



Reducing young offending – issues and solutions

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Age of criminal responsibility

	Cannot be charged with an offence	<i>Presumption against criminal responsibility</i>	Maximum age for appearance in youth court
NSW	Under 10	10 to under 14	Under 18
Vic.	Under 10	10 to under 14	Under 18*
Qld	Under 10	10 to under 14	Under 18**
WA	Under 10	10 to under 14	Under 18
SA	Under 10	10 to under 14	Under 18
Tas.	Under 10	10 to under 14	Under 18
NT	Under 10	10 to under 14	Under 18
ACT	Under 10	10 to under 14	Under 18

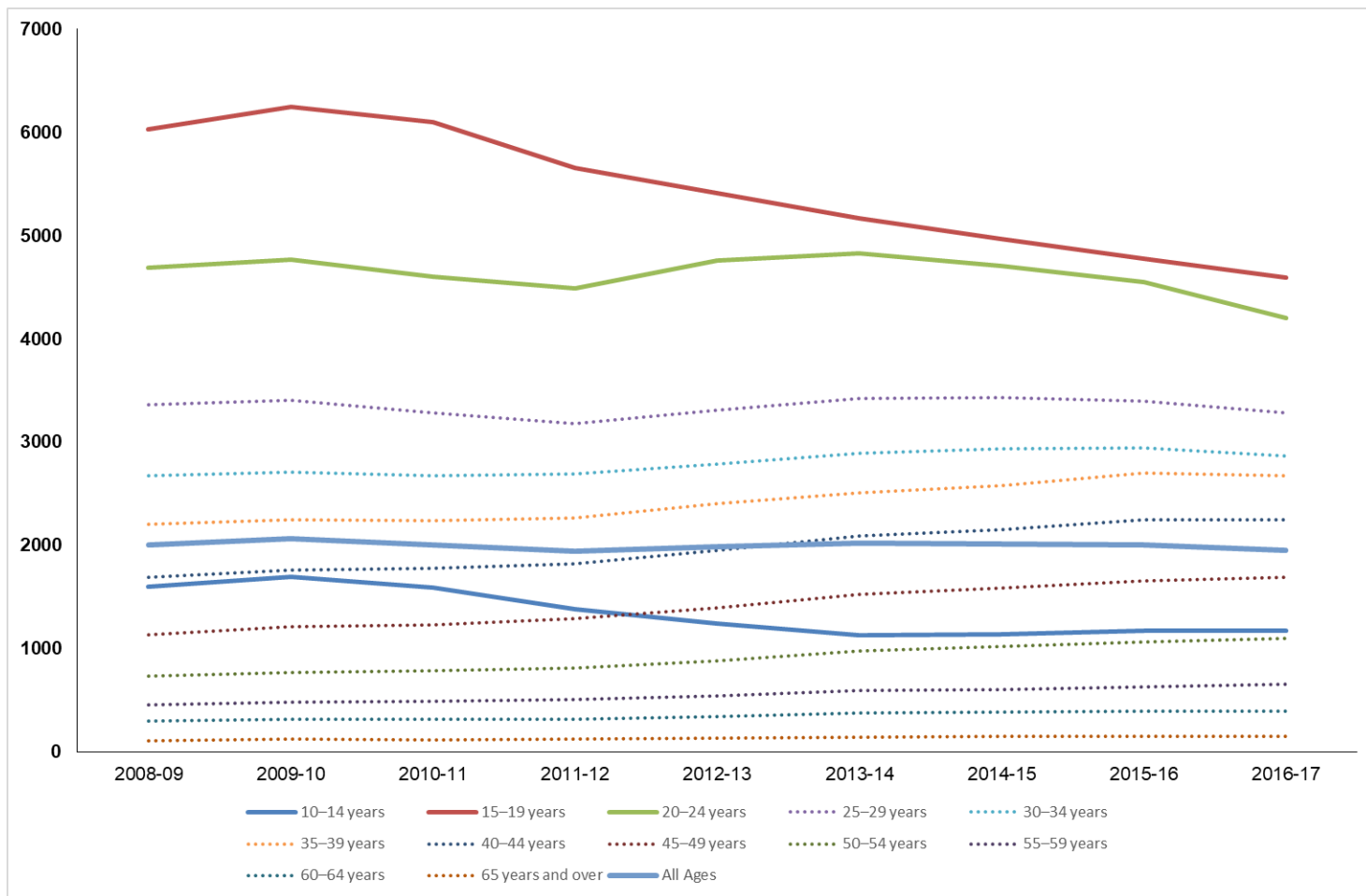
*Victoria has a dual-track system for young offenders.

** Recently amended



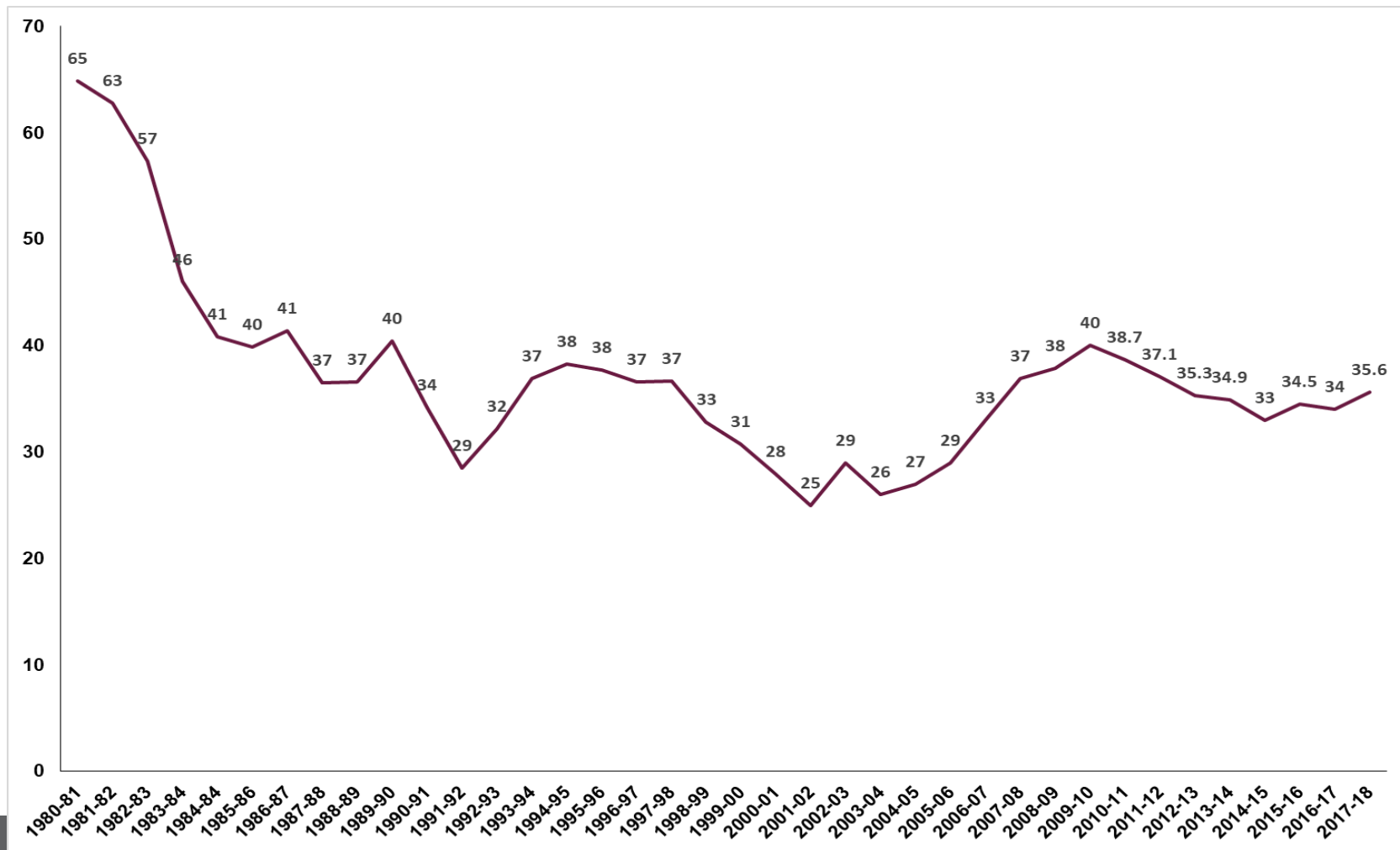
Offenders in Australia, by age, 2008-09 to 2016-17

(rate per 100,000 relevant persons)





Young People in detention in Australia 1980/81 – 2017/18 (rate per 100,000)





Young People in Detention in Australia 2017/18 (AIHW 2019)

- 840 Young people Aged 10-17 in detention on any day
 - 0.04% of juvenile population
 - 90% males
 - 52% are Aboriginal – 23 x more likely to be in detention, **28 x for WA**
- Length of stay for Aged 10-17:
 - median 14 days; average 10 weeks
- Length of stay for sentenced:
 - median 72 days; average 15 weeks
- For unsentenced (remanded):
 - median 7 days stay; average 7 weeks

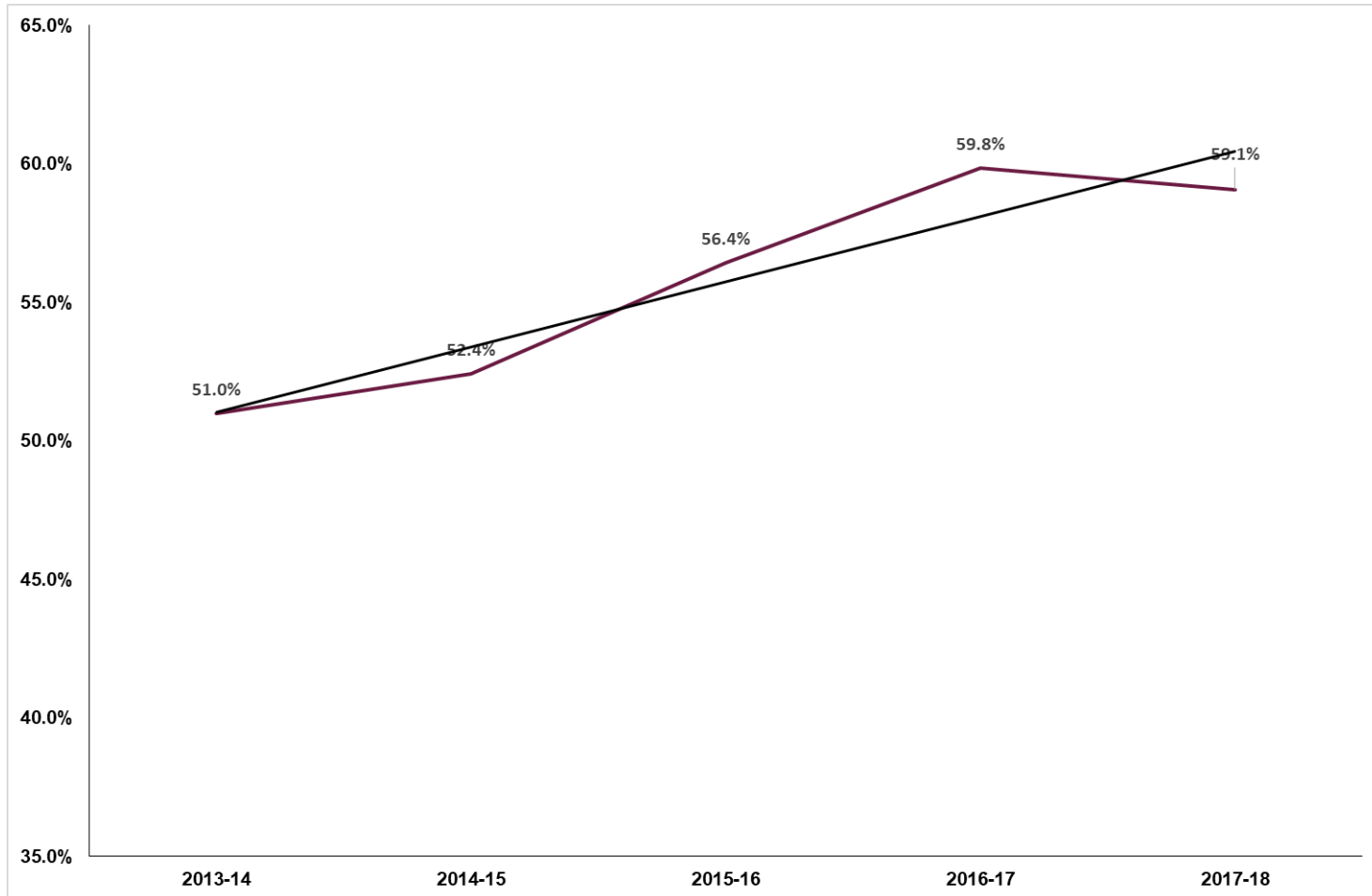


Trends in Justice system contact with young people

- Diversionary measures predominate rather than traditional legal measures (proceeding to court).
- More older juveniles than younger juveniles;
- More young males than young females;
 - Female offending increased rapidly in early 2000s
- A disproportionately high number of Indigenous juveniles;
- More *property crimes* than *crimes against the person*;
 - Violent crimes increasing
- Use of detention is generally decreasing but there is a significant rise in unsentenced detention



Proportion of all juveniles in detention that were un-sentenced, 2013 - 2018 (%)





Other key drivers/factors

- Study of all children born in Queensland in 1983/84 who had contact with the child protection system (Stewart et al. 2008)
 - school transitions were times when children were more likely to experience maltreatment
 - children whose maltreatment trajectories started or continued into adolescence were more likely to offend
- 26% of maltreated children went on to offend c/f:
 - 17% of children who were not maltreated
 - 20% of children who had a 'not substantiated' notification



Out of home care – systems effects

- At 30 June 2018, there were 45,756 children in OOHC across Australia.
- Rates of children in OOHC have increased each year since 2005, from 4.9 to 8.2 children per 100,000 in 2018.
- Those who had been in OOHC between 1 July 2013 and 30 June 2017, were 16 times more likely to also come under youth justice supervision during that same period (AHW 2018).
- Children entering OOHC already have multiple risk factors – it is therefore difficult to determine effects of OOHC itself

‘[As] children who are placed outside the home tend to be those who are Indigenous, who have experienced maltreatment at multiple times and in multiple forms, it is important to determine the outcomes for these children and whether out of home placements served to break the cycle of victimisation and provide protective factors for the child’ (Dennison et al 2005:103)



Cognitive impairments and developmental delay

- Approx 30% of 100 children in Fitzroy valley diagnosed with neurodevelopmental disorder, 20% diagnosed with some form of Foetal Alcohol Spectrum Disorder (FASD) (Fitzpatrick et al 2017).
- Banksia Hill study of FASD in youth detention population (Bower et al 2017, BMJ, TKI):
 - 88 young people (89% of sample) had at least one domain of severe neurodevelopmental impairment, 36% were diagnosed with FASD



Prevention is better than cure

- Best initiatives happen in the pre-natal and early years
- Require a reduction in child, family, community disadvantage
- Safe community and opportunities for healthy risk-taking
- The more entrenched the problems the more difficult to make a difference
- For Indigenous people, framed around culturally secure responses:
 - Ownership or partnership with Indigenous communities
- Prevention in the criminal justice system:
 - Prevention of re-offending
 - Early intervention to divert from the offending pathway
- See *Pathways to prevention* – National Crime Prevention, 1999



Improving the Justice system's response to youth offending

1. Prevention of re-offending - enhanced opportunities to divert low risk offenders away from formal prosecution – WAPOL and Juvenile Justice Teams
2. Increase sentencing flexibility to allow for more tailored and constructive sentencing (therapeutic court models)
3. Increase access to evidence-based rehabilitation services – must view child in the context of their family and community environment
4. Improving detention experience – therapeutic throughcare
5. Better identification and management of cognitive impairments
6. Our priorities – Government focus on reducing youth re-offending and Aboriginal incarceration
7. KJJS and better partnerships with Aboriginal communities and agencies
8. Cultural security of responses



WA Community or Neighborhood Justice Centre

Potential benefits for Western Australia:

- Improved access to services
- Culturally secure justice experiences for Aboriginal people
- Reduced crime and recidivism
- Cost effective



Image: Inside the courtroom at the Neighbourhood Justice Centre, Victoria

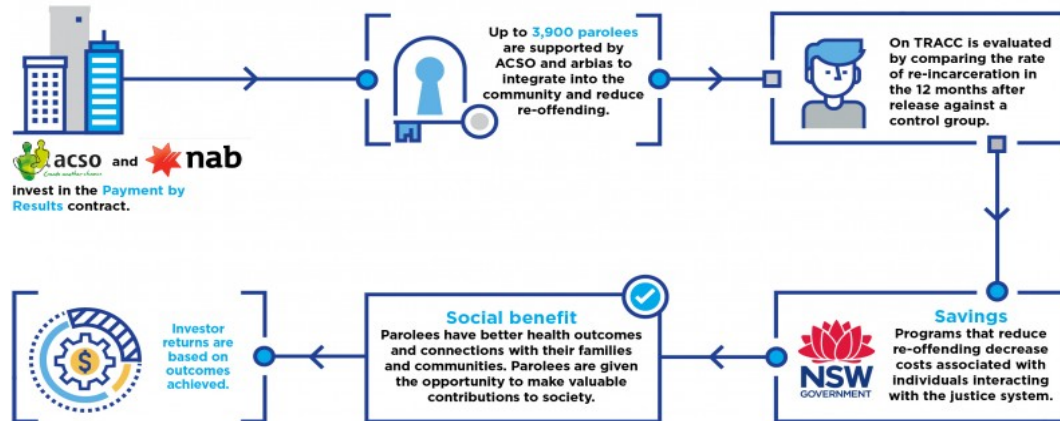


Court Integrated Services Program (Magistrates) & Transition Reintegration and Community Connection program



On TRACC Social Impact Investment

Helping parolees re-integrate into the community, and reduce cycles of offending





Kimberley Juvenile Justice Strategy

Five key strategic areas:

1. Enhanced youth justice response – incl. more bail and sentencing options, place-based projects
2. Improved collaboration between government agencies and non-government agencies.
3. Preventative programs to keep youth out of the justice system (eg Target 120).
4. Recognising and responding to Foetal Alcohol Spectrum Disorder (FASD).
5. Education – more training opportunities, alternate education and access to school psychologists.



Synergies

- Reduce recidivism by young detainees to under 50% in 2 years (Safe community – Our Priority).
- Reduce Aboriginal over-representation in custody by 23% over 10 years (Aboriginal wellbeing – Our Priority)
- Justice Reform programs
- Kimberley youth suicide coronial inquiry (FASD)
- Increased interest in co-design, co-ownership with Aboriginal communities and organisations.