



**Senate Legal and Constitutional Affairs Committee  
Value of a Justice Reinvestment Approach to Criminal Justice in Australia**

**Submission**

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## Synopsis

In the United States, Justice Reinvestment is a product offered by a consultancy firm and purchased by the Government to facilitate the transfer of funds from custodial services to community service delivery.

Broadly, Justice Reinvestment is a data-driven approach to improve public safety and reduce criminal justice spending. This submission will refer to justice reinvestment as a potential policy and service direction rather than a product, as it is in the United States.

In the Australian context, the principles of justice reinvestment could be applied as a national framework to reduce the over representation of Aboriginal and Torres Strait Islanders in custody.

Justice reinvestment requires the management of criminal justice populations more cost-effectively and the allocation of savings to early intervention, evidence-based strategies in specific disadvantaged communities. The benefit is more effective government spending, building capacity in communities, enhancing service delivery in rural and regional Australia and reduced reoffending. The result is increased public safety while holding offenders accountable.

The challenge with the implementation of justice reinvestment is the shortage of services and expertise in the community to support disadvantaged families with complex needs. In NSW, as in other states, the juvenile justice population demonstrates the demand for services that address complex needs, including mental health and cognitive issues, housing, intergenerational imprisonment and unemployment.

As governments continue to move the provision of intervention services to the non-government sector there is a need for investment to build capacity in the NGO sector. Otherwise there is a risk of service quality and availability lagging behind demand.

For justice reinvestment to be successful the non-government sector must be skilled in working with people with complex needs, individuals and families, particularly in rural and regional areas.

The Commonwealth is considered the most effective coordinating body to oversee the implementation of justice reinvestment. There is an opportunity for the Commonwealth to provide dedicated funds for training and development in the NGO sector in locations with high concentrations of families with complex needs.

It is recommended that the Commonwealth works with the States and Territories to develop a framework to build the capacity of the NGO sector to ensure young people with complex needs do not slip through service gaps and into the criminal justice system. Further detail on this proposal is included in response to term of reference (i).

## Response to Terms of Reference

a) The drivers behind the past 30 years of growth in the Australian imprisonment rate

The Australian Institute of Criminology found that the rate of detention for all juveniles showed a steady decline between 1981 and 2002, decreasing from 65 juveniles detained per 100,000 population in 1981, to an all-time low of 25 per 100,000 in 2002. Over the past six years, there have been modest yearly increases to a rate of 37 per 100,000 in 2008<sup>1</sup>.

However, the increase in incarceration is not reflective of the crime rate in New South Wales. The Bureau of Crime Statistics and Research has found that some categories of crime in NSW are now at the lowest levels they have been for over 20 years. Comparing per capita rates of crime in 2010 with per capita rates in 1990, the Bureau found that the rate of:

- murder is 50 per cent lower
- motor vehicle theft is 70 per cent lower
- break and enter non-dwelling is 62 per cent lower
- break and enter dwelling is 43 per cent lower
- robbery with a weapon not a firearm is 23 per cent lower
- robbery with a firearm is 66 per cent lower; and
- robbery without a weapon is 5 per cent lower.

Over this same period, community perceptions of crime have grown increasingly punitive. A study by the Australian Institute of Criminology found that there are substantial misperceptions of crime, both of the number of incidences and trends in crime, among the general population. Additionally, the discrepancy between the crime rate and the public's perceived crime rate has been commonly attributed to the expansive media coverage of crime, especially violent and more sensationalised crime.<sup>2</sup>

Public perceptions of crime influence decisions of policy makers and community perceptions of the likelihood of crime often do not match the actual risk of crime.<sup>3</sup> Research has found that the general public has commonly been found to underestimate the length and severity of criminal sentences and over-rate the percentage of crime that is violent crime<sup>4</sup>. As a consequence, law enforcement decisions may become more punitive to respond to community expectations about how crime is dealt with. Similar studies on public perception of crime revealing similar outcomes have been done in the United States and the United Kingdom.

This in turn puts pressure on police to shift from community-based policing models to increased surveillance and arrests. Young people are more affected by policing strategies with increased surveillance because they are more conspicuous. Young people aged 15 to 19 years are more likely to be processed by police for the commission of a crime than are members of any other population group<sup>5</sup>.

Crime rates, policy, legislation, community perception and ultimately the decisions of police and courts impact the number of young people in detention.

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<sup>1</sup> Lyneham, M & Richards, K. *Juveniles in Detention in Australia 1981 – 2008*, Australian Institute of Criminology, Monitoring Reports 12, 2010

<sup>2</sup> Duffy B, Wake R, Burrows, T & Bremner P 2008. *Closing the gaps—crime and public perceptions*. *International Review of Law, Computers & Technology* 22: 17–44

<sup>3</sup> Dosseter, K. & Davis, B., *(Mis) perceptions of Crime in Australia*, Trends and Issues in Crime and Criminal Justice No. 396, Australian Institute of Criminology, July 2010

<sup>4</sup> Indermaur D & Roberts L 2005. *Perception of crime and justice*, in Wilson S, Meagher G, Gibson R, Denmark D & Western M (eds), *Australian social attitudes: The first report*. Sydney: UNSW Press.

<sup>5</sup> Richards, K., *What makes juvenile offenders different from adult offenders*, Trends and Issues in Crime and Criminal Justice, No. 409, Feb 2011

## b) The economic and social costs of imprisonment

In 2011/12 operational expenses for Juvenile Justice NSW for custodial services was approximately \$130.6M and for community based supervision \$70.4M<sup>6</sup>, which includes the administration of Youth Justice Conferencing.

For the 2010/11 financial year, the average cost of detaining a young person in custody was \$652 per day. By contrast, the average cost per day for Juvenile Justice to supervise a young person in the community was \$16.73, and the Youth Justice Conferencing average cost per day per client was \$6.64.

There are a number of perspectives on how to quantify the economic and social costs of imprisonment. Both the cost savings and cost benefit can be calculated, though both approaches have challenges.

Research conducted by the Washington State Institute for Public Policy (WSIPP) provides cost benefit assessments on evidence based, early intervention programs. For multisystemic therapy WSIPP estimates a taxpayer benefit of US\$7,138 per participant and US\$24,983 cost benefit to participants and victims<sup>7</sup>. Significant indirect and social benefits will also accrue as a result of an early intervention system. Early intervention support services that would be offered to young people and their families will achieve benefits in addition to reduced reoffending. Improved educational achievement, improved family functioning, reductions in out-of-home-care placements and improved mental and physical health outcomes have all been able to be achieved according to international research. Such benefits improve the lives of the young people and their families who receive the services and also improve the community through safer living standards and reductions in victim costs. These results demonstrate that early, targeted and effective community based interventions can produce better outcomes and are significantly more cost effective than custodial interventions<sup>8</sup>.

What is clear from the evidence base is that community based interventions at the earliest possible point in the offending trajectory are more effective in reducing the long term offending.

## c) The over-representation of disadvantaged groups within Australian prisons, including Aboriginal and Torres Strait Islander peoples and people experiencing mental ill-health, cognitive disability and hearing loss

### Key service measures for 2011/12 – young people in custody

Average daily number of young people in custody	353
Average daily number of young women in custody	32
Average daily number of young people of Aboriginal and/or Torres Strait Islander background	177
Average daily number of young people serving custodial sentences	165
Average daily number of young people remanded in custody awaiting court proceedings to be finalised	188

<sup>6</sup> 2012/13 Budget Paper 3 – Budget Estimates – Budget NSW

<sup>7</sup> Lee, S., Aos, S., Drake, E., Pennucci, A., Miller, M., Anderson, L., *Return on investment: evidence-based options to improve state wide outcomes*, Washington State Institute of Public Policy, April update, #12-04-1201.

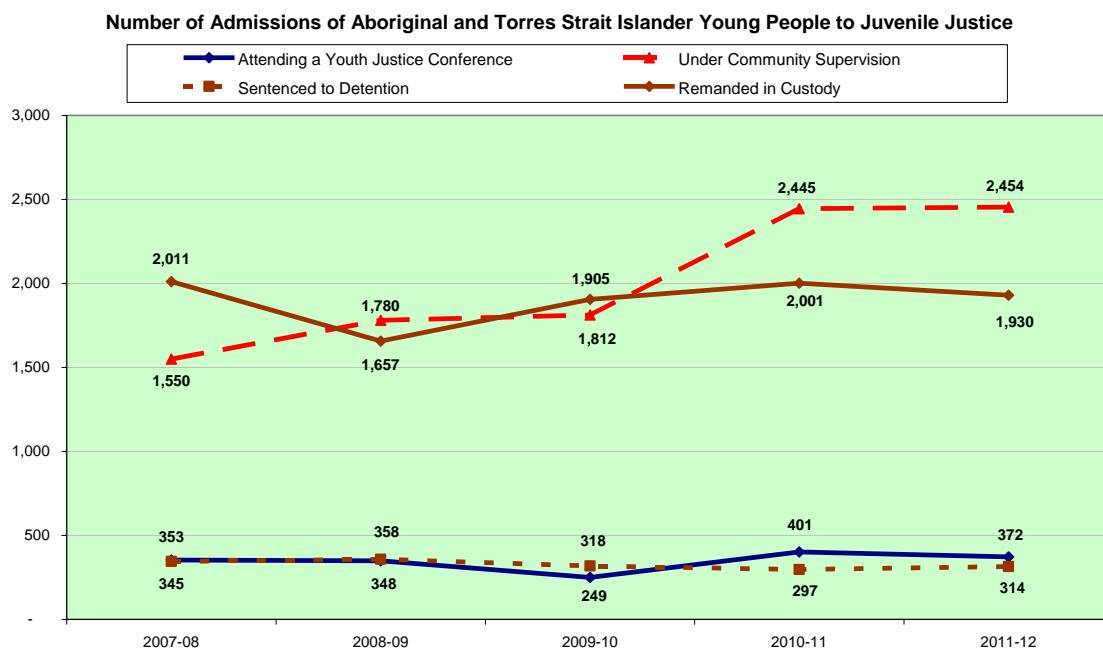
<sup>8</sup> Aos, S., Miller, M., Drake, E., *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates*, Washington State Institute of Public Policy, 2006 October, #06-10-1201.

Source: DAG/JJ Strategic Information System (SIS). Effective date 4 August 2012

### Aboriginal and Torres Strait Islander peoples

The over representation of Aboriginal and Torres Strait Islander young people in the juvenile justice system indicates the need to design and deliver services that are culturally appropriate.

Aboriginal and Torres Strait Islanders who come into contact with juvenile justice system have complex needs. The 2009 Young People in Custody Health Survey revealed that in comparison to non-Aboriginal offenders, Aboriginal offenders were shown to have higher rates of mental health (93% vs 82% non-ATSI); low IQ range (20% vs 7%); have had a parent in custody (61% vs 30%); previously spent time in custody (85% vs 73%) and had an earlier entry age (13.6years vs 14.9 years); and higher rates of regular illicit drug use (72% vs 58%)<sup>9</sup>.



Source: DAG/JJ Strategic Information System (SIS). Effective date 4 August 2012

A list of key programs and interventions provided by Juvenile Justice is attached at appendix B.

A number of reports suggest strategies to improve outcomes for Aboriginal young people in the criminal justice system.

The NSW Ombudsman's *Inquiry into the high level of involvement of Indigenous juveniles and young adults in the criminal justice system* (2010) outlines the critical importance of the following in reducing Indigenous over representation:

1. Early identification of risk – through supporting school attendance; risk of harm reporting to Community Services; out-of-home care, and coordinated case management

<sup>9</sup> Indig, D., Vecchiato, C., Haysom, L., Beilby, R., Carter, J., Champion, U., Gaskin, C., Heller, E., Kumar, S., Mamone, N., Muir, P., van den older, P. & Whitton, G. (2011) *2009 NSW Young People in Custody Health Survey: Full Report*. Justice Health and Juvenile Justice. Sydney.

2. Police strategies to divert young offenders from the criminal justice system – including engaging high risk offenders through police-led local initiatives; increased use of the *Young Offenders Act 1997*; better risk based application of the *Bail Act 1978*, and improved provision of accommodation facilities for young people on bail.
3. Alternative pathways that support the young person and their family such as the Intensive Supervision Program (with multi systemic therapy) and the Tirkandi Inaburra Cultural and Development Centre residential program in the Riverina.
4. Specialised rehabilitation programs, designed and delivered in close partnership with Aboriginal communities to meet the needs of Aboriginal young people in detention.
5. Healing programs – examples of which are: Red Dust Healing and Rekindling the Spirit. These types of programs address the impact of growing up in circumstances of violence, trauma and community and cultural dislocation, which is inextricably linked to high rates of offending behaviour.

The Indigenous Justice Clearinghouse reported in *Promising interventions for reducing Indigenous juvenile offending* (2011) that primary, secondary and tertiary crime prevention strategies are required.

The report cites the best practice for the prevention of offending when working with Indigenous young people includes:

- Developing programs considering local factors is critical as Aboriginal communities are not homogenous;
- Community involvement is essential in the design and delivery of programs;
- Focus on issues of specific relevance or concern to Indigenous communities may help address issues and secure support from the community;
- Build on existing strengths within individuals, families and communities;
- Adopt holistic and collaborative approaches by addressing multiple issues which lead to offending behaviour;
- Work with juveniles themselves where possible;
- Increasing level of involvement from Indigenous communities in crime reduction strategies may help strengthen cultural and social structures and self determination;
- Provide intergenerational, family and cultural support within Indigenous communities to reduce juvenile offending;
- Where appropriate, focus on young juveniles rather than older juveniles to maximise early intervention into juvenile offending trajectories.

There is an absence of high-quality evidence based program evaluation on key issues relating to preventing Aboriginal juvenile offending and reducing recidivism. Improving service delivery requires a strong evidence base. The starting point for building a strong evidence base practice would include analysis of the types of successful approaches, supported by a common framework for evaluating outcomes, and consistent data collection and reporting by agencies.

### **Mental Health & Cognitive Impairment/Disability**

Juvenile offenders with mental health problems and cognitive impairment are in critical need of proper assessment and treatment, as this group of young people is disproportionately in contact with the criminal justice system<sup>10</sup>. The *NSW Young People in Custody Health Survey*

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<sup>10</sup> Richards, K., *What makes juvenile offenders different from adult offenders?* Trends and issues in crime and criminal justice, No. 409, Australian Institute of Criminology, 2011

identified approximately 86% of young people in custody were diagnosed with a mental health disorder, 14% of young people were assessed as being within the extremely low range of intelligence, and a further 32% within the borderline range<sup>11</sup>.

In NSW Justice Health has provided comprehensive health services to young people in custody since 2003. For many young people, it is the first time they have undergone a comprehensive health check and treatment. Young people in custody have access to nurses, dentists, visiting general practitioners and child psychologists. Justice Health also provides health promotion/information, assessment, diagnostic, public health, treatment and surgical services.

Professor Baldry from the University of NSW has reported that clients with complex mental health and cognitive needs are significantly more likely to have contact with the criminal justice system. This group were more likely to engage in risky behaviours and more likely to get caught. Furthermore, the prevalence of substance abuse issues such as alcohol, illegal drugs, and volatile substances among many young people with mental issues entering the juvenile justice system makes the availability and access to treatment and rehabilitation for substance misuse particularly important for this exceedingly complex and difficult client group<sup>12</sup>.

Some of the critical issues have been highlighted by Simpson and Sotiri (2004) in *Criminal Justice and Indigenous People with Cognitive Disabilities*, and by the Aboriginal and Torres Strait Islander Social Justice Commissioner, Human Rights and Equal Opportunity Commission in *Indigenous young people with cognitive disabilities and Australian juvenile justice systems* (2005). However, robust assessment of whether improvements have been made would provide invaluable insights into 'what works'.

## Hearing loss

The 2009 Survey of Young People in Custody included audiometry testing, which revealed that 18% of young people had mild to moderate hearing loss in one or both ears, with a further 32% having at least one ear with a degree of hearing loss. Significantly more young women than young men (53% vs 35%) reported a history of ear infection.

Ear infections, chronic ear disease and hearing loss are common in Aboriginal populations, with up to a quarter of rural Aboriginal children having a discharging perforation.<sup>13</sup> In the juvenile custodial population, a history of ear infections was common (24%), but no more likely to be reported in Aboriginal young people than non-Aboriginal young people.

Otitis media, and consequent conductive hearing loss, is a medical problem that if left untreated can lead to significant educational and social implications, especially for Aboriginal students. Otitis media results in temporary or permanent hearing loss (conductive hearing loss), with the level of hearing loss fluctuating unpredictably.

Otitis media interferes with children's development, especially oral language development and competency, and consequently their acquisition of written literacy. If children do not acquire good skills in written literacy, they are much more likely to do poorly at school, drop

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<sup>11</sup> Indig, D., Vecchiato, C., Haysom, L., Beilby, R., Carter, J., Champion, U., Gaskin, C., Heller, E., Kumar, S., Mamone, N., Muir, P., van den Dolder, P. & Whitton, G. (2011) *2009 NSW Young People in Custody Health Survey: Full Report*. Justice Health and Juvenile Justice. Sydney.

<sup>12</sup> Professor Baldry, E., Clarence, M., Dowse L., *People with intellectual or other cognitive disability in the criminal justice system*, Department of Family and Community Services, Ageing, Disability and Home Care.

<sup>13</sup> Morris, P.S., Leach, A.J., Silberberg, P., Mellon, G., Wilson, C., Hamilton, E., Beissbarth, J. (2005) 'Otitis media in young Aboriginal children'. *BMC Paediatrics*, 5: 27.

out early, and consequently will have reduced employment opportunities. By improving early detection of hearing loss and awareness, literacy teaching strategies and childrens' overall educational outcomes can be enhanced.

d) The cost, availability and effectiveness of alternatives to imprisonment, including prevention, early intervention, diversionary and rehabilitation measures

Delivering effective alternatives to incarceration relies on the implementation of evidence based interventions in a community based setting.

There are significant costs to the community inherent in placing children and young people in custody. Detaining children in custody is comparatively expensive in relation to community-based options and is not as effective in terms of delivering rehabilitative and community reintegration outcomes. This is particularly the case for those young people in custody who are found to have complex needs.

NSW Currently has a number of options available, through the *Young Offenders Act 1997* to divert young people away from courts. The *Young Offenders Act 1997* provides police and courts with a scheme of warnings, cautions and conferences to reduce the number of formal contacts with the criminal justice system.

The diversion mechanisms available in NSW are an appropriate approach for the vast majority of young people in the early stages of the justice system.

However there is also a small group of young people for whom diversion alone is not the answer. Without an intervention that addresses the causes of offending, they will continue to offend and go on to become entrenched in the justice system.

At this early point in the justice system, there are very few mechanisms available to intervene with children and young people who have an identified need for services that will prevent future offending behaviour.

NSW is developing an early intervention model, Youth on Track that is targeted at this cohort. The program has recently been announced and it is expected to be implemented in three locations as at 1 July 2013.. One of the challenges to the model will be a lack of an integrated service system for complex needs adolescents.

Juvenile Justice NSW experience suggests there is an opportunity to develop a dedicated service system to address the complex needs of this group before their offending escalates. The NSW Bureau of Crime Statistics and Research also advocates a mechanism to allow referral to conferencing (diversion from court) while at the same time ensuring that those who need effective intervention and support to reduce their risk of offending receive it<sup>14</sup>.

Increasing the possibility of diversion from custody for children would lead to significant savings. A significant impediment to increasing diversion is the complexity of issues coupled with the resultant difficult behaviour that has many service providers unable to manage these young people. This requires targeted evidenced based alternatives based in the community.

These savings should be directed at addressing the gap in NGO capacity to deal with young people with complex needs earlier in the system to prevent their progression to the adult

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<sup>14</sup> Weatherburn, D., Smith, N., Youth Justice Conferences versus Children's Court: A comparison of re-offending, *Crime and Justice Bulletin, Contemporary Issues in Crime and Justice*, No. 160, Feb 2013



system. While Juvenile Justice NSW has implemented a number of strategies to divert young people from remand, there are limited community-based service options to provide assistance to these young people because of their challenging behaviours.

#### e) The methodology and objectives of justice reinvestment

Justice reinvestment is a localised criminal justice approach that first emerged in the United States. Under this approach, a portion of public funds that would have been spent on covering the costs of imprisonment are diverted to local communities that have a high concentration of offenders. The money is invested in community programs, services and activities that are aimed at addressing the underlying causes of crime in those communities. Justice reinvestment, as a localised solution, provides opportunities for communities to contribute to the development and implementation of measures and services that are evidenced based that will prevent offending behaviour in the first place.

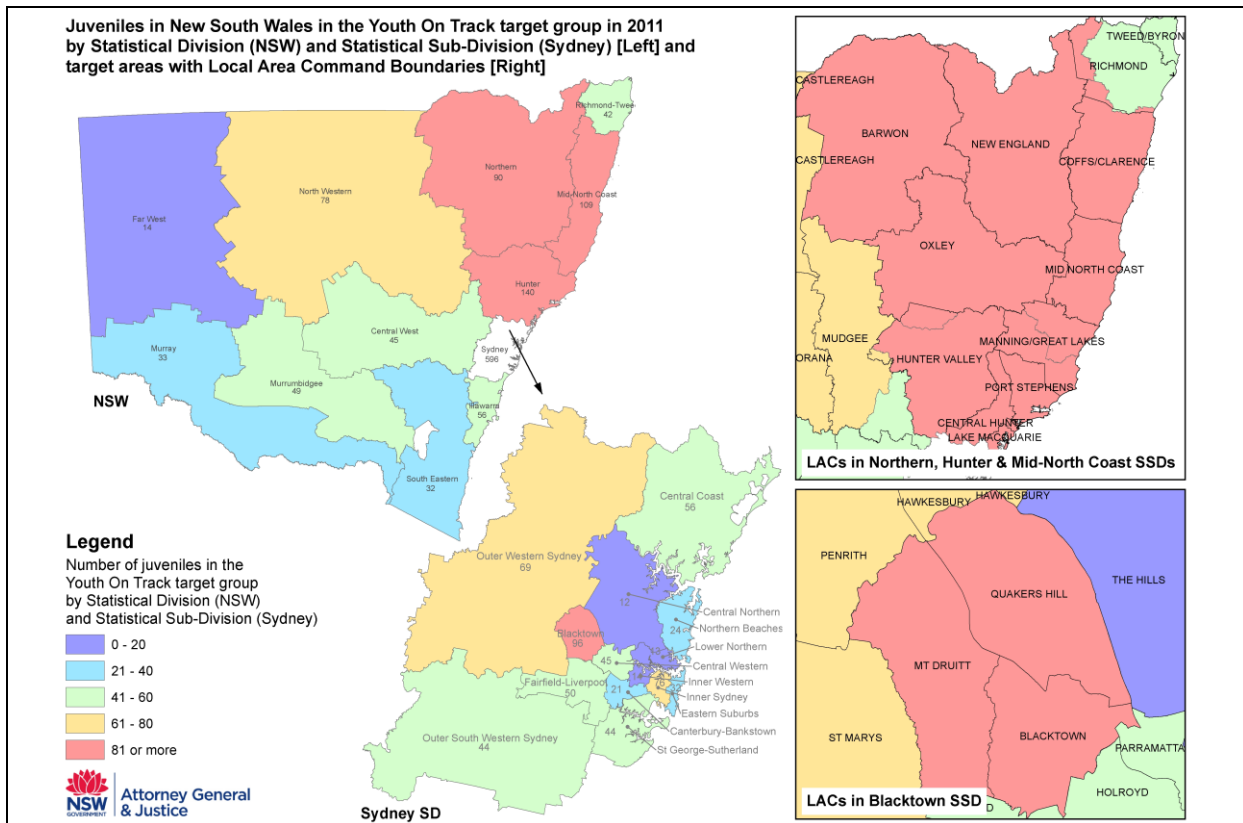
Sustainable reductions in demand for custodial accommodation will not be achieved until there are effective alternative options for police and magistrates to intervene with young people and address their offending behaviour rather than utilising custodial sanctions.

A fundamental tenant of the justice reinvestment approach is to redirect resources to those communities identified as needing the most intervention and support. The models are based on evidence that a large number of offenders come from a relatively small number of disadvantaged communities. Demographic mapping can be used to determine the regions that will benefit the most from investment in early intervention and prevention programs. Demographic mapping determines which suburbs and streets have the highest need for intervention services.

Juvenile Justice has over the years identified the local government areas where frequent and high risk juvenile offenders reside. Initial mapping has been undertaken that identifies the areas of high-level over-representation of indigenous young people in juvenile justice services and police interventions.

Figure 1 was developed by NSW Bureau of Crimes Statistics (BOCSAR) for the Youth on Track project to identify the total number of young people receiving police cautions who were considered at most risk of reoffending. BOCSAR identified that 87% were male, 67% were ATSI and 46% were first involved in the criminal justice system before the age of 14 .

**Figure 1 – Target group members by Statistical Division and Statistical Sub-Division**



The justice reinvestment strategy seeks to better manage the growth of a state’s custodial population and increase public safety. Funds reinvested into the identified communities may be used to develop housing and better coordinate such services as substance abuse and mental health treatment, job training, and education. Priorities and needs should be identified in consultation with the community. Investment in these services would benefit everyone in the community, regardless of their involvement in the criminal justice system. 15

Hot spots are geographical areas where significant numbers of young people are entering the juvenile justice system. Hot spots are also geographical areas with specific characteristics and profiles that indicate emerging problems and issues requiring a specific response by the government. Odgers et al. (2009) argue that neighbourhood deprivation is associated with a “more compromised developmental course of antisocial behaviour”. According to these researchers, children growing up in deprived areas not only had higher levels of antisocial behaviour at ages five and 10 years, but were also less likely to demonstrate a decline in this behaviour across time<sup>16</sup>.

Interventions provided must be evidence based and respond to a child or young person’s risk of offending. More about what constitutes an effective intervention is available at appendix A.

Any justice reinvestment approach needs to link into new strategies and take into account the strengths and weaknesses of the existing service system in the identified geographic hot spots.

<sup>15</sup> <http://www.justicereinvestment.org/>

<sup>16</sup> Odgers, Candice L.; Moffitt, Terrie E.; Tach, Laura M.; Sampson, Robert J.; Taylor, Alan; Matthews, Charlotte L.; Caspi, The protective effects of neighborhood collective efficacy on British children growing up in deprivation: A developmental analysis in *Avshalom Developmental Psychology*, Vol 45(4), Jul 2009, 942-957

f) The benefits of, and challenges to, implementing a justice reinvestment approach in Australia

Preventing juveniles from having repeated contacts with the criminal justice system and intervening to support juveniles to desist from crime are critical policy goals. Assisting juveniles to grow out of crime—that is, to minimise juvenile recidivism and to help juveniles become ‘desisters’—are key policy areas for building safer communities<sup>17</sup>.

**Benefits:**

1. Cost benefit – Long term socioeconomic gains for disadvantaged communities

Investing in community-based services and enhancing the capacity of services to respond to young people with complex needs, engaged in the criminal justice system will have long term impacts on intergenerational outcomes for families and children.

Immediate benefits will be desistance, reduced incarceration and better post release support services in the community. If family based interventions are implemented, longer term outcomes will include better functioning families, prevention of young siblings engaging in crime, educational and employment outcomes.

The savings to government will include reduced incarceration costs and long term reduction in demand for social and welfare government services.

2. Better outcomes for disadvantaged communities

Investing in the communities that young offenders will return to after time in custody may shape longer term outcomes and support desistance. Health, education and therapeutic gains achieved while in custody can often be eroded after returning to toxic environments. Data suggests that young people are a highest risk of offending in the six months following their release from custody.

Building community infrastructure and delivering support services to families of young offenders or children may reduce the risk of reoffending behaviour by building resilience across the community.

3. Fewer young people committing crimes

The benefit of investing in early intervention and targeted prevention strategies are building stronger, safer communities and reducing the incidence of crime. Intervention at this time does not wait for anti social behaviour to escalate to criminal justice involvement, allowing young people and families to access the services they need.

Benefits will accrue over time, through reduced contact with the criminal justice system and reduced welfare needs. Benefits will extend to younger siblings, family members and the broader community.

4. Building service capacity in rural and regional Australia

The implementation of justice reinvestment would offer a framework to coordinate a range of interventions delivered by organisations and provide a unified mechanism through which

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<sup>17</sup> Murray C 2009. Typologies of young resisters and desisters. *Youth Justice* 9(2): 115–129

communities can be engaged. Justice reinvestment presents an opportunity to engage with remote and regional communities and encourage participation in family based programs.

The capacity of NGOs can be strategically developed to meet the needs of young people and families with complex needs.

#### 5. Draw on existing early intervention initiatives

The early intervention programs listed in appendix B are provided by Juvenile Justice, NSW and Community Services, and fit within the principles of the justice reinvestment framework. There are a number of other initiatives that would complement these services including the NSW Department of Education 'Connected Communities' project.

Unifying these services under the framework of justice reinvestment would focus the interventions to those families and communities with the most complex needs and highest risk of becoming engaged in the criminal justice system.

To locate the areas of greatest need, mapping and analysis could compare the local government areas:

1. where young offenders at medium to high risk of offending reside
2. where Professor Baldry's ( NSW University) research indicates the families with the most complex needs reside.

#### **Challenges:**

##### 1. NGO service capacity

There are limited skills in the NGO sector to manage adolescents and young people with challenging behaviours. Equally there are limited funds available to purchase a license and training programs for evidence based programs.

Juvenile Justice NSW has frequently experienced problems sourcing services from NGOs as young people have often burned their bridges at refuges, crisis accommodation and other support services. The challenging behaviour of these young people is symptomatic of their complex needs, which if left unmet, often lead them to the justice system.

##### 2. Community participation

The communities targeted for services through justice reinvestment are likely to be fractured communities, reluctant to engage with government services. Community participation and building trust with local service providers will be critical elements of the justice reinvestment model.

There is a strong evidence base for the interventions that work to reduce future offending in young people. One of the challenges for justice reinvestment approach is to communicate the details findings of the "what works" literature and engage in dialogue with communities members around the research base, its findings and the directions for intervention/service development.

##### 3. Policing practice

Efforts to provide options to divert young people from the criminal justice system is dependent on the ability of police to refer families and young people to services and work with them to maintain engagement. Community based policing strategies have proved

successful in the past. Strategies rely on police to work with service providers to support young people who may be facing challenges meeting bail conditions for example. Rather than waiting for young people to breach conditions the police could refer young people to service providers to provide additional supports until the challenges pass.

Importantly, the *National Youth Policing Strategy* lists key areas that would assist in the implementation of justice reinvestment, however, these principles need genuine application on the frontline:

- Policing initiatives that divert offenders from the criminal justice system at a young age are critical.
- Evidence shows that citizens with high levels of trust in the criminal justice system are more likely than others to obey the law. Policing approaches that increase trust and build healthy relationships with communities are likely to have positive long-term impacts on levels of violence and anti-social behaviour.
- Evidence shows that offenders who are treated in a respectful manner by criminal justice personnel are less likely than those treated disrespectfully to re-offend.
- A number of successful policing programs for young people have relied on extensive interagency collaboration, typically among police, youth workers, the community sector and young people<sup>18</sup>.

#### 4. Funding issues

The justice reinvestment model of diverting funds from the custodial system to community based early intervention is problematic as the juvenile custodial population is relatively small..

The juvenile justice system in NSW is distinct from that in the USA in that there are already legislative mechanisms in place to divert young people with minor offences from custody, that is, *Young Offenders Act 1997*. This means that there are comparatively fewer young people in custody that can be easily removed from the system to achieve the dramatic reductions seen in the USA, that freed up funds for the initial investment in front end services.

In order to redirect funds from juvenile custodial services, there would need to be a sustained reduction in long-term custodial numbers in any particular region to facilitate the closure of an entire unit or centre. For example in NSW reductions of at least 18 detainees in each centre would be required in order to reduce overhead and staffing costs.

Maintenance of adequate funding for programs, education and therapeutic services in custody is necessary to ensure that young people in custody are still afforded the best possible chance of rehabilitation.

There may be more opportunity to achieve savings in the adult system because of the large numbers of adults in the system and the opportunities to affect the progression of young people from the juvenile system into the adult system.

In NSW initial investment into identified communities is essential before funds can be freed up and redirected from custodial services and community based supervision. Savings from the initial investment may not be realised for some time, however, without initial start up funding it will not be possible to attract service providers to deliver early intervention services.

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<sup>18</sup> *National Youth Policing Strategy*, Commonwealth of Australia 2012

Savings made in custody should be quarantined for targeted prevention, rather than returned to consolidated revenue. Quarantining a pool of funds would ensure services are provided to those young people who have been identified as being on a trajectory to being entrenched within the juvenile justice system. Furthermore communities would continue to see a stream of funding that will build capacity in supporting young people's reintegration into society.

g) The collection, availability and sharing of data necessary to implement a justice reinvestment approach

In NSW, information sharing is governed by privacy legislation and sharing of client information is restricted by the *Children (Criminal Proceedings) Act 1987*.

No one agency can meet all the needs of all people. Cross agency collaboration is required, which has implications for information sharing and abiding by privacy legislation. As the approach to justice reinvestment in Australia is refined, issues surrounding data and information sharing must be further explored and information sharing protocols developed.

Juvenile Justice NSW consistently analyses and collects data on the business activities and trends of the agency. Data is provided to the Bureau of Crime Statistics and Research, the Report on Government Services and the Australian Institute of Health and Welfare. The agency also frequently partners with universities on research projects.

h) The implementation and effectiveness of justice reinvestment in other countries, including the United States of America

Washington State Institute for Public Policy (Aos 2011) has been conducting research on the effectiveness of the justice reinvestment concept to reduce recidivism for over a decade and their cost-benefits analyses support the validity of justice reinvestment as a public policy strategy that can lower costs and reduce juvenile crime, when coupled with interventions proven to be effective and based on criminogenic research.

Justice Reinvestment has been applied to adult corrections systems and to a lesser degree juvenile justice systems in various states in the United States and has been considered for implementation in Scotland.

The success of the model in the adult context is attributed in part to the sheer numbers of adults in the criminal justice system and the ready availability of a large group of offenders fit for diversion from custody. The same concept of reducing incarceration costs and "re-investing" in diversion services or other services that may reduce future growth of incarceration, is possible for juveniles. However, as the juvenile justice system is smaller, there are fewer funds to save and reinvest. As adult correctional systems represent a much larger proportion of the states budget, there is greater incentive and capacity to generate savings.

In the United States, jurisdictions that have been successful in making the transition are those that have provided a legislative base for the changes. In these jurisdictions the federal government provides conditional grants to states, tying funds to the requirement to provide evidence based programs to offenders. In this way, jurisdictions are motivated by economics to shift justice interventions away from custodial services to targeted community, evidence based strategies.

The legislative framework for the shift away from custodial services can ensure that all justice and human service agencies are moving toward the same goal. It is likely that any change in NSW would require a legislative framework and tied funding to support the transition to reinvesting into evidence based programs.

In 1998, Oregon introduced a justice reinvestment model to reduce the rate of juvenile incarceration. In Oregon counties determine the allocation of funds to administer the justice system. The county receives a grant from the state, equal to the amount the state was spending to incarcerate young people from the county. If the county decided to send a young person to the state run detention centre, it would have to pay the cost of incarceration to the state. The model provides an economic incentive to keep young people out of detention centres and allowed the county to link community service sentences to infrastructure and community development activities. The introduction of the model resulted in a 72 per cent reduction in the number of young people in custody.<sup>19</sup>

In Maryland, the Justice Reinvestment model includes the delivery of Multi Systemic Therapy (MST), which is the basis of the Intensive Support Program (ISP) implemented in New South Wales.<sup>20</sup> The cost benefits in the Maryland program are cited as \$9,000 per young person participating in MST compared to \$100,000 - Maryland's average expenditure for each young person in a secure facility.

i) The scope for federal government action which would encourage the adoption of justice reinvestment policies by state and territory governments

It is recommended that the Commonwealth provide funding and oversight of a NGO capacity building initiative to fill the gap in expertise in dealing with complex needs adolescents.

The Commonwealth Government is best placed to oversee the implementation of a justice reinvestment strategy. Central oversight would ensure:

- Strategic NGO training objectives in line with what works – evidenced based criminogenic interventions and justice reinvestment principles
- Consistency in identification of justice reinvestment sites and system establishment
- Quarantined funding dedicated to improving service delivery systems in target areas
- Mechanisms to tie funding to demonstrated, measured outcomes in target communities
- Oversight of States and Territories working with local communities to identify priorities for interventions.

Justice reinvestment calls for local responses to disadvantage and crime prevention strategies. NGOs will need to be part of this response. However, there must be a concerted capacity building program to expand the knowledge base coupled with a firm government commitment to ensure this client group is not overlooked.

Currently, there is limited capacity in the NGO sector to manage adolescents with complex need and challenging behaviours. As found in the 2009 report into the middle years of childhood, *Children and Young People Aged 9-14 years in NSW; the Missing Middle*, there is a chronic lack of services for adolescents in NSW. This service gap is particularly evident in relation to meeting the needs of complex needs adolescents, like those in the juvenile justice system. There is widespread acknowledgement that very few NGOs have either the skills or

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<sup>19</sup> [http://www.cjscotland.org.uk/index.php/cjscotland/dynamic\\_page/?id=66](http://www.cjscotland.org.uk/index.php/cjscotland/dynamic_page/?id=66)

<sup>20</sup> <http://moreformaryland.org/page.php?id=30>  
<http://moreformaryland.org/page.php?id=52>

the inclination to engage with these difficult young people. Many young people in contact with the juvenile justice system are known to local accommodation and other services, and many have burned their bridges with these services because of their challenging behaviours.

NGOs would benefit from additional training to develop the skills required to manage these challenging behaviours. A better skilled NGO sector provides many benefits, capacity building the sector, better outcomes for young people who can be managed in the community and diverted from custody, more flexible responsive service deliver and savings for government.

There is an opportunity to develop a comprehensive national capability framework for the NGO sector for service provision to complex need adolescents. The capability framework could include:

- Training and licence purchase of evidence based interventions including Functional Family Therapy and Multi Dimensional Treatment Foster Care (further information on these programs at appendix C). Training should also be accessible to government staff to enhance cooperative partnerships and networks
- Development of guidelines to help local communities develop cultural capability tools to help services engage Aboriginal families in an evidenced based framework
- Identification of local government areas that are in greatest need of services. It is recommended that the sites be selected by analysing information on areas with the greatest number of complex needs. Such inputs may include crime rates, policing interventions, youth justice data, educational disengagement statistics and child protection information.

Like other agencies, Juvenile Justice relies on non-government organisations to deliver essential adjunct services to clients in the community such as:

- Community living support
- Family and child assistance
- Transitional and crisis accommodation support
- Financial assistance
- Pre-vocational / vocational training and education
- Employment, job placement and support
- Alcohol and Other Drug Support

NGOs will have a key role in implementing services in any justice reinvestment model. NGOs working in the identified communities can be more responsive to local issues and will arguably have more success in engaging families in support services. However, it is important to develop the NGO sector by providing supported training to ensure that capability exists to meet the service demand in an evidence-based and consistent way.

Working with children and adolescents requires particular expertise because of the developmental stage in life and adolescent brain development. The juvenile justice system deals primarily with children and young people with complex needs. This group of adolescents are often highly vulnerable members of our community who are trapped in a cycle of disadvantage, requiring services to address anti-social and criminal behaviour.

Both Juvenile Justice NSW and Community Services NSW have the expertise to assist the Commonwealth in developing and implementing a capability framework for NGOs to ensure they have the skills they need to work with this challenging cohort.

The Australasian Juvenile Justice Administrators (AJJA) would be best placed to coordinate advice in relation to each youth justice jurisdiction in Australia. AJJA reports to the Ministerial Standing Council on Community and Disability Services Advisory Council.



**(a) Any other related matters**

Please refer to appendices for additional advice on the juvenile justice system in NSW and key programs.

## Appendix A: Nature of juvenile offending

### **Profile of young people in the juvenile justice system:**

Young people under 18 who are involved in crime represent a relatively small proportion of the State's population. Records of the New South Wales (NSW) Children's Court and Juvenile Justice show that, in 2011, for every 1,000 people aged 10 to 17 residing in NSW:

- 12 had a criminal matter finalised in the Children's Court
- 10.4 were convicted and/or sentenced in these finalised matters
- 5.8 were given sentences requiring Juvenile Justice to supervise them in their community
- 0.9 were sentenced to detention.

The 2009 *Young People in Custody Health Survey (NSW)* found of the young people in custody:

- 27% of young people had been placed in care before the age of 16 years.
- 45% have had a parent in prison.
- 38% were attending school prior to custody.
- 60% had a history of child abuse or trauma.
- 87% were found to have any psychological disorder, with conduct disorder (59%), substance use (49%), alcohol abuse (44%) or ADHD (30%) the most common.

The attached fact sheet contains further information (TAB A).

A similar health profile exists among young people supervised in the community.

### **Nature of juvenile offending**

Juveniles are more likely than adults to come to the attention of police, for a variety of reasons. As Cunneen and White (2007) explain, by comparison with adults, juveniles tend to:

- be less experienced at committing offences
- commit offences in groups
- commit offences in public areas such as on public transport or in shopping centres
- commit offences close to where they live

In addition, by comparison with adults, juveniles tend to commit offences that are:

- attention-seeking, public and gregarious
- episodic, unplanned and opportunistic

### **Justice reinvestment model & the juvenile justice system:**

Juvenile offenders should be dealt with in an age appropriate way, ensuring juvenile offenders face the consequences of their actions and learn to take responsibility for their behaviour.

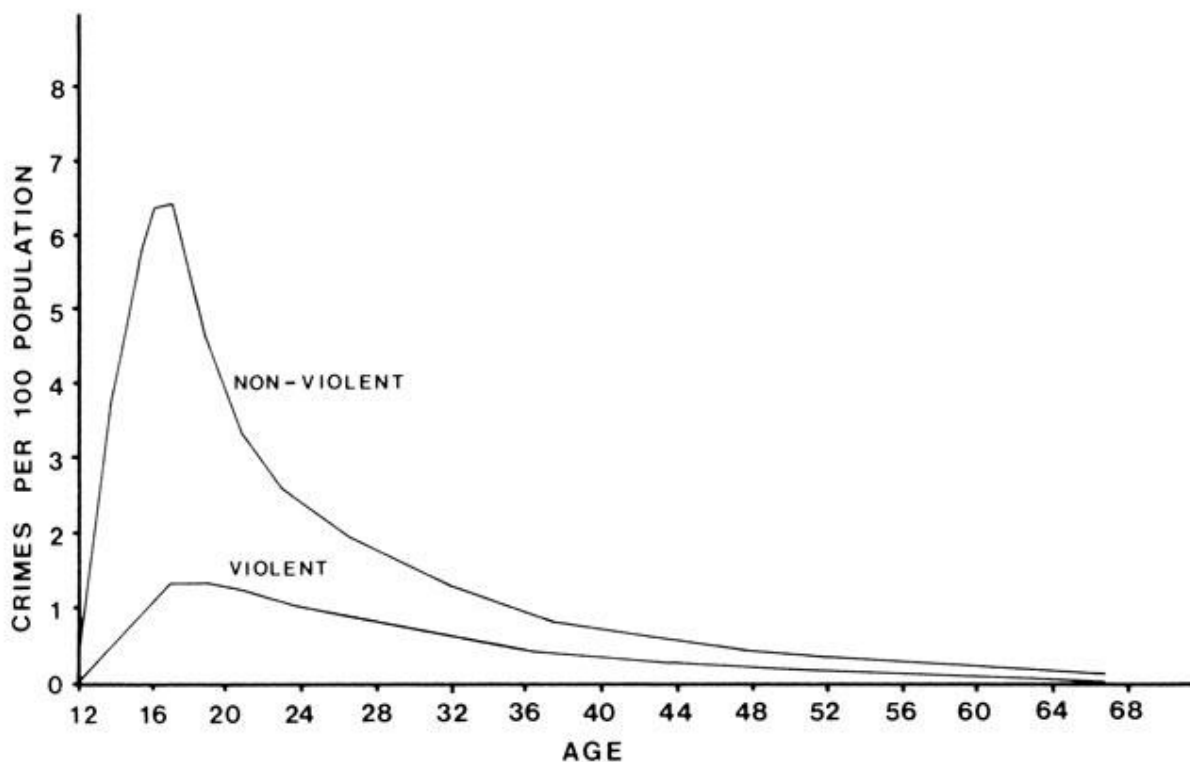
The concept of investing in early intervention strategies in identified hot spots is sound. However, as the juvenile justice system is smaller, there are fewer funds to save and reinvest. As adult correctional systems represent a much larger proportion of the states budget, there is greater incentive and capacity to generate savings. However, give the maturity and state of dependency of children and young people there is significant capacity to reduce long term costs to government by diverting young people from custody, and more broadly, the criminal justice system.

In the context of the juvenile justice system early intervention strategies can include any intervention that diverts children and young people who are under 18 years. Investment in strategies to avoid adult incarceration or further involvement in crime as an adult are cost effective.

Most young people 'grow out' of offending. Evidence shows that rates of offending escalate during the adolescent years and naturally tapers into adulthood. The age crime curve demonstrates that juvenile offending peaks at 15-19 years. Some individuals are more likely to desist than others<sup>21</sup>. A small proportion of juveniles continue offending well into adulthood. A small 'core' of juveniles have repeated contact with the criminal justice system and are responsible for a disproportionate amount of crime<sup>22</sup>.

Although juvenile crime is typically less serious and less costly in economic terms than adult offending<sup>23</sup>, juvenile offenders often require more intensive and costly interventions than adult offenders because of the complex needs that increase their risk of offending. The *Health Survey of Young People in Custody 2009* demonstrates that juvenile offenders have complex needs. Left unaddressed, it is likely that these needs will escalate and increase the risk of entrenchment in the criminal justice system. Therefore, preventing juveniles from having repeated contacts with the criminal justice system and intervening to support desistance are critical to building safer communities.

### Age crime curve



Source: Richards, K., Trends and issues in crime and criminal justice, No. 409, *What makes juvenile offenders different from adults?*, Australian Institute of Criminology 2011

<sup>21</sup> Fagan A & Western J 2005. Escalation and deceleration of offending behaviours from adolescence to early adulthood. *Australian and New Zealand Journal of Criminology* 38(1): 59–76

<sup>22</sup> Skardhamar T 2009. Reconsidering the theory of adolescent-limited and life-course persistent anti-social behaviour. *British Journal of Criminology* 49: 863–878

<sup>23</sup> Cunneen C & White R 2007. *Juvenile justice: Youth and crime in Australia*, 3rd ed. South Melbourne: Oxford University Press

A redirection in funds in line with the justice reinvestment principle must examine how to encourage desistance from crime. For justice reinvestment to be effectively applied to the juvenile justice system the scope must move beyond diverting funds from custodial services. In New South Wales, detention is a last resort. There may be scope to reduce the number young people in custody unsentenced, however such decisions would be made by the courts and take into account the risk to the community.

### **Desistance theory**

Desistance theory focuses on developing a new or different social context other than living a criminal lifestyle. Desistance is principally about long-term change through finding areas in a persons life to assist to desist from offending. This includes the ability for a community to accept that an offender can become an ex-offender. This involves restorative justice principles such as forgiveness that allows an offender to create a new identity.

Corrections tend to focus on offenders' risk and needs, they also have strengths and resources that they can use to overcome obstacles to desistance – both personal strengths and resources and strengths and resources in their social networks. Supervision needs to support and develop these capacities (Maruna and LeBel 2003).

Interventions based only on human capital (or developing offenders' capacities and skills) will not be enough. Corrections needs to work on social capital issues with communities and offenders (Farrall 2002, 2004; McNeill and Maruna 2007; McNeill and Whyte 2007)

## Appendix B: Key services and programs

### **Key services and programs implemented by the Department of Attorney General and Justice - Juvenile Justice NSW**

#### **Juvenile Justice services:**

Juvenile Justice NSW supervises and cares for young offenders in the community and in detention centres. It provides youth justice conferences for young offenders referred by police or the courts.

Juvenile Justice services include:

- supervising young people sentenced to community-based or custodial orders;
- supporting young people meeting the conditions of bail;
- supervising young people on conditional bail;
- supervising young people remanded in custody pending court matters;
- preparing reports for consideration by the courts in determining sentences;
- administering the Youth Justice Conferencing scheme.

Juvenile Justice consistently strives to improve outcomes for Aboriginal young people and their families. Programs and interventions are evidence based and are delivered in a culturally respectful way. To enhance our capacity to deliver services Juvenile Justice has implemented the Aboriginal Strategic Plan which outlines five key result areas considered crucial in reducing Aboriginal and Torres Strait Islander young people re-offending:

1. reducing re-offending by Aboriginal and Torres Strait Islander young people;
2. increasing the proportion of eligible Aboriginal and Torres Strait Islander people who participate in youth justice conferencing ;
3. working effectively with Aboriginal and Torres Strait Islander communities and agencies;
4. developing effective models of interventions with Aboriginal and Torres Strait Islander young people and their families; and
5. building a culturally competent and respectful and competent Juvenile Justice workforce.

Juvenile Justice also provides funding to a number of community organisations to assist young offenders and their families in the community through the Joint Support Program.

In NSW the vast majority of young people are supervised in the community. In 2011/12, 4,665 community service orders commenced. The average daily number of young people in custody was 353. NSW has the highest comparative number of young people in custody and on community based orders, reflecting the larger NSW population.

Expenditure on custodial services is determined by demand set by the decisions of courts and police. Juvenile Justice manages those young people directed by the courts and police for supervision.

To reduce the number of young people in custody or being supervised in the community, both courts and police needs options to deal with offending behaviour.

Juvenile Justice operates a number of rehabilitation programs.

#### **DthinaYuwali**

DthinaYuwali is a group work program developed by Juvenile Justice's Aboriginal staff for Aboriginal young people with substance-related offending. Since the program started in April 2009, 102 staff have been trained.

DthinaYuwali continues to be delivered in Juvenile Justice Centres and Juvenile Justice Community Services locations with promising results. In 2011/12, an evaluation of the program began as part of the National Indigenous Law and Justice Framework. In 2012/13, work will continue to consolidate DthinaYuwali, while obtaining valuable information from the evaluation concerning outcomes, impacts and elements useful in Aboriginal programming.

### **Love BiTES**

The Love BiTES program has been adapted and developed as a Juvenile Justice model in partnership with the National Association for the Prevention of Child Abuse and Neglect (NAPCAN). Love BiTES is a domestic violence and sexual assault prevention program for young people based on best-practice standards and recommended by the Australian Domestic Violence and Family Violence Clearinghouse.

Juvenile Justice co-delivers training with NAPCAN to Juvenile Justice staff, with all but one small area of the State now trained in the program. The program is delivered to young people in both Juvenile Justice Centres and Juvenile Justice Community Services locations.

### **Our Journey to Respect**

The Our Journey to Respect program was developed in 2000 in partnership with Gilgai Aboriginal Centre. The program was originally developed as an intergenerational violence prevention program aimed at reducing the incidence of violence against older people.

In 2011/12, the program was revised as a tertiary violence prevention package, aimed at motivating young people to make changes to violent behaviours; educating young people about behaviours that are a crime; and providing skill development/practised learning in non-violent strategies.

### **CHART**

Changing Habits and Reaching Targets (CHART) is a 12 module evidence-based program that uses a problem solving and cognitive-behavioural approach to address clients' criminogenic needs and 'distorted thoughts'. CHART helps clients to recognise the factors that have contributed to their offending. It also increases their capacity to make more pro-social decisions, by developing and rehearsing relapse prevention techniques.

In 2011/12, CHART was embedded as Juvenile Justice's preferred case management approach, providing intervention to juvenile offenders at all levels of assessed risk. However, it does not replace referral to other endorsed Juvenile Justice programs. Additional CHART specific resources were developed for frontline staff and supervisors.

### **Cognitive Self Change Program**

To meet the challenge of high-risk young offenders, Juvenile Justice is implementing the Cognitive Self Change program (CSC). This group-based program teaches participants to monitor their own thinking, identify what underpins their violence and crime, develop

alternative thinking while avoiding crime, and to practise this new thinking until they can use it in real-life situations.

The initial community pilot began in Fairfield in the first half of 2010 and additional community groups have started at Blacktown, Gosford and Campbelltown. A modified version of CSC is used as part of the Warby program in the Reiby Juvenile Justice Centre.

In 2011/12, preliminary results from the first 56 young people referred to CSC show their rate of offending is significantly lower than the year prior to their current supervision order. Further evaluation is planned.

### **Alcohol and Other Drug Programs**

Juvenile Justice has developed a strategic Alcohol and Other Drug (AOD) treatment pathway for juveniles who present with substance misuse-related criminal behaviour. The pathway, which involves both the client and their family, consists of three stages: education, motivation, and comprehensive skill building and goal attainment.

Juvenile Justice developed the first two stages of the treatment pathway, drug education and motivational programs, and approached the National Drug and Alcohol Research Centre (NDARC) at the University of NSW to develop the third and most comprehensive stage of treatment. In 2011/12, this led to the X-Roads (CrossRoads) program being launched by the Juvenile Justice Chief Executive at the NDARC Annual Symposium.

In 2011/12, training in the three stages of the AOD Treatment Pathways was also progressively rolled out.

### **Sex Offender Program**

Between 2009 and 2012, the Sex Offender Program (SOP) has undergone an extensive redevelopment. The latest version is based around an individual functional analysis for each client, leading to an individualised counselling plan outlining the various needs of the young person and the strategies the counsellor will use. The program has an increased focus on family work, alongside the traditional individual counselling.

### **Violent Offender Program**

Similar to the Sex Offender Program, an individualised model for intervening with violent offenders was in development in 2011/12. It is based around an individualised functional analysis and counselling plan. This program is in draft form and is expected to be finalised in 2012/13. It will integrate with other interventions for this client group, such as Cognitive Self Change and CHART.

### **Early intervention programs**

NSW recognises the need to shift more resources to prevention and early intervention services. Both Juvenile Justice and Community Services are investing in new, innovative services that fundamentally shift the way services are provided to disadvantaged young people.

## **Intensive Supervision Program - Department of Attorney General and Justice, Juvenile Justice NSW**

The Intensive Supervision Program (ISP) in NSW, which has operated since May 2008, is based on the multi-systemic therapy model (MST). The ISP is specifically aimed at juveniles who commit serious and/or repeat offences. It addresses a range of issues, including aggression, substance abuse, financial problems, housing needs, family conflict and negative peer pressure. The program seeks to empower caregivers to address systemic factors that lead to or maintain offending.

The program has been established in Newcastle and Western Sydney. An ISP team consists of four trained clinicians, a clinical supervisor and an Aboriginal team advisor who work systemically with each young person on an individual, family and community level. The Aboriginal team advisors work with clinicians, families and community agencies to ensure interventions are best matched to the needs and strengths of Aboriginal clients, families and communities.

The team meets with young offenders and their families in their home to provide caregivers with the skills and resources to independently address anti-social behaviour as well as support their child to successfully adjust to family, peer, school and neighbourhood demands. The teams also work with school teachers, principals, and the NSW Police Force to develop positive inter-agency links that help families and juveniles access appropriate services.

In 2011/12, 48 (87 percent) of the 55 families enrolled, successfully completed the ISP. Reasons for unsuccessful completion included the family moving out of the area, or the young person going into custody for a sustained period. In addition, 15 (94 percent) of the 16 Aboriginal families enrolled completed the program. The program also served families with a Pacific Islander, New Zealander, Asian, South American or European background.

An internal review of the program indicated that, after participating, 80 percent of caregivers had parenting skills necessary to handle future problems, 83 percent had improved family relations and 70 percent had an improved network of supports. The program is currently being evaluated by the Bureau of Crime Statistics and Research (BOCSAR).

## **Youth on Track – Department of Attorney General and Justice, Juvenile Justice NSW**

Youth on Track (YOT) is a model for early intervention for 10 – 17 year olds designed to coordinate services for vulnerable young people before they enter the justice system.

YOT will provide the Police and education system with an avenue to refer young people who are known to be at high risk of offending to support services without requiring a mandate from the justice system. This group of young people are likely to have complex needs.

Non-government organisations (NGOs) will engage eligible young people and their families in case work support. Evidence demonstrates that working intensively with young people together with their families can achieved significant shifts in behaviour. Research has shown that family dynamics and parenting practices correlate highly to delinquent and antisocial behaviour, and that family focussed treatments are therefore more effective in promoting positive long-term change for young offenders, when compared to individual interventions.

Family intervention programs can be used as an intervention program or as a prevention program for young people at medium risk of offending due to previous convictions and/or behaviour/conduct problems. The program also targets their families, including younger



siblings, and aims to prevent this target group from being placed in higher cost services or from further involvement in the criminal justice system.

The young person's engagement in the YOT program will be voluntary. The intervention will respond to factors in a young person's life that influence their risk of offending.

This new approach facilitates coordinated, intensive interventions for young people and families before they become entrenched in the juvenile justice system.

The model allows for multiple points of referral and entry, depending on whether the individual is at risk of offending or has already offended.

The program will provide services to address the underlying causes of anti-social or early criminal behaviour to reduce the risk of the young person becoming entrenched in the criminal justice system.

The hot spots for Juvenile Justice are determined by looking at the postcodes where clients reside and are at medium to high risk of offending or have at least 75% probability of offending. Figure 1 shows the areas with the largest numbers of medium to high risk young offenders. The locations are in Blacktown (located in Sydney), and the Hunter, Mid-North Coast and Northern.

Youth on Track will take its first referrals in July 2013.

### **Innovative Early Intervention Services 9-15 year old – NSW Department of Families and Community Services (FACS)**

FACS is engaged in a tender process to select service providers for the provision of innovative services to 9 to 15 year olds in five locations across NSW, including Western Sydney, South West Sydney, Hunter/Central Coast, New England and Western NSW. Services are due to commence in April 2013.

The aim of the trial initiative is to develop innovative approaches that will provide an effective response to 9 - 15 year old children and young people reported to Community Services who are assessed as at risk of significant harm (ROSH) or vulnerable to being at ROSH.

The services are intended to enable children and young people at risk of significant harm being able to stay safely at home. This result will be evaluated and measured by a reduction in re-reporting to Community Services and reduced entry of participating children and young people into the out-of-home (OOHC) care system.

The tenders sought models of services which are backed by evidence, with a Wraparound Milwaukee style model to be trialled in the Hunter/Central Coast. This model requires that:

- families, service providers, and key members of the family's social support network collaborate to build a creative plan that responds to the particular needs of the child and family;
- has a strengths approach;
- is driven by accountability and results; and,
- looks at ways the child and family can develop and maintain links with a range of natural and community supports.

## **FACS Teen Review**

FACS is completing a review to identify potential reforms that could be implemented by FACS and its partners to assist vulnerable teenagers to have improved outcomes and live full lives. This includes the development of a specific FACS strategy and identification of broader systemic changes or reforms.

### **Effective interventions based on the Risk, Needs, Responsivity principles**

The Risk Needs Responsivity framework indicates that young people should be provided with supervision and treatment levels that are commensurate with their risk levels. Therefore, intensive and more frequent doses of supervision and intervention should be directed at higher-risk young people, while services should be minimised to lower-risk young people.

The needs principle indicates that interventions must adequately target areas of criminogenic need in order to yield reductions in recidivism. Criminogenic needs are those dynamic or changeable factors in a young person's life that are relevant to predicting risk of offending, such as anti-social attitudes and beliefs, negative peer relationships and alcohol and other drug misuse.

The responsivity principle indicates that interventions must be provided in a style and form that suits the general and specific learning styles, motivations and aptitudes of young people as a cohort and as individuals in order to accommodate difference and diversity (e.g. age, intellectual functioning, developmental stage, gender, culture) among individuals and allow for personal strengths.

#### **Family based interventions:**

##### **Multi systemic therapy (MST)**

MST which is also known as Intensive Supervision Program (ISP) in NSW, is an intensive family- and community-based treatment that addresses the multiple determinants of serious antisocial behaviour in youth at imminent risk of recidivism and out-of-home placement.

MST targets chronic, violent or substance abusing males or females aged 12-17. Treatment occurs over a 3-5 month period, and promotes behaviour change in the youth's natural environment, using the strengths of each system they are involved in (e.g. family, peers, school, community) to facilitate change. MST/ISP is delivered by a clinician to clients in their homes.

##### **Functional Family Therapy (FFT)**

FFT is a flexible and culturally sensitive family based short-term intervention and prevention program.

FFT can be used as an intervention program for delinquent youth (aged between 10-18), or a prevention program for adolescents, at medium risk of offending due to previous convictions and behaviour/conduct problems. The program also targets their families, including their younger siblings.

FFT aims to prevent this target group from being placed in higher cost services or further involvement with the criminal justice system. Typically these youth are at high risk to reoffend and/or engage in a range of maladaptive behaviors--- from acting out to conduct disorder to alcohol and/or substance abuse. As with most juvenile justice populations, they tend to have limited resources, histories of failure, a range of diagnoses and exposure to multiple systems.

FFT has an emphasis on treatment fidelity through quality assurance in staff training and service delivery.

FFT can take on a holistic role, whereby it is the sole intervention implemented and addresses issues such as alcohol and other drug problems, issues with peer relations or accommodation needs. However, if other services are available, FFT can work as part of a broader intervention context, as long as it does not involve additional family interventions simultaneously.

### **Multidimensional Treatment Foster Care (MTFC)**

MTFC, like FFT, is a Blueprints program. Complex needs young people are placed with a specially trained foster family which becomes, alongside a family therapist, part of the young person's therapeutic treatment team.

For six to nine months, MTFC foster parents, who have 24 hours per day/7 days per week access to program support, carry out an individualised program that sets clear rules, expectations, and limits to manage behaviour. The foster parents provide a daily report to the treatment team about the young person's behaviour.

Simultaneously, the young person's family receives intensive therapy and parenting skills designed to teach them how to provide consistent discipline, supervision, and to encourage them to make changes in their parenting style.

The goal is to prepare parents for their child's return home while increasing positive relationships in the family. Upon return, the family then receives support until the family and young person are able to show sufficient progress.

### **Washington State Institute for Public Policy**

In the mid-1990s, the Washington State Legislature first began to direct the Washington State Institute for Public Policy (Institute) to identify "evidence-based" policies that have been shown to improve particular outcomes particularly for young people who offend. The motivation for reviewing a range of programs and services in Washington State is to ensure that policymakers are implementing evidence based policies that can, with a high degree of probability, lead to better state wide results, reduction of re offending and a more efficient use of taxpayer dollars. The list of evidence based programs can be found in the attached link.

<http://www.wsipp.wa.gov/topic.asp?cat=10&subcat=54&dteSlct=0>