A Continuum of Care
To Prevent Youth Offending and Re Offending
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Introduction

The Continuum of Care to Prevent Youth Offending and Re Offending (the Continuum) project will provide Government with recommendations that will assist in the development of short, medium and long term strategies which will strengthen the primary, secondary and tertiary intervention options that exist across the entire Continuum.

In 2012 the Minister for Children requested that the Department of Health and Human Services initiate the Continuum of Care project; the Minister also requested a supplementary project be completed by the Commissioner for Children in conjunction with this project, titled ‘Alternatives to Secure Detention for Youth in Tasmania’. It is envisaged that this supplementary project will be used to compliment and inform some of the recommendations in the Continuum project.

A summary of the key deliverable dates associated with the Continuum project are outlined in the adjoining text box.

As highlighted in the timeline, a Youth Justice (YJ) Management Committee has been established to consider all YJ projects of significance, membership of this Committee can be located in Appendix 1, along with a brief description of the intention and background of the Committee. In addition an independent criminologist will be contracted to provide the Government with specialist advice regarding the services that exist across the Continuum. This advice will assist to inform the project recommendations.

It should be noted that at the time of writing this consultation paper, no additional funding has been provided for this project or the implementation of any of recommendations that may occur as a result of this project.

The purpose of this consultation paper is to begin a conversation on the range of services and interventions required to prevent the onset of offending by young people and to reduce re-offending by young people.

To do this effectively the conversation necessarily needs to go beyond just the distinctive set of procedures and sanctions applied to young people aged 10-18 the ‘youth-justice system’ (a subset of the Criminal Justice System) to a much wider community base and consider all stakeholders across the entire Continuum.

Key Deliverable Dates

17 April 2013
Consultation Paper endorsed by YJ Management Committee.

1 May 2013
The appointment of an independent Criminologist

30 June 2013
Consultation completed

30 June 2013
Commissioner for Children’s project completed

14 August 2013
Consultation summary paper endorsed by YJ Management Committee

9 October 2013
Recommendations paper endorsed by YJ Management Committee and submitted to the Secretary DHHS

1 November 2013
Recommendations paper submitted to the Minister

30 November 2013
Endorsement or rejection of recommendations by Minister/Cabinet
The broad outcome for this project is a clearly defined, achievable and effective Continuum of Care; that operates across the broader service system.

The immediate outcomes for this project include:

- Increased understanding of what services currently exist; and
- Recommendations that will strengthen primary, secondary and tertiary intervention options which promote early intervention, good practice, and are sustainable.

The long term outcomes for this project include:

- A reduction in the amount of offending and re offending committed by young people achieved by sustainable primary, secondary and tertiary intervention options and good practice;
- A reduction in the number of young people held in secure detention in Tasmania.
- An increased sense of safety within the Tasmanian community.

The following output will be delivered by this project:

- An evidence based paper which will provide:
  - analysis of the current status of Youth Justice in Tasmania including the levels of funding across the Continuum;
  - commentary on what primary, secondary and tertiary programs and/or services currently exist across the Continuum;
  - commentary on what primary, secondary and tertiary programs and/or services are required including:
    - alternatives to AYDC
    - alternatives to Secure Detention, which will include Bail and Remand options; and
    - additional community based restorative, preventive and early intervention options
    - additional risk assessment, case management and supervisory tools
  - improved understanding of sentencing practices; when it would be appropriate to dismiss, divert, provide for community based supervision or remand /sentence a youth to detention; and
  - recommendations that will assist in achieving the project outcomes; which will inform the long term strategic thinking of how to prevent youth offending and re offending.
The Consultation Process

Much literature already exists relating to contemporary best practice in relation to Primary, Secondary and Tertiary intervention options aimed at reducing offending behaviours of young people. Much of this literature suggests that the role of preventing youth offending and re offending should not be the responsibility of just one Government Agency, but rather multiple Government Agencies and many other key stakeholders including, but not limited to Local, Non Government and Community Organisations.

It is for this reason that the consultation process associated with this project will not be limited to just Government and Non Government Sectors, but will be far reaching and encourage engagement from all members of the community, particularly those individuals, organisations and community groups that engage children and young people in pro social activities.

The Consultation process will be broken into three main categories, these are:

<table>
<thead>
<tr>
<th>Indvidual / Organisational</th>
<th>Individuals and/or organisations are invited to consider and address specific questions identified in this document. A summary of these questions can be located at Appendix 2. A cover sheet for individual submissions can be found at Appendix 3.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Provider Specific</td>
<td>Organisations that provide services/programs to children and young people are invited to complete a template (Appendix 4) this will gather specific information relating to the services provided. This feedback will assist Government to map the current services that exist across the Continuum, and to identify where any gaps exist.</td>
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<tr>
<td>Group Sessions</td>
<td>Group presentations / consultation sessions will be held in the North, North West and South which will be open to all community members, session times will be advertised in the three major papers. Separate sessions will occur at Ashley Youth Detention Centre for young people in detention, with young people in the community, and with Children and Youth Services staff.</td>
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Additional sessions can be requested by contacting the Project Manager.

Role of the YJ Management Committee & Independent Criminologist

The feedback generated through the consultation process will be considered by the YJ Management Committee which has been established to oversee all YJ projects of significance; this Committee will consist of representation from all major Government stakeholder Agencies. (more details can be found in Appendix 1).
All recommendations will be analysed by an independent criminologist sourced through the University of Tasmania, the purpose of this review is to provide the Youth Justice Management Committee with additional feedback regarding any perceived gaps or areas of improvement relating to the recommendations.

Responses to the Consultation Paper

Responses relating to questions raised in this document can be completed online, by selecting the following link: [https://www.surveymonkey.com/s/cofcallrespondents](https://www.surveymonkey.com/s/cofcallrespondents).

Alternatively written responses can be emailed to youthjusticereform@dhhs.tas.gov.au or posted to the following address. Please include the cover sheet at Appendix 3 with your response: -

A Continuum of Care to Prevent Youth Offending and Re Offending
Children and Youth Services
Department of Health and Human Services
GPO Box 125
HOBART TAS 7001

In addition, a Service Provider survey has been created to gather information regarding specific programs that aim to divert young people towards pro social pathways. Responses can be completed online, by selecting the following link: [https://www.surveymonkey.com/s/cofcserviceproviders](https://www.surveymonkey.com/s/cofcserviceproviders).

Alternatively a Service Provider template is available at Appendix 4, if you would prefer to provide a written response. This can be emailed to youthjusticereform@dhhs.tas.gov.au or posted to the above address.

Any telephone enquiries about the review can be made to the project team on 6233 9447 during office hours.

**Deadline for submissions:**
Please provide all submission by close of business Monday 1 July 2013.

Feedback after the Consultation Process

Two papers will be published and made available on the DHHS website. The first will provide an overview of the feedback received throughout this consultation process and the second will provide the final steering committee recommendations that will be made to Government. These documents will also be prepared in a format that is easily accessible to young people.

However, if you would like to place your name on a register to receive a copy of these papers please email youthjusticereform@dhhs.tas.gov.au including your postal details.
An Overview of Youth Offending in Tasmania

Most young people in Tasmania are law abiding, however some commit crime. Anti social behaviour in childhood and adolescence including criminal behaviour, while not socially acceptable, is not unusual. Some degree of deviant and offending behaviour is a universal aspect of the adolescent stage of human development.

The Australian Institute of Health and Welfare (AIHW) report ‘Juvenile Justice in Australia 2010-11’ noted that on an average day in 2010-11, there were 353 young people under juvenile justice supervision in Tasmania, 327 of whom were under community-based supervision, and 26 of whom were in detention. When 10 to 17 year olds were looked at these numbers dropped to 226 in community based supervision and 24 in detention, giving a total of 226 under youth justice supervision. Although there was minimal change in the total number of young people under supervision compared to 2009-10, the daily average number of young people in detention decreased.

In addition to considering the daily average number of young people in the youth justice system, the rate of young people in the system should also be considered, as this enables comparison of Tasmanian data to other jurisdictions.

Tasmania had the highest rate of young people under community based supervision in 2010-11 in the country, with 4.2 young people per 1,000 on an average day, compared to the national average of 2.2 per 1,000 (JJ in Australia 2010-11). The reasons for this are likely to be many and complex and require further analysis and discussion.

The average daily rate of young people in detention in Tasmania decreased in 2010-11, from 0.50 young people per 1,000 in 2009-10 to 0.44 in 2010-11. However, this rate remains the third highest of all Australian jurisdictions in 2010-11 and was notably higher than the national average of 0.33 per 1,000 (JJ in Australia 2010-11).
The ratio of young people under community-based supervision to those in detention was above the national average in 2010-11, with young people 10 times more likely to be under community-based supervision rather than in detention, compared with the national average of around 7 per 1,000 in Australia 2010 – 11). In Tasmania in 2010-11, this equated to 88.3 per cent of young people under community-based supervision compared to 86 per cent nationally. This measure has remained stable for Tasmania since 2008-2009, and the constant high proportion in the community is consistent with detention being used as a last resort sentence (Report on Government Services 2013).

In Australia in 2010-11, 24 per cent of those under supervision on an average day were from one of the areas of lowest socioeconomic status (SES). Both nationally and in Tasmania the highest rates of supervision were in the lowest SES areas, at 5.82 and 6.62 per 1,000 young people respectively. Supervision numbers in the highest SES areas in Tasmania were too low to calculate rates (JJ in Australia 2010 – 11).

The proportion of females supervised by Youth Justice in Tasmania appears to have increased slightly in the 3-year period to 2010-11. This is consistent with the national trend reported in the AIHW report Girls and young women in the juvenile justice system 2010-11, which states that the rate of young women under community-based supervision increased over the 5-year period to 2010-11 (pg 18). At this stage it is unclear why we are seeing an upward trend in female offending (AIHW report Girls and young women in the JJ system 2010-11).

In Tasmania in 2010-11, 18 per cent of young people under community-based supervision and 27 per cent of those in detention on an average day were Indigenous. This was less than the national average, where 38 per cent of young people supervised in the community and almost 50 per cent of those in detention were Indigenous, compared to only 5 per cent of the total population.

Indigenous young people were four times more likely to be in detention as non-Indigenous young people in Tasmania in 2010-11; while this was the lowest ratio in the country and represents a decrease from previous years it is still indicative of serious over-representation (JJ in Australia 2010-11).

The legal status of young people in detention may be classed as either unsentenced or sentenced. Young people in unsentenced detention are those who have been detained while awaiting the outcome of a trial or sentencing. Those who are sentenced have been proven guilty in court and received a legal order to serve a sentence of detention. Young people in unsentenced detention have been remanded in custody by a court (‘on remand’) until their next court appearance.

The AIHW publication ‘Juvenile Detention Population in Australia 2012’ recorded that from June 2008 to June 2012 there was a decline in the number of young people in detention in Tasmania on an average night—from 34 in the June quarter 2008 to 23 in the June quarter 2012. Most of this was due to a drop in the unsentenced detention (remand) population (from 21 to 13 young people). The sentenced population fluctuated slightly over the period, but with little change overall. Consistent with the decline in numbers over the 4-year period, the rate of young people aged 10–17 in detention on an average night in Tasmania decreased from 0.56 to 0.33 per 1,000.
The Juvenile Justice in Australia 2010-11 report noted that Tasmanian young people spent a longer period of time on remand but less time in sentenced detention. The median length of time spent on remand by young people in Tasmania in 2010-11 was 17 days. This was the longest in the country and compared poorly to the national median of 3 days (JJ in Australia 2010 – 11). In addition, the low numbers and the complexity of cases (i.e. Supreme Court cases) can increase the Tasmanian averages.

**Question 1.1**
What insights do you have into the increase in offending by young women?

**Question 1.2**
What factors may account for the higher rate of young people in Tasmania being under community-based youth justice supervision than other states and territories?

**Question 1.3**
What do you believe is contributing to the over-representation of indigenous young people in the Tasmanian Youth Justice system?

The extent of over-representation appears to increase as you move from diversionary youth justice, to community youth justice to custodial youth justice, how would you account for this?
Understanding Youth Offending

The risk factors for youth offending and substance abuse overlap to a very large degree with those for educational underachievement, young parenthood, and adolescent mental health problems.

**Risk Factors**

A risk factor is something negative in a child or young person’s environment that increases the likelihood of anti-social and offending behaviours. Risk factors can be grouped into the following domains: the individual child, the child’s family, the child’s peer group, the child’s school, the child’s neighbourhood and the media. Most professionals agree that no single risk factor leads a young child towards criminal behaviour. Rather, research indicates that risk factors cluster together in the lives of the most disadvantaged children; and the chances that those children will become anti-social and criminally active increases in line with the number of risk factors. Given the degree of overlap between risk factors for youth offending and other problem behaviours, intervention for one factor can realise gains in multiple areas, highlighting the need for collaboration between individuals, families, schools and community services.

**Protective Factors**

A protective factor is defined as something positive in a young person’s environment. Protective factors, such as supportive family, school competence, participation in community activities and healthy peer behaviours, are proposed as facilitators of healthy behaviours. The presence of protective factors in the life of a child or a young person helps explain why some young people are exposed to clusters of risk factors predictive of potential escalation into criminal behaviour, yet do not grow up to behave anti-socially or to commit crimes. In terms of intervention strategies, those that are proving to be most effective target multiple risk factors and enhance multiple protective factors at the same time.

**Desistance**

The vast majority of young people who offend eventually stop. Crime data grouped by age of young person almost always follows the same trajectory. Criminal activity climbs dramatically through the teenage years, peaks in late adolescence or early adulthood and then plunges as the young person moves through their twenties. This is called desistance. Understanding how and why young people stop their criminal activity has enormous implications for youth justice interventions.
A Summary of Risk and Protective Factors

The following table identifies the key factors that are commonly accepted as placing a young person at risk of offending as well as those that protect youth. It should be noted that this is not an exhaustive list of risk factors and protections but an overview designed to initiate discussion during this consultation process.

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<thead>
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<th>Risks: What Hinders</th>
<th>Protections: What Helps</th>
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<tbody>
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<td><strong>Individual</strong></td>
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<tr>
<td>Low intelligence</td>
<td>Female gender</td>
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<tr>
<td>Hyperactivity, impulsivity, attention deficit</td>
<td>Social competence</td>
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<tr>
<td>Poor reasoning skills</td>
<td>Individual self-control</td>
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<tr>
<td>Aggressive behaviour</td>
<td>Problem solving skills</td>
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<tr>
<td>Anti-social and pro-criminal attitudes</td>
<td>Strong cultural identity</td>
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<tr>
<td>Genetics – ‘sensitivity’ gene</td>
<td>Personal morality that closely matches the law</td>
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<tr>
<td></td>
<td>High intelligence</td>
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<tr>
<td><strong>Family</strong></td>
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<tr>
<td>Parental criminality / intergenerational offending</td>
<td>Warm and caring relationships</td>
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<tr>
<td>Poor parental discipline and supervision</td>
<td>Positive growth experiences</td>
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<tr>
<td>Family conflict and broken homes</td>
<td>Monitor and supervise children’s behaviours</td>
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<tr>
<td>Large family size</td>
<td>Family stability</td>
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<td>Family violence</td>
<td>Adequate financial resources</td>
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<tr>
<td>Child abuse and neglect</td>
<td>Small family size</td>
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<td>Socio-economic disadvantage</td>
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<td><strong>Peers</strong></td>
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<td>Peer group pressure</td>
<td>Pro-social peer groups</td>
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<td>Peer involvement in problem behaviour</td>
<td>Positive mentors and role models</td>
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<tr>
<td>High proportion of unsupervised time with peers</td>
<td>Adult supervision of and involvement in youth peer groups</td>
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<td>Unrestricted and unrestricted activities</td>
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<td><strong>Community</strong></td>
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<td>Community tolerance of crime</td>
<td>Community care</td>
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<td>Poor informal social control</td>
<td>Community responsibility</td>
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<tr>
<td>Weak social cohesion</td>
<td>Enforcement of key common rules of conduct</td>
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<td>Social isolation</td>
<td>Pro-social institutions</td>
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<tr>
<td>Alienation</td>
<td>Opportunities for constructive activities outside of school hours</td>
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<td>Lack of social commitment</td>
<td>Safe accommodation</td>
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<td>High percentage of children in the community</td>
<td>Connection to culture</td>
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<tr>
<td>Community disorganisation</td>
<td>Social capital</td>
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<tr>
<td>Deprivation such as poor housing, homelessness</td>
<td>Positive media messages</td>
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<td>Availability of drugs</td>
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### Risks: What Hinders

- Poor educational attainment
- Truancy
- School disorganisation
- School exclusion

### Protections: What Helps

- School readiness (access to and participation in early childhood education)
- School attendance (truancy reduction)
- School achievement
- Peer mediation programs (alternatives to traditional disciplinary actions such as suspension, detention and expulsion)
- Conflict resolution training (ability to solve problems without resorting to violence)
- Alternatives to traditional curriculum
- Refusal skills programs (how to say ‘no’ and keep your friends, how to be assertive, how to help friends in trouble, how to make new friends and build confidence)
- Strong policies on violence and drugs
- Safe schools programs

### Education

- Non genetic prenatal and perinatal risk (maternal substance use, physical trauma, low birth weight and infections)
- Cognitive Disabilities including intellectual disabilities, learning disabilities, acquired brain injury, foetal alcohol spectrum disorder, autism spectrum disorders
- Mental health condition
- Drug and alcohol misuse

### Health

- Alcohol reform – pricing, advertising, penalties for sale of alcohol to minors
- Alcohol free events
- Residential treatment programs
- Correct assessment and diagnosis of a cognitive disability
- Mental health plans

### Employment

- Intergenerational unemployment
- Lack of skills
- Work readiness
- Practical training
- Driver licences
- Availability of employment

### Indigenous/cultural specific factors

- Forced removal, including parental forced removal
- Alcohol use
- Cultural factors
- Institutional racism, particularly in the form of over-policing of Indigenous people and people from culturally and linguistically diverse backgrounds
- Dependence – meaning the erosion of self determination

- Cultural resilience
- Strong family bonds
- Personal controls
The structure of this consultation paper draws on a public health approach to crime prevention.

A public health approach to crime prevention does not replace criminal justice or other crime prevention approaches. Rather, it complements them by bringing a different view and other important players, tools and resources to the task of preventing offending and reoffending.

Public health focuses on the health and welfare of communities and populations as a whole. Wherever possible, interventions focus on populations at greatest risk. The public health approach places an emphasis on prevention, rather than treating the consequences.

Public health interventions are traditionally described in terms of three levels of prevention: primary, secondary and tertiary.

Figure 1 provides a basic understanding of the concept and intent of Primary, Secondary and Tertiary interventions across the Continuum.

**Figure 1 – Public Health Model for Crime Prevention**

- **Primary crime prevention** is directed at stopping the problem before it happens. This could involve reducing opportunities for crime and strengthening community and social structures.

  - **Primary prevention** focuses on **social and situational** factors.

  - **Social crime prevention** addresses factors that influence an individual’s likelihood of committing a crime, such as poverty and unemployment, poor health and low educational performance.

  - **Situational prevention** addresses the environment (for example, the design of buildings and landscapes, and the products we purchase).

- **Secondary crime prevention** seeks to change people, typically those at high risk of embarking on a criminal career. The focus can be on:

  - rapid and effective early interventions (for example, youth programs);

  - high-risk neighbourhoods (for example, neighbourhood dispute centres).

- **Tertiary crime prevention** focuses on the operation of the criminal justice system and deals with offending after it has happened.

  - The primary focus is on intervention in the lives of known offenders in an attempt to prevent them re-offending.
Primary Prevention Strategies

Primary crime prevention measures aim to prevent offending before it begins by seeking to reduce existing risk factors and provide protective factors that are missing from a youth's environment.

Primary prevention strategies focus on social or situational factors.

Situational Crime Prevention

Situational crime prevention strategies are directed at stopping crime problems before they occur, for example engine immobilisers and window locks. Situational prevention seeks to increase the associated risks and difficulties of committing a crime and reduce the rewards associated with criminal activity.

Situational crime prevention promotes a number of practical defences by which communities can reduce environmental elements favourable to crime.

Research into patterns of crime has established that:

- Crime is more likely to occur in certain places or ‘hot spots’
- Theft is highly concentrated on particular ‘hot products’
- Some repeat victims are more likely to experience crime than other people

Figure 2 has been adapted from Twenty-five Techniques of Situational Crime Prevention by Cornish and Clarke (2003). Each technique has examples listed with it.

Social Crime Prevention

Social crime prevention spreads responsibility over a broad community base. When social crime prevention strategies are applied, particularly in the developmental years of children and young people, they substitute positive growth experiences for negative social experiences.

The most effective prevention strategies attend to family and community deficits over a sustained period of time. Providing children with the opportunity to develop positive behaviours is the foundation of most efforts to prevent youth crime and violence. Effective strategies include comprehensive approaches that provide opportunities for education, mentoring, conflict resolution training, and safety; engage youth and their families; and are community-based and integrated. It is the most under-developed area for crime prevention.

Pages 17 and 18 provide examples of promising areas of practice in Social Crime Prevention, which includes an examination and evidence base. It should be noted that this is not an exhaustive list of Social Crime Prevention strategies, but an overview designed to initiate discussion during this consultation process.
The following are examples of strategies that can be employed to prevent or reduce crime. These types of strategies tend to sit with local governments and the business community.

<table>
<thead>
<tr>
<th>Increase the Effort</th>
<th>Increase the Risks</th>
<th>Reduce the Rewards</th>
<th>Reduce Provocations</th>
<th>Remove the Excuses</th>
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<tbody>
<tr>
<td></td>
<td>* Immobilisers in cars</td>
<td>* Neighbourhood watch</td>
<td>* Efficient queuing</td>
<td>* Real agreements</td>
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<td></td>
<td>* Anti-theft screens</td>
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<td>* Soothing lighting</td>
<td>* Hotel registration</td>
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<td>* Solid external doors with quality locks</td>
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<td>* Tamper proof packaging</td>
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<td>* Alley-gating</td>
<td>* Improved street lighting</td>
<td>* Removable car radios</td>
<td>* “No parking”</td>
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<td>* Entry phone/secure entries</td>
<td>* Neighbourhood watch hotlines</td>
<td>* Pre-paid public phone cards</td>
<td>* “Private property”</td>
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<td></td>
<td>* Tickets needed</td>
<td>* Taxi driver IDs</td>
<td>* Control violent pornography</td>
<td>* Roadside speed display signs</td>
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<td>* Electronic tags for floor stock</td>
<td>* How’s my driving?’ signs</td>
<td>* Prohibit paedophiles working with children</td>
<td>* “Shoplifting is stealing”</td>
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<td></td>
<td>* Street closures in redlight district</td>
<td>* Train employees to prevent crime</td>
<td>* Checks on pawn brokers</td>
<td>* Litter bins</td>
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<td></td>
<td>* Separate toilets for women</td>
<td>* Support whistle blowers</td>
<td>* Licensed street vendors</td>
<td>* Public lavatories</td>
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<td>* Tougher beer glasses</td>
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<td>* Photos on credit card</td>
<td>* Security guards</td>
<td>* Graffiti cleaning</td>
<td>* Breathalysers in pubs</td>
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<td>* It’s ok to say no</td>
<td>* Airports-free events</td>
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## Promising Practice in Social Crime Prevention

### Early Child Development and Growth

A child’s physical development, both pre and post natal, is highly sensitive to a number of factors including but not limited to poor nutrition, infection, drugs and long term stress. To maximise a child’s health and wellbeing successful interventions are totally dependent on influencing the parents care of the child.

Within Tasmania the Child Health and Parenting Services (CHAPS) offer a free, community-based universal health and development screening and early support and parenting service for young children (0-5 years) and their families.

While CHAPS is delivered as a universally available service take up and continuation is not 100%. It is often the most vulnerable and disadvantaged children and their families who do not access the service to its full extent. Given that access to secondary and tertiary services across both government and community services stems from referrals made in primary services.

One of the key challenges for CHAPS is to understand why there is this drop off and to develop strategies which might improve take up and ongoing engagement over the assessment and screening schedule.

### Family Support and Parent Training

There is considerable evidence to support the use of early support to families as a way of preventing children developing offending behaviour. There is evidence that young people who have strong, supportive family relationships are more likely to develop good social and emotional skills. Research suggests that the nature of interaction between parents and children is more important than structural factors such as income and parental education.

Parenting programs that focus on parent skills training and support have been used successfully throughout the world and the effects of this intervention in the early years have been significantly validated.

Some of these programs are mandated such as parenting orders in England and Wales and some are voluntary. Research indicates that the earlier the family support is provided, the better.

Universal parenting programs that are available for the whole community have also been used successfully, especially when they are targeted at families with children aged less than 12 years.

### Early School Engagement and Performance

Preschool learning is an extremely important element of early childhood development and growth. Occurring within the critical “early years” preschool attendance helps children to develop a sense of self, including self-esteem, self-confidence and the capacity to socialise and work and play with others. The preschool environment also teaches important physical and behavioural skills, from the development of basic motor skills and physical activity, through to self-help practices influencing their
understanding of health, hygiene and nutrition. Preschool learning is important in developing language, listening and communication skills, which become critical in the development of broader literacy skills when children reach school. Preschools are also places where children are exposed to professionals who can help identify when children are experiencing learning, behavioural or other problems. This increases the opportunities for parents to access the services and resources that will help improve their child’s opportunities.

Early access to early childhood education and care provides young children, particularly from low-income and second-language groups, with a good start in life. Gaps that appear in children’s basic skills for life and learning that appear at age five or six are often difficult to close, even with targeted school interventions.

### Community Capacity Building

Interventions are not just about helping individuals but building the capacity of the communities that they live in.

Community capacity building is recognised as an essential strategy to strengthen the wellbeing of individuals, families and communities and underpins much of the work of government and non government agencies. Community capacity building describes community effort, time, resources, leadership and commitment directed towards community identified goals and change. These, in turn, are the basis of further change and development.

### Recreational Programs

A large body of research shows that participation in extracurricular activities promotes educational attainment, including low rates of school failure and dropout. Studies also show that participation in organised activities is associated with reduced problem behaviour across adolescence and young adulthood and also reduces the likelihood of drug and alcohol problems, crime and rates of teenage pregnancy.

Activities that are effective in improving behaviour include those in which participants learn new skills; where regular attendance is expected; in which participants work towards a goal or performance and supervision is provided by pro-social peers and/or adults.

The literature does not support offering activities to groups solely composed of high risk young people; indeed there are strong suggestions that these young people should not be placed in groups together.

Consideration should be given to how activities such as police and community youth clubs, sporting and community associations and after school activities and youth development activities organised by local councils could be facilitated and strengthened in areas of high risk.
Question 2.1
What observations have you made about the current options in Tasmania for primary intervention and prevention?
- What is working well?
- What isn’t working well?
- Why do you think that’s so?

Question 2.2
What other best practice primary crime prevention strategies could be introduced in Tasmania for young people?

Question 2.3
If you could only focus on one or two primary intervention or prevention strategies what would they be and why?
Secondary Intervention & Prevention Strategies

Secondary crime prevention strategies are those that seek to address existing problem behaviour. Most secondary strategies are aimed at individuals regarded as ‘at high risk’ of embarking on a criminal career.

The main tool used in secondary crime prevention is identification and prediction of ‘risk’. Risk identification approaches are based on the concept that background factors associated with youth offending can often be identified early and interventions put in place to counter the effects.

The central idea is to negate or reduce risk factors and bolster protective elements as early as possible in a young person’s development. On this basis a wide range of pre-emptive interventions may be put in place based on the premise that manipulation of key risk factors at key points in development may lessen the likelihood that the individual will become involved in crime.

The consequence of adopting such a model is both interventions addressing risk factors and interventions aimed at strengthening protective factors associated with offending.

It is important to emphasise that early intervention in the context of ‘risk identification’ models means intervention early in the pathway of offending behaviour. This may or may not be early in life. The nature and timing of the intervention depends on the identified pathway to offending and the crucial transition points that characterise that pathway.

The below table provides examples of promising areas of practice in Secondary Crime Prevention, which includes an examination and evidence base. It should be noted that this is not an exhaustive list of Secondary Crime Prevention Strategies, but an overview designed to initiate discussion during this consultation process.
| **School Attendance and Retention Programs** | With regard to education, there is no doubt that there is an absolute correlation between a young person failing at school and that young person entering the justice system. These young people are also more likely to head down a path that leads to lower-paying jobs, poorer health, and the possible continuation of a cycle of poverty that creates immense challenges for families, neighbourhoods, and communities.

A Victorian Government Report from 2008 titled ‘The Effective Strategies to Increase School Completion Report’ describes a range of strategies that are effective at re-engaging and supporting students at risk of early school leaving. What emerged as central to improving school engagement and completion for at risk students was a series of targeted interventions and programs underpinned by a supportive school culture or climate.

The targeted initiatives include student focused strategies such as:

- mentoring, early and more intensive pathways and careers planning, careers guidance managed by appropriately qualified staff, co-ordination of welfare needs, family outreach, programs to improve students’ social skills, tutoring and peer tutoring, targeted financial support, case management, and targeted assistance for skill development among low achievers.

The school-wide strategies include:

- familial-based forms of organisation such as mini-schools, team-based approaches to teaching, learning and pastoral care, early intervention to support literacy and numeracy skill growth, project-based and applied approaches to learning, pathways planning and quality careers guidance and counselling, smaller class sizes, strategic use of teachers and teaching resources, initiatives to improve connections with parents, priority professional development, broad curriculum provision with strong VET options, and high expectations on attendance and behaviour.

| **Mentoring Programs** | Mentoring programs bring young people at risk of offending into contact with a positive role model. From a basis of trust and friendship a mentor is able to promote protective factors in a young person’s life such as social bonding, opportunities for community involvement, skills development and improved self esteem.

Positive findings amongst evaluations of mentoring projects include: reduction in offending and re-offending, completion of youth justice orders, reduced substance misuse and increased participation in education, training and employment15. |
### Vocational Training and Options

The research indicates that the incarceration of a young person has a negative effect on later job stability, which in turn increase adult crime. *John H. Laub and Robert J. Sampson* Understanding Desistance from Crime.

It is well documented that young people who leave school early, with few if any work related skills face long term disadvantage and experience chronic unemployment. In some cases this unemployment may now be intergenerational.

While there are employment programs that offer support to young people there is an opportunity to develop ways to multiply the effectiveness of these by working with parents to help their young people stay in the program. It is important for parents be made aware of the formative and supportive role that they play in their child obtaining and remaining in employment.

### Indigenous Programs

Indigenous social and economic disadvantage have contributed to the high levels of Indigenous contact with the criminal justice system. Intergenerational dysfunction in some Indigenous communities presents a significant challenge to break the cycle of offending, recidivism and incarceration.

The House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs June 2011 report: Doing Time - Time for Doing looked at indigenous youth in the criminal justice system with a particular focus on prevention and early intervention. The Committee made 40 recommendations to Government.

### Early Detection and Specialised Assessment

Young people who are regarded as ‘at risk’ often have a wide range of needs and concerns. Some have urgent and immediate concerns about their survival and safety. Some health and welfare issues don’t emerge until adolescence or become more pronounced during adolescence. The following have been selected as some of the key needs and concerns of young people: homelessness, child sexual assault, alcohol and drugs, mental health problems, eating disorders, relationship violence and suicide.

A comprehensive early identification approach based on this understanding is vital for well targeted prevention and early intervention strategies. Without identification, children and young people are likely to have their needs ignored or misinterpreted. This in turn, leads to poor outcomes.

### Comprehensive, multi-targeted programs for the small group that require this level of intensity

Comprehensive, ‘place based’, multi-targeted programs that simultaneously address the young person’s behaviour, underlying problems within the family, and issues of disadvantage in multiple settings have been show to have a high success rate if implemented with integrity over an extended period.

Such approaches include branded ‘packages’ such as multi-systemic
therapy that require appropriately trained and supervised staff and approaches such as the South Australian Community Protection Panel model where senior representatives of relevant agencies meet under an independent chair, to commit resources for individually tailored programs for serious repeat offenders.

A state wide or regional process for targeting a small number of high risk youth and committing intensive longer term intervention with accompanying resources is feasible in Tasmania given the relatively small numbers. This would require the commitment of each agency at senior level.

### Coordinated Case Management / Multi Disciplinary Teams

Section 37 of the Crime and Disorder Act in the UK has a principle aim of preventing offending by children and young people. Youth Offender Teams (YOTs) were identified as one of the main vehicles by which this principal aim would be delivered.

YOTs were designed to undertake work to prevent children and young people offending in the first instance. YOTs are collocated multi disciplinary teams that are made up of representatives from the police, probation service, social services, health, education, drugs and alcohol misuse agencies, and housing officers.

YOTs have the skills to assess the needs of young people, and to offer advice to and work with local partners in order to offer comprehensive interventions that will address the factors behind a young person's anti-social behaviour, while providing the appropriate level of protection for the community. They are aware of situations where a voluntary intervention may have a good chance of success and, also, of those cases where previous voluntary interventions have failed and firmer boundaries need to be established.

Given their inter-agency membership, YOTs are well placed to identify those children and young people known to the relevant agencies as being most at risk of offending and working with them and their families to encourage them towards more positive activities.

Their work is overseen by local management boards (formerly known as “steering groups”) made up of key stakeholders. There is a legal requirement to have a YOT in every local authority area in England and Wales.
**Question 3.1**  
What observations have you made about the current options in Tasmania for secondary intervention and prevention?  
- What is working well?  
- What isn’t working well?  
- Why do you think that’s so?

**Question 3.2**  
What other best practice secondary intervention and prevention strategies could be introduced in Tasmania for young people?

**Question 3.3**  
If you could only focus on one or two secondary intervention and prevention strategies what would they be and why?
Tertiary Intervention & Prevention Strategies

Tertiary crime prevention seeks to reduce reoffending by ‘intervening in the lives of known offenders’.

The great majority of studies demonstrate that sanctions either have no impact on reoffending or are associated with an increased level of reoffending. In particular, ‘get tough’ approaches tend not to work. Instilling fear in young offenders and threatening short, sharp shocks tends actually to be more harmful than doing nothing.20

Today several major approaches and models exist as an alternative to traditional forms of punishment; in particular restorative justice, minimal intervention or diversion and therapeutic jurisprudence.

Restorative Justice acknowledges the need for young people to be accountable for their actions and provide restitution for their wrong doing, while emphasising sanctions that are likely to have a more positive effect on the young offender.

Minimal intervention or diversion ensures young people are not unnecessarily drawn into the judicial system, increasing their risk of reoffending. Diversion refers to any ‘instances where young people are turned away from the more formal processes, procedures and sanctions of the criminal justice system’.

Therapeutic jurisprudence is concerned with the effect of legal processes on the wellbeing of individuals as the effects can promote or hinder the goals of the justice system.21 Problem solving courts, on the other hand, are concerned with solving the problems that lead to a person’s appearance in court.

The Tasmanian Youth Justice Act 1997 is based on a restorative youth justice model premised on a belief that young people who offend should be accountable for their actions, while recognising that they are children and should have maximum opportunity for rehabilitation. There are also explicit references to diversionary and minimal intervention as preferred options. However, the scope of this could be extended further.

The upcoming tables identify further diversion opportunities at key points along the Tertiary Criminal Justice System. The initial focus is on front end diversions that reduce entry into the formal justice system, namely Pre-arrest and Pre-court. This is followed by an examination of community sentencing options and then opportunities for diversion from custodial sentences; diversion after sentencing and issues of through-care.
## Pre Arrest: Prevention of contact with the justice system

Stop children coming into conflict with the law in the first place

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<th>OPPORTUNITY</th>
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<td><strong>Age of criminal responsibility</strong></td>
<td>Within Tasmania the legal age of criminal responsibility is currently 10 years of age. This means, by definition, that no child under the age of 10 can commit a crime. Children aged between 10 and 14 are afforded some protection as prosecution must demonstrate that the young person recognised the behaviour was seriously wrong as opposed to being merely ‘naughty’. By contrast, criminal law regards children aged 14 years and over as fully responsible for their actions. They are in principle held to be capable of and accountable for the same range of criminal offences as adults. However, emerging understanding of how slowly the brains of children mature means the age of criminal responsibility could be unreasonably low. In particular, the prefrontal cortex, which is responsible for decision-making, impulse control and cognitive control, is among the slowest part of the brain to mature and is not fully developed until around the age of 20. Further, widespread differences between individuals also mean that the cut-off age at which children are deemed fit to stand trial might not be justifiable in all cases. Most western European countries have higher, though varying, ages of criminal responsibility; 12 in Scotland, 14 in Germany, 16 in Spain and 18 in Belgium.</td>
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<td><strong>Definition of unlawful activity</strong></td>
<td>A crime occurs when a specific act that is proscribed in law is committed. Children can get caught up in legislation that was built for another purpose. The practice of ‘sexting’ and cyber bullying are two examples. State and Commonwealth law makes it plain that the creation, storage and distribution of sexually explicit images over mobile and internet networks is a criminal offence. Young people have been charged under this legislation for sending pictures of bodily parts to friends. While there is sometimes malevolent intent, for the most part it’s attached to some attempt at humour, or done in a way where it’s clear that the young person did not understand the legal consequences. This has resulted in children being prosecuted for offences that were created to deal with paedophiles, and in some jurisdictions, such as New South Wales, this is leading to children being placed on the child sex offenders registry. In cases of cyber bullying the victim can apply for an Apprehended Violence Order (AVO). In jurisdictions that have Working With Children Checks the AVO becomes a reportable incident. The Working With Children Check is intended to prevent adults from working with children, where they have had action taken against them, because of hurt to a child. It wasn’t meant to capture in-fighting between adolescents.</td>
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In contrast ‘status offences’ refer to behaviour considered criminal only when the person committing it is under the age of 18. Typical status offences include truancy, running away from home, being out after dark or being ‘beyond parental control’. Many countries are implementing increasingly expansive and repressive legislation and policy to criminalise behaviour in children which would be more effectively dealt with through a social welfare response. In terms of child development and psychology, the criminalisation of such behaviour is of great concern, especially given that “youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood”.

**Referral to an appropriate community based program**

Young people with intellectual disabilities, mental health issues, sexually abusive behaviours and/or alcohol and drug dependency do come to the attention of the youth justice system. Internationally, there is a high proportion of young people in detention who have intellectual and learning difficulties, mental health issues, sexually abusive behaviours or drug and alcohol dependencies. The Tasmanian youth detention system mirrors this pattern. Consideration should be given to diverting these young people away from the youth justice system and into appropriate therapeutic programs that respond to their specific needs. This is where the tertiary system can intersect with secondary crime prevention programs such as mentoring, vocational training, school retention and cultural programs as well as coordinated case management and multi-disciplinary teams.
### Pre Court: Diverting young people from the justice system

‘Interruptions’ or opportunities to exit the judicial process at an early stage

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<td><strong>Police informal and formal cautioning instead of arrest.</strong></td>
<td>The Youth Justice Act allows for police informal and formal cautioning. This has resulted in a significant reduction of young people attending court. An informal caution is a ‘warning’ given by the Police to a young person cautioning the young person not to reoffend. If a young person receives an informal caution no further action can be taken in relation to that offence. Where a young person admits the commission of an offence and the police officer considers the matter warrants more formal action (other than by prosecution), a young person can be formally cautioned. A formal caution is arranged and held by the Police. Proposed amendments to the Youth Justice Act will see outcomes of a formal caution become enforceable whereas, previously, no further action was taken on the offence. This will move police formal cautions much closer to community conferences in intent and design. It will also draw young people further into the youth justice system if they fail to comply.</td>
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| Community Conferencing | A community conference gives a young person the opportunity to admit their behaviour; understand that their behaviour is not acceptable and hear and gain appreciation of the harm they have caused others. All persons affected by the offending behaviour are then given the opportunity to work together to determine what may be done to repair the harm. Within Tasmania, Police can refer to a community conference as an alternative to commencing a court proceeding and Courts can refer a young person in place of imposing a sentence. In some jurisdictions Courts will use the outcome of a community conference to inform a sentencing decision. As confidence has grown in the use of restorative justice processes, its application has expanded from less serious crimes like minor property damage to more serious crimes involving death or serious injury. Under Queensland’s youth justice legislation there are no limits to the type of offences that may be referred whereas in Tasmania prescribed offences cannot be conferenced. |

| Circle Sentencing | Circle sentencing is an alternative Indigenous court system which incorporates the participation of respected community elders. Victoria and Queensland have children’s versions of Koori and Murri courts, respectively. |

| Indigenous Family Conference | The Doing Time - Time for Doing Report recommended a program that begins the rehabilitation process of young Indigenous offenders from the point at which they are charged with an offence. Sentencing of individuals who have engaged with this program should take into account any genuine progress towards meeting these targets for behavioural modification. Elements of the program include:  
  - Assigning a community services case worker to an individual immediately  |
after they have been charged to organise a family conference

- A victim contact meeting where the offender hears the consequences and impacts of their unlawful actions on the victim
- Ascertaining, through family conferencing, any underlying problems that are influencing offending behaviour and setting out a plan for behavioural change with clear targets to be achieved prior to attending court.

### Victim Impact Panels

A victim impact panel is a form of community-based or restorative justice in which the crime victims (or relatives and friends of deceased crime victims) meet with the defendant after conviction to tell the convict about how the criminal activity affected them, in the hope of rehabilitation or deterrence.

Not available in Tasmania

### Victim mediation

Victim mediation is usually a meeting between the victim and the offender. Participation is generally voluntary for both the victim and the offender, and an independent mediator assists them to work out how the offender can repair the harm he/she has caused.

Not available in Tasmania.
## Community Sentences: Keeping young offenders in the community

Matching young person’s needs and community’s need to be protected with appropriate community based sentence

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| **Assessment of criminogenic risk and protective factors** | Using a risk assessment framework when working with young people who are marginalised acknowledges the complexity of circumstances these young people find themselves within. Risk assessment frameworks assist a young person and their support team to tease out and clarify the risk and resilience factors they have in their lives, the possible negative or positive consequences of these factors and the reasons these factors exist.  

There is considerable evidence that about 70% of young people offend once and do not ever reappear on further offences. It is unnecessary and detrimental to spend time and youth justice resources on this group. Risk principles indicate that over supervision of low risk offenders can increase their risk of recidivism.  

Assessment processes need to be as effective as possible so that low risk individuals can be diverted from the justice system and time and resources directed to those that will benefit.  

Community Youth Justice has implemented the Youth Level of Service/Case Management Inventory (YLS/CMI) risk assessment tool for young people aged 12-17 and begun implementing the Level of Service/Case Management Inventory (LS/CMI) risk assessment tool for young people aged 18+.  

There is currently no risk assessment tool in use in Community Youth Justice for 10 and 11 year olds or specialised assessment tools for aggressive or sexually abusive behaviours. |
| **Problem Solving Courts** | Problem-solving courts’ are specialised courts that have been developed to address the behaviour underlying many criminal offences. These courts can include drug courts, mental health courts, family violence and Aboriginal specific courts.  

Problem Solving Lists are similar to problem solving courts where a particular day is set aside to hear cases for a specialised court.  

These courts are founded on the principles of therapeutic jurisprudence and feature a less adversarial atmosphere and extensive collaboration with a variety of specialist services to address the underlying cause of the offending behaviour and issues such as alcohol and drug, mental health, social and cultural issues.  

While Tasmania may be too small to justify a number of separate courts for different ‘problems’ there is potential to expand and promote problem solving courts so that suitable offenders are referred to therapeutic and rehabilitative options as an alternative to detention, with the court’s authority to mandate participation. |
**Offence Specific Programs**

Offence specific programs are designed to address young people’s specific offending for example:

- Violence offender programs for offenders with anger management and violent behaviours. Not available in Tasmania.
- Sexual offender programs for offenders with inappropriate sexual behaviours. Very limited availability in Tasmania.
- Traffic/vehicle offender programs for high risk drivers/vehicle theft behaviours. U-Turn available in Tasmania.
- Fire lighting intervention programs. Juvenile Fire Lighter Intervention Program (JFLIP) available in Tasmania.
- Alcohol and other drug programs for offence related substance abuse.
### Pre-Custodial Sentence: Providing Bail and Reducing Remand of Suspected Offenders

Reduce the number of young people who are remanded to detention and reduce the likelihood of a custodial sentence for young people who have been charged with an offence.

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| **Deferred Sentencing with Relevant Service Participation** | The proposed amendments to the Youth Justice Act 1997 will give the Court the statutory authority to defer a sentence for a period of up to six months after a finding or plea of guilty. This type of intervention is likely be used for young people who have a significant history of offending and might otherwise be detained in AYDC.  

The deferral of the sentence will enable a young person to participate in activities targeted at addressing their reasons for offending. The activities may include therapeutic interventions or practical activities such as a requirement to attend school. If the young person has worked toward completing his or her goals and is making positive progress then the Magistrate will take this into account and the sentencing outcome will be more favorable.

Young people who participate in this option are likely to have complex and multiple needs and require the support of youth justice workers. The youth justice workers, in consultation with other service providers, will need to determine and access appropriate interventions for the client group. This will require constant support of the young person as well as continual interaction with various service providers, the court, prosecution and defence lawyers.

In order to implement deferred sentencing Youth Justice workers will need to be available to the four major court registries in the State. This form of intervention will also require specialised training for the staff in working in problem solving settings.                                                                                                                                                                                                                       |
| **Restrictions on Remand**                       | Remand entails pre-trial detention in a correctional centre when bail is not granted. There are basically three major goals of remand: ensuring that the alleged offenders will attend court; protecting the community from the possibility of reoffending; and ensuring that witnesses and victims are protected.

Evidence suggests that a very high proportion of young people being detained are on remand and that this is a significant contributor to high rates of detention. The evidence also suggests that remanding young people is associated with a range of negative consequences, in addition to the overall negative effects of being in detention. Young remandees often report an additional feeling of frustration and isolation as a result of being treated as though they had already been found guilty. There may also be lack of access to programs that are provided to young people in detention, especially programs aimed at addressing criminogenic needs, as it is often not legally or ethically possible to provide such interventions before a guilty verdict. In addition, there is good evidence that remanding young people in detention is the most... |
significant factor in increasing the odds of recidivism.24

Restrictions that can be applied to remand include:

- Only use it in the most serious cases, such as sexual or violent crimes.
- Introduce a maximum time on remand and fast track young people through the judicial system.
- Provide after school and evening reporting centres that operate between 3 pm and 9 pm and provide supervision to young people who would normally be on remand in custody.
- Provide night detention with young people allowed to attend school or employment during the day but required to return to custody at night and weekends.

**Bail Support Programs**

Given the intention to keep as many young people out of remand as possible, the provision of a range of bail programs with appropriate court discretion, is imperative.

Supported bail programs have been found to be effective if they are tailored to the specific requirements of the individual and include sustainable accommodation options and access to therapeutic support, counselling, educational and vocational opportunities.

Supported bail programs also depend on providing the courts with assessment and support services that allow magistrates to be well informed about the risks presented by a young person and the viability of supported bail for an individual.

**Community Based Rehabilitation Units**

In the absence of any alternative secure placements it is inevitable that young people will be sentenced to *Ashley Youth Detention Centre* even when they have needs that could be better met by other secure accommodation and support options if available. There are many models for secure supervision ranging from intensive foster care in the community to mental health facilities.

There is also strong support in the literature for smaller, community based rehabilitation units as opposed to large centrally run secure estates such as Ashley (even allowing for the relatively small scale of Ashley compared to other jurisdictions).

At the same time, the relatively small numbers of young people in Tasmania who may require various types of secure and treatment/rehabilitation placement options means that a flexible and cost effective service model needs to be carefully planned and costed.

A feasibility study for accommodation and rehabilitation options within the youth justice system could be commissioned with the aim of developing a costed model for government’s consideration.

**Intensive Supervision and Surveillance**

Intensive Supervision and Surveillance Programs (ISSP)25 are claimed to be the most rigorous non-custodial intervention available as they combine very high levels of community-based surveillance using electronic monitoring with a
Programs

comprehensive focus on tackling the factors contributing to the young person’s behaviour.

South Australia is the only Australian jurisdiction that has a Home Detention Program that uses a radio frequency tagging system for young people. This is used for bail and for leave from training centres (or detention). The amount of time a young person is tagged varies from a few weeks up to a few months. The Home Detention Program is placed within their Intensive Case Management Unit with staff dedicated to monitor and provide intensive case management for each young person on order. A SMS messaging system alerts Community Youth Justice that a breach (tampering, out of range etc) has occurred. The SMS system is monitored between 7am to 9.30pm. SMS alerts are stored overnight and staff only attend after hours alerts if a “very high end political offender is involved”.

Restrict Who Can Be Detained

A major way for jurisdictions to lower custody figures is to enshrine a principle of using custody as a last resort. This can be practically achieved by:

- Prohibiting detention as a sentencing option for all young people under a specified age.
- Prohibiting detention as a sentencing option for all young people over a specified age unless they have committed a ‘grave’ or violent offence.
- Demonstrating that all available sanctions other than custody that are reasonable in the circumstances have been considered.

This will only work to reduce detention in Tasmania if there are sustainable and well supported alternatives for Magistrates to consider.
After Sentencing: Providing Treatment to Young Offenders

Therapeutic Interventions that aim to reduce re-offending rates by addressing criminogenic needs of convicted offenders in community based supervision or detention

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<td>Routine Supervision</td>
<td>There is a great deal of positive interaction that can occur once a young person is under the 'youth justice system' particularly with regard to routine supervision and treatment and rehabilitation interventions. A few studies have found that when supervisors make use of a number of specific practice skills, there is a reduced rate of recidivism for those under their supervision. In addition studies have found that workers who provided a counselling role made more use of the effective practice skills than workers who did not. The study found the skills with the strongest associations with reoffending were the use of rewards and a non-blaming approach. This is consistent with earlier research on pro-social modelling and reinforcement. Similarly, the importance of the client–worker relationship has been consistently emphasised in the research on effective supervision. Again, the ability to be non-blaming seems to be a core skill in effective offender supervision. These studies have also shown that supervisors are more likely to use these skills if they have received specific training and supervision based on the skills.</td>
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| Risk Need Responsivity | The Risk-Need-Responsivity (RNR) model is perhaps the most influential model for the assessment and treatment of offenders. Since being formalised in 1990 a number of principles have been added to enhance and strengthen its effectiveness. These additional principles describe the importance of collaborative and respectful client-worker relationships and policies and leadership that facilitate effective interventions. Briefly, the three core principles can be stated as:  
**Risk principle:** Match the level of service to the offender’s risk to re-offend.  
**Need principle:** Assess criminogenic needs and target them in treatment.  
**Responsivity principle:** Maximise the offender’s ability to learn from a rehabilitative intervention by providing cognitive behavioural treatment and tailoring the intervention to the learning style, motivation, abilities and strengths of the offender. The application of these principles means that as risk/need level increases the amount of engagement in and intervention by the youth justice service system to reduce recidivism also increases. |
| Desistance Strategies | Offender desistance from criminal activity can be linked to acquiring or obtaining something which the offender values such as friendships, social worth, employment, family, a life partner which reinitiates a re-evaluation of his/her life. The offender’s decision coupled with life opportunities made |
available through social capital provide the motivation for the offender to desist. Interventions can then be targeted to assist the offender make their choices within an environment that provides for their social needs. In this context it is important that communities have a strong focus on social inclusion, citizenship and community development.  

### Quality and Range of Programs

To address criminogenic needs a wide range of government and community programs and services need to be available, including those focusing on substance abuse, anger management and problem solving.

The impact of developmental processes (biological, psychological and social) upon rehabilitation programming is an emerging critical issue. Risk factors, criminogenic needs and responsivity issues are all likely to change over the course of adolescence. Disentangling the effects of maturation in terms of identifying criminogenic needs and designing appropriate interventions is not straightforward. A 10 year old high risk offender is going to require a very different type of intervention to a 17 year old high risk offender. Where a 10 year old may require access to emotional regulation training a 17 year old may require access to conflict resolution training.

This requires a suite of risk-based programs to address re-offending across the developmental lifecycle.

### Therapeutic Interventions

The use of multi-modal treatments with a cognitive-behavioural orientation has been found to be particularly effective for working with young people who offend. Treatment types that have been found to be particularly effective include:

- Interpersonal skill training, including social skills such as assertive communication and perspective taking
- The use of behaviour modification techniques where expected standards of behaviour and associated consequences are outlined
- Cognitive-behavioural techniques, including role modelling by staff, role plays, video feedback, social reinforcement, systematic desensitisation and cognitive reappraisal
- Residential drug treatment using a therapeutic community approach

If a young person is 13 years or less and considered high risk, parent training and support in areas including parenting skills were found to be effective.

### Type and Size of Detention Facilities

It is generally acknowledged that detention of violent or chronic offenders is necessary to ensure the safety of the community. Detention does reduce crime in the short term as the opportunity to offend is effectively removed. However, the evidence suggests that incarceration makes it more likely that young people will reoffend once they have been released. Detention also has a number of expensive, damaging and counterproductive consequences that are well documented. These include emotional and psychological trauma especially for young offenders; negative effects of dislocation from school, family and employment; and the formation of criminal networks and
associations.

The evidence suggest that the most effective secure corrections programs are those which serve only a small number of participants, provide individually tailored services and length of sentence is sufficient to ensure change is affected.

There is evidence that when detention is necessary, the use of smaller residential units rather than larger institutions is more likely to reduce reoffending. 37

There is universal acknowledgement that short sentences serve little constructive purpose and are potentially detrimental. To realise change from education or therapeutic interventions requires a sentence length of 6 months or more. However, if use of short sentences was abolished, there is a reported strong likelihood of ‘sentence creep’ with longer sentences being imposed 38 so any move in this regard should be approached with caution.
Post Release: Providing Through-Care to Young Offenders

Programs that aim to reduce re-offending rates by connecting and reintegrating young people into a home and the community through effective linkages to housing, health, employment and other essential services through pre-release transition and post-release support programs.

<table>
<thead>
<tr>
<th>OPPORTUNITY</th>
<th>EXPLANATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Throughcare</td>
<td>The work undertaken in community and custodial youth justice will only be successful if it is part of a planned program of supports in the community upon a young person’s release. Throughcare is a coordinated, integrated and collaborative approach to reducing the risk of re-offending. The literature indicates that when a young person returns to their normal social environment and there is no provision of through-care, short-term positive gains made during a program may be rendered ineffective. General elements of throughcare include:</td>
</tr>
<tr>
<td></td>
<td>• Progressively increased responsibility and freedom</td>
</tr>
<tr>
<td></td>
<td>• Facilitation of the young person’s interaction and involvement with the community</td>
</tr>
<tr>
<td></td>
<td>• Developing new resources, support structures and opportunities for the young person</td>
</tr>
<tr>
<td></td>
<td>• Monitoring the young person’s progress.</td>
</tr>
</tbody>
</table>

Question 4.1
What observations have you made about the current options in Tasmania for tertiary intervention?
- What is working well?
- What isn’t working well?
- Why do you think that’s so?

Question 4.2
What other best practice tertiary intervention or prevention strategies could be introduced in Tasmania for young people?

Question 4.3
If you could only focus on one tertiary intervention or prevention strategy under each of the follow categories:
- Pre Arrest
- Pre Court
- Community Sentences
- Pre-Custodial Sentence
- After Sentencing
- Post Release

What would they be and why?
Conclusion

Thank you for taking the time to participate in this consultation process which will inform the long term strategic thinking of how to prevent youth offending and re offending. The prevention of youth offending and re offending is the responsibility of many stakeholder groups and individuals.

There is no ‘one size fits all’ intervention that can be recommended as the ‘solution’ for all youth offending. Instead, there is a very wide range of sanctions, ‘treatments’ and therapeutic interventions that have been employed with young offenders with a range of consequences.

While tertiary intervention and/or prevention strategies are a very important component to the Continuum of Care, these should not be considered in isolation as they are only initiated once a young person has started offending, for many young people this type of intervention is too late. In addition, the costs associated with delivering tertiary services far exceed the costs associated with primary and secondary interventions. It is in the best interest of all Tasmanians to better engage and promote primary and secondary intervention options, as a way of reducing youth crime and preventing young people from entering the tertiary youth justice system.

We would encourage you to discuss and distribute this paper amongst your networks. We are very interested in receiving feedback from any organisation or community group that engages with children and young people in pro social activities, not just those organisations that provide traditional tertiary youth justice services.

Question 5.1
How can we ensure better coordination and integration of services along the continuum?
- Where are we doing well in this area?
- What good examples can we build on and learn from?
- What is holding us back from doing well in this area?
- What can we learn from this?

Question 5.2
How might we as a community best work out what proportion of funding to allocate to the different parts of the continuum i.e. primary, secondary and tertiary?

Question 5.3
Are there any general comments you would like to make as part of this consultation process
Appendix 1 - Youth Justice Management Committee

The Department of Health and Human Services (DHHS) will be undertaking a significant reform process of Youth Justice in Tasmania. A major feature of this reform will be an examination of the relationship between Youth Justice Service System and how this interacts with related children, youth and family services.

This reform process will initially commence with two “Projects of Significance” that will require a multifaceted and coordinated response across multiple government agencies and the non-government sector.

The initial two projects that will be considered by this committee include:

- The Youth Justice Continuum of Care; and
- Search provisions for children and young people.

It has been agreed that a Youth Justice Management Committee will be established to assist in the management of these and any other “Projects of Significance” in the future. The establishment of this committee aims to remove the need for a series of disjointed committees (with similar memberships).

**Youth Justice Management Committee Membership**

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associate Professor Des Graham</td>
<td>Deputy Secretary Children and Youth Services, The Department of Health and Human Services (Chair)</td>
</tr>
<tr>
<td>Liz O’Malley</td>
<td>Acting Director of Operations Children and Youth Services, The Department of Health and Human Services</td>
</tr>
<tr>
<td>Phillip Wilkinson</td>
<td>Assistant Commissioner, The Department of Police and Emergency Management</td>
</tr>
<tr>
<td>Robert Williams</td>
<td>Deputy Secretary, The Department of Justice</td>
</tr>
<tr>
<td>Liz Banks</td>
<td>Deputy Secretary, The Department of Education</td>
</tr>
<tr>
<td>Nick Evans</td>
<td>Director, The Department of Premier and Cabinet</td>
</tr>
<tr>
<td>Victor Stojcevski</td>
<td>Senior Policy Adviser, Magistrates Court of Tasmania</td>
</tr>
</tbody>
</table>
Appendix 2 - Summary of Questions

This paper has been produced to invite individuals and organisations to provide feedback on the issues raised here and on any other relevant issues that will assist us in preparing our final report. To help you, we have included a series of questions. It is up to you whether you answer one, some or all or make your written submissions in some other form. To assist in the analysis of individual responses, could you please complete the cover sheet (Appendix 3) or for organisations the service provider template (Appendix 4) and return this with your submission.

An Overview of Youth Offending in Tasmania

**Question 1.1**
What insights do you have into the increase in offending by young women?

**Question 1.2**
What factors may account for a higher proportion of young people in Tasmania being under youth justice supervision (community based) than other states and territories?

**Question 1.3**
What do you believe is contributing to the over-representation of indigenous young people in the Tasmanian Youth Justice system?

The extent of over-representation appears to increase as you move from diversionary youth justice, to community youth justice to custodial youth justice, how would you account for this?

Primary Intervention and Prevention Strategies

**Question 2.1**
What observations have you made about the current options in Tasmania for primary intervention and prevention?

- What is working well?
- What isn’t working well?
- Why do you think that’s so?

**Question 2.2**
What other best practice primary crime prevention strategies could be introduced in Tasmania for young people?

**Question 2.3**
If you could only focus on one or two primary intervention or prevention strategies what would they be and why?
Secondary Intervention and Prevention Strategies

Question 3.1
What observations have you made about the current options in Tasmania for secondary intervention and prevention?
- What is working well?
- What isn’t working well?
- Why do you think that’s so?

Question 3.2
What other best practice secondary intervention and prevention strategies could be introduced in Tasmania for young people?

Question 3.3
If you could only focus on one or two secondary intervention and prevention strategies what would they be and why?

Tertiary Intervention and Prevention Strategies

Question 4.1
What observations have you made about the current options in Tasmania for tertiary intervention and prevention?
- What is working well?
- What isn’t working well?
- Why do you think that’s so?

Question 4.2
What other best practice tertiary intervention or prevention strategies could be introduced in Tasmania for young people?

Question 4.3
If you could only focus on one tertiary intervention or prevention strategy under each of the follow categories:
- Pre Arrest
- Pre Court
- Community Sentences
- Pre-Custodial Sentence
- After Sentencing
- Post Release

What would they be and why?
Additional Questions

Question 5.1
How can we ensure better coordination and integration of services along the continuum?
- Where are we doing well in this area?
- What good examples can we build on and learn from?
- What is holding us back from doing well in this area?
- What can we learn from this?

Question 5.2
How might we as a community best work out what proportion of funding to allocate to the different parts of the continuum i.e. primary, secondary and tertiary?

Question 5.3
Are there any general comments you would like to make as part of this consultation process?

How would you rate the Continuum of Care Consultation process?

How could the consultation process be improved in the future?
Appendix 3 - Cover Sheet (Individuals Only)

To assist in the analysis of responses, could you please complete the attached cover sheet and return this with your submission.

Section 1: Personal Details (Non Mandatory)

Please provide if you would like to be sent a copy of the completed report

<table>
<thead>
<tr>
<th>Name</th>
<th>Postal Address</th>
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<tr>
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</table>

<table>
<thead>
<tr>
<th>Contact Details</th>
<th>Phone:</th>
<th>Email:</th>
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</tbody>
</table>

Section 2: Additional Details (Mandatory)

<table>
<thead>
<tr>
<th>Postcode</th>
<th>What is your interest in Youth offending?</th>
</tr>
</thead>
<tbody>
<tr>
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</table>

<table>
<thead>
<tr>
<th>Do you work or volunteer with an organisation that promotes pro social pathways for young people? Please specify.</th>
</tr>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>What is the name of this organisation?</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>What is your role?</th>
</tr>
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</table>

<table>
<thead>
<tr>
<th>What types of activities do you perform for this organisation?</th>
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</table>

<table>
<thead>
<tr>
<th>If you are a volunteer, approximately how many hours would you volunteer per month?</th>
</tr>
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</tbody>
</table>

The Department of Health and Human Services (DHHS) will be using the information provided in your submission to assist in the reform process; this may result in DHHS making parts or all of your submission available to the public.

If you would not like DHHS to publicly release the information contained in your submission please mark the box □.
# Appendix 4 – Service Provider Template

Do you provide a service that could sit within the framework for preventing the onset of offending and reducing re offending?

## Organisation Details

<table>
<thead>
<tr>
<th>1. Name of Organisation</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Details of main contact person</td>
<td>Title:</td>
</tr>
<tr>
<td></td>
<td>First name:</td>
</tr>
<tr>
<td></td>
<td>Surname:</td>
</tr>
<tr>
<td></td>
<td>Position:</td>
</tr>
<tr>
<td>3. Preferred contact method:</td>
<td>☐ Australia Post ☐ Phone ☐ Email</td>
</tr>
<tr>
<td>4. Organisation Site Address</td>
<td></td>
</tr>
<tr>
<td>5. Organisation Postal Address (if different to site)</td>
<td></td>
</tr>
<tr>
<td>6. Contact Details</td>
<td>Phone:</td>
</tr>
<tr>
<td></td>
<td>Mobile:</td>
</tr>
<tr>
<td></td>
<td>Email:</td>
</tr>
<tr>
<td></td>
<td>Webpage:</td>
</tr>
<tr>
<td></td>
<td>Face book:</td>
</tr>
</tbody>
</table>

## Programs provided

| 7. Number of programs provided by your organisation that are aimed at preventing youth offending or re offending | ☐ One program ☐ Two programs ☐ Three programs ☐ Four programs |
| 8. What do you think is required to strengthen the services you provide? | |
| 9. Are there any opportunities for your service/s to be better linked/coordinated? | ☐ Yes ☐ No |
| If 'yes', please expand: | |
| 10. Do you have any plans for future growth/expansion? | ☐ Yes ☐ No |
| If 'yes', please expand: | |
## Program details

This section requires information regarding each program you provide. If your service provides more than one program please duplicate the following pages to provide details of each program.

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>11. Program name</strong></td>
<td></td>
</tr>
<tr>
<td><strong>12. Description of program</strong></td>
<td></td>
</tr>
<tr>
<td><strong>13. How would you describe your service in terms of primary, secondary or tertiary prevention?</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Primary prevention</td>
<td>☐ Secondary Prevention</td>
</tr>
<tr>
<td><strong>14. Program delivery area (select any that apply)</strong></td>
<td></td>
</tr>
<tr>
<td>☐ State-wide</td>
<td>☐ South</td>
</tr>
<tr>
<td>If ‘other’ please specify</td>
<td></td>
</tr>
<tr>
<td><strong>15. Target group (if applicable)</strong></td>
<td></td>
</tr>
<tr>
<td><strong>16. Targeted age group (select any that apply)</strong></td>
<td></td>
</tr>
<tr>
<td>☐ Under 10</td>
<td>☐ 11 years of age</td>
</tr>
<tr>
<td>☐ 10 to 18 years of age</td>
<td>☐ 12 years of age</td>
</tr>
<tr>
<td>☐ 10 years of age</td>
<td>☐ 13 years of age</td>
</tr>
<tr>
<td>If ‘other’, please specify</td>
<td></td>
</tr>
<tr>
<td><strong>17. Was this program specifically designed for this age group?</strong></td>
<td>☐ Yes</td>
</tr>
<tr>
<td><strong>18. If the program was not specifically designed for this age group, is it modified to suit the needs of this age group (e.g. changing the delivery method or content) and how is it modified?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>19. What risk factors are targeted in your program?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>20. Which protective factors are enhanced through your program?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>21. What outcomes do you hope to achieve through your program?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>22. Please outline any evidence as to the effectiveness of your service, eg program evaluations?</strong></td>
<td></td>
</tr>
</tbody>
</table>
23. To assist in the development of our recommendations would you mind providing a case study in relation to your program. Please attach information if there isn’t enough space.

**Section 3: Program Capacity**

24. Does your program have any restriction on the number of young people that can participate at any one time? □ Yes □ No  
If ‘yes’, please specify the maximum number:

<table>
<thead>
<tr>
<th>□ Yes</th>
<th>□ No</th>
</tr>
</thead>
</table>

25. Does your service have any eligibility guidelines? □ Yes □ No  
If ‘yes’, please expand:

<table>
<thead>
<tr>
<th>□ Yes</th>
<th>□ No</th>
</tr>
</thead>
</table>

26. Do you currently have capacity to accept more young people into your programs? □ Yes □ No  
If ‘yes’, please expand:

<table>
<thead>
<tr>
<th>□ Yes</th>
<th>□ No</th>
</tr>
</thead>
</table>

27. If ‘no’ was answered to the above question do you have a waiting list? □ Yes □ No  
If ‘yes’, how long is the waiting list?

<table>
<thead>
<tr>
<th>□ Yes</th>
<th>□ No</th>
</tr>
</thead>
</table>

28. Are your services free or is there a fee for service? □ Yes □ No  
If ‘no’, what is the fee for service?

<table>
<thead>
<tr>
<th>□ Yes</th>
<th>□ No</th>
</tr>
</thead>
</table>

29. How are you funded?

<table>
<thead>
<tr>
<th>□ Federal</th>
<th>□ State</th>
<th>□ Local</th>
<th>□ Other please specify …………………………………</th>
</tr>
</thead>
</table>

30. Is your funding:  

<table>
<thead>
<tr>
<th>□ Recurrent</th>
<th>□ Contract-1 year</th>
<th>□ Contract-2 year</th>
<th>□ Contract-3 year</th>
</tr>
</thead>
<tbody>
<tr>
<td>□ Other please specify …………………………………</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

31. How much funding do you receive to deliver this program? $  

| $ |

32. Does this program utilise the services of volunteers? □ Yes □ No  
If ‘yes’, please outline their role/s:

<table>
<thead>
<tr>
<th>□ Yes</th>
<th>□ No</th>
</tr>
</thead>
</table>

What is the total volunteer hours/week for this program?

If your service provides more than one program please duplicate these pages to provide details of each program.

The Department of Health and Human Services (DHHS) will be using the information provided in your submission to assist in the reform process; this may result in DHHS making parts or all of your submission available to the public.

If you would not like DHHS to publicly release the information contained in your submission please mark the box □.
3. AIHW, “Girls and young women in the JJ system 2010-11” (2011)
15. National Community Crime Prevention Program, Fact Sheet 9, “Mentoring Young People”


Magistrate Hilary Hannam, “Problem Solving Courts and Therapeutic Jurisprudence in the children’s jurisdiction”.


The “Youth Justice Act 1997”, Section 8


Australian Institute of Criminology, Ass Prof Chris Trotter, “Effective Community Based Supervision of Young Offenders”, (2012)


Additional References


Kelly Richards, Lisa Rosewear and Robyn Gilbert, “Promising interventions for reducing Indigenous juvenile offending” (2011)

Kelly Richards, “What makes juvenile offenders different from adult offenders?” (2011)


Kayleen M Hazlehurst, “Opportunity and Desire – Making Prevention Relevant to the Criminal and Social Environment”

University of Cambridge, “Morality prevents crimes” (2012)