

## Maranguka and Justice Reinvestment

**The Maranguka Initiative** developed by the Bourke Aboriginal Community Working Party (BAWCP) is a grassroots vision for true empowerment of the Aboriginal community. According to the BACWP Chairperson, Alistair Ferguson, the vision has been there for many years and was shared by their forefathers. Maranguka, which means 'caring for others', is all about doing things differently. It's the plan to move the community beyond the existing service delivery model, which they believe has clearly failed.

Maranguka is designed to create better coordinated support to vulnerable families and children in Bourke. It involves establishing community-led, multi-disciplinary teams working in partnership with relevant government and non-government agencies and organisations to focus on:

- Developing a new accountability framework for addressing Aboriginal disadvantage; and
- Developing a fiscal framework that ensures the long-term sustainability of effective programs and services.

Maranguka builds on the existing NSW Government policy initiatives, including those from Department of Premier and Cabinet Strategic Coordination Group in Bourke and the Department of Aboriginal Affairs OCHRE (opportunity, choice, healing, responsibility and empowerment) strategy. Several Community led meetings have occurred over the last 18 months which were well attended by representatives from Federal Prime Minister and Cabinet, NSW Premier and Cabinet, nearly all Departmental heads and senior managers, and peak Government and non-government organisations who have all committed to supporting and participating actively in Maranguka. NSW Government's Office of Aboriginal Affairs is funding a temporary position with Maranguka to collect and analyse data that will drive evidence-based policy development, this person is on the ground in Bourke now.

Maranguka is based on extensive research, input and expertise from other Indigenous communities in Australia, North America and New Zealand, while building its own capacity. It is hoped that it will also eventually build social capital and strengthen bonds with the wider community. Creating a place that is safe, enjoyable and a model to others, with the focus areas of:

- Safe Families
- Connected Communities
- Youth and Justice Reinvestment
- Womens and Mens Action

The BAWCP is working with their selected partners and Government to evolve Maranguka from concept into a best practice model of an Aboriginal owned and run community organisation. Maranguka won't replace existing services or organisations but rather complement by providing better pathways and facilitated assistance for Aboriginal People to have confidence to access services.

## **Bourke Justice Reinvestment Proof of Concept Project**

One of the first activities undertaken as part of the Maranguka vision is for Bourke to be the proof on concept for **Justice Reinvestment**, which aims to convince all tiers of Government to shift policy and spending from incarceration and services which are currently not effectively utilized in the community, to be reinvested into programs which address the underlying causes of youth crime and meet community need. Young Aboriginal people make up just 2.2% of the general population but account for half the Juvenile Detention population, are 28 times more likely to be placed in juvenile detention, at an annual cost of over \$230,000 per person. For young people from Bourke, detention is in Dubbo, four hours' drive away. It is estimated that the annual cost of incarcerating young people from Bourke is more than \$2 million each year.

A Justice Reinvestment approach is proposed in response to community concerns over the lack of detailed outcome-driven evaluations of the numerous programs delivering services into Bourke and the short-term nature of the funding allocated by government for these programs. In order to provide effective programs and services, the Bourke community has identified a critical need for a framework that will provide long-term, sustainable funding.

The Project will run for 2 years and evidence of the Project impact will be used present a compelling, evidence based case for State government to divert funds away from incarceration and into prevention, diversion and early intervention programs.

### **The Project Team**

The Bourke Justice Reinvestment Proof of Concept project has assembled a talented and committed core team consisting of:

**Alistair Ferguson**, who is employed full time as Executive Officer in Community Development, and will be based in Bourke over the two-year project period. For the last ten years he has been the Chairperson of the Bourke Aboriginal Community Working Party (BACWP). Key to Alistair's community development is the belief in seeing communities truly empowered and taking responsibility for their own issues and plight. The position of Executive Officer is funded for a 2 year period from April 2014 by the Vincent Fairfax Family Foundation and the Dusseldorp Skills Forum.

**Cath Brokenborough, Facilitator:** Lend Lease is releasing Cath to fill the role of external facilitator, to be based in Bourke three days per month. Cath is Chair of Indigenous Engagement and Reconciliation at Lend Lease and has had a long involvement with the Bourke Housing project. Cath has the authority and capacity to reach within Lend Lease to secure additional skills and time should that be required at various stages of the work.

**Data Manager, Aboriginal Affairs NSW:** Aboriginal Affairs NSW has agreed to provide an in-house data manager to coordinate the collection and collation of data on Bourke.

**Data Reference Group:** A data reference group has been established and includes representatives from University of NSW (UNSW), the Australian Bureau of Statistics (ABS) and NSW Bureau of Crime Statistics and Research (BOCSAR). As the

project's university partner, UNSW will further provide advice on best practice responses to achieve the agreed shared measures.

**Project Officer:** A position on the ground in Bourke to assist Alistair Ferguson to deliver Project outcomes funded by St. Vincent de Paul Society Foundation for Social Innovation.

**Economic Modelling Team:** KPMG will lead the work of costing the implementation of justice reinvestment in Bourke together with economic modelling of the cost savings for government.

**Sarah Hopkins, Project Coordinator:** The project will be coordinated by Sarah who is the Chair of Just Reinvest NSW and a solicitor at the Aboriginal Legal Service ACT/NSW.

**Kerry Graham, Consultant:** Kerry has agreed to provide critical advice on the collective impact framework.

The Project team is also supported by the broader collective of Justice Reinvestment Campaign Champions, Working Group Campaigners and Supporters and a Strategic Project Advisory Group including Human Rights Commissioners Mick Gooda and Megan Mitchell, Jenny Lovric at Legal Aid, Jesuit Support Services, and the NSW Department of Aboriginal Affairs.

### **Collective Impact Framework**

The project will be designed and delivered using an approach known as **Collective Impact**, a different form of collaboration with dedicated roles and a purpose built structure which focuses on the design of solutions to complex problems and the development of evidence based policy and shared measures to address system level change.

Through applying the Collective Impact framework over the two-year period, the following elements will be developed in Bourke:

- A whole-of-community and whole-of-government **common agenda** to reduce youth crime and increase community safety
- **Shared measures** for change based on real-time data
- A **common approach**, based on best evidence, for creating change in the shared measures and developing the will and capability within the system to implement these responses
- A **backbone organisation** to perform the necessary functions of facilitating the collaboration, continuously communicating and tracking change in the shared measures.
- A **clear financial picture** of the cost of implementation and the costs saved through effective implementation.

While these activities may broadly be described as planning, they will create change in and of themselves. The development of a common agenda, the access to and interaction with data, the agreement to a common approach based on data and evidence, the intentional lift in capacity, and the detailed costings will all influence the operation and alignment of the system and its leadership in Bourke.



A table of project milestones is below:

### Project Milestones

Backbone Organisation team is fully recruited and operational in Bourke
1 x 1 and community meetings will be held with key leaders and influencers from all parts of the system <ul style="list-style-type: none"> <li>• Government – all levels</li> <li>• Non-profit</li> <li>• Business</li> <li>• Philanthropy</li> <li>• Citizens</li> </ul>
Cross-sector governance group established and inducted with clear terms of reference
Strategies and infrastructure for continuous communication agreed and put in place
Relevant data points collected and analysed with data gaps identified. Strategies agreed to close data gaps.
System mapped
High level common agenda and shared measures agreed in principle, subject to ongoing data and research
International scan of best evidence responses to achieve common agenda and shared measures
Agreement on approach to achieve common agenda and shared measures
Finalisation and agreement of common agenda, common approach and shared measures
Plan drafted to develop and leverage the existing system to implement the common agenda, common approach and shared measures
Detailed costs of implementation developed, including <ul style="list-style-type: none"> <li>• Program design and delivery</li> <li>• Capacity development</li> <li>• A backbone organisation's functions</li> <li>• A data sharing and reporting platform</li> </ul>
Detailed economic model of costs saved over a 5 – 10 year period as a result of effective implementation
A detailed plan tabled based on the: <ul style="list-style-type: none"> <li>• Common agenda</li> <li>• Common evidence-based approach</li> <li>• Shared measures</li> <li>• Backbone functions/organisation</li> <li>• Costs of implementation</li> <li>• Costs of savings generated</li> </ul>
Ongoing use of savings to fund implementation of the plan in Bourke past the 2 year timeframe e.g. infrastructure, programs/initiatives, project management resources (people, funds). Application of lessons learned and new found and applied relationship and consultative mechanisms that lead to better use of funds and social capital, better relationships with and inclusion of youth in decision making and the creation of diversionary infrastructure that benefits the whole community, Aboriginal and Non-Aboriginal alike e.g. skate park.

## RE-ENGAGING BOURKE YOUTH: COME HALF WAY

### THE CIRCUIT BREAKERS

Within our long-term vision of reducing offending and creating a safer community, we have identified a number of circuit breakers.

The circuit breakers serve 3 purposes:

- incentivising young people to participate
- engaging the wider community
- driving immediate value to young people in Bourke

### 11 Key Areas:

The community has identified 11 key areas within the Justice Reinvestment framework. For each of these it is necessary to track progress with baseline data and quarterly updates.

1. Justice
2. Employment
3. Education
4. Service Delivery
5. Youth Engagement
6. Drugs and Alcohol
7. Mental Health
8. Early Childhood
9. Out of Home Care
10. Housing
11. Family Violence

Within each of these areas a number of circuit breakers can be identified. This document identifies the circuit breaker initiatives proposed within the Justice area.

### The Justice Circuit Breakers

- A. Bail, Sentencing and the YOA
  - o Developing police protocols re bail conditions/ breach/ warning and use of YOA
  - o Engaging with Local Court Magistrate re bail conditions and sentencing options and use of YOA
  - o Establishing a bail house/ multi-purpose centre: Service delivery in partnership with the community: Youth Off the Streets
- B. Trialing a Warrant Clinic
- C. Driver Licensing and Crime Prevention Program

## Circuit Breaker Proposals

### A. BAIL, SENTENCING AND THE YOUNG OFFENDERS ACT (YOA)

#### **BAIL:**

##### What is currently happening?

Bourke has the highest breach of bail rate in NSW. In the absence of protocols, a breach of bail triggers the arrest option, resulting in custody, often for a lengthy period, and then transportation to closest sitting court.

##### The Impact

Bourke youth are spending significant periods in custody in relation to charges that ultimately do not warrant a custodial sentence. Increased rates of imprisonment impact on the individual, the family and the community.

#### **PROPOSED INITIATIVES**

1. Data request and community and agency consultation re bail conditions imposed and instances of breach (Data request submitted)
2. Developing police protocols re bail conditions/ breach/ warning  
To consider: In event of a breach, police to:
  - i. Issue warning/s – triggers notification to Maranguka
  - ii. Where appropriate, contact the ALS and advise of breach, issue a CAN. Matter listed for bail review.
3. Engagement with Local Court Magistrate re imposition of bail conditions/options/ impact/ difficulties with compliance
4. Establishing a bail house/ multi-purpose centre:  
Service delivery in partnership with the community: Youth Off the Streets

#### **SENTENCING:**

##### What is currently happening?

The full range of sentencing options is not available in Bourke (such as Intensive Correction Orders), nor is the MERIT program. The Bourke Local Court Magistrates cannot stand a matter down to have a person referred to the court mental health nurse for an assessment. (The ALS estimates over 75% of clients present with either a diagnosed or undiagnosed mental health condition).

##### The Impact

The result is a lack of referral to much-needed services and an increased use of custody as a sentencing option.

**PROPOSED INITIATIVES:**

1. Development of community-based sentencing options involving the Bourke Tribal Council, Youth Off the Streets (YOTS) and Bourke TAFE (to form a condition of a bond or 'Griffith-type' remand or suspended sentence).
2. Tapping existing community resources for provision of mental health nurse at Bourke LC, or in the alternative the introduction of a system of referral to the Dubbo court mental health nurse via AVL on the off court week.
3. Development of Bourke Community Profile Report for Magistrates and Judges

**THE YOUNG OFFENDERS ACT (YOA)**

What is currently happening?

There is an under-utilisation of Youth Justice Conferences (YJC) by both police and the Court. In the 10-24 age group 237 matters proceeded to Court, 5 were referred to a YJC, 25 dealt with by way of caution, and 9 by way of warning (BOCSAR 2013).

The Impact

The result is an unnecessarily high number of matters proceeding to Court and resulting in recorded convictions and imprisonment.

**PROPOSED INITIATIVES:**

1. Data request and community, ALS and agency consultation re use of YOA (data request submitted) in particular with a view to identifying obstacles to referral to and success of YJCs.
2. Introduction of a personalised plan/ detailed needs based assessment of the child at point of YJC referral: police and community in partnership.
3. A dedicated YJC youth worker: potentially resourced through coordination of youth workers currently in Bourke.

**Bail, Sentencing and the YOA: the Economic and Social Benefits**

- **Minimising costs: police resourcing, charging and handling, transport and custody costs**
- **Reducing costs of incarceration and flow-on impacts**
- **Engaging youth eg through the YJC process, the Council of Clans and Families, and linking to TAFE & Education**
- **Restoring equity to the criminal justice system in terms of ensuring equal access to sentencing options.**



## Circuit Breaker Proposals

### B. THE WARRANT CLINIC

#### Who is it for?

- 10-25 age group
- Those who have warrants for matters that can be dealt with summarily
- ALS estimates number that will fall within group to be between 5 and 10

#### What is currently happening?

If a warrant has been issued:

The process: custody - formal arrest - charged with the warrant – fingerprinted and photographed. Detainees held up to 72 hours or longer if bailed refused, then required to be transported to closest sitting court.

#### The impact:

People with warrants outstanding 'go underground'. They often cease accessing services and engaging with the work or education with consequences including homelessness and further offending.

#### **PROPOSED INITIATIVE: A TARGETED WARRANT CLINIC:**

1. The person would come into the ALS and meet with a solicitor, a Youth off the Streets (YOTS) representative and a Community Corrections or JJ officer. Together they would make a plan to submit to the Court on sentence or in relation to bail.
2. The ALS would:
  - Contact the police with request for papers to be prepared, and
  - Liaise with Aboriginal Client Specialist and list the matter with the Court.
3. A plan would be presented to the Magistrate and either finalised or adjourned with a determination made as to bail (defended matters).

#### **FOLLOW UP:**

- YOTS and an Aboriginal Justice Group rep would provide ongoing support in collaboration with the Family Referral Service.
- The Maranguka/JR backbone would track progress of each person who is part of the amnesty for compilation of case studies

#### **The Warrant Clinic: The Economic and Social Benefits**

- Minimising costs: police resourcing, transport and custody costs



## Maranguka and Justice Reinvestment

- Improving police/ community relations
- Reducing costs of incarceration and flow-on impacts
- Engaging youth through Family Referral Service and linking to TAFE & Education

## Circuit Breaker Proposals

### C. DRIVER LICENSING AND CRIME PREVENTION:

#### Who is it for?

- 10-25 age group
- Those who have committed a driver licensing offence and/or
- Those who have difficulties obtaining a licence

#### What is currently happening:

Bourke is ranked number 1 in the state for offences of Drive While Licence Disqualified or Suspended and Motor Vehicle Theft for the age group 10 to 25 years (BOCSAR 2013).

There are a range of barriers to obtaining and maintaining a driver's licence including:

- Literacy problems and difficulties passing the driver knowledge test
- Limited access to licensed drivers to supervise learner drivers
- Limited access to registered and insured vehicles
- The costs associated with obtaining a licence, owning and maintaining a car
- Difficulties associated with the graduated licensing systems
- Difficulties obtaining proof of identity documents
- Particular difficulties with birth certificates and change of name registrations

Schemes in place include Work Development Orders, Birrang and Yes We Can. They are making inroads but need to be coordinated and adequately resourced to address the complexity of the challenge (for instance Birrang currently provides only 5 weeks annually for a driver education program).

#### The Impact:

The suspension or cancellation of a driver licence (or the inability to obtain a licence) can:

- Make it harder to keep a job and stop someone from being able to find work;
- Aggravate other financial hardships;
- Push people down a 'slippery slope' towards more contact with the criminal justice system (through secondary offending); and
- Ultimately lead to imprisonment. (NSW Law & Safety Parliamentary Inquiry into Driver Licence Disqualification: NSW Legal Assistance Forum Submission)

## **Maranguka and Justice Reinvestment**

**The Background:** In 2009 the Bourke Aboriginal Community Working Party (BACWP) commissioned the George Institute to prepare the Crime Prevention and Driver Education Program Feasibility Study for the Bourke Community. In spite of the efforts of Alistair Ferguson and other members of the BACWP no action has been taken in relation to its recommendations.

The current draft proposal is in line with the recommendations of that report and further incorporates suggestions from Bourke police - the police being eager to explore alternatives to issuing a CAN when they stop an unlicensed driver.

### **PROPOSED INITIATIVE: A DRIVER PROGRAM**

#### **Program Proposal:**

During the trial period a person either volunteers or is referred by the police or the courts to take part in a program that provides:

1. Case management of the participant's particular needs, be they related to drugs and alcohol, mental health, homelessness or other issues
2. The opportunity to obtain a Certificate 1 in Automotive Mechanics
3. A more permanent and appropriately resourced driver licensing and education program. This would include access to registered cars, driver mentors and associated costs.
4. Removal of barriers to identity documents. This could include streamlined and facilitated access to relevant identification documents in collaboration with the Department of Births, Deaths and Marriages, Transport for NSW and Roads and Maritime Services. This would include fee waiver for those with financial and literacy issues.

**The 4 programmatic elements are in preparation for the outcome of employment and a productive place in the community.**

#### **Program Follow Up:**

- YOTS and an Aboriginal Justice Group Representative would provide ongoing support in collaboration with the Family Referral Service
- The Maranguka / JR Backbone would track progress of each participant for compilation of case studies

#### **Driver Licensing and Crime Prevention: The Economic and Social Benefits**

- Minimising costs: police resourcing, charging and handling, transport and custody costs
- Minimising hidden costs of excluding people from employment and the opportunity to play an active role in society

## **Maranguka and Justice Reinvestment**

- **Flow-on financial and social costs of not having a driver's licence on families**
- **Improving police / community relations**
- **Reducing costs of incarceration and flow-on impacts**
- **Engaging youth e.g. through Family Referral Service and linking to TAFE and education**



