

Submission by
YOUTH ADVOCACY CENTRE INC
in relation to the
Inquiry of the Legal Affairs and Community Safety Committee
on
Strategies to prevent and reduce criminal activity

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Introduction

The Youth Advocacy Centre (YAC) thanks the Committee for the opportunity to provide a submission in relation to its *Inquiry on strategies to prevent and reduce criminal activity*.

We particularly welcome consideration of the following as being key to the Inquiry's focus:

- *the social and economic contributors to crime;*
- *the effectiveness (including the cost effectiveness) of crime prevention strategies, including imprisonment, justice reinvestment, early intervention, alternative dispute resolution, and other models used in national and international jurisdictions.*

The timing of this Inquiry is perplexing: arguably the 'cart has been put before the horse'. It would have been preferable to undertake this Inquiry **before** the legislative changes in relation to youth justice were developed and implemented so as to put youth offending into context.

As government has identified, in order to prevent and reduce criminal activity we must first achieve a full understanding of the range of factors which contribute to this activity as well as the indicators which assist in identifying those most at risk of engaging in criminal conduct. Implementation of effective counter-crime strategies is dependent upon those strategies being derived from that clear 'evidence based' understanding of causative factors.

There is an extensive amount of literature on crime, offending and offenders. Academics at Queensland Universities have contributed to this, bringing an Australian and Queensland experience and perspective to the discussion. It is therefore important that in undertaking this inquiry, the Committee make itself conversant with this literature which has a robustness which general engagement with the community cannot have on this subject. Fear of crime is a strong motivator in the community, often a reaction to sensationalist media reports focussing on the relatively small number of the worst examples of crime which are regarded as having newsworthy appeal, particularly to an ageing population and particularly if they involve young people. This fear is not supported by the data and evidence on offending and offending levels.

An analysis of Queensland Police Service data in 2012¹ indicated that *crime rates [in Queensland] over the last ten years or so have largely been on a downward trend. Reported offences against the person and offences against property have come down while figures suggest that some types of "other offences" have become more prevalent. While politicians may make legitimate points about spikes in specific locations or particular types of offence, the chances of Queenslanders becoming victims of crime has been decreasing when population is taken into account.*

In particular, the fear of young offenders is not justified. In 2012-13 there were some 3,542 distinct young offenders found guilty of offences Queensland wide, a decrease of 9% over the preceding three years and accounting for only 0.9% of all 10-16 year olds in the State². The Explanatory Notes to the 2014 youth justice amendments concede that proportionally the number of 10-16 year old offenders is decreasing. Eight hundred and sixty three (863) distinct young people (0.2% of the 10-16 year old population) were in detention **at some time** in 2011-12: 76.4% on remand awaiting finalisation of their matters and 17.4% sentenced^{3 4}.

The Government Statistician's Office also reported that in 2012-13:

persons aged 20–24 years comprised the largest proportion of offenders in Queensland (21.4%), followed by persons aged 15–19 years (20.7%)⁵. Over the five year period there was a decline in the

¹ Brisbane Times 2 March 2012

² Youth Justice Performance & Reporting, October 2013, *Youth Justice Pocket Stats 2012-13*

³ CCYPCG Snapshot 2013:

⁴ NB: there are two youth detention centres in Queensland: one at Wacol in Brisbane (118 beds for young males from Rockhampton south and young females from across the whole of Queensland) and one at Cleveland, Townsville (currently 76 beds for male young people from north of Rockhampton, as far north as Cape York and Torres Strait, Mount Isa to the west and the Northern Territory border – anticipated 96 by 2015 including young women).

⁵ It is unclear why the age group is 15-19 when 15 and 16 year olds are in the youth justice system and 17-19 year olds in the adult system

*proportion of offenders aged 10–14 and 15–19 years and an increase in the proportion of offenders in older age groups, particularly those aged 40–44 years. The median age of offenders increased from 24.0 years in 2008–09 to 25.0 years in 2012–13.*⁶

The progression from youth to adult offending

We know that a link has been established between youth and adult offending:

- *An important result from this research is that youthful criminal behavior causes adult criminal behavior. That is adult criminals are not simply bad apples*⁷.
- *The transition from adolescence to adulthood involves major life course trajectories, including education, work, residence, family formation and parenthood. It is a time of opportunity and vulnerability, a time of positive turnaround and redirection as well as a criminological crossroads.....Disorderly transitions, such as teen parenthood and failing to complete high school, have long-term negative consequences*⁸.

There have been a number of studies conducted both in Australia and internationally that document the offending trajectory of chronic young offenders from the youth justice system into the adult prison system, as well as studies that document the total cost of crime to society caused by chronic offenders.

A Queensland cohort (Lynch et al., 2003) with 79% of juveniles on supervised orders during 1994–1995 progressing to the adult correctional system by 2002. This percentage was higher for Indigenous youths with 89% progressing to the adult correctional system by 2002, and 71% serving at least one prison term.

A longitudinal study in NSW conducted in 2005, followed the trajectories of 5476 young people aged 10-18 who appeared in the children’s court for the first time in 1995. This study tracked the criminal histories of the young people for eight years.⁹ They concluded that there was a direct relationship between age of first offence, and number of re-offences. That is the younger the offender was when they committed their first offence, the higher their average of re-appearances was.¹⁰

The study of Livingstone et al. (2008) of a cohort of juveniles born in Queensland in 1983 or 1984 and with one or more finalised juvenile court appearances identified three primary juvenile offending groups. The chronic offenders’ group commenced offending early with a sharp increase throughout the timeframe under study. It comprised 11 per cent of the cohort under consideration but was responsible for 33 per cent of the offending of the cohort.

If we are to consider strategies to address and reduce criminal activity, then we need to start at the beginning.

Child/adolescent development

Childhood and adolescence are modern concepts. Today we accept that childhood is a *unique and crucial period of human life* and that the development of the child is a gradual physical and mental process¹¹. Our increased understanding of the brain and how it develops from birth through to adulthood supports these concepts and is also not only relevant, but fundamental, to understanding why some people offend, when they offend, why some become persistent offenders and why the cohort of persistent young offenders has a clearly identifiable set of characteristics. In summary¹²:

⁶ Recorded Crime – offenders, Queensland (2013)

⁷ A series of bulletins prepared for Transitions From Juvenile to Adult: Papers From the Study Group on Transitions From Juvenile Delinquency to Adult Crime (May 2014).Ibid, *Explanations for Offending*

⁸ Kalb G (University of Melbourne) and Williams J (University of Adelaide) Melbourne Institute of Applied Economic and Social Research 2002 *The Relationship between Juvenile and Adult Crime* Melbourne Institute Working Paper No. 4/02

⁹ Chen, Shuling, Tania, Matruggio, Don Weatherburn and Jiu hao, Hua. 2005. “The transition from juvenile to adult criminal careers.” Crime and Justice Bulletin, New South Wales Bureau of Crime Statistics and Research. 86:1-12.

¹⁰ Chen, Shuling, Tania, Matruggio, Don Weatherburn and Jiu hao, Hua. 2005. “The transition from juvenile to adult criminal careers.” Crime and Justice Bulletin, New South Wales Bureau of Crime Statistics and Research. 86:1-12.

¹¹ Clarke-Stewart, A., Friedman, S., & Koch, J. (1985). Child development: A topical approach. New York: Wiley.

¹² Based on a presentation by Professor Elisabeth Hoehn at the Balanced Youth Justice Forum, Brisbane, 29 May 2013

- The human brain is undeveloped at birth – human interactions grow brain connections
- Experiences can change the brain throughout life, but experiences in the first three years of life organise the brain as the brain undergoes a rapid growth of connections and networks during this time
- Experiences make the decision about which neurones survive and how they connect with each other – they “wire” the brain with ongoing repetition (positive or negative) strengthening how the wiring is occurring
- **The developing brain is therefore directly influenced by early environmental enrichment and social experiences (positive or negative) and the type of experiences an infant has is crucial**
- The brain of the young person (adolescent) is remodelling (growing new connections & pruning out others) from the ‘child’ brain and transforming into the ‘adult brain’ – a process that takes **until at least 24 years of age in healthy** development
- The emotional part of the adolescent brain has more intense responses in day to day firing than in an adult because emotional regulation is still developing
- The middle & lower brain regions are driven by testosterone and sexual urges and surges in neurotransmitters (dopamine) drive thrill seeking behaviour in adolescence in order to obtain rapid rewards
- Remodelling of the young person’s brain should develop the functions for a successful adult life which would include learning self-regulation (such as in pausing before acting) and developing empathy and morality (a concern for others/the greater good) and not simply acting on automatic fight/flight responses which are part of the “reptilian” part of the human brain.
- The re-modelling process will only happen positively if the young person has had appropriate experiences in the early years and then in adolescence so the brain develops in a “healthy” way.
- **The ‘teen’ brain is not the same as the ‘adult’ brain – but adults tend to appeal to the mature prefrontal functions that do not yet exist.** Adults around young people need to be **authoritative** and set realistic boundaries that are understandable and respected, but **not authoritarian**.

Data show a 200% increase in morbidity and mortality rates (accidents, suicides, eating disorders, substance abuse) during adolescence which is related to difficulties in controlling behaviour and emotion, especially in young males¹³. This level of immaturity supports the proposition that 17 year olds should be in the youth justice system. It also supports the argument that 18-25 year olds should be dealt with differently to older adults.

The process of development of the adolescent brain would also explain why young people tend to commit property rather than personal crimes with their offending generally at the less serious end of the offence continuum and tending to be *attention-seeking, public and gregarious; and episodic, unplanned and opportunistic*¹⁴.

The importance of parents and parenting on child and youth development

Parenting generally

Parents have a significant impact on the developing child. Research has shown that early brain development and socio-emotional and cognitive development can be severely affected by inadequate or harmful parenting. Findings indicate that the relationship between socioeconomic status and delinquency in early adolescence is almost entirely mediated by parental management skills (Larzelere & Patterson, 1990; Simons, Wu, Conger, & Lorenz, 1994) and there is a clear relationship between the health and wellbeing of young people and the environment they grow up in¹⁵. Families with high level competence in social

¹³ AIC 2011 No 409

¹⁴ Cunneen C & White R 2007. Juvenile justice: Youth and crime in Australia, 3rd ed. South Melbourne: Oxford University Press

¹⁵ Stewart A, Dennison S, Waterson E School of Criminology and Criminal Justice Griffith University *Pathways from Child Maltreatment to Juvenile Offending*

interaction, communication, decision making, problem solving and maintaining relationships will be highly functional and resilient. Such families have a positive influence on pro-social behaviour and attitudes and school success as well as reducing the risk of substance abuse and offending¹⁶.

Contrary to popular belief around the diminishing role of parents in late adolescence/early adulthood, the role of parents continues to be important in an adolescent's life. There is evidence that the emotional and psychological support provided to children by parents plays a significant role in adolescence. Additionally, parental monitoring and limit setting have been linked to managing antisocial/offending behaviour, substance abuse and sexual risk taking in adolescence¹⁷.

While the majority of abused and neglected children do not offend, a large number of children who do offend have experienced abusive, neglectful or inadequate parenting. Young people who have been abused or neglected often exhibit reduced social skills, poor school performance, impaired language ability, and mental health issues¹⁸.

Research has identified a number of factors that place children and young people at higher risk of abuse and neglect, including family stressors such as financial difficulties; social isolation; domestic violence; mental health problems; disability; alcohol and substance abuse; and a lack of safe and affordable housing¹⁹.

Queensland data for 2013 show that 40% of substantiated child protection matters were attributable to neglect and 36% to emotional abuse²⁰.

Neglect can seriously affect children in the short and long term²¹:

Brain development: Neglect can severely alter the way a child's brain functions and has been linked to the emergence of panic disorder, posttraumatic stress disorder and attention deficit and hyperactivity disorder and depression later in life. Malnourishment can result in lowered brain function.

Health and welfare: Poor nutrition and/or hygiene and a lack of parental supervision can result in poor growth, a range of medical and dental issues, and poor educational outcomes when parents have taken no interest in their child's education.

Emotional and social development: A lack of love or care from parents or those acting in that capacity affect how children behave and perform at school, how they interact with other children and adults, and their future relationships as adults²².

Mental health and risky behaviour: Chronic neglect can significantly affect a child's mental health. As children grow older, feelings of being unloved and unwanted can lead to running away, **antisocial behaviour**, self-harm and suicide. Some young people may seek care and affection from other people which can then put them at risk of sexual abuse and exploitation.

Emotional abuse²³ can also have serious long term consequences for a child. It can be "active" (being scared, demeaned or verbally abused²⁴) or "passive" (being denied the love and care a child needs to be healthy and happy). The latter includes:

- a parent or carer not being connected with the child
- negative attitudes, such as having a low opinion of the child and not offering any praise or encouragement
- expecting the child to perform tasks that they are not emotionally mature enough to do
- speaking and acting around the child in an inappropriate way.

¹⁶ AIHW2011 2a

¹⁷ AIFS 2011 Family Matters No 88

¹⁸ AIFS 2011 Family Matters No 89

¹⁹ Ibid

²⁰ Snapshot for 2013 from the Commission for Children and Young People

²¹ Information taken from NSPCC (UK) website at: https://www.nspcc.org.uk/Inform/resourcesforprofessionals/neglect/effects_wda91912.html

²² Rees, G., Stein, M., Hicks, L. and Gorin, S. (2011) Adolescent neglect: research, policy and practice. London: Jessica Kingsley.

²³ Information taken from NSPCC (UK) website at: https://www.nspcc.org.uk/Inform/research/briefings/emotionalabuse_wda48215.html

²⁴ Barlow, J. and Schrader McMillan, A. (2010) Safeguarding children from emotional maltreatment: what works. London: Jessica Kingsley.

- the adult relying on the child to fulfil the adult's emotional needs and not recognising that the child has their own distinct needs
- not encouraging a child to make friends and mix among their own social peers²⁵.

Data indicate that small children and those young people with limited capacity are more likely to suffer emotional abuse and neglect.

Language and parenting

How parents communicate with their children – the extent to which they do this and the quality of that conversation - has been shown to be important in the development of appropriate language skills, particularly in the early years. The ability to communicate seems to play a key role in social capability and indicates an overlap between child maltreatment and poor language development. Research indicates:

- a link between low socio economic status and oral language competence in the early years, particularly for boys
- a **link between offending patterns/severity and oral language impairment**
- **poor language ability in the early years increases the risk of anti-social behaviour** at 14 years of age.²⁶

The longitudinal, Queensland-based *Pathways to Prevention Project*²⁷ has focussed on promoting strong oral language skills in young children as a strategy to reduce anti-social behaviour later in the child's life. Language skills are also critical to being able to develop literacy skills and therefore also have an effect on longer term success at school. **Keeping young people at school can prevent and reduce delinquency and crime.**

Parental issues and parenting

Parental health and disability can have an impact on children and young people and their behaviour as this may contribute to poor parenting skills and emotional support and developmental delays. A young person living with a parent with mental health problems may also be at increased risk of social, psychological and physical health problems and may experience violence and abuse²⁸.

*The science from a number of fields shows that parents' own experiences in their lives strongly influence how they react and parent. Our positive and nurturing experiences influence our parenting, but our negative and painful experiences affect us as well ...[and]... can cause us to react in ways that don't really make sense, so that we end up parenting in ways that we aren't really happy with. For this reason, it's important that parents do all they can to understand themselves*²⁹

If there are **risk factors within the family** that have influenced or are **influencing adolescents and their behaviours**, then logically the **family should be part of any intervention** to address adolescent problems. It can be difficult to engage parents in a therapeutic process particularly if they do not consider they have had a role in relation in the development of the behaviour as well as having a role in addressing it – they want the young person “fixed”, thus putting the entire burden on their child or passing responsibility for “fixing it” on to someone else. There seems to be little information available as to how parents can be helped to see their own role in how their child's problems have emerged³⁰.

²⁵ Cawson, P., et al (2000) Child maltreatment in the United Kingdom: a study of the prevalence of child abuse and neglect. London: NSPCC.

²⁶ AIC 2012 No 435

²⁷ <http://www.griffith.edu.au/criminology-law/key-centre-ethics-law-justice-governance/research/prevention-developmental-pathways/the-pathways-to-prevention-project>

²⁸ AIHW 2011 2b

²⁹ Dr. Tina Payne Bryson, psychotherapist and co-author (with Dan Siegel) of THE WHOLE-BRAIN CHILD (Random House Delacorte, 2011)

³⁰ AIFS 2011 Family Matters No 88

Youth offenders

An encounter with the youth justice system during a person's youth is not unusual: for most this will be infrequent, short lived and relatively minor^{31 32} and therefore is a passing phase associated with adolescence (the data indicate that adolescence is the peak period for both being victimised and offending). Many of these young people will never come to court, their offending being addressed by a police caution. A significant proportion of those brought to court will have one, perhaps two, interactions and then not appear again.

A small group (10% of young offenders) is responsible for over half of offences committed by young people. This is the group most vulnerable to continue and with more serious offending and therefore where intervention needs to be focussed³³.

The Government's *Safer Streets* Discussion Paper noted that:

Young people entrenched in the justice system and those who are at high risk of becoming entrenched often have a range of things happening in their lives that influence their criminal behaviour³⁴.

These young people have often experienced:

- *child abuse and neglect;*
- *exposure to domestic or family violence;*
- *severe and long-term family dysfunction in their childhood years; and*
- *homelessness.*

These experiences often lead to:

- *drug and alcohol misuse;*
- *poor mental and physical health;*
- *inter-generational poverty and unemployment; and*
- *low levels of education.*

*All the evidence shows **that when a young person experiences these things without receiving any help, committing crimes is often the next step in life.*** [Our emphasis]

Child protection and offending

The Government's *Safer Streets* Discussion Paper also acknowledged:

*With **approximately 70% of young people in the youth justice system known to the child protection system, improving responses to child protection should assist in diverting young people from the justice system.*** [Our emphasis]

With respect to Aboriginal and Torres Strait Islander youth:

Indigenous children and young people are around three times more likely to have reports of harm or risk of harm substantiated, and six times more likely to be removed from their family and placed in "out-of-home care", than other children and young people living in Queensland.³⁵

We have discussed above the effect of neglect and emotional abuse on the developing child. Research has shown, and it is certainly YAC's experience, that abused or neglected, acting out adolescents are less likely to be viewed sympathetically by the community than younger children and they are more likely to run away, become homeless, engage in illegal and survival activities which bring them to the attention of the police rather than child protection services. These young people have been described as moving from being

³¹ AIHW 2011 2d

³² AIC 2011No 409

³³ AIHW 2011 2d

³⁴ Please refer to YAC submissions to the Committee in relation to the introduction of Boot Camps and the 2014 amendments of the Youth Justice 1992 for more detail on the profile of young offenders.

³⁵ *Together Keeping our Children Safe and Well: Our comprehensive plan for promoting the safety and wellbeing of Aboriginal and Torres Strait Islander children and young people and reducing their over-representation within Queensland's child protection system* (Aboriginal and Torres Strait Islander Child Safety Task Force 2010) p.8

'troubled' to 'troublesome'³⁶ – perceived as demons rather than victims. This may lead to interventions which criminalise rather than assist them.

In particular, it has been found that:

- placement in out of home care doubles the risk of post placement offending particularly if this occurs during adolescence and involves a group home
- there is a link between an increased risk of difficult behaviour and later offending with multiple placements or placement instability together with changes of school, particularly if that involves exclusion,
- for females, any placement, irrespective of instability, increased their risk of offending³⁷.

In Queensland, as in some other jurisdictions, young people in care may be at greater risk of criminalisation for wilful damage and assault as a result of charges being brought by those caring for them, which, in a family context would usually be managed as a general discipline issue. This seems particularly harsh and unjust when the previous discussion on child and adolescent brain development is taken into account and particularly the known impact that neglect and abuse have on that development – which is why these young people are in care in the first place.

Homelessness and offending

Young people who are homeless may experience untreated trauma and isolation from key stabilising supports in their lives, such as family, school and other community networks.

*There are complex links between homelessness and reoffending, where each can be a cause and a result of the other. Over 75% of homelessness services in England support clients who are prison leavers. In turn, ex-prisoners who are homeless upon release are more likely to re-offend than those who have stable accommodation.*³⁸

Indigenous young people

Aboriginal and Torres Strait Islander people continue to be overrepresented in the youth justice and child protection systems as well as the adult criminal justice system. Between 7 and 11 March 2011, for example, 47% of those in youth detention were Indigenous although only making up around 6.3% of the state population of 10-17 year olds.

With respect to repeat offending:

*Indigenous people are over-represented in prisons, and are likely to come into contact with the criminal justice system at younger ages than non-Indigenous people. Once Indigenous offenders come into contact with the criminal justice system, they are more likely than non-Indigenous offenders to have repeat contact with it. Therefore, it is important that Indigenous people who have had contact with the criminal justice system have the opportunity to integrate back into the community and lead positive and productive lives. Reducing reoffending may also help break the intergenerational offending cycle.*³⁹

Preventing and reducing criminal activity - being tough on the *causes* of crime

For those young people who are only on the edge of the youth justice system with nothing to indicate a risk of ongoing involvement, there is nothing to indicate that current youth justice processes are not sufficient.

For the small group of persistent offenders who have the greater impact on the community, the preceding discussion indicates that if we are truly focussed on preventing and reducing criminal activity, we need to address the causes of that criminal activity and not simply increase penalties or lock more people up for longer. Simply returning them after court to the place where they were before court, without any support or

³⁶ AIFS 2011 Family Matters No 89

³⁷ Ibid

³⁸ Homeless Link (UK) *Better Together: Preventing Reoffending and Homelessness* (Summary) Sept 2011

³⁹ ISSUES PAPER: Issues Facing Young Australians 2011: URBAN AND REGIONAL INDIGENOUS YOUTH

opportunities available for them and their families to address the issues which are influencing their behaviour and choices, is most likely to end in their re-offending.

In developing a program, practitioners should therefore start with a recognized theory about the causes of crime and then proceed to design an intervention to target the factors identified in that theory (Andrews & Bonta, 1998).⁴⁰

As we have seen, the small group of repeat offenders represents a particularly disadvantaged population having low socioeconomic status, low educational attainment, significant physical and mental health needs, substance abuse and a history of childhood abuse and neglect⁴¹.

... profiles of young people in detention show that a high proportion of detainees have been victims of abuse, trauma, and neglect, with high rates of drug and alcohol abuse, child protection involvement and school exclusion. Mental health issues and intellectual disability are also prominent⁴².

In many instances, particularly for young offenders, criminal activity must be seen as having a social context rather than being a purely legal issue. The evidence would indicate that rehabilitative and therapeutic approaches would achieve better outcomes for the young person and the community in general and avoid further involvement in the criminal justice system which is, of itself, criminogenic. From a criminological perspective, the threat of punishment, in any event, is not a deterrent; rather, it is the likelihood of being apprehended which has an impact on people's behaviour.

Clearly Aboriginal and Torres Strait Islander children and their families need particular, culturally appropriate support. Also of concern are those young offenders who are in care and for whom the State has a direct responsibility. Having removed them from their families, it must ensure that their risk of offending is reduced through effective case management and the provision of a greater level of care.

Family breakdown and domestic and family violence are two of the primary reasons young women seek support from specialist homelessness services and, as previously noted, there is an established link between homelessness and interaction with the justice system. Family breakdown is also one of the primary reasons young men report for seeking support from services.⁴³

There is an increasing amount of research and evidence about the effectiveness of early intervention and prevention measures to prevent offending behaviour developing or stemming its continuing. The ODJJP papers noted:

From a policy perspective, this research provides evidence that preventive programs that successfully reduce delinquency among youths can also be expected to reduce their criminal behaviour as adults.⁴⁴

And:

It is vital to develop effective prevention and early intervention programs to reduce the occurrence of disorderly transitions. Doing so not only improves transitions in general but is also likely to reduce the prevalence and frequency of criminal offending during early adulthood.

The Texas (USA) based group Right on Crime has noted:

Cost-effective interventions that leverage the strengths of families and communities to reform troubled youths are critical to a successful juvenile justice system⁴⁵.

Jesuit Services based in Richmond, Melbourne also stated in a recent report:

⁴⁰ Casey S. Article *Understanding Young Offenders: Developmental Criminology* The Open Criminology Journal, 2011, Volume 4

⁴¹ AIHW 2011 2d

⁴² Richmond Jesuit Social Services (2013) *Thinking Outside: Alternatives to remand for children: Profiles of children in the youth justice system*

⁴³ Homelessness Australia *Creating a framework for ending homelessness* www.homelessnessaustralia.org.au

⁴⁴ National Institute of Justice Office of Juvenile Justice and Delinquency Prevention (OJJDP) Bulletin May 2014

⁴⁵ *The Conservative case for reform: Fighting Crime, Prioritizing Victims, and Protecting Taxpayers* <http://www.rightoncrime.com/priority-issues/juvenile-justice/>

Particular attention is given to the need for a wider focus on the environments in which children develop and this brings in factors such as family, school, community and society. Evidence gathered in the present project shows that children who come into the system at an earlier age are associated with higher rates of offending and longer criminal careers.⁴⁶

It is clear that we need to invest in programs which do the following:

- intervene as soon as there are signs a young person may be at risk of involvement in the criminal justice system. For example, antisocial behaviour invariably begins during primary school years and tends to be associated with exclusion from school which means the young person does not experience pro-social values and role models⁴⁷
- support families who are struggling
- provide parents with support and parenting programs from the early years into adolescence
- support the development of good oral language and social skills
- respond more appropriately where young people are the victims of abuse and neglect
- keep young people at school
- ensure young people have safe and suitable accommodation

Ensuring that children grow up in safe and secure environments with functional parents and families would have the significant dual benefit of reducing the number of children and families in contact with the statutory child protection system. Government Departments responsible for Housing, Health, Education, and Child Protection in particular have a key role to play in preventing criminal activity. These departments must work better together in relation to families and young people in a “one government approach”, particularly in the early years and the transition to adolescence. However, it is noted that attempts to date to “de-silo” government departments have not been very successful.

Government cannot do this alone, however, and must deal with non-government services respectfully, recognising those agencies as **partners** in service delivery rather than regarding them simply as a “more cost-effective” delivery option. Government and non-government agencies need to be more aware of who is doing what so that appropriate referrals can be made to the right service at the right time. They also need to work **with and for** the young person if the best results are to be achieved.

Justice (re)investment

Research consistently shows that prisons are ineffective in rehabilitating offenders and preventing re-offending:

The magnitude of the expense associated with incarceration has lead several researchers to question whether it is a cost effective means of achieving further reductions in crime (Freeman,1996; Donohue and Siegelman, 1998; Greenwood et al., 1996). Both Donohue and Siegelman, and Greenwood provide evidence that interventions which reduce the extent of crime by youth may be preferred to an increased use of incarceration on a cost-benefit basis.⁴⁸

Building, maintaining and staffing of detention centres or prisons is very costly. It costs the taxpayer approximately \$237,980 per year to imprison one young person (in Australia)⁴⁹ and detention does not prevent them from re-offending – the evidence tends to indicate it does the reverse. If government is serious about spending public money in the most efficient manner and in a way which is most likely to achieve the desired outcome – less offending and safer communities – then the literature is clear: to prevent young people from offending in the first place or to break the cycle of offending for those who are offending, shift the investment from detention to early intervention and prevention.

⁴⁶ Richmond Jesuit Social Services (2013) *Thinking Outside: Alternatives to remand for children: Profiles of children in the youth justice system*

⁴⁷ AIC 2012 No 435

⁴⁸ Kalb G, Williams J, Melbourne Institute of Applied Economic and Social Research, University of Melbourne Working Paper 4/02 *The Relationship between Juvenile and Adult Crime* (2002)

⁴⁹ AIHW Young Australians: their health and wellbeing 2011 Chapter 25, Young people and crime (AIHW 2011)

There is a body of research (with the key studies in this area being carried out in the United States) that compares the total cost of crime to society caused by a chronic offender with the costs of investing in early intervention and prevention programs, a limited portion of which has attempted to determine the total cost of crime committed by an offender over their life course, tracing the offending trajectories of young people from the juvenile justice system into the adult criminal justice system.

Costs include:

- Tangible costs include things such as the cost to replace or repair stolen or damaged property, medical expenses and lost wages from being unable to work, the cost of increasing home security measures or taking lessons in self-defence⁵⁰.
- Intangible costs include costs to the victim such as reduced quality of life, pain and suffering, or fear of being re-victimised. These costs also include the cost of lifestyle change for example, no longer going out at night (due to feeling unsafe), or having to pay for cabs or other forms of transport as people feel that it is unsafe to walk⁵¹. Social costs such as increased insurance premiums, or costs incurred to participate in the justice system (for example acting as a witness or jury member) are also considered.
- The justice system associated costs (police, corrections, lawyers and judicial staff, court infrastructure etc.) incurred by life course offenders⁵².

A 2010 study followed the offending trajectories of 27,160 individuals who were born in 1958 for a twenty year period⁵³. This was one of the first studies to combine literature on offender trajectories and costs of crime. In accordance with other literature in this area, this study also found that this cohort was made up of three kinds of offenders, early onset offenders, late onset offenders and chronic offenders⁵⁴. It was found that the offences committed by the chronic offenders became more serious as the offender aged; which can be contrasted with the other two groups where the severity of their offending peaked in adolescence and became less serious as the study went on. As a result, the chronic offenders, despite being the smallest group in the studied cohort impose far greater costs on society; with the total cost of crime being imposed on society by the entire cohort for the 20 year period being \$2 billion (US dollars)(NOT including justice system costs)⁵⁵.

Such studies demonstrate that continuing to focus on detention and incarceration is not an economically sound investment: it does not break the cycle of offending with costs incurred across society.

Cost benefit analyses have clearly established that a focus on community corrections and offender rehabilitation can reduce the number of young people that become involved in criminal behaviour, and can dramatically reduce the social cost of crime. Each case study below comprises a cost benefit analysis of various community corrections programs or early intervention programs for young people, the effectiveness of which is compared to juvenile detention or traditional probation and parole treatment.

Case study 1

This study looked at whether community interventions assisted in reducing recidivism rates of young people. It involved 293 participants who were assigned to one of three groups; group one received intensive community supervision and monitoring, group two received intensive outpatient counselling and cognitive behavioural therapy, and the third group received the standard probation and parole treatment⁵⁶. This

⁵⁰ Cohen, M., and A. Piquero,. 2009. "New Evidence on the Monetary Value of Saving High Risk Youth." *Journal of Qualitative Criminology*. 25: 25-49.

⁵¹ Cohen, M., and A. Piquero,. 2009. "New Evidence on the Monetary Value of Saving High Risk Youth." *Journal of Qualitative Criminology*. 25: 25-49.

⁵² Welsh, Brandon., Rolf. Lober., Bradley, Stevens., Magda, Stouthamer- Loeber., Mark, Cohen., and David, Farrington. 2008. "Costs of Juvenile Crime in Urban Areas: a Longitudinal Perspective. *Youth Violence and Juvenile Justice* 6:3-27. Welsh, Brandon., and David Farrington. 2011. "The Benefits and Costs of Early Prevention Compared with Imprisonment. *The Prison Journal* 91: 120S-137S.

⁵³ Cohen, Mark., Alex, Piquero and Wesley Jennings. 2010. "Studying the Costs of Crime across Offender Trajectories." *Criminology and Public Policy*. 9(2):279-305.

⁵⁴ Cohen, Mark., Alex, Piquero and Wesley Jennings. 2010. "Studying the Costs of Crime across Offender Trajectories." *Criminology and Public Policy*. 9(2):279-305.

⁵⁵ Cohen, Mark., Alex, Piquero and Wesley Jennings. 2010. "Studying the Costs of Crime across Offender Trajectories." *Criminology and Public Policy*. 9(2):279-305.

⁵⁶ Allen, R. 2007. 'Justice Reinvestment a New Approach to Crime and Justice. *Prison Service Journal*. 176: 3-8.

treatment was implemented over a period of 6 months, and had a twelve month follow up. It was found that those in the treatment groups produced less than 1/3 of the expenditure of subsequent court referrals or time in detention and that for every dollar that was invested in this community corrections program, \$2 was given back to society in the form of reduced criminal justice expenditure⁵⁷.

Case study 2

This study involves an early intervention program in the lives of young people through the Chicago Child-Parent Centres which are located in Chicago public schools in the poorest neighbourhoods and provides educational and family support to children aged three to nine. The aim of Centres is to promote educational achievement, school retention and low levels of delinquency. The program has three stages of intervention, preschool age, school age and extended intervention, and as a result the program deals with children up until they attain the age of 21⁵⁸.

This study compared groups of children who received intervention from the Centre and were of preschool age between 1983 and 1986 and those who did not, with a fifteen year follow up. The program involved early intervention and family support services for children between the ages of three and nine years. The children who participated in this study fell into the three categories, of preschool age, school age or extensive intervention. It should be noted that the intervention lasted for varying periods depending on what age the child was when first coming into contact with the program, and whether they fell into the extensive intervention category. The result was that those who participated in the program had a higher rate of school retention and a lower rate of youth arrest, in comparison to those children who did not have any early intervention. It was concluded that for every dollar spent on preschool age children participating in the Centre, society received a benefit of \$7.14. Like the previous study this was also a saving in criminal justice expenditure⁵⁹.

Case Study 3

The third case study is the renowned Perry Preschool project, which was an early intervention program at the Perry Elementary School in Michigan for children born between 1958 and 1962. Intervention began when the participants were three years of age, lasting for two years. The intervention consisted of a 2.5 hour preschool program operating each weekday during the school year, which was supplemented by weekly home visits from teachers, and group meetings between teachers and parents. The program was aimed at disadvantaged children, living in adverse circumstances. After the intervention period was complete, follow up interviews were conducted with the participants when they were 15, 19, 27 and 40 years of age, with 90% of the sample still participating in the 40 year age bracket.

The program emphasised educational attainment, which included both college and vocational training, and cost approximately \$17,759 per child. A cost benefit analysis concluded that for every dollar that was invested society received a return of \$7-\$12. Further, the cost benefit analysis considers the effect the program had on reducing the cost of crime. It was concluded that males the cost of crime committed by males who participated in the program was half of the total cost of crime committed by males who did not participate⁶⁰.

Such analyses indicate that well supported early intervention programs will increase the long term economic benefits for society by reducing crime and therefore crime-related costs. Further, they demonstrate that young people who receive the intervention experience increased educational achievement, employment and total wages earned, resulting in an overall benefit to the life outcomes for young people who receive the intervention and therefore also a positive benefit to the community more generally as a result.

⁵⁷ Dossetor, K. 2011. 'Cost-benefit analysis and its application to crime prevention and criminal justice research. *Australian Institute of Criminology*. 42:1-57.

⁵⁸ Dossetor, K. 2011. 'Cost-benefit analysis and its application to crime prevention and criminal justice research. *Australian Institute of Criminology*. 42:1-57.

⁵⁹ Dossetor, K. 2011. 'Cost-benefit analysis and its application to crime prevention and criminal justice research. *Australian Institute of Criminology*. 42:1-57.

⁶⁰ Belfield, Clive R. 2006. "The High/Scope Perry Preschool Program". *The Journal of human resources* , 41(1): 162.

Interventions for those already in the system

Recognising the value of early-intervention as a crime prevention strategy this does not mean that we continue the failed “lock up and throw away the key” approach for those already caught up in offending behaviour:

The malleability and changes in criminal behavior observed among youth and young adults in their teens and 20s make it difficult to justify applying permanent or long-term sanctions to young offenders. Policies such as life sentences without the possibility of parole or the lifelong application of civil disabilities, such as disenfranchisement, assume that criminality is a fixed trait that crystallizes early in the life course and is immutable thereafter. Criminological theory and the available empirical evidence call into question such assumptions, suggesting instead that change is common.

Where young people are incarcerated, a greater range of targeted support services and resources for young people and their families when exiting detention should be available to assist young people reintegrate into the community and provide follow up. This must include accommodation options where the young person has nowhere safe and appropriate to go to. These programs require a brokerage component to ensure transitions back into the community are resourced and developed appropriately. It is YAC’s contention that the transition from care package and associated resources under the Child Protection system should be extended to include young people who are being released from detention.

Reintegration activities are an integral part of a young person’s rehabilitation leading up to their release from custody. If young people in custody, especially those detained for long periods do not receive gradual and consistent exposure to life outside detention, then they are likely to experience prolonged effects of institutionalisation once released. In a nation-wide survey of the United States justice system, key elements of pre/post release services were identified including assessment and planning, continuum of care accommodation options, high frequency support services, drug and alcohol prevention and development of community resources. Queensland has a post release program for young people who are exiting detention, however it is not community based which means that young people’s connection upon release remains, to a large degree, with the youth justice system.

In 2000 YAC undertook a 12 month pilot project, The Detention Centre Family Worker (DCFW), which was designed as an intensive and specialised family therapy support service for young people leaving detention and their families. The project provided strategies for post-detention placement and recognised that any constructive change in family dynamics will positively benefit the young person’s reintegration and therefore decrease the risk of re-offending. Unfortunately this pilot project did not receive recurrent funding. YAC caseworkers can only provide a limited service to young people exiting detention with current resources and the formalised referral processes within youth detention also restrict the support which can be given. The YAC experience of the DCFW project provided some indication of the components of an effective post-release support program. These components include:

- Involvement of the community both prior to release and post release
- Consistency of personal support contact with community support
- Flexible support that is based on the needs of the young person
- Support and capacity building of the significant people in a young person’s life
- Therapeutic supports which build the young person’s resilience.

Community based supervised orders

Community Service Orders in the Youth Justice System in the experience of YAC staff seems too often to comprise repetitive and menial duties with little or minimal skill building. Whilst it is important that Community Service not be an incentive for a person to enter the youth justice system, nonetheless it provides an opportunity for young people (particularly those on lengthy orders) to build skills that may assist them “to develop in responsible, beneficial and socially acceptable ways”. Consistent with the research, it is YAC’s experience that it is finding employment that often prevents or interrupts young people’s engagement

with the criminal justice system. The development of community service programs that build skills and increase the likelihood of employment are likely to be most effective in further crime prevention. Such a program must be properly resourced to ensure that young people are able to meet the requirement of the orders, particularly those young people who have limited family support and/or access to transportation. Similarly Probation Orders that engage young people in skill building and engage their support networks are likely to deter further offending.

The involvement of family in the processes of community-based orders will often encourage those family members to maintain appropriate care and supervision of a young person to prevent their reoffending. YAC is aware that Youth Justice Service Centres previously operated outside of regular work hours (such as being open until 7pm one night per week) to encourage young people and their families who were gainfully employed to effectively engage. Many families report that they feel disengaged from the probation process because they are unable or unaware of how to support their children with this.

YAC is aware of one young person who is required to take a day off his full-time employment each fortnight to fulfil his community service order, which seems counter-productive, and of another young person who has been reluctant to commence full-time work knowing that they will be required to undertake a Graffiti Removal Order on finalisation of their court matters.

An holistic response to young people involved in, or at risk of involvement in, the youth justice system – the Youth Advocacy Centre model

YAC has operated a multidisciplinary model of lawyers and social welfare workers since its inception in recognition that social welfare issues often underlie young people's conflict with the law.

Through this model, YAC has delivered an effective and efficient holistic service to address the **legal and social welfare needs** of 10-18 year olds and their families across the greater Brisbane region⁶¹ for over 30 years, particularly for those involved in, or at risk of involvement in, the youth justice and child protection systems.

..... young people who become entrenched in the criminal justice system tend to have significant social, welfare and/or relationship problems. While it is important that they are well-represented by specialist lawyers, unless the underlying issues are addressed, it is likely the young people will be back in court before too long. This means having skilled social welfare staff to work with these young people and having these workers co-located with lawyers is an obvious solution. Not having to go to another agency and tell someone else their story again makes it more likely the young person will take up the opportunity of addressing their difficulties. Appropriate information sharing between these professionals, enabling a coordinated approach to managing the issues which are contributing to law breaking behaviour is more likely to lead to sustainable and positive outcomes⁶².

A small study by Legal Aid NSW, which analysed the 50 most frequent users of its legal aid services between July 2005 and June 2010, found that 80% of high users of its services were children and young people who were under 19 years of age and had complex needs because of their environment and a range of welfare issues. It concluded that *it can be difficult to meet the needs of these clients through the traditional legal service delivery model where legal and non-legal services are not joined up*.

YAC provides:

- information, advice and referral (legal and social welfare)
- Court/tribunal representation (legal)
- one-on-one specialised support and assistance (social welfare)
- intensive, coordinated responses to complex needs (social welfare)

⁶¹ Caboolture to Beenleigh, Ipswich to the Bay. The bail accommodation support program extends further.

⁶² YAC Annual Report 2013-14

YAC's service delivery model⁶³ therefore comprises:

- **Legal Services**

The solicitors, youth support and family support advocates function as a multidisciplinary team. The solicitors prioritise young people who are at risk of ongoing involvement in the criminal justice system and young people who seek direct legal representation in the child protection system. This acknowledges that legal problems exist in conjunction with a range of other important issues for both young people and their families: for example, education and/or employment disengagement, drug and alcohol issues, and mental health concerns.

- **Youth Support services**

YAC's youth support advocate (YSA) is able to assist these young people by addressing their social welfare issues, especially where the young person is disconnected from their family and has no consistent 'significant other' adult on whom they can rely. This can include finding and supporting them in suitable accommodation, ensuring they have a legitimate source of income, are engaged with school/training/work as well as helping to address any mental health or substance use issues or other challenges a young person may be facing. Where appropriate, in complex matters YAC will bring together the various stakeholders who may be working with a young person in order to work effectively and in a coordinated manner for that young person.

The YSA also has expertise in supporting victims of crime, particularly young women, and supporting young parents.

- **Family Support Services**

The family support advocate (FSA) assists those young people who are still connected to but also in conflict with their family and require some family support intervention. As well as one-on-one support for young people and their parent(s) or carers, the FSA runs a parenting program (ParentTEEN) – for groups of parents, a series of 8 sessions usually attended by about 8 parents. Parenting of young people with Aspergers, on the autism spectrum disorder continuum, ADHD or similar is a particular focus because of the challenges that present for young people and their parents in terms of behaviours. The FSA can also run topic specific one-off workshops where a need is identified.

Young people can contact the youth support and family support advocates without being involved in the court system: that is, they can seek early intervention/prevention support before their lives spiral out of control.

- **Court support services**

The YSA and FSA provide court support at the Brisbane Childrens Court on the Monday and Thursday call overs, assisting young people and their families through ensuring they understand the court process as well as assessing their need for social welfare assistance and arranging for further contact with YAC or other service providers where appropriate. Their presence helps to ensure the smooth running of the court and they manage any problems which can arise when young people have to wait in an enclosed area for a period of time. (YAC lawyers also provide the Duty Lawyer service on Mondays so the YAC legal and social welfare team is at court.)

- **Youth Bail Accommodation Support**

The majority of YBASS referrals come from youth justice services as well as legal representatives (including YAC solicitors). YBASS seeks to prevent young people spending time in custody pending their court matters being resolved by finding, and then supporting them in, safe and appropriate accommodation and ensuring that they do not re-offend whilst on bail. Around 30% of YBASS clients identify as Aboriginal and/or Torres Strait Islander.

⁶³ See also diagram at Appendix A

- **Community Legal Education Services**

Our clients' experiences in working with our clients provides the focus for YAC's broader legal and life skills information and education services for young people (including our "Talk it up" advocacy program originally designed for, and delivered at, youth detention centres). YAC also runs a legal information and education training program for workers with young people to assist better understanding of the law and legal issues and processes. This program is provided across the state when resources allow.

YAC's Annual Reports, which can be accessed at www.yac.net.au, detail what has been achieved with and for YAC clients.

Through its holistic model, YAC is able to provide a "one stop shop". With additional resources, the early intervention and prevention component of the social welfare services could be enhanced to allow more work to be undertaken prior to involvement in legal systems.

There is clearly an overlap in the services and supports which are needed for young people and their families involved in the youth justice and child protection systems with evidence of *a strong link between child maltreatment and youth offending, the trauma of abuse and neglect adversely impacting on the development, education and mental health of a child.*

The Department of Communities recently announced that it has reviewed its grants in the Youth at Risk program. The same children and young people, of course, often appear in more than one/all of these different spaces – youth justice, child protection, youth at risk: their needs could be more efficiently met if departments combined their investments.

While government continues to work in a "vertical" rather than "horizontal" manner, being able to provide an holistic service can be challenging. YAC currently has funding agreements through youth justice in the Department of Justice and Attorney-General (DJAG); the community legal services program through DJAG; homelessness funding through Housing and Public work; and family support funding from Department of Communities, Child Safety and Disability Services.

As has been clearly demonstrated, the best chance for success in reducing crime, particularly crime committed by young offenders, is to ensure government services operate from a common understanding of the linkages between social, education, health and wellbeing factors and criminal behaviour. The preferred method of ensuring cost effective delivery of relevant services through the non-government sector would be having single agreements which focus on the delivery of a continuum of services. This would reduce red tape for both government and non-government agencies in terms of contracts, contract management and reporting.

Conclusion

There is a significant amount of sound research and information at a state, national and international level, to inform a criminal justice policy which delivers a safer community. Research has clearly identified the causative factors in youth offending and the links between failure to address those factors and incidence of recidivism and adult criminal conduct. Strategies which target only the behaviour resulting from those factors will fail in addressing rates of crime in our community. Queensland should look to examples of programs which have delivered cost-effective solutions to the issue of reducing offending behaviour across the offender spectrum and to agencies such as the Youth Advocacy Centre whose service delivery well aligns with the research.

**APPENDIX A
 DIAGRAMMATIC REPRESENTATION OF THE YAC SERVICE MODEL:**

