adolescent persistors), as opposed to behaviour by young people that occurs more at a time of risk taking and challenging of social boundaries (adolescent limited).⁵²

Similarly some youth justice academics are not prepared to totally discount the benefits of a risk factors approach:

Although there are weaknesses in the evidence relating to the causes of youth crime the body of research particularly that derived from longitudinal studies provides significant insight into the risk and protective factors that lead to some young people developing offending behaviour whilst others do not. While no single factor can be specified as the ‘cause’ of offending behaviour it is possible to elicit relatively short series of the main risk factors that, particularly when clustered together in the absence of the most important protective factors, are implicated in the onset and continuation of offending behaviour (Stephenson, Giller & Brown 2007, p.10).

Stephenson, Giller and Brown, however, echo critics such as Goldson and Muncie (2006a) and Watts, Bessant and Hil (2008) that this approach ‘may give too great a weight to individual risk factors at the expense of ignoring socio-economic influences’ (Stephenson, Giller & Brown 2007, p.10).

Whilst taking a developmental approach to reducing youth involvement in criminal offending may have many attractive features, the issues raised by critics of prevention based approaches that incorporate risk and protective theories whilst controversial are also of considerable interest.

Specific factors contributing to offending

Many of the factors raised as risk factors are also considered to be independent causes of offending. Those brought to the Committee’s attention as crucial determinants of first time and ongoing youth offending include:

hopelessness, lack of self-worth and alienation led to a ‘proliferation and acceleration of their offending behaviour’. For Indigenous offenders ‘the constant experience of racism in their contact with non-Aboriginal society and the omnipresence of death and the funerals of kin compounded this situation’ (Cappo 2007, p.12).

⁵² Submission from Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

- Economic disadvantage and unemployment
- Family background and parenting skills
- Child development and welfare
- Schooling and education factors
- Health and substance abuse issues.

After reviewing the academic literature and deliberating upon the expert evidence presented, the Committee agrees that these are crucial matters to be taken into account in understanding why young people may offend and re-offend. As such, many of the chapters in Part B dealing with strategies to address youth crime are based on addressing these contributory factors. For example, if inadequate parental supervision is one of the reasons a young person may truant and in turn commit an offence, then it may be the case that a caregiver requires some assistance in developing parenting skills.

Clearly many of the factors outlined above are inter-connected. For example, economic disadvantage may cause tensions in family life, which may affect young people's emotional state, their educational performance and lead to offending. Similarly, as numerous research studies have indicated there is a clear nexus between mental health issues, substance abuse and offending.

Economic disadvantage and unemployment

Poverty, need and economic stress

As with any discussion of the variables that may impact upon youth involvement in crime, factors such as economic disadvantage and youth unemployment are contentious.

On the one hand there is a body of research that does suggest strong links between material deprivation, economic disadvantage (including unemployment) and crime and antisocial behaviour, although even proponents of such a nexus would be reluctant to claim economic disadvantage or unemployment as sole determinants of such behaviour. Certainly programs such as the Pathways Project discussed earlier are at least partly underpinned by the idea that:

Evidence exists that children raised in socio-economically disadvantaged regions have an increased probability of negative outcomes such as school failure, delinquency, drug use, juvenile crime, youth unemployment and teenage pregnancies (Manning, Homel & Smith 2006, p.99).⁵³

On the other hand critics such as Bessant and Hil argue that:

At best...even in terms of the most cursory review of the empirical evidence, no definitive and clear conclusions can be drawn about the connection between unemployment and crime...The claim that delinquency and other antisocial behaviours occur because young people are unemployed is problematic when the research is underpinned by categories that are either over-generalised or under specified or both..Questions need to be asked about the ways in which categories like 'youth unemployment' and 'juvenile crime' are conceptualised

⁵³ Similarly, some critics argue that children raised in comfortable middle-class homes with good schooling and leisure opportunities have less need to commit crime to obtain material acquisitions or engage meaningfully with society (see Watts, Bessant and Hil 2008).

and how those conceptualisations then determine the shape, character and size of the youth unemployment or crime problem (Bessant and Hil 1997, p.70).

Bearing such concerns in mind, it is nonetheless true that there is a large body of research knowledge that makes at least tentative associations between economic disadvantage and in particular property crime. For example, good economic periods or a fall in long-term unemployment may at least in part be responsible for a fall in the rates of burglary or property crime. Conversely, crime can provide ‘a useful source of supplementary income’ during economic downturns (see Moffatt, Weatherburn & Donnelly 2005, p.9).⁵⁴

Certainly many of the community and youth agencies and individuals who gave evidence to this Inquiry believed there was a strong nexus between youth poverty and crime, such as ‘stealing for survival’ particularly by homeless young people. For example, Hala Atwa, solicitor with the Victorian Community Legal Centre Youthlaw, told the Committee:

A common crime is the theft of a bicycle which is then taken to Cash Converters. That might be to buy food or to pay for a mobile phone charge card. We do not see it very often for luxury items. When we ask young people, ‘Why?’, they say, ‘I didn’t have any money. I didn’t have anything’. It is not what I call aspirational theft. That is not as common as theft from some sort of perceived necessity by the young person.⁵⁵

This is also the experience of some of the young people with whom the Committee met. ‘Vicki’, a young person placed in out-of-home care, stated:

For a lot of us it is like survival. Like a lot of people can’t afford to eat and especially in out-of-home care we don’t get extra pocket money and a lot of us can’t get on Centrelink or anything like that. And it’s hard to get a job when you’re not in a stable home and so we never have any money so if there’s anything we want or need we have to steal it.⁵⁶

A written submission from Youthlaw draws attention to recent research that examined the relationship between economic stress, child neglect/abuse and juvenile participation in crime. This study analysed 261 postcode areas in the urban areas of Sydney, Newcastle and Wollongong. The paper ‘Poverty, Parenting, Peers and Crime-Prone Neighbourhoods’ stated that for every new 1000 neglected children, New South Wales gets 256 new juvenile offenders.

The paper analyses the effects of poverty, child-rearing and delinquency as well as the socio-economic profiles of neighbourhoods with regard to youth crime. The analysis concludes that:

⁵⁴ Certainly interlinked factors such as unemployment, homelessness and lack of post-prison release support may be strong contributing factors to recidivism or re-offending. A released offender without a job, home or visible means of support may indeed find it difficult to keep on the ‘straight and narrow’. See Baldry 2007 for a discussion of this issue.

⁵⁵ Evidence of Ms Hala Atwa, Solicitor, Youthlaw, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

Another very common crime committed by young people arguably for reasons associated with economic disadvantage is avoidance of public transport fares. A more detailed discussion of this issue is given in Chapter 11 of this Report.

⁵⁶ ‘Vicki’, CREATE member, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, 10 November 2008. The names of CREATE members who met with the Committee have been changed to protect their privacy.

- postcode areas with high levels of poverty tended to have significantly higher levels of parenting deficiency such as child neglect;
- there is a strong relationship between the level of child neglect/abuse in a postcode area and the level of youth participation in crime in that area;
- economic and social stress exert most of their effects on crime, at least in urban areas, by increasing the risk of child neglect;
- young people rendered susceptible to involvement in crime by poor parenting are more likely to become involved in crime if they reside in ‘offender-prone’ neighbourhoods than if they do not reside in such neighbourhoods.⁵⁷

Professor Tony Vinson has undertaken similar research for Jesuit Social Services (JSS) on locational disadvantage. This is summarised in JSS’s submission to this Inquiry:

In summarising his thoughts about the relationship between economic disadvantage and crime, Professor Vinson refers to what he calls Australian society’s Bermuda Triangle: “For more than thirty-five years as a researcher and administrator I have traversed the social equivalent of Australia’s Bermuda Triangle. The three tips of that triangle are crime, social disadvantage and limited education...I have come face-to-face with four year olds from disadvantaged backgrounds whose vocabulary stretches to a few words, whose articulation of sounds is sometimes incomprehensible, whose experience of the world is confined to their suburb, and who have no idea of the nature of a book or the use of a pencil or a brush...These realities take one to the very springs of social deprivation, the point of origin of that cumulative disadvantage which, unless seriously combated, will lead inevitably to the downward spiral of lives reflected in the disadvantage studies” (Vinson 2008). Vinson then goes on to make the case not only for substantial improvements in pre-school for all four-year olds, but also a systematic approach to early education and other support for disadvantaged three-year-olds.⁵⁸

Such a view is endorsed by leading Australian criminologists Rob White and Chris Cunneen, who state:

The social status and crime rate of specific neighbourhoods impact upon the likelihood of young people becoming involved in offending behaviour independent of their specific socio-economic status (Reiss, 1986). For example, a young person from a low income background living in a high crime rate area is far more likely to engage in offending behaviour than the same person living in a low crime neighbourhood. Community context is, therefore, an integral part of why some unemployed young people have a greater propensity to commit crime, and to be criminalised, than other young people in a similar social position (see also Weatherburn and Lind, 2001). The level and extent of welfare provision and services at a local level also have a big impact on youth lifestyle and life chances, as indicated in Canadian research into ‘street-present’ young people (Hagan and McCarthy, 1997) (White & Cunneen 2006, p.21).

⁵⁷ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. Youthlaw was commenting on the paper ‘Poverty, Parenting, Peers and Crime-Prone Neighbourhoods’, (Australian Institute of Criminology, *Trends and Issues in Crime and Criminal Justice*, no. 85).

⁵⁸ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

Many agencies and individuals who gave evidence to this Inquiry also believed that ‘Preventing crime would be better served by addressing those systemic factors which cause economic disadvantage’ (Springvale Legal Service).⁵⁹ JSS is also concerned that: ‘Economic injustice is addressed at the highest levels of government’.⁶⁰ A particular concern is that the system of youth payments administered through Centrelink is overhauled:

Without further research, it is difficult to be definitive about the extent to which ‘youth poverty’ contributes to the rate of crimes committed by young people. However, when consideration is given to the income and cost of living realities for young people who are reliant on Centrelink’s Independent rate of Youth Allowance, it is not difficult to see why some young people may contemplate committing crimes to make ends meet.

Currently, the base rate of payment for the Independent rate of Youth Allowance for unemployed young people aged under 21 (and students aged 16-24) is \$177.70 per week (\$9,240 per year). By way of comparison, this is \$103.35 per week less than the single rate of the Age Pension. The comparative disadvantage of single people on Youth Allowance (Independent) is even greater (another \$20 pw+) when the calculation includes the Seniors Concession and Utilities Allowances (now \$514 annually each) and other concessions that pensioners are eligible for but which aren’t available to those on Youth Allowance.

We believe the Victorian Government has a role to play in advocating to the Australian Government for substantial rises in the rate of payment and concession entitlements for Youth Allowance recipients (and related payments such as Newstart and Sickness Allowance) as well as substantial rises in the rate of payment for pensions. Meanwhile, there are significant measures the Victorian Government can undertake to alleviate youth poverty in Victoria, especially a youth poverty prevention strategy in relation to the availability and cost of housing and public transport.⁶¹

The issues of accommodation for young people (particularly those released from youth detention) and the costs of public transport are discussed later in this report.

The benefits of employment

Providing young people with paid employment opportunities or vocational training may reduce recidivism amongst offenders who are not incarcerated (Lipsey & Wilson in AIC 2002, p.28). Similarly there is ‘evidence that ex prisoners and probationers are more likely to re-offend if they are unemployed’ (AIC 2002, p.28 and the references cited therein). Certainly there is evidence that young people would prefer to be in legitimate paid

⁵⁹ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. See also the submission from Professor Julian Bondy and Dr Marg Liddell, RMIT University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. The authors state that whilst evidence suggesting that economic disadvantage leads to criminal offending is inconclusive:

‘We do know however that increased employment opportunities, plus other opportunities such as education and training reduce offending. It is necessary therefore to improve the life opportunities for children, young people and adults. Unless governments make significant structural changes to such life opportunities nothing is likely to change regarding high volume offending and recidivism’ (Submission from Professor Julian Bondy and Dr Marg Liddell, RMIT University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008).

⁶⁰ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

⁶¹ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

employment⁶² and that '[o]ffenders are more likely to terminate their criminal careers when their current legal earnings are higher than their illegal earnings' (Pezzin in Cameron 2000, p.4).

The Youth Substance Abuse Service (YSAS), which works with many young people who have both problems associated with substance abuse and criminal offending, has indicated to this Inquiry that gainful employment (or education and training) and a stable income are essential parts of preventing a young person from offending or, more usually once the person has come to the attention of YSAS, re-offending.

Whether it is employment or real training or education, effectively some type of structured, productive activity [is essential]. But at the older end they have got to be able to earn income. Economic participation is really important...it becomes a key protective mechanism in terms of [preventing] them getting into further trouble. There is no doubt that boredom, drug use and people with few prospects is the type of mix that is going to produce that type of [criminal] behaviour. So getting kids into some type of employment or employment-related training which leads to employment, as distinct from churning them through a whole lot of programs, is essential.⁶³

Agencies such as the Bridge Project and Whitelion that endeavour to mentor young people, find suitable employment and ease the transition between state care, homelessness or juvenile detention to independent living are clearly performing highly valuable work. The work of these agencies is discussed further in Chapter 8 of this Report.

Chapman et al. (2002) noted that unemployment, like crime, is 'heterogeneous', varying in terms of age, gender, the duration of the unemployment and the educational standards of those unemployed. They nonetheless found, on the basis of their research in NSW, a strong positive relationship between criminal activity and long-term youth male unemployment (Chapman et al. 2002).⁶⁴ The authors added a caveat, however, stressing that in discussing links between unemployment and youth crime, particularly property crime, attention needs to be paid to the interrelationships between the crime, economic policy, unemployment duration and education. The authors argue that increased high school participation/completion or encouraging young people to attain higher levels of vocational training or education may have positive results in reducing youth participation in (property) crime:

The analysis suggests that labour market and education policies have the potential to significantly reduce property crime. However, increased high school participation of the long term unemployed only seems to decrease crime if it results in graduation...We argue that the longer the person is unemployed the higher the relative attractiveness of crime.⁶⁵ Further we suggest that higher levels of education diminish the relative attractiveness of criminal activity through their effect on the returns to employment (Chapman et al. 2002, pp.1, 9).

⁶² American research examining the differences between young people in 'illegitimate' employment such as drug dealing and regular labour market employment found that youth who sell drugs either individually or in gangs would prefer to receive a regular income through legitimate employment even if this meant receiving a lower level of income. One of the reasons being: 'they were tired with living with the fear that accompanies drug sales' (Huff 1998 in Cameron 2000, p.4).

⁶³ Evidence of Mr David Murray, Chief Executive Officer, Youth Substance Abuse Service, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 6 October.

⁶⁴ See also Polk and White 1999. The authors suggest that young people may 'move into' crime in circumstances where they have few family resources to cushion the effect of long-term unemployment and/or they belong to a group or neighbourhood that is already crime prone, low income or economically deprived.

⁶⁵ Conversely, Sampson and Laub note that factors such as job stability, particularly when combined with marriage or steady relationships, may act as brakes on offending or re-offending in later life (2005, p.15).

Finally, Weatherburn, Lind & Ku (2001) also suggest a link between economic distress/unemployment and its effect on parenting which may in turn have implications for youth offending:

That economic stress increases the likelihood of parental behaviours which are known to be criminogenic (eg weak parental supervision, inconsistent, erratic, harsh discipline)...the effects of economic stress on crime are mediated both through parenting and delinquent peer influence...According to [this] model, chronic economic (or social) stress erodes the quality of parenting in a neighbourhood and over time increases the supply of juveniles susceptible to delinquent peer influence. Interaction between these juveniles and those already involved in crime increases the rate of entry into crime (Weatherburn, Lind & Ku 2001, p.146).⁶⁶

These claims support the point made earlier that by discussing matters such as economic disadvantage and family circumstances as separate contributing variables is in one sense artificial given the interconnectedness of these issues.

In short, a discussion of the effect of economic disadvantage, unemployment and financial hardship as contributors to (youth) offending are complex and cannot be viewed in isolation from other variables such as family background.⁶⁷ Yet as Moffatt, Weatherburn and Donnelly noted, recent studies into possible associations between economic disadvantage, unemployment and crime:

[p]rovide a timely reminder that not all crime is drug related, and that economic policy has an important role to play in crime prevention and control (2005, p.9).

Strategies with regard to employment and training that may prevent or reduce young people from engaging in antisocial behaviour or criminal offending in addition to connecting them with their communities and provide a sense of self worth are discussed in Chapter 8 of this Report.

Family background and parenting skills

Interest in researching the links between family background, particularly disrupted single parent families, crime and delinquency has grown since the 1960s. This, according to some criminologists, is largely because of the rise in disrupted families⁶⁸ in Western industrialised societies:

Many family factors have been shown to predict offending, including factors relating to child-rearing practices (e.g. harsh discipline, poor supervision and low parental involvement with the child)...[and] family disruption which “seems to be as strong a predictor of self reported and official delinquency...” (Juby and Farrington 2001, p.23) (Haas et al. 2004, p.520).⁶⁹

⁶⁶ Carcach and Leverett in their study of youth recidivism, also found there is: ‘A growing body of research evidence [that] suggests that economic and social stress affect crime by disrupting the parenting process’ (Carcach & Leverett 1999b, p.23 and the references listed therein).

⁶⁷ For example, unemployment, disengagement from the labour force and (youth) poverty are disproportionately high in (Victorian) Indigenous communities (see VIYAC/YACVic 2007; Economic Development Committee 2002). For a further discussion of this and other issues pertaining to offending by Aboriginal youth, see Chapter 12.

⁶⁸ In the literature the term ‘disrupted’ usually connotes a one-parent family due to divorce, separation, widowhood or where for other reasons a single parent has sole responsibility for child rearing.

⁶⁹ For general accounts of the links between family disruption, family and parental influence and youth offending, see Loeber and Stouthamer-Loeber 1986; Baker 1998; Rodgers and Pryor 1998; Juby and Farrington 2001; Farrington 2002; Sampson and Laub 2005; Larsen and Dehle 2007; Wileman, Gullone and Moss 2007.

However, the authors of the above quote acknowledge that the relationship between family disruption and delinquency is a complex one (Haas et al. 2004, p.520).

Dysfunctional parenting and criminogenic family environments

Despite such complexities, there is a plethora of criminological and psychological research suggesting that criminogenic family environments, particularly during the earlier years of child and adolescent development, are strong predictors of adolescent antisocial behaviour. Many of the more recent studies draw from some classic pioneering criminological research done as early as the 1950s.⁷⁰

A long history of research...has shown that family structural conditions (eg poverty, large family size and residential mobility) and family social processes (poor supervision, erratic/threatening discipline and weak parental attachment) are strong predictors of adolescent delinquency...Moffitt [has] argued that when a child's vulnerability is compounded with such negative family conditions, life course persistent offending is most likely (Sampson & Laub 2005, p.24).

Other studies have examined what are considered to be dysfunctional parenting practices, which it is claimed contribute to the development of conduct problems amongst young people. These in turn 'are among the strongest predictors of later delinquent behaviour' (Ralph & Sanders 2004, p.1).⁷¹ For example, the famous Cambridge Study on Delinquent Development investigated why delinquency begins and how far offending behaviours can be predicted. In effect this study was an academic '7 Up' analysis of juvenile offending behaviours. Beginning in 1961, 411 working-class boys were selected from primary schools in London at the age of eight and were contacted again at regular intervals up until the most recent analysis in 2003. The aim was to see which of them had developed a 'delinquent way of life' and why some had continued offending into adulthood:

About a fifth of the sample had been convicted of criminal offences as juveniles and over a third by the time they were 32. But half of the total convictions were amassed by only 23 young men – less than 6 per cent of the sample. Most of these 'chronic offenders' shared common childhood characteristics. They were more likely to have been rated as troublesome, impulsive and dishonest at primary school. They tended to come from poorer, larger families and were more likely to have criminal parents. They had also experienced harsh or erratic parental discipline. Six 'risk factors' were eventually suggested by the researchers as the most likely predictors of future criminality (Farrington, 1989):

- socio-economic deprivation (e.g. low family income/poor housing);
- poor parenting and family conflict;
- criminal and anti-social families;
- low intelligence and school failure;
- hyperactivity/impulsivity/attention deficiency;
- anti-social behaviour (e.g. heavy drinking, drug taking, promiscuous sex).

⁷⁰ Including the seminal studies conducted by criminologists Sheldon and Eleanor Glueck of Harvard Law School, a three-wave prospective study of juvenile male offenders done over a thirty-year plus period. For an account of this landmark (if now in some respects criticised) research, see Glueck and Glueck 1968 and Sampson and Laub 2005. The Glueck research, methodology and data have been used by many subsequent researchers in replicating similar studies (see Sampson & Laub 2005).

⁷¹ One particular risk factor that has been identified as contributing to criminogenic behaviour by juveniles is substance abuse by parents and family members. Positive attitudes toward substance abuse by parents also act as a risk factor for young people. See Prichard and Payne 2005 and the discussion later in this chapter.

In addition those convicted at an early age (10-13) tended to become the most persistent offenders. On this basis Farrington (1994, p. 566) contends that future 'chronic offenders' could have been identified with reasonable accuracy at the age of 10 (Muncie 2004b, p.26).

Certainly an early age of onset of criminal behaviour particularly when coupled with other risk factors has been thought to be one of the main factors associated with ongoing, persistent and chronic offending:

Early offending may itself produce reinforcing effects, which contribute to recidivism. Once involved in offending, a young person may be more likely to associate with other young people engaged in criminal behaviour (Stephenson, Giller & Brown 2007, p.44).

Delinquency or early onset of criminal behaviour may be exacerbated when the young person is living away from the parental or family home:

[p]erhaps because of the likelihood of associating with pro criminal peers within a children's home or similar institutional environment...or the reduction of protective factors such as disruption to school placements (Stephenson, Giller & Brown 2007, p.44).⁷²

Of particular concern was Farrington et al's (1996) view formed from the same sample as the Cambridge Study that the 'best predictor' of children becoming criminal and antisocial was if they had a convicted parent by the time they were 10. 'Criminal behaviour, it was argued, was transmitted from parents to children: simply put, crime runs in the family' (Muncie 2004b, p.27).⁷³ Similarly, some studies have reported that having delinquent siblings was also a high risk factor associated with juvenile offending, particularly for males (Graham & Bowling 1995; Stephenson, Giller & Brown 2007):

Such risk analysis has become more and more common since the 1990s as interest in crime prevention research has burgeoned. Something of a consensus around the precipitative factors of family conflict, truancy, drug use, irresponsible or lack of parenting, low intelligence, delinquent friends and community disorganization has emerged (Goldblatt and Lewis, 1998; Rutter et al., 1998; Flood-Page et al., 2000; Youth Justice Board, 2001; Farrington, 2002; Beinart et al., 2002). The problem, however, remains of deciphering which of these numerous variables has more pertinence with some people at some times. The degree to which they interrelate and react remains uncertain. And whilst they may correlate with *recorded* offending, their applicability to all rule breaking – as self reports indicate – is at best tenuous; their connection to the causes of crime is dubious and their potential to inform effective programmes of risk management and crime prevention remains questionable (Muncie 2004b, p.27).

In addition to these family related criminogenic factors, a large body of literature has noted strong links between children from divorced or single parent families and subsequent antisocial or criminal behaviour by young people. According to such theories 'broken homes' are 'less likely to provide adequate supervision and effective socialisation than intact homes' (Rankin & Wells quoted in Jobes 2004, p.6). Research by Wileman, Gullone and Moss (2007) also indicates that both juvenile persistent and life course persistent

⁷² In the United Kingdom, research indicates that young people in the care of local authorities or state institutions are disproportionately likely to commit offences resulting in a prison sentence (Social Exclusion Unit 2001).

⁷³ For further discussion of the links between juvenile recidivism and the criminal behaviour of parents, see Myner et al. 1998; Farrington 2000; Stephenson, Giller and Brown 2007.

offending are characterised by an inadequacy or absence of social ties and/or social support.⁷⁴

Some psychologists argue that a child's experiences and relationships within the family in the very early years of life are at least in part determinative of later behaviour, including offending behaviour. The Victorian Child Safety Commissioner, Mr Bernie Geary, in a submission to the Committee draws upon the work of Jack Shonkoff of Harvard University who argues that:

[e]arly experiences determine whether a child's developing brain architecture provides a strong or weak foundation for all future learning, behaviour and health. When a child experiences an environment which is impoverished, neglectful, or abusive this can lead to a lifetime of increased risk for impairment in learning, behaviour and health (Centre on the Developing Child at Harvard University 2007).⁷⁵

Much evidence was also given to this Inquiry stressing the influence of family background as both a protective factor (when families are stable) and risk factor (when they are dysfunctional) with regard to juvenile offending. For example, in a submission to this Inquiry Professor Leonora Ritter, Charles Sturt University, listed the following factors as crucial contributory factors that could lead to youth offending and antisocial behaviours:

- Senses of belonging and self-worth are insufficiently developed.
- Children do not experience secure and reliable boundary setting.
- Insufficient love from responsible significant others in early life leads to a permanent state of hurt and anger.
- A childhood culture of mistrust (adult mistrusts child; teaches child to mistrust adults) leads to ineffective relationships with responsible adults.
- The unmet need to belong creates susceptibility to peer pressure.
- Emotional pain leads to drug and alcohol abuse.
- Those who are least lovable are most in need of love.⁷⁶

From a systems theory perspective, the link between family background and ultimate youth offending could be seen as part of a continuum. According to Professor Julian Bondy and Dr Marg Liddell from RMIT University:

[i]t could be argued that peer influences lead to criminal behaviour, which involves drug use, which leads to family tensions. As another example, it is clear that the vast majority of clients coming to the attention of the child protection system are poor. Theoretically the proposition could be that poverty is one of the factors leading to child abuse. However an emerging

⁷⁴ Such forms of informal social control would not necessarily have to be provided by the immediate family such as parents. As in some Indigenous families, valuable emotional and material support may be given by extended family members such as grandparents or even close friends and mentors. See Chapter 9 of this Report in the context of 'community capacity building'.

⁷⁵ Quoted in the submission from Mr Bernie Geary, Child Safety Commissioner to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. Shonkoff describes further the idea of *toxic stress* which:

'can result in persistent elevations of stress hormones and altered levels of key brain chemicals that produce an internal physiological state that disrupts the architecture and chemistry of the developing brain. Although individuals will differ in their response to this stress, outcomes recorded by Shonkoff include difficulties in learning and memory, behavioural difficulties, including offending, and maladaptive adult lifestyles' (Quoted in submission from Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008).

⁷⁶ Submission from Professor Leonora Ritter, Charles Sturt University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, August 2008.

theory is that child abuse could come first; the experience of it could be accompanied by disadvantages such as poor education which lead to poverty.⁷⁷

In other words, as Bondy and Liddell make clear there may therefore be multiple relationships between one variable and another. But they add a note of caution: ‘The relationships might not be straight line or causal between one variable and another’.⁷⁸

Evidence given to the Committee by His Honour Judge Bourke, Chair of the Victorian Youth Parole Board, also stresses the importance of family background as a contributing factor in youth offending:

It is very difficult for us to talk about causes, but when you look at the features of their background, family dysfunction from an early age is dominant. I would guess that up to 90 per cent of the young people before us have at least some form of family dysfunction, the bottom end being that the father, for example, has left at a very early stage or the young person never even knew the father. But you get in significant numbers very extreme circumstances of dysfunction, including physical abuse, sexual abuse and heavy drug use by the father and the mother – sometimes there is an emphasis on the mother, because it is usually the mother who has stayed with the child – and you have got this almost phenomenon of short generations. To use an example, the 17-year-old heroin addict or drug addict has a child, and years later that child is in our system, sometimes using drugs – not necessarily drugs, but alcohol – and quite often that child has a child himself.⁷⁹

Just as family disruption, negative family influences and child maltreatment have been suggested as contributing factors in youth offending, research suggests that positive, stable and strong family relationships act as protective factors mitigating against youth involvement in criminal or antisocial activity. Whilst contemporary studies may not be as blatant or unsubtle in making links between ‘good’ mothers and ‘stable’ children (or indeed criminogenic ‘bad’ mothers and ‘unstable’ children),⁸⁰ there are sufficient indicators in the literature to indicate that for a child to grow up as a mentally healthy ‘law abiding’ adult, an upbringing in a traditional two-parent (or at least stable) family is, if not necessary, at least desirable (see Haas et al. 2004). Indeed as Watts, Bessant and Hil remark: ‘Criminologists’ efforts to identify the role of the domestic rumblings of family life in the creation of crime and delinquency have never been less than exhaustive’ (2008, p.135). Take, for example, the following statement from a very recent American study:

Several notable findings that emerge from our empirical analyses warrant discussion. First, youths in two biological parent (intact) families commit the fewest kinds of antisocial behaviours...This finding is consistent with the voluminous literature that finds the prevalence of overall delinquency seems to be about 10-15 percent higher in non intact households as compared with traditional two parent homes (Apel & Kaukinen 2008, p.55).⁸¹

⁷⁷ Submission from Professor Julian Bondy and Dr Marg Liddell, RMIT University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁷⁸ Submission from Professor Julian Bondy and Dr Marg Liddell, RMIT University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁷⁹ Evidence of His Honour Judge Michael Bourke, Chair, Youth Parole Board of Victoria, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October.

⁸⁰ See for example the classic mother child attachment studies of Bowlby discussed in Haas et al. 2004.

⁸¹ If according to such writers the problem is located in the family it follows that suggested policies and programs to address the problems will also use the family as the site of intervention. For a discussion of family centred interventions, see Baker 1998 pp.56–57.

Such portrayals of criminogenic, separated or disrupted families and homes and the linkages made to later youth offending, what Muncie calls the ‘remoralisation of the family’ (2004b, p.239), have not been without their critics. For example, feminist writers have been critical that arguments about the influence of single parents (mothers) and disrupted homes ignore the socially constructed nature of motherhood and the supposed natural role of women in the process of child rearing (see Naffine 1997). Other more general critiques of parental deficiency models have noted the apparent weaknesses in the human development approach of academics such as Farrington:

[Such writers] argue that...[p]arental inability to exercise ‘consistent and firm discipline’, maintain ‘effective communications’ and practise ‘conflict resolution’ are key factors in ‘criminogenesis’, or the manufacture of criminality. These writers argue that deficiencies in these skills produce families that are discordant, argumentative and lacking in parental support and supervision.

There are some complex issues here. Firstly, the sample base of Farrington’s 1994 study was working-class families. Like every other criminologist who has done research on this question, he has not researched other kinds of families, like the families of elite or middle-class professionals to establish the extent to which the so-called ‘pro-social parenting skills’ are actually practised in them.

The fact that Farrington and his colleagues have chosen to focus on low-status, working-class families is a key problem. Are any of the observable differences between the poor, ethnic-minority and working-class families and elite families to be properly understood as deficiencies or simply as differences, and whose judgement about this is to prevail? The preoccupation with researching low-status, working-class, coloured and immigrant families is a traditional bias among conventional criminologists. Why are the alcoholism, sexual promiscuity, emotional abuse or drug-taking of elite families or middle-class families not researched to the same extent as these activities on the part of the lower classes? Is it not possible that too many class and ethnic biases have been allowed to silently inform this research? Have not all manner of assumptions and prejudices about the obvious deficiencies of ‘the poor’ and working-class families, many of them especially in the UK and the USA, found among minority or immigrant communities, shaped the kinds of research done and the conclusions drawn? (Watts, Bessant and Hil 2008, p.143).

A submission from the Springvale Monash Legal Service echo these sentiments, noting that whilst parental neglect may be a source of youth criminality and that lone parent families are also linked with an increased risk of youth offending, penalising the parents is not the answer:

Greater resources are needed to help support these families, who are often forgotten. In the worst case scenario, single parents are blamed for any offending behaviour committed by their children. The rhetoric of blaming the parents is evident in public discourse, such as the proposed new truancy laws which may prevent families from receiving social welfare if their children are not attending school. Further support should be made available to these families, which does not involve punitive measures such as restricting payments or creating further division for families. Punishing parents for the inimical behaviour of their children, which may be the result of a fatality in the family, or being a victim of family violence, is counter productive.⁸²

⁸² Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Support is particularly needed for the children (and spouses) of those parents who have been incarcerated in prison. Australian research by Dennison, Foley and Stewart (2005) indicated that female caregivers are particularly in need of both material and emotional assistance to raise their children whilst their partners are in prison. This is particularly the case where, as is often the case, the father is the primary or only source of financial support. Importantly the study also reinforced previous research that paternal absence including through imprisonment may be a notable factor that contributes to a young person's health and behavioural problems including offending. The authors' report, *Understanding Experiences and Needs of Families of Prisoners*, found that:

While not all children with a family member in prison are at risk of offending or face negative life outcomes, this risk is likely to be real for children who are displaying antisocial behaviours. The aim of any [remedial programs] would be to address problem behaviour prior to children obtaining formal contact with the juvenile justice system, [and prior] to leaving school or becoming involved in anti social peer groups (Dennison, Foley & Stewart 2005, p.76).

The report also found that: 'External support for parenting was minimal with only a quarter of women indicating anyone else helped them to raise or care for their children' (Dennison, Foley & Stewart 2005, p.iii). The effects on the children may be particularly serious if the remaining caregiver does not have the personal, familial or financial resources to cope with the prisoner's absence. It may also be dependent on the degree of family cohesion before incarceration and any available ties to support networks such as extended family (2005, p.3). In short, there are a whole range of snowballing and escalating factors that contribute to putting children of a parent incarcerated in prison at risk of offending themselves or at least behaving in antisocial ways:

Broad challenges facing families included repeat incarceration of the imprisoned male leading to often lengthy and sometimes frequent separation from the family, the occurrence of domestic violence and other antisocial behaviours in the home prior to incarceration, substance abuse by one or both parents, financial difficulties increased through incarceration, reliance on financial support and provision of housing, minimal external support, difficulty locating relevant services, and psychological symptoms of poor health and well-being in the primary caregiver. These factors are likely to impinge on the caregiver's parenting and therefore have a flow on effect on the child.

Specific challenges that children encountered included emotional distress at the separation from the male family member, behavioural problems at home which sometimes extended beyond the home to the local neighbourhood or school, suspensions from school, contact with the police, high levels of moving homes and schools, and low levels of involvement in recreational activities such as sporting groups. Without support or intervention, these challenges are likely to act as risk factors for some children, including a risk for future offending, and may impact children's healthy development and positive life outcomes (Dennison, Foley & Stewart 2005, pp.80–81).

Factors such as family disruption, whilst arguably (if contentiously) injurious to child development, could loosely be classified as indirect behaviours/factors. What effect does actual child maltreatment (including physical and sexual abuse and neglect) have on life course development?

Child development and welfare

Child maltreatment and its possible relationship to youth offending

A wide range of longitudinal and cross-sectional studies links the experience of maltreatment of children with the greater likelihood of youth offending (see the studies cited in Stewart, Dennison & Waterson 2002, and Cottle, Lee & Heilbrun 2001).⁸³ This area has been researched in recent years by academics from Griffith University in Queensland. For example, a study by Stewart, Dennison and Waterson found that whilst generally children who suffer child maltreatment are more likely to offend and that physical abuse and neglect were significant predictive factors for offending, curiously sexual and emotional abuse were not (2002, p.1). The authors' research indicates that maltreated Indigenous children were more at risk of offending later in life than non-Indigenous children (2002, p.4). Indeed in their sample Indigenous children were four times more likely to offend than non-Indigenous children, a finding generally consistent with the research that minority groups are over-represented in both child protection and criminal cases (2002, p.5):

Whether such findings mean Indigenous children are at greater risk of maltreatment or simply that they are more likely to come to the attention of [state authorities] is not known. Brown (1984) suggested that official data over-represent those with low socio-economic status because of bias in agency activity. Given the social inequalities that exist for many Indigenous families, the higher number of maltreatment notifications may be more a function of increased attention by protective services than higher maltreatment levels. This finding requires further investigation (Stewart, Dennison & Waterson 2002, p.5).

The authors sum up their findings and the implications for policy interventions as follows:

Maltreated children are more likely to offend in adolescence than children who are not maltreated. Physical abuse and neglect are more predictive of offending than sexual or emotional abuse, consistent with the limited previous research. Young people whose final maltreatment occurs in adolescence are at greater risk for offending than children whose maltreatment does not extend beyond childhood – a finding which has implications for current theories of offending. Children with out-of-home placements, likely to be indicative of severity of maltreatment, are more likely to offend than children who do not receive an out-of-home placement...

Preventing child maltreatment in the first place is likely to produce a larger reduction in offending. By directing attention to those children who are maltreated and ensuring that the maltreatment is not repeated, significant benefits in crime reduction and outcomes for children can also be obtained. Understanding more about what maltreatment experiences lead to offending would help direct crime prevention approaches to transition points in the child's life or to risk factors so that greater success might be achieved (Stewart, Dennison & Waterson 2002, pp.5–6).

Similar findings have been made in Britain. A review of the research by Swanston et al. (2003) found that a significant proportion of juvenile offenders have a substantiated history of child abuse and there is also an apparent link between adolescent maltreatment and

⁸³ Such claims are certainly supported at least in part by data from the most recent Annual Report of the Victorian Youth Parole Board. In 2006 for example, 29 per cent of the juvenile detention clients of the Department of Human Services had previous involvement with Child Protection agencies (Department of Human Services Victoria 2007b, p.14).

juvenile offending:⁸⁴ ‘The relationship between child maltreatment and juvenile offending has been demonstrated for all forms of abuse and neglect, although there is evidence that the link between neglect and criminal offending is particularly strong’ (2003, p.729).⁸⁵ Swanston’s study also counted exposure to domestic violence as a particular form of child maltreatment that increased risk of anxiety and conduct disorders and, curiously, property crime (2003, p.730).⁸⁶

Young people and out-of-home care

In Victoria the Committee received evidence that there is a high percentage of young people in juvenile detention who have a history of family breakdown, disruption and/or removal from families into out-of-home care.⁸⁷ In a submission to this Inquiry, Professor Julian Bondy and Dr Marg Liddell said:

An analysis of the current client profile in the youth justice system suggests that those that enter the system via correctional orders are the victims of significant trauma. Many are dual order clients having transitioned through the Child Protection system. This transition has not been particularly positive (see Liddell 2004) with many being the victims of chaotic family life, significant abuse, unstable placements, insecure attachment to family or significant others, and few positive life choices.

Workers in the youth justice system have some difficulty interrupting the cycle of offending for many of these young people as their behaviours have become entrenched and the young people more difficult to engage...

Given the research by Lynch et al. (2003) (cited in the Discussion Paper) suggests that 91% of young people on care and protection orders progressed into the adult justice system, more attention needs to be given to the problems that face many children and young people who enter the Family Division of the Children’s Court and progress into the child protection system.⁸⁸

⁸⁴ It is not always children who are subject to physical abuse. There would appear to be an increasing trend for some young people to be physically violent towards their parents, particularly mothers, at least according to some of the witnesses who gave evidence to the Inquiry. For example, Mr Steve Gray, a psychologist with community project Knoxlink told the Committee:

‘I think we are going to see a lot more of it [violence towards parents]. I know it is predominant in the United States. We are seeing far more young people who are offending against parents, and we are talking about full-on violence – smashing up places, parents feeling intimidated and also an inadequacy in the way systems are trying to deal with this problem’ (Evidence of Mr Steve Gray, Psychologist and Youth Worker, Knoxlink, given to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008).

⁸⁵ Swanston et al. state, however, that whilst it is fairly clear that all forms of abuse and neglect have criminogenic effects, it does not necessarily mean that different forms of abuse will have the same kinds of criminogenic effects. The authors found for example that the criminogenic effects of sexual abuse may be manifested differently to those of physical abuse or parental rejection/neglect. For example, victims of sexual abuse were more likely to engage in drug abuse and prostitution than violent crime compared to victims of other forms of abuse, although variations with regard to gender, age and socio-economic status need also to be accounted for (2003, pp.731ff.). For example, one study indicated that male victims of sexual abuse were at higher risk of delinquent behaviour than girls who were more likely to demonstrate internalising behaviours such as depression, attempted suicide, mutilation etc (Chandy et al. 1996 in Swanston et al. 2003).

⁸⁶ Overwhelmingly this was exposure to violence perpetrated by a father towards a mother. The above findings were still the case even after adjusting for a range of other adverse variables such as social and economic disadvantage, divorce or separation and child abuse (Swanston et al. 2003, p.730).

⁸⁷ This is a different albeit related issue to those young people who leave home (voluntarily or involuntarily) and end up homeless. Homeless young people who may engage in offending are discussed separately in Chapter 12 of this Report. Also discussed separately are the needs of those young people who are making the transition between juvenile custody or detention and living in the community. See Chapter 11 of this Report.

⁸⁸ Submission from Professor Julian Bondy and Dr Marg Liddell, RMIT University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

This is borne out by those who work in the juvenile justice sector. For example, Mr Alex Kamenev, Director of Youth Justice Custodial Services told the Committee:

Family breakdown is common with youth justice clients and about a third have had some involvement with child protection. About a third of custodial clients have had immediate family who have been imprisoned as well. So it's quite a substantial amount of young people from disrupted family backgrounds. Many of our young people in custody have experienced terrible abuse and neglect, particularly young women.⁸⁹

Mentoring and employment agency, Whitelion, also stresses how important it is to tailor programs for young people in residential or out-of-home care to prevent or at least reduce their involvement in offending:

Young people transitioning from out-of-home are likely to have experienced many of the risk factors associated with exposure to the justice system, including:

- Being undereducated, unemployed or underemployed;
- Having prior involvement with the criminal justice system;
- Being dependent on social assistance;
- History of abuse or trauma;
- Intergenerational disadvantage;
- Having substance abuse issues.

One study on young people's experiences in transitioning from out-of-home care found that 'half of the group in the study had experienced a period of homelessness since leaving care and almost the same number reported committing criminal offences since leaving care'. A lack of transitional services for young people leaving care has been blamed for this demographic having a considerably high offending rate. The demographic of these young people suggests that they run a higher risk of offending than young people in the general population. Aside from the personal circumstances that a young person in out-of-home care may face many confront issues upon leaving the regulated environment of a residential facility. Responses from surveys of young people in the residential care system reported a need for better transitional services.⁹⁰

One of the issues that most concern community and youth agencies that gave evidence to this Inquiry is the issue of inadequate provision of services to support a young person in transition from out-of-home care to independent living. For example, the Youth Affairs Council of Victoria (YACVic) and other community agencies stated in a joint submission:

While other young people in a similar age group in the Australian community have a say in the timing of their independence, and are increasingly delaying their move from the parental home, young people who live in State care have very little control over their transition from care into adult life. The most vulnerable young people in the State who have suffered abuse and neglect from their birth family are known to have developmental delays and behavioural problems as a result of the abuse and neglect, and are known to achieve outcomes significantly lower than their non-care counterparts in education, employment, health and housing. They have very little or no social connections or significant relationships and are currently discharged into the community to fend for themselves with no support from the State. Despite the breadth of evidence obtained through local, national and international

⁸⁹ Mr Alex Kamenev, Director of Youth Justice Custodial Services, Department of Human Services, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Juvenile Justice Centre, Melbourne, 5 August 2008.

⁹⁰ Submission from Whitelion Inc to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

research, there has been no concerted policy to date in Victoria to support young people's transition from care into adult life, other than narrowly defined programmatic responses.

The range of predominantly negative outcomes encountered by young people leaving care has been well-documented by researchers...Negative outcomes include:

- Homelessness — frequent changes in accommodation, isolation and loneliness.
- Education/employment deficits – low levels of education, high levels of unemployment.
- Drug and alcohol – use and abuse.
- Financial deficits – inadequate income and difficulties with money management.
- Mental health problems – psychological disruption, depression and suicide.
- Early parenthood – more likely to become parents at an early age.
- *Crime – high risk of involvement in the criminal justice system* (Author's emphasis).
- Prostitution.

A significant proportion of young people leaving care are likely to experience a combination of these negative outcomes that can result in their failure to achieve independent living. For many young people, the end result of leaving care is not a transition to adulthood and independent living, but a continuing reliance on social support services, and long-term dependence on the State, often at a very high economic cost to the young people, the State and the society at large.⁹¹

Many other community and juvenile assistance agencies gave similar evidence to the Inquiry.⁹² Young people who are or have been in state care also expressed such views. For example, when a group of young people who had been or are homeless or in out-of-home care gave evidence to the Committee they stressed how the 'system' had let them down. They also felt the out-of-home care services environment could be contributing to youth offending and antisocial behaviours. 'Vicki', for example, told the Committee that:

A lot of young people especially in out-of-home care are really angry that their families don't want them, they're angry about the place that they're living in and the situation they're in, they're angry at themselves their families and everybody else around them and they commit crimes to vent that anger...[In addition] a lot of young people in out-of-home care don't know how to read or write and they don't have the support there to help them fill out the number of forms that you've got to fill out...

I lost my dad when I was 12 and my mum when I was 13 and I was out on my own at 14 before I went into care...and I had no one to support me...I didn't have any family that were looking after me any more and I still couldn't get on payments, I had to live off of my friends...⁹³

⁹¹ Submission from Youth Affairs Council of Victoria, Centre for Multicultural Youth, Youth Referral and Independent Person's Program and Centre for Excellence in Child and Family Welfare to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁹² In addition to the views expressed, similar comments were made by community legal agency Youthlaw: 'Young people who have been in state care are heavily over-represented in the population of homeless youth and those engaged in the youth justice system. There has been concern across the Victorian system about the poor outcomes for children and young people in state care and post state care. A lack of appropriate support for young people making transition from state care to independent living often increases their risk of becoming homeless, or engaging in criminal activity' (Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008). Similar views were expressed by Jesuit Social Services, Anglicare Victoria and the Youth Substance Abuse Service (YSAS).

⁹³ 'Vicki', CREATE member, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, 10 November 2008. The names of CREATE members who met with the Committee have been changed to protect their privacy.

Despite the problems associated with out-of-home care, a positive development has been changes to both child welfare legislation and policy in Victoria that allows young people who turn 18 to continue to have case planning and services available to them through the Department of Human Services and associated agencies. In the past, a huge problem had been the abrupt ending of such service delivery once the young person in question had reached 18. In extreme cases this could mean that a vulnerable young person in state care would be left to make their own transitional arrangements for living independently.

Another welcome initiative is a joint enterprise between the Office of the Child Safety Commissioner and the Department of Human Services to develop a Charter for Children in Out-of-Home Care. This simple charter developed with the assistance of 130 young people in care themselves sets out the needs, rights and responsibilities of young people in out of care institutions in Victoria.⁹⁴

The issues of parenting, family background and family strengthening will be discussed further in the context of strategies to reduce or prevent juvenile crime later in this Report.⁹⁵

Influences outside the family

Influences *outside* the family, such as mentors, peer groups, clubs and leisure pursuits or even school may act as protective factors against involvement in crime even for young people who have come from fairly chaotic backgrounds. As Haas et al. state, additional information is required on why some children thrive even when raised in the most difficult circumstances:

[I]t is important to focus research on the potential for resilience among these children. Some research [for example] on the repercussions of conflict and family disruption suggests that academic and social competence and structured environments can be protective factors promoting resilience in adolescents who experience [negative] family transitions (Hetherington in Haas et al. 2004, p.530).

As indicated, one of the most important extracurricular or outside influences that may impact on child development and possibly future youth offending is the school environment.

Schools and schooling: The influence of education on youth offending

One of the key factors consistently shown to be a strong influence on youth offending is schooling, and particularly retention (or non-retention) in schools.⁹⁶ As Prichard and Payne state:

Experiences at school can have lasting effects on life trajectories. Adolescents who are attached to school and perform well in academic and/or sporting endeavours are less likely to be attracted to antisocial behaviour... Conversely, risk factors associated with school include:

⁹⁴ See Submission from Mr Bernie Geary, Child Safety Commissioner for Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁹⁵ See in particular Chapter 7.

⁹⁶ Prichard and Payne's study of drug use amongst young people in juvenile detention found for example that 76 per cent of the juveniles sampled had left school before they entered detention and that the mean age of leaving school was 14, lower than the minimum school leaving age in most jurisdictions (2005, p.20). Moreover, 60 per cent of the sample whilst at school had been expelled and the majority had actively truanted and been suspended at least once (2005, p.76).

- Academic failure and lower levels of education
- Truancy and lower commitment to schooling
- Leaving school early; and
- Changing schools frequently.⁹⁷

Truancy and leaving school early increases the amount of time juveniles spend unsupervised. During this time, boredom, peers or a variety of other factors may lead them into criminogenic behaviour and substance abuse (Prichard & Payne 2005, pp.75–76).⁹⁸

This is certainly the experience of some of the community agencies that are working with young people who may have had negative experiences at school and/or exposure to the juvenile justice system. For example, a worker from the innovative ‘Shed Project’ run by Berry Street, Gippsland states:

[g]enerally [school leavers/truants] have been out of school for a period of time, [and] will actually hang out with kids that are much older than them that also are not going to school. So we find that a lot of the older kids are actually influencing the younger kids and so during the day when everybody else is at school those kids are out offending, drinking, stuff like that and they might only be 10, 11 and 12. So when they come to us already at 12 and 13 they already have criminal histories because they’ve grown up into a culture that means that because they don’t go to school and because they’ve been in the community, that’s where they’ve been offending. So by us actually taking them in and having programs here during the day it limits the opportunities they have to be out with those groups that are actually offending.⁹⁹

In Australia it has been demonstrated that poor academic performance, truancy, harsh discipline and a range of other factors relating to both the pupil and the school may lead to early leaving.¹⁰⁰ Early leaving in turn may contribute to problems associated with finding employment and in some cases a lack of legitimate employment may be a contributing factor to youth offending (Moffat, Weatherburn & Donnelly 2005). For example, Chapman et al. in their study of long-term youth unemployment and its relationship to offending argue that: ‘[e]ven *some* successful education...is better than none at all’ in preventing or reducing youth crime’ (2002, p.9).

⁹⁷ One could add to this list, a lack of appreciation for or encouragement of education and schooling by parents and other significant others (Tatem-Kelley et al. 1997).

⁹⁸ There is an enormous research literature on the links between school performance, the influence of schools and youth offending. For a literature review of the area, see Baker (1998). Her Review of juvenile offending in New South Wales remarked that schooling is widely thought to have a causal influence on juvenile involvement in crime. In particular: ‘Poor academic performance has been shown to be related to both the onset and frequency of offending (see, for example, the meta-analysis by Maguin and Loeber 1996; Farrington 1987). School conduct problems, including truancy, are also important predictors of offending (Loeber & Dishion 1983; Thornberry, Moore & Christenson 1985; Tremblay et al. 1992)’ (Baker 1998, p.4).

⁹⁹ Ms Tracey Taylor, Team Leader, Education and Training, Berry Street (Gippsland), Site Visit to Educational Program ‘The Shed’, Morwell, 14 October 2008.

¹⁰⁰ Other criminological research has posited quite strong links between juvenile crime, recidivism and factors pertaining to education. For example, in a review of the research Stephenson, Giller and Brown make the following observations:

‘Non-attendance at school is an important factor in relation to starting offending (Graham and Bowling 1995). Young people performing poorly at school are more likely to start offending (Maguin and Loeber 1996). Low grades and dropping out of education are associated with offending (Simourd and Andrews 1994). Being excluded from school is also strongly associated with offending behaviour of young people. A study of the effects of permanent exclusion from school on the offending behaviour of young people (Berridge *et al.* 2001) confirmed earlier research findings of persistent offending among a high proportion of those excluded. A history of receiving special educational provision was identified by Cottle *et al.* (2001) as a predictor of recidivism’ (Stephenson, Giller & Brown 2007, p.44).

The influence of schools, both positive and negative, on children and youths and the levels of education attained by a young person are therefore key factors that may contribute as either protective factors or risk factors with regard to involvement in youth offending (Morris, Sallybanks & Willis 2003).

It is important to note, however, that problems associated with learning, schooling and truancy are not necessarily, or at least not only, problems attributable to the individual child. Structural and other factors peculiar to individual schools and/or the organisation and administration of schools generally (both state and private) may also contribute to the problem. Weak supervision, unimaginative teaching and a lack of alternatives to punitive policies such as suspension or expulsion to deal with difficult students may also be to blame. One British study stated that schools in certain circumstances may even be criminogenic (Hayden, Williamson & Webber 2007, p.295).

School suspension in particular may be a counterproductive method of dealing with 'recalcitrant' students. It has been argued that it is essential to find creative ways of addressing [and retaining] school 'troublemakers' that do not compound the problem or disrupt the rest of the class or school community other than always through expulsion or suspension (White 2002a).

A cross-cultural study comparing schools in Victoria (Australia) and Washington State (USA) found that:

[the] experience of school suspension increased the risk of subsequent antisocial behaviour in both states, even after controlling for demographic characteristics and individual and family risk factors. These findings suggest that, rather than deterring antisocial behaviour, school suspension may exacerbate antisocial behaviour. The reasons for this are unclear. Perhaps students who experience suspension rebel by engaging in more antisocial behaviour or it is possible that suspending students from school may disconnect them from a positive social environment and increase their exposure to other risk factors (eg failure to complete schooling) for antisocial behaviour...If the latter is the case, the implication is that schools need to consider alternative ways of dealing with misbehaviour (eg time out within school) when it occurs, and to adopt proactive approaches for dealing with these students (Hemphill, Toumbourou & Catalano 2005, p.25).

Some research studies have argued that it is therefore essential for schools to have re-entry policies for excluded and disaffected students:

British research has demonstrated that by excluding children from school, education departments actually shunt costs across to other agencies, such as the police and social services, while potentially causing immense harmful effects on family relationships...One solution to this is to ensure that expelled students have somewhere else to go to school. The use of alternative schools [or schooling structures] can be a viable option that either prepares students for regular schooling at some point in the future or provides ongoing alternatives for young people who cannot cope (for whatever reason) with mainstream offerings (White 2002a, p.3).

This is particularly important for those young people who are homeless or in out-of-home care. Evidence to this Committee has indicated it is these groups of young people who most often leave school early or otherwise disengage from the education system.¹⁰¹ A review in 2007 into repeat juvenile offending in South Australia conducted by that state's Commissioner for Social Inclusion found that poor school engagement was a chief reason and significant risk factor for involvement in serious criminal offending by young people. In the Final Report of the Inquiry, Commissioner Cappo stated:

The need to better engage these young people is critical. Through my discussions with young people it has become clear that the mainstream approach to schooling is not the most effective way to encourage young offenders to participate in learning. There is now a growing body of evidence that indicates through the use of more flexible learning approaches we can engage these young people in learning and have an effect on their involvement in offending (Cappo 2007, p.16).

Unlike White, however, Cappo did not always believe the establishment of alternative schools was necessary or even desirable:

Through implementation of the Social Inclusion Board's School Retention Action Plan we have been able to demonstrate that by adopting a more flexible approach to learning we can successfully engage and, in some cases, re-engage young people in learning. However, a flexible approach does not mean the creation of alternative schools. What it means is that mainstream schools have to change the way they are doing things. Since the implementation of the School Retention Action Plan, many schools have been able to trial innovative approaches to learning, and I am most encouraged by the large number of young people who have benefited as a result of these innovations. Nevertheless, the School retention Action Plan has also confirmed that there is still much to be done to close the gap in learning outcomes particularly between Aboriginal young people and non-Aboriginal young people (Cappo 2007, pp.16–17).

Although retaining students in school or providing some other form of training is a necessary measure it is not sufficient in itself to prevent antisocial behaviour. Programs may need to be developed that *reward* pro-social behaviour rather than just punishing antisocial behaviour.¹⁰²

This brief discussion indicates that a child's experience at school can have a profound influence on his or her ongoing development. Further discussion with regard to education and schools in the context of strategies to prevent or reduce youth offending is found in Chapter 8 of this Report.

¹⁰¹ See for example the submission of child welfare agency Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. In particular, Berry Street:

'[s]trongly believes that there should be dedicated funding for the education of children in out-of-home care, whether they be in the Government or Non-Government school sectors. This dedicated funding would assist schools to provide children with the appropriate supports, including case management'.

¹⁰² The AIC found that rewarding pro-social behaviour in school 'has been found to be particularly effective in reducing truancy and discipline problems' (AIC 2002, p.17.)

Health issues and substance abuse

Research suggests that young offenders suffer from poorer physical and mental health than their non-offending peers (Kenny et al. 2006; Allerton et al. 2003). A recent study conducted in New South Wales of young offenders found far higher rates of illnesses such as asthma, Hepatitis C, sexually transmitted diseases, smoking related illnesses and mental health disorders¹⁰³ such as depression than young people in the general population (Kenny et al. 2006). Again one needs to be careful about making simplistic causal analyses, for example that poor health or mental illness causes young people to commit crime or that being in youth detention exacerbates any pre-existing health conditions. Nonetheless, these links are of concern.¹⁰⁴

Of even greater concern is the fact that an enormous body of literature testifies to the fact that substance abuse may exacerbate youth offending or at least that ‘many of the factors that influence drug use also have been identified to influence criminal activity’ (Cappo 2007, p.21).

The question as to what, if any, causal influence substance abuse has on crime is complex, unclear and controversial. Often the research evidence is itself contradictory and confusing, as noted by Baker in her study of juvenile recidivism in New South Wales:

Some evidence suggests that substance use may precipitate involvement in crime...while other evidence suggests that substance abuse may magnify the level of involvement in crime...Others however, argue that substance use and crime coexist but exert no causal influence on each other...

If substance use *does* have a causal influence on involvement in crime there are two main ways in which it could do so. The first way in which substance use could influence crime is directly. This kind of relationship would occur, for example, where the use of a particular substance leads an individual to commit crime because the psychopharmacological effect of the substance is to increase aggression or reduce inhibitions. The second way in which substance use could influence crime is indirectly. An example of this kind of relationship is when an individual commits crime to raise money to buy a particular substance (Baker 1998, p.6).¹⁰⁵ (Committee’s emphasis)

¹⁰³ In the United States, research has shown a very high level of psychiatric disorders among inmates in juvenile detention. In Abrams study of juvenile detainees in facilities in Minnesota, she found that the majority of young people were on prescribed anti-psychotic medications and/or were suffering from mental disorders listed in the Diagnostic and Statistical Manual of Psychiatric Disorders (DSM IV). See Abrams 2006. For similar findings in the Australian context, see Hayes and McIlwain 1988.

¹⁰⁴ For example in the most recent Annual Report of the Victorian Parole Board it was stated that of the 137 male and 12 female young people in youth custody in Victoria for 2006–2007:

52 per cent presented with mental health issues

27 per cent presented with issues concerning intellectual functioning

90 per cent were alcohol users

76 per cent were [other] drug users (Department of Human Services 2007b, p.14).

¹⁰⁵ Certainly there is reasonably strong evidence to suggest that heroin use is associated with acquisitive property crime (burglary, theft) and alcohol use is related to crimes of violence (assaults etc), public disorder and property damage. See Baker 1998, pp.6ff and the references listed therein.

It is not intended in this Report to analyse the voluminous literature covering the links between substance abuse and youth offending.¹⁰⁶ Nonetheless, it is useful to raise a few salient points based on some of the more recent research in the area.

Certainly the literature suggests that many if not a majority of young offenders in detention or on community service orders will have used drugs or alcohol at some point prior to their detention.¹⁰⁷ A study of alcohol and drug use by juvenile detainees conducted by Prichard and Payne for the AIC found that:

[d]etainees consistently engage in a wide variety of illegal behaviours and for most substance abuse is a prominent feature of their lives [Our] research provide[s] clear evidence that juvenile crime is *closely related* to substance abuse (Prichard & Payne 2005, p.55). (Committee's emphasis)

Many of these offenders will have committed the crimes that led to their convictions and/or detention whilst intoxicated or under the influence of drugs and/or alcohol (Cappo 2007, p.21).

This was one of the findings of Prichard and Payne in their study of drug use by juvenile detainees. Seventy per cent of the youths surveyed in their study were intoxicated at the time of their last offence. Other disturbing findings with regard to this review included:

- 72 per cent of detainees, reflecting on their whole criminal career, reported that substance abuse had a negative impact;
- regular offenders were twice as likely as non-regular offenders to have been intoxicated at the time of their last offence, and considered substance abuse to have had an impact on their general criminal behaviour;
- 75 per cent of regular offenders reported regularly using substances, compared with 31 per cent of non-regular offenders;
- about one third of youths who had committed burglary, assault or who had sold drugs provided psychopharmacological explanations for their offending;
- 44 per cent of burglars and 38 per cent of drug sellers reported that they had committed offences to fund their drug habits;
- 67 per cent of all juveniles reported using one or more substances on a daily basis in the six months prior to being arrested for their last offence; and
- daily users were significantly more likely to offend several times a week and to sell drugs regularly.

It is difficult to establish causality between substance use and crime. However, conservative estimates suggest that 33 per cent of juveniles were detained for offences caused by their substance abuse (Prichard & Payne 2005, p.55).

Prichard and Payne's study is of great concern as it suggests in some instances a possible ongoing pattern of both increased substance abuse and re-offending, both of which may reinforce the other.

Further discussion on the links between substance abuse, mental health, young people and crime and strategies to address these issues is given in Chapter 12.

¹⁰⁶ For comprehensive summaries of this issue see Drugs and Crime Prevention Committee 2001, 2002, 2004, 2006.

¹⁰⁷ See for example Annual Report of the Victoria Youth Parole Board 2006-2007 (Department of Human Services 2007b).

Conclusion

As this chapter has shown, canvassing the reasons or causes as to why young people may offend is extraordinarily complex. Indeed it is arguable that a search for ‘causes’ or at least one defining cause is inappropriate and counterproductive. Rather, there are numerous factors that either singly or, more often than not, in combination may act as contributory factors.

This chapter has not been able to review *all* possible explanatory theories or approaches as to why some young people may engage in criminal or antisocial behaviour. To do so would require a voluminous report in itself. For example, this Report will not be examining further the myriad explanatory theories of offending and antisocial behaviour that arise from biological, biochemical, psychological and personality theories.¹⁰⁸ Some theories such as the linking of intelligence or its lack (as measured by intelligence quotient or IQ) with criminal behaviour are highly questionable and contentious.¹⁰⁹ There are also explanations that link criminal offending, antisocial behaviour and/or poor mental health amongst (young) people to nutritional or dietary deficits.¹¹⁰

Finally, whilst this chapter has reviewed some of the problems associated with assigning risk factors as predictors of future criminal offending, this does not mean that some of those risk factors are unimportant or irrelevant. It would indeed seem relevant, for example, that unemployment or negative schooling experiences is linked to varying degrees with antisocial behaviour. It is the way in which such factors are used as a predictive template of offending that is perhaps more open to question.

In Section B of this Report the issues and determinants of youth offending that have been discussed in this chapter, including economic disadvantage, unemployment, family breakdown and disruption, substance abuse and poor mental health, being in out-of-home care and education and schooling factors will be examined again in the context of strategies that can be developed and implemented to prevent or reduce youth offending.

¹⁰⁸ For a summary of such theories see Wileman, Gullone and Moss 2007.

¹⁰⁹ See Jobes 2004 for a critical discussion of such linkages.

¹¹⁰ See for example, the 2008 Report of the Inquiry into *The links between diet and behaviour* by the Parliamentary Food and Health Forum (UK). Accessed at <http://www.fhf.org.uk/inquiry>.

4. Repeat Offending: Is there a Career Pathway in Crime?

Offending histories and career paths

At the outset it is important to bear in mind that whilst there is a discrete core of long-term and/or persistent or multiple offenders, many young people who commit crimes, particularly relatively minor crimes, may desist from further offending after an initial contact with the youth justice system.

Studies on the extent to which young people initially commit criminal offences (including 'high volume' offences), re-offend as juveniles and then subsequently offend or re-offend as adults have resulted in conflicting findings. There is also a notable divergence in thinking as to how policy responses should deal with youth offending. Should a young person's criminal or antisocial behaviour be formally addressed after one contact with the criminal justice system or should precious resources be allocated only to those young people who are shown to be persistent or serious offenders at a later period in their lives? Does the latter alternative avoid the phenomenon of net widening, discussed later in this chapter? To a certain extent an understanding of criminal career paths may be useful in addressing these issues.

Since the 1980s much academic and applied research in the area of youth offending has been focused on the notion of criminal *careers* – that is, how individual patterns of offending change over time: 'In this field of study, the focus is on offending paths, including the age of onset, escalation and de-escalation in offending rates, as well as patterns of persistence and desistance' (Marshall 2006, p.2).¹¹¹ More recently, as Farrington notes, developmental and life course criminology has incorporated and built upon the concept of criminal pathways 'to include the study of risk factors and life events that may impact upon these trajectories' (Farrington 2003 in Marshall 2006, p.2).¹¹²

Importantly, a steady body of research findings has found that for many juveniles the criminal career is relatively short-lived and/or opportunistic; that is, most young people who come into contact with the juvenile justice system do not re-offend, irrespective of whether the offence was detected, prosecuted or processed (Cappo 2007; Muncie 2004b, O'Connor & Cameron 2002; Coumarelos 1994).¹¹³ There are also a group of young people who will tend to 'grow out' of offending (and re-offending) as they get older as part of a natural maturation process (Rutherford 1992; McNeill 2006). Judge Michael Bourke, Chair of the Victorian Youth Parole Board told the Committee that for some young people, even those

¹¹¹ For some of the earlier accounts of 'criminal career' or trajectory research, see Wolfgang, Figlio and Sellin 1972; Blumstein, Cohen and Farrington 1988a and 1988b; Blumstein, Cohen, Roth and Visser 1986.

¹¹² A detailed discussion of developmental criminology, risk and protective factors and their relationship to youth offending is given in Chapter 3.

¹¹³ Although there are problems associated with establishing the actual 'duration' of juvenile criminal careers. For example, as Coumarelos argues some juveniles may have started their criminal careers a considerable time before their first appearance in Children's Court (1994, p.8). It may also depend on the type of offence committed. Violent offenders, for example, are more likely to be apprehended than property offenders as there are more likely to be witnesses to identify the offender such as the victim:

'Given that offenders are generally not apprehended for the majority of thefts they commit, juveniles who re-appear in the Children's Court for theft offences are likely to have also committed a considerable number of theft offences for which they were not apprehended' (Coumarelos 1994, p.11).

with fairly long and extensive ‘criminal careers’, approaching adulthood might act as a break on their offending:

Our most hopeless cases are the 14 and 15-year olds. They think about 30 minutes ahead. We have got some kids who have been on parole and in breach of parole four, five or maybe even six times. But as they are getting closer to 19 or 20 their performance [improves] – It is the normal maturation, I think. The ones who are capable of it pick up the clues or the cues of being able to use assistance, develop relationships, and sometimes they go significantly better at 19 than they did at 14.¹¹⁴

The academic literature also stresses the significance of this maturation period and how it can be buttressed by ‘objective’ changes in the young person’s circumstances usually associated with a life transition such as acquiring a job:

...the desistance literature has pointed to a range of factors associated with the ending of active involvement in offending. Most of these factors are related to acquiring ‘something’ (most commonly employment, a life partner or a family) which the desister values in some way and which initiates a re-evaluation of his or her own life... (Farrell 2002, p.11)

McNeill argues that desistance from offending seems to be:

[s]omewhere in the interface between developing personal maturity, the changing social bonds associated with certain life transitions, and the individual subjective narrative constructions which people who have been involved in offending build around these key events and changes. It is not just the events and changes that matter; it is what these events and changes mean to those involved. Indeed desistance itself is perhaps best understood as a process of transition. Maruna et al. (2004) suggest that it is helpful to distinguish primary desistance (the achievement of an offence-free period) from secondary desistance (an underlying change in self-identity) (2006, pp.131–132).¹¹⁵

Furthermore, as Prichard and Payne remark, ‘Typically youths who commit crimes do so with little forethought; spontaneity and risk taking are characteristics of juvenile crime’ (2005, p.11). This fact raises important issues as to whether scant resources should be spent on strategies and programs addressed at young people who may not in any case have a long-term involvement in the criminal justice system?¹¹⁶ As the Victorian Juvenile Justice Rehabilitation Review noted: ‘There is limited value in intervening with young people who

¹¹⁴ Evidence of Judge Michael Bourke, Chair, Youth Parole Board of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

¹¹⁵ Interestingly, some researchers have indicated that both the understanding and the practice of desistance from offending may be experienced differently between young men and women. For example Gelsthorpe and Sharpe, reviewing the research, state: ‘McIvor et al. (2004) ask whether or not desistance is different for girls, following signs from the various self-report studies that girls desist from crime sooner than boys. Jamieson et al. (1999) found both that a variety of social and cognitive factors may influence decisions to desist and that these factors may differ in their salience between males and females. In this Scottish study, young men tended to couch their explanations of desistance in broadly utilitarian terms, whereas young women more often alluded to the moral dimension of crime. Young women also often felt a profound sense of guilt or shame – in other words, a “relational” dimension (see Gilligan 1982). Practical considerations, such as looking after an infant, also had an influence’ (2006, p.54).

¹¹⁶ For a good, if dated, analysis that determines the point at which any given juvenile justice intervention will become cost-effective, see Coumarelos 1994, pp.27ff. As Coumarelos states: ‘An intervention would be cost-effective at the point where the savings resulting from the intervention outweighed the cost of the intervention’ (1994, p.27). The analysis is much more sophisticated than the previous somewhat axiomatic statement would suggest. Coumarelos argued that it is least cost-effective to target juveniles after their first court appearance given that this group ‘accounts for the largest proportion of juveniles who do not re-appear in the Children’s Court’ (1994, p.34). Despite, more recent studies that suggest this is not true, or at least will not always be true, it is nonetheless important to bear in mind cost-effectiveness as one factor in determining how interventions are developed to reduce youth offending.

are unlikely to re-offend' (Day, Howells & Rickwood 2003).¹¹⁷ The Review notes also that such attempts may be counter-productive and lead to the unforeseen consequences of *net widening*.¹¹⁸

Nonetheless, this distinction between one-off and persistent offending has important implications for crime prevention strategies. As Dr Sheryl Hemphill from the Centre for Adolescent Health told the Inquiry:

In 1993 [academic] Terry Moffitt put forward two pathways for antisocial behaviour. The first is the life-course persistent pathway. This is a small group of children who engage in antisocial behaviour from a young age and continue with criminal behaviour into adulthood. These children typically show neuropsychological deficits and difficult temperament and live in socioeconomically disadvantaged and unsupportive environments.

The second pathway, on the other hand, is what is called the adolescent-limited pathway. These young people typically have not engaged in antisocial behaviour during childhood. They do so in adolescence and typically do not progress into adulthood... Moffitt suggests that for these young people antisocial behaviour is triggered by the gap between their biological maturity – that is, puberty – and social maturity – being able to vote, drive a car, buy alcohol et cetera. These people engage in antisocial behaviour to try and breach that maturity gap between their biological maturity and their social maturity.

These are young people who have difficulties in childhood but then seem to recover from that and no longer engage in antisocial behaviour later.

The key messages from this work are that, firstly, given the varying characteristics and outcomes of these groups, different targets for prevention and early intervention can be identified. For example, the life-course persistent group may require very early intensive intervention and continued support throughout their lives. [However] for the adolescent-limited group it may be more about finding pro-social ways for them to engage and get through puberty and development as they grow up.¹¹⁹

In addition to long-term and occasional offenders a distinction has been made between early and late onset offenders. Early onset offenders comprise those individuals who begin to offend early in childhood while the late onset group involves offenders who, as a general rule, offend after the age of 14 (Skryzypiec 2005, p.2):

The aetiology of the two groups differ, as does the type of prevention strategies needed to prevent or further reduce offending. The early onset group is drawn from families characterised by poor parental discipline, impaired family problem solving and general dysfunction, which reinforces and exacerbates anti-social behaviours that are maintained over the life course. Late onset offenders, however, are described as adolescent limited offenders who through the processes of social mimicry, and motivated by a desire to demonstrate maturity and personal independence, “engage in delinquent behaviours only during adolescence” (Fergusson et al. 2000) (Skryzypiec 2005, p.2).

¹¹⁷ As another Victorian Government review – *Recidivism Among Victorian Juvenile Justice Clients 1997–2001* – noted: ‘Effective juvenile justice services need to concentrate their limited resources on those young offenders who are likely to pose a continuing risk to the community’ (Department of Human Services Victoria 2001, p.6). This begs the question of course as to how young people thought to be at high risk of re-offending can be identified and assisted.

¹¹⁸ Net widening has been described by People and Trimboli as:

‘A phenomenon where a process which has been introduced as an alternative to court or in order to divert offenders from court or prison results in more offenders being brought into the justice system. The occurrence of net widening is used as an indication that a scheme or pilot is not targeting the intended group of offenders’ (People & Trimboli 2007, p.4).

¹¹⁹ Evidence of Dr Sheryl Hemphill, Senior Researcher, Centre for Adolescent Health, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

An added complication for criminal justice policy is that not only does the development of patterns of offending differ between early onset/late onset offending but also amongst early onset offenders themselves different paths may apply. For example, as Marshall asks, ‘Why does one group of early onset offenders desist in their offending during adolescence, and another group persist into adulthood?’ (Marshall 2006, p.16).

Answers to questions such as these are important, as they will ‘enable the criminal justice system and the range of service agencies dealing with young people to provide more appropriate responses to juvenile offending’ (Marshall 2006, p.16).

These questions and issues were canvassed at a recent ‘roundtable’ to discuss a perceived increase in violence in public places in Victoria, particularly amongst young people. Discussing the developmental, biological and social processes that may impact upon youth offending, particularly violent behaviour, the Final Report of the roundtable commented:

Biological and social developmental processes are reflected in the patterns of antisocial and other offending behaviour. Generally speaking, those who start young offend more often and for longer. Shoplifting in early adolescence becomes property crime and violence by the early 20s. Teens tend to offend in groups, those in their 20s as individuals. Younger offenders cite a variety of reasons to get material goods; for revenge, excitement, or out of anger. Crimes by older offenders tend to be planned and utilitarian rather than spontaneous or for enjoyment. The age when offending is most prevalent is 15 to 19, and most offenders stop by their late 20s as they accept and comply with norms of acceptable behaviour (Australia 21 2008, p.16).

Victoria Police have argued in a submission to this Inquiry that more effective responsiveness from and across government (and the community sector) is dependent on great understanding of these social and developmental processes and ‘the influences and causal contributing factors to problem behaviour of which offending is only one element’.¹²⁰ In their view:

More research is required of the profile, circumstances and experiences of Victorian young people in contact with the criminal justice system. There is a dearth of material relevant to the Victorian context, which is vital if the research is to inform policy and program development.¹²¹

Recidivism and its relationship to criminal career paths

As discussed earlier, for many young people involvement in crime or the criminal justice system may be ‘one-off’, or at least relatively short-lived; for others, re-offending may indeed be a regular part of their criminal ‘career’.

¹²⁰ Submission from Chief Commissioner Christine Nixon, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

¹²¹ Submission from Chief Commissioner Christine Nixon, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The *conceptual* problems pertaining to recidivism and its relationship to career trajectories are some of the most complex areas of contemporary criminology.¹²²

In particular, one of the key debates in discussing recidivism pertains to the transition from juvenile to adult offending. The little research in Australia that has been undertaken in the context of juvenile offending has resulted in contradictory findings. Chen et al. argue that research in this area has been hampered by ‘the inability of most state and territory governments to track the progression of offenders from juvenile to adult criminal courts’ (Chen et al. 2005, p.1). Although certainly a large body of research has found that a person who first appears in court when young (10–12 years) is more likely to re-offend than a person who first appears in court in the late teenage years (Blumstein, Farrington & Moitra cited in Chen et al. 2005).

A study by Coumarelos in 1994 tracked 33,900 juveniles who had their first Children’s Court appearance between 1982 and 1986. Coumarelos found that almost 70 per cent of the offenders did not reappear in Children’s Court following their first appearance.¹²³ These findings have been used for many years to justify a longstanding policy of minimising both preventive and rehabilitative criminal justice interventions amongst first time juvenile offenders (Chen et al. 2005). Indeed a landmark review by the Australian Institute of Criminology (AIC) in 2002, *What works in reducing young people’s involvement in crime?*, suggests that: ‘Most juvenile involvement in crime stops without any need for intervention’ (AIC 2002, p.13). Recent research, however, has indicated mixed findings.¹²⁴

The contradictory findings in criminal justice research pertaining to youth recidivism are indicated in the following account from Prichard and Payne:

The research into juvenile criminal careers is mixed. Some studies indicate that most young offenders desist from criminal activity as they enter adulthood (Farrington 1998; McLaren 2000). This is supported by Australian findings that most youths who appear in court do not reappear on subsequent charges (Carcach & Leverett 1999). Coumarelos’s (1994) analysis of juvenile court appearances from 1982 to 1986 in New South Wales indicated that 70 per cent of youths appeared before the courts once and 15 per cent appeared a second time. More recently however, research has found that if followed long enough (into adulthood), approximately 70 per cent of those appearing as a juvenile, reappear for additional criminal charges (Chen, Matruggio, Weatherburn & Hua 2005).

The recidivism literature indicates that a small percentage of juveniles are serious recidivists who account for a large proportion of overall youth crime figures. The Coumarelos (1994) study indicated that less than four per cent of young people (those who appeared in court on six or more occasions) accounted for 20 per cent of all court appearances. The risk for these young people is that they will persist with criminality into adulthood, committing crimes of increasing seriousness (Howell & Hawkins 1998). Half of those aged 18 to 20 in the DUCO

¹²² The following studies and texts give a good account of some of the issues: Baker 1998; Carcach and Leverett 1999a and 1999b; Sherman, Strang and Woods 2000; Department of Human Services Victoria 2001 (*Recidivism among Victorian Juvenile Justice Clients 1997-2001*); Doherty 2002a, 2002b; Chen et al. 2005; Hayes 2005; Prichard and Payne 2005; Vignaendra and Hazlitt 2005; Jones et al. 2006; Marshall 2006; Vignaendra and Fitzgerald 2006; Hua, Baker and Poynton 2006; Gelb 2007; Payne 2007; Weatherburn, Cush and Saunders 2007.

¹²³ Coumarelos found that for that small number of her sample who did persist in offending, appearing in the Children’s Court a number of times, there were three main factors that predicted reappearance.

First, (lower) *age* at first proven appearance predicted number of reappearances; second, those charged with the most serious offence at first proven offence predicted reappearance; and third, the number of appearances to date predicted future reappearances. That is, ‘those with extensive criminal histories are more likely to commit offences in the future’ (Coumarelos 1994, p.33).

¹²⁴ See, for example, inter alia, Lynch, Buckman and Kresnske 2003; Roberts 2005; Chen, Matruggio, Weatherburn and Hua 2005; Vignaendra and Fitzgerald 2006; Weatherburn, Cush and Saunders 2007.

[Drug Use Careers of Offenders] adult male study reported having served a period of detention as a juvenile. Across the entire sample, one in three had been in detention as an adolescent (Makkai & Payne 2003) (Prichard & Payne 2005, p.11).

Again such findings, if indicative, have important implications for developing policy. If ‘one appearance in court indicates that further offending is highly likely, we should begin trying to reduce the risk of re-offending at the first point of contact between a juvenile and the court system’ (Chen et al. 2005, p.1). Although, as will be discussed later in this Report, there is much to be said for keeping young people out of the juvenile justice ‘net’ as much as possible.

Research undertaken in Queensland conducted by Lynch, Buckman and Krenske (2003) found that the vast majority of young offenders who had been placed on supervised juvenile justice orders progressed to the adult criminal justice system, with one half of those serving at least one term of imprisonment.¹²⁵ Moreover, of the cohort under study a staggering 91 per cent of those juveniles who had been subject to a care and protection order progressed to the adult system (Lynch, Buckman & Krenske 2003). It was also found that assigning more severe punishments for *early* criminal behaviour can result in greater recidivism (Lynch, Buckman & Krenske 2003).¹²⁶

Research studies in recent years, often using an actuarial approach, have become even more sophisticated in determining the type of factors that can ‘predict’ recidivism among both juvenile and adult offenders. Scholars from the NSW Bureau of Crime Statistics and Research (BOCSAR) conducted a number of studies that sought to refine the variables that can be used to indicate the risk of offending and re-offending. For example, Weatherburn, Cush and Saunders present a classifying analysis of young offenders coming into contact with the NSW criminal justice system to identify those who ought to be referred to more intensive interventions. Their results indicated that:

The risk of re-offending is significantly higher for juvenile offenders who:

- Are younger at their index court appearance
- Are of Aboriginal or Torres Strait Islander descent (borderline significant)
- Are not living with both natural parents
- Have experienced some form of trauma
- Have been placed in out-of-home care
- Have been the subject of a confirmed report of neglect or abuse
- Have one or both parents deceased
- Were not attending school at the time of the index court appearance (borderline significant)
- Have been suspended or expelled [from school]
- Associate with delinquent peers

¹²⁵ It should be noted that the young people sentenced to supervised orders in the Queensland cohort were for the most part serious and/or repeat offenders. As the authors point out, those who committed few or minor offences would generally have been diverted out of the system through cautioning, conferencing, or unsupervised orders (Lynch, Buckman & Krenske 2003).

¹²⁶ For example, the study by Lynch, Krenske and Buckman cited research by Kraus and Smith which concluded that even a relatively short period of custody on remand increased significantly subsequent offending compared to being placed on remand at home (2003). The authors, drawing from more recent work by Trotter, found that:

‘[M]ore serious orders can influence the propensity to re-offend through a process of criminal socialisation, and that community service orders and other structured programs that bring offenders together can actually serve to magnify the very deviance that such responses to offending are intended to reduce’ (Lynch, Krenske & Buckman 2003, p.2).

- Have committed a theft or deception offence
- Have had more past contacts with the criminal justice system (Weatherburn, Cush & Saunders 2007, p.7).¹²⁷

Of these indicators the authors note that only four factors are required to predict juvenile re-offending to a sufficient degree of accuracy:

the age of a juvenile offender, whether or not the juvenile is at school at the time of the index offence,¹²⁸ whether or not the juvenile has been suspended or expelled from school at the time of the index offence and the number of prior contacts the juvenile has had with the justice system (Weatherburn, Cush & Saunders 2007, p.9).

Another key variable that may contribute significantly to re-offending, particularly by those young people who have been in juvenile detention, is the lack of gainful employment opportunities. Unemployment and economic disadvantage as a contributory factor in juvenile offending has already been discussed in Chapter 3, however it is important to note that along with early school leaving not having a job to go to may be a key determinant of recidivism. Mr Vic Gordon, a member of the Victorian Youth Parole Board, testified to the importance of employment for the young people who come before the Board. Citing research from Ken Polk at Melbourne University and buttressed by his own impressions, he stated that recidivism clearly dropped off for those young offenders who managed to obtain jobs.¹²⁹ This was also stressed by a number of community agencies that gave evidence to the Inquiry, particularly those who work with young people who have been caught up in the juvenile justice system. For example, the YMCA Bridge Project's submission pointed out that:

Currently over 60% of young people are caught in the revolving door of re-offending. Young people released from youth detention centres are more likely to re-offend than they are to avoid crime. The Bridge Project acknowledges there are many factors contributing to re-offending. Offenders and ex-offenders tend to have skills levels well below those of the general population, and are much more likely to be unemployed. The project believes for many young offenders sustained employment is a key to leading a crime-free life.¹³⁰

¹²⁷ To this list one could also add the factor of having a family history of offending and/or having one or both parents or a sibling in prison, particularly a father or a brother: 'Research [has] found that the arrest and conviction of the [father] before the child's pre teen years is one of the best explanatory predictors of the child's later offending and anti social behaviour' (Dennison, Foley & Stewart 2005, p.13).

When the Committee met with Mr Bob Kumar, the longstanding Senior Magistrate at the Broadmeadows Magistrates' Court, it was somewhat depressing to be told he had seen many instances of different generations of the same families appearing in court at various times during his 24 years of legal service. (See Evidence of Mr Bob Kumar, Regional Co-ordinating Magistrate, Broadmeadows Magistrate, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Broadmeadows, 3 September 2008).

This phenomenon of intergenerational family offending makes it exceedingly difficult for a young offender to 'break the bonds' of criminal activity according to some commentators working in the field. For example, when the Committee met with workers at the La Trobe Valley Magistrates' Court in Morwell, Victoria, one witness stated:

'When you are asking a client to change their use [or criminal behaviour], you are really asking them to change their culture. I do not think people realise that the recidivistness [sic] factor is them repeatedly trying to make that shift but they keep falling back in because they keep getting drawn into the culture again. It is quite a difficult struggle for them' (Ms Donna Bogdanovski, Drug and Alcohol Case Manager, Court Integrated Services Program, La Trobe Valley Magistrates' Court, Evidence to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Morwell, 14 October 2008).

¹²⁸ That is, the first offence for which the person has been processed and/or convicted.

¹²⁹ Evidence of Mr Victor Gordon, Department of Human Services representative, Youth Parole Board of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

¹³⁰ Submission from the YMCA Bridge Project to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Similarly, the Centre for Adolescent Health commented that it is crucial for a young offender, particularly one who has recently left a custodial placement, to have some type of structured legitimate activity, be it employment, education or even organised leisure to participate in once he or she leaves the relatively structured environment of the detention centre:

For young people who receive a custodial sentence, once they are released from custody they often return to the same environments which contributed to their offending in the first place e.g. association with negative peer group, dysfunctional family, unemployment, access to drugs and alcohol. The transition from custody back into the community is a crucial time to ensure that young people do not repeat offend. Youth support services need to focus on supporting this transition and ensuring a young person is engaged in education, training or employment, receives appropriate mentoring or counselling support and engages in positive leisure activities e.g. sports, music, arts.¹³¹

Moreover, according to many community agencies who work with young people it is often the most vulnerable and ‘damaged’ young people with deep-seated mental health problems and a background in out-of-home care who tend to be most often liable to re-offend: As Ms Hala Atwa, lawyer with community legal service Youthlaw, states:

It is particularly a group of highly damaged young people who will often be reoffenders, who have had links with the Department of Human Services, child protection and mental health issues, and who are still not addressing the issues that are behind the offending, whether it be poverty, mental health, housing, or lack of community and family support.¹³²

Further discussion of how strategies can and are being developed to address the links between school leaving, unemployment and youth offending are discussed in Chapter 8 of this Report.

‘Specialists and generalists’

One final issue that should be considered is: ‘Do juvenile offenders stay with one particular type of offence or do they show “more versatile” delinquent careers?’ In other words, are they specialist or versatile in their offending? Or as Carcach and Leverett ask:

Do juvenile offenders tend to commit the same type of offence or consistently switch between offences over the course of their offending careers?

Do patterns of juvenile offending remain stable or change over a career? (1999a, p.1).

One could further ask whether the answers to such questions depend on how old the offender is, what type of crime is being committed (theft versus assault), why the crime is being committed (acquisitive need – for example to buy drugs versus opportunistic shoplifting) and at what stage the criminal career commenced, that is, the age of onset.

Carcach and Leverett believe that both types of offending are apparent amongst juveniles (and adults) depending on the circumstance of the offence:

¹³¹ Submission from the Centre for Adolescent Health to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

¹³² Evidence of Ms Hala Atwa to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

If there are several underlying processes leading to delinquency, then offending should be versatile rather than specialised. Offenders would tend to commit many different types of offences during their careers, and knowledge of the type of offence committed on one occasion would not help to predict the type of offence committed on another.

Specialisation occurs when a single underlying process drives offending. Offenders would tend to continue committing the same type of offence during their careers, and knowledge of the type of offence committed on one occasion would help to predict the type committed on another¹³³ (Carcach & Leverett 1999a, p.1).

Clearly there are a multitude of methodological, definitional and conceptual problems associated with (youth) offending and re-offending.

Finally it should be stated that for some people who work in the areas of youth welfare or juvenile justice, 'success' in terms of addressing youth offending may not necessarily mean that the young person has altogether stopped committing crime or engaging in antisocial behaviour or at least not at first instance. Parallels may be drawn with an addict attempting to cease using drugs or alcohol. For example, Ms Sally Reid of the Centre for Multicultural Youth told the Committee that it might take several attempts at engaging with a young entrenched offender and much intensive support before that person may cease to commit criminal acts:

So in line with that idea about there being multiple points and multiple opportunities to intervene and possibly multiple interventions in that person's life, when we are evaluating the success of an intervention we should not just look at desistance from crime but at reductions in frequency and severity of offending as indicators of the success.¹³⁴

¹³³ In Carcach and Leverett's study, violent and property juvenile offenders tended to specialise, particularly with regard to burglary, motor vehicle theft and assaults, whereas drug offenders tended to be more unpredictable in their offending: 'This suggests the possibility of accurately predicting the delinquent careers of a significant portion of juvenile offenders' (Carcach & Leverett 1999a, p.5).

¹³⁴ Evidence of Ms Sally Reid, Manager of Projects, Centre for Multicultural Youth, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

Section B – Strategies to Reduce Offending

5. Establishing a Youth Crime Prevention Strategy: The Importance of Young People's Rights

Introduction

After a careful review of the research literature and the evidence presented to the Committee during this Inquiry, the Drugs and Crime Prevention Committee is firmly of the opinion that a principled and progressive model of youth crime prevention that addresses the causes of juvenile offending and antisocial behaviour is one that is based within a framework of children's rights rather than within the more traditional and arguably punitive approaches.

As discussed in Chapter 1, the young people who come before the Children's Court are indeed *children* for the purposes of both international and national legal systems. As such they are entitled to all the protections guaranteed to them in the various legal treaties, conventions and frameworks pertaining to children's human rights.

Such rights frameworks with regard to children and young people are found in a wide range of international treaties, conventions and standards, 'which taken together, comprise a strong foundation for rethinking youth justice' (Goldson & Muncie 2006b, p.96). Commencing with the *United Nations Declaration on Human Rights* in 1948,¹³⁵ Australia, alongside most western countries, has incorporated basic human rights standards into its municipal legal regimes. Whilst Australia does not have its own discrete national Bill or Charter of Rights, in itself a matter of some debate, it has become a signatory to the most important of the international laws and conventions relating to young people, including the *United Nations Convention on the Rights of the Child* (hereafter, the UN Convention). Moreover, as will be discussed later, important developments with regard to human rights have taken place at a state level in Victoria, most notably the introduction of the *Charter of Human Rights and Responsibilities*.

It should be stressed at the outset that despite the need to safeguard the rights of young people, it is equally important to acknowledge that young people also have responsibilities to their families and communities. Any approach that stresses the need for a human rights framework for young people must also uphold and promote the rights of the community, including young people in that community, to live in a society free of offending and antisocial behaviour. Maintaining a fair balance between rights and responsibilities is an essential element of any approach to criminal justice.

¹³⁵ Indeed, Australia played a key role in the drafting and proclamation of the original United Nations Charter with Foreign Minister Dr HV Evatt acting as Chair of the drafting Committee's deliberations.

International conventions and instruments

Efforts at an international level to address the rights of children specifically and separately¹³⁶ were first comprehensively enacted in the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice* (the Beijing Rules) adopted by the United Nations in 1985. These rules established the need to protect children's rights through the development of separate and specialist juvenile/youth justice systems. In addition:

[The Standard] promoted diversion from formal court procedures, non custodial disposals and insisted that custody should be a last resort and for minimum periods. In addition the Rules emphasized the need for anonymity in order to protect children from lifelong stigma and labelling.¹³⁷ The convention cemented these themes in the fundamental right that in all legal actions concerning those under the age of 18, the 'best interests of the child shall be a primary consideration' (Article 3.1). Further it reasserted the need to treat children differently, to promote their dignity and worth with minimum use of custody and that children should participate in any proceedings relating to them (Article 12) (Muncie 2004, p.292).

The Beijing Rules also state some generic but important principles of intervention. Rule 5.1 of the 'Beijing Rules' states that: 'the juvenile justice system ... shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence'. Similarly, rules 17.1 (b) and 17.1 (d) provide that: 'restrictions on the personal liberty of the juvenile shall be the guiding factor in her or his case' (this is reiterated at Article 40.4 of the UN Convention). As Goldson and Muncie state:

[t]he international instruments enshrine the concept of proportionality to offset the likelihood of over-zealous intervention and concomitant forms of justice. In essence, this important principle requires no more and no less than a fair proportional reaction in any case where a child or young person is convicted of a criminal offence (Goldson & Muncie 2006b, p.97).

In respect of custodial detention, rule 19.1 of the Beijing Rules provides that: 'the placement of a juvenile in an institution shall always be a disposition of last resort and for the minimum necessary period'.

Following on and drawing from the Beijing Rules, in 1989 the UN Convention established an international consensus that all children have a right to protection, to participation and to basic material provision. The convention sets out comprehensive minimum standards for the treatment of *all* children. Whilst it is by no means exclusively concerned with matters pertaining to juvenile justice, the treatment of children and young people in the criminal justice system is understandably a major focus of the framework. The UN Convention has subsequently been ratified by 192 countries. As of March 2009, the only countries not to have ratified are Somalia and notably the United States of America. This makes it the most widely adopted of all international conventions (Office of the United Nations High Commissioner for Human Rights 2006).

¹³⁶ As opposed to being a subset of adult human rights as expounded in the 1948 Charter. Children's rights per se are not mentioned specifically in the 1948 Charter other than in two special circumstances. First, the Charter specifies that 'illegitimate' children should not be treated differently from 'legitimate' children (Article 25(2)). Second, a specific right to education, particularly elementary education is guaranteed in Article 26 of the Charter.

¹³⁷ For example by publishing details of children's crimes and court appearances. Of interest is the fact that in recent years there have been debates in the New South Wales jurisdiction as to whether laws should be changed to allow the publication of children's identities and court appearances in certain circumstances. Arguably such amendments would be a breach of the international convention. For a discussion of the contentious debates with regard to the public (including media) identification of young offenders see the Final Report of the Law Reform Commission of New South Wales, *Young Offenders* (LRCNSW 2005).

The Beijing Rules and the UN Convention operate within a framework of two other sets of international juvenile/youth justice standards, both of which were adopted in 1990: the *United Nations Guidelines for the Prevention of Juvenile Delinquency* (the Riyadh Guidelines),¹³⁸ and the *United Nations Rules for the Protection of Juveniles Deprived of their Liberty* (the JDL Rules).

The Riyadh Guidelines form the international legal basis for many of the principles of youth crime prevention discussed in this Report and the approach which this Committee believes is essential in promoting the healthy development of children and the strengthening of families. In particular, the following principles with their emphasis on developmental well-being and the importance of education as a buttress against juvenile delinquency articulate many of the approaches taken by the Committee in the formulation of its recommendations:

- The prevention of juvenile delinquency is an essential part of crime prevention in society. By engaging in lawful, socially useful activities and adopting a humanistic orientation towards society and outlook on life, young persons can develop non-criminogenic attitudes (Article 1).
- The successful prevention of juvenile delinquency requires efforts on the part of the entire society to ensure the harmonious development of adolescents, with respect for and promotion of their personality from early childhood (Article 2).
- For the purposes of the interpretation of the present Guidelines, a child-centred orientation should be pursued. Young persons should have an active role and partnership within society and should not be considered as mere objects of socialization or control (Article 3).
- The provision of opportunities, in particular educational opportunities, to meet the varying needs of young persons and to serve as a supportive framework for safeguarding the personal development of all young persons, particularly those who are demonstrably endangered or at social risk and are in need of special care and protection (Article 5a).

The UN Convention stipulates that children should be protected from custody whenever possible and when deprived of liberty should be treated with humanity. The Riyadh Guidelines added to the UN Convention that youth justice policy, procedures and systems should avoid criminalising children for minor misdemeanours. Following on from the earlier Beijing Rules (Rule 19), Article 37 of the convention states that imprisonment of a child ‘shall be used only as measure of last resort and for the shortest period of time’ and that ‘every child deprived of liberty shall be separated from adults unless it is considered in the child’s best interest not to do so’.

National legislation and approaches in Australia

National Australian governments have played an important role in developing human rights protections in Australia through incorporating human rights conventions in domestic law. Although the High Court seems to have developed a series of judgements suggesting that

¹³⁸ United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) Adopted and proclaimed by General Assembly resolution 45/112 of 14 December 1990 (http://www.unhcr.ch/html/menu3/b/h_comp47.htm. Accessed 18 March 2009).

ratified international obligations are only binding domestic law when they have been specifically legislated for.¹³⁹

However, there are also a number of federal acts and legislative instruments that have a human rights focus, although not general charters of human rights per se. Such examples include the federal Racial Discrimination and Sex Discrimination Acts.¹⁴⁰ It could also be argued that the Australian Constitution and the body of interpretive case laws that have built up over the ensuing 100 years since its enactment have also contributed to at least minimal human rights protections at national level.¹⁴¹

There is, however, no federal legislation specifically designed for the protection of human rights, nor is there consistent legislative protection of basic human rights between states.¹⁴² For example, whilst many Australian states may have similar protections for young people in the legal process, such as age of criminal responsibility, theoretically it is possible (and in some instances it is the case) that the position of young people in the criminal justice system will be different in each of the states and territories.¹⁴³ Fortunately, children's rights and juvenile justice approaches in Victoria are arguably more advanced than in other regions of Australia.

Victorian Charter of Human Rights and Responsibilities

Victoria was the first Australian state to enact formal protection of human rights by passing legislation to create a *Charter of Human Rights and Responsibilities* in July 2006.¹⁴⁴

The laws are comprehensive and cover a wide range of subject areas but of particular relevance in the context of this Inquiry is Section 17 pertaining to the protection of families and children:

- 17 (1) Families are the fundamental group unit of society and are entitled to be protected by society and the State.
- (2) Every child has the right, without discrimination, to such protection as is in his or her best interests and is needed by him or her by reason of being a child.

Section 23 also specifies some minimal guarantees for children in the criminal process:

- 23 (1) An accused child who is detained or a child detained without charge must be segregated from all detained adults.
- (2) An accused child must be brought to trial as quickly as possible.

¹³⁹ *Minister for Immigration and Ethnic Affairs v Teoh* (1995) at 286, Mason CJ & Deane J. See also *Re Minister for Immigration and Multicultural Affairs; Ex Parte Lam* (2003) 214 CLR 1, McHugh and Gummow JJ at 27, 33.

¹⁴⁰ See *Racial Discrimination Act 1975* (Cth), *Sexual Discrimination Act 1984* (Cth).

¹⁴¹ The legal and constitutional complexities of this argument are beyond the scope of this Inquiry. For an account of the legal and constitutional aspects of Australian human rights law, see Williams 2006.

¹⁴² The debates pertaining to whether Australia should have a national Bill of Rights is complex, heated and beyond the scope of this Inquiry. For further discussion, see Williams 2006.

¹⁴³ That Australia has no uniform system of children's rights across the country can be seen in the example of differences in the incarceration rates of young people and particularly young Indigenous people across Australia. For example there are 97.5 juveniles per 100,000 imprisoned in the Northern Territory but only 7.1 per 100,000 in Victoria (Cunneen 2008). Another clear case example of policy differences between states and territories would be the mandatory sentencing legislation in existence in the Northern Territory in the late 1990s.

¹⁴⁴ See *Charter of Human Rights and Responsibilities Act 2006* (Vic).

- (3) A child who has been convicted of an offence must be treated in a way that is appropriate for his or her age.¹⁴⁵

In accordance with Section 28 of the Charter, all new Bills introduced into Parliament must be accompanied by a statement of compatibility in both Houses:

A statement of compatibility must set out whether, in the opinion of the member who is introducing the Bill, the Bill is compatible or incompatible with the human rights set out in the Charter. The Charter requires that reasons be provided in the statement to demonstrate how a Bill is compatible or otherwise to explain the nature and extent of an incompatibility.

A statement of compatibility may conclude that the Bill is incompatible with the Charter. An important caveat however is that this does not however prevent the passage of the Bill. Under the Charter, nor does a failure to table a statement of compatibility affect the validity of the Act.¹⁴⁶

Nonetheless, pursuant to the Charter, Government departments and public bodies must observe basic human, including children's, rights when they create laws, set policies and provide services:

This means that Government, public servants, local councils, Victoria Police and others are required to act in a way that is consistent with the human rights protected under the Charter. These bodies will have to comply with the Charter and take human rights into account in their day-to-day operations.¹⁴⁷

The human rights guaranteed and contained in the Charter therefore will clearly have an impact on police and other criminal justice and enforcement workers as representatives of the State. As Youthlaw states in a submission to this Inquiry:

Police and justice sector workers have an obligation not to breach human rights.

According to the Charter it is Victoria Police's and the courts responsibility to make sure that young people are treated in accordance with these human right standards including an obligation to encourage diversionary measures irrespective of their immediate quantitative success.¹⁴⁸

¹⁴⁵ There are many other sections of the Act that affect people involved with the criminal justice system; these are however *general* in nature applying to both adults and young people rather than child specific as in Section 23. See for example Sections 21 (Right to liberty and security of person), 22 (Humane treatment when deprived of liberty) 24 (Fair Hearing), 25 (Rights in criminal proceedings) 26 (Right not to be tried or punished more than once for the same crime), 27 (Retrospective criminal laws).

¹⁴⁶ The Victorian Parliament's Scrutiny of Acts and Regulations Committee (SARC) will also review and report to Parliament on whether any Bills or Regulations are incompatible with the Charter rights.

¹⁴⁷ 'The Victorian Charter of Human Rights and Responsibilities explained', in Victorian Equal Opportunity and Human Rights Commission website, <http://www.equalopportunitycommission.vic.gov.au/human%20rights/the%20victorian%20charter%20of%20human%20rights%20and%20responsibilities/default.asp> Accessed 14 January 2009.

¹⁴⁸ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. Youthlaw drawing from the academic critique of Blagg and Wilkie note this is equally true of the Convention as well:

'[I]n any contact with a police officer, the child depends on the conduct of the officer for the enjoyment of their rights and relies on the officer to fully respect those rights and is at the mercy of any officer who chooses to infringe or violate those rights. We therefore place the full burden for respecting the child's rights and for protection of the children from rights violations on the officer dealing with the child' (Blagg & Wilkie 1997, p.6).

This point is taken up by Springvale and Monash Legal Service in its submission to the Inquiry:

Section 25 (3) of the *Charter* imposes a duty upon ‘Public Authorities’, which includes Victoria Police under Section 4(1)d, to provide a process that takes into account the age of the child and the most expedient and effective method of rehabilitation. This means that the police should exercise their discretion under the assumption that they must act in the best rehabilitative interests of the child. If legislation assumes control over the unfettered discretion of the police to issue cautions and other diversionary measures, it will have to be designed in a manner that pays heed to the need to rehabilitate young offenders. Similarly, quasi-legislative policy that serves to guide the behaviour of the police should take the *Charter’s* imperative to take the desirability of rehabilitation into consideration.¹⁴⁹

A ‘rights based’ approach to crime prevention – Community responses

A number of submissions and responses to this Inquiry have stressed the importance of taking a children’s rights based approach to juvenile justice policy, procedures and practices. In particular these submissions have urged governments to actively promote and incorporate the relevant juvenile justice protections found in the United Nations Convention and the Victorian *Charter*. For example, Youthlaw submits that a rights-based approach to crime prevention and young people should be adopted to protect and assert the rights of highly vulnerable disadvantaged and marginalised groups of young people:

This approach would be beneficial in that:

- it ensures the integration and inclusion of an otherwise marginalised group (children and young people) in policy-making and evaluation;
- it does not demand uniformity of outcomes but creates a principle-based approach which ensures that the individuality, differing maturity levels and best interests of each young person is recognised and considered; it recognises there is no single solution to criminal behaviour, rather different methods are appropriate for different individuals;
- it is flexible and applicable to a broad array of situations. Integrated prevention encompasses housing, mental health care, schools, educational outcomes, child and youth development, parental and community support.¹⁵⁰

In particular Youthlaw affirms the importance of the *Charter of Human Rights and Responsibilities 2006* in building human rights standards into policy, legislation and practices. As such it recommends that:

The Government audit current policies to ensure they adopt human rights standards and ensure future policies are developed within a rights based framework.¹⁵¹

¹⁴⁹ Submission from Springvale and Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism in Young People, September 2008.

¹⁵⁰ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

¹⁵¹ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The Springvale and Monash Legal Service also affirmed the importance of a rights based approach to juvenile justice and child welfare, although it believes the various legal instruments applicable in Australia need to encompass the idea of rights in terms more broad than narrowly circumscribed 'legal' rights.

Springvale and Monash Legal Service and other juvenile justice/welfare agencies such as Youthlaw and Jesuit Social Services believe that international human rights instruments must be used as a guide for legislators and policy makers both nationally and in Victoria.

Certainly, it could be argued that the Victorian Government has a number of relevant proactive policies relating to young offenders that could be stated to be broadly following the aims and objectives of human rights instruments including the Victorian Charter. These include:

- Future Directions: An Action Agenda for Young Victorians
- A Fairer Victoria: Building On Our Commitment
- Because Mental Health Matters
- The Vulnerable Youth Framework (in development).

As indicated earlier, it is crucial that the concept of 'children's rights' and indeed human rights generally is not confined to fine sounding words on an international legal document. The fundamental principles enumerated in frameworks such as the Riyadh Guidelines, whilst important, need to be practically enacted in the everyday situations in which young people, including young offenders, find themselves. Thus a practical application of the principle of penal detention of children as a last resort may mean that more resources are put into developing bail release options for young people. In other words, the *idea* of children's rights needs to be given practical implementation at every level of government and community service delivery. The Victorian *Charter of Human Rights and Responsibilities* is a good start in this regard. The Youth Crime Prevention Strategy recommended by this Committee will also hopefully mean that future interventions in the youth justice field will more readily 'rehabilitate youth offenders rather than simply punish them'.¹⁵²

¹⁵² Submission from Springvale and Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

6. Coordinating and Implementing Youth Crime Prevention Strategies

Introduction

Addressing youth offending is extraordinarily complex. It is quite clear that a ‘one size fits all’ approach will be inadequate to address this issue. For example, the strategies required for preventing offending among pre-teenagers may be very different from the interventions needed for a person in late adolescence. Therefore many and varied strategies will be required. This is particularly the case given that youth offending may take different forms amongst discrete groups within the community.¹⁵³

This chapter examines the need for a coordinated response to youth offending through multi-faceted strategies. Local solutions, including local partnerships, are required for local communities. Youth offending also requires interventions that range across a number of areas, including policy development, training and education, general and mental health, legal regulation, treatment, research, employment and recreation, and local community initiatives.

Of particular importance is the need to encourage a move away from ‘government departments that plan, resource and implement services or activities vertically’ (Australian National Council on Drugs (ANCD) 2001, p.23). In other words, Departments such as Health, (Juvenile) Justice and Education have not, until relatively recently, been ‘well integrated to plan and work together to maximise the efficient use of scarce resources’ (ANCD 2001, p.23). There are, however, signs that current planning is moving in the right direction.¹⁵⁴

A duplication of economic resources is clearly inefficient, especially when good programs to address youth offending may be expensive to implement.

‘Horizontal’ approaches integrate and coordinate responses over a wide variety of government departments and community agencies. Horizontal approaches also incorporate local community responses, including those of local government departments, and the needs of existing local networks, using local resources and knowledge. The Committee believes that one of the most effective ways to implement horizontal approaches is by developing a comprehensive state and local framework for addressing youth offending which incorporates a lead agency, such as the Juvenile Justice branch of the Department of Human Services, responsible for the delivery and coordination of services to young offenders.

A complex variety of needs

No single agency can be responsible for managing youth crime. Agencies need to work together to achieve clearly defined outcomes. These need to be set out by Government (in consultation with agencies that work with young people), effectively contracted, managed and resourced. Support is then needed for agencies to come together to form partnerships and consortiums, design the model of delivery and then work collaboratively to deliver joined up services for young people. Co-location of services can assist this considerably. Effective

¹⁵³ For a discussion of offending amongst different groups of young people, for example young women or Indigenous youth, see Chapter 12 of this Report.

¹⁵⁴ See for example, the discussion of the Vulnerable Youth Framework later in this chapter.

governance and leadership of co-operative approaches is also an important key factor for success.

Through the formation of local partnerships, consisting of key agencies, a clear vision and plan for local area services for young people is set out. The plans will be based on an assessment of local need using data and mapping of current service delivery to identify gaps in service provision and highlight ‘what works’.

There needs to be greater involvement of the community sector in influencing what prevention programs are developed. They need to be better co-ordinated but also governance of the programs should be better linked to clearly defined objectives and outcome measures. There needs to be a continuum of programs, that complement one another and that support young people at various stages of their development and as they become higher risk.¹⁵⁵

The Auditor-General of New South Wales has recently commented that ideally programs and interventions addressing youth needs and risk factors should be put in place long before the child commits an offence. An essential part of developing primary prevention programs addressed at preventing future youth offending or re-offending is in fact identifying the specific needs of youth (Auditor-General NSW 2007). Such needs assessments are also important for those youth involved in the very early stages of offending or the criminal justice process and particularly those diverted from police or children’s court.

Throughout this Inquiry numerous stakeholders, witnesses and experts have impressed upon the Drugs and Crime Prevention Committee the complexity of the needs and issues pertaining to young people who may criminally offend and re-offend or otherwise engage in antisocial behaviours. Often it is impossible for one single agency, particularly at government level, to meet these needs. In the words of a Scottish Parliamentary report into youth offending:

Getting different agencies with different styles and priorities, to work successfully together is a complex and challenging business... The delivery of youth justice services therefore has to be through a multi-agency structure encompassing housing, education and leisure services as well as the agencies whose main business is dealing with offenders (Scottish Parliament 2005, p.1).

An English inquiry into youth offending, for example, found that too often mainstream agencies such as health departments did not sufficiently focus on young people’s needs in developing and implementing services (Secretary of State for Education 2005). A similar inquiry in Scotland also indicated concern that non-core youth justice agencies such as health or education may give less attention to the needs of youth offenders as these services could sometimes be in conflict with their main priorities (Scottish Parliament 2005).

This conflict of cross-departmental priorities may be also true of Victoria, although it is probably less the case given that youth justice for the most part comes under the umbrella of the Department of Human Services. Nonetheless, a submission to this Inquiry from Youthlaw argues that the needs of young people, particularly those at risk of offending, can be so complex that a fragmented agency approach is counterproductive.¹⁵⁶

¹⁵⁵ Submission from the Centre for Adolescent Health to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

¹⁵⁶ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The need for coordination and integration of planning and services

As the comments in the last section attest, many commentators have stressed the need for multi-agency models where government and other agencies work together to address youth offending and re-offending (Australian Institute of Criminology (AIC) 2002; Morris et al 2003b; Lynch, Buckman & Krenske 2003; Cherney & Sutton 2007; Mann et al 2007; Auditor-General NSW 2007; Victorian Auditor-General 2008).¹⁵⁷ For example, a sports or leisure program aimed at preventing youth offending or antisocial behaviour may not be successful without links to health, welfare, education or employment services (Morris et al 2003). Similarly, programs to assist young people with alcohol and drug problems may be of little benefit if those young people are homeless (Baldry 2007).

Too often, it is argued, relevant government departments such as Health or Justice work in silos without sufficient cross-agency linkages. A report by ARTD Management and Research Consultants in 2001 into programs to address juvenile offending across the country, *Evaluation of the Young Offenders Pilot Program*, was scathing of the 'poor co-ordination between [a] plethora of service providers' (2001, p.6). This is particularly problematic in that many services to assist young offenders are shared between Commonwealth, state and even local government agencies. It was thought that a young offender newly released from detention would find it bewildering, to say the least, tackling a range of government bureaucracies such as Centrelink, in addition to state government departments and non-government agencies (ARTD Management and Research Consultants 2001).

Although the situation has improved since the publication of this Report in 2001, recent reviews of juvenile justice services from Auditor-General Offices in both NSW (2007) and Victoria (2008) have made similar observations, at least with regard to the capacity for coordination. Whilst generally appreciative of the work done by officers in these departments and the programs established by departments and their agencies, both Offices found that better integration and coordination in order to reduce re-offending in particular could take place.

The NSW Auditor-General also noted difficulties associated with departmental officers such as police accessing services and exchanging information with other agencies. There were also conflicting systems of data collection and record keeping. Moreover, it was found that most approaches to young offenders were designed to meet individual offender needs only, rather than using a model 'that goes beyond the individual and intervenes at multiple levels to change patterns of behaviour within the family' (2007, p.34). A key observation made by the Auditor-General was that as justice agencies and personnel can usually only work with offenders for the period of the order, sentence or mandate, it is essential that agencies initially responsible for youth offenders work cooperatively and maintain good relationships with outside agencies.

¹⁵⁷ With regard to non-government and community agencies it has been stated that one of the impediments to effective service delivery in the area of youth justice pertains to funding and funding arrangements. In particular, many programs aimed at preventing offending or re-offending amongst young people have finite periods for which they receive assistance. This, it is argued, 'impact[s] on the ability of programs to affect changes successfully and maintain any positive outcomes' (Morris et al 2003b, p.6). Moreover, as the *Pathways to Prevention* Report has remarked, 'Agencies...work more collaboratively and respectfully when they are not competing for funds for their survival and for that of their workers' (Homel et al 2006, p.23).

Similar audit findings were made recently in Victoria. Whilst the Auditor-General was generally approving of the way in which criminal justice diversion services are being delivered and the ‘high level of commitment and effort toward achieving improved outcomes for young offenders’ (Victorian Auditor-General 2008, p.5), some important areas that need attention particularly with regard to coordination were noted:

Multiple government and non government agencies are involved in the delivery of youth justice services. Developing a more whole-of-government or ‘joined up’ approach to planning, co-ordination, data collection and performance measurement in Victoria’s youth justice system needs to be a priority for all agencies in the system’ (Victorian Auditor-General 2008, p.5).¹⁵⁸

Ms Jen Rose, Policy Officer with YACVic, stressed the need for an integrated system when she gave evidence to the Inquiry.¹⁵⁹ Ms Rose’s colleague, Ms Georgie Ferrari added that in New South Wales a central department (Department of Community Services) funds a coordinated and integrated youth service system bringing together a whole range of services across the board, whereas in Victoria funding and service delivery is fragmented and uncoordinated.¹⁶⁰

¹⁵⁸ A recent report in South Australia by that state’s Commissioner for Social Inclusion has also stressed the need for better coordination of juvenile justice services across government departments and non-government agencies in order to reduce juvenile offending and re-offending. The report was particularly impressed with the program implemented by the John Jay College of Criminal Justice in New York, USA. This approach ‘focuses on bringing together government agencies, non government agencies, families, carers, young people and community members to develop and implement solutions to local youth offending issues’ (Cappo 2007, p.43). For a discussion of this and other similar programs see Cappo 2007. Commissioner Cappo has also recommended the establishment of a Chief Executive’s Coordinating Committee on Youth Justice which would comprise the Commissioner for Police, Chief Executives of Departments such as Health, Justice, Education and Premier and Cabinet and other relevant representatives. As the name suggests, the main aims of the Committee would be to integrate and coordinate the timely delivery of youth justice and related services across the state.

¹⁵⁹ ‘Youth services, amongst other services in the community, play a critical role in supporting young people’s community connectedness and supporting those young people who may be struggling without adequate support from family, promoting healthy relationships and the development of interpersonal skills, assisting to support young people to stay engaged in school – assisting young people to access mental health or drug and alcohol support when they need it by referring them, and then supporting that young person in navigating the service system... Currently, however, many young people are not able to access the support of generalist youth services or even more specialised supports because services are delivered in a fragmented, ad hoc way’ (Evidence of Ms Jen Rose, Policy Manager, Youth Affairs Council of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

¹⁶⁰ Evidence of Ms Georgie Ferrari, Chief Executive Officer, Youth Affairs Council of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

However, it is not argued that there should be one ‘superagency’ responsible for all policy development addressing youth crime, but rather that a framework be developed that gives one lead agency responsibility for the coordination of policy and program delivery. As representatives of the Centre for Adolescent Health told the Inquiry, whilst programs to address youth offending need to come from many different areas there also needs to be some central point where it is all ‘pulled together’.¹⁶¹

It is argued that *not* having an integrated model of service delivery can have serious repercussions for young people and their families, particularly young people who are vulnerable and/or disadvantaged.

The lack of an integrated youth services system that exists along a prevention – early intervention – secondary – tertiary service continuum (the service continuum) has a range of impacts on both young people and services, including:

- A lack of timely and sustained supports for young people;
- A lack of support services to work with young people and their families, as an essential means of strengthening young people’s well-being;
- An increased level of risk experienced by the young person, which in turn increases their risk of disengagement from education and training, employment, and community life;
- A greater likelihood of developing an acute mental illness and experiencing a relapse;
- Undue pressure on existing services to find funding for their core work from a range of sources,
- Exposing services to project/program vulnerability; and
- Excessive reporting requirements and difficulties in measuring and evaluating services in an effective and relevant way (VCOSS/YACVic 2006, pp.25–26).

¹⁶¹ Evidence of Ms Lynne Evans, Project Manager, Adolescent Forensic Health Service, Centre for Adolescent Health, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008. Ms Evans explained the Centre’s recommendation to the Hearing as follows:

‘Our recommendation is that we believe, in terms of coordinating and encouraging agencies to work together, what you would find really helpful would be a clear strategy to address youth offending that brings together the elements of policy, practice and research that encourages organisations to work together. At the moment, it feels quite piecemeal...[At the same time] I do not think that any one single agency can be responsible for youth crime; that is the whole issue. If we try and put the responsibility in one place it stops everybody from working towards it. It is about encouraging organisations to work together, but also local communities, to look at what their local problems are, come up with local solutions and then work together to see what provision they have got, where the gaps are and developing local plans that say, ‘This is what we are going to do for our community and our problem’...In the UK they put the emphasis on local government. It is about doing it through their strategies et cetera. Local government is responsible for developing local strategic partnerships in which they develop local plans which outline the responsibilities of organisations, and they have local crime reduction partnerships where everybody sits around the table and brings those together. The responsibility comes through local government that gets the funding to decide what consortiums of organisations they want to fund to come together. Local organisations are encouraged to work together because that is where the funding comes in. That is where, I was going to say around the youth crime action plan, that model is definitely worth looking at; whether the infrastructure is here in Victoria to be able to support that kind of thing.’

Experts in the area of youth welfare also told the Committee how frustrating it can be not to have such a model of centralised service delivery for young offenders or young people in care. For example, Ms Julie Edwards, CEO of Jesuit Social Services, told the Committee that when it came to the intersection of mental health and educational services for young offenders, particularly those in juvenile detention, it was sometimes difficult to know exactly who had responsibility for funding various programs.¹⁶²

To a certain extent this fragmented approach has been recently ameliorated through the establishment of a Youth Affairs Inter-Departmental Committee. During the consultation phase for the new Vulnerable Youth Framework¹⁶³ the government had acknowledged that the lack of a coordinated youth service system was a problem. The Framework *Discussion Paper* and the recommendations emanating from it are discussed later in this Chapter.¹⁶⁴

Berry Street also believes that addressing youth crime and youth welfare generally requires ‘multi agency approaches and new integrated models of service delivery’.¹⁶⁵ Berry Street gives as best practice examples of this approach some of the projects the agency is involved with. These cross-sectoral partnerships between schools, families and community service, health and welfare organisations are based on a case management approach supporting children at risk to stay engaged in school and assisting children who may already be in out-of-home care.¹⁶⁶ The key aspect of these programs is that they draw upon partnerships between families, schools and communities (including the private business sector) to

¹⁶² Evidence of Ms Julie Edwards, CEO, Jesuit Social Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

¹⁶³ The need for such a model of service delivery and the recommendations to come out of the Report *Youth support services: Who’s carrying the can?* are also discussed in the Submission from the Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

¹⁶⁴ Parents, carers, family members and those working in the field have also lamented what they view as an uncoordinated and unresponsive system for looking after the needs of young offenders. A submission to this Inquiry by a youth worker for example states:

‘How come I can’t talk to DHS about young people due to privacy and they can’t talk to me? Then we can’t talk to schools. I have certain information about a young person but I don’t know if he/she is currently aligned with a support structure. Or ...if I refer a young person to DHS for example – I won’t be informed when 12 months down the track they are no longer supported. We don’t provide a coordinated approach to young people offending or who may be at risk of offending. Not only do we need to work together – we need an integrated way of collating and using data. Submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. (The author of this submission requested anonymity.)

¹⁶⁵ See Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

¹⁶⁶ One excellent example of a wrap-around service is the Youth Justice Community Support Program (YJCSP) operated through Jesuit Social Services and the Brosnan Centre. Jesuit Social Services outlined the program in a submission to this Inquiry:

‘[The] new YJCSP is an intensive support program for young people aged 10-21 engaged with the justice system. Our approach brings together a number of key agencies currently providing services to Youth Justice clients to work alongside Department of Human Services (DHS) Youth Justice Case Managers to: achieve a reduction in the rate, severity and frequency of reoffending; enable young people to make an effective transition to adulthood; develop young people’s capacity for economic, social and cultural participation. YJCSP Service delivery is based around two levels of support pathway; intensive support (including assertive engagement and outreach and provision of after-hours response where appropriate) and supported referral. By offering these two distinct pathways, there is capacity to provide a service to the most high needs young people on Youth Justice Orders and also take advantage of the enhanced networks developed by the consortium of organisations involved in the YJCSP to facilitate appropriate referral to the broader service system for other young people’ (Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008).

Other innovative programs or agencies/consortia that work from a collaborative partnership model discussed in this Report include Knoxlink, Gateway (Jesuit Social Services), Youth Projects, Mission Australia, Frontyard Youth Services, Student Engagement Project, Salvation Army/Baker Mc Kenzie, headspace (Sunshine Youth Hub), and the Multiple and Complex Needs Panel.

support vulnerable young people and promote good outcomes in health, learning and well-being. Certainly in the education sector at least, there is a significant body of recent evaluative research from Australia, the United Kingdom and the United States that suggests that:

[c]ollaborative approaches do in fact improve outcomes for young people and their families through increased school attendance, participation, and gains in academic achievement, attitudes, motivations and relationships.¹⁶⁷

The peak alcohol and drug agency, Victorian Alcohol and other Drug Association (VAADA), ‘supports coordinated and collaborative responses which bring agencies and services together to support young people’.¹⁶⁸ VAADA argues that the following actions are essential to establishing good linkages across sectors:

- Engage with consumers and the broader community on the issues of intersectoral collaboration;
- Acknowledge that intersectoral collaboration is important at all levels of policy development;
- Provide resources that allow collaboration to develop;
- Encourage and support the development of service standards that promote collaboration;
- Support local initiatives that respond to the need to promote collaboration; and
- Promote research that examines the longer-term outcomes of different approaches to collaboration.¹⁶⁹

VAADA believes that such collaboration and coordination also requires coordinated policy development and support from Government in conjunction with the private and community sectors.¹⁷⁰

Similarly, VCOSS and YACVic report on gaps in youth services and recommend that clear strategies and measures are required (VCOSS/YACVic 2006).

Lead professionals and service plans

Many people who work in youth services and/or juvenile justice consider having a lead professional or overall case manager responsible for drawing together all aspects of a young offender’s case plan to be essential. This is particularly important in the context of post-

¹⁶⁷ See for example, Blank, M, Berg, AC and Melville, A, *Growing Community Schools, the role of cross-boundary leadership* 2006, Coalition for Community Schools, Washington; *Making a Difference: Research and Practice in Community Schools* 2003, quoted in the Submission from the Upper Hume Community Health Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

¹⁶⁸ Submission from VAADA to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, December 2008.

¹⁶⁹ Submission from VAADA to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, December 2008, quoting St Vincent’s Mental Health & Craze Lateral Solutions 2006.

¹⁷⁰ ‘Fragmented policy development reinforces the separateness of agencies and service systems and limits the capacity of agencies to respond to clients holistically...It is essential that where strategies are developed to address youth offending they are, wherever possible, coordinated as part of a comprehensive framework. There is a need for joined-up policy to ensure policy objectives across sectors and departments are complementary and mutually supportive for services working with shared client groups’ (Submission from VAADA to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, December 2008, quoting St Vincent’s Mental Health & Craze Lateral Solutions 2006).

release planning. Young people who often have to negotiate a maze of services also favour central case management, as Ms Hala Atwa from Youthlaw stated.

Unless a client has a case manager who can look at [their case] holistically and keep the client engaged in these processes, keeping young people engaged is often really challenging. Young people do not like to shop around; they like things within their immediate community. They are not resourced for transport, and then they have got no money to buy transport tickets anyway, there is a whole level of disasters waiting to happen. If they have got a youth justice worker, that is kind of their go-to person. If they have a youth worker through the city councils, we are finding that there are good outcomes for clients when they are well supported and engaging well [with a central co-ordinating person].¹⁷¹

The Centre for Multicultural Youth endorsed this approach in evidence to the Inquiry:

We are in agreement with the research which acknowledges the success of the case management approach as compared to a silo approach where, for example, a person can only get assistance with a specific issue in their life. Funding models need to recognise the complexity in the reasons behind youth offending, and provide flexibility in response so that an individually tailored and appropriate response can be delivered for young people.

In line with that, intervention should cut across multiple domains – for example, the school, peers, family and community. That suggests the need for a multi-agency coordinated and timely response to young peoples’ issues. Examples of that are youth offending teams in the United Kingdom, or the Neighbourhood Justice Centre model in the city of Yarra in which multiple agencies work together to provide a joint case management approach tailored to the young person’s needs, and they appear to be positive examples of that sort of approach.

Another key principle for effective practice is that there should be multiple possible points at which a young person can receive assistance. It is simplistic to think that a single intervention at a point determined by policy-makers is going to sort things out in the complex life of the young person who is engaging in high-volume offending. Instead it is about ensuring that there are multiple points at which a range of interventions can be offered – that is, multiple opportunities for young people to get support at a time when they might be ready for it.¹⁷²

The Committee also heard that in addition to policies and programs being based on a coordinated and holistic model, approaches to address youth offending must be *long term* to guarantee even a modest level of success.¹⁷³

It has also been commented in a variety of Inquiry reports, including those of the UK and Scottish Parliaments, that effective cross-departmental and agency data sharing, subject to security and privacy requirements, must be a priority.

¹⁷¹ Evidence of Ms Hala Atwa to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

¹⁷² Evidence of Ms Sally Reid, Centre for Multicultural Youth, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

¹⁷³ ‘Often policy-makers lack an understanding of the complex lives of offenders, especially high-volume offenders. They have complex and chaotic lives. High-volume offenders generally have entrenched long-term issues and we need to recognise that in our response to them. That means we should be providing holistic long-term responses to such behaviour.

‘It is unrealistic to think that these sorts of issues leading to high-volume youth offending, can be addressed in, for example, a six-month program. That is not to say short-term programs do not have a value – they do – but where those sorts of programs do exist they need to link into future and sometimes ongoing support for that young person’ (Evidence of Ms Sally Reid, Centre for Multicultural Youth, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008).

Whilst the governance structure in Scotland is different from that in Victoria, with local authorities in Scotland having a far greater role, it is nonetheless an approach that is worth considering.

Positive new developments

The Vulnerable Youth Framework¹⁷⁴

One example of an integrated approach to youth service delivery that may serve as a good model is that of the inter-departmental approach in developing a Vulnerable Youth Framework (the Framework).

Research for the development of the Framework involved surveying a number of best practice models from both Australia and internationally. The Office for Youth and the Youth Justice Branch of the Department of Human Services commissioned KPMG in 2007 to review these other systems and examine existing youth services and practice models in Victoria.

This project found that a number of best-practice studies identify the need for developing a youth services system based on a continuum of service delivery that ranges from prevention and early intervention through to secondary and tertiary responses to meet young people's needs. In Victoria, many local government authorities provide programs for youth, most often concentrated at the universal end of service delivery. However analysis of youth services in Victoria indicates that most Victorian state government investment in youth services is concentrated on secondary and tertiary interventions.

The KPMG study also found that, *currently in Victoria, there is no single body that has the responsibility for coordinating an overall youth service system, nor is there a coordinated system for managing and monitoring service planning and delivery.* Despite the investment from these levels of government (including the Commonwealth) there is a lack of consistency with respect to youth service provision at the local level. Youth services in Victoria exist in a range of forms and are provided by a range of organisations. The current youth services system tends to be characterised by lack of systematic coordination and little data-sharing to help inform comprehensive service delivery. For many vulnerable young people it is a difficult system to navigate (Department of Human Services 2008, p.25). (Committee emphasis)

The problems it was felt not only exist *across* departments or agencies but often there may be a lack of clear focus, direction or coordination within a given service or department. In many cases this may be due to a lack of resources or inflexible and rigid rules or conditions attached to funding:

Many youth services are constrained by funding agreements that influence eligibility criteria. Service targets and strategies are generally single issue focused. A service response may not be available until a problem is significant. Waiting times for services vary, as does the amount of time available for service delivery. There is often no clear point of entry for a young person or a family experiencing problems in any given locality. These constraints may lead to young people feeling rejected by the system (Department of Human Services 2008, p.25).

¹⁷⁴ The consultative process for the Vulnerable Youth Framework has now been completed. The responses to the Discussion Paper published in 2008 have been collated and it is envisaged that these will be incorporated where relevant in the development and implementation of the final Framework late in 2009.

The *Discussion Paper* produced for the Framework developed a youth service continuum model based on an integrated and coordinated approach to service delivery and implementation (see Table 6.1). The Table indicates the services needed for young people at different stages of their development and with different levels of need or vulnerability. Different services are required or appropriate at different layers of vulnerability. However, as the Discussion Paper itself notes:

[i]t needs to be emphasised that there are no hard boundaries around the layers. Young people can move between each layer at any point in time. It is important for services to be able to provide smooth pathways both into and out of their area of expertise so that young people can experience service flexibility that focuses on their individual needs (Department of Human Services 2008, p.34).

Table 6.1: A youth service continuum

The majority of Victorian young people	Experiencing additional problems	Highly vulnerable	High risk
Lower concentration of services	→		Highest concentration of services
The broadest area of activity relating to all young people.	A substantial area of timely activity for young people identified as vulnerable.	The area that involves a range of support services for a smaller number of young people with serious problems.	The area out-of-the ordinary traumas <ul style="list-style-type: none"> emergencies that need careful planning to enable appropriate responses. <p>Tertiary interventions are usually involuntary.</p>
Activities include:	Activities include:	Activities include:	Activities include:
<ul style="list-style-type: none"> good supportive connections to family positive engagement with school positive peer groups access to information health promotion programs leadership development programs involvement in recreational/cultural events or organisations neighbourhood and community renewal, including youth-friendly/specific 'spaces'. 	<ul style="list-style-type: none"> prevention activities generalist youth services, including counselling youth development activities access to other services, including family planning, drug and alcohol awareness and education a focus on keeping young people engaged at school mentoring crime prevention / diversion programs parent support groups/parenting education mental health and alcohol or other drug assessment and treatment services. 	<ul style="list-style-type: none"> family services intensive youth support services a focus on returning young people to school, TAFE/university or other educational/vocational training activity activities that are culturally relevant mentoring parenting education/support groups mental health and alcohol or other drug assessment and treatment services. 	<ul style="list-style-type: none"> child protection services – targeted and specialist services youth justice services – targeted and specialist services specialist mental health or alcohol or other drug assessment and treatment services inpatient drug and alcohol rehabilitation access to educational / vocational / training activity providing comprehensive / integrated and intensive support services.

Source: *Vulnerable youth framework: Discussion Paper, DHS, Melbourne.2008, p.34.*

Youth Justice Community Support Service (formerly Youth Justice Service Delivery Model)

This model looks at integrating community and government service delivery for young offenders and those at risk of re-offending. Key community sector agencies liaise with DHS youth justice case managers to meet the needs of young people on youth justice orders. According to a submission from the Youth Substance Abuse Service (YSAS) the service aims to:

- Achieve a reduction in the rate, severity and frequency of re-offending;
- Enable young people to make an effective transition to adulthood;
- Develop young people's capacity for economic, social and cultural participation.

The model is a co-ordinated, integrated and holistic response addressing the social, economic inclusion, health and well-being, gender, developmental needs and individual dreams and aspirations of each young person. The service aims to build client resilience, wellness and self-determination, equipping them with the skills and knowledge to make informed choices regarding their future and the means to participate more fully in their community.

Intensive support and supported referral will be provided through multi-disciplinary Youth Justice Support Services teams of caseworkers from across each agency; minimising the chance of 'over-servicing' a young person.¹⁷⁵

Moreover, the YJCSS provides a:

- Regionally based flexible response
- Central referral points
- Streamlined assessment and planning process
- Intensive support and/or supported referral pathways
- Client and outcome focus
- Strengthened working relationships between key agencies providing services to Youth Justice clients
- Streamlined role for support workers
- Culturally appropriate practice
- Access to primary health assessments, links to 'youth friendly' nurses and GPs
- Strong links with age and development appropriate education, training and employment, including capacity to provide comprehensive vocational assessment
- Strong links with homeless and housing sector
- Research, advocacy and policy arm
- Recognition that young people go through a range of transitions (ie. Primary to high school, leaving school, leaving home, family dislocation, leaving care or custody, developing emotional attachments/relationships, puberty, experimentation with alcohol and drugs, entering the workforce) and by addressing a range of needs (both developmental and criminogenic) the likelihood of a young person desisting from offending is increased
- Facilitation of links to a range of tailored, local and individualised programs such as; diversionary programs, recreation, independent living skills, employment/training, self development and family services.¹⁷⁶

¹⁷⁵ Submission from the Youth Substance Abuse Service (YSAS) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The YJCSS is discussed further in the context of strategies for young people detained in youth custody, in Chapter 11.

Best practice: A New Zealand case study

New Zealand has long been viewed as a frontrunner in the development of innovative and comprehensive policy and programs to address youth justice issues including youth offending and re-offending. In particular it has an international reputation for being at the vanguard of developing diversionary programs, especially group, family or youth conferencing.

The Committee's research has shown that New Zealand has been concerned for some time regarding the level of youth crime and the extent of repeat offending. As a result, an extensive review of the juvenile justice system has been undertaken and a comprehensive Youth Offending Strategy has subsequently been implemented. The strategy recognises both the multiple causes of youth offending and opportunities that exist at different stages in the young person's life to both prevent offending and reduce re-offending. This strategy is discussed at length later in this chapter.

To get a better sense of the New Zealand approach to addressing youth offending and recidivism the Committee travelled to that country in November 2008.

Before discussing in detail the highly integrated, coordinated and collaborative nature of juvenile justice in New Zealand, the key components of the system will be described briefly.

The New Zealand youth justice system

In 1989 New Zealand introduced an innovative and progressive regime for young people who offend centred on the *Children, Young Persons and Their Families Act* 1989. This Act established new objects and principles for youth justice and set up an innovative system for responding to the young people who offend. This internationally recognised new system emphasised diversion from courts and custody, and, while holding young persons accountable:

facilitate[d] the construction of responses that aim to provide for the rehabilitation and reintegration of young people, support for their families, and that take into account the needs of victims. Since then, this system has been hailed as an example of restorative approach to offending by young people, both because of its objects and principles and because of its use of family group conferences for determining the outcomes of the more serious offending by young people.¹⁷⁷

¹⁷⁶ Submission from YSAS to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

¹⁷⁷ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 27 May 2009).

The New Zealand juvenile justice system:

[r]eflects an understanding that:

- Contact with the criminal justice system is often itself harmful;
- Youth offending is often opportunist behaviour which will be outgrown;
- Young people should be confronted, held accountable for their offending behaviour and given opportunities to take responsibility for their actions by making amends to the victim(s) of their offence(s); and
- By involving the young person in a face-to-face meeting with the offence victim, they can see the effects of their conduct in human terms.¹⁷⁸

The 1989 legislation physically separated the youth justice system from the Family Court process by creating a specialist Youth Court. This was intended to keep ‘care and protection’ proceedings in the Family Court separate and to ensure that dispositions for offences were time-limited, commensurate with the offence, and just.

The key features of the youth justice system include:

- The *Children, Young Persons and Their Families Act 1989* (CYPF Act)
- The use of diversion rather than criminal charges in most cases
- The use of specialist police (Police Youth Aid)
- The incorporation of restorative justice through family group conferencing
- The establishment of a specialist Youth Court.

Each of these features will be briefly outlined.

The Children, Young Persons and Their Families Act 1989

Offending by *children* (10–13 years) and *young people* (14–16 years) is dealt with under the provisions of the CYPF Act. Children cannot be prosecuted for offending other than murder or manslaughter. Other offending by children can only be dealt with in the Family Court under a different care and protection scheme. Offending by young people is dealt with in the specialist Youth Court.

The CYPF Act 1989 seeks to minimise the formal involvement of young offenders in the youth justice system, while holding them accountable for their offending behaviour. A further key feature of the Act is the involvement of those most affected by the offending (including the young person, their family or *whanau* [wider kinship network] and victim) in formulating an appropriate response to the offending (Ministry of Justice/Ministry of Social Development 2002, p.8).

When the CYPF Act was passed into law it was unique amongst common law (Anglo-American) jurisdictions. The legislation set out in statutory form not only its objects but also a comprehensive set of general principles that govern juvenile justice:

¹⁷⁸ *Practical information about family group conferences for Young People and their Families*, Compiled by Kirsten JS Ferguson, Chief District Court Judge’s Research Counsel, with the help and guidance of Principal Youth Court Judge Andrew Becroft, at <http://www.justice.govt.nz/youth/about-youth/family-group-conference.asp> (Accessed 28 May 2009).

The main objects stress promoting the well-being of children and their families by

- providing services which are appropriate to their cultural needs and are accessible;
- assisting families in caring for their children;
- ensuring that young offenders are held accountable for their actions; and
- dealing with children and young people who commit offences in a way that acknowledges their needs and enhances their development.¹⁷⁹

The principles establish the primary need to:

- involve families in decisions and seek their agreement to decisions;
- consider the wishes of children and young people and their welfare; and
- work in a time frame appropriate to the age of the child or young person.

Specific principles governing the youth justice sections of the 1989 Act emphasise that:

- where public interest allows, criminal proceedings should not be used if there is an alternative means of dealing with the matter;
- criminal proceedings must not be used for welfare purposes
- measures to deal with offending should strengthen the family, *whanau*, *hapu*, *iwi*¹⁸⁰ and foster their ability to deal with offending by their children and young people;
- young people should be kept in the community;
- age is a mitigating factor;
- sanctions should be the least restrictive possible and should promote the development of the child in the family;
- due regard should be given to the interests of the victim; and
- the child or young person is entitled to special protection during any investigations or proceedings.¹⁸¹

The New Zealand Department of Justice argues that to some extent these objectives and principles reflect current trends (and tensions) in juvenile and criminal justice practice including:

- disillusionment with aspects of a 'welfare' approach, which held sway in the first seventy years of the twentieth century; (link to History of the Youth Court);
- the separation of welfare and justice issues;
- the endorsement of certain principles of 'just deserts' (that is, proportionality, determinacy and equity of outcomes);
- an emphasis on accountability and responsibility;
- the protection of children's and young people's rights; a preference for diversion from formal procedures;

¹⁷⁹ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 27 May 2009).

¹⁸⁰ *Hapu* = section of a larger tribe, *Iwi* = Tribe or grouping of people with same ancestry, *whanau* = extended network of family or kin.

¹⁸¹ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 27 May 2009).

- de-institutionalisation and community based penalties;
- a shift in resources from state agencies to the voluntary and private sector; and
- the use of least restrictive alternatives.¹⁸²

Juvenile justice processes

The age of criminal responsibility in New Zealand is 10. However, ‘children’ (under the age of 14) cannot be prosecuted except for the offences of murder and manslaughter. In other cases when a young person (as distinct from a child) offends, the police can respond by, (in reverse order of severity):

- issuing a warning not to re-offend;
- arranging informal diversionary responses after consultation with victims, families and young people;
- where intending to charge, making referrals to Child Youth and Family Services for a family group conference; or
- arresting and laying charges in the Youth Court.

The Youth Court will refer matters to a family group conference before making a decision and ‘will prefer decisions that respond to victims, and keep the young person in the community (where public safety does not require otherwise) and enhance their well-being’.¹⁸³

Alternatively they may be referred to the Department of Child, Youth and Family Services (CYFS) as in need of care and protection and, if necessary, issues of the care and guardianship of these children can be dealt with in the Family Court.

A young person who commits crimes beyond the age of 16 is dealt with by the District Court (equivalent to Victorian County Court) or, if the offence is serious, in the High Court (equivalent to Victorian Supreme Court). The offences of murder and manslaughter committed by any young person aged 10 years or over are automatically transferred by the Youth Court to be dealt with in the High Court. The Youth Court can decline to hear serious offending cases (for example, arson and aggravated robbery), which then must be heard in the District Court. The Youth Court can also transfer matters to the District Court after the charge has been proved, depending on the seriousness of the case and the previous offending history of the young person. But most charges laid in the Youth Court are dealt with in the Youth Court:

The vast majority of offending by young people (83%) is now dealt with under the alternative youth justice diversion procedures under the control of the Police.¹⁸⁴

¹⁸² *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 27 May 2009).

¹⁸³ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 28 May 2009).

¹⁸⁴ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 28 May 2009).

Police, diversion and police youth aid

The intention underlying the 1989 CYPF Act is ‘to encourage the Police to adopt low key responses to juvenile offending except where the nature and circumstances of the offending mean that stronger measures are required to protect the safety of the public’.¹⁸⁵ Thus juvenile offenders cannot be arrested unless certain conditions are met. The most important being that the arrest is necessary:

- to ensure the juvenile’s appearance in court,
- to prevent the commission of further offences, or
- to prevent the loss or destruction of evidence or interference with witnesses.¹⁸⁶

Minor and first offenders will invariably be diverted from prosecution by means of an immediate (street) warning. Where further action is thought necessary, the Police can refer juveniles to the Police Youth Aid section.

Nearly all police regions in New Zealand have at least one Police Youth Aid officer who has designated responsibility for dealing with children and young people who have been apprehended, or whose behaviour has otherwise come to the attention of police. Children and young people referred to Police Youth Aid can be given a warning, diversion, or be referred to a Youth Justice Coordinator for a Family Group Conference. Diversion may involve the child or young person paying reparation to the victim, writing a letter of apology, undertaking community work, or participating in an appropriate project or program.

Evidence suggests that 44% of children and young people are dealt with by warnings, 32% by Police Youth Aid diversion, 8% by direct referral to a Family Group Conference and 17% by charges in the Youth Court followed by a Family Group Conference.¹⁸⁷

Family Group Conferencing¹⁸⁸

Family Group Conferences (FGCs) were established by the CYPF 1989 Act. There are both care and protection and youth justice FGCs, all of which are convened and facilitated by Youth Justice Coordinators.

A youth justice FGC involves the youth, his or her family, the victim (and a support person), the Police and others (such as a social worker, Police Youth Aid officer or person requested by the family). The FGC agrees on a plan for how the youth’s offending is to be addressed. As with diversion, the plan may involve the youth making an apology or paying reparation to the victim, undertaking community work, or participating in a relevant programme. The YJC [Youth Justice Coordinator] is responsible for ensuring that someone (a participant of the

¹⁸⁵ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 28 May 2009).

¹⁸⁶ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 28 May 2009).

¹⁸⁷ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 28 May 2009).

¹⁸⁸ For further detailed information on family group conferencing and its antecedents in New Zealand, see Chapter 10 of this Report, and in particular *Practical information about family group conferences for Young People and their Families*, Compiled by Kirsten JS Ferguson, Chief District Court Judge’s Research Counsel, with the help and guidance of Principal Youth Court Judge Andrew Becroft, at <http://www.justice.govt.nz/youth/about-youth/family-group-conference.asp>

FGC, community representative or Child, Youth and Family) monitors the FGC plan (Ministry of Justice/Ministry of Social Development 2002, p.8).

Evaluation has shown that the system has been largely successful in achieving its goals and, 'in reducing reoffending and promoting the well-being of young people who have offended'.¹⁸⁹

The Youth Court

The Youth Court (for young offenders aged 14–16) is separate from the adult criminal justice system and is strongly focused on the rehabilitation of young offenders. Young offenders are generally not convicted; instead, offences are either 'proved' or 'not proved'. Similarly:

[t]he Youth Court does not sentence young offenders; rather, it imposes 'orders'. In most cases, Youth Court judges will try to give effect to the recommendations of FGC plans. The most serious orders are either the supervision with activity order or the supervision with residence order. The latter is the only custodial option available to the Youth Court (Ministry of Justice/Ministry of Social Development 2002, p.9).

The Youth Court can transfer very serious cases to the District Court for prosecution or sentencing, or in rare cases the High Court. Murder and manslaughter are automatically transferred from the Youth Court to the High Court.¹⁹⁰

The New Zealand system, therefore, incorporates a number of innovative strategies. In particular:

- the rights and needs of indigenous people are to be taken into account;
- families are to be central to all the decision-making processes involving their children;
- young people themselves are to have a say in how their offending should be responded to;
- victims are to be given a role in negotiations over possible penalties for juvenile offenders; and
- decision-making is by group consensus.¹⁹¹

Notwithstanding this innovative and generally acclaimed system and widespread agreement both within New Zealand and from international experts that the framework for youth justice in New Zealand is fundamentally sound, by 2000 concerns were being expressed about New Zealand's response to youth offending and re-offending:

There is a widely held perception that the practice has not lived up to the promise of the 1989 reforms. This is partly because youth justice is seen as not having received the priority it requires from core youth justice agencies (Child, Youth and Family and the Police) and the support it requires from the health and education sectors.

¹⁸⁹ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 28 May 2009.)

¹⁹⁰ For a full account of the processes and procedures of the New Zealand Youth Court, see *What's special about the Youth Court?* 2009, Youth Court of New Zealand website, at <http://www.justice.govt.nz/youth/about-youth/default.asp> (Accessed 28 May 2009).

¹⁹¹ *About Youth justice – Overview of Principles and Process*, Department of Justice, New Zealand, at www.justice.govt.nz/youth/aboutj.html (Accessed 28 May 2009).

The cost to Government and the community of not adequately addressing offending by children and young people remains significant, particularly if their offending becomes more frequent and/ or serious (Ministry of Justice/Ministry of Social Development 2002, p.4).

Consequently, the New Zealand Government established a Ministerial Taskforce on Youth Offending, which was chaired by Chief District Court Judge Carruthers with support from Principal Youth Court Judge Becroft, and included chief executives from relevant government agencies. The purpose of the Taskforce ‘was to develop and drive through a package of initiatives to improve practice, processes and co-ordination between agencies in the youth justice sector’ (Harland & Borich 2007a, p.17). The key goal of the Taskforce was to establish a comprehensive Youth Offending Strategy for New Zealand.

The Youth Offending Strategy

In October 2001, the New Zealand Minister of Justice established a Ministerial Taskforce on Youth Offending to develop and drive through a coordinated package of initiatives to reduce youth offending and ensure a collective and collaborative approach:

The Taskforce was formed in response to an increase in reported offending and difficulties in the co-ordination of policy and service delivery across the youth justice sector. There were also concerns about ongoing problems in youth justice practice (Harland & Borich 2007a, p.17).

The Youth Offending Strategy was one of the key outcomes emanating from the Taskforce. It aims ‘to prevent and reduce offending and re-offending by children and young people. It guides Government about where to focus its effort in youth justice policy, and helps co-ordinate the local delivery’ (Ministry of Justice/Ministry of Social Development 2002, p.5).

Some of the key actions that flow from the Youth Offending Strategy include:

- the establishment of an interdepartmental group of senior officials, the Youth Justice Leadership Group, which oversees the implementation of the Youth Offending Strategy;¹⁹²
- the establishment of local Youth Offending Teams (YOTs) throughout New Zealand to coordinate service delivery;
- the development of risk assessment tools to be used at key intervention points in the system (e.g. first contact with Police);
- the establishment of a pilot Drug Court for young offenders with serious drug and alcohol problems;
- the establishment of innovative and intensive residential and community based programs for serious young offenders; and
- the establishment of innovative holistic programs for Maori young people.

¹⁹² The Youth Justice Leadership Group (YJLG) consists of national policy and operational managers from the Ministries of Justice; Social Development; Health; and Education; the Department of Child, Youth and Family; and New Zealand Police. ‘The YJLG communicates regularly with Youth Offending Teams and oversees the performance of Youth Offending Teams to ensure that all teams are supported and are able to function effectively’ (Harland & Borich 2007a, p.82).

Communication with Youth Offending Teams (YOTs) is achieved via YJLG members making regional visits, and the answering of queries from YOTs recorded on monthly reporting forms which are submitted to the Ministry of Justice with the YOT monthly minutes.

The Strategy is based on a set of 11 guiding principles. These are:

1. Accountability

Children and young people who offend are to be held accountable for any offences they commit and encouraged to take responsibility for their behaviour.

2. Recognising the interests of victims

Measures for dealing with offending should consider the interests of any victims of the offending.

3. Early Intervention

Effective intervention should be directed at the earliest recognised point of a child or young person's development toward possible offending, wherever this is cost-effective and practicable. Early interventions should also be directed at key points in the youth justice process.

4. Protection

The vulnerability of children and young people entitles them to special protection during any investigation relating to the possible commission of an offence.

5. Age and Developmental Appropriateness

Interventions should be age-appropriate and recognise the child or young person's developmental level. Age is a mitigating factor in determining whether or not sanctions should be imposed on a child or young person.

6. Best Practice

Interventions should be based on research about what works, for whom and where, and on what doesn't work.

7. Consistency with the Treaty of Waitangi¹⁹³

Responses to offending by Maori children and young people should be consistent with the principles of the Treaty of Waitangi, and support the aims and aspirations of Maori [young people].

8. Cultural Responsiveness

Responses to offending by children and young people should reflect the values, perspectives and cultures of the children and young people concerned and strengthen the relationship between the Government and the different communities it serves.

9. Youth Participation

Young people should be provided with every opportunity to fully participate in the youth justice system. This will enable them to identify ways to provide redress to victims, as well as determine the most appropriate response to their offending.

10. Holistic Approach: Strengthening Families and Community Connections

Measures for dealing with offending by children and young people should involve and aim to strengthen the family/whanau. A child or young person who offends should be kept in the community where practicable, unless there is a need to ensure the safety of the public.

11. Limiting Involvement in the Formal Youth Justice System

Sanctions should take the least restrictive form appropriate in the circumstances. Criminal proceedings should not be brought if there is an alternative way of dealing with the offending (unless the public interest requires otherwise), or solely to provide assistance or services to advance the welfare of the child or young person, or their family/whanau (Ministry of Justice/Ministry of Social Development 2002, p.5).

¹⁹³ The Treaty of Waitangi is New Zealand's founding document. 'It takes its name from the place in the Bay of Islands where it was first signed, on 6 February 1840. This day is now a public holiday in New Zealand. The Treaty is an agreement, in Maori and English, that was made between the British Crown and about 540 Maori rangatira (chiefs)'. See *New Zealand History Online* at <http://www.nzhistory.net.nz/politics/treaty/the-treaty-in-brief> (Accessed 28 May 2009).

There are a number of plans, programs and projects that form part of the Strategy and are aimed at preventing or reducing youth offending in New Zealand. The main ones for the purposes of this chapter and in the context of coordination and collaborative measures are YOTs, the Youth Drug Court and Family Strengthening.¹⁹⁴

Youth offending teams

YOTs were formed in late 2002 as a recommendation of the Youth Offending Strategy (2002).

The Report of the Ministerial Taskforce on Youth Offending had earlier identified three areas requiring immediate action: intra-agency practice, coordination and collaboration at a local level, and national coordination and leadership:

It was intended that through the YOTs, effective working relationships would be built between the four government service delivery agencies that intervene with youth offenders: Police; Child, Youth and Family; Education; and Health. The overall aim of YOTs is to co-ordinate service delivery at a local level to young offenders (Harland & Borich 2007a, p.9).

There are currently 32 teams spread throughout New Zealand. Two representatives from each of the four agencies (Police, Health, Education and Youth and Family), one at management and the other one at a practitioner level, meet monthly.¹⁹⁵ It is generally agreed that having representation of both managers and practitioners on YOTs is the optimal model ‘with managers providing the strategic direction and decision making resources, and the practitioners as the frontline people with an overview of what is happening in the community’ (Harland & Borich 2007b, p.3).

A Youth Justice Leadership Group oversees the performance of YOTs and ensures that all teams are supported to function effectively. The Leadership Group comprises national policy and operational managers from the Ministries of Justice, Social Development, Health and Education; the Department of Child, Youth and Family; and New Zealand Police. An Independent Advisory Council comprised of experts in youth justice, child health and welfare and other youth agencies to advise the Leadership Group and Ministers was also established. The Ministry of Justice also provides two full-time YOT Adviser positions to provide support and guidance to YOTs and act as a link between the YOTs and the Leadership Group.

The purpose and overall aim of the YOTs is to ‘co-ordinate service delivery at a local level to young offenders’ (Harland & Borich 2007a, p.21). Specifically YOTs:

¹⁹⁴ Other projects that were developed and implemented as a result of the Strategy include:

- Action for Child and Youth Development
- Crime Reduction Strategy
- Strategy to Reduce Offending by Maori and Pacific Youth
- Department of Corrections’ Youth Strategy
- Child, Youth and Family’s Youth Justice Plan.

¹⁹⁵ The preferred composition of a YOT is:

- Police Youth Aid Officer and Youth Aid or Station Sergeant
- Child, Youth and Family Youth Justice Co-ordinator and Service Delivery Unit Manager
- Health Clinician and District Health Board Manager
- Education Manager and practitioner from either Group Special Education or National Operations (Harland & Borich 2007a, p.43).

- [h]ave oversight of the operation of the youth justice system within their area
- troubleshoot specific issues or service failures
- have a bottom up response to youth justice issues, and
- have a voice at national level through the YJLG [Youth Justice Leadership Group] (Harland & Borich 2007a, p.21).

Other functions of the YOT may vary depending on city or region but some YOTS may also be involved in identifying gaps in service delivery and/or undertaking projects or initiatives for their local areas. The Committee was told of a number of such YOT projects when it met with representatives of the Ministry of Justice in Wellington in November 2008. Some examples of these recent projects undertaken by local YOTs include:

- Redesigning the Youth Court layout by the Whangerei YOT to make it more functional and family friendly
- Improving the timeliness of court reports (Whangerei YOT)
- Developing anger management programs for young offenders in the Whangerei district (Whangerei YOT)
- Developing a truancy initiative to test the ‘common belief that a lot of offending is committed by truants during school hours’ (Hawkes Bay YOT)
- Devising a web based information sharing system for agencies working with the same clients in the local Hamilton area (Hamilton YOT).¹⁹⁶

Other roles of YOTs include monitoring data about local level offending and re-offending trends and monitoring overall outcomes for children and young people in the youth justice system.

It is not the purpose of YOTs to act as a forum for case management of individual offenders except ‘as a means to discuss “typical” cases so as to identify gaps in service and problems with inter-agency engagement’ (Harland & Borich 2007a, p.33).

It has generally been felt that this is the correct approach for YOTs:

[e]ither because of confidentiality issues of clients, the fact that case management could take over the more strategic approach required or that other inter-agency forums deal with case management (Harland & Borich 2007a, p.33).

After it was established, the Hamilton YOT spent a considerable amount of time identifying key issues in the youth justice sector that needed to be addressed. One such issue identified was the need for improved information sharing across local agencies.

The YOT identified that in some cases young people were being ‘bombarded’ with repetitive assessments by different agencies, but that the findings from the assessments were not being incorporated into an overall plan for addressing the young person’s offending. In other words case planning for young offenders was fragmented, piecemeal and uncoordinated. Overall, the YOT concluded that there was a common tendency for assessments of the same young person to be conducted separately without information ever being shared.

¹⁹⁶ Information gathered from presentation to the Drugs and Crime Prevention Committee by representatives of the New Zealand Ministry of Justice, Youth Justice Leadership Group, Wellington, 25 November 2008.

In response, the YOT developed a two-staged initiative. The first stage was the establishment of ‘The Panel’ and Shared Case Management meetings. These two meetings operate fortnightly and aim to facilitate and manage a ‘wrap-around’ inter-agency response to young people who are medium to serious risk offenders in the Hamilton area.

The Panel provides one point of entry into the range of services for young offenders at the pre-family group conference stage and is attended by senior staff from the Police, Children, Youth and Family Services, Mental Health and the Ministry of Education.

The Shared Case Management meeting is for caseworkers involved in delivering services to young offenders. The meetings are focused on specific cases and provide the opportunity to coordinate their various interventions. These meetings, according to YOT representatives, have facilitated improved communication, relationships and ways of working.

In the second stage of the initiative, the YOTs intend to establish a shared information system to allow government agencies to share information, communicate and monitor their shared clients in an ongoing way making allowances for privacy and confidentiality concerns. The YOTs proposes to commission the development of a secure internet-based shared file system. Once established, the shared file system will enable practitioners (with security clearance) to go on-line and access an up-to-date case history of the young person. Authorised practitioners will also be able to update existing information and add new information.

Evaluation of youth offending teams

An evaluation of YOTs was conducted in 2007. The evaluation used both qualitative and quantitative methods to collect information about how YOTs operate:

[w]ith the intention of identifying examples of best practice and opportunities for development, and useful guidelines for improving the efficiency and appropriateness of their functioning. (Harland & Borich 2007a, p.9).

Interviews were held with 45 key informants from seven YOTs, including both current and past YOT members. It was found that YOTs generally achieve the main purpose for which they were designed, namely they are effective in encouraging inter-agency collaboration.

The key informants were generally positive regarding the inter-agency engagement and interaction that occurred through the Youth Offending Teams. For example, “*I like the information sharing. I like the networking*”. Some specifically commented on the positive flow-on of the inter-agency engagement and interaction on their day to day functioning in their job.

“The intangible result is, I actually think that by meeting on a regular basis...those networks have been strengthened amongst people and I think some of the barriers have come down between various organisations. There has been quite a lot of dialogue going on. ... It does work, yes. On several levels. One level is that we have actually managed to develop really good positive relationships with the other agencies within the meetings. But that has also flowed over into just everyday practice. The staff that they can ring up, staff from other agencies, get information, share information, discuss ideas and perhaps resolve problems that may arise in a less formal way. So that is good. The networking and keeping up to date with what is going on, and being able to work together – That was really useful. I don’t think collaboration happens enough. I don’t think you can get too much of it. So I think it is really important to make those connections” (key informants) (Harland & Borich 2007a, p.26).

The evaluation found that a specific advantage of YOTs in terms of inter-agency engagement is that:

[w]hilst there are other inter-agency forums that involve Police and Child, Youth and Family, the YOT's structure includes Health and Education and therefore it allows for a more holistic approach to be taken when addressing youth offending in local areas....

It is believed that Youth Offending Teams have encouraged communication and networking that would not have occurred without the YOT (Harland & Borich 2007b, p.26).

Information and data sharing was seen as an especially useful function of the YOTs according to many of the surveyed key informants:

In some YOT meetings, members bring data from their own agency regarding youth offending (including trend summaries and information that is part of that agency's reporting process).

Some key informants commented that often the information provided was useful to the other agencies as it can help make sense of what the other agencies are experiencing in terms of changes or trends in youth offending behaviour.

Many key informants saw sharing information as an important aspect of co-operation and collaboration between the agencies. Some key informants considered the sharing of information to be one of the key benefits of the YOTs and for it to be important in addressing youth offending.

"I think it is a huge information sharing forum".

"If there is something of note or something new that is coming up within any agency, [they are] really good in forwarding that on to the rest of us so we know what is happening in the other agencies".

"Once you break down those barriers and once you get that information flowing, you are not doubling up on services, you are actually providing services better and quicker to kids. You are getting through the system quicker and probably having a greater impact on them" (key informants) (Harland & Borich 2007a, p.50).

One of the issues the evaluation dealt with was the extent to which community and other agencies in the wider community could take part in the deliberation of the YOTs. Whilst YOTs are expected to 'develop ways of sharing information and keeping other stakeholders up to date, such as holding liaison meetings and inviting interested parties to attend YOT meetings' (Harland & Borich 2007b, p.2), most people who responded to the evaluation questionnaires felt it was inappropriate for outside community agencies to have formal membership of a YOT. A literature review conducted as part of the evaluation also found that 'before successful collaboration can happen between government agencies and non government organisations, core agencies need to be working together properly' (Harland & Borich 2007b, p.5).

Some YOTs dealt with issues about consulting with community organisations and involving them in specific initiatives by holding regular liaison meetings to discuss local issues and YOT activities and inviting interested parties to attend part of YOT meetings. The first half of the meeting may comprise the core government agencies and this is followed with a joint meeting of the wider local youth justice network (Harland & Borich 2007a, p.35). Moreover, YOT members could and do regularly attend the meetings of other organisations and provide feedback and advice as to how to address youth offending in their areas.

In summary, it has been found that YOTs 'successfully encourage inter-agency engagement between the four core youth justice agencies' (Harland & Borich 2007b, p.5). Specifically, the sharing of information and communication between the agencies is considered to be one

of the key benefits of YOTs in addressing youth offending and a great improvement on the previous ‘silosisation’ of youth service delivery.

Youth Drug Court

The Youth Drug Court Pilot was established in Christchurch, New Zealand in 2002. It is a model that integrates and coordinates a variety of youth justice and welfare services addressing a young person’s drug-related offending and re-offending. The Committee visited the Youth Drug Court and met with Judge Judy McMeekin in Christchurch in November 2008.

Background and history

The Christchurch Youth Drug Court pilot was established by the Ministerial Taskforce on Youth Offending as part of the Youth Offending Strategy discussed earlier in this section and started operating in March 2002. It is based on an initiative developed by Senior Youth Court Judge John Walker who identified a need for addressing the linkage between alcohol, other drug use and youth crime. He also believed it was essential to use the court to facilitate better services and service delivery to young offenders with drug abuse histories.

The Youth Drug Court pilot’s overall objectives were to:

- improve the young people’s health and social functioning and to decrease their alcohol and/or drug use;
- reduce crime associated with alcohol and/or drug use; and
- reduce criminal activity.¹⁹⁷

The drug court model began in the United States in 1989 and has grown exponentially into a movement of over 1000 courts encompassing mainly adult drug courts but also an increasing number of youth drug courts and family drug courts. The drug court model is applied in a number of forms and in countries such as Australia, Ireland and Canada.

Features of the Youth Drug Court

The model of a drug court and the concept of therapeutic jurisprudence, which underlies it, are discussed more fully in the section on diversion programs in Chapter 10. Some of the basic features of the New Zealand model are as follows:

- **Early identification**
The YDC [Youth Drug Court] process is designed to facilitate the early identification of young offenders with moderate to severe alcohol and other drug dependency that contributes to their offending. Their alcohol and other drug dependency can be linked to their offending behaviour when offending for the purposes of obtaining drugs and alcohol; offending under the influence of these substances; and committing drug related offences.

¹⁹⁷ Process Evaluation of the Christchurch Youth Drug Court, Dr Sue Carswell, Research and Evaluation Consultant for the New Zealand Ministry of Justice, Ministry of Justice website, at <http://www.justice.govt.nz/pubs/reports/2004/process-evaluation-chch-youth-drug-court-pilot/> (Accessed 29 November 2008).

- **Reducing time delays**
The YDC process aims to reduce time delays in service delivery to young people and facilitate immediacy of response.
- **Interagency co-ordination**
The YDC process aims to facilitate more effective co-ordination of services to address the complex needs of these young people and co-ordinate delivery of services that will help improve their well-being and reduce their offending.
- **Monitoring of young person's progress**
The YDC process aims to more closely monitor young people to encourage them to attend their treatment programme and progress in all areas of the treatment plan designed for them.¹⁹⁸

A model of collaboration and coordination

The Christchurch Youth Drug Court essentially operates as a Youth Court under the *Children, Young Persons and their Families Act* (CYP&FA 1989). Offenders are not sentenced until they either successfully complete their goals or they are discharged back to the ordinary Youth Court or District Court. If young people successfully complete their alcohol and other drug treatment plan and other goals they will rarely be given a custodial sentence. The Youth Drug Court is voluntary for young people identified as suitable candidates and they can elect to go back to the standard Youth Court at any time. The drug court model uses an inter-agency approach with a multidisciplinary team (YDC team) to provide and refer young people to services to address their various needs. The Christchurch Youth Drug Court team is made up of the following practitioners:

- YDC Judge;
- YDC Social Worker (Department of Child, Youth and Family Services);
- Youth Justice Co-ordinator (Department of Child, Youth and Family Services);
- Police Prosecutor (NZ Police);
- Youth Advocates (lawyers) representing YDC participants;
- Youth Speciality Services co-ordinator of the alcohol and other drug stream and mental health team (Ministry of Health);
- Group Special Education Team Leader (Ministry of Education);
- YDC Court Clerk (Ministry of Justice).

Each of these team members has been designated by their respective departments to the Drug Court and so there is consistency across the team. This enables the young person to build relationships with each of the team members and enables the building up of considerable team knowledge about the young person's case.

The Youth Drug Court team approach requires members from each agency to regularly be in contact with each other and work closely together to address the needs of the young person. The YDC sits fortnightly and the team meets before the court sits to review cases. This is designed to facilitate information sharing and co-ordination between agencies represented on the YDC team.¹⁹⁹

¹⁹⁸ *Process Evaluation of the Christchurch Youth Drug Court*, Dr Sue Carswell, Research and Evaluation Consultant for the New Zealand Ministry of Justice, Ministry of Justice website, at <http://www.justice.govt.nz/pubs/reports/2004/process-evaluation-chch-youth-drug-court-pilot/> (Accessed 29 November 2008).

¹⁹⁹ *What is the Youth Drug Court?* New Zealand Ministry of Justice website, at <http://www.courts.govt.nz/youth/publications/ydcourt.doc> (Accessed 29 May 2009).

From the perspective of coordination and integration the advantage of the drug court model is clearly that it uses an inter-agency approach and a multidisciplinary team to provide and refer young people to services to address their various needs. These include: alcohol and other drug treatment; programs to address offending behaviour; accommodation needs; and cultural, educational and vocational courses.

When the Committee met with Judge McMeekin of the Youth Drug Court she stressed the importance of having a young offender interacting with a consistent and stable team that would support and address the offender's needs:

We informally keep a check on how kids are doing and we do that because many of these young people stay in touch through the drug court social worker and many of them don't want to leave the drug court because for the first time in their lives they have consistency, they have one judge that they see all the time, they have one social worker, they have one clinician.²⁰⁰

A particular feature of the Youth Drug Court is the consistency of having the same Judge presiding over cases and monitoring the young person's progress. The Judge in consultation with the Youth Drug Court team changes the young person's plan in response to progress and circumstances.

If the plan breaks down and the young person breaches their bail conditions they are answerable to the YDC Judge, who decides whether they should be sanctioned and remain on the pilot, or be returned to the standard Youth Court process. In the final sentencing the Judge takes into account the young person's progress on their alcohol and other drug treatment programme and the other requirements of their plan, such as obligations to victims, training and educational goals. As stated, if they successfully complete the YDC they will receive a non-custodial sentence.²⁰¹

Moreover, the Youth Drug Court Judge also plays an extremely important role in coordinating and overseeing the progress of the young people taking part in the program:

Key features of the YDC model are the consistency of seeing the same Judge on a regular basis and the use of the Judge's authority to positively recognise progress and to sanction non-compliance. The therapeutic jurisprudence approach recognises that the way the Judge treats young people can be an important influence because of the Judge's symbolism and authority.²⁰²

Judge McMeekin stressed that despite the innovative nature of the court, it was still important to impose the authority of the bench on proceedings. But she also stressed the importance of the judge sitting with, taking advice from and collaborating with professionals in the field of drug abuse such as clinicians and therapists. Such collaboration goes further and is more genuinely interactive than the conventional court model whereby a professional gives 'expert' advice in an adversarial courtroom.²⁰³

²⁰⁰ Her Honour Judge Judy McMeekin, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Christchurch, New Zealand, 24 November 2008.

²⁰¹ *What is the Youth Drug Court?* New Zealand Ministry of Justice website, at <http://www.courts.govt.nz/youth/publications/ydcourt.doc> (Accessed 29 May 2009).

²⁰² Process Evaluation of the Christchurch Youth Drug Court, Dr Sue Carswell, Research and Evaluation Consultant for the New Zealand Ministry of Justice, Ministry of Justice website, at <http://www.justice.govt.nz/pubs/reports/2004/process-evaluation-chch-youth-drug-court-pilot/> (Accessed 29 November 2008).

²⁰³ Her Honour Judge Judy McMeekin, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Christchurch, New Zealand, 24 November 2008.

Overview of the Youth Drug Court process

To be eligible for the Youth Drug Court young people should meet the following criteria:

- [be] aged 14-16 years at time of offence;
- moderate-severe alcohol and/or other drug dependency linked to offending behaviour;
- be a *recidivist* offender defined as appearing in the Youth Court two or more times in the previous twelve months;
- sexual offending is excluded;
- some violent offending may be excluded and is assessed on a case by case basis;
- the offence[s] before the Youth Court have been proved or have not been denied.²⁰⁴

The Youth Drug Court team will then decide if the offender is a suitable candidate for the program:

This identification [of an eligible offender] might be made by the social worker, the police, a youth advocate, or by the presiding Judge. Once this identification has been made the young person is screened by a drug clinician based at Court on each Youth Court list day. If the result of that screening is that the identification is likely to be correct, then that result is advised to the presiding Judge who then makes a decision whether to transfer the young person to the next Drug Court. If the decision is to make that transfer then the young person is remanded, typically for three weeks, but certainly no more than four, to the next appropriate YDC. During the period of that remand a full assessment is carried out in respect of that young person, in particular of course the drug dependency, but also including a detailed assessment of the young person's family situation, their education situation and any other aspect of their life which is likely to affect the treatment plan required.²⁰⁵

As Her Honour indicates, the Youth Drug Court team will then in conjunction with the offender develop a treatment plan.²⁰⁶

Dr Sue Carswell evaluated the pilot in 2004. On balance it was thought the Youth Drug Court did a good job in meeting the aims and goals set out for it and was improving as time progressed. In particular, however, it was felt that one of its major strengths was its coordinated team approach.

The features of the YDC team that enhanced interagency co-ordination and provided an enhanced service were:

- The formalised inclusion of a broader range of agencies, in this case YSS [Youth Specialty Services] and GSE [Group Special Education], to provide a more comprehensive approach towards service delivery.
- The formalised recognition of the linkage between alcohol and other drug dependencies and offending allowed for a closer working relationship between Youth Justice and Health.
- The opportunity for Education to work more closely with the Youth Justice sector.

²⁰⁴ *Process Evaluation of the Christchurch Youth Drug Court*, Dr Sue Carswell, Research and Evaluation Consultant for the New Zealand Ministry of Justice, Ministry of Justice website, at <http://www.justice.govt.nz/pubs/reports/2004/process-evaluation-chch-youth-drug-court-pilot/> (Accessed 29 November 2008).

²⁰⁵ *What is the Youth Drug Court?* New Zealand Ministry of Justice website <http://www.courts.govt.nz/youth/publications/ydcourt.doc> (Accessed 29 May 2009).

²⁰⁶ *What is the Youth Drug Court?*, New Zealand Ministry of Justice website, at <http://www.courts.govt.nz/youth/publications/ydcourt.doc> (Accessed 29 May 2009).

- Provision of a forum for systematic and regular review and discussion between agencies which has thus far resulted in more communication and co-ordination between agencies.
- The YDC team provided a forum for understanding the connection between the work of the different agencies and being able to identify areas where they could work more co-operatively. It also provided a knowledge base on issues to do with young people and the opportunity to share that knowledge to find solutions. This also meant practitioners were well informed about the young people which, for example, made it more difficult for young people to manipulate practitioners.
- The consistency of Judge was identified as very important in building the relationship with the young person and monitoring their case and also providing leadership to the YDC team.
- Having a dedicated social worker was seen as an improvement on Youth Court practice.
- The continuity of personnel in the team was seen as a major strength.
- The provision for a collective working relationship with young people and their family/whānau/caregivers and making collective decisions.

There are indications that the YDC process provides for a more co-ordinated link in with other service providers by providing a forum for agencies and Youth Advocates to learn in a more systematic way about the various providers. This is either via discussions in YDC meetings or presentations such as at the operational review meetings...It appears that the YDC team could also provide a useful forum for service providers to link in with youth justice.²⁰⁷

The Christchurch Youth Drug Court is an excellent example of combining the conceptual basis of therapeutic jurisprudence with a rational approach to coordinated and collaborative service delivery.

Family strengthening

Another innovative New Zealand initiative program that attempts to coordinate and integrate service delivery for young people and children at risk and their families is the Strengthening Families Program.

Strengthening Families is a program led by the ministries of Health, Education, Social Development and Justice which attempts to create a collaborative network of agencies from both the government and the community and voluntary sector to work with at-risk children, young people and families experiencing multiple problems.

Local management groups (LMGs) comprising service delivery and purchasing managers from a range of government agencies underpin Strengthening Families. LMGs also often include representatives from local government, *iwi*, *whanau*, safer community councils and not-for-profit social sector organisations. They are therefore broader in both scope and membership than the Youth Offending Teams. There are approximately 70 LMGs across New Zealand and 56 local coordinators, most of whom were employed by government agencies or community organisations (Harland & Borich 2007a).

A 2001 exploratory study of families' experiences under Strengthening Families showed that

²⁰⁷ *Process Evaluation of the Christchurch Youth Drug Court*, Dr Sue Carswell, Research and Evaluation Consultant for the New Zealand Ministry of Justice. Ministry of Justice website, at <http://www.justice.govt.nz/pubs/reports/2004/process-evaluation-chch-youth-drug-court-pilot/> (Accessed 29 November 2008)

[f]amilies strongly supported the collaborative concept in principle and reported that the case-management model worked well to identify their needs and provided them with more hope that an effective solution would be found (Harland & Borich 2007a, p.114).

Whilst Strengthening Families is not exclusively concerned with addressing the needs of young offenders it would seem that it is a model that intersects and works well in tandem with other approaches such as the Youth Offending Teams.

Child Youth and Family National Contact Centre

One example of a coordinated and integrated model of service delivery that complements New Zealand's Youth Offending Strategy is the Child Youth and Family National Contact Centre (CYFNCC) under the auspices of the Child, Youth and Family Services Department (CYFS).

The National Contact Centre of Child, Youth and Family is a nation-wide, accessible first point of contact for New Zealanders including professional staff such as youth or social workers when they have concerns or enquiries about the well-being of children and young people within their families and communities.

The Contact Centre employs 102 staff who respond to questions and issues about children and young people, in particular around child abuse, neglect and youth offending. As indicated, callers range from police, educational and health professionals, community organisations, family members and neighbours.

The Contact Centre is responsible for assessing reports of concern involving children and young people and making decisions about which situations require a statutory response (where a social worker becomes involved with the family). The welfare and interests of children and young people are paramount:

The Contact Centre currently operates 24/5 and has a two-tier system for managing calls plus a separate processing unit for faxes and emails.

Tier One: Customer Service Representatives (CSRs) receive 3000 inbound calls per day, assessing each call for urgency. The calls are then routed to either Tier Two for a notification assessment, or directly to 56 Care and Protection sites and 26 Youth Justice sites across New Zealand for follow up from former contact with our organisation. The CSR team also responds to calls received through our special Carer Line. 80% of all calls are answered within 20 seconds.

Tier Two: Intake Social Workers provide a professional risk analysis to establish if a child or young person is at risk and give expert advice to callers. Approximately 8% (220–250 calls) per day are routed to Tier Two.²⁰⁸

An emergency after-hours service operates from Monday night to Saturday morning providing a service for critical child protection and youth offending matters. The after-hours teams supervise nationwide callouts for all call sites. During weekends, urgent calls are routed directly to after-hours social work teams on-call throughout New Zealand.

²⁰⁸ *Child Youth and Family National Contact Centre*, brochure, Ministry of Social Development, n.d. Distributed at meeting with representatives of Child Youth and Family National Contact Centre, Auckland, New Zealand, 27 November 2008.

The Committee met with representatives of the CYFNCC and toured the Centre when it visited Auckland in November 2008. The Manager of the Centre, Mr Greg Versalko, told the Committee the Centre had been particularly successful in using the most sophisticated technology to address complex problems within a statutory environment practice. The call centre in effect acts as a conduit which deals with concerns, queries and feedback from the community, police, social workers and others involved in child welfare, youth justice or family health. It also has a secondary role as a centralised data collection and processing centre which can collate, map and disseminate information on youth offending, domestic violence, child abuse and other social issues across New Zealand.

Conclusion

When the New Zealand Youth Offending Strategy was evaluated it was stated that a large number of factors could support or impede effective inter-agency engagement.

Predisposing factors, such as the history of inter-agency relationships and existing formal and informal networks are important, as is a clear mandate with shared goals which link to each agency's core business. A collaboration underpinned by strong government agency commitment and a framework of support while being responsive to the needs and solutions identified by the community has the best chance of success (Harland & Borich 2007a, p.103).

The Committee agrees with these comments. It also generally commends the approach that New Zealand has taken to youth offending through its overarching strategy, its emphasis on child and family development and the wrap-around concept of youth offending teams.

The Committee believes that addressing youth offending requires a whole of community response based on multi-modal strategies (for example, strategies directed at schooling, family and child development, community capacity building, post-detention release interventions) at the same time stressing the need for government departments, community agencies, families and young people themselves to work collaboratively to address offending and antisocial behaviour.

The capacity of participating agencies to collaborate, along with appropriate membership and effective leadership, have been consistently identified as factors supporting success. Planning which leads to activities and initiatives clearly linked to agreed outcomes, and systems, structures and processes that support the work being done are important (Harland & Borich 2007a, p.103).

However, such collaborative policy development, planning and implementation does not happen of itself. Atkinson makes a number of recommendations regarding how government can contribute to effective collaboration in the youth justice sector. They are:

- resources, particularly technical assistance, need to be provided
- the readiness of key stakeholders to collaborate should be assessed
- partnerships take time to develop and can be undermined by insecure or short-term funding
- the limited capacity of many community partners to collaborate must be recognised and their contributions supported
- systemic barriers to collaboration exist and must be addressed.

Government agencies are increasingly being required to collaborate; their capacity to do so is limited and support for collaboration should be built more effectively into departmental structures (Atkinson 2006 in Harland & Borich 2007a, p.119).

The Committee acknowledges that youth offending can be the result of a range of problem behaviours, none of which can be viewed in isolation. In addition, short-term interventions of themselves will not necessarily be effective. Investment in strategies such as healthy child development and positive parenting are social investments that may repay benefits in the long term. The importance of early childhood development and nurturing family environments is the topic of the next chapter.

Recommendations

3. **The Committee recommends** the implementation of youth offending teams similar to those operating under the New Zealand Youth Offending Strategy in order to coordinate service delivery when dealing with young offenders. Such teams should comprise representatives of Victoria Police, the Department of Justice, the Department of Education and Early Childhood Development, and the Department of Human Services Youth Justice Branch, in addition to input from community agencies and representatives involved in the areas of youth welfare and youth justice. The Department of Human Services Youth Justice Branch should act as the central lead agency responsible for coordinating all aspects of service delivery to young offenders or young people at 'risk'.
4. **The Committee believes** that service delivery and programs aimed at supporting young people, particularly those who have been in youth detention, should not cease simply by reason only of that person reaching the age of 18. Where appropriate, transitional supports should remain in place and the young person should continue to be supported whilst it is necessary. Recent moves towards such policies of rationalisation by the Department of Human Services/Department of Justice are to be encouraged.

7. Child Development, Parenting and Welfare

Introduction

There is a range of primary prevention strategies designed to reduce youth offending by developing programs targeting the developmental needs of children and adolescents and enhancing the ability of families, schools, communities and welfare agencies to meet those needs. Some of these are universal strategies or programs aimed at the general population while others attempt to identify and work with children and families considered to be at risk. All are designed to address the potential for youth offending before it occurs, or before a young person has become involved in the youth justice system. As such, they are generally referred to as 'early intervention strategies'.

The developmental pathways approach to youth offending underpins the preventative strategies covered in this chapter. This approach builds on general theories of child development and points to the problems that can arise when developmental needs are not adequately met. It sees a range of risk factors implicated in later youth offending. These pertain to family background, economic disadvantage, schooling problems, mental health and substance abuse issues. As discussed earlier, these developmental theories are not without their critics. Nonetheless, they are supported widely by those agencies and organisations that work with young offenders.

Child development and youth offending

In the context of this Inquiry the developmental pathways approach builds on theory which emphasises the importance of meeting the developmental needs of children. This pathways approach suggests that if physical and/or psychosocial developmental needs are not met, there is an increased risk that a child will develop behavioural problems, including offending.

Child development – key stages and transitions

Evidence gathered by the Committee identified a number of aspects of child and adolescent development that warrant particular attention in relation to youth offending. The first of these relates to the importance of the very early years of life for laying the foundations for future development. Secondly, transitional phases in a young person's life and the need to provide additional support to young people and families to help them negotiate these transitions were emphasised. Thirdly, the particular developmental challenges of adolescence were raised as being especially relevant to youth offending.

Early childhood

According to human development theory, human beings are born with a set of physical, cognitive, emotional and social potentials that unfold over the life-course. While change and

development occurs throughout life, childhood is viewed as a particularly important period during which the foundation for later life is laid.²⁰⁹

The particular significance of the early years of childhood was raised frequently in evidence presented to the Committee. The forming of secure attachments at this stage is argued to be a basic developmental need that requires the presence of warm and loving caregivers who bond with the child.²¹⁰ A submission from child and family welfare organisation, Berry Street, suggested that ‘a good childhood is a vital prerequisite for the development of a healthy, functioning adult’ and that such a childhood ‘is every child’s birthright’.²¹¹ Elaborating on the importance of attachment in early life the submission states:

In Australia (and indeed internationally) there is renewed interest amongst policy makers in the implications of attachment theory. This theory explains how resilience in children is built through the support of an “attachment figure”. We know that warm and committed close relationships are not only important in ensuring that children feel loved and valued within the family; they affect the extent to which children go on to fulfil their potential for success and happiness at school, with friends and later in work, as parents and as active participants in their communities.²¹²

As noted in Chapter 3, Associate Professor Leonora Ritter from Charles Sturt University made a similar point, writing in her submission about the importance of the first few years of life and especially of the need for young children to form secure attachments to significant others. She listed a number of ‘underlying principles’ that highlight this importance:

- The first three years of a person’s life are crucial in shaping their world view and sense of self.
- Humans are born both social and self-preserving; this leads to dual primary needs – the need to belong and the need to feel empowered.
- The need to belong and the need to feel empowered come together in the need to feel valued and the need to succeed.
- A sense of belonging begins with bonding with significant others in infancy.²¹³

²⁰⁹ While many developmental theories address the whole life span from birth to death, including various stages within adulthood, the main focus of this discussion is development during childhood.

²¹⁰ Professor Julian Bondy and Dr Marg Liddell, RMIT University, suggested in their submission the need to incorporate ‘additional theories such as attachment and resilience’ into the analysis of factors influencing youth offending. Submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Attachment theory originates in the work of John Bowlby, a post WWII British psychiatrist. Bowlby argued that in order to develop normally, babies and young children need to form a secure attachment to their mother (or mother substitute) in the early years of life. He wrote a number of influential books including, *Attachment and Loss*, and *Childcare and the Growth of Love*. Bowlby’s work has been criticised by feminists for failing to recognise the socially constructed nature of motherhood and societal expectations of mothers. The concept of ‘maternal deprivation’ developed by Bowlby was seen as particularly problematic as it was frequently used in the 1970s to argue against women’s claims for equality in the workforce. Today, the underlying idea that in the early years of life there is a developmental need for human infants to form solid emotional attachments to caring adults is generally accepted by child psychologists, while the notion that stay-at-home mothers, living in intact nuclear families, are the only people who can meet this need has been largely rejected.

²¹¹ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²¹² Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²¹³ Submission from Associate Professor Leonora Ritter, Charles Sturt University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, August 2008.

As these principles suggest, development is a process whereby individual potential interacts with environmental conditions to generate outcomes. Thus, in order for the individual to master developmental tasks and achieve developmental milestones, a nurturing environment that provides appropriate conditions and resources is needed.

To develop physically children need adequate nutrition, opportunities to exercise, appropriate clothing and shelter. To develop cognitively they need to be physically healthy and to live in a stimulating environment that provides opportunities to explore and learn about the world. Psychosocial development depends on having emotional and social needs met, including the opportunity to form secure attachments to significant others.

The first few years of life are also the time when primary socialisation begins. Sociologists define socialisation as a process whereby individuals learn and internalise the norms, values and accepted ways of behaving in the society or groups to which they belong. Socialisation can be divided into primary socialisation and secondary socialisation. Primary socialisation involves a process whereby an infant gradually becomes a self-aware, knowledgeable person, skilled in the ways of the culture into which they are born. It is about learning the norms, values and expected behaviour of the broader society and culture. The family unit (however that is configured) is the main site of primary socialisation for most young children, with parents having a major impact as agents of socialisation.²¹⁴ As a child moves into formal childcare and later on pre-school and school, carers and teachers in these settings also act as powerful agents of primary socialisation. Thus, while a healthy human infant has the potential to grow and develop into a fully functioning member of their family, community and society, adequate and appropriate care, support and socialisation is required to achieve this optimal outcome.

The pivotal role the first few years of life play in later development is highlighted by the convergence of recent research in neuroscience and developmental psychology. In his presentation to an Early Childhood Forum co-hosted by the Victorian Office for Children and the Centre for Community Child Health, child development expert Dr Jack Shonkoff outlined the results of this research and its implications for policy. He spoke about research that investigates the development of the brain and the 'wiring' of neural pathways or circuits that make up the architecture of the brain. Importantly, the brain architecture that is laid down in the early years of life provides the foundation not only for cognitive abilities but also for emotional well-being and social competence. Nurturing relationships in the first few years of life support the building of healthy brain architecture, thereby providing a foundation for future learning, behaviour and health (Shonkoff 2006).

Failure to have developmental needs met creates difficulties that may in some cases lead to future offending. As Associate Professor Ritter wrote in her submission, a young person who has not had needs met in early childhood; one who has received insufficient 'love from responsible significant others in early life' and whose sense 'of belonging and self-worth are insufficiently developed,' is likely to experience a 'permanent state of hurt and anger' and 'mistrust' that can lead to problem behaviour, including offending.²¹⁵

²¹⁴ Diversity, and the social forces that are changing family structures in contemporary Australia, are discussed later in this chapter.

²¹⁵ Submission from Associate Professor Leonora Ritter, Charles Sturt University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, August 2008.

The middle years

Moving on from the early years of life, children pass through a series of age related physical, cognitive and psychosocial stages. Each stage is associated with certain developmental challenges, tasks and needs, and failure to negotiate a particular stage is thought to hinder achievement of later stages of development. In each stage the child confronts, and hopefully masters, new challenges or developmental tasks.

This is the time when a child's social life expands and secondary socialisation, the process of learning the norms and expected behaviour of specific groups, increases in relevance. Children need to learn the norms and behavioural expectations of a range of organisations and groups beyond the immediate family. They need to learn to fit in at school, in the classroom, with peers in the playground, and in sporting groups or clubs they may belong to.

As recognised in the Victorian Department of Human Services' *Vulnerable Youth Framework: Discussion Paper* (2008), during the middle years children experience a number of transitions that may increase vulnerability. For example, when a child starts school or moves from primary school to secondary school new challenges and needs arise. These may include, for example, 'joining new peer groups and disconnecting from previous friends; greater freedom and independence and increased independent mobility'.²¹⁶

The importance of transitional periods and the particular developmental needs associated with transitions was a key area of concern raised during the Inquiry. Transitions were seen as stress points in a young person's life. At such times, support could be vital for assisting them to remain on, or return to, a positive developmental path. For example, Dr Sheryl Hemphill from the Centre for Adolescent Health told the Committee:

There are a number of important transitions during life, such as going from primary school to secondary school, and secondary school to the workforce, and going through puberty itself. These transition points may represent points at which problematic behaviours can develop. The sorts of risk and protective factors that a young person has at those times can therefore be really important in determining how well they make those transitions. Again that raises the important point that we need to have appropriate prevention and early interventions available at all stages of life.²¹⁷

The significance of transition points was also raised by Ms Mariela Diaz from Anglicare. She said:

The most critical point is the transition point from primary to secondary school, so targeting grade 5 to year 7 young people and their parents. The two most important things to kids through so many surveys that have been done are their parents and their friends. If you work on making those two things healthy, by default the young person will feel healthier.²¹⁸

²¹⁶ Department of Human Services (DHS) Victoria 2008, *Vulnerable Youth Framework: Discussion Paper*, p.13.

²¹⁷ Evidence of Dr Sheryl Hemphill, Senior Research Fellow, Centre for Adolescent Health, Royal Children's Hospital, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

²¹⁸ Evidence of Ms Mariela Diaz, General Manager, Anglicare, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

Adolescence

Adolescence, the period between childhood and adulthood, is seen as a particularly important and often difficult time of transition. With the onset of puberty, adolescents experience major physiological changes with attendant consequences for cognitive, emotional and social development. Their involvement with the wider world expands further and they face the transition from school to work or further training.

At this stage the influence of peer groups tends to increase. Fitting in and being accepted by friends and peers can be seen as more important to a young person than meeting the expectations of parents, teacher and the broader community. While peers, sporting groups or clubs can be supportive of positive development at this time, there can also be increased opportunities for young people to be socialised into deviant behaviour, including offending.

Professor Anna Stewart from Griffith University suggested to the Committee that risk taking, including behaviour defined as criminal, is so widespread among teenagers and young adults that it can be seen as *normative* at this time. While she, and a number of other witnesses, argued that puberty and adolescence are times when it is not unusual for young people to get ‘into trouble,’ they noted that there is a difference between those young people whose offending begins early in childhood and those who begin getting into trouble in their teenage years.²¹⁹ As indicated in Chapter 4 this difference indicates that two broad patterns of adolescent offending can be identified, and that developmental issues play out differently for each pattern. The Victoria Police submission, for example, noted the distinction between adolescent persistent and adolescent limited patterns of offending, suggesting that the latter ‘occurs more at a time of risk taking and challenging of social boundaries’. They suggest that age at first contact with police is indicative of the former pattern, with persistent offending being more common among those who commence offending at younger ages.²²⁰

The successful achievement of transitions may be critical to longer-term outcomes for adolescent onset offenders. According to the Youth Affairs Council Victoria (YACVic), this group may be more likely to progress to persistent offending if transitions are not successfully negotiated. YACVic’s submission highlights the importance of services and strategies that support young people who are ‘having a tough time or difficulty with transitions’.²²¹ Given time and appropriate responses and support, it is expected that most adolescent offenders will mature and grow out of offending behaviour.

Child development and risk

A further feature of developmental theory is the idea that processes of development, whether physical, cognitive, psychological or social, can be hindered or damaged by adverse or disruptive events that extend beyond the normal stresses that most children experience at some time. Some children face additional (sometimes stressful) transitions as they move geographically (moving house, school, community and even country) or when the composition of their family changes through the death of a parent or sibling, or through

²¹⁹ Professor Anna Stewart, School of Criminology and Criminal Justice, Griffith University, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Brisbane, 13 May 2008.

²²⁰ Submission from Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²²¹ Submission from Youth Affairs Council Victoria (YACVic) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

divorce, separation or re-partnering of parents. Illness or trauma in childhood can also impact development, as can an environment that is physically, psychologically or socially impoverished. Economic disadvantage, parents who lack parenting or general life skills and, in extreme cases, child abuse and neglect, can all disrupt healthy development and create future problems including antisocial behaviour. The developmental pathways approach therefore draws attention to a range of risk factors that can increase the likelihood of offending behaviour.

The use of the concept of risk factors for youth offending was discussed and critiqued in the Discussion Paper distributed by the Committee for this Inquiry and also discussed in Chapter 3 of this Report. Many respondents to this Inquiry acknowledged the dangers of using a developmental pathways approach in a deterministic way that sees risk factors as leading to fixed and inevitable crime pathways. However, based on their grassroots experience working with young offenders, much of the evidence received from individuals and organisation supported the view that major risk factors could be identified and that prevention strategies to address them were warranted.

A number of major risk factors were emphasised. Maltreatment during childhood; being subject to Child Protection orders; family disadvantage; and homelessness all figured prominently in submissions and at public hearings. These issues are discussed below.

Child abuse and neglect

The impact of child abuse and neglect on development and the consequent increased probability of a range of negative outcomes, including offending behaviour, were highlighted in the evidence presented to the Committee.

Professor Anna Stewart from Griffith University presented research based evidence concerning the impact of child maltreatment and its link to offending behaviour. She told the Committee that although many maltreated children do not become offenders, ‘maltreated children are more likely to go on and offend than non-maltreated children’. In particular, those young offenders whose offending fits the life-course persistent pattern commonly have been subject to a lifetime of negative experiences, including child maltreatment. Of this group, she said:

we have really quite clear evidence that these negative life experiences, like maltreatment, do impact on the development of these people; both the psychological development but also the physical or neurological development as well.²²²

Professor Stewart also suggested that child maltreatment increases around age five when children are transitioning from preschool to school and at 12 when they are moving from primary school to secondary school. In her view this is likely to be due to the added stress that these transitions generate:

²²² Professor Anna Stewart, School of Criminology and Criminal Justice, Griffith University, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Brisbane, 13 May 2008.

I think that it's about the stress that goes onto the families as kids go through those transitions. Families are holistic systems. We tend to talk about these people being the perpetrators and the child being the victim but in actual fact it's a far more interactive system and especially kids who are having difficulties as they look at the next transition, their behaviour probably falls apart a bit.²²³

Evidence from Mr Bernie Geary, the Child Safety Commissioner, was consistent with Professor Stewart's research. He notes that while the group of young people who engage in high volume offending is diverse, they frequently share a 'history of abuse and neglect, together with social and economic disadvantage'.²²⁴ Referring to the work of Dr Jack Shonkoff, he attributes this in part to the impact abuse and neglect have on the developing child's brain. According to Shonkoff, toxic levels of stress, associated with 'extreme poverty, physical or emotional abuse, chronic neglect, severe maternal depression, substance abuse, or family violence' disrupt the development of healthy brain architecture, with long-term and entrenched effects (Shonkoff 2006). Mr Geary said in his submission that Dr Shonkoff's work has had a substantial impact on the development of child protection systems in Victoria, but is yet to impact the youth justice system.

When attention is turned to serious cases of child abuse, Professor Goddard from the Australian Centre for Child Abuse Research argued that a strong link exists between child abuse and crime. Describing to the Committee a study that investigated the broader context of 50 cases of serious child abuse, he painted a disturbing picture of families where high levels of interpersonal violence were combined with extensive criminal activity on the part of adults. In 31 of 50 cases there was physical violence between adults in the home; there were 21 cases of violence between siblings; and 16 cases of violence by children towards adults.

Many of the families had members who were also involved in crime outside the home, including burglary and theft, assault (including sexual assault), drug possession and trafficking, serious driving offences and possession of weapons. Four were involved in prostitution and within the 50 families there had been four suicides out of 17 suicide attempts. Nine of the child protection workers who were working with these families had been assaulted in the course of their work. Professor Goddard summed up the results of the study: 'We found that in actual fact the serious end of child abuse is just one aspect of multiple levels of violence and assault that are taking place in those families'.²²⁵

Research evidence concerning the link between family disadvantage, violence, child maltreatment, and youth offending is consistent with the experience of a large number of witnesses who work with young offenders. In addition to those already mentioned above, submissions and evidence from a number of agencies working directly with young offenders noted the high proportion who have experienced trauma in their early life and/or been involved in the child protection system.

²²³ Professor Anna Stewart, School of Criminology and Criminal Justice, Griffith University, meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Brisbane, 13 May 2008.

²²⁴ Submission from Mr Bernie Geary, Child Safety Commissioner, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²²⁵ Professor Chris Goddard, Director, Australian Centre for Child Abuse Research Monash University, Briefing to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 5 May 2008.

The Jesuit Social Services' submission noted the role of 'developmental fissures that might be the result of debilitating disadvantage as a child',²²⁶ and a Berry Street submission pointed out the significant harm young people may suffer when they 'grow up in families where violence, chronic neglect, substance abuse, mental illness, and poverty have prevented them from having a good childhood'.²²⁷ The Salvation Army and law firm Baker & McKenzie made a similar point:

[We] have directly observed that young people who come from chaotic backgrounds of abuse and neglect lack resilience and as such, lack the ability to deal with and overcome challenging situations and set-backs.²²⁸

Child protection and out-of-home care

Closely related to the risk associated with child maltreatment, many witnesses mentioned the link between a young person having been under Child Protection Orders, and later youth offending. For many children, the effects of revolving placements in foster care or residential care compounds the impact of initial family abuse and neglect.

Judge Bourke from the Youth Parole Board of Victoria estimated that up to 90 per cent of the young people they see have at least some form of family dysfunction, and around 20–30 per cent have been under Child Protection Orders.²²⁹ The community legal centre Youthlaw also referred to the impact of neglect on offending behaviour. In particular, Youthlaw noted that the small number of clients it sees who are re-offending 'over and over again' tend to be 'highly damaged young people...who have had links with the Department of Human Services, child protection and mental health issues'.²³⁰

Ms Diaz from Anglicare regards having a history of out-of-home care as one of the strongest indicators of criminal behaviour and suggests that:

We do not have a good out-of-home care system. Obviously it is not within your control, but that is absolutely a contributing factor to the problems that we have, in that we cannot match kids to the placement or to their carers because the demand is so significant.

...Kids are rotating and are thrown at so many placements, and it is that instability. They are moving schools all the time. They are actually not connecting to anybody and, as I said before, the outcome is crime.²³¹

²²⁶ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

²²⁷ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²²⁸ Submission from the Salvation Army and Baker & McKenzie to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²²⁹ Evidence of Judge Michael Bourke, Chair, Youth Parole Board, Department of Human Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

²³⁰ Evidence of Ms Hala Atwa, Youthlaw, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

²³¹ Evidence of Ms Mariela Diaz, General Manager, Placement and Support, Anglicare Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

Other evidence presented to the Committee supports this view, adding that providing stable, positive foster care is very difficult to achieve. Fewer people are available today to provide foster care. The job is also becoming more difficult due to the problems that children who are placed in care have. Taken together, the lack of suitable foster carers compounds the problems faced by children who need to be provided with alternative care. Professor Goddard spoke to the Committee about some of these difficulties:

We are removing some of the really damaged kids too late, they are too damaged and the foster parents can't cope with them. Now we are wrapping it up and calling it kinship care. Kinship care is cheap, you get the extended family to look after them...kinship care placements have doubled in the last 7 or 8 years...in some circumstances that works very well. But in other circumstances where the violence goes through the extended family it is a disaster for the child or young person.²³²

It was felt by many witnesses that the current system of residential units does not provide an environment conducive to healthy development and well-being for young people. Mr Murray from the Youth Substance Abuse Service described those in care as young people whose emotional and intellectual development has already been impaired by trauma, abuse, and neglect suffered in early life. The result is that 'they are delayed, if you like, in going through a maturational process which would lead them to...adult ethical and responsible behaviour.'²³³ Rather than providing a remedy for maturational delay, the experience of being placed in residential care can exacerbate problems.

Ms Diaz from Anglicare also raised the issue of residential care:

We do have residential facilities. They are really mini institutions – there are no more than four kids in them – but we have two types of care: residential care and home-based care, which is foster care. We do not have anything in between. There are kids who are getting that bit older and can manage more independence. These kids have to ask to go to the fridge in residential units. It is not a home environment. It is often the only type of care that can manage their behaviour. There are lots of safety issues. The rostered staff model does not work. Often the staff are very exhausted, very stressed and the training is not up to date. We need to make those units therapeutic and safe – they are often not even safe. Kids are bullied in those units – that is the reality – and they do not want to be there. There is a high level of absconding.²³⁴

Another concern, expressed by a youth worker with 13 years experience working in inner Melbourne, was that residential care units bring a large group of troubled young people together, creating an environment where peer pressure might exacerbate youth offending: 'Living in a residential unit presents the risk of providing opportunities and pathways to crime not previously available to young people'. While acknowledging the need to provide crisis accommodation to homeless young people, the current units run the risk of being 'breeding grounds for criminals'. He suggests the need for improved foster care and/or

²³² Professor Chris Goddard, Director, Australian Centre for Child Abuse Research Monash University, Briefing to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 5 May 2008.

²³³ Evidence of Mr David Murray, Executive Officer, Youth Substance Abuse Service, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 6 October 2008.

²³⁴ Evidence of Ms Mariela Diaz, General Manager, Placement and Support, Anglicare Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

additional assessment and support to ensure ‘that dangerous young people don’t mix with those who are less at risk’.²³⁵

Finally, a number of organisations that work with young people were particularly concerned about the problems young adults face as they reach 18 and are required, often without support, to move out of state care and make their own way in the world.²³⁶ While policies exist concerning the need to provide assistance and support to young people leaving care, it appears that programs to implement policy are lagging.²³⁷ YACVic notes that failing to transition successfully from care to independent living increases the risk for these young people of future involvement in criminal activity.²³⁸

Homelessness²³⁹

Homelessness in adolescence was also seen as a significant problem contributing to youth offending. The link between early child abuse and neglect, periods of out-of-home care, and homelessness in adolescence was mentioned a number of times. Professor Stewart referred to a small cohort of young people who have been seriously maltreated across their life course, and who in adolescence often end up homeless:

What happens to these kids is when they get to adolescence they have this really bad school transition experience, they tend to drop out of school, an awful lot of them are labelled as emotionally abused...They run away from home, they’re on the street...so to me its homelessness, the school transition thing, the fact that they don’t successively transit to secondary school.²⁴⁰

Similarly, a submission from Youthlaw suggests:

Young people who have been in state care are heavily over-represented in the population of homeless youth and those engaged in the youth justice system. There has been concern across the Victorian system about the poor outcomes for children and young people in state care and post state care. A lack of appropriate support for young people making transition from state care to independent living often increases their risk of becoming homeless, or engaging in criminal activity.²⁴¹

²³⁵ Submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. Anonymity has been granted to the author.

²³⁶ Submission from Victorian Youth Affairs Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²³⁷ A report by CREATE Foundations, *Report Card: Transitioning from Care*, found that while most Australian ‘jurisdictions have given considerable attention over recent years to the formulation of legislation and policies to address the needs of children in care and care leavers...their requirements are not being translated into actions that will assist the relevant young people’ (McDowall 2008, p.7).

²³⁸ Submission from Victorian Youth Affairs Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²³⁹ The problem of homelessness as it applies to specific needs groups is covered in Chapter 12.

²⁴⁰ Professor Anna Stewart, School of Criminology and Criminal Justice, Griffith University, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Brisbane, 13 May 2008.

²⁴¹ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Major Nottle from the Salvation Army also raised the issue of homelessness, in particular the lack of appropriate accommodation for young people who are facing abuse in the home. He considers the general lack of emergency housing to be a major problem, stating that ‘a lot of emergency beds are full by 11.00 or 11.30 in the morning, so when we go out at night often we have no hope of finding accommodation for people’. Adding to the problem is the poor conditions that prevail in many of the private boarding houses used by young people who have nowhere else to go.

There are young people who may not be sleeping rough, but they access boarding houses. The condition of some of those boarding houses is terrible; they are dirty. There is no-one actually keeping an eye on the condition of those boarding houses. The other thing is that the places are rife with drugs and violence as well.²⁴²

Major Nottle went on to suggest that because of a lack of suitable emergency housing, homeless young people are sleeping on trains. Adding to their problem of homelessness, they are then often fined by transport officers.²⁴³

To sum up, current responses to youth homelessness are inadequate. There is an overall lack of accommodation for homeless young people in Victoria; young people are not given adequate support for independent living; and in some cases the accommodation that is available, including in state-run residential care units, often contributes to further problems, including increased contact with negative influences.

Economic disadvantage

It is worth stressing the significance of economic disadvantage. As frequent reports in the popular media note, the cost of raising children in Australia is high. Raising one child from birth to 18 has been estimated by a University of Queensland study to range between \$120,000 for lower-income earners, to \$600,000 for higher-income earners, while the average cost of raising two children is between \$400,000 and \$500,000 (Durch 2007). The costs of housing, clothing, feeding, educating and entertaining children add up quickly. Not surprisingly, parents who are experiencing financial stress may find it difficult to meet the many developmental needs of their children. While going without the new iPod or new pair of fashionable shoes may not have severe developmental consequences, the stress of living in a household where bills are a constant worry and where meeting basic needs is a struggle is more likely to disrupt positive development.

Intervening to improve developmental pathways

The Victorian Government launched *A Fairer Victoria* in 2005 as a whole-of-government social policy action plan for reducing inequality and disadvantage. An updated action plan has been produced each year since then. The 2008 plan identified four priority areas that are repeated in *A Fairer Victoria: Standing together through tough times* (Department of Planning and Community Development 2009). Priority area 1 – Getting the Best Start,

²⁴² Evidence of Major Brendan Nottle, Commanding Officer, Project 614, Salvation Army Melbourne, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

²⁴³ Evidence of Ms Jennifer McVicar, Director, Pro Bono and Community Service, Baker and McKenzie Solicitors and Major Brendan Nottle, Commanding Officer, Project 614, Salvation Army Melbourne, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

includes action designed to provide early years support for children and families at risk. In 2008, this involved additional funding for enhanced Maternal and Child Health Services; extended access to kindergarten programs and playgroups, additional support for children with a disability; and new regulations to ensure the quality of Family Day Care and Outside School Hours Care. The 2009 action plan covers funding for a range of measure to improve the services for vulnerable children. These include:

- Out-of-home Care Reform;
- Upgrading of existing Residential Care facilities;
- Improved after hours Child Protection Emergency and Crisis Response Services;
- Improved sexual assault services for children;
- Support for Courts to address family violence;
- Increased support for vulnerable Aboriginal children and families;
- Increased support for children with developmental delays; and
- Additional funding to increase kindergarten participation.²⁴⁴

The measures proposed in the 2009 *Fairer Victoria* action plan aim to improve developmental outcomes in general for vulnerable children in Victoria. In addition to such measures, many of those who provided evidence to the Committee argued in favour of specific early intervention and preventative programs targeted at families. Looking more closely at the meaning of ‘early intervention’ two alternative but complimentary approaches were recommended. On the one hand were ideas about intervening early in a child’s life; on the other hand the term ‘early’ was used in relation to the actual onset of problem behaviour. The arguments put forward to support early intervention, and the types of programs that are advocated depend to some extent on the meaning attributed to ‘early intervention’. Nonetheless, regardless of which meaning was used, there was widespread support for early intervention.

The case for early intervention

Looking first at intervention early in life, a number of arguments were put to the Committee to support preventative programs being put in place where a child or family may be identified as being at risk. The concern for many witnesses was that if intervention is delayed, problems might already be entrenched. Noting the high proportion of youth justice system clients that have previously transitioned through the Child Protection system and who have experienced significant levels of trauma, Professor Julian Bondy and Dr Marg Liddell suggest:

Workers in the youth justice system have some difficulty interrupting the cycle of offending for many of these young people as their behaviours have become entrenched and the young people more difficult to engage. This suggests that earlier intervention would be preferable if not essential...It is our view that provision of preventative services should be provided as early as possible.²⁴⁵

²⁴⁴ Department of Planning and Community Development 2009, *A Fairer Victoria: Standing together through tough times*, May.

²⁴⁵ Submission from Professor Julian Bondy and Dr Marg Liddell, RMIT University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

YACVic also strongly supported the need for early intervention to counteract negative influences in a young person's life.²⁴⁶ Commending the Victorian focus on diversion and rehabilitation services in the youth justice area, the policy officer for YACVic suggested a focus on early intervention and prevention was equally important. Elaborating on this point, Ms Rose said:

From a crime prevention perspective there is clearly a great impetus to intervene early in a young person's life to counteract some of those negative experiences. We actually would like to highlight the importance of services and strategies that build young people's skills and strengths, that support families – such as initiatives to support the development of parenting skills – enhance young people's connectedness to their community locally.²⁴⁷

Berry Street is another welfare organisation that strongly endorses early intervention and offers a number of such programs to promote good parenting and to avoid the trauma and disrupted attachment that results from abuse and neglect. They suggest that:

Targeted strategies to engage families with children who may be at risk of entering the out-of-home care system are critical to identify children who may be at risk in terms of their development. These families can include very young parents, parents who may themselves have come from the out-of-home care system, economically disadvantaged families, and parents suffering mental health problems. Effective prevention of high volume offending by young people must include a fundamental focus on models of engagement of vulnerable families.²⁴⁸

Mr Vic Gordon from the Youth Parole Board of Victoria shared a similar view with the Committee:

What we are doing is picking kids up pretty late – that is the difficulty – and the damage is done. If we were able to intervene earlier with more supports around the family I think that would be a better model than hopefully relying on something down the track.²⁴⁹

The Australian Drug Foundation suggested that more emphasis be placed on:

Ongoing support and early intervention for families with young children who are vulnerable due to economic disadvantage and unemployment; poor parenting skills; substance use; and/or mental illness.²⁵⁰

Mr Bernie Geary, the Child Safety Commissioner, noted in his submission to the Inquiry the 'demonstrated long-term benefits of intensive, high quality intervention for "at risk" children and their families'. Referring to the U.S. Perry Preschool Project – a high quality, intensive pre-school program provided to children from at-risk families – he wrote:

²⁴⁶ Submission from the Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁴⁷ Evidence of Ms Jen Rose, Policy Manager, Youth Affairs Council of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

²⁴⁸ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁴⁹ Evidence of Mr Gordon, Youth Parole Board of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

²⁵⁰ Submission from Australian Drug Foundation to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

This two-generation model showed benefits to young people, including stronger school performance and lower rates of juvenile crime. The program also demonstrated cost-savings from the resulting reduction in crime (estimated annual internal rate of return of 16 % projected to 65 years, with a 4% return realised by program participants and 12% realised by society at large (Rolnick & Grinewald 2003).

Studies, such as the above, argue that support must be provided early, a long way before a young person demonstrates risk of offending behaviour, to stabilise the foundation and brain architecture and promote capacity and resilience in the child.²⁵¹

Supporting families at risk through early intervention programs also addresses the intergenerational nature of risk factors. Members of the Victorian Youth Parole Board raised the issue of the high levels of intellectual disability within the cohort of young offenders they see. They suggested this is often due to alcohol and drug abuse by mothers. Thus, early intervention in the life of families with these types of problems would be helpful. Judge Bourke and Mr Osborne from the Parole Board were in favour of parenting programs for parolees, many of whom are already parents. They said that while some programs are available, many of those who could benefit from programs miss out. Mr Osborne said: 'It is a bit hit and miss...I have never been entirely satisfied that the at-risk population of young people in the institutions are getting access to these programs'.²⁵²

In addition to the calls for general parenting programs and intensive pre-school programs for at-risk families there were calls for specific programs for children with identified behaviour problems. A number of witnesses suggested that children with behaviour problems, which could lead to later more serious problems, could be identified at pre and primary school age, and that specific programs at this stage may return children to positive developmental pathways.

Parenting programs

The Committee received evidence about a large number of existing parenting programs and suggestions for additional programs targeted at parents. Some of these were universal programs directed towards parents and children identified as being at risk due to economic or social disadvantage, mental health issues or drug use issues. Others were programs designed to address behaviour problems that are already evident.

Berry Street, offers a number of programs to support families and parents with general parenting skills. Their Happening Families program brings together young families in the Gippsland area, linking them with a range of community providers, community groups and services.²⁵³

The project works to strengthen families and the community by building parenting and relationship skills and co-coordinating referral pathways and community engagement. This entails weekly structured support programs using experiential learning, weekly peer support and education sessions and connecting participants to monthly social and family events. The

²⁵¹ Submission from Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁵² Evidence from Mr Larry Osborne, Alternate community representative, Youth Parole Board, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

²⁵³ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

project activities cover peer mentoring, guest speakers, parenting skills and leadership activities.²⁵⁴

Berry Street also runs the Early Learning is Fun – ELF™ program. This program takes a whole of community approach to early learning and includes songs, games and other play-based activities as well as reading. The ELF™ Program includes an emphasis on enhancing parent/child bonding and family connectedness.²⁵⁵

Another program, one that specifically targets parents with substance abuse problems, is the Rug Rats Parenting Group, provided by Youth Substance Abuse Service. This program is designed for young parents who are experiencing problems with substance use. It targets parents and prenatal parents aged 12–25. The program works holistically to support young parents and their children. It aims to:

- Assist parents to maintain the care of their children,
- Provide education / support to parents with substance use issues,
- Prevent or minimise the need for protective or correctional involvement of the Department of Human Services, and in particular, the need for substitute care or statutory order,
- Assist parents to build on and develop connections to family and community supports,
- Empower parents to make informed decisions for their own lives,
- Provide a flexible service that responds to the unique needs of each client,
- Provide information, advocacy and referral to parents and families to improve their access to community resources and opportunities for education, training and employment,
- Assist parents and families to access activities for the purpose of personal development, recreation or to enhance their feeling of self worth and connection to the community.²⁵⁶

Jesuit Social Services is another welfare agency providing support to build strong families. They offer a website based program, Strong Bonds – Building Family Connections, that provides information and advice on parenting and family relationships to parents. The particular focus of the program is ‘parents with children of an early adolescent age (referred to in “school language” as “the middle years” from Grade 5 through to Year 8 or ages 10–14 years)’.²⁵⁷

Jesuit Social Services is aware, however, that an internet based program is limited in reaching many parents who could benefit from the material offered. They note:

We are acutely aware of the limitations of our Strong Bonds material being concentrated in an ‘English only’ website. Apart from parents who have difficulties reading English, access is limited for families who cannot afford a computer and Internet access and/or do not have the time to acquire the skills necessary to use computers and the Internet. Through the development of additional material drawing on further consultation with families from

²⁵⁴ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁵⁵ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁵⁶ Submission from Youth Substance Abuse Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁵⁷ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

different ethnic backgrounds, together with opportunities to disseminate Strong Bonds information through a range of additional ‘non-Internet’ methodologies, we are committed to ensuring that all parents will be in a position to benefit from our Strong Bonds material.²⁵⁸

In addition to programs currently offered in Victoria, the Committee received evidence promoting the merits of programs developed and used in other jurisdictions. In New Zealand members met with Professor David Fergusson from Otago University, who stressed the value of a number of early intervention options. He suggested outreach programs for new parents that begin during the pre-natal period and extend through the first year of life. He also advocated intensive pre-school programs for children from disadvantaged backgrounds, and targeted behaviour modification programs for children identified as exhibiting behavioural problems.²⁵⁹

Professor Fergusson argued strongly that only those programs that can demonstrate effectiveness through randomised controlled trials should be implemented. In his view, many community based programs have not been adequately evaluated and are not well founded in research evidence. In relation to new parent programs, he specifically recommended the US developed Nurse–Family Partnership model of delivery. This program involves workers (usually nurses) regularly visiting at-risk and disadvantaged parents in their home to provide childcare advice and practical assistance. According to Professor Fergusson, the effectiveness of the Nurse–Family Partnership program has been clearly demonstrated through extensive research, including randomised controlled trials.²⁶⁰

Moving beyond generic programs for at-risk parents, Professor Fergusson also advanced the benefit of parenting programs – based on behaviour modification principles – for parents of 3–12 year-old children with conduct problems. He argued that these children are easily identified and that there are parenting programs available to train parents and teachers in effective behaviour management strategies. Programs that have been evaluated through randomised controlled trials and found to be successful in reducing antisocial behaviour include the Positive Parenting Program (Triple P) developed by the University of Queensland; the Incredible Years program from Western Australia, and Parent Child Interaction Therapy. Triple P and the Incredible Years programs are group based, while Parent Child Interaction Therapy is individualised intensive treatment that should be used where group based programs have not succeeded in achieving change. Professor Fergusson

²⁵⁸ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, October 2008.

²⁵⁹ Professor David Fergusson, Executive Director, Christchurch Health and Developmental Study, Otago University, Meeting with the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, Christchurch, 21 November 2008.

²⁶⁰ Professor David Fergusson, Executive Director, Christchurch Health and Developmental Study, Otago University, Meeting with the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, Christchurch, 21 November 2008.

The Nurse–Family Partnership model was developed 30 years ago in Denver, Colorado, by Dr David Olds. Since then the program has been implemented in Scotland, the Netherlands, Germany, Great Britain and Canada (Media Release, Nurse–Family Partnership website, 2009). The Federal Health Minister Nicola Roxon launched the implementation of a program based on the Nurse–Family Partnership model, to be delivered to Indigenous families (Roxon 2008). Plans are also underway for additional Nurse visitation programs in the US, with the recently released 2010 Budget Plan containing substantial funding to assist States to deliver the program to more first-time low-income mothers and mothers-to-be (US Office of Management and Budget website 2009, www.budget.gov).

claimed these programs have all achieved success in keeping young people out of the juvenile justice system.²⁶¹

Welfare responses

Out-of-home care

While many witnesses recognised that children who had been subject to Child Protection Orders and spent time in out-of-home care were more likely to offend and become involved in the Youth Justice System, there was less certainty about how to address the issue.

As discussed earlier, many problems have been identified with regard to current systems of foster care and other forms of out-of-home care. Fewer families are coming forward to offer themselves as foster carers. Reimbursement to foster carers is not sufficient to cover the costs of care (which are on average 52% higher than the costs of children not in care)²⁶² and, as Professor Goddard told the Committee, the job is becoming more difficult due to the entrenched antisocial behaviour of children who have been damaged by abuse, neglect and multiple placements.

One response to the problems generated by out-of-home care is to provide more support to parents at risk, and thereby keep more children with their families. The ChildFIRST program offered by Anglicare, and rolled out across the State, is designed to provide an alternative to the more formal Child Protection system for less serious cases of child abuse. ChildFIRST allows reports of child abuse and neglect to be made to ChildFIRST sites in the first instance, thereby avoiding involvement with the Department of Human Services. While cases of physical or sexual abuse are handled by Child Protection services within the Department, in cases deemed appropriate ChildFIRST works with the family to improve parenting skills and prevent 'notification and removal of the child'.²⁶³

It is not clear whether providing support services to avoid removal of children from the family would be supported by all those who work in the area of child maltreatment. As noted earlier, Professor Goddard from the Australian Centre for Child Abuse Research argued that some children are being removed too late, which exacerbates the difficulties foster carers face. He suggested that resilience comes from the circumstances, rather than the individual. Consequently, to enhance resilience young people need to be placed in settings that are supportive:

²⁶¹ Professor David Fergusson, Executive Director, Christchurch Health and Developmental Study, Otago University, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Christchurch, 21 November 2008.

A preliminary evaluation of a version of Triple P (Teen Triple P) delivered to 'parents of pre-adolescent children at the transition from primary to secondary school' was carried out in two Queensland locations at the start of the school year in 2000. The evaluation showed positive outcomes for most participating parents, with 'significant reductions of targeted risk factors' (Ralph & Sanders 2004).

²⁶² 'Uncovering the real costs of foster care' in *Developing Practice: The Child, Youth and Family Work Journal*, no. 4, Winter, 2002, pp.72-74.

²⁶³ Evidence of Ms Mariela Diaz, General Manager, Anglicare, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

I don't think it is so much the resilience in young people, I think it is the circumstances. So good foster care, stable foster care, stable kinship care; you know those sorts of things that have often tipped the balance.²⁶⁴

Supporting families and children, in an attempt to reduce the number that need to be placed in either foster care or residential units was preferred by members of the Youth Parole Board, however. Members of the Board expressed the view that children, generally, want to be home with the family if possible. Mr Gordon told the Committee:

I think the ideal – we do not often achieve it – is if they were able to go back home, quite frankly, and if there were enough supports in the system to allow them to do that. What we are doing is picking kids up pretty late – that is the difficulty – and the damage is done. If we are able to intervene earlier with more supports around the family I think that would be a better model than hopefully relying on something down the track.²⁶⁵

Judge Bourke concurred with this view, noting that for young people who have not committed an offence, being placed in a residential unit can feel like punishment:

I think one significant difference might be their perception of why they have to be there. They are at a YTC [Youth Training Centre] because a court has found they have committed a crime...It is not quite as black and white when you are telling somebody who has not committed a crime that you have got to live in this institution, for want of a better term. They do not want to be there. They want to be at home.²⁶⁶

However, for a variety of reasons, there are always children and adolescents who need to be provided with alternative care. Given this, and the difficulties associated with providing foster care, the Committee explored the question of whether institutional care can have a place in meeting the needs of some young people. In response, the suggestion that high quality, residential care can be beneficial, and preferable to foster care for some young people, was expressed a number of times. Professor Goddard referred to research carried out in the UK that found that 'adolescents prefer to be in smaller institutions rather than in foster care' and surmised that:

I think...sometimes they have been so damaged that they find intense relationships with foster parents difficult...The young people I have spoken with, they feel less likely to be rejected. Especially when they have been through several foster families. They change staff in a small institution, they know that the staff are going to change, but to keep packing up and going to another foster family is hurtful, and they feel defeated.²⁶⁷

Residential care, however, needs to be high quality, and as Ms Diaz argues, currently there is insufficient public funding to provide the quality of care needed:

²⁶⁴ Professor Chris Goddard, Director, Australian Centre for Child Abuse Research Monash University, Briefing to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 5 May 2008.

²⁶⁵ Evidence of Mr Vic Gordon, Youth Parole Board, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October, 2008.

²⁶⁶ Evidence of Judge Michael Bourke, Chair, Youth Parole Board, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October, 2008.

²⁶⁷ Professor Chris Goddard, Director, Australian Centre for Child Abuse Research, Monash University, Briefing to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 5 May 2008.

Good resi care can work very well, and DHS is moving towards that. At the moment it is piloting eight therapeutic residential units, and it will be great to see the results of that in the next 12 months. Certainly Anglicare has been doing that. We have injected our own funds because government funding is just not enough for resi. It is not enough to run resi; it is just not. In a 12-month period we have seen a 70 per cent reduction in incident reports – reportable incidents to the department – of category 1s, 2s and 3s. They are all the assaults, the threats, all the violent stuff that is in those incident reports. Re-jigging the model, changing the culture of the staff group and training new staff, just those three things alone, has had a significant impact in making it home. That needs to be done far more effectively.²⁶⁸

Improving outcomes for young people in out-of-home care requires more than improvements to foster care and residential care systems. Therefore, the Committee recommends that DHS evaluate the pilot therapeutic residential unit program after 12 months, and if it proves successful extend the program.

Transition services, housing and accommodation

The Committee also believes that more needs to be done to provide support for young people transitioning from residential care to independent living, and to provide better support for homeless young people. In relation to support for young people in care – including transition support – the Committee met with staff and young people from the CREATE Foundation. CREATE is an organisation whose mission is to connect and empower children and young people in care and improve the care system through activities, programs, training, and policy advice. Programs and activities offered by CREATE include:

- **clubCREATE.** A free membership club for any Australian child or young person in care (aged 5–25), which provides a regular newsletter, birthday cards, invitations to events, special deals/discounts and random member prizes. Members are encouraged to provide artwork, poetry and stories for the newsletter.
- **CREATE Your Future Website:** A web based resource for young people who are leaving care. The site offers valuable assistance to help young people to build independence and encourage them to create their future. It offers assistance to young people in the areas of housing, employment, education, finance, health, leaving care, rights and transport. The website also offers inspiration to young people through the real-life experiences of young people who have transitioned from care.
- **Young Consultant Training:** A program for young people with a care experience between 14–25 years of age to attend training in public speaking, communication and project management techniques as well as sharing knowledge of CREATE’s history and objectives and the care system. There is no cost for young people to complete this training.

The Committee heard from a group of young people about the positive outcomes they achieved through their involvement in CREATE programs and activities. ‘Danny’ talked to the Committee about his history of out-of-home care, problems and disengagement from school, stealing, violence and drug use. He described stopping much of his offending behaviour because of the impact it was having on his grandparents, but he was still chroming regularly until he became involved with CREATE. Meeting his partner there was

²⁶⁸ Evidence of Ms Mariela Diaz, General Manager, Anglicare, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

important, but so were the relationships made with the staff and other young member of CREATE. He said:

I was just stealing paint that was all I was doing and never got busted for it just kept stealing it then I got on CREATE they kind of cut me down a little I was chroming like six seven as many times as I could fit in, in one day and then when I went to CREATE I met Charlene. That all changed it...I had the support like, as I was saying to Cathy before back at the office. With Cathy and Cazz and everyone else from CREATE they're not just workers. We form a friendship with them, relationships. Like I did with Vicki, just relationships, friendships.²⁶⁹

Another young CREATE member suggested that if she had been put in contact with CREATE when she first entered out-of-home care at the age of six, many of the difficulties and problems that have fractured the past 10 years of her life, may have been lessened:

Basically from six years of age I've been in care which is now ten years and if I had found out about CREATE or another organisation, maybe for me I wouldn't be in the situation I am now. I wouldn't have a record, I wouldn't have taken drugs, I wouldn't have had to go into rehab for alcohol and everything like that. For me if I'd been introduced to CREATE or another organisation similar or perhaps put in a placement where there wasn't other kids that were doing the wrong thing I wouldn't be involved in that kind of stuff now.²⁷⁰

These voices from young people who have experienced out-of-home care emphasise the need to provide the best possible quality care and support to children and young people who cannot be cared for by their families.

As well as the specific problems faced by young people leaving state care, a lack of support for homeless young people in general was raised by a number of witnesses and submissions. The Victorian Alcohol and Drug Association (VAADA) raised the issue of inadequate housing options for young people:

Agencies feel strongly that improving access to stable, affordable and appropriate housing is essential for young clients, particularly during important life transitions such as exiting care or correctional institutions and the transition from residential drug treatment service back into the community.²⁷¹

As discussed earlier in this chapter, Major Nottle also raised concerns about the plight of young homeless people and the lack of suitable accommodation. Among other issues, he and Ms McVicar, from the law firm Baker & McKenzie, expressed particular concern about the stance taken by transport officers when young people are found sleeping on trains. They argued that often these young people have nowhere else to sleep. Rather than what they see as the heavy-handed approach of transport officers, they recommended that transport officers be trained and encouraged to inquire into the circumstances of young people

²⁶⁹ 'Danny', CREATE member, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, 10 November 2008. The names of CREATE members who met with the Committee have been changed to protect their privacy.

²⁷⁰ 'Marie', CREATE member, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, 10 November 2008. The names of CREATE members who met with the Committee have been changed to protect their privacy.

²⁷¹ Submission from Victorian Alcohol and Drug Association to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, December 2008.

sleeping in trains late at night, and instead of criminalising and stigmatising them link them to appropriate welfare services.²⁷²

Clearly there is a need for additional provision of secure, affordable and appropriate accommodation for young people who are unable to live at home and do not have the resources either to find or fund their own accommodation without assistance.

Working with families

The Committee believes that early intervention programs need to engage with parents in ways that enhance the protective factors within families at the same time as addressing risk factors. This requires recognition of the major changes in family life and family form that have occurred in Australian society over recent decades. It also means working with families in positive and supportive ways that recognise the importance of families to children and young people's lives.

Family change and diversity

In Australia it is commonly assumed that the nuclear family, based on the unit of a husband and wife, living with their biological offspring, is the normal and best arrangement for meeting young children's developmental needs. The nuclear family is frequently described as a natural unit, the cornerstone of society and the source of solid family values. Social scientists, however, point out that the image of family invoked by such descriptions and terms is not a pre-given unit, but a culturally and historically specific form of family.

Varying social forces during particular historical periods influence the way households are structured and families and kinship are defined. According to sociologist and historian Michael Gilding, Australian families in colonial times looked very different from the 'mum, dad and the kids' model of nuclear family unit that was dominant during the 1950s (Gilding 1991). The family of today continues to be shaped by historical, economic and social forces. Immigration has brought increased cultural diversity, with major cross-cultural differences in family life occurring across a number of dimensions (Saggers & Sims 2005). Official definitions of family can be at odds with understandings of family among different cultural groups, leading to policies and practices that are not necessarily appropriate.²⁷³

Other major social forces that have shaped family life in recent decades include the transformation of the roles of men and women; the movement of women (including mothers) into the paid workforce; later marriage; smaller families; more divorce and remarriage (forming blended families); and greater prevalence and acceptance of same-sex

²⁷² Evidence of Ms Jennifer McVicar, Director, Pro Bono and Community Service, Baker and McKenzie Solicitors and Major Brendan Nottle, Commanding Officer, Project 614, Salvation Army Melbourne, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

²⁷³ An example of this is a study of Aboriginal Families and the Welfare System conducted among Indigenous people living in and around the town of Kuranda in north Queensland (Henry & Daly 2001). The study found that definitions of household and family used by government agencies like Centrelink and the ABS were not compatible with actual experience. The households in their study sample were typically large and multi-generational, with about half containing three or more generations of related kin. Households approximating a nuclear family were rare. In relation to childcare they found this to be an extended family centred activity rather than a household centred activity. Children moved freely between households within their extended family circle, sometimes staying for just a night or two, sometimes for a longer period. Around 75% of surveyed households had children other than their own biological children in residence and being cared for by people other than their biological parents (generally grandmothers).

families. Consequently, today many Australians do not live in a family that fits the model of the ‘ideal’ nuclear family, a model that nonetheless still arguably exists as a taken-for-granted normative ideal that many aspire to (Bittman & Pixley 1997).

An idealised view of the *modern* nuclear family is consistent with theories of the family that were prominent in the 1950s. However, recognition of the reality of contemporary family life has led to discussion of what has been labelled the ‘postmodern family’. According to sociologist Judith Stacey (1996), changes like those listed above have led to the rise of the postmodern family, characterised by diversity, flux and instability, and where no single family pattern is dominant. Stacey sees both positives and negatives in this shift. The postmodern family allows for more individual freedom and autonomy, but the fragility of relationships, combined with changing work patterns and demands, can have destructive effects on children and place heavy burdens on parents who are attempting to balance work and family life.

Stacey further argues that governments and policy makers in different countries have responded to the changes and pressures that impinge on the postmodern family in different ways. On the one hand she describes what she calls the free market approach that, despite strong rhetoric about families and family values, rejects public responsibility for supporting the work of raising children. On the other, there is an approach that is common among Scandinavian countries, which recognises the need for governments to provide a range of support services for parents and children to help them manage the contingencies and stresses of contemporary family life. The first response can lead to punitive approaches to families under stress (Stacey 1996).

The Committee believes that this broader social context of family change needs to be kept in mind. The development of intervention strategies needs to acknowledge the external stresses that are impacting families today, and the many challenges facing parents. Such an approach recognises that although families – of one sort or another – are still essential for raising children, the ‘ideal’ nuclear family is not the reality for many Australian children today. Rather than the structure of the family, it is the quality of relationships and the availability of resources (economic, psychological and social) that families can draw upon to assist their parenting task that are important. The Committee therefore is in favour of programs that support families while acknowledging and respecting family diversity.

Non-stigmatising services

The Committee believes that wherever possible, it is important to work with parents in a cooperative manner which does not punish parents for the behaviour of their children and which does not stigmatise them as ‘bad’ parents.

This was an issue of particular concern to parent support group ToughLove, and individual members of ToughLove who provided submissions to the Inquiry. They were concerned about negative media portrayals of parents whose children engage in antisocial behaviour, and felt that workers with whom they had contact often held stereotypical views of ‘bad’ parents.

ToughLove argues that it should not be assumed that all parents of offending young people are poor parents or in some way do not care about their children. A submission from Ms Pamela and Mr Howard Gibson, on behalf of ToughLove, stated that:

The parents who come to ToughLove care deeply about their wayward children and work together for months, and sometimes years, to make better lives for themselves and their families...Parents come to ToughLove bringing with them feelings of despair, disappointment, and a sense of personal failure and guilt...Many have been to parenting seminars, and have sought help for their child from counsellors, psychologists and psychiatrists, but often these interventions have not helped...Parents whose children are offenders will frequently see themselves portrayed by the media and even those in professional roles as uncaring, neglectful, or even physically abusive. Whilst this will be true in some instances, it is certainly not so in all cases and is not the case with those parents who come to ToughLove, and just adds to their sense of shame. It is our experience as a group that parents are trying to do their best for their families, often in very difficult circumstances which are beyond their control.²⁷⁴

Another 'parent of a repeat offender' and 'member of the ToughLove parent support group' expressed similar concerns, suggesting that responsible, concerned parents are often stigmatised when their children offend.²⁷⁵ This father believes that welfare agencies need to 'encourage, engage and empower parents to parent as part of the solution' to youth offending. Specific suggestions from the submission include:

- More support for parents who may be able to identify these types of problems earlier than the first criminal offence or police charges.
- Community attitudes and awareness to support parents in crisis rather than blaming or attacking them.
- A new type of short-term supportive and secure accommodation that will accept referrals from parents for adolescents at risk of repeat offending.
- More accommodation facilities that involve parents rather than shutting them out.
- More cooperation/engagement between Department of Human Services, child protection and parents as well as parent groups, such as ToughLove.²⁷⁶

Springvale Monash Legal Service also expressed concern over the tendency in public rhetoric to blame parents for the offending behaviour of their children. While acknowledging that family background is an important indicator of risk for youth offending, and that parental neglect and lone-parent families are linked to increased likelihood of youth criminality, they argue that families require support rather than blame. Specifically, they reject:

proposed new truancy laws which may prevent families from receiving social welfare if their children are not attending school. Further support should be made available to these families, which does not involve punitive measures such as restricting payments or creating further division for families. Punishing parents for the inimical behaviour of their children, which may be the result of a fatality in the family, or being a victim of family violence, is counter productive. Further research should be conducted to clearly identify the needs of these families.²⁷⁷

²⁷⁴ Submission from Ms Pamela and Mr Howard Gibson, ToughLove members, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁷⁵ Submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. Anonymity has been granted to the author.

²⁷⁶ Submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. Anonymity has been granted to the author.

²⁷⁷ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, August 2008.

Encouraging voluntary participation

Linked to the idea of providing non-stigmatising services to families is the principle that services should be offered on a voluntary basis. This is consistent with a rights based approach that avoids punitive forms of social control. The issue that arises in relation to voluntary participation, however, is the question of whether those parents that need assistance will accept it. A number of witnesses raised this issue, including staff from YACVic and Professor Fergusson from Otago University in New Zealand.

In discussions with staff from YACVic concerning early intervention, the Committee asked how at-risk families could be identified and targeted for such programs. Ms Jen Rose, Policy Manager for YACVic, indicated that in her view identifying families was not necessarily needed, and that it was more important to make opportunities available for families to voluntarily engage in developing parenting skills. If opportunities are there, she suggested, ‘a young mum who is struggling, or just a family that is struggling, might be able to actually access voluntarily and engage with some sort of support program before they have to be kind of pushed into it’.²⁷⁸ Questioned further about the likelihood of those parents in most need of improved parenting skills actually recognising that they have a problem and voluntarily participating in programs, Ms Rose and Ms Reid, from the Centre for Multicultural Youth, reiterated the view that parents will engage voluntarily and that mandatory programs are not necessary. Ms Reid said:

I think that often there is a bit of an assumption that parents have to be forced in some way to participate in some sort of parenting program but that is not the case certainly in my experience and in that of people I know, who are teachers, primary teachers, whose children are clearly at risk and who are crying out for support services which are not available to them. So I think yes, there is a cohort of people that is very hard to target, and that might be more difficult, but I think a lot of it could be dealt with voluntarily.²⁷⁹

Professor Fergusson supported this view in his discussion of nurse visitation programs for disadvantaged parents and parenting skills programs for parents of children with behaviour problems. A principle of programs based on the US Nurse–Family Partnership model is that participation is voluntary. Professor Fergusson pointed out, however, that a high proportion of those parents offered access to these programs do agree to participate. In the case of the Early Start program offered to ‘young unsupported mothers’ in Christchurch, New Zealand, 80 per cent of those approached agreed to participate, while a 90 per cent participation rate has been achieved in the US.²⁸⁰

Submissions from members of ToughLove reinforce the point that many parents, rather than avoiding programs that might assist them in the task of parenting, are more than willing to

²⁷⁸ Evidence of Ms Jen Rose, Policy Manager, Youth Affairs Council of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

²⁷⁹ Evidence of Ms Sally Reid, Manager of Projects, Centre for Multicultural Youth, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

²⁸⁰ Professor David Fergusson, Executive Director, Christchurch Health and Developmental Study, Otago University, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Christchurch, 21 November 2008.

participate in programs, as long as they are supportive rather than punitive and stigmatising.²⁸¹

Despite strong support for the idea that parents will willingly participate in parenting programs, Professor Chris Goddard from the Australian Centre for Child Abuse Research suggested that strong encouragement and active recruitment was needed to engage the families and parents facing the most serious difficulties. While he supports programs offered through schools, including teaching teenagers to ‘take parenting more seriously,’ he believes that those most in need of assistance are unlikely to come along to parenting programs without considerable encouragement.

I think you have to have outreach services. I think that is one thing that we have let slide...I think we could do much more in that area, there have to be outreach services. I think setting up centres and expecting those people with problems to come in won't work. You actually have to go out, knock on doors and go looking for them.

You persuade them to come, you reward them for coming, you provide a variety of services for them. That's the only way I know that works.²⁸²

Providing relevant and accessible services

While the Committee recognises that voluntary participation is important, it also notes that services and programs need to be relevant to parents and easily accessible. This means that programs need to be offered in a range of formats appropriate to different groups of parents.

Jesuit Social services notes:

The key challenges for everybody involved in providing advice to parents regarding young people include ensuring that (1) the advice is relevant and presented in an accessible format for all sorts of families, including those where parents have limited capacity to read or converse in English and (2) creative strategies are used to maximise the chances of the advice actually reaching the families who need it most.²⁸³

Outreach programs will be needed for some families, while group programs and websites will be appropriate for others. It is essential that programs be offered in a way that is culturally appropriate for different groups, with material and programs in languages other than English. An important consideration also is to ensure that the place and form of delivery is welcoming and non-stigmatising.

The Committee heard about two school based programs offered to families by Anglicare. These programs target all parents within the school, so that individual parents will not feel that they are being singled out or targeted as problem parents. Ms Diaz suggested that: ‘A lot of these parents hated school as kids, so they do not want to be there’. Therefore, getting them to engage in the process is an important step. Having the program run within schools, but provided by an independent organisation such as Anglicare, helps to break down the

²⁸¹ Submission from Ms Pamela and Mr Howard Gibson, ToughLove members, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008;

²⁸² Professor Chris Goddard, Director, Australian Centre for Child Abuse Research Monash University, Briefing to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 5 May 2008.

²⁸³ Submission from Jesuit Social Services to Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

barrier so that parents are more likely to participate. The independence of programs offered by Anglicare was also a positive for many parents: ‘Families often like the fact that we are not part of the school; or we are not part of child protection, or part of the authority’. This allows them to engage in a more positive way with families:

I guess it is using a more positive way of engaging families. Responsible parenting suggests that if their kids go off the rails they have been irresponsible. It is that notion that these kids come from vulnerable families and often the parents have been vulnerable themselves.²⁸⁴

The Committee believes that services and programs can be made more accessible and relevant if provided in formats that do not stigmatise parents or make them feel inadequate.

Balancing children’s and parents’ rights and needs

The complex and emotive issues of parents’ rights and the relationship between parents’ rights and children’s rights were raised in evidence before the Committee. Members of ToughLove believe that in some circumstances parents’ rights and the rights of siblings of young people whose behaviour is challenging, or ‘out of control,’ are placed second to the rights of the young offender, in a way that is actually detrimental to their child. It is felt by members of ToughLove that ideas about parents and parents’ rights are too often influenced by negative portrayals of parents in the media. While researchers have written about the moral panics the media generates around ‘young people’ as a threat to society, moral panics have also been created around the concept of ‘toxic parents’.

When a crisis has arisen with a child, for example threats of violence or actual violence towards other family members, ToughLove members have been blamed for the problem rather than provided with the support they have been seeking:

The DHS seem to have difficulty comprehending when it is the parent(s) who are at risk from a child’s behaviour rather than the other way round. In situations where they do not regard the child to be at risk it appears that they do not perceive there to be any problem for them to deal with. However, should the parent be driven to a crisis point – i.e. CATT [Crisis Assessment and Treatment Team] intervention – they then deem the child to be at risk from poor parenting and intervene, frequently in an extremely heavy-handed manner, thereby exacerbating the crisis for the parent.²⁸⁵

In these types of situations they may find that their rights as parents are overridden as they are shut out of the care system. Ms Kate Jackson wrote about losing their rights as parents once she and her husband made the decision to exclude their son from living at home:

Even though he was only 16 when my husband and I had refused to have him living at home, due to the fact that we could not control him, we lost our rights as parents. I was to discover in the following months that he could be arrested and questioned without us his parents being informed and that he could even go to court and not have either of us notified. There was a time when he was held in custody and we his parents were not told. It was only through the

²⁸⁴ Evidence of Ms Mariela Diaz, General Manager, Anglicare, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

²⁸⁵ Submission from Ms Pamela and Mr Howard Gibson, ToughLove members, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

authorities that we had got to know along the way that we gained information as to what was happening with our son.²⁸⁶

ToughLove members advocate a ‘partnership approach between parents, police and community services’ in dealing with young offenders’.²⁸⁷ The submission from ToughLove makes a strong case for a supportive partnership:

The role that parents play in this cycle will vary with the parents and what influence they have on their child.

While intervention programs are vital for our youth it is also important that the parents are educated and supported. At the point where a young person begins to offend, it is the families as well as the youth who will benefit from intervention. It is not enough to work with the young person, the families are an integral part of the whole picture and need to be seen and treated as such. At the end of this cycle the parents are going to be there for their children, if the parents and families don’t survive the youth will have less chance of rehabilitation.

Without support and recognition the parents are less likely be able to help their child.²⁸⁸

This last point was reiterated by another member of ToughLove:

Finally we should remember that while relationships with professionals are time-limited and may end prematurely if the child defaults, the relationship with his/her parents, albeit temporarily fractured, can be restored, and is likely to be the most enduring in their young life.²⁸⁹

Clearly, the balance between parents’ rights and children’s’ rights is an emotive issue, and achieving the correct balance in practice will often be a delicate task as families ‘can be both a source of risk and a site for the development of resilience and protection for young people’.²⁹⁰ As a submission from VAADA says:

Many AOD [alcohol and other drugs] agencies work with families to support young people in addressing their alcohol and drug use and to address issues related to intergenerational drug and alcohol use. Agencies will differ in their approaches to working with families and may involve parents and other significant family members in different parts of the treatment process from treatment planning, providing parent-support programs, material resources and practical support, linking families to other services and supports.

It is important that, wherever possible, the family context is considered in the development of strategies to address youth offending. Working with families provides an appropriate means of addressing key issues for the various parties impacted by drugs and crime. However, family based initiatives must always strike a balance between meeting the needs of the young person against those of other family members. For some young people, working with the broader family may not be the most appropriate way forward, particularly in cases of serious

²⁸⁶ Submission from Ms Kate Jackson, ToughLove member, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁸⁷ Submission from Ms Kate Jackson, ToughLove member, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁸⁸ Submission from Ms Kate Jackson, President, ToughLove, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁸⁹ Submission from Ms Pamela and Mr Howard Gibson, ToughLove members, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

²⁹⁰ Submission from the Victorian Alcohol and Drug Association to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, December 2008.

family dysfunction, violence and for those young people with histories of trauma, abuse and neglect.²⁹¹

As the evidence of parents from ToughLove and the above quote makes clear, wherever possible agencies should take a partnership approach and seek to establish positive relationships with parents to address problem behaviour among young people.

Conclusion

This chapter has provided an overview of the major stages of child development, highlighting the importance of the first few years of life, the transitions of the middle years, and the challenges of adolescence. What happens in a young person's life, from birth to young adulthood, will shape how that development unfolds. Supportive environments that provide adequate physical, emotional and social resources and opportunities will increase the likelihood of healthy development and positive futures, while environments that are not supportive and lack resources and opportunities can put such development at risk. Such environments increase the probability of a range of negative outcomes including poorer educational and employment prospects, poorer mental health and increased antisocial and offending behaviour.

While recognising the increasing diversity of family structures today, it is clear that the family still plays a pivotal role in the lives of most children and young people. Most parents want the best for their children even if they are not well equipped or resourced to provide this. Therefore, the Committee supports early intervention strategies that are based on providing assistance and advice to families to help them in the difficult task of raising children. It recommends a range of programs for parents of young children to help them provide a stimulating and healthy environment conducive to positive development. It also recommends programs to assist parents and children through the transitions and challenges of the middle years and adolescence.

Unfortunately, for some children and adolescents, these programs will not be sufficient. There will always be cases where abuse and neglect are at a level that requires out-of-home care and there will also be situations where young people are homeless. The Committee is therefore supportive of any efforts to improve the quality of out-of-home care to ensure that the developmental needs of those in care are being met and that when it is time for young people to leave care they are fully supported in the transition to independent and positive futures. Increasing the range and affordability of accommodation options for young people will be essential to achieving this latter outcome.

²⁹¹ Submission from the Victorian Alcohol and Drug Association to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, December 2008.

Recommendations

5. **The Committee identified** the need for more comprehensive prevention and early intervention strategies addressed at youth offending. The Committee calls for the implementation of the social action plan ‘A Fairer Victoria 2009: Standing Together Through Tough Times’ as soon as possible.
6. **The Committee recommends** that the Department of Human Services expands existing infant welfare services to deliver outreach programs for disadvantaged new parents that provide regular and ongoing support from the pre-natal period through to the first year of life. This service should be based on delivery models, such as the Nurse–Family Partnership, that have been evaluated and demonstrated to be effective.
7. **The Committee recommends** that the Department of Human Services evaluate the pilot therapeutic residential unit program after 12 months, and if it proves successful extend the program.
8. **The Committee recommends** that strategies and programs to enhance parenting and family support should:
 - consider the broader risk and protective factors that impact upon child and family development;
 - focus on the developmental and behavioural needs of children;
 - focus on building on the protective factors operating for a young person and reducing the risk factors they are experiencing through their life transitions;
 - be early and non-stigmatic and as far as possible, kept out of the justice system;
 - promote a sense of connectedness;
 - be long-term and holistic and cut across multiple domains in a young person’s life (eg families, schools, communities).

8. Education, Training and Employment

Introduction

A sound education is an essential prerequisite for full participation in community life in contemporary Australia. Employment options are clearly linked to educational outcomes, but so too is the ability to participate in a range of social activities and to deal with an increasingly complex world. Job applications, taxation returns, forms for government benefits, transport concessions, and opening bank accounts have all become more complex in recent years. Increasingly the provision of information is Internet based, as are many social and business interactions, and these require not only access to computers but also a level of technological knowledge and skill that was not needed in the past. Therefore, if young people disengage from education, or leave school without achieving a satisfactory level of education, their prospects for the future are diminished, they are more likely to live in poverty, and their risk factors for offending are increased.

There is considerable research based evidence to demonstrate the important relationships between education, training, employment and offending behaviour. This research suggests that for older adolescents and young adults, being either employed or engaged in vocational training reduces recidivism. Similarly, for younger adolescents and children, being positively engaged in the education process provides a protective influence in their lives, while disengagement from education is a significant risk factor for antisocial behaviour and offending. This chapter first discusses schooling and the ways a young person's experience of school can be either protective or exacerbate risks, then outlines factors that contribute to disengagement from education, presents strategies for improving engagement and discusses the protective aspects of education.

The final part of the chapter deals with the related issue of employment, and how programs to assist disadvantaged young people find employment can help them move beyond offending behaviour.

Schools and resilience

The second most pervasive influence on a child or young person's life, after their family, is their experience with the education system. A child's involvement with educational institutions usually begins around the age of three or four when they commence kindergarten or preschool. In most cases it ends when they reach 16 and leave or when they graduate from Year 12. During this time span, a large part of each weekday is taken up with attendance at school.

Schools therefore play a very significant role in the life of most children and young people. Research indicates that when a child has a sense of belonging at school, when they are achieving academically and receiving positive evaluations of their work, and when they have a teacher they can relate to, schooling can contribute to their resilience.²⁹² A positive experience of school can help a child to overcome developmental deficits and risk factors associated with economic disadvantage, child abuse and neglect, family conflict, and experiences of out-of-home care. Mr Bernie Geary, the Child Safety Commissioner, told the Committee:

²⁹² See Table 3.1 of this Report for a list of protective factors.

Schools are a logical and universal platform from which all school-aged children and young people in Victoria should be able to be accessed. Schools are non-stigmatising, they are local, and once again they reflect a young person's community.²⁹³

Mr Stuart Edwards, Senior Project Worker at Odyssey House in Victoria, also spoke about the positive influence schools can have with young offenders, particularly by being a positive point of attachment for the 'relatively small population of kids who just do not have any decent alternative attachments'.²⁹⁴ The Youth Substance Abuse Service also sees an important role for schools to play in building resilience, particularly for at-risk children.²⁹⁵

Given the significant amount of time children spend in school and the essential role schools can play in building resilience, what happens when a child or young person's experience of education is not so positive? What impact does disengagement from education have on young people who may be at risk of developing antisocial behaviour patterns?

The problems of disengagement and poor educational outcomes

Recent policy of the Department of Education and Early Childhood Development (DEECD) sees student engagement and well-being as one of three key student outcome areas that government schools are expected to work towards, the other two being student learning and student pathways and transitions. According to the *Accountability and Improvement Framework for Victorian Government Schools*, 'Promoting students' engagement in learning and well-being at school is an essential goal for all schools' (DEECD 2009a, p.5). The Department defines student engagement as consisting of the following three interrelated components:

- **Behavioural engagement** refers to students' participation in education, including the academic, social and extracurricular activities of the school.
- **Emotional engagement** encompasses students' emotional reactions in the classroom and in the school. It can be defined as students' sense of belonging or connectedness to the school.
- **Cognitive engagement** relates to students' investment in learning and their intrinsic motivation and self regulation (DEECD 2009b, p.7).

These components imply that students who are engaged will attend school regularly, will feel safe and connected to their school and will be motivated to learn. Unfortunately, for many children whose lives are already impacted by family, community and individual level risk factors, fitting in and achieving at school presents another challenge and arena of risk. Thus, while schools can encourage resilience, they can also exacerbate vulnerability when children and young people do not engage with education.

The Committee received evidence indicating that disengagement from school is widespread amongst children and young people who are participating in offending behaviour, or who are at risk of doing so in the future. The Committee heard that many are not currently

²⁹³ Evidence of Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

²⁹⁴ Evidence of Mr Stuart Edwards, Senior Project Worker, Odyssey House Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, 23 October 2008.

²⁹⁵ Submission from Youth Substance Abuse Service, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

attending school regularly; many do not feel a sense of connection or belonging in the school system; some do not feel safe at school; and many struggle with learning.

For example, Ms Jane Kearney from Lynall Hall Community School suggested that some Victorian children are not attending school for long periods – up to two years or more. These children ‘fall through the cracks’ and are not necessarily picked up by the system.²⁹⁶ Members of the Youth Parole Board expressed similar concerns, noting that many of their clients had negative school experiences.²⁹⁷

Staff from Jesuit Social Services agree and stated that children are disengaging from school as early as primary school, that significant numbers are not attending school regularly and are not being followed up.²⁹⁸ Furthermore, they suggested that schools are sometimes ambivalent about long-term truancy.²⁹⁹ These points were reiterated in the written submission from Jesuit Social Services, as was the need for better data on school non-attendance – whether based on suspensions, expulsions, or truancy.³⁰⁰

Youthlaw, Victoria’s state-wide specialist community legal centre for young people (under 25 years), say its experience with young offenders confirms a link between disengagement from education and involvement in criminal offending. It believes suspensions and expulsions have a serious impact on students and may result in decline in participation and academic performance, resentment of authority, and increased potential for coming into contact with the criminal justice system. This is compounded for students outside the metropolitan region where there is often little opportunity for students to access education from alternative providers. Youthlaw states that:

Many young people presenting with criminal charges at Youthlaw are not engaged in education and have not finished high school. Most may have learning difficulties and struggle to cope with mainstream schooling. Many have experienced suspensions on a number of occasions and expulsion and then have not been able to find another school to take them. So they have left school. They do not have the supports in place to help them access services, and have effectively slipped through the system.

Students who are suspended or expelled from schools may be ‘blacklisted’ and unable to find a school willing to accept them. There appear to be limited opportunities for participation in education for many young people with behavioural issues.³⁰¹

²⁹⁶ Evidence of Ms Jane Kearney, Acting Assistant Principal, Lynall Hall Community School, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

²⁹⁷ Evidence of Mr Vic Gordon, Member, Youth Parole Board of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

²⁹⁸ Evidence of Ms Julie Edwards, Chief Executive Officer, Jesuit Social Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

²⁹⁹ Evidence of Mr Michael Gourlay, Policy Director, Jesuit Social Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

³⁰⁰ Submission from Jesuit Social Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

³⁰¹ Submission from Youthlaw, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Springvale Monash Legal Service raised similar concerns, noting ‘that involvement in education, training and employment is the strongest protective factor in preventing offending’. They recommend strategies to reduce truancy as an important step towards reducing youth offending.³⁰² The Australian Drug Foundation also sees disengagement from school as a significant problem, and suggests that more emphasis needs to be placed on school retention, as ‘disengagement with school, truancy, early school leaving and/or expulsion are common factors contributing to substance use and offending’.³⁰³ The Youth Substance Abuse Service agrees, noting high levels of disengagement among their client population: ‘A significant number of YSAS clients are disconnected from their school and educational opportunities’.³⁰⁴ Finally, the Victorian Aboriginal Legal Service (VALS) also cited poor school retention as a significant risk factor contributing to offending behaviour among young Kooris. Quoting Victorian Government figures, VALS’ submission noted that young Indigenous Victorians’ rates of school retention are well below that of the rest of the population. Retention to ‘Year 10 is 81.1%, compared to 97.5% for all Victorians’. This drops even further in senior years, with a retention rate of 36.5% to Year 12, compared to 81.4% for all Victorians. Indigenous students were only half as likely as other young people to qualify for a Year 12 certificate.³⁰⁵

Children and young people in out-of-home care face particular difficulties in relation to obtaining a good education. Research conducted by the Centre for Excellence in Child and Family Welfare found that for those young people leaving out-of-home care in Victoria, ‘less than a third have completed formal schooling (completion of VCE or equivalent)’. This leaves them ‘vulnerable to unemployment in an increasingly competitive employment market’ where 67 per cent of young people in the general population have completed Year 12.³⁰⁶ Berry Street also highlighted particular problems faced by those who have been in out-of-home care:

Victorian data shows that this group of young people have consistently poor educational outcomes. Preliminary data from the Department of Human Services report, “School-age children in out-of-home care: School attendance and engagement of children and young people in Out-of-home Care” (DHS 2008) shows that:

- In all year levels, academic achievement in English and in Mathematics was lower for out-of-home care students than for the general population;
- By the end of primary school, less than 50% of out-of-home care students were achieving at the expected level or above in English.³⁰⁷

³⁰² Submission from Springvale Monash Legal Service, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁰³ Submission from Australian Drug Foundation, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁰⁴ Submission from Youth Substance Abuse Service, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁰⁵ Submission from Victorian Aboriginal Legal Service (VALS), to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁰⁶ Submission from Youth Affairs Council of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁰⁷ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

While much of the evidence outlined above focused on behavioural indicators of disengagement that occur among secondary school students, for example truancy, suspensions, expulsions and early leaving, Berry Street drew attention to the problem of disengagement through all levels of education, stating that:

In understanding causality of offending by young people we believe it is crucial to address the relatively poor participation of vulnerable children and young people – children in out-of-home care in particular – in learning and education at each stage, beginning with poor participation in early learning, and continuing through to primary, secondary and further education.³⁰⁸

Clearly disengagement is a significant problem for some groups of children and young people. The next section looks at a range of factors that contribute to disengagement.

Why does disengagement occur?

The causes of disengagement from school are no doubt myriad and complex, as are those for offending behaviour. Nonetheless, evidence collected by the Committee emphasised a number of contributing factors that indicate possible opportunities for intervention strategies.

Family background

To begin with, a child or young person's family background will influence their level of engagement with the education system. Families vary in the extent to which they can and do provide early experiences conducive to engagement and success at school. Young children whose parents or carers play with them, read to them, provide stimulating experiences, and set appropriate boundaries on their behaviour, will find the school environment more familiar than those whose parents or carers do not. They are also more likely to have verbal and social skills conducive to school-based learning. Without these skills a child may face difficulties likely to affect engagement at a number of levels.

Clinical Psychologist, Dr Patricia Brown sees children and young people at the Children's Court Clinic. Referred from the Court, about three-quarters of the Clinic's clients come through Child Protection cases and a quarter through criminal cases. Dr Brown told the Committee that verbal learning problems – related to attachment problems in early life – were endemic among their clients. She believes this lack of verbal skills leads to difficulties at school that are compounded over time:

They do not develop language as their major mode of coping with the world...They do not use language to resolve things. Probably as a result, school problems are a stand-out feature. For most of them they are ejected or rejected from school. There is a real issue for me about why they are not re-engaged in school...

³⁰⁸ Submission from Berry Street, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

It is one of the most potent issues that really needs to be dealt with. They usually come to us and they have no school, no work, few friends and they try to attach to those who will accept them, and they are usually other troublesome youths.³⁰⁹

Children who come from abusive and neglectful backgrounds are likely to have particular difficulties forming trusting and positive relationships with peers and teachers. They are less likely to feel a sense of belonging and fitting in at school. This can contribute to behavioural, emotional and cognitive disengagement. A number of witnesses who spoke about the impact of trauma and abuse on young children drew a link between this and poorer educational outcomes. Professor Chris Goddard noted in his submission:

Our research at Monash shows that negative life pathways can originate as a result of having to contend with child abuse and neglect in families of origin. These experiences affect people's ability to function effectively in many areas of life, including the education system and the labour market.³¹⁰

Even in the absence of actual abuse or neglect, there are children who come from families where parents lack interest in education or have struggled with education themselves, which can also contribute to a lack of educational engagement. Ms Amanda Watkinson, from Jesuit Social Services, told the Committee:

I think often the kids are in families where education has not necessarily been something that has been part of the family life for probably two or three generations... There is no inspiration to, or not even a culture in the family to do that sort of thing [get up in the morning for school].³¹¹

Springvale Monash Legal Service also raised the issue of children growing up in homes where education is not valued, or where schools are seen as threatening or unfamiliar. They pointed to the specific problems faced by young people who come from culturally and linguistically diverse (CALD) backgrounds, particularly some students from refugee backgrounds who may have little prior experience of education. They further noted 'a strong connection between English proficiency, school retention and inclusion in the Australian education system,' which presents a further challenge to CALD students.³¹²

In summary, when a child's family background is not conducive to educational success, whether through lack of interest, lack of resources, or overt maltreatment, a child will have more difficulty engaging emotionally, cognitively, or behaviourally with school.

³⁰⁹ Evidence of Dr Patricia Brown, Director, Children's Court of Victoria Clinic, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

³¹⁰ Submission from Professor Chris Goddard, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³¹¹ Evidence of Ms Amanda Watkinson, Brosnan Centre Manager, Jesuit Social Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

³¹² Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Learning difficulties

Another factor contributing to disengagement, either on its own, or as a compounding factor, is the presence of learning difficulties.³¹³ Even among children who do not have a specific disability, there is still a wide range of achievement levels and common learning difficulties. As noted above, children who have not been read to, or whose language skills are not well developed, may find learning to read more difficult than others. Once they begin to fall behind in a key area such as reading, they may struggle to keep up across the board. As Dr Brown noted: ‘if words are not your currency and you are at school and school is almost totally words, you are going to turn off’.³¹⁴

Ms Jennifer McVicar, from law firm Baker & McKenzie, talked about realising the importance of early academic achievement when she began looking at developing mentoring programs for teenagers.³¹⁵ A lack of academic success early in a child’s school life can contribute to cognitive disengagement where they lose interest and motivation for learning. Poor levels of achievement and the cognitive disengagement associated with it may compound over the years as young people find themselves falling further behind their peers. Unless these learning deficits are picked up and remedied, cognitive disengagement may contribute to further emotional and behavioural disengagement, often manifesting as antisocial and bullying behaviour and/or truancy.

Transitions

The developmental pathways approach to offending identifies particular periods in a child or young person’s life as times of potential heightened risk – for example, when a child starts school, or moves from primary to secondary school. At these transitional times the potential for a child to become disengaged from education is heightened. Where engagement is already weak, transitions will be particularly risky and mild disengagement may deepen. Truancy can become entrenched and in some cases lead to total disengagement.³¹⁶

School culture, policies and practices

Schools themselves, through their cultures, policies and practices, can contribute to disengagement.³¹⁷ Concerns have also been expressed to the Inquiry that schools rely too heavily on suspension and expulsion as a way of dealing with antisocial behaviour.³¹⁸

³¹³ The specific problems faced by children with intellectual disabilities are covered in Chapter 12.

³¹⁴ Evidence of Dr Patricia Brown, Director, Children’s Court of Victoria Clinic, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

³¹⁵ Evidence of Ms Jennifer McVicar, Director, Pro Bono and Community Service, Baker and McKenzie Solicitors, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, 22 October 2008.

³¹⁶ Submission from Youth Substance Abuse Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³¹⁷ Evidence of Ms Mariela Diaz, General Manager, Anglicare, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³¹⁸ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

When a formal expulsion occurs, that school is required to attempt to find another school to take the child; however if a school informally suggests to a student that he or she not come back this requirement seems to be circumvented in some cases. Senior Constable Darren Anderson, a Youth Resource Officer with the Victoria Police, told the Committee:

I ask the kids and say, ‘What happened?’ and they say, ‘I got expelled,’ when they did not. They just got hinted not to come back.³¹⁹

He added that he frequently comes across young offenders who have been absent from school for extended periods of time without being followed up.^{320 321}

Out-of-home care

Many of the factors that can lead to disengagement from school are brought together in the case of children and young people who have experienced out-of-home care. Usually there has been some trauma, neglect or abuse in their background, thus as young children they are less likely to have received the type of care that creates readiness for school. They may already have learning and behavioural problems that make it more difficult for them to fit into classroom routines and make friends. Multiple foster care placements and frequent changes of school that are common among these children will also hinder their ability to form secure relationships and to create a sense of connectedness to school. In short, their experience of out-of-home care will likely contribute to a situation where all components of engagement – behavioural, emotional and cognitive – are compromised.

Berry Street’s submission to the Inquiry noted that:

Many children in out-of-home care have experienced abuse and trauma which manifests in:

- Low or borderline cognitive function (the intellectual disability is often mild to moderate, with the average IQ score masking particular deficits in some aspects of cognitive functioning);
- Speech and language deficits, ranging from non specific learning disorder to severe language disorder;
- Extreme challenging behaviour due to the neurological damage sustained in early childhood.³²²

³¹⁹ Evidence of Senior Constable Darren Anderson, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Morwell, 13 October 2008.

³²⁰ Evidence of Senior Constable Darren Anderson, Victoria Police, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Morwell, 13 October 2008.

³²¹ Mr Ian Claridge from the Department of Education and Early Childhood Development was surprised to hear from the Committee of this type of informal expulsion occurring. Department policy is that schools are required to arrange an alternative placement for any student who is expelled from school, and informal suggestions to a student that they leave a school are unacceptable. (Evidence of Mr Ian Claridge, General Manager, Student Wellbeing and Support Division, Department of Education and Early Childhood Development, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008).

³²² Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Young people from the CREATE Foundation also told the Committee about the educational difficulties young people from out-of-home care face.³²³ Their experiences highlighted the factors that can contribute to disengagement for children from out-of-home care. A background of abuse, difficulty with schoolwork, teasing and bullying begin the process of emotional and cognitive disengagement. This, in turn, contributes to antisocial behaviour, then truancy, suspensions and expulsions, until total disengagement occurs.

Addressing disengagement

Much of the concern expressed during this Inquiry about disengagement focused on the extreme end of disengagement; that is, people younger than the compulsory school leaving age of 16 not attending school on a regular basis, with some dropping out of the system completely well before that age. These young people in particular are seen as being at high risk of offending due to a lack of adult supervision and the influence of those with whom they associate. In addition, among this group there are likely to be young persons still disengaged from school, training or employment when they are older than 16, and no longer required to attend education institutes, which creates a different problem.

They are also the group from which emerges an older group of post-compulsory aged teenagers and young adults who are similarly disengaged from school, training or employment. For most of these young people, the educational deficits they have accrued over many years of emotional, cognitive and behavioural disengagement from education leave them at a severe disadvantage in an increasingly competitive labour market.

Many of the strategies the Committee heard about for addressing disengagement focus on this particular group of young people, the problem of truancy, and the effect of suspensions and expulsions on attachment to education. Thus, many of the strategies are remedial in nature. They target students who are already disengaged to some extent and attempt to re-engage them in some form of education or training. However, the Committee believes it is also important to put in place preventative measures that address disengagement at the earliest stages, before it is entrenched. Doing so will involve both targeted and universal strategies, from the earliest years of schooling through to further education and training, to ensure all children and young people have the best chance of receiving a quality education. Accordingly, the strategies brought to the attention of the Committee are discussed below.

Improving engagement within mainstream schools

The Victorian Government's *Vulnerable Youth Framework: Discussion Paper* identified engagement in education as a key focus area for responding to the needs of vulnerable young people. Suggested actions for change put forward in the discussion paper include:

- Support schools to keep vulnerable young people engaged in education and training.
- Strengthen the role of school health and welfare specialist staff to improve identification and early intervention.
- Ensure that individualised plans are in place for highly vulnerable students, with schools and other agencies

³²³ CREATE members, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, 11 November 2008.

- Strengthen partnerships with the broader service system to support entry into further education, training or employment (DHS 2008a).

In addition, the DEECD has recently introduced a new *Accountability and Improvement Framework for Victorian Government Schools* (2009a), and new Student Engagement Policy Guidelines: *Effective Schools are Engaging Schools* (2009b).³²⁴

The Guidelines aim to assist schools to develop a Student Engagement Policy, now a requirement of all Victorian government schools. Principals are responsible for leading the development of the policy in consultation with the whole school community including school councils, students and parents/carers. According to the Guidelines, school based student engagement policies aim to create positive and engaging school cultures, and promote school attendance and positive behaviours through a staged response. Each of these areas is discussed in detail in the Guidelines along with suggestions on how schools might address them.

The 2009 Guidelines include a significant policy change in relation to procedures for suspension and expulsion of students. Students may ‘only be excluded from school when all other measures have been implemented without success’ and principals are required to ensure that ‘a range of options, consistent with a staged response, have been considered’ before a student is suspended (DEECD 2009b, pp.25, 26). As part of the staged approach, students displaying chronic patterns of problem behaviour will receive targeted interventions, including interventions involving parents/carers in a partnership approach. A student support group involving key specialist learning and well-being support staff will also be formed to oversee and plan appropriate support and intervention. Unless an immediate suspension is warranted, a student support group meeting must be held before a student is suspended. In the case of immediate suspension, a support group meeting must be held within 48 hours of the student being suspended. The Guidelines reduce the maximum period of a single suspension to five consecutive school days and the maximum length over a year to 15 days, unless approval is received from the regional director. The school must also ‘provide appropriate and meaningful school work to the suspended student during the period of the suspension’ (DEECD 2009b, p.27).

With regard to expulsions, the new Guidelines state that school principals are required to demonstrate that expulsion is the only appropriate measure under the circumstances. Before exercising their responsibility in this area they must convene a meeting of the student support group to discuss the expulsion. Principals are required to notify the regional director who will nominate a member of staff to attend the support group meeting to ‘ensure that the appropriate education, training and employment options are considered for the student’ and to ‘assist in implementing the course of action agreed to at the meeting’ (DEECD 2009b, p.28).

The new Student Engagement Policy Guidelines are consistent with evidence and recommendations received from community based organisations that regard as positive the goal of keeping young people engaged in mainstream schools. For example, Ms Jen Rose, Youth Affairs Council of Victoria, expressed support for Departmental initiatives in this area, agreeing with proposed actions they see as:

³²⁴ The new Guidelines replace the *Student Attendance Guidelines*, 1997 and the *Guidelines for Developing the Student Code of Conduct*, 1994.

strengthening the capacity of teachers to identify a vulnerable young person and strengthening the capacity of schools to respond to the needs of that young person in order to reduce early school leaving. This approach acknowledges that schools sometimes lack either the expertise or the ability to mobilise the supports that a young person may need from the wider youth, health or community services system. There is a clear role for youth services to play in working with schools to strengthen their capacity there.³²⁵

The new Student Engagement Policy Guidelines address most of the submission made by Youthlaw on a policy level.

Programs and strategies

Early childhood and primary based programs

Keeping a young person engaged in education will be far easier if a strong sense of emotional, cognitive and behavioural engagement is firmly established in the primary school years. As noted earlier, having a sound preparation for school is the first step in this regard. This is where programs such as Berry Street's ELF™ Program are relevant. This parenting program aims to enhance parent/child bonding and build family connectedness.³²⁶ However, the goals of the program extend beyond this to include laying down a sound foundation for future learning. Through the program, parents are encouraged to read, sing, talk and play with their young children, thereby fostering early language development in preparation 'for positive learning experiences in formal education settings'. The program is based on a facilitated community development model that involves bringing together the wider community to support the development and early education of young children. Berry Street recommends similar early learning programs be developed and resourced across the State.³²⁷

Berry Street also provides the Shepparton Good Start Program to support engagement in the very early years of schooling. This is based on a partnership model that engages families, schools and communities:

Shepparton Good Start is a three year early intervention enrichment project working with children in their first year of school (prep) and with their immediate families. Many of these families are from Culturally and Linguistically Diverse backgrounds. In three successive Prep-year cohorts (2008, 2009 and 2010) the aim is to strengthen the engagement of all families to school using the Families and Schools Together (FAST) program.³²⁸

Berry Street operates other innovative programs to support engagement for primary school children. In Gippsland it has entered into a partnership with the Commercial Road Primary School in Morwell to employ a Health & Wellbeing Worker 'to provide additional support to students to help them achieve educational outcomes'. Subsequently:

³²⁵ Evidence of Ms Jen Rose, Policy Manager, Youth Affairs Council of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

³²⁶ Berry Street's ELF™ Program is discussed in more detail in Chapter 7.

³²⁷ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³²⁸ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The program has been very successful in maintaining the engagement of vulnerable students at school and has assisted them to achieve educational outcomes through the modification of curriculum and support with whole of school programs and activities.³²⁹

As noted in Chapter 7, these types of programs encouraging parental engagement in the child's education in the early years have had long-term benefits across a range of outcomes.

Modifying the curriculum and school environment

Springvale Monash Legal Service suggested the 'challenge for policy makers and teachers alike is to identify and implement school programs that engage young people, and encourage them to stay at school'. To do this they recommend providing further art and music based education in the curriculum. They argue that programs offered to disadvantage schools by non-government organisations (NGOs) have been 'successful in increasing student motivation, connectedness and engagement, and social learning outcomes'. Students gain self-confidence, learn to work in teams and improve their communication skills, which 'may then lead to a change in the attitudes and behaviour that led them into offending'.³³⁰ Despite the efficacy of such programs, the Springvale Monash Legal Service notes that many Victorian Government Primary Schools do not have a music teacher and recommends that more be done to ensure students in need of such programs receive them.³³¹

In supporting the view that schools need to accommodate the broad range of young people's needs, the Child Safety Commissioner Mr Bernie Geary said: 'We need to do more to keep young people at school by allowing greater flexibility in how education is delivered and by stopping the expectation that one size fits all'.³³² Ms Jane Kearney from the Lynall Hall Community School spoke about the need for schools to put energy into the social and emotional well-being of students, including the inclusion of social and emotional communication and social skill in the curriculum. Rather than detracting from the academic content of the curriculum, she sees this as providing a support or underpinning for academic success.³³³

Professor Patton referred the Committee to the Gatehouse Project developed by the Centre for Adolescent Health to assist schools in promoting student emotional well-being (see box below). The Gatehouse Project was started as an action research project designed to find ways of promoting the emotional well-being of students in Victorian secondary schools. The research project operated between 1996 and 2002. Since then the Adolescent Health and Social Environments Program (AHSEP) has built upon the knowledge and experience of that Project.³³⁴ The conceptual framework of the Gatehouse Project approach emphasises

³²⁹ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³³⁰ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³³¹ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³³² Evidence of Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³³³ Evidence of Ms Jane Kearney, Acting Assistant Principal, Lynall Hall Community School, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, 23 October 2008.

³³⁴ http://www.rch.org.au/gatehouseproject/about/index.cfm?doc_id=176, viewed 17 April 2009.

the importance of healthy attachments or a sense of positive connection with teachers and peers.³³⁵

The Gatehouse Project

The program implemented by the intervention schools in the Gatehouse Project is designed to build the capacity of schools to promote emotional well-being. The program assists schools to develop strategies for reducing risk factors and enhancing protective factors in the school environment. The curriculum materials and whole school strategy focus particularly on:

- enhancing students' sense of connectedness to school
- increasing individual skills and knowledge for coping with life's ups and downs.

Key elements

The Gatehouse Project approach provides schools with:

- strong conceptual and operational frameworks to enhance understanding of adolescent mental health needs
- an evidence-based process for planning, implementing and evaluating a practical intervention, including both individual-focused and environment-focused approaches to change.

Conceptual and operational frameworks

The conceptual framework of the Gatehouse Project approach emphasises the importance of healthy attachments or a sense of positive connection with teachers and peers. Three key areas of action are identified:

- building a sense of security and trust
- enhancing communication and social connectedness
- building a sense of positive regard though valued participation in aspects of school life.

This conceptual framework translates early work on attachment and social support theories into a model that is relevant for promoting both emotional well-being and engagement with learning.

Drawing on the Health Promoting Schools framework, the operational framework recognises the need to address the three areas of action at all levels of school operations. This comprehensive whole school strategy seeks to:

- introduce relevant and important skills through the curriculum
- make changes in the schools' social and learning environments
- strengthen links between the school and its community.

Much previous health promotion has focused only on skills and knowledge for individuals in relation to a particular health issue. Through curriculum and a process for whole school change, the Gatehouse Project approach includes:

- an individual
- an environment.

Source: http://www.rch.org.au/gatehouseproject/project/theprogram/index.cfm?doc_id=397

³³⁵ Evidence of Professor George Patton, Director, Centre for Adolescent Health, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

Comprehensive Gatehouse Team Guidelines for whole school change, and Gatehouse Teaching Resources for emotional well-being were produced as part of the Gatehouse Project and are available from the Gatehouse website. While Professor Patton noted that some schools are reluctant to address well-being needs, the schools involved in the initial project all saw the value of it, and were engaged in the process by the end of the four-year action research project. He told the Committee:

Every school by the end of four years was engaged. Every school was saying this data was valuable. Every school was saying, ‘This actually helps us. The process of having this data, working with a critical friend, helps us do our core work’, and they began to actually market themselves as Gatehouse schools.³³⁶

Transition and other support programs

Evidence before the Inquiry also highlighted the need for specific programs to support young people and encourage engagement. The Salvation Army, for instance, operates Shop 16 at the Reservoir District Secondary College providing services such as a Homework Club and Friday Night Youth Group for disadvantaged young people in the area. The submission from the Salvation Army and Baker & McKenzie argues that both this program and the LEAPS program (discussed below) develop protective factors that increase resilience and reduce the likelihood of offending behaviour among participants. They also suggest that if funding were available these programs could be expanded to provide services to a wider range of young Victorians at risk of disengagement from school.³³⁷

The need for early intervention to provide extra support to families and children during key transition phases such as the transition from primary to secondary school was raised frequently.

For example, the Centre for Adolescent Health has developed a collaborative research project with the Brotherhood of St Laurence and Anglicare to address this need. The project, *Doing it Differently (DiD)*, ‘focuses on improving engagement of young people with school during the Middle Years (Years 5–8)’ (Butler et al 2005, p.3). Expected outcomes from the project include:

- development of a model to assist Victorian school communities to develop a more systematic, integrated approach to planning the involvement of students, families, school staff and community organisations in transition between primary and secondary schools and in engaging students with school in these years.
- an integrated suite of practical tools and resources to help students, schools, families and community organisations work together to promote engagement through transition. (Butler et al 2005, p.13)

The Committee heard from Anglicare staff about a program being offered at Karingal Secondary College designed to improve student engagement by working with parents of children during the transition process and their first few years at secondary school. Ms Diaz, from Anglicare, explained that the program is designed to engage the family in the child’s

³³⁶ Evidence of Professor George Patton, Director, Centre for Adolescent Health, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³³⁷ Submission from the Salvation Army and Baker & McKenzie to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

education, targeting the parents of students coming into Grade 7. It involves having a worker based in the school to provide support to students and parents:

We will have a list of all the names of the parents, and we will make time to contact them all and talk to them about the project and about the school and invite them to some of the functions, and we will invite them to volunteer, as part of it, to run certain functions – so parents are not targeted as being vulnerable parents; it is all parents. We have run things like computer literacy skills for parents, and it is under the umbrella of helping parents protect their child from any sort of stuff that goes on, on the internet, and looking at what the kids are looking at, but really it is to engage the parents.³³⁸

Monitoring and responding to at-risk students

A particular concern raised throughout the Inquiry was the way schools respond to troublesome and at-risk students. As noted earlier, the problem of truancy was raised frequently, with the suggestion that some schools were not following up, and possibly even encouraging, extended absences involving difficult students. DEECD policy is clearly opposed to students being informally asked to leave, and where students are formally expelled the onus is on the school to find another place for the student.³³⁹ Victorian schools are also required to record attendance and the new DEECD *Student Engagement Policy Guidelines* set down a process for following up absences. When a student has repeated unexplained absences, the school is required to hold a meeting with the student, their parent/carer, and/or relevant teachers and support staff, to ‘identify reasons for the absences and develop strategies to support the student’s attendance...If parents/carers are unwilling to meet with the school or if the student continues to be absent’ the school is instructed to ‘contact the Regional Office for additional support’ (DEECD, 2009b, p.42).

The Committee heard from Mr Ian Claridge, General Manager of DEECD’s Student Wellbeing and Support Division, about an initiative based at Eaglehawk Secondary College designed to reduce absenteeism and improve student engagement:

Eaglehawk Secondary College...has gone into partnership as part of a neighbourhood renewal project, and it has employed a student engagement worker, who works in the school but also in the community setting. They prioritise their student attendance rates. Basically those students who have 60 per cent or less school days are the priority. Often the families have very complex needs, and the student engagement worker attends case meetings. But more than that, what they do on a daily basis is that they actually assess attendance on a period-by-period basis.

...It has been a great success, because what they do is, in a non-judgemental way, if a student is found to be missing a period...they follow up...They make a phone call to the parent – ‘Just making sure you are aware that young Johnny wasn’t at school yesterday for the fourth period’...They have found that very effective. There is interest in their comments around technology, SMS etcetera. They are saying that in terms of the ‘understanding poverty’ work, that a relationship-based approach – a phone call – is far better, so they do that.³⁴⁰

³³⁸ Evidence of Ms Mariela Diaz, General Manager, Anglicare, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³³⁹ Evidence of Mr Ian Claridge, General Manager, Student Wellbeing and Support Division, Department of Education and Early Childhood Development, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

³⁴⁰ Evidence of Mr Ian Claridge, General Manager, Student Wellbeing and Support Division, Department of Education and Early Childhood Development, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

The Eaglehawk Secondary College also employs a welfare coordinator who works with the engagement officer to ‘work with DHS and non-government agencies to support the family. They develop an action plan that addresses attendance and a whole range of other issues as well’.³⁴¹

Mr Claridge also described another local initiative, the Multi-Service Intervention Response Team (MIRT) that operates in the Western Metropolitan Region:

Another local initiative is the Multi-Service Intervention Response Team in the western metro region...with some kids at the pointy end we need almost a case management approach because, if you think about the figures, they say that one in seven of our students will have a diagnosed mental health disorder.³⁴²

Despite Department policies and programs such as the one at Eaglehawk Secondary and the MIRT, it seems some students are still ‘falling through the cracks’ and disengaging completely from school.

Of relevance to this issue is New Zealand’s approach to monitoring student attendance and responding to truancy, which was explained to the Committee during its study tour there. New Zealand has recently introduced a national database called Enrol, which tracks all student enrolments throughout New Zealand. Schools are required to remove a student from the Enrol database if they have not attended for 20 days and no contact has been made or response received from either the student or their parents. Importantly, removal from the database triggers a response from the Non-Enrolment Truancy Service (NETS) who has the role of following up the student and working to re-engage them in some form of education.³⁴³

In addition to the problem of truancy, widespread concern was expressed that current practices for dealing with problem behaviour in schools were exacerbating problems. Particular concern was expressed over the longer-term consequences of suspensions and expulsions for at-risk students. The Australian Drug Foundation suggested that more emphasis should be placed on supporting young people with problem behaviours.³⁴⁴

The application of restorative justice models, including family conferencing, was an alternative widely supported. Dr Sheryl Hemphill from the Centre for Adolescent Health noted that restorative practices were increasingly being used in schools as a step towards ‘reintegrating the students back into the school after they have been suspended’. The process involves ‘bringing the victims and the perpetrators together and talking about what happened and how it has impacted on the victim and so forth’.³⁴⁵ Dr Hemphill’s colleague

³⁴¹ Evidence of Mr Ian Claridge, General Manager, Student Wellbeing and Support Division, Department of Education and Early Childhood Development, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

³⁴² Evidence of Mr Ian Claridge, General Manager, Student Wellbeing and Support Division, Department of Education and Early Childhood Development, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

³⁴³ Auckland City Truant and Alternative Education Service staff, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Auckland, 28 November 2008;

³⁴⁴ Submission from Australian Drug Foundation, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁴⁵ Evidence of Dr Sheryl Hemphill, Senior Research Fellow, Centre for Adolescent Health, Royal Children’s Hospital, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

Ms Evans described other restorative practices designed to reintegrate students after they have been suspended:

I would just like to add to that in terms of having programs...that do encourage reengagement for young people who are expelled or suspended, there are opportunities for them to come back into school maybe for a half day where they are engaged in specific programs to manage that behaviour. Or things like pupil referral units where young people who are unable to engage appropriately in the classroom are supported in a more supportive one-on-one environment by teachers.³⁴⁶

Ms Evans further suggested that suspension from school should automatically trigger an assessment of the young person that looks 'at all the protective and risk factors going on in their lives' with a view to reintegrating them back into school.³⁴⁷ The Committee notes that the new Student Engagement Policy Guidelines address this need.

A successful Student Engagement Project (SEP) that has been applying some of these ideas has been operating in Wodonga since 2004 with support from the Centre for Adolescent Health. The Wodonga Project follows a family, school and community partnership model, and integrates 'Restorative Practices and Family and Community Group conferencing into school settings'.³⁴⁸ Five schools in the Wodonga and Kiewa Valley region are participating in the Project. The Project is achieving success through providing a new model for addressing school discipline and disengagement problems.

The FCGC [family and community group conferencing] and RP [restorative practices] model allows for a community of support to be created for the young person and their family and includes review processes to follow up and monitor the outcomes....

There is already evidence to suggest that the partnership approach with family led decision making ensures more successful outcomes than the previous systems which involved the school and police and then referrals to agencies which often were not followed up by the family or the young person. This new approach allows for service coordination and more effective use of resources, with stronger and trusting relationships between the young people, families, schools, police and the community agencies.³⁴⁹

Mentoring programs are another strategy for supporting students at risk of disengagement, such as the LEAPS (Law Firms Encouraging and Assisting Promising Students) Mentoring Program. Originally developed and run in NSW schools, the LEAPS program is 'a resilience enhancing program...aimed specifically at increasing a student's attachment to and engagement with education'.³⁵⁰ In 2004, law firm Baker & McKenzie in conjunction with the Salvation Army introduced the program into Victoria, running it 'in partnership with Reservoir District Secondary College'. This program has 'received two Crime Prevention Awards' and is a 'best practice mentoring program...[that] has set the

³⁴⁶ Evidence of Ms Lynne Evans, Programs Manager, Adolescent Forensic Health Service, Centre for Adolescent Health, Royal Children's Hospital, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³⁴⁷ Evidence of Ms Lynne Evans, Programs Manager, Adolescent Forensic Health Service, Centre for Adolescent Health, Royal Children's Hospital, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³⁴⁸ Submission from Upper Hume Community Health Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁴⁹ Submission from Upper Hume Community Health Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁵⁰ Submission from Salvation Army and Baker & McKenzie to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

benchmark for youth mentoring programs in Australia'.³⁵¹ The Salvation Army and Baker & McKenzie would like Government support to extend the LEAPS program to additional Victorian government schools.³⁵²

Finally, the Committee notes that the new DEECD *Student Engagement Policy Guidelines* have moved some way towards an approach to disengagement that is consistent with the many strategies and programs recommended by witnesses to this Inquiry. The new Guidelines require schools to improve monitoring of attendance, to strengthen the support they provide to at-risk students, and to form student support groups in situations where a student's behaviour warrants such a targeted response. However, evidence presented to the Committee raises the question of how prepared schools and teachers are to fulfil the promise of the new guidelines and policies, and what additional support may be needed to help them do so.

Support for schools

Most witnesses to the Inquiry agreed on the importance of keeping young people in the mainstream schools. However, there was also recognition of the need to provide greater resources and support to assist schools to work productively with young people who are at risk, or who exhibit difficult behaviour. The Youth Affairs Council of Victoria suggested that:

Schools sometimes lack either the expertise or the ability to mobilise the supports that young people may need from wider youth, health and community services. There is a clear role for youth services to play in working with schools to strengthen this capacity.³⁵³

Mr Bernie Geary, Victoria's Child Safety Commissioner, also talked about the difficulty mainstream schools face in meeting the needs of vulnerable students. He said there was a need to provide training for teachers to give them the knowledge and skills to work with children who have been traumatised through abuse and neglect. While keeping these children in school and helping them achieve and build competence and confidence is essential it must also be recognised that working with traumatised children is difficult, demanding and skilled work. Mr Geary told the Committee:

It is an incredible impost on teachers to be expected to handle that without knowledge and without training. If we do expect that, we can expect nothing else but for children to fail in the school system and then to move into the justice system.³⁵⁴

Witnesses from the Doxa Youth Foundation likewise highlighted the need to 'enhance the capacity of mainstream schools' to deal with the diversity of students and range of student needs that this creates. Ms Megan Moore, Principal of the Doxa School, spoke of the pressures and problems facing teachers in today's mainstream school environment – the average teacher is likely to face a class of students with a range of problems and diagnoses

³⁵¹ Submission from Salvation Army and Baker & McKenzie to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁵² Submission from Salvation Army and Baker & McKenzie to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁵³ Submission from Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁵⁴ Evidence of Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, 23 October 2008.

including ‘attention deficit, attention hyperactive, oppositional defiant and obsessive compulsive disorders,’ ‘dyslexia,’ ‘post-traumatic stress disorder and reactive attachment disorder,’ ‘Aspergers’ ‘depression and anxiety’. ‘Put this with gifted kids and disadvantaged kids and kids who have not slept last night and kids who have not been home last night’ and it is not surprising that government data show a large number of young teachers are leaving the profession within the first five years.³⁵⁵ As Ms Moore described it to the Committee, ‘if you are 21 years old and a 6-foot, in both directions, young fellow has a chair above his head, you are not going to stay in the profession very long’.³⁵⁶

Importantly, Ms Moore also pointed out that these issues are not adequately covered in basic teacher training, reiterating Mr Geary’s concern about the need to provide teachers with the knowledge and skills to deal with these problems.³⁵⁷ Doxa Youth Foundation has been working on a professional development program for teachers – the Making Adjustments program – to address this shortfall.³⁵⁸ Requiring schools to enrol ‘problem’ students can also be problematic from the perspective of other students.³⁵⁹

Witnesses pointed to the need for better funding for schools to provide support to vulnerable students, and to provide professional development courses for teachers. Teachers need training to deliver the emotional well-being curriculum materials that feature in the Gatehouse Project and other programs that seek to teach communication, conflict resolution and social skills to students. Ms Jane Kearney told the Committee that Lynall Hall Community School has formed a mentoring partnership with Professor Michael Bernard from Melbourne University, whereby he is providing training free of charge.³⁶⁰

Berry Street also raised the issue of funding to help schools provide support for children from out-of-home care. They argued strongly for:

dedicated funding for the education of children in out-of-home care, whether they be in the Government or Non-Government school sectors. This dedicated funding would assist schools to provide children with the appropriate supports, including case management...to ensure that they have every opportunity to achieve excellent educational outcomes.³⁶¹

³⁵⁵ Evidence of Ms Megan Moore, Principal, Doxa School, Doxa Youth Foundation, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³⁵⁶ Evidence of Ms Megan Moore, Principal, Doxa School, Doxa Youth Foundation, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³⁵⁷ Evidence of Ms Megan Moore, Principal, Doxa School, Doxa Youth Foundation, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³⁵⁸ Evidence of Ms Megan Moore, Principal, Doxa School, Doxa Youth Foundation, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³⁵⁹ Evidence of Judge Michael Bourke, Chair, Youth Parole Board, Department of Human Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

³⁶⁰ Evidence of Ms Jane Kearney, Acting Assistant Principal, Lynall Hall Community School, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³⁶¹ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The Committee believes that a range of strategies and programs are needed to encourage and maintain student engagement in mainstream schools. While it sees the new *Student Engagement Policy Guidelines* as a step in the right direction in this regard, it would like to see more support provided to schools for such programs.

For some students, however, mainstream schooling may not be the most appropriate option for meeting their educational needs. Some children and young people will therefore need to be provided with various forms of alternative education programs.

Providing alternatives

Alternative schools and alternative programs within or attached to mainstream schools attempt to provide a different type of educational program and setting to mainstream schools. Class sizes are often smaller, rules may be less strict (for instance uniforms may not be required, first names may be used for teachers), and teaching and learning strategies may be more experiential. Many witnesses to the Inquiry believed that alternative schools and programs are necessary to provide the level of individualised and personalised support needed by vulnerable students and those who are seriously disengaged from mainstream schools.

The Youth Substance Abuse Service sees alternative schools and programs as useful for the type of young person who is likely to become a client of their services. It is particularly concerned about young people who have been expelled from school, arguing that these students need an alternative place to go when excluded from mainstream schools.³⁶² Berry Street is also strongly supportive of alternative programs. They recommend a model whereby alternative programs and settings are attached to mainstream schools.³⁶³

In general, alternative and community schools, and alternative programs within mainstream schools, are only available for secondary students. Berry Street suggests there is a need to also have alternatives for primary school aged children, in particular for children who have suffered trauma in their lives and could benefit from the more personalised teaching provided in alternative settings:

Many of these children, who may have low cognitive function and language difficulties, do not cope socially and academically in large, institutional mainstream primary schools with large student-teacher ratios. There is evidence of such children disengaging from school as young as 8–10 years of age. Hence, targeted strategies are required to assist them to achieve educational outcomes. Preferably, these strategies would involve early intervention.³⁶⁴

Alternative schools and programs

Throughout the Inquiry, the Committee heard about a number of alternative education programs, including those at the Lynall Hall Community School and the Doxa Schools in West Melbourne and Bendigo.

³⁶² Submission from Youth Substance Abuse Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁶³ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁶⁴ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Lynall Hall Community School

Lynall Hall Community School is a small school with two campuses located in Richmond, in inner city Melbourne. Lynall Hall caters for students who for a variety of reasons are seeking an alternative to mainstream schooling. Enrolment is discretionary and takes place at the start of each school term. Lynall Hall provides alternative secondary education to an enrolment of approximately 120 students from across the metropolitan area. The school promotes itself as follows:

The school's size and pragmatic blending of social and academic learning are key ingredients to its ability to service the needs of otherwise disengaged students.

Lynall Hall Community School provides a broad curriculum encompassing relevant aspects of the Key Learning Areas for Years 7- 10 with a balanced mix of core and elective studies. Given the small size of the school, a reasonable range of VCE, VCAL and VET subjects is offered at Years 11 and 12. Students In Year 10 have the opportunity to study at least one VCE, VCAL or VET subject. There is also considerable flexibility in teaching strategies. Whilst it is possible for students to take more than two years to complete their VCE, the timetable is structured to facilitate successful two-year completion.

A Daily Breakfast & Lunch Club, operates to ensure students are able to enjoy a nutritious meal or snack in a friendly atmosphere. The school has access to local facilities such as Richmond Recreation Centre's gymnasium and swimming pool, football oval and Yarra bike paths. As members of a school community which emphasises mutual trust and goal based learning strategies, it is considered important that students develop:

- Productive behaviour and attitudes,
- Enhanced skills and abilities,
- Realistic views of their strengths and weaknesses.

Students are expected to attend regularly and punctually, participate productively in all their classes and involve themselves in Whole School Activities.

Source: www.lyhall.vic.edu.au/profile.htm

The Doxa School

The Doxa Youth Foundation (Doxa) is a philanthropic organisation formed in 1972 by Fr Joe Giacobbe with the support of a group of Melbourne business and professional people who shared a concern for disadvantaged young people.

Doxa's mission is to create opportunities for disadvantaged young people by investing in programs that help them achieve their potential and meaningfully participate in the social and economic life of the community.

Doxa receives no direct government funding and funds its programs through financial contributions from the Doxa Social Club and donations, bequests and sponsorships from Trusts, organisations and individuals.

Doxa School West Melbourne

At Doxa School West Melbourne alternative education is provided for young disadvantaged students who are finding staying at their regular school challenging. Students are between 11-14 years old and are usually referred by their school because their education is being disrupted by personal circumstances and behavioural or learning difficulties. Since the school opened in 2000 its aim has been to excite young people about learning and help them succeed on a chosen path. So it is important that students come to Doxa School because they want to. Not because they feel obliged or compelled.

Intervention and On-going Support

The Doxa School program involves a six-month intervention, followed by a 12 month supported return to regular school. During the first six months students attend West Melbourne School. Class sizes are greatly reduced so learning is intensive and customised. The intervention period is a chance for students to continue learning at their own pace, in a supportive environment.

As part of the agreement students return to their regular school or another of their choice, after the six-month intervention. Doxa supports them at their school for a year with regular visits from one of their youth workers. Their school also provides a mentor to make the transition as easy as possible. During this time the partnership and goodwill established between Doxa School and the mainstream school is critical to the students' success.

A Doxa School Day

The school day is divided into two halves. The first is dedicated to numeracy, literacy and learning about the world. With a student directed model, learning is based on what interests the students. In the second half the focus is on personal and social development. At Doxa School it is believed that the development of self-esteem, social skills and more traditional learning are equally important in creating lasting change for young people.

For 20 students there are three dedicated full-time teachers and two full-time youth workers. They are supported by a group of experienced volunteers. The aim is to restore students' enjoyment of learning. Where students have had a disrupted education they are guided to a level that is appropriate for their age so they feel more confident when they return to their regular school. This model has proven very successful in increasing retention rates amongst young disadvantaged students.

Source: [Adopted from www.doxa.org.au/feature.php](http://www.doxa.org.au/feature.php)

The Committee also heard from organisations in Auckland and Christchurch about alternative education programs in New Zealand.³⁶⁵ A national Alternative Education policy was introduced in 2000 to address the problem of large numbers of young people who were becoming disengaged from school at around the age of 14–15. A set amount of government funding is provided per student in Alternative Education and programs are generally provided by community sector organisations.

In Auckland, the Auckland City Truant and Alternative Education Service coordinates the Alternative Education programs, with actual programs provided on contract by community based organisations. Students come into the program by being referred by the Non-Enrolment Truancy Service (NETS), the Ministry of Education, schools or parents. If a student meets the set criteria, that is, being between 13–16 years of age, having two exclusions³⁶⁶ from school, or being absent for two terms, they can be placed in one of a range of alternative programs. Each program is linked to a managing school through which the young person is formally enrolled. However, the program is delivered by community organisations separate from the school. Actual programs vary from a music and hospitality Pasifika program, through a ‘nurturing type’ program that offers standard units towards mainstream qualifications, to work skills programs. A Pathways Coordinator employed by Auckland City Truant and Alternative Education Service works with each young person initially to develop a Transition Plan, the goal of which is to identify a path from alternative programs back to mainstream schools, youth training programs or employment. Only around 10 per cent return to school, but 80 per cent have an overall positive outcome. Of the 80 per cent, a large percentage move on to further training while a smaller percentage moves into employment.³⁶⁷

Alternative models

One issue that arose with regard to alternative schools and programs was how to determine which type of program is most effective from the point of view of addressing the needs of at-risk young people, in particular those at risk of offending behaviour. Some programs are designed as short-term interventions, which have a firm goal of returning the young person to a mainstream school, while others provide a long-term program, offering ongoing alternative education.

The New Zealand model of alternative education aims to re-engage students in mainstream education, however as noted above only around 10 per cent of students in the alternative programs offered in Auckland actually return to school, although many move on to youth training programs and some progress to employment.

The alternative school run by the Doxa Foundation has a similar emphasis on returning young people to mainstream schools. They take students for a limited period of time with the goal of preparing them to return to school. This type of short-term model was strongly

³⁶⁵ Auckland City Truant and Alternative Education Service staff, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Auckland, 28 November 2008.

³⁶⁶ In New Zealand students cannot be expelled from school before the compulsory leaving age of 16. Expulsion involves being excluded from a particular school.

³⁶⁷ Auckland City Truant and Alternative Education Service staff, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Auckland, 28 November 2008.

supported in a submission from a Melbourne based youth worker.³⁶⁸ He put the case that alternative schools exacerbate offending behaviour by bringing together young people whose antisocial behaviour is often the reason for their failure in mainstream schools, and consequently they learn more dysfunctional behaviour patterns from each other. He suggests that these young people would benefit from being ‘absorbed into mainstream school settings,’ and that adequate funding be made available to provide the level of support needed to deal with their behavioural issues. In his view, the Doxa School is ‘the only alternative setting...that works and perhaps programs like this should be part of a mainstream secondary school. It’s a huge resource outlay – but it actually works’.³⁶⁹

However, other evidence questioned whether short-term programs were suitable in all cases and pointed to the problems that can arise when returning young people to mainstream schools before they are ready. A member of the ToughLove parents support group stated that alternative programs helped his son but the benefit did not last:

The school tried other school programs such as alternative schooling, which seemed to be quite good because they were quite intensive, but they only lasted for a few months, and then when he went back into mainstream schooling things went off the rails fairly quickly.³⁷⁰

Staff from Swinburne TAFE were also concerned that short-term programs, while useful, were insufficient for bringing about lasting change. They suggested that four months was a minimum timeframe for leaning new habits and bringing about lasting change.³⁷¹

The Committee believes there is a place for both short and longer-term models of alternative education.

Improving post-school training options

The discussion so far has addressed the educational needs of children and young people up to the school leaving age of 16. However, the education and training needs of young people who are past school leaving age but who are not yet employment ready were also of concern to the Committee and to many witnesses providing evidence to the Inquiry.

The Youth Affairs Council of Victoria suggested that ‘alongside supporting schools, it is important to ensure that support for those young people who are not compulsorily required to attend school is accessible and effective’.³⁷² The submission from Jesuit Social Services also addresses this need. Quoting from Australian Bureau of Statistics figures for 2008, it reports that 19,413 young Victorians aged 15–19 and another 40,169 aged 20–24 are not currently engaged in education, training or employment. While they are supportive of strategies for ‘retaining and re-engaging young people in school based education’, they ‘believe it is important to acknowledge that in some circumstances it is sensible to conclude

³⁶⁸ Submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. Anonymity has been granted to the author.

³⁶⁹ Submission to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. Anonymity has been granted to the author.

³⁷⁰ Evidence of Mr Sullivan, ToughLove member, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October, 2008.

³⁷¹ Ms Julie Hanman and Mr Anthony Gartner, Swinburne TAFE, Croydon Campus, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Croydon, 17 November 2008.

³⁷² Submission from Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

that mainstream schooling isn't working for the young person and that an alternative education pathway would be more beneficial'.³⁷³

Training options

A number of options for providing post-compulsory education and training for those young people who have not been successful in mainstream schooling were presented to the Committee. Berry Street sees Community VCAL (Victorian Certificate of Applied Learning) programs as a viable and positive option for some young people.³⁷⁴

Jesuit Social Services also wrote about options offered through Adult Community Education.

Through various initiatives such as the Youth Pathways Program (YPP) Victoria's Adult Community Education (ACE) sector has a proud history of being prepared to adapt and accommodate the learning needs of early school leavers. The current priorities of the Adult, Community and Further Education (ACFE) Board formally recognises that "the needs of some young people who have left school or require pathways into school, TAFE or other educational institutions may be best met through participation in ACE" (ACFE 2008: 10). Various research reports have also highlighted the benefits of ACE provision for young people (PhillipsKPA 2006; Volkoff, Keating, Walstab and Marr 2006).

Another important program to assist young people in Victoria who are 'disengaged from school' is the Youth Transition Support Initiative (YTSI) sponsored by the Department of Education and Early Childhood Development (DEECD) and run by various community organisations in co-operation with Local Learning and Employment Networks (LLENs). YTSI currently has coverage across 33 of Victoria's 79 local government areas through 12 funded services. The recently published 'Formative Evaluation' of the first year of YTSI operation concluded, amongst other things, that "The need to maintain an intensive case management approach with the target group was viewed as critical to the ability to successfully sustain the level of engagement required" (Australian Youth Research Centre 2008: 6-8 and 43).³⁷⁵

The Committee met with a range of teaching and support staff from the Croydon Campus of Swinburne TAFE who told them about the support and programs they offer for young people disengaged from mainstream school based education. First Stop is a free career advice service that helps young people make decisions about further education, training and employment options. Staff from First Stop explained that their first step in providing advice to young people of school age is to explore the possibility of their returning to school.

If that is not an option they look at alternative TAFE programs and guide them through the Managed Individual Pathways process (MIPs).³⁷⁶

³⁷³ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

³⁷⁴ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁷⁵ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

³⁷⁶ The Managed Individual Pathways (MIPs) Program is a Department of Education and Early Childhood Development initiative. According to the Department's website:

'...the Managed Individual Pathways (MIPs) initiative ensures that all students 15 years and over in government schools are provided with individual pathway plans with associated support as a means to continued education, training or full-time employment.

Swinburne TAFE offers alternative Year 10 programs and in 2008 piloted a hands-on, project based program. The course included art projects, production of a school magazine, and restoration and repair of a small motorbike. According to staff, the young people involved in the program find this type of project work more engaging than traditional teaching methods and they learn literacy and numeracy skills in the process. Many of the young people who complete alternative Year 10 programs proceed to VCAL or pre-apprenticeship courses. Some who leave after completing the Year 10 program come back two or three years later to enroll in vocational programs. Having an earlier positive experience of the college makes their return more likely when they are ready to engage in further training.³⁷⁷

Staff from Swinburne suggested that the many young students like TAFE because of the adult learning environment. Not only were classes smaller and programs tailored to the students' interests and learning styles, but students are in an environment where there are fewer rules and they feel treated with more respect than at school. Mr Anthony Gartner, a youth worker at Swinburne TAFE said:

I talk to lots of kids here and I ask them why does TAFE work, what's different about TAFE and what they say is overwhelmingly they feel respected at TAFE and the other significant thing is that there's fewer rules at TAFE so there's less opportunity for them to get into trouble.³⁷⁸

Other staff agreed, citing as effective the lack of uniforms and bells and the reciprocal expectations placed on students to behave in more adult ways. Ms Debbie McLaughlin, VCAL convenor, said:

The other side of that is we actually say to young people – as part of their induction orientation tour – 'Our learning environment is ... an adult learning environment. What do you consider are your rights as a young person being here? and they will talk about smoking, they'll talk about swearing, and they'll talk about uniforms, and we will say to them, 'Okay, with every one of those rights comes a responsibility that you have to adhere to'. The smoking one is that there are places for butts, and smoking is allowed only in certain areas on campus. Your other responsibility – with no uniform – is, 'No one wants to see bums and boobs. You have to dress appropriately'. And the swearing bit, yes, in the context of a discussion it's okay, but if you're actually going to verbally attack someone, its not okay. So with every right there is also a responsibility that goes with that too..³⁷⁹

MIPs aims to help young people to:

- make a smooth transition from compulsory schooling to further education, training and employment
- develop skills to manage their pathways throughout their working lives
- develop their knowledge, understanding and experience of opportunities in education, training and employment.

Additional support is provided to students at risk of disengaging or not making a successful transition to further education, training or secure employment. Students participating in youth pathways programs in TAFE institutes or Adult and Community Education institutions also have pathways plans', at <http://www.education.vic.gov.au/sensecyouth/careertrans/mips/default.htm> (Accessed 28 May 2008.)

³⁷⁷ Staff from Swinburne TAFE, Croydon Campus, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Croydon, 17 November 2008.

³⁷⁸ Mr Anthony Gartner, Youth Worker, Swinburne TAFE, Croydon Campus, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Croydon, 17 November 2008.

³⁷⁹ Ms Debbie McLaughlin, VCAL Convenor, Swinburne TAFE, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Croydon, 17 November 2008.

When behavioural problems do arise, restorative justice models and behaviour contracts are used. Mr Anthony Gartner said:

We have behaviour contracts as well, which we negotiate...then we review it in a month's time, and for how ever long. One of the boys we had on behaviour contract last year went on to be Student of the Year because he 'got it', and turned around his behaviour; and sometimes it's just about making them aware of the consequences of what happens for them, and of the consequences for other people in their community, and here at school, like this action has this ripple effect that you're not aware of.³⁸⁰

Another Swinburne TAFE initiative involves each young person having a Swinburne caseworker, or 'navigator', who inducts them and makes sure they are linked to appropriate services if necessary. When they face homelessness or family problems throughout the year, the navigator assists them to ensure they do not 'fall through the cracks' when issues arise.³⁸¹

Despite the positive steps being taken at Swinburne TAFE to meet the educational needs of young people whose disengagement from mainstream schooling has left them with a range of educational deficits, the staff drew the Committee's attention to some of the impediments facing the college and the students. They felt that current measures of success that focus on statistics failed to adequately account for positive outcomes other than course completions. When a student does not complete a course this is viewed as evidence of failure, however the student may have learnt valuable lessons about 'how to be a good citizen, how to relate to people, how to relate to adults...[and] what respect means.'³⁸² Statistics do not recognise learning that does not result in a completed course.

Swinburne TAFE staff also raised funding issues, in particular their concern about the impact of fees for young people at TAFE. The Committee was told of a case where a young woman had to leave a Year 10 program before completion due to family issues. She was unable to return to complete the program after her family problems were sorted, because she was personally liable for the fee debt.

Providing employment pathways

Employment has long been recognised as a protective factor in relation to both youth and adult offending. However, for many young offenders finding employment is difficult. As discussed, many have a chequered history of schooling that has left them with limited skills or qualifications. Many also have mental health and other issues due to a lifetime of disadvantage. If their offending has led to a period of custody they will face a range of additional challenges, including potential discrimination in the workforce.

³⁸⁰ Mr Anthony Gartner, Youth Worker, Swinburne TAFE, Croydon Campus, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Croydon, 17 November 2008.

³⁸¹ Ms Mal Hand, VCAL Teacher, Swinburne TAFE, Croydon Campus, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Croydon, 17 November 2008.

³⁸² Mr Anthony Gartner, Youth Worker, Swinburne TAFE, Croydon Campus, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Croydon, 17 November 2008.

A submission from the YMCA Bridge Project acknowledged that Victoria's juvenile justice system provides substantial support and care to young offenders in custody, and is 'the best system in the country' in that regard. It notes, however, that this support ends when the young offender leaves custody, a transitional time when continued support is essential:

Currently when a young person leaves custody, they need time and energy to establish relationships of trust with a whole set of new workers and organisations charged with the statutory responsibility of their rehabilitation. With limited skills and support they are required to take charge of their life, find a job and work through a system that does not take into account their circumstances or multiple levels of disadvantage.³⁸³

Being able to access appropriate training is important, but so too is access to suitable work experience and employment opportunities. In relation to this need, the Committee was told of various programs designed to assist young offenders to access employment.

Jesuit Social Services told the Committee about their Gateway program, designed to provide pathways to education, training and employment for young people with complex needs. Gateway participants have usually had a negative experience of school and approximately 60 per cent have a history of offending. Bridging the gap to employment for these young people requires intensive support and 'careful consideration of each young person's strengths, abilities and preferred learning styles, along with a commitment to provide other "whole-of-life" health and welfare support as required for each individual'.³⁸⁴

While the Gateway program has a significant proportion of clients with a history of offending, the YMCA's Bridge Project specifically targets young offenders who have spent time in custody. A submission from the Bridge Project notes that the risk of re-offending is three to four times higher in the first year post-release compared to the second year. Therefore the goal of the Project is to provide support to young offenders in the first few months following release to help them make a positive transition from custody back into the community.³⁸⁵

The Bridge Project is a community led initiative designed to improve the life outcomes of young offenders by providing supported training and employment opportunities. The Project collaborates with the government, other NGOs and the business community in order to provide this support. The Bridge Project Employment Model involves initially working with a young offender while they are still in custody.³⁸⁶ Potential participants are identified and an employment support team, working in partnership with other service agencies, develops an individual Client Support plan for the young person. Work placements tailored to the young person's interests form part of the plan and ongoing case management and practical assistance is provided. A workplace support person provides informal mentoring to

³⁸³ Submission from The Bridge Project–YMCA Victoria to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

³⁸⁴ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, October 2008.

³⁸⁵ Submission from The Bridge Project–YMCA Victoria to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

³⁸⁶ For a detailed description of the Bridge Project Employment Model, see Appendix 3 of the Submission from The Bridge Project–YMCA Victoria to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

each client on work placement, sharing workplace knowledge and skills and providing a point of continuity for the young person.³⁸⁷

An important feature of the Bridge Project is the support and assistance that is provided to employers who take on young people from the program. It is recognised that for many employers, providing employment for a young offender represents a risk that even in times of labour shortages may be seen as too great. Furthermore,

most employers have little or no experience of working with young offenders and dealing with what most perceive as inappropriate behaviour. However, past employment initiatives have expected employers to take on ex-offenders as though they were any average member of society seeking work.³⁸⁸

The Bridge Project seeks to redress this situation by providing support and incentives, including wage subsidies, to employers who in turn provide on-the-job training and mentoring for the young person on work placement. It is also important to provide resources and support mechanisms to equip employers to deal with any problems that may arise. Community organisations that have built up a relationship with the young offender play a major role in providing this support to employers.³⁸⁹

The Bridge Project has achieved considerable success working with young offenders. In the first 18 months of operations it has ‘empowered over 100 young offenders to rebuild their lives’.³⁹⁰ However, the submission notes that additional funding is required to continue this type of work and to allow agencies to work together to provide ongoing, integrated support for young offenders:

...current funding structures and the competitive funding environment does not promote or encourage this desirable “throughcare” approach. Currently most organisations involved in providing care or specialist support to young offenders, either in custody or post-release, are under funded and under resourced which discourages the high level of communication and consistent liaison that is needed between all agencies involved in working with offenders before, during and after detention.³⁹¹

Whitelion is another non-profit organisation that, among other things, provides employment programs for young people who have had contact with the juvenile justice system. Whitelion’s goal is to build resilience among high-risk young people and support them in making positive life choices. Its approach builds on research that demonstrates the importance of young people having positive adult role models in their lives:

From the vast amounts of social research available, programs that attempted to address behaviour, interpersonal skills and social integration were found to be the most effective. The common aspect of these programs is building resilience by providing a positive adult influence for young people at risk. Whitelion has observed that most of the young people

³⁸⁷ Submission from The Bridge Project–YMCA Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁸⁸ Submission from The Bridge Project–YMCA Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁸⁹ Submission from The Bridge Project–YMCA Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁹⁰ Submission from The Bridge Project–YMCA Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁹¹ Submission from The Bridge Project–YMCA Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

involved with the justice system do not have a positive adult role model in their life, in which case mentors have been found to be most beneficial.³⁹²

Recognising that young offenders are at high risk of re-offending during the post-release transition phase, Whitelion, like the Bridge Project, seeks to establish a working relationship with the young person while still in custody. Upon release the young person is assisted with training that may be required to improve employability, then helped to obtain a work placement with one of a range of businesses that have entered into partnership with Whitelion. A ‘buddy’ or mentor is provided to assist them with issues such as presentation and workplace etiquette. Pay rates are equal to existing employees, but to assist the young person acclimatise to the work environment, placements often begin as part-time positions. Ongoing support is provided to both the young person and to employer for as long as required. Participant research has found the Whitelion employment program to be effective in reducing recidivism and improving a range of client life and work skills, ‘including meeting commitments, teamwork, problem solving, confidence and independence’.³⁹³

Conclusion

This chapter has focused primarily on the essential role education and training play in the lives of children and young people. It highlights the importance of school engagement in providing a protective factor in the lives of at-risk young people. When schools provide a secure environment, stimulating curriculum and positive relationships with both peers and adult role models they can go some way towards ameliorating the consequences of a disadvantaged background. However, the chapter has also demonstrated the extent of disengagement among those young people who often end up involved in offending behaviour.

There are a number of innovative programs being developed by community organisations in partnership with parents and schools to provide support to young people and improve school engagement. The Committee was impressed with the effort of those who are providing alternative schools and programs such as Lynall Hall and the Doxa School. The Committee also acknowledges the positive changes in school policy direction evident in the new DEECD *Student Engagement Policy Guidelines*, including the changed procedures for dealing with problem behaviour, suspensions and expulsions.

Schooling, and education more generally, are important not only for providing young people with a sense of belonging and connection to the society they live in. They also provide an essential preparation for the world of work. Young people who become disengaged from education, and those who have had contact with the justice system, face particular difficulties transitioning to employment in adulthood. This is where alternative, supportive training options and mentoring programs are invaluable for empowering disadvantaged young people to get their lives back on track. Again, the Committee was impressed with the work being done by training providers and community organisations, such as Bridge Project, Whitelion and Gateway, to assist young people in accessing appropriate training and employment.

³⁹² Submission from Whitelion Inc. to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

³⁹³ Submission from Whitelion Inc. to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

Recommendations

9. **The Committee recommends** that the State Government expedite the implementation of the recently released Student Engagement Policy Guidelines. This would require supporting schools to provide a range of prevention and early intervention strategies to support engagement and improved educational outcomes, including:
- programs to support parental involvement with schools, including effective parenting programs;
 - transition support programs for children moving from primary to secondary school, and for students nearing the compulsory school leaving age;
 - strategies for identifying at-risk students (including those in out-of-home care) and linking them to appropriate specialist support services (for example, youth workers or counsellors);
 - the introduction of restorative justice practices in schools;
 - training for teachers in the delivery of emotional well-being curriculum materials, and in strategies for working with vulnerable and ‘difficult’ students.
- The Committee recommends** that an evaluation of this policy be undertaken after 12 months.
10. **The Committee recommends** that sufficient additional resources should be provided to schools and related community based support services to ensure that the positive ‘Actions for change’ relating to school retention and re-engagement arising from the Victorian Government’s Vulnerable Youth Framework can be fully implemented as a matter of urgency.
11. **The Committee recommends** that the Department of Education and Early Childhood Development introduce a state-wide enrolment database with school reporting requirements whereby if a child is away from school for two weeks without parental or school authority the Department is notified. This would allow student enrolments to be tracked across the state and ensure that absent students are followed up and provided with appropriate support services to re-engage them with the education system.
12. **The Committee recommends** that the Department of Education and Early Childhood Development consider introducing a truancy service, with the specific task of following up students identified through the tracking provided by a state-wide enrolment database. An example of this is the Non-Enrolment Truancy Service (NETS) that operates in New Zealand.
13. The Committee identified that where employment is provided as a strategy to reduce re-offending it needs to be combined with support programs that focus on the continued growth and development of the young person involved. As such **the Committee recommends** that the government support an extension of specialist education, training, mentoring and employment programs for young offenders, such as the models provided by Whitelion and the Bridge Project. This would include support for work with employers to encourage employment of young offenders.

9. Community Capacity Building

Introduction

In 1996 Hilary Clinton published a book called *It Takes a Village to Raise a Child*. The title, based on an African proverb, highlights the general thesis ‘that the community plays a key role in children’s development’. Research (Edwards 2005) and evidence brought before the Committee supports this position. While families and schools are essential to the development of children and young people, the broader community is also influential.

However, young people often do not feel that they belong within society. When the media focuses on youth as a problem; when young people seen ‘hanging about’ are viewed with suspicion; the message they receive is that they are not wanted. This message is even stronger for those young people at risk of offending. Many have a history marked by a lack of secure attachments within the family followed by difficulties and disengagement from the education system. Experiences of rejection and broken attachments are prominent, particularly for those at risk. When interactions with authority figures such as teachers, transport officers, and police are confrontational and punitive, feelings of alienation and marginalisation are further reinforced. When they are supportive, past damage can be ameliorated and connections rebuilt.

The Committee agrees with the many witnesses who argued that overcoming alienation and providing young people with opportunities to build positive connections within the community are essential components of any attempt to reduce high volume offending.

Connecting to community

The importance of connection in a young person’s life cannot be underestimated. As discussed earlier in relation to early childhood development, secure attachment to significant others is a basic human need. The development of self-esteem is based on the ability to form positive relationships and connections with others.³⁹⁴

The Committee heard evidence that many young people who come into contact with the youth justice system lack a strong sense of connection to their families, schools or community. Strategies for addressing this and assisting young people to build connections were also widely canvassed, and included mentoring programs, generalist youth services, sports and other social programs, all designed to link young people into the broader community.

³⁹⁴ The Child Safety Commissioner, Mr Bernie Geary told the Committee:

‘Researchers and practitioners talk about connection as a significant protective factor – connection with family, school, peers and the community – but for many young people this connection does not happen without help. Frequently young people involved in the youth justice system come from fractured families, as we know. They lack people around them to assist and support them, and they lack the skills to achieve this on their own. When a young person feels welcome in a community that cares, a sense of belonging and connection occurs. I believe that this in turn leads to a range of benefits for the young person across all aspects of their lives, including work, school, relationships and general well-being – not to mention the benefits to the community itself’ (Evidence of Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008).

Mentoring

Mentoring can be defined as: ‘the formation of a helping relationship between a younger person and an unrelated, relatively older, more experienced person who can increase the capacity of the young person to connect with positive social and economic networks to improve their life chances’ (Leading the Way, The Victorian Government’s Strategic Framework on Mentoring Young People 2005–2008).³⁹⁵

As the submission from the Victorian Youth Mentoring Alliance points out, mentoring has frequently been promoted as a strategy for reducing youth crime. Youth mentoring programs have been used extensively in the United States with at-risk young people, and are growing in popularity elsewhere. Stephenson et al suggest:

The popularity of mentoring as an intervention with ‘at-risk’ young people has been growing for some years in the UK, following reports from the US that programmes such as ‘Big Brothers Big Sisters’ had achieved impressive results, for example in reducing drug/alcohol misuse and school non-attendance and in improving relationships with parents/guardians (Stephenson, Giller & Brown 2007, p.180).

Ms Linda Hammond, from Lynall Hall Community School suggested that mentoring is crucial for developing resilience in adolescents, and noted that ‘We all have those people we remember’.³⁹⁶ Ms Jane Barr from Berry Street agreed, saying of some clients that: ‘We’ve found, even in the most challenging cases, where they’ve been able to engage with one significant adult that they trust, that’s the most important thing that we can do for young people’.³⁹⁷ Ms McVicar, who has been heavily involved in the LEAPS mentoring program (discussed in Chapter 8) said: ‘I cannot overstate the importance of a non-harmful, non-parental adult role model’.³⁹⁸ KNOXLink Youth Counsellor, Mr Stephen Gray stated: ‘All the research shows that one adult who has a significant impact on a young person’s life can change the direction of that life’.³⁹⁹

Springvale Monash Legal Service’s submission, cited UK research that found although young offenders did not find structured programs useful, they did value the opportunity some programs provided to form a trusting, respectful and non-judgemental relationship with an impartial, supportive adult. Having assistance from an adult who was able to help them ‘navigate their way through difficult situations and decisions’ helped them to move on with their lives.⁴⁰⁰ Springvale Monash Legal Service concludes that ‘creating opportunities for young people to become involved in mentoring programs with non-judgemental adults

³⁹⁵ Submission from Victorian Youth Mentoring Alliance to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

³⁹⁶ Evidence of Ms Linda Hammond, Project Worker, Good Shepard, Lynall Hall Community School, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

³⁹⁷ Ms Jane Barr, Manager, Education and Support, Berry Street, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Morwell, 14 October 2008.

³⁹⁸ Evidence of Ms Jennifer McVicar, Director, Pro Bono and Community Service, Baker & McKenzie Solicitors, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

³⁹⁹ Evidence of Mr Stephen Gray, Youth Counsellor, KNOXLink, Knox City Council, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

⁴⁰⁰ Submission from Springvale Monash Legal Service Inc. to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

would be a particularly positive step towards addressing the problems of youth offending and its influences at an individual level'.⁴⁰¹

Talking about the particular needs of young people in care, Mr Bernie Geary described the need for children to have someone to champion their needs: 'These relationships can be vital at times when things can get rocky and at risk of falling apart, potentially resulting in life-changing outcomes for the young person'.⁴⁰² He added that it was unrealistic to expect workers in residential centres to provide this type of one-to-one relationship: 'You cannot expect the workers to do it. The workers come and go; they work shifts'.⁴⁰³

While mentoring is a strategy aimed at providing a trusting relationship with a caring adult for at-risk young people, it can also assist young people to identify their strengths, plan for their future and set goals. Mentoring programs also provide important links to community networks. Helping young people to develop 'a purposeful plan that's relevant to them' is an essential component of the mentoring programs provided by Berry Street.⁴⁰⁴

Mentoring programs

A number of mentoring programs offered by a range of non-profit organisations currently operate in Victoria. As the Victorian Youth Mentoring Alliance points out in their submission, mentoring can take several forms including:

- traditional mentoring (one adult to one young person),
- group mentoring (one adult working with a small number of young people),
- team mentoring (several adults working with small groups of young people),
- peer mentoring (caring youth mentoring other youth),
- e-mentoring (mentoring via email and the internet).⁴⁰⁵

Most of the programs the Committee was told about were based on individual children and young people being paired with a single mentor. However, some programs involved group activities and additional support through counselling and other therapeutic interventions. The target age group varied also, with some programs providing mentors to secondary school aged or older young people, while others provided mentors to younger children as well. While all programs targeted vulnerable or at-risk children and young people, some provided the service specifically to young people who had contact with the youth justice system.

⁴⁰¹ Submission from Springvale Monash Legal Service Inc. to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁰² Evidence of Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

⁴⁰³ Evidence of Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

⁴⁰⁴ Ms Jane Barr, Manager, Education and Support, Berry Street, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Morwell, 14 October 2008. Ms Barr also told the Committee: 'We work on the premise that young people need to have a sense of hope, and in all our interactions, if the young person says this is what I want, then we will do what we can to make sure that they can step towards what their aspiration is'.

⁴⁰⁵ Submission from Victorian Youth Mentoring Alliance to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The work of Whitelion, the Bridge Project and the LEAPS mentoring programs has been discussed in previous chapters. Other mentoring programs are outlined below.

Boys to Warriors

Boys to Warriors is a mentoring program run by Anglicare for boys. It targets in particular boys who do not have a strong male role model within their family. Staff from Anglicare told the Committee they receive frequent requests from single mothers who are looking for someone to provide a positive male influence in their son's life. Boys are also often referred to the mentoring program by their school. Once referred, Anglicare matches the young person to a trained and accredited volunteer mentor. The Boys to Warriors program is also 'linked into some therapeutic works and some group work, some counselling and some parenting groups as well,' which Anglicare's General Manager, Ms Mariela Diaz, believes has contributed to its success.⁴⁰⁶

Aiming High Project and Teaching More Kids Mentoring Project

These two programs are offered by Berry Street in the Gippsland Region. Berry Street commenced working in Gippsland in 1994, introducing a range of programs aimed at supporting disadvantaged families and young people, including mentoring programs.

The Aiming High mentoring project supports young people who have become disengaged from school:

Through this project mentoring has become a platform for young people to re-engage with education and also for young people here in this centre it has provided an opportunity for them to be linked to a significant other and to have a positive relationship in the absence of strong family relationships and networks.⁴⁰⁷

The Teaching More Kids Mentoring Project is a school based early intervention strategy targeted towards at-risk students. The mentoring program, which has been implemented in all of the secondary schools in the Latrobe Valley, runs for 12–15 weeks using trained mentors from the community. The goal of the program is to keep young people connected to school and to involve the local community. An important feature of the mentoring is that an individual pathway plan is developed for each young person in the program. The plan identifies existing support networks and opportunities, and seeks to build on the young person's strengths. Through the mentor, existing networks are extended. Mentoring relationships are long-term purposeful relationships that often develop into friendship.⁴⁰⁸

Berry Street staff consider the program to be successful in bringing the 'community into schools – through business, through police, through the local employer networks, and significantly through institutions like TAFE, Monash University and the Division of General Practitioners'. The program provides opportunities for community members to contribute and for the wider community to gain greater awareness of the difficulties facing

⁴⁰⁶ Evidence of Ms Mariela Diaz, General Manager, Anglicare, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

⁴⁰⁷ Ms Jane Barr, Manager, Education and Support, Berry Street, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Morwell, 14 October 2008.

⁴⁰⁸ Ms Jane Barr, Manager, Education and Support, Berry Street, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Morwell, 14 October 2008.

at-risk youth. For the young people involved, the program creates a sense of belonging to the community.⁴⁰⁹

In addition to the Aiming High and Teaching More Kids Mentoring projects, Berry Street in Morwell is beginning to develop peer mentoring. They have identified a group of 17–19 year olds who received mentoring in Years 7 and 8, and are now training them as mentors for younger people.⁴¹⁰

Big Brothers Big Sisters

Big Brothers Big Sisters is the longest-standing mentoring program in Australia and has been in operation in Victoria since 1982. Since then it has provided mentors to approximately 2500 vulnerable children and young people aged between 7 and 25 years. The Big Brothers Big Sisters program provides mentors to young people within metropolitan Melbourne and rural Victoria.

All of those provided with mentors in the Big Brothers Big Sisters programs have heightened needs due to social, emotional and educational disadvantage. They are characterised by:

- Having parents with psychiatric illness, intellectual disability or an addiction;
- Having exposure to family violence or child abuse;
- Living in low-income households and entrenched cycles of unemployment and poverty;
- Possessing poor socialisation skills, have difficulties making friends and have experiences of bullying;
- Experiencing family breakdown and/or residing in foster care or residential care placements;
- Being newly-arrived refugees from countries experiencing war, genocide and extreme levels of poverty;
- Experiencing learning difficulties at school or displaying behavioural concerns; and/or
- Possessing an intellectual disability.⁴¹¹

Volunteer mentors participate in comprehensive training and are screened for suitability before being matched to a mentee. Mentors are expected to make a minimum 12-month commitment to the program, however many mentoring relationships supported by Big Brothers Big Sisters last for two to three years, with some continuing much longer after the organisation has ceased to be involved.⁴¹²

⁴⁰⁹ Ms Lyn Simmons, Team Leader, Teaching More Kids Mentoring Project, Berry Street, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Morwell, 14 October 2008.

⁴¹⁰ Ms Lyn Simmons, Team Leader, Teaching More Kids Mentoring Project, Berry Street, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Morwell, 14 October 2008.

⁴¹¹ Submission from Big Brothers Big Sisters Melbourne, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴¹² Evidence of Mr Paul Mathewson, Executive Officer, Big Brothers Big Sisters, to Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 6 October 2008.

Mentoring with Muscle

Mentoring with Muscle is a pilot program being offered in partnership by the Victoria Police and Moreland City Council. The Council's Youth Services team work with the Police Youth Resource Officers to deliver the program. It targets at-risk young people who have been interviewed or cautioned by the police. Young people are paired individually with police from stations within the City and participate in a program that includes physical fitness and education activities, and information sessions. 'The program aims to facilitate positive change in behaviours and foster a constructive and supportive relationship between police and young people and [address] the negative perceptions held of each other'.⁴¹³ Moreland City Council views the outcome of the pilot program as positive, as eight of the 10 initial participants have not re-offended. A formal evaluation of the program is currently underway.⁴¹⁴

The benefits of mentoring

There was wide support for mentoring as a strategy for reducing youth offending. For example, the Victorian Youth Mentoring Alliance submission stated:

Our members tell us that young people involved in mentoring experience improvements in their relationships with family and peers, an increase in their overall communication skills with others, increased options and opportunities for participation, reduced feelings of isolation, reduction in risky behaviour, enhanced social and emotional development and increased resilience.⁴¹⁵

It also noted that 'anecdotal reports show that young people involved with these programs are feeling more connected to their communities and are therefore less likely to continue offending behaviour'.⁴¹⁶ Ms Lyn Simmons, Team Leader for Berry Street's Teaching More Kids Mentoring Project, said: 'Down the track we see the young people making real positive decisions because they have a sense of their greater confidence and more self esteem, believing in themselves'.⁴¹⁷

Moving beyond anecdotal evidence, Big Brothers Big Sisters referred to research undertaken in the US in the mid 1990s to assess the outcomes of mentoring programs. It found that young people involved in the Big Brothers Big Sisters program are:

- 27% less likely to begin using alcohol
- 46% less likely to begin using drugs
- 33% less likely to hit someone

⁴¹³ Submission from Moreland City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴¹⁴ Submission from Moreland City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴¹⁵ Submission from Victorian Youth Mentoring Alliance to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴¹⁶ Submission from Victorian Youth Mentoring Alliance to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴¹⁷ Ms Lyn Simmons, Team Leader, Teaching More Kids Mentoring Project, Berry Street, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Morwell, 14 October 2008.

- 52% less likely to skip school
- 3 times less likely to drop out of school
- 4 times less likely to fall pregnant as teenagers
- 4 times less likely to be arrested.⁴¹⁸

In addition to these measurable outcomes for individual participants in mentoring programs, it was noted that mentors also raise awareness in the general community about the issues faced by young people.⁴¹⁹

A number of respondents also pointed to the significance of mentors being volunteers rather than paid workers. As the submission from Big Brothers Big Sisters notes, it is not unusual for young people involved in the juvenile justice system to have contact over the years with many paid workers who come in and out of their lives. However, an unpaid volunteer mentor who spends time with a young person individually, on weekends or after school ‘conveys a powerful message to many young people who, for the first time, have someone who wants to spend time with them, who is genuinely interested in their lives and who is trustworthy and reliable’.⁴²⁰

Reverend Jonathon Chambers from Anglicare also noted that for those who have spent time in detention, having contact with volunteers from the community rather than workers was significant. He spoke of the need to overcome the stigma of spending time in a corrections centre, and the need for people to be known by name rather than being simply a member of a category. He suggested that ‘actually getting the community involved is more powerful than having a worker...or even somebody from an NGO who is their case manager’.⁴²¹

Nonetheless, Big Brothers Big Sisters noted that despite the many positive outcomes achieved, mentoring does have limitations: not all young people who are offered mentors and who could benefit from the service will take up the option, and obtaining mentors for the young people with the most complex needs is often difficult.⁴²² Furthermore, while mentoring programs have been shown to be successful, they are not a panacea. They should not be seen as a replacement for other services, but rather as an adjunct or additional support for vulnerable young people. Mr David Murray, from the Youth Substance Abuse Service (YSAS), sees a need for specialist services such as YSAS to provide additional support for young people with specific needs.⁴²³

⁴¹⁸ Submission from Big Brothers Big Sisters Melbourne to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴¹⁹ Ms Lyn Simmons, Team Leader, Teaching More Kids Mentoring Project, Berry Street, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Morwell, 14 October 2008.

⁴²⁰ Submission from Big Brothers Big Sisters Melbourne to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴²¹ Evidence of Rev. Jonathon Chambers, Senior Chaplain, Anglican Criminal Justice Ministry, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

⁴²² Submission from Big Brothers Big Sisters Melbourne to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴²³ Evidence of Mr David Murray, Executive Officer, Youth Substance Abuse Service, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 6 October 2008.

The Victorian Youth Mentoring Alliance reports that ‘Mentoring works best when provided as part of a suite of programs providing positive pathways for young people, through education, employment or other opportunities’.⁴²⁴ Research into mentoring programs has identified a number of factors that are key to a successful program. These are:

- initial and on-going training for mentors;
- structured and varied activities for mentors and young people;
- developmentally sensitive goal setting with young people;
- clear expectations for the frequency of contact;
- the support and involvement of parents;
- structured support and supervision for the relationship (Stephenson, Giller & Brown 2007, p.181).

Recruiting and training mentors

Recruiting and training mentors is an important aspect of youth mentoring schemes. All the programs the Committee heard about involved extensive screening and training of volunteers.⁴²⁵

None of the organisations that offer mentoring programs reported having any difficulty recruiting a sufficient number of suitable mentors. Mr Mathewson from Big Brothers Big Sisters said that many younger people in their 20s and 30s wanted to participate and make a difference through volunteering as mentors, and noted that the role is not as involved or ‘scary’ as taking on the role of foster carer.⁴²⁶ Similarly, Reverend Jonathon Chambers told the Committee that Anglicare’s mentoring programs do not lack for mentors. However, Anglicare does have difficulty maintaining programs due to a lack of funding: ‘It is something that there is not any funding for... We have run it on our own for some time.’⁴²⁷ While the mentoring is done by volunteers, funding is required for screening, training, ongoing support and any add-on services.

⁴²⁴ Submission from Victorian Youth Mentoring Alliance to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴²⁵ For example, Mr Paul Mathewson, Executive Officer, Big Brothers Big Sisters Melbourne, told the Committee: ‘Big Brothers Big Sisters and the mentoring sector have quite an extensive process which volunteers need to go through. It is not just simply knowing that there are some well-meaning people who might be interested in helping out some young people; we need to put them through a comprehensive program of screening and training before they are matched. Also, another safeguard is that Big Brothers Big Sisters and other mentoring programs are really needing to be there to support and nurture that match once the volunteer is connected with that young person. That is almost on-the-job training that they are given that is particular to the young person who they are matched to. That is really critical. It is not just the pre-match involvement and the hurdles that a prospective volunteer needs to jump over but also what happens after that. It is that support that is provided quite intensively after the match is established’ (Evidence of Mr Paul Mathewson, Executive Officer, Big Brothers Big Sisters Melbourne, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 6 October 2008).

⁴²⁶ Evidence of Mr Paul Mathewson, Executive Officer, Big Brothers Big Sisters Melbourne, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 6 October 2008.

⁴²⁷ Evidence of Reverend Jonathon Chambers, Senior Chaplain, Anglican Criminal Justice Ministry, Anglicare, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

Community support for children in care

Finally, with regard to mentoring, Mr Bernie Geary, the Child Safety Commissioner, suggested that a ‘community integration scheme’ for young people in residential care in Victoria be established. The scheme envisaged by Mr Geary could operate from the Child Safety Commissioner’s Office and would connect young people in care with their local community. It would use trained volunteers from the local community who could visit young people in residential centres and integrate them into the local community, informing them of sporting and other recreational, educational and training opportunities in the area. Such volunteers would champion the needs of the young person.⁴²⁸

Generalist youth services

Providing generalist, universal youth services was seen as an important way of presenting young people, including those at risk of offending, with opportunities for positive connection to the broader community. Participation in programs, facilities and services that are general in nature builds trust and a feeling of belonging for young people. Macedon Ranges Shire Council highlighted the value of universal programs in its submission. It also stated that general youth services have diminished over time as programs targeted towards specific segments of the youth population have increased.⁴²⁹

Other local government submissions also supported universal programs for young people. The Moreland City Council, in addition to its Mentoring with Muscle program, offers a number of other youth programs and services including after school personal development programs, initiatives designed to provide leadership training and involve young people in local government and community decision making; music programs and community strengthening initiatives.⁴³⁰

The Committee was also told about major services funded by the City of Melbourne, including Frontyard Youth Services, based in King Street, which is coordinated by Melbourne Citymission and ‘provides a gateway to a range of co-located services’. The Council also funds the YMCA in Carlton and Carlton Parkville Youth Services, which is based in the Carlton Primary School and works particularly with young people from the Horn of Africa community. The Dousta Galla Community Health Service, which works with young people in the Kensington, Flemington and North Melbourne area, is also funded by the City of Melbourne.⁴³¹

Initiatives by the Knox City Council include KNOXLink, discussed later in this Report in relation to diversionary programs, and Knox-O-Zone, an information resource centre located in a prime site within a major shopping centre in the City. The centre is ‘set up to provide young people and parents with all sorts of information’ and is used by KNOXLink

⁴²⁸ Evidence of Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

⁴²⁹ Submission from Macedon Ranges Shire to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴³⁰ Submission from Moreland City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴³¹ Evidence of Mr Russell Hopkins, Manger, Community Access, Families, Children and Youth, City of Melbourne, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

for counselling and to meet with clients. Local government youth network meetings are held monthly with community agencies in the area.⁴³²

Mr David Murray from the Youth Substance Abuse Service emphasised the importance of these types of generalist youth services, often provided by local government. He suggested that specialist services were now trying to fill the gap left when a Victoria-wide generalist youth service system was dismantled:

What we are seeing with specialist services is that to some extent a specialist service like YSAS is having to function and create strategies and programs which fill the gap created by the demise of what you might describe as generalist youth services that used to exist in local councils. You might remember things called CYES groups, which were community youth employment schemes. I do not necessarily want to revisit those particular programs, but over time what has happened is that we have lost a type of general network of youth support, to the extent that we really only have specialist services. I think that is another thing to think about in terms of creating a framework for responding to young people; then specialist services like YSAS could work closely with a general service around particular young people or particular issues.⁴³³

While generalist youth services may be seen as less cost effective than targeted services, the complex causes that contribute to youth offending mean that targeted programs will always miss some young people who may go on to offend. Universal, general youth services provide an opportunity for young people at risk to be identified early and provided with referral to specialist support before problems become entrenched. Another advantage of universal services is that they are non-stigmatising.

Outdoor education, sports and leisure

Many witnesses believed outdoor education, sports and leisure programs can play an important role in helping at-risk young people make meaningful connections with the broader community. One such program is the Collingwood Soccer Allstars program that began through a conversation between a Jesuit Social Services Community Development Worker and young people from the Collingwood High Rise Public Housing Estate. Local police and a range of local youth and community workers, including City of Yarra youth workers, came together, soccer balls were purchased and the first session scheduled. A volunteer with soccer and coaching skills was found to work with the young people who number ‘around 24–45 per week, including around 5–10 young women’.⁴³⁴ Participation in the Allstars has led to some young people and their families being involved in a nearby mainstream soccer club. The ‘program is now known simply as The Collingwood Soccer Allstars and it is no longer thought about as a “program”, but rather just a natural and on-going part of local community life’.⁴³⁵

⁴³² Evidence of Mr Stephen Gray, Youth Counsellor, KNOXLink, Knox City Council, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

⁴³³ Evidence of Mr David Murray, Executive Officer, Youth Substance Abuse Service, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 6 October 2008.

⁴³⁴ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

⁴³⁵ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

Jesuit Social Services note that the support and participation of local police has been critical to the program's success. Although not established as a 'crime prevention' program, they believe that by building connections to community this type of activity does prevent crime.⁴³⁶ They suggest that 'government should find an appropriate mechanism to provide these sorts of programs with sustained support to ensure they can continue to operate with certainty into the future'.⁴³⁷

Conclusion

There are many ways that community based organisations, business and individual members of the community can make a difference in the lives of young people who are at risk. Providing mentors who can take a personal interest in what is happening in a young person's life is one way. Providing general youth services and opportunities to participate in sporting and leisure activities that are available to all, regardless of individual economic circumstances, is another.

The experience of organisations and programs discussed here demonstrates that support from the broader community is forthcoming when appropriate opportunities for involvement are available and encouraged. Mentoring organisations report having no difficulty finding volunteer mentors, and businesses and individual members of the community are willing to support and sponsor sports and leisure activities when given the right encouragement. By these actions, the whole community can play a part in generating connection and engagement among at-risk young people and thereby build protective factors in relation to offending.

Recommendations

- 14. The Committee recommends** that the Children, Youth and Families Division of the Department of Human Services works together with local government to provide training for youth workers to enhance their capacity to contribute to young people living successfully in their communities through capacity building, early detection and youth development, and to provide a strong link to a range of other more intensive support services for young people.
- 15. The Committee recommends** that the Department of Human Services promote and fund mentoring programs through the Victorian Youth Mentoring Alliance, to support stronger links between leaders and role models in the community and young people in custody.

⁴³⁶ Other programs the Committee heard about included community support for young people at risk to facilitate their participation in playing cricket and a successful Child Commissioner's Debutante Ball held in 2007 and repeated in 2009.

'If we can give them an opportunity to experience the community and positive norms of the community and put them into situations like a deb ball or a cricket club, it is just something. I believe we need to be working harder to do this and somehow we need to be rewarding the community to do it. Instead of frightening the community and saying 'These kids are all dangers', we need to be rewarding the community and assisting the kids in doing it. As I said, there is a clamour for a repeat of the deb ball. It has provided these kids with that opportunity to experience rites of passage' (Evidence of Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008).

⁴³⁷ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism By Young People, October 2008.

10. Diversionary Approaches, Strategies and Support Programs to Prevent or Reduce Youth Offending

Introduction

Various types of strategies and programs have been developed and implemented in recent years to address youth offending. These include preventive strategies such as early intervention and developmental strategies; secondary strategies to address the needs of young people who have already been sentenced for offences committed or are already in juvenile detention and may be at risk of re-offending; and crime prevention strategies such as the sometimes contentious issue of situational crime prevention. One of the most important types of strategies to keep young offenders or suspects out of the criminal justice system are those based on *diversion*.

Increasing recognition is being given to the importance of diverting young people *to* a range of support and other services that will hopefully give them an alternative to ongoing and future offending, as well as diverting them away *from* further or entrenched involvement with the criminal justice system. Diversion to such support services at least should be the aim with regard to the more serious offending cases that come before the police or courts.

What is diversion?

In the context of youth offending, diversion is one of many processes designed to reduce the number of young people entering the formal criminal justice system or becoming more involved in the process than otherwise would be the case. The term 'diversion' entered common usage as a result of the work of the President's Crime Commission (US) in the mid 1960s (Commonwealth of Australia 2003). However, diversionary processes for children have existed in Australia since the late 19th century when separate Children's Courts were established in the various Australian colonies (Vignaendra & Hazlitt 2005).⁴³⁸

A major national report written for the National Crime Prevention branch of the federal Attorney-General's Department reviewed the nature of diversion processes and programs in the juvenile justice system across the country.⁴³⁹ This study defined juvenile diversion as:

Programs and practices which are employed for young people who have initial contact with police, but are diverted from the traditional juvenile justice processes before children's court adjudication (Commonwealth of Australia 2003, p.vii).

Diversion programs largely stem from the theories of restorative justice promoted famously, although not exclusively, by John Braithwaite in the 1980s and 1990s. As People and Trimboli (2007) point out there is no single definition of this term, but a commonly used one is that of Marshall which states:

⁴³⁸ For an excellent account of the history of rehabilitation and diversionary practices and the creation of a separate justice system for children, see Vignaendra and Hazlitt 2005 and the references listed therein.

⁴³⁹ *Early Intervention: Diversion and Youth Conferencing: A national profile and review of current approaches to diverting juveniles from the criminal justice system* (Commonwealth of Australia 2003).

Restorative justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implications for the future (Marshall 1999, p.5).⁴⁴⁰

Zehr and Mika (1998) note that the key elements of restorative justice include:

- Crime is fundamentally a violation of people and interpersonal relationships
- Restoration is a continuum of responses to the needs and harms experienced by victims, offenders and communities
- Maximisation of public participation, especially of victims
- Providing offenders with opportunities and encouragement to understand the harm caused and to make amends
- Maximisation of voluntary participation, minimisation of coercion and exclusion
- Community responsibility to support victims and integrate offenders
- Mutual agreement and opportunities for reconciliation/negotiation take precedence over imposed outcomes
- The prioritisation of healing, recovery, accountability and change over punishment (Zehr & Mika 1998 in Muncie 2004c, p.280).

The British Youth Justice Board has defined the key aims of restorative justice as:

- Victim satisfaction – reducing victims’ fear and ensuring that they feel ‘paid back’ for the harm done to them
- Engagement with the young person – to ensure that they are aware of the consequences of their actions, have the opportunity to make reparation, and agree to a plan for their restoration in the community;
- Creation of community capital – increasing confidence in the criminal justice system among the public (in Stephenson, Giller & Brown 2007, p.162).

Related to some restorative justice schemes such as conferencing is the theory of reintegrative shaming, which argues that formal justice processes such as court appearances can stigmatise offenders and thereby make it almost impossible for them to lead lives as rehabilitated and responsible members of the community. This is particularly the case for juvenile offenders. Disintegrative or stigmatising shaming censures and separates the offender from lawful communities whilst reintegrative shaming ‘uncouples the offender from the offence’ and ‘opens a door through which offenders are invited back into communities of care’ (Hayes 2006, p.372). Theoretically at least, the reintegrative ritual such as a conference induces remorse rather than reinforcing anger or negative self-image.

The key difference between conferencing and policy interventions for dealing with youth offenders, such as those based on a punishment or treatment model, is that such earlier models require no commitment from the offender (Law Reform Commission of NSW (LRCNSW) 2005).

Restorative justice practices and approaches are also favoured by many of the agencies that work with vulnerable young people. For example, a submission to this Inquiry from the Springvale and Monash Legal Service states:

⁴⁴⁰ For a comprehensive survey of restorative justice and the development of diversion programs in Australia from the 1980s until 2005, including cautioning and conferencing, see Law Reform Commission of NSW (LRCNSW) 2005.

Instead of implementing laws and policy in an attempt to combat youth offending, SMLS recommends the implementation of programs and services that help to prevent or address problem behaviours before the intervention of the criminal justice system.⁴⁴¹

The Child Safety Commissioner has also stated that ‘it is timely to provide unerring support for a model of (criminal justice) delivery that does not include shaming’.⁴⁴²

The leading juvenile legal advice centre Youthlaw also gives its support to diversionary approaches, such as conferencing and cautioning.⁴⁴³

Diversionary programs such as conferencing, specialist courts (for example Koori adult and youth courts), and drug diversion have the support of the United Nations and generally are seen as a suitable component of a juvenile justice rights based framework (Muncie 2005).⁴⁴⁴ Australia and New Zealand have been viewed by the United Nations and other international bodies as being at the forefront of providing programs based on diversionary and restorative justice principles and have been commended accordingly (Muncie 2005).⁴⁴⁵

Diversion and discretion

An important issue the LRCNSW considered in its Report on Youth Offending in 2005 was the impact of discretionary decision making on the diversionary aims and practices of the relevant New South Wales juvenile justice legislation. In particular it investigated the role of the police in the diversionary process, both in terms of formal programs such as

⁴⁴¹ Submission from Springvale and Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁴² Submission from Mr Bernie Geary, Child Safety Commissioner for Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁴³ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁴⁴ Such a stance varies from that in the United Kingdom and United States. In the United Kingdom for example, the response of the state has included the imposition of antisocial behaviour orders, curfews, tagging, electronic monitoring and surveillance techniques, and the prosecution of ‘bad parents’ for irresponsible parenting practices (White & Cunneen 2006, p.25; Stephenson, Giller & Brown 2007, pp. 218–219). Moreover, Muncie argues that trends in youth justice across the Western world have moved towards policies of *responsibilisation*, punishing young people for the ‘crime’ of being poor, homeless or otherwise disadvantaged: ‘It is a recurring feature that young people are largely defined in terms of what they lack rather than by what they are or do’ (Muncie 2006b, p.786). An example of this in the English context is the aforementioned blurring of civil and criminal law boundaries through the use of antisocial behaviour and parenting orders; punishing young people for anything from kicking footballs in the street to playing music excessively loudly – in essence, the criminalisation of non-criminal conduct (see Hughes & Follett 2006). Muncie also outlines a disturbing trend in juvenile justice to ‘carceral hyperinflation’ whereby young people are being placed increasingly in juvenile detention for relatively minor crimes, particularly in the United States. Perhaps most worrying of all, the removal of the common law doctrine of *doli incapax*, the presumption of no criminal responsibility or restricted responsibility for children under 14. Such approaches need to be examined critically in comparison to the increased use of diversionary strategies in Australia and New Zealand detailed in this chapter and the widespread use of decarceration, even for serious crimes, in the Scandinavian countries, particularly Finland (see Goldson & Muncie 2006a, pp.220ff).

⁴⁴⁵ Indeed Goldson and Muncie make a clear distinction in international youth justice trends between the regressive (United Kingdom, United States) and the progressive (Australia, New Zealand and some Western European nations). The regressive model is ‘intrinsically pessimistic’. It:

‘[c]onceives a hegemonic “culture of control”...within which the “special status” of “childhood” is diminishing; welfare protectionism is retreating; children are increasingly “responsibilised” through processes of “adulteration” [dismantling of special courts and procedures for young people – particularly in the United States] and the penal population of young people continues to expand’ (2006b, p.93).

On the other hand, the progressive role typical of most Australian and New Zealand jurisdictions:

‘infers a sense of continual movement towards penal tolerance, child centredness and progressive human rights compliance’ (2006b, p.93).

Of course, as Goldson and Muncie themselves acknowledge such a binary classification is essentially an oversimplification, with both major jurisdictions having elements of liberal and conservative approaches to youth justice.

cautioning and less formally with respect to their role as ‘gatekeepers’ of the criminal justice system. In other words, the police have a key role in determining whether a young person is proceeded against and therefore, however benignly, drawn into the juvenile justice system.

Given this wide discretionary power, in New South Wales the *Youth Offenders Act 1997* was amended to formalise and structure police discretion. The reasons for doing so were inter alia:

- To create consistency in diversion decisions;
- Avoid targeting minorities such as Indigenous youth; and
- Increase the number of young people being diverted away from the criminal justice system.

Notwithstanding this formal structuring of discretionary processes, it still begs the question as to what extent formal diversionary programs such as conferencing act in a net-widening capacity, one of the criticisms of diversion discussed later in this chapter.

Types of diversion practice

Diversionary programs and processes are widely used throughout Australia in one form or another, most usually through police cautioning, youth conferencing and bail programs. The following sections give an overview of the main forms of diversionary practice – cautioning and conferencing – and then examine a range of individual programs, including specialist courts and bail support programs that aim to reduce a young person’s ongoing involvement in the criminal justice system wherever possible.

Cautioning

Police cautioning is one of the major ways that young people are diverted from deeper involvement with the criminal justice system. It exists in all states of Australia although the mechanisms and operations through which cautions are administered differ widely.⁴⁴⁶ There are two basic types of caution:

- Informal – the young person is warned and released without further formal involvement; and
- Formal – the young person is given a formal written or oral warning and the admonition is recorded.

In Victoria, formal cautioning is done subsequent to Police Operating Procedures. A submission to this Inquiry from Victoria Police outlines the current system:

The current procedural guidelines pertaining to cautioning and diversion within Victoria Police are found in the Victoria Police Manual under VPM Instructions 113-9...over time the form and content of these Instructions has changed markedly...

⁴⁴⁶ For an overview of cautioning models, see Day, Howells and Rickwood 2003; Holland 2008.

The Children's Cautioning Program first appeared as a Standing Order in the Victoria Police Manual in 1957, the aim of the program being to divert the child offender from the formal sanction of Court. The Cautioning Program was based on and continues to be based on the discretion of police as enabled under the Office of Constable. There was and continues to be no legislative basis for either the formal Child Cautioning Program or the delivery of informal warnings or caution delivered at the time of detected offending by a young person.

The Shopstealing Warning Program was introduced in 1985. This involved the provision of cautions or formal warning of adults, with an aim to divert first time offenders for the offence of shoplifting.⁴⁴⁷

In 1989 a review of both programs recommended that the Shopstealing Warning Program and the Child Cautioning Program be consolidated into one. The amalgamation came into effect in 1991 and was renamed the Victoria Police Cautioning Program. As the Victoria Police submission states, the idea was that the Program become more efficient and simplified:

The necessary criteria for the Program were:

- Identity of the offender must be verified
- Sufficient admissible evidence to establish the offence
- Offender admitted the offence
- Offender had no prior criminal history
- In the case of a child, the parent/guardian must consent to the Caution
- The Caution must be appropriate for the circumstances

Additional guidelines stipulated:

- The full circumstances of the offence/s must be known and the co-offender where possible interviewed
- The number and severity of offences were considered (no more than 5 victims or 5 separate incidents against one victim)
- Children should not receive more than two cautions
- Only consider a caution for sexual or related offences in exceptional circumstances (refer to OIC Sexual Crime Squad)
- Parent/ Guardian must be present at the time of caution

With respect to children, the caution must be given by the Station Commander or a member of or above the rank of Sergeant. Where practical the caution should be given at a Police Station on the day of the interview.⁴⁴⁸

Training in Cautions is currently delivered to Police members in the Recruit phase at the Police Academy. A Cautioning and Diversion Working Party recently reviewed the process and content of cautioning and other forms of diversion. Recommendations from this Working Party include that cautioning and diversion training be given to all levels of police to ensure consistency in knowledge and delivery.

⁴⁴⁷ Submission from Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁴⁸ Submission from Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Victoria is the only state where cautioning and its administration are not governed by legislation and legislative guidelines. According to some critics this can make the administration of a caution – when, how and why it should be given – ad hoc and capricious (Holland 2008).⁴⁴⁹ Victoria Police responds to this concern by stating:

Victoria is clearly differentiated by the lack of governing legislation, being the only state where our cautioning practices are not encompassed in legislation. This is a commendable reflection on the policing practice in Victoria, where the level of cautioning has been such that formal intervention has not been required to improve the organisational commitment to early intervention practices...

Referral to diversion programs can be legislated by certain criteria, or based on the discretion of police or magistrates. The Victorian Drug Diversion and Cannabis Cautioning programs for example are discretionary programs. While some have argued that discretion can open the door to inconsistency or discrimination (O’Callaghan et al. 2004), others have supported discretion because of the complexities of cases presented to police. Legislated referral attempts to control these variables by mandating the referral of all eligible people.

Discretion works well when it is supported by police who are more experienced, have good rapport and understanding of drug use and users, and have personal knowledge of accessible, appropriate treatment services that they believe can be effective (Spooner, McPherson & Hall 2004). The police member is best positioned to consider all the circumstances of the offence and determine the most appropriate processing method. Members consider a broad range of factors when deciding to employ the programs including the circumstances of the offence, the offender’s criminal history, the willingness of the offender to admit to the offence and participate in the program. Maintaining police discretion enables greater flexibility in eligibility criteria such as not excluding offenders with prior convictions.⁴⁵⁰

Cautioning may also be done with or without further follow-up such as a referral on a voluntary basis to an anger management program or substance abuse treatment.⁴⁵¹ In some very formal models an undertaking may accompany the caution; that is, the person may be required to pay a fine, apologise to somebody, make financial restitution or perform community service, and if the stipulation is not met it may be that further action is taken on the original offence (Day, Howells & Rickwood 2003; Waite 2002).

Different regions in the state have developed different and in some cases innovative programs or interventions alongside police cautioning. For example, in the Latrobe (Gippsland) and Mildura regions a Police Cautioning and Youth Diversion Project has been established to address the reasons why young Indigenous people may commit offences. Darren Anderson, Police Youth Resource Officer for the Latrobe Police Service Area (PSA) explained the operations of the project to the Committee when they visited Gippsland:

⁴⁴⁹ Community legal centre Youthlaw also argues that more consistency in the use of cautioning is required, recommending that: ‘The rules, guidelines and administration of police cautioning in Victoria be incorporated into legislation so that all apprehended young people may benefit from this diversionary strategy’ (Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008).

⁴⁵⁰ Submission from Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁵¹ One example of this is the KNOXLink program in Victoria, discussed later in this chapter, whereby young people can be referred to local government services after a formal caution.

In essence it is a follow-up after a young Indigenous person is cautioned in Latrobe. They may have been exposed to the police system for the first or second time and then my role will be, once informed that they have been brought through a station, to meet with them, whether it is at their home or at their school or anywhere else that is comfortable and talk about the way things evolved; how they are going; whether they are still engaged at school; whether they need to be referred to somewhere else. That has been going in Latrobe since about May 07. Essentially for a period of time I will follow up with the young person and hopefully have a relationship in a sense that might influence them not to re-offend.⁴⁵²

The Latrobe project is one of several such pilots around the state auspiced through a partnership of the Victorian Aboriginal Legal Service (VALS), police, young Indigenous people, youth workers and government departments. VALS outlined the project in a submission to this Inquiry:

The Program contains a caution and follow-up component. The protocol that originated from the pilot is documented at Police Cautioning Program [Victoria Police Manual Operating Procedures – 7.8.5].

Caution

- Police give a caution whenever appropriate (ie: admit offence, no more than third offence, consent of accused/parent).
- If Police do not give a caution they must complete a 'Failure to Caution Form' which provides a reason why no caution was given and this reason is reviewed to determine if it is appropriate.
- Police attempt to locate the parent or guardian to be present at the caution. This may require postponing the caution until the parent or guardian is available. Alternatively the Youth Resource Officer at the police station may choose another family member or respected Aboriginal community member to stand in for the parent or guardian.
- Police should consult with the local Koori Justice workers as to the most effective way to deliver a caution.
- The caution will be delivered by an elected Police Officer who is of high ranking to ensure consistency in the cautioning process.
- The following people should be present at the caution, and provided notice, or if not possible told that a caution has been given: Youth Resource Officer who reviews the caution, parent or guardian, support people, elected members of the community, justice worker and VALS Client Service Officer.
- The Youth Resource Officer (and possibly justice worker) creates a 'Background File' which contains information about the accused gathered at the caution (ie: factors involved in the offence such as alcohol and other factors such as whether the youth lives at home). A joint discussion occurs between the parties at the caution about whom the youth should be referred to and whether a mentor is appropriate.
- A caution should take place at a neutral location, or where necessary, a less 'formal' room within the Police Station.

Follow-Up

- A follow up meeting occurs 2–6 weeks after the caution. The meeting will be held with the offender, police representative, family or community member, Koori Educator and any other individual who has since been involved with the offender. The purpose of this meeting is to 'check-in' on the progress of the offender since receiving the caution. The follow up process can continue for up to 3 months.

⁴⁵² Evidence of Mr Darren Anderson, Youth Resource Officer, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Morwell, 13 October 2008.

The success of the Program is the cultural input it facilitates to enable Indigenous Australians to access diversion and ensure the accessed diversion program is successful. The Program contains several strategies for improving diversion which are broader than simply increasing the cautioning rate. It involves improving the effectiveness of cautioning. The Program identifies any obstacles to cautions operating successfully to divert young people from offending. The Program involves identifying people who could explain to young people the effect of a caution in a culturally appropriate way.⁴⁵³

VALS states that the pilot has been evaluated and ‘deemed successful’, that is, 94% of individuals do not re-offend.⁴⁵⁴

In New South Wales a ‘respected member of the community’ can administer a caution at the request of a police officer, including specialist youth officers.⁴⁵⁵ This procedure, for example, may be utilised in order to allow a respected member of the Indigenous community to caution a young person who is a member of that community.⁴⁵⁶

A submission from the Salvation Army in conjunction with law firm Baker & McKenzie also endorses this broadening of the cautioning process. In particular they believe a cautioning mechanism could usefully be employed when a young person would otherwise receive an infringement notice, most commonly for a transport offence such as not possessing a valid ticket. The Salvation Army believes that often infringement notices such as transport offences can act as a first step in a career of juvenile (and later adult) offending. A diversion from the criminal justice system by giving issuing officers the power to warn or caution would circumvent this problem.⁴⁵⁷

Cautioning for the most part has been well received as a response that diverts young people away from the first entry point into the criminal justice system. For example, the Springvale and Monash Legal Service states:

A warning or a formal police caution may assist in reducing the chance of re-offending for first time offenders through fear of prosecution, and it also avoids the embarrassment of a court appearance.

Studies on formal cautions and the likelihood of re-offending have been conducted, and results indicate that cautions are an effective way to reduce re-offending among young people. A study conducted by Vignaendra and Fitzgerald suggests that 58 per cent of young people who were cautioned by police in New South Wales in 1999 would not re-offend within a five year time period.

⁴⁵³ Submission from the Victorian Aboriginal Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁵⁴ See Victorian Aboriginal Legal Service, *Police Cautioning and Youth Diversion Pilot Project Final Pilot Evaluation Report* VALS, Melbourne 2008.

⁴⁵⁵ See Section 27, *Young Offenders Act 1997* (NSW).

⁴⁵⁶ In New South Wales formal cautions operate as a substitute for sentencing in circumstances where a mere warning is thought inappropriate or the young person has admitted the offence or otherwise consented to be cautioned (LRCNSW 2005, pp.120ff and *Young Persons Act 1997* (NSW)). In NSW there has been a heated debate as to the limits on entitlement to a caution. After amendments to the *Young Offenders Act* in 2002, a young person is not entitled to receive a caution when he or she has been dealt with by caution on three or more occasions in the past, and whether for offences of the same or a different kind (*Young Offenders Act 1997* Sec 20(7)).

Critics of such a provision argue that it places too much emphasis on the *number* of cautions previously given rather than the *nature* of the crimes committed. Thus a young person with three cautions given for fairly minor misdemeanours may well be directed to court, increasing the chance of a conviction and further entrenchment in the criminal justice system (LRCNSW 2005, p.123).

⁴⁵⁷ Submission from Salvation Army/Baker & McKenzie to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People September 2008.

A further study was conducted by Dennison, Stewart and Hurren on the impact of cautioning on young offenders in Queensland. The results of this study showed that young people cautioned for their first offences are less likely to commit a further offence, with only 31 per cent of the young offenders having further contact with the justice system. Additionally, it was found that those who were more likely to re-offend were young people who had been maltreated, thereby stressing the importance of the availability of programs that assist young people and target their individual needs.

Police in CGD [City of Greater Dandenong] have suggested that cautioning is frequently used if the offence committed is a minor offence or if it is the young person's first offence. Cautioning should continue to be used as a way of diverting young people away from the formal justice system.⁴⁵⁸

Unfortunately there have been very few evaluations done of cautioning programs, which makes it almost impossible to state how effective this diversionary measure is in reducing juvenile offending and re-offending.⁴⁵⁹ The fact, however, that in most cases a young person will not get a criminal record as a result of a caution acts as an incentive to remain out of the criminal justice system (Australian Institute of Criminology (AIC) 2002).

Juvenile conferencing

Juvenile conferencing has been known by various terms across Australia, many of them used interchangeably. Some examples include youth conferencing, family conferencing, mediation, circle sentencing and group conferencing. Conferences have implemented various forms of alternative mediation to settle, in most cases, relatively minor⁴⁶⁰ issues pertaining to youth offending.

The rapidity with which juvenile conferencing has been implemented as a diversionary strategy to keep young people from deeper involvement in the criminal justice system over the past 20 years has been staggering. From few if any conferences prior to the 1990s, numerous programs have been developed in each state and territory of Australia.

Youth conferencing originated in New Zealand and is grounded in the ideas of *restorative justice* and *therapeutic jurisprudence* as discussed earlier in this chapter.⁴⁶¹

As with cautioning there are a number of different models to conferencing, although almost invariably conferencing takes place at the pre-adjudication stage; that is, prior to any court sentence or disposition (Wundersitz 1997). Some conferences may be organised and facilitated by police members⁴⁶² such as the Wagga Wagga model, now used primarily in the

⁴⁵⁸ Submission from the Springvale and Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁵⁹ A notable exception has been that done as part of a doctoral dissertation by Shasta Holland. See Holland 2008.

⁴⁶⁰ Although this varies between states. One particularly contentious example has been the inclusion of sexual offences in the list of offences that can be referred to conferencing in South Australia. Some feminist critics would no doubt be concerned about the power dynamics of a conferencing process in which, for example, a survivor of a sexual offence (including incest) faced her (or indeed his) rapist or molester (Alder 2003; Wundersitz 1997; Naffine 1997). See Harding and Potter 2003 for a discussion of conferencing in South Australia, including the referral of sexual offences.

⁴⁶¹ Books have been written as to what is meant by therapeutic jurisprudence and the related concept of reintegrative shaming. It is not the intention here to revisit this ground in any detail. However, a useful starting point for an overview of the concepts is Braithwaite's seminal text on this approach to criminal justice, *Crime, shame and integration* (1989).

⁴⁶² For a discussion of the problems inherent in using police convened and conducted models including issues of power balance and trust, see Sivasubramaniam and Goodman-Delahunty 2003. The main objection seems to be based on asking the police to act 'as the main agency for keeping young people out of court [which] creates a conflict in the various roles to be played by an individual police officer' (Social Welfare Department (NZ) spokesperson quoted in Becroft 2003, p.32).

two Territories. Alternatively, conferences may be facilitated by a government juvenile justice department or outsourced to a private sector agency.⁴⁶³ Generally speaking, most conferencing in Australasia today, including that operating in Victoria, is based on the New Zealand non-police run model.

There are also great differences between the states on how a conference should be run and the outcomes of the conference. For example, does merely taking part in the conference end any responsibility on the offender's part or can he or she be compelled to make some form of undertaking or restitution? Despite all these differences the basic structure and content of a youth conference is fairly typically described by Daly in the following quote:

A young offender (who has admitted to the offence), his or her supporters (often, a parent or guardian), the victim, his or her supporters, a police officer, and the conference convenor or co-ordinator come together to discuss the offence and its impact. Ideally, the discussion takes place in a context of compassion and understanding as opposed to the more adversarial and stigmatising environment associated with Youth Court. Young people are given the opportunity to talk about the circumstances associated with the offence and why they became involved in it. The young person's parents or supporters discuss how the offence has affected them, as does the victim, who may want to ask the offender 'why me?' and who may seek reassurances that the behaviour will not happen again. The police officer may provide details of the offence and discuss the consequences of future offending.

After a discussion of the offence and its impact, the conference moves to a discussion of the outcome (or agreement or undertaking) that the young offender will complete...The sanctions or reparations that are part of the agreements include verbal and written apologies, paying some form of monetary compensation, working for the victim or doing other community work or attending counselling sessions (Daly 2001, pp.66–67).

Group conferencing in Victoria

Group conferencing originally operated in Victoria as a pilot program. It developed in the early to mid 1990s as a pre-sentence program available to courts in Melbourne and parts of the Gippsland and Hume regions. The Department of Human Services commissioned a review of the pilot in 2006. The review, based on research conducted in 2003 and 2004, concluded that the Group Conferencing Program in Victoria:

- Diverts young people away from supervisory court orders and from further penetrating the criminal justice system, and
- Reduces the frequency and seriousness of re-offending behaviour (Grant 2008, p.3).

Subject to the *Children, Youth and Families Act 2005* (Vic) and *Courts Legislation (Neighbourhood Justice Centre) Act 2006*, group conferencing now operates as an ongoing pre-sentence program in Victoria to divert young people away from supervisory court orders. The offender must consent to the process. If the person consents a lawyer and family member or support person will usually also be in attendance. The case is adjourned for 6–8 weeks as a deferral of sentence to enable the conference to take place. For a court to consider a group conference it must have found the charge to be proved and be considering

⁴⁶³ In Victoria, conferencing is now governed by legislative provision. See *Children, Youth and Families Act 2005*. Section 480 of that Act allows for conferences to be convened by outside agencies. In Victoria, *Anglicare* is the designated agency, under the direction of the Department of Human Services, responsible for conducting youth justice group conferencing. For a comprehensive account of the rules, procedures and policies underpinning youth conferencing in Victoria, see Department of Human Services 2007a, *Youth Justice Group Conferencing Program Guidelines*.

a supervisory order (probation or youth supervision order). Group conferencing will not apply to young offenders convicted of relatively minor crimes.⁴⁶⁴

Under the relevant provisions of the *Children Youth and Families Act 2005*, group conferencing has the following objectives. It aims to:

- Increase the young person's understanding of the effect of their offending on the victim;
- Allow the young person to take responsibility for their actions and make reparations;
- Reduce the likelihood of re-offending; and
- Negotiate an outcome plan that is agreed to by the offender.

Outcome plans as discussed below are designed to help the offender take responsibility, make reparation for his or her actions and reduce re-offending.

The President of the Children's Court of Victoria, Judge Paul Grant, considers juvenile group conferencing a positive diversionary measure. In a paper delivered to an Australian Institute of Criminology conference in 2008, Judge Grant outlined the mechanics of the group conferencing process:

The Department of Human Services has contracted with various agencies throughout Victoria to conduct the conferences. The conferences are facilitated by experienced convenors. The young person and their family will meet with the facilitator prior to the conference to ensure they understand all aspects of the process. The police will attend the conference and the victim will also be invited to attend. If the victim does not want to attend a representative can attend on the victim's behalf. The offender will hear how their behaviour has impacted on the life of the victim and the victim will hear what the offender offers by way of apology. The facilitator will assist in the negotiation of an outcome plan. In this process the victim truly has a voice. The agency that conducts conferences in the Melbourne metropolitan area has advised me that only eight per cent of the conferences conducted over the past four years have not involved a victim or a victim's representative. In 16% of conferences the victim and a representative from the victim support agency attended together.

A report is provided to the court on the outcome of the conference. If the report is positive, the judicial officer is required to take into account the fact of participation and the positive report when determining the appropriate sentencing order. The 2006 review noted that 86% of those who participated in group conferencing received a good behaviour bond at Court. We can say, therefore, that this is not a process that results in a harsher outcome as against offenders who do not participate in conferencing. It is the opposite. It is in fact diverting young people from more onerous orders. The review also noted that after 12 months 16% of Group Conference participants had re-offended compared to 40% of those offenders who received probation orders and had not been involved in a conference. Of those who did re-offend, those who had participated in a Group Conference did so less frequently and showed a reduction in seriousness when compared to the probationer group (Grant 2008, pp.4–5).

⁴⁶⁴ *Children, Youth and Families Act 2005* (Vic) s.415.

Criticisms of group conferencing

Various criticisms have been made with regard to conferencing, including that it can act in discriminatory ways towards people from non-English-speaking backgrounds and minority races. For example, it has been argued that there is a disproportionately low rate of referral to conferences of Indigenous youth in Australia and that when such youth are referred the conference process is not always culturally appropriate (Blagg 1997; Daly 2001; Polk 2003; Baffour 2006). There are also concerns that Indigenous young people may in any case not even have access to conferencing and other diversionary options that non-Indigenous young people have (Youthlaw 2006).

Similarly, whilst the Victorian Aboriginal Legal Service (VALS) is generally supportive of group conferencing and recognises there have been positive benefits flowing from conferencing in terms of reduced recidivism rates for young Indigenous people,⁴⁶⁵ it also expressed concern in a submission to this Inquiry about access to group conferencing by young Indigenous Victorians.⁴⁶⁶

There have also been criticisms expressed about the use of conferencing when young women are involved. For example, it is thought by some that it might be particularly intimidating for a female victim to sit in a conference opposite the offender (Alder 2003; Fields 2003). As Alder states: ‘...we cannot simply assume that boys and girls will experience conferencing in the same way or that the outcomes will be the same for boys and girls’ (2003, p.2).⁴⁶⁷ Another criticism that has been expressed is that if a precondition of taking part in a conference and thereby possibly avoiding the imposition of a custodial sentence or criminal record is to admit to your part in any offence, this could possibly persuade some young people to confess to crimes of which they are not guilty (Hayes 2005). This issue was examined when the LRCNSW conducted an Inquiry into Young Offenders in 2005. In particular, the Commission looked at the extent to which lawyers advised their clients not to participate in conferencing in order not to make admissions with regard to the charges. In a submission to the NSW Inquiry, the Children’s Legal Service of NSW advised against children making admissions where:

- The child does not admit the offence
- The child is under 14 and *doli incapax* [age of criminal responsibility] is an issue
- The arresting police are insisting on proceeding on an inappropriate or non-existent charge

⁴⁶⁵ VALS states in a submission to this Inquiry that based on various research studies and evaluations:

‘Aboriginal juveniles attending conferences appeared to have a lower risk of re-offending than those Aborigines attending court.

Within 500 days of their first apprehension half of the Indigenous juveniles who had a court appearance would not have re-offended, compared with two-thirds (67%) of Indigenous juveniles who received a diversion. At end of the five-year period, only one-third (34%) of Indigenous juveniles who had been to court would not have re-offended, compared with 44 percent of those who had been diverted. (Submission from Victorian Aboriginal Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008).

⁴⁶⁶ Submission from Victorian Aboriginal Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁶⁷ Conversely, conferencing may work against the interests of female offenders, particularly in cases where as is relatively common the offender may also be a victim (Fields 2006). Take for example the situation where a young woman may have allegedly stolen from a male family member who had been sexually abusing her. As Alder notes, restorative justice practices such as conferencing are framed in terms of reintegrating the offender back into a community ‘that is not always the most welcoming of offending young women’ (Alder 2003, p.3).

- The arresting police do not have sufficient evidence against a child to make out the elements of any offence
- The child does not wish to accept a caution or participate in a youth justice conference; or
- The child has a developmental disability or mental illness⁴⁶⁸ and should be dealt with under [the appropriate NSW legislation] (LRCNSW 2005, pp.112–113).

Whilst the NSW and Victorian conferencing systems are not identical, it would nonetheless seem conceivable that on occasions advising a young person not to take part in a conference may be warranted. Whilst ultimately the NSW Commission approved of and encouraged the use of conferencing (and formal cautioning where an admission may also be required) it added a note of caution:

For example, it would obviously be unethical to advise a young person to admit guilt if that young person maintains that they are innocent. In addition a lawyer is obliged to obtain the best result possible for his or her client. Thus a lawyer would rightly advise against participation in a conference if the outcome were likely to be more severe than if the case proceeded to a hearing (LRCNSW 2005, pp.111–112).

Finally, reservations have been expressed about the costs of conferencing. Polk, for example, cites research undertaken in Ireland with regard to the conferencing experience there. It was suggested ‘such an approach ought to be reserved and targeted on those cases where the problems are serious enough to warrant the expense of the intervention’ (Polk 2003, p.5).

Community responses to conferencing⁴⁶⁹

Many of the community and youth justice agencies including Jesuit Social Services that gave evidence to the Inquiry hold the view that conferencing is a legitimate and useful strategy for reducing or preventing ongoing youth offending.⁴⁷⁰

⁴⁶⁸ For a discussion of issues pertaining to youth crime, mental health and disability, see Chapter 12.

⁴⁶⁹ This discussion primarily concerns conferencing and restorative justice practices as they relate to juvenile offending and the criminal justice system. There are, however, other contexts in which conferencing and restorative justice may take place. For example, a submission to this Inquiry from the Upper Hume Community Health Service and its partners outlines a collaborative Student Engagement Project (SEP) aimed at arresting student disengagement in schools and using restorative practices such as ‘community conferencing’ to address school problems such as bullying and other antisocial behaviours within the school and broader community environments. SEP, in conjunction with the Centre for Adolescent Health, also aims to incorporate a developmental pathways approach in addressing issues pertaining to youth offending and antisocial behaviour. (See Submission from the Upper Hume Community Health Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008 and the discussion of SEP in Chapter 8 of this Report).

⁴⁷⁰ Evidence of Ms Julie Edwards, Chief Executive Officer, Jesuit Social Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

Jesuit Social Services also makes the point that conferencing is not an ‘easy option’ as it is so often portrayed.⁴⁷¹ In fact for many young people ‘it may be easier to go to court and sit behind a lawyer’ than to take real responsibility for their actions.⁴⁷²

Agencies who have auspiced group conferences in rural Victoria have reported similar positive responses. For example, Chris Hammat, Team Leader for Group Conferencing at Anglicare, Gippsland, told the Committee:

Not every conference is fantastic and, yes, we do have some young people who have re-offended, but there have been some that have been absolutely spectacular in terms of young people getting their lives on track and also some closure for victims as well.⁴⁷³

Outcome plans

One of the key restorative aspects of the youth or group conference is that the offender makes some form of reparation or amends to the victim and the wider community. This can be as simple as a letter of apology or monetary compensation. The participants may also be guided by the conference convenors to agree on an outcome plan with a set of stipulated tasks for the offender to complete. These may be designed specifically to address the harm caused and/or link the offender to support services that may assist him or her to stay out of trouble in the future such as counselling, employment programs or drug rehabilitation. As the Law Reform Commission of NSW states in the context of that state’s conferencing model:

An outcome plan is not itself a ‘punishment’ but rather the final stage of a process that emphasises restitution by the offender and the acceptance of responsibility for his or her behaviour and which meets the needs of both victim and offender (LRCNSW 2005, p.141).

The strength of such outcome plans and youth conferencing in general is that the system is ideally designed to take into account the individual circumstances of both offender and victim, thus avoiding some of the arguable pitfalls of court based sentencing. For example, representations to the NSW Inquiry into Young Offenders claimed that court based

⁴⁷¹ The Inquiry into Young Offenders by the Law Reform Commission of NSW examined in detail this idea of conferencing as a ‘soft option’. Although their findings suggested otherwise, the media has consistently misrepresented conferencing in these terms, particularly by referring to it as ‘counselling’:

‘Much of the negative media attention appears to stem from a misunderstanding of the way in which the diversionary process operates. The focus of media criticism is almost inevitably on a perceived lack of a punitive response to juvenile offending and overlooks the express aims of [diversionary systems]...While there is a legitimate public interest in conferencing generally, there is a danger that negative media coverage will drive political response’ (LRCNSW 2005, p.144).

⁴⁷² Evidence of Ms Julie Edwards, Chief Executive Officer, Jesuit Social Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

This was also the view of Mr James McDougall, Director of the National Children’s and Youth Law Centre. He told the Committee that some diversionary programs such as youth conferencing and other victim-offender mediation strategies are ‘far more confronting [yet also cathartic] for an offender than a court process could ever be’ (Mr James McDougall, Director of the National Children’s and Youth Law Centre, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 8 December 2008).

⁴⁷³ Evidence of Ms Chris Hammat, Team Leader, Group Conferencing, Anglicare, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Morwell, 13 October 2008.

sentencing includes conditions which are frequently breached. Conferencing, however, involves the individual concerned in determining goals (LRCNSW 2005).⁴⁷⁴

The benefits of conferencing in reducing recidivism?

The extent to which conferencing reduces re-offending by juveniles has been debated at length.⁴⁷⁵ As with all the strategies discussed thus far, further evaluation of conferencing models is required before it can be stated with any certainty that conferencing will reduce future offending, arrest rates or court reappearances. This is despite available evidence suggesting that generally, although with significant qualifications, the signs appear promising that this may be the case (Daly 2001; Maxwell & Morris 2001; Luke & Lind 2002; Baffour 2006; Vignaendra & Fitzgerald 2006; Hayes, 2005, 2006).⁴⁷⁶

In particular, the research by Luke and Lind for the NSW Bureau of Crime Statistics and Research supports the connection between conferencing and reduced recidivism. In comparing the re-offending patterns of young people who took part in conferencing compared to those young people who went to court in the same period, the authors found that in the follow-up period of between 27 and 39 months later:

When the effects of other factors are controlled for, it appears that both the risk of reoffending and the rate of reappearances per year in the follow up period are about 15 to 20 per cent lower for those who had a conference than for those who went to court.

The consistency in court reoffending rates, both before and after the introduction of the conference option, and the persistence of lower levels of reoffending for conferences, even after controlling for the effects of gender, age, offence type, Aboriginality and prior record, strongly suggests that the difference in reoffending levels is largely due to the conference experience itself (Luke & Lind 2002, pp.13–14).

Although based on the NSW conferencing model, Luke and Lind's research and other studies referred to suggest that such conclusions could equally apply to other conferencing models including that in Victoria.

Despite such guarded optimism, it may be that conferencing *of itself* may be insufficient to greatly improve a reduction in recidivism rates. An evaluation of the New South Wales 'Circle Sentencing' program for Indigenous offenders found that it did not significantly reduce the rate of recidivism and criminal offending by Indigenous people subject to it (Fitzgerald 2008).⁴⁷⁷ Other programs, interventions and supports may be required *in association* with the diversion program to achieve the optimal levels of recidivism sought:

⁴⁷⁴ In particular, the NSW legislation states an outcome plan must: 'contain outcomes that are realistic and appropriate and sanctions that are not more severe than those that might have been imposed in court proceedings for the offence concerned' (Sec 52(6) (a) *Young Offenders Act* 1997).

⁴⁷⁵ See Sherman, Strang & Woods 2000; Luke and Lind 2002; Baffour 2006; Polk 2003; Vignaendra and Fitzgerald 2006.

⁴⁷⁶ Part of the problem is that insufficient data is collected to make the appropriate linkages between the use of conferences and future offending.

⁴⁷⁷ Circle sentencing is an alternative sentencing process for Indigenous offenders in New South Wales. Whilst currently centred on adult offenders, it is based on restorative justice principles that allow the victim and the offender's community (for example Aboriginal elders) to play a significant role in the sentencing process (see Fitzgerald 2008).

The results reported here suggest that such direct involvement is not enough, by itself, to produce a reduction in reoffending. Consideration should perhaps be given to combining circle sentencing with other programs (eg cognitive behavioural therapy, drug and alcohol treatment, remedial education) that have been shown to alter the risk factors for further offending (Mackenzie 2002; Aos, Miller and Drake 2006) (Fitzgerald 2008, p.7).

It is also incumbent to heed Polk's reminder that reducing recidivism is not necessarily the only positive result that can come from conferencing. It would seem on the basis of the available evidence and notwithstanding any of the criticism expressed above, that offenders, victims and supporters are generally satisfied with conferences and how they are run, seeing them as procedurally fair and restorative in both aim and practice (Maxwell & Morris 2001; Hayes 2005, 2006). Moreover, with regard to some particular groups such as Indigenous people, the benefits of restorative justice and diversion programs may go beyond that of only reducing recidivism, as Fitzgerald points out:

It should not be concluded that circle sentencing [or other restorative justice programs] has no value simply because it does not appear to have any short-term impact on reoffending. Reducing recidivism is just one of several objectives of the process. There is nothing in this analysis to suggest that circle sentencing is not meeting the other objectives. If it strengthens the informal social controls that exist in Aboriginal communities circle sentencing may have a crime prevention value that cannot be quantified through immediate changes in the risk of reoffending for individuals (Fitzgerald 2008, p.7).

Remand and bail programs

Another type of diversionary program that is worth mentioning briefly consists of alternative responses to young people who may otherwise be subject to pre-trial detention. Some states have created supervised bail programs to divert young people from incarceration whilst awaiting trial. These programs may take the forms of relatively simple accommodation facilities such as bail hostels or more sophisticated programs that aim to offer the young person a suite of options to address their criminogenic and other needs. As the Law Reform Commission of New South Wales has noted, the process of bail assessment is a key aspect of the 'gatekeeping' role of the juvenile justice system performed by police and judicial officers:

The outcome of a bail determination may have a significant impact on whether a young person progresses further into the system or is successfully diverted from it (LRCNSW 2005, p.230).

The importance of granting bail and providing bail support to young people is specifically noted as one of the United Nations *Standard Minimum Rules for the Administration of Juvenile Justice*.⁴⁷⁸

Certainly, it has been the experience that on occasion a refusal of bail, or granting bail with very onerous conditions such as curfews, to a young person can be akin to a punishment.⁴⁷⁹

⁴⁷⁸ See Rules 13.1 and 13.2, United Nations General Assembly Resolution 40/33 of 29 November 1985.

⁴⁷⁹ Australian Law Reform Commission 1997, *Seen and Heard: Priority for Children in the Legal Process*. ALRC Final Report 84, 1997 at para 18.170.

In particular, bail conditions should not be so onerous, excessive or unreasonable as to set a young person up to fail. For example, whilst curfews may be appropriate in some circumstances they can be particularly onerous when imposed for excessive time periods. The LRCNSW (2005) has noted that a 24-hour curfew effectively amounts to home detention despite the fact that the young person has not yet been found guilty of the offence charged.

It would also be of particular concern if a young person's homelessness was used as a de facto ground for refusing bail as has been the case in some states (LRCNSW 2005). Notwithstanding any good intentions on the part of police or judicial officers, it is inappropriate to hold a child in custody or 'welfare detention' on the basis that hostels are full, or there is nowhere else for him or her to go.⁴⁸⁰ In this regard the Inquiry into Young Offenders in New South Wales in 2005 stressed how important it was that juvenile justice departments and their workers, solicitors and other people involved with a young person's case provide the courts with comprehensive information on accommodation and support services available (or not) to the young person and on the extent of any problems experienced by the child's parents or carers (LRCNSW 2005).

Day, Howells and Rickwood (2003) have argued that bail programs are particularly important for young people given that their research indicated many young people were coming out of court with a non-custodial disposition of their case even though in many cases they had spent considerable time in pre-trial detention.

Submissions to the New South Wales Inquiry into Young Offenders in 2005 also found that 'many young people spend time in remand charged with offences that are unlikely to attract a custodial sentence' (LRCNSW 2005, p.238).

In Victoria a range of options have been put in place to reduce pre-trial detention rates. Indeed as Day, Howells and Rickwood state, 'The result is that on any given day, only a handful of young people are now held in detention on remand in Victoria, a situation strikingly different from some other jurisdictions' (2003, p.xii).⁴⁸¹

⁴⁸⁰ Indeed the Law Reform Commission of NSW notes cases where magistrates may use refusal of bail as a lever to force authorities to find accommodation for young people. See LRCNSW 2005, pp.260ff.

⁴⁸¹ For a discussion of various diversionary remand and bail programs in Victoria and across the country, see Day, Howells and Rickwood 2003.

This has partly been a result of programs such as the Bail Advocacy and Support Services Program,⁴⁸² the Central After Hours Assessment and Bail Placement Service (CAHABPS)⁴⁸³ and the Court Integrated Services Program. A submission from community legal service Youthlaw testifies to the importance of well structured and resourced support services for young people on bail:

In general terms supervised bail orders are useful where they provide links to appropriate support services. Youthlaw clients with criminal matters before the court on summons or bail have achieved good results via the Court Integrated Services Program (CISP) established by Department of Justice and the Magistrates' Court of Victoria. The program, which is currently available at Melbourne, Sunshine and Latrobe Valley Magistrates Courts, helps ensure that defendants receive support and services to address causes of offending through individual casework management support and reduce re-offending. The program provides a coordinated, team based approach to the assessment and treatment of defendants who are assessed at a moderate/high risk of offending, especially those who have a physical or mental disability or illnesses, drug and alcohol dependency and misuse issues, or inadequate social, family and economic support that contribute to the frequency or severity of their offending. It

⁴⁸² The Pilot Bail Advocacy and Support Services Program is a diversionary program within a 'whole of government' coordination strategy aimed to reduce offending. It has been operating within the *adult* court and correctional system only.

The Pilot Program was funded by the Victorian Government through the Office of the Correctional Services Commissioner (OCSC) and operated as a court-based service at the Melbourne Magistrates' Court, and from the Magistrates' Court at Dandenong. Bail support workers at both locations assist clients by assessing and identifying client needs and providing reports to the court for bail applications and assisting clients to maintain their bail conditions. The Program was evaluated by RMIT University in 2003. The evaluation report identified the functions of the program through interviews with service providers such as the following:

'It works in the sense that the project provides an advocacy and a service support mechanism that would otherwise not exist for people who are applying for bail... It works by identifying people (initially) who are at risk of being homeless or are homeless and therefore it would be assumed would not be successful in a bail application. To deliver some sort of outcome to help them with their accommodation problem, to help with their bail application, but it has broadened out to include other associated services. The main features of the Program are workers who identify and promote the Program and then obtain referrals from a variety of sources...' (Bondy et al 2003, p.11).

The Evaluation Report found that overall the Program achieved positive results,

'[w]ith the majority of stakeholders interviewed expressing support for the success of the Program and therefore recommending its expansion State-wide. It was of particular interest to learn of the support of the courts and legal officers as well as the strong support of the majority of clients. Many informants interviewed for the evaluation project expressed their belief that many more defendants within the court system were released on bail as a result of the Pilot Program. There was a similar general belief that the frequency with which clients of the Pilot Program breached the conditions of their bail was reduced.

There are many persons around the State who will most probably be refused bail should the services available in the Pilot Program not be rolled out across the State. There are also many accused persons in custody on remand, having failed to achieve bail, who may be successful in obtaining bail if they are actively supported by a Bail Advocacy and Support Services Program. It is the view of the evaluation team that this cutting edge Program will, with the experiences of the research outcomes, provide a more effective and sustainable bail service within the State of Victoria' (Bondy et al 2003, p.ix).

Specifically the evaluation found that the program resulted in:

The referral and/or identification of 'at-risk', those who, without the intervention of 'targeted' support would be likely to be unsuccessful in an application for bail to a Magistrate;

Conduct of an accurate and informative individual assessment to ascertain the need for immediate accommodation respite and other support services (drug and alcohol counselling, medical services, drug rehabilitation etc.);

The development and provision of an appropriate individualised 'package' of support and referral;

The provision of information to the court at the bail hearing that supports the defendant's application, providing evidence against the presumption, particularly, that the defendant will abscond from bail or offend again during the bail period;

Support for the defendant while on bail to continue to meet the bail conditions, maintain regular attendance at support services (e.g. drug rehabilitation) and attend the next scheduled hearing of the case (Bondy et al 2003, p.13).

⁴⁸³ The CAHABPS, as the name suggests, is a state wide after-hours program which aims to be a single point of contact for police in matters where police and/or a bail justice are considering remanding a young person outside business hours. A CAHABPS worker employed by the Department of Human Services conducts an assessment of a young person's suitability for bail placement and acts as a facilitator for that placement. This role may include advice in addition to referrals to other youth and family support services. For a more detailed account of the CAHABPS, see <http://www.cyf.vic.gov.au/youth-justice/library/fact-sheets/cahabps>

links defendants to support services such as drug and alcohol treatment, crisis accommodation, disability services and mental health services.⁴⁸⁴

Whilst the experience in Victoria has generally been more favourable than most other states, it is important to be vigilant in monitoring the number of children being held in custodial remand and to provide alternative accommodation, welfare and support services to children who may have no other alternative abodes or means of livelihood. Certainly homelessness, inadequate accommodation or economic hardship of themselves should not be sufficient to result in a refusal of bail in cases where the young person is not in other respects at risk to himself or herself or the community.

Currently there is no specific bail support program that operates out of the Children's Court. According to Judge Paul Grant, President of the Court, this is a major deficit in the court's efforts to address young people's offending.⁴⁸⁵

Conceivably a program such as the Bail Advocacy and Support Services Program referred to earlier could be adapted for use amongst young offenders appearing before the Children's Court.

Miscellaneous diversion programs

KNOXlink

KNOXLink is an initiative between the City of Knox, and police stationed in that municipality. When a young person is arrested and charged or cautioned, the police officer gives the Youth Resource Officer (YRO) at KNOXLink⁴⁸⁶ the name and age of the young person, and the name and contact details of his or her parent or guardian. The YRO is not informed of the offence. The YRO then contacts the parent or guardian in order to ascertain

⁴⁸⁴ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁸⁵ His Honour Judge Paul Grant, President of the Children's Court of Victoria, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 30 March 2009. Judge Paul Grant explained to the Committee that:

'The Children's Court does not have a bail support program. Interestingly, if I find a charge proved, I can defer sentence and engage youth justice to support a young person. Because we do not have a bail support program many of us in the Children's Court are encouraging defendants to plead guilty to a particular charge. If they admit a particular charge, they should plead guilty so that we can engage youth justice to support them on bail for all the other offences. We think it would be a very good thing to have a bail support program in the Children's Court, because we have a view that an appropriate intensive intervention at the bail stage could provide an effective intervention that stops further offending...Recommendation 130 of the Victorian Law Reform Commission [Report into Bail] was that:

"A child-specific bail support program should be established in the Children's Court. It should be developed and administered by CISP – the court-integrated services program – but funded by DHS. Protocols for information sharing should be put in place between DHS and CISP to ensure an integrated service for children. As with the service in the Magistrates' Court, culturally appropriate support should be provided for indigenous children."

Generally if a young person is in some sort of crisis, the court has to determine whether they are an acceptable or unacceptable risk to commit further offences. If someone is going to be released back into the community without support, then the court may well say they are an unacceptable risk to reoffend. If we had a bail support program and we were told that the young person was going to be linked into drug treatment, appropriate accommodation was found for the person and they were going to get counselling in relation to anger management, then we may bail them with those strict conditions.

...It is a means of saying to a person, "Yes, we will release you back into the community with strong supports. You may be able to use those supports to help you reconstruct your life". If the person does use those supports and starts to rebuild their life, that is a good and positive thing. On the other hand, if they do not [comply with] what is required under the bail conditions, the informant can arrest them, bring them to court and have the bail revoked.'

⁴⁸⁶ KNOXLink operates out of the Youth Information Centre in Wantirna South.

whether the problem behaviour was a ‘one-off’, or whether there is some other issue in the young person’s life that may be causing them to engage in criminal activities. If the officer and the parent/guardian agree that the behaviour is not due to any underlying issues and is unlikely to reoccur, then the YRO does not usually pursue the matter further.

If there seems to be some other factor/s in the young person’s life that may explain their contact with the justice system, the YRO may recommend additional services such as drug and alcohol rehabilitation or counselling. Importantly, once the YRO obtains the details of the young person, the police have no further involvement, and any correspondence between the YRO and young person or their parent/guardian, along with any suggestions of additional discussion or referral, is strictly voluntary on the part of the young person.

The concept behind KNOXLink is a useful pathway for communicating with young offenders in a non-threatening environment. Importantly, it is also one that functions outside the criminal justice system. Through its use, young people who receive a warning or caution but who require additional services are less likely to slip through the net. Further, these inquiries can be made without further involvement from the criminal justice system itself, are voluntary, and are only pursued where there is just cause – so the dangers of net-widening are to some extent evaded.

The Committee received evidence from Mr Steve Gray, the Coordinator of KNOXLink in October 2008. He stressed that the program had benefits not only for the young people of the area who may be at risk of further offending but also for the police who were often seen as ‘the enemy’.⁴⁸⁷ As similar programs are not currently operating within many other Victorian municipalities, Mr Steve Gray, recommends that some consideration be given to implementing such services state-wide.

CRYPAR

Similar in concept to KNOXlink but based in Queensland, the *Coordinated Response to Young People at Risk* (CRYPAR) program is a whole of government initiative which aims to assist young people in addressing issues which are often identified as contributing factors in the development of criminal and self-harming tendencies and antisocial behaviour.

CRYPAR is a combined initiative of Queensland Police Service, Departments of Communities, Education and Health, Brisbane City Council, Community Services in Brisbane’s north and the CRYPAR committee. The program is designed to give Queensland police an additional tool (in the form of a referral process) when encountering a young person at risk. For the purpose of this program ‘at risk’ is defined as a young person at risk of becoming involved or further involved in criminal, self-harming or antisocial behaviour as a result of underlying social problems.

Essentially, CRYPAR is a simple referral process that allows police officers in the field to refer young people to an agency that can assist them with their identified issue. All that is required is the young person’s consent and the referral form is later faxed to the appropriate agency that has agreed to respond within 48 hours.

⁴⁸⁷ Evidence of Mr Steve Gray, Coordinator, KNOXLink, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2009.

The program achieves success through collaboration of government agencies and selected non-government organisations who have agreed in a Memorandum of Understanding (MOU) to respond to referrals within 48 hours, ensuring a prompt response.

CRYPAR is making a significant impact, particularly in the Metropolitan North Region of Brisbane where it has primarily been based. For example, between 1 July and 31 December 2007, 111 young people in North Brisbane District were referred to support agencies by police as part of the CRYPAR process.

With regard to crime, 32 young people who were referred using CRYPAR had criminal records and were responsible for the commission of 161 offences. Since being referred, 19 of these young people have not committed an offence. Those who continued to offend were responsible for only 30 offences during this period. Five young people showed a marked reduction in offending behaviour, having committed 80 offences before the referral and only seven offences following the referral. The residences of young people referred as part of the CRYPAR program, were subject to 155 calls for service prior to the referral. Since the young person was referred only 70 calls for service have been received for these addresses.⁴⁸⁸

Clean Slate

Clean Slate is an early intervention and diversionary program for offenders aged between 14–18 years. It is offered to first-time offenders attending the Children's Court in Frankston, Dandenong or Melbourne. Young people are referred to the program with the aim of preventing them from further offending. Young people can refer themselves, be referred by their lawyer or the Court to the Clean Slate program. The young person's case before the Children's Court is adjourned while they participate in Clean Slate and the Magistrate takes into account their progress when he or she determines the consequence for their offence.

Clean Slate Youth Workers run four weekly group sessions for young people. These sessions are based on cognitive-behavioural therapies including group work to change attitudes to their offending behaviours. The groups challenge the young people's behaviour by training them to:

- Set goals for their life after completing Clean Slate
- Reflect on the consequences of their offending on themselves, their families and the community
- Consider alternatives to harmful substance use
- Learn valuable communication, decision-making and problem solving skills.⁴⁸⁹

The value of Clean Slate, at least in the short term, is that judicial officers may look favourably on a young person's involvement with Clean Slate when considering their offending, depending on their progress whilst undertaking the program. The young person may then subsequently avoid further or more entrenched involvement in the criminal justice

⁴⁸⁸ The Committee met with officers involved with the CRYPAR program on its visit to Brisbane on 13 May 2008. This information was provided by Inspector Bruce Graydon and Sergeant Leonie Fordyce of the Queensland Police Service. See also <http://www.police.qld.gov.au/services/newsletters/nhw/2005/winter/article07.htm>

⁴⁸⁹ Clean Slate website. <http://www.connections.org.au/pages/?p=22>, (Accessed 20 April 2009).

system whilst developing a more positive approach to themselves, their families and communities.

Ropes

The Ropes Program, which commenced in 2002, is a diversionary program that operates after a young person is charged by police but before any formal court hearing. It operates throughout metropolitan Melbourne and in some country regions. First-time offenders aged 13 to 17 who admit their offence undergo a rope-climbing course with police in an attempt to build bonds and breakdown stereotypes between police and offenders. Judge Paul Grant, President of the Children's Court of Victoria, outlined the genesis of Ropes at a recent conference auspiced by the Australian Institute of Criminology (Grant 2008).

The current Ropes program has expanded to all city jurisdictions of the Children's Court and many, but not all, rural and regional areas. There are a number of eligibility criteria before a young person can attend Ropes:

- The offence must be within the courts summary jurisdiction.
- The young person must be aged between 12 and 18 years of age, admit the offence, be appearing before the court for the first time and must not previously have participated in a Ropes program. (A previous caution does not exclude participation.)
- The informant must recommend the young person for the program.
- The young person and parent/guardian must consent to participation.
- The presiding judicial officer must authorise participation in the program.

If the offender meets the eligibility criteria the case is adjourned to enable the young person to attend the program. The informant will also attend the program. If the informant is unable to attend, another police officer will represent the informant.

Ropes involves participation in a day long course with a number of other offenders and police officers. There is a morning session that comprises introductions, completion of a low Ropes course and a discussion session on teamwork, being part of the community, choices and chances, and actions and consequences. The group has lunch together and then progresses to completion of a high Ropes course. At the end of the day there is a presentation of the certificate of completion. A copy of that certificate is forwarded to the court. Providing the course has been successfully completed, the young person is not required to appear at court on the next court date and the charges are struck out. This means there is no finding of guilt and no sentencing order made against the young person (Grant 2008, p.2).

The community legal service Youthlaw considers Ropes to be an excellent diversionary program for young people. It states in its submission:

The program has successfully lowered the rates of recidivism. The program at Ringwood has been operating for over five years. From January 2003 to December 2007, 515 young people have participated in Ropes. 62 (12%) have re-offended. The figures from Sunshine, which is the second oldest program, are from June 2005 to December 2007. There have been 263 participants and 30 (11%) have re-offended. Frankston has had 201 participants between June 06 and December 07 with a re-offending rate of 10%.⁴⁹⁰

⁴⁹⁰ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Judge Grant is similarly enthusiastic about Ropes, particularly its emphasis on the interaction between the participants:

There is a strong sense amongst magistrates, police, legal aid lawyers, young people and their families that this is a very good program. It is well supported within the youth justice sector, received a certificate of merit in 2005 at the Australian Crime and Violence Prevention Awards, and has produced impressive results from informal evaluation (Grant 2008, p.3).

Ropes is currently being evaluated. Judge Grant has commented that a positive evaluation will assist efforts to secure funding for the program to operate throughout Victoria. When he gave evidence to the Committee he stressed the need for the program to be rolled out state-wide and be sufficiently resourced:

I am a strong supporter of Ropes, but it causes me a great deal of concern that it is not available state-wide. I do not like the idea of programs being available to certain people in the metropolitan area and in some country regions but not in other country regions.⁴⁹¹

The Youth Referral and Independent Person Program

Under the Victorian *Crimes Act* it is stipulated that an adult must be present during the formal police questioning of a person under the age of 18. If a parent or guardian is not available an adult 'independent person' is required to be present.

The Youth Referral and Independent Person Program (YRIPP) is a program that trains and supports independent persons in order for them to be on call to support young people being questioned by police or otherwise detained across Victoria. The strength of YRIPP is the establishment of a 24-hour legal advice and on-call roster system to coordinate the presence of an independent person for young people in custody.

The program is run by the Department of Justice and is a partnership program of the Centre for Multicultural Youth Issues (CMYI), the Youth Affairs Council of Victoria, Uniting Care, the Federation of Community Legal Centres, Victoria Police and other agencies. The program has been expanded state-wide to 103 police stations.

YRIPP also has an important role in preventing or reducing crime, violence and recidivism among young people:

- YRIPP links young people in with local health and welfare support services, aiming to reduce the risk factors and increase the protective factors associated with youth offending. The referral to specialist services by a trained independent person is of particular benefit to refugee young people who may experience isolation from families and their cultural community. As a significant number of Independent Person [IP] call-outs result in a referral it is anticipated that the program will improve community safety in the long term.
- YRIPP reduces the time that police need to spend on administrative duties (eg finding and waiting for an Independent Person, explaining the role of the Independent Person to the IP etc). As a result, Police can focus their attention on tasks more targeted towards reducing offending and violence by young people.

⁴⁹¹ His Honour Judge Paul Grant, President of the Children's Court of Victoria, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 30 March 2009.

- Through YRIPP's involvement in local youth justice networks, broader issues relating to offending and violence by young people are discussed by relevant local agencies. YRIPP participates in strategic partnerships to address youth offending more broadly.⁴⁹²

YRIPP has generally been well received as providing an important service to young people at possible risk of being charged with a criminal offence, police and community and support services alike.

Specialist courts

In many Western legal systems the last two decades have seen the rise of specialist criminal courts at both adult and juvenile levels. In one sense it can be said that the Children's Court, discussed earlier, itself is a specialist court. Since its creation in the early years of the twentieth century, it has had the primary goals of rehabilitating the juvenile offender, providing for the child's welfare and preventing or reducing recidivism wherever possible rather than simply punishing the child.⁴⁹³

The other primary forms of specialist courts that rely heavily on diversionary programs and strategies are Drug Courts and Koori Courts.

Drug courts and drug diversion programs

The criminal justice system has arguably changed as a result of a number of social, political and economic imperatives that have arisen, particularly since the 1970s. One of these is of course substance abuse. There has also been a concomitant growth in community concern that has gathered momentum since the 1980s about possible links between crime and illicit drug use and dependency (Wundersitz 2007). This chapter does not discuss in detail the issues pertaining to young offenders who may struggle with substance abuse.⁴⁹⁴ Rather, it is specifically interested in the issue of how drug diversion has become part of a raft of alternative criminal justice strategies addressing a person's offending and in part aimed at preventing that offending from reoccurring.

As such, the Australian government in conjunction with the states has funded a number of drug diversion programs under the Illicit Drug Diversion Initiative (IDDI), including the establishment of drug courts.

A review of drug diversion initiatives by the Australian Institute of Criminology in 2007 noted there are four main categories of drug diversion initiatives:

- Police based programs that offer drug education and assessment for individuals detected for minor possession offences
- Court level, predominantly bail based programs designed to provide assessment and short term treatment of less serious offenders whose criminal behaviour is related to their illicit drug use
- Intensive pre and post sentencing drug court programs that offer long term, intensive treatment for entrenched offenders whose drug dependency is a key contributor to their offending

⁴⁹² YRIPP website. <http://www.cmy.net.au/YRIPP/AboutYRIPP> (Accessed 20 April 2009).

⁴⁹³ See Seymour (1988) for an account of the development of children's courts in Australia.

⁴⁹⁴ For a discussion of these issues, see Chapter 12.

- [In NSW] the Compulsory Drug Treatment Correctional Centre specialising in abstinence based treatment and rehabilitation for offenders with long term illicit drug dependency and [associated criminal activity] (Wundersitz 2007, pp.2–3).

As with general diversionary programs, drug diversion also has a broad meaning and application. It can also sit anywhere along the criminal justice continuum. In other words, diversion can apply to processes at the front end of the system before formal charges are laid, for example cautioning or warnings for the use and possession of cannabis. The Victoria Police drug cautioning programs are an example of a diversionary program aimed at targeting ‘interventions appropriate and proportionate to the seriousness of the criminal offence and the circumstances of the individual offender’.⁴⁹⁵

Drug diversion can also apply to processes at the final stages of the criminal justice system – the sentencing stage. For example, in New South Wales a custodial correctional facility unique of its kind in this country allows prisoners to receive intensive treatment and care for their entrenched drug dependence and, perhaps more importantly, gain the coping skills necessary to prepare them for life on the ‘outside’.⁴⁹⁶ In the middle of the spectrum is a range of programs designed to rehabilitate or support the drug dependent offender in the community, either as part of a bail support program or a post-sentence order in the community. The aim of all of these diversionary processes is to re-direct offenders away from the conventional justice processes. As a submission to this Inquiry from Victoria Police states:

An arrest can be the impetus to address illicit drug use and these programs enable police to refer illicit drug users to timely health interventions. Providing these opportunities during such a critical moment takes full advantage of any momentum to change behaviour.⁴⁹⁷

Diversion, however, at least in the drug context has broadened from diverting an offender *away* from the criminal justice system to diverting them *to* alternative programs and supports aimed at treating their dependence and reducing recidivism (Wundersitz 2007, p.31) Drug diversion programs and Drug Courts are seen as part of a therapeutic jurisprudence approach that ‘use[s] the authority of the court to address the underlying problems of individual litigants’ (Berman & Feinblatt 2001, p.125).

Drug courts are a particular form of diversion that build upon the therapeutic justice approach. The literature on drug courts is voluminous and it is not intended to address this in detail⁴⁹⁸ albeit to state that drug courts usually sit at the ‘hard end’ of the criminal justice system designed to offer support and treatment for repeat offenders with an entrenched history of drug dependence and related criminal activity. In most cases they will be targeted at offenders likely to be facing a term of imprisonment.

⁴⁹⁵ Submission from Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. This submission gives a comprehensive account of Victoria Police drug diversion programs in general. The two main initiatives are the Victoria Police Cannabis Cautioning Program and the Victoria Police Drug Diversion Program. Only the latter program applies to young people under 18 years of age.

⁴⁹⁶ For a more detailed account of post-release programs and interventions, see Chapter 11.

⁴⁹⁷ Submission from Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁴⁹⁸ For a detailed discussion of Drug Courts, see Wundersitz 2007, pp.20ff.

Because of the ‘hard end’ nature of the offenders who appear before the drug courts, they are not usually applicable to juvenile offenders. Indeed, the only specialist drug court for young people in Australia is the Youth Drug Court in New South Wales. In Victoria there is no specialist youth drug court, although the Children’s Court of Victoria relies heavily on the Children’s Court clinic to provide assessments of young offenders with a drug related problem and in some limited cases provide treatment. Young offenders may also access counselling, rehabilitative and treatment services from an agency such as the Youth Substance Abuse Service, as part of a bail program or a sentencing order.

Whether a specialist Drug Court is appropriate for young people is difficult to determine. Evaluations of adult drug courts generally and the NSW Youth Drug Court in particular have been mostly favourable, with lower levels of drug use observed over time in offenders sentenced through the Drug Court as opposed to through more conventional methods (Wundersitz 2007). Yet there is less evidence or at least insufficient data to show that such a court will necessarily have a positive effect in reducing levels of recidivism amongst young people.⁴⁹⁹ Judge Paul Grant also questions whether the concept of a specialist youth drug court is warranted. In evidence to the Committee he said:

I have mixed feelings about the specialist courts. The Koori Court is a bit of an exception, because I think it is not just a therapeutic court; I think it is a whole lot of other things. But what worries me a little bit about the specialist courts is that sometimes they do not expand. You end up with a specialist court in a particular area that is doing very good work and is a model for how that court could operate, but it is not available to everybody. I think one of the things we should be trying to achieve in justice are the best possible services to everybody, statewide...What I would like to be able to do is take learnings from drug courts and try to apply them in our court, and take learnings from mental health courts and try to apply them in our court, and try to target services, whether it is in an intensive bail support program or whether it is in a diversion program, or whether it is in having better services provided by DHS to those who are on probation orders, youth supervision orders or youth attendance orders. I understand exactly why in some regions drug courts are being developed, because the problem is a significant one and it is seen as a valid way to respond to the problem. I would not want to speak against it, but I just do not believe we need a drug court.⁵⁰⁰

Notwithstanding any reservations with regard to the establishment of a specialist drug court, drug diversion programs whether administered by the police or a criminal court have generally been seen as a successful strategy in breaking the nexus between drug use and/or dependence and criminal activity. For example, a submission to this Inquiry from Victoria Police outlines a number of research findings compiled by Turning Point Alcohol and Drug Centre that support the use of drug diversion as a strategy. The findings include:

- Given that many people experiencing substance use problems may become involved in criminal activity in order to purchase drugs or as a result of intoxication, the level of criminal activity will reduce if their substance use problems are resolved (Brecht, Anglin & Wang, 1993, Rigg & Indermaur, 1996).
- A reduction in drug usage, as opposed to complete abstinence, may also reduce the level of criminal activity (Platt, Bufringer, Kaplan, Brown & Taube, 1988; Hall, 1997).

⁴⁹⁹ Evaluation of drug diversion programs of course is a complex area. Results may vary considerably depending on whether the program is a police diversion program aimed at diverting the offender away from the ‘front end’ of the criminal justice system or a court based program dealing with long-term and repeat offenders with entrenched drug related criminal histories. For a detailed discussion of the problems associated with evaluating drug diversion programs, see Wundersitz 2007.

⁵⁰⁰ His Honour Judge Paul Grant, President of the Children’s Court of Victoria, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 30 March 2009.

- Diversion reduces the demand on an already overburdened court and prison system (Sherin & Mahoney, 1996; Hall, 1997).
- Treatment of drug using offenders as opposed to incarceration, may lead to an overall financial reduction in costs to society (Sherin & Mahoney, 1996; Belenko, 1998; Gerstein & Harwood, 1990).
- Referral from the criminal justice system introduces people to treatment who would otherwise not have sought an intervention (Balenko, 1998).
- Clients referred to treatment via a diversion program do as well as or better than clients who self refer or were referred from other sources (Hubbard, Collins, Rachal & Cavanaugh, 1988; DeLeon, 1988; Hall, 1997).
- If individuals are not diverted and proceed into the criminal justice system and imprisonment, drug users may become involved in an offending subculture (Russell; 1997) and are also exposed to further drug related health risks (Dolan; 1997).
- Drug treatment is the intervention most likely to positively impact on the behaviour of drug users and prevent a return to criminal activity. A reduction in illicit drug use through treatment typically results in a decrease in offending behaviour although it does not necessarily eliminate it (Murphy, 2000).⁵⁰¹

The Children's Koori Court

On 31 May 2000 the Victorian Government and representatives of the Victorian Aboriginal community entered into the Victorian Aboriginal Justice Agreement (VAJA). One of the proposed initiatives of the Agreement was the establishment of a Koori Court in Victoria. The development of a court with participation of Elders and Respected Persons from the Koori community was seen as one part of a comprehensive strategy to address Aboriginal overrepresentation in the criminal justice system.

The Agreement resulted in the *Magistrates' Court (Koori Court) Act 2002*. Pilot Koori Courts commenced in the adult jurisdictions at Magistrates' Courts at Shepparton in October 2002 and at Broadmeadows in April 2003. Victoria now has adult Koori Courts sitting at Warrnambool, Mildura, Latrobe Valley and Bairnsdale.

An evaluation of the two longest operating courts – Shepparton and Broadmeadows – found positive results with reduced recidivism rates, reduced failures to appear on bail and reduced breaches of correctional orders. The Koori Court has also encouraged successful coordination of support services to particular defendants (Grant 2008).

In 2004 the *Children and Young Persons Act 1989* was amended with the enactment of the *Children and Young Persons (Koori Court) Act 2004*. This legislation has the objective of 'ensuring greater participation of the Aboriginal community in the sentencing process of the Children's Court through the role to be played in that process by the Aboriginal Elder or Respected Person and others so as to assist in achieving more culturally appropriate sentences for young Aboriginal persons'. Judge Paul Grant has given the following succinct summary of the procedures and operations of the Children's Koori Court:

⁵⁰¹ Submission from Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The Children's Koori Court (Criminal Division) is a pilot project. The Melbourne Children's Court was chosen by the Koori community to conduct the pilot and sittings commenced in October 2005. The Court sits on every second Thursday. At the moment the Court deals with cases involving Koori children who reside in the Department of Human Services north or west regions or within the boundary of any court in that region. The Court is being evaluated. Even though the evaluation has not been completed a second Children's Koori Court commenced sitting at Mildura in October 2007.

The Act allows the Secretary of the Department of Justice to appoint Elders and Respected Persons to work within the court. The legislation also creates the position of "Children's Koori Court Officer". This position is a very important one and the officer – who is Koori – can support an offender prior to attending Court, offer support and advice in Court and assist after Court in case management. The position is based within the registry of the Court.

The Children's Koori Court only has jurisdiction to deal with a defendant if each of the following four criteria apply:

1. The defendant must be an Aboriginal (the Court does not involve itself in the determination of issues to do with Aboriginality. If there is an issue it is resolved by the Children's Koori Court officer and the Elders/Respected Persons.)
2. The offence must be within the jurisdiction of the Criminal Division of the Children's Court. (Note, however, that sexual offences are specifically excluded from the Children's Koori Court.)
3. The defendant intends to plead guilty to the offence or pleads guilty to the offence or has been found guilty of the offence by the Criminal Division.
4. The defendant consents to the proceeding being dealt with by the division (Grant 2008, pp.6–7).

Judge Grant stresses that the Koori Court is not a separate court with separate sentencing orders. The Koori Court does *not* make different sentencing orders for defendants appearing in the Children's Koori Court. In other words, the Court exercises the same sentencing powers that apply in the Criminal Division of the Children's Court. As in any criminal case, it is the judicial officer who is responsible for making the sentencing order (Grant 2008). On the other hand, the proceedings of the court are very different from those of a traditional or conventional courtroom:

Generally, in the mainstream court the defendant plays a bit part. They become involved at the time they stand to be sentenced. In the Koori Court the voice of the defendant, family and community are always present and central. The Koori Court is an attempt to make the court process less alienating and more responsive to the particular needs of the offender. The traditional system has not engaged meaningfully with the offender. The Koori Court addresses this. Defendants do acknowledge the authority of the Elders/Respected Persons. This is no soft option. There is no escape from acceptance of responsibility and particular problems that need to be addressed are discussed openly and honestly. It is a matter for the Elders and Respected Persons what they say. Often they will speak strongly to a young person on the importance of obeying the law and the harm they have caused to the victim and the community by their misbehaviour. They may talk to the young person about the harm they cause to all Aboriginal people and to their heritage by their misconduct; about the young person's family and regard within the Aboriginal community; how the misbehaviour has distressed the family and the community; support and encourage the young person to change their behaviour and work with agencies that offer support in that regard; or offer advice based on their own life experiences. It is the Elders and Respected Persons who give the Court its unique authority and flavour. Defendants nearly always engage in discussion with the Elders and Respected Persons and accord respect to the process (Grant 2008, pp.8–9).

At the conclusion of the 'sentencing conversation' the judicial officer will either determine the matter with the appropriate sentence or, if necessary, adjourn sentence to another date and obtain reports. Judge Grant states that:

The open exchange of information that occurs within the Koori Court gives the judicial officer a better understanding of the defendant's circumstances, the context of the offending and the prospects for rehabilitation, inevitably the sentencing decision is more fully informed and, for that reason, more appropriate than it would be in the mainstream court (Grant 2008, p.9).

A submission from VALS also testifies to the benefits of a specialist Koori Court for young people. It states that the benefits have been particularly noticeable with regard to reducing the recidivist rates of young Koori offenders:

Recidivist studies are useful in developing policy and practice. The extent to which recidivism research informs policy and practice is apparent in the example of the Koori Court. One contributing factor to the roll out of the Koori Courts is the reduction of offending. A 2005 review of the Koori Courts in Victoria found they had been very successful in reducing repeat offenders, with recidivism rates of 12.5% and 15.5% compared to the general Koori rate of 29.4%.⁵⁰²

The Neighbourhood Justice Centre

The Neighbourhood Justice Centre (NJC) is a three-year pilot project of the Victorian Department of Justice and the first of its kind in Australia. Its *raison d'être* is the benefit of 'delivering' and coordinating justice and support services, including diversionary programs, at a local community level. Located within the Yarra municipality of inner city Melbourne, the NJC aims to enhance community involvement in the justice system.

The NJC provides:

- a court (including a children's court)
- on-site support services for victims, witnesses, defendants and local residents
- mediation and crime prevention programs for the City of Yarra
- community meeting facilities.

The NJC works closely with the City of Yarra community to:

- address the underlying causes of offending
- provide opportunity, education and support for victims, witnesses, defendants and local residents
- assist in preventing crime
- stop the 'revolving door' of crime and punishment
- increase the community's involvement in the administration of justice
- increase access to justice.

⁵⁰² Submission from VALS to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The Court Jurisdiction

The NJC Court is established by the *Courts Legislation (Neighbourhood Justice Centre) Act 2006* which was passed in August 2006. The Act establishes the court's sentencing procedures and reinforces the court's commitment to therapeutic and restorative justice approaches.

A range of civil and criminal cases arising in the City of Yarra are heard in the NJC Court including:

- the Magistrates' Court which includes the Victims of Crime Assistance Tribunal and a Crimes Family Violence List
- the Children's Court Criminal Division
- some Victorian Civil and Administrative Tribunal matters, such as civil claims, guardianship and administrative and residential tenancies.

The NJC magistrate hears criminal matters where the defendant lives in the City of Yarra. Civil matters are heard in a range of circumstances, including where the subject matter arose in the City of Yarra.

Restorative justice, mediation and conferencing

The concept of restoration is central to the NJC with its strong focus on making reparation to individuals and communities affected by crime. Community justice centres overseas, including the Red Hook (Brooklyn USA) and North Liverpool (United Kingdom) have also embedded restoration as a core principle of their operations (Bassett 2007, p.1).

One of the major restorative justice initiatives is youth justice conferencing, discussed earlier in this chapter. In March 2008 Mr Rob Hulls, the Victorian Attorney-General, launched a Young Adult Restorative Justice Group Conferencing program at the NJC. The program, following the principles of restorative justice outlined earlier in this chapter, is available for young offenders 18–25:

Given the NJC's problem solving approach to breaking cycles of offending, restorative justice approaches are highly relevant. For example, an offender's motivation to desist from criminal behaviour may increase as a result of a conference process. "While a conference is a micro-intervention and cannot address structural inequities in our society which contribute to crime, it can harness the resources of the immediate communities of care and support that surround the victim and the offender." With its emphasis on support services, the NJC is positioned to marshal these resources for victims and offenders throughout restorative processes (Bassett 2007, p.7).

Group conferencing at the NJC is managed by the community agency Anglicare on behalf of the Department of Justice.

A number of community agencies that gave evidence to this Inquiry have been very impressed with the operations of the NJC and particularly the support services offered to young offenders. For example, the following statement from Youthlaw:

Youthlaw is a member of the Steering Committee of the Neighbourhood Justice Centre (NJC)...The NJC includes a court and on site support services including drug and alcohol services and housing assistance, mediation and crime prevention programs. NJC operates the Criminal Justice Diversion Program (CJDP) with many defendants ordered to access services

to modify behaviour or complete voluntary community based work as a condition of the diversion ruling.

An audit conducted as part of the Victorian Auditor-General's report 2008 found that having a number of government services located at NJC gave the diversion coordinators ready access to a wide range of services on site that facilitate the timely service referral for young offenders.⁵⁰³

The Committee was very impressed with both the individual programs on offer and the way they were integrated into a holistic 'one stop shop' service delivery model when it visited the NJC in July 2008.

Deferral of sentences

Finally, whilst not a program per se, another tool magistrates and judges can use to divert young offenders from a supervisory order or a term of detention in a Youth Training Centre, in cases where the young person has admitted liability, pleaded or been found guilty of an offence, is a deferral of final sentence.⁵⁰⁴ For example, when Committee members attended cases before the Children's Court of Victoria they witnessed a situation where a young person with an alcohol problem had his sentence deferred until he had attended assessment and treatment sessions with the Children's Court Clinic. It was the desire of the presiding magistrate that if the defendant was able to complete the treatment successfully he may have been able to avoid passing a custodial sentence. Other cases may involve a Juvenile Justice worker case-managing the offender or the matter being referred to a youth worker. Youthlaw argues that this use of judicial creativity can be effective for young people, particularly homeless people not engaged in education or employment, to be linked into appropriate services.⁵⁰⁵

Criticism and effectiveness of diversion programs

One of the crucial questions for many researchers and policy makers is whether and to what extent diversionary programs act to reduce recidivism.⁵⁰⁶ Usually the study is designed to compare a group of young people who have entered a diversionary program such as a family youth conference with a group who have gone through the ordinary court processes. Whilst some studies have shown inconclusive results, on the whole however, '[r]esearch indicates that...for the vast majority of young offenders, diversion from the formal court processes will reduce the likelihood of re-offending' (Auditor-General NSW 2007, p.8).⁵⁰⁷

⁵⁰³ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. The report referred to in this quote is *Services to Young Offenders*, Victorian Auditor-General, June 2008, p.24.

⁵⁰⁴ See Section 414, *Children, Youth and Families Act 2005* (Vic).

⁵⁰⁵ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵⁰⁶ Goldson and Muncie argue that the most effective diversionary strategy with regards to young people would be simply 'to remove children and young people from the youth justice nexus altogether, by significantly raising the age of criminal responsibility' (2006b, p.100). Certainly this is the case in some European countries such as Finland with no apparent negative consequences in terms of rising crime rates (see Lappi-Seppala 2006).

⁵⁰⁷ See also Luke and Lind 2002; Australian Institute of Criminology 2002; Waite 2002; Commonwealth of Australia 2003; Day, Howells and Rickwood 2003; Hua and Fitzgerald 2006; Vigaendra and Fitzgerald 2006; People and Trimboli 2007; Cunningham 2007.

One criticism levelled at some diversionary programs is that they offer insufficient intensive support and follow-up for young people who may have complex needs. In other words, whilst they may represent diversion *away* from the official control system they do not represent diversion *into* treatment or support services (Day, Howells & Rickwood 2003, p.6). For example, the Auditor-General of New South Wales noted in a Report of Juvenile Justice Services in 2007 that support services were very rarely included in outcome plans of youth conferences and that police youth liaison officers rarely ever gave information with regard to available services to meet youth needs when giving a caution (Auditor-General NSW 2007). This is despite research showing that young offenders who have their criminogenic needs met are less likely to re-offend than those whose needs are not met (Auditor-General NSW 2007).⁵⁰⁸

Another criticism has been that diversion programs may operate in a *net-widening* capacity. In this context it simply means that diversionary programs such as youth conferencing may ‘expand the very justice system they were intended to reduce and contain’ (Day, Howells & Rickwood 2003, p.4). Muncie states that just as seriously: ‘Many of the principles of restorative justice that rely on informality, flexibility and discretion sit uneasily against the legal requirements for due process and a fair and just trial’ (2004c, p.294). In effect, the juvenile justice system has drawn new clients into its ambit (LRCNSW 2005, p.31).⁵⁰⁹

A final criticism of diversion, particularly conferencing, is that it:

[t]ends to rely on white middle class concepts and methodology with the result that it disadvantages young offenders who are less educated, less articulate and who may distrust the good intentions of the state (LRCNSW 2005, p.31).

This may particularly be the case with regard to young Indigenous people for whom it may lead to a double failure ‘[f]ailing to be law abiding and failing to act appropriately according to an Indigenous justice script rewritten by Whites’ (Blagg 1997 in Muncie 2004b, p.162).

Conclusion

One issue that has surfaced regularly during the course of this Inquiry is whether there is a sufficient variety of well structured and resourced diversionary programs available for magistrates and other legal officers throughout Victoria. It has been stated that not only are there insufficient programs to address some of the deep seated needs of young offenders, particularly those with multiple issues and problems, but also that those programs in existence, such as ‘Ropes’, are not available in all regions of Victoria.⁵¹⁰ In other words, there is a geographic bias built into the service delivery of diversionary programs.

It has also been argued that there needs to be more flexibility in the way diversionary programs are provided and a greater range of options available, particularly for magistrates and judicial officers working within the Children’s Court. When Judge Grant gave evidence

⁵⁰⁸ As such the Auditor-General recommended that when a member of the NSW Police Service gives a young offender a caution he or she ‘implement a checklist to identify the needs of each young offender and rate their risk of re-offending as either low, moderate or high’ (Auditor-General 2007, p.22).

⁵⁰⁹ In Britain, for example, some critics have commented that there is little evidence that ‘restorative cautions (or conferencing) are being used as an alternative to prosecution, rather it appeared they [are] often applied to cases that would have been previously dealt with informally’ (Haines & O’Mahoney 2006, p.115).

⁵¹⁰ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

to the Inquiry he stated that a more flexible diversion program similar to the Magistrates' Court program is needed.⁵¹¹

In addition, it is argued that whilst a program or service may be available at one stage of the criminal justice process there is no continuity to allow a young person to continue receiving the support he or she needs. For example, a young person could conceivably engage in a substance abuse program as part of a bail or diversionary process but not necessarily continue with that program during the serving of his or her sentence.⁵¹²

Another major problem with some of the diversionary interventions under review is that insufficient research, particularly evaluative research, has been undertaken to demonstrate the effectiveness of alternative and diversionary approaches to juvenile justice. A paucity of evaluation is not restricted to diversionary programs: it applies to all the types of strategies and interventions profiled in this Report.

Finally, it is also pertinent to bear in mind that diversionary programs such as conferencing cannot be of themselves the 'magic bullet' that will prevent or reduce recidivism and youth offending. It may be the case that diversionary programs need to be followed up with intensive interventions and support services if they are going to provide maximum support for young offenders.

Wrap-around programs that address youth offending in a holistic manner are needed to support diversionary interventions. A flexible model such as the Neighbourhood Justice Centre may be a suitable way of doing this.

⁵¹¹ His Honour Judge Paul Grant, President of the Children's Court of Victoria, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 30 March 2009. Judge Paul Grant told the Committee:

'...I have to say we have not done a lot of work on diversion in the Children's Court. There has been a strong view, I think, that the Children's Court in Victoria has such a small group of people going through under supervisory orders and through to detention that the fact that people are getting accountable undertakings and bonds is a form of diversion anyway. But the numbers are growing and I think we do have to have other strings to our bow. The court [needs to] work out some way of supplementing Ropes with other diversion programs.'

⁵¹² His Honour Judge Paul Grant, President of the Children's Court of Victoria, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 30 March 2009.

Recommendations

- 16. The Committee recommends** that the Departments of Human Services and Justice expand their range of Youth Justice related diversionary programs to ensure that a suitable program is available in all instances where a sentencing magistrate believes it would be appropriate for a young person.
- 17. The Committee recommends** the comprehensive evaluation of any diversion programs instituted by the Department of Human Services Youth Justice Branch. The impact of diversion programs, in the long term, on youth offending needs to be further researched and evaluated.
- 18. The Committee recommends** that the rules, procedures, guidelines and administration of police cautioning in Victoria be incorporated into legislation so that all apprehended young people may benefit from this diversionary strategy.
- 19. The Committee recommends** that the Youth Justice Group Conferencing programs should be expanded to all areas of the state.

11. Police, Courts and the Youth Justice System

Young people and the police

Clearly any discussion of youth offending and recidivism must examine the interaction of those young people with the official agencies and personnel of the criminal justice system, particularly the police, courts and in the most serious cases the juvenile detention system. Young people have always had a somewhat vexed and indeed contradictory relationship with police and other authority figures.

The Youth Affairs Council of Victoria (YACVic) for example believes that in order to address ‘some of the tensions that exist between police and [young people]’:

[i]nterventions should focus on relationships between police and young people. Francis and Cornfoot, for example, suggest the effectiveness of programs which increase dialogue between police, young people, multicultural communities and service providers to tackle difficult relationships and look at strategies for prevention and addressing anti-social behaviour.

There should also be improvements in training for all operational police in dealing with young people from diverse cultural backgrounds to reduce the potential for conflict. Conflict often arises as a result of simple misunderstandings and miscommunications relating to language, culture and body language. For example, looking someone in the eye is taken as a sign of disrespect for Indigenous people in Australia while police in Australia would tend to read this as evasiveness. Similarly, within some cultures, a young person will say yes to indicate that they have heard what is being said rather than that they are in agreement with the sentiment. Again this creates confusion which better police training would help to address.⁵¹³

The Law Reform Commission of New South Wales (LRCNSW) has noted that:

[y]oung people disproportionately attract police attention because “youth” is one of the indicators used by police to predict trouble (LRCNSW 2005).⁵¹⁴

This is particularly the case with young people’s use of public space, as will be discussed later in this chapter.

Youthlaw, the community legal centre for young people, believes that on occasion young people can be ‘over policed’ in Victoria:

Youthlaw believes that the relationship between over-policing and young people’s interaction with the justice system is an important consideration for the Inquiry.

Generally from our casework practice Youthlaw notes:

- Young people often report feeling hassled and harassed by police when coming together in public spaces. The purpose of the group is predominately social connection, but police and community perceptions of “gangs” leads to excessive police contact and harassment.
- Police often stop young people in the street and ask for their names and addresses without good reason.

⁵¹³ Submission from Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵¹⁴ See also Cunneen and White 2007 for a comprehensive account of the relations between young people and police in Australia.

- Youth curfews are sometimes used by police as arbitrary bail restrictions on the movements of young people who have committed no criminal offence.⁵¹⁵

YACVic states that over-policing and interaction with police generally is particularly noticeable for young people in state care or having recently left it. YACVic points out that, proportionately, young people who are or have been in state care are more involved at all stages of the criminal justice system (police, arrest, the courts, correctional services). Based on research auspiced by the Centre for Excellence in Child and Family Welfare,⁵¹⁶ surveys of 60 young people who had been in state care revealed that:

[a] very high proportion of young people from a care background are involved with the crime and justice systems compared to their peers from the general population...Nearly half (47 per cent) of respondents had previously had some type of involvement with the police. All but one of those 28 people had been questioned by the police, twenty-two people (37 per cent) had been charged with an offence, seven (12 per cent) had already spent time in detention.

Coinciding with the disproportionality in police arrests, the Centre's research found [that] young people leaving care spend more time in corrective services than members of the general population. The survey found that 11.7 per cent of young people leaving care had spent some time in detention during the past 12 months (this does not count those on community correction orders).

This is contrasted with the general population, of whom 0.19 per cent had been either imprisoned or on community correction orders.⁵¹⁷ Bearing in mind that more people receive community correction orders than are actually detained, the gap between the leaving care cohort and the general population will actually be much greater than the comparison between 11.7 per cent and 0.19 per cent used in the calculations.⁵¹⁸

Policing marginalised young people

Such findings may be exacerbated when the young person is from an Indigenous or culturally and linguistically diverse (CALD) community.⁵¹⁹ Certainly research has indicated that for a long time young people:

[w]ho visibly belong to racial, ethnic or cultural minorities often experience direct or indirect racism when dealing with police. Other research...cites the existence of poor relations between police and young people from racial or ethnic minorities, in particular, Aboriginal young people and those from Indo Chinese, Arabic or Pacific Islander backgrounds (LRCNSW 2005, p.67).⁵²⁰

⁵¹⁵ Submission from Youthlaw to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

⁵¹⁶ The Centre for Excellence in Child and Family Welfare was a joint participant/writer in the submission sent to this inquiry by the Youth Affairs Council of Victoria.

⁵¹⁷ Productivity Commission Report on Government Services 2004, Table 7A.4:
<http://www.pc.gov.au/gsp/reports/rogs/2004/partc.pdf>.

⁵¹⁸ Submission from Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

⁵¹⁹ Further general discussion on issues pertaining to young people from indigenous or CALD backgrounds is given in Chapter 12 of this Report.

⁵²⁰ See also Cunneen and White 2007; Collins et al 2000; Eastaer 1997; Chan 1997.

Youthlaw comments in this respect:

Young culturally and linguistically diverse people perceive themselves to be targeted unfairly due to their physical appearance and often feel over-policed. The experience for refugee youth across Melbourne has been documented in several studies. A common theme of the studies is that young people from non English speaking backgrounds were more likely to be stopped and questioned by police than those born in Australia. A study by the Refugee Health Research Centre found that:

- Close to 40% of young refugees had some direct contact with police by the end of their second year in Australia
- In the first year of settlement 12% reported being stopped and questioned
- In the second year 37% reported being stopped
- 49% of boys reported that they had been stopped and questioned by the police in those first 2 years.

Youthlaw runs an outreach clinic at the Flemington high-rise estate at Holland Court, in partnership with Flemington Kensington Legal Centre, where there is a high density of Sudanese and Somalia migrants living. In the early months of 2006, numerous young people from Somalia, Sudan and Afghanistan living in the estate contacted Flemington Kensington Legal Service alleging human rights abuses by police, including non-resisted assaults, threats of violence and racist comments by police. The young people reported police stopping them while they were sitting in or moving around in public places and questioned them up to 5 times a day, asking for their name, address and what they were doing. In some instances these negative police interactions with young people have lead to increased volume of criminal charges.⁵²¹

A representative of the Centre for Multicultural Youth, however, told the Committee that such mistrust and suspicion often went both ways:

I think some groups of young people are over-policed within the community. ...[There is] tension between the police and young people, or CALD young people, but that goes to racial stereotypes [about] police as much as [about] young people. The young people often think the police are out to get them or that they are out to do something negative to them or to the communities, and the police think there is a group of different looking young people hanging around together so therefore there is trouble, and they scrutinise them.⁵²²

On the other hand, as discussed later in this chapter, a number of initiatives have been established to break down suspicion and antagonism between police and young people from CALD communities⁵²³ in the past decade.⁵²⁴

Victoria's Police and Community Multicultural Advisory Committee is an excellent example of Police engaging in dialogue with communities to ensure a culturally appropriate response to offending issues.⁵²⁵

⁵²¹ Submission from Youthlaw to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵²² Evidence of Ms Soo-Lin Quek, Centre for Multicultural Youth, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

⁵²³ This certainly seemed to be the experience of the young people who gave evidence at the Forum for Young People from CALD communities in conjunction with the Centre for Multicultural Youth in November 2008. For further discussion, see Chapter 12.

⁵²⁴ Further discussion of young people from CALD communities and their involvement in youth offending is given in Chapter 12 of this Report.

Jesuit Social Services, a youth support service, has also noted a change whereby police are generally more positively engaged with young people on their ‘watch’:

Police attitudes and behaviour towards young people can be an important influence on young people’s approach to crime. For example, in our experience, old-style ‘harsh’ policing rarely works as a crime deterrent. Much of our work relies on good relations with police and mostly we experience very positive relationships. For example, through the implementation of our Start Over program we routinely have involvement with Police Youth Resource Officers and other police involved in the cautioning process...

...Building on our existing positive experience with Start Over and our other programs, we consider that further efforts should be made to educate police about ‘best practice’ in policing young people. In particular, we believe that improved crime prevention outcomes would be achieved through more consistent statewide implementation of ‘best practice’ approaches to police cautioning. We are not convinced that new legislation is required, although it may ultimately prove of benefit. A more important immediate priority is better training and support for front-line police about ‘best practice’ in [relating to young people].⁵²⁶

The Springvale Monash Legal Service (SMLS) argues that when dealing with marginalised groups such as CALD or Indigenous youth comprehensive police training and education in the area of juvenile justice and welfare is absolutely crucial.⁵²⁷

This is particularly important in SMLS’ view when police are interacting with young people from CALD backgrounds given the high numbers of young people living in Victoria who have been born overseas. The submission from SMLS outlined one positive initiative in this regard:

An example of such an initiative is a cross-cultural training program that has been implemented and used to educate police officers on the current issues being faced by the Sudanese community in Victoria, and in particular the CGD [City of Greater Dandenong].⁵²⁸ This program breaks down stereotypes and enables a better relationship to be built between the police and Sudanese community members. One police officer has commented that ongoing education for community members and the police is an important factor in greater community development.⁵²⁹ Although cross-cultural training should be applauded, it should be noted that such training is rarely mandatory for police officers, nor are incentives introduced whereby police may feel encouraged to attend. Therefore, it is the opinion of SMLS that those officers already inclined to treat individuals from newly emerging communities in a fair and humane manner are more likely to attend these programs than those officers who may have an inclination to unfairly target and discriminate against individuals from newly arrived communities. SMLS is aware of discriminatory practices within the CGD from some police toward South Sudanese Victorian youth.⁵³⁰ Providing incentives for police officers to attend cross-cultural training programs and ensuring that there are strong and accountable policing processes in place would strengthen relations

⁵²⁵ Submission from Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

⁵²⁶ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, October 2008.

⁵²⁷ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

⁵²⁸ Victoria Police, Dandenong, ‘Sudanese community cross cultural training for Police’, http://www.immi.gov.au/media/publications/settle/empowering_refugees/_pdf/21-training-for-police.pdf at 20 August 2008.

⁵²⁹ Victorian Police, ‘Operation Sarazan: Breaking down barriers’, *Media Release*, 15 February 2008.

⁵³⁰ Springvale Monash Legal Service Inc. (2008), *Comparative analysis of South Sudanese Customary Law and Victorian Law*, p.43.

between youth from CALD backgrounds and the police, which would result in a safer community.⁵³¹

Finally, the establishment of the Youth Referral and Independent Person Program (YRIPP) with the full cooperation of the Victoria Police acts in positive ways as both a prevention and diversionary service. A submission from the YACVic who administers the program in conjunction with community legal centres, Uniting Care and the Centre for Multicultural Youth says:

YRIPP offers vital support to some of the most vulnerable and disadvantaged young people in Victoria. The program successfully educates young people about their legal rights and responsibilities. YRIPP also provides information in 18 languages to parents about the law and the police interview process. YRIPP ensures young people are supported through the police interview process and that their welfare is looked after and their rights are upheld. In addition, it diverts young people through linking them with community support services. Many of these young people would otherwise have fallen through the gaps.

In terms of the 600 YRIPP clients for the financial year, around 25% were referred to health and welfare support services. These were often young people who were not linked in with support services. This means that 150 of Victoria's most vulnerable young people without YRIPP would have missed that opportunity to be connected to a community support.

After examination of other similar models, we suggest that YRIPP is an example of international best practice in this area. The State Government recognised the importance of the program when it funded its expansion from a small pilot to a Statewide program.⁵³²

Police discretion

The issue of discretionary powers has wide implications for how young people enter (or not as may be the case) the juvenile justice system, of which the police are the main 'gatekeepers'.⁵³³

Police have wide discretionary power as to how and to whom they administer a caution, recommend someone for programs like Ropes, consent to a young person attending a group conference, or consent to or oppose bail. More fundamentally, they perform a key role in deciding whether a young person is proceeded against in the first place. It may be quite common for a police officer to 'informally' admonish a young person who has engaged in antisocial behaviour of a relatively minor nature or take no action at all.

⁵³¹ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵³² Submission from Youth Affairs Council of Victoria to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. Further discussion of YRIPP is found in Chapters 10 and 12 of this Report.

⁵³³ In New South Wales, the use of police discretion is to a large extent structured and circumscribed with statutory guidance given for its exercise. See *Young Offenders Act 1997* (NSW). The reasons given as to why it was thought necessary to structure police discretion when the *Young Offenders Act* (YOA) was reviewed related to:

- A lack of consistency in diversion decisions;
- The risk that minorities may be targeted;
- Differential treatment of [Indigenous] young people; and
- A low rate of diversion of young offenders prior to the YOA (LRCNSW 2005, p.49).

Certainly it has been noted that when police use discretionary powers in favour of diverting young offenders away from the formal criminal justice system the likelihood of an escalating ‘compounding’ effect, such as obtaining a criminal record and the consequences flowing from that, is avoided (LRCNSW 2005, p.50).

Specialist police and police training

The Springvale Monash Legal Service’s submission makes the fairly axiomatic statement that as the police are most often the first point of contact with many young offenders they have an extremely important role to play within the juvenile justice system.⁵³⁴

One approach to addressing the need for good police–youth interaction is through the provision of specialist officers trained in juvenile justice or youth oriented issues. In Victoria a specialist group of police trained to interact and liaise with young people are known as Youth Resource Officers or YROs.⁵³⁵

The YRO role is:

- To provide a policing youth framework that increases the capacity of police to deal with police/youth issues, whilst addressing the needs of effective operational policing partnership with the local community & government agencies.
- To engage all sectors of the community which develops the capacity of local communities to deal with youth issues.
- Provide a service which best suits the needs of the organisation, local police and young people.
- Work with local partners in identifying local youth issues and developing strategies with appropriate performance measures for success.
- Work with local communities and partners to develop systems, support and services to provide young people with positive pathways for developing to their full potential.
- Support and increase the capacity of local operational police to identify and address youth issues.
- Provide an equitable policing service to both rural and metropolitan Victoria.⁵³⁶

⁵³⁴ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵³⁵ YROs are one part of a broader Youth Affairs Office within Victoria Police that delivers specialist community programs and initiatives for and with young people in Victoria. Other relevant components of the Youth Affairs Office include overseeing inter alia the Blue Light Youth Camps, Police Citizens Youth Clubs, High Challenge Programs, and the Victoria Police Youth Corps. In New South Wales specialist police youth officers (SYOs) are appointed specifically as such under the auspices of the *Young Offenders Act 1997*. In most circumstances they are the *only* officers who may make a determination to proceed with a young person in the criminal justice system other than by way of caution or warning. In particular it is the duty of the SYO to decide whether a young person is a suitable candidate for group conferencing having taken into consideration inter alia, the seriousness of the offence, the degree of violence (if any), the harm to the victim, any previous records of the child or ‘any matter which the SYO thinks appropriate’ (*Young Offenders Act 1997* (NSW) Secs 36 and 37). The SYO is entitled to attend the conference and participate in the offender’s outcome plan. Alternatively, the SYO may determine that it is appropriate that proceedings are commenced against the young person by investigating officials.

⁵³⁶ “Policy Fit –The Way Ahead 2008-2013” – Attorney General’s Justice Statement, Vulnerable Youth Framework 2008. Accessed at <http://www.ansoc.org/conferences/2008/101-Dunne.pdf>. 8 May 2009.

There has also been much positive response to the establishment of specialist officers such as Youth Resource and Multicultural Liaison Officers. Moreland City Council states:

Council in its efforts to address issues of anti social behaviours of young people has worked closely with the Youth Resource Officers (YRO) and Multicultural Liaison Officers (MLO). We would like to congratulate the Victoria Police for these initiatives and encourage the maintenance and expansion of these roles. These roles are critical in the building of relationships, critical in the dispelling myths and improving the public perception of the police force. The preventative and early intervention work done by YROs and MLOs in conjunction with local service providers and communities do contribute to lowering re-offending and provides diversionary approaches. The recruitment and training of the police force also offers opportunities to build the capacity of the officers to better understand the diverse characteristics and respond to issues of community safety beyond law enforcement.⁵³⁷

Many community agencies that work with young people are also laudatory of the efforts of specialist youth officers in their interaction with young people.⁵³⁸

The Police and Community Youth Assist Program

The Police and Community Youth Assist Program is a local program (initially piloted in the Frankston area) that identifies young people at risk of involving themselves in antisocial and criminal behaviour and aims to divert them away from crime through diversion, intervention and prevention strategies. It works as a major partnership between Victoria Police and Mission Australia.⁵³⁹

⁵³⁷ Submission from Moreland City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵³⁸ Evidence of Ms Hala Atwa, Solicitor, Youthlaw, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2009. Ms Hala Atwa told the Hearing:

‘We have a good relationship with Victoria Police, and especially the youth liaison officers, whom we see as very, very positive and who are engaging young people in really positive community policing programs. I think it is just a question of consistency in training and changes in cultures and perceptions that will lead to that. For example, the Ropes program is a good program, and we find that when clients go through the program we do not see them again⁵³⁸... Youthlaw also goes and does an education session with the youth liaison officers when they are receiving their training.

We also see some very positive responses from Victoria Police. I recently had a young client who was homeless. He stole some food from a local football club. He was living under a bridge at the time and he was caught with a trolley of food. The police officer who arrested him brought him straight into Frontyard⁵³⁸ after charging him and he was able to get access to housing and legal assistance straight away. Whilst we are seeing negative experiences [with police] we are also seeing positive experiences, and we are trying to help encourage the positive experiences.’

⁵³⁹ Other community support agencies involved with the program include:

- Anglicare
- FIFS Frankston Integrated Family Services & Child First
- PYFS Peninsula Youth and Family Services
- YSAS Youth Substance Abuse Service
- PENDAP Peninsula Drug & Alcohol Program, Peninsula Integrated Health
- Peninsula Sexual Assault Centre
- Frankston Integrated Health Centre
- Peninsula Community Legal Centre
- Frankston Ambassadors (Frankston Council, Outreach)
- CAMHS, Child and Adolescent Mental Health Service Crisis Centre
- Headspace Peninsula
- Salvation Army (Emergency Accommodation)
- Taskforce Community Agency (Employment, Education & Support Services)

The program offers individually tailored action plans and ‘sustainable pathways’ based on a case management framework. It aims to enhance the health and well-being of young persons and to encourage sustainable education and employment. The program relies heavily on YROs to explore the use of discretion where appropriate to divert a young person from the negative outcomes of the criminal justice system.

The program aims to provide the young person where possible with access to intensive support programs including mental health services, accommodation, alternatives to school, drug and alcohol programs, family welfare and counselling services and employment services, with the ultimate aims of reducing antisocial behaviour, recidivism and the promotion of social inclusion.

Youth welfare agencies have been enthusiastic about integrated and coordinated approaches such as *Youth Assist* and see them as more positive responses to youth at risk than more punitive measures such as increased surveillance and ‘move on’ laws. For example, a joint submission from Youthlaw, YACVic and the Peninsula Community Legal Centre to the Frankston City Council states there is a need to:

Enhance existing programs [such as] the Frankston Police & Community Youth Assist Program) that offer holistic approaches to youth issues and adopt multi-agency involvement to address complex issues.⁵⁴⁰

Victoria Police officers have also been enthusiastic about the aims and efforts of the program.⁵⁴¹

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- LLEN, Local Learning Employment Network (Employment, Education and Training Coordinator)
 - Chisholm Institute (Educational Facility)
 - Hands On Learning (Alternate Learning Options within Secondary Colleges)
 - Department of Human Services, Adolescent Team
 - Department of Education, Southern Region.

⁵⁴⁰ Submission from Peninsula Community Legal Centre, Youthlaw and Youth Affairs Council of Victoria to Proposed Amendments to Frankston City Council, General Local Law 2003, No 7, April 2009. Accessed at <http://www.yacvic.org.au/> 6 May 2009.

⁵⁴¹ A Victoria Police media release speaks to the benefits of the program as follows:

‘Frankston Police have teamed up with Mission Australia this April to identify and assist at-risk youth who are prone to being involved in criminal behaviour.

Since its beginning in July 2007, the “Youth Assist Program” has already provided early intervention and prevention strategies to 145 youths aged up to 17 years old. Once at-risk youths have been identified, the program aims to reduce the onset of crime and prevent recidivist offending behaviour. Where possible, youths are encouraged to enter the work place or re-commence studies, and many have successfully been reunited with their families and the community.

Frankston Youth Resource Officer, Leading Senior Constable Renee Bloomfield, said the program aims to enhance the health and well-being of young people:

“The program allows us to tailor individual actions plans to encourage at-risk teenagers to pursue education and employment pathways,” said Leading Senior Constable Bloomfield.

Each individual that comes through the program has different needs, which is why it is important for police to engage support from a wide range of community partners.

This includes community groups that specialise in drug and alcohol abuse, family violence, adolescent support and counselling, health support, legal studies, family counselling, emergency accommodation and education, employment and training’ (Victoria Police Media Release – *Youth Assist Program*, 27 August 2008, Accessed on 6 May 2009 at http://www.police.vic.gov.au/content.asp?Document_ID=16901)

Policing young people's use of public space – Situational crime prevention and 'move on' powers

Situational crime prevention

One aspect of early intervention and other preventive programs frequently remarked upon in the literature is situational crime prevention, a primary crime prevention measure that, as the Australian Institute of Criminology (AIC) remarks, 'focuses on reducing crime opportunities rather than on the characteristics of criminals or potential criminals' (AIC 2003d, p.1).

The theoretical basis for situational crime prevention is sometimes argued to be premised on 'rational choice theory', an economic based theory that portrays criminals including young offenders as: 'rational decision makers who base their decision to commit crimes on an analysis of the risks compared to the expected profits. That is the criminal does a rudimentary cost-benefit analysis' (Geason & Wilson 1992, p.7).

Rational choice theory assumes the following propositions:

- Offenders freely and actively choose to commit crimes;
- The decision to commit the crime is made in response to the immediate circumstances and the immediate situation in which an offence is considered;
- The motivation to offend is not constant or beyond control; that is, it is dependent on a calculation of costs and rewards rather than being the result of an inherited or acquired disposition to offend.

To put it concisely, one school of thought maintains that criminals analyse a given situation and will not proceed if the going looks tough (Geason & Wilson 1992, p.7).

Situational crime prevention endeavours to reduce the opportunities for particular categories of crime by increasing the risks and difficulties associated with committing the crime and consequently reducing the rewards (Clarke 1995; Ekblom & Tilley 2000; Painter & Farrington 2001; Smith & Cornish 2003; Sutton & White 1995; Gottfredson & Soule 2005). Thus with regard to house burglary, systematic programs and guides for householders aimed at making breaking and entering more difficult (stronger house locks, marking of valuables with ultra violet pens, cutting down or removing shrubbery around houses that may conceal intruders etc) may be of assistance.⁵⁴² In the case of youth offending, a common preventive measure may be to keep products such as cigarettes, alcohol or aerosol paint cans, particularly in smaller shops, in locked storage units.

⁵⁴² For a comprehensive example of a policy based on situational crime prevention principles, see the Report of the ACT Burglary Victims Response Project – *Crime Victims and the Prevention of Residential Burglary* (Department of Justice & Community Safety (ACT) 2004).

Crime prevention through environmental design (CPTED) emerged in the 1960s and 1970s based on the idea that urban design such as the design of public buildings, streets, shopping centres or parks and the installation of measures such as improved street lighting could prevent crime by reducing opportunities (Painter & Farrington 2001; AIC 2005b).⁵⁴³ Supporters of such strategies argue the cost of installation of improved street lighting for example is outweighed by the monetary benefits resulting from crime reduction (Painter & Farrington 2001).

It has been suggested that these measures may simply displace the problem. In other words, by thwarting an offender's ability to commit a crime in a particular locality at a particular time, the offender may simply bide his or her time and go to another less secure environment to offend. However, given that much juvenile offending is opportunistic, research suggests that displacement is unlikely to occur, at least in the context of youth (Geason & Wilson 1992). This is particularly the case if the costs, effort and risks of committing the crime are high (Bennett 1986; Clarke, Field & McGrath 1991). However, criminologists have made other criticisms of situational crime prevention:

It is argued that opportunity-reducing measures...neglect the fundamental causes of crime. Moreover, they allegedly are associated with the creeping privatisation of public space, social exclusion, and the move towards a fortress society. Arguably situational crime prevention can be afforded more easily by the wealthy than by the poor [including by corporations who control shopping centres], leading to fortified safe areas for the rich, social divisions and social injustice (Painter & Farrington 2001, p.281).

It has also been said that overly rigorous measures based in surveillance and situational crime prevention may in fact simply create a 'fortress mentality, particularly amongst older people thereby increasing rather than reducing the fear of crime', whatever the reality (Muncie 2004b).

The argument that these techniques may act in social exclusionary ways is perhaps most relevant in relation to young people, who may be regarded or even labelled as potential offenders. For example, the use of CCTV cameras in public thoroughfares, streets and squares or tight security in shopping malls can act in detrimental ways against young people. Often such young people may be, and in fact most usually are, using those spaces legitimately (see Watts, Bessant and Hil 2008). However, according to some critics environmental approaches *are* valuable although not sufficient to address either youth or adult offending – actual or potential. They do, however, form part of an integrated approach to crime prevention that includes both situational and offender-oriented methods (Ekblom & Tilley 2000). In some instances, for example the provision of better lighting in shopping areas and on housing estates, this approach can also benefit the whole of the community rather than just individuals or households that are victims of crime (Painter & Farrington 2001).

⁵⁴³ A related crime prevention approach when it comes to property crime such as theft and burglary is the *Market Reduction Approach* (MRA). This approach aims to reduce property crime by focusing on '[s]hrinking the stolen goods market, by preventing supply and reducing demand for stolen goods' (AIC 2005b, p.1). Without such an active market, disposal may become risky and unrewarding for the potential offender. MRA strategies include identifying the 'hot' products most attractive to thieves thus giving the public the opportunity to make choices about the types of product they will purchase; marking of products by owners or manufacturers; designing products with inbuilt security features; regulating second-hand goods shops who may act as deliberate or inadvertent 'handlers' of stolen goods; and launching campaigns by police and the private sector to make the public, and particularly victims, aware of their unwitting role in possibly aiding property crime (see AIC 2005b).

Policing public space

The New South Wales Law Reform Commission's Report on Youth Offending notes that juvenile offences are very often related to the use of public spaces such as shopping malls, train or bus stations or public transport generally:

However, this in itself, together with the fact that juvenile offences are often episodic and opportunistic in nature, makes them more visible and easier to detect. In turn, high visibility and detection rates, especially as compared with adult offending, can result in skewed perceptions of the extent of juvenile offending (LRCNSW 2005 p.10).

Nonetheless, the use of public space by young people is seen by some quarters as in itself destabilising and threatening. Traditionally police have used a number of offences such as offensive behaviour, offensive language, resisting arrest or other public order type offences to minimise disorder in public spaces frequented by young people. At other times special laws have been passed when there have been spikes in crime, disorder or violence. It has been argued that while the 'knife laws' introduced in New South Wales appear not to be directed at any particular age group they were clearly drafted with young people in mind (LRCNSW 2005 p.55).⁵⁴⁴

Situational crime prevention is particularly important in the context of youth offending as it often relates to the use of *public* and *visible* spaces by young people. The use of public space by young people is contested as it involves a conflict as to what is legitimate behaviour in public and what is the purpose of public space:

Particularly, in shopping centres or consumer areas the mere congregation of young people is regularly objected to by older people and business owners, who perceive such socialising as being related to 'rowdiness', 'loitering' or other antisocial behaviour. Behaviour among young people that is considered by them as merely ordinary social interaction with their peers may be viewed by other members of the public as a nuisance, if not in some way a prelude to criminal activity (LRCNSW 2005, p.60).

This is particularly true in semi-privatised shopping centres often patrolled and 'policed' by security guards to whom, Muncie argues, unemployed or disadvantaged youth are 'virtually worthless' as consumers (2004b, p.232).⁵⁴⁵

There have been calls for better training of issuing officers such as transit or ticket inspectors with regard to the reasons why young people may avoid purchasing a fare on public transport. Similarly, it has also been suggested by bodies such as the New South Wales Law Reform Commission, that security guards, shopping centre managers and other personnel associated with policing or regulating public space also have compulsory training in the area of young people's use of public space before they are registered as security guards or crowd managers under the relevant legislation (LRCNSW 2005).

⁵⁴⁴ Under extended powers of the NSW *Summary Offences Act*, police may search a person without warrant for knives and other dangerous implements (*Summary Offences Act* 1988 S28A). One of the grounds that would make it reasonable for a police officer to conduct such a search would be that the person is present in a location with a high incidence of violent crime. See also *Law Enforcement (Powers and Responsibilities) Act* 2002 (NSW).

⁵⁴⁵ White and Cunneen argue that the rise of consumerism and the mass privatisation and regulation of hitherto public space has been accompanied by intensive efforts to make young people invisible, particularly in commercial or retail areas: 'Thus the very use of space itself is increasingly constructed around the notion of space as a commodity – those with the resources have access, those without are denied' (2006, pp.23–24).

The above discussion, however, is not to deny that young people do act in threatening, intimidating or otherwise objectionable ways on some occasions. In such cases where young people are being disruptive or worse, the authorities (either police or private security) are obliged to take into consideration the well-being, safety and security of the wider community. Nonetheless, it is important that a group of young people ‘hanging around’ doing nothing is not reinterpreted by some external observers as ‘loitering with intent’ when it is possibly a manifestation of a need for social connection (Muncie 2004b, p.231). Similarly, caution needs to be taken, particularly in media reporting, that young people who ‘hang around’ in groups are not without justification transformed into ‘youth gangs’. According to the Peninsula Legal Centre and other youth welfare agencies, such a perception ignores the fact that young people frequent central public spaces and facilities because most often they are free, and that more often than not young people are the recipients of serious antisocial behaviour rather than those who perpetrate it.⁵⁴⁶

‘Move-on’ powers

Another method of dealing with young people who are perceived as being ‘troublemakers’ is the use of a ‘move-on’ power by police or civil authorities. For example, Section 197 of the New South Wales *Law Enforcement Act* allows police to give ‘reasonable directions’ in public places, effectively for that young person to move on.⁵⁴⁷

A principal purpose of the ‘reasonable directions’ power is to enable police to deal with anti-social behaviour which, while falling short of criminal behaviour, may yet cause harassment, intimidation or fear in others. Prior to the power being made available to police, requests to move on were made informally or with the threat of an arrest for breach of the peace. These methods [also] continue to be used (LRCNSW 2005, p.56).

A review of extended search and ‘move-on’ powers by the New South Wales Police Ombudsman found that disproportionate numbers of young people were searched under the ‘knife laws’ and dispersed under the ‘move-on’ laws. Of those ‘moved on’ during the period of the review, 47 per cent were 17 years or younger (LRCNSW 2005).

Commenting further on this Report, Youthlaw states:

The NSW Ombudsman (1999 report) reviewing 14,455 move-on directions issued during one year concluded that around 50% of the directions were issued without a valid reason.

The review also found that:

- 48% of all directions were issued to people under 17, with the peak age being 16.
- 16 year olds were nine times more likely to be ‘moved on’ than 26 year olds, and 19 times more likely than 36 year olds.
- Move-on directions were issued to young people more on the basis of who they were, rather than what they were doing.
- Young people hanging out in groups were often thought to be intimidating or likely to cause fear by their mere presence.

⁵⁴⁶ See Submission from Peninsula Community Legal Centre, Youthlaw and Youth Affairs Council of Victoria to Proposed Amendments to Frankston City Council, General Local Law 2003, No 7, April 2009. Accessed at <http://www.yacvic.org.au/> 6 May 2009.

⁵⁴⁷ *Law Enforcement (Powers and Responsibilities) Act* 2002. (NSW), Sec 197. Move on laws have also been introduced in Queensland (*Police Powers and Responsibilities Act* 2000, Part 5.) Currently in Queensland, the Crime and Misconduct Commission is reviewing the use of move on powers. The Commission is likely to produce a report some time in 2009.

- In all recorded incidents for the year, young people under 25 represented 54% of total incidents, but the same group accounted for 79% of move on directions in the same period.⁵⁴⁸

The proposed Frankston by-law aimed to address antisocial behaviour in order to improve the amenity of Frankston City for its residents. In doing so it would give new powers to authorised officers (including police) enabling them to direct a person to leave a public place and not return for up to 24 hours if:

[t]he officer considers a person in a public place is acting in such a way as to interfere with another person's reasonable use and enjoyment of the public place or their behaviour endangers, is likely to endanger, or destroys, damages or interferes with health, life or property.⁵⁴⁹

The concern of agencies such as YACVic is that laws that permit moving on people who behave in antisocial ways may concentrate less on criminal offending than non-criminal *inconsiderate* behaviour, itself a somewhat subjective notion. Moreover, such proposals may be in breach of Council obligations under the Victorian *Charter of Human Rights and Responsibilities*.⁵⁵⁰

Using public spaces creatively and harmoniously

Just as it is argued situational crime prevention is a strategy that relies on the regulation and planning of public spaces to minimise the amount of crime and antisocial conduct in any given area, so too has the regulation of public space been seen as a key for some of the more positive strategies that engage young people and reduce their role in youth offending. The Commonwealth Attorney-General's Department produced a publication in 1999 entitled *Public Spaces for Young People: A Guide to Creative Projects and Public Strategies*.

The Report noted that:

[h]ow public space is managed plays a big part in constructing the social climate in which young people and others interrelate, and whether or not conflicts and tensions will predominate in any particular locality...[a] negative regulatory environment can make young people feel unwelcome, and frustrated at what they perceive to be unfair and unjust policies and policing practices (in White 2002b, p.10).

One way of addressing a too peremptory or 'heavy handed' approach by the authorities in dealing with young people in public spaces is through the formation of coalitions to promote inclusive and creative approaches to using public space by all groups in the local

⁵⁴⁸ Submission from Peninsula Community Legal Centre, Youthlaw and Youth Affairs Council of Victoria to Proposed Amendments to Frankston City Council, General Local Law 2003, No 7, April 2009. Accessed at <http://www.yacvic.org.au/> 6 May 2009.

⁵⁴⁹ See clause 2.1.3 seeking to amend General Local Law 2003 No.7.

⁵⁵⁰ In particular, the:

- Right to freedom from discrimination (Sec 8)
- Right to freedom of movement (Sec 12)
- Right to peaceful assembly and freedom of association (Sec 16)
- Right to participate in public affairs (Sec 18).

Youthlaw/Youth Affairs Council argues that considering the Council's obligations to act compatibly with rights protected by the Charter, the City of Greater Bendigo rejected a proposal to introduce a 'move on' provision in local laws in 2008. (See Submission of Peninsula Community Legal Centre, Youthlaw and Youth Affairs Council of Victoria to Proposed Amendments to Frankston City Council, General Local Law 2003, No 7, April 2009. Accessed at <http://www.yacvic.org.au/> 6 May 2009.

community with the further aim of minimising any potential for conflict.⁵⁵¹ Such coalitions could include local governments,⁵⁵² private enterprise, schools, youth groups and young people,⁵⁵³ and the police.

The courts and the criminal justice system – Alternative approaches to (minor) offending

A number of submissions to this Inquiry have questioned the ability of the juvenile justice system to comprehensively address and reduce youth offending. Indeed some submissions have questioned whether the current legal and administrative apparatus of the ‘system’ is not in itself criminogenic; that is, leading to increased offending by young people. A submission from the Moreland City Council based in the inner northern suburbs of Melbourne states:

Council is especially concerned about the criminalisation of young people through the system, especially when this leads to the overrepresentation of marginalised young people within the criminal justice system. Council is equally worried that the criminal justice system may itself be criminogenic and ultimately contribute to net widening – through identification and in some instances targeting and labeling – individuals may become branded as anti-social – in these instances, the criminal justice system can in fact perpetuate the offending behaviour leading the young person into a cycle of reoffending.⁵⁵⁴

Another problem that has been raised as it pertains to juveniles caught up in the criminal justice system is that of delays. A submission from ToughLove, a group of parents and carers whose children are or have been offenders or otherwise involved with the juvenile justice system, states:

It is our experience that when the child/young person offends, and is apprehended by the police, there is such an element of delay within the legal system that by the time the matter gets into court and some penalty is handed down, any connection between this and their original actions has been totally lost on the young offender. The delays that seem to be inherent within the legal/court system appear to be endless with adjournments and other delays apparently endemic.⁵⁵⁵

⁵⁵¹ In Western Sydney for example. See *Shopping Centres: Considering youth issues in shopping centre development applications* (Usien & Clancy 2007). This resource has been developed as a guide for local government to use during consultation with shopping centre management and development companies when shopping centre re-developments/expansions are proposed. Its primary aim is to provide guidance to local government to ensure that the needs of young people are appropriately catered for during centre re-developments.

⁵⁵² For example, through the use of Local Government Youth Charters. See the website of Municipal Association of Victoria at <http://www.mav.asn.au/>. See also the Victorian government’s policy *Future Directions: An Action Agenda for Young Victorians*. Accessible at <http://www.youth.vic.gov.au/>

⁵⁵³ A number of creative examples were related to the Inquiry whereby local community groups, service agencies and local governments worked in tandem with young people to develop safe public spaces for young people to enjoy constructively. For example, Ms Heather Farley, Community Development Coordinator of Latrobe Valley Council based in Morwell, gave the simple but effective example of the Council involving young people in the design, building and painting of skate parks as part of a program of neighbourhood renewal in the region (See Evidence of Ms Heather Farley, Community Development Coordinator, Latrobe Valley Council, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Morwell, 14 October 2008).

⁵⁵⁴ Submission from Moreland City Council to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵⁵⁵ Submission from ToughLove to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Fortunately recent amendments to criminal procedure legislation have attempted to at least ameliorate the delays in cases before the Children's Court.⁵⁵⁶

Commenting on these changes Judge Grant, President of the Victorian Children's Court, stated:

At the moment if someone is arrested, they could be brought into the court straightaway, but the police have 12 months to issue a summons. Under the new criminal procedure legislation that 12-month period is reduced to 6 months, and I think that is a very good thing. That is a very sensible amendment to the law.⁵⁵⁷

It is not only the delays in getting cases to court that have concerned some stakeholders in the area of juvenile justice but also the 'quality' of interaction and service delivery once a young person's case does get to court. For instance, a Magistrate based at the Latrobe Magistrate's Court in the rural city of Morwell told the Committee that:

There are thousands of them [children] waiting in the foyer and you are dealing with a Children's Court list of however many it is, 80 or 90 kids. They all rush through in the space of a minute. If the magistrate has time to talk to any of them or individually spend some time with each one of them [that is ideal] but the day is not long enough, which is a really sad thing. I try and do it but, again, the sausage mentality of churning them out, churning them out, whereas if you can single them out, put them through Ropes Programs or other diversion programs then, yes, that is 100 per cent better.⁵⁵⁸

Prosecuting 'minor' offences

ToughLove also believes that the problem is in part due to too many minor offences being dealt with in an overly legalistic and formalised manner:

Where offences have been committed that are of a "petty criminal" nature we would like to see these removed from the full judicial system with all its formalities and procedures.⁵⁵⁹

A joint submission by the Salvation Army and Baker & McKenzie lawyers also raised the need for an alternative approach to minor offending. The Salvation Army believes that youth and especially homeless youth often first come into contact with the criminal justice system through the issuing of infringements for minor offences. In observing such youth through Baker and McKenzie's pro bono legal program for marginalised youth and the Salvation Army's outreach services the submission notes that:

⁵⁵⁶ See *Criminal Procedure Act 2009* (Vic).

⁵⁵⁷ His Honour Judge Paul Grant, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 30 March 2009.

⁵⁵⁸ Evidence of Mr Edwin Batt, Magistrate, Latrobe Magistrates' Court, Morwell, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Morwell, 14 October 2008.

⁵⁵⁹ Submission from ToughLove to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

This approach has also been supported and reiterated in other submissions to this Inquiry by parents with children involved in the juvenile justice system, including young people in juvenile detention. Many of the writers of these submissions have for understandable reasons provided these submissions on a confidential basis. As such their anonymity has been respected and names are not being cited.

[a]round 80% of clients who present to the Salvation Army Life Centre seeking legal advice have outstanding infringements at various stages of the enforcement process. ... We submit that the first stage of examining causal factors influencing youth crime and recidivism should be to examine why it is that so many youths, especially homeless youths incur such a high number of infringements. This leads us to examine how issuing infringements to youth for minor offences, often caused by the fact that they have been forced into homelessness through unstable and abusive home environments, can lead these youth further into the criminal justice system through both exposure to the court system and the effects of criminalisation and stigmatisation.

The majority of young people who are the subject of this submission are directly incurring infringements through the very fact of being homeless. For example, one of the safest places for a homeless young person to sleep is on a train. They are inevitably fined for doing this. Homeless youth may also receive fines for failing to obey a move on direction and other public order offences. One night on the streets can result in several hundred dollars worth of fines. We submit that in addition to the financial liability, the enforcement of outstanding fines can force a young person into the criminal justice system and lead them further into recidivism and petty crime. Often, these fines can act as a significant obstacle in their journey to turn their lives around, and can affect their motivation to keep trying. For these young people, this can affect their ability to secure employment, education or stable housing, compounding the cycle of poverty and social exclusion.⁵⁶⁰

The Salvation Army argues that the ‘first instance’ interaction between a young person and police officer, transit or infringements/issuing officer is absolutely crucial in terms of how that young person gets enmeshed (or not) in the wider criminal justice system.

Sadly it is our observation that the current manner of “first instance” interaction between homeless and similarly challenged youth and issuing officers is punitive rather than protective, and has the potential to negatively undermine that young person’s resilience even further. This can further marginalise that young person and expand the divide between disadvantaged youth and ‘the system’ and can create further barriers which will set that young person up for a truly adversarial interaction with the criminal justice system going forward.⁵⁶¹

The Salvation Army in their submission has presented an alternative way in which a young person, particularly one who is homeless or otherwise marginalised, could be dealt with when he or she has committed relatively minor offences, particularly but not exclusively transit offences. In such a model:

[i]ssuing officers and institutions are educated and informed about the causes of youth homelessness and are trained to assist in a young person’s rehabilitation, ... [as an] alternative to criminalisation.⁵⁶²

Such a model entails:

- Young person suffers from abuse and/or neglect in the family home, often severe and sustained
- Young person is forced to escape this environment and, with a lack of reliable institutional support, becomes homeless

⁵⁶⁰ Submission from Salvation Army/Baker & McKenzie Lawyers to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵⁶¹ Submission from Salvation Army/Baker & McKenzie Lawyers to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵⁶² Submission from Salvation Army/Baker & McKenzie Lawyers to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

- Young person sleeps on a train or in public space, and is discovered by a transit officer, police officer or security personnel
- Rather than issuing a fine, the officer makes an appropriate referral to a support organisation such as the Salvation Army
- The young person is assisted with issues such as housing, education, employment and counselling thus enabling rehabilitation.⁵⁶³

The basis of such a model is that those authorised to issue infringement notices, for example ticket inspectors, are trained to use their discretion in appropriate ways such as substituting warnings for the imposition of fines where the young person is clearly in no position to pay them.⁵⁶⁴ Another possibility raised during the course of the Inquiry is that in a case of a transit offence for example, a young person may be required to assist in the cleaning of trains or other vehicles in lieu of paying a fine and/or receiving a record.

Such an approach may avoid what the Salvation Army has called the ‘Criminalisation and Stigmatising Effect of the Judicial Process’:

It is well accepted in legal circles that the operation of legal and administrative systems can further marginalise already marginalised individuals in our society. This is particularly evident in circumstances where a young person who has been fined for a minor offence such as travelling on a train without a ticket, is drawn into the criminal justice system and stigmatised by having to attend formal court proceedings...

To draw young people into the court system at a stage where they have not engaged in ‘criminal’ behaviour, but only in minor infringements, and have received fines which they are unable to afford to pay only results in that person feeling stigmatised and their behaviour criminalised. For homeless young people, especially those who have come from violent homes and who have so many strikes against them from such as early stage, exposure to the court system only leads them further into the criminal justice system. These children lack resilience as a result of abuse and/or neglect suffered at such an early age and, as a result, are more likely to feel the stigmatising effects of exposure to the judicial process.⁵⁶⁵

The Salvation Army is also very concerned about the possibility of ‘add on charges’ that may flow from the issuing of an infringement notice for something like a transit offence.

...[i]nteractions between homeless youth and infringement issuing officers can quite easily escalate into a confrontational situation and can result in that young person receiving a charge as serious as an assault on police.

An interaction between youth and transit officers rarely results in one fine. Typically, a young person can receive fines for the following:

1. Failure to produce a valid ticket
2. Feet on seats (which is to be expected if they are sleeping on a train)
3. Offensive behaviour
4. Assault, Resist or Hinder Police
5. Possession of a controlled weapon (this is unfortunately a necessary practice among

⁵⁶³ Submission from Salvation Army/Baker & McKenzie Lawyers to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵⁶⁴ Under Section 8 of the *Infringements Act 2006* (Vic) authorised issuing officers have a discretion to give an official warning to the defaulter in cases of ‘special circumstances’. It is the argument of the Salvation Army that ‘special circumstances’ should include those cases where the young person is homeless and/or impecunious.

⁵⁶⁵ Submission from Salvation Army/Baker & McKenzie Lawyers to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

homeless youth, particularly females who are extremely vulnerable for example to sexual assaults on the streets).

These very serious charges are often ‘added on’ to the initial infringement but the ramifications of having such an offence on your record can be serious.

Major David Eldridge⁵⁶⁶ comments that the community views assault as a serious charge and rightly so, however where an assault charge has been incurred in a situation where that person has demonstrated their frustration or anger through aggression at the prospect of being fined because they have nowhere safe to sleep, but has not actually become violent, and then ends up with such a serious charge on their criminal record, this has huge repercussions on a young persons’ future prospects as the value of a clean criminal record is invaluable.⁵⁶⁷

Ms Hala Atwa, solicitor with the community legal centre Youthlaw, told the Committee that she was also concerned with the potential for ‘add on’ offences to flow from a minor transit infringement.⁵⁶⁸

The President of the Children’s Court of Victoria, Judge Paul Grant has also been concerned about the number of young people who have attended the Children’s Court due to relatively minor offences and infringements, particularly with regard to transit offences. Although to a large degree such infringements are dealt with administratively through the Children and Young Persons Infringement Notice System (CAYPINS system),⁵⁶⁹ there are still many young people who do not or cannot pay the infringement fines and are at risk of further entrenching themselves in the system.⁵⁷⁰

⁵⁶⁶ Chair of the National Youth Commission and Salvation Army’s Southern Territory Social Programs Director.

⁵⁶⁷ Submission from Salvation Army/Baker & McKenzie Lawyers to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵⁶⁸ Evidence of Ms Hala Atwa, Youthlaw solicitor, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008. Ms Hala Atwa told the Hearing that:

‘A high volume of public transport users are young people, they are the ones who are coming in contact with this system. Young people and poor people use public transport, and we are finding that young people are being targeted by authorised officers. They are very visible and can be a bit of an easy target as well, maybe because of behaviour offences and minor offences – feet on seats. We are also seeing criminal charges coming out of contact with authorised officers, and that is through a lack of not only education on the young people’s part about what their rights and responsibilities are in using public transport, but also the way in which authorised officers are dealing with young people, communicating or not communicating well with young people.’

⁵⁶⁹ CAYPINS is explained in the submission of Salvation Army/Baker & McKenzie as follows:

‘The CAYPINS (Children and Young Persons Infringement Notice System) procedure applies to young people who were between the ages of 10 and 18 at the time of the alleged offence. This procedure is similar to the Infringements system for adults, whereby, if a fine remains unpaid by the child, or the child does not enter into a payment agreement, the fine is referred to the Children’s Court for enforcement. There are however some key differences in how the CAYPINS process differs to the Infringements Court process in that the CAYPINS process is more flexible than the adult process and allocates a date for a hearing from the outset. This increased flexibility is designed to take into account a child’s individual circumstances by offering decision makers greater discretion and granting increased powers to the Children’s Court Registrar. The Registrar also has the power to order that payment of a fine not be enforced, a power the Registrar of the Infringements Court for adults does not have.

In addition, the court process itself also provides a more informal setting for such matters to be heard in open court and thus the process is less daunting than in the adult system. However, this system still results in children being drawn into the criminal justice system and does not overcome the fact that homeless youth and children should not be given fines for their life circumstances which are beyond their control and which have in many cases, resulted from abuse and neglect in the family homes’ (Submission of Salvation Army/Baker & McKenzie Lawyers to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008).

⁵⁷⁰ His Honour Judge Paul Grant, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 30 March 2009.

Certainly the idea of free transport for those under 18 years of age is a proposal that has been put to this Inquiry by a number of agencies that work with disenfranchised, homeless or otherwise marginalised young people.⁵⁷¹ For example, Jesuit Social Services underscores the importance of free or low cost and readily accessible public transport to young people as follows:

For young people who need to use public transport regularly to attend school, appointments, training or work, the cost of public transport can create ‘transport poverty’ by absorbing such a significant proportion of their income that they do not have enough money for the other essentials of life such as food and energy bills.

Regarding transport policy, we are encouraged by recent commitments to consider the increased provision of free public transport tickets to young people who are homeless (Kosky 2008) along with making public transport free for people who are unemployed (Outer Suburban/Interface Services and Development Committee 2008: 305-306). We are keen to see the development of an integrated approach to public and community transport access for young people, including specific strategies for our most ‘transport disadvantaged’ young people living in outer suburban and rural areas.⁵⁷²

As such, Jesuit Social Services recommended to the Inquiry that:

- Initiatives to provide disadvantaged young people with access to free (or reduced cost) public transport should be carefully designed to ensure that all disadvantaged young people involved with the Youth Justice system are eligible and included.
- The Victorian Government should implement an integrated approach to public and community transport access for young people, including specific strategies to assist young people living in outer suburban and rural areas.⁵⁷³

Young people in detention – The importance of post-release planning

Few people in the community would support the proposition that incarcerating young people in prison is an optimal solution to addressing youth offending. As Goldson argues:

[I]ocking up children is spectacularly ineffective...children invariably leave prison not only more damaged but also more angry, more alienated, more expert in the ways of crime and more likely to commit more serious offences – in fact more of everything that the children themselves and the community need much less of (Goldson 2002 in Muncie 2004b, p.285).⁵⁷⁴

⁵⁷¹ During the review of the *Young Offenders Act 1997* in New South Wales, the New South Wales Police Service argued that ‘as children do not generally have the capacity to pay monetary penalties, it is inappropriate for children to be issued with penalty notices for traffic, transit, liquor or other minor offences’ (LRCNSW 2005, p.81). The New South Wales Children’s Court and the Public Defender’s office also submitted that given the serious consequences flowing from an inability to pay a fine or penalty (infringement) notice, the use of monetary fines as a punishment should be discouraged with regard to minor offences (LRCNSW 2005, p.182).

⁵⁷² Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

⁵⁷³ Jesuit Social Services also believes it is incumbent that creative strategies should be considered to encourage young people to have access to a bicycle for everyday use thus obviating in some cases the need to use expensive public transport:

‘It is of note that “theft of bicycle” appears in the crime statistics quoted in the Inquiry Discussion paper. We contend that if every Victorian young person owned a bicycle (and had the skills necessary to undertake routine maintenance to keep the bike on the road) the rate of “theft of bicycle” would decline. Moreover, as a “growth industry” with known skills shortages, bike building and maintenance is an endeavour where some young people involved with the Youth Justice system might find some employment opportunities’ (Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008).

⁵⁷⁴ The Children’s Society of United Kingdom makes out a case against incarcerating children and young people as follows:

Indeed by severing young persons' ties (where applicable) to family, friends, work, education or leisure, they may in fact come out significantly worse than before they went in.

There are, however, a small minority of young people for whom unfortunately a sentence of detention in a youth custodial facility may be the only viable option, either because of the seriousness of their crime(s), the threat they may pose to the community or their prior and long criminal history of offending.

Juvenile detention in Victoria

Youth justice centres (YJCs) supervise young people aged 10 to 18 on remand or a custodial order from the Children's Court. Young people 18 years and above are remanded by adult courts to prison under the *Sentencing Act 1991*.

Victoria is unique in Australia in having a juvenile sentencing option for young people aged 18 to 20 who are being dealt with by adult courts, known as the 'dual track' system. This is designed to provide an alternative to prison and prevent early entry into the adult system for offenders who are vulnerable or who have a greater prospect of rehabilitation.

The Youth Justice Custodial Services Branch manages the operational activities of the three Victorian YJCs⁵⁷⁵ which are:

- Melbourne Youth Justice Centre
- Parkville Youth Residential Centre
- Malmsbury Youth Justice Centre.

'Custody fails to prevent reoffending or to act as an individual deterrent. Over 80 per cent of those sent to youth custody reoffend within a two-year period following release.

The value of custody as a more widespread deterrent is doubtful. Custody is a fairly remote concept for most young people. Paradoxically it is those who know friends who have been in custody who seem most likely to follow suit. Increasing the rate of custody has practically no impact on crime rates.

A juvenile in custody is making no restitution or reparation to the victim or to the community at large.

Whilst prisons provide society with immediate "protection" from the offender, the great majority of juveniles sentenced to custody pose no serious risks to the community. Indeed, they may become a significantly greater danger on their return.

Over half have prior experience of care or social services involvement. Penal custody exacerbates broken links with family, friends, education, work and leisure, and causes stigmatization and labelling. Rather than reintegrating young people into the communities where they must learn to live, custody results in further social exclusion. Many are discharged without anywhere to live.

Custody diverts valuable resources from community-based measures of protection and prevention which, in many cases, appear more successful at preventing reoffending' (*Sources: Derived from Children's Society (1989, pp.12–13; 1993, pp.45–51); Goldson (2002b); NACRO (2003b); Monaghan et al. (2003). All cited in Muncie 2004b, p.248.*)

⁵⁷⁵ The Melbourne Youth Justice Centre is a custodial facility for males aged 15 to 20 years who have been sentenced to a Youth Justice Centre (YJC) Order by the Children's Court or an adult court for senior clients (18–20 years of age). Junior Youth Justice Centre clients may also be remanded at Melbourne Youth Justice Centre, located in Parkville.

YJC orders are usually given to young people who have been found guilty of very serious offences or who have appeared in court (and sentenced) on numerous occasions. Usually young people sentenced to a YJC will have had a substantial history of prior community based orders such as probation or youth supervision orders.

Parkville Youth Residential Centre is the sole facility providing custodial accommodation for girls and young women aged 10 to 20 who have been sentenced by either the Children's Court or an adult court. The Centre also accommodates boys aged 10 to 14 years on remand or sentenced by the Children's Court to a youth residential order.

Malmsbury Youth Justice Centre is located near the town of Kyneton, 100 kilometres north-west of Melbourne. The centre now accommodates up to 74 males in four purpose-built units. Malmsbury is solely a senior, male youth training centre and therefore accommodates young men aged between 18 and 21 referred from adult court under the Dual Track System.

The three YJCs have a combined capacity of 222 clients and employ approximately 350 staff.⁵⁷⁶ The purpose of the Youth Justice Custodial Services Branch is to maximise the operational effectiveness and accountability of these three centres.

The vision statement of Youth Justice Custodial Services is ‘To engage young people in positive change’, which is achieved by work in four priority areas: ‘keeping the organisation healthy; managing business well; achieving good outcomes; and getting better at what [we] do’.⁵⁷⁷

The objectives of the Youth Justice Custodial Services Branch are to:

- Identify opportunities for service improvement and initiate strategies and processes to achieve these service improvements.
- Identify opportunities to enhance practice consistency across the three youth justice centres and initiate strategies and processes to achieve this.
- Maximise the accountability of the three youth justice custodial centres with respect to the required performance requirements.
- Ensure a safe environment for staff and clients.
- Promote the provision of appropriate facilities and amenities for clients and staff that respect their privacy and dignity.
- Maximise the rehabilitative opportunities and outcomes for clients in the three custodial centres.
- Develop strategies that maximise the appropriate balance between client rehabilitation and well-being and the safety and well-being of the community.
- Promote and develop positive relationships with a range of stakeholders.
- Identify and develop strategies that promote an integrated youth justice system, of which the three custodial centres are an important component.⁵⁷⁸

All YJCs in Victoria have developed a number of programs to assist young people in their rehabilitation and to prevent later recidivist offending. Such programs include:

- Drug and alcohol counselling
- Anger management counselling
- TAFE courses (Both Melbourne and Malmsbury centres have TAFE campuses)
- Sport and leisure activities
- YMCA programs
- Unit outings
- Work and day release.

⁵⁷⁶ Mr Alex Kamenev, Director, Youth Justice Custodial Services. When the Committee met with Mr Alex Kamenev at the Melbourne Youth Justice Centre, 5 August 2008, he told the Committee the numbers of young people in detention as a result of custodial sentences had decreased markedly since 2000 (by 30 per cent approximately), predominantly due to the effectiveness of diversionary programs for less serious offenders. Conversely, the numbers of young people in detention on remand had risen in the past three years. This is due to a range of factors and could potentially be improved through the introduction of more intensive bail support and supervision programs.

⁵⁷⁷ See website of Youth Justice Custodial Services, Victorian Department of Justice at <http://www.dhs.vic.gov.au/operations/youth-justice-custodial-services>. Accessed 4 May 2009.

⁵⁷⁸ <http://www.dhs.vic.gov.au/operations/youth-justice-custodial-services>. Accessed 4 May 2009.

Each resident of a YJC is allocated one of the unit staff to be their *key worker*. Key workers will assist and support the resident during their time in detention. In association with the resident the key worker will develop a client service plan (CSP) to help the young person during their sentence period. The CSP is:

An agreement that [you] make with your worker so that you both know what you and your worker will do to help you address your offending behaviour and get through your order.⁵⁷⁹

Key workers also have a major role in preparing residents for parole in liaison with justice workers in the outside community who will take responsibility for the resident once released. In this regard key workers will also provide reports to the Youth Parole Board informing them of any progress made by the resident whilst in detention.

The overall aim of a YJC sentence, as stated in the information pamphlet for young offenders, is to give the resident the:

...chance to look at the things that are getting you into trouble. Your key worker and other staff at the centre are there to help you change these things so that you do not re-offend.

While you are in custody you will get the opportunity to find new interests which will link to what is in your CSP and will help you address your offending behaviour.⁵⁸⁰

The Youth Justice Community Support Service – YJCSS (formerly Youth Justice Service Delivery Model)

A key aspect of juvenile justice service delivery in Victoria is the relatively new Youth Justice Community Support Service (YJCSS). Commencing operations in metropolitan areas in 2008 and rural regions in 2009, the YJCSS is ‘an integrated approach to the provision of intensive support and services to Youth Justice clients to complement the statutory case management undertaken by Youth Justice units’.⁵⁸¹ The model has been developed recognising that Youth Justice clients present with a range of complex and varied needs that require an individualised service response.

Through new funding and partnership arrangements between Community Service Organisations, the YJCSS provides a broad range of services to better meet the needs and deliver outcomes for Youth Justice clients at a regional and local level.

In each region, YJCSS provides a single intake point for a suite of services that are tailored to individually meet the needs of each Youth Justice client referred via the regional Youth Justice Unit. YJCSS services include:

⁵⁷⁹ See *Youth Residential Order – Information for Young People, Youth Justice Pamphlet*, July 2008. Accessed 5 May 2009 at: http://cyf.vic.gov.au/__data/assets/pdf_file/0003/232077/yjrcorderbrochurejune08.pdf

⁵⁸⁰ See *Youth Residential Order – Information for Young People, Youth Justice Pamphlet*, July 2008. Accessed 5 May 2009 at: http://cyf.vic.gov.au/__data/assets/pdf_file/0003/232077/yjrcorderbrochurejune08.pdf

⁵⁸¹ See *Youth Justice Community Support Service, Youth Justice Fact Sheet*, 11 May 2009. http://www.cyf.vic.gov.au/__data/assets/pdf_file/0020/305822/yjcscsfactsheetforweb090511.pdf, Accessed 26 June 2009.

- **Intensive case management support:** to assist young people to lead non-offending lives to connect to family, education, training, employment and community.
- **Integrated access and supported referrals:** to a wide range of services both within consortia and the broader service system including drug and alcohol, mental health and health services, housing, education, training, CALD and Indigenous specific services.
- **Transitional housing and support:** The Transitional Housing Management Youth Justice Housing Pathways Initiative (THM-YJHPI) has been integrated into the YJCSS, providing transitional housing properties, assistance and housing outreach support for eligible Youth Justice clients who are homeless/at risk of homelessness maintain stable accommodation and enhance capacity for independent living.⁵⁸²

The delivery of individualised, integrated packages of services to youth justice clients through the model thus seeks to facilitate:

- Support to reduce the likelihood of reoffending
- Engagement in employment, education and training services
- Development and enhancement of independent living skills and social skills consistent with age and developmental level
- Access to stable and safe accommodation
- Connection to family, significant others, community and culture
- Support to address developmental, emotional, health and mental health needs.⁵⁸³

Youth Parole Board

The Youth Parole Board (YPB) and Youth Residential Board (YRB) exercise jurisdiction over all young people sentenced by a court to a period of detention in a youth justice custodial centre and over young people transferred by the Adult Parole Board from imprisonment in adult prison to serve their sentence in a YJC.⁵⁸⁴

Parole allows young people on a youth justice centre order (15–20 year olds) or youth residential centre order (10–14 year olds) to serve part of a custodial sentence in the community. Parole workers at regional youth justice units supervise young people on parole orders.

The general rule for the Boards is to consider all sentences of six months or more as eligible for parole. Sentences of less than six months are usually deemed to be not appropriate for parole. In these cases, remissions up to a maximum of one third of the sentence may be granted.

The Boards make decisions concerning the granting of parole, variation or cancellation of parole and transfers between jurisdictions. In 2007–08 the Boards paroled 214 males and 14 females on youth justice centre orders and six males and one female on youth residential centre orders...

⁵⁸² See *Youth Justice Community Support Service, Youth Justice Fact Sheet*, 11 May 2009 http://www.cyf.vic.gov.au/__data/assets/pdf_file/0020/305822/yjcssfactsheetforweb090511.pdf, Accessed 26 June 2009.

⁵⁸³ See *Youth Justice Community Support Service, Youth Justice Fact Sheet*, 11 May 2009 http://www.cyf.vic.gov.au/__data/assets/pdf_file/0020/305822/yjcssfactsheetforweb090511.pdf, Accessed 26 June 2009

⁵⁸⁴ Pursuant to sections 431 and 442 of the *Children, Youth and Families Act 2005*.

The Boards meet on a fortnightly basis, on most occasions at Melbourne Youth Justice Centre, but also at other regional youth justice units and centres throughout the year.⁵⁸⁵

In particular in carrying out their duties the YPB and YRB:

- Interview young people in detention on request of centre management, or on the Boards' own initiative. Young people may request an interview with the Boards.
- Request and consider special reports and court documents, for example, Male Adolescent Program for Positive Sexuality (MAPPS) reports, court transcripts, reports from the Youth Parole Board Secretariat, psychiatric and psychological reports.
- Interview young people for the purpose of granting parole and issuing warnings.
- Amend, cancel or vary conditions of parole orders.
- Make decisions concerning transfers between youth justice centres and transfers to prison.
- Prepare annual reports for the Victorian Minister for Community Services.⁵⁸⁶

The Youth Parole Board aims as much as possible to ensure that young people who are to leave detention on parole are integrated into the community and provided with the generalist and specialist supports and services they require. To this end the YPB can request, receive and consider case histories, client service plans, parole review reports, psychiatric and psychological reports and progress reports on young people in custody and on parole. A Parole Plan provides further information:

The parole plan is a report describing the current status and post-release plans of young people about to be paroled. The parole plan is prepared by the Department of Human Services regional parole officer in consultation with the youth justice centre staff and significant others...

The parole plan outlines arrangements to be put in place for the parolee in key areas such as managing the risk of re-offending, accommodation, employment, professional support (counselling), supervision and compliance with special conditions.

The officer submitting the parole plan, the youth justice centre staff and/or specialist support staff can recommend special conditions. These conditions can arise from the offending history, or from reports indicating specific problems likely to interfere with successful completion of the parole order.⁵⁸⁷

All this 'data' is then used by the Boards to make informed decisions as to how a young person may be best integrated back into his or her community.⁵⁸⁸

However, the Chair of the YPB, His Honour Judge Michael Bourke, has lamented that the resources to equip a young person for a smooth transition into the community after release from detention do not always exist. In the most recent Annual Report of the YPB he stated:

⁵⁸⁵ Youth Parole and Youth Residential Boards, *Youth Justice Fact Sheet*, 12 November 2008. Accessed 6 May 2009 at http://www.cyf.vic.gov.au/__data/assets/pdf_file/0018/274014/yjfactsheetypb20072008.pdf

⁵⁸⁶ *Youth Parole Board and Youth Residential Board Annual Report 2007–2008*, Victorian Government Department of Human Services, Melbourne, p.1.

⁵⁸⁷ *Youth Parole Board and Youth Residential Board Annual Report 2007–2008*, Victorian Government Department of Human Services, Melbourne, p.7.

⁵⁸⁸ Youth Parole and Youth Residential Boards, *Youth Justice Fact Sheet*, 12 Nov 2008. Accessed 6 May 2009 at http://www.cyf.vic.gov.au/__data/assets/pdf_file/0018/274014/yjfactsheetypb20072008.pdf

The Boards strongly believe in the importance of early engagement during the custody period, that is early establishment of the necessary relationships with parole officers and support workers. This is particularly important for intellectually disabled and mentally ill young people, allowing early recognition of a disability and engagement with Disability Services for those eligible well before parole...There are disproportionate numbers in the parole system of young people who are Aboriginal, who have an intellectual disability (including acquired brain injury) and who are from rural areas. Perhaps unsurprisingly, there are large numbers with significant mental illness or mental health problems.

In the Boards' view there is an urgent need for assistance, including co-ordinated resourcing, for these young people.

As an example, suitable accommodation (with necessary associated supports) is very difficult to establish prior to parole for those with mental health problems, often young sexual offenders who may also be intellectually disabled. Proposed accommodation and appropriate treatment can still be unknown well into a young person's custody period and close to the expected time for parole. In such cases parole has been delayed, on occasions for long periods. The resultant shortened parole period can compromise the rehabilitation of these young people in the community.⁵⁸⁹

Judge Michael Bourke gave evidence to the Inquiry that often one of the failures of post-release planning is the lack of coordination between different service agencies and those responsible for supporting a young person on release from detention. Whilst *early* planning for release is crucial it is not always realised in practice.⁵⁹⁰

Community representative on the Youth Parole Board, Dr Larry Osborne, told the Inquiry how easy it is for a young person who may be due for parole (or release at the end of his or her sentence) to 'fall through the cracks' due to competing service delivery imperatives.⁵⁹¹ For example, a mental health or drug counselling service may not be keen to commit to a young person who does not have accommodation arranged.⁵⁹²

The importance of an integrated and well planned model of 'throughcare'

The objectives of the Youth Custodial Services branch and the programs provided by them and the new Justice Service Delivery Model, in addition to the operations of the Youth Parole Board, are rehabilitation of young people in their charge and by implication the reduction of recidivist offending once the young person completes their sentence.

⁵⁸⁹ *Youth Parole Board and Youth Residential Board Annual Report 2007–2008*, Victorian Government Department of Human Services, Melbourne, p.xi. See Chapter 12 for further discussion of the problems associated with finding accommodation for young detainees who are likely to be or become homeless once released.

⁵⁹⁰ Evidence of His Honour, Judge Michael Bourke, Chair, Youth Parole Board of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

⁵⁹¹ Evidence of Dr Larry Osborne, Alternate Community Member, Youth Parole Board of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

⁵⁹² Which was exactly the case in New South Wales when the Youth Drug Court (YDC) was established. An evaluation of the YDC found that initially:

'[t]he successful implementation and operation of the YDC was hampered by a critical shortage of accommodation and residential treatment services for participants, leading to some participants spending time in custody awaiting suitable placements...[the evaluation] also noted that youth accommodation providers usually refused young people with alcohol or drug issues and that the name Youth Drug Court was often a barrier to placing a young person with a service for accommodation' (LRCNSW 2005, p.194).

The Centre for Adolescent Health commented that often when young people who have received a custodial sentence are released from custody they return to the same environments that contributed to their offending in the first place, for example association with negative peer group, dysfunctional family, unemployment, access to drugs and alcohol, therefore:

The transition from custody back into the community is the crucial time to ensure that young people do not repeat offend. Youth support services need to focus on supporting this transition and ensuring a young person is engaged in education, training or employment, receives appropriate mentoring or counselling support and engages in positive leisure activities e.g. sports, music, arts.⁵⁹³

There is an urgent need to provide ‘throughcare’ for young offenders to prevent re-offending (see Curran & Stary 2003; Baldry 2007; Halsey 2005; Scottish Parliament 2005). ‘Throughcare’ is a term that has been coined to describe the coordinated, continuous and integrated management of offenders prior to and after release from detention.⁵⁹⁴

Stephenson, Giller and Brown argue that a comprehensive model of throughcare is notoriously difficult to put into practice:

The concept of continuity is deceptively simple and appears very hard to achieve in reality. This is because the context of resettlement necessarily implies time spent in two different places, with one (custody) often providing a fundamentally different social environment, level of control and range of services and programmes to that experienced in the community. The difficulty is compounded by the lack of continuity when young people are moved between custodial establishments...

The broad principles of effective practice [relating to aftercare or throughcare] emphasis[e] the importance of:

- Assessment and planning from the earliest stages;
- Custodial programmes that focus on developing skills that will have application in the community;
- Community programmes that build on work done in the custodial phase;
- An overarching case management system providing direct supervision and brokering access to relevant services...
- All plans for resettlement should be based on rigorous assessment of individual risk and need (2007, p.238, p.239).

Halsey argues that the process of desisting from or moving out of crime, particularly for young people, is never easy, particularly when services are so often thin on the ground and when they do exist often not coordinated with or integrated in holistic ways with other support services:

⁵⁹³ Submission from Centre for Adolescent Health to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁵⁹⁴ ‘The post-release aspect of throughcare requires the co-operation and co-ordination of justice and social service agencies prior to release, during transition and for some period after release to assess and assist those with multiple needs. The first month or two is a crucial time during which releases – especially those with mental health, intellectual disability and drug problems – are often re-arrested or breached for parole infringements.

Throughcare is an excellent concept but it is poorly implemented. It requires high-level and consistent liaison between all agencies involved in working with offenders before, during and after a sentence, especially after time in prison. In most jurisdictions, community correctional officers (probation and parole), post-release non-government agencies and releases themselves have extreme difficulty in finding the resources they need post-release. Poor communication between prisons and community corrections often compounds the problem’ (Baldry 2007, p.6).

Chronic offending has as much to do with risky and unpredictable systems of management as they do with the so called ‘innate’ risks and unpredictability attributed to particular clients/young persons.

The process of desisting from crime should be a shared responsibility involving the young person, government departments and the more informal networks of support such as schools, workplaces, family (or other capable guardians) and peers.

The notion of shared responsibility implies (or should imply) consequences not just for young people who offend but also for departments who do not follow through or ‘make good’ on agreements struck with young persons released from custody (Halsey 2005).

Evidence given to the Inquiry emphasises how important it is for young people to be *prepared* for life outside detention *well before* they end their sentence or are reviewed for parole. This applies equally to learning opportunities (education, training programs), material assistance (employment, apprenticeships, accommodation) and emotional/psychological support (counselling, drug rehabilitation).⁵⁹⁵ For example, as indicated earlier in this chapter, the Youth Parole Board is far more likely to parole a young person with these types of support in place than otherwise.

Young people who have been in custody will, as the Board indicates, be at much greater risk when they lack proper accommodation, have been previously rejected from mainstream or even alternative education, or if the young person has little optimism about his or her chances of not re-offending:

The last of these may be a particular issue for young people suffering from depression or other mental health issues, which may have been exacerbated by the experience of custody (Stephenson, Giller & Brown 2007, p.243).

Equally important, wherever possible, is the preparation of a young person’s immediate community to support him or her on release (parents, peers, friends):

Research on risk factors shows that family, peers and social networks may not be in a position to provide this support without specific input to improve the situation and strengthen their capacity to provide support (Stephenson, Giller & Brown 2007, p.246).

This Inquiry has received oral and written evidence from numerous agencies and individuals that, notwithstanding some comprehensive and effective strategies by the government, community and private sectors, there are still few sufficiently well resourced post-release programs in place to make significant inroads into reducing recidivism among young people who have already served a term in detention.

Post-release programs such as employment and employment placement programs, mentoring, buddy or peer support programs,⁵⁹⁶ material welfare, programs to address homelessness and accommodation needs⁵⁹⁷ and other general assistance packages are

⁵⁹⁵ Evidence of Mr Vic Gordon, Department of Human Services Representative, Youth Parole Board of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

⁵⁹⁶ Mentoring programs such as Big Brother/Big Sister and peer support services have shown some promise as effective secondary strategies (see Cameron 2000; AIC 2002 and references listed therein). Programs such as the Whitelion project in Victoria, which combine mentoring with employment placement programs, have also been shown to be successful (Lemmon 2005, 2008). Mentoring programs are discussed at greater length in Chapter 9 of this Report.

⁵⁹⁷ Homelessness is a huge problem for released detainees according to Australian academic Eileen Baldry and a key contributor to recidivist offending, particularly among women and detainees who do not have family or friends on whom they can depend. In addition, factors such as transience and homelessness made addressing problems such as substance abuse so much more

essential, it is argued, to build upon the skills, supports and knowledge that young people have hopefully been receiving whilst in detention. Training and employment was believed to be particularly important for young people starting new lives on the ‘outside’.

The Australian Institute of Criminology Review *What Works?* acknowledged that whilst it was important for young people to obtain employment (or engage in study) post-release, the evidence showed limited effectiveness in the ability of employment programs to reduce offending (AIC 2002, p.7). It was thought, however, that this could be because employment programs are too often offered *in isolation* of any other intervention. Similarly, a review of juvenile justice programs by the Auditor-General of NSW in 2007 found that young offenders were leaving detention without having a variety of material and other needs met and were therefore at great risk of re-offending.

One problem that has been observed is that where a range of counselling and other programs *are* offered during a stay in juvenile detention, sometimes insufficient support is given once the person is released to use or hone those skills on ‘the outside’. Abrams’ study of young people in juvenile detention centres in Minnesota for example found:

The most significant barrier to lasting behaviour change at both facilities appeared to be the disconnect between lessons learned “inside” the institution and the realities of life “on the outs.” Offenders articulated a need to practice their new skills in the “real world” or to have the opportunity to resist crime temptations. Even the small proportion of offenders who genuinely wanted to change their behaviours and lifestyles left the facilities without concrete ways to translate what they had learned in treatment to their lives outside of the institutions...The pressures that they face when returning to their communities can be overwhelming; as such, they need support and guidance to maintain their skills and goals for lasting behaviour change (Abrams 2006, p.82).

At a local level, Ms Amanda Watkinson from the Brosnan Centre alluded to these problems, stating that until the advent of new planning processes between the Department of Human Services and the community/private sector:

[w]hat has happened up until this point is that it can be random. We will get a phone call from one of the well-being officers in the prison, who will say, ‘This young person is about to be released’. We might get a phone call from the parole board that says, ‘No-one is prepared to work with this person; it is post-parole. Are you prepared to come and work with them?’. It is quite random.⁵⁹⁸

To a certain extent this problem has been ameliorated through the introduction of the Youth Justice Community Support Service. This model will require that YJCs nominate six months in advance those young people eligible for leaving youth detention so appropriate service delivery and follow-up can be arranged with relevant youth support networks and lead agencies. Whilst this is certainly a step in the right direction, community agency workers are not altogether certain the new system will resolve similar problems for those young people serving relatively short sentences such as three months or less.⁵⁹⁹

difficult. For a discussion of Baldry’s recent findings with regard to the links between post-release services, homelessness and recidivism, see Baldry 2007.

⁵⁹⁸ Evidence of Ms Amanda Watkinson, Manager, The Brosnan Centre (Jesuit Social Services), to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

⁵⁹⁹ See for example, the comments of Ms Amanda Watkinson, Manager, The Brosnan Centre (Jesuit Social Services), to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

Examples of ‘throughcare’ programs

The Committee has been presented with evidence of some excellent examples of projects and programs that aim to resettle young people who have been in juvenile detention and equip them with the skills to reduce the chance of them re-offending in the future. Two of the agencies/projects that have been paramount in this regard, particularly with regard to employment and training services and mentoring, are the Whitelion and the YMCA Bridge Project.⁶⁰⁰ Both these agencies attempt to link young detainees to future potential employers on the ‘outside’. The Bridge Project, for example:

[L]everages the relationships and trust built up in custody to provide individually tailored opportunities for the young person in the community. [We] continue to support and “walk beside” the young person during the difficult transition stage. The project believes if we are to give a young offender the best chance to successfully transition back into the community as an independent and productive community member, government and community organisations must work together to provide an integrated “joined up” approach of “throughcare” in custody and the community.⁶⁰¹

By having Whitelion and Bridge Project staff working with young people whilst in custody to prepare them for life on the outside, there is a better chance of them not re-offending. Ms Sherilyn Hanson, YMCA Bridge Project Manager, states in this respect:

We worked with DHS to develop a model of providing opportunities for young people when they leave custody, because we thought that was really where we were seeing it was falling down. We were having relationships with these young people. We saw our volunteers as being the door-openers in the employment area, so that is what we went about doing.⁶⁰²

Her colleague, Mr Matt Fuettrill, testified to the importance of putting supports in place in the first crucial weeks and months post-release:

Our understanding is, and the data shows, that the first three months is a quite high-risk period for reoffending. By keeping someone engaged in the workforce you focus their attention and their energy, provide some supports and give them the wherewithal to make some choices and decisions.⁶⁰³

⁶⁰⁰ Another important program with regard to post-release accommodation for young detainees that has shown promise is the Youth Justice Pathways Program and Young People Leaving Care Program. These programs have been developed between the Youth Justice Division, the Office of Housing and community agencies. In particular, the ‘Pathways’ program is aimed at young people who are at risk of becoming homeless after exiting juvenile justice centres on parole. It provides intensive support and assistance to obtain suitable transitional and long-term housing whilst developing skills for independent living. For example, in order to facilitate a smooth transition between institutional care and independent living it ensures accommodation is close to public transport (linking young people to employment) and that rents are kept at manageable levels.

The Committee has also received valuable information about the post-release and transitional programs offered by the Jesuit Social Services (particularly through Brosnan Youth Services). For further details see, Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

⁶⁰¹ Submission from The YMCA Bridge Program to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶⁰² Evidence of Ms Sherilyn Hanson, Manager, YMCA Bridge Project, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

⁶⁰³ Evidence of Mr Matt Fuettrill, General Manager (Community Engagement), The YMCA Bridge Project, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

Programs such as these support young people not only in the hard skills of finding employment and completing the tasks expected of them but also in the ‘soft skills’, such as negotiating public transport to get to work, turning up on time, being able to get along with their fellow workers some of whom may not be aware of their backgrounds or how to deal with authority and discipline without ‘losing it’. The Bridge Program, for example, acknowledges that without appropriate readiness training and support young offenders can ‘make challenging employees’.⁶⁰⁴ As Ms Sherilyn Hanson states:

The interesting thing that we have heard from our employers – we have had a couple of forums – is that they are really good at giving the young people the hard skills. They can train them up in what they need to do. What they say is, ‘We are really bad at giving them the soft skills; we do not know how to deal with a young person who cannot communicate or who cannot work within the team. We are not that good with our own people, let alone a young person’. They are really looking to us as a community organisation, and even in custody, to give them skills around those areas.⁶⁰⁵

In this sense programs such as these are as much about supporting the workplace, many of whom are small companies as they are about supporting the young person.

The other excellent aspect to the work of Whitelion⁶⁰⁶ and The Bridge Project is that it is part of an *integrated* and *coordinated* approach to service delivery. As Ms Sherilyn Hanson told the Inquiry:

[w]e do not do it on our own. We handle the employment side. We are working in conjunction with the Youth Justice staff and the housing person and the drug and alcohol counsellor, so there is this whole case management.⁶⁰⁷

⁶⁰⁴ ‘This is in part, because they lack an intuitive understanding of their employer’s unspoken expectations, and the vital soft skills (or people skills) needed to interact successfully within the social environment of the workplace’ (Submission from The YMCA Bridge Project to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008).

⁶⁰⁵ Evidence of Ms Sherilyn Hanson, Manager, The YMCA Bridge Project, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

⁶⁰⁶ Whitelion has been discussed previously in Chapter 8 of this Report. To reiterate briefly, some of the key aspects of the program include:

- Supporting independence and positive engagement with the community through employment opportunities;
- Recognising that each young person is unique and has differing life experiences to contribute;
- Providing ongoing support in recognising that setbacks may occur;
- Engaging employment partners and supporting employers involved in the program.

The Whitelion program ensures that the transition from care or risk-taking lifestyle is as tailored to the individual as possible:

‘A working relationship is established with the young person from the onset; avenues for training are provided to improve the employability of the young person if required. The participant is then introduced to the chosen workplace environment and the young person has an appointed ‘buddy’ in the workplace to help guide them in the right direction with issues regarding presentation, workplace etiquette and other guidelines. Paid employment is then provided to the young person at an equal rate to existing employees. Work hours may be limited at first, maybe a few days a week, to acclimatise the young person to the workplace environment. Over time, this often becomes a long-term supported placement, with support continually offered to the young person and the employer as the young person becomes more independent. This relationship lasts as long as required, possibly for many years’ (Submission from Whitelion to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008).

⁶⁰⁷ Evidence of Ms Sherilyn Hanson, Manager, The YMCA Bridge Project, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

These programs use the time the young person spends in detention to work on behavioural and attitudinal life skills with the ultimate object of reconnecting the young person to his or her community. For this they are to be commended.

Conclusion

Many young people in both minor and more entrenched or significant ways have some contact or involvement with the criminal justice system and its representatives. This may range from an admonition for ‘rowdy’ behaviour on public transport to a relatively long sentence of detention in a juvenile justice centre. The Committee believes it is essential that wherever possible with regard to relatively minor offending young people are diverted from the ‘top end’ of the criminal justice system in order to reduce the chances of more serious or repeated criminal or antisocial behaviour. Where young people are unavoidably sentenced to serve a term in juvenile detention there is an urgent need to provide a coordinated, integrated and well resourced program of ‘throughcare’ to support that young person make the transition to independent living and reduce the chances of re-offending down the track. It is hoped with this aim in mind that the relatively new Youth Justice Community Support Service will prove a step in the right direction.

Recommendations

20. **The Committee recommends** that the Department of Justice identify the issues pertaining to a young person being granted bail in the Children’s Court. In particular, matters relating to accommodation and material support and the establishment of a formal bail support program should be considered with the express aim that no child or young person should be held in remanded custody unnecessarily.
21. Recognising that it is imperative that young people have their Children’s Court cases and associated matters dealt with as quickly as possible, **the Committee recommends** that in those cases where young people have been formally processed for a first offence they have their matter heard for first mention within two weeks of charges being laid.
22. Given the amount of time and expense taken up with processing public transport infringements such as fare evasion by young people, **the Committee recommends** that the Department of Transport undertake a feasibility and cost-effectiveness study assessing the viability of young people under 18 years of age accessing free public transport within Victoria.
23. **The Committee recommends** programs be established by the Department of Human Services and the Department of Education and Early Childhood Development to provide effective and improved training to young people during their period of incarceration to ensure that the programs are genuinely preparing the young people for life beyond the term of their sentence. Greater emphasis needs to be given to literacy and numeracy skills, together with basic life skills such as working in a team, communication, managing money, conflict management and self-esteem building.

12. Targeting the Strategies to Special Needs

This chapter canvasses strategies to address youth offending amongst certain groups with specific needs, namely Indigenous youth, young women, adolescents with mental health issues or intellectual disabilities, homeless youth, young people with substance abuse problems, and young people from culturally and linguistically diverse backgrounds.

Young Indigenous offenders

Indigenous young people under juvenile justice supervision

The most recent data available from the Australian Institute of Health and Welfare (AIHW) indicate that over one-third of young people (36%) under juvenile justice supervision in Australia are of Aboriginal and Torres Strait Islander background (AIHW 2008). Whilst Victoria is generally recognised as having the lowest rate of young people under juvenile justice supervision of any state or territory, it is argued that Koori youth are still greatly over-represented both at a national and state level compared to non-Indigenous youth (AIHW 2008). This level of over-representation has increased over the last 10 years.⁶⁰⁸

Whilst the over-representation of Indigenous youth in the juvenile justice system is most concentrated in the north and west (Queensland, Western Australia and the Northern Territory),⁶⁰⁹ in Victoria 10 per cent of young men and 13 per cent of young women in juvenile justice care were Indigenous in 2006/2007 (AIHW 2008).⁶¹⁰ Whilst this is a relatively small percentage at a national level, an Indigenous young person is still 12 times more likely to be under supervision than a non-Indigenous Victorian⁶¹¹ (the rate ratio) (AIHW 2008). This over-representation at both national and state levels occurs for both community supervision orders *and* detention.

It should also be noted that Indigenous young people experience their first juvenile justice supervision at an earlier age than non-Indigenous youth, although Victoria had the highest proportion of young people (19%) who began their supervision when they were 18 or older and the lowest percentage of young people who began their formal interaction with the juvenile justice system before they were 14 (AIHW 2008). This was generally true for non-Indigenous and Indigenous youth, however even in Victoria Indigenous youth tended to have formal interaction with juvenile justice at an earlier age than non-Indigenous youth.

Notwithstanding the lesser involvement of Indigenous (and non-Indigenous) young people in the juvenile justice system in Victoria compared to other states and territories, in part possibly attributable to diversionary programs, Indigenous representatives are nonetheless

⁶⁰⁸ The proportion of Indigenous (Aboriginal and Torres Strait Islander) young people in juvenile justice supervision increased from 30 per cent in 2000/01 to 36 per cent in 2006/2007 (AIHW 2008, p.33).

⁶⁰⁹ Of those under juvenile justice supervision at a national level, over one-third of young people (36 per cent) were Indigenous. Of state figures, 47 per cent of Queensland and 86 per cent of Northern Territory youth under supervision were Indigenous (AIHW 2008, p.32).

⁶¹⁰ 242 out of 2,298 young people in Victoria compared to 261 out of 304 young people in the Northern Territory.

⁶¹¹ Compared to a young Western Australian Indigenous person who is 25 per cent more likely to be under supervision compared to a non-Indigenous youth in that state (AIHW 2008, p.35).

concerned about the underlying trends. The Victorian Aboriginal Legal Service (VALS) has commented as follows on AIHW data for 2003/2004:⁶¹²

Youth offender statistics do not accurately reflect the actual levels of offending. Factors such as visibility and policing patterns influence who is detected and how they are dealt with. Hence some caution is necessary when interpreting figures (VALS cited in Victorian Indigenous Youth Advisory Council (VIYAC)/Youth Affairs Council of Victoria (YACVic) 2007, p.42).

Certainly the Youth Parole Board has noted with concern the continuing (and increased) over-representation of Indigenous people in the cases coming before it:

During the period covered by this Report, 51 young Aboriginal people – 33 from country and 18 from metropolitan areas – came under the jurisdiction of the Board; this compares to 42 in 2006-2007 and 36 in 2005-2006 (Department of Human Services (DHS) 2008b, p.16).

A submission from VALS to this Inquiry states that such figures are a concern:

[g]iven the distinct age structure of the Indigenous Australian population and fears of what may result, in terms of contact with the justice system, if their needs are not met. People over 15 comprise 61% of the total Indigenous population and 49% are under 15 years. This contrasts with 80% of the non-Indigenous Australian population being over 15 and 20% being under 15.⁶¹³

Whilst generally supportive of the thrust of Indigenous justice programs in Victoria and mindful that Victoria has relatively low numbers of young people caught up in the juvenile justice ‘net’, many witnesses who gave evidence to the Inquiry, including people working in Department of Justice units, also agreed that more could be done and done better to support young Koori offenders, particularly in rural regions of the state.⁶¹⁴

Risk and protective factors for Indigenous youth

As with non-Indigenous youth, it is important to understand the factors that may increase the risk of some young Indigenous people offending. It is also necessary to know the reasons or factors that may build a young Indigenous person’s resilience or contribute to him or her *not* offending. An understanding of such factors can then inform strategies to prevent or reduce crime or antisocial behaviour amongst Indigenous youth.

⁶¹² Which actually indicated *less* over-representation with 9.4 per cent of males and 11.8 per cent of females of Indigenous background under juvenile justice supervision in Victoria for that period compared to more recent figures (VALS cited in VIYAC/YACVic 2007, p.42).

⁶¹³ Submission from Victorian Aboriginal Legal Service (VALS) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶¹⁴ For example Ms Francine McCabe, of the Department of Human Services (Youth Justice Programs) stated to the Committee: Unfortunately we do not do as well in relation to Aboriginal young people. We still have a significant over-representation; not as high as over-representation in most other states...the overall rates of young people in total in the Youth Justice Program in Victoria are very low, but the rates of indigenous are still well over-represented’ Evidence of Ms Francine McCabe, Department of Human Services (Youth Justice Programs), to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Morwell, 13 October 2008.

Academics such as Zubrick and Robson argue that when examining why young Indigenous people may offend it is important to go beyond risk factors that are pertinent to the young individual (proximal risk factors) and also look at distal factors that may be apposite to Indigenous people as a whole, including histories of racism, dispossession and structural inequalities (Zubrick & Robson 2003).

Zubrick and Robson also argue that a number of extra questions have to be asked when attempting to understand what are some of the underlying factors that explain youth offending amongst young Aboriginal men and women. Such questions may include:

- What factors in a community are particularly powerful in contributing to growth and resilience in communities?
- What factors in individuals and families are particularly powerful in contributing to the growth and resilience in communities?
- Among Aboriginal groups/communities constructs such as ‘adolescence’, offending and resilience are likely to have different and varying meanings to the manner in which these concepts are understood in mainstream literature. What do these constructs mean for the Aboriginal population?
- What are the serious threats to adaptation or development that lead to offending for Aboriginal youth?
- What factors are important in fostering resilient Aboriginal youth?
- Specifically, what are the common family practices among Aboriginal families including the contribution of cultural and spiritual beliefs to resilience in Aboriginal youth? (Zubrick & Robson 2003, p.9).

Taking into account some of these questions and factors, VALS argues that the underlying issues of racism and discrimination, poor education, health, housing and economic status, unemployment, alcohol and other substance abuse, cultural dispossession, family trauma (including having had a relative removed) and identity issues, to a name a few, ‘all continue to negatively contribute to Indigenous contact with the juvenile and criminal justice systems’.⁶¹⁵ VALS comments further that:

- In 2002 maltreated Indigenous Australian children were 4.3 times more likely to subsequently offend than non-Indigenous Australian children. Indigenous children are 11 times more likely to be placed in out-of-home care.
- Low birth weight is a risk factor with a long reaching impact on school readiness, transition and academic achievement (Huffman et al, 2001).
- 47 per cent of Indigenous children live in households with an unemployed single parent and 42 per cent had no employed adult living with them (Daly and Smith, 2005: 46-7). Unemployment and welfare dependency are symbiotic with poverty and stress and may contribute to the high rates of [poor] mental health.⁶¹⁶

In addition to structural and economic factors, cultural background and cultural identity are seen as both risk and protective factors. They may act as protective factors giving rise to resilience in young Aboriginal people, preventing them from offending or reducing their offending.

⁶¹⁵ Submission from Victorian Aboriginal Legal Service (VALS) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶¹⁶ Submission from Victorian Aboriginal Legal Service (VALS) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

But, it has also been argued that in addition to current structural and economic factors, a history of colonialism, dispossession or indifference may be distal factors that contribute to Indigenous disadvantage. Young Kooris may be at risk because they are insufficiently connected with their traditional heritage, lifestyles and values.

A 2007 Report by the Victorian Indigenous Youth Advisory Council (VIYAC), for example, states that 68 per cent of Koori youth surveyed felt there were inadequate programs and services aimed at improving or promoting positive lifestyle choices for young Indigenous people. The Report also cited Indigenous Elders claiming that youth are losing respect for Elders and Indigenous cultural traditions. In the same vein, a submission to this Inquiry from VALS quotes from an earlier survey in 2002 which found:

[i]n exploring 15–24 year old Indigenous young people’s connection to family and culture in Victoria, few identified with a clan, tribal or language group...or currently lived in their homelands or traditional country...⁶¹⁷

In addition to these factors, a history of family disruption, intervention and institutionalisation, in part attributable to the removal of the ‘Stolen Generation’, has resulted in young Indigenous people being grossly over-represented in all sectors of the juvenile welfare and criminal justice systems (VIYAC/YACVic 2007).

Yet cultural factors, kinship, family ties and history can also act as strong protective factors that may build up resilience amongst young people. A Report by the Victorian Aboriginal Health Service *Strengths of Young Kooris* indicates some protective factors that may act as barriers against offending and re-offending by Koori youth. These include:

- Strong family links, including extended family;
- Friends;
- Connection with the Koori community and culture;
- Sense of identity;
- Aspirations;
- Responsibility;
- Sport and creative activities.⁶¹⁸

Thus whilst some young Koori people may be disassociated from traditional family relationships including mixing with community Elders, extended family relationships are still valued as a source of strength, values and guidance for young people within those communities.

In summary, VALS argues that protective factors that can assist young Indigenous people from offending or re-offending are firmly grounded in the three pillars of: (extended) families and relationships, social capital and culture. Many of the most successful diversionary programs including family group conferencing are those that recognise and build upon these significant protective factors.⁶¹⁹

⁶¹⁷ Quoted in Submission from VALS to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶¹⁸ Quoted in Submission from VALS to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶¹⁹ Submission from VALS to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

For example, VALS argues that contemporary criminal justice research indicates that cultural content also is crucial to the success of Indigenous correctional programming. Successful correctional interventions and programs include those that:

- have mostly Indigenous specific participants;
- incorporate Indigenous community issues ;
- use Indigenous facilitators; and
- have Elders involved in program delivery.

Including Indigenous people in program design, facilitation and implementation could thereby ‘enhance the perceived legitimacy of the intervention and subsequently the offenders’ responsiveness to the content’.⁶²⁰

Diversionsary and correctional strategies

As indicated earlier in this chapter, the most successful approaches to offending by young Aboriginals, including diversionsary strategies, are generally believed to be those grounded in and drawing upon the family, kinship, social and cultural networks of the young person. Many of the specific diversionsary strategies developed for Koori youth, including cautioning and conferencing programs and the Koori Youth Court, have been discussed at length in Chapter 10 of this Report. It is not therefore necessary to revisit this discussion, except to reiterate that whilst representatives of the Indigenous community in Victoria generally support the use of conferencing and cautioning and are encouraged at how these seem to have lowered recidivism rates amongst Koori youth, they do have reservations about how these diversionsary strategies are applied and implemented.⁶²¹

To address these concerns VALS has, in consultation with Victoria Police, Indigenous groups and youth workers, developed a Police Cautioning and Youth Diversion pilot program to ensure appropriate cautioning and follow-up of Koori youth.

The pilot program commenced in March 2007, has been evaluated and deemed successful. VALS is currently employing a Project Officer to implement the Police Cautioning and Youth Diversion Program. The Program is being rolled out to six other locations throughout Victoria. The Program, and cautioning of Indigenous youth generally, is discussed in greater detail in Chapter 10 of this Final Report.

Finally, an excellent example of a diversionsary strategy and one well received by the Koori community is the development of adult and children’s Koori Courts. VALS states that:

⁶²⁰ Submission from VALS to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Even more than is the case with non-Indigenous youth, YACVic argues that young Koori people’s perspectives are rarely taken into consideration with regard to issues that impact upon their lives. It is therefore essential that Indigenous elders, young people and community representatives take a leading role in developing and implementing programs to address Koori disadvantage (VIYAC/YACVic 2007, p.32).

⁶²¹ Submission from VALS to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

A 2005 review of the Koori Courts in Victoria found they had been very successful in reducing repeat offenders, with recidivism rates of 12.5% and 15.5% compared to the general Koori rate of 29.4%.⁶²²

Judge Paul Grant of the Melbourne Children’s Court also praises the Koori Children’s Court, although he acknowledges it is not the sole solution for addressing offending by Indigenous youth:

If you are a child in an Aboriginal family you are 10 times more likely than a non-Aboriginal to be in our family division, and 12 times more likely to be in our criminal division. They are shocking figures. We are endeavouring in the court to try to tackle overrepresentation. One way of doing that is through the Children’s Koori Court. But I think I need to say that the Children’s Koori Court is not a solution. It is one part of what has to be a comprehensive strategy that tackles what the Royal Commission into Aboriginal Deaths in Custody described as the underlying causes of overrepresentation...

One of the great things about the Koori Court is that it brings elders and respected persons into the court process. These are people who have authority within their local community, and we think that bringing them into the hearing and the determination of family division matters might strengthen the families’ determination to respond. It might make it a more meaningful process so that family members will say, ‘Yes, this is a process that I am committed to and I will try to do my best for my family and for my children’. We do not know if it is going to be successful or not, but we are prepared and willing to try it.⁶²³

When it comes to young Indigenous people who have already been entrenched in the ‘top end’ of the juvenile justice system, particularly those in institutional detention, culturally appropriate interventions may also be required. The Youth Parole Board, for example, commends the efforts in each of the juvenile justice centres in Victoria to provide advocacy and support for young Aboriginal people on remand or on sentence:

The Koori Youth Justice Program has been expanded to provide 17 full or part-time positions across the State. These workers are employed by local Aboriginal agencies and provide programs aimed at preventing offending or re-offending behaviour through strengthening positive role modelling for young Aboriginal people and providing culturally relevant supervision and support. The program is also designed to increase Aboriginal involvement in advocacy for and supervision of young Aboriginal people, and to strengthen links within the Aboriginal community. The Boards have appreciated the increased involvement of the Koori Youth Justice workers in parole planning for Aboriginal clients and their advice to the Boards at meetings.

Aboriginal Cultural Support Plans ensure that Aboriginal Youth Justice clients have access to cultural supports and are given every opportunity to feel proud of their culture and know where they belong.⁶²⁴

The Youth Parole Board also noted with approval the development of initiatives, such as the development of intensive bail and post-release supports, which resulted from the second phase of the Aboriginal Justice Agreement (AJA2) to support young Koori offenders:

⁶²² Submission from VALS to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008.

⁶²³ His Honour Judge Paul Grant, President of the Children’s Court of Victoria, Meeting with the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, Melbourne, 30 March 2009.

⁶²⁴ *Youth Parole Board and Youth Residential Board Annual Report 2007–2008*, Victorian Government Department of Human Services, Melbourne, p.17.

The Boards commend the department for the commitment it has made to a range of initiatives designed to increase the effectiveness of service delivery to young Aboriginal people at risk of offending and re-offending⁶²⁵.

Other strategies for Indigenous youth

As with non-Indigenous young people, strategies to address youth offending and antisocial behaviour need to go beyond narrowly circumscribed 'justice' strategies. Equally important are interventions addressed at child and family strengthening, education, training and employment, physical and mental health and leisure and recreation. Notwithstanding this general applicability, there is certainly a place for additional programs that are culturally specific to the needs of young Kooris. This is particularly the case given young Indigenous youth have generally much poorer outcomes with regard to education⁶²⁶ (particularly literacy and numeracy), and physical and mental health⁶²⁷ than their non-Indigenous counterparts.⁶²⁸ Young Indigenous people also suffer far higher levels of unemployment and disengagement from the labour force than non-Indigenous young people. Therefore the use of specialist Koori units in schools and higher education institutions and specialist training and employment schemes for young Koori people are essential programs to develop the skills, qualifications and confidence of Indigenous youth and hopefully act as a break on offending and antisocial behaviour (VIYAC/YACVic 2007).

Young female offenders

Not only do young women offend less often than young men and commit less serious offences, they are also less likely to continue offending and more likely to stop offending at a younger age:

Because of the statistically exceptional nature of their criminality, female delinquency tends also to be seen as a perversion of, or rebellion against 'natural' female roles...A predominantly treatment and welfare focussed paradigm adjudicated as much on questions of femininity as it did on matters of guilt and innocence...The end result of such gender specific modes of social control was that young women were (and continue to be) drawn into the justice system for reasons wholly unrelated to the commission of offences...they were less likely to be fined and more often placed on supervision or taken into care than young men (Muncie 2004b, p.261).

It has been exceedingly difficult to obtain information exploring the gendered nature of youth offending and strategies to address it. As Adler and Worall state in the academic and research context:

⁶²⁵ Department of Human Services (Victoria), 2008b, *Youth Parole Board and Youth Residential Board Annual Report 2007–2008*, p.17.

⁶²⁶ See for example the indicia outlined in *Australian Directions in Indigenous Education 2005–2008*, Ministerial Council on Education, Employment, Training and Youth Affairs 2006.

⁶²⁷ See for instance *Australian Indigenous Health Report 2008* and ABS/AIHW 2008.

⁶²⁸ In 2008 the Committee was fortunate to meet with representatives and tour the Wulgunggo Ngalu Learning Place in Won Wron Gippsland. Whilst Wulgunggo Ngalu caters for primarily adults (and their families), the Committee was impressed with the holistic and culturally relevant approach this residential diversion program takes to rehabilitating offenders and ex-offenders. A combination of traditional (Cultural Immersion) and modern (Cognitive Skills) programs combine to give Koori men the skills and resources to not re-offend when back in the mainstream community. Koori elders also act as mentors through the Koori Mentoring Program and supervise the cultural and traditional aspects of the program. It would seem that the underlying approaches at Wulgunggo Ngalu, with suitable adjustments, could be usefully adapted to young Koori people detained in juvenile justice centres in Victoria.

Although there are many texts on ‘youth and crime’, girls are rarely mentioned in these. Similarly there are many texts concerned with ‘women and crime’ which pay little attention to girls (2004, p.2).

Certainly submissions and evidence to the Inquiry addressing young women’s criminal and antisocial behaviour have been very few.⁶²⁹ Indeed one of the few submissions to touch on the subject does so only to bring attention to the paucity of information available:

While we note the data relates to issues of gender we believe that more attention needs to be made to the issue of gender and recidivism. While the numbers of young women in the system is still relatively small there have been increases in this client group in the youth justice system. The issue of gender needs further recognition given that young women and young men are not a homogenous group and strategies that apply to young men will not necessarily be useful or applicable for young women. The fact that, as the Discussion Paper points out, young men’s and young women’s offending patterns differ is one reason to believe this.⁶³⁰

One of the reasons for this is largely due to the ‘welfarisation’ of female offending (Worrall 2001). In other words, most ‘offences’ have traditionally been ‘status’ offences based in ‘promiscuity’, ‘waywardness’, prostitution or other transgressions against so-called feminine norms and behaviours. As such, young women were far more likely to be dealt with through ‘welfare’ or health interventions rather than the justice system, although the practical outcome may still have been a form of incarceration albeit in a ‘girl’s home’ rather than a prison or detention centre.⁶³¹ Since the 1990s these assumptions and norms have rightly been challenged by a feminist critique of welfare, youth studies, crime and criminology.

Notwithstanding this traditional construction of female offenders as relatively passive, benign, or in need of ‘welfare’, this Inquiry has received anecdotal evidence that young women’s offending is becoming more violent and young women are more likely to commit similar crimes to young men, possibly as a result of increased alcohol and other drug abuse.⁶³² But the hard data that could substantiate such a claim are conspicuously missing and reports of an ‘epidemic’ of female crime and violence seems to be more a product of media hyperbole than reality (Gelsthorpe & Sharpe 2006).

Certainly many of the young women who end up before the courts or otherwise engage with authorities in the criminal justice system may have multiple issues pertaining to their physical and mental health. Such entrenched problems may need to be factored in any systemic interventions to address their criminal behaviour. For example, Judge Michael Bourke told the Inquiry that whilst he sees far fewer young women than young men, the problems they suffer can be far more complex and require more intense and wide-ranging interventions:

⁶²⁹ See Chapter 2 for a discussion of crime trends for female juveniles in Victoria during period 2007–08.

⁶³⁰ Submission from Dr Marg Liddell and Professor Julian Bondy, School of Global Studies, Social Science and Planning, RMIT University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶³¹ A counter reading of this situation however is that young women could be brought into court or the penal/welfare system for offences that ‘might be dealt with informally or ignored if committed by adults or young men’ (Muncie 2004b, p.261). Most often the consequences of these ‘offences’ were linked to a perceived need for their ‘protection’.

⁶³² See for example, Evidence of David Murray, CEO of the Youth Substance Abuse Service, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 6 October 2008.

You have this very bad combination of a damaged background and very bad mental health issues, mixed up sometimes with serious drug addiction – heroin and the like.⁶³³

For some young women youth detention may have been the most stable and even ‘loving’ environment they have been in. Leaving the security and ‘comfort’ of the detention for life on the outside can pose considerable challenges, particularly when accommodation and services specific for young women may be at a premium.⁶³⁴

Other matters that could usefully be explored from a gendered perspective pertain to the issues of neglect and maltreatment and possible links to later criminal behaviour. Is, as Liddell asks, the link between neglect and criminal offending as strong for young women as it is for young men and if so, what strategies and interventions should be tailored to address this? (Liddell 2004). Moreover, what effect does the higher levels of sexual abuse, particularly intra family abuse suffered by women have on offending behaviours? These are all important questions and issues which should be subject to some detailed quantitative and qualitative research and policy analysis, as discussed in the next chapter.

Vulnerable and homeless young offenders

Clearly homelessness and other forms of material disadvantage heighten the risk of young people offending and re-offending:

Young people aged 15–25 years make up the largest group assisted by the homelessness service sector in Victoria. Many factors can contribute to youth homelessness including family conflict, rejection of parental authority, poverty, violence and alcohol or other drug misuse. Without stable housing, a young person can quickly disconnect from family and community, education, training or work and require a more intensive service response (Department of Human Services (DHS) 2008a, p.11).

Homelessness may be particularly acute for marginalised groups in the community such as Indigenous people,⁶³⁵ young women and victims of domestic violence or those with mental health and intellectual disabilities. It should also be borne in mind that ‘homelessness’ does not have a fixed meaning. As Ms Hala Atwa from Youthlaw told the Inquiry:

‘Homeless’ is defined as a very broad category, so we not only have the traditional concept of ‘homelessness’ – living on the streets – but we have young people who are effectively just staying with friends on floors and couches, maybe going back and forth between family but there is a breakdown of the family structure as well there. It is a real variety of young people.⁶³⁶

⁶³³ Evidence of His Honour Judge Michael Bourke, Chair, Youth Parole Board, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

⁶³⁴ Evidence of His Honour Judge Michael Bourke, Chair, Youth Parole Board, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

⁶³⁵ See for example, the *Victorian Indigenous Homeless Study 2001* (Berry et al 2001).

⁶³⁶ Evidence of Ms Hala Atwa, Solicitor, Youthlaw, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

Moreover, the Inquiry received evidence that some young people may prefer to remain ‘homeless’ rather than stay in boarding houses or other unsuitable transient accommodation that are ‘rife with drugs, dirt and violence’.⁶³⁷

A lack of accommodation or sufficient income clearly has flow-on effects that can make a young offender particularly vulnerable, especially one trying to stay ‘clean’ on the ‘outside’. Transient lifestyles, including begging, clearly run the risk of bringing young people in contact with the law. A lack of housing or employment, for example, may make a bail justice or parole board reluctant to grant bail or parole respectively. Indeed the Law Reform Commission of New South Wales (LRCNSW) has said that homelessness can be viewed as ‘a de facto ground for bail refusal’ (LRCNSW 2005, p.245). Conversely, having a criminal record may make it harder for a young person to find rental accommodation on release. Homelessness may also mean that a young person has no address to where official documentation can be sent (drug clinic appointments, Centrelink notifications etc).⁶³⁸

Young people have particular problems associated with a lack of financial means. For example, a young destitute person travelling on public transport without a valid fare may risk becoming enmeshed in the criminal justice system through incurring infringements or fines. This may particularly be the case in rural and outer suburban areas. The flow-on consequences in terms of finding or maintaining paid employment may also be dire. As a submission to this Inquiry from the Springvale Monash Legal Service states:

If factors relating to homelessness result in increased criminal behaviour, most existing punitive measures available to the justice system (such as fines, treatment programs or community work) would do little to impact upon this particular cause of the criminal behaviour, namely homelessness. The adoption of a therapeutic approach to this issue, for instance by diverting homeless youth from the justice system and linking them to suitable accommodation, is recommended.⁶³⁹

Certainly the Committee believes that responding to youth offending must go beyond pure ‘justice interventions’ and address infrastructure questions around transport, housing and employment, as outlined in the recent *Vulnerable Youth Framework Discussion Paper* (DHS 2008a). The Transitional Housing Management Youth Justice Housing Pathways Initiative implemented under the Youth Justice Service Delivery Model is certainly a good start.

Young offenders from culturally and linguistically diverse communities

Research undertaken in Australia⁶⁴⁰ indicates that young people who visibly belong to racial, ethnic, religious or cultural minorities may ‘often experience direct or indirect racism’ in their interactions with the criminal justice system (LRCNSW 2005, p.67). This is particularly true for young people of Indo Chinese and Arabic backgrounds. It is also

⁶³⁷ See comments of Major Brendan Nottle, Salvation Army, Evidence to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

⁶³⁸ Evidence of Ms Hala Atwa, Solicitor, Youthlaw, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 18 August 2008.

⁶³⁹ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶⁴⁰ And indeed in most developed countries with ethnic minorities such as the USA, Canada and the United Kingdom. See the discussion in White and Cunneen 2006.

increasingly true of young people in the emerging Pacific Islander and Horn of Africa communities in Melbourne. According to the submission from RMIT University:

These are proving to be complex and difficult groups to work with and anecdotal evidence suggests that current program responses are not working well.⁶⁴¹

A submission from YACVic argues that whilst it is certainly true that young people from refugee and migrant communities can be subject to over-policing, racism and harassment it is also true that current initiatives in community policing with young people have:

Helped to create better understanding between young people and the police. It has helped to lessen stereotypes on both sides and build connections with the communities generally.⁶⁴²

Nonetheless:

Generally, service access for migrant and refugee young people is still limited. Young people are either not aware of services and/or services are not culturally appropriate. Services still demonstrate a lack of cultural appropriateness and flexibility and lack of understanding of the cultural, language and religious contexts of migrant and refugee young people and their families.⁶⁴³

As such, some specific justice and diversionary programs such as conferencing may not be suitable for young CALD people, particularly newer arrivals:

Often culturally diverse young people are not easily able to engage with 'mainstream' programs, which may compound their disadvantage because this sometimes means they are pushed to 'higher order' outcomes. For example, research suggests that sometimes the 'lower level' outcomes are less likely to be available to some of the most vulnerable groups eg cautioning for Indigenous young people, conferencing for people from non-English speaking backgrounds.

This demonstrates the need for young people and communities to be involved in the planning and development of strategies or solutions. In line with this, we welcome the Government's proposed Vulnerable Youth Framework, which recognises the need for engaging vulnerable groups in service planning.

In order to be effective in reducing offending for young people from diverse cultural backgrounds, police, the youth justice system and related agencies need to demonstrate flexibility and cultural appropriateness and an understanding of the cultural, language and religious contexts of these young people and their families. A multicultural youth strategy that includes the area of youth justice would assist in this respect.⁶⁴⁴

⁶⁴¹ Submission from Dr Marg Liddell and Professor Julian Bondy, School of Global Studies, Social Science and Planning, RMIT University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶⁴² Submission from Youth Affairs Council of Victoria / Centre for Multicultural Youth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶⁴³ Submission from Youth Affairs Council of Victoria / Centre for Multicultural Youth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶⁴⁴ Submission from Youth Affairs Council of Victoria / Centre for Multicultural Youth to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Certainly any discussion of offending by CALD youth and strategies to address it also needs to factor in the experience of new arrivals, immigration and particularly the refugee experience. A number of respondents to the Inquiry made the point that each successive wave of young refugees, particularly those who arrive without parents or carers, go through a traumatic process of resettlement and adjustment. For some, the transitional process is disruptive and very difficult and offending and antisocial behaviour can result. Mr David Murray, Chief Executive Officer of the Youth Substance Abuse Service, told the Committee:

Whenever there are new groups coming, particularly from parts of the world where there has been violence and disruption and you see young people coming from families that have been fractured and where conflict has been part of their refugee experience, behavioural problems emerge from that context. I can remember the Lebanese war and kids getting into the [criminal justice] system at Turana in the 1970s.

We have seen the same with Vietnamese kids. We are seeing quite small numbers, I think, coming into the system from the African communities – very small numbers. We know there are significant problems within that community but they have not hit that offending system yet. We know there are significant difficulties within those communities simply because of the experience of violence and disruption that they have had.

...We have got to find ways in which we as a community can engage both with those families and those young people outside of a discourse around gangs. It has got to be a discourse about, 'What is going on for you? What is happening in your local community and how can we facilitate your inclusion in this community in a better way?'

But, yes, you will find problems. Some of the experience of torture that these young people have had before they get here, or their families have been tortured – when you read some of this information you do not believe they are still alive. The fact that they might then behave in ways which are negative is not surprising.⁶⁴⁵

Addressing communication barriers

Sometimes refugees or new migrants (both adults and youngsters) may fall foul of the law not as a result of trauma or dislocation but because of ignorance or a lack of communication and language skills. Take the example of road law infringements:

There are many instances where a lack of English can contribute to the failure of newly arrived people to understand criminal law in Victoria. A report from the Monash University Accident Research Centre in 2000 suggested that being an individual from a CALD background could precipitate unfamiliarity with road laws and thus unintentional breaches of those laws. This did not suggest that an individual's ethnicity was indicative of driving skill, but rather merely one of many factors contributing to a lack of knowledge of the relevant road laws. Being an individual from a CALD background is simply one factor that might contribute to offending due to the failure of systems designed to integrate them into the community.⁶⁴⁶

⁶⁴⁵ Evidence of Mr David Murray, CEO, Youth Substance Abuse Service, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 6 October 2008.

⁶⁴⁶ Indeed when the Committee visited the Neighbourhood Justice Centre (NJC) in Collingwood, it witnessed this type of case. The magistrate, whilst not dismissing the seriousness of a recently arrived Sudanese refugee driving without a licence, did at least factor in the extenuating cultural circumstances when pronouncing sentence. This is an example of how the NJC attempts to dispense justice within an inclusive and culturally appropriate framework taking local circumstances into account.

A program such as the Youth Referral and Independent Person Program (YRIPP) is one excellent example of a strategy that tries to break down these barriers of communication. It provides a young person who may or may not be from a CALD background with access to independent assistance whilst being questioned by the police and to a referral service that may be able to provide further and specialised assistance.⁶⁴⁷

Providing appropriate education and training services

At a forum hosted for CALD youth in conjunction with the Centre for Multicultural Youth (CMY) it was stated that the key to successful interaction in the host community and a protective factor mitigating against criminal and antisocial behaviour was the quality of education and the schooling experience they received.⁶⁴⁸

As with young people in ‘mainstream’ communities, these representatives of CALD youth thought it was crucial that alternative programs and options are put in place for those students who had been expelled or otherwise ‘let go’ from mainstream education.⁶⁴⁹

The young people at the forum were all of the opinion that one of the best strategies to break down barriers between refugees or migrants and schoolteachers or police is through the use of peers in a mentoring system.⁶⁵⁰

One of the keys is to get more young people from a similar background to mentor or just to help in some way. Even doing workshops with teachers on how to teach children of certain backgrounds and how to engage with them better in the classroom [is useful]. When we did [a] mentoring workshop the young kids immediately really wanted to speak more with us because they could relate to us. Some of the teachers we met as well became familiar with certain Pacific Islander names and words and they could actually incorporate that into their teachings and the kids became way more interested because teachers could identify with them to a degree. They might not be from the same background but at least they’ve given it a bit of time to find out a little bit about this child’s background.⁶⁵¹

There has also been a debate in certain areas of social policy as to whether specialist or mainstream services and programs are most suitable for those with unique needs. On balance, individuals and agencies who gave evidence to the Inquiry thought a mixture was needed. Whilst on occasion it is appropriate for a particular (ethnic) community to have

⁶⁴⁷ Submission from Springvale Monash Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. This Program is explained further in this submission:

‘An independent person is made available to the young person while being questioned by police, and offers an objective perspective, support, information about their rights and also facilitates communication between the police and the young person. YRIPP’s referral service is an initiative to further enquire whether the young person has any particular needs and may assist in directing them to programs and other agencies that may be able to provide further assistance. Special needs of the young person may include assistance with alcohol and substance abuse, income and employment opportunities, accommodation, and legal support services. As police may not be adequately trained in the area of community services, it is important for agencies, such as YRIPP, to play an increased role.’

⁶⁴⁸ Evidence of Ms Faten Mohammed, Centre for Multicultural Youth, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Multicultural Youth Forum, Melbourne, 10 November 2008.

⁶⁴⁹ Evidence of Ms Marie Dwyer to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Multicultural Youth Forum, Melbourne, 10 November 2008.

⁶⁵⁰ For a discussion of mentoring, see Chapter 9.

⁶⁵¹ Evidence of Ms Marie Dwyer to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Multicultural Youth Forum, Melbourne, 10 November 2008.

programs geared towards their own particular cultural background, this does not mean that mainstream services should not also be able to ‘step up to the plate’ in terms of making their services more culturally viable, particularly in sensitive areas such as youth justice: ‘Any program operating in the area of youth justice should demonstrate “cultural competence”. *Programs don’t necessarily have to be culturally specific* but it is important to ensure cultural awareness and cultural competencies for staff who work with multicultural young people’.⁶⁵²

Most importantly, both mainstream and ethnic specific services need to be advertised and publicised to their target groups.⁶⁵³

Young offenders with disabilities

There are particular problems facing people with intellectual disabilities who are in detention in youth justice facilities or otherwise engaged in the juvenile justice system. There are also serious issues pertaining to young offenders who present with mental health or behavioural problems. It is recognised, however, that there is on occasion considerable overlap between the areas of mental health and other disabilities (commonly referred to as dual disability). In addition there will be significant difference in the degrees of severity or intensity of any particular condition suffered by a young offender with a developmental or intellectual disability or poor mental health. In 2007 a snapshot survey of 149 male and nine female young people in juvenile detention conducted by the Department of Human Services (DHS) indicated that:

- 25 per cent presented with issues concerning their intellectual functioning; and
- 23 per cent presented with mental health issues.⁶⁵⁴

Intellectual and developmental disabilities

Historically the concept and meaning of intellectual disability was not clear or straightforward, clinically or legally. One definition proffered is ‘impaired cognitive functioning evidenced in childhood’ (Griffiths 2008, p.711). Such a condition, however, will vary enormously in degree and manifestation.⁶⁵⁵

⁶⁵² Submission from Youth Affairs Council of Victoria / Centre for Multicultural Youth to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, September 2008. (Emphasis in original.)

⁶⁵³ Evidence of Ms Soo-Lin Quek, Centre for Multicultural Youth, to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*, Public Hearing, Melbourne, 8 September 2008.

⁶⁵⁴ Data reproduced in *Youth Parole Board of Victoria, Annual Report 2007–2008*, Department of Human Services, Melbourne, p.14.

⁶⁵⁵ Clinically, diagnostic criteria for the condition are included in the *Diagnostic and Statistical Manual of Mental Disorders (DSM–IV)*. Under Victorian law, intellectual disability is governed by the *Disability Act 2006*. Under this Act: ‘Intellectual Disability in relation to a person over the age of 5 years, means the concurrent existence of-

- (a) significant sub-average general intellectual functioning; and
- (b) significant deficits in adaptive behaviour – each of which became manifest before the age of 18 years’ (Section 3, *Disability Act 2006*, (Vic)).

If a person meets the criteria for intellectual disability he or she will be eligible for disability services and the drawing up of a Disability General Service Plan. Eligibility under the *Disability Act* may entitle the person to a range of services including case management, preparation of service and support plans, outreach, and accommodation, vocational and recreational services.⁶⁵⁶ If the person has committed criminal offences he or she may be subject to forensic restrictions.

Griffiths argues that whether one is considering a person with an intellectual disability who is an offender or not the important consideration to bear in mind is that:

Generalisations about intellectual disability and therefore about the capacity of a person with an intellectual disability, frequently underestimate a person's abilities. Intellectual disability may limit a person's functional skills, ability to learn and understanding of concepts. However, there are many degrees of intellectual disability and many people who have an intellectual disability are able to function very well; others may need some assistance with some aspects of their life, while yet others may need significant assistance (Griffiths 2008, p.712).

The same considerations apply equally to an intellectually disabled person who has committed a criminal offence or other infringement and particularly those serving a sentence of juvenile detention. In this regard the Youth Parole Board note that there are a number of young people with intellectual disabilities in detention in youth justice centres.⁶⁵⁷ The Board is concerned that despite some improvements to the system:

[t]he provision of specially designed programs and accommodation services in the community to meet the needs of intellectually disabled and brain damaged young people is still inadequate and needs further development.⁶⁵⁸

These concerns were raised again when members of the Parole Boards gave evidence to this Inquiry. In particular, His Honour Judge Bourke commented that it was worrying that some of the young people with intellectual disabilities and developmental disorders had not had those conditions picked up earlier in life and that many young people had slipped through the cracks of having any type of schooling or instruction at all. Ms Deidre Griffiths, Principal Solicitor and Executive Officer of Villamanta Disability Rights Legal Centre, also told the Inquiry how common it was for a child to get all the way through school without necessarily having a disability or disorder discovered and therefore addressed or treated.⁶⁵⁹

⁶⁵⁶ See sections 49 and 50 *Disability Act* 2006 (Vic).

⁶⁵⁷ For an in-depth discussion of people with intellectual disabilities and their involvement in the criminal justice and detention/prison systems, see generally *Intellectual disability in the Victorian Prison System: Characteristics of prisoners with an intellectual disability* (Department of Justice 2007, Corrections Research Paper Series, Paper No 2) Department of Justice, Melbourne). This report found that 1.3 per cent of (male) prisoners released from prison were identified as having an intellectual disability, which is slightly higher than the presence of intellectual disability in the general Victorian population (being 1 per cent). It should be noted, however, that this was a study of adult prisoners (17 years plus).

⁶⁵⁸ *Youth Parole Board and Youth Residential Board Annual Report 2007–2008*, Victorian Government Department of Human Services, Melbourne, p.14.

⁶⁵⁹ Ms Vivienne Topp, Lawyer and Policy Coordinator, Mental Health Legal Centre, did add however that sometimes it could be disadvantageous to 'label' a child too early with a disability or diagnosis of mental illness or intellectual disability:

'Sometimes it is actually counterproductive in terms of labelling a child really early. Early childhood services like Orygen are very reluctant to diagnose children at a very early age, because there might be some other factors that might be contributing to behaviour that might appear to be a mental illness emerging, but perhaps we do not need to label that child yet. We need to deal with the external factors without blaming the child' (Evidence of Ms Vivienne Topp, Lawyer and Policy Coordinator, Mental Health Legal Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009).

Borderline disabilities

Another perturbing fact was the number of young people who, because they may have been borderline disabled and therefore ineligible for appropriate services, were not getting the care they should have been receiving.⁶⁶⁰

When Jesuit Social Services gave evidence to the Inquiry, they echoed Judge Bourke's comments that some of the most problematic cases of young people caught up in the criminal justice system are those with borderline intellectual disabilities. These were also the people, particularly if not officially eligible for disability services, who were often the most difficult clients requiring good post-release services.⁶⁶¹

Ms Deidre Griffiths, Villamanta Disability Rights Legal Centre, also told the Inquiry how people who had 'borderline' disabilities often missed out on the services available to people with more severe problems, as many people fall between the gaps:

It is really 2 per cent of the population who have an intellectual disability of such a level as to bring them under the *Disability Services Act 2006* and to receive services there. But there are lots of other clients of ours who have an intellectual disability, but they would have an IQ above 70...I think that if children have got special needs, then they often need integration or some sort of extra support, and it is only really available at the upper levels of disability.⁶⁶²

Falling between the cracks

A number of submissions to the Inquiry also stressed how intellectually disabled people caught up in the criminal justice system (particularly young people) 'fall between the cracks'. For instance, Jesuit Social Services states:

Many of the young people we assist through our Brosnan Youth Services programs have a disability, an Acquired Brain Injury (ABI) and/or a significant learning difficulty. While some of these young people have been formally assessed as having an intellectual disability (and are therefore eligible for assistance through the state funded Disability Services system) others have either not been formally assessed or are considered to be in the 'grey area' just outside the eligibility criteria for support from the Disability Services system.

In our experience, many young people with a disability and/or learning difficulty 'fall between the gaps' of existing systems and miss out on getting support at critical points in their development, increasing their susceptibility to becoming involved in a cycle of crime and homelessness.⁶⁶³

⁶⁶⁰ Evidence of His Honour Judge Michael Bourke, Chair, Youth Parole Board and Youth Residential Board of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 27 October 2008.

⁶⁶¹ Evidence of Ms Julie Edwards, CEO, Jesuit Social Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

⁶⁶² Evidence of Ms Deidre Griffiths, Principal Solicitor and Executive Officer, Villamanta Disability Rights Legal Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁶³ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

Jesuit Social Services says the problem is particularly acute for young people with autism or Asperger's syndrome although they are hopeful that the Victorian Government's Autism Plan being developed in partnership with Autism Victoria will lead to significant improvements for young people with these conditions.⁶⁶⁴

Meanwhile, the current generation of young people with a disability who have come into contact with the justice system require greater support. As noted in recent Annual Reports of the Youth Parole Board, this includes the need for substantial improvements in accommodation support for young people with an intellectual disability exiting Youth Justice facilities (Youth Parole Board and Youth Residential Board 2006 and 2007). Our experience of providing support to young people with a disability – including Perry House, a program to support young people with an intellectual disability who have come in contact with the justice system – suggests that the Youth Parole Board is correct in suggesting that additional targeted support for this group is urgently required.⁶⁶⁵

As with the general youth population, agencies such as Berry Street believe a good education is an essential protective factor that can prevent or reduce offending or antisocial behaviour amongst young people with intellectual and other disabilities.⁶⁶⁶

However, Berry Street adds that the criteria for delivering appropriate and intensive programs to students with disabilities are far too restrictive as they only deal with students who have severe behavioural disorders. Borderline cognitive function students do not fit into the disability services framework.⁶⁶⁷

There have been some positive steps in the way the juvenile justice system addresses the needs of offenders with disabilities. The overhaul of the legislative base for delivering disability services with the passage of the *Disability Act* in 2006 is generally seen as a positive development. There have also been some commendable initiatives in service delivery, some of them commented on with approval in the most recent *Annual Report* of the Youth Parole Board:

In March 2008 the Boards met with senior staff from the Department of Human Services Disability Services Division to discuss cross-programmatic planning and support for young people with a disability who are eligible for parole. The Boards are pleased that some of the case practice issues discussed have been addressed by senior Disability Services management staff.

The more regular attendance of disability workers to the Youth Parole Board meetings and strengthening of collaborative parole planning between Disability Services and Youth Justice workers have improved the case management of these complex clients.

⁶⁶⁴ Of course as many commentators have observed:

‘There is also a danger in attributing medical labels to young people’s behaviour in that it locates the difficulty within the young person and may lead professionals to reach for a medical response. An example of this is...Attention Deficit Hyperactivity Disorder (ADHD), a label attached to many young people at risk of offending or reoffending. The bundling together of challenging or “difficult” behaviours and defining them as a “disorder” clearly puts the onus on the young person as the one with the problem...This use of medical terms to describe behaviours also encourages professionals increasingly to reach for a medical solution, the use of drugs for example, to treat ADHD, (Stephenson, Giller & Brown 2007, p.93).

⁶⁶⁵ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

⁶⁶⁶ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁶⁶⁷ Submission from Berry Street to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

The Board[s] are pleased that the collaborative project (What Works?) between Disability Services and Youth Justice is underway to identify the interventions and supports that result in the most positive outcomes for young people with a disability within the youth justice system. The Boards are keen to receive information about the outcome of this project when it is completed.⁶⁶⁸

Ultimately, however, experts in the area of disability believe there needs to be far better understanding by and training of people in the criminal justice sector as to how to engage with young people of varying degrees of disability. Such training should apply to everyone involved from police through to the courts.⁶⁶⁹ Ms Deidre Griffiths, Villamanta Disability Rights Legal Centre, believes the current system is far too ad hoc in terms of quality service provision.⁶⁷⁰

Ms Vivienne Topp, Lawyer and Policy Coordinator, Mental Health Legal Centre, adds that it is actually unfair to expect a police officer to know exactly how to deal with a young mentally ill or disabled person in crisis without sufficient professional backup. They need trained professionals to back-up the police role.⁶⁷¹

The need for criminal and juvenile justice personnel to work alongside health professionals is also appropriate when it comes to using diversionary strategies; once again professionals in the areas of mental illness and intellectual disability need to be involved.⁶⁷²

Ms Vivienne Topp adds:

I would think that the most important thing would be whether or not the person is consenting and understanding what they are participating in. In some of that group conferencing the power imbalances can, in any event, be difficult. Then when you have a disability on top of that you really need a good advocate to explain and ensure that you do know what you are putting yourselves into.⁶⁷³

⁶⁶⁸ *Youth Parole Board and Youth Residential Board Annual Report 2007–2008*, Victorian Government Department of Human Services, Melbourne, p.14.

⁶⁶⁹ The Villamanta Disability Rights Legal Centre is currently producing a written manual about the over-representation of people with an intellectual disability in the criminal justice system. Ms Griffiths told the Inquiry:

‘We hope that will be used by people all through the criminal justice system – the police and corrections and the courts and by magistrates and judges – to give a bit more of an idea of how to deal appropriately and support people who have an intellectual disability who are going through the system. A lot of what is in it will apply to the young offenders, too’ (Evidence of Ms Deidre Griffiths, Principal Solicitor and Executive Officer, Villamanta Disability Rights Legal Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne 23 February 2009).

⁶⁷⁰ Evidence of Ms Deidre Griffiths, Principal Solicitor and Executive Officer, Villamanta Disability Rights Legal Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁷¹ Evidence of Ms Vivienne Topp, Lawyer and Policy Coordinator, Mental Health Legal Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁷² Evidence of Ms Deidre Griffiths, Principal Solicitor and Executive Officer, Villamanta Disability Rights Legal Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁷³ Evidence of Ms Vivienne Topp, Lawyer and Policy Coordinator, Mental Health Legal Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

Finally, Ms Deidre Griffiths believes there are insufficient supports in place for an intellectually disabled offender for whom 'mainstream' juvenile detention would be inappropriate. This is particularly important for young people who may not be 'high end' offenders.⁶⁷⁴

Ms Griffiths argues that not only should purpose built secure accommodation units be available in lieu of standard detention facilities but also a place where they 'could be receiving therapy and training and education and getting equipped to go on with their lives afterwards'.⁶⁷⁵ This would include advocacy for these people.

A positive development with regard to the interaction of young people in the criminal justice system is the recent publication of the *Protocol between Disability Services and Youth Justice – Guidelines for Workers*.⁶⁷⁶ A similar protocol has been developed between Disability Services and the Department of Corrections. It is hoped that these protocols will result in improved outcomes for young people who receive services from both Disability Services and Youth Justice, particularly those who are being supervised by Youth Justice in the community or a custodial facility, or are the subject of a request for court advice from Youth Justice.

More specifically, the Youth Justice protocol aims to:

- clarify the roles and responsibilities of Disability Services and Youth Justice;
- promote effective communication and service coordination between Disability Services and Youth Justice;
- provide information about how to access services/supports that respond to the needs of young people with a disability;
- outline collaborative approaches and processes to working with this target group; and
- to provide the best outcomes for young people with a disability, workers from both areas need a clear understanding of:
 - the characteristics and needs of young offenders with a disability
 - relevant Disability Services and Youth Justice policies and directions
 - Disability Services and Youth Justice service systems and workers' roles and responsibilities.

⁶⁷⁴ Evidence of Ms Deidre Griffiths, Principal Solicitor and Executive Officer, Villamanta Disability Rights Legal Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁷⁵ Evidence of Ms Deidre Griffiths, Principal Solicitor and Executive Officer, Villamanta Disability Rights Legal Centre, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁷⁶ See *Protocol between Disability Services and Youth Justice* and *Protocol between Disability Services and Department of Corrections – Guidelines for Workers* 2009, Department of Human Services, Melbourne. Accessed 10 June 2009, at http://www.dhs.vic.gov.au/disability/supports_for_people/specialist_disability_services/criminal_justice

Young offenders with mental health needs

A recent research report by Professor Patrick McGorry and his associates from Orygen Youth Mental Health and the University of Melbourne states:

In Australia, the prevalence of mental health problems among children aged 4-12 lies between 7% and 14%, rises to 19% among adolescents aged between 13-17 years, and increases again to 27% among young adults aged 18-24. Therefore, up to one in four young people in Australia are likely to be suffering from a mental health problem, most commonly substance misuse or dependency or depression or anxiety disorder, or combinations of these.

Associated with mental disorders among youth are high rates of enduring disability, including school failure, impaired or unstable employment, and poor family and social functioning, leading to spirals of dysfunctional and disadvantage that are difficult to reverse.

Another important subgroup have disabling illnesses that developed in childhood, such as autism, attention deficit hyperactivity disorder, conduct disorder, or behavioural complications of intellectual disability (McGorry et al 2007a, p.5).

Late childhood and adolescence is a key stage for the onset of a variety of mental health disorders. Orygen Youth Mental Health notes that ‘over 75 per cent of all serious mental health problems commence before the age of 25 years’ (Orygen Youth Mental Health cited in Victorian Council of Social Services (VCOSS)/YACVic 2006, p.9).

Professor Patrick McGorry points out that whilst some illnesses, such as conduct disorders, may be diagnosable in childhood, many mental illnesses affecting young people only become truly noticeable in late or post-adolescence. This is despite the fact that the risk factors leading to the young person’s illness, such as child abuse or neglect, may have been operating in early childhood.⁶⁷⁷

With regard to young people at risk of criminal offending or antisocial behaviour, a recent consultation paper produced by DHS Victoria in the lead up to the recently released state *Mental Health Reform Strategy* noted that ‘young people and adults with mental health problems are over represented in the justice system, as offenders and victims’ (DHS, 2008c, p.10).

Several local academic studies have noted the vulnerability of young people with mental illnesses in the juvenile justice system.⁶⁷⁸ The problems are particularly acute where there is a dual diagnosis of mental illness and substance abuse, a relatively common phenomenon. According to research by Coffey et al, young people in juvenile detention in particular may not only suffer from both mental illness and substance abuse related problems but also are at very high risk of death from suicide, drug related overdoses or other unnatural deaths.⁶⁷⁹ Indeed young offenders have a much higher death rate than young Victorians who are not offenders (Coffey et al 2004).

⁶⁷⁷ Evidence of Professor Patrick McGorry, Director of Orygen Youth Mental Health, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁷⁸ For example the excellent studies in a special edition of the *Medical Journal of Australia* on adolescent mental health. See *Early Intervention in Youth Mental Health, Medical Journal of Australia Supplement, MJA*, vol. 187.

⁶⁷⁹ See also the academic studies referred to in Stephenson, Giller and Brown 2007, Chapter 4.

Coffey et al argue therefore that these findings indicate a strong need for the continuing forms of post-release coordinated care in partnership with community agencies and taking account of cultural factors (Coffey et al 2004).

Professor George Patton of the Centre for Adolescent Health/Gatehouse Project also stressed this link between mental illness, morbidity and mortality.⁶⁸⁰

Problems accessing mental health services

According to some mental health professionals, including those who gave evidence to this Inquiry, adolescents and young people are worst off when it comes to accessing comprehensive services and treatment for mental health problems. Professor Patrick McGorry, a leading Australian expert in adolescent mental health, endorsed this view.⁶⁸¹

Professor McGorry added that whilst the mental health sector has become much better at identifying underlying mental health problems in young people, this does not necessarily solve the problem of being able to get them into counselling or other forms of treatment. For example, he has to refuse treatment to over 1000 young people each year.⁶⁸²

Dr Pat Brown, Director of the Children's Court Clinic, also sees problems in being able to access Crisis Assessment Teams (CAT) for young people caught up in the juvenile justice system, because (i) CAT teams are specific to an area, and (ii) delays in CAT teams attending to calls.⁶⁸³

The Centre for Adolescent Health also identified the issue of 'falling between the cracks' as being particularly acute for young people in late adolescence.⁶⁸⁴ The problem is exacerbated by a lack of outreach services for those young people who are both homeless and have substance abuse and mental health issues. According to Ms Terrie Stewart, Koori court

⁶⁸⁰ Evidence of Professor George Patton, Director, Centre for Adolescent Health/Gatehouse Project, Royal Children's Hospital, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008. Professor Patton told the Hearing that:

'The rates of mental illness, the rates of substance abuse and dependence in this group are unbelievable. If I were to ask you to follow 1000 young people up for five years, how many will be dead at the end of five years in the general community – you know, kids who are 14–15? The answer is about one. If you look at a group of young offenders, how many will be dead after five years? The answer is 50. Five per cent will be dead, and they are dying from suicide, drug overdose, injury – and some of that will be unintentional and some that will be intentional. These are the highest mortality rates you will find in any group in the community'.

The Gatehouse Project is discussed in Chapter 8 of this Report.

⁶⁸¹ Evidence of Professor Patrick McGorry, Director of Orygen Youth Mental Health, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁸² Evidence of Professor Patrick McGorry, Director of Orygen Youth Mental Health, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁸³ Evidence of Dr Pat Brown, Director, Children's Court Clinic of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

⁶⁸⁴ Evidence of Ms Dianne Garner, Service Manager, Centre for Adolescent Health, Royal Children's Hospital, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

Officer at Broadmeadows Magistrates' Court, this is particularly the case for Indigenous youth.⁶⁸⁵

Young people in detention

There are also problems in providing services for young people who suffer from mental health issues whilst in residential detention. This has been recognised by those responsible for the management of juvenile detention. For example, Mr Alex Kamenev, Director of Youth Custodial Services, supported this view:

[c]ertainly there's been an increase in complexity of people who are admitted to the centres. The data we have available suggests an increase in young people with either an intellectual disability or a significant mental health issue.⁶⁸⁶

The Youth Parole Board is also concerned about the number of people it sees in the juvenile detention system who clearly have mental health problems and whose needs are not necessarily being addressed. It also identified the problems of the association between mental health problems, substance abuse and persistent behavioural problems:

The Boards have been impressed with the level of service provided during the period under review by custodial health services, particularly at Malmsbury Youth Justice Centre, to some very complex clients with mental health problems.

However, the Boards remain concerned that for those released into the community on parole, appropriate community-based services and supports are often not available. In fact, it is the experience of the Boards that there are insufficient intensive support and treatment services available for extremely vulnerable young people with complex needs who are leaving the custodial system.⁶⁸⁷

Despite such concerns, significant efforts are being made to address the mental health needs of young people in Victoria including those involved with the juvenile justice system.⁶⁸⁸ One major development has been the implementation of an overarching framework for mental health in Victoria discussed later in this section.

⁶⁸⁵ Ms Terrie Stewart, Koori Court Officer, Broadmeadows Magistrates' Court, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Broadmeadows, 3 September 2008.

⁶⁸⁶ Mr Alex Kamenev, Director of Youth Custodial Services, Department of Human Services, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Juvenile Justice Centre, Melbourne, 5 August 2008.

⁶⁸⁷ *Youth Parole Board and Youth Residential Board Annual Report 2007–2008*, Victorian Government Department of Human Services, Melbourne, p.15.

⁶⁸⁸ In a submission to this Inquiry the Youth Substance Abuse Service (YSAS) notes that the the Multiple and Complex Needs Panel (MACN) is a good example of a coordinated assessment and referral mechanism and a model that could be usefully adopted to the needs of young offenders:

'As a multi-disciplinary statutory body MACN membership has extensive expertise across a range of fields including alcohol and other drug dependency, mental health, disability, correctional services, child protection, education. MACN has a limit of 50 people it supports at any one time and through the process of determining eligibility for the service, people with highly complex needs receive the type and level of support needed along the continuum. Individual Care Plans are developed, coordinated and reviewed. Brokerage funds are allocated where appropriate. YSAS identifies this as a model that could be more broadly implemented as an early intervention strategy for young people at risk as they enter the justice system' (Submission from YSAS to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008).

Treatments and strategies to address young offenders' mental health problems

Specialist treatments in child and adolescent psychiatry are extremely important interventions in addressing the mental health needs of young offenders, particularly those with serious conditions. Recent research on effective interventions for treating young people with mental disorders indicates some common features, including:

- The importance of early intervention;
- The need to use a range of methods, and combinations of methods, within individual treatment plans;
- The key role of the relationship between therapist and client in treatments;
- The importance of the family context, both in the assessment process and in supporting or thwarting treatment efforts (Stephenson, Giller & Brown 2007, p.101).

Research shows that effective interventions to address the mental health needs of young offenders (or those at risk of offending or re-offending) not only improves their mental health but may also affect their motivation and ability to engage with rehabilitation programs. For example, Harrington and Bailey (2005) have examined the effectiveness of a number of approaches to treating adolescent health disorders including: psychological/cognitive treatments, pharmacotherapy, multi-systemic and/or family therapies⁶⁸⁹ and multi-modal treatments. They conclude:

- Programmes should seek adaptation of a young person's individual circumstances, using cognitive behavioural and problem-solving skills training approaches. These programmes should be based on assessed need, the severity of the need and an appraisal of the young person's motivation and ability.
- Multi-modal approaches should simultaneously focus on the involvement of the young person themselves, his/her family and the young person's peer group.
- Young people should be assisted to engage with interventions by use of motivational initiatives (e.g. motivational interviewing, mentoring).
- Programmes should be delivered by trained staff.
- Young people with moderate and severe mental health problems should be referred to an appropriate professional or agency (Harrington & Bailey 2005, p.5).

Moreover, as a wide range of biological, psychological, social and environmental factors impact on the mental well-being of children and adolescents: 'In monitoring and reviewing specific interventions and programmes, it is therefore important to include *all* aspects of young people's lives, not simply any changes to specific presenting symptoms' (Audit Commission 1999 in Stephenson, Giller & Brown 2007, p.105).

Early intervention approaches have recently been considered beneficial in addressing the needs of young people at risk of serious mental illness, including psychosis, before the condition becomes too developed. Such interventions emphasising cognitive, family and psychosocial therapies, as well as integration with comprehensive, coordinated and 'wrap-around' local community services, have shown great promise (McGorry et al 2007a; McGorry, Killackey & Yung 2007c).⁶⁹⁰

⁶⁸⁹ Multiple Systemic Therapy or MST is discussed later in this chapter.

⁶⁹⁰ The *Medical Journal of Australia* has recently published an excellent supplementary addition on early intervention for young people and adolescents at risk of mental health problems. See *Early Intervention in Youth Mental Health, Medical Journal of Australia Supplement, MJA*, vol. 187, no. 7, 1 October 2007.

Such interventions have also been shown to be cost-effective. For example, a study done for the Orygen Research Centre by Access Economics looked at the cost-effectiveness of early interventions (EI) such as cognitive and behavioural interventions compared to treatment as usual (TAU).⁶⁹¹ The study concluded that:

EI not only costs nearly \$2000 less per person annually than TAU in trial related costs, it also saves nearly \$1500 in health system and other financial costs and reduces the cost of pain and suffering by nearly \$5490 as well. This represents a total saving to society of nearly \$9000 per patient per year. It also means that in terms of incremental cost effectiveness, EI dominates TAU.

However...while there are undoubted benefits from EI programs, the jury is still out as to their longevity once the programs have ceased...A number of experts have called for EI programs to be maintained for the whole five years of the critical period, and it is important that longer trials be conducted in the near future.

If each of the estimated 5,320 FEP [First episodes of psychosis] cases in 2008 were able to access early intervention...then the net present value of the savings for this cohort over the five years of their critical period would be \$212.5 million (\$82.5 million in financial savings and \$130 million in reduced burden of disease (Access Economics 2008, p.32).

Professor McGorry and his colleagues from Orygen Youth Mental Health and the University of Melbourne add that early intervention is clearly both a cost-effective and clinically effective model:

Early effective intervention, targeting young people aged 12-25 years, is a community priority, and is required if we wish to reduce the burden of disease created by these disorders (McGorry et al 2007a, p.6).

Notwithstanding the benefits of early intervention, professionals working in both youth and mental health sectors have lamented the lack of youth support services along the prevention, early intervention and secondary service continuum, particularly for those at-risk youth still in schools. For example, a forum conducted by VCOSS and YACVic sought the views of youth service providers about a number of issues pertaining to the health and well-being of Victoria's young people:

The most commonly reported gap in youth support services was the availability of psycho social counselling services and early intervention to secondary level mental health support services [particularly in rural areas] (VCOSS/YACVic 2006, p.13).

One school based youth service coordinator described the gaps in mental health service delivery as follows:

There is an identified gap in services for those young people who are experiencing early signs of mental health issues or behaviours. These young people have almost no services available to them until they reach crisis point. This service gap has been identified by schools, CAMHS (Child and Adolescent Mental Health Services), PMHT (Primary Mental Health Teams) and many other youth agencies. CAMHS are often unable to take on many referrals due to their specific criteria and have huge waiting lists. The PMHT deals with anxiety and depression and offers a secondary consult service and provides a limited share service model with GPs. This however is not available in all areas of this region. School personnel are not highly skilled to identify at risk behaviours or have the expertise to deal

⁶⁹¹ TAU with regard to first episodes of psychosis is defined as follows: 'Essentially the usual treatment is generally to provide heavy doses of antipsychotic medication when the patient is actively psychotic, along with hospitalisation in psychiatric wards in more severe cases. Otherwise there is little or no structured intervention between episodes' (Access Economics 2008, p.iii).

with these young people who present with some serious issues. The role of Student Services or Welfare Workers is to refer on to other agencies for more professional assistance and support, but they are extremely limited as to where they can refer to (VCOSS/YACVic 2006, p.13).

Finally it has been posited that four service levels are required to fully manage mental illness amongst young people. These are:

- Improving community capacity to deal with mental health problems in young people through e-health, provision of information, first aid training and self-care initiatives.⁶⁹²
- Primary care services provided by general practitioners and other frontline service providers, such as school counsellors, community health workers and non-government agency youth workers.
- Enhanced primary care services provided by GPs (ideally working in collaboration with specialist mental health service providers in co-located multidisciplinary services centres) as well as team-based “virtual” networks.
- Specialist youth-specific (12-25 years) mental health services providing comprehensive assessment, treatment and social and vocational recovery services (McGorry et al 2007a, p.6).

Multi-systemic therapy

A growing body of child welfare theorists and practitioners have argued that existing treatment models have failed to address the multiplicity of influences on youth offending. Accordingly, a broader approach and multi-systemic therapy (MST) may be more useful (Dennison, Foley & Stewart 2005).

MST is often used as a home based treatment. Whilst by no means exclusively used with young people with mental health problems or a record of juvenile delinquency, it is considered of great benefit as a quantifiable and cost-effective treatment model for youth presenting with antisocial and criminal behaviours, particularly those in out-of-home placements (Henggeler 1991, 1999).

The treatment aims to improve caregiver practices, enhance family relations, decrease youth involvement with deviant peers and increase association with prosocial peers, promote academic efforts, engage youth in prosocial recreational activities, and develop a support network of extended family, friends and neighbours to help caregivers achieve and maintain these changes...Fundamental to the MST treatment model is the combination of earlier pragmatic, problem focused therapies (e.g family therapies, behavioural parent training, cognitive behavioural therapies) into an inclusive framework that addresses a broader range of factors across the individual’s environment.

The theoretical and empirical foundation of MST is based on a social-ecological paradigm (Bronfenbrenner 1979) and causal modelling studies (Henggeler 1991). This approach suggests that human behaviour is determined by the combination and mutual influence of individual, family, school, peer and community factors. It is argued that any treatment of the individual in isolation would neglect to address other influences such as family or peers which contribute to the child’s anti social behaviour. As such, any initial improvement would be temporary due to the ongoing reinforcement of the behaviour in the individual’s unaltered environment... Consequently, MST treatment of delinquent behaviour would not be limited to the individual adolescent or to the family unit, but would [also look at] the problematic

⁶⁹² See Chapter 9 for a discussion of community capacity.

interactions between these and other systems, such as the family–school and family–peer systems (Dennison, Foley & Stewart 2005, pp.18–19).

The nine key principles of MST are outlined in Table 12.1.

Table 12.1: Nine treatment principles of multi-systemic therapy

Principle 1	The primary purpose of assessment is to understand the fit between the identified problems and their broader systemic context.
Principle 2	Therapeutic contacts should emphasise the positive and should use systemic strengths as levers for change.
Principle 3	Interventions should be designed to promote responsible behaviour and decrease irresponsible behaviour among family members.
Principle 4	Interventions should be present-focused and action-oriented, targeting specific and well-defined problems.
Principle 5	Interventions should target sequences of behaviour within and between multiple systems that maintain identified problems.
Principle 6	Interventions should be developmentally appropriate and fit the developmental needs of the youth.
Principle 7	Interventions should be designed to require daily or weekly effort by family members.
Principle 8	Intervention effectiveness is evaluated continuously from multiple perspectives, with providers assuming accountability for overcoming barriers to successful outcomes.
Principle 9	Interventions should be designed to promote treatment generalisation and long-term maintenance of therapeutic change by empowering caregivers to address family members' needs across multiple systemic contexts.

Source: Dennison, Foley & Stewart 2005, Appendix A, adapted from Henggeler 1999.

The key underlying premise of MST is its emphasis on positive behavioural change within the young person’s ‘natural environment’. This can be facilitated by providing caregivers: ‘[w]ith skills and resources to effectively address inevitable difficulties faced by adolescents, and to empower youth to cope with family, peer, school and neighbourhood challenges’ (Dennison, Foley & Stewart 2005, pp.19–20).

Such an approach is consistent with the analysis of risk and protective factors outlined throughout this Report.

MST is viewed as having great promise as a model for working with troubled youth including young offenders. Several clinical and randomised controlled trials have been undertaken to test its effectiveness, many of which have resulted in positive appraisals and evaluations.⁶⁹³

Given the strong empirical support from controlled trials, MST has shown to be an effective alternative for treating severe emotional and behavioural problems in high risk youth (Dennison, Foley & Stewart 2005, p.23).

⁶⁹³ See the review of the evidence and evaluations discussed in Dennison, Foley and Stewart 2005, pp.20–23.

MST in conjunction with other strategies and programs shows great promise in reducing antisocial behaviour and youth offending. This approach has also been regarded favourably by many of the experts who have given evidence to this Inquiry.⁶⁹⁴

A forensic treatment centre for adolescents?

A number of respondents who gave evidence to the Committee spoke of the need to provide a specialised forensic treatment centre or facility for young offenders with mental health issues.

For example, Dr Pat Brown, Director of the Children's Court Clinic, which sees young people in court on both criminal charges and for care and protection reasons, told the Committee that a contained therapeutic facility for young people is essential.

We arguably see the most contentious, complex and perhaps dangerous cases. We have got a treatment function as well, but that treatment function is only for those who are still in front of the court. The purpose of that is if we get in with some quick and short-term treatment, perhaps it may make a difference to what can be recommended to the court at the end of that time.⁶⁹⁵

Dr Brown's colleague, senior clinician Dr Carl Scuderi agrees that not only is there a need for better specialist services for troubled young offenders but also that those services currently providing assistance need to have staff with a better understanding of the forensic, psychological and clinical needs of young people in their care:

My experience suggests that many children continue to offend and to provide enormous drains on resources because the severity of their psychological and social disturbances are not well understood by professionals – that is, the ones that are working with them, who are not often very well trained, or not adequately trained, say, to deal with these most troubled children. Put simply, many people who work in that front-line drug and alcohol field and those who are at the coalface of youth justice have a fairly limited repertoire when it comes to managing and assisting the most troubled children.

I spend quite a bit of time speaking to youth-justice workers and drug and alcohol workers about the kids that they see and trying to give them some way of understanding it from a clinical point of view. What is it that they can do to change the way that young person is responding to them in their relationship?

A secure, properly staffed treatment accommodation as mentioned by Dr Brown would allow some of these children to find some consistency and some stability in a place which might resemble a home in the sense that it is a secure base, somewhere they can be comfortable in for a certain amount of time and to try to begin to address their therapeutic needs. Because a lot of these kids will tell you – some of them will just say, 'I re-offended because I wanted to go back to remand'. I am not surprised by that at all in some way – not that remand is very well resourced at the moment, I should say.⁶⁹⁶

⁶⁹⁴ See, for example, Dr Susan Dennison and Professor Paul Mazerolle, Centre for Law, Justice and Governance, Griffith University, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Brisbane, 13 May 2008.

⁶⁹⁵ Evidence of Dr Pat Brown, Director, Children's Court Clinic of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

⁶⁹⁶ Evidence of Dr Carl Scuderi, Senior Clinician, Children's Court Clinic of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 22 October 2008.

Professor McGorry, Director of Orygen, also put his weight behind a forensic treatment centre for young people when he gave evidence to the Inquiry.⁶⁹⁷

The need for a specialised forensic facility is also something that Judge Paul Grant, President of the Children’s Court, believes is long overdue.⁶⁹⁸

headspace

headspace is Australia’s National Youth Mental Health Foundation and aims to be the focal point for young people with mental health issues.⁶⁹⁹ It treats patients between the ages of 12 and 25, and there are 30 headspace services located in each state and territory in Australia.⁷⁰⁰

The principle goal of headspace is to:

[e]stablish a highly accessible, more specialised multidisciplinary model of care to target the core health needs of young people. A related aim will be ensure that the schism between mental health and drug and alcohol services can be overcome through strategies including, wherever feasible, co-location and common clinical governance. The physical health needs of young people will not be the primary focus, as they represent a minor component of the burden of disease at this stage of life, but the service model will be able to address these needs when required.

headspace aims to:

- Build greater awareness of youth mental health within specific communities, as well as nationally, to encourage young people with mental health concerns to seek appropriate help and to do so earlier.
- Build the capacity of several Australian communities, their young people and their families to:
 - Ensure early detection and early intervention in emergency mental and substance use disorders;
 - Created youth-and family-friendly service environments;
 - Benefit from significant improvements in access, service integration and quality, through co-location, secondment of clinical staff and outreach; and
 - Access evidence-based interventions for the treatment of mental and substance use disorders (McGorry et al 2007b, p.68).

Professor Patrick McGorry, Executive Director of Orygen Youth Mental Health and a Foundation Executive Member of headspace, spoke to the benefits of the program when he gave evidence to the Inquiry in February 2009, pointing out that they were basically ‘one stop shops’ for young people.

⁶⁹⁷ Evidence of Professor Patrick McGorry, Director of Orygen Youth Mental Health, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁶⁹⁸ His Honour Judge Paul Grant, President, Children’s Court of Victoria, Meeting with the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Melbourne, 30 March 2009.

⁶⁹⁹ headspace’s National Office is located in Melbourne. It has partner offices in Sydney and Canberra.

⁷⁰⁰ <http://www.headspace.org.au/about/> (Accessed 19 May 2009).

They do not look like mental health centres; they look like youth centres, but with GPs, psychologists, psychiatrists and drug and alcohol people. Legal people can be involved.⁷⁰¹

headspace is an exciting new holistic model of comprehensive service delivery for young people that goes well beyond their immediate mental health and treatment needs.

The Victorian Mental Health Reform Strategy

Recent efforts to improve the mental health needs of (young) Victorians have included the development and implementation of the new Mental Health Reform Strategy (the Strategy):

The [Strategy] has a strong focus on youth. As has been noted, finding appropriate mental health support has been difficult for this client group so it is hoped that the Strategy will assist in the availability of services including early intervention and prevention and a focus on working in partnership across service sectors. It is also encouraging that the youth justice client group is identified as one of the groups of particularly vulnerable Victorians who should be supported to access appropriate, targeted mental health support.

The Boards are also aware that, following the completion of the *Youth justice health service review*, the Department of Human Services is currently working to develop a new model for health services provided to youth justice clients. We are hopeful that this will result in improvements to the treatment of youth justice clients, particularly those with complex health problems and mental health issues.⁷⁰²

The Strategy is based on the following core elements of reform:

Prevention – Recognising the potential to prevent or delay the emergence of certain mental health problems and to prevent a range of negative outcomes associated with poor mental health, including physical health problems. Actively promoting positive mental health through community settings is a core part of effective prevention efforts.

Early intervention – Responding early in life, early in the course of a mental health problem, and early in an episode of illness, reduces the risk of escalation, has a positive impact on the pattern of illness, and minimises the harmful impact on individuals, their families and carers, and the wider community.

Recovery – Promoting access to client-centred treatment and ongoing support that aims to achieve real change and the best possible individual outcomes. Recovery-focused care should foster independence and the capacity of affected individuals to achieve their personal goals and lead meaningful and productive lives.

Social inclusion – Destigmatising mental illness and promoting the fullest possible participation of people with mental health problems, their families and carers in the community, and recognising the impact of multiple types of disadvantage. Social inclusion is also a critical element in preventing mental health problems in the population at large and in those identified as at risk (Department of Human Services 2009, p.5).

⁷⁰¹ Evidence of Professor Patrick McGorry, Director of Orygen Youth Mental Health, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 February 2009.

⁷⁰² *Youth Parole Board and Youth Residential Board Annual Report 2007–2008*, Victorian Government Department of Human Services, Melbourne, p.15.

The key aims and objectives of the Strategy are to:

- Help people with mental health problems earlier, thereby avoiding harmful individual and social impacts
- Provide easier access to the most effective treatments, be it in a public mental health service or elsewhere, for a greater range of people
- Offer longer-term, holistic support to sustain people in the community, drawing on all relevant health and community services
- Foster an inclusive and respectful culture of service delivery that gives people the support they need to achieve individual recovery goals.

In distinction to previous strategies and plans, this strategy takes a truly whole-of-government approach, recognising that mental health cannot be solely the concern of the specialist mental health service system. It also covers a broader spectrum of mental health concerns than previous plans and has partnerships with consumers, carers, and general health and community services for the provision of prevention and care at its centre (Department of Human Services 2009, p.6).

The Strategy was preceded by a consultation report prepared by the Boston Consultation Group, which found that the mental health system in Victoria was highlighted by:

Limited investment in prevention and early intervention with many children and young people in particular not receiving support designed to forestall or avoid the escalation of mental illness (Boston Consulting Group 2006, p.5).

As such, a key reform area of the Strategy is to improve outcomes in child and adolescent mental health and for young people up to 25 and their families:

With 75 per cent of mental health problems emerging before the age of 25, increased support to children and young people with emerging or more fully developed mental health problems is a high priority for reform. This will involve redevelopment and expansion of child and youth mental health services that work in partnership with a range of universal services, and are welcoming and family focused (Department of Human Services 2009, p.10).

The specific goals of the Strategy with respect to young people are to:

- Strengthen early identification and intervention through universal services, including early childhood services, primary health care and educational settings
- Provide earlier and age-appropriate treatment and care for children, adolescents and young adults with emerging or existing mental health problems and their families
- Deliver targeted mental health support for particular groups of highly vulnerable young people
- Build stronger, more resilient families where there is risk related to mental health and drug and alcohol problems (Department of Human Services 2009, p.10).

The specific actions to achieve these goals will include:

- Delivery of more accessible, earlier intervention for children and young people by redeveloping services within a 0–25 years framework that improves continuity of care, fosters specialisation for children and young people, and builds partnerships with primary health, early childhood services, schools and youth services.
- Improvement of skills in the school health and welfare workforce to confidently promote mental well-being, identify emerging mental health problems, facilitate access to more specialist intervention where required and provide follow-up support.

- Provision of accessible help for young people (12–25 years) with emerging moderate or severe mental health conditions through a network of youth service hubs, co-located with general health, drug treatment and youth support services and working with Commonwealth-supported *headspace* sites where possible.
- Building on youth early psychosis services to further develop early intervention in accordance with international best practice pioneered in Victoria and elsewhere.
- Establishment of a statewide framework to support consistent specialist care for young people with eating disorders. This will foster locally coordinated treatment and care, with back-up from regional resources and statewide expertise, and streamlined access to inpatient care if required.
- Provision of tailored, flexible services to highly vulnerable young people who have experienced significant abuse and trauma – especially those involved with youth justice, child protection and youth homelessness services.
- Proactive support to families where mental health problems may be damaging family relationships and putting children at risk. This will connect mental health and alcohol and drug treatment services with Child FIRST sites so that family support interventions are provided when required (Department of Human Services 2009, p.10).

Earlier in this chapter the particular disadvantages suffered by discrete groups within the community such as Indigenous young people and those from a culturally and linguistically diverse or refugee backgrounds were discussed. The Strategy recognises these problems and addresses their health and mental health as priority needs:

Closing the gap in mental health outcomes for Aboriginal people by promoting improved social and emotional well-being and providing culturally responsive care is a clear strategy priority. People with mental illness and coexisting disabilities require specific service responses. Measures are also required to address the particular needs of people from culturally and linguistically diverse (CALD) and refugee backgrounds (Department of Human Services 2009, p.13).

To this end the following goals have been formulated. The Strategy will:

- Improve the social, spiritual and emotional well-being of Aboriginal people, their families and community
- Improve outcomes for people with a mental illness and co-existing intellectual disability, Acquired Brain Injury or Autism Spectrum Disorder
- Improve mental health outcomes for people from culturally and linguistically diverse and refugee backgrounds (Department of Human Services 2009, p.13).

The Victorian Mental Health Reform Strategy certainly seems to be a step in the right direction for improving Victoria's mental health system. In particular it is hoped that if the goals set out in the Strategy are achieved it will assist in coordinating and streamlining health service delivery for young people in the community.

Young offenders with substance abuse issues

To a certain extent some forms of drug use at least such as alcohol, tobacco and cannabis are increasingly becoming 'normalised' amongst young people or otherwise could be viewed as experimental.⁷⁰³ However, the reasons for *problematic* drug use are multiple,

⁷⁰³ For discussion of the 'normalisation' of youth drug use including the use of ecstasy, amphetamines and so called 'party drugs', see Measham, Newcombe and Parker 1994; Measham, Aldridge and Parker 2001; Hammersley, Marsland and Reid 2003; Drugs and Crime Prevention Committee 2004 and the references listed therein.

whether it is as a form of self medication for trauma, what the Youth Substance Abuse Service calls the ‘functionality of drug use’,⁷⁰⁴ as a manifestation of psychological illness, or simply as an ‘antidote’ to boredom and/or a lack of meaningful activity in their lives.

Whilst substance abuse is of course associated with criminal behaviour it should not simplistically imply *causality*.⁷⁰⁵ Nonetheless, the risk factors associated with drug use problems and/or the increased risk of taking drugs among young people ‘are very similar to those with offending careers’ (Stephenson, Giller & Brown 2007, p.114).

These include:

- Serious anti social behaviour;
- Weak parental attitude towards bad behaviour;
- Disrupted family backgrounds;
- Being in trouble at school, absenteeism, or suspension/exclusion;
- Friends and peer groups in trouble;
- Early smoking;
- Low psychological well-being; having been in state care.⁷⁰⁶

If some or all of these factors are present then ‘[s]ubstance misuse and crime tend to develop together at the same age and within the same peer group’ (Stephenson, Giller & Brown 2005, p.114).

It should not be forgotten of course that illicit drug use *of itself* is a criminal activity that can serve as an entry point for a young person into the juvenile justice sector. Therefore strategies and programs that address youth offending and its causes must where relevant also examine underlying issues of substance abuse, particularly poly-drug use.⁷⁰⁷ The Committee heard from several respondents that improved and better resourced forensic drug treatment services for young people were needed. The Victorian Alcohol and Other Drug Association stated that:

[d]rug treatment is a cost-effective means of preventing and reducing alcohol and drug-related harm in the community (Cartwright 2000; VAADA 2002). Economic analyses of the cost-effectiveness of drug treatment services have demonstrated that drug treatment services provide positive returns on investment (Cartwright 2000). Research indicates that drug treatment services are effective in reducing harmful drug use as well as drug-related crime, violence, hospital costs and welfare costs (Cartwright 2000; Flynn et al 1999; Reuter & Pollack 2005; Rowe 2008).

We believe this Inquiry provides a unique opportunity to assess government spending on programs for young offenders and to direct funding to programs that engage with young Victorians who are misusing alcohol and other drugs to prevent offending and reduce re-

⁷⁰⁴ Submission from Youth Substance Abuse Service (YSAS) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. See also generally the submissions from Victorian Alcohol and Other Drug Association (December 2008), Australian Drug Foundation (September 2008) and Salvation Army (September 2008) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People.

⁷⁰⁵ Some types of drug abuse are more commonly associated with certain types of crime. For example theft and shoplifting is more linked to addictive type drugs such as alcohol or heroin, whilst amphetamine and other forms of stimulants predict more violent crime and assaults (Hammersley, Marsland & Reid 2003).

⁷⁰⁶ Adapted and taken in part from Stephenson, Giller and Brown 2005, p.114, and the references listed therein.

⁷⁰⁷ For a comprehensive discussion of strategies and programs to address youth drug and alcohol misuse see Drugs and Crime Prevention Committee 2004; Drugs and Crime Prevention Committee 2006.

offending. This includes investment in drug treatment programs and services that can offer support and assistance to people before they move into the criminal justice system.

Alcohol and drug services, including harm reduction interventions and drug treatment responses should form part of a comprehensive response to addressing youth crime. Working with young people on their drug and alcohol issues is a preventative measure as well as an important harm reduction mechanism. Drug treatment may also reduce the likelihood of young people re-offending.⁷⁰⁸

Certainly the link between substance abuse, mental health and offending cannot be ignored or treated in isolation from each other. As discussed earlier in this chapter, the death rates for young people who are, or have been, resident in juvenile detention from drug overdoses and drug related causes have been unacceptably high (see Coffey et al 2003; Coffey et al 2004).

Even from a less dramatic perspective research on the links between drug use and (youth) offending have implications for the development and implementation of social policy:

The findings have important implications for social policies for young offenders. On the one hand the high rates of [deaths] due to drug overdose and suicide indicate a need for a better response to prevalent problems of drug misuse and psychiatric disorder. On the other hand we also need to develop strategies effective in the social reintegration of young offenders. Education and training, accommodation and family interventions will probably play an important part. Health practitioners are likely to have an essential role in the implementation of such responses (Coffey et al 2003, p.1068).

Conclusion

This chapter has examined the needs of specific groups of young people and particular strategies that may be required to address their offending, re-offending and antisocial behaviours. The chapter has not looked at every possible discrete group of young offenders for whom strategies are needed. The needs of young people who may be struggling with their sexuality for example have not been discussed in any detail. Similarly, the needs of a young person from rural and regional Victoria may be different from a young person growing up in the city. Unfortunately, the Inquiry received very little information pertaining to these issues.

Nonetheless, this Report has tried to be as inclusive as possible in drawing attention to the need for a wide range of strategies to address youth offending in Victoria. Many if not most of the strategies discussed, for example the use of multi-systemic therapy, will be equally applicable for each group. Some requirements such as stable accommodation, a basic education or secure employment are essential for all young people whether the offender is male or female, Indigenous or non-Indigenous, refugee or longstanding resident. In other cases targeted approaches that take the unique nature and circumstances of the individual may be required. For example, providing programs that draw on the strengths of the rich culture and heritage of Koori communities may be of great benefit for young Indigenous people.

⁷⁰⁸ Submission from Victorian Alcohol and Other Drug Association (VAADA) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, December 2008.

One of the key thrusts of this Inquiry, however, has been to emphasise that many of the strategies outlined throughout this Report, for example support for better parenting skills or improved education outcomes, may be of benefit to *all* young people and their families, whether those children are at risk of offending or not.

Recommendations

Indigenous young people

24. **The Committee recommends** that the Victorian Government work with Indigenous communities to develop strategies to support Aboriginal and Torres Strait Islander families in Victoria. Such strategies should include cultural heritage and community renewal programs in a variety of settings including school and higher education settings, juvenile justice detention, community and while in State Care.
25. **The Committee recommends** that the Victorian Aboriginal Legal Service ‘Police Cautioning and Youth Diversion Program’ be supported and expanded.

Culturally and linguistically diverse youth

26. **The Committee recommends** that the Victorian Multicultural Commission develop culturally and linguistically appropriate programs and resources to assist young people in culturally diverse communities in understanding the law as well as their rights and responsibilities.
27. **The Committee recommends** that Victoria Police programs are supported and expanded to train all operational police in interacting with young people from diverse cultural backgrounds.

Young people with disabilities

28. **The Committee recommends** that the range of accommodation support services for young people with a disability involved with the juvenile justice system be expanded in all regions of Victoria.
29. Given the evidence relating to the disproportionately large numbers of young people with psychiatric or intellectual disabilities detained or otherwise involved in the youth justice system, **the Committee recommends** that a review of Youth Justice clients with disabilities, including acquired brain injury and learning/language difficulties, be undertaken with the aim of improving service delivery, including accommodation options.
30. **The Committee recommends** that the Department of Human Services in partnership with relevant service providers develop and implement a new residential forensic mental health treatment centre or contained therapeutic facility for juvenile offenders.

Homeless and vulnerable youth

- 31. The Committee recommends** the Victorian government provide additional Transitional Housing places for young people involved with the Youth Justice system, and other forms of suitable long-term accommodation to assist young people leaving transitional housing, complementary to the initiatives arising from the ‘Youth Homelessness Action Plan’.
- 32. The Committee recommends** that the Department of Transport in conjunction with public transport operators develop targeted outreach assistance for homeless or otherwise vulnerable young persons found on public transport or associated property. It is envisaged this could take the form of a formalised agreement between Victoria Police, the Department of Transport, and public transport operators. It is recommended that issuing officers who observe homeless or vulnerable youth on public transport or in public areas such as train stations contact an appropriate outreach service who can provide support such as food and accommodation to that young person.
- 33. The Committee recommends** that police and/or transit officers be trained in the effective utilisation of the program outlined in Recommendation 32. In particular, transit officers will need to be trained and monitored on the following:
- the services available to youth, homeless, mentally ill and people in crisis and should be trained on when to call these services in rather than engaging directly;
 - how to engage with the homeless, mentally ill, young people and people in crisis.

Alcohol and other drug use

- 34. The Committee recommends** that youth Alcohol and Other Drug outreach options be supported and strengthened.

Section C – The Way Forward

13. **Setting the Research Agenda: The Call for Data, Evaluation and Evidence based Research**

Research plays a crucial and central role in shaping the direction of social and justice policy, programs and initiatives in Australia and internationally. The need for evidence based interventions has been widely recognised and accepted by all stakeholders in the area of juvenile welfare and justice, not the least of which are the agencies, organisations and individuals that gave evidence to this Inquiry. In particular, one of the constant themes to come out of this Inquiry has been the need for better and more comprehensive data with regard to both the level and nature of youth offending and more and better evaluations done of programs devised to address the issue of youth crime.

What counts as evidenced based research? – Actuarialism and risk management

Based on the work of this Inquiry and the evidence of numerous stakeholders with an interest in youth justice policy, the Committee believes that any strategies, programs and interventions developed and implemented to prevent or reduce youth offending must be evidence based or grounded in evidence based research. It is not always clear, however, what is meant by this, nor whether disparate stakeholders in the area of youth justice are necessarily of a like mind when it comes to determining what counts as evidence based research. Some policies and programs that are popular with sections of the media and public may have no demonstrable effectiveness when measured according to the rigorous requirements of a scientific or academic evaluation. Punitive detention may be a case in point. Conversely, options that have shown merit in reducing recidivism, such as the diversionary option of conferencing, may be viewed as ‘soft options’ by some people.

Therefore, despite its rational appeal, the issue of ‘evidence based’ approaches to addressing youth offending is by no means as straightforward as it may appear on the surface (Stephenson, Giller & Brown 2007). Nor is the related ‘What Works’ approach that seeks to prescribe a template for policy development and program delivery in youth justice.⁷⁰⁹ Such an approach is potentially of concern when coupled with an actuarial assessment of who is ‘at risk’ and how to ‘manage’ them.⁷¹⁰

⁷⁰⁹ See discussion of ‘What Works’ in Chapter 3.

⁷¹⁰ For a discussion of actuarialism, risk assessment and the ‘new managerialism’ as it pertains to youth justice policy see Chapter 3.

Goldson and Muncie argue that a managerialist approach can be used as a politically popular smokescreen to sanction increasingly punitive approaches to youth offending. In this context ‘evidence based policy’ becomes a ‘mantra’ to legitimise new forms of ‘modernised’ governance and intervention:

‘Youth crime discourses are increasingly underpinned by the rhetoric of rationality: “evidence based responses”; “what works” priorities”; “best value” imperatives and the need to ensure that programmes are routinely evaluated and “outputs” are assiduously monitored. On one level it is difficult to quarrel with any tendency that seeks to apply evidence drawn from research, evaluation and practice experience to the process of policy formulation and practice development. On another level, however, the methodological rigour of much that passes for “evaluation”, together with the means by which “evidence” is interpreted and applied, is open to serious question’ (Goldson & Muncie 2006, p.x).

Actuarialism in crime prevention has been defined as:

[a]n approach to crime control which dispenses with concerns about the meaning or motives behind offending and replaces these with an emphasis on ‘technologies’ of ‘risk minimisation’...[it consists of] the attempt to perfect scientific means of quantifying the potential for the commission of offences and...the application of managerial techniques to control the threat to the community thus identified (R Smith 2006, p.93).

Such an approach is based on a managerialist ‘audit culture’ with an overwhelming emphasis on:

[e]ffectiveness and the need to demonstrate accountability and transparency...[these] approaches are also characterised by an attempt to reduce complexity to manageable proportions through the introduction of batteries of guidelines, checklists and procedures (Stephenson, Giller & Brown 2007, p.5).

Under such a model, factors such as lack of employment, leaving school early or substance abuse are used as part of an actuarial rather than clinical assessment of the young person and his or her propensity to offend or re-offend. Or as Hudson notes, risk instruments ‘[use] descriptions of the characteristics of populations of offenders to predict the likelihood of reoffending of individual offenders’ (2003, p.49).

Not that attempts to develop and implement youth justice programs that are accountable and transparent or that predict the risk of offending are of themselves negative. Upperton and Thompson, for example, review a number of studies that indicate utilising risk – need inventories and assessment tools can predict fairly accurately recidivism in both adults and juvenile offenders:

One of the presumed advantages is that future offending is more accurately identified by such inventories and the consequent empirical database than by the idiosyncratic prognostications of juvenile justice staff or clinical experts...This argument draws its support from a large body of literature showing that actuarial aggregation of pertinent information matches or betters intuitive judgement when it comes to predicting future behaviours (Upperton & Thompson 2007, p.138).

Some of the agencies and representatives that gave evidence to the Committee were also enthusiastic about assessment tools that could be used to plan and coordinate outcome plans for young offenders or predict those who might be at risk of offending.

For example, one representative from the office of Youth Justice in the Gippsland Region was impressed with the Victorian Offender Needs Indicator for Youth (VONIY) assessment tool:

Over the last five years there has been an increased level of sophistication of what we are doing. It has meant when we are putting in an effort, we are at least putting an effort in the best target possible. We make decisions based on the [VONIY] about how intensively will we work with that young person. What the research tells us are the types of programs that will best impact on that young person’s offending. For some young people when they come to us and an assessment process has occurred, there is really a lot of strengths in this young person’s environment...We would want to build on those strengths, but we would know that this is likely to be a young person that would not benefit from going off to an incredibly intensive program about behaviour change and a range of learning new skills, because we

have lots of that. We make those decisions, and we then make a series of referrals to specialist services as need be, but we also do lots of the work ourselves.⁷¹¹

Mr Bernie Geary, the Victorian Child Safety Commissioner, also believes that rational assessment and assessment tools are essential in preventing potential offending and antisocial behaviour from becoming a reality.

The Victorian Offender Needs Indicator for Youth (VONIY) has proved to be a successful tool to undertake assessment and build an evidence-based intervention for young people to reduce offending and has been adopted by other Australian jurisdictions. But we still have a long way to go.⁷¹²

But for other critics, ‘new’ approaches that appeal to ‘modernised’ government, rational planning or evidence based policies underpin a legitimising principle to interfere in the lives of young people – effectively drawing them closer into the criminal justice system (Goldson & Muncie 2006b, p.98).

In particular, some critics are wary of using medical or hard science paradigms upon which to inform policy and practice in social policy such as youth offending, particularly the idea that if social science research is ‘properly’ conducted it can result in hard truths that are as reliable and immutable as those pertaining to physics or chemistry.

For example, Roger Smith contends that:

Whether evidence of this objective, scientific kind exists – or can exist – for social as opposed to medical interventions is problematic...[However] this is a view of social science that has evident attractions for managers and bureaucrats, since it offers certainty, predictability, tidiness and order, in place of the messy, unpredictable and contingent circumstances that make the business of management so difficult (2006, pp.82, 83).

Goldson and Muncie offer one of the strongest critiques of such an approach. Whilst acknowledging the superficial attractiveness of an evidence based/what works rhetoric, they state, however, that:

On one level it is difficult to quarrel with any tendency that claims to apply evidence – drawn from research and evaluation findings and/or reflexive praxis – to the processes of policy formation and practice development. This presupposes an uncomplicated relational process within which problems (or ‘promising approaches’) are readily identified and questions are raised, research and evaluation seek understanding and provide ‘solutions’, the very same ‘solutions’ are then applied to policy and practice, and progress ensues. At its simplest, it is a mechanistic formulation whereby youth justice policy is no longer ‘hampered’ by any adherence to competing philosophical principles. Policy-makers are liberated from having to wrestle with thematic complexities – welfare, justice, human rights, responsibility, informalism, retribution and punitivism – rather, they simply need to translate ‘hard evidence’ into policy by means of technical scientific transfer (Goldson & Muncie 2006b, p.207).

⁷¹¹ Evidence of Ms J Landsman, Manager, Youth Justice, Gippsland Region, Department of Human Services, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Morwell, 13 October 2008.

⁷¹² Submission from Mr Bernie Geary, Child Safety Commissioner, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

Or as Muncie states, the better question may be to ask: ‘What works for whom in what circumstances and how?’ (2004b, p.278).

Muncie sees the trend towards an ‘actuarial justice’ approach as replacing diversion with a pre-emptive early intervention (2004b, p.271). ‘Risk’ is presented as ‘a factual reality rather than as a complex construction mediated through interpretive judgements of what is considered to be the norms of acceptable behaviour’ (Muncie 2005, p.39). Yet as stated above, other practitioners view predictive assessment indicators such as psychological profiling and statistical modelling of offending and re-offending risk as necessary and desirable tools in preventing offending before it takes place.⁷¹³

Thus the conceptual, political and methodological difficulties of ‘evidence based’ approaches including the ‘What Works’ movement have been one of the major issues confronting those charged with developing and implementing policy in this area. But such questions aside, what are the areas in which there is a consensus that more research is required in the field of youth justice and youth offending?

What are the research gaps?

A submission from Professor Julian Bondy and Dr Marg Liddell at RMIT states that much more research needs to be undertaken that tracks the progression of young people through the criminal justice system. They also believe that whilst statistical data is important, equally relevant is qualitative data, particularly drawn from the experiences of young offenders themselves and especially that pertaining to the lives of young women.⁷¹⁴

Mr Bernie Geary stressed the importance of research being *locally* based – more research needs to be done locally on the link between identified risk factors and youth offending and there needs to be a better evidence base in which to develop appropriate programs.⁷¹⁵

The Centre for Adolescent Health believes further and better research is essential to document the levels of mental illness amongst young people in the community and how such illness may effect engaging in crime or antisocial behaviour.⁷¹⁶

The need for young people’s voices to be heard

Another issue that has been brought to the attention of the Inquiry is the need to have local research undertaken that draws from the experiences of young people themselves, particularly young people from marginalised backgrounds such as Indigenous or homeless youth. A report authored by the Victorian Indigenous Youth Advisory Council (VIYAC) in collaboration with the Youth Affairs Council (YACVic) states in this regard:

⁷¹³ For an account of the advantages of taking a systematic assessment of risk and needs in the Australian juvenile justice system, see Upperton and Thompson 2007. For a general discussion of the benefits of assessment, planning interventions and risk management in juvenile justice, see Utting and Vennard 2000; Stephenson, Giller and Brown 2007 pp.40–62.

⁷¹⁴ Submission from Professor Julian Bondy and Dr Marg Liddell, RMIT University, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁷¹⁵ Evidence of Mr Bernie Geary, Child Safety Commissioner of Victoria, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

⁷¹⁶ See Evidence of representatives of the Centre for Adolescent Health to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

Broadly speaking, young people typically don't receive much attention in research and more commonly, young people's own perspectives are not heard in the consideration of issues that impact on their lives. Whilst YACVic acknowledges the important work of Koorie research units in tertiary and community sector settings, YACVic notes a failure on behalf of governments to undertake the collection of information around Koorie young people's experiences...

The importance of the production of culturally appropriate and sensitive research is also highlighted by the Secretariat of National Aboriginal and Islander Child Care (SNAICC) where there is a suspicion of outside research that is attributed to the 'history of Non-Indigenous researchers and authorities making negative and racially prejudiced judgements about Indigenous families, cultures and child-rearing practices' (VIYAC/YACVic 2007, p.32).

A call for data

Measuring recidivism and high volume offending can pose significant challenges to researchers – not the least of which is the availability of appropriate data and information systems which facilitate individual-level offender identification and longitudinal analysis. A report on recidivism by the Australian Institute of Criminology (Payne 2007) highlights the lack of cross-jurisdictional and cross-sector criminal justice information databases as a key limitation to the development of recidivism research in Australia. Moreover, it also notes that Australian criminal justice data systems are designed and built for operational rather than research needs, which means that navigating these databases for the purposes of individual-level offending analysis can be difficult. It is not always the case, for example, that individuals can be discretely identified or that data can be provided to a sufficient degree of disaggregation so as to allow for more complex offence type calculations.

The Victorian Auditor-General recently also identified similar issues.⁷¹⁷ In his commendation of the delivery of juvenile justice services by the Department of Human Services (DHS) and the Department of Justice he found that at the present time: 'Planning, coordination and delivery of services to young offenders need to be underpinned by adequate information and data collection systems' (Victorian Auditor-General 2008, p.39). Similarly, the *Discussion Paper* recently produced for the Victorian government's proposed *Vulnerable Youth Framework*, drawing from research commissioned by KPMG, noted that: 'The current youth services system tends to be characterised by lack of systematic coordination and little data sharing to help inform comprehensive service delivery' (DHS Victoria 2008, p.25).

During this Inquiry it became apparent that there was a general consensus on the great need for better, more rigorous and comprehensive data production, collation and dissemination in the area of youth offending. In a recent report on youth offending in Scotland it was stated that too often agencies struggle to achieve effective data sharing and are concerned about legal constraints on sharing information and data (Scottish Parliament 2005). It would seem that similar views are held by local agencies and organisations in Victoria. A number of agencies and individuals who gave evidence to the Inquiry stressed the need for a quality integrated data collection that could be utilised to identify, scope and monitor the extent and nature of youth crime.⁷¹⁸ It was also felt that such data could be far better linked to disparate

⁷¹⁷ See Victorian Auditor-General's Report 2008, *Services to Young Offenders*.

⁷¹⁸ Submission from the City of Melbourne to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

statistical systems and collections – for example, linking the databases of police, courts and welfare services. In their submission, researchers at the Centre for Adolescent Health state that with the technology available, information could be shared more easily through agencies:

Technology in this area is improving all of the time. The ideal situation would be to have consistency across [agencies] in the set up of different data systems to facilitate linking up.⁷¹⁹

Similarly, youth support agency Whitelion believes that to be effective in the juvenile justice area there needs to be functional data framework and collection and effective evaluation of program outcomes.⁷²⁰

The Youth Affairs Council of Victoria concurs with this view.⁷²¹

Victoria Police adds:

In order to provide a more holistic and considered planning and coordination of service delivery as identified by the Victorian Auditor General it is agreed that current disparate data systems must be better linked and integrated across government. Differing operating systems, design, data collection purpose and counting rules are just some of the barriers that are required to be overcome to achieve the same. This is a significant piece of work that requires debate and agreement across government.⁷²²

There is also an apparent need for desegregated and de-identified data that can give good snapshots of different groupings of young people such as those of a non-English speaking background. Ms Soo-Lin Quek of the Centre for Multicultural Youth told the Inquiry there is a strong need for:

[b]etter data collection around different cohorts of young people – so it is not just 20 young people who are cautioned by police this week. If we have a breakdown of who the 20 young people are, then we can start doing better targeting of strategies.

At the moment one of the difficulties with data collection is that, it is our understanding, the police will identify what ethnicity the young person is rather than the young person identifying their own ethnicity, so again, that can be quite rubbery. In terms of data collection, absolutely, there is a need for consistency, but also judging from the consultations ... and discussions with other service providers, I think there is an absolute need to balance it with privacy concerns. [But] I do not think you need to go down to [personal or identifying] detail, I think you can collect enough de-identified data to try and start doing better planning and targeting of strategies.⁷²³

⁷¹⁹ Submission from the Centre for Adolescent Health to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁷²⁰ Submission from Whitelion to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁷²¹ Submission from Youth Affairs Council of Victoria (YACVic) to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁷²² Submission from Victoria Police to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁷²³ Evidence of Ms Soo-Lin Quek, Centre for Multicultural Youth, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 8 September 2008.

It is not only researchers and government or community agencies who are frustrated by a lack of coordinated data in this area.⁷²⁴ The parents support group ToughLove also claims that this lack is one of the major factors impeding good data collection and development of youth crime policy.⁷²⁵

The need for evaluation

It is a constant lament of researchers and policy makers that in youth justice very little formal evaluation has been undertaken of either broad strategy types (for example, diversionary measures)⁷²⁶ or specific programs (AIC 2002; Commonwealth 2003; Hayes 2005; Chen et al. 2005; Polk 2005). In addition, Day argues that of the program evaluations that have been undertaken very few have included re-offending/recidivism as an outcome measure (Day 2005) and Lynch, Buckman and Krenske state (2004) that there have been simply insufficient evaluations of programs or strategies designed to counter recidivism amongst young people.⁷²⁷

One particular research question that an appropriately controlled evaluative study could answer is the extent to which certain strategies, particularly diversionary strategies, may contribute to net-widening:

As contentious as such questions can be, it would seem axiomatic that public policy makers would want to know the degree to which their efforts to divert young people from the juvenile justice system are achieving that effect, rather than creating the more common result of increasing the total volume of young people brought under the control of the juvenile justice system (Commonwealth of Australia 2003, p.91).

Another important question that needs to be answered is the extent to which programs are servicing those with the highest levels of need and the greatest risk of offending or re-offending. Scarce resources can then be used to allocate the most intensive programs to those for whom they are best suited through 'differentiated case management' (Day, Howells & Rickwood 2003; 2004).

⁷²⁴ In addition to the extracts reproduced above, similar concerns have been expressed in submissions from, amongst others: Youthlaw; Youth Substance Abuse Service (YSAS); Victorian Alcohol and Other Drug Association (VAADA); Victorian Aboriginal Legal Service (VALS).

⁷²⁵ Submission from Ms Kate Jackson on behalf of ToughLove to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008. This submission states that: 'One of the issues that slows down the process of investigation and data gathering is the disparate data systems that exist across different jurisdictions, which make it almost impossible to obtain a complete picture of the nature and degree of offending by our youth.

This disparate system is also responsible for slowing down the process of justice and consequences, and is inadvertently linked to the continuing offending by some of our youth due to the lack of reporting that they encourage.

To properly address this issue, it is essential that there be absolute availability of complete and comprehensive data to researchers, policy makers and practitioners, thus enabling the juvenile justice system to function effectively.

Within this system there will be the need for privacy and protection of the young offender, therefore a system with levels of access must be established. It is important though to realize that communication between all agencies that are working towards the well-being of the young offender must be clear and actual.'

⁷²⁶ For example, a major report reviewing diversionary strategies to address youth offending has noted that insufficient evaluative studies at either a local or international level have been conducted to firmly posit links between cautioning and conferencing and youth offending (Commonwealth of Australia 2003, pp.xiv, 25).

⁷²⁷ And Polk argues that we simply do not have enough information on the effect forms of diversionary programs such as conferencing or cautioning have on police decision making (2005).

Unfortunately few such studies have been undertaken.⁷²⁸ One of the reasons for this may be that for smaller agencies in particular, running programs to address youth offending can be expensive. The cost of evaluations, particularly long-term outcome evaluations, may be too expensive for many agencies to commission.

The Australian Institute of Criminology in conducting its review of ‘What Works’ in reducing young people’s involvement in crime and antisocial behaviour has stated that evaluation of programs designed to reduce youth offending or re-offending are inherently difficult and there are a number of limitations that need to be borne in mind. For instance:

- Many of the evaluations do not state how youth were targeted and assessed for inclusion in the programs and, therefore, it is unclear whether the programs were specifically targeting the participants’ needs.
- Some program types may be easier to evaluate than others in that there are more tangible measurable components and outcomes.
- Different methodologies are used to evaluate programs, often using different types of control or comparison group. This makes it very difficult to assess the relative benefits of programs. Due to the nature of the programs, it is rare to find completely randomised studies.
- Currently there is a lack of evaluations that provide long-term follow up of effectiveness. There is a need for evaluations that assess the impact of programs two or three years after completion in order to see whether any positive changes are sustained (AIC 2002, pp.42–43).

The AIC concluded that for any program to have a chance of being successful, it is essential that its design and implementation is rigorous: ‘It is also important that it is evaluated fully with a follow-up period that is long enough to determine the outcome effectiveness’ (2002, p.43). As indicated earlier in this discussion, for some agencies this may be easier said than done.

It is not only the issue as to whether evaluations are in fact being conducted that needs to be considered. This issue of whether community agencies that work with young people at risk are actually in a position to evaluate their programs and service delivery even if they desire to do so is one that came up repeatedly during the course of this Inquiry. For example, a submission from Jesuit Social Services states:

We strongly agree with the Inquiry Discussion Paper when it notes the paucity of rigorous evaluation of programs and strategies designed to counter recidivism amongst young people, including the Australian Institute of Criminology observation that: “Currently there is a lack of evaluations that provide long-term follow-up of effectiveness”.

Also, it must be acknowledged that some programs are harder to evaluate than others due to difficulties in measuring components and quantifying outcomes. For example, due to the nature of some programs and/or ethical considerations, it is rarely possible to conduct randomised studies (with control groups) along the lines of conventional medical research.⁷²⁹

⁷²⁸ One fairly comprehensive evaluation study that has been recently conducted is that of People and Trimboli 2007. This study of a pilot community conferencing program targeting young adults in NSW found for the most part the system of community conferencing was generally effective in providing satisfaction to those taking part.

⁷²⁹ Submission from Jesuit Social Services to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, October 2008.

The Victorian Alcohol and Other Drug Association argues along the same lines.⁷³⁰

As noted in the Committee's discussion paper, 'one of the reasons for this may be that for smaller agencies in particular, running programs to address youth offending can be expensive for many agencies to commission'. The Committee also noted that for smaller agencies, rigorous evaluation of programs and services can be 'easier said than done'...Agencies need to be appropriately resourced to evaluate programs, services and strategies recognising that they may not always have the internal capacity to conduct evaluations. Depending on the nature of the program or strategy, an internal 'in-house' evaluation may be appropriate or an externally commissioned evaluation.

It is important that the results of evaluations can be utilised to improve programs and strategies to address youth crime. At present, it can be difficult for agencies and practitioners to access up-to-date research and evaluative studies in relation to youth crime. Agencies often lack the physical resources and the time to undertake extensive literature searches to assess the research landscape. VAADA believes that providing a mechanism where 'success stories' can be shared and research and evaluations made available to a broad audience could be one way to improve understanding of what works in preventing and reducing youth crime.

Similarly the YMCA Bridge Project submission noted that the YMCA would like to see dedicated long-term evaluation of programs aimed at reducing juvenile crime.⁷³¹

Representatives of the Centre for Adolescent Health believe that not only should more and better evaluations be undertaken but that such evaluations need to be part of a coordinated approach to service delivery in the sector and inter-sectorally between different agencies who work with troubled young people and those at risk.⁷³²

Other agencies have told the Inquiry that even where evaluations are mandated, and particularly when done by outside institutions, the 'right' questions are not always asked that are appropriate to what the agency is trying to achieve. For example, representatives from community school Lynall Hall gave evidence to the Inquiry that measurements with regard to academic excellence were not necessarily relevant to the marginalised, vulnerable and fragile young people with whom they interact.⁷³³

Conclusion

The need for evidence based interventions has been widely recognised and accepted by those working in the juvenile justice and welfare and child development sectors. The strategies discussed in this Report and the recommendations made by the Committee are evidence based, grounded in 'joined up thinking' and research and avoid siloed approaches to the issues at hand.

⁷³⁰ Submission from VAADA to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, December 2008.

⁷³¹ Submission from the YMCA Bridge Project to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁷³² Evidence of Ms L Evans, Project manager, Adolescent Forensic Health Service, Centre for Adolescent Health, Royal Children's Hospital, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

⁷³³ Evidence of Mr S Edwards, Senior project worker, Odyssey House Victoria/Lynall Hall Community School representative, to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, Public Hearing, Melbourne, 23 October 2008.

Nonetheless, whilst the need for evidenced strategies is clearly important, it may be that on occasion the evidence for promising initiatives is not always strong, at least at the outset. Sometimes it may be important to go with ‘promising’ approaches and then later evaluate. In other words, sometimes it may be appropriate to ‘risk’ the implementation of a new strategy even if the evidence for its ‘success’ is not conclusive prior to such implementation. A certain amount of ‘trial and error’ may be acceptable in some circumstances.

Recommendations

- 35. The Committee recommends** that key justice agencies continue to work on integrating and connecting the disparate data collection systems of the police, courts and Department of Human Services so that whole-of-system analyses can be conducted.
- 36. The Committee recommends** that the following research issues highlighted in this Report be prioritised:
- the effect of early child development and prevention programs on youth offending (or its reduction);
 - effectiveness of services and programs for vulnerable young people;
 - more qualitative research into youth offending in Victoria be encouraged and undertaken;
 - offending by young people in rural and regional/outer suburban Victoria;
 - links between youth offending, disability and mental health issues;
 - the extent and causes of violent offending by young women; and
 - the extent and causes of violent offending by young people towards their parents and siblings.
- 37. The Committee supports** recommendation 7.2 in the Victorian Auditor-General’s Services to Young Offenders report, that:

*... DHS in conjunction with other State Government departments and agencies involved in the delivery of youth justice services should develop a whole-of-government approach to data collection and analysis to support shared planning and service development. This should be complemented by arrangements to support effective information sharing within and across agencies.*⁷³⁴

Such an approach should include a data collection framework that whilst centralised and coordinated is also disaggregated at state, rural and regional and local levels. Data on youth offending, recidivism and youth justice services data should include that drawn from police, ambulance, hospital, juvenile justice and research agencies and community agencies.

⁷³⁴ Victorian Auditor-Generals’ Report 2008, *Services to Young Offenders*.

- 38. The Committee recommends** that data on youth offending should be made available and accessible to all tiers of government and appropriate research and community agencies subject to legitimate need and appropriate privacy safeguards. This is essential for any ongoing capacity by local governments in particular to address youth offending.
- 39. The Committee recommends** that in evaluating the success of an intervention a measurable outcome should be not just desistance from offending but also reductions in frequency and severity of offending.

14. Concluding Remarks. Addressing Youth Offending: No simple answers

There are no simple answers to addressing youth offending. Given the complexity of youth offending it is clear a 'one size fits all' approach will be inadequate to address the issue, and an 'all of community response' – government, community agencies, the private sector, schools, parents and individuals – is required. Input from young people themselves is also essential. As expressed throughout this Inquiry, preventing youth offending, re-offending and antisocial behaviour requires not only strategies that address the end result of the offending but also preventive programs that support children, youth and families generally. The influences contributing to youth offending can be traced back to developmental risk factors that can span a young person's life from birth through to young adulthood. Abuse and neglect in the early years of life, difficulties adjusting to school in the middle years, and the many challenges of adolescence, all play their part. Therefore, strategies that provide support and resources to families and schools to assist them to provide positive environments for healthy development of children and young people are crucial.

The need for intensive, coordinated and well funded youth support services

Despite the importance of local initiatives, state and federal governments do have an important coordinating and funding role in service delivery depending on their particular areas of policy responsibility. In particular, the Committee supports the submissions from a variety of local government and community bodies that child, youth and family services need to be well resourced. This is crucial to ensure that sufficiently staffed agencies with well trained workers, particularly in the out-of-home care and juvenile justice systems, can address the complex issues pertaining to youth offending.

Cost-effectiveness

Based on the evidence of a variety of community agencies in addition to formal economic analyses it would seem that providing intensive and specialist and diversionary support services are less expensive in the long term than secure care or physical containment. Whilst initially expensive, it has long been recognised that such community and social investment can produce long-term savings:

For example, Karoly has documented how early childhood programs funded by health and/or community services can result in substantial long term savings in welfare and criminal justice costs, as well as social benefits such as reduced crime and greater economic participation (Australian National Council on Drugs (ANCD) 2001, p.23).

Research surveyed by the Australian Institute of Criminology (AIC) indicates that significant long-term financial benefits can accrue from effective developmental and early intervention programs (AIC 2003a, p.1).⁷³⁵ For example:

⁷³⁵ For a general discussion of the costs of crime to the Australian community see Rollings 2008, particularly the observation that in terms of dollar cost, fraud easily accounts for the most crime committed in Australia (24% of total costs) in 2005 (Rollings 2008, pp.xi. ff.).

A long term follow up evaluation of the Perry Preschool Project in the US found that the program had produced a saving to the community of \$13 for every dollar invested (Schweinhart 2004). The demonstrated savings produced by these programs are numerous and include:

- reductions in welfare assistance
- decreased need for special education
- increases in income tax revenue from the higher wages of participants (due to improved educational attainment)
- reduced operational costs to the criminal justice system
- reduced costs to victims (Homel et al 2006).⁷³⁶

Early intervention programs with regard to child, youth and adolescent health have also been evaluated as highly cost-effective methods of preventing and addressing youth crime and antisocial behaviour (Access Economics 2008).⁷³⁷

Similarly, education, training and employment programs designed to integrate young offenders into the community can have great benefits. A key example is that of the YMCA Bridge Project. KPMG's cost-benefit analysis of the Bridge Project found that providing employment and mentoring services to young people who had been associated with the juvenile justice system resulted in the following benefits:

- Reduction in the Victorian crime rate by providing training, employment and other services as a form of rehabilitation for young re-offenders
- Reducing the recidivism rate amongst 16-21 year old male program participants from 55% to 25%
- Placing young people into Victorian industries experiencing skilled labour market shortages
- Potential total cost avoidance of approximately \$29.4 million over the next five years
- Cost avoidance potential of \$8 million per annum to the state of Victoria thereafter
- Significant associated reductions in the cost effects to Victorian communities associated with motor vehicle theft, home burglary, vandalism and shoplifting
- Increased contributions from individuals gaining employment through tax, reduced burden on health systems, additional workforce productivity (YMCA/KPMG 2008, p.ii).

Diversionary programs, particularly drug diversionary programs, also have the potential to be more cost-effective and successful in reducing recidivism than the costs of imprisonment (Wundersitz 2007). A research report recently published by Mission Australia states that, 'Programs designed to divert young people from offending behaviour and entering juvenile detention can not only be more effective than putting a young person in custody but up to 50 times cheaper to run'. The report, *Young people and the criminal justice system*, highlights a program for Pasifika youth that is one of many successful intensive diversionary programs around the country that has cut offence rates in half whilst far less expensive than the cost of keeping a young person in detention for a year, estimated at \$150,000. As the report states:

⁷³⁶ Cited in Submission from the Victorian Aboriginal Legal Service to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008.

⁷³⁷ See also discussion in Chapter 12 of this Report.

The costs of juvenile offending are significant...The upturn in incarceration, the levels of recidivism and the costs involved highlight the need for renewed efforts that more effectively address the underlying causes of offending behaviour.⁷³⁸

Whilst there will probably always be ‘hard cases’ who may require some form of detention as a last resort, it seems axiomatic that the costs associated with managing a young person in detention are far greater than the cost of their reintegration back into the community. The investment during the transitional phase from detention to community post-release is extremely important in reducing recidivism.⁷³⁹

The Committee therefore suggests that a thorough costing and cost-benefit analysis be undertaken of any programs intended to specifically address youth offending and associated child welfare issues. Some programs such as the Bridge Project’s transitional and post-detention employment mentoring have been already cost-monitored and have shown great benefits to the community in terms of social and economic costs and a reduction in youth offending and recidivism.

In addition to the ‘micro funding’ of specific support programs to deal with youth offending, a repeated theme of this Report has been the need for improved support in ‘macro’ economic and social policy areas. These include education and school support services, school retention, training and employment creation and health, particularly mental health support services.

Coordinated service delivery

A former Drugs and Crime Prevention Committee during its Inquiry into Volatile Substance Abuse made numerous recommendations with regard to the ‘horizontal’ organisation of service delivery and policy development and the need for highly coordinated and collaborative strategies and models to achieve this. This Committee repeats such a call for inter-sectoral cooperation and cautions that implementing such a model and associated framework will require sustained commitment and resources over a long period of time.

⁷³⁸ See *Young people and the criminal justice system: New insights and promising responses*, Mission Australia Research and Social Policy Report, June 2009. Accessed 16 June at <http://www.missionaustralia.com.au/news/media-release/1200-australias-approach-to-juvenile-justice-must-change>

A recent report by Access Economics – *Staying connected: A cost benefit analysis of early intervention* – has also found that early interventions that reduce youth disengagement ‘could potentially return 23.6 times the government’s initial investment to society’ (Access Economics *Staying connected: A cost benefit analysis of early intervention. Report by Access Economics to the Interface Councils Group*, Access Economics, Melbourne, December 2008).

⁷³⁹ In a submission to this Inquiry Youth Affairs Council of Victoria (YACVic) noted the ‘staggering’ costs of detaining a young person in residential custody, in addition to processing costs:

‘The cost of corrective services was \$56.10 per person in the general population per annum in 2002/03, and the corresponding court costs (considering only Magistrates’ and Children’s Court costs, which are much lower than the other courts, but likely to be the more relevant) are \$10.05 per person per annum. After converting to 2004 dollars, this gives an estimated annual cost per person in the general population of \$69.47, and for the leaving care population, \$69.47 x 11.7 / 0.19, or \$4,181.

Over 42 years this equates to a total cost of \$175,598 for the care leaver, and \$2,918 for the general population.

Just taking costs involved in relation to a young person’s involvement with the police and corrective system, the cost difference for a young person from the general population compared to a young person from care is around \$408,271 per young person over their lifetime. There are approximately 450 young people leaving the State’s care system each year, and the total costs to the State on police and corrective services amount to a staggering \$183 million per year’ (Submission from YACVic to the Drugs and Crime Prevention Committee, Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People, September 2008).

Moreover, this Committee believes that community agencies should in most cases be funded on at least a triennial basis. Some organisations expressed their frustrations that much agency staff time is spent writing annual submissions for funding.⁷⁴⁰ Equally frustrating is that in some cases funding can be provided by as many as three or four separate sources resulting in a complex structure of accountability to funding bodies and a lack of coordination. Funding, however, is not just a government responsibility. The government is heartened by and encourages the involvement of organisations in the private sector that financially and in other ways support troubled youth. These may range from small businesses that take on young apprentices (Whitelion, Bridge Project) to individuals who give their time (and money) to mentor young people.

The need for coordination of services has been a constant theme of this Report. A study by KPMG commissioned by the Victorian Government in 2007 found that there is:

[n]o single body that has responsibility for coordinating an overall youth services system, nor is there a coordinated system for managing and monitoring service planning and delivery. Despite the investment from three levels of government there is a lack of consistency with respect to youth service provision at the local level. Youth services in Victoria exist in a range of forms and are provided by a range of organisations. The current youth services system tends to be characterised by a lack of systemic coordination and little data sharing to help inform comprehensive service delivery. For many young people it is a difficult system to navigate (Department of Human Services 2008a, p.25).

This lack of coordination has been recognised by the government in its Vulnerable Youth Framework *Discussion Paper* and hopefully this will result in a concerted effort to achieve a greater integration of service systems.

Falling through the cracks

Policy development in the area of youth offending should also ensure young people do not 'fall through the cracks'. For example it is inappropriate that a young person in receipt of material or therapeutic services, particularly a young person who has been in youth detention, is no longer eligible for those services because he or she has turned 18. The Committee is encouraged by recent changes to service delivery in the Departments of Justice and Human Services that suggest young people will remain in programs or continue to receive support and services if they meet criteria other than that restricted by age.

A mix of strategies

When addressing offending by young people with many risk factors it is important that policy makers 'giv[e] effect to a broad rather than narrow understanding of what constitutes a crime prevention strategy' (Lynch, Buckman & Krenske 2003, p.5). For example, in an economically disadvantaged area with many young people subject to multiple risk factors, providing a skate park or a swimming pool that they can regard as 'theirs' can constitute a cost-effective crime prevention strategy that reaps 'dividends' relatively quickly (Lynch, Buckman & Krenske 2003; see also Lynch & Ogilvie 1999).

⁷⁴⁰ See for example the evidence of organisations such as Jesuit Social Services, Big Brother Big Sister, Youthlaw to the Drugs and Crime Prevention Committee, *Inquiry into Strategies to Prevent High Volume Offending and Recidivism by Young People*.

Moreover, multifaceted strategies are required because youth offending impacts in different ways upon discrete groups in the community. These include Indigenous youth, young women, people with mental health and intellectual disabilities, young people from rural and regional areas of Victoria and youth with disabilities.

Whether strategies are always required should also be questioned. One issue raised with respect to recidivism is whether it was appropriate in circumstances where a young person had only minor contact with the criminal justice system, or had been a one-off offender, to engage that person into formal processes of the justice system, even through strategies that are well intentioned (Baker 1998). One school of thought argues that after a young person has come to the attention of the police, particularly for fairly minor offences, it may not be appropriate to compel that person into formal justice strategies for fear of ‘net-widening’. As Vignaendra and Hazlitt state, ‘Excessive interventions into the lives of the young can be counter-productive’ (2005, p.vii).

Local communities

Community based approaches in addressing issues pertaining to children, youth and families are essential. Such community approaches and development programs do not occur in a theoretical vacuum. They are closely related to theories of (child) developmental health and social capital including strategies such as mentoring.

Community interventions, particularly when multifaceted and undertaken over a long period, can be expensive to develop and maintain. They will also not necessarily produce positive results ‘overnight’, and as such can be difficult for some people to accept. Nonetheless, despite the difficulties involved in implementing long-term community action projects, the available evidence suggests to the Committee that they are effective in addressing social problems in local communities when those communities are fully involved in their development and implementation.

In conclusion, to comprehensively and successfully address an area as complex as youth offending demands patience and long-term planning. Youth offending also requires long-term strategies based in best practice and evidence based research. Moreover, the costs of preventative action are significantly less to the community than punishment once the offence has occurred. Thus strategies need to address potential problems at an early stage to prevent their occurrence or reduce their severity and impact. A holistic approach to youth offending based on prevention and diversion protects young people from making poor choices later in life that set them on an often irreversible path to involvement with the criminal justice system.

Recommendations

- 40. The Committee recommends** a thorough cost benefit analysis be undertaken with regard to any program intended to specifically address youth offending and associated child welfare issues. It is imperative that such an analysis should consider the long-term benefits of social, preventive, developmental and diversionary programs compared to the costs of incarceration and processing through the criminal justice system.
- 41. The Committee recommends** that funding continue to be provided on a triennial basis wherever possible for appropriate community projects and programs.

Adopted by the Drugs and Crime Prevention Committee
55 St Andrews Place, East Melbourne
13 July 2009

Appendices

Appendix 1: Background Briefings and Site Visits

Briefings

Briefing in Melbourne – 3 March 2008

Name	Position	Organisation
Ms Michele Gardner	Director Justice Health	Department of Justice
Ms Jo Metcalf	Director Courts and Tribunals Unit	Department of Justice
Mr Noel Moloney	Manager Court Statistics Unit	Department of Justice
Ms Uma Rao	Manager Corporate Statistics	Victoria Police
Ms Leanne Sargent	Manager Policy Research Intelligence Operations Coordination Department	Victoria Police
Inspector Steve Soden	Manager Youth Affairs Office	Victoria Police

Briefing in Melbourne – 14 April 2008

Name	Position	Organisation
Ms Jan Noblett	Director Youth Services and Youth Justice Branch	Department of Human Services

Briefing in Melbourne – 5 May 2008

Name	Position	Organisation
Professor Chris Goddard	Director	Australian Centre Child Abuse Research Monash University

Briefing in Melbourne – 26 May 2008

Name	Position	Organisation
Mr Mark Watt	Chief Executive Officer	Whitelion
Ms Sarah Spencer	Research and Evaluation Manager	Whitelion

Briefing in Melbourne – 23 June 2008

Name	Position	Organisation
Professor Alan McLean	Associate Dean School of Medicine	The University of Notre Dame

Briefings in Melbourne – 28 July 2008

Name	Position	Organisation
In camera		
In camera		

Background Site Visits

Visit to Children's Court of Victoria – 18 February 2008

Name	Position	Organisation
Judge Paul Grant	President	Children's Court of Victoria

The Committee observed Children's Court proceedings

Night time visit to Melbourne CBD with representatives of Victoria Police – 5 April 2008

Name	Position	Organisation
Inspector David Blencowe	State Licensing Taskforce	Victoria Police
Sergeant Tony Henry	Melbourne West	Victoria Police
Snr Sergeant Glenn Jackson	Melbourne West	Victoria Police
Inspector Stephen Mutton	Safe Streets Project	Victoria Police
Constable Adam Sharp	Melbourne West	Victoria Police
Acting Sergeant Paul Maslunka	Melbourne West	Victoria Police

Visit to Neighbourhood Justice Centre Collingwood – 16 July 2008

Name	Position	Organisation
Magistrate David Fanning	Principal Magistrate	Neighbourhood Justice Centre Department of Justice
Ms Gayle Chirgwin	Acting Director	Neighbourhood Justice Centre Department of Justice
Ms Jodi Cornish	Community Engagement Officer	Neighbourhood Justice Centre Department of Justice
Ms Janette Berry	Drug and Alcohol Clinician	Neighbourhood Justice Centre Department of Justice
Mr Cameron Wallace	Mental Health Clinician Acting Client Services Manager	Neighbourhood Justice Centre Department of Justice
Ms Fran Whitty	Project Manager Local Solutions	Neighbourhood Justice Centre Department of Justice

The Committee observed the Magistrate Court proceedings

Interstate Meetings

Meetings in Brisbane – 13 May 2008

Name	Position	Organisation
Inspector Bruce Graydon	CRYPAR Project Manager	Queensland Police
Mr Brett Cutting	CRYPAR Project Coordinator	Queensland Police
Professor Anna Stewart	School of Criminology and Criminal Justice	Mt Gravatt Campus Griffith University
Professor Paul Mazerolle	Director Key Centre for Ethics Law Justice and Governance	Mt Gravatt Campus Griffith University
Dr Kate Freiburg	Senior Research Fellow Key Centre for Ethics Law Justice and Governance	Mt Gravatt Campus Griffith University
Dr Susan Dennison	Manager Key Centre for Ethics Law Justice and Governance	Mt Gravatt Campus Griffith University
Mr Siyavash Doostkhah	Director	Youth Affairs Network of Queensland
Mr Michael Tansky	Director	Department of Office for Youth Communities
Ms Toni Craig	Acting Manager Youth Justice and Conferencing	Department of Office for Youth Communities
Mr Craig Hodges	Manager Legislative Strategic Policy and Evaluation	Department of Office for Youth Communities

Background Briefings via teleconference

Melbourne – 31 March 2008

Name	Position	Organisation
Dr Don Weatherburn	Director	New South Wales Bureau of Crime Statistics and Research
Mr Jason Payne	Research Analyst	Australian Institute of Criminology

Appendix 2: List of Submissions Received

Submission Number	Name of Individual/Organisation	Date Received
1	Mr Kevin Davies	19 August 2008
2	Professor Leonora Ritter School of Social Sciences and Liberal Studies Charles Sturt University	22 August 2008
3	Mr Wade Noonan State Member for Williamstown District	28 August 2008
4	Professor Chris Goddard Child Abuse Research Australia Monash University	3 September 2008
5	Ms Samantha Spooner Coordinator Community Safety Knox City Council	3 September 2008
6	Ms Sue Fowler Acting Chair Victorian Youth Mentoring Alliance	4 September 2008
7	Mr John Rogerson Chief Executive Officer Australian Drug Foundation	4 September 2008
8	Ms Colleen Lazenby Manager Community Safety and Wellbeing City of Melbourne	8 September 2008
9	Mr Matt Feutrill General Manager – Community The Bridge Project YMCA	8 September 2008
10	Professor Susan Sawyer Director Centre for Adolescent Health	8 September 2008
	Dr Sheryl Hemphill Senior Research Fellow Centre for Adolescent Health	8 September 2008
	Ms Dianne Garner Service Manager Centre for Adolescent Health	8 September 2008
11	Confidential Submission	8 September 2008
12	Mr Peter Johnston Chief Executive Macedon Ranges Shire	8 September 2008
13	Ms Amanda Jones Senior Internal Consultant Practice and Policy Development Berry Street	8 September 2008

14	Ms Kate Jackson	9 September 2008
15	Ms Kate Jackson President ToughLove Victoria	9 September 2008
16	Ms Pamela Gibson Mr Howard Gibson	9 September 2008
17	Mr Dave Taylor Community Development Worker Springvale Monash Legal Service Inc.	9 September 2008
18	Professor Julian Bondy Director Learning and Teaching School of Global Studies Social Science and Planning RMIT University Dr Marg Liddell Programs Director Criminal Justice Programs School of Global Studies Social Science and Planning RMIT University	9 September 2008
19	Ms Judy Davis School Focused Youth Service Coordinator Upper Hume Community Health Service	9 September 2008
20	Mr Paul Mathewson Executive Officer Big Brothers Big Sisters of Melbourne	10 September 2008
21	Confidential Submission	10 September 2008
22	Mr Bernie Geary Child Safety Commissioner	11 September 2008
23	Mr Peter Brown Chief Executive Officer Moreland City Council	15 September 2008
24	Mr Mark Watt Chief Executive Officer Whitelion	15 September 2008
25	Major Brendan Nottle Commanding Officer Salvation Army Melbourne – Project 614 Ms Jennifer McVicar Director – Pro Bono and Community Service Baker & McKenzie	15 September 2008
26	Ms Ariel Couchman Director Youthlaw	19 September 2008
27	Ms Jen Rose Acting Chief Executive Officer Youth Affairs Council of Victoria Inc.	24 September 2008

	Ms Carmel Guerra Director Centre for Multicultural Youth	
	Ms Colleen Clare Chief Executive Officer Centre for Excellence in Child and Family Wellbeing Inc.	
	Ms Sally Reid Program Manager Youth Referral and Independent Person Program	
28	Ms Greta Clarke Executive Officer Research Planning & Development Unit Victorian Aboriginal Legal Service Co-operative Limited	24 September 2008
29	Ms Christine Nixon Chief Commissioner Victoria Police	26 September 2008
30	Mr David Murray Chief Executive Officer Youth Substance Abuse Service	29 September 2008
31	Ms Maartje Van-der-Vlies	1 October 2008
32	Ms Julie Edwards Chief Executive Officer Jesuit Social Services Mr Michael Gourlay Policy Director Jesuit Social Services Ms Amanda Watkinson Program Director Brosnan Youth Services Jesuit Social Services	24 October 2008
33	Ms Lilliane Grace	10 December 2008
34	Mr Sam Biondo Executive Officer VAADA	18 December 2008

Appendix 3: Witnesses Appearing at Public Hearings

Hearings in Melbourne – 18 August 2008

Name	Position	Organisation
Ms Hala Atwa	Solicitor	Youthlaw
Ms Sherilyn Hanson	Manager The Bridge Project	YMCA
Mr Matt Feutrill	General Manager (Community Engagement) The Bridge Project	YMCA
Mr Jed Macartney	Chair, Community Council The Bridge Project	YMCA

Hearings in Melbourne – 8 September 2008

Name	Position	Organisation
Ms Julie Edwards	Chief Executive Officer	Jesuit Social Services
Mr Michael Gourlay	Policy Director	Jesuit Social Services
Ms Amanda Watkinson	Brosnan Centre Manager	Jesuit Social Services
Ms Georgie Ferrari	Chief Executive Officer	Youth Affairs Council of Victoria (YACVic)
Ms Jen Rose	Policy Manager	Youth Affairs Council of Victoria (YACVic)
Ms Sally Reid	Manager of Projects	Centre for Multicultural Youth
Ms Soo-Lin Quek	Manager Research and Policy	Centre for Multicultural Youth

Hearings in Melbourne – 6 October 2008

Name	Position	Organisation
Mr Paul Mathewson	Executive Officer	Big Brothers Big Sisters
Ms Sarah Johnson	Program Coordinator	Victorian Youth Mentoring Alliance
Mr David Murray	Executive Officer	Youth Substance Abuse Service (YSAS)
Ms Robyn Freestone	Senior Policy Officer	Youth Substance Abuse Service (YSAS)

Hearings in Morwell – 13 October 2008

Name	Position	Organisation
Ms Francine McCabe	Manager Policy & Practice Unit Youth Services	Department of Human Services
Ms Judy Budge	Manager Community Care and Housing Gippsland Region	Department of Human Services
Ms Jennifer Landsman	Manager Youth Justice Gippsland Region	Department of Human Services
Ms Chris Hammat	Team Leader, Group Conferencing	Anglicare
Ms Karen Mobourne	Aboriginal Planning Officer Gippsland Region	Department of Human Services
Ms Naomi Pankhurst	Team Leader Youth Justice Gippsland Region	Department of Human Services
Inspector Chris Major	LaTrobe Region Service Area Inspector	Victoria Police
Senior Constable Brett Godden	Community Liaison Officer	Victoria Police
Mr Laurie Marks	Aboriginal Community Liaison Officer	Victoria Police
Senior Constable Darren Anderson	Youth Resource Officer	Victoria Police
Snr Sergeant Cameron Blair	Senior Sergeant, Moe	Victoria Police
Senior Constable Jeni Bennett	Youth Resource Officer	Victoria Police
Mr John Black	Regional Manager Community Correctional Services, Gippsland	Corrections Victoria
Mr Tony Carson	Acting Indigenous Community Corrections Officer	Corrections Victoria
Mr Shaun Braybrook	Manager	Wulgunggo Ngalu Learning Place
Ms Marie Murfet	Manager Indigenous Policy and Services Unit	Corrections Victoria

Hearings in Morwell – 14 October 2008

Name	Position	Organisation
Mr Edwin Batt	Magistrate	La Trobe Valley Magistrates Court
Ms Donna Bogdanovski	Drug and Alcohol Case Manager Court Integrated Services Program	La Trobe Valley Magistrates Court
Mr Clinton Taylor	Diversion Coordinator Court Integrated Services Program	La Trobe Valley Magistrates Court
Ms Meagan Cripps	Senior Policy Registrar	La Trobe Valley Magistrates Court
Ms Heather Farley	Coordinator Community Development	LaTrobe City Council
Ms Joanne Brunt	Employment Coordinator	LaTrobe City Council

Hearings in Melbourne – 22 October 2008

Name	Position	Organisation
Mr Ian Claridge	General Manager Student Wellbeing Division	Department of Education and Early Childhood Development
Mr Edmund Misson	General Manager Youth Transitions Division	Department of Education and Early Childhood Development
Ms Janet Thompson	Assistant General Manager Youth Transitions Division	Department of Education and Early Childhood Development
Major Brendan Nottle	Commanding Officer Project 614	Salvation Army Melbourne
Ms Jennifer McVicar	Director Pro Bono and Community Service	Baker & McKenzie Solicitors
Dr Patricia Brown	Director	Children's Court of Victoria Clinic
Dr Carl Scuderi	Senior Drug Clinician	Children's Court of Victoria Clinic
Ms Tiffany Overall	Advocacy and Human Rights Officer	Youthlaw

Ms Greta Clarke	Executive Officer Research Planning and Development Unit	Victorian Aboriginal Legal Service
Mr Dave Taylor	Manager, Community Development Program	Springvale Monash Legal Service
Ms Sarah Nicholson	Policy Officer	Federation of Community Legal Centres
Mr Chris Ryan	Solicitor	Wyndam Legal Service
Mr Michael Adams	Monash University Law Student on Placement	Springvale Monash Legal Service
Ms Alexandra Doig	Monash University Law Student on Placement	Springvale Monash Legal Service
Ms Elizabeth Beker	Monash University Law Student on Placement	Springvale Monash Legal Service

Hearings in Melbourne – 23 October 2008

Name	Position	Organisation
Professor George Patton	Director	Centre for Adolescent Health Royal Children's Hospital
Dr Sheryl Hemphill	Senior Research Fellow	Centre for Adolescent Health Royal Children's Hospital
Ms Dianne Garner	Manager Adolescent Forensic Health Service	Centre for Adolescent Health Royal Children's Hospital
Ms Lynne Evans	Programs Manager Adolescent Forensic Health Service	Centre for Adolescent Health Royal Children's Hospital
Ms Jane Kearney	Acting Assistant Principal	Lynall Hall Community School
Ms Linda Hammond	Project Worker Good Shepherd	Lynall Hall Community School
Mr Stuart Edwards	Senior Policy Worker Odyssey House Victoria	Lynall Hall Community School

Reverend Jonathon Chambers	Senior Chaplain Anglican Criminal Justice Ministry	Anglicare
Ms Mariela Diaz	General Manager Placement and Support	Anglicare
Mr Russell Hopkins	Manager Families Children and Youth	City of Melbourne
Mr Bernie Geary	Child Safety Commissioner	Office of the Child Safety Commissioner
Mr Stephen Gray	Youth Counsellor	Knox City Council
Ms Julie Rolfe	Chief Executive Officer	Doxa Youth Foundation
Ms Megan Moore	Principal Doxa School	Doxa Youth Foundation
Ms Kate Jackson	President	ToughLove – Victoria
Mr Paul Sullivan	Member	ToughLove – Victoria
Ms Pamela Gibson	Member	ToughLove – Victoria
In camera		
In camera		

Hearings in Melbourne – 27 October 2008

Name	Position	Organisation
Judge Michael Bourke	Chair	Youth Parole Board
Mr Vic Gordon	Alternate Representative Department of Human Services	Youth Parole Board
Mr Larry Osborne	Alternate Community Representative	Youth Parole Board
Ms Collette Crehan	Secretary	Youth Parole Board

Hearings in Melbourne – 23 February 2009

Name	Position	Organisation
Ms Deidre Griffiths	Principal Solicitor and Executive Officer	Villamanta Disability Rights Legal Service
Ms Vivienne Topp	Solicitor/Policy Coordinator	Mental Health Legal Centre
Professor Patrick McGorry	Executive Director	Orygen Youth Health Research Centre

Forums conducted

In camera Forum with Young People in out-of-home care	10 November 2009
In camera forum with Young People from Culturally and Linguistically Diverse Communities	10 November 2009

Appendix 4: New Zealand Evidence-seeking trip

Christchurch – 21–24 November 2008

Name	Position	Organisation
Professor David Fergusson	Executive Director Christchurch Health and Development Study Psychological	Department of Medicine University of Otago
Judge Jane McMeeken	Youth Drug Court	Christchurch Family Court
Ms Anni Watkin	Manager	Youth Cultural Development Society
Mr Daniel Mataka	Youth Worker	Youth Cultural Development Society
Mr Robert Stanbridge	Youth Worker Supervision with Activity	Youth Cultural Development Society
Mr Solomon Joseph Smith	Support Bail Youth Worker	Youth Cultural Development Society
Mr Philip Nuu	Youth Worker Course Tutor	Youth Cultural Development Society
Mr Fred Williams	Course Tutor	Youth Cultural Development Society
Ms Helen Pencins	Youth Worker Course Supervisor	Youth Cultural Development Society
Ms Fala Ta'ase	Community Service Co-ordinator	Youth Cultural Development Society
Ms Helena Duff	Casual Social Worker Youth Street Work Project	Youth Cultural Development Society
Ms Manawa Te Heuheu	Course Tutor	Youth Cultural Development Society
Ms Natalia Sukhikh	Office Administrator	Youth Cultural Development Society
Mr Red Ngaia	Information and Events Centre Co-Supervisor	Youth Cultural Development Society
Mr Peter Young	Personal Advisor	Youthworks
Mr Duncan Dunbar	Personal Advisor	Youthworks
Ms Jo Tippett	Personal Advisor	Youthworks
Mr Simon Worthington	Workforce Development Manager	Youthworks
Mr Johnno Harris	Case Worker Supervisor Multi Agency Co-ordinator	Te Puna Wai o Tuhinapo Youth Justice Residence

Ms Trish Barry	Acting Residential Manager	Te Puna Wai o Tuhinapo Youth Justice Residence
Mr Ross Haggart	Operations Manager Southern Region	Te Puna Wai o Tuhinapo Youth Justice Residence
Mr Gerrit Walters	Manager	Te Puna Wai o Tuhinapo Youth Justice Residence

The Committee spoke with young people and staff at the Justice Centre

Wellington – 25–26 November 2008

Name	Position	Organisation
Superintendent Bill Harrison	National Manager Youth Services Group	New Zealand Police
Ms Basia Arnold	Policy Manager Youth Justice	Crime Prevention and Criminal Justice Ministry of Justice
Ms Zoey Caldwell	Youth Offending Teams Advisor	Crime Prevention and Criminal Justice Ministry of Justice
Mr Chris Polaschek	Manager Youth Justice Service Support	National Office Ministry of Social Development
Mr Jim Greening	Senior Manager Schools and Students	Implementation and Planning Ministry of Education
Judge John Walker		Wellington District and Youth Court
Mr Carl Crafar	Manager Youth Intervention Services	Ministry of Social Development

Hamilton – 26 November 2008

Name	Position	Organisation
Ms Wiremu Weti	Senior Psychologist Court Report Writer	Te Ara Kaupare Youth Forensic Services Hauora Waikato
Mr Larry Clark	General Manager Funding New Initiatives	Te Ara Kaupare Youth Forensic Services Hauora Waikato

Mr Bob Rolleston	General Manager Kaumata	Te Ara Kaupare Youth Forensic Services Hauora Waikato
Ms Mere Rolleston	General Manager Kaumata Kuia	Te Ara Kaupare Youth Forensic Services Hauora Waikato
Mr Arran Culver	Psychiatrist General Manager	Te Ara Kaupare Youth Forensic Services Hauora Waikato
Mr Syd Taare	Senior Management Multiple Services	Te Ara Kaupare Youth Forensic Services Hauora Waikato
Ms Jolene Profit	Senior Management Multiple Services	Te Ara Kaupare Youth Forensic Services Hauora Waikato
Mr John Hiakita	Court Liaison Nurse Assistant General Manager	Te Ara Kaupare Youth Forensic Services Hauora Waikato
Ms Caroline Landon	Court Liaison Nurse Youth / Adult Court	Te Ara Kaupare Youth Forensic Services Hauora Waikato
Ms Sue Poa	Pou Amahaere Polices Best Practice	Te Ara Kaupare Youth Forensic Services Hauora Waikato
Mr Rei Wirihana	Chief Executive Officer	Te Ara Kaupare Youth Forensic Services Hauora Waikato

The Committee also visited the Hauora Waikato – Tamihere Hospital and Healing Centre

Auckland 27 – 28 November 2008

Name	Position	Organisation
Mr John Tamihere	Chief Executive Officer	Te Whanau o Waipareira Trust
Ms Denal Meihana	Manager Youth Projects	Te Whanau o Waipareira Trust
Ms Ngaurie Fettia	Executive Public Relations and Information Technology	Te Whanau o Waipareira Trust

Mr John Ormsby	Case Manager	Te Whanau o Waipareira Trust
Mr Grant Wilson	Team Leader	Te Whanau o Waipareira Trust
Ms Betty Whakatau	Operations Manager Social Services	Te Whanau o Waipareira Trust
Ms Tracey Adams	Chief Financial Officer	Te Whanau o Waipareira Trust
Ms Ihoeyna Grace	Secretary of Board of Trustees	Te Whanau o Waipareira Trust
Mr Airini Tukerawai	Chair	Te Whanau o Waipareira Trust
Ms Diane Tuari	General Manager Welfare Social Services and Business Support	Te Whanau o Waipareira Trust
Ms Elaine Porter	Manager Mental Health and Addiction Behaviour	Te Whanau o Waipareira Trust
Mr Tekopa Kingi	T.L. Addictions	Te Whanau o Waipareira Trust
Judge Ida Malosi		Manakau Youth Court
Ms Linda Gow	Lead Clinician Child and Adolescent Mental Health	Kari Centre
Mr Paul Ryan	Psychologist Child and Adolescent Mental Health	Kari Centre
Ms Tanya Wright	Child and Adolescent Psychiatrist Child and Adolescent Mental Health	Kari Centre
Ms Liz Myers	Child and Adolescent Psychiatrist Child and Adolescent Mental Health	Kari Centre
Ms Joanne Hicks	Team Leader Child and Adolescent Mental Health	Kari Centre
Mr Greg Versalko	National Contact Centre Manager CYRAS Information	Ministry of Social Development
Ms Karen Petrie	Practice Manager CYRAS Information	Ministry of Social Development
Ms Cascade Leggett	Manager Customer Service CYRAS Information	Ministry of Social Development

Mr Roy Harish	Operations Manager CYRAS Information	Ministry of Social Development
Ms Karyl Puklowski	Manager	Auckland City Truant and Alternative Education Service
Ms Ange Edwards	Pathways Co-ordinator	Auckland City Truant and Alternative Education Service
Mr Andrew Illich	Programme Manager	Auckland City Truant and Alternative Education Programme
Mr Anita Illich	Administrative Co-ordinator	Auckland City Truant and Alternative Education Programme

The Committee also visited one of the Auckland Truancy Service Alternative Education Programmes and spoke with the staff and students

Appendix 5: Local Site Visits

Visit to Melbourne Juvenile Justice Centre – 5 August 2008

Name	Position	Organisation
Mr Alex Kamenev	Director Youth Justice Custodial Services	Department of Human Services
Mr Andrew Reaper	Manager	Melbourne Juvenile Justice Centre Parkville

Members also met with staff and young men in the Centre

Visit to Melbourne Malmsbury Youth Justice Centre – 5 August 2008

Ms Tania Morton	Operations Manager	Malmsbury Youth Justice Centre
Ms Shirley Freeman	Health Services and Programs	Malmsbury Youth Justice Centre

Members also met with staff and young men in the Centre

Visit to Broadmeadows Magistrates' Court – 3 September 2008

Name	Position	Organisation
Mr Robert Kumar	Regional Coordinating Magistrate	Broadmeadows Magistrates' Court
Ms Caitlin English	Magistrate	Broadmeadows Magistrates' Court
Ms Ann Collins	Magistrate	Broadmeadows Magistrates' Court
Mr Rick Roberts	Senior Registrar	Broadmeadows Magistrates' Court
Ms Marie Ianni	Credit/Bail Clinician	Broadmeadows Magistrates' Court
Ms Terrie Stewart	Koori Court Officer	Broadmeadows Magistrates' Court

Members observed Magistrates' Court and Koori Court proceedings

Visit to Berry Street Educational Programme ‘The Shed’ Morwell – 14 October 2008

Name	Position	Organisation
Ms Jane Barr	Manager Education and Support	Berry Street
Ms Trish McCluskey	Regional Director	Berry Street
Ms Adele Zomer	Lead Teacher	Berry Street
Ms Tracey Taylor	Team Leader Education and Training	Berry Street
Ms Lyn Simmons	Team Leader Teaching More Kids Mentoring Project	Berry Street
Mr Alan Swan	Teacher	Berry Street

Visit to Wulgunggo Ngalu Learning Place Won Wron – 14 October 2008

Name	Position	Organisation
Mr Shaun Braybrook	Manager	Wulgunggo Ngalu Learning Place

The Committee visited the Centre’s facilities

Visit to Victoria Police ROPES Programme Altona North – 22 October 2008

Name	Position	Organisation
Chief Inspector Alan Kennedy	Corporate Strategy and Performance Department	Victoria Police
Leading Senior Constable Michael O’Meara	Boronia Uniform	Victoria Police

The Committee observed the ROPES programme in action

Visit to Croydon Community School – 17 November 2008

Name	Position	Organisation
Ms Bronwyn Harcourt	Principal	Croydon Community School

Members met with staff and students at the Community School

Visit to First Stop Centre Program Swinburne TAFE – 17 November 2008

Name	Position	Organisation
Mr John Middleton	VCAL Teacher	Swinburne TAFE Croydon Campus
Ms Julie Hanman	First Stop Worker	Swinburne TAFE Croydon Campus
Mr Anthony Gartner	Youth Worker	Swinburne TAFE Croydon Campus
Ms Noni Dorrell	Student Counsellor	Swinburne TAFE Croydon Campus
Ms Katherine Carragher	First Stop Worker	Swinburne TAFE Croydon Campus
Ms Mal Hand	VCAL Teacher	Swinburne TAFE Croydon Campus
Ms Debbie McLaughlin	VCAL Convenor	Swinburne TAFE Croydon Campus
Ms Rebecca Curtain	Youth Worker on Placement	Swinburne TAFE Croydon Campus
Mr Joe Molnar	VCAL Teacher	Swinburne TAFE Croydon Campus

Appendix 6: Forums and Conferences

Forums and Conferences	Date
Australian Institute of Criminology Forum, <i>Young People, Crime and Community Safety: engagement and early intervention</i> , held in Melbourne	25–26 February 2008
Alcohol and Drug Foundation Queensland Australian Winter School Conference <i>Seen and Unseen Harms</i> , held in Brisbane	12 May 2008
European Association for Forensic Child and Adolescent Psychiatry Psychology & Other Involved Professions (EFCAP), <i>10th Anniversary Congress On Mental Health, Delinquency And Juvenile Justice</i> , held in Amsterdam	21–24 October 2008
Australian Institute of Criminology Corrections Forum Making a difference: Responding to need in developing, implementing and evaluating correctional programs, held in Melbourne	5–6 March 2009

Appendix 7: Expert Witnesses

Meetings in Melbourne – 8 December 2008

Name	Position	Organisation
Mr James McDougall	Director National Children's and Youth Law Centre	University of NSW

Meeting in Melbourne – 30 March 2009

Name	Position	Organisation
Judge Paul Grant	President	Children's Court of Victoria

Appendix 8: The extent of high-volume youth crime and reoffending in Victoria – A detailed report

Youth crime in Victoria, 2007/08

Each year Victoria Police produce an annual report detailing the quantity of crime recorded across the state. The report uses four key indicators of crime, each of which measures a different aspect of the policing process and, therefore, provides a unique view of crime and criminal victimisation in Victoria. These four measures include:

- **Offences recorded** – measuring all unique offences recorded on the Victoria Police LEAP database regardless of (a) whether the offence was substantiated; and (b) whether the offence was resolved or cleared by the police. In the case of offences against the person, a single offence is counted for each unique victim, whereas for offences against statute, an offence is counted for each unique offender. Only the most serious offence within the distinct course of a criminal act is recorded. In this category, offences reported to the police but not investigated or resolved by way of apprehension will be counted.
- **Offences cleared** – is a subset of offences recorded, where one or more alleged offenders were processed, where the investigation reveals that no offence occurred, where the complaint was withdrawn, or where the offender was known but unable to be processed by the police.
- **Alleged offenders** – measuring the total number of offenders processed by the police for each occasion and for each offence for which a person was processed in the fiscal year. Offenders committing multiple offences and on multiple occasions are counted for each offence for which they were recorded. Moreover, where more than one offender is responsible for a single offence, a separate count is made for each offender.
- **Charges laid** – measuring the total number of unique charges laid for each alleged offender. Where a single offence results in multiple charges and/or charges of a different nature, these are also counted.

For the purpose of determining the extent of high-volume and repeat youth offending, the only measure that can be used is of alleged offenders. This is the only measure that has an indicator of an offender's age at the time in which they were apprehended. Other offences (those that are reported to the police, but where an offender was never apprehended) for example, cannot be attributed to any specific offender age category and, therefore, cannot be used to estimate youth crime. These limitations⁷⁴¹ and their implications⁷⁴² for

⁷⁴¹ A large proportion of offences reported to the police are either not cleared or not finalised to the point where an alleged offender is identified. Many of these offences are high-volume property (graffiti, shop stealing, bicycle theft) where the rate of clearance is low compared to violent offences. Much of the difference between offence types can be attributed to the nature and circumstances of the offence, where, for example, the victim of a violent offence is more likely than the victim of a property offence to have known (or at least seen) their offender. Offences that occur with the most frequency are not necessarily those that are most frequently cleared, and so the conceptualisation of high-volume and low-volume crime depends, to a large extent, on which measure of crime is used. In 2007/08 for example, nearly twice as many property damage (including arson) offences were recorded by the police than assault offences, yet there were twice as many alleged assault offenders than there were alleged property damage offenders.

contextualising youth crime in Victoria were canvassed in some detail in the Committee's discussion paper (Drugs and Crime Prevention Committee 2008).

Using Victoria Police's measure of alleged offenders, Table 1 provides a summary of juvenile offending in Victoria for the 2007/08 fiscal year. It indicates that:

- Police processed a total of 33,911 alleged juvenile offenders.
- Juvenile offenders accounted for 22 per cent of all alleged offenders.
- More juvenile offenders were apprehended for property offences (65%) than for any other crime category. This was followed by violent offences (20%) other offences (14%) and drug offences (2%).
- The specific crime type for which the most juvenile offenders were apprehended was property damage (16%), followed by shop stealing (15%), assault (14%) and burglary (all types, 11%).
- While juvenile offenders represented 22 per cent of all offenders apprehended, by offence category they represented 28 per cent of all offenders apprehended for property offences, 20 per cent of all violent offenders, 16 per cent of all other offenders and five per cent of all drug offenders. Juveniles are therefore disproportionately over-represented in property offending and under-represented in violence, drug and other offending.
- For specific offence types, juveniles are disproportionately responsible for regulated public order offences (58%), bicycle theft (56%), robbery (48%), arson (47%), motor vehicle theft (42%) and property damage (40%). Conversely, they were disproportionately under-represented in homicide (4%), drug offences (5%), deception offences (5%), harassment (6%), justice-procedure offences (8%) and abduction or kidnap offences (9%).

⁷⁴² If youth offenders are more likely to engage in high-volume, but infrequently-cleared crimes such as graffiti, shop stealing, property damage, etc, then measures of youth crime that rely solely on whether an offender was apprehended would produce an incomplete picture of the extent and nature of youth offending. This is a limitation in all policing data systems.

Table 1: Summary of juvenile offenders, 2007/08

	Alleged juveniles (n)	% of alleged juveniles	% of all alleged offenders	Alleged offenders (n)	% of all alleged offenders
Violent					
Robbery	1232	3.6	48.2	2555	1.6
Assault	4854	14.3	18.5	26233	16.7
Other violent	569	1.7	13.2	4319	2.7
Violent total	6655	19.6	20.1	33107	21.1
Property					0.0
Burglary	3588	10.6	28.1	12779	8.1
Theft	12080	35.6	28.4	42549	27.1
Other property	6328	18.7	25.5	24791	15.8
Property total	21996	64.9	27.5	80119	51.0
Drug					
Drug total	653	1.9	4.6	14178	9.0
Other offences					
Other total	4607	13.6	15.5	29763	18.9
Total	33911	100.0	21.6	157167	100.0

Note: Full details, including all offence types, are provided in Appendix 8a.

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08.

Consistent with the literature on the relationship between age and crime, the profile of offending amongst Victoria's juvenile offenders varied between those who were aged 10–14 years and those aged 15–19 years.⁷⁴³ Older offenders, for example, committed more crime and disproportionately more violent crime than their younger counterparts. Table 2 also shows that:

- There were 11,005 alleged offenders aged 10–14 years, representing 7 per cent of all alleged offenders and 32 per cent of all alleged juvenile offenders.
- There were 37,108 alleged offenders aged 15–19 years, representing 24 per cent of all alleged offenders.
- The profile of offending among juveniles aged 10–14 years was similar to the overall profile for juveniles as a whole with property damage, shop stealing and assault offences ranking as the top three most frequently recorded offence types. One notable difference was that shop stealing and property damage offences accounted for a larger share of total offending amongst those aged 10–14 years.
- With the exception of assault, property offences appeared as four of the top five most frequently recorded offence types for those aged 15–19 years. The increased prominence of assault may be confounded by the fact that the age range for this group includes two ages, 18 and 19 years, which would typically be recorded as adult.

⁷⁴³ These two age ranges are the smallest available from the Victoria Police annual statistics. Caution should be taken because the second range includes many offenders who were 18 and 19 years at the time of their offences.

Table 2: Summary of juvenile offenders, by age, 2007/08

	Alleged juveniles aged 10-14 (n)	% of alleged juveniles aged 10-14	% of all alleged offenders	Alleged juveniles aged 15-19 (n)	% of alleged juveniles aged 15-19	% of all alleged offenders	Alleged offenders (n)	% of all alleged offenders
Violent								
Robbery	306	2.8	12.0	1253	3.4	49.0	2555	1.6
Assault	1245	11.3	4.7	6064	16.3	23.1	26233	16.7
Other violent	198	1.8	4.6	624	1.7	14.4	4319	2.7
Violent total	1749	15.9	5.3	7941	21.4	24.0	33107	21.1
Property								
Burglary sub-total	1311	11.9	10.3	3391	9.1	26.5	12779	8.1
Theft sub-total	4438	40.3	10.4	11443	30.8	26.9	42549	27.1
Other property	2213	20.1	8.9	6766	18.2	27.3	24791	15.8
Property total	7962	72.3	9.9	21600	58.2	27.0	80119	51.0
Drug								
Drug total	79	0.7	0.6	1727	4.7	12.2	14178	9.0
Other offences								
Other total	1215	11.0	4.1	5840	15.7	19.6	29763	18.9
Total	11005	100.0	7.0	37108	100.0	23.6	157167	100.0

Note: Full details, including all offence types, are provided in Appendix 8c.

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08.

As with age, differences also exist in the offence profiles of both male and female juvenile offenders. Males, for example, were responsible for the vast majority of recorded offences (81%) (see Table 3).

- There were 27,436 juvenile male and 6455 juvenile female alleged offenders. Females comprised 19 per cent of the juvenile offender population in 2007/08.
- For males, the most frequently recorded crime type was property damage (18%), followed by assault (14%) and shop stealing (10%). Overall, the top five offence types accounted for 55 per cent of all offences recorded for males.
- For females, shop stealing ranked as the most frequently recorded offence type (39%), followed by assault (15%) and property damage (10%). Overall, the top five offence types accounted for 74 per cent of all offences recorded by females. This suggests less diversity in offending than for males.
- There were only a few offence types for which female juvenile offenders were disproportionately over-represented. These included shop stealing, for which female juvenile offenders represented 48 per cent of all alleged juvenile offenders recorded. Others included deception (34%), other theft (22%) and abduction or kidnap offences (23%) (see Figure 1).

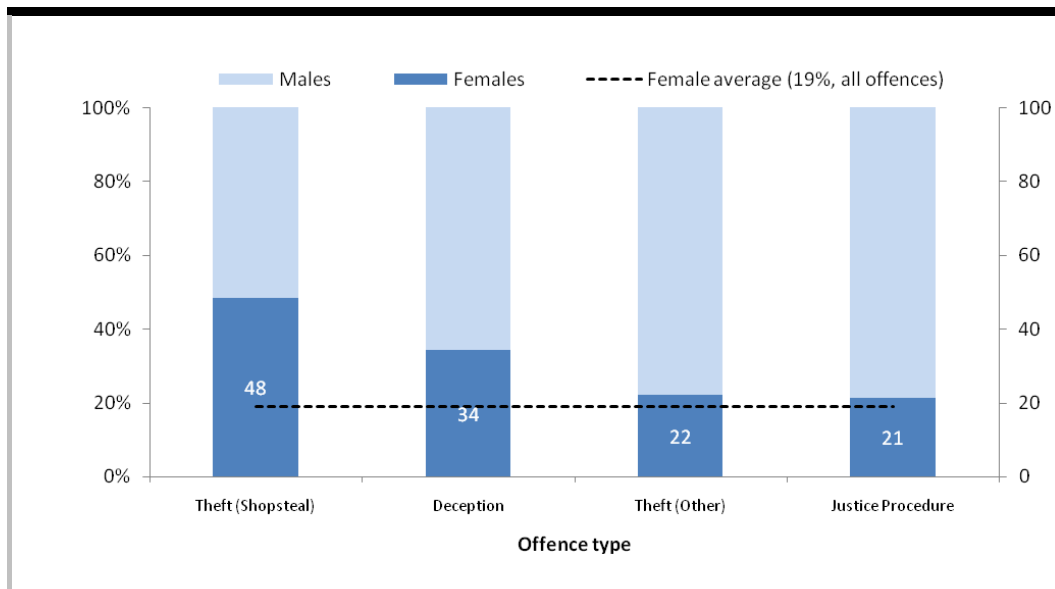
Table 3: Summary of juvenile offenders, by gender 2007/08

	Juvenile males (n)	% of alleged males	% of all alleged juvenile offenders	Juvenile females (n)	% of alleged females	% of all alleged juvenile offenders
Violent						
Robbery	1118	4.1	90.7	114	1.8	9.3
Assault	3861	14.1	79.5	993	15.4	20.5
Other violent	548	2.0	96.3	20	0.3	3.5
Violent total	5527	20.1	83.1	1127	17.5	16.9
Property						
Burglary	3295	12.0	91.8	290	4.5	8.1
Theft	8694	31.7	72.0	3378	52.3	28.0
Other property	5482	20.0	86.6	840	13.0	13.3
Property total	17471	63.7	79.4	4508	69.8	20.5
Drug						
Drug total	540	2.0	82.7	113	1.8	17.3
Other offences						
Other total	3898	14.2	84.6	707	11.0	15.3
Total	27436	100.0	80.9	6455	100.0	19.0

Note: Full details, including all offence types, are provided in Appendix 8b.

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08.

Figure 1: Female over-representation, key offence types, 2007/08 (%)



Note: Full details, including all offence types, are provided in Appendix 8b.

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08.

Repeat youth offending in Victoria, 2007/08

While in Victoria there were 33,911 alleged juvenile offenders in the 2007/08 fiscal year, not all of these offenders are unique. In fact, if the results of other Australian recidivism studies are representative it is reasonable to suspect that many of those offenders apprehended by the police in any single year will be repeat offenders, having previously committed offences in that same year or in previous years. The actual pool of juvenile offenders apprehended by the police is likely to be somewhat smaller than the total numbers recorded in annual police statistics. So while it is possible to identify specific high-volume offence types (those offences committed most often), it is not possible to identify high-volume offenders (the offenders responsible for the majority of crime).

To illustrate, consider the data in Table 4 that uses two offender measures – alleged offenders and distinct offenders. The first measure, as previously discussed, counts the total number of offenders apprehended by the police. Offenders committing more than one offence across the year are counted for as many offences as they were apprehended. Offences involving multiple offenders will be recorded for as many offenders as were involved in the incident. The second measure – distinct offenders – counts the total number of unique offenders apprehended by the police during the year. In this case, offenders apprehended on multiple occasions will be counted once (assuming that for each offence they were apprehended the police correctly recorded their details in exactly the same way as in all other offences). The difference between the two measures provides a crude, but useful insight into the problem of recidivist juvenile offending in Victoria.

Table 4 shows that of the 33,911 alleged juvenile offenders, 13,427 were distinct offenders. Expressed another way, 13,427 juveniles were responsible for the 33,911 offences for which an offender was apprehended. This equals an average offence rate of 2.5 offences per offender. By gender and age, the data indicates that:⁷⁴⁴

- 9715 juvenile male offenders were responsible for 27,436 offences. This is equivalent to approximately 2.8 offences per offender and suggests that two in every three (65%) offences recorded for male offenders were repeat offences.
- 3695 juvenile female offenders were responsible for 6455 offences. This is equivalent to approximately 1.7 offences per offender and suggests that less than half (43%) of all offences recorded for female offenders were repeat offences.
- 4714 individuals aged between 10 and 14 years committed a total of 11,005 offences. This is equivalent to approximately 2.3 offences per offender and suggests that more than half (57%) of all recorded offences were repeat offences.
- 14,061 individuals aged between 15 and 19 years committed a total of 37,108 offences. This is equivalent to approximately 2.6 offences per offender and a repeat offending ratio of 62 per cent.
- As age increases, the proportion of offences attributable to one single offender also increases. This suggests that repeat offending accounts for a greater proportion of recorded crime at older ages.

⁷⁴⁴ The gender of 17 juveniles was not recorded on the police system.

Table 4: Relative proportion of crimes attributable to distinct offenders, by age group

	10 through 14 years	15 through 19 years	Males (10-17 years)	Females (10-17 years)
Alleged offenders (total)	11005	37108	27436	6544
Alleged offenders (distinct)	4714	14061	9715	3695
Offences per distinct offender	2.3	2.6	2.8	1.7
Repeat offences (%)	57	62	65	43

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08.

Repeat youth offenders born in Victoria in 1984

The above analysis has described the number of offenders and the types of crimes committed by Victoria's youth in a single year. This data is useful for contextualising the size and nature of youth crime at any single point in time. However, because these statistics are limited to a period of one year only, they cannot provide a full account of high-volume offending nor measure the quantity of crime attributable to high volume offenders whose criminal behaviour spans across multiple years. For this reason, the Drugs and Crime Prevention Committee commissioned additional research on the offending histories of those young people born in 1984.⁷⁴⁵ This alternative methodology is well recognised as the preferred method for describing developmental pathways to high-volume offending. It is consistent with the methodology used in South Australia's birth-cohort study (Skrypiec 2005) and is similar to the study conducted in New South Wales (although in New South Wales, court contact was measured instead of police contact (Hua, Baker & Poynton 2006). It is also not dissimilar to the research conducted on the now famous Philadelphia study (Wolfgang et al 1972) and Cambridge Study of Delinquent Development (Piquero, Farrington & Blumstein 2007).

In total, 57,916⁷⁴⁶ people were born in Victoria in 1984. Of these, 29,773 were males and 28,143 were females. Males represented 51 per cent of the population. In the year of the 1996 Census (the year those born in 1984 turned 12 years old), the number is estimated to have grown, as a result of a net increase in migration, by just over 5000 people. By 2006 the group had again grown, by an additional 5000 people, bringing the total to approximately 67,500 (ABS 2006).⁷⁴⁷

According to the data provided by Victoria Police, 7282 unique individuals born in 1984 had been formally apprehended by the police at least once before their 18th birthday. Not all of these individuals would have been born in Victoria. Some may have moved from

⁷⁴⁵ To undertake this study, the Drugs and Crime Prevention Committee requested from Victoria Police the complete police contact histories of any person whose date of birth was between 1 January and 31 December 1984. Additional data from the Victorian Registry of Births Deaths and Marriages, as well as the Australian Bureau of Statistics' 1996, 2001 and 2006 Census, was used to generate base-population estimates.

⁷⁴⁶ The number of births in Victoria is not a precise estimate of the number of children born in 1984 who will subsequently live in that state throughout their youth. Some children, albeit a very small number, do not survive the first few years of life; others move interstate with immediate family or other relatives. Some children born interstate or overseas may migrate to Victoria to live, while others (such as students) may live in Victoria temporarily.

⁷⁴⁷ This Census estimate is of the number of persons aged 22 years who were living in Victoria on the night of the Census. Some, but not all of those born in 1984 will have been aged 22 years because those born in the latter months of 1984 would still be 21 years on Census night.

interstate or were temporarily in Victoria at the time of their offence. Nevertheless, assuming that only a small fraction of the youth offending population in Victoria are not from Victoria, and assuming that there are just as many Victorians offending in other jurisdictions as there are interstate offenders in Victoria, then this data suggests that around one in 10 persons born in 1984 were apprehended by the police as a juvenile.⁷⁴⁸

The majority (73%) of those coming in contact with the police were males (n=5298).⁷⁴⁹ Given these gender differences, it is more appropriate to express population estimates for men and women separately. Doing so reveals that police apprehended nearly one in five males (18%) born in 1984 before they turned 18 years old. This was the case for 7 per cent of females (n=1954).

Table 5 provides police contact rates by gender and age of first contact. The data is presented as the cumulative number of individuals recorded as having contact with the police at each respective age between 10 and 17 years. At age 12 years, for example, the data shows that 114 females and 630 males will have been apprehended by the police at least once before turning 13 years. The number of individuals recorded at age 17 years is the total number of individuals apprehended by police before their 18th birthday, regardless of which age they were apprehended. The data illustrates that:

- One per cent of females born in 1984 were apprehended by the police at least once before 14 years of age. This was the case for 4 per cent of males.
- The age where the largest number of individuals had contact with the police for the first time was 16 for both males and females.
- The relative (population weighted) differential between males and females was greatest at younger ages. Males, for example, outnumber females seven to one at age 10 years, five to one at age 13 years and three to one at age 17 years.

Table 5: Police contact to age 18, cumulative by gender and age

Age	Females		Males		Total	
	(n)	% of population born in 1984	(n)	% of population born in 1984	(n)	% of population born in 1984
10	18	0.1	129	0.4	147	0.3
11	52	0.2	312	1.0	364	0.6
12	114	0.4	630	2.1	744	1.3
13	272	1.0	1127	3.8	1399	2.4
14	666	2.4	1980	6.7	2646	4.6
15	1118	4.0	3017	10.1	4135	7.1
16	1588	5.6	4220	14.2	5808	10.0
17	1954	6.9	5298	17.8	7282	12.5

Note: Gender totals do not sum to the overall total because the gender of some alleged offenders was unknown.

Source: Australian Institute of Criminology, 1984 Victorian Birth Cohort (Computer File).

⁷⁴⁸ This figure is somewhat lower than estimated for the same cohort in South Australia. In that study, 17 per cent of those born in 1984 had been apprehended by the police at least once before their 18th birthday (Skrypiec 2005).

⁷⁴⁹ This was lower than reported in South Australia where 76% of offenders were male (Skrypiec 2005).

The estimates presented to this point have simply counted the number of individuals born in 1984 who had been apprehended by police at least once as a juvenile. However, further analysis of the data indicates that these 7282 unique offenders had in fact been apprehended by the police on as many as 19,036 separate occasions before turning 18 years of age. This equals an average of 2.6 contact episodes per offender and suggests that 62 per cent of all contact episodes recorded in the database were episodes of re-contact.

Additionally, the data also contain information about the number of offence counts recorded against each individual on each episode of apprehension. Assuming that the number of offence counts roughly reflects the number of unique offences committed by each offender, then the data indicates that the 7282 juvenile offenders born in 1984 committed a total of 39,928 offences before the age of 18 years. This equals an average offence rate of 5.5 offences per juvenile offender and suggests that 82 per cent of all offences recorded for the group were repeat offences.⁷⁵⁰

Tables 6 and 7 (and illustrated graphically in Figure 2) provide a summary of police contact for the 7282 offenders born in 1984. It shows that:

- The majority (58%) of those apprehended by the police as a juvenile were apprehended just once before the age of 18 years. This was the case for males and females, however females were less likely to be re-apprehended than males (33% and 45% respectively).
- There were a total of 846 high-volume juvenile offenders – defined as those having five or more contacts with the police before age 18. They represented 12 per cent of the total offender population and 1.5 per cent of all Victorians born in 1984.
- Male offenders were disproportionately more likely to be high-volume than female offenders. For example, males comprised 73 per cent of the total offender population, but represented 84 per cent of the high-volume offender group.
- High-volume male offenders represented 13 per cent of all male offenders and 2.4 per cent of all males born in 1984. High-volume female offenders represented 7 per cent of the female offender population and less than 1 per cent (0.5%) of all females born in 1984.
- The 5298 males who had been apprehended by the police before age 18 had been apprehended a total of 15,058 times and for a total of 32693 offence counts.
- The 1954 females were apprehended on 3978 separate occasions for 7198 offence counts.
- Not only were males more likely to be apprehended by the police, they also accumulated disproportionately more apprehension events and offence counts. For each male apprehended by the police, there was an average of 2.8 apprehensions and 6.2 offence counts. This compares to an average of 2.0 apprehensions and 3.7 offence counts for females.
- High-volume offenders were responsible for a total of 9225 apprehension events and 21,235 offence counts. Although representing only 12 per cent of all offenders and

⁷⁵⁰ Some caution is required when interpreting offence counts. A single offence, for example, might attract a number of multiple counts. Similarly, when more than one offender commits the same crime (a street assault or burglary, for example), each offender will be recorded in the database for the same offence and potentially the same number of offence counts. Double counting of offences committed by multiple offenders in this data would only occur if two or more offenders of the same age committed the same offence together. Since the data is restricted to only those persons born in 1984, any co-offending patterns where the accomplice/s were born in a different year could not be counted, nor contribute to double counting.

1.5 per cent of all persons born in 1984, these offenders were responsible for 48 per cent of all apprehensions and 53 per cent of all offence counts recorded.

- Consistent with the finding that a smaller proportion of female offenders were high-volume, the proportion of apprehension events and offence counts attributable to high-volume female offenders was smaller than for high-volume male offenders. High-volume females, for example, were responsible for 36 per cent of all female apprehensions and 41 per cent of all female offence counts. Males on the other hand were responsible for 52 per cent of all male apprehensions and 56 per cent of all male offence counts.

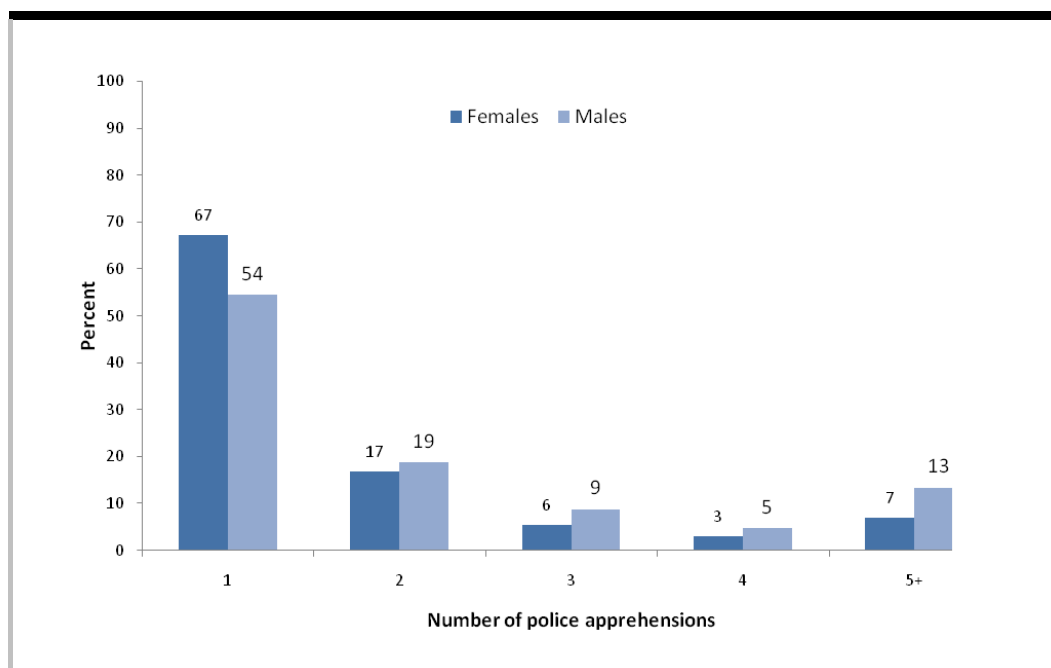
Table 6: Frequency of police contact to age 18 years, by gender

	Females			Males			Total		
	(n)	% of female offenders	% of females born in 1984	(n)	% of male offenders	% of male born in 1984	(n)	% of offenders	% of population born in 1984
1	1315	67.3	4.7	2882	54.4	9.7	4225	58.0	7.3
2	331	16.9	1.2	993	18.7	3.3	1326	18.2	2.3
3	108	5.5	0.4	466	8.8	1.6	574	7.9	1.0
4	61	3.1	0.2	250	4.7	0.8	311	4.3	0.5
5+	139	7.1	0.5	707	13.3	2.4	846	11.6	1.5
Total	1954	99.9	6.9	5298	100.0	17.8	7282	100.0	12.6

Note: Gender totals do not sum to the overall total because the gender of some alleged offenders was unknown.

Source: Australian Institute of Criminology , 1984 Victorian Birth Cohort (Computer File).

Figure 2: Frequency of police contact to age 18 years, by gender (%)



Source: Australian Institute of Criminology , 1984 Victorian Birth Cohort (Computer File).

Table 7: Summary of apprehension and offence counts to age 18 by gender and frequency of contact

	(n)	Apprehensions		Offence counts			
		Total apprehensions	% of all apprehensions	Total offence counts	Average offence count per apprehension	Average offence count per offender	% of all offence counts
Females							
1	1315	1315	33.1	2054	1.6	1.6	28.5
2	331	662	16.6	1139	1.7	3.4	15.8
3	108	324	8.1	613	1.9	5.7	8.5
4	61	244	6.1	427	1.8	7.0	5.9
5+	139	1433	36.0	2965	2.1	21.3	41.2
Total	1954	3978	100.0	7198	1.8	3.7	100.0
Males							
1	2882	2882	19.1	5437	1.9	1.9	16.6
2	993	1986	13.2	4056	2.0	4.1	12.4
3	466	1398	9.3	2885	2.1	6.2	8.8
4	250	1000	6.6	2045	2.0	8.2	6.3
5+	707	7792	51.7	18270	2.3	25.8	55.9
Total	5298	15058	100.0	32693	2.2	6.2	100.0
All offenders							
1	4225	4225	22.2	7524	1.8	1.8	18.8
2	1326	2652	13.9	5199	2.0	3.9	13.0
3	574	1722	9.0	3498	2.0	6.1	8.8
4	311	1244	6.5	2472	2.0	8.0	6.2
5+	846	9225	48.4	21235	2.3	25.1	53.2
Total	7282	19068	100.0	39928	2.1	5.5	100.0

Source: Australian Institute of Criminology, 1984 Victorian Birth Cohort (Computer File).

Examining the types of offences committed is complicated by the fact that offence-specific data is provided only for each unique apprehension and not for each offence count. Where an apprehension is recorded with more than one offence count, the most serious offence leading to that apprehension is noted. Table 8 provides, for each offender type (based on the number of apprehensions), the most serious offence classifications of their recorded apprehensions. The data indicates that:

- For all juvenile offenders combined, the majority of apprehensions were for property offences (n=12893, 68%), followed by violent offences (n=2730, 14%), other offences (n=2642, 14%) and drug offences (n=803; 4%).
- The single offence type recorded most often was shop stealing (n=3361), followed by property damage (n=2200), assault (n=2041), other theft (n=1432) and theft of a motor vehicle (n=1341).
- High-volume offenders were responsible for 48 per cent of all apprehension events, however they were disproportionately responsible for violent offences (55%) and other offences (51%). By specific offence types, high-volume offenders were responsible for a higher overall proportion of robbery offences (71%), assaults (54%), aggravated burglaries (67%), residential burglaries (61%) and motor vehicle theft offences (62%) to name a few. This finding is consistent with the notion that entrenched criminal offending patterns involve an escalation in both the number and severity of offending.

- Female offenders were responsible for 21 per cent of all apprehensions recorded to age 18 years and this remained relatively consistent across aggregate offence typologies (see Table 9). More detailed analysis, however, revealed that within those categories females were disproportionately responsible for shop stealing (43%), deception (28%) and other theft offences (24%). Males on the other hand were disproportionately responsible for all forms of burglary, motor vehicle theft, robberies and sex offences (see Appendix 8e).

Table 8: Summary of apprehension types by frequency of contact

	Apprehensions by age 18						% recorded for high-volume offenders
	1	2	3	4	5+	Total	
Violent							
Violent subtotal	459	351	242	176	1502	2730	55
% of all apprehensions	10.9	13.2	14.1	14.1	16.3	14.3	-
Property							
Property subtotal	3028	1825	1161	830	6049	12893	46.9
% of all apprehensions	71.7	68.8	67.4	66.7	65.6	67.6	-
Drugs							
Drug subtotal	193	130	106	58	316	803	39.4
% of all apprehensions	4.6	4.9	6.2	4.7	3.4	4.2	-
Other							
Other subtotal	545	346	213	180	1,358	2,642	51.4
% of all apprehensions	12.9	13	12.4	14.5	14.7	13.9	-
Total	4,225	2,652	1,722	1,244	9,225	19,068	48.4

Note: Full details, including all offence types, are provided in Appendix 8d.

Source: Australian Institute of Criminology, 1984 Victorian Birth Cohort (Computer File).

Table 9: Summary of apprehension types by frequency of contact and gender

	Females			Males			% Female Male	
	1-4 offences	5+ offences	Total	1-4 offences	5+ offences	Total	Female	Male
Violent								
Violent subtotal	253	284	537	973	1218	2191	19.7	80.3
% of all apprehensions	9.9	19.8	13.5	13.4	15.6	14.6	-	-
Property								
Property subtotal	1931	890	2821	4887	5159	10046	21.9	78.1
% of all apprehensions	75.9	62.1	70.9	67.3	66.2	66.7	-	-
Drugs								
Drug subtotal	102	42	144	381	274	655	18	82
% of all apprehensions	4	2.9	3.6	5.2	3.5	4.3	-	-
Other								
Other subtotal	259	217	476	1025	1141	2166	18	82
% of all apprehensions	10.2	15.1	12	14.1	14.6	14.4	-	-
Total	2,545	1,433	3,978	7,266	7,792	15,058	20.9	79.1

Note: Full details, including all offence types, are provided in Appendix 8e.

Source: Australian Institute of Criminology, 1984 Victorian Birth Cohort (Computer File).

Criminal contact into adulthood

The preceding analysis examined the extent of police contact to the age of 18 years for those Victorians born in 1984. However, the Victoria police data extracted in 2009 also contains information on all police apprehensions up to and including (for some offenders) their 24th birthday.⁷⁵¹ This data not only provides an opportunity to identify those who first come in contact with the police after turning 18 years, but also the extent to which high volume youth offenders continue to engage in crime during their early adulthood. The data shows that:

- An additional 5211 individuals born in 1984 had contact with the police at least once between age 18 and 24 years. This takes the total number of individuals having contact with the police to 12,493; 22 per cent of the total number of people born in 1984 or 19 per cent of the total number of people living in Victoria at the time of the 2006 Australian Census, see Table 10.
- Of all those having contact with the police, 54 per cent had recorded only one apprehension. These offenders did not return to the criminal justice system, at least not before they turned 24 years of age. Females (66%) were more likely than males (50%) to be one-time offenders.
- An additional 18,776 police apprehension events were recorded between the ages of 18 and 24 years of age, taking the total to 37,812 for those born in 1984. This is nearly double the number of apprehensions recorded by the cohort to age 18 years.
- There was an additional 957 high-volume offenders recorded in the database by age 24 years. The total number of high-volume offenders was therefore 1803, equalling 14 per cent of all offenders who had at least one contact with the police and 3 per cent of the total 1984 birth group.
- The vast majority of high-volume offenders commenced their criminal careers as juveniles. Of the 1803 offenders who had been apprehended by the police on five or more occasions by age 24 years, 88 per cent had been first apprehended as a juvenile.
- High-volume juvenile offenders (those who accumulated five or more police apprehensions before turning 18 years) were responsible for one in three (36%) of all apprehensions recorded up to age 24 years.
- High-volume offenders whose criminal career commenced some time before the age of 18 years were responsible for half (51%) of all apprehensions recorded to age 24.
- By gender, a greater proportion of males had contact with the police. In all, 9356 unique male offenders had been apprehended by the police before the age of 24 years. This equals 31 per cent of males born in Victoria in 1984. Comparatively, 3137 females (11%) had contact with the police at least once before turning 24 years.
- High-volume male offenders represented 16 per cent of all males who had contact with the police and five per cent of those born in Victoria in 1984. For females, high-volume offenders represented 9 per cent of the offender population and 1 per cent of all females born in 1984.

⁷⁵¹ Although technically the dataset includes all recorded information up to the precise age at which each offender was at the time of the extraction, for simplicity the analysis here uses all apprehensions up to and including age 23 years. Table 2.10 and shows that:

Table 10: Apprehensions to age 24 years, by gender

	Apprehensions	Unique individuals	Individuals apprehended five or more times (cumulative)	% of high-volume offenders whose first offence was before turning 18 years	% of apprehensions attributable to high-volume juveniles	% of apprehensions attributable to high-volume offenders who started as juveniles
Females (years)						
To age 18	3978	1954	139	100.0	36.0	43.0
18	684	317	170	100.0	15.4	32.9
19	598	237	192	97.9	17.9	34.9
20	553	200	216	96.3	19.3	38.5
21	472	177	236	94.1	15.3	32.4
22	416	146	268	89.2	10.6	27.2
23	310	106	280	87.1	17.1	28.7
Total	7011	3137	280	87.1	27.4	38.7
Males (years)						
To age 18	15058	5298	707	100.0	51.7	62.6
18	3625	1,094	886	98.5	25.7	45.9
19	3063	886	1052	95.4	24.1	43.5
20	2807	687	1209	93.3	24.5	45.1
21	2484	557	1331	91.3	24.9	43.8
22	2266	519	1448	89.7	22.1	42.1
23	1498	315	1523	88.0	22.4	42.8
Total	30801	9356	1523	88.0	37.7	53.1
All offenders						
To age 18	19036	7252	846	100.0	48.5	58.5
18	4309	1411	1056	98.8	24.1	43.8
19	3661	1123	1244	95.8	23.1	42.1
20	3360	887	1425	93.8	23.6	44.0
21	2956	734	1567	91.7	23.3	42.0
22	2682	665	1716	89.6	20.3	39.8
23	1808	421	1803	87.9	21.5	40.4
Total	37812	12493	1803	87.9	35.8	50.5

Source: Australian Institute of Criminology, 1984 Victorian Birth Cohort (Computer File).

Identifying and intervening with repeat offenders

The data so far have shown that of the 57,167 persons born in Victoria in 1984, 846 (1.5%) had been apprehended by the police on five or more occasions before the age of 18 years and 1803 (3%) had been apprehended by the police on five or more occasions before the age of 24 years – most of whom were also first apprehended by the police as a juvenile. Regardless of which measure of offending is used, this relatively small number of offenders were individually responsible for more than half of all crime recorded.

Conversely, the majority (54%) of those who had been apprehended by the police did so just once and never returned, at least not by their 24th birthday. An additional 18 per cent had contact with the police just twice during that time, indicating that around three-quarters (72%) of all those born in 1984 and who had contact with the police had only minimal interaction. Distinguishing between those who have minimal and frequent and ongoing interaction with the police is not only important for identifying who is most at risk of

becoming a high volume offender, but also, the factors that contribute to these increased probabilities.

Statistical analysis⁷⁵² examining the risk of high-volume offending among those who first contacted the police as a juvenile shows that:

- Males were at significantly higher risk of becoming high-volume offenders than females, even after their age and their offence profile was taken into account;
- The younger an offender was at the time of their first apprehension, the higher the risk;
- The higher the number of offence counts recorded for the first apprehension, the lower the risk of high-volume offending;
- Those processed by way of arrest on their first apprehension were more likely than those processed by way of caution or summons to be high-volume offenders;
- The risk of becoming a high-volume offender was unrelated to the most serious offence recorded at the time of the first apprehension.

Repeat youth offenders born in Victoria in 1994

In an effort to provide a more contemporary assessment of high-volume juvenile offending, the Committee also obtained data from Victoria Police for the 1994 birth year using the same data collection methodology as described above. These young people are turning 14 in 2008 and so the full extent of their criminal activity to age 18 years is yet to be played out. Nevertheless, comparative analysis between these young people and their 1984 counterparts revealed some noteworthy differences that have implications for this Inquiry.

The analysis indicates that:

- The population prevalence of police contact before age 14 years is slightly higher for those born in Victoria in 1994 (2.5%).
- Females made up a higher overall proportion of the offender population (30%) in the 1994 group than in the 1984 group (19%). This is partly driven by higher overall contact rates for females (1.4% in 1994 vs. 1% in 1984) and lower contact rates for males (3.7% vs. 3.8%).
- There were fewer high-volume offenders (having five or more contacts by age 14 years) in the 1994 group (n=91) than in the earlier 1984 group (n=103) despite the more recent group having a larger population base. The spread between males and females was comparable.

⁷⁵² The analysis used here was a Cox Regression of the time to the fifth apprehension. Time was measured from the date of the first apprehension to the offender's 24th birthday. For a description of Cox Regression or survival analysis more generally, see Hosmer and Lemeshow (1999).

Appendix 8a: Alleged offenders by juvenile status, 2007/08

	Alleged juveniles (n)	% of alleged juveniles	% of all alleged offenders	Alleged adults (n)	% of alleged adults	% of all alleged offenders	Alleged offenders (n)	% of all alleged offenders
Violent								
Homicide	9	0.0	4.4	196	0.2	95.6	205	0.1
Rape	81	0.2	10.5	688	0.6	89.5	769	0.5
Sex (non-Rape)	453	1.3	14.9	2587	2.1	85.1	3040	1.9
Robbery	1232	3.6	48.2	1323	1.1	51.8	2555	1.6
Assault	4854	14.3	18.5	21379	17.5	81.5	26233	16.7
Abduction/ Kidnap	26	0.1	8.5	279	0.2	91.5	305	0.2
Violent sub-total	6655	19.6	20.1	26452	21.6	79.9	33107	21.1
Property								0.0
Burglary (Aggravated)	201	0.6	16.8	994	0.8	83.2	1195	0.8
Burglary (Residential)	1453	4.3	27.0	3937	3.2	73.0	5390	3.4
Burglary (Other)	1934	5.7	31.2	4260	3.5	68.8	6194	3.9
Burglary sub-total	3588	10.6	28.1	9191	7.5	71.9	12779	8.1
Handle Stolen Goods	625	1.8	11.8	4656	3.8	88.2	5281	3.4
Theft from Motor Vehicle	1760	5.2	28.4	4446	3.6	71.6	6206	3.9
Theft (Shop steal)	5140	15.2	33.6	10142	8.3	66.4	15282	9.7
Theft of Motor Vehicle	2222	6.6	42.3	3028	2.5	57.7	5250	3.3
Theft of Bicycle	312	0.9	56.3	242	0.2	43.7	554	0.4
Theft (Other)	2021	6.0	20.3	7955	6.5	79.7	9976	6.3
Theft sub-total	12080	35.6	28.4	30469	24.9	71.6	42549	27.1
Arson	346	1.0	47.3	386	0.3	52.7	732	0.5
Property Damage	5497	16.2	40.2	8162	6.7	59.8	13659	8.7
Deception	485	1.4	4.7	9915	8.1	95.3	10400	6.6
Other property sub-total	6328	18.7	25.5	18463	15.1	74.5	24791	15.8
All property sub-total	21996	64.9	27.5	58123	47.5	72.5	80119	51.0
Drug								0.0
Drug (Cult. Manuf. Traff.)	80	0.2	2.0	3932	3.2	98.0	4012	2.6
Drug (Possess, Use)	573	1.7	5.6	9593	7.8	94.4	10166	6.5
Drug sub-total	653	1.9	4.6	13525	11.0	95.4	14178	9.0
Other offences								0.0
Going Equipped to Steal	72	0.2	16.1	374	0.3	83.9	446	0.3
Justice Procedure	973	2.9	7.6	11786	9.6	92.4	12759	8.1
Regulated Public Order	866	2.6	58.2	622	0.5	41.8	1488	0.9
Weapons/ Explosives	923	2.7	14.1	5603	4.6	85.9	6526	4.2
Harassment	76	0.2	5.5	1307	1.1	94.5	1383	0.9
Behaviour in Public	479	1.4	15.0	2706	2.2	85.0	3185	2.0
Other	1218	3.6	30.6	2758	2.3	69.4	3976	2.5
Other sub-total	4607	13.6	15.5	25156	20.5	84.5	29763	18.9
Total	33911	100.0	21.6	123256	100.0	78.4	157167	100.0

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08.

Appendix 8b: Alleged offenders by gender, 2007/08

	Juvenile males (n)	% of alleged males	% of all alleged juvenile offenders	Juvenile females (n)	% of alleged females	% of all alleged juvenile offenders	Alleged juveniles (n)
Violent							
Homicide	6	0.0	66.7	3	0.0	33.3	9
Rape	81	0.3	100.0	0	0.0	0.0	81
Sex (non-Rape)	441	1.6	97.4	11	0.2	2.4	453
Robbery	1118	4.1	90.7	114	1.8	9.3	1232
Assault	3861	14.1	79.5	993	15.4	20.5	4854
Abduction/ Kidnap	20	0.1	76.9	6	0.1	23.1	26
Violent sub-total	5527	20.1	83.1	1127	17.5	16.9	6655
Property							
Burglary (Aggravated)	182	0.7	90.5	19	0.3	9.5	201
Burglary (Residential)	1312	4.8	90.3	140	2.2	9.6	1453
Burglary (Other)	1801	6.6	93.1	131	2.0	6.8	1934
<i>Burglary sub-total</i>	<i>3295</i>	<i>12.0</i>	<i>91.8</i>	<i>290</i>	<i>4.5</i>	<i>8.1</i>	<i>3588</i>
Handle Stolen Goods	526	1.9	84.2	99	1.5	15.8	625
Theft from Motor Vehicle	1662	6.1	94.4	98	1.5	5.6	1760
Theft (Shop steal)	2647	9.6	51.5	2486	38.5	48.4	5140
Theft of Motor Vehicle	1984	7.2	89.3	237	3.7	10.7	2222
Theft of Bicycle	301	1.1	96.5	11	0.2	3.5	312
Theft (Other)	1574	5.7	77.9	447	6.9	22.1	2021
Theft sub-total	8694	31.7	72.0	3378	52.3	28.0	12080
Arson	312	1.1	90.2	34	0.5	9.8	346
Property Damage	4852	17.7	88.3	641	9.9	11.7	5497
Deception	318	1.2	65.6	165	2.6	34.0	485
Other property sub-total	5482	20.0	86.6	840	13.0	13.3	6328
All property sub-total	17471	63.7	79.4	4508	69.8	20.5	21996
Drug							
Drug (Cult. Manuf. Traff.)	69	0.3	86.3	11	0.2	13.8	80
Drug (Possess, Use)	471	1.7	82.2	102	1.6	17.8	573
Drug sub-total	540	2.0	82.7	113	1.8	17.3	653
Other offences							
Going Equipped to Steal	65	0.2	90.3	7	0.1	9.7	72
Justice Procedure	767	2.8	78.8	206	3.2	21.2	973
Regulated Public Order	709	2.6	81.9	156	2.4	18.0	866
Weapons/ Explosives	840	3.1	91.0	83	1.3	9.0	923
Harassment	65	0.2	85.5	11	0.2	14.5	76
Behaviour in Public	399	1.5	83.3	80	1.2	16.7	479
Other	1053	3.8	86.5	164	2.5	13.5	1218
Other sub-total	3898	14.2	84.6	707	11.0	15.3	4607
Total	27436	100.0	80.9	6455	100.0	19.0	33911

Note: Gender totals do not sum to the overall total because the gender of some alleged offenders was unknown.

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08.

Appendix 8c: Alleged offenders by age-category, 2007/08

	Alleged juveniles aged 10-14 (n)	% of alleged juveniles aged 10-14	% of all alleged offenders	Alleged juveniles aged 15-19 (n)	% of alleged juveniles aged 15-19	% of all alleged offenders	Alleged offenders (n)	% of all alleged offenders
Violent								
Homicide	1	0.0	0.5	25	0.1	12.2	205	0.1
Rape	15	0.1	2.0	122	0.3	15.9	769	0.5
Sex (non-Rape)	179	1.6	5.9	422	1.1	13.9	3040	1.9
Robbery	306	2.8	12.0	1253	3.4	49.0	2555	1.6
Assault	1245	11.3	4.7	6064	16.3	23.1	26233	16.7
Abduction/ Kidnap	3	0.0	1.0	55	0.1	18.0	305	0.2
Violent sub-total	1749	15.9	5.3	7941	21.4	24.0	33107	21.1
Property								
Burglary (Aggravated)	43	0.4	3.6	275	0.7	23.0	1195	0.8
Burglary (Residential)	584	5.3	10.8	1232	3.3	22.9	5390	3.4
Burglary (Other)	684	6.2	11.0	1884	5.1	30.4	6194	3.9
Burglary sub-total	1311	11.9	10.3	3391	9.1	26.5	12779	8.1
Handle Stolen Goods	162	1.5	3.1	837	2.3	15.8	5281	3.4
Theft from Motor Vehicle	574	5.2	9.2	2015	5.4	32.5	6206	3.9
Theft (Shopsteal)	2308	21.0	15.1	3757	10.1	24.6	15282	9.7
Theft of Motor Vehicle	570	5.2	10.9	2232	6.0	42.5	5250	3.3
Theft of Bicycle	171	1.6	30.9	181	0.5	32.7	554	0.4
Theft (Other)	653	5.9	6.5	2421	6.5	24.3	9976	6.3
Theft sub-total	4438	40.3	10.4	11443	30.8	26.9	42549	27.1
Arson	166	1.5	22.7	253	0.7	34.6	732	0.5
Property Damage	1984	18.0	14.5	5296	14.3	38.8	13659	8.7
Deception	63	0.6	0.6	1217	3.3	11.7	10400	6.6
Other property sub-total	2213	20.1	8.9	6766	18.2	27.3	24791	15.8
All property sub-total	7962	72.3	9.9	21600	58.2	27.0	80119	51.0
Drug								
Drug (Cult. Manuf. Traff.)	8	0.1	0.2	238	0.6	5.9	4012	2.6
Drug (Possess, Use)	71	0.6	0.7	1489	4.0	14.6	10166	6.5
Drug sub-total	79	0.7	0.6	1727	4.7	12.2	14178	9.0
Other offences		0.0						
Going Equipped to Steal	19	0.2	4.3	85	0.2	19.1	446	0.3
Justice Procedure	188	1.7	1.5	1731	4.7	13.6	12759	8.1
Regulated Public Order	150	1.4	10.1	760	2.0	51.1	1488	0.9
Weapons/ Explosives	244	2.2	3.7	1282	3.5	19.6	6526	4.2
Harassment	21	0.2	1.5	114	0.3	8.2	1383	0.9
Behaviour in Public	114	1.0	3.6	755	2.0	23.7	3185	2.0
Other	479	4.4	12.0	1113	3.0	28.0	3976	2.5
Other sub-total	1215	11.0	4.1	5840	15.7	19.6	29763	18.9
Total	11005	100.0	7.0	37108	100.0	23.6	157167	100.0

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08.

Appendix 8d: Apprehension types by frequency of contact

	Apprehensions by age 18					Total	% recorded for high-volume offenders
	1	2	3	4	5+		
Violent							
Abduction/Kidnap	1	0	0	2	4	7	57.1
Assault	334	281	176	143	1107	2041	54.2
Homicide	4	2	2	1	2	11	18.2
Rape	12	6	7	2	16	43	37.2
Robbery	40	32	37	19	317	445	71.2
Sex (Non Rape)	68	30	20	9	56	183	30.6
Violent sub-total	459	351	242	176	1502	2730	55.0
% of all apprehensions	10.9	13.2	14.1	14.1	16.3	14.3	-
Property							
Arson	39	30	21	12	101	203	49.8
Burglary (Aggravated)	8	3	5	5	43	64	67.2
Burglary (Other)	277	178	113	74	606	1248	48.6
Burglary (Residential)	128	121	95	45	619	1008	61.4
Deception	111	50	24	24	117	326	35.9
Handle Stolen Goods	75	71	49	41	391	627	62.4
Property Damage	422	293	240	162	1083	2200	49.2
Theft (Bicycle)	24	23	15	9	123	194	63.4
Theft (Other)	412	209	123	102	586	1432	40.9
Theft (Shop steal)	1,206	606	295	223	1031	3361	30.7
Theft From M/Car	135	101	85	47	521	889	58.6
Theft Of M/Car	191	140	96	86	828	1341	61.7
Property sub-total	3028	1825	1161	830	6049	12893	46.9
% of all apprehensions	71.7	68.8	67.4	66.7	65.6	67.6	-
Drugs							
Drugs (Cult/Man/Traf)	18	20	17	19	85	159	53.5
Drugs (Poss/Use)	175	110	89	39	231	644	35.9
Drug sub-total	193	130	106	58	316	803	39.4
% of all apprehensions	4.6	4.9	6.2	4.7	3.4	4.2	-
Other							
Behaviour In Public	49	33	19	17	166	284	58.5
Going Equipped To Steal	3	3	2	3	23	34	67.6
Harassment	19	11	3	4	15	52	28.8
Justice Procedures	45	37	31	24	249	386	64.5
Regulated Public Order	203	99	65	48	339	754	45.0
Weapons/Explosives	76	54	25	23	129	307	42.0
Other	150	109	68	61	437	825	53.0
Other sub-total	545	346	213	180	1,358	2,642	51.4
% of all apprehensions	12.9	13.0	12.4	14.5	14.7	13.9	-
Total	4,225	2,652	1,722	1,244	9,225	19,068	48.4

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08.

Appendix 8e: Apprehension types by frequency of contact and gender

	Females			Males			% female	% male
	1-4	5+	Total	1-4	5+	Total		
Violent								
Abduction/Kidnap	2	1	3	1	3	4	42.9	57.1
Assault	226	229	455	706	878	1584	22.3	77.7
Homicide	1	0	1	8	2	10	9.1	90.9
Rape	0	0	0	27	16	43	0.0	100.0
Robbery	18	53	71	110	264	374	16.0	84.0
Sex (Non Rape)	6	1	7	121	55	176	3.8	96.2
Violent sub-total	253	284	537	973	1218	2191	19.7	80.3
% of all apprehensions	9.9	19.8	13.5	13.4	15.6	14.6	-	-
Property								
Arson	5	11	16	97	90	187	7.9	92.1
Burglary (Aggravated)	6	4	10	15	39	54	15.6	84.4
Burglary (Other)	64	48	112	574	558	1132	9.0	91.0
Burglary (Res)	78	78	156	309	541	850	15.5	84.5
Deception	63	27	90	145	90	235	27.7	72.3
Handle Stolen Goods	62	58	120	174	333	507	19.1	80.9
Property Damage	139	135	274	975	948	1923	12.5	87.5
Theft (Bicycle)	3	4	7	68	119	187	3.6	96.4
Theft (Other)	231	112	343	613	474	1087	24.0	76.0
Theft (Shop steal)	1,162	264	1426	1154	767	1921	42.6	57.4
Theft From M/Car	26	33	59	342	488	830	6.6	93.4
Theft Of M/Car	92	116	208	421	712	1133	15.5	84.5
Property sub-total	1931	890	2821	4887	5159	10046	21.9	78.1
% of all apprehensions	75.9	62.1	70.9	67.3	66.2	66.7	-	-
Drugs								
Drugs (Cult. /Man. /Traf)	18	11	29	56	74	130	18.2	81.8
Drugs (Poss/Use)	84	31	115	325	200	525	18.0	82.0
Drug sub-total	102	42	144	381	274	655	18.0	82.0
% of all apprehensions	4.0	2.9	3.6	5.2	3.5	4.3	-	-
Other								
Behaviour In Public	18	35	53	100	131	231	18.7	81.3
Going Equipped To Steal	2	1	3	9	22	31	8.8	91.2
Harassment	12	2	14	25	13	38	26.9	73.1
Justice Procedures	46	51	97	91	198	289	25.1	74.9
Regulated Public Order	108	60	168	307	279	586	22.3	77.7
Weapons/Explosives	15	8	23	163	121	284	7.5	92.5
Other	58	60	118	330	377	707	14.3	85.7
Other sub-total	259	217	476	1025	1141	2166	18.0	82.0
% of all apprehensions	10.2	15.1	12.0	14.1	14.6	14.4	-	-
Total	2,545	1,433	3,978	7,266	7,792	15,058	20.9	79.1

Source: Based on data from Victoria Police 2008, Crime Statistics Report 2007/08

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